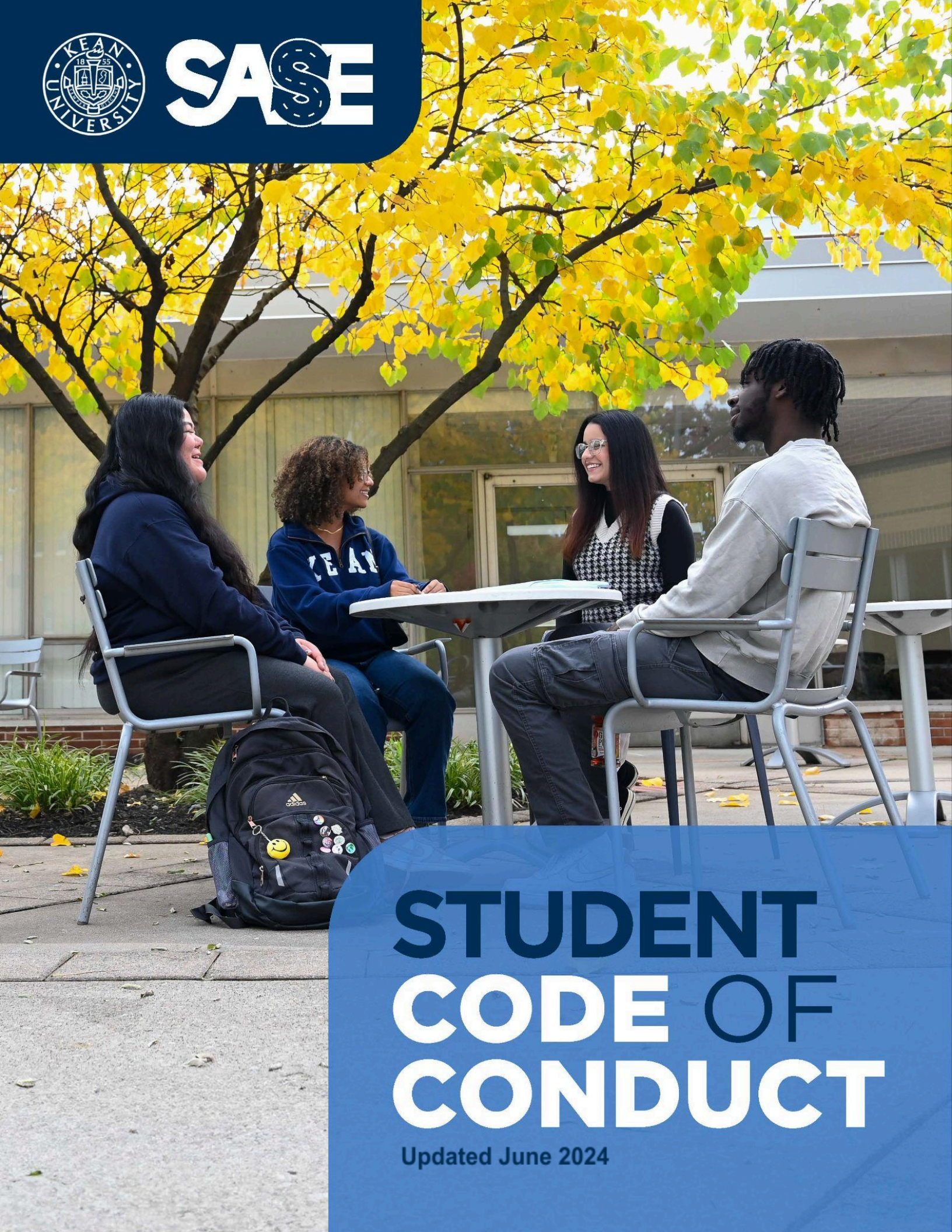




SASE



STUDENT CODE OF CONDUCT

Updated June 2024

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I. STUDENT CODE OF CONDUCT

Kean University is committed to providing a campus environment that is conducive to academic inquiry in the University tradition. Kean is a metropolitan, comprehensive, research University that exists to foster inquiry and public discourse. It is also a community. At Kean, student members of the community are expected to abide by certain standards of conduct that form the basis of the Student Code of Conduct (Code) and ensure that their guests and visitors do likewise. These standards are embodied within a set of core values that include integrity, fairness, respect, community, and responsibility. When students fail to adhere to the community standards, appropriate proceedings may be initiated under the Code to address the failure and its consequences.

Mission Statement

The Office of Student Accountability, Standards, and Education (SASE) provides the structure and educational tools to facilitate a safe and inclusive learning environment where academic inquiry can thrive and students can accomplish their academic and personal goals. SASE prioritizes the concept that students learn how their behavior impacts personal and community well-being through integrating evidence-based learning practices to reach creative solutions to complex dilemmas.

Vision Statement

Through sustained dialogue with students and campus partners, SASE educates the Kean community that core values and ethical, empathetic decision-making serve as the foundation for success in life both at Kean and post graduation; and fosters a sense of community, belonging and mutual respect between students, faculty, and staff.

Definition of a Student

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 Code and who are not officially enrolled for a particular term, are still considered students under the Code. In addition, a University-recognized student organization is defined as any group of Kean students meeting the criteria for group registration or recognition established by the Vice President for Student Affairs.

The Vice President for Student Affairs is responsible for overseeing processes related to the implementation of the Code.

II. THE STUDENT CONDUCT PROCESS UPHOLDS FIVE CORE VALUES

The student conduct process at Kean is intended to protect the interests of all members of the campus community, and appropriately address conduct not in accord with the Code. We believe that by interacting with our office students will:

- understand and appreciate the importance of accountability for one's personal growth and healthy decision making;
- recognize that making mistakes is part of life, but also that conducting oneself with personal integrity and in an honest manner is essential to changing behavior;
- think more critically to successfully navigate challenging situations; and
- engage in responsible social conduct where respect for the health and safety of oneself and others is paramount.

Remedies and sanctions are intended to contribute to the development of student decision-making and to help bring student behavior into accord with community values. When a student does not conform behavior to community expectations, the student may be subject to appropriate remedies and sanctions including, but not limited to, restriction or loss of the privilege of participating in this community. The student conduct process is different from criminal and civil court proceedings. The student conduct process is an administrative process and as such, procedures and rights are conducted with fairness to all, but do not necessarily include the same due process and procedures afforded by the courts.

During involvement in the conduct process

- Students will learn about the behavioral expectations set forth in the Student Code of Conduct.
- Students will be able to articulate ways to positively contribute to the Kean community and mission.
- Students will demonstrate insight into how their behavior affects all aspects of their life.
- Students will be able to articulate how their actions impacted the community.
- Students will be able to identify areas for improved decision-making skills.
- Students will be aware of their rights within the student conduct process.
- Students will be aware of campus resources available to help them academically and grow personally.
- Students will indicate that the sanction(s) they received were appropriate.
- Students will perceive the appeal process to be fair.

