

Policy Name: Students Rights, Responsibilities, and Disciplinary Procedures

Approval Authority: RBHS Chancellor

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1. Who Should Read This Policy

All Rutgers University students within Robert Wood Johnson Medical School, School of Health Related Professions, Rutgers School of Dental Medicine, New Jersey Medical School, Graduate School of Biomedical Sciences, School of Public Health, and School of Nursing (former UMDNJ School of Nursing).

2. Related Documents (refer to policies.rutgers.edu for additional information)

- A. Research Misconduct
- B. Student Essential Functions
- C. Family Educational Rights and Privacy Act (<http://compliance.rutgers.edu/ferpa>)
- D. Student Intervention Coordination
- E. Student Involuntary Leave of Absence and Involuntary Withdrawal
- F. Student and Housestaff Ombudspersons
- H. New Jersey Anti-Bullying Bill of Rights (N.J.S.A. 18A:3B-68)

3. The Policy

- A. Student Responsibilities
 - 1. RBHS students in the above stated educational programs have the following responsibilities:
 - a. as U.S. citizens, residents or visitors: the responsibility to be aware of and to abide by all applicable Federal, state and local civil and criminal laws and regulations;
 - b. as students at RBHS: the responsibility to be aware of and to abide by all applicable University and School policies, rules, procedures and standards, both general and academic; and the responsibility for personal and professional integrity and honesty; and

c. as future health care professionals and/or biomedical scientists holding a public trust: the responsibility to adhere to all generally recognized standards of professional and ethical conduct; and the responsibility to help ensure that high standards of professional and ethical conduct are upheld by fellow students, colleagues and peers by reporting incidents of academic and professional dishonesty observed in others.

2. Each School shall have an Honor Code and/or Code of Professional Conduct which sets forth general principles of integrity and honesty as well as ethical and professional expectations for behavior. These may be patterned after codes of behavior promulgated by national professional associations. These codes shall be distributed to students upon enrollment, incorporated into catalogs, student handbooks and/or other appropriate student materials, and discussed with students during their course of study. Students shall be informed at the same time that violations of the Code will be considered with the gravest concern and may be punishable with sanctions as severe as suspension or dismissal. Violations of the Code may be considered a failure to adhere to the academic standards of the School.

B. Student Rights

1. Students on Rutgers campuses have the following rights: the academic freedom to examine and discuss all questions of relevance and to express opinions publicly and privately; the right to be informed of and to participate, when invited, in the formulation and implementation of appropriate policies and procedures affecting student affairs, and to express views about policies and issues of student interest; the right to form associations to promote common interests; the right to be apprised of criteria for academic evaluation, advancement and graduation; all rights and protections mandated by applicable Federal and state constitutions, laws and regulations; and the right to seek redress of grievances and have complaints heard.
2. Each RBHS School shall have and shall publicize policies, procedures and standards ensuring that its students can exercise the above rights.

C. Academic Performance

1. In accordance with School Bylaws, the faculty of each School have the duty and authority to establish academic standards and rules, including standards for examinations, grading, academic standing, attendance, promotion, dismissal, and requirements for degrees and certificates. These academic standards and rules shall be set forth in the School's catalog or student handbook.
2. All actions relating to student academic performance shall be governed by appropriate School bylaws and procedures, whether or not disciplinary action is taken pursuant to Section V.E. below.
3. Action may be taken to address a student's ability to fulfill the Essential Functions required for participation in the course of study in which the student is enrolled pursuant to the RBHS policy, Student Essential Functions.

D. Student Ombudsperson

Each Dean shall designate an individual at his/her School to serve as an Ombudsperson to serve as a resource for students and to guide and assist students and the School in the evaluation of options for resolving problems. Ombudsperson will have a functional relationship with the University Office of the Executive Vice President for Academic

Affairs, and the ability to approach any individual within the School or University administration. The Ombudsperson will be independent of the offices and individuals who have notice, compliance, regulatory, enforcement, adjudicatory and disciplinary functions with respect to students. The Ombudsperson will have a set term, which may be renewed by the Dean at the end of each term, and may be removed during any term only for good cause. Ombudspersons shall maintain confidentiality to the extent permitted by law and will not maintain any records relating to consultations or activities other than statistical reporting. The policy, Student and Housestaff Ombudspersons, will serve as a model for each Ombuds office.

