

# Student Rights and Responsibilities

---

## Rights and Responsibilities

### Code of Student Conduct

NJIT requires students to conduct themselves with decorum and to adhere to standards of ethical and professional behavior. NJIT has adopted, and requires all students to comply with, the Code of Student Conduct. The policies and procedures governing this code are contained in a separate publication, the Code of Student Conduct, and are deemed incorporated into this catalog. A copy of the Code may be obtained from the Office of the Dean of Students or online at [www.njit.edu/dos/policies/conductcode/index.php](http://www.njit.edu/dos/policies/conductcode/index.php) (<http://www.njit.edu/dos/policies/conductcode/>)

### Identification Card

All students must carry an NJIT identification card while on campus. An ID card must be presented at the request of a university administrator, faculty member or public safety officer. Facilities, parking, building access, and services of the university require presentation of a valid university ID.

Students should obtain an ID card as soon as possible after registration is completed. Photographs for ID cards are taken throughout the semester in the Department of Public Safety, located in the parking facility. Dates and times to obtain an ID are posted at the Campus Center Information Desk. Proof of registration in the form of a tuition receipt or registrar's receipt is required to obtain an ID card. These receipts also will be accepted as NJIT identification until the ID card is issued. ID validation stickers are issued each semester and are available at the Department of Public Safety or the Campus Center Information Desk.

Lost or stolen IDs should be reported as soon as possible to the Department of Public Safety. A replacement for a lost card is obtained by paying a \$25 charge at the Bursar's Office cashier's window in the Student Services Mall and presenting the receipt at the Department of Public Safety where the card will be re-issued.

NJIT cards are not transferable. Cards are not to be loaned to anyone for any reason. ID cards are the property of NJIT and must be returned upon request.

### Family Educational Rights and Privacy Act

*(Effective Fall 2014, this policy supersedes all previous policies)*

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution.) These rights include:

1. The right to inspect and review the student's education records within 45 days after the day New Jersey Institute of Technology receives a request for access. A student should submit to the registrar a written request that identifies the record(s) the student wishes to inspect. The registrar will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the registrar, the registrar shall coordinate access to inspect those records.
2. The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask New Jersey Institute of Technology to amend a record should write the registrar, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If New Jersey Institute of Technology decides not to amend the record as requested, New Jersey Institute of Technology will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to provide written consent before New Jersey Institute of Technology discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. See "Additional Disclosure Information" below.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the New Jersey Institute of Technology to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202

### Disclosure of Directory Information

New Jersey Institute of Technology, at its discretion, may provide directory information, in accordance with the provisions of the law including a student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

Students may request to withhold disclosure of directory information. To ensure that a request is properly processed, it must be submitted on the official 'Request to Prevent Disclosure of Directory Information Form', which is available in the Office of the Registrar. Request for non-disclosure will be honored by New Jersey Institute of Technology for one academic year and must be filed again at the beginning of the next academic year. New Jersey Institute of Technology assumes that failure on the part of any student to specifically request on the official form preventing the disclosure of directory information indicates individual approval of disclosure.

### Additional Disclosure Information

FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, §99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student –

- To other school officials within New Jersey Institute of Technology whom New Jersey Institute of Technology has determined to have legitimate educational interests. A school official is a person employed by New Jersey Institute of Technology in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for New Jersey Institute of Technology. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising New Jersey Institute of Technology State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or for which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the school has designated as "directory information" under §99.37. (§99.31(a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§99.31(a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her. (§99.31(a)(14))
- To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

## Anti-Discrimination Policy

New Jersey Institute of Technology reaffirms its commitment to a policy of non-discrimination on the basis of race, sex, sexual orientation, age, religion, ethnic origin, handicap or veterans' status in its employment policies, educational programs and activities under university control.

Assuring a climate of equal opportunity is the direct responsibility of all levels of management. Administrative and supervisory personnel are required to comply with applicable government regulations and the affirmative action goals of the university. Among these are Executive Orders 11246 and 11375 (Affirmative action); the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972 (Sex Discrimination); Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act (Non-discrimination on the Basis of Handicap); The New Jersey Law Against Discrimination, Title 10, Chapter 5, 10:5-1 to 10:5-28, NJ Revised Statutes, as amended; and the New Jersey Governor's Code of Fair Practices, Executive Order No. 21 (1965), as amended and Executive Order No. 39 (1991), "Prohibition in State Government of Discrimination Based on Sexual Orientation."

Any reported act of discriminatory behavior will be investigated through the Office of the Dean of Student Services, the Office of Compliance and Training, or the Office of General Counsel and Employment Policy Relations.

## Sexual Harassment Policy

It is the continuing objective of the university to offer a work and study environment to its employees and students that rewards career and educational goals based upon relevant factors such as ability and work performance. Sexual harassment of employees and students is unacceptable. It is a barrier to educational and professional development and contrary to law and university policy.

In accordance with the NJIT's Title IX Sexual Harassment Policy (<https://www.njit.edu/titleix/policies/>), persons found to have violated university policy will face investigation, managerial review and possible disciplinary action up to and including employment termination and or dismissal from the university (for students). For a copy of the university's policies prohibiting sexual harassment, please visit the Title IX website (<https://www.njit.edu/titleix/>) or the Office of the Dean of Students for the Code of Student Conduct. (<https://www.njit.edu/dos/policies/conductcode/>) for sexual harassment that falls outside the scope of Title IX.

## Copyright Ownership

NJIT believes its role as an educational institution is best served by disclosing to the public all academic research, projects, theses and dissertations developed by students during the course of their studies or employment at the university.

