

# Student Handbook



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### A. CAMPUS PARKING POLICY

All vehicles parked on campus surface lots must have the appropriate Montclair State University parking permit displayed in their vehicle at all times. There is a choice of hangtags or decals. Hangtags may be removed from one registered vehicle and placed on the rear view mirror of another registered vehicle assigned to the same party only. Decals must be permanently affixed to the inside of the registered vehicle's rear driver side window at all times.

Due to the high demand for parking, campus parking permits are available to upperclassmen only.

Student parking permits are available at the Red Hawk Deck Parking services office on Level 1, where office hours are 8:30 a.m. - 4:30 p.m. Mondays-Fridays, with later hours until 7:00 p.m. on Mondays and Thursdays, during the Academic Year. Your Net ID, vehicle make, model, and license plate number are needed in order to obtain a permit. You can also register for a parking permit online at <https://montclairstate.t2systems.com/cmnl/index.asp>.

Neither freshmen nor sophomores are permitted to park on campus. Parking permits for the NJ TRANSIT Parking Garage at 100 Clove Road are available to freshmen and sophomores at a cost of \$120 a semester for the 2007-2008 academic year on a first come, first served basis. They can be purchased in the fourth floor office of this facility. Shuttle services connect this parking garage and train station to the campus. They run every ten minutes on weekdays and every fifteen minutes overnight and on weekends.

**Handicapped Permits:** People with state-issued handicapped permits must also display an MSU handicapped permit on the rear view mirror of your vehicle. Students with disabilities may be certified for an MSU handicapped permit through the office of Services for Students with Disabilities.

Vehicles may be parked only in lots in which the permit holder is authorized to park; permits must be displayed according to the regulations promulgated by the university. Vehicles must be parked between two white lines in what constitutes an authorized parking space only. Parking is prohibited in all other areas. Parking is not permitted on roadways, in fire lanes, or on lawns, cultivated areas or on or blocking sidewalks and stairways. Failure to observe the regulations may result in the issuance of a summons and/or booting/towing of your vehicle.

Overnight parking in surface lots is not permitted, with the exception of resident students who may park overnight in the lot assigned to them on the basis of their parking permits. Resident student parking permits are issued on a quota basis, first come, first served, during the summer period prior to the start of the new academic year.

**Municipal Summons:** A municipal summons is returnable in the municipal court or the town stated on the summons (Little Falls, Montclair, or Clifton). The stated fine may be mailed to the address noted on the summons. A municipal summons cannot be paid nor appealed on campus.

**Campus Summons:** A campus summons must be paid at the Parking Services office in the Red Hawk Deck, online at <https://montclairstate.t2systems.com/cmnl/index.asp>. A campus summons may be appealed to the Director of Transportation and Parking Services within ten days of the citation. A second challenge to the Parking Committee is permitted within ten days of notification of the original decision pending pre-payment of the citation, which will be refunded should the committee decide in favor of the appellant. Failure to pay fines due to summons will result in booting and towing of vehicles as well as withholding grades, transcripts, and/or diplomas. Finally, accounts with outstanding fines will be

turned over to a collections agency.

Visitors must park in the Red Hawk Deck or metered spaces on campus, which are located in Lots, 7, 17, 27 and 50.

The campus speed limit for all areas is 25 miles per hour. In the Red Hawk Deck the speed limit is 5 miles per hour.

Drivers must observe and obey directions given by University police officers, regulatory traffic signs and traffic aids (this is barricades, painted curbs, roadway markers, and special event restrictions. Failure to observe the above may result in a summons or towing of your vehicle.

For more information, please visit:  
<http://www.montclair.edu/pages/oyo/Parking/index.shtml>

## **B. DRUGS AND ALCOHOL**

### ***Drugs***

Montclair State does not condone the medically unsupervised use, possession, sale, manufacture, or distribution of drugs that are illegal. When such activity occurs on campus, MSU shall initiate appropriate measures, which may include disciplinary action. When such activity occurs off campus, Montclair State nevertheless may consider initiating disciplinary action if the University determines that the activity has a substantial adverse effect upon the University or upon individuals of the University community. In addition, such matters may be reported by the University to the appropriate law enforcement authorities.

All recipients of assistance under the federal Pell Grant program will be required to complete the following statement as part of the award process "I (student name) certify that, as a condition of my Pell Grant, I will not engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance during the period covered by my Pell Grant."

Since involvement with drugs may be associated with medical and psychological problems, students and others with drug problems may be referred to Psychological Services. Students should be aware that Montclair State continually develops and offers programs and courses on drug education and prevention. Individual and group counseling is also available on campus and off-campus at rates determined on a sliding scale, based on ability to pay.

### ***Alcohol***

University policy related to possession and consumption of alcoholic beverages grows out of two principles: (1) the laws of the State of New Jersey must be strictly enforced and (2) any consumption must occur within a social framework wherein beverages are not the focus of the event.

Students and others with alcohol abuse problems should be aware that they may be referred to Psychological Services for referral and/or counseling information. In addition, a series of programs and courses on alcohol are offered by the University. Individual and group counseling is also available on campus and off-campus at rates determined on a sliding scale, based upon ability to pay.

All applicable state and municipal penalties will be imposed by the appropriate municipal county of State court in addition to Municipal and State penalties, there are Montclair State Penalties for offenses committed. The Dean of Students will be notified of all offenses and will initiate action as outlined in the Non-Academic Disciplinary Procedures of the Student Handbook. A copy of the campus guidelines concerning alcohol consumption may be obtained in the Dean of Students Office.

### ***Sale, Possession, Distribution, and Consumption***

In New Jersey the sale of alcoholic beverages is expressly forbidden to individuals under age 21. Furthermore, sale is prohibited under the authority of a license or permit. Sale of alcoholic beverages on the Montclair State University campus will be limited to those of legal age, and further restricted to the Student Center and those college premises eligible for Alcoholic Beverage Commission Special Permits.

