

Code of Student Rights, Responsibilities & Conduct

The Code of Conduct incorporates all applicable protocols and requirements from the University's Pledge To Help Reduce the Spread of COVID-19. Note that all FDU students must at all times, both when on- and off-campus, comply with restrictions and guidance issued by the New Jersey Department of Health, the U.S. Centers for Disease Control and Prevention, and other governmental authorities as well as applicable FDU policies. Failure to comply with restrictions and guidance regarding social distancing, gathering limitations, and other safety measures may be deemed a violation of FDU's Code of Conduct. All students must also monitor and comply with other guidance and directives that are issued by the University from time to time to address COVID-19 and other infectious diseases.

Community Standards Mission

The mission of Fairleigh Dickinson University Community Standards is to support the mission of FDU through the implementation of the Code of Student Rights, Responsibilities and Conduct, a due-process judicial system, intervention programs and educational programs/sanctions. Through outreach and education to the University community, community standards strives to make FDU a positive living and learning environment.

In addition, community standards will:

- Develop, disseminate, interpret and enforce campus regulations.
- Protect the rights of students (as stated in the Code of Student Rights, Responsibilities and Conduct).
- Advocate for and refer student concerns appropriately.
- Facilitate and encourage respect for the University community.
- Develop, implement and encourage educational programs and activities that serve to prevent violations through active learning.
- Maintain student records in the Dean of Students Office as required by the Family Educational Rights and Privacy Act (FERPA).
- Respond to all matters and issues in a manner that upholds the ethical standards of the profession and all appropriate federal and state laws.

In a learning community, it is imperative to have policies, rules and regulations established to protect the rights of every student and to ensure the orderly operation of the University.

Code of Student Rights, Responsibilities and Conduct

I. Preamble

Fairleigh Dickinson University is committed to the overall educational, personal and professional development of the student. In an effort to provide an environment supportive of these goals, the University has established a set of policies, regulations, standards of behavior and related administrative procedures. The disciplinary program contributes to the teaching of appropriate individual and group behavior as well as to the protection of the campus community from disruption or harm. The disciplinary process is designed to foster the ethical development and personal integrity of students.

It is the responsibility of each student to become familiar with all University policies, regulations and standards of behavior and procedures. In general, each student is expected to re-

spect the rights and property of the University and the members of the University community and to take responsibility for his or her actions.

I. Definitions

When used in this code:

- A. The term "University" means Fairleigh Dickinson University and, collectively, those responsible for its control and operation.
- B. The term "student" includes all persons registered at the University, both full-time and part-time, pursuing undergraduate studies or graduate studies or registered for continuing education courses.
- C. The term "instructor" means any person designated by the University to conduct educational activities.
- D. The term "organization" means a number of students who have complied with the formal requirements for University recognition as provided herein.
- E. The term "group" means a number of students who have not yet complied with the formal requirements for becoming an organization.
- F. The term "student press" means either an organization whose primary purpose is to publish and distribute any publication on campus or a regular publication of an organization.
- G. The term "custodian" means the administrative officer with supervisory authority in the area under discussion.
- H. The term "Community Standards Committee" means those persons who have been authorized by the dean of students to determine whether a student has violated specific Code of Conduct, as charged, and to recommend sanctions that may be imposed when a violation has been committed. The dean of students, or his/her designee, will be responsible for assigning individual committee members to each Review Board that is deciding specific allegations of violations by a Respondent.
- I. The term "student conduct administrator" means a University official or group authorized to impose sanctions upon any student(s) found to have violated the Code of Conduct.
- J. The term "appeal authority" means any person or persons authorized by the dean of students to consider an appeal from a decision by a Campus Standards Committee or a student conduct administrator.
- K. The term "shall" is used in the imperative sense.
- L. The term "may" is used in the permissive sense.
- M. All other terms have their common usage unless the context dictates otherwise.

N. The dean of students is the person designated by the University to be responsible for the administration of the Code of Conduct.

O. The coordinator for Code of Conduct is the person designated by the dean of students to manage the Campus Standards review process.

P. The term “policy” means the written regulations of the University as found in, but not limited to, the Student Code of Conduct Residence Hall License Agreement, the University policies website, Computing Services Acceptable Use Policy and graduate/undergraduate catalogs (*Graduate Studies Bulletin/Undergraduate Studies Bulletin*).

Q. The term “cheating” includes, but is not limited to:

1. use of any unauthorized assistance in taking quizzes, tests or examinations;
2. use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems or carrying out other assignments (this includes but is not limited to sites such as CourseHero);
3. the acquisition, without permission, of tests or other academic material belonging to a member of the University’s faculty or staff; and
4. engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.

R. The term “plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person with full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling or providing of term papers or other academic materials.

S. The term “complainant” means any person who submits a report alleging that a student violated a Campus Standard.

T. The term “respondent” means any student accused of violating a Campus Standard.

U. The term “adviser” shall refer to any member of the University community, except someone who is also an attorney, that a complainant or respondent selects to provide assistance and support during the adjudication of a matter, at any administrative level in the Code of Conduct process. If a complainant or respondent’s parent or guardian is a member of the University community, that person may not serve as an adviser.

V. The term “notification” shall mean providing notice via a student’s University-assigned email account.

II. Institutional Governance

All constituents of the University community are free, individually and collectively, to express their views on issues of University policy and on matters of interest to the student body.

A. Students may express themselves on all University policies affecting academic and student affairs through the student government and appropriate University and campus committees.

B. The students’ role in University governance is determined by the Board of Trustees.

III. Bill of Rights

The following rights shall not be construed to deny or disparage other rights retained by students as members of the student body or as citizens of the local community, state and nation.

A. Free inquiry, expression and assembly are guaranteed all students within reasonable bounds established by the University.

B. Students are free to pursue their educational goals; appropriate opportunities for learning in the classroom and on the campus shall be provided by the University.

C. Legal rights of students to privacy in their persons, campus living quarters, papers and effects shall be respected.

D. Except in unusual circumstances, no disciplinary sanctions may be imposed upon students without notice of the nature and cause of the charges; and only after the opportunity to have a hearing that may include witnesses and the assistance of a person of their choosing. This adviser may not be a practicing attorney.

E. A student accused of violating University regulations shall appear before the appropriate judicial body. If the accused admits responsibility, the sanction(s) will be imposed by the Dean of Students Office and no formal hearing is held. The dean of students, or his/her designee, may consult with the Campus Standards Committee for sanction advice or mandate the Code of Conduct Process.

IV. Student Records

With respect to student records, all students of the University have rights pursuant to the Family Educational Rights and Privacy Act of 1974.

V. Campus Expression

Discussion and expression of all views are permitted within the University, subject only to the requirements for the maintenance of order.

A. Support of any cause by orderly means is permitted, provided it does not disrupt the operation of the University.

B. The right of peaceful protest is guaranteed within the University community. However, the University retains the right and recognizes the obligation to assure the safety of individuals, the protection of property and individual rights and the continuity of the educational process.

C. Orderly picketing and other forms of peaceful protest are permitted on University premises and in the public areas of University buildings provided they shall not interfere with ingress and egress, disrupt classes or the operation of offices or damage property.

D. All Fairleigh Dickinson University community members may reserve University facilities in accordance with the following:

1. University facilities shall be assigned to organizations, groups and individuals for regular business meetings, social programs and programs that are open to the public on a space-available basis.

2. The individual group or organization requesting space must inform the University of the general purpose of the function. The University retains the right to control time, place and manner requirements.

3. An individual or organization that abuses assigned facilities will be responsible for making restitution for damages and may have limitations imposed on future utilization of space and may be subject to disciplinary action.

E. Every qualified student has the right to an employment interview on campus by any recruitment organization desiring to recruit at the University, provided said organization has registered with Career Development Office and is a bona fide employer.

F. Students, student groups and campus organizations may invite and hear any persons of their own choosing subject to the following requirements herein for use of University facilities:

1. The sponsoring organization must submit a written statement of intent listing the speaker, the topic, the date, the time and in what facility the program will be held to the Office of Campus/Student Life at least four weeks in advance of the program, listing

- a. the speaker,
- b. the topic,
- c. the date,
- d. the time and
- e. the requested facility.

(This requirement is expected after the Student Government Association Appropriations Board has approved the funding for said speaker, if a fee is required.)

2. When such a statement has been received, the Office of Campus/Student Life will then follow one of the following procedures:

- a) The appropriate information will be recorded and given approval for the program.
- b) After consultation with the sponsoring organization, the program will not be approved.

3. After approval of the program, the University, on behalf of the organization, may extend a formal, written invitation and a contract to the speaker. The invitation will include the time, place and date of this program in addition to the topic to be presented.

4. A contract must be signed by the speaker and forwarded to the director of campus life for signatures. No student under any circumstances is authorized to sign a contract or to represent to a vendor or any other person that he or she or any other student has such authority. A student who violates this rule will be personally liable for any charges so incurred.

5. Student groups sponsoring a controversial figure, as deemed by the University, must make provisions for the expression of opposing points of view either at the same meeting or at a subsequent meeting within a four-week period.

