

# The Student Code of Conduct

## University Regulations and Disciplinary Procedures 2022-2023

When students become members of the William Paterson University community they are expected to abide by the University's rules, regulations, and behavioral standards. These standards are reasonable and are based on the concept of responsible citizenship. The University does not attempt to regulate the lives or activities of students except to assure its ability to accomplish its educational mission and protect the health, safety, and security of members of its community.

By choosing to affiliate with William Paterson University, all student members of the University are expected to uphold the standards of this community. For the purposes of enforcing the Code, students are defined as persons who have accepted an offer of admission and who have a continuing relationship with the University, including taking courses at the University, both full-time and part-time, pursuing undergraduate, graduate, professional studies, or continuing education. Persons who withdraw after allegedly violating the Student Code remain subject to the Code and its disciplinary action until the matter has reached a conclusion regardless if they have a continuing relationship with the University. With the exclusion of traditional winter or summer breaks, any individual who is not registered for classes at the time of a reported violation is viewed as a non-student but is still subject to Persona Non Grata status (see special circumstances).

These procedures have been developed to articulate the University's behavioral standards and to provide a format that ensures procedural fairness to all students. The disciplinary process is intended to be educational. The implementation of disciplinary procedures may vary in formality depending upon the gravity and nature of the alleged offense. In addition, the sanctions applied will fall within a range based upon the

gravity of the particular offense and other situational circumstances including prior conduct history.

It is important to note that the threshold utilized for determining responsibility for alleged violations will be the preponderance of the evidence. This means that the hearing officer or hearing board will weigh all information available about an incident and ask themselves if the violation is more likely than not to have occurred. If the answer is yes (affirmative), then the student(s) and/or recognized student organization(s) will be found responsible for the policy violation.

#### Accommodation Statement:

Reasonable accommodations are available for participants with documented disabilities. To request disability-related accommodations that will facilitate your full participation in the student conduct process, please contact the Accessibility Resource Center at least one week in advance: (973) 720-2853 (voice); or ARC@wpunj.edu (email).

### **Student Code of Conduct**

#### **Students' Rights and Responsibilities**

As a state sponsored institution, William Paterson University affirms all students' constitutionally protected freedoms as outlined in the Bill of Rights. Specifically, we observe the following thresholds:

1. Students and recognized student organizations should be free to examine and discuss all questions of interest to them and to express opinions publicly and privately. They should always be free to support causes in a manner that does not disrupt the regular and essential operations of the University. [For more information regarding this matter, please refer to the Freedom of Expression policy:  
<https://www.wpunj.edu/policies/docs/freedom%20of%20expression%20policy.final.pdf>  
]
2. Students have the right to affiliate with recognized student organizations and engage in activities, provided those activities adhere to normal University policies and do not jeopardize the health, safety, or welfare of members of the University community.
3. It is the responsibility of all students of the University to adhere to the letter and spirit of duly enacted University policies, rules, and regulations. Students and recognized student organizations who violate said policies, rules, and regulations are likely to face disciplinary action.
4. The University shall attempt to handle disciplinary matters as quickly as possible, once aware of these incidents.
5. The University will ensure procedural fairness in all its disciplinary actions.
6. Acts of retaliation (including coercion, intimidation, threats, or any other action deemed so by administrators) against any student making a complaint will not be tolerated. This is meant to prevent the malicious use

of the Student Code of Conduct against another student for the purpose of re-victimization.

## **Institutional Authority to Ensure Fulfillment of the University's Mission**

The authority to discipline students for alleged violations of University policies, rules, and regulations is assigned by the President of the University to the Office of the Vice President for Student Development for implementation by the Vice President or designee. The Vice President for Student Development has assigned oversight of the student conduct process to the Dean of Students. The Director of Student Conduct, reporting to the Dean of Students, administers the student conduct process. The Director of Campus Activities, Service and Leadership or designee, reporting to the Associate Vice President for Student Development, administers the student organization conduct process.

## **Definitions**

**Business day** – A weekday (Monday – Friday) when the University is open and operating.

**Due process** – An established course of conduct and procedure that provides participants in a proceeding with reasonable notice of the matter at issue, reasonable time to offer a statement or response and a reasonable opportunity to do so.

**Fighting words** – Face-to-face personal insults addressed or intended to a specific person, of the sort that are likely to start an immediate fight. This may include some, but is not limited to: gender, racial, or religious insults. Correspondingly this does not include all gender, racial or religiously insensitive or offensive statements, only those likely to incite an immediate fight.

**Harassment** – Intentionally or recklessly engaging in behaviors which are sufficiently severe, pervasive and objectively offensive so as to substantially disrupt University operations or substantially undermine another student's ability to participate in or to receive the benefits, services or opportunities offered by the University.