Because a majority of Montclair State University students cannot legally consume alcohol, the sale and/or consumption of alcoholic beverages is permitted only in those areas and at those times when special permission has been obtained from the appropriate administrative office on campus.

### ***Residence Halls***

No alcohol will be permitted in any of the residence halls, including residents' rooms and common areas such as lounges and recreation rooms. Residents are held directly responsible for the conduct of their guests.

### ***Clove Road Apartments and The Village at Little Falls***

Alcohol possession and consumption are permitted only in apartments where all residents are of legal drinking age and where there are no guests who are not of legal drinking age and only inside the apartments. No deliveries of alcohol (including kegs) are permitted to the Clove

Road apartment complex.

#### **Summation of State Laws Pertaining to Alcohol**

N.J.S. 33:1-2 makes it unlawful to directly or indirectly sell alcoholic beverages to any person of any age without a license or special permit issued by the New Jersey Alcoholic Beverage Control Commission. Sale is construed to include admission charges, the sale of cups, the sale of tickets, and/or the acceptance of donations.

N.J.S. 2C:33-17 Making any alcoholic beverage available to a person under the legal drinking age, in public or private, without an adult parent or guardian present and consenting, is punishable by a fine of \$1,000 and/or up to six months in jail.

Note: It is NOT A DEFENSE to any of the above charges that the accused believed the person to be of legal drinking age, EVEN if that belief was reasonable. The only available defense is based on the presentation of a photographic identification card or driver license, issued by a state.

N.J.S. 2C:33-15 provides for MINIMUM fine of \$500, suspends or postpones driving privileges for six months and requires participation in an Alcohol Education Program for any person under the legal drinking age to possess, in any public place, any alcoholic beverage, regardless of whether or not the container is sealed.

N.J.S. 39:4-50 provides for a MINIMUM \$200 fine for any operator or passenger in a motor vehicle found to be in possession of any open container of an alcoholic beverage, regardless of his/her age.

N.J.S. 33:1-81 makes it an offense, punishable as outlined below, for:

- 1) a person under the legal drinking age to enter a licensed premise with the intent to purchase or consume alcoholic beverages;
- 2) a person under the legal drinking age to purchase or consume alcoholic beverage on a licensed premise;
- 3) a person of legal drinking age to purchase an alcoholic beverage FOR a person under the legal drinking age;
- 4) a person under the legal drinking age to misrepresent or misstate his/her age in connection with the sale or service of any alcoholic beverage.

A person convicted of a violation of any of these provisions is subject to the following penalties for EACH violation: a MINIMUM fine of \$100 AND a MANDATORY one year loss of driving privilege, AND court ordered participation in an Alcoholic Education Program.

N.J.S. 39:4-50 et. seq. provides for penalties for any person convicted of operating a motor vehicle anywhere within this state, on public or private property, while under the influence of an alcoholic beverage or any drug (including lawful drugs if the operator's ability to safely operate a motor vehicle is impaired thereby).

#### **C. EQUAL OPPORTUNITY, AFFIRMATIVE ACTION, SEXUAL HARASSMENT AND TOLERANCE**

Montclair State University has a long commitment to Equal Opportunity and Affirmative Action and to the creation of a campus environment that encourages tolerance and civility. It is important for all of us to be knowledgeable about the University's policies and to continue our efforts to make significant progress in building an increasingly diverse community. So that every member of our campus community will be familiar with our institutional policies in this regard, please review the [University's Statement on Equal Opportunity and Affirmative Action](#), where you will also find a link to the [New Jersey State Policy on Discrimination](#).

#### **D.FALSE PUBLIC ALARMS POLICY**

Montclair State University will enforce false public alarms laws to the fullest extent. \*Code of Criminal Justice 2C:33-3

a. Except as provided in subsection b., a person is guilty of a crime of the fourth degree if he initiates or circulates a report or warning of impending fire, explosion, bombing, crime, catastrophe or emergency knowing that the report or warning is false or baseless and that it is likely to cause evacuation of a building, place of assembly or facility of public transport, or to cause public inconvenience or alarm. A person is guilty of a crime of the fourth degree if he/she knowingly causes such alarm to be transmitted to or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property.

b. A person is guilty of a crime of the third degree if in addition to the report or warning initiated, circulated or transmitted under subsection a., he/she places or causes to be placed any false or facsimile bomb in a building, place of assembly, or facility or public transport, or in a place likely to cause public inconvenience or alarm.

c. A person is guilty of a crime of the third degree if a violation of subsection a. of this section in fact results in serious bodily injury to another person. A person is guilty of a crime of the second degree if a violation of subsection a. of this section in fact results in death.

d. For the purposes of this section "in fact" means that strict liability is imposed.

## **E. GRADE GRIEVANCE PROCEDURE**

### **A. Goals and Objectives**

1. To insure for every student who feels aggrieved a formal procedure to guarantee due process.
2. To insure equitable treatment for all parties concerned and protect the rights of individuals.
3. To insure academic freedom as well as academic quality.
4. To insure remedy within a reasonable period of time.