E. Disciplinary Infractions

The following list provides examples of actionable disciplinary infractions under this policy's student disciplinary procedures, and may also subject the student to action by the RBHS School concerning academic performance or research misconduct occurring on campus or off campus:

1. an infraction of Federal, state or local civil or criminal laws and regulations;
2. an infraction of University or School policies, procedures, rules and standards;
3. an infraction of professional and academic codes of honor or standards of behavior;
4. an act of harassment, intimidation or bullying, including any gesture, any written, verbal or physical act, or any electronic communication that is reasonably perceived as being motivated either by any 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 or any act that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:
 - (a) a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property; or
 - (b) has the effect of insulting or demeaning any student or group of students; or
 - (c) creates a hostile environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student;

(Reprinted in part from: New Jersey Anti-Bullying Bill of Rights 2010, N.J.S.A. 18A:37-14).

5. acts of sexual harassment, including sexual violence or sexual coercion, whether or not the acts are the subject of civil or criminal action;
6. physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent;
7. stealing or other unethical means of acquiring materials and documents;
8. forging of any material or document;

9. falsification or fabrication of any document or data;
10. plagiarism;
11. preventing or interfering with other students in the fulfillment of their academic assignments;
12. cheating;
13. conduct that causes a material and substantial disruption to the educational mission of the school or an individual's work or study.

F. Disciplinary Procedural Requirements

1. A request for disciplinary action against a student may be made in writing to the Dean by any student, faculty member or administrative officer within thirty (30) working days of an alleged infraction or the discovery of an infraction under Section V.E. of this policy.
2. The Dean or his/her designee may attempt to resolve the matter with the accused student, except in cases involving allegations of sexual violence or sexual coercion, which are not permitted to be resolved informally but must be forwarded by the Dean to the Hearing Body. A complainant alleging sexual harassment will not be required to meet in person with the accused at any time. In addition, if the Dean or his/her designee concludes that the matter cannot or should not be resolved informally, he/she shall refer it to the Hearing Body of the School within ten (10) working days of the decision that the matter cannot or should not be resolved informally. At the Dean's discretion, the awarding of a degree or certificate may be delayed pending the outcome of the disciplinary procedure.
3. The Hearing Body shall forward to the accused and to the complainant written notice of the complaint and of the time, date and place of the hearing, which shall be held within fifteen (15) working days of receipt of a request from the Dean or his/her designee.
4. The Hearing Body shall convene to hear the complaint and make recommendations for action to the Dean.
 - a. The Hearing Body shall be an established committee at each School and shall be constituted according to rules established by each School, but in all events shall consist of at least four members, two of whom must be students, and others who may be faculty, administrators or students, or any combination thereof, who are not directly involved in the matter to be considered.
 - b. Witnesses may be called by any participant. The accused student's education records, as defined by the Family Educational Rights and Privacy Act, may be examined and considered by the Hearing Body. Relevant materials may be presented by any participant. The Chair of the Hearing Body may at any time request submission of documents or an appearance by anyone involved in the matter, and may conduct as many hearing sessions as necessary to complete its consideration of the complaint, within the time period designated in this procedure. The Chair of the Hearing Body may request submission of information concerning other disciplinary actions taken by the School against any student, without identification of the student(s) involved, to inform the Hearing Body's consideration of recommendations for discipline.

