

Student Code of Conduct and Disciplinary Appeal Procedure

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I. PREAMBLE

County College of Morris (the College) was founded by the citizens of Morris County with the belief that learning is a lifelong process and that education can improve the quality of life for individuals and society. The College is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life, and thoughtful study and discourse. The student conduct program within the Assistant Vice President of Student Affairs Office is an educational and developmental process that balances the interests of individual students with the interests of the College community.

A community exists based on shared values and principles. At the College, we must strive to recognize the dignity and worth of each member of our community. Therefore, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis for this Student *Code of Conduct* (referred to as the *Code*). These standards are represented within a set of core values that include honesty and integrity, social justice, respect, community, and responsibility. The *Code* has not been designed to set forth an exhaustive list of misconduct, but rather to establish behavioral guidelines, and is not intended to create rights beyond those of the background law framing such codes, generally.

Each member of the College community has (1) responsibility to become familiar with the information, policies, and procedures contained in the *Code*, (2) responsibility over their conduct and, and (3) reasonable responsibility for the behavior of others. The College reserves the right to make changes to the *Code* as necessary. When members of the community fail to demonstrate these five values by engaging in behavior that may violate the *Code*, campus conduct proceedings are used to uphold *the Code*.

The student conduct process at the College is not intended to punish students; rather, it exists to protect the interests of the community and to help students make better choices. Educational sanctions, if assigned, are intended to challenge students' moral and ethical decision-making and to help them bring their behavior in line with community expectations. When a student is unable to adhere to the CCM community expectations as outlined in the *Code*, the student conduct process may determine that the student should no longer participate in this community.

Students should be aware that the student conduct process is different from criminal and civil court proceedings. Procedures and rights in student conduct proceedings are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, guarantees written notice, a thorough and equitable investigation, a hearing before an objective decision-maker, and the right to appeal in writing a finding or sanction, or both, based on specific grounds, as outlined in the *Code*. No student will be found in violation of College policy or procedure without information showing that it is more likely than not that a policy violation occurred (i.e., preponderance of the evidence). Any educational sanctions will be proportionate to the severity of the violation and to the cumulative conduct history

of the student. The student conduct process is designed to investigate and resolve alleged student misconduct violations in a prompt, thorough, reliable, fair, and impartial manner.

II. DEFINITIONS

1. **Administrative Conference:** A formal meeting (conference) with the Respondent. Normally, the Respondent must appear in person for the conference, but a request to waive this requirement, under certain circumstances, may be considered.
2. **Appeal:** Refers to a process by which a Respondent and/or Complainant (see Respondent and Complainant definition below) has requested to have the outcome of a student conduct process be reconsidered if certain conditions are met (See Appeal Section).
3. **Appeal Review Officer:** An official that has the authority to review appeal requests in accordance with the prescribed College procedures as detailed in the *Code*. Typically, the Appeal Review Officer is the Senior Vice President of Academic Affairs, Workforce Development, and Student Success (VPAA) or designee.
4. **College Business Days or Business Days:** Weekdays when the College is open for business, whether or not classes are in session.
5. **College Official:** Any individual employed by the College, or performing a function on behalf of the College, acting within the scope of their employment or designated function including, but not limited to, instructor, staff, student employees acting in their employment capacity, peer academic leaders, intramural officials, law enforcement officers, or facility managers.
6. **Complainant:** Any individual, group, or organization who was subject to alleged misconduct as described in any College policy or procedure or any person who submits a referral alleging that a Respondent violated College policy or procedure. There may be more than one Complainant for an incident.
7. **Conduct Authority:** Any person or persons given the authority to facilitate or participate in the student conduct process including, but not limited to, the Conduct Administrator, Assistant Vice President of Student Affairs, and/or the VPAA.
8. **Conduct Administrator:** The Assistant Vice President of Student Affairs or a designee responsible for the oversight of the student conduct process including, but not limited to, issuing notices, resolutions, and/or outcomes.
9. **Family Educational Rights and Privacy Act (FERPA):** A federal law that, among other things, defines student educational records and regulates who may access those records and under what circumstances. The purpose of FERPA is to protect the privacy of student education records. FERPA applies to individuals and not to student groups or registered student organizations so long as an individual's personally identifiable information is not included in such student group or registered student organization records.
10. **Good Conduct Standing:** As used in the *Code*, Good Conduct Standing refers to a student's status when they are in compliance with the College's Student Code of Conduct and have no outstanding disciplinary sanctions or unresolved misconduct allegations. A student in Good Conduct Standing is eligible to fully participate in College activities, including leadership roles, extracurricular programs, and academic opportunities. A student who is not in Good Conduct Standing may not be eligible for certain privileges and opportunities, such as holding office in student organizations,

participating in an athletic event, or receiving College honors or awards. The loss of eligibility for specific programs or opportunities will be determined independently by the respective College departments or organizations, within the scope of their programs, or as specified through the sanctioning process.

11. Interim Measure: A temporary action implemented by the College to protect the safety of an individual or the College community, or to protect the integrity of an ongoing investigation or resolution process.
12. Preponderance of the Evidence: A standard of proof used in the student conduct proceedings that requires the evidence presented to demonstrate that a claim is more likely true than not. This means that the evidence must show that there is a greater than 50% likelihood that the alleged violation occurred, based on the totality of the information available.
13. Registered Student Organization: Any student-led organization that has been approved as meeting the College's established Student Organization criteria and is recognized by the College.
14. Respondent: Any individual, Student Group, or Recognized Student Organization who has been reported for allegedly violating the *Code*. There may be more than one Respondent for an incident. In incidents involving Recognized Student Organizations, the president, director, team captain, or other member of student leadership will participate in the student conduct process on behalf of the organization with a maximum of three individuals able to represent the organization.
15. Student: All persons taking courses at the College, either full-time or part-time, credit or noncredit seeking, certificate, associate, technical, professional studies, or attending an educational program sponsored by the College. Persons who withdraw from the College after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are considered "students."
16. Student Conduct Process: The process set forth in the *Code* under which the College addresses alleged violations of College policies and procedures.
17. Student Group: Any number of students who are associated with the College and each other, but who have not registered, or are not required to register, as a student organization that conducts business or participates in College-related activities. Student Groups include, but are not limited to, Student Government Association, musical or theatrical ensembles, sport clubs, the College newspaper, or athletic teams.
18. Student Organization: A College-recognized group of CCM students meeting the criteria for group registration or recognition established by the Student Community Center.
18. Support Person: Any person selected by a Complainant or Respondent to assist with giving support and resources before, during, and/or after the conduct process. Support Persons may not directly participate, speak, comment, or make any type of representation or argument on behalf of the party they are advising. The availability of a support person will not unreasonably interfere or delay the conduct process. In incidents involving Recognized Student Organizations, the organization may have a maximum of two support people.
19. Title IX: A federal law, enacted as part of the Education Amendments of 1972, that prohibits discrimination based on sex in any educational program or activity receiving

federal financial assistance. Title IX addresses issues such as sexual harassment, sexual violence, and gender-based discrimination, ensuring equal access to education for all students regardless of sex or gender.

