

## Policy Against Verbal Assault, Defamation and Harassment

### 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 of others violates acceptable standards of conduct within the university. (This policy is not intended to supersede the university's policy against sexual harassment.)

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 that restrict the rights and opportunities of others through violence, intimidation, the destruction of property, or verbal assault, even if communicative in nature, are not protected speech and are to be condemned.

### Prohibited Conduct

Any of the following acts, even if communicative in nature, are prohibited "separation offenses" (charges that could lead to suspension or expulsion from the university) under the provisions of the University Code of Student Conduct:

1. Use of force against the person or property of any member of the university community or against the person or property of anyone on university premises, or the threat of such physical abuse. (Verbal assault may be prosecuted as a "threat of...physical abuse.")
2. Theft of, or intentional damage to, university property, or property in the possession of, or owned by, a member of the university. (Acts of graffiti or other vandalism may be prosecuted as "intentional damage to... property.")
3. Harassment, which is statutorily defined 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. Harassment is considered a separation offense under the University Code of Student Conduct as a "heinous act."
4. Defamation, which is judicially defined to mean, and here means, the unprivileged oral or written publication of a false statement of fact that 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. Defamation is considered a separation offense under the University Code of Student Conduct as a "heinous act."

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 University Code of Student Conduct, clearly minor instances of such prohibited behavior should be resolved at the college level and not be treated as separation offenses requiring a university-level hearing. The initial judgments of whether a particular act is of a separable or nonseparable level are made by the appropriate college official and are subject to review by the assistant vice president for student life policy and services.

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 or school. In addition, the following individuals have been identified to handle complaints:

- ▶ Dr. Gregory Blimling, Vice President for Student Affairs, 83 Somerset Street, Old Queens Building, College Avenue Campus, 732/932-8576;
- ▶ Dr. Cheryl Clarke, Director of Diverse Community Affairs and Lesbian/Gay Concerns, 3 Bartlett St., College Avenue Campus, 732/932-1711.

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.

(From the Graduate School-New Brunswick Catalog 1997-99)

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