

Student Code of Conduct and Disciplinary Appeal Procedure

- A. **Civility Statement.** County College of Morris 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.

County College of Morris is a community of individuals. As such, we must strive to recognize the dignity and worth of each member of our community. It is, therefore, the policy of the college that each individual, regardless of status (student, administrator, support staff or faculty member) must treat every other individual, irrespective of status, rank, title or position, with dignity and respect.

The college recognizes the diversity of its community, and asks that all members of the college community demonstrate respect for differences in race, gender, religion, sexual orientation, and ethnic ancestry.

- B. **Purpose.** The purpose of the Student Code of Conduct is to protect County College of Morris, its academic and social community, and its property from harm resulting from hostile, abusive, or demeaning conduct, or from acts that may cause injury or threat of injury.

To this end, this Code defines prohibited conduct and provides imposition of appropriate discipline upon those students whose acts violate its standards of conduct. It also sets forth hearing procedures that afford both prompt disciplinary determinations and appropriate due process to the alleged violator.

Students at County College of Morris may be accountable to law enforcement authorities, as well as to the college, for acts that constitute violations of law. College disciplinary actions will proceed notwithstanding the pending of any criminal, drug or disorderly persons proceedings. Similarly, dismissal or acquittal of concurrent legal proceedings will not necessarily result in dismissal of college disciplinary action.

The college recognizes that its inherent powers and responsibilities to protect the safety and well-being of the campus community are broad, as is the potential range of student misconduct that could harm persons and property on campus. Accordingly, this Code is to be interpreted broadly so as to effectuate to the fullest extent the protection of the County College of Morris community. This Code is intended to define prohibited behavior so as to give students notice of the standards expected of them. These standards are not meant to define misconduct in exhaustive terms.

- C. **Violations of Law.** On-campus misconduct constituting a criminal, drug or disorderly persons offense will be immediately reported to the appropriate authorities for their investigation. Where a student's act also violates this Code, proceedings will be instituted in accordance with it. When the College itself is a victim of the act, the college reserves the right to institute criminal and/or civil proceedings against the student.

The Office of Public Safety is responsible for investigating all violations of law that occur on campus and should be notified immediately upon detection of any such violation. As soon as practical, upon receipt of such notification, the Office of Public Safety shall advise the appropriate law enforcement agency of the violation and that an

investigation is being conducted. The Office of Public Safety will also take all necessary and appropriate action with respect to the violation to assure the protection of persons and property on campus and coordinate with law enforcement authorities in the apprehension of suspects, preservation of evidence, aid to victims, and all other aspects of the matter. A factual report shall be prepared by the Office of Public Safety promptly after the occurrence of each violation and a copy thereof sent to the Dean of Students. This report shall be prepared whether or not the violation is also being investigated by law enforcement authorities.

- D. **Title IX.** The college has adopted a separate Title IX Policy Prohibiting Harassment and Discrimination on the Basis of Sex that defines discrimination based on sex in education programs or activities and sets forth the procedure for determining whether it has occurred, and if so, the appropriate discipline to be imposed.
- E. **Academic Dishonesty.** The college has adopted a separate Academic Dishonesty Policy and Procedure that defines acts of academic dishonesty and sets forth the procedure for determining whether it has occurred, and if so, the appropriate discipline to be imposed.
- F. **Student Use of Electronic Recording and Communication Devices.** The college prohibits the unauthorized use by students of electronic recording and communication devices (“Electronic Devices”) during classes, laboratories and examinations (“Instruction”), except as provided by Subsections E.1 and E.4 of this Policy. The purpose of this policy is threefold: (1) to avoid interruptions and disturbances during Instruction; (2) to minimize diversion of student attention; and (3) to prohibit surreptitious recordings. The term “Electronic Devices” shall include, but not be limited to cellular telephones, pagers, digital and/or film cameras, stand-alone video cameras, Internet accessible webcams, video recorders and audio recorders.
1. Authorized Use of Electronic Devices. Student use of Electronic Devices during Instruction is permitted only when expressly authorized in the course syllabi or otherwise by the instructor. Verbal permission from the instructor may be sufficient if the recording is intended solely for the student’s own use and will not involve any publication, sharing or transmission of the recording to a third party or dissemination over the airwaves, in public, or on the web. All other student recording during Instruction shall require the instructor’s prior written authorization.
 2. Unauthorized Use of Electronic Devices.
 - a. Unauthorized use of Electronic Devices during Instruction is prohibited.
 - b. Electronic Devices should either be turned off or operated in silent mode and should never be answered by the student during Instruction. Instructors may make exceptions for disclosed emergencies or other unusual circumstances.
 - c. Taking photographs or making audio or video recordings is prohibited in administrative or faculty offices, restrooms, and changing or locker rooms, as well as any other Campus area where there is a reasonable expectation of privacy.