Core Values

The Office of Student Accountability, Standards and Education has developed a foundation that is sustained by the following core values:

1. **Integrity:** Kean University students exemplify honesty, integrity, and a respect for truth in all of their dealings. Students will follow a set of values, be honest, help others, lead by example, and take responsibility for their actions and their corresponding impact on the Kean community.

2. **Fairness:** Kean University students honor fairness and strive for fairness in all their dealings and interactions. Fairness does not mean that everybody gets what they want. Rather it means that everyone within the Kean community has an equal opportunity to benefit.
3. **Community:** Kean University students honor and value their community. Strong communities are critical because they serve as a source of social connection and a sense of belonging. Participating in a community bonded by attitudes, values, and goals is an essential ingredient to enjoying your time while at Kean University.
4. **Respect:** Kean University students show respect for each other, for property and for their community. Respect means that you accept everyone for who they are, even when they're different from you or you don't agree with them. Respect in your relationships builds feelings of trust, safety, and wellbeing. Respect means that you care enough to think about how your actions impact others.
5. **Responsibility:** Kean University students are given and accept a high level of responsibility as role models. Responsibility is accountability. Accountability is the willingness to accept responsibility for one's actions.

III. JURISDICTION OVER STUDENT CONDUCT

Printed copies of the Student Code of Conduct are available in the Office of the Vice President for Student Affairs (Miron Student Center, Room 303) and the Office of Student Accountability, Standards and Education (Miron Student Center, Room 317). Students are charged with the responsibility to read and to abide by the provisions of the Code and the authority of the student conduct process. Unfamiliarity with the Code is not grounds for failing to live up to the expectations set forth within the Code. The Code and the student conduct process apply to the conduct of individual students and University-recognized student organizations. Because the Code is based on shared values, it sets a range of expectations for the Kean student no matter where or when their conduct may take place. The Code is in effect without regard to the physical location of the course whether on the Union Campus, East Campus, other branch campuses, off-campus sites or on the Internet. Therefore, the Code applies to conduct that takes place on the campus, at University-sponsored events, and off campus, when the administration determines that the off campus conduct occurred on property under the University's control or affects a substantial University interest. A substantial University interest is defined to include:

- Constitutes a violation of local, state or federal law.
- Indicates that the student may present a danger or threat to the health or safety of him/herself/themselves or others.
- Significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder.
- Is detrimental to the educational interests of the University.

The Code may be applied to conduct that takes place during the time a person is enrolled as a student, including during intra-semester breaks and between semesters. Further, the Code applies to guests of community members whose hosts may be held accountable for the

misconduct of their guests and to visitors to the Kean campus. Sanctions for violations by visitors and guests may include but not be limited to a warning, Campus-Wide and Residence Life No Trespass and/or referral to the Department of Public Safety and Police. Visitors to and guests of the University are also protected by the Code, and may initiate the conduct process for violations of the Code committed by members of the University community against them. The University may address misconduct that occurred prior to, but is not reported until after, the graduation of the offending student, as long as the misconduct is reported within six months of its occurrence. Otherwise, there is no time limit on reporting of violations of the Code. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Accountability, Standards and Education.

IV. VIOLATIONS OF THE LAW

Violations of federal, state, and local laws are offenses under the Code even where those violations are not explicitly prohibited by this Code. Where such offenses occur off campus, the University may institute conduct proceedings that affect a substantial University interest, at the discretion of the director of Student Accountability, Standards and Education. The University may institute conduct proceedings against a student charged with a violation of federal, state, or local laws without regard to the existence or possibility of civil or criminal legal proceedings. It is the policy of the University typically to pursue the conduct process in a timely manner through its conduct proceedings, rather than to delay campus proceedings for external criminal and/or civil proceedings arising from the same misconduct or events. The student conduct process may be carried out before, simultaneously with, or following any related civil or criminal proceedings and will not be delayed or subject to challenge and/or appeal on the ground that criminal charges involving the same incident have been dismissed, reduced, or are pending.

V. SPECIAL PROVISIONS

Attempted Violations

In most circumstances, Kean University will treat attempts to commit or accessories to any of the violations listed in the Student Code of Conduct as if those violations had been completed.

Defenses

It has become common for students accused of policy violations to try to defend their actions with excuses, such as prescription drug interactions, self-defense, disabilities, etc. The University's policy on defenses is clear. Defending your actions is admitting to a policy violation. "Yes, we fought, but he started it." This still means you had a fight, and that violates Kean's policies. You may have taken someone's property under the influence of an antidepressant, but you still took someone else's property. While your defense will not excuse your actions, Kean University will take into consideration the legitimacy of your defense in addressing the proper sanction. If you were not the aggressor in a fight, you will still be sanctioned, but your sanction may be less than the sanction of the person who started the fight.

False Reports

Kean University will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

Group Violations

When members of groups, individuals acting collusively, or members of an organization act in concert in violation of any policy, they may be held accountable as a group, and a hearing may proceed against the group as jointly responding students. In any such action, however, determinations will be made with respect to the involvement of each accused individual.

Immunity for Victims

Kean University encourages the reporting of Code violations and crimes by victims. Sometimes victims are hesitant to report to University officials because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to University officials. To encourage reporting, Kean University pursues a policy of offering victims of crimes and conduct offenses amnesty from Code violations related to the incident. *Please refer to the Medical Amnesty/Good Samaritan policy below.*

Leave of Absence or Withdrawal

Individuals who withdraw or take a leave of absence from the University while a conduct matter or any sanction is pending will have a student conduct hold placed on their student account. This hold will prohibit registration, review of grades and release of transcripts.

Medical Amnesty/Good Samaritan

1. Philosophy

Kean University remains committed to ensuring the health, safety and well-being of its community. As such, the University recognizes that there may be health or safety emergencies related to alcohol consumption or the use of other substances in which fear of student conduct action may serve as a deterrent to students who want to seek help for themselves or others. Kean University wants to make certain that students do not hesitate to seek help when faced with life threatening or critical substance related emergencies. In these circumstances, the University's response will focus on education and prevention rather than on student conduct action. Additional associated student conduct violations that threaten the health, safety and well-being of the community may be addressed on a case by case basis as determined appropriate by the Office of Student Accountability, Standards and Education or designee.

2. Procedures

Students who seek emergency medical assistance for themselves or for whom medical assistance was sought for alcohol intoxication, cannabis/marijuana and/or any other

substance overdose will not be charged with violations of the Kean University Code of Conduct associated with that action provided they comply with the following conditions:

1. The student subsequently completes a screening at the Counseling Center with the Alcohol and Other Drugs Coordinator and follows through with recommendations, which may include a more comprehensive evaluation from an outside agency or educational program.
2. This follow-up must be completed within the time frame determined by the University.
3. Failure to complete this screening/evaluation/treatment may result in student conduct charges being filed with the Office of Student Accountability, Standards and Education.

In order for Medical Amnesty/Good Samaritan to apply to students who seek emergency medical assistance for someone else, the students must communicate the substance related emergency directly to emergency medical services, 9-1-1, or to a University authority such as a Resident Assistant. The student must also remain with the individual until the emergency personnel arrive and cooperate with all emergency personnel requests for information and assistance. If the conditions for Medical Amnesty/Good Samaritan are met, the students will not be charged with violations of the Kean University Code of Conduct related to consumption of alcohol, alcohol intoxication, and/or drug use, provided that the student subsequently participates in a meeting with and complies with all recommended stipulations established by the Director of Student Accountability, Standards and Education.