### **B. Informal Resolution Procedure**

1. It is the responsibility of any student wishing to pursue an academic grievance involving a faculty member to first discuss the matter privately with the professor involved. In the event that the student is unable to contact the professor within a two-week period, an appointment should be arranged through the departmental secretary for the first time available. The initiation of the student grade grievance must take place within three weeks from the beginning of the next regular (Fall or Spring) semester.
2. Should the meeting fail to accomplish a resolution between the student and the faculty member, the student should arrange a private conference with the faculty member's Chairperson. The Chairperson must notify in writing the faculty member involved that a meeting has been arranged between the Chairperson and the student. Following the conference with the student, the Chairperson must meet privately with the faculty member to discuss the problem and attempt to resolve the conflict.
3. Should the grievance still not be resolved, it must be reported to the Dean of the School. The Dean should attempt to resolve the problem informally, meeting separately or jointly with the individuals involved. The Dean should prepare a written evaluative statement concerning the student-faculty conflict. All concerned parties must receive a copy of the Dean's statement within eight weeks from the beginning of the regular (Fall or Spring) semester.
4. If the conflict is still not resolved, the Dean of the School must notify the Associate Vice President for Academic Affairs in writing of the unresolved grievance and must forward all paperwork to the Associate VPAA within one week of the issuance of the Dean's statement. Both parties to the grievance must be apprised of this action. The Associate VPAA shall decide whether the institution of a formal grievance is warranted. If a formal grievance is deemed warranted, a grievance committee must be convened.

### **C. Formal Resolution Procedure**

#### **1. Grievance Committee**

(a) The Grievance Committee shall be composed of one faculty member from each College/School, appointed by the Dean of that College/School. Each faculty member shall be a voting member of the Committee. A representative from the Office of the Vice President of Academic Affairs will convene the Committee, chair the meetings, but will have no vote. Additionally, a representative from each of the following bodies shall hold non-voting, observer status on the Committee: the Office of the Dean of Students, and a graduate and undergraduate student. The Student Government Association will select an undergraduate student to serve as the representative, and The Graduate School will aid in identifying a graduate student to serve as the student representative. The Grievance Committee must be convened within two weeks after receipt of the paperwork from the Dean of the College/School.

(b) A new committee will be selected each year.

(c) The faculty member involved may appoint one advisor to be present during committee hearings. The aggrieved student may also bring an advisor to the hearings.

(d) If any committee member has a direct personal with any individual(s) involved in a particular case, the committee member must disqualify him/herself from serving on the committee while the case is being heard. If the impartiality of a committee member is questioned, the committee itself must reach a decision as to the continuance of the individual so questioned. If a member is disqualified, another individual from the same constituency shall be appointed to serve in his or her place.

#### **2. Grievance Committee Procedure**

(a) The Grievance Committee will hold hearings in two steps. In the first step the complainant will present the relevant charges and the complainant and the individual charged will present relevant evidence in support of their respective positions and ask questions of the other party. In the second step members of the Grievance Committee only will deliberate leading to a recommendation to be forwarded to the Vice President for Academic Affairs.

(b) In advance of the hearing, the Chair of the Grade Grievance Committee shall notify the grievant, the individual charged with the unfair practice and the members of the committee of the time and place of the hearing, specification(s) of the complaint, composition of the

committee and the right of the individual charged to be accompanied by an advisor. The advisors to the student and faculty member may be present when charges and evidence are presented to the committee.

(c) At any hearing, all parties with the exception of advisors may question witnesses.

(d) All committee hearings shall be confidential; witnesses shall be excluded except for the period of their questioning.

(e) The report and recommendation of the committee shall be in writing, including the committee's rationale for its decision and any dissenting opinion(s). Only those committee members who have heard all testimony and evidence in a given case may vote on a committee's recommendation. Class schedules of students and faculty members must be accommodated when setting committee meetings.

(f) If the committee finds in favor of the student, the committee's report and recommendation shall be forwarded to the Vice President for Academic Affairs of the University after completion of the hearing, and copies shall be provided to all parties of the complaint. If the committee finds in favor of the faculty member and no appeal to the committee's decision is filed within the specified time period, (see 3a below) the committee shall destroy all documents pertaining to that particular case.

### 3. Appeal Process

(a) If any parties to the complaint are not satisfied with the recommendation of the Grievance Committee, they may submit an appeal in writing to the Vice President for Academic Affairs. Such an appeal must be filed within five (5) calendar days after receipt of the recommendation of the Grievance Committee.

(b) Such an appeal to the Vice President for Academic Affairs shall be based upon: a contention that committee procedure may have had a prejudicial effect on the outcome of the report and recommendation; the discovery of new information after the committee hearing which may have an effect on the outcome of the hearing; and the belief that the committee recommendation was unsubstantiated by the evidence and documentation presented.

(c) The Vice President for Academic Affairs of the University shall weigh all evidence and recommendations and render a final written recommendation of the matter after the expiration of the five-day waiting period. All parties to the grievance must receive copies of the Vice President's recommendation.

(d) If the Vice President is in agreement with the committee's findings in favor of the faculty member, the Vice President must destroy all documents pertaining to that case. If, however, the Vice President for Academic Affairs finds in favor of the student, a recommendation for change of grade should be made by the Vice President to the faculty member. A copy of this recommendation should go to the Chairperson of the Department, the Dean of the School, and the Dean of Students. All procedural actions must be completed within the semester they are initiated.

(e) Department Chairs, Deans, Vice Presidents, etc. should not attempt to discuss or resolve any grade grievance unless the above procedure has been faithfully adhered to.

Note: No individual involved in the appeal process should hear, initiate, or attempt to resolve a grade grievance unless the Grade Grievance Procedure, obtainable at Department Chair's offices or at the Office of the Dean of Students, has been properly followed.

## **F. HUMAN RELATIONS STATEMENT ON CAMPUS CLIMATE FOR CIVILITY AND HUMAN DIGNITY**

Montclair State University recognizes its responsibility to foster an atmosphere of respect, understanding and good will among all individuals and groups, with special sensitivity to those most likely to be subjected to disrespect, abuse and misunderstanding because of their race, ethnicity, religion, gender, sexual preference, age, or disabling condition.

The goal is to create an unbiased community where all individuals feel free to express themselves in ways that are appropriate in a multi-ethnic and multi-cultural society, and to pursue their work and study in an atmosphere which values individuality and diversity.