- c. Students may consult private legal counsel at any time for advice. Students or legal counsel may submit to the Hearing Body any documents or other evidence relevant to the matter at any time prior to the conclusion of the hearing. Legal counsel shall not be permitted to appear at the proceedings of the Hearing Body, but may be present outside the hearing room to consult with the student, at the student's request. Students may be accompanied by a non-attorney advocate during the hearing to consult privately with the student and, at the student's request, to present a final statement on the student's behalf. No other participation by the advocate is permitted.
- d. The burden of proof shall rest with the complainant. The standard of proof shall be the preponderance of the evidence standard (i.e. it is more likely than not that the offense occurred).
- e. The Chair of the Hearing Body shall rule on all procedural matters in accordance with this policy, with the procedural rules of the School, and with generally accepted terms of academic fairness. Whenever necessary, the Chair may seek the advice of the Office of Legal Management in procedural matters. Hearing Body procedures shall, at a minimum, ensure:
 - i. that all allegations be fully heard and considered by the Hearing Body, whether or not the accused student admits committing the offense.
 - ii. that witnesses designated by the complainant, the accused, the School administration or the Hearing Body be heard and that the accused be permitted to be present during testimony; the Hearing Body may request the presence of the complainant during the testimony of other witnesses, in whole or in part. In addition, administrative staff may be present during the Hearing Body proceedings to provide assistance to the Hearing Body.
 - iii. that, subject to protections provided by FERPA, both the complainant and the accused be afforded similar and timely access to any information that is considered by the Hearing Body.
 - iv. that testimony during the hearing shall be tape recorded or recorded and transcribed by a court stenographer, excluding all deliberations by the Hearing Body; an accused student may request in advance that the School employ a court stenographer during the hearing, at the student's own expense, and obtain a copy of the recording or a transcript at his/her own expense.
 - v. that the Hearing Body complete its hearing procedures within forty (40) working days of the commencement of the hearing, and submit to the Dean, with copies to the complainant and to the accused, within seven (7) working days thereafter, a written recommendation, including any findings of fact made by the Hearing Body, and a reporting of the total vote tally of the Hearing Body's decision, without reference to individual votes.
 - vi. that the recommendations of the Hearing Body may consist of any or no disciplinary action, based on the factual findings, the severity of the infraction, the accused student's education

records at the School, and any procedures, policies or codes of the School or of the University. Examples of possible disciplinary actions include, but are not limited to:

- (a) Dismissal of charges: dismissal of the complaint and removal of the complaint from University records.
 - (b) Reprimand: an oral or written statement by the Dean to the student involved.
 - (c) Probation: a specific period of time during which conditions may be placed on the student's enrollment, and the student's academic achievement and/or conduct monitored by the School; findings by the Hearing Body of additional disciplinary infractions during this period will result in the dismissal of the student.
 - (d) Suspension: a specific period during which the student is barred from enrollment.
 - (e) Dismissal: severing of the affiliation between the student and the School.
 - (f) Withholding of degree or certificate: temporary or permanent withholding of degree or certificate.
 - (g) Degree or certificate revocation.
- vii. that the Hearing Body recommendations are supported by no less than a majority vote of the members hearing the matter.
- f. All notices and correspondence to an accused student shall be sent certified mail, return receipt requested, or by another method providing confirmation of delivery, and such receipts or confirmations shall be retained by the School.
- g. The student may seek the advice of faculty or students who are not involved in the matter in question and who do not hold an administrative position in the School constituting a potential conflict of interest. Following the Dean's submission of the matter to the Hearing Body, neither School nor other Rutgers University administrative officers, faculty, staff or representative may advise an accused student or his/her representative in any matter relating to the disciplinary action, except for explanation of the procedures to be followed. Administrative officers whose positions may constitute a conflict of interest may not advise an accused student in any matter pertaining to the alleged infraction. The Dean may designate an administrative officer to participate in the hearing in order to present testimony or materials on behalf of the School.
5. Within five (5) working days of receipt of the Hearing Body's recommendation, any party may submit written exceptions to the Dean.
6. The Dean may review any education records of involved students, seek information and consult with any other party, including the student, complainant and members of the Hearing Body. Except in extraordinary circumstances, (notice of which shall be provided by the Dean to the accused student and the complainant) the Dean or his/her designee shall, within thirty (30) working days of the last submission by any party of written exceptions by any party, render a

final decision on disciplinary action to be taken and shall provide written copies of the decision to the student, the complainant and Hearing Body members. The Dean's decision shall be rendered earlier if the accused student is expected to graduate before the expiration of this thirty working day period.