6. No publicity may be circulated until the event has been duly registered with the Office of Campus/Student Life and each guest speaker has been invited and all appropriate paperwork has been completed and processed.

G. The University is committed to protect students from discrimination on the basis set forth in the University's Policy on Prohibited Discrimination, Harassment and Related Misconduct, including, but not limited to, gender, age, color, race, creed, handicap, national origin, military status or sexual orientation.

VI. Publications/Media

Editors and managers of the student press shall not be arbitrarily suspended because of student, faculty, administration,

alumni or community disapproval of editorial policy or content. Similar freedom is assured for oral statements of views on a student-managed radio or television station.

A. This editorial freedom entails a corollary obligation under the canons of responsible journalism and applicable regulations of the Federal Communications Commission. The student press is to be accurate in quotations and literate in presentation.

B. Students must recognize the legal and fiduciary obligations incumbent upon them and the University in all publication matters. There also must be a recognition that freedom of expression with opportunity for responsible replies is one of the characteristics of higher education in the United States.

C. Campus Media Boards, composed of students, faculty and administrators, are charged with implementation of all University media policy.

D. All student communications shall explicitly state on the editorial page or in broadcast that opinions expressed are not necessarily those of the University or its student body.

VII. Campus Organizations

Organizations and groups may be established within the University for any legal purpose. An affiliation with an extramural organization shall not in itself disqualify the University branch or chapter from University privileges.

A. A group that wishes to become a registered campus organization must comply with the following:

1. Submit a list of officers and copies of the constitution and bylaws to the dean of students or his/her designee for review and approval in accordance with established procedures. Amendments shall be submitted for approval four weeks before they become effective.

2. Where there is affiliation with an extramural organization, the extramural organization's constitution and bylaws shall be filed with the dean of students or his/her designee and reviewed for conflicts with University policy. Amendments shall be submitted to the University for review.

3. Provide a current Certificate of Liability Insurance for the campus organization. The liability insurance should be for a limit of not less than \$1 million.

B. Registration of an organization by the University implies neither approval nor disapproval of the aims, objectives and policies of the organization.

C. Any organization that engages in activities that are a violation of University policies on or off campus may have sanctions imposed against it by the dean of students and through the Code of Conduct process. Such an organization is also liable to action by external sources.

D. Discrimination on the basis of color, creed, age, handicap, national origin, military status, race, gender or sexual orientation is prohibited. Please note: While the membership policies of most SOCIAL FRATERNITIES and SORORITIES are exempt from the provision of "Title IX Regulations prohibiting sex discrimination in higher education," in all other respects fraternities and sororities are subject to Title IX Regulations and the University's Nondiscrimination and Anti-Harassment Policies and Procedures, including, but not limited to, gender, age, color, race, creed. Local fraternities and sororities as well as auxiliary groups (little sisters or little brothers) are not permitted.

E. Membership in all University student-related organizations shall be open to full-time undergraduate and graduate students who are willing to subscribe to the stated aims and to meet the stated criteria and obligations of the organization.

F. Officer and membership lists are required of all recognized student organizations and of those that receive student activity funds. Lists must be filed in the Office of Campus/ Student Life within the first three weeks of each semester.

G. The lists of names and addresses will be confined to the files of the Student Life, Dean of Students and Student Government Association Offices. The names and addresses of organizational officers may be released at the discretion of the dean of students or his/her designee and in accord with the stipulations of the Family Educational Rights and Privacy Act of 1974.

H. All organization contractual agreements and/or financial transactions must be approved by the Office of Campus/Student Life or the Dean of Students Office.

I. Each organization is responsible for the behavior of its members at all times when they are acting under the auspices of the organization.

J. Funding for eligible organizations is governed by the Student Government Association (SGA) Financial Board and the Dean of Students Office. A copy of the SGA Financial Guidelines can be obtained in the Dean of Students Office.

K. Each organization is subject to rules, regulations and/or procedures that are established by the dean of students, the Office of Campus/Student Life and the appropriate organizational governing boards.

L. Students must maintain an overall grade point ratio (GPR) of 2.00 to participate in any organization and an overall GPR of 2.30 to hold a major office. Greek life members must maintain a minimum overall GPR of 2.00 for general membership and a minimum of 2.50 to hold a major office. All members of the Student Government Association must maintain an overall GPR of 2.50. Grades are verified by the Office of Campus/Student Life through the organizations' membership rosters.

IX. Student Rights and Residence Halls

As part of its educational mission, the University owns and operates residence halls. Students shall have a voice in recommending residence hall programs and policies.

A. The Campus Standards Committee, the Dean of Students Office, the Office of Residence Life (Metropolitan Campus) and the Office of Campus/Student Life will be charged with dealing with violations of regulations specifically pertaining to residence hall policy.

B. The University reserves the right of room inspection to ensure compliance with regulations and standards. Room inspections, unless motivated by emergency or conditions beyond the control of the University, will be in compliance with the University housing license. When residents request maintenance service for their rooms, consent to enter shall be considered implicit in the request.

C. Should the University conduct a room search, an attempt will be made to obtain the consent of the resident. Searches can be made without consent when there exists reasonable cause to believe that a violation of University regulations either has taken, or is in the process of taking, place.

D. Further rules and regulations are specified in the Residence Life section in the latter part of this handbook.

E. FDU students assume full responsibility for the behavior of their on-campus guests at all times. Guests' inappropriate behavior will result in disciplinary sanctions against the host.

F. Disciplinary action will be taken against students hosting individuals who have been banned from the residence halls on campus.

G. Please refer to the residence life section for the guest policy in the residence halls.

XIII. Violation of University Code of Conduct

A. Scope

Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, whether the conduct occurs before classes begin or after classes end, during the academic year, or during periods between terms of actual enrollment; this shall include conduct that is not discovered until after a degree is awarded.

Institutional discipline is applied to conduct that adversely affects the University community in its pursuit of meeting its educational objectives in the creation and maintenance of a safe and respectful environment. This principle extends to behavior engaged in by any student and any organization recognized by the University, on or off campus. If any University regulation is violated on campus by a guest of a student, the student may be charged with the violation. The violation, or alleged violation, of any Federal, state or municipal statute, law, regulation or ordinance, whether occurring on campus or off, which directly affects the University community is subject to the University's disciplinary procedures.

A level of severity is assigned to each case of alleged violations of the Code of Conduct which has a direct impact on the severity of the sanctions which are issued should the individual and/or organization be found in violation of the Code. The individual charged with violations will be notified of the case level in the charge letter sent prior to the hearing.

The deans of students are the persons designated by the University to be responsible for the administration of the Code of Conduct, including the interpretation of all policies and statements within the Code of Conduct. The appropriate dean of students shall determine whether the Code of Conduct shall be applied to conduct occurring off campus, on a case-by-case basis, in her/his sole discretion. If the student withdraws while a disciplinary matter is pending, the student must resolve the matter before he/she may be considered for readmission.

B. Administration

The dean of students or his/her designee, in consultation with the University, shall develop policies for the administration of the Community Standards and procedural rules for the conduct of the Campus Standards Committee.

The assistant dean of students or his/her designee shall determine the appropriate administrative level within the discipline system that is authorized to hear each matter. There shall be no appeal from that determination. Decisions made by a Community Standards Board and/or student conduct administrator shall be final, pending the normal appeal process.

C. Administrative Levels of the Community Standards Review Process

There are four levels of student conduct administrators within the Code of Conduct Review process. The first level is the campus life staff; the second level is the coordinator for Code of Conduct or his/her designee; the third level is the dean of students or his/her designee; and the fourth level is the Campus Standards Committee.

Each disciplinary level is responsible for reviewing and deciding specific levels of violations and sanctions as described below and as assigned by the coordinator for Code of Conduct in his/her sole discretion.

1. The campus/residence life staff is the first level, being responsible for most cases that occur in University-operated housing. Reviews are conducted on an informal basis, held as an educational dialogue.

2. The coordinator for Code of Conduct (or his/her designee) is the second level of the Code of Conduct Review process and is responsible for those cases that are more serious in nature. Reviews are conducted on an informal basis, held as an educational dialogue. The coordinator for Code of Conduct may assign any sanction with the exception of University expulsion.

3. The dean of students (or his/her designee) is the third level of the Code of Conduct Review process. Reviews are of a serious nature, held as a formal meeting with the respondent. The dean may assign any sanction listed in the Code of Student Rights, Responsibilities and Conduct.

The scheduling of cases will be accomplished as expeditiously as possible. Normally, cases before the campus/student/residence life staff or the coordinator for Code of Conduct will be heard within 10 business days of the complaint being received by the coordinator for Code of Conduct.

Cases heard by the dean of students will normally be heard within 15 business days of the complaint being received by the assistant dean of students. Cases heard by the Campus Standards Committee will normally be heard within 20 business days of the complaint being received by the coordinator for Code of Conduct.

At times when classes are not in session, the dean of students or his/her designee will adjudicate all cases and has the authority to issue any sanction(s).

