

# STUDENT CODE OF CONDUCT

---

2023-2024



MONMOUTH  
UNIVERSITY

## **PREAMBLE**

Monmouth University offers its students the opportunity for maximum intellectual and personal growth by providing a variety of experiences, activities, and services that are designed to complement classroom work and provide opportunities for individual maturation.

The University recognizes and respects the students' personal freedom and assures maximum individual liberty within the limits necessary for the orderly operation of the University. In response, students must observe rules and regulations necessary for the proper functioning of the institution.

Each individual has the right and responsibility to bring to the attention of an administrative or student government official any violations of personal freedom or the regulations of the University.

Disciplinary authority comes from the board of trustees, which delegates this responsibility to the president. The president has authority to accept, reject, or modify procedures and standards that are recommended by the University Discipline Committee and the Office of the Vice President for Student Life.

The Vice President for Student Life has been delegated responsibility for administering student discipline. In those cases involving academic dishonesty, the Senior Vice President for Academic Affairs/Provost shall oversee a separate process described in Article IV, Section A.

## **ARTICLE I: DEFINITIONS**

1. The term "University" means Monmouth University.
2. The term "student" includes all persons taking courses at the University, both full-time and part-time, pursuing undergraduate and graduate studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered students.
3. The term "faculty member" means any person hired by the University to conduct classroom activities.
4. The term "University official" includes any person employed by the University performing assigned administrative and professional responsibilities, including staff, paraprofessionals, and police officers.
5. The term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University including adjacent streets and sidewalks.
6. The term "member of the University community" includes any person who is a student, faculty member, University official, or any other person employed by the University. A person's status in a particular situation shall be determined by the Vice President for Student Life or designee.
7. The term "hearing panel" means any person or persons authorized by the Vice President for Student Life or designee to determine whether a student has violated the Student Code and to recommend imposition of sanctions.

8. The term “hearing officer” means a University official authorized on a case-by-case basis by the Vice President for Student Life or designee to impose a sanction upon students found to have violated the Student Code. The Vice President for Student Life or designee may authorize a hearing officer to serve simultaneously as a hearing officer and the sole member or one of the members of a hearing body. Nothing shall prevent the Vice President for Student Life or designee from authorizing the same hearing officer to impose sanctions in all cases.
9. The term “shall” is used in the imperative sense.
10. The term “may” is used in the permissive sense.
11. The “vice president” is that person designated by the president of the University to be responsible for the administration of the Student Code.
12. The term “policy” is defined as the written regulations of the University as found in, but not limited to, the Student Handbook, the Residential Life Guidebook, and the Undergraduate and Graduate Catalogs.
13. The term “business day” is considered to be Monday through Friday from 9 a.m. to 5 p.m. local time and excludes weekends, public holidays, and University holidays and emergency closings.
14. Cheating: Cheating includes, but is not limited to the following actions:
  - a. Copying from someone else’s test or examination paper.
  - b. Possessing, buying, selling, removing, receiving, or using, at any time or in any manner not prescribed by the instructor, a copy or copies of any materials (in whole or in part) intended to be used as an instrument or academic evaluation in advance of its administration.
  - c. Using material or equipment during a test or other academic evaluation that has not been authorized by the instructor, such as crib notes, calculator, tape recorder, or slide rule.
  - d. Obtaining or attempting to obtain in a fraudulent manner any material relating to a student’s academic work. Such actions would include theft of examinations or library materials, or obtaining advance access to an examination through collusion with a University employee.
  - e. Working with another or others in completing a take-home examination or assignment when the instructor has required independent and unaided action.
  - f. Attempting to influence or change an academic evaluation, grade, or record by unfair means. This would include altering academic work that has been resubmitted without indicating that the work has been altered.
  - g. Permitting another student to substitute for one’s self in an academic evaluation.
  - h. Marking or submitting an examination or evaluative material in a manner designed to deceive the grading system.
  - i. Willfully damaging the academic work or efforts of another student to gain an unfair advantage in an academic evaluation.
  - j. Failing to comply with a specific condition of academic integrity that has clearly been announced in a particular course.
  - k. Submitting, without prior permission, any work by a student that has at anytime been submitted in identical or similar form by that student in fulfillment of any other academic requirement at any institution.

- l. The submission of material in whole or part for academic evaluation that has been prepared by another individual(s) or commercial agency.
- m. Plagiarism:
  - i. Submitting written materials without proper acknowledgment of the source.
  - ii. Deliberate attribution to, or citation of, a source from which the referenced material was not in fact obtained.
  - iii. Submitting data which have been altered or contrived in such a way as to be deliberately misleading.