Student organizations who wish to employ Medical Amnesty/Good Samaritan will be determined on a case-by-case basis.

Medical Amnesty/Good Samaritan applies only to those students or organizations who seek emergency medical assistance in connection with alcohol or drug overdose and does not apply to individuals experiencing a medical emergency where alcohol or drugs are involved who are found by University employees (i.e. University Police, faculty, administrative staff, residence hall directors, resident assistants, community assistants, security staff, etc.)

Medical Amnesty/Good Samaritan is not intended to shield or protect those students or organizations that repeatedly violate the Code. In cases where repeated violations of the Kean University Code of Conduct occur, the University reserves the right to take conduct action on a case-by-case basis regardless of the manner in which the incident is reported. Additionally, the University reserves the right to adjudicate any case in which the violations are determined by the University, in its sole discretion, to be egregious.

The Office of Student Accountability, Standards and Education reserves the right to contact any student to discuss an incident whether or not Medical Amnesty/Good Samaritan is in effect.

Information concerning students who utilize Medical Amnesty/Good Samaritan is confidential, but will be recorded for case management purposes.

Medical Amnesty/Good Samaritan does not preclude students from being held responsible for other violations of the Code.

Under Kean University's Parental Notification Policy cited below, parents or guardians of students may be notified about incidents involving medical amnesty as determined to be appropriate by the Office of Student Accountability, Standards and Education or designee.

(Note: These procedures only provide amnesty from violations of the Kean University Student Code of Conduct. It does not grant forgiveness for criminal, civil, or legal consequences for violations of Federal, State, or Local law. However, the "911 Lifeline Legislation" approved on October 1, 2009, P.L.2009, c.133 does allow for underage individuals to receive amnesty in accordance with the provisions of the law. Individuals must stay on scene and assist responders with information concerning the at-risk individual to comply with the law. Further, Good Samaritan Emergency Response Act, approved on May 2, 2013 (A578/S851), allows for the same regarding drug overdoses.)

Adopted on 6/21/2016; Revised August 2023

Parental Notification

Kean University reserves the right to notify parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Kean University will contact parents/guardians to inform them of situations in which there is a health and/or safety risk regardless whether the student is dependent or independent. Kean University also reserves the right to designate which University officials have a need to know about individual conduct reports pursuant to the Family Education Rights and Privacy Act (FERPA).

Notification of Outcomes

The outcome of a conduct hearing is part of the educational record of the responding student, and is protected from release under the federal FERPA law. However, Kean University observes the legal exceptions as follows:

The University may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a University policy that is a “crime of violence,” including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. The University also will release this information to the reporting party in any of these offenses regardless of the outcome.

Misconduct Online

Students are cautioned that behavior conducted online can subject them to a University conduct action, such as bullying or harassment. Students must also be aware that blogs, webpages, Google, Twitter, Facebook, Instagram, TikTok entries, and similar online postings are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations, if evidence of policy violations is posted online. The University does not regularly seek this information, but will take action if and when such information is brought to the attention of University officials.

University as Complainant

As necessary, Kean University reserves the right to initiate a report, to serve as complainant, and to initiate conduct proceedings without a formal report by the victim of misconduct.

VI. STUDENT’S RIGHTS

Every Kean University student has rights that are recognized by the conduct process. These rights are as follows:

- To be treated with dignity and respect by all persons involved in the conduct process.
- Access to information, evidence, and University resources, including information pertaining to counseling services.
- To fair and due process.
- To information about this Code.
- To participate or to decline to participate in the conduct process.
- To have an advisor of their choosing or the Student Support Advocate present at all meetings and conduct proceedings. Advisor/support person availability is not sufficient grounds for postponing a meeting or conduct proceeding.
- To written notice of all meetings and conduct proceedings, including the time and place.
- To present information and/or witnesses on their behalf during the conduct process. The relevance of witnesses shall be determined by the Hearing Officer.
- To choose to withhold information or testimony if the student feels information presented will lead to self-incrimination. Students are expected to fully cooperate with and participate in the University conduct process when notified, but no negative inference will be made should a student choose not to speak.
- To hear and respond to all information presented against them.
- To one written copy, upon request, of the report stating the circumstances and allegations involved. This information will be made available after a student is notified of charges.

- To notice of the alleged policy violation(s) including what prohibited conduct is at issue.
- To submit written materials relevant to the sanction decision, which may include written impact statements.
- To written notification of the case resolution in which a student is alleged to have committed policy violations, including any sanctions imposed.
- To be informed of their right to appeal.
- To written notification of the outcome of any appeal.
- To privacy throughout the investigation and conduct process to the extent allowed by law.
- To understand that information collected in the process may be subpoenaed in criminal or civil proceedings.
- To have reasonable steps taken to prevent any unnecessary or unwanted contact with the other party or parties during the investigation and conduct process.

VII. OFFENSES UNDER THE CODE

1. Furnishing false information to any Kean University official, faculty member, or office
2. Forgery, alteration, or misuse of any Kean University document, record, or instrument of identification
3. Tampering with the election of any Kean University registered student organization
4. Causing, condoning, or encouraging the completion of any Kean University record, document or form dishonestly
5. Initiating a false report or warning of fire, explosion, bomb threat, or other emergency
6. Deception – to defraud, lie, or scam to receive something of value or to mischaracterize so as to give a false belief or conclusion about something in a way that is harmful to another
7. Knowingly presenting a worthless personal check, cashier's check, money order, bank draft, or traveler's checks in payment to Kean University or to a member of the Kean University community acting in an official capacity, or failure to make satisfactory arrangement for the settling of accounts with Kean University
8. Violations of positions of trust or authority (i.e. student employee, student leader, student athlete, student volunteer) within the community
9. Action or inaction by a student which fails to discourage a known and obvious violation of Kean University policy or law; assisting in violation of Kean University policies or public laws
10. The knowing failure of any organized group to exercise preventive measures relative to violations of this Student Code of Conduct by members
11. Misuse or unauthorized use of Kean University and/or organizational names and images; all Kean University sponsored activities must be sanctioned through appropriate administrative process; all Kean University representation must be approved by the Office of the Vice President for Student Affairs or the appropriate designee
12. Intentional and unauthorized taking of the property of the University or personal property of a member of the University community
13. Knowingly possessing stolen property