20. Witness: An individual who is requested to participate in a student conduct process because that individual may have information related to the allegations, can assess credibility related to allegations, or access to evidence. Witness names may be provided by the Complainant, Respondent, or others with knowledge of the matter.

III. JURISDICTION

Students at the College are provided a copy of the *Code* annually in the form of a link on the College website. Hard copies are available upon request from the Dean Of Students (“DOS”) Office. Students are responsible for having read and abiding by the provisions of the *Code*.

The *Code* and its processes apply to the behavior of all individuals admitted or enrolled in any course or program, whether they are seeking a degree or certification, or participating in non-credit courses or programs. This also applies to Student Groups and Registered Student Organizations. For the purposes of student conduct, the College considers an individual to be a student as defined in the Definitions section of the *Code*.

The College may choose to retain conduct jurisdiction over students who opt to take a leave of absence, withdraw (fully or partially), or have graduated, for any alleged misconduct that occurred prior to the leave, withdrawal, or graduation. If sanctioned, holds placed on a student’s account may affect their ability to re-enroll, and/or obtain official transcripts, and/or graduate. In the event of serious misconduct committed while still enrolled, but reported after the Respondent-Student has graduated, the College may invoke these procedures. If the Respondent-Student is found responsible for a violation, the College may revoke that student’s degree and/or impose other penalties and restrictions as appropriate.

The College is committed to respecting and upholding the rights of all students, including their rights to privacy, free expression, assembly, and due process, as defined in these procedures. The *Code* applies to behaviors that take place on campus, at College-sponsored events, and may also apply off-campus when the Assistant Vice President of Student Affairs or designee determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- Any situation where it appears that the student’s conduct may present a danger or threat to the health or safety of him/herself/themselves, or others;
- Any situation that significantly interferes with the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder;
- Any situation that is detrimental to the educational mission and/or interests of the College; and/or
- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law; and/or
- Any situation in which College policy or the *Code* is violated.

The Senior Vice President of Academic Affairs, Workforce Development, and Student Success (VPAA) or designee is the final authority over jurisdiction.

The *Code* applies to actions taken either in-person or online, whether on- or off-campus. This includes emails, text messages, and other electronic or virtual platforms. It's important for students to understand that anything posted online, including on social media, blogs, websites, or chat rooms, is considered public and not private. The *Code* may be used to address online behavior that may violate the *Code*. The College does not regularly search for this information, but it may take action if and when such information is brought to the attention of College officials. Most online speech by students not involving College networks or technology will be protected as free expression and not subject to the *Code*, with two notable exceptions:

- A true threat, defined as an intentional or reckless, serious expression that a speaker means to commit an act of unlawful violence or inflict bodily harm upon specific individuals; or
- Speech posted online about the College or its community members that causes a material and substantial on-campus disruption.

There is no time limit on reporting violations of the *Code*; however, the longer someone waits to report an alleged violation, the harder it becomes for College officials to obtain information and witness statements and to make determinations regarding alleged violations. The College accepts anonymous complaints regarding student conduct, but anonymity may limit the College's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to file reports as quickly as possible with the DOS Office, the Public Safety Department, or both.

Alleged violations of federal, state, and local laws may also be investigated and addressed under the *Code*. The College will resolve all cases involving alleged violations of the *Code* and typically will not defer proceedings pending any external criminal or civil review. Students who are members of Student Groups or Registered Student Organizations may be subject to jurisdiction both as an individual student and as a member of the student organization. *Code* violations may be charged as collateral misconduct in other College proceedings, and in such cases, those proceedings share Student Code of Conduct authority and those procedures will be used in lieu of the procedures described herein.

College email is the College's primary means of communication with students. Students are responsible for all communication delivered to their College email address.

IV. STUDENT CODE OF CONDUCT AUTHORITY

The Assistant Vice President of Student Affairs serves as the primary conduct administrator, as designated by the VPAA. In this capacity, the Assistant Vice President of Student Affairs is responsible for the development and implementation of policies and procedures for the administration of the *Code*. The Assistant Vice President of Student Affairs is responsible for notifying the College community of substantial changes to this policy.

V. COLLEGE REGULATIONS

The College considers the behavior described in the following sub-sections to be in opposition to the core values set forth in the *Code*. It is a violation of this *Code* for any student, Student Group, or Registered Student Organization to engage in any of these behaviors or behavior that aids, attempts, assists, promotes, condones, encourages, requires, conceals, or facilitates any act prohibited by the *Code*. Allowing, permitting, or providing an opportunity for a guest to violate College Regulation is also prohibited.

These violations are included in each section below and need not be cited separately.

Lack of familiarity with College Regulation is not a defense to a violation of the *Code*. Unless specifically noted in the policy definition, intent is not a required element to establish a policy violation. Additionally, intoxication or impairment from alcohol, drugs, or other substances is not a defense to a violation of the *Code*. Allegations meeting the definitions of sex discrimination or sex-based harassment under Title IX will be investigated and resolved in accordance with the Title IX Policy.

The College encourages community members to report to College officials all incidents that involve the following actions.

1. **Academic Misconduct:** Acts of academic dishonesty include, but are not limited to:
 - a. Offering, giving, receiving, or soliciting any funds, goods, services, or anything else of value in exchange for an academic advantage for any student.
 - b. Providing fabricated or falsified information or misrepresenting information in an academic activity or assignment.
 - c. The use of work or ideas in an academic activity or assignment without proper acknowledgment of source. Prohibited behaviors includes, but is not limited to:
 - i. Partial or incomplete citation of work or ideas;
 - ii. Improperly paraphrasing by acknowledging the source but failing to present the material in one's own words;
 - iii. Paraphrasing without acknowledgment of the source;
 - iv. Multiple submissions of the same or substantially the same academic work for academic credit without prior permission of all pertinent faculty members; or
 - v. Copying, partially or entirely, any material without acknowledgment of the source.
 - d. Collaborating or consulting with another individual or group during an academic activity or assignment without the express permission of, or in a manner inconsistent with the express permission of, the instructor or other College-approved entity.
 - e. Using or possessing any materials or resources during an academic activity or assignment without the express permission of, or in a manner inconsistent with the express permission of, the instructor or other College-approved entity. Unauthorized use of materials or resources includes, but is not limited to, any electronic device; course textbooks, articles, cheat sheets, generative AI engines, other print sources; and/or looking at another individual's current or previous academic work. This includes submission of materials acquired from an external or commercial source (e.g. ghostwriting or pay-for-paper services).
2. **Alcohol:** Engaging in behaviors including, but not limited to:
 - a. Underage possession and/or consumption of alcohol;
 - b. Possession and/or consumption of alcohol except as expressly permitted by law and College Policy;
 - c. Distributing, selling, manufacturing, producing, and/or serving alcohol, regardless of age, except as expressly permitted by law and College Policy;
 - d. Possessing common source alcoholic beverage container(s) including, but not limited to, kegs, mini-kegs, coolers, beer balls, trashcans, and tubs, unless permitted by law or College policy;

