

Background:

CSCC last reviewed the Title IX policy and the Student Conduct Code in 2016. In 2017 these policies were reissued with changes as interim policies, incorporating the evolving body of law on Title IX issues. In December 2017, Steering received a memo from Interim Vice President of Student Affairs Angela Chong requesting a review of both policies.

Charge:

On February 7, 2018, the Steering Committee charged CSCC to review these policies to ensure that they are consistent with current practice and to make any other changes to the policies that CSCC deems appropriate. CSCC was asked to pay particular attention to the changes made administratively without governance review in 2017, but was not limit its review to these points.

In conducting this review, the CSCC worked with Jordan Draper (Interim Dean of Students) to review any recommended substantive policy changes. CSCC also sought input from the Office of General Counsel, the Office of Interim Vice President for Student Affairs and Associate Vice President/Chief Diversity Officer.

CSCC created and circulated a Qualtrics survey to the entire campus community in Spring 2018 and held open forum on 3 May 2018 to solicit input from the campus community.

Section:	XI.1.5	
Title:	The College of New Jersey Student Conduct Code	
Effective Date:		
Approved By:	Board of Trustees	
Responsible Unit:	Division of Student Affairs (609) 771-2201, sa@tcnj.edu	
Related Documents:	<ul style="list-style-type: none"> ● Academic Integrity Policy ● The College of New Jersey Policy Prohibiting Discrimination in the Workplace/Educational Environment ● Student Rights and Freedoms Policy ● Computer Access Agreement ● Title IX Policy ● Involuntary Health or Safety Withdrawal Policy ● Use of Campus Property Policy 	
History:		
<u>Version</u>	<u>Date</u>	<u>Notes</u>
<u>5.0</u>		
4.0	October 24, 2017	Revisions approved by the Board of Trustees
3.0	July 5, 2016	Revisions approved by the Board of Trustees
2.0	July 8, 2014	Revisions approved by the Board of Trustees
1.0	July 12, 2011	New Policy; Initial Release

I. INTRODUCTION

The College of New Jersey, as a community dedicated to learning and the advancement of knowledge, expects and requires the behavior of [Students](#) to be compatible with its high standards of scholarship and conduct. Acceptance of admission to the College carries with it an obligation to uphold the College's standards and promote the welfare of the community. [Students](#) are responsible for upholding non-academic standards of behavior set forth in this [Policy](#) as well as the expectations for academic conduct outlined in the [Academic Integrity Policy](#).

Academic communities differ from other communities in several ways. For the purpose of

this code, two differences are particularly worthy of emphasis. First, the primary mission of colleges and universities is the pursuit of knowledge and the development of the whole person. The environment must be conducive to teaching, learning, research, and personal growth. Second, campus living and learning environments are unique. On a residential campus such as The College of New Jersey, [Students](#) live in close proximity to one another and interact continuously in their day-to-day living. Freedom to learn can be preserved only through respect for the rights of others, for the free expression of ideas, and for the law.

In order to fulfill its mission and function, the College has the authority and responsibility to maintain order and to exclude those who are disruptive of the educational process. The *Student Conduct Code* aims to protect the community and the rights of its members, to cultivate and sustain a positive living and learning environment, to educate [Students](#) regarding responsibility and accountability for their actions, to encourage and foster self- insight and self-initiated change of behavior, to uphold the procedural rights of [Students](#) accused of violating the College's rules and regulations, and to encourage the application of ethical decision-making in the daily life of [Students](#).

II. DEFINITIONS

“Advisor” is a person chosen by either the [Respondent](#) or [Reporter](#) to accompany and/or assist that individual with any investigation preparations, conference meetings, hearing proceedings, and/or appeals. The Advisor may not participate directly in any proceedings or represent any person involved. Any cost associated with the participation of an Advisor is the responsibility of the individual.

“AVP” is an Assistant or Associate Vice President (including those serving in an interim or acting role) or a designee appointed by the Vice President of Student Affairs ([VPSA](#)).

“College” means The College of New Jersey.

“College Official” includes any person employed by the [College](#) performing assigned administrative, academic, or professional responsibilities including campus police, campus health providers, and [Student](#) employees.

“Communication” includes, but is not limited to, contact through the use of the Internet, social networking sites, email, voicemail, text message, written message, and telephone, as well as in person.

“Controlled Substances” means a substance whose distribution is controlled by regulations or statute. Such substances include, but are not limited to,

[Narcotics](#), depressants, stimulants, hallucinogens, and cannabis.

“Course of Conduct” means repeatedly maintaining a visual or physical proximity to a person; following, monitoring, observing, surveilling, threatening, or communicating to or about a person directly or through third parties, by any action, method, device, or means; interfering with a person’s property; repeatedly committing harassment against a person; or repeatedly conveying, or causing to be conveyed, verbal or written threats or threats conveyed by any other means of [Communication](#) or threats implied by conduct or a combination thereof directed at or toward a person.

“Drug” refers to a chemical substance, especially one prescribed by a physician that is used in the diagnosis, treatment, or prevention of a condition or disease. A drug is also a chemical substance, such as a [Narcotic](#), that affects the central nervous system and is used recreationally for perceived desirable effects on personality, perception, or behavior. Drugs purchased without a prescription may include headache medicines, cough syrups, and similar mild medications, and can be purchased at virtually any pharmacy or retail store. For purposes of this [Policy](#), the term “drug” also includes any other chemical substance, compound or combination when used to induce an altered state, and any otherwise lawfully available product when used for any purpose other than its intended use when such use may cause [Harm](#) to oneself or others.

“Drug Paraphernalia” is defined as all equipment, products, and materials of any kind that are used or intended for use in planning, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing a controlled dangerous substance into the human body, including roach clips, bongs, pipes, etc.

“Effective Consent” is informed, freely and actively given mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. A person may be unable to give Effective Consent when that individual is unable to consent due to their age, or because the person is physically helpless, mentally [Incapacitated](#), or [Incapacitated](#) from alcohol or other [Drugs](#).

- Effective Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Effective Consent is required regardless of whether the person initiating the act is under the influence of [Drugs](#) and/or alcohol.
- Effective Consent may be initially given but withdrawn at any time.

Effective Consent cannot be given when it is the result of intimidation, force, or threat of [Harm](#). When Effective Consent is withdrawn or can no longer be given, sexual activity must stop immediately.

“Harm” creates an intimidating or [Hostile Environment](#) by substantially interfering with a [Student’s](#) education, or by materially impairing the academic pursuits, employment or participation of any person or group in the [College](#) community, or by severely or pervasively causing physical or emotional harm to the [Student](#) or other member of the [College](#) community.

“Hearing Administrator” includes any faculty or professional staff member at the [College](#) designated and trained by the Office of Student Conduct & Dispute Resolution Services (hereafter referred to as the Office of Student Conduct) to conduct conferences and informal or formal administrative hearings.

“Hostile Environment” is defined as an environment that, through one or more incidents of harassing conduct (e.g., physical, verbal, graphic or written) based on a person’s [Protected Category](#) becomes sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of a reasonable individual to participate in or benefit from a [College](#) program or activity.

“Incapacitated” is being in a state where a person lacks the capacity to understand the fact that the situation is sexual, or cannot understand (rationally and reasonably) the nature and/or extent of the situation. A person who knows or should reasonably know that another person is incapacitated may not engage in sexual activity with that person.

Persons who meet any of the following criteria or conditions are incapacitated: (i) sleeping, (ii) passed out, (iii) under the age of consent or under a certain age in relation to the other party to the sexual activity (both of which are matters of state law) or (iv) due to a disability, do not have the mental capacity to consent.

A person who does not meet any of those criteria or conditions for incapacity may become incapacitated through the use of alcohol or [Drugs](#). Such a person’s state of incapacity is a subjective determination that is based on all of the facts available because persons reach incapacitation at different points and as a result of different stimuli.