3. Unauthorized use of Electronic Devices during Instruction or other violations of this policy shall constitute misconduct under this Code of Conduct.
 4. Exemptions and other exceptions to this Policy may be provided on a case-by-case basis by an instructor or the administration as an accommodation for students with disabilities pursuant to the County College of Morris Policies and Procedures Regarding Students with Disabilities, as well as any other laws, regulations or policies applicable to students with disabilities.
- G. **Misconduct.** The following acts, when committed by students of County College of Morris, shall be deemed misconduct under this Code, subject to imposition of discipline under this Code. This Code applies to conduct engaged in while attending college functions on-campus or off-campus or functions of college-sponsored organizations conducted on-campus or off-campus.
1. Intentionally or recklessly causing physical or psychological harm to any person, or intentionally or recklessly causing reasonable apprehension of such harm.
 2. Engaging in hostile, harassing, intimidating, bullying conduct, or disorderly behavior that (i) creates an imminent or perceived risk of violence or damage to property, (ii) that might impede the teaching/learning environment, or (iii) that is likely to cause emotional harm that impedes the rights and privileges of others in the college community by mocking, ridiculing, or disparaging a targeted student, ~~or~~ group of students, or any member of the college community.
 3. Engaging in abusive or demeaning conduct, obscene gestures, or speech directed toward another individual or group of individuals which has the effect of substantially disrupting the school operations or impedes the rights and privileges of other members of the college community.
 4. Unauthorized use, possession or storage of any weapon.
 5. Intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency.
 6. Substantially disrupting college operations or college-sponsored activities either intentionally or carelessly.
 7. Use, possession, distribution or sale of, or being under the influence of, illegal narcotics, chemicals, psychedelic drugs or other dangerous substances unless prescribed by a doctor (See CCM Substance Abuse Policy).
 8. Furnishing false information to the college including forgery, alteration or misuse of college documents, records or identification.
 9. Unauthorized access to, modification of, or transfer of electronic data, system software or computing facilities, or improper use of college-provided technology of any kind.
 10. Theft of college property, knowing possession of stolen college property, or theft of personal items from campus facilities.
 11. Destruction, damage or misuse of property of the college or others on campus.

12. Failure to comply with reasonable directions of college officials issued in the performance of their duties intended to insure the orderly or safe conduct of college programs, activities or operations, or the proper orderly and safe use of college property.
13. Unauthorized presence in or use of college premises, facilities or property.
14. Unauthorized use and/or possession of fireworks on college premises.
15. Any gambling that is not authorized by the college or under the laws of the State of New Jersey.
16. Unauthorized use or misuse of the college name for soliciting funds, for sponsorship of activities, or on printed matter.
17. Violation of college regulations or policies, including campus motor vehicle regulations, or violations of federal, state or local laws.
18. Violation of the terms of any disciplinary sanction imposed in accordance with this Code.
19. Unauthorized use of Electronic Recording and Communication Devices.
20. Engaging in sexual assault or nonconsensual sexual contact either on or off campus.
 - a. Sexual assault is herein defined by reference to N.J.S.A. 2C:14-2.
 - b. Nonconsensual sexual contact is herein defined by reference to N.J.S.A. 2C:14-1.

