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Student Conduct Code (Interim)

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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

1. **"Advisor"** is a person permitted to be present throughout any meetings, investigation preparations, hearing proceedings, and/or any appeal process to provide support and/or assistance to an individual.
2. "**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).
3. **"College"** means The College of New Jersey.
4. **"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.
5. **"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.
6. **"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.
7. **"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.
8. **"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.
9. **"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.
10. **"Hearing Administrator"** includes any person hired and/or trained by the College who is designated to conduct conferences and Student Conduct hearings.
11. **"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

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activity.

12. **"Narcotic"** refers to an addictive Drug, such as opium or morphine, which reduces pain, alters mood and behavior, and usually induces sleep or stupor.
13. **"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.
14. **"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.
15. "**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.
16. Abusive or harassing conduct directed at a person or group because of actual or perceived membership in a Protected Category (sometimes generally known as "bias incident(s)", "bias crime(s)", or "hate crime(s)") may result in an enhanced sanction.
17. **"Reasonable Accommodations"** are adjustments or modifications made in a system or process to ensure accessibility for individuals with disabilities. Reasonable accommodations are determined by the Accessibility Resource Center (ARC) on a case- by-case basis.
18. **"Reporter"** is the Student alleged to have experienced an incident of personal abuse as outlined in section *03. Personal Abuse* of the *Student Conduct Code*. Please note that while non-students may report Student to the Office of Student Conduct, *Procedural Standards* may not apply to non-student reporters.
19. **"Respondent"** is the Student 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.
20. "**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 Student has made a report, provided information for, assisted, or participated in any manner in a college process, investigation, or proceeding. This also includes retaliatory actions taken against an individual for submitting a CARE referral or other reports made in good faith to a college employee. 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.
21. **"Stalking Behavior "** means repeatedly maintaining a visual or physical proximity to a person; following, monitoring, observing, surveilling, threatening, or communicating to or about a

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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.

22. **"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 or certificate 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 & Off-Campus Services.
23. **"Third Party"** includes individuals who are neither Students nor Employees, including but not limited to contractors, guests, and consultants.
24. "**VPSA**" is the Vice President of Student Affairs (including those serving in an interim or acting role) or a designee appointed by the President.
25. "**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.

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III. POLICY

A. Authority

i. 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*.

ii. 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 VPSA.

iii. The VPSA may delegate this authority to the Dean of Students Office. Under the direction of the Office of Student Conduct & Off-Campus Services, the Director of Student Conduct & Off-Campus Services is responsible for implementing the student conduct process. The VPSA 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.

iv. The College *Student Conduct Code* shall apply to Student conduct that occurs on College premises, at College-sponsored activities, and off campus. This includes, without limitation, time periods during which classes are not in session, or the Student is not yet registered for college classes and while enrolled or participating in a program at another institution. The

Director of Student Conduct & Off-Campus Services 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.

v. 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 at the College. 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, or if a Student is on a leave of absence or has voluntarily withdrawn from the College if the behavior occurred while they were a Student.

B. Interpretation and Amendments

i. Any questions of interpretation or application of the *Student Conduct Code* shall be referred to the Director of Student Conduct & Off-Campus Services for final determination.

ii. A recognized constituency or the Dean of Students may request a review of the *Student Conduct Code* by submitting a written request to the VPSA.

iii. Any substantive changes will be reviewed in accordance with applicable governance Policy and procedures.

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C. Students' Rights and Responsibilities

i. 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*.

ii. 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.

iii. 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.

iv. 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.

v. 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.

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

   a. 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;

   b. Respect the rights of others to pursue an exceptional education free from harassment, bullying, defamation, and discrimination;

   c. Conduct oneself with personal integrity and in an honest manner that makes that person worthy of the trust of others;

   d. 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;

   e. Recognize that respect for the ideas and contributions of all persons allow for diverse and creative intellectual inquiry;

   f. Do no Harm and do not present a threat of Harm to self, others, or personal or institutional property;

   g. Seek assistance, resources, or aid for self or others in a timely manner when health, safety, or wellness is at risk;

   h. 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;

   i. Conduct oneself professionally and with civility in all pursuits of knowledge in and outside the classroom;

   j. Be responsible and held accountable for one's decisions and actions, and the impact on self and others; and

   k. 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.*

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i. **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 Non-Exhaustive Selection of New Jersey Statutes, Non-Exhaustive Selection of Ewing Township Ordinances, and Excerpt: 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. Failure to notify the College of any arrest or conviction. 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. You may report your arrest by clicking here. The Director of Student Conduct & Off-Campus Services 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 may 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.

ii. **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.

iii. **Personal Abuse**

a. Bullying, Intimidation, and Harassment

1. 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 directed at a person(s), 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:

- involves intimidation or threats to another person's safety, rights

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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

- a reasonable person should know, under the circumstances, will have the effect of insulting or demeaning any person or group; or
- 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
- 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.