Please note: Monmouth faculty members have access to Turnitin (turnitin.com) a web-based plagiarism detection resource that compares the text of student papers to an extensive electronic database. All student assignments may be subject to submission for textual similarity review to turnitin.com for the detection of plagiarism. For more information about Turnitin, see the Undergraduate or Graduate Catalog.

## **ARTICLE II: DISCIPLINARY AUTHORITY**

1. The Vice President for Student Life shall determine the composition of hearing panel and shall determine which hearing panel and hearing officer shall be authorized to hear each case.
2. The Vice President for Student Life shall develop policies for the administration of the discipline program and procedural rules for the conduct of hearings that are consistent with provisions of the Student Code of Conduct.
3. Decisions made by a hearing panel or a hearing officer are final, pending the normal appeal process.

## **ARTICLE III: PROSCRIBED CONDUCT**

### **A. Jurisdiction of the University**

Generally, University jurisdiction and discipline shall be limited to conduct that occurs on University premises or which adversely affects the University community and/or the pursuit of its objectives.

In meeting its educational mission, Monmouth University recognizes the importance of establishing and enforcing acceptable community standards of behavior. In doing so, members of the University community should know that they will be held accountable for their off-campus actions and/or behaviors as they relate to established laws and regulations of federal, state, and local agencies, as well as policies of the University.

In this connection, individuals who are members of the University community have a responsibility to represent themselves in a lawful and responsible manner at all times, both on and off campus. It would be unreasonable to suggest that a person committing a wrong act, on or off campus, which violated both the Student Code of Conduct and criminal statutes, could not be punished by all injured parties, e.g., the citizens of the state or local community and the University.

The University reserves the right to exercise its discretion on taking disciplinary action against students of the University or University organizations involved in off-campus activities when the University's reputation or its orderly functioning as an academic community are clearly involved and distinct or to protect the safety and well-being of the campus community.

## **B. Conduct—Rules and Regulations**

Some examples of misconduct for which students or campus organizations are subject to University discipline include, but are not limited to, those listed below. The range of standard sanctions for those found to be in violation of this section are also indicated.

The University reserves the right to exercise discretion in the imposing of sanctions based on the severity of the situation. (See Article IV, Section III for further explanation.)

1. Dishonesty, such as cheating, plagiarism, using unauthorized information, or knowingly furnishing false information to the University. (Sanctions # 1, 3, 9, 10, 11, 12)
2. Forgery, alteration, or use of University documents, records, or instruments of identification with the intent to defraud. (Sanctions # 1, 3, 7, 10, 11, 12)
3. Intentional obstruction, distracting behavior, or disruption of teaching, research, administration, computer resources, disciplinary proceedings, or other University activities, including public service functions and other authorized activities on University premises. (Sanctions # 1, 3, 4, 5, 10, 11, 12)
4. Physical abuse, threats, intimidation, harassment, coercion, and/or other conduct that threatens or endangers the health or safety of any person. (Sanctions # 2, 3, 4, 5, 6, 7, 8, 10, 11, 12)
5. Attempted or actual theft of and/or damage to property of the University or property of a member of the University community or other personal or public property. (Sanctions # 2, 3, 4, 5, 6, 7, 8, 10, 11, 12)
6. Conduct which is lewd, disorderly, or indecent; breach of peace; aiding, abetting, or procuring another person to break the peace on University premises or at functions sponsored, or participated in, by the University. (Sanctions # 1, 3, 4, 5)
7. The use, possession, distribution, or being in the presence of a narcotic or other controlled dangerous substance, and/or paraphernalia except as expressly permitted by law. (Refer to sections on Alcohol and Drugs, in the University Policies section of the student handbook.)
8. The use, possession, distribution, or being in the presence of alcoholic beverages except as expressly permitted by the law and University regulations, or intoxication. (Refer to sections on Alcohol and Drugs, in the University Policies section of the student handbook.)
9. Littering of campus property. (Sanctions # 1, 2, 3, 4)
10. Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so. (Sanctions # 1, 3, 4, 5, 6, 7, 8, 10, 11, 12)
11. Violation of published University rules, policies, or regulations or terms of the Residence Hall Contract. (Sanction # 1)
12. Unauthorized possession, duplication, or use of keys to any University premises or unauthorized entry to or use of University premises. (Sanctions # 1, 3–8, 10, 11)
13. Violation of rules governing University residence halls. (Sanctions 1, 3, 4, 6, 7, 8, 12)
14. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on University premises. (Sanctions # 3–8, 10, 11, 12)