H. **Procedure when Student Misconduct is Reported.**

1. Reporting. When student misconduct occurs, any person observing it should immediately report the misconduct to the Dean of Students Office. Any member of the college community, including students, faculty, administration and staff, may initiate disciplinary procedures by filing a written complaint with the Dean of Students. One or more of the following procedures will be initiated.
2. Administration of Disciplinary Procedure. The disciplinary procedure set forth in this Code shall be administered by the Senior Vice President of Academic Affairs, Workforce Development and Student Success or in the Senior Vice President's absence by the Dean of Students. When used in this Code the title "Vice President" shall refer to the Senior Vice President of Academic Affairs, Workforce Development and Student Success or in the Vice President's absence the Dean of Students.
3. Informal Conference/Temporary Suspension. When misconduct is reported or a misconduct complaint is filed, the Dean of Students, or in the case of sexual assault misconduct or nonconsensual sexual contact allegations, another designated CCM official trained on how to investigate and conduct hearings in a manner that protects the safety of victims and promotes accountability, will immediately speak to the alleged violator and to any persons harmed by the misconduct or witnesses to it. The Dean of Students or designee will discuss the

matter informally with the alleged violator apprising him/her of the accusation made and giving him/her an opportunity to explain his/her version of the facts. After conducting this informal discussion, the Dean of Students or designee shall determine whether to dismiss the matter, or if the charge is denied, whether to refer the complaint for disciplinary proceedings before the Judicial Board and/or in the appropriate circumstance by the Title IX compliance officer. If it is reasonably concluded that the alleged misconduct did not constitute a violation of this Code or that the violator did not commit misconduct, the student will be advised that no further disciplinary proceedings will take place in connection with the incident. If the Dean of Students or designee reasonably concludes that there is probable cause that the student committed the alleged misconduct and that this Code has been violated, the Dean of Students or designee shall issue a complaint, or transmit a complaint filed by another person, to the Judicial Board. If after this informal discussion the Dean of Students or designee reasonably concludes that the alleged violator's presence on campus poses a continuing danger to a person or property or an ongoing threat of disrupting the academic process or college activities, the Dean of Students or designee must notify the Senior Vice President of Academic Affairs, Workforce Development and Student Success of the recommendation for temporary suspension and/or the immediate removal of the student from campus. The Senior Vice President of Academic Affairs, Workforce Development and Student Success will convene a deliberative body of administrators who will review and act upon the recommendation. Their decision will be returned to the Dean of Students or designee. No action to suspend a student can occur without the consent of the deliberative body. Except to participate in disciplinary proceedings, a student temporarily suspended shall not return to the campus until the Judicial Board has rendered a decision on the misconduct charge or the Dean of Students has authorized the student's return.

4. Service of Complaint and Notice of Disciplinary Proceeding. The Dean of Students shall promptly provide the student with written notice of the time and place of the disciplinary proceedings before the Judicial Board, together with a copy of any complaint referred to the Judicial Board, a copy of the Judicial Board constitution, any documents to be utilized in the prosecution of the charges, and a list of witnesses, except that the Dean of Students is authorized to preserve the anonymity of a witness if the Dean of Students reasonably concludes that identification of the witness will place the witness at risk of harm or the misconduct involves sexual assault allegations. The student charged shall be served with the notice and other information required under this subparagraph not less than three (3) class days prior to the student's scheduled appearance before the Judicial Board.
5. Notification to Public Safety. The Dean of Students shall immediately notify the Office of Public Safety of occurrence of any misconduct believed to constitute a student violation of law, and of the suspension of any student for misconduct.
6. Removal from Class. A faculty member is authorized to have a student removed from class for disruptive behavior which threatens others or in any way impedes the teaching and learning process. If a student refuses the faculty request to leave,

the faculty member shall request the assistance of the Office of Public Safety to remove the student from class. Where a faculty member has removed the student from class for disruptive behavior and deems it necessary to preclude the student from returning to this particular class, the faculty member shall immediately file a misconduct complaint with the Dean of Students. Upon receipt of the misconduct complaint the Dean of Students shall follow the procedures set forth in subparagraph Three to determine whether the student has violated this Code, and if so, whether to impose discipline including temporary suspension.

I. **Judicial Board Appearance.** The Judicial Board is created and constituted in accordance with the STUDENT ASSOCIATION CONSTITUTION. The Judicial Board has the responsibility of reviewing, making findings and recommendations on all misconduct complaints that are not dismissed or otherwise resolved by the Dean of Students.