4. The Campus Standards Committee is the fourth level of the Code of Conduct Review process and consists of students and University employees appointed by the dean of students. The committee reviews cases within prescribed, formal hearing procedures. The committee is advised by the coordinator for Code of Conduct or his/her designee who is a non-voting member. In those instances when the coordinator for Code of Conduct has been integrally involved in the investigation of the matter, the dean of students will assign another administrator to serve as the Board of Adviser. The Campus Standards Committee may recommend any sanction listed within the Code of Student Rights, Responsibilities and Conduct. These sanction recommendations are made to the dean of students or his/her designee.

D. Violations of the University Code of Conduct

The University will not, under any circumstances, tolerate illegal drug use, underage drinking, assault, bullying, discrimi-

nation or vandalism. Any student found, after the conduct process, in violation of these offenses could be subject to automatic removal from the residence halls and/or the University. The following are examples of conduct that would be subject to disciplinary actions as listed in Section XIV. Sanctions.

1. Alcohol

Illegally possessing, using, distributing, manufacturing, transferring, selling or being under the influence of alcohol. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age. Use, possession or distribution of beverages containing alcohol on University property shall comply with the laws of the State of New Jersey and University Policies and rules. **The Metropolitan Campus residence halls are considered dry residence halls — no alcohol is allowed.**

- 1.01 Presence at gathering where beverages are present
- 1.02 Open container of an alcoholic beverage in a public area including around residence halls
- 1.03 Possession of device for mass consumption (funnel, bong, etc.)
- 1.04 Underage possession and/or consumption of alcoholic beverage(s)
- 1.05 Possession and/or consumption of alcoholic beverages in a dry area (ie: Metropolitan Campus)
- 1.06 Use of concealed containers for alcoholic beverages
- 1.07 Intoxication/public intoxication
- 1.08 Severe intoxication (including, but not limited to, hospitalization)
- 1.09 Hosting a gathering where alcohol is present
- 1.10 Supplying/making available alcoholic beverages to underage people
- 1.11 Participation in or providing the means for drinking games (including, but not limited to the promotion of binge drinking of alcoholic beverages)
- 1.12 Possession of kegs, beer balls and/or other types of containers that hold large quantities of alcohol
- 1.13 Other alcohol incident/violation

Range of sanctions: *Disciplinary Reprimand – University Dismissal*

2. Drugs

Illegally possessing, using, distributing, manufacturing, transferring, selling or being under the influence of marijuana, heroin, narcotics, or other controlled substances (i.e. prescription drugs) except as expressly permitted by law. This includes possession or use of any form or type of paraphernalia associated with controlled substance(s).

- 2.01 Possession of drug paraphernalia
- 2.02 Use and/or possession of marijuana
- 2.03 Use and/or possession of prescription drugs without prescription
- 2.04 Use and/or possession of other drugs, controlled substances or narcotics
- 2.05 Use and/or possession of synthetic marijuana (i.e. synthetic cannabinoids)
- 2.06 Intent to distribute
- 2.07 Hosting a gathering where drugs are present
- 2.08 Presence at gathering where drugs are present
- 2.09 Drug overdose
- 2.10 Presence at gathering where smoke (i.e., synthetic cannabinoids, marijuana and/or cigarettes) is detected
- 2.11 Other drug violation

Range of sanctions: *Disciplinary Reprimand – University Dismissal*

3. Theft and Other Property Offenses

Bribery, extortion, misappropriation of funds or stealing, vandalizing, damaging, destroying, or defacing University property or the property of others.

- 3.01 Submitting a check with insufficient funds
- 3.02 Damage or creating a condition requiring restoration or clean up
- 3.03 Theft and/or possession of residence hall or other FDU property
- 3.04 Possession of lost, stolen or misplaced property, finances or records
- 3.05 Forgery or unauthorized use of documents/official documents (i.e., work study vouchers, student IDs, registration forms, meal cards, keys, computer passwords, parking passes etc.)
- 3.06 Misuse of educational materials, records, including defacing mutilation and or failure to return such University property.
- 3.07 Theft/misappropriation of funds
- 3.08 Theft of property, finances or records (i.e., computer passwords)
- 3.09 Motor vehicle theft
- 3.10 Robbery
- 3.11 Vandalism
- 3.12 Other

Range of sanctions: *Disciplinary Reprimand – University Dismissal*

4. Academic Integrity

- 4.01 Improper use of technology
- 4.02 Facilitating violations of academic integrity by others
- 4.03 Plagiarizing
- 4.04 Ghosting
- 4.05 Fabrication of information including tests
- 4.06 Altering exams or assignments
- 4.07 Other

Range of sanctions: *Disciplinary Reprimand – University Dismissal*

5. Sexual Misconduct

Sexual misconduct includes, but is not limited to, sexual assault, rape, forcible sodomy or sexual penetration with an inanimate object, intercourse without consent, under conditions of force, threat of force, fear or when a person is unable to give consent because of substance abuse, captivity or disability.

- 5.01 Violation of the University's Sexual Harassment policy
- 5.02 Inappropriate touching of another's body
- 5.03 Sexual invasion of another
- 5.04 Constraint or incapacitation of another so as to put another at substantially increased risk of sexual assault or injury
- 5.05 Other
- 5.06 Nonconsensual sexual contact (or attempts to commit same). Touching of an unwilling or non-consenting person's intimate parts (such as genitalia, groin, breast, buttocks or mouth under or over a person's clothes)
- 5.07 Forcing or attempting to force an unwilling person to touch another's intimate parts
- 5.08 Nonconsensual sexual intercourse (or attempts to commit same). Penetrating an unwilling person orally, anally or vaginally with any object or body part. This includes, but is

not limited to, penetration of a bodily opening without consent, through the use of coercion or through exploitation of another's inability to give consent

5.09 Penetrating an unwilling person orally, anally or vaginally with any object or body part by use of force, threat and/or intimidation (or attempts of same)

5.10 Sexual exploitation

5.11 Exposure of one's body in an indecent or lewd manner

5.12 Sexual activity in public or semipublic spaces

Range of sanctions: *Disciplinary Reprimand – University Dismissal*

6. Endangerment and Hazing

Physically harming or threatening to harm any person, intentionally or recklessly causing harm to any person or reasonable apprehension of such harm or creating a condition that endangers the health and safety of self or others, including through the facilitation of or participation in any mental or physical hazing activity.

- 6.01 Attempting to cause fear or harm
- 6.02 Creating a condition that endangers
- 6.03 Confining an individual against his/her will
- 6.04 Harming or attempting to harm self or another
- 6.05 Physical assault or abuse of a student or FDU official (including any unwanted physical contact with or without injury)
- 6.06 Direct threat of harm to self or another
- 6.07 Physical and mental hazing
- 6.08 Physical fights
- 6.09 Instigating a fight
- 6.10 Domestic violence
- 6.11 Instigating/inciting a riot/altercation (physical or verbal)
- 6.12 Other

Range of sanctions: *Disciplinary Reprimand – University Dismissal*

7. Harassment and Hostile Environment

Harassment or insult of a member of the University community. Stalking/harassment of any type or form, (i.e. text messaging, Facebook, cyber-stalking, email or any social media, etc.) defined as a person purposely and repeatedly following another person and engaging in acts over a period of time (no matter how short) evidencing a continuity of purpose with the intent of annoying or alarming that person or placing that person in reasonable fear for his/her safety. Creating a hostile environment via the use of hate speech or other behavior based on race, ethnicity or sexual orientation. Violence within romantic and/or intimate relationships.

- 7.01 Harassment by communication (physical or electronic)
- 7.02 Bullying, physical and/or electronic (i.e., text messaging, Facebook, any social networks/media, etc.)
- 7.03 Verbal assault/abuse of a student or FDU official, including "hate language," e.g., racial, ethnic or sexual orientation epithets
- 7.04 Verbal assault/abuse of a student or FDU official involving the use of "hate language," e.g., racial, ethnic or sexual-orientation epithets
- 7.05 Physical obstruction of another
- 7.06 Harassment online or face to face
- 7.07 Harassment using racial or sexual intimidation and conduct attempting to annoy, cause fear or cause harm online or face to face
- 7.08 Unapproved filming/picture taking/videotaping of persons in any hall/on campus

- 7.09 Domestic violence, including online or face-to-face harassment, violence or intimidation in current or past intimate, cohabitating spouse/intimate partner
- 7.10 Dating violence, including online or face-to-face harassment, violence or intimidation in current or past intimate and/or romantic relationships
- 7.10 Conduct which threatens or alarms
- 7.11 Stalking of any type or form
- 7.12 Other

Range of sanctions: *Disciplinary Reprimand – University Dismissal*

8. Weapons and Firearms

Constructive or actual possession and/or illegal use of firearms, other potentially dangerous items that may be used as weapons and inherently dangerous or explosive materials including fireworks. Boxcutters, if required for class, will be maintained in class by the instructor (as should similarly intended supplies).

- 8.01 Possession or use of knives
- 8.02 Possession or use of propellant weapons (air, paint, or other pellet; sling shot)
- 8.03 Possession or use of fireworks
- 8.04 Possession of legal firearms prohibited on campus
- 8.05 Possession or use of other dangerous weapons/items that can be use as weapons (swords, etc.)
- 8.06 Other

Range of sanctions: *Disciplinary Reprimand – University Dismissal*

9. Fire Safety

Tampering with fire or other safety equipment or setting unauthorized fires.