15. Hazing. (Sanctions # 2, 3, 4, 5, 10, 11, 12)
16. Violations of law, or other conduct that directly or indirectly adversely affects the University or members of the University community or affects the reputation of the University. (Sanctions # 1–8, 10, 11, 12)
17. Violation of Monmouth University’s sexual misconduct policy. These violations include, but are not limited to sexual misconduct, sexual assault, non-consensual sexual contact, dating violence, domestic violence, stalking, sexual exploitation, sexual harassment, gender-based harassment, and retaliation. For more information refer to the Monmouth Sexual Misconduct Policy. (Sanctions # 3-8, 10, 11, 12)
18. Abuse of the Student Discipline System, including but not limited to:  
(Sanctions # 1, 3–8, 10, 11, 12)
  - a. Failure to obey the summons of a hearing panel or University official.
  - b. Falsification, distortion, or misrepresentation of information before a hearing panel.
  - c. Institution of a discipline proceeding knowingly without cause.
  - d. Attempting to discourage an individual’s proper participation in, or use of, the discipline system.
  - e. Attempting to influence the impartiality of a member of a hearing panel prior to, and/or during the course of, the discipline proceeding.
  - f. Harassment (verbal or physical) and/or intimidation of a member of a hearing panel prior to, during, and/or after a discipline proceeding.
  - g. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
  - h. Influencing or attempting to influence another person to commit an abuse of the discipline system.
19. Selling or distributing course lecture notes, handouts, or other information provided by a faculty member, or using such items for any commercial purpose without the express permission of the faculty member. (Sanctions #1, 3, 4, 5, 9, 10, 11, 12)
20. Providing or assisting in providing unauthorized access to, distribution of, or alteration of University computer or web-based courses, or parts thereof, for commercial or non-commercial purposes. (Sanctions #1–5, 9–12)
21. The unauthorized downloading of copyrighted materials, including but not limited to, music, television or motion pictures. (Sanctions #1, 3, 5–8, 10–11)
22. Making or attempting to make a photographic, audio, or video recording of any person(s) in bathrooms, showers, bedrooms, or other premises where there is an expectation of privacy involving nudity, states of undress, and/or sexual activity, without the full knowledge and consent of all participants subject to such recordings or the public sharing of such materials. (Sanctions #1, 3, 4–8, 10)
23. Making or attempting to make a photographic, audio or video recording of any person(s) involving nudity, states of undress, and/or sexual activity, without the full knowledge and consent of all participants subject to such recordings or the public sharing of such materials, when such materials refer to or identify the University or are distributed through the University’s information systems network, radio or television broadcast systems, internal mail or message board posting. This paragraph shall not apply to any bonafide project for academic credit nor to the activities of recognized student media organizations so long as such activities comply with the organization’s rules and regulations. (Sanctions #1, 3, 4–8, 10)
24. Violation of the University health and safety policies. (Sanctions 1, 3, 4, 5, 6, 7, 8, 10)

25. Violation of Monmouth University's Title IX sexual harassment policy. These violations include sexual harassment as defined in the policy. For more information refer to Monmouth's Title IX Sexual Harassment Policy (Sanctions # 3-8, 10, 11, 12)
26. A violation of the University's smoking policy and/or tampering with fire safety equipment. This policy prohibits smoking/vaping in all buildings and facilities, including, but not limited to, residence halls, offices, classrooms, laboratories, theaters, gymnasiums, auditoriums and outdoor stadiums and athletic fields. For more information refer to the Smoking Policy in the University Policies section of the Student Handbook. (Sanctions 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12)

### **C. Violation of Law and University Discipline**

1. University disciplinary proceedings may be instituted against a student charged with a violation of law that is also a violation of this Student Code; for example, if both violations result from the same factual situation, without regard to the dependency of civil litigation in court or criminal prosecution. Proceedings under this code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.
2. When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a hearing panel under the Student Code, however, the University may advise off-campus authorities of the existence of the Student Code and how such matters will be handled internally within the University community. The University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of the student violators. Individual students and faculty members acting in their personal capacities remain free to interact with governmental representatives as they deem appropriate.

## **ARTICLE IV: DISCIPLINE POLICIES**

### **I. CHARGES**

#### **A. Who May File**

Any member of the University community, including the University itself, may file charges against any student or organization of the University for misconduct. Rules and regulations for students to observe are located in the Student Handbook, Residential Life Contract, Residential Life Guidebook, and the Undergraduate and Graduate Catalogs. Persons wishing to file any charges based on the Student Code of Conduct must do so through the Dean of Students' Office. Charges shall be prepared in writing and submitted to the Vice President for Student Life in a reasonable period of time, generally considered to be within 15 days of violation. The University reserves the right to extend this deadline, particularly in cases involving criminal prosecution.

#### **B. Academic Dishonesty Charges**

1. If the charge involves academic dishonesty, the following procedures apply:
  - a. The process begins when a faculty member determines that student academic misconduct has occurred. (A definition can be found in section 5.12 of the Faculty Desk Reference. Definitions of cheating and plagiarism are listed in Article I of the Student Code of Conduct, published in the Monmouth University Student handbook. Article III

details proscribed academic conduct, and Article IV details the sanctions that may be imposed.)