2. 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.
3. Retaliation includes any adverse action or attempted retaliation against an individual for making a report, providing information, assisting, or participating in any manner in a college process, investigation, or proceeding. This also includes retaliatory actions taken against an individual for submitting a CARE referral or other reports made in good faith to a college employee.
4. Abusive or harassing conduct directed at a person or group *because of actual or perceived* membership in a Protected Category (sometimes generally known as "bias incident(s)", "bias crime(s)", or "hate crime(s)") may result in an enhanced sanction.

b. Invasion of Privacy

1. Unauthorized making of an explicit or objectively offensive recording (including but not limited to photographs, video, and/or audio) of another person.
2. 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.
3. Unauthorized intrusion upon a person's private property or

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Communications.

4. Unauthorized appropriation and/or use of someone's identifying or personal data or documents.

c. Stalking

1. Purposefully or knowingly engaging in Stalking Behavior 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 Stalking Behaviors 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.

d. Defamation

1. 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.

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e. Physical Abuse

1. Use of unwelcome force against a person or the property of any person or group.
2. Any action or statement that imminently threatens significant Harm to the health or safety of any person or group.
3. Any action, statement, or use of force against a person where a previous or current personal, intimate, or special relationship exists (defined by marriage, civil union, dating, family membership, or co-habitation), which includes physical, sexual, emotional, economic, and/or psychological actions or threats of actions that a reasonable person in similar circumstances and with similar identities would find intimidating, terrorizing, or threatening. Such behaviors may include threats of violence to oneself or one's family member.
4. Interference with the freedom of another person to move about in a lawful manner by force, threat, or intimidation.
5. Physical Abuse conduct directed at a person or group *because of actual or perceived* membership in a Protected Category (sometimes generally known as "bias incident(s)", "bias crime(s)", or "hate crime(s)") may result in an enhanced sanction.

f. Hazing

1. 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.

2. Observation of any hazing activity as described above by a Student without reporting the incident to College authorities.
3. Aiding or assisting another to engage in any hazing activity as described above.
4. The expressed or implied consent of a person is not a defense to any hazing activity described above.

g. Unauthorized Disclosure of Personal Information (Doxxing)

1. The intentional publication, sharing, or distribution of another individual's personal or identifying information without their consent, with the intent to harass, intimidate, threaten, or otherwise cause harm. This includes, but is not limited to, sharing home addresses, phone numbers, email addresses, financial records, or other private details through online platforms, social media, or other means.

h. Misuse of Artificial Media

1. The creation, distribution, or use of digitally altered or synthetic media (commonly referred to as deepfakes) to misrepresent, deceive, harass, intimidate, or harm another individual. This includes, but is not limited to, altering images, videos, or audio to falsely depict a person engaging in activities they did not participate in, using artificial intelligence to manipulate likenesses without consent, or creating deceptive content that could cause harm.

iv. **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 conduct directed at a person or group *because of actual or perceived* membership in a Protected Category (sometimes generally known as "bias incident(s)", "bias crime(s)", or "hate crime(s)") may result in an enhanced sanction.

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v. **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. Failure to correctly identify oneself at all times and present this information 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.

d. Failure to fully satisfy all the components outlined within the signed Alternative Resolution agreement in the designated time frame.

vi. **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 Drugs, 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. Amnesty. 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 possession and use of cannabis in certain circumstances, federal law prohibits cannabis use, possession and/or cultivation at educational institutions and on the premises of other recipients of federal funds. In accordance with New Jersey state law, possession, use, and/or cultivation of cannabis regardless of age is not allowed on any College property, nor is it allowed at any College-sponsored event or activity off campus regardless of age.

vii. **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.