- e. Permitting any individual or group to consume alcohol in a space owned, occupied, or controlled by the host, except as expressly permitted by law and College Policy;
 - f. Encouraging or facilitating excessive and/or rapid alcohol consumption including, but not limited to keg stands, alcohol luges, beer bong, beer/water pong, and other drinking games;
 - g. Possession of an open alcohol container in or on a vehicle (e.g., automobile, motorcycle, bicycle, skateboard, scooter, Segway, hoverboard, tractor), in open spaces, or public except as expressly permitted by law and College Policy;
 - h. Being impaired by alcohol to the point where one's behavior results in violations of the rights of others, leads to disorderly or dangerous behavior, or that impairs personal health or safety; or
 - i. Operating or controlling a vehicle (e.g., automobile, motorcycle, bicycle, skateboard, scooter, Segway, hoverboard, tractor) while under the influence of alcohol.
3. **Animals:** Animals, except for service animals that provide assistance (e.g. seeing-eye dogs), are not permitted on campus except as permitted by law.
 4. **Damage and Destruction:** Intentional, reckless, and/or unauthorized damage to or destruction of College property, public property, or the personal property of another.
 5. **Dangerous Objects:** Possession, use, sale, or distribution of explosives (including but not limited to fireworks and ammunition), guns (including but not limited to air, BB, paintball, facsimile weapons and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade of longer than three (3) inches, including the storage of any item that falls within the category of a weapon in a vehicle parked on College property except as expressly permitted by law and College Policy.
 6. **Disruptive Behavior:** Substantial disruption or obstruction of College operations, including but not limited to the obstruction of teaching, research, administration, and other College activities, as well as authorized non-College activities occurring on College property.
 7. **Drugs and Other Substances:** Engaging in behaviors including, but not limited to:
 - a. Possession, use, and/or consumption of drugs and/or other substances except as expressly permitted by law and College Policy. Drugs and/or other substances may include, but are not limited to marijuana, cocaine, heroin, lysergic acid (LSD), MDMA, steroids, amphetamines, prescription medication, and/or over the counter medication;
 - b. Possession and/or use of drug paraphernalia (i.e., any equipment, product, or material that is for making, using, or concealing prohibited drugs and/or other substances) except as expressly permitted by law and College Policy;
 - c. Distributing, selling, manufacturing, producing, and/or serving drugs and/or other substances which may alter an individual's mental state or impair an individual's behavior except as expressly permitted by law and College Policy;
 - d. Permitting any individual or group to consume, possess, or use drugs or other substances in a space owned, occupied, or controlled by the host, except as expressly permitted by law and College Policy;
 - e. Being impaired by drugs or other substances to the point where one's behavior results in violations of the rights of others, leads to disorderly or dangerous behavior, or impairs personal health or safety; or

- f. Operating or controlling a vehicle (e.g., automobile, motorcycle, bicycle, skateboard, scooter, Segway, hoverboard, tractor) while under the influence of drugs or other substances.
8. **Election Tampering:** Tampering with the election of any Respondent (minor election code violations may be addressed by the Student Government Association Election Committee and/or the Director of Campus Life or designee).
9. **Failure to Comply:** Failure to comply with the reasonable directives of College officials, law enforcement officers, or emergency responders during the performance of their duties and/or failure to identify oneself to these persons when requested to do so.
10. **False or Misleading Information:** Deliberately or purposefully providing false or misleading verbal or written information to any individual, or purposefully omitting facts which are material to the purpose for which the information is provided.
11. **Falsification:** Forging, altering, or misusing any document, record, account, computer account, digital product, or instrument of identification.
12. **Fraudulent Identification:** Manufacturing, distributing, delivering, selling, providing, purchasing, using, or possessing any form of fraudulent identification.
13. **Gambling:** Wagering on prohibited/unlawful games of chance or skill, outcomes of games, contests, or other public events for money or another thing of value. Raffles, charitable games, pull tabs and jar games are permissible only in compliance with State of New Jersey law and local ordinance.
14. **General Safety:** Engaging in behaviors including, but not limited to:
 - a. Intentionally or recklessly causing a fire, explosion, blocking emergency exits, or other safety hazards;
 - b. Knowingly making a false report regarding an emergency including, but not limited a bomb threat, a fire, or other emergency by activating an alarm or by any other means;
 - c. Engaging in unauthorized possession, use, or alteration of any College-owned emergency or safety equipment;
 - d. Intentionally or recklessly throwing, dropping, or releasing any object or substance out or off of a College building (e.g., balconies, railings, roofs, windows) or a vehicle without express authorization by a College Official.
 - e. Failing to follow emergency procedures during an actual emergency or drill including, but not limited to, evacuate a building or other structure during an emergency or during emergency drills; or
 - f. Tampering with, damaging, disabling, interfering with, or misusing emergency equipment including, but not limited to, fire alarms, fire doors, fire extinguishers, fire sprinklers, fire hoses, or an emergency call box.
15. **Harassment:** Engaging in unwelcome conduct that is so severe, pervasive, or objectively offensive that it interferes with a reasonable person's ability to work, learn, live, participate in, or benefit from the services, activities, or privileges provided by the College. Harassment may occur via written, electronic, verbal, or any other form of communication; or through physical presence; and includes, but is not limited to, bullying, cyberbullying, intimidation, or coercion. Harassment may be based on actual or perceived status, or may be general in nature, including: race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, religion, or other protected status. Harassment that may be based on actual or perceived sex, sexual

orientation, gender, gender identity/expression, and/or pregnancy and related conditions will typically be addressed through the College's Title IX Policy.