**Preponderance of the evidence** – The lowest threshold for a finding of responsibility: is a scenario more likely or more probable, more than 50/50 than not to have occurred?

**Procedural fairness** – A process of treating all persons in the same manner and according to the same rules.

Promotion of illegal activity – Actions, behavior and/or communication that causes others to violate Federal, state or municipal laws.

Reasonable person standard – A belief held, knowledge known or action taken or not taken by an ordinary person under similar circumstances.

Reporting Student – The student who has provided the information necessary to issuing an alleged violation.

Responding student – The student who is charged with an alleged violation under the Student Code of Conduct.

Restorative practices – A category of resolution options that offer an opportunity to learn about WPU's community expectations for minor policy violations and correct disruptive behaviors for first time violations without incurring sanctions or a conduct record.

Retaliation - Any act against any individual or group of individuals involved in the report, investigation and/or resolution of an allegation of a policy violation. Retaliation can be committed by any individual or group of individuals. Retaliatory conduct is prohibited regardless of whether it occurs on or off campus, in person, or through social media, e-mail, or other forms of communication.

Substantive disruption of the educational process – Actions, behavior and/or communication that causes obstruction and/or significant interference to the learning, research or teaching environment.

True threat – Actions, behavior and/or communication that endangers or threatens to endanger the health, safety or welfare of another person.

### **Proscribed Conduct**

A student or student organization may be accountable to both the University and civil authorities for acts that violate the law as well as the Student Code of Conduct. Except in extraordinary circumstances, disciplinary action at the University will proceed during the pending criminal proceedings and will not be subject to challenge on the grounds that pending criminal charges involving the same incident have been postponed, dismissed, or reduced. The University reserves the right to apply its own standard and procedure under this policy and to reach its own determination on violations of this code unaffected by the standard, procedure or outcome of any civil or criminal proceedings.

Generally, violations of rules and regulations in the residence halls will be handled by the Office of Residence Life. Alleged policy violations regarding student organizations will be adjudicated by the Office of

Campus Activities, Service and Leadership. However, violations that could result in student suspension or expulsion will be adjudicated through the Office of Student Conduct.

Allegations of sexual misconduct involving only students (rather than students and faculty or staff) will be investigated and adjudicated by the Title IX Coordinator & Discrimination Officer or designee.

Disciplinary action, based on a reasonable person standard, may be taken against students and recognized student organizations for the following violations of University policies, rules, and regulations:

A. The possession, use, sale, distribution, or sharing of any controlled substance (or non-prescriptive drug or prescription not for the user) or drug paraphernalia in violation of federal, state, or municipal laws.

Alcohol and Drug Policy:

<http://ww2.wpunj.edu/police/services/drugalcohol.dot>

<https://www.wpunj.edu/student-conduct/student-handbook/alcohol-and-drug-policy.html>

B. Violation of the University's alcoholic beverage policy and any federal, state, or municipal laws associated with the possession and use of alcohol.

Alcohol and Drug Policy:

<http://ww2.wpunj.edu/police/services/drugalcohol.dot>

<https://www.wpunj.edu/student-conduct/student-handbook/alcohol-and-drug-policy.html>

C. Theft of University or personal property, including the unauthorized use of another student's property and/or valuables, the removal or transfer of University equipment or furniture from one location to another without official authorization, or possession of stolen property.

D. Any attempt to defraud the University or member of the University community.

E. Causing damage to University premises or personal property.

F. Misuse of, or tampering with, any electrical system, wiring, telephone service, fire safety equipment or other security devices, or the violation of University policy pertaining thereto.

G. Unauthorized entry into or use of any University building, space or office.

H. Violation of published rules governing residence halls and /or recognized student organizations.

I. Possession, use, or brandishing a weapon of any kind. The following items are strictly prohibited on campus: firearms of any kind including airsoft guns, BB guns, hunting rifles, paintball guns and actual guns or rifles; fireworks, incendiary devices and other combustible materials; any knife beyond that which would be utilized for food preparation or a pocket knife. Additionally, the use of any item not typically utilized as a weapon in a manner that suggests this intent.

J. Failure or refusal to abide by or comply with directives issued by representatives of the University when they are acting within the scope of their authority.

K. Abuse and/or Bodily Harm

1. Assault and/or physical abuse.
2. Threats, intimidation, harassment or verbal abuse.
3. Bullying, stalking or cyber-bullying.
4. Hazing, including organizing, engaging in, facilitating, or promoting any conduct that places or may place another person in danger of bodily harm or serious psychological distress. Hazing Policy:  
<https://www.wpunj.edu/campus-activities/policies/Hazing%20Policy%20-%20reformatted%208-19-2019.pdf>
5. Disorderly conduct as defined by the laws of the State of New Jersey.
6. Other conduct which threatens or endangers the health or safety of any person.