Alcohol related incapacity results from a level of alcohol ingestion that is more severe than that required to produce the minimum levels of influence, impairment, intoxication, inebriation, or drunkenness. Factors that can influence a

person's status include gender, body size and composition; tolerance for alcohol and other [Drugs](#); amount and type of alcohol or other [Drugs](#) taken or administered, and the mixture taken; amount of food intake prior ingestion; propensity for blacking out; genetics; and time elapsed since the ingestion of the alcohol or [Drugs](#).

The effects of alcohol and [Drug](#) use often occur along a continuum. For example, alcohol intoxication can result in a broad range of effects, from relaxation and lowered inhibition to euphoria and memory impairment, and to disorientation and incapacitation. Incapacitation due to alcohol or drug use is a state beyond "mere" intoxication or even being drunk. It exists when a person lacks the ability to make or act on a considered decision to engage in sexual activity. Indicators of incapacitation may include inability to communicate, lack of control over physical movements, and/or lack of awareness of circumstances. An incapacitated person can also experience a blackout state during which the person appears to give consent but does not have conscious awareness or the capacity to consent. Some medical conditions may also cause incapacitation. Incapacity can result from factors including, but not limited to mental disability, involuntary physical restraint, or from the administration of substances.

"Intimate Body Parts" includes the following: sexual organs, genital areas, anal area, inner thigh, groin, buttock, or breast of a person.

"Narcotic" refers to an addictive [Drug](#), such as opium or morphine, which reduces pain, alters mood and behavior, and usually induces sleep or stupor.

"Policy" means the written regulations, standards, and policies of the [College](#) as found in, but not limited to, this policy and an official TCNJ policy website.

"Prescription Drug" refers to any substance prescribed by a licensed medical practitioner for individual consumption. It includes prescribed drugs and over-the-counter drugs, which may have been legally obtained.

"Protected category" collectively refers to one or more of the following categories: age, race, creed, color, national origin, nationality, ancestry, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability.

"Reporter" is the person alleged to have experienced an incident of personal abuse as outlined in section 03. *Personal Abuse* of the *Student Conduct Code*.

“Respondent” is the person who is subject to an investigation, procedural requirements including proceedings, remedial measures, and/or sanctions as a result of information filed in a report, determined through an investigation, and/or conduct proceeding.

“Retaliation” includes any adverse actions or statements that attempt to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by that person’s status as a [Student](#) or because that person has made a report, provided information for, assisted, or participated in any manner in a conduct matter, investigation, or proceeding.

Retaliation is established when:

- The [Reporter](#) has engaged in activities or procedures protected as a member of the TCNJ community (e.g. report a [Policy](#) violation or participate in an investigation);
- The [Respondent](#) knew of the activity;
- The [Respondent](#) thereafter subjected the person to any adverse action, treatment or condition; and
- There is a causal connection between the protected activity or procedure and the adverse action, treatment or condition.

“Sexual Contact” is an intentional touching by a person, either directly or through clothing, of another’s [Intimate Body Parts](#) for the purpose of degrading or humiliating another or sexually arousing or sexually gratifying the actor.

“Sexual Penetration” includes vaginal intercourse, cunnilingus, fellatio, or anal intercourse between persons or insertion of the hand, finger, or object into the anus or vagina either by the actor or upon the actor’s instruction.

“Student” or “Students” includes all persons who accept an offer of admission to the [College](#), register for credit-bearing courses or maintain matriculation in a degree program at the [College](#), either full time or part time, degree or non-degree seeking, and have an academic record with Primary Academic Web Services (PAWS), the [College’s](#) records and registration system. The status of other individuals who participate in [College](#)- sponsored or recognized programs will be determined solely at the discretion of the Director of Student Conduct. Participants in certificate programs, that are not otherwise a student at the [College](#), such as the Career and Community Studies (CCS) program, are responsible for adhering to the standards for conduct outlined in the *Student Conduct Code*, but shall be governed by the procedural standards set forth in the applicable certificate program’s [Policy](#).

“Third Party” includes individuals who are neither [Students](#) nor Employees, including

but not limited to contractors, guests, and consultants.

“**Title IX Coordinator**” is the Title IX Coordinator (including those serving in an interim or acting role) or a designee appointed by the Vice President of Student Affairs).

“**VPSA**” is the Vice President of Student Affairs (including those serving in an interim or acting role) or a designee appointed by the President.

“**Weapon**” includes any item that is designed in appearance or function to resemble a firearm, cause harm, and/or invoke fear or intimidation. Weapons include, but are not limited to, knives, brass knuckles, swords, slingshots, or any other item when used to harm or intimidate another.

III. POLICY

A. Authority

The *Student Conduct Code* describes the non-academic behavior expected of all [Students](#), as well as the procedures for addressing and adjudicating reports of [Student misconduct](#). Academic integrity standards are not covered by this code, but rather fall within the authority of the faculty, academic integrity officer in each school, the All-College Academic Integrity Board, and Office of the Provost and Vice President for Academic Affairs as outlined in the [Academic Integrity Policy](#).

Authority for student conduct ultimately rests with the President of the [College](#) and the Board of Trustees, who delegate authority for non-academic conduct of [Students](#) to the Vice President of Student Affairs.

The Vice President of Student Affairs may delegate this authority to the appropriate Dean of Students and to the Director of Student Conduct. Under their direction, the Director of Residential Education, the Assistant Director of Student Conduct, and appropriate student conduct and residential education staff are responsible for implementing the student conduct process. The Vice President of Student Affairs has authority to appoint hearing boards and hearing or appellate administrators. Any reference in the *Student Conduct Code* to the role or responsibilities of a specific [College Official](#) may be delegated by that person to an appropriate designee. Also note, any reference in the *Student Conduct Code* to a person or role in the [Policy](#) or process is intentionally gender neutral to reflect the [College](#)'s commitment to an inclusive [Policy](#).

The [College](#) *Student Conduct Code* shall apply to [Student](#) conduct that occurs on [College](#) premises, at [College](#)-sponsored activities, and off campus including, without

limitation, time periods during which classes are not in session or the [Student](#) is not yet registered for classes and while enrolled or participating in a program of another institution. The Director of Student Conduct has discretion to determine what off-campus conduct will be addressed by the student conduct process. Factors that will be considered include whether the incident is documented by a verifiable source, adversely affects the [College](#) community, occurs at a [College](#)-affiliated event, or endangers the health or safety of the [Student](#) or others.

Each [Student](#) shall be responsible for their conduct from the time of enrollment in courses or matriculation in a degree program, through the actual awarding of a degree or cessation of academic coursework. The [College](#) has discretion to address conduct that occurs when classes are not in session if a [Student](#) is registered for courses for a semester, but classes are not yet in session.

B. Interpretation and Amendments

Any questions of interpretation or application of the *Student Conduct Code* shall be referred to the Director of Student Conduct for final determination.

The *Student Conduct Code* will be reviewed in its entirety every two years. Any time prior to the next biennial review of the *Student Conduct Code*, a recognized constituency or the Dean of Students may request a review of the *Student Conduct Code* by submitting a written request to the Vice President of Student Affairs.

Any substantive changes will be reviewed in accordance with applicable governance [Policy](#) and procedures.

C. Students' Rights and Responsibilities

[Students](#) at the [College](#) have the same rights and protections under the Constitutions of the United States and the State of New Jersey as other citizens. These rights include freedom of expression, press, religion, and assembly. The [College](#) has a tradition of [Student](#) activism and values freedom of expression, which includes voicing unpopular views and dissent. As members of the [College](#) community, [Students](#) have the right to express their own views, but must also take responsibility for respecting the same right of others. [Students](#) wishing to gather or express their views peaceably should follow the guidelines in the [Use of Campus Property Policy](#).

[Students](#) have the right to be treated fairly and with dignity regardless of race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership

status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability, and as revised in [The College of New Jersey Policy Prohibiting Discrimination in the Workplace/Educational Environment](#). The College has a strong commitment to pluralistic education. Accordingly, the College will not unlawfully discriminate on the basis of protected group status.

