

# 9. Student Rights, Responsibilities and Conduct

## Judicial Affairs Mission

The mission of Fairleigh Dickinson University Judicial Affairs 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, judicial affairs strives to make FDU a positive living and learning environment.

In addition, judicial affairs 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 respect the rights and property of the University and the members of the University community and to take responsibility for his or her actions.

### II. Definitions

When used in this code:

- A. The term "University official" means the administrative officer or faculty member with supervisory authority in the area under discussion and all public safety personnel.
- B. The term "student" includes all persons registered at the University.
- 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 “University community” means faculty, staff, students and guests of the foregoing and invitees of the University.

H. The term “must” is used in the imperative sense.

I. The term “may” is used in the permissive sense.

J. The term “constructive possession” means a person has constructive possession of property if he/she has power to control and intent to control such an item. It exists where one does not have physical custody or possession but is in a position to exercise dominion or control over a thing.

K. The term “actual possession” means a person has actual possession where the thing is in the immediate occupancy and physical control of the party.

L. All other terms have their common usage unless the context dictates otherwise.

### **III. 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.

### **IV. Bill of Rights**

The following rights must 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 must be provided by the University.

C. Students’ privacy rights and rights of quiet enjoyment in the residence hall accommodations shall be respected in conjunction with the University’s rights to maintain order and safety.

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 fair hearing that may include witnesses and the assistance of a person of their choosing. This adviser may not be an attorney (see Code of Student Rights, Responsibilities and Conduct, Article XI, Section K, Item 6).

E. A student charged with a violation of a University regulation may appear before the appropriate judicial officer or Campus Standards Committee unless the charged student admits responsibility and is prepared to accept the sanction(s) imposed by the judicial officer or Campus Standards Committee. If the charged student admits responsibility and wishes to waive the hearing before the Campus Standards Committee, the dean of students or designee may nevertheless seek the committee’s advice or require the Campus Standards Process.

### **V. Student Records**

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

### **VI. 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. Students may exercise their right of peaceful protest 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, group or organization that abuses assigned facilities will be responsible for making restitution for damages, may have limitations imposed on future utilization of space and may be subject to disciplinary action.

E. Guest Speaker Policy: Students, student groups and campus organizations may invite and hear any person 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 four weeks in advance to the Office of Student Life 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 Student Life will then follow one of the following procedures:

- a. The appropriate information will be recorded and approval for the program will be given.
- 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 student life for University signatures. No student under any circumstances is authorized to sign a contract or to represent to a vendor or any other person that he, 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. The sponsoring organization also may be required to cover the cost of security during the presentation of a controversial figure. This will be determined by the Dean of Students Office in conjunction with the Office of Student Life.

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

## VII. 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 recognition that freedom of expression with opportunity for responsible replies is one of the characteristics of higher education in the United States.

C. The Campus Media Board, composed of students, faculty and administrators, is 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.

## VIII. 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, the adviser's name and copies of the constitution and bylaws to the Office of Student Life 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 Office of Student Life and reviewed for conflicts with University policy. Amendments shall be submitted to the University for review.

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 Campus Standards 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: Most SOCIAL FRATERNITIES and SORORITIES are exempt from the provision of "Title IX Regulations prohibiting sex discrimination in higher education." Local fraternities and sororities as well as auxiliary groups (e.g., little sisters or brothers, interest groups) are not permitted.

E. Membership in all University student-related organizations shall be open to any student member of the University who is willing to subscribe to the stated aims and meet the stated criteria and obligations of the organization.

F. Membership lists may be required as a condition of access to student activity funds and University facilities.

G. All organization contractual agreements and/or financial transactions must be approved by the Office of Student Life.

H. Each organization is responsible for the behavior of its members at all times when they are acting under the auspices of the organization. (See Code of Student Rights, Responsibilities and Conduct, Article VIII, Sections C, D and E).

I. Each organization is subject to rules, regulations and/or procedures that are established by the appropriate organizational governing boards.

## **IX. Mediation and Conflict Resolution**

Mediation is a voluntary conflict and dispute resolution method involving a neutral facilitator and the individuals in conflict. The facilitator or mediator assists the individuals in communicating with each other for coming to agreement. Many conflicts can be settled through mediation rather than through charges of violations of the code and a disciplinary hearing. Students who want help to resolve a conflict or dispute and who wish to avoid escalation of the conflict are strongly encouraged to contact the Dean of Students Office, the Student Counseling and Psychological Services or the Office of Residence Life for assistance. Should the University believe mediation is not appropriate or beneficial, a disciplinary hearing may be pursued by the Dean of Students Office.

