

**UNIVERSITY STUDENT LIFE POLICY AGAINST VERBAL ASSAULT,  
DEFAMATION AND HARASSMENT**

**Annotated version – revised 8/20/93**

**I. Statement of Principles**

Intolerance and bigotry are antithetical to the values of the University and unacceptable within the Rutgers community. One of the ways the University seeks to effect this value is through a policy of nondiscrimination, which prohibits discrimination on the basis of race, religion, color, sex, age, sexual orientation, national origin, ancestry, disability, marital status, or veteran status in University programs. In order to reinforce institutional goals of nondiscrimination, tolerance, and civility, the following policy against verbal assault, defamation, and harassment is intended to inform students that the verbal assault, defamation or harassment<sup>1</sup> by students of others violates acceptable standards of conduct within the University.

Verbal assault, defamation or harassment interferes with the mission of the University. Each member of this community is expected to be sufficiently tolerant of others so that all students are free to pursue their goals in an open environment, able to participate in the free exchange of ideas, and able to share equally in the benefits of our educational opportunities. Beyond that, each member of the community is encouraged to do all that she or he can to ensure that the University is fair, humane and responsible to all students.

A community establishes standards in order to be able to fulfill its mission. The policy against verbal assault, defamation, and harassment seeks to guarantee certain minimum standards. Free speech and the open discussion of ideas are an integral part of the University community and are fully encouraged, but acts which restrict the rights and opportunities of others through violence, intimidation, or verbal assault, even if communicative in nature, are not protected speech and are to be condemned.

**II. Prohibited Conduct**

Any of the following acts, even if communicative in nature, are prohibited “separable offenses” under the University Code of Student Conduct (UCSC):<sup>2</sup>

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<sup>1</sup> This University Student Life Policy Against Verbal Assault, Defamation and Harassment in no way repeals, amends or supersedes the University’s existing policy against sexual harassment. For questions concerning sexual harassment, the reader is referred to the separate memorandum dated March 30, 1992 from President Lawrence to the University community concerning sexual harassment and attaching the University’s “Procedures for Making Complaints Under the University Policy on Sexual Harassment.”

1. Use of force against any person or property or the threat of such force (UCSC Part 10 (e))<sup>3</sup>
2. Theft of University services or theft of, or intentional or reckless damage to, University property, or property in the possession of, or owned by, a member of the University community, including the knowing possession of stolen property. Intentional or reckless misuse of fire safety equipment shall be regarded as damage under this section of the Code (UCSC Part 10 (o))
3. Harassment, which is statutorily defined<sup>4</sup> by New Jersey law to mean, and here means, purposefully making or causing to be made a communication or communications anonymously or at extremely inconvenient hours, or in offensively coarse language, or in any other manner likely to cause annoyance or alarm, or subjecting or threatening to subject another to striking, kicking, shoving or other offensive touching, or engaging in any other course of conduct or of repeatedly committed acts with purpose to alarm or seriously annoy any other person. (N.J.S.A. 2C: 33-4, N.J.S.A. 18A:37-15, and N.J.A.C. 6A:16-7.9.) This may also include cyber-bullying or contact through electronic communication. Harassment is considered a separation offense under the UCSC.
4. Defamation, which is judicially defined<sup>5</sup> to mean, and here means, the unprivileged oral or written publication of a false statement of fact which exposes the person about whom it is made to hatred, contempt or ridicule or subjects that person to loss of the good will and confidence of others or so harms that person's reputation as to deter others from associating with her or him (Lutz v. Royal Ins. Co. of America, 245 N.J. Super. 480 (App. Div. 1991)). Defamation is considered a separation offense under the UCSC.

While any of the four categories of acts listed above is a separation offense that, if proven, could lead to a sanction of expulsion or suspension from the University under the provisions of the UCSC, clearly minor instances of such prohibited behavior should be

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<sup>2</sup> "Separable Offenses" under the University Code of Student Conduct are listed offenses, which, if proven, after an appropriate hearing, may lead to the expulsion or suspension of that student from the University.

<sup>3</sup> For example, a verbal assault or intimidation might be prosecuted if it could be proven under the above standards that actions amounted to a threat of physical abuse against the person or property of a member of the University community. (See UCSC Part 10(e))

<sup>4</sup> In the event of a legislative or judicial alteration of the statutory language, the University will review the language of this policy to determine whether it should be changed in conformity therewith.

<sup>5</sup> In the event of a judicial alteration of this common law definition, the University will review the language of this policy to determine whether it should be changed in conformity therewith.

resolved as non-separable violations and not be treated as separation offenses requiring a University-level hearing<sup>6</sup>. The initial judgments of whether the particular act(s) is (are) of a separable or non-separable level are made by the appropriate University official and are subject to review by the Office of the Vice President for Student Affairs.

Students who believe themselves to be victims of verbal assault, harassment or defamation should report such incidents to the Dean or the Dean of Students of their college. In addition, the following individuals have been identified to handle complaints:

Mr. Donald Heilman, Director of Compliance and Assessment, Bishop House, 115 College Avenue, College Avenue Campus; (732) 932-7109;

Ms. Cheryl Clarke, Director of Diverse Community Affairs and Lesbian/Gay Concerns, 3 Bartlett Street, College Avenue Campus; (732) 932-1711;

Ms. Marcia Brown, Vice Chancellor, Center for Law and Justice, Newark Campus; (973) 353-5541;

Ms. Mary Beth Daisey, Associate Chancellor for Student Life, Armitage Hall, Room 248, Camden Campus; (856) 225-6043.

Some complaints can be and should be resolved by informal methods, while others will require the implementation of formal procedures. All complaints are treated confidentially; complainants are encouraged to report incidents even if they do not wish to pursue the matter beyond the reporting stage.

After consultation with the Office of University Counsel, the Office of the Vice President for Student Affairs will subsequently provide guidelines in keeping with this policy, once finalized, in order to inform further the University community of its practical effect.

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Office of Student Affairs  
September 2008 (Revised)

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<sup>6</sup> It is important to note that any punishment imposed as a sanction at the college level pursuant to this policy must only be for behavior which fits one of the four enumerated categories above.