Students have the right to have access to the College policies that affect them. The College is committed to providing Students with a balanced and fair system of accountability and dispute resolution. Accordingly, Students will be provided appropriate procedural standards that are administrative in nature and should not be equated with procedures used in civil or criminal court. Individuals can access College policies [here](#).

Students' rights also include those outlined in [Student Rights and Freedoms](#) and other published College policies. Violation of [College Policy](#), including but not limited to the *Student Conduct Code*, may result in forfeiture of such rights when necessary to preserve the safety of the College community or to achieve the orderly execution of the educational mission of the College.

Along with rights come certain responsibilities. Students at the College are expected to act consistently with the values of the College community to preserve a safe and vibrant environment that encourages scholarship and personal growth.

The College values the individual contribution of every member of the community and expects that Students will:

- Engage in responsible social conduct that reflects credit upon the College community both on and off campus, and is consistent with a safe and healthy environment;
- Respect the rights of others to pursue an exceptional education free from harassment, bullying, defamation, and discrimination;
- Conduct oneself with personal integrity and in an honest manner that makes that person worthy of the trust of others;
- Model good citizenship in any community by committing to actions that benefit the community and others, and do not impede the educational mission of the College or individual pursuits of knowledge;
- Recognize that respect for the ideas and contributions of all persons allow for diverse and creative intellectual inquiry;
- Do no [Harm](#) and do not present a threat of [Harm](#) to self, others, or personal or institutional property;

- Seek assistance, resources, or aid for self or others in a timely manner when health, safety, or wellness is at risk;
- Respect the right of fellow [Students](#) to participate in [College](#) or outside organizations, associations, or relationships with other [Students](#) without fear, threat, or act of hazing;
- Conduct oneself professionally and with civility in all pursuits of knowledge in and outside the classroom;
- Be responsible and held accountable for one's decisions and actions, and the impact on self and others; and
- Be fully acquainted and comply with the [College's](#) published policies and procedures and local, state, and federal law.

D. Violations of Expectations for [Student](#) Conduct

*The following is a non-exhaustive list of conduct that **does not meet** The [College's](#) expectations for [Student](#) conduct. Such misconduct is a violation of the Student Conduct Code and may result in disciplinary sanctions. Other conduct not found in this code may still be deemed unacceptable and may be addressed by the [College](#).*

1. Law and [Policy](#) Compliance

- a. Violation of any [College Policy](#), rule, or regulation published in hard copy or available electronically on the [College](#) website.
- b. Violation of any federal, state or local law. (See [Appendix A](#) and [Appendix B](#) for non-exhaustive lists of selected state statutes and township ordinances and [Appendix C](#) for an excerpt of the State of New Jersey "Anti-Bullying Bill of Rights Act.")
- c. Failure to meet financial obligations with respect to [College](#) funds, or conducting any financial transaction unlawfully or unethically.
- d. Violation of [College](#) policies and regulations governing the possession or use of automobiles or other motor vehicles on campus, or violation of parking regulations published by the [College](#).
- e. [Students](#) have an ongoing obligation to notify the [College](#) of any arrest or criminal conviction (the "criminal charge") within 30 calendar days of the occurrence of the criminal charge by submitting detailed documentation describing the criminal charge and the circumstances and event or underlying conduct that gave rise to the criminal charge to the Office of Student Conduct [here](#). The Director of Student Conduct will review all such notices and determine the appropriate course of action through established student conduct procedural standards and practices. Failure to report a criminal charge within 30 calendar days of occurrence will be considered a *D. Violation of Expectations for [Student](#) Conduct*.
- f. The [College](#) recognizes that an arrest, in and of itself, is not a finding of guilt. However, the [College](#) may investigate the event or conduct giving

rise to or the circumstances surrounding the arrest to determine whether a possible violation of the *Student Conduct Code* is warranted and, if so, whether a *D. Violation of Expectations for Student Conduct* has occurred.

2. **Personal Integrity**

- a. Falsifying, or being party to the falsification, of any official **College** identification card, record (e.g. *oral or written communication*), or document.
- b. Possession, use, manufacture, or sale of a falsified identification card, document, or record.

3. **Personal Abuse**

a. Sexual Harassment

- i. Conduct of a sexual nature or based on gender or sexuality that is severe or pervasive enough to create a Hostile Environment as defined by a reasonable person under similar circumstances. This may include unwanted, unwelcome, or inappropriate sexual or gender-based activities, or comments.
- ii. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made a condition of the conferral of any benefit, or rejection of such advance, request, or conduct implies that a person will suffer adverse consequences from another person in an express or implied position of authority.
- iii. Sexual harassment is a violation of [Title IX](#) of the Education Amendments of 1972, and Title VII of the Civil Rights Act of 1964 (as amended in 1991), as well as [The Policy Prohibiting Discrimination in the Workplace/Educational Environment](#) (which applies to all employees including **Student** employees with respect to conduct that arises out of their employment status).

b. Obscene or Indecent Behavior

- i. Exposure of one's sexual organs or the display of sexual behavior or contact that would reasonably be offensive to others or be observed by any other non-consenting persons who would be affronted or alarmed.
- ii. Trespassing, spying, or eavesdropping for sexual arousal.

c. Physical Sexual Misconduct (commonly referred to as "Sexual Assault")

- i. [Any Sexual Penetration](#), however slight, of a person without that person's [Effective Consent](#).
- ii. Any intentional, non-consensual [Sexual Contact](#) with an [Intimate Body Part](#) of another, or forcing another to have [Sexual Contact](#) with an [Intimate Body Part](#) of oneself or another, with any object or body part, or any disrobing of another [without Effective Consent](#).
- iii. The **College's** highest priority is the physical and mental health, safety, and well-being of individual **Students** and the campus community. An

element of promoting safety is providing clear, responsible methods of reporting and addressing incidents of sexual misconduct. Therefore, in order to remove potential barriers to reporting sexual misconduct, the Office of Student Conduct will not charge a [Student](#) with violating any expectations for [Student](#) conduct regarding alcohol or other [Drugs](#) if that [Student](#) reports such conduct within a report of possible sexual misconduct.

- iv. Sexual misconduct is a violation of [Title IX](#) of the Education Amendments of 1972, and Title VII of the Civil Rights Act of 1964 (as amended), as well as [The Policy Prohibiting Discrimination in the Workplace/Educational Environment](#) (which applies to all employees including [Student](#) employees with respect to conduct that arises out of their employment status).

d. Bullying, Intimidation, and Harassment

- i. Engaging in conduct, including any gesture, written, verbal or physical act, or any electronic [Communication](#) (which includes e-mails, text messages, and Internet postings on web-sites or other social media), that is so severe or pervasive and objectively offensive that it substantially disrupts or interferes with the orderly operation of the [College](#) or the rights of any [Student](#) or other member of the [College](#) community; and that:

- a. involves intimidation or threats to another person's safety, rights of personal privacy and property, academic pursuits, [College](#) employment, or participation in activities sponsored by the [College](#) or organizations or groups related to the [College](#); or
- b. a reasonable person should know, under the circumstances, will have the effect of insulting or demeaning any person or group; or
- c. creates an intimidating [or Hostile Environment](#) by substantially interfering with another [Student's](#) education, or by materially impairing the academic pursuits, employment or participation of any person or group in the [College](#) community, or by severely or pervasively causing physical or emotional [Harm](#) to the [Student](#) or other member of the [College](#) community; or
- d. a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a [Student](#) or other person or damaging the person's property or placing the person in reasonable fear of physical or emotional [Harm](#) to their person, or to any member of that person's family or household, or of damage to their property.