- b. A faculty member who discovers academic dishonesty shall have the discretion in determining the appropriate remedy and/or penalty for the academic misconduct in his/her course (i.e., failing grade for the assignment, the assignment category, or the class) consistent with the policies of the University and the department. If the faculty member plans to act on his or her finding of academic misconduct he or she will notify the student in writing with a summary of the faculty member's finding and the student's right to appeal, and make a good faith effort to meet with the student to discuss the finding and allow the student an opportunity to respond. If the student disagrees with the finding, he or she may appeal to the faculty member's department chair in writing within 10 working days of the notification.
  - c. If the student does not appeal the finding to the department chair, the faculty member shall report the misconduct to the Registrar via the Academic Dishonesty e-form within 15 working days of the initial notification to the student. The Registrar will send a receipt to the reporting faculty member, upon receiving the report.
  - d. If the student appeals the faculty member's finding to the faculty member's department chair, the chair will consult with the faculty member, consider the case within 10 working days of the receipt of the written appeal, and notify the student, the faculty member, and the faculty member's dean, in writing, of his or her decision to uphold or reverse the finding.
  - e. After any appeal to the chair has been decided, the chair shall report a finding of misconduct to the Registrar via the Academic Dishonesty e-form. The Registrar will send a receipt to the reporting chair upon receiving the report.
  - f. The Office of the Provost will maintain a record of students who have been reported for academic misconduct. This record will be separate from the students' academic records. When a case of student academic misconduct is reported to the Registrar, the Office of the Provost will open a file on that student, or if the provost's office already has such a file for a student, it will add the current report to the existing file.
  - g. When the Office of the Provost receives a first academic dishonesty report on a student, it shall notify the student in writing that it has opened such a file, and that a subsequent incident of academic misconduct will result in charges against the student by the University Discipline Committee, which may result in the student's suspension or expulsion.
  - h. When the Office of the Provost receives a second academic dishonesty report on the same student, it shall forward the student's file with the multiple reports to the University Discipline Committee, and notify the student in writing that that it has forwarded the file to the committee. This committee will then consider the case of repeated academic misconduct and determine the appropriate sanctions.
  - i. Upon the student's graduation, the contents of the file will be sealed and kept apart from the student's academic record. Any record of student academic misconduct that appears in the student's permanent academic record will be the result of the action of the Discipline Committee.
2. Academic Dishonesty University Discipline Committee Procedures  
The University Disciplinary Committee is empowered to hear academic matters. The University Disciplinary Committee has student and faculty representation and has been established to assist in the judicial process. The University Disciplinary Committee is composed of one student, two members of the faculty, and the Vice President for

Student Life or designee (ex-officio). The student member shall be appointed (with the approval of the SGA President) by the Vice President for Student Life or designee. The student shall be a full-time student in good academic standing and may not be under any disciplinary sanction during the term of his or her appointment. In the event of sickness, conflict of interest, or other circumstances requiring a substitute, the Faculty Council will select alternate faculty members and the Vice President for Student Life or designee will select alternate students.

The University Disciplinary Committee's purpose is not to determine responsibility since responsibility has already been determined by the faculty member (or the Chair, if appealed). The sole responsibility of the University Disciplinary Committee is to determine the sanctions imposed as set forth in Article IV, Section III.

The student has the opportunity to submit a written statement for the University Disciplinary Committee to consider when imposing sanctions. The student shall also be permitted to make an oral statement before deliberations of the University Disciplinary Committee to determine the appropriate sanctions. The Vice President for Student Life or designee shall not sit with the Committee during deliberations.

The University Disciplinary Committee will impose sanctions as listed in Article IV, Section III. In determining sanctions, the University Disciplinary Committee shall consider and review the student's written statement (if provided), the student's oral statement (if provided), and the Academic Dishonesty e-forms for any current and previous incidents of academic dishonesty.

### **C. Non-Academic Disciplinary Charges**

In cases involving non-academic matters, the Dean of Students' Office or Office of Residential Life shall conduct an investigation to determine if the charges have merit. If the charges are found to have merit, the charges shall be presented to the accused student in writing.

### **D. Defense Statements**

Students charged with an alleged violation of the Student Code of Conduct may submit on their behalf statements, records, or any other information, including the reports of witnesses bearing on the charges brought against them. All information should be submitted immediately but no later than ten days after being charged.

### **E. Disciplinary Hearings**

If the Office of Student Life determines that the alleged misconduct requires a hearing, a notice will be sent to the student(s)/organization(s) charged and all other pertinent parties. The notice will specify the date, time, and place of a hearing. Although complainants/respondents may have input into the selection of an appropriate hearing body, the Vice President for Student Life or designee will ultimately determine the appropriate hearing forum. Students will be provided with notice seven business days prior to a hearing.