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b. Selling, distributing, or serving alcoholic beverages to a person under the age of 21.

c. Possession and/or utilization 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 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. Amnesty. 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.

viii. **Weapon 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.

ix. **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.

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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 or use of electronic smoking devices 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.

x. **Computer Misuse**

a. See the *Computer Access Agreement*.

xi. **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.

xii. **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

i. **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

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submitted to the Director of Student Conduct & Off-Campus Services. A person may submit a report on-line 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 & Off-Campus Services 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 Sexual Harassment, Misconduct, & Discrimination 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: Sexual Harassment, Misconduct, & Discrimination Policy.*

ii. **Advisor.** Individuals may be accompanied by one Advisor provided that the involvement of the Advisor does not result in an undue delay of the process. It is the responsibility of the individual to coordinate scheduling with their Advisor for any meetings and/or proceedings.

    a. The Advisor may not participate directly with any process or represent any person involved; nor can an Advisor speak, write, or otherwise communicate with an investigator, conduct administrator, Hearing Administrator, or appeal reviewer on behalf of the individual they are advising. Advisors may not engage in behavior or advocacy that harasses, abuses, or intimidates either the Reporter or Respondent, a witness, or individuals involved in resolving the complaint. Advisors who do not abide by these guidelines may be excluded from the process.

    b. The Advisor may be any person of the individual's choosing; however, an Advisor may not also serve as a witness in the same matter. The Advisor may be an attorney but the Advisor is still limited to the supportive and non- participatory role described above. Should a student retain an attorney, the College requests advance notice to provide contact information for the College's General Counsel. An Investigator or Hearing Administrator may also be accompanied by an Advisor, which may include a representative from the Office of General Counsel. The Advisor of the Hearing Administrator, who may participate in a manner to ensure procedural standards are upheld, but does not disrupt the overall proceeding. Any cost associated with the participation of an Advisor is the responsibility of the individual.

iii. **Initial Assessment.** All cases will be reviewed by the Director of Student Conduct & Off-Campus Services.

    a. Upon receipt of a report regarding behavior that may fall under 03. Personal Abuse (*Violations of Expectations for Student Conduct*), the Director of Student Conduct & Off-Campus Services will make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report. In this initial assessment, the Director of Student Conduct & Off-Campus Services will:

        1. Assess the safety and well-being of those involved and offer the College's immediate support and assistance;
        2. Inform the Reporter and Respondent of the right to seek medical treatment;
        3. Inform the Reporter and Respondent of the right to contact law enforcement, have a criminal investigation conducted (where appropriate), and/or seek a protective order (where appropriate);

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4. Inform the Reporter and Respondent about College and community resources, the right to seek appropriate and available interim measures, and how to request those measures;
5. Inform the Reporter of the right to seek resolution under this *Code*, and determine whether the Reporter wishes (i) to seek such resolution, or (ii) to request that no investigation be pursued, and that no disciplinary process be initiated or disciplinary action taken; if possible considering the unique circumstances of the case;
6. Explain the College's prohibition against Retaliation;
7. Assess the nature and circumstances of the report;
8. Determine whether the report triggers any Clery Act obligations, including entry of the report in the daily crime log, and/or issuance of a timely warning, and take steps to meet those obligations.

b. The Director of Student Conduct & Off-Campus Services will ensure the Reporter receives a written explanation of all College resources and options, and are offered the opportunity to meet with the Director of Student Conduct & Off-Campus Services to discuss those resources and options. When a decision is reached to impose interim measures, to initiate an investigation, or to take any actions that involves notifying a Respondent, the Director of Student Conduct & Off-Campus Services will also ensure that the Respondent receives a written explanation of all college resources and options and are offered the opportunity to meet with the Director of Student Conduct & Off-Campus Services to discuss those resources and options.

iv. **Reasonable Accommodations.** Should any individual involved in the Student Conduct process as a Reporter, Respondent, or witness believe they may require and/or benefit from any form of accommodation to effectively participate, they are encouraged to contact the Accessibility Resource Center (ARC) directly at 609-771-3199. Reasonable accommodations are individualized and in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1992 (as amended). All requests must be made in advance and the Office of Student Conduct staff will consider recommendations provided by ARC.