- ii. Any attempt to intimidate, threaten, or unduly influence another person with the purpose to discourage cooperation or truthful

- participation in a student conduct matter, investigation, or proceeding. This may also include the intentional violation of no contact directives or interim measures implemented by the [College](#) in response to an open investigation or proceeding.
- iii. Any attempted [Retaliation](#) against an individual because the person has made a report, provided information, assisted, or participated in any manner in a conduct matter, investigation, or proceeding.
 - iv. Abusive or harassing conduct directed at a person or group *because of* membership in a [Protected Category](#) may result in an enhanced sanction.
- e. Invasion of Privacy including Sexual Exploitation
- i. Unauthorized making of an explicit or objectively offensive recording (including but not limited to photographs, video, and/or audio) of another person.
 - ii. Unauthorized display, publication, transmission, or other dissemination (including via the Internet) of explicit or objectively offensive recordings (including but not limited to photographs, video and/or audio) of another person. Consent to be recorded does not imply consent for such records to be displayed, published, transmitted, or otherwise disseminated.
 - iii. Unauthorized intrusion upon a person's private property [or Communications](#).
 - iv. Unauthorized appropriation and/or use of someone's identifying or personal data or documents.
 - v. An act or acts committed through exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or other non-legitimate purpose without the [Effective Consent](#) of the person.
- f. Stalking
- i. Purposefully or knowingly engaging in [a Course of Conduct](#) directed at a specific person that would cause a reasonable person to fear for their safety or the safety of a third person, or suffer other emotional distress. Such [Courses of Conduct](#) include but are not limited to alarming conduct, following a specific person or otherwise communicating with a person repeatedly in a manner likely to cause fear for safety, or seriously annoy a reasonable person under similar circumstances.
- g. Defamation
- i. Oral or written publication of a false statement of fact that exposes the person about whom it is made to hatred, contempt, or ridicule; subjects that person to loss of the good will and confidence of others; or so [Harms](#) that person's reputation as to deter others from associating with that person. This does not include the good

faith documentation of a possible [Policy](#) violation or good faith journalistic reporting in the absence of negligence or recklessness.

h. Physical Abuse

- i. Use of unwelcome force against a person or the property of any person or group.
- ii. Any action or statement that imminently threatens significant [Harm](#) to the health or safety of any person or group.
- iii. Any action, statement, or use of force against a person where a personal, intimate, or special relationship exists (defined by marriage, civil union, dating, family membership, or co-habitation), that would reasonably be perceived by that person as a threat or intimidation.
- iv. Interference with the freedom of another person to move about in a lawful manner by force, threat, intimidation, or other means without [Effective Consent](#).
- v. Abusive or harassing conduct directed at a person or group *because of* membership in [a Protected Category](#) may result in an enhanced sanction.

i. Hazing

- i. Any action taken, or situation created that negligently, intentionally, or recklessly subjects any person to the risk of bodily harm, physical discomfort, harassment, emotional or mental degradation, abuse, or interferes with academic activities; or causes or encourages any person to commit an act that would be a violation of law or [College](#) regulations for the purpose of initiating, promoting, fostering, or confirming any form of affiliation with a [Student](#) group or organization. This provision applies to all [Students](#) regardless of [College](#) or Student Government recognition of the [Student](#) group or organization.
- ii. Observation of any hazing activity as described above by a [Student](#) without reporting the incident to [College](#) authorities.
- iii. Aiding or assisting another to engage in any hazing activity as described above.
- iv. The expressed or implied consent of a person is not a defense to any hazing activity described above.

4. **Property**

- a. Unauthorized use or possession, attempted or actual theft, and/or misappropriation of property belonging to others, the [College](#), or the New Jersey Educational Facilities Authority.
- b. Damage, malicious or negligent defacement, or destruction of property belonging to others, the [College](#), or the New Jersey Educational Facilities Authority.
- c. Unauthorized possession, duplication, or use of keys to any [College](#) premises; or unauthorized entry into any office, residence (*including but not limited to residence hall rooms, private residences on or off*

campus, or private businesses), mailbox, or other **College** facility.

- d. Defacement, damage or destruction of property directed at a person or group *because of* membership in a **Protected Category** may result in an enhanced sanction.

5. **Compliance with Directives**

- a. Failure to comply with a duly issued directive by an authorized **College Official** or law enforcement officer. A directive may be considered any written or verbal mandate.
- b. Failures to correctly identify oneself at all times and present this information courteously upon request by a **College Official** or law enforcement officer.
- c. Aiding or assisting another to violate **College Policy**, or acting in any way to further a violation of **College Policy**. **Students** may be held accountable for the actions of their guest.

6. **Drugs, Narcotics, Controlled Substances, and/or Paraphernalia**

- a. Unlawful possession, use, purchase, or attempted purchase of **Drugs, Narcotics, or Controlled Substances** and/or **Paraphernalia**.
- b. Unlawful manufacture, distribution, or intended distribution of **Drug, Narcotics, or Controlled Substances** and/or **Paraphernalia**.
- c. Misuse or misappropriation of any prescription or over-the-counter medication.
- d. Knowingly being in the presence of the *illegal* use of a **Drug, Prescription Drug, Narcotic, or Controlled Substances**.
- e. Disrupting the campus or off-campus community or engaging in any **Policy** violation while under the influence of a **Drug, Controlled Substances, or Narcotic**.
- f. The **College's** highest priority is the physical and mental health, safety, and well-being of individual **Students** and the campus community. Therefore, no **Student** seeking medical attention by contacting either **College** or local authorities for a **Drug** overdose (nor a **Student** who seeks medical attention on behalf of the affected **Student**) and cooperates with and/or assists any medical, **College**, or law enforcement officials will be formally charged under the *Student Conduct Code* for the unlawful use or possession of a **Drug**. Although this does not relieve any **Student** or organization from responsibility for other **Policy** violations that may have occurred prior to seeking medical attention, the effort to seek help for the affected **Student** may be a mitigating factor in sanctioning. Affected **Students** may be required to complete an evaluation or other education programs, but will not face disciplinary charges or sanctions as prescribed through the student conduct process.
- g. Although New Jersey state law permits the use of medical marijuana within narrowly tailored circumstances, federal laws prohibit marijuana use, possession, and/or cultivation at educational institutions and on the premises of other recipients of federal funds. The use, possession, or cultivation of marijuana for medical purposes is therefore not allowed on

any [College](#) property, nor is it allowed at any [College](#)-sponsored event or activity off campus.

7. Alcoholic Beverages

- a. Being in possession of, attempting to purchase, purchasing, or consuming alcoholic beverages on or off campus while under the age of 21.
- b. Selling, distributing, or serving alcoholic beverages to a person under the age of 21.
- c. Possession and/or utilization on campus of devices for the rapid, high-risk consumption of alcohol including, but not limited to funnels, beer pong accessories, beer bongs, luges, etc., regardless of age.
- d. Consuming alcoholic beverages or carrying alcohol in open containers in any public area without the receipt of an alcohol permit, regardless of age.
- e. Hosting the underage consumption of alcohol in a social space, residence hall room, common area, or off-campus space that is occupied by, under the control of, or reserved for the use of a [Student](#) or organization.
- f. Possession of common source containers of alcohol on campus whether empty or full, including but not limited to kegs, punch bowls, etc., regardless of age.
- g. Excessive use of alcohol resulting in a state of intoxication which endangers oneself or others.
- h. Disrupting the campus or off-campus community or engaging in any [Policy](#) violation while a [Student](#) is intoxicated.
- i. The [College's](#) highest priority is the physical and mental health, safety, and well-being of individual [Students](#) and the campus community. Therefore, no [Student](#) seeking medical attention by contacting either [College](#) or local authorities for intoxication (nor a [Student](#) who seeks [medical](#) attention on behalf of the affected [Student](#)) and cooperates with and/or assists any medical, [College](#), or law enforcement officials will be formally charged for the unlawful use or possession of alcohol. Although this does not relieve any [Student](#) or organization from responsibility for other [Policy](#) violations that may have occurred prior to seeking medical attention, the effort to seek help for the affected [Student](#) may be a mitigating factor in sanctioning. Affected [Students](#) may be required to complete an evaluation or other education programs, but will not face disciplinary charges or sanctions as prescribed through the student conduct process.

8. Weapons and Dangerous Substances

- a. Possession, storage, or carrying of a firearm or other [Weapon](#) in a residence hall room, on a person, or in a motor vehicle on [College](#) premises or at any [College](#)-affiliated activity or event. Knives of a

standard size and utilized for an ordinary kitchen function are permitted in residence hall kitchens.