Underlying this statement is a respect for differences of opinion and freedom of speech. We must be diligent, however, to assure that differences do not degenerate into name-calling or insulting of individuals or groups. Such behavior can be destructive of courtesy and civility and endangers the environment needed for engaging in productive dialogue.

Montclair State condemns any behavior which devalues persons and endangers the learning and work environment. Such acts include, but are not limited to, threats or acts of physical violence, verbal abuse, harassment, and discrimination.

Montclair State University encourages employees and students to embrace the principles of this human relations statement and to practice its tenets in every aspect of campus life.

## **G. MONTCLAIR STATE UNIVERSITY GUIDELINES FOR RESPONSIBLE COMPUTING**

### **I. SUMMARY**

The computing resources at Montclair State support the instructional, research, and administrative activities of the University. Examples of these computing resources include, but are not limited to, the central computing facilities, the campus-wide network, local-area networks, electronic mail, access to the Internet, voice mail, departmental networks, the public computing facilities and related services. Users of these services and facilities have access to valuable University resources, to sensitive data and to external networks. Consequently, it is appropriate for all users to behave in a responsible, ethical and legal manner. In general, appropriate use means respecting the rights of other computer users, the integrity of the physical facilities and all pertinent license and contractual agreements.

The regulations described in the "Guidelines for Responsible Computing" apply to all computing systems owned or managed by Montclair State. Individual departments may have additional guidelines regarding computing equipment held in those departments. Interested parties should contact the department chair for more information about computing guidelines in a specific department.

Access to the University's computing facilities is a privilege granted to college students, faculty and staff. Data owners--whether departments, units, faculty, students, or staff--may allow individuals other than MSU faculty, staff and students access to information for which they are responsible, so long as such access does not violate any license or contractual agreement; University policy or guidelines; or any Federal, state, county, or local law or ordinance.

The University vests the responsibility for ensuring the integrity and performance of its computing systems in various system administrators. While respecting the rights of all users, when the integrity of the system is threatened, system administrators are authorized to take those actions necessary to maintain the system and are fully accountable for their actions.

### **II. AUTHORIZED USE**

These guidelines apply to all users of computing resources owned or managed by Montclair State, including but not limited to faculty and visiting faculty, staff, students, guests of the administration, external individuals or organizations and individuals accessing external network services, such as the Internet, via Montclair State's computing facilities.

### **III. RIGHTS, PRIVILEGES and RESPONSIBILITIES**

#### **1. ACCESS TO COMPUTING RESOURCES**

##### *Central timesharing computing facilities*

Faculty, graduate and undergraduate students, and University employees may use the central computing facility for activities related to research, instruction or college administration.

##### *Other computing resources*

Montclair" computing facilities and services--such as the public computing labs, consulting services, and training--are available to members of the University community.

##### *Departmental and School computing resources*

For information on access to departmental and school computing resources, contact the appropriate department chair or Dean.

#### **2. DATA SECURITY AND INTEGRITY**

Users should use all available methods to protect their files, including the frequent changing of passwords, encryption of data where appropriate, and storing back-up copies of information off site. In the event that data have been corrupted as a result of intrusion, a system administrator should be notified immediately. Every reasonable attempt will be made to restore files to their status prior to intrusion. However, full restoration cannot be guaranteed.

Montclair State provides reasonable security against intrusion and damage to files stored on campus computing facilities. The University provides some facilities for archiving and retrieving files specified by users, and for recovering files after accidental loss of data. However, neither Montclair State nor its computing staff can be held accountable for unauthorized access by other users, nor can they guarantee protection against media failure, fire, floods, or other disaster.

Although the University backs up some departmental servers and makes reasonable attempts to protect those servers from intrusion, it does not provide the same level of protection or offer restoration of files

stored on departmental servers or personal computers. Therefore, it is especially important that users back up their files and use all available means to protect their data on departmental systems.

### **3. PRIVACY**

Montclair State participates in a range of computing networks, and many members of the community regularly use these networked computers in their work. Statements in public (i.e., not private) files in this medium are protected by the same laws, policies, and guidelines, and are subject to the same limitations, as communication as in other media. The same holds true for electronic personal files and communications (e.g. e-mail). However, users should exercise caution when committing confidential information to electronic media, because the confidentiality of such material cannot be guaranteed. For example, routine maintenance or system administration of a computer may result in the contents of files and communications being inadvertently seen.

Network and system administrators are expected to treat the contents of electronic files as private and confidential and to respect the privacy of all users. Members of the computing staff are forbidden to log on to a user account or to access a user's files unless the user gives explicit permission (for example, by setting file access privileges).

An exception to these privacy guidelines may be made, however, when a program or individual is suspected of threatening the integrity of the network or other shared services. Examples of such programs include worms or viruses. In such instances, the system administrator will immediately notify either the Assistant Vice President for Information Systems or the Director of Instructional and Research Computing and a decision will be made as to whether the threat requires immediate action. If an immediate response is required, it will be undertaken and careful records will be kept as to the accounts and files examined. Once the threat is removed and system integrity restored, the Director of Instructional and Research Computing or the Assistant Vice President for Information Systems will consult with the appropriate senior officer of the University and a written and an oral report will be forwarded to everyone involved in a timely fashion.

If the instance does not require immediate action but privacy must still be breached, then reasonable attempts will be made to contact the file-owner by telephone and e-mail. If the attempts are not successful of the file-owner refuses permission, the system administrator in conjunction with the Assistant Vice President for Information Systems or the Director of Instructional and Research Computing, after consultation with an appropriate senior officer of the University, is permitted to examine the accounts and file involved. Afterward a written report will be forwarded to everyone involved in a timely manner.

Any inspection of electronic files, and any action based upon such inspection, will be limited to what is necessary to restore the integrity of the system and will be governed by all applicable Federal and New Jersey laws.