L. Bias related harassment, intimidation, or bullying which includes any single or series of, gesture[s], written, verbal or physical act[s], or electronic communication[s] that is reasonably perceived as being motivated by an actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, and that a reasonable person should have known will have the effect of:

- Physically or emotionally harming a student, damaging the student's property, or placing a student in reasonable fear of such harm, or
- Insulting or demeaning any student or group of students in such a way as to cause disruption in or interference with the orderly operation of the University, or
- Creating a hostile educational environment for the student by severely and pervasively infringing on the rights of the student and interfering with a student's education or causing physical or emotional harm to the student.

M. Intentionally or recklessly interfering with normal University business or University sponsored activities, including but not limited to: classroom environment, invited speakers, research, studying, University administration, or fire, police and/or emergency services.

N. Intentionally initiating or causing to be initiated any false report, and /or furnishing false information to the University or to a University official verbally or in writing.

O. Forgery, alteration, or unauthorized use of any University documents or instruments of identification.

P. All forms of academic dishonesty, including cheating, fabrication, facilitating academic dishonesty such as purchasing or sale of research papers, and plagiarism. (Students charged with a violation of this section of the Student Code of Conduct will be subject to the procedures outlined in the separate policy on Academic Integrity.)

Academic Integrity Policy: <https://www.wpunj.edu/human-resources/faculty-and-professional-staff-handbook/academic-integrity-policy-for-students.html>

Q. Computer misuse, including but not limited to hardware theft or fraud, duplicating copy protected software, downloading copyrighted material, unauthorized access, subverting restrictions, and plagiarizing class programs. (Specific rules governing the use of computers and computer labs on campus are developed and distributed by the Office of Instruction, Research and Technology. Violations of such rules will be construed as violations of this section of the Student Code of Conduct. Specific rules governing intellectual copyright will be addressed under the Academic Integrity Policy. Specific rules governing audio and video recordings within classrooms will be addressed under the Provost's Classroom Recording Policy.)

Academic Integrity Policy: <https://www.wpunj.edu/human-resources/policies-forms-contracts/handbooks-and-contracts/faculty-and-professional-staff-handbook/academic-integrity-policy-for-students>

Classroom Recording Policy:

<https://www.wpunj.edu/policies/docs/academic/Classroom%20Recording%20Policy%20FD.pdf>

Computer Misuse Policy: <http://www.wpunj.edu/it/policies/index.dot>

R. Unwanted sexual interactions, including verbal and physical acts or threats and/or sexual exploitation.

Allegations of sexual misconduct involving only students (rather than students and faculty or staff) will be investigated and adjudicated by the

Title IX Coordinator & Discrimination Officer or designee. Title IX Grievance for Sexual Harassment Process:

<https://www.wpunj.edu/employment-equity/assets/title-ix-grievance-process-final-08142020.pdf>

S. Violations of local, state, or federal law on University property, or off campus.

T. Abuse of the Student Conduct Process including, but not limited to falsification, distortion or misrepresentation of information before a hearing officer and/ or members of the University Hearing Board; disruption or interference of a University Hearing Board or administrative hearing; attempting to discourage an individual's proper participation in the student conduct process; attempting to influence another person to commit an abuse of the student conduct process.

U. Violation of the University's Tobacco and Smoke Free Campus Policy.

Tobacco and Smoke Free Campus Policy:

<https://www.wpunj.edu/smoke-free/tobacco-and-smoke-free-campus-policy.pdf>

### **Special Circumstances**

#### **ACCESS RESTRICTION PROCEDURE**

If a currently enrolled student commits an on-campus act that results in arrest, creates a public safety issue, or violates the Student Code of Conduct, the Office of Student Conduct reserves the right to restrict or remove that student's access to campus. This decision will be made in consultation with Campus Police regarding the level and duration of restricted access and may also involve input from Academic and Residence Life staff members. Restrictions can be revised as more information becomes available.

A student can be restricted from one or more buildings or areas of campus as well as the entire campus based on the specific circumstances of the incident. The Office of Student Conduct requires that a University Hearing Board be convened to determine the possibility of access reinstatement or separation from the institution.

Communication restrictions (referred to as No Contact Orders) can also be included in these restrictions. When No Contact Orders are issued, they will be applied to every student participant named in the incident. Communication restrictions arising out of Title IX investigations will be issued by the Deputy Title IX Coordinator for Students.