- b. Possession or use of fireworks, gun powder, explosives or other incendiary devices, or dangerous chemicals, except as authorized for use in class, in connection with [College](#)-sponsored research, or for another approved activity and used in the way authorized and approved on [College](#) premises or at any [College](#)- affiliated activity or event.

9. Fire and Safety

- a. Setting or attempting to set fire to, or creating a fire on property owned or operated by the [College](#) without a permit.
- b. Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency.
- c. Unauthorized or improper handling of or tampering with any fire, safety, or emergency equipment or fixtures.
- d. Lighting a candle, incense, or any other open flame inside a [College](#) facility or wooded area without express permission from the Department of Occupational Safety and Environmental Services.
- e. Smoking inside any [College](#) building and/or within 10 feet of a doorway to any [College](#) building.
- f. Removing screens, entering or exiting a building through a window, and/or throwing objects out windows.
- g. Leaving exit, fire, and/or smoke doors propped open or unlocked, or entering or exiting the buildings through emergency exit doors.
- h. Presence on the roofs of [College](#) buildings, fire escapes, ledges, service elevators, balconies, and other areas that are designated closed or prohibited.
- i. Riding of bicycles or skateboards/hoverboards, the throwing, kicking, or bouncing of objects, the use of roller skates or blades, the use of water guns, and any other activity that causes risk to property or personal safety inside a [College](#) facility.
- j. Presence of any motorized vehicle or machine in buildings with the exception of motorized vehicles used by, or in aid to, persons with disabilities.

10. Computer Misuse

- a. See the [*Computer Access Agreement*](#).

11. Disruption/Obstruction

- a. Disruption to, or obstruction of teaching, research, administrative, disciplinary proceedings, or other [College](#) activities or normal operations including its public service functions on or off campus.
- b. Obstruction of the free flow of pedestrian or vehicular traffic on [College](#) premises or at [College](#)-sponsored or supervised events or activities.
- c. Behavior that disturbs the peace, academic study, or sleep of others

on or off campus.

12. Repeated Behavior

- a. Repeated behavior that materially and/or substantially interferes with the operation of the [College](#) or individuals, and that previously has been brought to the attention of the [Student](#) through participation in a separate behavior review process or by a [College Official](#).

IV. PROCEDURAL STANDARDS

A. Reports. See also [Appendix D](#) for a flow chart of the student conduct process.

1. **Filing a report.** Any member of the [College](#) community may file a report against a [Student](#) for possible violations of the *Student Conduct Code*.¹ A report must be prepared in writing and submitted to the Director of Student Conduct. A person may submit a report online by using the following link: [File a Report](#). Any report should be submitted as soon as possible after the incident takes place, preferably within 30 calendar days. However, the Director of Student Conduct has discretion to accept a report and/or issue charges regardless of when the report is submitted if the conduct or [Respondent](#) are deemed to pose a possible threat to the [College](#) community or to individual members of the [College](#) community. For [Title IX](#) related reports including but not limited to possible incidents of physical sexual misconduct, sexual harassment, stalking, and/or some instances of physical abuse if involving an intimate partner, the following process will apply: [Title IX Policy](#).
2. **Investigation.** The Director of Student Conduct or an experienced external investigator will conduct a prompt, thorough, fair and impartial investigation to determine if the information in the report merits charges against a [Student](#) or [Students](#), a formal admonishment, no charges, or if the incident can be addressed through a resolution process, such as mediation or restorative practices. An [Advisor](#) of the [Student's](#) choice may be present during the investigation meeting but may not represent the [Student](#) or actively participate in the meeting. The conference administrator may also have an [Advisor](#) present at their discretion.

For investigations that are not [Title IX](#) related but may result in *Personal Abuse* charges, there will be two trained investigators present whenever

¹ Including a representative from the Office of Student Conduct on behalf of a person outside the [College](#) community if the incident has an adverse effect on the [College](#) and there is documentation from a verifiable source.

possible. The lead investigator will coordinate meetings with the [Reporter](#) and [Respondent](#). Both the [Reporter](#) and [Respondent](#) will be interviewed and asked to share information they have regarding the incident, as well as all relevant documentation (i.e. text messages, emails, photos, etc.), and identify witnesses who may provide direct information regarding the allegation. The investigator(s) will gather all information and create a statement summary. The [Reporter](#) and [Respondent](#) will be called in for a meeting where they each will be given the opportunity to review the summary and respond with additional comments.

For [Title IX](#) related investigations, the following process will apply: [Title IX Policy](#).

However, if a [Title IX](#) investigation results in charges for *D. Violations of Expectations for Student Conduct* that are unrelated to [Title IX](#), the [Title IX](#) Coordinator may transfer the case back to the Office of Student Conduct for adjudication. If the [Title IX Coordinator](#) determines that there are violations of expectations outlined in this code that are not [Title IX](#) in nature but directly relate to a violation of the [Title IX Policy](#), the [Title IX Coordinator](#), in consultation with the Director of Student Conduct, may decide to adjudicate all charges through the [Title IX](#) process.

- B. Charge(s).** Any charges will be presented to the [Respondent](#) in writing through the [Student's_College](#) email address, as the official means of [Communication](#) at the [College](#), and a conference with a [Hearing Administrator](#) shall be scheduled within a timely period.

- C. Conference.** The [Respondent](#) will be scheduled to meet with an assigned administrator for a conference meeting to discuss the grounds for any charges, process, and sanctioning practices. The [Respondent](#) will select whether they will participate in a formal or informal conduct hearing; unless the case includes charges for any violations not related to Title IX, but under the *03. Personal Abuse* section of this code. In such cases, the administrator will determine what type of hearing is appropriate after considering the expressed preferences of both the [Respondent](#) and [Reporter](#), and the totality of the circumstances. If the administrator finds that an informal hearing is appropriate, then a different administrator may be assigned or the conference administrator may conduct the hearing with the permission of both the [Respondent](#) and [Reporter](#). An [Advisor](#) of the [Respondent's](#) choice may be present during the conference. The conference administrator may also have an [Advisor](#) present through the conference meeting or informal or formal administrative hearing at their discretion. If after notice a [Respondent](#) does not attend a scheduled conference, the administrator may postpone the conference or review the information available and make a decision on responsibility including assigning any sanctions to the [Respondent](#) if deemed appropriate.

D. Informal hearing. If the [Respondent](#) selects an informal hearing the administrator conducting the conference may immediately conduct the informal hearing as the [Hearing Administrator](#) or schedule the informal hearing to take place within a practical period. However, in the case of a *03. Personal Abuse* charge, if the administrator selects an informal hearing to address any charges, the administrator conducting the conference will assign a different [Hearing Administrator](#) to conduct the informal hearing within a practical period.

A [Respondent's Advisor](#) may remain present for the informal hearing, but may not represent the [Respondent](#) or address [the Hearing Administrator](#). The [Advisor's](#) role is limited to providing support to the [Respondent](#) by observing or by advising the [Respondent](#) in a manner that does not disrupt the conduct proceeding. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings.

The [Hearing Administrator](#) may temporarily adjourn the informal hearing if the administrator determines that further review or clarification is necessary including, but not limited to, interviewing the [Reporter](#) and/or other witnesses.

- 1. Joint hearing.** In cases involving more than one [Respondent](#), the administrator may permit the hearing concerning each party to be conducted either separately or jointly.
- 2. Information.** The informal hearing provides an opportunity for the [Respondent](#) to be heard and to provide information such as written witness statements. The [Respondent](#) may accept or deny responsibility for any charges.
- 3. Decision.** The [Hearing Administrator](#) will determine whether the [Respondent](#) is responsible for any charges. The [Hearing Administrator's](#) determination shall be made on the basis of whether it is *more likely than not* that the [Respondent](#) violated the *Student Conduct Code*. If the [Respondent](#) is found not responsible for all charges, the process is concluded (except in *03. Personal Abuse* cases where the Reporter also has the right to appeal the outcome). If the [Respondent](#) is found responsible for any charges, the [Hearing Administrator](#) will then assign any appropriate sanctions. The decisions and sanctions will be emailed to the [Respondent's](#) TCNJ email address after the hearing.
- 4. Appeal.** The [Respondent](#) (and [Reporter](#) in *03. Personal Abuse* cases) may appeal the decision and/or any sanctions issued by the [Hearing Administrator](#) in writing to the Director of Student Conduct. (Please see

Section *F. Appeals* for more information).