14. Selling or attempting to sell textbooks unless the seller is the owner of the textbook or has the permission of the owner to do so
15. Taking, attempting to take, or keeping items belonging to the library or items placed in the library for display
16. Obstruction of freedom of movement by community members or visitors
17. Abuse, interference, or failing to comply in Kean University processes, including Student Conduct Hearings and Academic Integrity hearings
18. Failure to attend meetings scheduled for conduct code administration purpose;
19. Falsification, distortion, or misrepresentation of information
20. Failure to provide, destroying, omitting, or hiding information during an investigation of an alleged policy violation
21. Attempting to discourage an individual's participation in, or use of, the campus conduct system
22. Harassment (verbal or physical) and/or intimidation of any member of the campus community prior to, during, and/or after a campus conduct proceeding
23. Failure to comply with the sanction(s) imposed by the campus conduct process
24. Failure to respect the dignity and privacy of fellow Kean community members by disclosing confidential information obtained during participation in a student conduct proceeding
25. Influencing or attempting to influence (i.e., texting, calling, email, or any use of any other technology) another person to commit an abuse of the campus conduct system
26. Misuse of access privileges to University premises or unauthorized entry to or use of buildings, including trespass
27. Unauthorized or attempted entry into any building, office, construction site, or other Kean University facility
28. Unauthorized possession, use, or duplication of keys or other methods of controlled access such as ID or access cards or key codes
29. Damage to or littering Kean University grounds
30. Driving motor vehicles on lawn or grounds without permission
31. Failure to clean up sidewalk chalk following an authorized student event
32. Vandalism, the causing of intentional damage to the property of another or to Kean University
33. Damaging items rented, leased, or placed on the campus at the request of Kean University
34. Substantial disruption to or unreasonable interference with University operations, teaching, research, administration, other Kean University activities, including its public service functions on or off campus, or of other authorized non-Kean University activities when the conduct occurs on Kean University or leased premises.
35. Unruly classroom behavior that impedes instructional pedagogy
36. Obstruction of the free flow of pedestrian or vehicular traffic on Kean University premises or at Kean University sponsored or supervised functions.
37. Failure to follow University special event policies and procedures for University events held on or off-campus.

38. Inappropriate use of any information technology to materially disrupt University operations or to substantially interfere with the right of other members of the University community to secure access and use of University facilities and services; other inappropriate use of resources as stated in the [Computer Related Acceptable Use Policy](#), including misuse of Kean University computing facilities, equipment, network, passwords, accounts or information. Students who connect their personal computers to the campus network and/or use their student email account will be held responsible for any violation of this policy that originates from that computer and/or email account.
39. Threatening, intimidation, or severe verbal abuse. Severe verbal abuse includes but is not limited to the use of fighting words or any statement or act, oral or written, which can reasonably be expected to induce another person to be in danger of bodily injury or harm.
40. Physical assault - a person commits physical assault if s/he, they causes bodily harm (injury) to another.
41. Disruptive behavior or any conduct which threatens or endangers the health or safety of any person; and/or any conduct which is marked by utter thoughtlessness or disregard for oneself or others and provides a substantial risk to persons or property;
42. Bullying, defined as gestures or written, verbal, electronic, or physical acts that a reasonable person should know will cause physical and/or emotional harm or fear of harm to one or more individuals, often involving an imbalance of physical, psychological, and/or social power, occurring usually, but not necessarily, repeatedly and over time, and which is not speech or conduct protected by the First Amendment;
43. Intimidation (implied threats) or coercion (pressuring another unreasonably until an act is not truly voluntary);
44. Discriminatory harassment, including speech, actions, or conduct which have the effect of depriving a member of the community of educational or employment access, enjoyment, benefits, or opportunities. Merely offensive or annoying behavior may feel like harassment, but to rise to the level of a Code violation, harassment must have the potential to cause a deprivation of the civil rights of a member of a protected class; Protected classes at Kean University include race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, liability for service in the Armed Forces of the United States, nationality, sex, gender identity or expression, or any other characteristic protected from discrimination by the New Jersey Law Against Discrimination, N.J.S.A. 10:5-4.
45. Hazing, defined as behavior that endangers the mental or physical health of a student as a condition for initial or continued affiliation with any group regardless of either the lack of intent to endanger the student or the student's own willingness to participate. The express or implied consent of the reporting party will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts
46. Unwanted sexual interactions, including verbal and physical acts, or threats and/or sexual exploitation.
47. Lewd or obscene conduct
48. Public urination
49. Sexual acts performed in public

50. Surreptitiously taking pictures and /or videos of another person in a gym, locker room, restroom, or residence hall bedroom, etc.
51. Streaking
52. Possession or distribution of child pornography
53. Possession or distribution of any obscene materials, as defined by the standards of the Kean University community.
54. Failure to follow fire safety procedures
 - Failure to evacuate a building when the fire alarm sounds
 - Misusing, damaging, or tampering with fire safety equipment
 - Intentionally or recklessly obstructing a fire exit in any Kean University building
55. Possession of firearms, explosives, and other weapons (including, but not limited to BB/pellet guns, this also includes replicas of guns or other weapons, slingshots, and sharp edged instruments, such as hatchets when used as weapons), or dangerous chemicals while on campus, unless properly authorized;
56. Intentionally or carelessly causing a fire which damages Kean University or personal property or which causes injury to any member of the community;
57. Smoking in any University building (including residence halls) or areas designated as non-smoking, including within three feet of an entrance/exit location. The full policy is listed in section VIII.
58. Use, possession, manufacture, sale, purchase, transportation, distribution, or being in the presence of alcoholic beverages except as expressly permitted by law and the [University's Drug and Alcohol Policy](#). This includes possession/consumption by those under the age of 21, providing alcohol to those under the age of 21, driving under the influence, and public intoxication by persons of any age, possession of paraphernalia, including but not limited to shot glasses, and empty bottles. For the purposes of the Code, distribution is determined by the quantity of alcohol and /or means of distribution. Please see the full policy on alcohol use in the [Annual Campus Security and Fire Safety Report](#).
59. Use, possession, manufacture, sale, purchase, transportation, distribution, or being in the presence of a narcotic, or other controlled dangerous substances, including marijuana/cannabis in any form, as well as drug paraphernalia. Abuse, misuse, or distribution of prescriptions medications, drugs or over-the-counter medications, except as expressly permitted by law. For the purposes of the Code, distribution is determined by the quantity of drugs, means, and materials for distribution. Please see the full [Drug and Alcohol Policy](#).
60. Gambling, except as permitted by law
61. Operating a business. State property or facilities may not be used for personal profit, sale, and/or solicitation. Use of any facilities is prohibited unless participating in a University sanctioned event. This includes, but is not limited to, the commercialization of rooms, the use of any space for gambling, or to solicit students or patrons for private businesses.
62. Having animals on campus except service animals and those that may be required for class unless otherwise approved through the Office of Accessibility Services.

63. Violation of any Kean University policy, rule, or regulation published in hard copy or available electronically on the Kean University website
64. Failure to comply with directions of University officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so
65. Failure or refusal to produce a University identification card upon demand by a security officer or other official of the University acting in an official capacity or an officer of the law
66. Any allegation of violation of federal, state, or local laws.

VIII. TITLE IX VIOLATIONS

Violations of Title IX include sex discrimination, sex-based harassment, and retaliation. Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; sexual assault, dating violence, domestic violence, and stalking.