1. Level One Proceedings. Disciplinary proceedings before the Judicial Board shall be held within ten (10) days on which classes are scheduled (excluding weekends and holidays) from the date of the charge, except that where the student has not been temporarily suspended, misconduct charges filed between June 15 and August 31 shall be scheduled before the Judicial Board within ten (10) days from the commencement of the fall semester classes. Disciplinary proceedings are closed to the public. Attendance is limited to the alleged violator, the complaining party, and any witnesses during the course of questioning of the witness. For sexual assault misconduct or nonconsensual sexual contact allegations, the alleged violator and the complaining victim are entitled to the same opportunities to be present during disciplinary proceedings, including the opportunity to be accompanied to any related meetings or proceedings by an advisor of their choice.

Proceedings before the Judicial Board are not intended to be a formal hearing or legal proceeding. A student may obtain the advice of a college administrator or faculty member during the proceedings before the Judicial Board. If a student advises the Dean of Students not less than five (5) days before the Judicial Board appearance of his/her inability to obtain such advice, the Dean of Students will appoint a suitable individual to advise the student. Where the Dean of Students deems a witness to be at risk of harm, the anonymity of the witness shall be preserved by presenting the statement of the witness out of the presence of the accused student, provided that the substance of the witness' statement, but not the witness' name, is made known to the accused student. The student charged shall have the right to produce persons or materials to refute the charge. The student charged shall not be entitled to be present during the deliberations of the Judicial Board. The deliberations of the Judicial Board may be tape recorded by the Board.

For sexual assault misconduct or nonconsensual sexual contact allegations, the accused student and the complaining victim shall be notified concurrently and in writing of: the outcome of the proceeding; appeal procedures; any change to the result before it becomes final; and when the result becomes final.

2. Failure to Appear. Failure of the student charged to appear before the Judicial Board after proper notice shall not be cause to postpone or cancel the proceeding, which may be determined in the absence of the student charged.
3. Quorum and Presiding Officer. A majority of the members of the Judicial Board shall constitute a quorum for purposes of reviewing misconduct charges and making findings and recommendations thereon. The proceeding shall be presided over by the Chairperson or by the acting Chairperson in his/her absence. All members of the Judicial Board may question the student charged and witnesses.

The Board Secretary shall keep the records of all proceedings and assure the timely transmission of correspondence from the Judicial Board.
4. Level One Determination. The Judicial Board shall make its findings and recommendations at the conclusion of the presentation of the matter. Determinations of the Judicial Board shall not be made public. The findings and recommendations on disciplinary cases shall be transmitted in writing to the Dean of Students and to the student charged.

If the Judicial Board finds no basis for imposing discipline no further discipline shall be imposed for the same charge. If it is determined that discipline or a fine is warranted, the Judicial Board may recommend the appropriate sanction as described in Section J of the Code.
5. Waiver of Judicial Board Review. A student may file with the Dean of Students a written waiver of his/her right to have a disciplinary action or charges reviewed by the Judicial Board. Upon filing such a waiver the matter will proceed to Level Two disposition.
6. Limitation on Attorney Participation. Attorneys shall not participate in proceedings before the Judicial Board except that an accused student may have an attorney present if at the request of the Judicial Board an attorney is present to advise the Judicial Board or to represent the college.
7. Notice of Related Criminal Charges. Prior to the date of the hearing the accused student may advise the Dean of Students in writing that there are pending or anticipated criminal charges against the student that are related to the incident being reviewed by the Judicial Board. (“Notice of Related Criminal Charge”). In the Notice of Related Criminal Charge the accused student shall elect one of the following means of proceeding:
 - a. The accused student may elect not to appear at the Judicial Board hearing. The election not to appear before the Judicial Board shall be deemed a waiver of the right to a hearing. However, the Judicial Board will consider any written response to the misconduct charge received prior to the date of the hearing. The Judicial Board will convene to determine whether or not a violation of this Code of Conduct has occurred, and if so, what disciplinary sanctions are recommended for imposition by the Dean of Students.

- b. The accused student may elect to have legal counsel available for consultation outside the hearing room in a private room on the college campus to be designated by the Dean of Students. When the accused student makes this election the Judicial Board, prior to questioning the accused student, shall hand the student written subjects it seeks to question the accused student about. Before responding, the student will then be given an opportunity to consult with legal counsel outside of the hearing room for a period not to exceed twenty (20) minutes. On advice of counsel, the student may decline to respond to questions related to a particular subject matter. However, the Judicial Board will proceed to determine whether or not a violation of this Code of Conduct occurred, and if so, what disciplinary sanctions are recommended for imposition by the Dean of Students.