7. Within five (5) working days of receipt of the Dean's decision, the accused student and, solely in matters alleging sexual harassment, violence or coercion, the complainant may submit a written appeal to the RBHS Chancellor. RBHS Chancellor may, at his or her discretion, review any education records of involved students and seek information and consult with any other party, including the student, complainant, members of the Hearing Body and the Dean. Except in extraordinary circumstances, (notice of which shall be provided by the Dean to the accused student and the complainant) the RBHS Chancellor shall, within thirty (30) working days, render a non-appealable written decision and shall provide written copies of the decision to the student, the complainant, Hearing Body members and the Dean. Such decision shall be rendered earlier if the accused student is expected to graduate before the expiration of this thirty working day period.
8. The School shall retain all records, notices, correspondence, tapes and transcripts pertaining to any action taken pursuant to this policy for a period of seven (7) years following conclusion of the action.
9. The Office of Senior Vice President and General Counsel may advise the Hearing Body and any administrative officer on interpretation of this policy and any other legal or procedural question at any time, except that no legal counsel shall be present during the taking of testimony by the Hearing Body.
10. There shall be no action taken to suspend or expel a student from school prior to completion of these disciplinary hearing procedures, unless, in the judgment of the Dean or his/her designee, the continued presence of the student poses a substantial and immediate danger to the welfare or safety of any person or property. The Dean may in such cases take action to prevent harm prior to and during the conduct of a hearing; the Hearing Body shall convene as rapidly as possible to render recommendations. A student suspended in this manner shall be given an opportunity to appear personally before the Dean or his/her designee to discuss the alleged misconduct and whether the student's continued presence poses a substantial and immediate danger to himself/herself, to others and/or to property. Alternatively, action may be taken pursuant to the University policy, Student Involuntary Leave of Absence and Involuntary Withdrawal.
11. Delays in any time period requirements in disciplinary procedures may be made by written agreement by the accused and the Dean or his/her designee, and, in the case of a matter before a Hearing Body, by the Chair of the Hearing Body.

G. Specific School Rules for Disciplinary Procedures

1. Each School shall adopt procedural rules to govern the conduct of disciplinary hearings in conformity with Section V.F of this policy and with the specific needs of the School.
 - a. Such rules shall establish the number, term and manner of appointment of Hearing Body members, alternates and the Chair. The responsibilities of faculty, staff and student members to make themselves available to participate when needed in the hearing process shall be established upon their appointment.

- b. Such rules shall, in the case of joint programs between Schools of the University and outside institutions, establish procedures to govern hearings affecting students in those programs. So long as principles of academic fairness are included, the procedure of either institution may be employed at the discretion of the Dean, considering such factors as which School has administrative responsibility for the student and which School awards the degree from the program.
 - c. Such rules may contain a code of student rights and responsibilities, establishing rules of conduct and standards of personal and professional behavior.
2. Such rules will be available to students when adopted or amended through convenient means such as the Student Handbook.

H. Jurisdiction

- 1. Action initiated under either academic or disciplinary procedures does not preclude subsequent or simultaneous action under the other or under the University's research misconduct procedures.
- 2. If a complaint alleging a disciplinary infraction is submitted to the Dean, the Dean may determine that the allegation warrants academic action instead of or in addition to the disciplinary procedure, and may forward the matter to the appropriate body for recommendations. The Dean may also refer the student for an evaluation pursuant to University policy, Student Essential Functions. See EXHIBIT for a sample letter.
- 3. If a complaint alleging a disciplinary infraction during a student's enrollment or other participation in University activities is submitted after the student has graduated or otherwise terminated the relationship with the University, the complaint may, at the Dean's discretion, be submitted to the Hearing Body in accordance with this policy and procedure. Revocation of a degree or certificate may be recommended by the Hearing Body to the Dean.