E. Formal hearing. If a formal hearing is selected, the [Respondent](#) has the opportunity to select an administrative hearing or, in cases that will not result in suspension or expulsion from the College, a Community Standards Board (CSB) hearing. However, in the case of a *03. Personal Abuse* charge, when the administrator selects a formal hearing, they will have the option of selecting either an administrative hearing or, if suspension or expulsion is not within the sanction range, a CSB hearing. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings.

- 1. Administrative hearing.** An administrative hearing is conducted by a trained faculty or staff member of the [College](#) who is selected by the Director of Student Conduct and, when practicable, has not previously served as a [Hearing Administrator](#) in a prior conduct process involving the [Respondent](#). The administrator will hear information presented by the [Reporter](#), the [Respondent](#), and any participating witnesses; and will subsequently render a decision and sanctions if appropriate. A [Student](#) may appeal the decision of the [Hearing Administrator](#) to the Director of Student Conduct.
- 2. Community Standards Board (CSB).** The CSB is a [Student](#) board chaired by a [Student](#) representative and advised by the Assistant Director of Student Conduct. Quorum for CSB includes minimally two [Student](#) voting members and one [Student](#) chair. The CSB Board may be comprised of up to 4 voting members and the [Student](#) chair who votes only in the case of a tie. The [Advisor](#) to the CSB does not vote nor participate in deliberations, but may answer questions regarding *Procedural Standards*, *Policy*, or sanctioning practices. A [Student](#) may appeal the board's decision to the Director of Student Conduct. The CSB will not hear cases that may result in suspension or expulsion from the [College](#) should the [Respondent](#) be found responsible for any charges. The CSB may not be available for cases occurring at the end of the semester or during extended breaks such as the summer. In such cases, the Director of Student Conduct will assign the case to an available [Hearing Administrator](#) or determine whether the case can wait until a CSB becomes available.
- 3. Formal hearing guidelines.** Formal hearings shall be conducted according to the following guidelines.
 - a. **Private hearing.** A hearing is conducted in private. The [Reporter](#) (in *03. Personal Abuse* cases) [Respondent](#), and [Advisor\(s\)](#) and in some cases the person bringing the complaint on behalf of the [College](#) and [Advisor](#), are allowed to attend the entire portion of the board or administrative hearing at which information is received (this excludes

deliberations). Admission of any other person to the hearing shall be at the discretion of the board or administrator hearing the case.

- b. **Joint hearing.** In cases involving more than one **Respondent**, the administrator or board chair may permit the hearing concerning each party to be conducted either separately or jointly.
- c. **Advisors.** The **Hearing Administrator** or board, person bringing the complaint on behalf of the **College**, and/or the **Reporter** (in *03. Personal Abuse* cases) and **Respondent** may be assisted by an **Advisor** of their choice, at their expense. **Students** must notify the Director of Student Conduct of whom they have designated as their **Advisor** five business days prior to the scheduled hearing. A representative from the **College's** Office of the General Counsel may also be present at the hearing. All individuals are responsible for presenting their own information, and therefore **Advisors** are not permitted to speak or to participate directly in any hearings. A **Student** should select as an **Advisor** a person whose schedule allows attendance at the scheduled date and time for the hearing as delays will not normally be allowed due to the scheduling conflicts of **an Advisor**.
- d. **Questions.** The **Hearing Administrator** or board, the person bringing the complaint on behalf of the **College**, and the **Reporter** (in *03. Personal Abuse* cases) and **Respondent** may arrange for witnesses to present pertinent information. The **Reporter** and the **Respondent** may suggest questions to be answered by one another and/or one another's witnesses, but the questions must be directed to the chairperson of the board or the administrator of the hearing rather than to the other party or witness directly. The chairperson of the board or the administrator will determine whether questions or potential information are appropriate at their discretion.
- e. **Additional information.** Relevant records, exhibits and written statements (including **Student** impact statements and/or character statements during the sanction phase) may be accepted as information for consideration by a board or administrator at the discretion of the chairperson or administrator.
- f. **Decline to provide information.** The **Respondent** (and in *03. Personal Abuse* cases the **Reporter**) has the right to decline to provide any written or oral statements, answer questions posed in a hearing, or provide any information on their behalf. However, the hearing board or administrator may draw an adverse inference from the **Student's** absence of information or refusal to answer questions.
- g. **Procedural questions.** All procedural questions are subject to the final decision of the chairperson of the board or administrator.
- h. **Majority vote and quorum.** A board will determine by majority vote whether the **Respondent** has violated the **Policy** as charged. For any board hearing, a quorum of two voting members is necessary. Quorum is not required for an administrative hearing as the decision is made by the

administrator alone.

- i. **Basis for decision.** The board or administrator's determination shall be made on the basis of whether it is *more likely than not* that the **Respondent** violated the *Student Conduct Code*. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings.
- j. **Hearing recorded.** There will be a single record, such as a digital audio recording of all formal hearings. Deliberations will not be recorded. The record will be the property of the **College**.
- k. **Decision in absentia.** If a **Respondent**, with notice, does not appear for a formal hearing, the **Hearing Administrator** or board may postpone the hearing or hear the information in support of the charges in the **Respondent's** absence and will make a decision on the available information.
- l. **Special accommodation.** The CSB or administrator may accommodate persons with concerns for the personal safety, well-being, and/or fears of confrontation during the hearing by providing separate facilities or physical dividers, and/or by permitting participation by telephone, videophone/conferencing, videotape, audiotape, written statement, or other viable means as determined by the Director of Student Conduct to be appropriate.
- m. **Differing abilities accommodation.** The CSB or administrator will provide any reasonable accommodation for hearing participants who have a disability and are registered with, or notify the Office of Disability Services and the Office of Student Conduct in a timely manner.

F. Appeal Procedures.

1. **Respondent appeal.** A **Respondent** is afforded one single opportunity to appeal decisions and/or any sanctions issued by a **Hearing Administrator** or board within five business days of the date of the written decision. The decision of the administrator reviewing the submitted appeal is the final and conclusive decision of The **College** of New Jersey and is appealable only to the New Jersey Superior Court, Appellate Division in accordance with the New Jersey Rules of Court.
2. **Reporter appeal.** A **Student** who is the subject of a report resulting in a **Respondent** being charged under *03. Personal Abuse* (see Section *D.3.* under *Violations of Expectations for Student Conduct*) is afforded one single opportunity to appeal decisions and/or any sanctions issued by a **Hearing Administrator** or board within five business days of the date of written notification of the decision and/or relevant sanctions. The decision of the administrator reviewing the submitted appeal is the final and conclusive decision of The **College** of New Jersey and is appealable only to the New Jersey Superior Court, Appellate Division in accordance

with the New Jersey Rules of Court.