16. **Hazing:** Engaging in any activity that is inconsistent with regulations or policies of County College of Morris or the laws of the State of New Jersey for the purpose of initiation into, admission into, affiliation with, or continued membership in any group, organization, or team. Acts of this nature are considered to be hazing whether or not a person willingly participates in such activities. Behaviors include, but are not limited to:
 - a. Engaging in any act that endangers the mental, emotional, or physical health or safety of an individual; or
 - b. Engaging in any act where an individual is encouraged to engage in conduct of an unbecoming or humiliating nature, or which in any way detracts from an individual's academic pursuits; or
 - c. Engaging in any acts such as work sessions, performance of services or servitude, wearing apparel which is conspicuous and not in good taste, public stunts, morally degrading or humiliating games or events, physical or emotional shock, creating excessive fatigue, paddling (using a paddle to strike another individual), physical punishments, or that encourage the illegal and/or abusive use of alcohol and/or other drugs; or
 - d. Failing to prevent and/or failing to discourage, and/or failing to report known acts of hazing when these activities are known to be taking place, or where it should be reasonably known that such activities are taking place.
17. **Misuse of Campus Space:** Using any campus facility, property, or designated space in a manner inconsistent with its intended purpose, in violation of posted regulations or institutional policies, or without proper authorization. This includes, but is not limited to, occupying restricted areas or using campus spaces in ways that disrupt operations, pose safety risks, or interfere with access or use by others.
18. **Misuse of Conduct Process:** Misuse, abuse, or interference with, or failure to comply in, College processes including conduct and academic integrity hearings including, but not limited to:
 - a. Falsification, distortion, or misrepresentation of information or soliciting another to provide such information in the conduct process;
 - b. Failure to provide, destroying, or concealing information during an investigation of an alleged policy violation;
 - c. Attempting to discourage an individual's proper participation in or use of the conduct process;
 - d. Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body or witness prior to, during, and/or following a campus conduct proceeding;
 - e. Failure to comply with the sanction(s) imposed by the campus conduct system; or
 - f. Knowingly making a false complaint.
19. **Physical Harm:** Intentionally or recklessly causing physical harm to a person or animal or endangering the health or safety of any person or animal. Behaviors include, but are not limited to, scratching, biting, pulling, shoving, punching, slapping, kicking, or holding a person against their will.

20. **Public Indecency:** Engaging in sexual or lewd conduct in a public or semi-public space, or in any location on campus where such conduct is reasonably likely to be seen/heard by others who have not consented to observe it. This includes, but is not limited to, streaking, exposure of genitals, public urination, public defecation, public sexual acts, or similar behavior occurring in classrooms, offices, common areas, outdoor campus spaces, or other non-private settings. This definition does not apply to conduct covered under the institution's Title IX or sexual misconduct policies, which is addressed through separate procedures.
21. **Retaliation:** Engaging in, or causing another to engage in, adverse action or threat of adverse action against any individual or group involved in the complaint, investigation, and/or resolution of an allegation of a violation of College policy or procedure, because of that involvement. Retaliation can be committed by anyone and can take the form of behaviors including, but not limited to threats, intimidation, pressuring, continued harassment, violence, or other forms of harm to others.
22. **Unauthorized Assembly:** Causing, inciting, or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property.
23. **Stalking and Cyberstalking:** Engaging in a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear or substantial emotional distress. Stalking and Cyberstalking that may be based on actual or perceived sex, sexual orientation, gender, gender identity/expression, and/or pregnancy and related conditions will typically be addressed through the College's Title IX Policy.
24. **Taking of Property:** Engaging in the taking, misappropriation, or possession of College property or the property of another individual, Student Group, or Registered Student Organization without permission, whether physical or digital property, including anything of value, goods, services, funds, and/or other valuables.
25. **Threats:** Engaging in intentional or reckless behavior that causes a reasonable expectation of damage to property, or injury to the health, safety, or well-being of any individual, Student Group, or Registered Student Organization that is not otherwise protected by freedom of speech. This behavior includes implied threats or acts that cause another individual a reasonable fear of harm (including physical intimidation). Threats may occur via written, electronic, verbal, or any other form of communication.
26. **Unauthorized Access:** Unauthorized access to any College property (e.g., building, vehicle, structure, facility) or unauthorized possession, duplication, or use of means of access (e.g., keys, access cards) to any College property, or failing to timely report a lost College identification card or key.
27. **Unauthorized Assembly:** Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property.
28. **Unauthorized Entry:** Misuse of access privileges to College property (e.g., building, vehicle, structure, facility), or unauthorized entry to or use of buildings, including trespassing, propping, or unauthorized use of alarmed doors for entry into or exit from a College-owned property.
29. **Violation of Law:** Behavior that would constitute a violation of any federal, state,

and/or local law; city or county ordinance; or when in another state or country, the laws of that state or country.

30. **Violation of College Rules and Regulations:** Conduct that would constitute a violation of any College policy, procedure, rule, or regulation (e.g., Smoking Policy, Information in College Catalog).

VI. MEDICAL AMNESTY AND GOOD SAMARITAN POLICIES

The College considers the health and safety of members of the College community and its visitors to be a top priority. The College recognizes a student's concern for potential disciplinary action related to use or possession of alcohol, drugs, and/or other substances may hinder their actions in response to an emergency or medical situation. To alleviate those concerns and ensure that students and their visitors receive prompt, appropriate care, the College has adopted the following Medical Amnesty and Good Samaritan Policy:

- Students are urged to contact emergency officials by calling the Public Safety Department at (973) 328 - 5550 or 911 to report incidents of harassment, violations of College policies, discrimination, and crimes, to remain with the individual(s) needing emergency treatment and cooperate with emergency officials, so long as it is safe to do so and to meet with appropriate College officials after the incident and cooperate with any College investigation.
 - **For Complainants:** Students/Student Organizations will be required to complete any educational program or activity assigned by the Assistant Vice President of Student Affairs or designee.
 - **For Those Who Offer Assistance:** Students/Student Organizations will be required to complete any educational program or activity assigned by the Assistant Vice President of Student Affairs or designee.
 - **For Those Who Receive Assistance:** At the discretion of the Assistant Vice President of Student Affairs or their designee, amnesty may also be extended, on a case-by-case basis, to the person receiving assistance.
- Student Groups or Organizations will not face disciplinary actions for incidents provided the group or organization followed the event and risk management procedures outlined in the Student Organization Guidebook and Policy Manual.
 - However, 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 an investigation may proceed with the group as joint Respondents. In any such action, however, determinations will be made with respect to the involvement of each individual Respondent.
- In a community, students are encouraged to help other members of the community who are in need; to be Good Samaritans. When a student has assisted an intoxicated student in procuring campus safety and/or professional medical assistance, neither the intoxicated student nor the individual(s) who assist them will be subject to formal action through this process for (a) being intoxicated, or (b) having provided that person alcohol and/or drugs. This applies only to first-time isolated incidents, and does not excuse or protect those who flagrantly or repeatedly violate College alcohol and/or drug policies.
- While this protection is extended to individuals, student groups, and student organizations who are directly involved in an incident, this protocol does not apply to

individuals, or those present, experiencing an alcohol, drug, or other substance-related medical emergency who are found by College officials, Public Safety, or law enforcement agencies.

- The Medical Amnesty and Good Samaritan Policy is not intended to shield or protect students, student groups, or student organizations that repeatedly violate College policy and procedure. In cases where repeated policy violations occur, the College reserves the right to take disciplinary action on a case-by-case basis regardless of how the incident was reported. Additionally, the College reserves the right to initiate the student conduct process in cases in which the alleged violation(s) is/are egregious.
- This protocol only provides amnesty from violations of College policy and procedure. It does not grant amnesty for criminal, civil, or other legal consequences for violations of federal, state, or local laws or ordinances.
- The Assistant Vice President of Student Affairs or designee will determine eligibility for amnesty under the Medical Amnesty and Good Samaritan Policy during the initial review or investigation.