## **X. Violation of University Standards**

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 of any criminal statute of the state of New Jersey that occurs on or off campus, as well as the violation of any federal state and municipal laws and ordinances, which directly affects the University community are subject to institutional 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.

### **Level I**

The alleged behavior of the student threatens or has threatened him/herself or other members of the University community or their property. Level I cases included incidents involving assault, threat, weapons, illegal drugs or the violation of criminal statutes on or off campus.

- A. Assault or attempted assault, which may include sexual assault, hazing or physical abuse or injury of any individual.
- B. Threat, verbal assault or abuse or physical obstruction of any individual. This includes verbal or physical disruption or obstruction of teaching, research or disciplinary proceedings of any individual, office or authorized University activity.
- C. Theft, attempted theft, robbery, bribery, extortion, misappropriation of funds or property and/or possession of stolen property.
- D. Intentional damage, grossly negligent damage or vandalism.
- E. Enabling of or actual illegal use, possession, illegal distribution, transfer or sale of narcotics, hallucinogenic agents, other controlled or dangerous substances and drug paraphernalia on or off campus.
- F. 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).
- G. Verbal assault or abuse to, interference with or noncompliance to campus public safety officer(s) or other University officer(s) while they are acting in performance of their duties on University premises.
- H. Stalking of any type or form, (i.e. text messaging, Facebook, cyber-stalking, 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.

I. Tampering with fire safety equipment.

J. Arson, purposely starting a fire or causing an explosion.

K. 1) Underage purchase, possession, consumption or distribution of alcohol; 2) the providing of alcohol to underage individuals and/or the enabling or encouraging of underage individuals to purchase, possess, consume or distribute alcohol; 3) violation of the alcoholic beverages policy; 4) and/or public intoxication.

### **Level II**

The alleged behavior of the student infringes on the rights of others and/or negatively affects the University in pursuit of its educational objectives.

L. Inducing, coercing or assisting another to do any act that could subject a student to charges of violation of University standards.

M. Forgery, alteration, unauthorized use or misuse of any official University document (e.g. work-study vouchers, student IDs, registration forms, meal cards, keys, computer passcodes, parking passes, etc.).

N. Furnishing false information to the University or University officials.

O. Intentionally ignoring citations issued by the campus public safety officers.

P. Submitting a check from a closed account or not covered by sufficient funds to a campus official or service or intentionally failing to repay monies from emergency student loan funds by the agreed upon deadline.

Q. 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.

R. Any activity in which the person engages in any form of gambling or bookmaking.

### **Level III**

The alleged behavior of the student is in violation of University standards to a lesser degree than Level II, but are nonetheless taken seriously by the University community.

S. Possessing or exhibiting false identification and/or furnishing false information to the University or University officials.

T. Failure to produce an appropriate form of identification upon the request of a University official. (e.g., valid FDU identification card, state-issued identification and/or driver license).

U. Unauthorized use of educational materials, records and property, which includes mutilation, defacing and/or failure to return such property.

V. Harassment or insult of a member of the University community.

W. Creating or allowing a noise level that interferes with the academic process disrupts the campus community or infringes on the rights of others.

X. The violation of University policies or regulations by the (authorized or unauthorized) guest of a student.

Y. Any unspecified behavior that violates any other University regulation or policy and any action that endangers or tends to endanger the safety, health or life of any person is considered to be a violation of the CODE OF CONDUCT.

## **XI. The Hearing Process**

If a student accepts responsibility, the sanction, depending on student choice, may be determined by having the Campus Standards Committee hear the case or having the case reviewed by the judicial officer.

If a student does not accept responsibility, the student may choose to have the case heard by the Campus Standards Committee, which makes resolution on the matter being considered. Or, the student may re-

quest to have the judicial officer hear the case, make a decision about the matter and determine appropriate action.

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

#### **A. Jurisdiction:**

1. The Dean of Students Office has the sole responsibility and jurisdiction for campus discipline in nonacademic matters.
2. During the fall of each academic year, the dean of students will appoint a campus judicial officer who is responsible to adjudicate violations of the student code outside the residence halls and a residence hall judicial officer who is responsible to adjudicate violations of the student code within the residence halls.
3. 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.
4. The dean of students or his/her designee reserves the right to refer any case to the Campus Standards Committee.
5. The Campus Standards Committee is the principal hearing body assigned jurisdiction by the dean of students 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, the dean of students will establish a Campus Standards Committee. The Dean of Students Office is responsible for recruiting an adequate representation for each of the constituencies of the committee.
  - b. During periods when the Campus Standards Committee is not convening — early or late semester or summer — the dean of students or the dean's designee will hear cases.
  - c. The Campus Standards Committee will hear all cases that may result in suspension or dismissal from the University.
6. Special programs such as Wroxton, Fort Monmouth Graduate Extension Center, etc., which by virtue of their structure and program preclude a campus standard process, will have the process waived in lieu of a process determined by the dean/director of the program that will appropriately ensure the rights of the student while effectuating University policy.