### **4. TEMPORARY DENIAL OF SERVICE**

Similar principles and procedures apply to the temporary denial of service. In particular, a system manager cannot deny access to a user without following the due process procedures outlined above. An exception to these procedures may be made for routine maintenance and system administration; however, every effort will be made to perform such activities during off hours. Any extended denial of access can only result from a fair hearing in accordance with College judicial procedures.

### **5. UNIVERSITY RESPONSIBILITY FOR ERRORS IN SOFTWARE, HARDWARE, AND CONSULTING**

Montclair State makes every effort to maintain an error-free hardware and software environment for users and to ensure that computing staff is properly trained. Nevertheless, it is impossible to ensure that hardware or system software errors will not occur or that staff will always give correct advice. Montclair State presents no warranty, either expressly stated or implied, for the services provided. Damages resulting directly and indirectly from the use of these resources are the responsibility of the user.

### **6. CHANGES IN THE COMPUTING ENVIRONMENT**

When significant changes in hardware, software or procedures are planned, the University community will be notified through electronic and other media to ensure that all users have enough time to prepare for the changes and to voice any concerns that they might have.

### **IV. GUIDELINES FOR APPROPRIATE COMPUTING BEHAVIOR**

Those who avail themselves of the campus and network computing resources are required to behave in their use of the technology in a manner consistent with Montclair State's codes of conduct.

The University subscribes to the statement on software and intellectual rights distributed by EDUCOM, the non-profit consortium of colleges and universities committed to the use and management of information technology in higher education, and the Information technology Association of America (ITAA), a computer software and services industry association:

"Respect for intellectual labor and creativity is vital to academic

discourse and enterprise. This principle applies to work of all authors and publishers in all media. It encompasses respect for the right to acknowledgment, right to privacy, and right to determine the form, manner, and terms of publication and distribution."

"Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations, may be grounds for sanctions against members of the academic community."

The following list does not cover every situation, which pertains to proper, or improper, use of computing resources, but it does suggest some of the responsibilities, which you accept if you choose to use a computing resource, or the network access, which the University provides.

1. If you have any computer account, you are responsible for the use made of that account. You should set a password which will protect your account from unauthorized use, and which will not be guessed easily. If you discover that someone has made unauthorized use of your account, you should change the password and report the intrusion. You should change your password on a regular basis, to assure continued security of your account. You should only use a computer account or an ID that belongs to you.
2. You must not intentionally seek information, browse, obtain copies of, or modify files, passwords, or tapes belonging to other people, whether at Montclair State or elsewhere, unless specifically authorized to do so by those individuals. (Note: if an individual has explicitly and intentionally established a public server, or explicitly designated a set of files as being shared public use, others may assume authorization to use that server or those files.)
3. You must not attempt to decrypt or translate encrypted material to which you are not entitled. Nor may you seek to obtain system privileges to which you are not entitled. Attempts to do any of these things will be considered serious transgressions.
4. If you encounter or observe a gap in system or network security, you must report the gap to a system or network administrator. You must refrain from exploiting any such gaps in security.
5. You must refrain from any unauthorized action which deliberately interferes with the operating system or accounting functions of the systems or that is likely to have such effects.
6. You must be sensitive to the public nature of shared facilities, and take care not to display on screens in such locations images, sounds or messages which could create an atmosphere of discomfort or harassment for others. You must also refrain from transmitting to others in any location inappropriate images, sounds or messages which might violate the college statements on harassment.
7. You must avoid the following activities: tying up shared computing resources for excessive game playing or other trivial application; sending frivolous or excessive mail or messages locally or over an affiliated network; or printing excessive copies or documents, files, images or data. You must refrain from using unwarranted or excessive amounts of storage; printing documents or files numerous times because you have not checked thoroughly for all errors and corrections; or deliberately running grossly inefficient programs when you know that efficient ones are available. You must be sensitive to special needs for software and services available in only one location, and cede place to those whose work requires the special items.
8. You must not prevent others from using shared resources by running unattended processes or placing signs on devices to "reserve" them without authorization. Your absence from a public computer or workstation should be very brief. A device unattended for more than ten minutes may be assumed to be available for use, and any process running on that device terminated. You must not lock a workstation or computer that is in a public facility. You must also be sensitive to performance effects of remote login to shared workstations: when there is a conflict, priority for use of the device must go to the person seated at the keyboard rather than to someone logged on remotely.
9. The University presents for your use many programs and data, which have been obtained under contracts or licenses saying that they may be used, but not copied, cross-assembled, or reverse-compiled. You are responsible for determining that programs or data are not restricted in this manner before copying them in any form, or before reverse-assembling or reverse-compiling them in whole or any part. If it is unclear whether you have permission to copy such software or not, assume that you may not do so.
10. Messages, sentiments, and declarations sent as electronic mail or sent as electronic postings must meet the same standards for distribution or display as if they were tangible documents or instruments. You are free to publish your opinions, but they must be clearly and accurately identified as coming from you, or, if you are acting as the authorized agent of a group recognized by the University, as coming from the group you are authorized to represent. Attempts to alter the

"From" line or other attribution of origin in electronic mail, messages, or postings, will be considered transgressions of University rules.

11. If you create, alter, or delete any electronic information contained in, or posted to, any campus computer or affiliated network, it will be considered forgery if it would be considered so on a tangible document or instrument.

12. You must not create or send, or forward, electronic chain letters.

13. You shall not use any Montclair State system as a staging ground to enter other systems without authorization.

14. In general, university-owned hardware, software, manuals, and supplies must remain at campus computing sites. Any exception to the rule requires proper authorization.

#### **V. VIOLATIONS OF THESE GUIDELINES**

Violations of the University Guidelines for Responsible Computing are treated like any other ethical violation as outlined in the Student Handbook, relevant contractual agreements, and applicable faculty and staff handbooks. Violators may also be subject to prosecution under applicable Federal and New Jersey status.