In summary, a student who is under the influence of alcohol or drugs at the time of a mental health crisis, medical emergency, or sexual assault, should not be reluctant to seek assistance for that reason. When a reporting party, respondent, third-party reporter, or witness to an incident of a mental health crisis, medical emergency, or sexual assault, participates in a good faith report, the DOS Office will not pursue disciplinary violations related to the impermissible drug or alcohol use against any of the involved student(s).

VII. **RETALIATION**

Activity under this Policy protected from retaliation includes reporting an incident that may implicate this Policy, participating in the Student Code of Conduct Process (described below), supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of retaliation should be reported immediately to the Assistant Vice President of Student Affairs and they will be promptly investigated. The College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

As defined in Section V, Paragraph 21, retaliation is the act of engaging in, or causing another to engage in, adverse action or threat of adverse action against any individual or group involved in the complaint, investigation, and/or resolution of an allegation of a violation of College policy or procedure, because of that involvement. Retaliation can be committed by anyone and can take the form of behaviors including, but not limited to threats, intimidation, coercing, continued harassment, violence, discrimination or other forms of harm to others.

Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith in the course of a disciplinary proceeding under this Policy and Procedure does not constitute retaliation, if the outcome under the Student Code of

Conduct Process concludes that the statement was materially false and made in bad faith.

VIII. INVOLVED PARTY RIGHTS

A. Respondent Rights

Respondents have the right to be heard and to be treated fairly throughout the student conduct process. Respondents also bear the responsibility for participating in the student conduct process in a manner that demonstrates respect for the student conduct process and all people participating in that process. Respondents have the right to:

1. Be notified of the alleged violation(s) of College policy or procedure;
2. Be provided advanced notice of all meetings in which they are requested or entitled to participate and be notified of the purpose of those meetings;
3. Be accompanied by a Support Person of their choice throughout the student conduct process;
4. Request reasonable accommodations to ensure full and equitable participation in the student conduct process;
5. Be informed of the available resolution options;
6. Be informed of campus and community resources available for support and assistance;
7. Submit information, including the names of witnesses, for consideration in the investigation;
8. Be informed of all parties contacted to participate in the investigation and their relation to the alleged misconduct;
9. Review, after any required redaction, all information to be considered in determining the outcome;
10. May provide a statement or respond to questions during the student conduct process;
11. Submit a written impact statement to be considered before an outcome is reached;
12. Request the VPAA or their designee to consider removing the individual responsible for investigating or resolving an alleged violation from a case based on actual or perceived bias; and
13. Request an appeal within the College's process. A Respondent who appeals an outcome during a stage of the Student Code of Conduct Process (described below) under specific grounds, will not be permitted to appeal the same outcome under different grounds if left dissatisfied with the determination of the appeal.

VIII. STUDENT CODE OF CONDUCT PROCESS

College administrators, faculty, and staff respect and protect the rights of everyone at the College. To ensure the fair treatment of each individual, the College has established the following disciplinary process.

The main objectives of the disciplinary process are to protect members of the College community from harm and to assure students due process if they have been charged with violating College policy or procedures as listed in the *Code*.

The DOS Office is responsible for receiving reports of alleged violations of the *Code*. This process applies to all alleged violations of the Code. In instances where alleged

academic dishonesty is referred to the student conduct process, faculty members are encouraged to wait for the conclusion of the student conduct process before imposing any academic consequences. Academic consequences should only be applied in collaboration with the Assistant Vice President of Student Affairs and after the Respondent has been found responsible for violating the alleged policies. If the Respondent is not enrolled in the course during the term in which the alleged violation of academic misconduct arises, the instructor will refer the matter to the DOS Office for assessment of the use of the Code to address the matter. The instructor may not impose an academic consequence in a course that was previously completed or in a separate course in which the student is enrolled. The College's student conduct process is a four-step model that consists of the following stages: Preliminary Inquiry, Informational Meeting, Resolution, and Appeal.

A. Step 1: Preliminary Inquiry

Any member of the community – administrator, faculty, staff, student, or third party – may report an allegation and/or file a complaint with DOS Office.

DOS Office will conduct a preliminary inquiry into the nature of the incident, complaint, or notice of alleged policy violation, the evidence available, and the parties involved. The preliminary inquiry is a neutral fact-finding process that is used to determine whether there is sufficient information to warrant action by the College. Meetings or interviews with the Complainant and/or witnesses may occur during any part of the student conduct process, including before initiating process or contacting the Respondent. If the Respondent is contacted about the complaint during the preliminary inquiry, the Respondent will be made aware of the initiation of the preliminary inquiry and that the incident could result in a student conduct process being initiated. The preliminary inquiry may result in any of the following:

1. No Action: If there is insufficient credible information to indicate a potential violation occurred, the complaint will not be advanced to the formal student conduct process. The information will be retained by the College to document that the matter was reviewed.
2. Educational Conversation: If the information provided is concerning but does not reach the level of a potential policy violation (e.g., an incident that occurs outside of the College's jurisdiction or repeated low-level behaviors), College officials may have an educational conversation about the behavior with the Respondent.
3. Initiation of Conduct Process: If there is reasonable cause to believe that a Respondent may have violated the Code, the formal conduct process will be initiated.

If it is determined that the alleged behavior would fall within the jurisdiction of another College process or department, DOS Office may collaborate with the appropriate department and/or process the alleged behavior accordingly. Failure for any party to participate in any portion of the student conduct proceedings will not unreasonably delay the student conduct proceedings or impact the validity of such proceedings.

Interim Measures

Under the *Code*, the Assistant Vice President of Student Affairs or designee may impose restrictions and/or separate a Respondent from the community pending the scheduling of resolution of an alleged violation(s) of the *Code* when:

- A student represents a threat of serious harm to others;
- Is facing allegations of serious criminal activity;

- To preserve the integrity of an investigation;
- To preserve College property; and/or
- To prevent disruption of, or interference with, the normal operations of the College.

Interim measures can include separation from the institution or restrictions on participation in the community. During an interim suspension, a student may be denied access to College campus, facilities, and/or events. As determined to be appropriate by the Assistant Vice President of Student Affairs or designee, this restriction may include classes and/or all other College activities or privileges for which the student might otherwise be eligible. At the discretion of the Assistant Vice President of Student Affairs or designee, and in collaboration with the appropriate College official(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the Respondent.

Interim suspensions are imposed until an investigation can be completed, typically for up to ten (10) business days, pending the results of an investigation of alleged violation(s) of the *Code*. The interim suspension may be continued if a danger to the community is posed. The College may be delayed or prevented from conducting its own investigation and resolving the allegation because of an ongoing criminal process. In such cases, the College will only delay its decision until such time as it can conduct an internal investigation or obtain sufficient information independently or from law enforcement upon which to proceed. This delay will typically be no longer than ten (10) business days from notice of the incident unless a longer delay is requested in writing by the Complainant to allow the criminal investigation to proceed before the College process.