- 9.01 Possession and/or use of prohibited items and/or appliances
- 9.02 Compromising ingress/egress from a room and/or building by creating a greater risk
- 9.03 Creating a condition that endangers health and safety
- 9.04 Late or failure to evacuate the building during a fire alarm
- 9.05 Tampering with fire-safety equipment including smoke detectors, exit signs, blocking exit doors and discharging fire extinguishers
- 9.06 Pulling a false alarms
- 9.07 Other
- 9.08 Accidentally setting off a fire alarm

Range of sanctions: *Disciplinary Reprimand – University Dismissal*

10. Disorderly Conduct

Engaging in disorderly, disruptive, lewd or indecent conduct. Including but not limited to: inciting or participating in a group disruption; failing to leave the scene of a group disruption when instructed by officials; disruption of programs, classroom activities or functions and processes of the University; creating unreasonable noise; or creating a physically hazardous or physically offensive condition.

- 10.01 Excessive noise or quiet-hours violation
- 10.02 Urinating in public
- 10.03 Throwing of food or any objects which present health/safety risk or is damaging or disruptive
- 10.04 Obstructing access or disruption of classes, services and or operations
- 10.05 Unsportsmanlike behavior at any University-sponsored event on or off campus

- 10.06 Destruction of property under \$500
- 10.07 Destruction of property above \$500
- 10.08 Other

Range of sanctions: *Disciplinary Reprimand – University Dismissal*

11. Unauthorized Entry or Use

Unauthorized entry, use, occupation or attempted entry of any University facility, areas or other components of the University physical plant or property, which includes both indoor and outdoor space. This includes the violation of no-trespass and persona non grata sanctions.

- 11.01 Unauthorized entry into buildings, facilities, rooms, offices and/or restricted areas
- 11.02 Use of any emergency doors/exits in non-emergency situations is strictly prohibited
- 11.03 Entry into or permitting entry into restrooms of the opposite sex
- 11.04 Storage of bicycles in hallways, stairwells, lounges, lobby areas
- 11.05 Unauthorized room change
- 11.06 Unauthorized entry onto roofs of FDU buildings
- 11.07 Improper use of elevators (alarm button and emergency phone)
- 11.08 Computer or software misuse
- 11.09 Misuse of information systems
- 11.10 Digital Copyright infringement
- 11.11 Other

Range of sanctions: *Disciplinary Reprimand – University Dismissal*

12. Community Standards

- 12.01 Removal or unfastening of residence hall window screen
- 12.02 Violation of guest policy
- 12.03 Failure to produce an ID upon request by any FDU official
- 12.04 Failure to comply with a directive of any FDU official
- 12.05 Presenting false information to any FDU official
- 12.06 Violation of the non-smoking policy
- 12.07 Violation of pet policy
- 12.08 Failure to comply with sanctions
- 12.09 Gambling or bookmaking
- 12.10 Tampering/interfering with security cameras
- 12.11 Violation of any civil or criminal statute
- 12.12 Violation of policy or regulation by a guest of a student
- 12.13 Violation of any other adopted and published University policy (eg., residence hall regulations, housing contract, etc.)
- 12.14 Other

Range of sanctions: *Disciplinary Reprimand – University Dismissal*

Fines

- \$100 First drug/alcohol or any other offense/violation that accompanies a fine.
- \$50 Added for all repeated offenses/violations.
- \$100 For violating Campus Standards Probation

Residence life fine and fees (refer to Dean of Students Office or Residence Life Office)

XIV. Sanctions

In order to ensure that our living-and-learning community is a safe and respectful environment, sanctions are imposed on individuals found responsible for violations of campus stan-

dards policies. In the issuing of sanctions, every attempt is made to balance our concerns for the individual with the consideration for the welfare of the entire community. While recognizing and being sensitive to the fact that the Fairleigh Dickinson University community is composed of students from different backgrounds and cultures, in order to maintain a respectful and safe environment, it is expected that all students be held to a common set of expectations and conduct.

Sanctions serve many purposes with the intent of assisting individuals found to be responsible for violations to become more positive members of the campus community. The process of issuing sanctions is designed so that all members of the community feel they have gained something. Sanctions are issued in accordance with the seriousness of the violation and the circumstances surrounding the conduct. While there are certain offenses that warrant extreme action such as removal from the residential or University community, sanctions serve both educational and developmental purposes. Wherever possible, options may be available so that the individual can make a positive choice about his/her future. **Failure to comply with issued sanctions in an appropriate and timely manner, and/or in the completion of sanctions will result in the assignment of more severe sanctions.**

The following sanctions may be imposed upon any student found to have violated the Code of Student Rights, Responsibilities and Conduct. To determine the sanction or combination of sanctions, the following is considered:

- The severity of the violation,
- The respondent's previous record of disciplinary sanction(s), if any,
- The effect of the respondent's misconduct upon the University community and
- Consistency with previously issued sanction(s) for similar misconduct.

A. Disciplinary Reprimand: An official written notice to the student that his/her conduct is in violation of University's Code of Student Rights, Responsibilities and Conduct.

B. Campus Standards Probation: An official written notice to a student that violations will not be tolerated, and that may include limitations on a student's access to campus events, buildings, clubs and organizations and/or programs. Repeat offenses will result in more severe action, including possible suspension or dismissal from housing or the University. This sanction may impact a student's eligibility for housing selection.

C. Fines: A dollar amount required to be paid to the University, appropriate to the level of violation. The payment of a fine by a student shall in no way limit the right of the University to seek restitution through civil proceedings.

D. Community Restitution: A dollar amount required to be paid to an individual or the University for the replacement of property lost, damaged or stolen by the student. The payment of restitution by a student shall in no way limit the right of the University to seek restitution through civil proceedings.

E. Community Service: The assignment of tasks that foster community welfare as well as student development. Whenever possible, these tasks should reflect a relationship to the violation the individual is found responsible for, should be reasonable in terms of the activity required and should be specific in the time required and the expectations of the activity.

F. Educational Sanctions: Sanctions intended to contribute to the education of the student, the University community

and/or to be a form of social restitution. Examples include but are not limited to:

- a. Developmental exercises — requirement to attend, plan and/or participate in a program, workshop or other appropriate activity.
- b. Educational class — attendance at a class or workshop appropriate to the violation such as fire safety class or alcohol/drug education class.
- c. Work assignments, essays, etc.

G. Counseling Assessment/Support: Should it be deemed necessary, a student may be required to attend mandatory counseling or specific classes offered through the counseling services in order to address particular areas of concern.

H. Campus Restriction: A student may be prohibited from utilizing campus facilities including, but not restricted to, the library, weight room, student center, dining hall, residence halls or any additional facilities for a specified period of time.

I. Social Restriction: A student may be prohibited, for a specified period of time, from attending social functions on or off campus, which would include organization functions and/or events which take place at any University-sponsored and/or regulated activity.

J. Co-curricular Restriction: A student may be prohibited from participation in any nonacademic club or organizational activity, including serving as an officer in any campus organization or participation in varsity or intramural athletics for a specified period of time. With respect to varsity athletics, this may be separate from or include any restrictions imposed by the athletics director.

K. Disengagement Notice: An official University notice restricting contact with, or proximity to, other specified members of the University community, which may include faculty, staff or students.

L. Parental Notification: The parent or guardian may be notified in certain circumstances of a judicial action and final outcome.

M. Administrative Reassignment of Housing: A temporary or permanent relocation of a person's housing assignment in University-operated housing.

N. Housing Probation: An official written notice to a student that violations of the University Code of Student Rights, Responsibilities and Conduct; the Residence Hall Community Code and/or the terms and conditions of the Housing and Meal Plan Contract will not be tolerated. Repeated offenses will result in more severe action, including possible suspension or expulsion from the residence halls or University. This sanction may impact a student's eligibility for housing selection.

O. Housing Suspension: Separation of the student from University-operated housing for a specified period of time, typically one semester to a year, after which the student is eligible to return. Conditions for readmission may be specified.

P. Housing Dismissal: Permanent separation of the student from University-operated housing.

Q. University Suspension: Separation of the student from the University for a specified period of time, typically one semester to a year, after which the student is eligible to return. Conditions for readmission may be specified.

R. University Dismissal: Permanent exclusion from the University without opportunity for readmission.

Note: In instances of dismissal, suspension or leave of absence due to University disciplinary action, refund of tuition, fees, room and board charges, etc., is permitted in accordance with the refund schedule printed in the online *Course Offering Booklet*. To avoid additional charges, resident students must return all residence hall keys and access cards, laundry cards and student ID cards. Should any business need to be conducted, the student must contact the Dean of Students Office and department of public safety for permission to enter the campus.

S. 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 Code of Conduct in obtaining the degree or for other serious violations committed by a student prior to the actual start of classes or graduation.

T. Withholding Degree: The University may withhold the awarding of a degree otherwise earned until the completion of the process set forth in this University Community Standards Review process, including the completion of all sanctions imposed, if any, at its sole discretion.