### **F. Extensions**

The Vice President for Student Life or designee reserves the right to grant extension of stated time periods within Section I.

## **G. Student Conduct Process**

The use of attorneys-at-law is not permitted during the student conduct process. In addition, the Office of the Vice President for Student Life has a policy not to involve parents in any discussions regarding student conduct at the University without the express written permission of the student(s) involved.

## **H. Presentation of Charges**

The Vice President shall designate an employee of Student Life, or other University employee, to present the charges to the appropriate hearing body on behalf of the complainant in all cases where the University is the complainant and in those cases where an individual is the complainant but the Vice President determines, in their sole discretion, that the best interests of the University community necessitate that the individual complainant not be required to present the charges to the hearing body him- or herself. In all other cases, individual complainants shall be responsible for presenting the charges which they have filed to the appropriate hearing body.

## **II. HEARINGS**

The following information on hearing procedures applies to all violations of the Student Code of Conduct with the exception of violations of the Sexual Misconduct Policy and the Title IX Sexual Harassment Policy. For information regarding the hearing procedures for those policies please review those individual policies. The University Disciplinary Committee or Judicial Hearing Panel are empowered to hear student judicial matters.

The University Disciplinary Committee has student and faculty representation and has been established to assist in the judicial process. The University Disciplinary Committee is composed of two students, five members of the faculty, and the Vice President for Student Life or designee (ex-officio). The student members shall be appointed (with the approval of the SGA President) by the Vice President for Student Life. They shall be full-time students in good academic standing and may not be under any disciplinary sanction during the term of their appointment.

A Judicial Hearing Panel or officer may be utilized in lieu of the University Disciplinary Committee. This panel is made up of one member of the administration, one faculty member from the University Disciplinary Committee, and one student designated by the Student Government Association. The Vice President for Student Life or designee reserves the right to substitute a member of the administration for the student member for interim suspension hearings and during semester breaks and holidays when students are not generally present on the campus.

The University Disciplinary Committee or Judicial Hearing Panel may recommend sanctions as listed in Article IV, Section III, to the Vice President for Student Life. Students may also waive their right to a hearing, electing to agree to the violation as charged and accepting a sanction as determined by the Vice President or designee. Students choosing this option must do so in writing.

The Vice President has sole authority and responsibility for determining the appropriate hearing panel.

#### **A. Hearing Notifications**

The notice of the date, time, and place of the hearing will be made in writing to all parties involved in the process not less than five business days before the date of the scheduled hearing.

#### **B. Request for a Judicial Hearing Panel**

A student charged with a violation of the Student Code of Conduct may request in writing, not less than two working days prior to the date of a discipline hearing, a Judicial Hearing Panel in preference to a scheduled committee hearing if the case has been sent by the Vice President for Student Life to the University Disciplinary Committee. A Judicial Hearing Panel may then be granted if hearing officers are available.

#### **C. Statements of Witnesses**

Every effort will be made to obtain names and written statements of witnesses and documentary evidence for both the complainant(s) and student(s)/organization(s) charged. If available, these documents must be submitted to the Vice President at least five days prior to a hearing. The student(s)/organization(s) charged with a violation of the Code may receive, upon request, copies of such statements from the Vice President's office.

The hearing body may preclude the testimony of any witness who does not submit a statement in conformance with this requirement if, in the opinion of the hearing body, allowing such testimony would substantially impair either the complainant's or the charged individual's/organization's ability to effectively present their case. In making this determination, the hearing body shall consider such factors as the reasons why a statement was not filed, the nature of the testimony to be given by the proposed witness, and the extent to which either party may be disadvantaged by not receiving the proposed witness's statement prior to the hearing and other appropriate factors.

#### **D. Control of Hearing Proceedings**

The presiding hearing officer shall exercise control over the manner in which the hearing is conducted to avoid unnecessary lengthy hearings and to prevent harassment or intimidation of witnesses. Anyone who disrupts a hearing or who fails to adhere to hearing guidelines may be excluded from the proceedings and is subject to disciplinary action. (See Article III; Section B; No. 18)

#### **E. Burden of Proof**

The burden of proof shall be on the complainant(s), who must establish that it is more likely true than not true that the alleged violation took place. It should be noted that the issue is not dependent upon the number of witnesses who testify on either side, but rather upon the credibility and weight which is attributed to such testimony.

#### **F. Rules of Procedure and Evidence**

Hearings shall be conducted in such a manner as to do substantial justice, but shall not be unduly restricted to rules of procedure or evidence. Circumstantial and hearsay evidence, as defined in Appendix #1, are admissible in a disciplinary hearing.