#### **INVOLUNTARY LEAVE OF ABSENCE POLICY**



Those behaviors that may present a serious health or safety threat to others in the community and therefore require immediate action, pending a more formal review of the specific circumstances, may require an interim suspension or involuntary leave of absence. Emergencies referred to in this policy are incidences of extremely disruptive behavior by students that occur on or off campus (for example, written or oral threats which raise concern among other members of the campus community). These incidents can also be medical and/or psychological in nature and/or pose security risks to the William Paterson University community. <http://www.wpunj.edu/student-conduct/student-handbook/involuntary-leave-of-absence-policy.dot>

### **PERSONA NON GRATA PROCEDURE**

If a former student or an unaffiliated person commits an act that results in arrest, creates a public safety issue, or violates the Student Code of Conduct, the Office of Student Conduct reserves the right to restrict or remove that person's access to campus. This decision will be made in consultation with Campus Police regarding the level and duration of restricted access. The minimum length of restriction will be one calendar year. Violations of this restriction will result in an extension of the restriction.

Should this former student or unaffiliated person wish to apply for admission/re-admission to the University at a later date, the Office of Student Conduct will require a face to face meeting to review the incident that resulted in the restriction after the completion of the restricted period and before the admission/ re-admission process. This face to face meeting will provide an opportunity for the former student or unaffiliated person to address the incident that led to the restriction. At the conclusion of this meeting, the Director of Student Conduct or designee will release the hold or refer the case to the University Hearing Board.

### **Due Process**

Due process entitles an individual to notice and an opportunity to be heard. The University ensures that the fundamental requirements of due process in all disciplinary matters will be implemented. These requirements are:

1. Students will be notified of alleged policy violations via their William Paterson University email account within a reasonable time period, once the incident report has been received by the Office of Student Conduct.
2. Notification will be provided via the responding student's William Paterson University email address of the date, time, and place of the hearing at least five (5) business days in advance of an administrative hearing with a single hearing officer. In cases requiring the University Hearing Board to

- convene, the responding student will receive a minimum of seven (7) business days' notice.
3. The opportunity to present information and eye-witnesses.
  4. The opportunity to choose any one person as an advisor throughout the conduct process.
  5. Written notification of findings and sanctions imposed.
  6. Written notification of an appeal process, if applicable.

### **Confidentiality and Privacy within the Student Conduct Process**

All of the documents and information gathered as part of the student conduct process are confidential and can only be shared with the student(s) and designated University officials. If the student(s) involved wishes others (a parent or lawyer serving as advisor) to have access to this information, the student(s) must provide written authorization via the University FERPA (Federal Educational Rights and Privacy Act) Release Form. The FERPA Release Form can be completed or updated via the Student tab in WPCconnect.

All documents and information gathered during the student organization conduct process will remain confidential. FERPA does not apply in these instances; however, there are times when campus organizations (such as Student Government Association and/or Greek Senate) may be informed of relevant conduct outcomes.

### **Disciplinary Procedures for Student Conduct Hearings**

Allegations of policy violations may be brought by any member of the University community or by the University itself. When allegations are brought against a student or recognized student organization for violation of University policies, rules or regulations, the following procedures will be in effect:

1. Alleged violations involving individual students must be formally submitted in writing (by email or via the incident report form) to the Director of Student Conduct.
2. Alleged violations related to incidents that occur in residence halls must be submitted to the Office of Residence Life.
3. Alleged violations related to recognized student organizations must be submitted to the Department of Campus Activities, Service and Leadership. Allegations that are deemed serious and/or may have a significant impact on the overall community may result in the immediate suspension of the recognized student organization and the ceasing of all activities while an investigation is conducted.
4. Any alleged violation should be filed as soon as possible after an incident takes place, preferably within five business days. It is possible that allegations arising from multiple events can be addressed with a single hearing.

5. When the allegations of a given case are deemed serious, and/or may have a significant impact on the overall campus community, the Director of Student Conduct reserves the right to convene the University Hearing Board to address the issue. Cases that are serious enough to warrant suspension or expulsion are required to be heard by the University Hearing Board. In some cases, a student may be interim suspended from the residence halls and/or the University, pending an investigation and/or hearing for final resolution of the charges.
6. Alleged violations that are not deemed serious enough to warrant suspension or expulsion may be handled by a single administrative hearing officer, usually the Director of Student Conduct or designee.

## **Cases Addressed by an Administrative Hearing Officer**

### **(Director of Student Conduct or Designee and Graduate Resident Directors/Area Coordinators)**

Upon receipt of an allegation against a student, the student alleged to have violated the Student Code of Conduct will be sent a letter of notification to their William Paterson University email account. A student who receives an allegation of a violation is called the responding student.