#### **B. Complaints, Investigation and Notification of Violations of University Standards**

1. Any member of the University community may file charges of misconduct against a student.
2. Charges must be filed in writing with the Dean of Students Office. Upon receipt, the Dean of Students Office will notify and inform the accused student of the procedure that will be followed.
3. 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.
4. 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.
5. Once the jurisdiction of the case is determined, the assigned judicial officer will review the charges and documentation and make a determination as to whether or not the documentation is sufficient to warrant formal deliberation.
6. If the charges have been determined to have substance, the student may enter a written statement to the Dean of Students Office admitting responsibility or denying it, and may do so with an explanation.

### **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 nonappearance, 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.

### **D. Mediation and Conflict Resolution**

In situations wherein multiple parties are in conflict but the sanction for the alleged violation does not include suspension from the residence halls or suspension or dismissal from the University, the dean of students or the dean's designee can recommend to parties involved that they participate in a conflict resolution and mediation process.

1. The parties involved will be directed to meet with the dean of students or his/her designee for non-residence hall violations and to the director of residence life for residence hall violations for the mediation/conflict resolution conference.
2. If mediation or conflict resolution fails or the case level is more severe, the formal hearing process will be initiated.
3. Any decision made by a professional staff member can be appealed to the dean of students.

### **E. The Judicial Officer**

1. The student charged shall meet with the appropriate judicial 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 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 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.

### **F. 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 Campus Standards Committee sanctions.
  - 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. The outcome of an administrative hearing can be appealed and is heard by the Campus Standards Committee or the dean of students.
  - d. The outcome of a Campus Standards Committee hearing can be appealed and is heard by the dean of students.
  - e. The decision of the dean of students or Campus Standards Committee is final.

## 2. Deferment of Sanction(s):

a. 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' written decision will be available for the student to pick up in the Dean of Students Office within two business days after the student files the letter requesting the deferral. If within the prescribed deadline the student fails to pick up the dean's decision letter granting the deferral, the initial sanction letter is final.

## G. The Campus Standards Committee

### 1. Committee Composition

- a. The committee shall consist of two students, one member of the faculty and one member of the professional staff not from the Division of Student Affairs.
- 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. The case against the student shall be evaluated based on all the evidence and facts presented at the hearing.
- b. 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.
- c. Confidentiality must be maintained, and cases are to be discussed only while the Campus Standards Committee is in session.
- d. 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.
- e. 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.
- f. Upon completion of the presentation, the student must present the defense.
- g. 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. The committee's decision will be based only on the information presented at the hearing.

10. 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.

11. Hearings will be closed. Students may not record the hearing. The Campus Standards Committee members and the dean of students's 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, Article XI, Section K, Item 6). Witnesses may be present and called on an individual basis.

12. 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.

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

14. 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.

15. At the conclusion of the hearing, the Campus Standards Committee shall issue a written report to the judicial officer describing the finding of the facts and the disposition of the case. The Campus Standards Committee will determine the sanctions to be imposed and will forward that information to the judicial officer. The Dean of Students Office has the responsibility to notify the student in writing within five business days of the hearing.

#### **H. The Dean of Students**

1. A decision of the Campus Standards Committee can be appealed to 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 (Article XI, Section F, Item a.) Please be advised: The dean of students has appellate authority to affirm, reverse, remand or modify Campus Standards Committee sanctions.

2. The student charged shall meet with the judicial officers who will discuss the charges against the student, share documentation supporting the charges, provide records of prior hearings and review the student's rights in the process.

3. The judicial 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 officer will then conduct an administrative hearing and determine the sanctions. The decision of the judicial officer can be appealed to the Campus Standards Committee.

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

#### **I. Notification of Sanctions and Student Responsibilities**

1. The defendant will be notified of the outcomes and decisions of all hearings with respect to the case. The student is required to pick up the letter notifying the student of the imposed sanctions at the Dean of Students Office.

2. Failure of the student to pick up the letter does not change the decision or delay the implementation of sanctions listed in the letter.