#### **ACKNOWLEDGMENT**

This document contains excerpts and paraphrased sections from similar documents prepared by Brown University, Princeton University, University of Delaware, University of Illinois at Champaign-Urbana, Iowa State University and the Electronic Frontier Foundation. We gratefully acknowledge their contributions.

#### **H. PRIVACY ACT**

**The Family Education Rights and Privacy Act of 1974** (Buckley Amendment) permits the university to release directory information about a student unless the student specifically requests that this information be withheld. Students who do not wish directory information to be released should notify the Office of the Dean of Students within the two weeks of each semester.

#### **I. RESERVING CAMPUS FACILITIES**

##### **Campus Groups**

##### **Student Center Room 400**

Recognized campus groups and/or members of the university community seeking to secure facilities for a program or presentation must adhere to the following procedures:

1. Arrangements to schedule facilities must be made through the Coordinator of Conference Services. Related costs including media services, security, refreshments, etc., will be borne by the sponsoring organization.
2. The Coordinator of Conference Services will work with the representative of the sponsoring organization to assess set-up needs for the activity or program and coordinate the set-up.
3. As appropriate, the Coordinator of Conference Services will advise the sponsoring organization to meet directly with campus police to coordinate security needs and-or with dining services to coordinate food or any other services that need to be addressed.
4. The Director of University Police will review program requests and determine actions necessary to ensure the adequacy of security and appropriateness of location and facility. The Director shall maintain control of security arrangements for all on-campus events. The Director of University police will inform the President and appropriate vice presidents of any event that requires special security arrangements. Communication and coordination with the senior administration will be maintained to ensure that such events occur successfully and safely.

##### **External Groups**

1. External groups seeking to secure use of Montclair State University facilities for programs and/or activities must Contact the Coordinator of Conference Services.
2. Before reserving facilities for the use of an outside group, the Coordinator of Conference Services will determine the following:
  - a. That the desired facilities are available.
  - b. That the intended use of the facilities is consistent with the mission of Montclair State University.
  - c. That the intended use of the facilities will not interfere with the educational and programmatic needs of Montclair State University.
  - d. That security needs have been reviewed by the Director of University Police and that adequate security can be provided. Should the Director of University Police determine additional security is required, the cost will be borne by the sponsoring organization. Under no circumstances will university police delegate responsibility for security to any external organization or its agents.
  - e. That all other requirements and needs have been addressed, e.g., insurance and parking.
3. Upon satisfaction of the requirements listed under item 2, the Coordinator of Conference Services will follow appropriate procedures

for the preparation and issuance of a contract to the organization requesting use of the facilities.

#### **J. SEXUAL ASSAULT POLICY**

Every member of the Montclair State University community has a right to an environment free of coercion and assault. Sexual assault is a crime prohibited by state law. NJSA2C:14-1-2 of the New Jersey Criminal Code defines sexual assault as sexual penetration meaning "vaginal intercourse, cunnilingus, fellatio or anal intercourse between persons or the insertion of a hand, finger or other object in the anus or vagina by either the actor or upon the actor's instruction. The depth of insertion shall not be relevant." Assault occurs when the above actions are performed without the victim's consent or with a victim who is unable to consent. The law is gender neutral recognizing that men and women can be victims or perpetrators of sexual assault.

Sexual assault will not be excused or tolerated at Montclair State University. Existing criminal, civil and disciplinary actions will be enforced. In addition, the University has adopted measures to educate the campus community regarding sexual violence and instituted protocols to assist victims. Special emphasis is placed on the needs, rights and privacy of the victim and the rights of the offender. Montclair State University adheres to federal, state and local requirements for interventions, crime reporting and privacy provisions related to sexual assault.

Montclair State University has a strong commitment to provide a supportive working and learning environment and condemns behaviors that undermine the dignity and safety of members of the University community. Montclair State University condemns sexual violence against all persons and promotes a campus climate that supports fundamental rights, personal and professional integrity and dignity.

The Commission on Higher Education shall appoint an advisory committee of experts which shall develop a "Campus Sexual Assault Victim's Bill of Rights" which affirms support for campus organizations which assist sexual assault victims and provides that the following rights shall be accorded to victims of sexual assaults that occur on the campus of any public or independent institution of higher education in the State and where the victim or alleged perpetrator is a student at the institution or when the victim is a student involved in an off-campus sexual assault.

a. The right to have any allegation of sexual assault treated seriously; the right to be treated with dignity; and the right to be notified of existing medical, counseling, mental health or student services for victims of sexual assault, both on campus and in the community whether or not the crime is reported to campus or civil authorities.

"Campus authorities" as used in this act shall mean any individual or organizations specified in an institution's statement of campus security policy as the individuals or organizations to whom students and employees should report criminal offenses.

b. The right to have any allegation of sexual assault investigated and adjudicated by the appropriate criminal and civil authorities of the jurisdiction in which the crime occurred, and the right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities. The provisions of this subsection shall be in addition to any campus disciplinary proceedings which may take place.

c. The right to be free from pressure from campus personnel to refrain from reporting crimes, or to report crimes as lesser offenses than the victims perceive the crimes to be, or to report crimes if the victim does not wish to do so.

d. The right to be free from any suggestion that victims are responsible for the commission of crimes against them; to be free from any suggestion that victims were contributorily negligent or assumed the risk of being assaulted; to be free from any suggestion that victims should refrain from reporting crimes in order to avoid unwanted personal publicity.

e. The same right to legal assistance, and the right to have other present, in any campus disciplinary proceeding, that the institution permits to the accused; and the right to be notified of the outcome of any disciplinary proceeding against the accused.

f. The right to full, prompt, and victim-sensitive cooperation of campus personnel in obtaining, securing, and maintaining evidence, including a medical examination if it is necessary to preserve evidence of the assault.

g. The right to be informed of, and assisted in exercising, any rights to be confidentially or anonymously tested for sexually transmitted

diseases or human immunodeficiency virus; the right to be informed of, and assisted in exercising, any rights that may be provided by law to compel and disclose the results of testing of sexual assault suspects for communicable diseases.

h. The right to have access to counseling under the same terms and conditions that apply to other students seeking such counseling from appropriate campus counseling services.

i. The right to require campus personnel to take reasonable and necessary action to prevent further unwanted contact of victims with their alleged assailants, including but not limited to, notifying the victim of options for and available assistance in changing academic and living situations after an alleged sexual assault incident if so requested by the victim and if such changes are reasonably available.