B. Alternative Resolution Process

i. The College recognizes that there is not one universal resolution process that best meets the needs of our Students and the campus community. To adequately address reports of behavior that may be in *Violation of Expectations for Student Conduct* that may result in charges under 03. Personal Abuse an alternative process may be utilized.

ii. Alternative resolution is a voluntary process within the College's *Student Conduct Code* that allows a Respondent in a Student Conduct matter to accept responsibility for the behavior they engaged in that may have caused Harm to the Reporter. By fully participating in this process the Respondent will not be charged with a violation of College policy.

iii. The alternative resolution process is designed to eliminate the conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the Reporter while still maintaining the safety of the overall campus community.

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iv. The alternative resolution process will only be used at the request and agreement of both the Reporter and Respondent; and under the direction of the Office of Student Conduct & Off-Campus Services. In order for the alternative resolution process to be appropriate, both parties must have an understanding and agree on the necessary elements of the process. Both the Reporter and Respondent will have to agree to the following terms should they wish to participate in the alternative resolution process:

    a. Participation in this process is voluntary and either the Reporter or Respondent can choose to end the process at any time prior to signing the agreement;

    b. Both the Reporter and Respondent must participate in individual intake meetings with appropriate staff to learn more about the resolution process prior to participating;

    c. The process can only be used once and will not be considered if requested by a repeat Respondent under *the Student Conduct Code* and/or the *Sexual Harassment, Misconduct, & Discrimination Policy*;

    d. The Reporter and Respondent must agree to all recommendations outlined in the formal agreement or the case reverts back to an investigation;

    e. Information documented during this process can be subpoenaed if a criminal investigation is initiated;

    f. Participation in this process does not constitute a finding of "In-Violation" for a *Violation of Expectations for Student Conduct* charge, and is therefore not reflected on the Respondent's disciplinary record;

    g. If the Respondent is documented and found "In-violation" for any *Violations of Expectations for Student Conduct* this agreement can be used in the sanctioning phase of that process; and

    h. The Respondent may be charged with 05. Compliance with Directives for failure to meet all requirements outlined in the agreement.

v. The alternative resolution process is beneficial when both parties participate in good faith. Should the Respondent not complete the agreement, the case may revert back to an investigation, and/or the Respondent may be charged with 05. Compliance with Directives.

vi. If the Student is charged with *Violations of Expectations for Student Conduct* under 05. Compliance with Directives, the original conduct staff member who facilitated the agreement may serve as a witness during the conduct process. The Reporter who originated the initial complaint and the Respondent will have access to the outcome and rationale of this proceeding.

vii. A Restorative process is a philosophical approach to dispute resolution that embraces the reparation of Harm, healing of trauma, reconciliation of interpersonal conflict, and reintegration of people who have been marginalized through participatory learning and improved decision making skills. Rather than focusing on what policies have been violated, restorative processes instead identify who has been Harmed and what actions are necessary moving forward to repair the Harm.

viii. Possible options that Students may utilize in this process are outlined below:

    a. Restorative Circle. Participation in a discussion by trained facilitators with a Reporter

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or Harmed Parties that is designed to result in the shared agreement outlining how to correct the Harm caused by the Respondents behavior. The Reporter/Harmed Parties and Respondent (and possible community members) work together to develop an agreement that resolves the issue(s), and can help the Respondent restore their standing in the community and repair relations that were damaged by their actions. During the circle process both Students can have a support person present. A support person differs from an Advisor as this person can have an active role during this process. A support person must be approved by the lead facilitator.

b. Impact Statement
c. Counseling Sessions
d. Alcohol/Drug Education Class(es)
e. Bi-weekly or monthly check in meetings with the Director of Student Conduct & Off-Campus Services
f. Implementation of a No Contact Directive with the College
g. Restriction from participation in specific clubs and/or organizations
h. Restriction from participation in particular events (e.g. Senior Week)
i. Completion of a mentored action plan with regular meetings with an assigned staff member of the College
j. Community Service

ix. The College reserves the right to suspend or terminate the alternative resolution process at any time.
x. Any agreements reached as part of the Alternative Resolution Process must be documented, signed in-person or via email by the Reporter and Respondent, and approved by the Director of Student Conduct & Off-Campus Services. If no agreement is reached then the matter may be referred to the Director of Student Conduct & Off-Campus Services for further action.
xi. Both the Reporter/Harmed Parties and Respondent may be accompanied by an Advisor at any meeting with Student Conduct staff during the Alternative Resolution Process.