#### **G. Confidentiality**

The chairperson shall honor the rules of confidentiality and privilege but shall otherwise admit all matters into evidence which reasonable persons would accept as having value in the conduct of their affairs.

#### **H. Privacy of Hearings**

The hearing shall be conducted in private. People not directly involved in the hearing are excluded from the proceedings. In hearings involving more than one student, individual hearings may be permitted at the discretion of the Vice President.

## **I. Right to Assistance**

The complainant(s) and the accused individual(s) or organization(s) have the right to be assisted at a hearing by an advisor who is a member of the University community. A member of the University community shall include any current member of the faculty, administration, staff, or student body. Under no circumstances may the advisor be an attorney-at-law.

The complainant and/or the accused is responsible for presenting his or her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing before a hearing panel officer.

## **J. Questions During Hearings**

The hearing body may address questions to any party during the proceedings or to any witness called by the parties or by the hearing panel. Complainant(s) and the accused individual(s) or organization(s) may also question witnesses.

## **K. Evidence for Consideration**

Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by a hearing panel officer at the discretion of the chairperson.

## **L. Appearance of Witnesses**

The hearing panel officer may require the presence of witnesses by sending them a letter via certified mail, return receipt requested or via email with a read/received receipt. University students and employees are expected to comply with such requests unless a verified hardship would result.

## **M. Failure to Appear at Hearings**

The failure of individuals or organizations charged with misconduct to appear at a hearing after proper notice will not prevent the hearing from taking place or invalidate the outcome.

## **N. Affirmation of Testimony**

All parties of the hearing, including the complainant(s), accused, and witnesses called, will be asked to affirm that their testimony is truthful and may be subject to charges of perjury, pursuant to Article III, Section B, No. 1, of this code.

## **O. Exclusion During Testimony and Deliberations**

Prospective witnesses, other than the complainant(s) and accused, may be excluded from the hearing during the testimony of other witnesses. Exceptions to this provision would include a witness who is a victim in the matter. Witnesses are not to discuss the case or the proceedings outside the hearing room. Such discussion is a violation of Article III, Section B, No. 18, and may subject the witness to disciplinary sanctions. All parties shall be excluded during board deliberations.

## **P. Recording of Hearings**

A recording of the hearing shall be made. The recording will be under the control of the Vice President for Student Life. A request to review the recording must be made in writing and the recording must be reviewed in the Office of Student Life.

## **Q. Determination of the Hearing Panel**

After the hearing, the hearing panel shall determine (by majority vote if the hearing panel consists of more than one person) whether the student/organization has violated each section of the Student Code which the student/organization is charged with violating.

## **R. Written Report of Proceedings**

The chairperson, on behalf of the hearing panel, shall prepare a written report to the Vice President for Student Life consisting of:

1. A summary of the hearing to include:

- a. a statement of charges.
- b. evidence presented to the board.
2. The decision of the hearing panel.
3. Recommended sanctions.

#### **S. Availability of Hearing Panel Report**

The written record shall be available at the discretion of the Vice President to all parties of the hearing.

#### **T. Notification of Hearing Panel Decision**

The Vice President will notify the complainant and the accused individual/organization of the decision of the hearing panel. The President of the University will also be notified of the decision of the hearing panel in cases involving suspension or expulsion from the residence halls or University.

### **III. SANCTIONS**

#### **A. The following sanctions may be imposed, or imposed but held in abeyance upon certain specified conditions, upon any individual or organization found to have violated the **Student Code of Conduct**:**

1. **Warning**—A verbal or written warning to the student that continuation or repetition of misconduct within a stated period of time may be cause for more severe disciplinary action.
2. **Restitution**—Reimbursement for damages to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.
3. **Education/Work Assignment**—A requirement to participate in a campus educational program or activity or assignment to perform a number of service work hours within a campus department.
4. **Fines**—A monetary fine may be imposed as part of a student's sanction. Fines paid to a local community will be taken into consideration. Fines are payable within a prescribed period of time to the Office of Student Life.
5. **Disciplinary Probation**—May include, but not be limited to, the possible exclusion or restricted participation in privileges or extracurricular University activities for a specified period of time, including the possibility of more severe disciplinary sanctions in the event of further violation of any University regulations during the period of disciplinary probation.
6. **Residence Hall Probation**—A defined period of time whereby a student living in residence is given an opportunity to modify his/her behavior prior to losing the privilege of living on campus. Further violation of the Student Code of Conduct or the terms and conditions of the Residence Hall Contract will result in suspension from residence.
7. **Residence Hall Suspension**—Separation of the student from the residence halls for a defined period of time, after which the student is eligible to return. Students under a residence hall suspension are also banned from all University owned and/or sponsored housing as well as the property and parking lots contiguous to that housing including but not limited to the residential quad.
8. **Residence Hall Expulsion**—Permanent expulsion of the student from the residence halls. Students under a residence hall expulsion are also banned from all University owned and/or sponsored housing as well as the property and parking lots contiguous to that housing including but not limited to the residential quad.