XV. The Hearing Process

A. Jurisdiction

1. The Dean of Students Office has sole responsibility and jurisdiction for campus discipline in nonacademic matters.

2. The Campus Standards Committee shall be the principal hearing body assigned by the dean of students with jurisdiction to hear charges of student misconduct. The Campus Standards Committee has the jurisdiction to hear appeals based on the outcomes of an administrative hearing.

a) During the fall of each academic year, Campus Standards Board is established on the campus.

b) When the Campus Standards Committee is not functioning, cases are heard by the dean of students or the dean's designee.

c) The Campus Standards Committee may hear all cases that may result in suspension or dismissal from the University.

3. The Campus Standards Committee shall have the authority to prescribe supplementary rules of procedure consistent with the requirements contained herein.

4. In the event that a commuter student is involved in an alleged violation within the residence halls, the campus judicial officer or his/her designee will adjudicate the case.

5. Special programs such as Wroxton, etc., which by virtue of their structure and program preclude a Code of Conduct process, will have the process waived in lieu of a process determined by the dean of the program that will appropriately ensure the rights of the student. See page 79 for Wroxton College process.

B. In all disciplinary matters, a representative of the Dean of Students Office shall make a preliminary investigation of the alleged charges. If it is determined that the charges have no substance, they will be dropped and the involved parties will be so informed.

C. If the charges have been determined to have substance, the student may enter a written statement admitting responsibility or denying it and may do so with an explanation.

D. The dean of students retains at all times the right to assign a case to the Campus Standards Committee.

E. Administrative Action

Where the facts of an incident are not in dispute, and when students suspected of a code violation wish to accept responsibility for their documented behavior, students may waive their right to notice of charges, to notice of proceedings and to a hearing. Upon review, such students will receive notice of the specific charge, any appropriate sanction and an explanation of the resulting disciplinary record. A plea of no contest or responsible as charged may be rejected by the dean of students or his/her designee in any case that warrants additional investigation. A student may not appeal the outcome of the sanctions imposed.

F. Administrative Hearing

Where responsibility for a code violation is in dispute, or the facts of a specific incident are in question, students suspected of a code violation may elect to have the case reviewed by the assistant dean of students or his/her designee.

The assistant dean of students or designee must

a. weigh the facts in a particular instance to determine if an allegation of code violation is warranted;

b. apprise the student of alleged infractions of the code;

c. hear a student's plea regarding the charge;

d. assess the facts of the case to determine by a preponderance of the evidence whether the student has violated the Code of Student Rights, Responsibilities and Conduct; and

e. impose sanctions consistent with the provisions of the code.

The assistant dean of students or designee may determine that, due to the nature or complexity of the facts of the case, it would be beneficial to have a hearing before the Campus Standards Committee. If this is the case, a Campus Standards Committee would be convened, and all parties involved would be notified of this decision by the assistant dean of students or designee.

G. Initiation of Disciplinary Proceedings

1. Any University student, faculty member or staff member who believes that a student has violated the Code of Student Rights, Responsibilities and Conduct may file a complaint with the dean of students and/or public safety. The individual filing the complaint is referred to hereafter as the complainant. The University itself may act as the complainant through a designated staff member or members.

2. The Dean of Students Office has the responsibility to investigate all claims of student misconduct and to notify the students being charged of the specific violation(s) of the student code.

3. A preliminary interview will be scheduled by the assistant dean of students or his/her designee at the time the accused student is notified of an alleged violation of the code. The purpose of this interview is to provide the student with the facts and circumstances which led to the charge. The assistant dean of students or designee will explain the rights and options available as well as describe potential sanctions for the alleged violation in question. The accused student must attend this meeting. If the described sanction for an alleged violation includes suspension or dismissal, the student may:

a. admit to the charge and have the assistant dean of students impose the sanction,

b. request a hearing before the assistant dean of students or his/her designee or

c. request a hearing before the Campus Standards Committee.

4. In all other cases where the assistant dean of students or designee has informed the student that a potential sanction would NOT result in suspension or dismissal, the accused student may:

- a. admit to the charge and be sanctioned by the assistant dean of students or his/her designee or,
- b. request a hearing before the assistant dean of students or designee, who will use the hearing procedures described in the Campus Standards Committee.

The assistant dean of students or designee will determine by a preponderance of the evidence whether the accused student has violated the Code of Student Rights, Responsibilities and Conduct.

5. In all disciplinary matters, a designee of the Dean of Students Office must make a preliminary investigation of alleged charges. If it is determined that the charges have no substance, they will be dropped and the involved parties will be so informed.

6. **Sanctioning Process:** The assistant dean of students or designee may elect to advise the accused student of the sanction immediately following the hearing or elect to consult precedent under the Code of Student Rights, Responsibilities and Conduct before making a decision. In either case, the final outcome will be communicated in writing and be made part of the official disciplinary record.

C. Notification

1. A student charged with a violation of the student code will be notified in writing of the alleged violation.

2. Students against whom charges are being lodged will be notified of the date, time and place of the pre-hearing conference and all subsequent hearings. If all reasonable efforts to contact the student have failed, the case may be reviewed after five working days from when the initial effort to contact the student was made.

3. If, after proper due notice of the meeting, the charged student fails to appear and does not have a valid excuse for non-appearance, the designated officer/committee — if satisfied that the charged student had appropriate notice — can impose appropriate sanctions without the student being present.

4. The dean of students will be informed of the disposition of all cases involving violations of the student code. The Dean of Students Office has the responsibility to notify the student in writing within five business days of the outcome of all hearing processes.

H. Mediation

1. The University encourages its members to attempt to resolve conflicts in a reasonable and responsible way. Fairleigh Dickinson University may, at the discretion of the dean of students or the dean's designee, require students to attempt to mediate the resolution of a complaint first through the mediation procedure before resorting to the traditional judicial process. Any complainant or respondent may request that the dean of students or his/her designee consider a complaint for referral to the mediation process. Mediation is not available when an allegation of sexual misconduct is being adjudicated.

2. Mediation requires acceptance from all students, in genuine cooperation with the process, that the students themselves know best how to resolve the dispute in question and

that students will negotiate in good faith and in the spirit of Fairleigh Dickinson University.

3. The goals of mediation are to encourage active involvement, responsibility for mature decision making and personal growth as students resolve their own disputes.

4. In the event that the dean of students or his/her designee determines to require mediation of a particular complaint, the dean or designee will appoint the mediator. After a mediator has been appointed, the mediator will meet with all relevant individuals involved to assess the severity of the dispute. The mediator will help resolve concerns on an ad hoc and confidential basis.

5. If after reasonable efforts, the situation cannot be resolved by mediation in the opinion of the dean of students or his/her designee, the student or University may pursue the complaint through the usual procedures provided for in the Code of Student Rights, Responsibilities and Conduct.

The Judicial/Hearing Officer

1. The student charged shall meet with the appropriate judicial/hearing officer who will discuss the charges against the student, share documentation supporting the charges and review the student's rights in the process.

2. The judicial/hearing officer has the jurisdiction to conduct an administrative hearing if the charged student chooses or if determined by the dean of students or his/her designee. The judicial/hearing officer will then conduct an administrative hearing and determine the sanctions.

3. The dean of students or his/her designee retains at all times the right to assign a case to the Campus Standards Committee.

Appeal Process

1. Basis for an Appeal:

- a. A decision can be appealed to a higher level if the student can demonstrate:
 - (i) new evidence,
 - (ii) the severity of the sanction is inappropriate or
 - (iii) a violation occurred in the process.

The appeal must be filed in writing with the Dean of Students Office within two business days after receipt of the notification of the findings of the hearing.

Please be advised: The dean of students has appellate authority to affirm, reverse, remand or modify sanctions imposed by judicial officer and/or Campus Standards Committee.

b. Upon receiving the appeal, the campus judicial officer or the dean of students' designee must advise the dean of students that such an appeal has been filed.

c. Upon receipt of the appeal, the dean of students or his/her designee shall advise the assistant dean of students that such an appeal has been filed. The assistant dean of students shall then make the written report of the proceedings available to the dean of students.

d. The outcome of an administrative hearing can be appealed and is heard by the Campus Standards Committee or the dean of students.

e. The outcome of a Campus Standards Committee hearing can be appealed and is heard by the dean of students.

f. The dean of students will determine whether to adjudicate an appeal and, if so, will render a decision within seven working days of receipt.

g. The decision of the dean of students or Campus Standards Committee is final.

Deferment of Sanction(s):

To request a deferral of implementation of the sanction(s), the student must provide the Dean of Students Office a request in writing within one business day after obtaining the sanction letter. The dean of students' decision will be made within two business days after the student files the letter requesting the deferral.

Campus Standards Committee Hearings

1. Committee Composition

- a. The committee shall consist of 3-5 members, with at least one student member, one member of the faculty and one member of the professional staff.
- b. The members of the Campus Standards Committee will be oriented and trained at the start of the academic year and hold the position for the entire year.
- c. The Dean of Students Office will recruit sufficient membership from each of the three constituencies to ensure full-representation at each Campus Standards Committee hearing.