C. Investigation

i. The Director of Student Conduct & Off-Campus Services 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. The College, in its sole discretion, may elect to audio record any meeting during the investigation process. If a meeting is recorded, a transcript of the meeting will be included in the investigation report.
ii. For investigations that may result in 03. *Personal Abuse* charges, there will be two trained investigators present whenever possible. The lead investigator will coordinate meetings with

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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 may be called in for a meeting where they each will be given the opportunity to review the summary and respond with additional comments.

iii. When there is both a College and law enforcement investigation, the conduct investigation may be temporarily delayed so law enforcement may gather evidence, but the investigation will resume once law enforcement has completed evidence gathering. The College will generally not wait for the conclusion of any related criminal proceeding to initiate or conduct an investigation.

iv. For Sexual Harassment, Misconduct, & Discrimination related investigations, the following process will apply: *Sexual Harassment, Misconduct, & Discrimination Policy*

v. Information gathered during a Sexual Harassment, Misconduct, & Discrimination investigation may be shared with the Office of Student Conduct & Off-Campus Services. Information gathered during a Student Conduct investigation may be shared with the Office of Title IX and Sexual Misconduct for the purposes of ongoing investigations and/or administrative hearings.

vi. If a Sexual Harassment, Misconduct, & Discrimination investigation results in charges for *D. Violations of Expectations for Student Conduct* that are unrelated to Sexual Harassment, Misconduct, & Discrimination, the Director of Title IX Compliance & Sexual Misconduct may transfer the case back to the Office of Student Conduct & Off-Campus Services for adjudication. If the Director of Title IX Compliance & Sexual Misconduct determines that there are violations of expectations outlined in this code that are not Sexual Harassment, Misconduct, & Discrimination in nature but directly relate to a violation of the *Sexual Harassment, Misconduct, & Discrimination Policy,* the Director of Title IX Compliance & Sexual Misconduct, in consultation with the Director of Student Conduct & Off-Campus Services, may decide to adjudicate all charges through the Sexual Harassment, Misconduct, & Discrimination process.

D. 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.

E. Conference Meeting

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 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

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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 and/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.

F. Informal Hearing

i. 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 may assign a different Hearing Administrator to conduct the informal hearing within a practical period.

ii. 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.

iii. 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.

    a. **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.

    b. **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.

    c. **Decision.** The Hearing Administrator will determine whether the Respondent is "In-Violation" 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 "In-Violation" 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 "In-Violation" 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.

    d. **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 & Off-Campus Services. (Please see Section *F. Appeals* for more information).

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G. Formal Hearing

If a formal hearing is selected, the Respondent will participate in an administrative 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.

i. **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 & Off Campus Services and, when practicable, has not previously served as a Hearing Administrator in a prior conduct process involving the Respondent. In certain circumstances under the discretion of the Director of Student Conduct & Off-Campus Services, an external adjudicator may be utilized to serve as the Hearing Administrator. The Hearing 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 & Off-Campus Services.

ii. **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 in some cases the person bringing the complaint on behalf of the College and Advisor(s) are allowed to attend the entire portion of the 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 administrator hearing the case. *Personal Abuse* cases) Respondent, and in some cases the person bringing the complaint on behalf of the College and Advisor(s) are allowed to attend the entire portion of the 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 Hearing Administrator.

   b. **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.

   c. **Questions.** The Hearing Administrator, the person bringing the complaint on behalf of the College, 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 Hearing Administrator rather than to the other party or witness directly. The Hearing Administrator will determine whether questions or potential information are appropriate at their discretion.

   d. **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 at the discretion of the Hearing Administrator.

   e. **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.

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However, the Hearing Administrator may draw an adverse inference from the Student's absence of information or refusal to answer questions.

f. **Procedural questions.** All procedural questions are subject to the final decision of the Hearing Administrator.

g. **Basis for decision.** 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.* 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.

h. **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. The College will provide a transcript of the recording upon request but will not provide a copy of the audio recording(s).

i. **Decision in absentia.** If a Respondent, with notice, does not appear for a formal hearing, the Hearing Administrator 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.

j. **Special accommodation.** The Hearing 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 & Off-Campus Services to be appropriate.