3. If the student fails to pick up the letter, the letter will be sent via certified mail to the last address on file with the Office of Enrollment Services.
4. In the event that an interim suspension is invoked, the student is responsible for all fees accrued during the period of suspension.
5. The Dean of Students Office will notify appropriate departments as to the details of any changes of the sanctions to the extent it is required to enforce the sanction.

#### **J. Administrative Suspension**

The University, through the Dean of Students Office, reserves the right to suspend any student whose behavior indicates that his/her continued presence constitutes a threat to property, to others or to himself or herself, or who has violated a prior imposed sanction. Should the continued cocurricular activity of a student be deemed deleterious to the basic welfare of the campus community, the student may be suspended immediately. In all such situations, the following shall apply:

1. The student will be notified in writing of the suspension and the reason for the action.
2. The student will be provided an initial determination with the dean of students or the dean's designee prior to the suspension taking effect, unless such a determination is impossible or unreasonably difficult to arrange.
3. The student may be required to undergo a physical or psychological evaluation, the results of which may be used in subsequent determinations.
4. In the event of a violation of a prior imposed sanction, the dean of students must have the authority to continue the sanction or take other appropriate measures, pending the outcome of new deliberations.
5. A hearing will follow an administrative suspension in accord with established procedures.

#### **K. The Rights of the Charged Student**

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.
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 must conduct the hearing in an impartial manner that 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.

## **XII. 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 standards 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.**

### **Sanctions**

The various penalties for established violations are set forth below. If a student is found responsible, sanctions may be imposed by the judicial officer or the Campus Standards Committee. Although remedies may be available through local law-enforcement bodies, the University may choose to independently impose its own sanctions.

The specific sanctions which may be imposed, either individually or in combination, include:

*A. Campus Standards Probation:* Written notice that continuation or repetition of conduct found in violation of campus policy will cause further disciplinary action. The notice of probation will specify a time period and will become part of the student's record that is held in the Dean of Students Office and may be taken into consideration in the event of future disciplinary actions.

*B. Educational Interventions:* Students will be required to attend educational sessions addressing particular issues such as alcohol, substance abuse and safety.

*C. Counseling Interventions/Support:* Should it be deemed necessary, a student will be required to attend mandatory counseling or specific classes offered through Student Counseling and Psychological Services in order to address particular areas of concern.

*D. Social restriction:* The student will be prohibited, for a specified period of time, from attending social functions on or off campus which would include organization functions and/or events (i.e. boat ride, Student Government Association gala, Winter Ball, fashion/comedy shows, intramurals, athletic games) affiliated with FDU or any University-sponsored and/or regulated activity.

*E. Cocurricular restriction:* The student will be prohibited from participation in and attendance at 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. This may be separate from or include any restrictions imposed by the director of student life. With respect to varsity athletics, this may be separate from or include any restrictions imposed by the athletics director.

*F. Campus restriction:* The student will be prohibited from utilizing campus facilities including but not restricted to the library, weight room or any additional recreational facilities for a specified period of time.

G. *Residence Hall Restriction*: The student will be prohibited from living in and/or visiting the residence halls for a specified period of time.

H. *Fines or Monetary Compensation*: A specific fine will be imposed for the violation of policy or for the replacement of property damaged or stolen by the student. The payment of a fine by a student shall in no way limit the right of the University to seek restitution through civil proceedings when appropriate.

I. *Community Compensation*: The student will be assigned tasks that foster community welfare and 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.

J. *Suspension*: Exclusion from participation in all University programs — both academic and cocurricular — for a specified period of time. The individual is considered persona non grata and prohibited from visiting the campus for the duration of the suspension.

K. *Dismissal*: Permanent exclusion from the University.

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 current *course offering booklet*. To avoid additional charges, resident students must return all residence hall and mailbox keys/access cards, laundry cards and student ID cards. Should any business need to be conducted, the student must contact the Department of Public Safety for permission to enter the campus.