2. Procedures of the Campus Standards Committee Hearing

a. While the assistant dean of students or his/her designee will ordinarily involving alleged violations of the code, a Campus Standards Committee has the authority to hear cases involving alleged violations of the code under the following circumstances:

- i. where the assistant dean of students or designee has determined that, because of the nature of the alleged offense or because the pattern of behavior warrants special attention, suspension or dismissal may be the proper sanction if the charges are substantiated and

- ii. the accused student requests such a hearing or

- iii. the assistant dean of students or designee has determined that due to the nature or complexity of the facts of the case, it would be beneficial to have a hearing before the Campus Standards Committee.

b. Students against whom charges are being lodged shall be notified of the date, time and place of a hearing via email and/or in writing, delivered in person or by certified mail, at their campus mailbox or the last address on file with the Office of Enrollment Services, by the Dean of Students Office or the chairperson of the Community Standards Board no less than two days prior to the hearing. If all reasonable efforts to contact a student have failed, the committee and/or dean may proceed with a hearing four business days from when the initial effort to contact the student was made.

c. If, after due notice of the complaint and the date, time and place of hearing, the accused fails to appear and the Community Standards Board is satisfied that the accused had appropriate notice and no valid excuse for nonappearance, the Campus Standards Committee may then hold the hearing without the student being present.

d. The case against the student shall be evaluated based on all the evidence and facts presented at the hearing.

e. The Campus Standards Committee shall decide on its own procedures. Documentation must be relevant and of the kind that persons conducting serious business can rely on. Evidence will be admitted regardless of the existence of any common law or statutory rule.

f. Confidentiality must be maintained, and cases are to be discussed only while the Campus Standards Committee is in session.

g. A record of the hearing must be kept on tape or in writing. This record will be maintained in the Dean of Students Office. Records of a hearing will be maintained for a period of seven years commencing with the student's graduation or severance from the University.

h. The case against student(s) will be presented first by the chairperson of the Campus Standards Committee. The chairperson will offer evidence to the charges being considered. Witnesses may be called and evidence introduced.

i. Upon completion of the presentation, the student must present the defense.

j. The Campus Standards Committee chairperson, the party making the complaint and the charged student may offer closing statements.

3. The Campus Standards Committee has the authority to prescribe supplementary rules of procedure consistent with the requirements contained herein.

4. The student is required to meet with the judicial officer prior to the hearing. At this meeting, the judicial officer will share the documents supporting the charges, explain the hearing process and review the student's rights in the process.

5. The Dean of Students Office shall ensure that a full committee is present to conduct a hearing.

6. The Dean of Students Office must ascertain prior to any hearing whether any member(s) of the Campus Standards Committee has a particular bias or ethical conflict that would prevent rendering an objective recommendation. If such an ethical conflict or personal relationship exists, the Dean of Students Office will direct the Campus Standards Committee member to excuse himself/herself from the case, and the Dean of Students Office will make attempts to find a suitable replacement member for the hearing. The hearing will proceed even if a suitable replacement is not found.

7. The chairperson must inform the student of the charges and will ask the student to respond as to whether he or she is responsible or not responsible to each charge.

8. Any witness may be questioned by any party to the action and by any member of the Campus Standards Committee. This is to be done through the chair of the committee.

9. **Circumstantial Evidence:** In certain instances the complainant or defendant will be unable to present witnesses who can testify based on their own direct knowledge that a certain event has occurred. It is not necessary that an entire case be made by direct evidence. Lacking direct evidence, circumstantial evidence may be used to prove certain facts. Here, circumstances are made known from which the hearing board, based on their common experience may infer that other connected facts reasonably follow.

10. **Hearsay Evidence:** Hearsay evidence is when someone reports that another person has witnessed or said something relevant to the case. Generally, hearsay evidence is inadmissible. However, in the following circumstances, hearsay may be admitted:

- a. The statement subjects the witness to a liability that a reasonable person would not want to incur.

- b. The statement narrates, describes or explains an event perceived by the witness.

c. The statement is made by a prior witness at the hearing and when so made was admissible.

11. The defendant has the right to remain silent without prejudice to the case.

12. The committee's decision will be based only on the information presented at the hearing.

13. The Campus Standards Committee will hear and review supporting documents that are germane only to the presented situation. Prior incidents that have been dealt with by the Campus Standards Committee generally are not relevant and are not introduced; however, if the student is found responsible, the Dean of Students Office shall inform the committee of prior incidents for which the student was found responsible. This information will be taken into consideration in the imposition of sanctions.

14. Hearings will be closed. Students may not record the hearing. The Campus Standards Committee members and the dean of students' designee, charged student(s), complainant(s) and witness(es) may attend. An adviser also may be present (see Code of Student Rights, Responsibilities and Conduct). Witnesses may be present and called on an individual basis.

15. A student who wishes to listen to the tape of his or her hearing must present his or her written request to the dean of students. The Dean of Students Office will make arrangements for the student to listen to the tape in the presence of a designated staff member.

16. The members of the Campus Standards Committee will deliberate in private.

17. The decision of the Campus Standards Committee must be determined by a majority. If the committee cannot render a majority decision, the case will be forwarded to the dean of students for disposition.

18. At the conclusion of the hearing, the Campus Standards Committee shall issue a written report determining findings of facts and their conclusions to the dean of students or the dean's designee. The Campus Standards Committee also will recommend sanctions to the dean of students or the dean's designee.

19. The respondent will be notified by email or by certified mail, at his/her campus mailbox or the last address on file with the Office of Enrollment Services, of the dean's decision with respect to the case within seven business days of the date on which the Campus Standards Committee's recommended action is forwarded to the dean of students for consideration.

20. The dean of students shall notify the chairperson of the Campus Standards Committee, in writing, as to the final disposition of the case.

21. The Office of the Dean of Students will notify appropriate departments as to the details of the sanction to the extent same is required to enforce the sanction.

22. A decision of the Campus Standards Committee can be appealed to the dean of students if the student can demonstrate one or more of the three criteria for an appeal as outlined in the appeal section. The appeal must be filed in writing with the dean of students within the set timelines of receipt of the notification of the findings of the Campus Standards Committee. Please be advised: The dean of students has appellate authority to affirm, reverse, remand or modify Campus Standards Committee sanctions.

J. Administrative Suspension and Extraordinary Circumstances

In exceptional circumstances, the University may have an obligation to act before a hearing can be held, or to postpone its own hearing in favor of some other course of action. In such cases, the following procedures may apply:

1. **Interim Suspension:** The University, through the dean of students, reserves the right to suspend any student whose behavior indicates that his or her continued presence constitutes a threat to property, to others or to himself or herself. Should the continued extracurricular activity of a student be deemed to be deleterious to the basic welfare of the campus community, the student may be suspended. A hearing will be held as soon as possible to determine the final outcome of the case, except where the University defers proceeding in light of pending civil claims or criminal charges as described in Section J. (2) Pending Criminal or Civil Proceedings, next column.

When, in judgment of University officials, there is reasonable basis to believe a student may have committed a crime of a serious nature, the student may be suspended on an interim basis for a period of 90 days in order to await the determination of the complainant and/or local government authorities as to whether criminal charges will be brought against the student. If criminal charges are not initiated within the 90-day period, a University hearing will be held as soon as possible. If criminal charges are initiated within the 90-day period, the provision of Section J. (2) Pending Criminal or Civil Proceedings shall apply. In all such situations, the following shall apply:

- a) the student will be notified in writing of the suspension and the reason for the action;
- b) the student will be provided an initial determination by the dean of students or his/her designee prior to the suspension taking effect unless such a determination is impossible or unreasonably difficult to arrange;
- c) the student may be required to undergo physical or psychological evaluation, the results of which may be used in subsequent determinations;
- d) in the event of a violation of a prior imposed sanction, the dean of students shall have the authority to continue the sanction or take other appropriate measures, pending the outcome of new deliberations; and
- e) a determination will follow an administrative suspension in accord with procedures established for a formal deliberation.

2. **Pending Criminal or Civil Proceedings:** The University may proceed under the Code of Student Rights, Responsibilities and Conduct regardless of possible or pending civil claims or criminal charges arising out of the same or other events. The dean of students, with the concurrence of the provost, after consulting with the general counsel, shall determine whether the University shall proceed with a case against a student who also faces related charges in a civil or criminal tribunal. If the University defers proceeding with a case against a student in light of related charges in a civil or criminal tribunal, the University may subsequently proceed under the Code of Student Rights, Responsibilities and Conduct irrespective of any time limitations set forth elsewhere in the code. In the event a student is suspended in accordance with this code's interim suspension provisions and the University defers proceeding under the conditions described in this paragraph regarding pending civil claims or criminal charges, the interim suspension may continue pending the outcome of

the pending civil claims or criminal charges and the University's subsequent proceedings under the Code of Student Rights, Responsibilities and Conduct.

3. Dean of Students Hold on Records: At any time after a possible violation of the Code of Student Rights, Responsibilities and Conduct comes to the attention of the dean of students, the dean or designee may place a "dean of students hold" on the academic records of a student in order to preserve the status quo pending the outcome of proceedings under the Code of Student Rights, Responsibilities and Conduct. A dean of students hold may prevent, among other things, registration, the release of transcripts and the awarding of a diploma.