#### Important Telephone Numbers

University Police	973-655-5222
Counseling and Psychological Services	973-655-5211
Health Center	973-655-4361
The Women's Center	973-655-5114
Wellness Education	973-655-7397
The Dean of Students Office	973-655-4118

#### Residence Hall Directors:

Blanton	973-655-5212
Bohn	973-655-5266
Clove	973-655-4475
Freeman-Russ	973-655-5332
Stone	973-655-5276
Webster	973-655-5275

### K. SEXUAL HARASSMENT POLICY

#### I. Introduction

Montclair State University is committed to the principles of academic and professional excellence and to fostering a positive learning and working environment for its students and employees. The civil and respectful treatment of one another is a foundation of this principle, and antisocial behavior such as sexual harassment is prohibited and will not be tolerated by the University. On March 2, 1989, the Board of Trustees approved a Resolution Prohibiting Sexual Harassment. This resolution remains in full force and effect (Attachment A).

The University seeks to eliminate sexual harassment through education and by encouraging students to report concerns or complaints. Prompt corrective measures will be taken to stop sexual harassment whenever it occurs. Students or employees who violate the University's policy against sexual harassment are subject to disciplinary measures, up to and including dismissal or termination.

Sexual harassment is a violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., Title IX of the Education Amendments of 1972, and Title VII of the Civil Rights Act of 1964 (as amended in 1991) and Montclair State University's Statement on Equal Opportunity, Affirmative Action, Sexual Harassment and Tolerance. Under certain circumstances, sexual harassment may constitute sexual assault or abuse. The University will fully comply with all relevant civil laws prohibiting sexual harassment and all criminal laws concerning assault.

Any student who believes that she/he has been sexually harassed should follow the University's reporting procedures. Complaints should be filed as soon as possible after the alleged harassment. Late reporting may impede the University's ability to investigate.

Because of the University's obligation to address sexual harassment when it occurs, under certain circumstances the University may exercise its right to initiate an investigation even though the alleged victim is unwilling to pursue a complaint.

Copies of these procedures are available in the Office of the Dean of Students, Equal Opportunity/Affirmative Action Office and Sprague Library.

A. Definition - Sexual harassment, whether between people of different sexes or the same sex, is defined to include:

1. Quid Pro Quo Harassment - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when submission or rejection of

such conduct is made a condition of academic evaluation or the conferral of any benefit. It involves an implicit or explicit threat that if the student does not accede to the sexual demands of someone in authority he or she will suffer adverse consequences.

2. Hostile Environment Harassment - Unwelcome conduct that would not have occurred but for the student's gender, that is severe or pervasive enough to make a reasonable person of the same sex believe that the conditions of the student's education are altered and the academic environment is hostile or abusive. The complained-of conduct need not be sexual in nature to constitute hostile environment sexual harassment.

Although quid pro quo harassment, by definition, requires that the harasser be someone in a position of authority over the student, hostile environment harassment can occur when anyone in the campus community, including a student, harasses another person. An individual's intent or lack of intent to harass is not relevant to the determination of whether harassment occurred.

B. Consensual Relationships - Consensual romantic and sexual relationships between students and faculty or staff are strongly discouraged. No person involved in a romantic or sexual relationship with a student shall have responsibility for evaluating the student's academic performance or for making decisions regarding the student's rights or benefits because of the inherent conflict of interest. Such relationships may become the basis for serious charges of sexual harassment. These relationships may also appear to others as exploitative even if the parties view their relationship as consensual.

C. Confidentiality - Complaints filed with the Affirmative Action Officer will be handled with sensitivity throughout the process. Confidentiality will be maintained to the extent possible.

D. Retaliation - Retaliation against an individual for reporting sexual harassment or for participating in an investigation is prohibited by University policy and state and federal law. Retaliation is a serious violation which may subject the offender to sanctions, regardless of whether or not the sexual harassment complaint has been substantiated.

E. Groundless or Malicious Allegations - It is a violation of these procedures for anyone to knowingly make false accusations of sexual harassment. Failure to prove a claim of sexual harassment, however, is not equivalent to making a false accusation. Sanctions may be imposed for making groundless or malicious accusations of sexual harassment.

## **II. How to File a Complaint of Sexual Harassment**

Alleged acts of sexual harassment should be reported immediately to the Affirmative Action Officer, College Hall. This can be done by filing an informal and/or formal complaint. In the event that a complaint is filed against any person who has primary responsibility for implementing these procedures, the President shall determine the appropriate changes in personnel and shall advise the parties in writing of how the complaint should be processed.

Montclair State University urges students, faculty and staff to report all instances of sexual harassment promptly to the Affirmative Action Officer of the University. Early resolution of complaints can benefit the complainant, the respondent, and the University as a whole. Late reporting may impede a satisfactory resolution or hamper a proper investigation.

Parties have the right to be accompanied by an adviser of their choice at every step of the internal process. An adviser's role is to support and advise the complainant or respondent. Any further participation in the process is at the discretion of the Affirmative Action Officer.