Projects, theses and dissertations created by students shall be governed by the following provisions as outlined in NJIT's copyright policy under "Ownership and Disposition of Copyrightable Materials":

- A.** Copyright ownership of projects, theses and dissertations generated by research that is performed in whole or in part by the student with financial support in the form of wages, salaries, stipend, or grant from funds administered by the University shall be determined in accordance with the terms of the support agreement, or in the absence of such terms, shall become the property of the University.
- B.** Copyright ownership of projects, theses and dissertations generated by research performed in whole or in part utilizing equipment or facilities provided to the University under conditions that impose copyright restriction shall be determined in accordance with such restrictions.
- C.** Copyright in projects, theses and dissertations not within the provisions of Categories A and B of this policy shall be the property of the author. However, the student must, as a condition of a degree award, grant royalty-free permission to the University to reproduce and publicly distribute copies of the project, thesis or dissertation.

Requests for permission to publish Category A and B should be addressed to the Office of Intellectual Property.

For further information, call the Office of Intellectual Property, (973) 596-5825.

## Ownership of Intellectual Property

In accordance with university policy, NJIT retains all right, title and interest to any and all intellectual property (i.e., inventions, discoveries, creative works, trade secrets and know-how) developed by NJIT students during the course of their studies or employment at the university or while using university facilities.

To protect against premature disclosure of an invention and/or publication of anything that may be of a proprietary nature, students must immediately report their intent to do so to the **Office of Technology Development**. Students must neither publish nor discuss proprietary information with anyone other than the Office of Technology Development or members of the University's Intellectual Property Committee. When a project, thesis or dissertation covers material that is potentially proprietary, both the student and the advisor must report the existence of such material to the Office of Graduate Studies and the Office of Technology Development; so that the University may expedite its review of such material and determine whether or not it is proprietary and should be protected under the University's guidelines for protecting its Intellectual Property. If necessary, the Office of Graduate Studies and the Office of Technology Development will take steps to sequester patentable material in archival documents such as theses and dissertations. If the University applies for a patent, the student will sign an appropriate assignment agreement. All income derived from such intellectual property will be shared between NJIT and the student in accordance with the University's published policy (see <http://www.njit.edu/policies/sites/policies/files/lcms/pdf/patentpolicy.pdf>).

For further information, call the Office of Intellectual Property, (973) 596-5825.

## Property Loss and Damage

NJIT is not responsible for loss of property by fire or theft in its buildings or grounds. NJIT is not responsible for property damaged as the result of vandalism in its buildings or grounds.

## Drug Abuse Prevention Program

New Jersey Institute of Technology prohibits the use of illegal drugs on its premises including the possession, use, or selling of marijuana in any form on campus and during University activities. University policy concerning possession and consumption of alcoholic beverages on campus subscribes to strict enforcement of the laws of the State of New Jersey, the County of Essex and the City of Newark. In addition, the policy stipulates that any consumption must occur within a responsible social framework wherein beverages are not the focus of the event.

Students with concerns about their own or someone else's use of drugs and/or alcohol should be aware that they can receive information, counseling and referral assistance from the Office of the Dean of Students (<https://www.njit.edu/dos/>), the NJIT CARE Team (<https://www.njit.edu/care/>), the Center for Counseling & Psychological Services (<https://www.njit.edu/counseling/>), or Campus Health Services (<https://www.njit.edu/healthservices/>). The professional staff of the Counseling Center can provide substance abuse counseling and assessment in some situations and will refer more serious problems to off-campus facilities and services.

In addition, the university, through the Division of Student Affairs (<https://www.njit.edu/studentaffairs/>), offers a series of educational programs focused on the areas of drug and alcohol information and substance abuse prevention.

## Drug-Free Workplace Policy

Student employees are subject to university policies regarding employment. New Jersey Institute of Technology is committed to maintaining a drug-free workplace in compliance with applicable laws. The university is further committed both to rigorous enforcement of applicable laws and policies and to support for those trying to cope with drug-related problems. The unlawful possession, use, distribution, dispensation, sale, or manufacture of controlled substances is prohibited on university premises. Any NJIT employee determined to have violated this policy or engaged in drug-related problems that have an impact upon the workplace may be subject to disciplinary action up to and including termination. At the discretion of the university, any employee convicted of a drug offense involving the workplace shall be subject to employee discipline (up to and including termination) and/or required to satisfactorily complete a drug rehabilitation program as a condition of continued employment.

The illegal use of controlled substances can seriously injure the health of employees, adversely affect the performance of their responsibilities, and endanger the safety and well-being of fellow employees, students, and members of the general public. Therefore, the university urges employees engaged in the illegal use of controlled substances to seek professional advice and treatment. Anyone who is employed at NJIT who has a drug problem is encouraged to contact the Director of the Employee Assistance Program (EAP), who will assist in obtaining available treatment. Employees engaged in contracts with the U.S. Department of Defense are additionally subject to Department of Defense requirements and may be required to submit to tests for the illegal use of controlled substances.

As a condition of employment, an employee of NJIT will notify his/her supervisor if he or she is convicted of a criminal drug offense involving the workplace within five days of the conviction. In the event any such conviction involves an employee working on a federal contract or grant, the university will notify the granting or contracting federal agency within 10 days of receiving notice of a conviction. A copy of this statement shall be given to all employees.

This statement and its requirements are promulgated in accordance with the requirements of the Drug-Free Workplace Act of 1988 enacted by the United States Congress. The university will continue its efforts to maintain a drug-free environment by adhering to the above policy and by providing through the EAP and the offices of Human Resources, and Compliance and Training, ongoing drug awareness programs.