Allegations of sex discrimination, sex-based harassment and retaliation will be referred to the Title IX Coordinator for investigation and/or resolution as deemed appropriate. Information gathered during a student conduct investigation may be shared with the Title IX Coordinator solely for the purpose of ongoing investigations and/or administrative hearings. If said investigation results in charges that are unrelated to Title IX, the Title IX Coordinator may refer the case back to the Office of Student Accountability, Standards and Education for adjudication. For more information, please refer to the [Title IX \(2024\) Policy and Procedures](#).

IX. NO SMOKING POLICY

Kean University has been “Smoke-Free” since the enactment of the [Smoke-Free Air Act](#) in April 2006. This Act, as well as Kean University’s policy, prohibits smoking in any buildings on campus (including residence halls), private offices, maintenance areas, all state vehicles, and in or around the grounds of the Kean University Child Care and Development Center. **In addition, any individual who smokes in permitted areas is required to stay a minimum of three (3) feet from any building entrance.** This policy includes products such as cigarettes, cigars, hookahs, pipes, roll-your-own tobacco, smokeless tobacco, cannabis/marijuana, and electronic delivery systems (e.g., e-cigarettes, vapes, pens, etc.).

Anyone found smoking inside any buildings on campus (including residence halls), private offices, maintenance areas, or state vehicles will be subject to disciplinary action by the University. The responsibility for the enforcement of this policy is a collective effort by the entire University community. Complaints against employees can be reported to [Employee Relations](#) in the [Office of Human Resources](#), 2nd Floor, Administration Building. Complaints against students

should be reported to the [Office of Student Accountability, Standards, and Education](#), Miron Student Center, Room 317.

Cannabis/Marijuana

On February 22, 2021, the State of New Jersey legalized the purchase and use of recreational cannabis to be consumed on private property for adults 21 and older and decriminalized underage possession. In addition, New Jersey law permits the use of medicinal cannabis in certain circumstances (i.e., by persons holding valid New Jersey registry cards with prescriptions from appropriately registered physicians). It is important for employees and students to know these laws and understand their implications on Kean's campuses.

The passage of the law does **NOT** permit the use of cannabis/marijuana on University grounds, in University buildings (including residence halls), facilities, or public areas. Cannabis remains a controlled substance under federal law. As an institution of higher education that receives federal funds, Kean University must comply with the Drug-Free Schools and Communities Act Amendments of 1989 (20 U.S.C. Section 1011i). As such, the use, possession, or distribution of cannabis/marijuana for any purpose, is prohibited on all Kean University leased, owned, or controlled property, parking lots, and at University-sponsored events and activities, or while conducting University business, regardless of whether or not such use would be permissible under New Jersey law.

Therefore, it is strictly prohibited for anyone (regardless of age) to use any form of cannabis/marijuana anywhere on Kean University campus, even with a prescription. This includes vape pens, hookahs or vaporizers, and edibles. Student Health Services will not distribute medicinal cannabis nor will their representatives write prescriptions for medicinal cannabis. Furthermore, possession of and being under the influence of cannabis/marijuana are violations of the [Kean University Drug and Alcohol Policy](#).

Sanctions

Any employee(s) found violating this No Smoking Policy will be subject to progressive disciplinary action by the University, up to and including termination of employment.

Any student(s) found responsible for violation of this policy will face sanctions and penalties under the Kean University [Student Code of Conduct](#).

The following range of sanctions may be imposed by the [Office of Student Accountability, Standards and Education](#):

First Violation:

- Written warning
- \$75.00 fine
- Alternatives I Educational Program

Second Violation

- \$125.00 fine
- Alternatives II Educational Program
- Housing Probation for 12 months

Third Violation

- Termination of the Housing Contract
- Parental Notification

Notwithstanding the foregoing, egregious violations of this Policy may result in more severe sanctions in the sole discretion of Kean University.

If there are any questions regarding the Kean University smoking policies, please contact the [Office of Student Accountability, Standards, and Education](#),

Updated December 2023

X. STUDENT CODE OF CONDUCT PROCESS AND PROCEDURES

Protective Measures

Interim Suspension

Pending the completion of the investigation and subsequent hearing process, the Vice President for Student Affairs, or designee, is authorized to place a responding student on interim suspension for reasons related to his or her physical or emotional safety and well-being, to protect the integrity of the investigation and/or for reasons relating to the safety and well-being of students, faculty, staff, or University property. In some cases, the responding student may be permitted to attend classes but be suspended from all other campus activities. This determination will be made by the Vice President for Student Affairs based upon their knowledge of the potential threat posed by the responding student's presence on campus. The Vice President for Student Affairs will follow an objective, evidence-based investigative and analytic process specific to each individual set of circumstances to determine the appropriateness of the interim suspension. Such processes may include convening the Kean University Behavioral Intervention Team to conduct a risk assessment using the NABITA Risk Assessment Rubric and/or conducting the Structured Interview for Violence Risk Assessment (SIVRA-35). Whenever such action is taken, a Student Conduct Hearing will be convened within ten (10) business days unless an extension is agreed upon or circumstances beyond the control of the University require an extension. The Student Conduct Hearing process is outlined below. At the time of an interim suspension, a Temporary Campus-Wide Notice of No Trespass and/or Temporary Residence Life Notice of No Trespass may be issued. These documents identify campus locations and events as off limits to the responding student until further notice.

Subject to the availability of the responding student, the Vice President for Student Affairs or designee will conduct a Student Conduct Conference prior to imposing an interim suspension. If the student is not available, an interim suspension may be imposed until such time as the

responding student becomes available. At the Student Conduct Conference, the responding student will be given the opportunity to demonstrate to the Vice President for Student Affairs or designee a compelling reason (e.g. mistaken identity) why they should not be interimly suspended pending a Student Conduct Hearing.

No-Contact Order

The Vice President for Student Affairs may impose a limited or campus-wide No-Contact Order on a responding student when the fear of retaliation and/or harassment may be present. Specific instructions will accompany the No-Contact Order outlining the expected behavior including no face-to-face contact, correspondence, e-mail, instant message or telephone. Friends and relatives are also prohibited from contact on behalf of the responding student.

XII. GENERAL PROCESS

A report against a student for violation(s) of the Code may be made in writing or in person by anyone who feels the Code has been violated. A report should be made as soon as possible following the incident. The report form is available [on-line](#) or at this link <https://bit.ly/45TPHTq>. The reporting student should include as much detail of the alleged violation as possible and to the degree possible include specific references to that part of the Code that pertains to the report.

A written report should include the reporting student's name, address, telephone number and email and as much information as is known about the person accused. If there are any witnesses, their names, addresses, telephone number and email should also be provided if known; as much detail as possible should be provided. In exceptional circumstances, provisions may be made to protect the identity of reporters and/or witnesses upon request.

Initial Investigation

Upon receipt of a report or University police report, a conduct administrator of the Office of Student Accountability, Standards and Education will inquire as to the circumstances surrounding the event in question to determine whether there are sufficient grounds to believe that a violation of the Code occurred.

The conduct administrator will schedule interviews and obtain a written statement from the reporting student, responding student, witnesses and/or other persons directly involved in the incident.