L. The Rights of the Accused

1. The student has the right to be present at the hearing.
2. The student has the right to be informed of the supporting documents against him or her.
3. The student has the right to have adequate opportunity to rebut the documentation.
4. The student has the right to present documentation on his or her behalf.
5. The student has the right to bring to the hearing a maximum of three witnesses who directly observed the incident. Written, signed and dated statements from any additional witnesses will be accepted in advance of the hearing with the approval of dean of students and/or his/her designee.
6. The student has the right to the assistance of an adviser of his or her choice. The adviser may not be an attorney, a member of the student's family or anyone outside the Fairleigh Dickinson University community. The adviser does not address the committee or speak for the student at any time during the hearing. The adviser and student may confer during the hearing. The adviser's role is to assist the student in understanding and clearly responding to the committee's questions and in making key points related to his or her case. The adviser also may assist the student in preparing his or her opening statement for the hearing. The adviser's intended role should not be solely moral support.
7. The Campus Standards Committee shall at all times follow procedures that will assure a prompt and fair deliberation. This shall be conducted in such a manner as to be impartial and shall not be unduly restricted by the legal rules of procedure, evidence and/or discovery.
8. All hearings are intended to be private to the Campus Standards Committee and judicial officer only.
9. If two or more individuals are involved within the same complaint, individual hearings must be permitted when requested by the student.
10. At the beginning of the hearing, the student(s) charged with code violations should notify the committee chairperson if he or she feels a committee member has a particular bias or ethical conflict that would prevent rendering an objective recommendation. The committee chairperson and/or judicial officer will have the final decision whether the identified individual will be replaced or removed. The judicial officer will make attempts to find a suitable replacement member for the hearing. The hearing will proceed even if a suitable replacement is not found.

11. The student charged has the right to remain silent without prejudice to the case.

12. If the charged student desires, he or she may submit a written, signed and dated personal statement in advance of the hearing.

13. The fault for which a student is subject to punishment is a violation of a regulation clearly promulgated and apparent to the student.

M. Violation of Judicial Sanctions

Any student found in violation of sanctions (i.e., probation, etc.), prescribed from a prior judicial hearing, will be notified in writing of the offense and the appropriate listed action in the sanction will be automatically invoked. The student cannot appeal and does not necessarily have the right to a hearing.

N. Wroxton College Standards of Conduct and Disciplinary Process

1. Study: Students are expected to pursue satisfactorily such studies as are required of them by any tutor, lecturer or other qualified person assigned by the College to teach them. For this purpose, studies include the reading of materials, carrying out prescribed activities such as tutorial presentations, the completion of written work, attendance in tutorials and classes/lectures/seminars and the sitting of College examinations.

2. Attendance: It is the responsibility of the student to attend all classes in each course for which he/she is registered. Failure to attend may result in low grades and loss of credit. In the event of illness, the student shall make every effort to notify the head receptionist prior to nonattendance of any class or tutorial.

3. Class conduct: Students are expected to conduct themselves in a professional manner. This includes, but is not limited to, arriving for activities on time and remaining there for the duration, wearing proper attire, not eating or drinking in class, turning off all cell phones/pagers/etc., bringing all necessary materials needed for all activities and channelling questions and comments to the class at large. Disruptive behaviour will not be tolerated.

4. Behaviour: Students are expected to behave with common sense and courtesy, showing thoughtfulness and respect for others — fellow students, faculty, staff, guests, local residents, etc. — at all times. This includes following/abiding by the rules of the College as well as such things as keeping noise levels — inside buildings and outside — to an acceptable level, and not causing damage to property and not creating a mess.

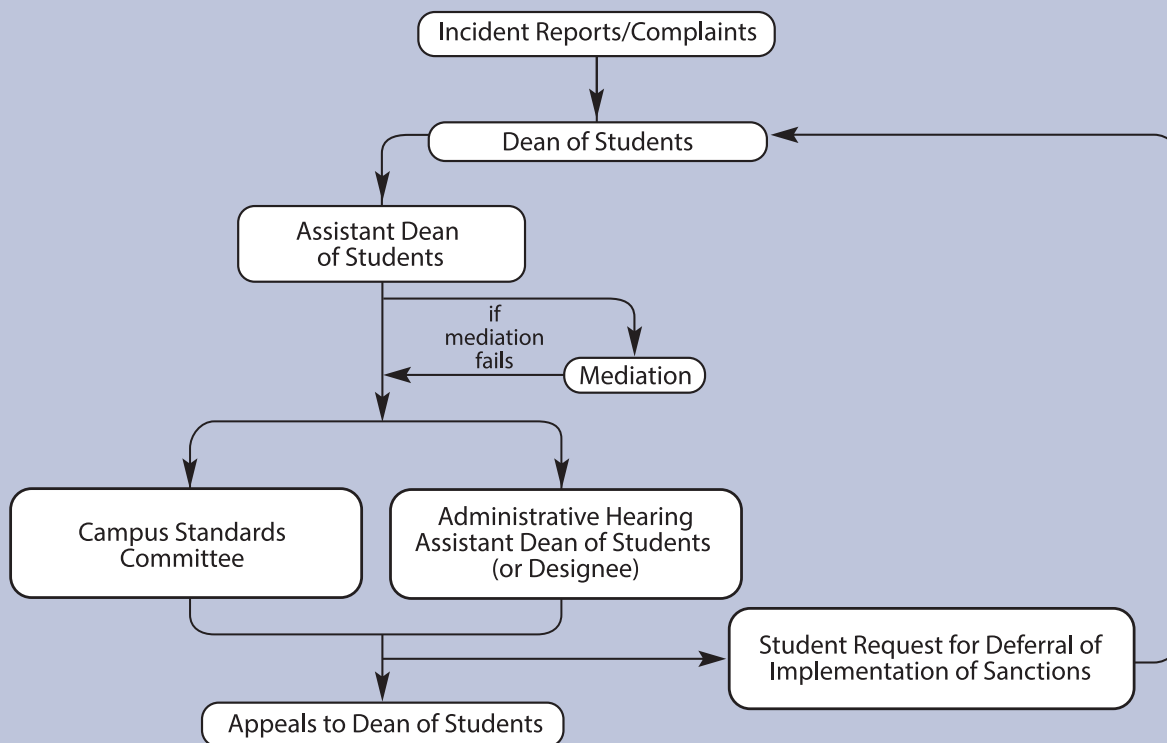
The College will not condone any violation of United Kingdom or United States law. Students suspected to be in violation of United Kingdom or United States law, including being in possession of/using any illegal substance will be subject to discipline by the College and the appropriate authorities in both the United Kingdom and United States may be informed.

Bathing in any of the lakes on the Abbey grounds is extremely unsafe and therefore is **strictly prohibited**.

All students are expected to follow the procedures for having guests to the College.

5. Health and Safety Inspection: The College, at the discretion of the dean, reserves the right to enter and inspect rooms and/or conduct health and safety inspections for the purpose

XVI. Fairleigh Dickinson University Disciplinary System — Florham Campus



of checking for violations of College policy; maintaining sanitary standards that protect the safety, health and well-being of all residents; ensuring that College property is being properly maintained; and completing repairs and fulfilling custodial responsibilities.

Student Disciplinary Procedure

Any student shall be subject to the following disciplinary process for violation of the foregoing Wroxton College Standards of Conduct and/or the Code of Student Rights, Responsibilities and Conduct in the *Student Handbook*.

Stage 1: Written Warning/Disciplinary Reprimand giving notice that continuation or repetition of conduct at issue will be the course for further action.

Stage 2: Disciplinary Meeting with the dean of the College (or the dean's designee), with written notification of the outcome.

Stage 3: Hearing before the Wroxton College Standards Committee, consisting of a minimum of three faculty/staff members. The College Standards Committee may recommend any sanction listed within the Code of Student Rights, Responsibilities and Conduct in the *Student Handbook*, including dismissal from the College. These sanction recommendations are made to the dean of College (or the dean's designee).

Stage 4: A decision of the College Standards Committee can be appealed to the dean of the College if the student can demonstrate one or more of the three criteria for an appeal as outlined in the appeal section of the *Student Handbook*. The appeal must be filed in writing with the dean of the College within the set timelines of receipt of the notification of the

findings of the College Standards Committee. Please be advised: The dean of the College has appellate authority to affirm, reverse, remand or modify the College Standards Committee sanctions.