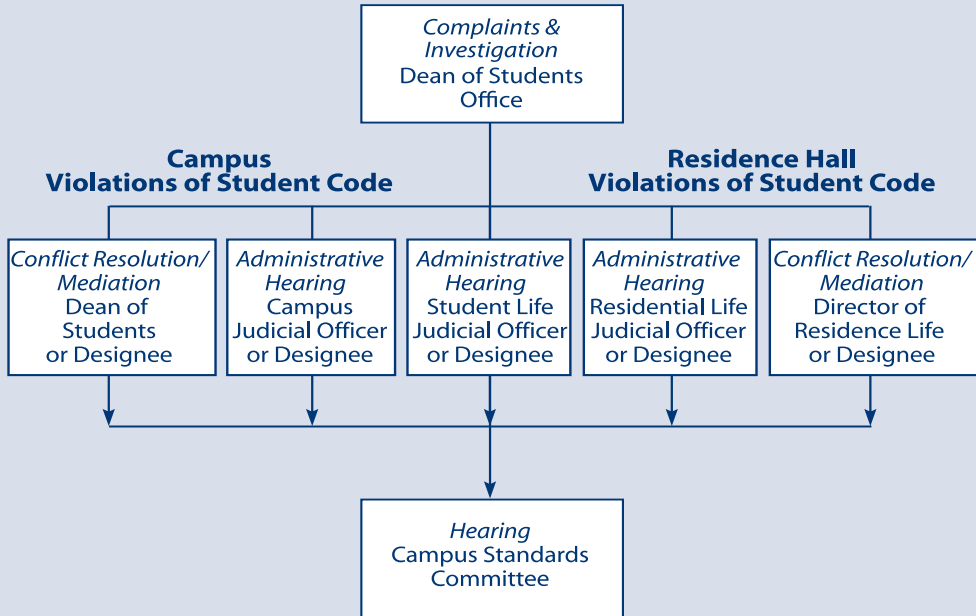
## Violations and Typical Sanctions

The following chart is provided to indicate what typical sanctions might be for individuals found in violation of the Code of Conduct on a first-time offense. The judicial officer and/or the Campus Standards Committee determines which sanction or sanctions are appropriate given institutional precedent, the level of the offense, the intent of the offense, the past record of the individual and the consequences of the violation.

VIOLATIONS	Sanctions:	campus standards probation	educational interventions	counseling	social restriction	co-curricular restriction	campus restriction	residence hall restriction	fines	community restitution	suspension	dismissal
<b>LEVEL 1</b>												
A. Assault, hazing, physical abuse		X	X	X	X	X	X	X			X	X
B. Threat, verbal assault, physical obstruction		X	X		X	X	X	X			X	X
C. Theft, attempted theft, misappropriation of funds		X	X						X	X	X	
D. Intentional damage, vandalism		X					X	X	X	X	X	
E. Enabling, selling or actual use of illegal substances		X	X				X	X			X	X
F. Constructive or actual possession of firearms or other weapons		X									X	X
G. Interference with public safety officers while they are performing their duty		X			X					X		
H. Stalking		X	X	X	X	X	X	X	X	X	X	X
I. Tampering with fire safety equipment		X	X					X			X	
J. Arson		X	X	X				X	X	X	X	
K. Underage purchase, possession or consumption or distribution of alcohol		X	X	X	X			X	X	X		
<b>LEVEL II</b>												
L. Inducing or coercing students to violate campus standards		X			X					X		
M. Forgery or unauthorized use of official documents		X	X						X	X	X	
N. Furnishing false information		X	X		X							
O. Intentionally ignoring citations		X			X	X			X	X		
P. Submitting a check from a closed account or failure to repay funds		X							X	X		
Q. Unauthorized entry/violation of no trespass, persona non-grata		X			X	X	X	X				
R. Gambling or bookmaking		X	X		X	X						
<b>LEVEL III</b>												
S. Possessing false ID		X	X		X							
T. Failure to produce ID		X			X							
U. Unauthorized use of educational materials, including defacing		X							X	X		
V. Harassment or insult to member of the University community		X	X							X		
W. Inappropriate noise levels		X								X		
X. Violation of policy or regulation by the guest of a student		X			X							

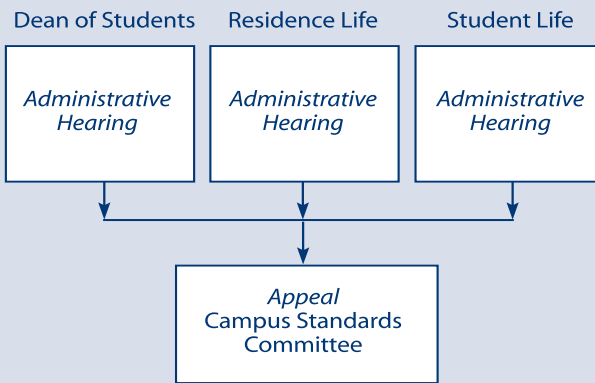
# Disciplinary System, Fairleigh Dickinson University Metropolitan Campus

## Disciplinary System



## Appeals

### Administrative Hearing Appeal



### Campus Standards Hearing Appeal