Based upon the sufficiency of the report, the conduct administrator may investigate the circumstances surrounding the incident in question and determine whether it warrants a Student Conduct Conference, a Student Conduct Hearing, or referral to the appropriate administrative process within the University. If the conduct administrator determines the report does not warrant further action, the matter will be closed. Such determinations are appropriate where the

complained conduct does not violate the Code and/or when there is insufficient evidence to support a reasonable belief that the Code has been violated.

Notifications

All notifications to students are made through our Maxient Database. Student's will receive notification to their @kean.edu email address. Such notification will state the following:

This is an official correspondence from the Division of Student Affairs. A letter has been issued to you electronically. Upon clicking the link below, you will be taken to a screen displaying your name and requesting an access code to ensure confidentiality. Confirm that your name appears on the screen, and then enter your student ID number as the access code. Please use all of the digits of your ID number including all zeros. The ID number should contain at least 9 digits.

Your letter will appear in PDF format and should be printed or saved for your records. It will remain accessible through this link for 30 days. If the letter fails to appear, you may need to use a different computer or install the free Adobe Acrobat Reader. If you continue to experience difficulty accessing your letter or wish to confirm the legitimacy of this message, please contact our office at 908-737-5240 or conduct@kean.edu.

For optimal viewing of this letter we encourage the use of Mozilla Firefox or Google Chrome internet browsers.

If a student fails to open their letters via the Maxient database, letters may be sent via United Parcel Service (UPS).

1. Pre Conference - Cougar Convo

Cougar Convos take place prior to the initiation of conduct proceedings. The purpose of this meeting is to check in with the responding student, provide resources if applicable and review the Code. The philosophy of the Kean community is simple: we strongly believe that every experience in a student's life can be educational and we believe that some of life's greatest learning experiences occur outside of the classroom. A student's education at the University is not limited to an expansion of their academic knowledge but should include the development of an appropriate moral and ethical code that allows them to function properly in society. Furthermore, a student's education should include an awareness of their responsibilities to others and how to abide by the rules necessary for membership and participation in a social group or community.

2. If the conduct administrator determines there is reasonable cause to believe that a violation of the Code has occurred, the responding student will be notified in writing through Kean University email, within ten (10) business days of receipt of the report. The notification time may be longer if necessary to complete the investigation.

3. This written notice will include:
 - a. The report identifying sections of the Code at issue;
 - b. A link to the website location of the Code and procedures applicable to the report;
 - c. A request that the responding student provide a written explanation of the incident (if no prior statement was obtained);
 - d. The date, time, and location of a Student Conduct Conference.
4. If the respondent fails to meet with the conduct administrator after being properly notified, the case will be decided on the basis of information gathered by the conduct administrator.

Standard of Proof

The Standard of Proof to find a student responsible for a violation is known as preponderance of the evidence. This is equated to 50.1% that the student was responsible for the violation; in other words, more likely than not. Once it has been established that the incident occurred, it is the student's responsibility to prove that they are not responsible.

Student Conduct Conference

1. A conduct administrator will conduct a Student Conduct Conference with the responding student.
2. At the Student Conduct Conference the responding student will:
 - a. Be informed of the information provided to date by the reporting student and other persons;
 - b. Be given an opportunity to raise questions and discuss the information;
 - c. Be given the opportunity to admit the allegations and accept responsibility for the violation(s);
 - d. Be given the opportunity to deny the allegations;
 - e. Be informed of the process and possible remedies and sanctions that may result.
3. As a result of the Student Conduct Conference, the conduct administrator may:
 - a. Dismiss the report;
 - b. Refer the report to the Kean Counseling Center for appropriate follow up which may include mediation with the reporting student (not applied to sexual assaults or other acts of violence);
 - c. Refer the report to the appropriate administrative process within the University;
 - d. Resolve the report informally or impose a remedy and/or sanction that does not result in suspension or expulsion;
 - e. Determine that a Student Conduct Hearing is appropriate.
4. If the responding student does not agree with the decision made at the Student Conduct Conference, the student has the right to appeal the decision within (5) five business days of receipt of the decision letter. The appeal process will be given in writing at the time of the decision letter.

Student Conduct Hearing

Notification of a Student Conduct Hearing will be provided by the Office of Student Accountability, Standards and Education to the reporting student and the responding student by email to the student's official @kean.edu account. All such notice is presumptively delivered whether the student reads their mail/email or not, as all students are required to regularly check their email accounts. The notice will include:

1. The name of the reporting student;
2. The nature of the report, including the specific code sections alleged to have been violated, applicable conduct procedures and the sanctions that may result;
3. The time and place of the hearing. All Student Conduct Hearings will be scheduled during regular business hours (9 a.m. – 5 p.m.);
4. The right to have witnesses. The University may arrange for witnesses to be present or assign to the reporting student and the responding student the responsibility to contact witnesses and arrange for their participation. All student witnesses are asked to complete and sign a FERPA consent form. Both the reporting student and responding student must provide a list of witness names and a statement of their witness' anticipated testimony; all witnesses must be confirmed by the Office of Student Accountability, Standards and Education no later than 48 hours prior to the hearing.
5. The right to have an advisor. The advisor may not be a witness at the hearing or otherwise participate in the hearing;
6. The right to a support advocate other than the advisor;
7. The right to present relevant information;
8. The names of others who will be present at the hearing (if known), including the names of the hearing officers; and a copy of the procedure for challenging any of the hearing officers on the basis of partiality
9. Notice that a Document File compiled by the Office of Student Accountability, Standards and Education with statements from the reporting student, responding student and witnesses and any other documentary information will be available to the responding student, the reporting student, and their advisors for review at least three (3) days prior to the Student Conduct Hearing. An appointment is required to review the Document File. Copies may be made available upon specific request.

Hearing Officers

Student Conduct Hearings for violations of the Code will be conducted by a trained member(s) of the University faculty, staff, or consultant designated by the Office of Student Accountability, Standards and Education.

Conduct of the Hearing

The hearing will be closed to all members of the campus and outside community except those directly involved with the report. The reporting student and the responding student each have the right to be assisted by an advisor of their choice who is not a witness in the report. An advisor or legal counsel may be present to advise only and may not participate. Advisors who

interfere with the proceedings can be excused by the hearing officer. An audio recording of the hearing is made and kept by the Office of Student Accountability, Standards and Education. Only persons involved in the hearing process will be permitted in the vicinity of the hearing. It is expected that participants and advisors will respect the dignity and privacy of Kean community members and keep private that which transpires during the hearing, in accordance with federal law. The University reserves the right to administer the conduct process via video conference. The University also reserves the right to record the proceedings. Such recordings will be added to the student's record.

Student witnesses, when called by the University on behalf of the reporting student, the responding student, or the University, are required to participate in the hearing process.