A student who receives an interim suspension may request a meeting with the Assistant Vice President of Student Affairs or their designee to demonstrate why an interim suspension is not merited or its terms should be modified. Regardless of the outcome of this meeting, the College may still proceed with an investigation.

When interim measures are imposed, the Assistant Vice President of Student Affairs or their designee may take action to provide interim support and remedies to the Complainant and the community, such as no contact orders, counseling, academic support, student financial aid advising, a campus escort, academic or work schedule and assignment accommodations, safety planning, and/or referral to campus and community support resources.

The Assistant Vice President of Student Affairs or designee will notify the Complainant, if applicable, and Respondent, in writing, of any interim measures. The measures will take place immediately upon notification. The Respondent will have three (3) College business days to e-mail a written request to review the interim measures. In most cases, reviews of interim measures are confined to a review of written documentations or statements; However, involved parties or witnesses may be called if necessary. Upon receipt of a request, the Assistant Vice President of Student Affairs or designee will provide a written response within three (3) College business days to determine if the interim measures should be lifted, modified, or kept in place. The interim measure review is not a review of the merits of the allegation(s), but rather an administrative process to determine solely whether the interim measures are appropriate. The outcome of the interim measure review is a final decision regarding interim measures unless there are exceptional circumstances that come to light during the investigation.

In circumstances in which the Respondent requests, in writing, that the Assistant Vice

President of Student Affairs or designee remove themselves from the interim measure review based on actual or perceived bias, or the Assistant Vice President of Student Affairs or designee is otherwise unable to perform these duties, decisions regarding interim measures will be made by the VPAA or designee.

At any point in the process, interim measures may be implemented. Once in effect, the measures will remain in place until it is determined that they are no longer necessary.

B. Step 2: Informational Meeting

Once the initiation of the investigation has occurred, the Respondent will be provided with written notice a minimum of two (2) College business days before an informational meeting, barring any exigent circumstances. The notice will include the following:

1. The alleged policy violation(s) and any potential sanction(s) that could be imposed;
2. A link to the *Code*;
3. A link to the College procedures used to resolve the complaint;
4. The date, time, and location of the scheduled informational meeting or instructions regarding how the respondent should go about scheduling an informational meeting;
5. An explanation of the ability to have a Support Person of choice present throughout the student conduct process; and
6. The contact information for the College officials assigned to resolve the complaint.

Notice will be made in writing and emailed to the Respondent's College-issued email or is mailed to the local address on file with the College or the permanent address on file. For Student Groups or Registered Student Organizations, notice is considered given if it is sent by any of the aforementioned means to the student who is the last known president of the organization. Once emailed, notice will be presumptively delivered.

Informational Meeting

All Respondents are provided an opportunity to attend a scheduled informational meeting with the conduct administrator responsible for resolving the case. An informational meeting is an informal meeting with a Conduct Administrator who will explain the Respondent's rights and the alleged violation(s), discuss resolution options, review the Respondent's responsibilities, and provide an opportunity to review, after any required redaction, the information that was provided as the basis for the alleged policy violation(s). The representative will also answer questions about the process and available options. The Conduct Administrator may provide a range of possible outcomes for the alleged violation, but that individual cannot ensure that a specific outcome will occur.

During the informational meeting, the Respondent may select one of the available resolution processes (Administrative Conference or Formal Resolution) for the case. In certain circumstances, the Conduct Administrator or designee may exercise the authority to select the resolution process. In the absence of a resolution option selection from the Respondent, the Conduct Administrator will determine the appropriate resolution process for the case. Failure to attend an informational meeting will not delay the student conduct proceedings or impact the validity of such proceedings.

C. Step 3: Resolution

Informal Resolution: Administrative Meeting

An informal resolution consists of an administrative meeting. If the assigned Conduct

Administrator believes the outcome for the alleged violation would likely not rise above disciplinary probation or result in removal from a College building/campus, the Respondent may elect to have the case resolved by Administrative Meeting. An Administrative Meeting takes place between the Respondent and a Conduct Administrator and does not allow for the presentation of witnesses or additional information to be submitted by the Respondent before the meeting, although the administrator may follow up with other parties as necessary before making a decision. The Administrative Meeting will primarily consist of the Respondent sharing their perspective on the reported behavior and the Conduct Administrator asking questions of the Respondent.

An Administrative Meeting may likely occur directly following an informational meeting or may be scheduled for a later date. Every effort will be made to schedule an Administrative Meeting within five (5) College business days of the informational meeting. Following an Administrative Conference, the Conduct Administrator will determine whether it is more likely than not that a violation occurred and determine appropriate education sanction(s), if applicable. The result of an Administrative Meeting is not appealable.

If the Respondent does not wish to proceed with an Administrative Meeting, and/or the sanction for an alleged violation would be more serious than disciplinary probation or result in removal from a College building/campus, the Respondent may elect to pursue Formal Resolution. A Formal Resolution may be required by the Conduct Administrator for any case that may result in expulsion. The Formal Resolution process consists of an Administrative Hearing.

Formal Resolution: Administrative Hearing

A formal resolution involves the presentation of information by witnesses (as necessary) and provides an opportunity for the Respondent to present witnesses and information for review as part of the decision. A list of witnesses, their relevance to the alleged violation(s), and their contact information must be submitted, in writing, to the Conduct Administrator within five (5) College business days after the informational meeting.

An Administrative Hearing is conducted by an individual Conduct Administrator as determined by the Assistant Vice President of Student Affairs or designee. The Conduct Administrator is responsible for determining whether it is more likely than not that a violation occurred and determining appropriate educational sanction(s), if applicable. An Administrative Hearing involves the presentation of information by the Respondent(s), Complainant(s), if applicable, and any witness(es), if applicable. The Respondent(s) will be allowed to ask relevant questions of the Complainant(s) and/or any witness(es) at the discretion of the Conduct Administrator. In incidents involving an identified harmed party, the Complainant(s) will also be allowed to ask relevant questions of the Respondent(s) and/or any witness(es) at the discretion of the Conduct Administrator. The College cannot compel anyone to attend a hearing.

Hearing Procedures

Hearings will be conducted in accordance with the following guidelines:

1. Hearings will be closed to the public. The Complainant, Respondent, and their respective Support Person are permitted to attend the entire hearing, except for deliberation.
2. In cases involving multiple Complainants and/or Respondents, the Assistant Vice

President of Student Affairs may determine that the hearings be conducted jointly. In joint hearings, separate determinations of responsibility will be made for each charge and each Respondent, and for any patterns that are alleged. Any Respondent wanting to have their hearing conducted individually may submit a written request a minimum of three (3) College business days before the scheduled hearing to the Conduct Administrator who will decide whether to grant the request.