A student who believes that she/he may have been sexually harassed may seek advisement from the Dean of Students or the Women's Center. At their discretion, referrals will be made to the Affirmative Action Officer. Upon a referral, the Affirmative Action Officer may offer an informal conciliation process as an alternative to the formal complaint process.

### **A. Informal Complaints/Conciliation**

The University offers a student an informal conciliation process as an alternative to the formal complaint procedure. The Affirmative Action Officer will attempt to intervene in order to reach a satisfactory resolution between the individuals directly involved. The University, however, cannot pursue disciplinary action against a respondent in the informal process. The informal proceeding requires voluntary agreement of the parties and focuses on conciliation rather than culpability. Early reporting is essential to an effective resolution.

If informal attempts to resolve the complaint are unsuccessful, or if the complainant or the Affirmative Action Officer believes an informal procedure is inappropriate, the formal complaint process can be utilized

at any time. The filing of an informal complaint is not a prerequisite to a formal complaint.

1. If a student wishes to try informal resolution of a complaint, she/he must file an Intent to File Internal Sexual Harassment Complaint For Students (Attachment B). Upon receipt of this notice of intent, an attempt will be made to resolve the complaint by conciliation leading to informal mutual agreement.

2. In order to conciliate an informal complaint, the Affirmative Action Officer may meet with the parties and their respective advisers separately, together, or both. The purpose of the meetings is to clarify issues and resolve the complaint.

3. If conciliation resolves the complaint, a conciliation agreement, stipulating the terms of the resolution, will be signed by the complainant and charged party. Each party will be given a copy of the signed agreement.

4. If the conciliation process is not successful and the student wishes to proceed with a formal complaint, she/he must file a formal written complaint.

#### B. Formal Complaints

If a complainant wishes to invoke a formal administrative action, a formal written complaint must be filed with the Affirmative Action Officer (Attachment C). Students are encouraged to report sexual harassment as soon as possible. Late reporting may impede a proper investigation.

1. The formal written complaint must specify, in detail, the nature of the charge, dates of particular events, names of possible witnesses, respondent's name, remedy requested, and any other relevant information. The complaint must be signed and dated.

2. The Affirmative Action Officer shall acknowledge receipt of the formal written complaint and provide a copy of it to the respondent and the Dean of Students within seven working days. The respondent shall be given the opportunity to respond to the allegations in writing.

3. The Affirmative Action Officer has 45 days from the time the formal complaint is filed in which to complete an investigation. If a longer period is necessary for a thorough investigation, the President may issue reasonable time extensions. Parties will be notified of any extensions.

4. As part of the investigation the Affirmative Action Officer will interview the complainant, the respondent, and other persons believed to have knowledge relevant to the allegations. Throughout the investigation the confidentiality of all participants will be maintained to the extent possible.

5. Upon the conclusion of the investigation of a formal complaint, the Affirmative Action Officer will submit a written investigative report to the President or designee. The President or designee will issue a final determination on the formal complaint to the complainant and respondent.

6. The final decision of the President or designee may include remedial measures, such as a referral to the appropriate University administrative office for disciplinary action. The final decision will include general information regarding rights to appeals.

7. Sanctions for students found to have violated these procedures range from a warning to expulsion and referral to the criminal justice system. Sanctions for employees range from an oral reprimand to removal or de-tenuring and referral to the criminal justice system. Disciplinary action will be in compliance with relevant law and regulations.

C. Record of Complaint and Decision The record of the complaint and final decision shall be retained in a file in the Office of Equal Opportunity/Affirmative Action.

#### III. External Complaint Process

In addition to using the University's internal procedures, a student has the right to file a complaint with federal and state agencies that investigate discrimination charges. An external complaint must be filed directly with the agency. The agencies also should be consulted concerning time deadlines for filing.

For Title IX violations:

Office for Civil Rights  
U.S. Department of Education  
New York Office  
75 Park Place, 14th Floor  
New York, New York 10007-2146

(212) 637-6466

For violations of the New Jersey Law Against Discrimination:  
New Jersey Division of Civil Rights  
Essex County Regional Office  
31 Clinton Street  
Newark, New Jersey 07102  
(973) 648-2700

#### IV. Other Resources

If needed, the following counseling services are available to students:

UNIVERSITY HEALTH CENTER- Blanton Hall, (973) 655-4361,  
counseling and PSYCHOLOGICAL SERVICES (CAPS), (973) 655-5211  
THE WOMEN'S CENTER - Student Center - Room 420, (973) 655-5114

Specific procedures for filing a sexual harassment complaint are available in the Office of the Dean of Students, the Women's Center and the Office of Equal Opportunity and Affirmative Action. If you have any questions or problems related to sexual harassment and want to talk to someone, contact the Dean of Students, (973) 655-4118 or the Women's Center Director, (973) 655-5114. All inquiries will be kept in strict confidence.

#### L. SMOKING POLICY

Montclair State University is subject to NJSA 26:3D-15 through 21 on smoking in public places (health and vital statistics). In compliance with this law, the President approved a revised smoking regulation, which was endorsed by the College Senate on October 7, 1993 upon the recommendation of the ad hoc Smoking Cessation Committee. The regulation prohibits the smoking or carrying of lighted cigars, cigarettes, pipes or any matter or substance that contains tobacco in all indoor spaces on the Montclair State campus, including:

classrooms	storage rooms
conference rooms	gymnasiums
offices	locker rooms
auditoriums	pools
lecture halls	hallways
libraries	stairways
eating areas	elevators
rest rooms	residence halls
campus-owned / chartered / rented / leased vehicles	

The department head or unit manager is responsible for the administration and enforcement of this policy within his or her area. Any member of the campus community may ask an individual to comply with the provisions of this regulation or may file a complaint with University Police, who may issue a summons. Any individual who fails to comply is subject to a fine as determined by the local court where the summons is filed (typically \$25-\$200).

Montclair State University  
Student Development and Campus Life  
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