The hearing process will be conducted in the following manner:

1. All participants and advisors will be introduced to the hearing officer.
2. All participants and advisors will be introduced to the audio technician.
3. The hearing officer will recite the charges against the student and all Code sections alleged to have been violated.
4. The responding student will state whether they are responsible, not responsible, or responsible with an explanation for the alleged misconduct. Responsible with an explanation means the student admits to the actions but believes there were circumstances that should be taken into consideration by the hearing officer in the determination of the charge(s).
5. Statements regarding their respective positions may be given by the reporting student and the responding student. The Hearing Officer may place reasonable time limitations on the statements.
6. The University reserves the right to assign a representative of the Office of Student Accountability, Standards and Education to present the charge(s).
7. Relevant records, documents, and written statements may be accepted and considered by the hearing officer.
8. The reporting student and the responding student may be present throughout the entirety of the proceeding except for the deliberation phase. The reporting student, the responding student and the Office of Student Accountability, Standards and Education representative will be able to present witnesses who will be subject to questioning. Witnesses will be asked to remain until the end of the hearing in the event they must be called back for clarification of their testimony. In the event that a witness is unavailable, a signed statement from the witness may be admitted. Any such statements will be shared with the parties prior to the hearing, and the responding student will be given full opportunity to respond to the written statement at the hearing.
9. Witnesses will appear separately and will leave the hearing room after their testimony is completed. Witnesses are not permitted to leave the vicinity of the hearing room until permission has been granted by the hearing officer, and witnesses are instructed not to communicate with other witnesses outside the hearing during the proceedings.
10. All parties may question each other and the witnesses, and the hearing officer may direct questions as appropriate to any participant or require that all questions go through the

hearing officer. Other accommodations may be utilized to ensure that the hearing is a safe space for participants. The reporting student and the responding student may present concluding remarks. The Hearing Officer may place reasonable time limitations on the statements.

11. At the conclusion of the hearing, the hearing officer will advise the reporting student and the responding student that a determination will be given, in writing, to the appropriate parties.
12. The responding student's prior student conduct record will be a factor in determining the appropriate sanction(s).
13. The reporting student will not be notified of the outcome of the hearing EXCEPT in cases of violence, once the decision of the hearing officer has been issued.
14. For each separate offense, the hearing officer will determine whether the responding student is responsible or not responsible. The decision will be based upon an evaluation of the information presented and a determination as to whether the Code was more likely than not to have been violated. For each violation, the hearing officer will impose an appropriate remedy and/or sanction.
15. The rules of evidence applicable to the courts do not apply to Code proceedings of this University community. Fair process applicable to this process is as defined in these procedures.
16. The conduct administrator may implement changes to these proceedings as needed that do not jeopardize the material fairness owed to the parties to any report.

What is Restorative Justice?

Restorative Justice uses restorative practices such as mediation and community building rather than focusing on what policies have been violated. Restorative processes instead identify who has been harmed and what actions are necessary moving forward to repair the harm.

We believe any resolution of a conduct matter extends the opportunity for individuals to learn about Kean's community expectations. As such, a conduct officer may utilize restorative practices for minor policy violations and correct disruptive behaviors for first time violations without incurring sanctions.

Remedies and Sanctions

The following remedies and sanctions may be imposed when responding students have been found responsible for violation of the Code. In addition, other remedies and sanctions may be fashioned at the discretion of the hearing officer:

1. Written Warning to the offender that the conduct must stop and any continuation may be a basis for more severe action.
2. Letter of Reprimand.
3. Probation – Notice that further violation of the Code may result in expulsion. Also, the decision may place some additional restrictions on membership in student organizations and/or participation in activities or may establish special restitution and service requirements.

4. Suspension:
 - a. Specific Period – Revocation of the privilege of attending the University and using its facilities for a specific period not to exceed two academic years
 - b. Indefinite Period – Revocation of the privilege of attending the University and using the facilities pending the satisfying of specific conditions. The Vice President for Student Affairs will determine whether the conditions have been satisfied.
 - c. Partial Suspension – Revocation of the privilege of use of facilities other than classes and/or the library.
5. Residence Hall Suspension – Revocation or restriction of privileges for the use of, access to, and/or residence in University Residence Halls
6. Facilities Restriction – Revocation or restriction of privileges for the use of some but not all University facilities
7. Expulsion – Permanent termination of student status and rights to be present on University property and attend/participate in University-sponsored events
8. Referral to civil or criminal authorities
9. Any of the following may accompany a remedy and sanction:
10. Restitution requiring individuals to restore or replace within a specified time, property which has been damaged, defaced, lost, or stolen.
11. Service assignment requiring an individual to perform services for the community or the University
12. Referral to appropriate psychological or psychiatric service for evaluation, mandated assessment, or other special help.
13. Fines for drug and alcohol violations as outlined in the [Annual Campus Security and Fire Safety Report](#).
14. A Campus-Wide Notice of No Trespass will accompany a sanction of suspension or expulsion from the University.
15. A Residence Life Notice of No Trespass will accompany any restriction imposed or related to residential living or visitation of the residence halls.
16. Campus-Wide No Contact Order: The Vice President of Student Affairs may impose a Campus Wide No-Contact Order between parties when the fear of retaliation and/or harassment may be present. Specific instructions will accompany the Campus-Wide No-Contact Order outlining to all parties the expected behavior including face to face contact, correspondence, e-mail, instant message or telephone. Friends and relatives are also not permitted to have any contact on behalf of either party.

Underage students found in violation of the University's Alcohol Policy and/or sanctioned for the use, possession or distribution of illegal drugs will be subject to the University parental notification policy. In addition, Kean University reserves the right, in accordance with [FERPA](#), to make public notification of the final results of certain student conduct actions. Such notification may include the name of the student offender and the type of violation, but will not disclose the names of any other students who were involved as victims or witnesses without their consent.

Appeal Procedures

A. Where an individual is found responsible for a violation of the Code that may lead to a sanction less serious than suspension or expulsion, the individual can appeal in writing to the Review Committee for Appeals within (5) five business days from the date of the hearing officer's determination. A person will have the right to request a review based on any of the following grounds:

1. A sanction that falls outside the sanction range commonly assigned for the offense
2. A material deviation from written procedures that jeopardized the fairness of the process
3. A demonstrable bias by the hearing officer
4. New information, unavailable at the time of the hearing, that could be outcome determinative

B. In the case of suspension or expulsion, the student can appeal in writing to the Vice President for Student Affairs within three (3) business days of the receipt of the hearing officer's determination.

C. In the case of suspension or expulsion, the student will not be permitted to be on campus or attend classes pending the outcome of the appeal unless implementation of the sanction is delayed by the Vice President for Student Affairs due to extraordinary circumstances.

The Review Committee for Appeals

The Review Committee for Appeals is a body consisting of trained staff and students whose role is to review all student conduct conference appeals. The Office of Student Accountability, Standards and Education will submit the appeal to the Review Committee within ten business days of receipt. Appeals to the Review Committee will be limited to information presented during the meeting with the conduct administrator and supporting documents provided by the respondent and the conduct administrator. If new information, which was reasonably not available at the time of the original decision, is presented, the Review Committee may send the case back to the conduct administrator for further evaluation.

The Review Committee is composed of one student and two hearing officers. The Committee will review the written challenge and, based on a preponderance of the evidence standard, determine whether or not the student should be granted an appeal. If the Committee determines that an appeal is not granted, the decision of the conduct administrator will go into effect and the student will have no further appeal opportunities. The Review Committee's decision not to grant an appeal is final.