Through the notification letter:

1. The responding student will be apprised of the date and time of the hearing.
2. The responding student will be informed of the specific alleged violation(s).
3. The responding student will be provided with a copy of the information that led to the alleged violation(s). If the information supporting the alleged violation(s) comes from a campus police report involving an arrest, the responding student must request the report from Campus Police. In these cases, the Office of Student Conduct has only received a copy of the arrest summons.
4. The responding student will be notified of the right to bring eye-witnesses to the hearing. An eye-witness is someone who has direct knowledge of the alleged violation(s) but was not charged with any alleged violation(s) for the incident in question.
5. The responding student will be notified of the right to bring one advisor to the hearing. The advisor may counsel the responding student on what information to present or offer advice on the inclusion of additional relevant information. The advisor is not permitted to: advocate on behalf of the student, address the hearing officer, question the eyewitnesses or request a schedule change. An advisor who interferes in the hearing process will be removed from the hearing.
6. The responding student will be informed that failure to attend the hearing without prior notification automatically waives their right to participate in

the hearing process. The hearing will proceed without the input of the responding student.

7. The responding student will be informed of the process and timeline for requesting a rescheduled hearing.

Upon completion of an investigation and after all hearings have been conducted, the responding student will receive a letter via their William Paterson University email account to notify them of the outcome. If the responding student is found responsible for a violation of the Student Code of Conduct, that responding student's cumulative conduct history - as well as the sanctions assessed to other students found responsible for similar policy violations in similar cases - will be considered when determining sanctions.

### **The Appeal Process for Cases Addressed by an Administrative Hearing Officer**

#### **(Director of Student Conduct or Designee and Graduate Resident Directors/Area Coordinators)**

The appeal process can only be implemented in cases where the outcome has resulted in Loss of Campus Housing. The responding student has five (5) business days from the date they are informed of the outcome to file a written appeal to the Dean of Students. The written appeal must be received by 11:59pm on the fifth business day citing one or more of the following grounds for appeal:

1. Sanctions that seem disproportionate to the policy violation(s).
2. Procedural error of the conduct process described in this document.
3. New information that was not known to the Hearing Officer at the time of deliberation. Please be advised that a student's failure to attend a hearing or provide information during a hearing does not constitute grounds for appeal on the basis of new information.

The Dean of Students will review the appeal exclusively on these grounds and respond in writing within ten (10) business days of receipt of appeal.

Note: Appeals are not intended to be full re-hearings of the complaint. Appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal.

### **Cases Involving Recognized Student Organizations**

#### **(Director of Campus Activities, Service and Leadership or Designee)**

Upon receipt of an allegation against a recognized student organization, the student organization members alleged to have violated the Student

Code of Conduct and/ or other university policies and procedures will be sent a letter of notification to their William Paterson University email account. The student organization members who receive an allegation of a violation are called the responding student organization members. The recognized student organization's on and off campus advisor(s) and/or coaches, Campus Activities, Service and Leadership staff, and Student Government Association executive officers (as appropriate) may be included in all correspondence. In addition, individual student organization members may also be referred to the Director of Student Conduct for alleged violations to the Student Code of Conduct.

Through the notification letter:

1. The responding student organization members will be contacted by the Director of Campus Activities, Service and Leadership or designee to be informed of the specific alleged violation(s).
2. The responding student organization members will be instructed to set-up an appointment at least five (5) business days from the date in which the letter is sent, with the Campus Activities, Service and Leadership staff designated to conduct the investigation of the alleged violations.
3. The designated Campus Activities, Service and Leadership staff who will be conducting the investigation may schedule individual and/or group meetings with members of the organization to gather information about the incident and/or violation.
4. After the investigation has been completed, the responding student organization members will be apprised of the date and time of the hearing by receiving written notification through their William Paterson University email. The hearing will be conducted by the Director of Campus Activities, Service and Leadership and/or designee no less than five (5) business days from receipt of the notification, unless the hearing is requested in writing to be held earlier by the student organization.
5. The responding student organization members will be provided with a copy of the information that led to the alleged violation(s). If the information supporting the alleged violation(s) comes from a campus police report involving an arrest, the responding student organization members must request the report from Campus Police. In these cases, the Office of Student Conduct and/or the Office of Campus Activities, Service and Leadership have only received a copy of the arrest summons.
6. The responding student organization members will be notified of the right to bring eye-witnesses to the hearing. An eye-witness is someone who has direct knowledge of the alleged violation(s) but was not charged with any alleged violation(s) for the incident in question.
7. The responding student organization members will be notified of the right to bring one advisor to the hearing. The advisor may counsel the responding student organization members on what information to present or offer advice on the inclusion of additional relevant information. The advisor is not permitted to: advocate on behalf of the student organization members, address the hearing officer, question the eyewitnesses or

request a schedule change. An advisor who interferes in the hearing process will be removed from the hearing.

8. The responding student organization members will be informed that failure to attend the hearing without prior notification automatically waives their right to participate in the hearing process. The hearing will proceed without the input of the responding student organization members.
9. The responding student organization members will be informed of the process and timeline for requesting a rescheduled hearing.