3. **Required format.** All appeals must be in writing, and include any supporting documentation that the **Student** wishes to be considered. Deference is given to the original **Hearing Administrator** or board's findings of fact and decision of responsibility and/or any sanctions; therefore the burden of proof is on the **Student** filing an appeal to sufficiently demonstrate cause to alter procedures, the original decision, or any sanctions. An appeal will generally be limited to a review of the verbatim record of the hearing and supporting documents for one or more of the purposes below, provided however the administrator may request additional information or clarification from the **College** and/or external investigators, conference administrator, the **College** administrator preparing the hearing, the **Hearing Administrator** or board, the **Reporter** (in *03. Personal Abuse* cases) or **Respondent**, and/or witnesses for purposes of this review.
 - a. **Process review.** To determine whether the hearing was conducted in accordance with published procedures and without bias on the part of **the Hearing Administrator** or any board member. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
 - b. **Information review.** To determine whether there was information presented in the hearing that, if believed by the board or administrator, was sufficient to establish that a violation of the *Student Conduct Code* occurred.
 - c. **Sanction review.** To determine whether any sanctions imposed were appropriate for the violation of the *Student Conduct Code* which the **Respondent** was found to have committed.
 - d. **New information.** To consider new information, submitted by the appealing **Student** within the prescribed five business day period, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information was not known to the **Student** appealing at the time of the original hearing.
4. **Appeal decision.** An administrator reviewing an appeal may make one of the following decisions.
 - a. **Affirm.** The administrator may decide to affirm the decision of the original **Hearing Administrator** or board.
 - b. **Alter sanction.** The administrator may alter the sanctions issued by the original **Hearing Administrator** or board. Alteration in the sanction may include reducing or increasing the sanction or requirements.
 - c. **New hearing.** The administrator may determine that a new hearing by a different **Hearing Administrator** or board is warranted to correct procedural irregularity or to consider new information. A **Student** may appeal a decision of the new **Hearing Administrator** or board.

- d. **Remand.** The administrator may direct the original [Hearing Administrator](#) or board to review their original decision subject to any instructions from the administrator; and may affirm that decision or render a new decision consistent with those instructions. A [Student](#) may appeal a decision made by the original [Hearing Administrator](#) or board if there are any changes after the review.

G. Summer, End of Term, and Geographically Remote Cases. The following process will apply for incidents that occur over the summer, incidents that are reported regarding a [Student](#) who does not participate in courses on the property of the [College](#), or incidents that are reported near the end of any academic term and are unable to be heard before the last week of classes in accordance with the conduct process.

1. **Minor incident.** For a minor incident (where a finding of responsibility would result in a warning and/or educational sanctions), the [Respondent](#) will be asked to submit a statement in writing regarding the incident that may include statements by any witnesses by a prescribed date. The [Hearing Administrator](#), in conjunction with the incident report, will consider this statement. The [Respondent](#) will be notified of the [Hearing Administrator's](#) decision via electronic [Communication](#). This process will also be utilized to handle such incidents that occur during summer sessions conducted at the [College](#) or for minor incidents that occur in a geographically remote location. If the [Respondent](#) wishes to appeal the decision of the [Hearing Administrator](#), that individual must do so within five business days of notification of the decision.
2. **Major incident.** For a more serious incident (where a finding of responsibility may result in a status of pending termination of residency; termination of residency; pending suspension; suspension; or expulsion), the [Student](#) may choose to respond to the charges in writing (as described above), or to participate in a hearing process in person through existing procedures. The Director of Student Conduct will determine whether this process should take place during the summer or term of geographically remote course or after classes have reconvened in the following semester. For incidents that occur in a geographically remote location, a hearing with the [Respondent](#) or witness (es) present may occur. All such hearings will take place on the property of the [College](#), and the [Respondent](#) is financially responsible for any travel costs incurred to attend the hearing. In addition, participation in a hearing by means of technology such as video, telephone, Internet chat, or video may also occur with mutual consent of the [Respondent](#) and [Reporter](#) (*in 03. Personal Abuse cases*) and the Director of Student Conduct.

A. Interim Measures/Remedies. Under certain circumstances (such as *03. Personal Abuse* or [Title IX](#) related cases) interim measures may be initiated to protect the safety and well-being of persons involved in an incident or the

campus community in conjunction with, or pending the outcome of, a separate behavior review process (such as the [Involuntary Health or Safety Withdrawal Policy](#)), and/or the investigative or adjudicative processes of the [Student Conduct Code](#) or [Title IX Policy](#). Interim measures may include the following to the extent reasonably available and appropriate:

- 1. Interim suspension.** Immediate separation of a [Student](#) from the [College](#) by the Dean of Students (or designee) pending an investigation or adjudication. Through the duration of the interim suspension, the [Student](#) may be restricted from [College](#) property and may be required to provide prior notice and receive approval from the Director of Student Conduct for the purpose of conducting [College](#) business. Interim suspension will be imposed only in exceptional circumstances to ensure the health, safety or welfare of members of the [College](#) or [College](#) property or to ensure the [Student's](#) own safety and welfare. [Students](#) who have been suspended on an interim basis must have a conduct hearing within a practical period of time after the imposition of the interim suspension.
- 2. Interim termination of housing.** Immediate removal and prohibition of a [Student](#) from [College](#) housing by the Director of Student Conduct (or designee) pending an investigation or adjudication. Through the duration of the termination the [Student](#) will be restricted from entering all residential floors in [College](#) buildings.
- 3. No contact directive.** A no contact directive is an official [College](#) directive that serves as notice to an individual that they must not have physical contact with or proximity to, or direct verbal, electronic, written, and/or indirect [Communications](#) intentionally made through another individual.
- 4. Behavioral plan.** This is an agreement between the [Student](#) and the Office of Student Conduct and/or other appropriate office (including but not limited to Dean of Students Office, Title IX Office, or Division of Academic Affairs) which outlines expected behaviors to aid in a student's success. *This measure may occur prior to, in conjunction with, or as a sanction resulting from a student conduct investigation or proceeding.*
- 5. Academic accommodations.** This may include assistance in transferring to another section of a course, assistance in requesting withdrawal or an incomplete grade in a particular course, leaves of absence or withdrawal from the [College](#), or assistance requesting alternate methods of completing coursework.
- 6. Housing accommodations.** This may include requiring a [Student](#) to relocate [College](#) housing pending the outcome of a conduct investigation or proceeding. This may also include facilitating changes in on-campus

housing location to alternate housing, or assistance in exploring alternative housing off-campus.

7. **Employment accommodations.** This may include arranging for alternate [College](#) employment, different work shifts, etc.

8. **Other accommodations.** Any other measure that may be arranged by the [College](#) (to the extent reasonably available) to ensure the safety and well-being of a [Student](#) and/or the [College](#) community. This may include the use of dispute resolution services such as mediation or restorative practices when appropriate.

I. **Sanctioning Practices.** The following sanctions, alone or in any combination, may be imposed upon any [Student](#) found to have violated the *Student Conduct Code*. See also [Appendix E](#) for specific sanctioning procedures for selected violations.

1. Status Outcomes.

- a. **Warning.** A notice in writing to the [Student](#) that the [Student](#) is violating or has violated institutional regulations and that further violations may result in more severe disciplinary action.
- b. **Pending termination of housing.** This status serves as a housing probationary status assigned to a [Student](#) for a specified period of time before their housing privileges are terminated. While on this status, any further violations of [College Policy](#) may result in termination of housing. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Conduct for five years after a [Student](#) separates from the [College](#).
- c. **Termination of housing.** Removal of a [Student](#) from [College](#) housing after a specific date and for a specified period of time. Through the duration of the termination, the [Student](#) may be restricted from entering all residential floors in [College](#) buildings. [Students](#) who are removed from [College](#) housing for disciplinary reasons will receive the refund available based on the time of the semester according to the Department of Residential Education and Housing policies and the housing contract. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Conduct for five years after a [Student](#) separates from the [College](#).
- d. **Pending suspension.** This status serves as the disciplinary probation status assigned to a [Student](#) for a specified period of time before that

person is suspended from the [College](#). While on this status, any further violations of [College Policy](#) may result in suspension from the [College](#). In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Conduct for five years after a [Student](#) separates from the [College](#).