If the Committee determines that an appeal should take place, the case will be forwarded to the next level administrator for review. The Review Committee will convene bi-monthly and all proceedings are closed to the public.

Appeal of Suspension/Expulsion to the Vice President for Student Affairs

The request for review of an appeal will be considered by the Vice President for Student Affairs to determine whether grounds for an appeal exist. A person will have the right to request an appeal based on any of the following grounds:

1. A sanction that falls outside the sanction range commonly assigned for the offense
2. A material deviation from written procedures that jeopardized the fairness of the process
3. A demonstrable bias by the hearing officer
4. New information, unavailable at the time of the hearing, that could be outcome determinative

Request for Appeal to the Vice President for Student Affairs

1. The Vice President for Student Affairs or designee will review the written request for an appeal to determine whether there is sufficient basis to grant an appeal. If so, they will proceed to hear the appeal, or may return the report to the original hearing body for reconsideration or rehearing in light of the basis for the appeal.
2. If the Vice President for Student Affairs determines that there is not a sufficient basis to change the decision of the hearing officer, the parties to the report will be notified in writing.
3. Appeals are deferential to the original hearing decision and are not intended as a rehearing. Appeals involve a review of the hearing record and appeal request. In hearing an appeal, the Vice President for Student Affairs may determine that there is a sufficient basis to change the decision of the hearing officer if there is clear error or compelling justification only. They may reverse, uphold or modify the decision, or change the sanction.
4. The decision of the Vice President for Student Affairs will be final.

XIII. REQUESTING A DISCIPLINARY FILE

SASE uses this form for requesting records [Student Conduct Records Request](#) or <https://bit.ly/47Wd00G>. The form is for current and former students to request disciplinary records to be released to themselves or others.

Student Conduct Records requests can be made to the Office of the Vice President for Student Affairs or SASE via this form. Prior to submitting a request, please review [Kean University's Educational Records policy](#) and be sure that you have all information required for the request. Please note that if the student/former student has an unpaid financial obligation to the University or if there is an unresolved disciplinary action against the student/former student, records will not be released.

Disciplinary File Retention

Formal and informal disciplinary files can be retained until graduation or termination from the University or final action. Housing disciplinary files such as violations, evictions, warnings are kept seven (7) years after graduation or termination from the University or final action. Any formal hearing files or files containing an appeal are permanent records.

Student Conduct Expungement Process

Kean University retains all student conduct records in accordance with the Federal Educational Rights and Privacy Act (FERPA) of 1974 and the Clery Act of 1990. Subject to the provisions of and exceptions of FERPA, all student conduct records are private. Additionally, Kean University will retain student conduct records (non-Clery) for seven years from the date of the incident. The University will indefinitely retain records in cases of expulsion, suspension and appeals.

This expungement process reflects the philosophy that student discipline is educational. Kean University's disciplinary philosophy is intended to serve this purpose by identifying socially unacceptable behavior and to ensure that the student adapts to the norms of the University community while simultaneously providing for the needs of the individual student. Through their interactions with our conduct process students can and do learn that self-reflection and self-knowledge produces change in individuals.

Expungement Process

Expungement applies only to disciplinary records maintained by the Office of Student Accountability, Standards and Education. The expungement process is not available in cases of expulsion, suspension and appeals.

Kean University is required by federal law to retain, for statistical purposes, information regarding certain types of student conduct violations. Statistical information from expunged files may therefore be retained, with the student's name and identification.

Applicability

All sanction requirements must be complete prior to petitioning for expungement. Student conduct violations that have resulted in a sanction of suspension or expulsion from the University are not eligible for expungement. In addition, student conduct violations that have resulted in the threat or actual significant danger to the health and/or safety of the Kean community may not be eligible for expungement. Finally, at least two (4) academic semesters must have passed since the completion of sanctions. The Director of the Office of Student Accountability, Standards and Education/designee will review each expungement petition to determine eligibility under these procedures.

Expungement Petition Requirements

Students wishing to expunge policy violations from their student conduct history, must submit an [Application for Expungement](#) or <https://bit.ly/45q159T> and include a written petition to the Office of Student Accountability, Standards and Education at conduct@kean.edu. This petition must include the following:

1. A brief description of the incident, the policy or policies violated, and the sanction imposed.
2. A reflection on how the incident impacted both you and others within the Kean community.

3. A summary of how your behavior has changed since the incident, including how you would modify your behavior if presented with a similar situation today.
4. A summary of why you would be a good candidate for expungement.
5. The petitioner may submit letters of recommendation to support their eligibility for expungement.
6. If there is more than one incident that resulted in a policy violation, separate petitions must be submitted for each incident.

The Director of the Office of Student Accountability, Standards and Education will review each petition for expungement and convene the Appeals Review Board. The Director will then issue a decision in writing either granting or denying the petition. The Director's decision to grant or deny the petition is final and cannot be appealed.

If a request is granted, all disciplinary records maintained by the Office of Student Accountability, Standards and Education will be marked as expunged. Inquiries into a disciplinary record which has been expunged will result in a report that there was a violation, but that the record has been expunged.

If after a record is expunged a student is found responsible for another violation of the Student Code of Conduct, then the expunged record will become active again

XI. DEFINITIONS

Advisor – A person permitted to be present throughout any meetings, investigation preparations, hearing proceedings, and/or any appeal process to provide support and/or assistance to an individual.

Appeals Review Board – The Review Committee for Appeals is a body consisting of trained staff and students whose role is to review all student conduct conference appeals.

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

Consent – Consent is informed, active and voluntary permission for specific sexual activity. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts.

Controlled Substances – A substance whose distribution is controlled by regulations or statute. Such substances include, but are not limited to, Narcotics, depressants, stimulants, hallucinogens, and cannabis.

Drug – Refers to a chemical substance, especially one prescribed by a physician that is used in the diagnosis, treatment, or prevention of a condition or disease. A Drug is also a chemical substance, such as a Narcotic, that affects the central nervous system and is used recreationally for perceived desirable effects on personality, perception, or behavior. Drugs purchased without a prescription may include headache medicines, cough syrups, and similar mild medications, and can be purchased at virtually any pharmacy or retail store. For purposes of this Policy, the term “Drug” also includes any other chemical substance, compound or combination when used to induce an altered state, and any otherwise lawfully available product when used for any purpose other than its intended use when such use may cause Harm to oneself or others.

Drug Paraphernalia – Defined as all equipment, products, and materials of any kind that are used or intended for use in planning, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing a controlled dangerous substance into the human body, including roach clips, bongs, pipes, etc.

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.

Harm – Creates an intimidating or Hostile Environment by substantially interfering with a Student’s education, or by materially impairing the academic pursuits, employment or participation of any person or group in the College community, or by severely or pervasively causing physical or emotional harm to the Student or other member of the College community

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.

Protective Measures – Any precautionary action, procedure or installation conceived or undertaken to guard or defend from harm to persons, property or the environment.

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 issue 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 Kean's community expectations for minor policy violations and correct disruptive behaviors for first time violations without incurring sanctions.

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.

Student Code of Conduct, amended August 2024