Upon completion of an investigation and after all hearings have been conducted, the responding student organization members, Campus Activities, Service and Leadership staff, Student Organization Advisors and Student Government Association executive board members (if applicable) will receive a letter to notify them of the outcome. If the responding student organization is found responsible for a violation of the Student Code of Conduct, University and /or Campus Activities, Service and Leadership policies and procedures, that responding student organization's cumulative conduct history - as well as the sanctions assessed to other student organizations found responsible for similar policy violations in similar cases - will be considered when determining sanctions.

## **The Appeal Process for Cases Involving Recognized Student Organizations**

### **(Director of Campus Activities, Service and Leadership or Designee)**

The appeal process can only be implemented in cases where the outcome has resulted in the suspension and/or expulsion of a recognized student organization. The responding student organization members have five (5) business days from the date in which they were informed of the outcome to file a written appeal to the Associate Vice President of Student Development. The written appeal must be received by 11:59pm on the fifth business day citing one or more of the following grounds for appeal:

1. Sanctions that seem disproportionate to the policy violation(s).
2. Procedural error of the conduct process described in this document.
3. New information that was not known to the Hearing Officer at the time of deliberation. Please be advised that a student organization member's failure to attend a hearing or provide information during the investigative process or at a hearing does not constitute grounds for appeal on the basis of new information.

The Associate Vice President will review the appeal exclusively on these grounds and respond in writing within ten (10) business days of receipt of appeal.

Note: Appeals are not intended to be full re-hearings of the complaint. Appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal.

### **Cases Addressed by the University Hearing Board**

Upon receipt of a violation serious enough to be brought before the University Hearing Board, the Director of Student Conduct or designee will direct, in writing, the responding student or responding student organization member(s) to appear at a specified time and place to attend a pre-hearing meeting. Prior to this meeting, the responding student will receive written details of alleged violation(s) of the Student Code of Conduct. If the information supporting the alleged violation(s) comes from a campus police report involving an arrest, the responding student may request the report from Campus Police. In these cases, the Office of Student Conduct has only received a redacted copy of the police report.

If the information supporting the alleged violation(s) comes from Campus Activities, Service & Leadership, all members of the student organization's executive board will receive a non-redacted copy of the investigation report.

1. At the pre-hearing meeting, the responding student is informed of the opportunity to provide additional information that may be presented to the University Hearing Board for review during the hearing. This meeting also provides the responding student with an opportunity to ask any questions they may have regarding the student conduct process and possible outcomes.

If the incident involves a reporting student, that student will also receive, in writing, a request to meet with the Director of Student Conduct or designee for a pre-hearing meeting. Please note that these meetings are individual in nature, meaning that the reporting student and responding student will have separate meetings.

2. During and after the pre-hearing meeting(s), the responding student, and the reporting student (if applicable), will be provided written notification of the following information:
3. the time, date and location of the hearing
4. specific charges against the student
5. the right to have eye-witnesses present; students must provide notice to the Director of Student Conduct, the intention to bring an eye-witness at least 72 hours prior to the time of the hearing.
6. the right to have an advisor present
7. the right to present information
8. the name and title of the hearing officer

9. the name of the complainant to the extent consistent with University policy and the law
10. a handout which describes the conduct process
11. The hearing conducted by the University Hearing Board is closed except to those individuals directly involved in the alleged policy violation and campus departmental representatives deemed necessary by the Director of Student Conduct.
12. Both the reporting student and the responding student have the right to be assisted by one advisor of their choice. The advisor may assist the student in the preparation of their information; the advisor may help provide support to the student. However, the advisor is neither permitted to advocate on behalf of the student, question eye-witnesses, directly address the hearing officer or members of the University Hearing Board, nor request a schedule change. An advisor who interferes in the hearing process will be removed from the hearing.
13. The Office of Student Conduct will record and preserve the audio or zoom file for every hearing. Recording is not permitted by any other party. All deliberations of the University Hearing Board are confidential.
14. The University Hearing Board will consist of a non-voting hearing officer and three (3) voting board members.

### **The University Hearing Board's Determination**

The University Hearing Board's determination shall be based on the preponderance of evidence presented regarding the alleged policy violation(s). The question before the University Hearing Board will be whether it is more likely than not that the responding student violated the Student Code of Conduct. The University Hearing Board will make the final determination of whether a student is held responsible or not responsible for violating the Student Code of Conduct. The Director of Student Conduct, acting on behalf of the University Hearing Board, shall inform the responding student via William Paterson University email of the final outcome of the University Hearing Board, the sanction(s) imposed by the University Hearing Board, and the appeal process, if applicable. The Vice President of Student Development serves as the appeal officer for these cases.