J. **Sanctions and Protective Measures.** If the Judicial Board finds discipline or fine to be warranted, it may recommend that the Dean of Students impose upon the student charged one or more of the following disciplinary measures.

1. Verbal Warning – verbal admonition against further violations.
2. Written Reprimand – placement in the student’s disciplinary/social file of a written reprimand for having engaged in misconduct.
3. Community Service – a set number of hours of service conducted on campus.
4. Restitution – the obligation to replace or pay for property damaged to compensate for losses incurred or to provide a campus service as a result of the violation.
5. Disciplinary Probation – loss of participation in college related activities for a specified period of time.
6. Suspension – exclusion from all or specified classes and other college related activities for a specified period of time.
7. Expulsion – dismissal from enrollment at the college.
8. Imposition of reasonable protective measures requested by a victim of sexual assault or nonconsensual sexual contact.

K. **Level Two Appeal.** Any student determined by the Judicial Board to have violated this Code may appeal the decision of the Judicial Board to the Dean of Students. A student desiring to file a Level Two Appeal shall file with the Dean of Students within five (5) calendar days of receipt of the determination and recommendation of the Judicial Board, which appeal shall set forth the basis of the appeal. An appeal shall stay implementation of sanctions but shall not permit a student temporarily removed from campus to return.

1. Student Appeal. Within ten (10) class days from receipt of a student’s appeal of the determination and recommendation from the Judicial Board, the Dean of Students shall notify the student in writing of his/her determination of the misconduct charge and any discipline or a fine imposed. For sexual assault misconduct or nonconsensual sexual contact allegations, the Dean of Students determination shall be based upon a finding of whether there is a preponderance of evidence supporting the misconduct charge.

2. Review Upon Waiver. Within ten (10) class days from receipt of a waiver of Judicial Board review, the Dean of Students shall schedule a meeting with the student charged and determine whether the student has violated this Code. The Dean of Students shall notify the student in writing of his/her determination of the misconduct charge and any discipline or a fine imposed.
 3. Review of Judicial Board Recommendation. Where the student has not filed an appeal of the Level One determination, within ten (10) class days from receipt of a recommendation from the Judicial Board that discipline or a fine be imposed, the Dean of Students shall notify the student in writing of his/her determination to accept, reject or modify the Judicial Board recommendation.
 4. Discipline Subject to Further Appeal. Disciplinary decisions of the Dean of Students shall be final and not subject to further appeal unless suspension from the college for more than ten (10) class days is imposed. If the Dean of Students determines to impose long term suspension, or to expel the student from the college, the student may appeal such determination to the President by filing a written appeal with the President within five (5) days from the student's receipt in writing of the determination of the Dean of Students.
- L. **Level Three Appeal.** Within ten (10) class days from the filing of a Level Three Appeal, the President or his/her designee shall conduct a hearing on a timely filed appeal from determinations imposing long term suspension or expulsion from the college. Neither the Dean of Students nor the person filing the initial misconduct charge shall conduct this hearing.
1. Level Three Hearing. Not less than five (5) calendar days before the hearing date, the student shall be given written notice of the hearing date together with a copy of any written material to be presented which was not previously furnished to the student, and a list of persons expected to testify. The appellant shall have the right to produce relevant materials and witnesses having information bearing upon the appeal. The proceedings before the President or his/her designee shall be private and are not intended to be a formal trial proceeding. At the hearing, the appellant may have the assistance of privately retained legal counsel or a faculty advisor, provided the identity of this person is communicated to the President not less than two (2) class days before the hearing. Whenever the appellant is assisted by legal counsel, the President may request that the college attorney be present to question the appellant and witnesses. The appellant shall be entitled to be present during the entire Level Three hearing. For sexual assault misconduct or nonconsensual sexual contact allegations, the alleged violator and the complaining victim are entitled to the same opportunities to be present during disciplinary proceedings, including the opportunity to be accompanied to any related meetings or proceedings by an advisor of their choice. If, having been properly notified of the time and place of the hearing, the appellant fails to appear, the President or his/her designee may dismiss the appeal or otherwise determine the appeal.

2. Decision. Within twenty (20) calendar days from the conclusion of the hearing, the President or his/her designee shall deliver a written decision on the appeal of the student. The decision of the President shall be final.