3. The Conduct Administrator will arrange for witnesses to attend the Hearing and present relevant information. Failure of a witness to appear will not automatically require a delay or affect the validity of the proceedings. A decision will be made on the information presented during the hearing and the investigation.
4. The Complainant, the Respondent, and the Conduct Administrator will have the privilege of questioning all present witnesses and all present parties (through the Conduct Administrator and at the discretion of the Conduct Administrator).
5. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Conduct Administrator. Formal rules of evidence are not applicable. Pertinent records, exhibits, and written statements must be submitted to DOS Office within five (5) College business days following the informational meeting. A Conduct Administrator may increase the amount of time needed, if appropriate. If an extension is approved, the Conduct Administrator will notify both the Respondent and Complainant of this extension in writing.
6. All procedural questions are subject to the final decision of the Conduct Administrator or designee.
7. If the Respondent has received adequate notice but fails to attend a hearing without a legitimate reason for being absent, the hearing will proceed in the Respondent's absence. Otherwise, the hearing will be rescheduled.
8. DOS Office may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, reporter, and/or witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed-circuit television, video conferencing, videotape, audiotape, written statement, or other means, where the DOS Office staff member deems this accommodation to be appropriate.
9. After a hearing, the Conduct Administrator determines whether it is more likely than not that the Respondent has violated the *Code*. Once a finding is determined, if the finding is that of a policy violation, the Conduct Administrator will determine any educational sanction(s). The Assistant Vice President of Student Affairs or designee is responsible for informing the Conduct Administrator of applicable precedent and any previous conduct violations or other relevant pattern information about the Respondent.
10. There will be a single verbatim record, such as an audio recording, for all hearings. Deliberations will not be recorded. The record will be the property of the College and maintained according to the College's Record Retention Policy.

Outcome Notification

The outcome will be sent via e-mail to the Respondent's official College e-mail address within five (5) business days of the Administrative Conference or Formal Resolution, unless extenuating circumstances exist. The outcome will be copied to a Complainant as permitted by law or College Policy.

If the Respondent is found to be responsible for a violation of the *Code*, the outcome will also include any assigned educational sanction(s). Sanctions may be issued individually, or a combination of sanctions may be issued. In the case of Student Groups or Registered Student organizations, if a sanction issued by a national or other governing body exceeds that of the College, the College may concur with that sanction.

Respondents who are found not responsible for violating the *Code* will not receive any educational sanctions and the student conduct process will be concluded.

The outcome of a student conduct process is part of the education record of the Respondent and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a “crime of violence,” the College will inform the alleged victim/party bringing the complaint in writing of the final results of a hearing regardless of whether the College concludes that a violation was committed. Such release of information may include the Respondents name, the relevant charges, the relevant finding and, whether or not it found that the sexual violence occurred, of any individual remedies offered or provided to the complainant, of any sanctions imposed on the perpetrator that directly relate to the complainant, of other steps that the school has taken to eliminate the hostile environment, and prevent recurrence.

In cases where the College determines through the student conduct process that a student violated a policy that would constitute a “crime of violence,” the College may also release the above information publicly and/or to any third party. FERPA defines “crimes of violence” to include:

1. Arson
2. Assault offenses (includes stalking)
3. Burglary
4. Criminal Homicide—manslaughter by negligence
5. Criminal Homicide—murder and nonnegligent manslaughter
6. Destruction/damage/vandalism of property
7. Kidnapping/abduction
8. Robbery
9. Forcible sex offenses
10. Non-forcible sex offenses

D. Step 4: Appeal

Any party may request an appeal of the decision of a Formal Resolution by filing a written request to the Appeal Review Officer, subject to the procedures outlined below.

Grounds For Appeal Requests

Appeals requests are limited to the following grounds:

1. A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures);

2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
 - a. Note that this criterion may not be used by Respondents who choose or fail to attend or participate in the original proceeding they are appealing; and/or
3. The sanctions imposed are substantially disproportionate to the severity of the violation or outside the parameters or guidelines set by the College for this type of offense, and/or the cumulative conduct record of the Respondent.

Appeals must be filed in writing with the Appeal Review Officer within five (5) College business days of the notice of the outcome to the hearing, barring extenuating circumstances. Any exceptions are made at the discretion of the Appeal Review Officer and will be communicated in writing to the involved parties. An appeal does not provide for a second hearing.

An appeal must include the following three (3) elements:

1. Clearly identify the grounds under which the appeal is being filed based on one or more of the three reasons identified above;
2. Address the ways in which the circumstances meet the grounds for appeal;
3. Provide a complete summary of the appeal, including all new evidence, if applicable, and any other information that supports the appeal.

In most cases, appeals are confined to a review of the written documentation or record of the original administrative conference, and pertinent documentation regarding the grounds for appeal. However, involved parties or witnesses may be called if necessary. In review, the original finding and sanction(s) are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show clear error. The Appeal Review Officer must limit its review to the challenges presented. Appeals are not an opportunity for the Appeal Review Officer to substitute their judgment for that of the original decision-maker merely because they disagree with the finding and/or sanctions. Appeals decisions are to be deferential to the original decision-maker, making changes to the finding only where there is clear error and to the sanction(s) only if there is a compelling justification to do so.

The Appeal Review Officer will be responsible for evaluating the content of the appeal request. The Assistant Vice President of Student Affairs or designee will also draft a response memorandum to the appeal request(s). The Appeal Review Officer will share the appeal by one party with the other party (parties) when appropriate under procedure or law (e.g., if the Respondent appeals, the appeal is shared with the Complainant, who may also wish to file a response, request an appeal on the same grounds or different grounds). All request-related documents are shared with all parties. The Appeal Review Officer may consult with the Assistant Vice President of Student Affairs or designee on any procedural or substantive questions that arise.

The Appeal Review Officer will provide a written response to the appeal request setting forth the basis of any decision. Every effort will be made to send follow-up correspondence to parties within ten (10) College business days.

Upon review of the appeal-related documents, Appeal Review Officer may respond as follows:

- Determine that the appeal does not meet the ground(s) outlined above, in which case

the original decision stands;

- Determine that the appeal meets the ground(s) outlined and remand the case back to the original conduct administrator to consider new information, reevaluate previous information, or provide corrective instructions;
- Determine that the appeal meets the ground(s) outlined above and remand the case to a new conduct administrator with specific corrective instructions; or
- Determine that the sanction(s) is/are inappropriate for the violation and recommend the sanction(s) be modified by the conduct administrator.

Every opportunity to return the appeal to the original decision-maker for reconsideration (remand) will be pursued. The parties may challenge the Appeal Review Officer on the basis of potential bias, and the Appeal Review Officer who cannot render an impartial decision must recuse themselves. The College President or designee will make the determination as to the validity of any challenge or need for recusal. A new Appeal Review Officer will be identified in the event a challenge or need for recusal is determined to be valid.

The presumptive stance of the College is that all decisions made, and educational sanctions imposed by the original decision-maker are to be implemented during the appellate process. At the discretion of the Assistant Vice President of Student Affairs or designee, implementation of educational sanctions may be stayed pending review only in extenuating circumstances. This does not include proximity to graduation, end of term, or exams. Instead, it refers to an overwhelming likelihood, as determined by the Appeals Review Officer and Assistant Vice President of Student Affairs or designee in consultation with each other, that the appeal would likely result in a reversal of the finding and/or substantial modification of the educational sanctions.