9. Assignment of a Grade—In the event that a student is found in breach of rules governing academic dishonesty, e.g., plagiarism, cheating, etc., an appropriate grade may be assigned by the faculty member for the work in question or for the course.
10. Suspension—Separation of the student from the University for a definite period of time. Students suspended will be excluded from all classes and activities at the University. Students under a suspension are restricted from being on any University premises without advance approval from the Office of Student and Community Services or Residential Life. The conditions of readmission shall be stated in the order of the suspension. This action will be on record in the disciplinary files of the Vice President (unless specifically agreed to in the order of suspension).
11. Expulsion—Permanent separation of the student from the University. This action will be permanently on record in the disciplinary files of the Vice President. Students under an expulsion are restricted from being on any University premises without advance approval from the Office of Student Life or Residential Life.
12. Consultation and/or Assessment—Student may be assigned a consultation and/or assessment with a psychological counselor/therapist.

Please note: Students suspended or expelled for disciplinary reasons will not be entitled to any refund of tuition or fees paid, this includes but is not limited to room and board.

#### **B. Number of Sanctions Per Violation**

More than one of the sanctions listed above may be imposed for any single violation.

#### **C. Sanctions Imposed on Groups/Organizations**

The following sanctions may be imposed upon groups or organizations:

1. Sanctions listed above in Letter A, 1–5.
2. Deactivation—loss of all privileges, including University recognition, for a specified period of time.

#### **D. Interim University or Residence Hall Suspension**

In certain circumstances the Vice President or a designee, may impose a University or residence hall suspension prior to the hearing before a hearing panel.

1. Interim suspension may be imposed only:
  - a. to ensure the safety and well-being of members of the University community or preservation of University property;
  - b. to ensure the student's own physical or emotional safety and well-being;
  - c. if the student poses a definite threat of disruption or interference with the normal operations of the University.
2. During the interim suspension, students shall be denied access to residence halls and/or the campus (including classes), and/or all other University activities or privileges for which the student might otherwise be eligible as the Vice President may deem appropriate. A hearing will be held within five business days of the date of the imposition of the interim suspension to ascertain if the interim suspension should continue until the matter is resolved through the internal disciplinary process. Students suspended on an interim basis will be notified of the date, time, and place of the hearing by the Office of the Vice President for Student Life.

#### **E. Appeals**

1. Except as required to explain the basis of new evidence, an appeal shall be limited to the review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:

- a. The hearing process as described in the code was violated in such a manner that the outcome could have been affected.
  - b. A violation of individual/organization rights as outlined in this document.
  - c. Submission of new evidence sufficient enough to alter a decision, or other relevant facts not brought out in the original hearing because such facts were not known to the person appealing at the time of the original hearing.
  - d. To determine whether the sanction(s) imposed were appropriate for the violation(s) of the Student Code which the student was found to have committed.
2. A decision reached by a hearing panel or a sanction imposed in a non-academic matter may be appealed by the accused individual/organization or complainant. The appeal must be submitted in writing to the Vice President for Student Life or their designee within five business days of the receipt of the finding by the hearing panel.
    - a. The Vice President for Student Life shall review the matter and render a decision on the appeal within 20 business days from receipt of the written appeal.
    - b. The Vice President for Student Life or his/her designee shall make a final decision on the case.
  3. Decisions involving academic dishonesty cases may be appealed as follows:
    - a. The individual who wishes to appeal the decision of a hearing panel must file a written appeal with the Provost/Vice President for Academic Affairs or his/her designee, including a statement on the grounds for appeals within five business days of receipt of written notification of the decision. Upon receipt of this notice, the Vice President for Academic Affairs/Provost or his/her designee will review the decision of the hearing panel and render a decision within 20 business days.
    - b. Following the decision by the Provost/President for Academic Affairs or his/her designee, an appeal can be made to the President within five business days of receipt of the decision from the Provost/Vice President for Academic Affairs or his/her designee. Only a final decision by the Provost/Vice President for Academic Affairs which imposes disciplinary action or dismisses the charges may be appealed to the President. The President or his/her designee will render a decision within 20 business days. Following the President's decision the matter shall be concluded with no further recourse.
  4. All deadlines and timeline requirements as set forth in this Section E "Appeals" of the Code may be extended for good cause. Both the respondent and the complainants will be notified in writing of the delay and provide the date of the new deadline.

**Please note:** For information regarding appeals for cases related to either the Sexual Misconduct Policy or the Title IX Sexual Harassment Policy, please refer to those policies directly.