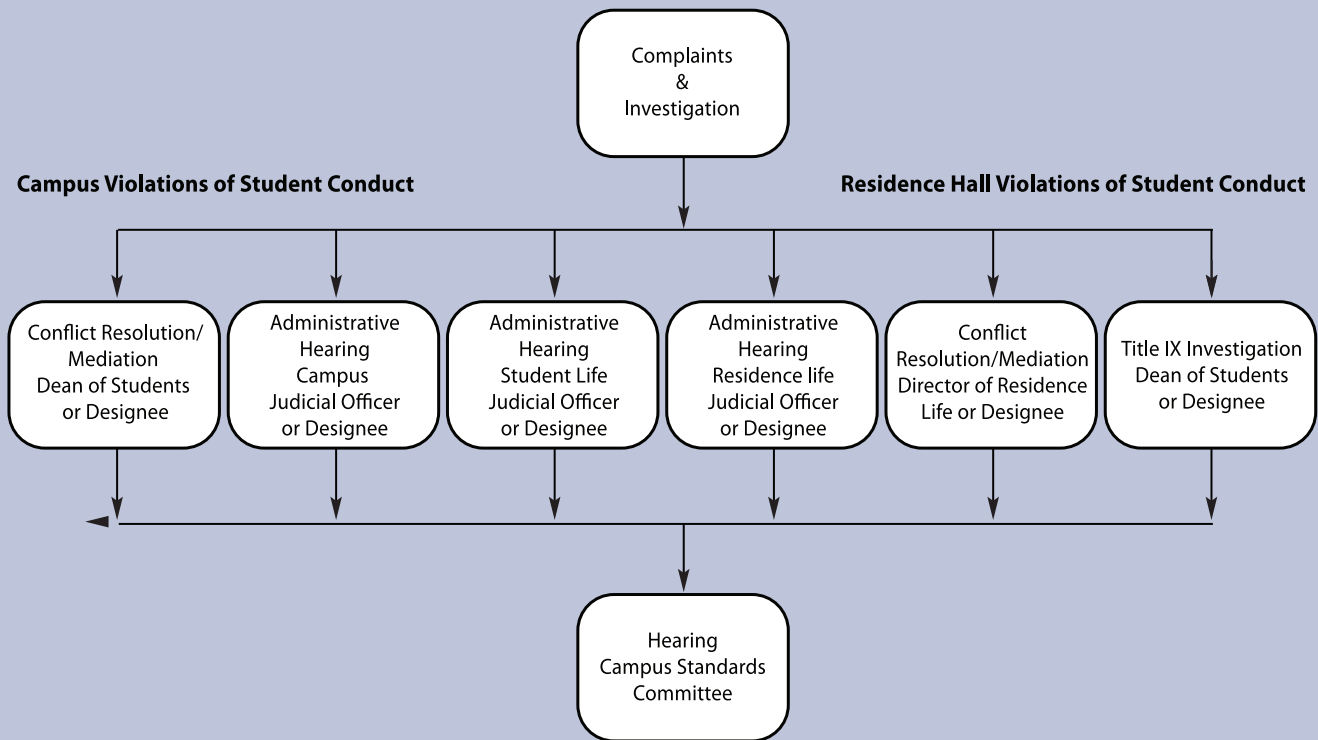
O. Student Organization Judicial Procedures

1. Students who choose to participate in student organizations are given a special trust. By choosing to represent the University as members of the organization, they commit to high standards of accountability with regard to that trust. Student organizations, their officers and their members may be held collectively or individually responsible for violations of the Code of Student Rights, Responsibilities and Conduct or the specific regulations governing student organizations. While group membership shall not serve to release an individual from personal responsibility, collective group responsibility may be found for some violations committed by individual group members, at the University's discretion.

2. When a student organization is charged with a violation of the Code of Student Rights, Responsibilities and Conduct, that student organization will be referred to the dean of students and/or designee. The dean or designee will explain the rights and options available as well as describe potential sanctions for the alleged violation in question. If necessary and applicable, the hearing officer will conduct a hearing in accordance with the Code of Student Rights, Responsibilities and Conduct. A Community Standards Board has the authority to hear cases involving alleged violations of the code by student organizations under the following circumstances:

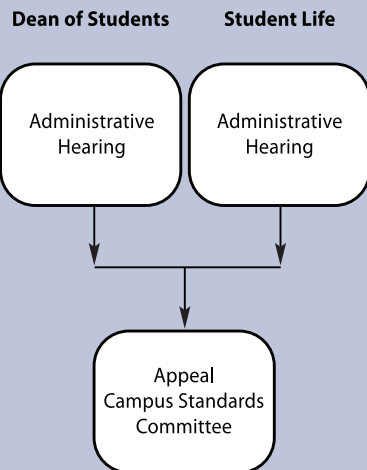
a. where the hearing officer has determined that, because of the nature of the alleged offense or because the pattern of be-

XVI. Fairleigh Dickinson University Disciplinary System — Metropolitan Campus

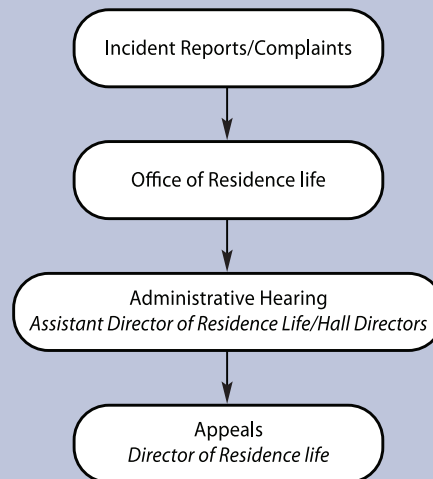


Appeals — Metropolitan Campus

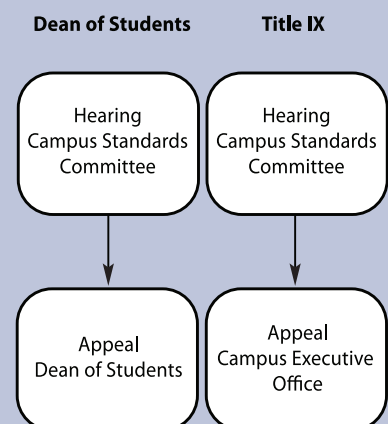
Administrative Hearing Appeal



Residence Hall Community Code Violations



Campus Standards Hearing Appeal



havior warrants special attention, suspension or termination of recognition by the University may be the potential sanction if the charges are substantiated; and

b. the accused student organization, through its representatives, requests such a hearing; or

c. the hearing officer has determined that, due to the nature or complexity of the facts of the case, it would be beneficial to have a hearing before the Community Standards Board.

3. Student organizations in violation of University rules and regulations are subject to a maximum sanction of termination of recognition by the University, or any lesser sanction, including but not limited to, restriction or suspension of the privilege to sponsor and/or promote programs/ events, the loss of funds allocated by the University or Student Government Association Financial Board, restitution for damages, loss of facilities use or a written disciplinary reprimand, warning or probation.

4. Athletic teams in violation of University policy are subject to the same rules and regulations as stated in Section K.

5. Greek organizations in violation of University policy are subject to a maximum sanction of termination of recognition from the University or any lesser sanction, including but not limited to, restriction or suspension of the privilege to sponsor and/or promote programs/events; the loss of funds allocated by the University, Student Government Association financial or Greek governing councils; or a written disciplinary reprimand, warning or probation. In all cases where applicable, the national sponsoring organization will be sent a written notification of sanctions imposed.

6. Student and Greek organizations and athletic teams have the right to appeal as outlined in the Code of Student Rights, Responsibilities and Conduct.

7. When a student or Greek organization or athletic team is charged with a violation of the Code of Student Rights, Responsibilities and Conduct, individuals of those organizations along with the president or captain may be held responsible for the group's or team's actions. The president or captain also will receive the charge and sanction letters for the organization.

Family Educational Rights and Privacy Act (FERPA)

As a recipient of federal educational funds, Fairleigh Dickinson University is bound by the requirements of the Family Educational Rights and Privacy Act (FERPA). Subject to specified exceptions, the University is required to have a student's written consent before disclosing personally identifiable information from a student's educational records to third parties.

An educational record is information directly related to a student, which is maintained by the University or any individual on behalf of the University, in any recorded form. Grades, evaluations, financial records, class-attendance records and financial-aid records are common examples of educational records.

FERPA gives students a right to review and copy their educational records and to challenge any educational record for being inaccurate or misleading. The University must provide a hearing to any student who wishes to challenge an educational record on either ground. If the University grants the student's challenge, then it must amend the record in question. If the University does not grant the student's challenge, it must nevertheless allow the student to append a statement to the disputed record. The University maintains a log which identifies persons who have accessed a student's record. Students have a right to review logs.

FERPA does not require the University to have student consent to disclose personally identifiable information to parents of students who are listed as dependents on their parents' federal income tax returns. In the event of a health or safety emergency, the University may disclose personally identifiable information, without student consent, if the information is needed to protect the health or safety of the student or other persons. The University may disclose to the parents of students below 21 years of age disciplinary action for illegal use or possession of alcohol or illegal drugs. FERPA requires the University to disclose the final outcomes of student disciplinary hearings, including sanctions, to victims of misconduct, if they so request, when the misconduct constitutes a crime of violence or a non-forcible sex offense.

FERPA allows the University to disclose students' directory information but requires the University to give students an opportunity at the start of each academic year to request that the University not disclose their directory information. Directory information is information such as name, address, telephone number, date of birth, dates of attendance, major field of study, class level, registered credits for the current term, major field of study, honors and awards, degree conferred, participation in sports and recognized activities.