IX. SANCTIONS

Sanctions are designed to foster personal growth, academic integrity, and an understanding of the College community's values. These sanctions serve not only as consequences for violating the *Code* but also as opportunities for students to learn from their mistakes and to develop skills that will benefit them academically, personally, and professionally. In cases of academic integrity violations, the faculty maintains control over the academic consequences as described in the Academic Integrity Policy and Procedures, while the Assistant Vice President of Student Affairs or designee is responsible for determining all other sanctions. However, sanctions for academic dishonesty will be made collaboratively between the Dean of Student or designee and the faculty member.

One or more of the following sanctions may be imposed upon any Respondent for any single violation of the *Code*¹:

1. **Warning:** An official written notice that the Respondent has violated College policy, procedure, rule, or regulation and that more severe conduct action will result should the Respondent be involved in other violations while the Respondent is enrolled at the College.
2. **Restitution:** Compensation for damage caused to the College or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
3. **Community/College Service:** For a Respondent to complete a specific supervised

community/College service.

4. **Academic Consequence:** An academic consequence is a penalty imposed directly by faculty, in consultation with the Assistant Vice President of Student Affairs or designee, in response to violations of academic integrity, such as plagiarism, cheating, or unauthorized collaboration. These consequences are specifically related to the student's academic performance and record and may include, but are not limited to: grade reduction, assignment of reasonable additional or alternative work, or failure of an assignment or course.
5. **Loss of Privileges:** The Respondent will be denied specified privileges for a designated period of time.
6. **No-Contact Order:** A written directive issued by the College that restricts individuals or groups from interacting directly or indirectly, as specified in the terms of the Order.
7. **Confiscation of Prohibited Property:** Items whose presence is in violation of College policy, procedure, rules, or regulations will be confiscated and will become the property of the College. Prohibited items may be returned to the owner at the discretion of the Assistant Vice President of Student Affairs, Campus Safety, and/or designee.
8. **Behavioral Requirement:** This includes required activities including, but not limited to, seeking academic advising or substance use screening, writing a letter of apology, skills-building seminars, non-clinical case management, research or educational papers, etc.
9. **Educational Program:** Requirement to attend, present, and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the Respondent was found responsible. Audience may be restricted.
10. **College Probation:** The Respondent is put on official notice that, should further violations of College policy or procedure occur during a specified probationary period, the Respondent may face suspension or expulsion. Regular probationary meetings may also be imposed.
11. **Eligibility Restriction:** The Respondent is deemed “not in good standing” with the College for a specified period of time. Specific limitations or exceptions may be granted by the Assistant Vice President of Student Affairs or designee and terms of this conduct sanction may include, but are not limited to, the following:
 - a. Ineligibility to hold any office in any Student Group or Registered Student Organization or hold an elected or appointed office at the College; or
 - b. Ineligibility to represent the College to anyone outside the College community in any way including: participating in the study abroad program, attending conferences, or representing the College at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
12. **College Deferred Suspension -** Establishes a fixed period of time, allowing the Respondent to complete the current academic term or semester. While the Respondent is allowed to remain enrolled, a Respondent is not permitted to represent the College or participate in any extracurricular activities. The specifics of the deferred suspension will vary based upon the violation and circumstances for each Respondent. Restrictions on the Respondent will include limiting participation in activities to those directly related to academic pursuits or the completion of academic requirements. This includes

entering College buildings or attending College events. The College will have the authority to impose additional conditions, restrictions, or sanctions during a deferred suspension.

13. College Suspension: Separation from the College for a specified minimum period of time, after which the Respondent is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The Respondent is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Assistant Vice President of Student Affairs or designee. During the suspension period, the Respondent is banned from College property, functions, events and activities without prior written approval from the Assistant Vice President of Student Affairs or designee. This sanction may be enforced with a trespass action as necessary.
14. College Expulsion: Permanent separation from the College. The Respondent is banned from College property and the Respondent's presence at any College-sponsored activity or event is prohibited, whether on- or off-campus. This action may be enforced with a trespass action as necessary.
15. Other Sanctions: Additional or alternate sanctions may be created and designed as deemed appropriate.

X. PARENTAL AND PUBLIC NOTIFICATION

The College reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. The College also reserves the right to designate which College officials have a need to know about individual conduct complaints pursuant to FERPA.

The College reserves the right to notify all law enforcement agencies of any breach of the provisions of this Code involving alcohol, drugs, or any other act that is a danger to the health, safety, and well-being of any member of the College community.

XI. RECORDS

The conduct authority or designee may place a hold on a student's account, transcript, registration, graduation, and/or diploma; or remove a Recognized Student Organization's active status and/or ability to conduct operations in any of the following situations:

- A. A Respondent is found in violation of the *Code* culminating in suspension or expulsion;
- B. A Respondent has been given interim restrictions pending an investigation and resolution of alleged violations of the *Code*;
- C. A Respondent has failed to schedule or attend a required College meeting, administrative conference, or formal resolution; or
- D. A Respondent has failed to complete one or more sanctions by the assigned due date.

In the event of serious misconduct committed while still enrolled but reported after the Respondent has graduated, or the Respondent withdrawals during the student conduct

process, the College may invoke these procedures and should the former student be found responsible, the College may revoke that student's degree or impose other appropriate consequences.

A. **Record Retention**

All conduct records, both adjudicatory and non-adjudicatory, are maintained by DOS Office in accordance with New Jersey law document retention schedules, with the following exceptions:

1. Records of students placed on disciplinary probation are maintained for a period of seven years after the date by which the student completes their probationary status and is considered in good standing with the College.
2. Records of students who are subjected to disciplinary suspension or disciplinary expulsion are maintained permanently.
3. Records of Student Groups or Registered Student Organizations are maintained permanently.

In compliance with FERPA, all student conduct proceedings and student conduct records are considered private, except as otherwise provided by law. Only those persons authorized by the student or by the Assistant Vice President of Student Affairs may have access to these records.

Exceptions for parental and public notification are provided in Section X.

XII. **INTERPRETATION AND REVISION**

The Assistant Vice President of Student Affairs or designee will develop procedural rules for the administration of the *Code*. Material deviation from these rules will, generally, only be made as necessary and will include reasonable advance notice to the parties involved, either by posting online and/or in the form of written communication. The Assistant Vice President of Student Affairs may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in the *Code*. The Assistant Vice President of Student Affairs may make or approve minor modifications to procedure that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the *Code* will be referred to the Assistant Vice President of Student Affairs or designee, whose interpretation is final. The *Code* will be reviewed and updated (if necessary) annually under the direction of the Assistant Vice President of Student Affairs with a comprehensive revision process being conducted every three (3) years. This *Code* is not intended to convey any rights beyond those framed by the background laws governing such codes, generally.

Approved, March 24, 2026