#### **F. Victim Notification**

The University will, upon written request, disclose to the alleged victim of any crime of violence, or a nonforcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense. If the alleged victim of such a crime or offense is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim. (For information regarding the notification of victims of sexual assault refer to the Sexual Misconduct Policy and Procedures or the

### **G. Letter of No Contact**

A directive to refrain from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, email, electronic, telephone, or third parties.

## **APPENDIX #1**

### Circumstantial and Hearsay Evidence

#### **Circumstantial Evidence**

In certain instances the party making the complaint and the student charged will be unable to present witnesses who can testify based on their own direct knowledge that a certain event has occurred. It is not necessary that an entire case be made by direct evidence. Lacking direct evidence, circumstantial evidence may be used to prove certain facts. Here, circumstances are made known from which the hearing panel, based on their common experience, may infer that other connected facts reasonably follow.

#### **Hearsay Evidence**

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

1. The statement subjects the witness to a liability that a reasonable person would not want to incur.
2. The statement narrates, describes, or explains an event perceived by the witness.
3. The statement is made by a prior witness at the hearing and when so made was admissible.

## **APPENDIX #2**

### What You Need to Know About a Hearing

#### **Complaining Party**

1. You will be asked to submit a complaint in writing to the Vice President for Student Life. This complaint should specify the violation as well as all the facts involved. This statement must also include the names of witnesses involved.
2. You will be expected to appear at the hearing to verbally state what you have written to the hearing panel.
3. Any witnesses to the event should be asked to write a statement and be willing to speak at a hearing. Statements should be submitted to the Vice President at least five days prior to the hearing. These statements may be given to the defendant prior to the hearing.
4. The preponderance of proof is on your shoulders since you are the person making the complaint. It is therefore imperative that you prepare your case thoroughly and be prepared to convince an impartial board that a student misconduct has more than likely occurred.
5. You will be questioned by the hearing panel either after your statement or after witnesses, pro and con, have testified. Members of the hearing panel as well as the

defendant are permitted to question the complainant and witnesses. There may be times when the complainant feels as if he/she is the guilty one due to the extensive questioning. However, the complainant should remember that the outcome can affect the academic and personal life of the person involved and is therefore a very serious matter requiring extensive questioning.

6. You are permitted to question the defendant(s) and any witnesses pro and con.
7. During the hearing, you and the defendant(s) will be present for all testimony.
8. When the hearing panel feels that all testimony and questions have been exhausted, all of those involved will be dismissed from the room.
9. You will be notified of the decision by the Vice President.
10. The appeals process is as stated.
11. The hearing is tape recorded as a transcript of the hearing.
12. The hearing is closed and strictly confidential.
13. You have the right to bring in an advisor from within the University community who is not permitted to speak in the hearing but may advise you during the process.

### **Student Charged**

1. You have been charged with a violation of academic or social conduct at the University. This is a serious situation since it can jeopardize your standing at the University.
2. If you do not appear for the hearing, the hearing may still take place without you based on the evidence that has to be presented.
3. Although you have the right to remain silent both in your meeting with the investigating officer and the hearing panel, it is probably to your benefit to express your side of the situation.
4. Prior to the hearing you may receive, upon request, statements of the complainant(s) and witness(es) who will be speaking concerning your case. You may also receive, upon request, copies of written evidence to be used against you during the hearing.
5. If you have witnesses on your behalf, you should tell them to submit written statements to the Vice President five days prior to the hearing and to be willing to speak at the hearing. Names of witness(es) should be provided immediately upon your being charged.
6. You have the right to bring in an advisor from within the University community who is not permitted to speak in the hearing but may advise you during the process.
7. During the hearing, you and the complainant(s) will be present for all testimony unless you choose not to be present for the hearing. (See #2.)
8. You are permitted to question complainant(s) and any witness(es) pro and con.
9. You will be thoroughly questioned by the hearing panel members as well as the complainant(s).
10. When the hearing panel feels all testimony and questions have been exhausted, all of those involved will be dismissed from the room.
11. You will be notified of the decision by the Vice President.
12. The appeals process is as stated above.
13. The hearing is tape recorded as a transcript of the hearing.
14. The hearing is closed and strictly confidential.

Monmouth University, through the Office of the Vice President for Student Life, reserves the right to change or alter any of the material presented in The Student Handbook and The Student Code of Conduct at any time to ensure the proper conduct of the residential life program and campus life in general. Any such changes or alterations will be

preceded by written notice, and shall become effective one week from the date of distribution of such notice to students. It is the sole responsibility of the student to read and understand all such notices; including all notices regarding closing or check-out procedures. Failure to read and understand such notices shall not absolve any student of the responsibility for complying, or the consequences of failure to comply, with such changes, alterations, or procedures.