I. Permitted Communications and Confidentiality

To promote the safety and/or welfare of a student and/or of others, and to the extent permitted by FERPA and other applicable laws, the School or University officials may, when appropriate, report incidents of disruptive behavior, or other conduct of serious concern, to the student's next of kin and/or to other appropriate School or University officials or health care or counseling providers, or to law enforcement agencies.

Except for such reports and communications made pursuant to this policy, and to the extent permitted by FERPA and other applicable laws, all proceedings and deliberations conducted pursuant to this policy and procedure will be considered confidential and may not be released or disclosed by any participant without permission from all of the involved parties or without valid subpoena or court order.

VI. EXHIBIT

Sample letter: STUDENT REFERRED FOR EVALUATION AS PART OF DISCIPLINARY PROCESS

EXHIBIT

**SAMPLE LETTER: STUDENT REFERRED FOR EVALUATION AS PART OF
DISCIPLINARY PROCESS**

[Date]

[Student Name and Address]

Dear [Student]:

Your well-being and safety are of great concern to me and your faculty. Because we are concerned about your well-being, and in light of recent incidents related to the current disciplinary process in which you are involved, you are being referred to [name of doctor/counselor/practice] for an evaluation to determine your fitness to continue as a student at the [Rutgers University -School].

This referral is being made after careful examination of information of concern presented through the disciplinary process. During the disciplinary hearing, the following incidents were related to the hearing body:

A report by a faculty member of a recent statement you made during a heated debate with a fellow student over a class assignment. It was reported that you said "if your lousy work influences my grade, you're going to regret it, something bad will happen to you." The faculty member who reported this statement was very upset by the remark and believed it to be serious.

Earlier in the year, several students in your study group reported that you told them that if you did not do well this semester, you would hold them responsible and "there would be trouble." When approached about this remark, you admitted making the statement, but insisted that it was a joke.

On another occasion, you were interrupted by a school administrator while engaging in a loud, angry confrontation with a fellow student. Although you later apologized, the fellow student reported feeling threatened.

The Rutgers University -[Name of School] Essential Functions for participation in courses includes the following requirement:

"E. Behavioral and Social Skills

The student must demonstrate emotional stability with appropriate interpersonal relationships and communication skills. He/she must be able to exercise good judgment and sustain an attention level necessary to complete all responsibilities promptly; be attendant to the diagnosis and care of patients, and develop mature, sensitive, professional and effective relationships with patients/clients (in well and diseased states from every gender, socioeconomic status and cultural group) and health care workers. The student must be able to tolerate taxing workloads and to function effectively under stress. He/she must be able to adapt to changing environments, to display flexibility, and to learn to function in the face of uncertainties inherent in the clinical setting. Compassion, integrity, concern for others, appropriate hygiene, appearance, interpersonal skills, interest and motivation are all personal qualities that are required throughout the admissions and educational processes.

A student whose behavior or performances raises questions concerning his or her ability to fulfill the essential functions may be required to obtain evaluation and/or testing by a health care provider designated by the School, and to provide the results to the Campus Student Health Service for the purpose of determining whether the student is fit to pursue the educational program. If the student is

deemed fit to pursue the program, the School reserves the right to require actions recommended by the health care provider, including further testing, counseling, monitoring, leave of absence, etc.”

We are requiring that you submit to an evaluation that will assist us in determining your ability to safely participate in the School's educational program; this includes your continued clinical contact with patients in health care facilities and classroom participation.

Please note that the results of this evaluation will be shared with my office and University officials, as may be deemed necessary, to help ensure your safety and well-being. Following the evaluation, if you wish to view the results, please contact me directly and I will arrange for you to review the results in the presence of an appropriate healthcare provider who will be available to assist with questions.

Yours truly,

[Dean or Associate Dean for Student Affairs]