### **The Appeal Process for Cases Addressed by the University Hearing Board**

The appeal process can only be implemented in cases where the outcome has resulted in Loss of Campus Housing, Suspension or Expulsion from the University. The implementation of sanctions involving loss of campus housing or class attendance may be delayed only when the responding student files an appeal regarding loss or suspension of these privileges. These privileges may be reinstated pending the conclusion of the appeal process.



The responding student has five (5) business days from the date they were informed of the University Hearing Board's decision to file a written appeal to the Vice President of Student Development. The written appeal must be received by 11:59pm on the fifth business day citing one or more of the following grounds for appeal:

1. Sanctions that seem disproportionate to the policy violation(s).
2. Procedural error of the conduct process described in this document.
3. New information that was not known to the Hearing Officer at the time of deliberation. Please be advised that a student's failure to attend a hearing or provide information during a hearing does not constitute grounds for appeal on the basis of new information.

The Vice President will review the appeal exclusively on these grounds and respond in writing within ten (10) business days of receipt of the appeal.

The original finding and sanction(s) will stand if the appeal is not timely or is not based on the grounds listed above, and such a finding and sanction(s) are final.

Note: Appeals are not intended to be full re-hearings of the complaint. Appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal.

### **Sanctions for Students**

William Paterson University believes that learning can occur within a variety of experiences and locations. In that spirit, sanctions are often assigned following a finding of responsibility for a policy violation, as an effort to educate students about community expectations and prevent repeated or subsequent violations. In some instances of minor violations, restorative practices may be assigned to encourage/foster the student's community engagement. Repeat violations as well as incidents involving bullying, harassment or hazing; violence or threats of violence; weapons or any endangerment involving community safety measures will not be eligible for resolution via restorative practices alone.

The following sanctions may be assigned for violations of the Student Code of Conduct. All result in written notifications being placed in the student's disciplinary file, either in the Office of Student Conduct or in the Office of Residence Life. These sanctions may be imposed separately or in conjunction with other sanctions. **Please note that a student's cumulative conduct history, as well as the sanctions assessed to other students in similar cases, will be considered for the assignment of sanctions.**

1. *Official Warning* — The student receives notification from the Director of Student Conduct or designee, indicating that a violation of the Student Code of Conduct has occurred and warning that any subsequent violation may be treated more seriously.
2. *Restorative Practices* – The student may be offered an opportunity to learn about WPU’s community expectations for minor policy violations and correct disruptive behaviors for first time violations without incurring sanctions or a conduct record.
3. *Educational Sanctions* — Educational sanctions may be imposed in an effort to promote student learning about a particular topic or policy violation. For example, students may have community service projects or educational workshops assigned.
4. *Restitution* — The student is required to make payment to the University or to other persons, groups, or organizations for damages incurred as a result of violations of the Student Code of Conduct.
5. *Order of No Contact* – The student and their friends and acquaintances may be restricted from having any contact with another member of the University community. This sanction can include but is not limited to the exclusion from any University building or property, communication restrictions involving the University member, whether on University property or not, and placing responsibility on the student and their friends and acquaintances to maintain the communication restriction regarding the designated University member.
6. *Building Restrictions* – The student may lose access privileges into any university building, including one or several residence halls, when the behavior exhibited inside such a location has caused a safety concern.
7. *Campus Life Probation* – A defined period of time whereby any registered student is given an opportunity to modify behavior or risk more severe sanctions. Any subsequent violation of the Student Code of Conduct, while on Campus Life Probation, may result in further disciplinary action.
8. *Disciplinary Probation* — A student on disciplinary probation is no longer in good standing with the University. The student cannot be an officer of recognized student organizations, serve as a representative of the University, or participate in intramural, club, or intercollegiate sports for a period of time. The minimum time is one semester. The maximum time is four semesters. Any violation of the Student Code of Conduct by the student during the time they are on disciplinary probation may result in suspension or expulsion from the University.
9. *Administrative Relocation* – The student can be required to relocate to a new housing assignment during or after the conclusion of the hearing process. This sanction is utilized to ensure the safety and peace of mind of the residential community at the discretion of the Director of Student Conduct or Office of Residence Life. The student is responsible for any charges that may result from relocating from one residence hall to another.
10. *Loss of Campus Housing* – The student may not reside in, visit, or enter any of the residence halls on campus. This includes entrances, foyers, lounges, rooms, hallways and common areas. The student is not entitled to any refund of campus housing and/or meal plan fees after the scheduled refund dates.

11. *Suspension from the University* — The student may not be a registered student, be present on campus, or attend University sponsored events for any reason while suspended from the University. The minimum length of a suspension is one semester; there is no maximum. The student is not entitled to a refund of any tuition or fees after the scheduled refund dates.
12. *Expulsion from the University* — The student may not ever again be a registered student, be present on campus, or attend University sponsored events. The student is not entitled to a refund of any tuition or fees after the scheduled refund dates.