- e. **Suspension.** Termination of course registration and residency (if applicable) from the [College](#) after a specific date and for a specified time. Through the duration of the suspension, the [Student](#) will be restricted from [College](#) property and may be required to provide prior notice and receive approval from the Director of Student Conduct for the purpose of conducting [College](#) business. Before a [Student](#) may be readmitted to the [College](#) after the designated period of time, that person must meet with the Dean of Students to show satisfactory completion of any assigned directives or to discuss stipulated conditions for their return. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Conduct indefinitely. Should a [Student](#) wish to return to the [College](#) after the suspension period, that person must comply with any academic standards and procedures then in effect.
- f. **Expulsion.** Permanent dismissal from the [College](#) and restriction from [College](#) property. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Conduct indefinitely. Expulsion is the most serious disciplinary action taken by the [College](#) and is generally reserved for only those cases of behavioral misconduct in which all the relevant facts and aggravating circumstances support a conclusion that the only reasonable sanction is permanent removal from the [College](#).
- g. **Degree revocation.** Permanent revocation of an earned degree from the [College](#) and restriction from [College](#) property. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Conduct indefinitely. Degree revocation is reserved for only those case of behavioral misconduct that occur while an individual is a [Student](#), but is not made known to the [College](#) until after a degree is earned, and in which all the relevant facts and aggravating circumstances support a conclusion that the only reasonable sanction is permanent revocation of an earned degree from the [College](#).

2. Educational Outcomes.

- a. **Restorative practices.** Participation in a discussion by trained facilitators with any persons or departments harmed and development of a shared agreement of how to correct the harm. Unlike other sanctions, all participants must voluntarily agree to participate in the restorative

process.

- b. **Mediation.** Participation in a mediated discussion with other disputants facilitated by multipartial, trained mediators with the hope of developing a negotiated agreement serving as resolution to the dispute. Unlike other sanctions, all participants must voluntarily agree to participate in mediation. Mediation may not be available to [Students](#) responding to or being found responsible for physical sexual misconduct.
- c. **Master education plan.** Develop a master education plan with the aid of the Director of Student Conduct and mentor committee, agree to the terms of the plan, and to continuous evaluation.
- d. **Other discretionary sanctions.** Work assignments, essays, presentations, research projects, conduct contracts, service to the [College](#), or other discretionary assignments.

3. **Administrative Directive Outcomes.**

- a. **Administrative relocation of housing.** Administrative transfer of a [Student](#) from one campus housing location to another.
- b. **Loss of privilege.** Denial of any specified privilege for a designated period of time. Examples include but are not limited to: guest privileges, restriction from a [College](#) event or program, and/or area or building.
- c. **Restitution.** Compensation for loss, damage, or injury to [College](#) property. This may take the form of appropriate service and/or monetary or material replacement.
- d. **Parental notification.** Notification may be sent to parents or guardians of a [Student](#) who is under 18 years of age, or financially dependent on their parents or guardians, depending on the circumstances surrounding the incident. Parents or guardians may also be notified of alcohol and other [Drug](#) incidents for [Students](#) under 21 years of age, regardless of financial dependency or resulting sanction.
- e. **No contact directive/extension of existing no contact directive.** This may include a new directive (as described above), or an extension of an original directive with or without altered or additional parameters or instructions. Sanctioned no contact directives may only be removed prior to their scheduled expiration (if any) at the discretion of the Director of Student Conduct, and at the written request of all involved persons.
- f. **Behavioral plan.** This is a directive to the [Student](#) from the Office of

Student Conduct and/or in consultation with another appropriate office (including but not limited to Dean of Students Office, Title IX Office, or Division of Academic Affairs) which outlines expected behaviors to aid in a student's success.

J. Disciplinary Record Keeping Practice.

1. **File maintenance.** A **Student** who is charged with a violation of the *Student Conduct Code* has a file created and maintained by the Office of Student Conduct. Files are maintained for five years after the date the **Student** separates from the **College**; however files of **Students** who have been suspended or expelled are maintained indefinitely.
2. **Confidentiality.** The federal Family Educational Rights and Privacy Act of 1974 (FERPA) protects a **Student's** education records, including student conduct files, from unauthorized disclosure to third parties. A **Student** must sign a waiver to grant access to their disciplinary record before the **College** will disclose information protected by FERPA contained in the **Student's** records. These confidentiality requirements apply to **Students'** parents or guardians with the exception of a health or safety emergency, an alcohol or **Drug** violation, or if the **Student** is financially dependent on the parents or guardians. Federal law makes exceptions in these cases and does allow the **College** to share disciplinary information with specific persons. In addition, FERPA allows the **College** to disclose a **Student's** education record without prior written consent when the disclosure is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may include only the final results of the disciplinary proceeding conducted by the institution of postsecondary education with respect to that alleged crime or offense. Furthermore, FERPA permits the **College** to disclose sanction information to a **Student** or party who has filed a report of conduct that is a violation under *Personal Abuse* (see Section D.3. under *Violations of Expectations for Student Conduct*) when any sanction directly relates to the **Reporter**.
3. **Inspection.** **Students** may request to inspect or view their disciplinary records in accordance with FERPA. To do so, a **Student** should make an appointment with the Director of Student Conduct. Records are not immediately available to **Students** because they must first be reviewed for confidential information regarding other **Students**, and thus may need to be redacted. Upon request, the Office of Student Conduct may provide **Students** with copies of redacted incident reports, letters, and any forms or receipts in the **Student's file**. **Students** may make arrangements to review the recording as an element of their education record by making arrangements with the Office of Student Conduct. However, copies or transcripts of any recording will not be provided. Please note that it is not the **College's** practice to provide **Students** with copies of the information listed above during an open or active investigation.

4. **Reporting.** If a [Student](#) has given proper permission for the [College](#) to share disciplinary information to a [Third Party](#), it is the practice of the [College](#) to only disclose a disciplinary file if a [Student](#) has ever been placed on a pending termination of housing or pending suspension status, has been removed from housing, or has been suspended or expelled from the [College](#). The [College](#) retains discretion to release additional information contained in a [Student's](#) disciplinary file if a [Third Party](#) requires disclosure of further information, or if a [Student](#) separates from the [College](#) with any pending student conduct matters. For further information on requesting a disciplinary file please go to the following site: [Disciplinary Background Check Information](#).
5. **Petition for administrative deletion.** Disciplinary records may be administratively deleted upon review and approval by the Dean of Students. When a record is administratively deleted, the information it contains is no longer part of an official disciplinary record. The [College](#) is required by law [and College Policy](#) to retain for statistical purposes information regarding certain types of disciplinary violations. Statistical information from deleted files may be retained with the [Student's](#) name and [Student](#) identification number removed. Administrative deletion affects only information maintained by the Office of Student Conduct. Copies of letters distributed by or to other [College](#) departments, incident reports, police reports, and the results of previous background checks reported outside of the Office of Student Conduct are not affected by an administrative deletion. Petitions for an administrative deletion may be made no sooner than one year after the date of the [Student's](#) last finding of responsibility from the student conduct process or one calendar year prior to their anticipated graduation, whichever is later. The request must be made in writing to the Dean of Students by submitting the following [form](#). Administrative deletion requests may not be granted for conduct that resulted in suspension or expulsion from the [College](#) and may also be denied for conduct that posed a threat to a member of the [College](#) community or serious damage to [College](#) property.

K. Violation of Law and *Student Conduct Code*. [College](#) student conduct proceedings may be instituted against a [Student](#) charged with conduct that potentially violates both the criminal law and [College Policy](#) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under these *Procedural Standards* may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Director of Student Conduct. Prior determinations made or sanctions imposed under these procedural standards will not be subject to change because criminal charges arising out of the same facts giving rise to violation of [College](#) rules are later dismissed, reduced, or resolved in favor of the criminal law defendant.

L. Leave of absence or withdrawal.

1. Individuals who withdraw or take a leave of absence from the **College** while a conduct matter or any sanction is pending will have a registration hold placed on their **Student** account(s) and will be notified of the pending matter and registration hold.
2. If documentation of an incident is brought to the attention of the Office of Student Conduct after an individual separates from the **College**, but includes conduct that allegedly occurred while an individual was a **Student**, or conduct that occurred after separation from the **College** but has an adverse impact on the campus community, the **College** retains discretion to assign any charges, ban the individual from campus, and/or place a registration hold on the individual's account pending adjudication.
3. The **College** retains discretion to determine when there is enough information available or it is necessary to adjudicate charges for formerly enrolled **Students**. An individual may contact the Office of Student Conduct to request arrangements to adjudicate or dispose of the matter before the registration hold will be released.