If good cause exists, as determined by the Director of Student Conduct and in consultation with appropriate University officials, any and all of the above sanctions can be imposed on the student on an interim basis pending an investigation, hearing and/or final resolution of any allegations.

### **Sanctions for Recognized Student Organizations**

William Paterson University believes that learning can occur within a variety of experiences and locations. In that spirit, sanctions are often assigned following a finding of responsibility for a policy violation, as an effort to educate students about community expectations and prevent repeated or subsequent violations. In some instances of minor violations, restorative practices may be assigned to encourage/foster the student's community engagement. Repeat violations as well as incidents involving bullying, harassment or hazing; violence or threats of violence; weapons or any endangerment involving community safety measures will not be eligible for resolution via restorative practices alone.

The following sanctions may be assigned for violations of the Student Code of Conduct, University and/or Campus Activities, Service and Leadership policies and procedures. All result in written notifications being placed in the recognized student organization's disciplinary file, in the Office of Campus Activities, Service and Leadership. These sanctions may be imposed separately or in conjunction with other sanctions.

**Please note that a recognized student organization's cumulative conduct history, as well as the sanctions assessed to other recognized student organizations in similar cases, will be considered for the assignment of sanctions.**

1. *Official Warning* — The recognized student organization receives notification from the Director of Campus Activities, Service and Leadership or designee, indicating that a violation of the Student Code of Conduct, University and/or Campus Activities, Service and Leadership policies and procedures has occurred and warning that any subsequent violation may be treated more seriously.

2. *Restorative Practices* – The student organization may be offered an opportunity to learn about WPU’s community expectations for minor policy violations and correct disruptive behaviors for first time violations without incurring sanctions or a conduct record.
3. *Educational Sanctions* – Educational sanctions may be imposed in an effort to promote student learning about a particular topic or policy violation. For example, student organizations may be required to conduct an educational program related to the policy violation and/ or perform community service.
4. *Restitution* – The recognized student organization is required to make payment to the University or to other persons, groups, or organizations for damages incurred as a result of violations of the Student Code of Conduct, University and/or Campus Activities, Service and Leadership policies and procedures.
5. *Loss of Privileges* – The recognized student organization sanction(s) may include revocation of privileges concerning the use of campus facilities for meetings and/or events, office space, etc. Sanctions may also include limiting, denying, cancelling, and/or restricting student organization activities for a single event and/or an extended period of time. The student organization is not entitled to any refund of fees that may have been incurred due to the cancellation of activities.
6. *Campus Activity Probation* – A defined period of time whereby any recognized student organization is given an opportunity to modify the behavior or risk more severe sanctions. Any subsequent violation of the Student Code of Conduct, University and/or Campus Activities, Service and Leadership policies and procedures while on Campus Activity Probation, may result in further disciplinary action.
7. *Suspension*— The recognized student organization may not function on or off campus during the designated suspension period. This includes adding new members, holding meetings, organizing events on and off campus, or any other activity in the name of the student organization. The minimum length of a suspension is one semester; there is no maximum. The student organization is not entitled to any refund of fees that may have been incurred due to the cancellation of activities.
8. *Expulsion* – The student organization may not ever again be recognized by the university, be present on campus, or sponsor any University events. The student organization is not entitled to any refund of fees that may have been incurred due to the cancellation of activities. **Expulsion may also include the revocation of a Greek letter organization’s charter at WPU.**

If good cause exists, as determined by the Director of Campus Activities, Service and Leadership and in consultation with appropriate University officials, any and all of the above sanctions can be imposed on the student organization on an interim basis pending an investigation, hearing and/or final resolution of any allegations.

### **Additional Information**

Please take note of the following:

1. There is no refund of tuition and fees after the scheduled refund dates if withdrawal from courses and/or campus residence occurs due to violations of the Student Code of Conduct. Student Organizations will be held responsible for any expenses incurred from the cancellation of an event (i.e. performer contracts, food service, security, facilities, staffing).
2. Violation of University policies or state or federal law while on campus may result in revocation of privileges concerning the use of campus facilities.
3. Students who choose not to attend the scheduled hearing are not entitled to appeal the hearing outcome based on new information, as the omission of information in the hearing does not constitute grounds for appeal.
4. Additional charges may arise through the conduct process and result in a further administrative hearing or University Hearing Board.

### **Modification of the Code of Conduct**

The Student Code of Conduct may be amended when necessary. If a change is made, all students will be notified through William Paterson University email. Copies of the revised code will be available online and in the Office of Student Conduct.

August 11, 2022

**William Paterson University**

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