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H. Appeal Procedures

i. **Respondent appeal.** A Respondent is afforded one single opportunity to appeal decisions and/or any sanctions issued by a Hearing Administrator 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.

ii. **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 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.

iii. **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's findings of fact and decision of "In-Violation" 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

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purposes below, provided however the appeal administrator may request additional information or clarification from the College and/or external investigators/adjudicators, conference administrator, the College administrator preparing the hearing, the Hearing Administrator, 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. 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 Hearing 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 at the time of the original hearing, because such information was not known to the Student appealing at the time of the original hearing.

iv. **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.

b. **Alter sanction.** The administrator may alter the sanctions issued by the original Hearing Administrator. Alteration of a 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 is warranted to correct procedural irregularity or to consider new information. A Student may appeal a decision of the new Hearing Administrator.

d. **Remand.** The administrator may direct the original Hearing Administrator 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 if there are any changes after the review.

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I. 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.

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i. **Minor incident.** For a minor incident (where a finding of responsibility would result in a status sanction range of a warning to probation, 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.

ii. **Major incident.** For a more serious incident (where a finding of responsibility may result in a status sanction of 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 or virtually through existing procedures. The Director of Student Conduct & Off-Campus Services 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 may 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 & Off-Campus Services.

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J. Interim Measures/Remedies

Under certain circumstances (such as *03. Personal Abuse* 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 and/*or *Sexual Harassment, Misconduct, & Discrimination Policy*. Interim measures may include the following to the extent reasonably available and appropriate:

i. **Interim Suspension.** Immediate separation of a Student from the College by the Dean of Students 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 & Off-Campus Services 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. Cases involving interim suspension through the Office of Student Conduct may be forwarded to the College's Behavior Intervention Team (BIT) for further assessment of threat to self or others under the *Involuntary Health or Safety Withdrawal* policy.

ii. **Interim Termination of Housing**. Immediate removal and prohibition of a Student from College

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housing by the Director of Student Conduct & Off-Campus Services pending an investigation or adjudication. Through the duration of the termination the Student will be restricted from entering all residential floors in College buildings.

iii. **Degree Hold.** The awarding of a degree from the College is contingent not only on the completion of academic requirements but also on full compliance with the College's regulations throughout the Student's entire time enrolled, including the period between the completion of academic requirements and graduation. If a Student is scheduled to graduate while there is an open case/investigation into their alleged behavior, the College reserves the right to withhold a Student's degree pending the outcome of the College's investigation and/or adjudication process.

iv. **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, or written Communication with another individual or group, nor shall they coordinate indirect Communications with the other individual or group through a Third Party .

v. **Behavior Support Plan**. This is an agreement between the Student and the Office of Student Conduct & Off-Campus Services and/or other appropriate office (including but not limited to Dean of Students Office, Office of Title IX and Sexual Misconduct, or Division of Academic Affairs) which outlines expected behaviors to aid in a Student's success. This plan serves as an agreement of understanding between the Student and the College of the Student's duty to meet The College's behavioral expectations. By participating in this plan, the Student acknowledges a commitment to working with a College administrator to establish support(s) and resource(s) on campus with the intention of mitigating disruptive behaviors. *This measure may occur prior to, in conjunction with, or as a sanction resulting from a Student Conduct investigation or proceeding.*

vi. **Academic Measures**. This may include assistance in transferring to another section of a course, assistance in requesting withdrawal or an incomplete grade in a particular course, leave of absence or withdrawal from the College, or assistance requesting alternate methods of completing coursework. Academic measures may be subject to the discretion of Academic Affairs and/or the Director of Equal Employment Opportunity Programs.

vii. **Housing Measures**. This may include requiring a Student to relocate College housing assignment pending the outcome of a conduct investigation or proceeding. This may also include facilitating changes from a non-campus housing location to alternate housing, or assistance in exploring alternative housing off-campus.

viii. **Employment Measures**. This may include arranging for alternate College employment, different work shifts, etc.

ix. **Other Measures/Remedies**. 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.

K. 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 Specific Sanctions for Selected Violations.*

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i. **Status Outcomes. A sanction that defines the status of a Student with the College.**

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. **Probation.** This status serves as a disciplinary status assigned to a Student for a specified period of time. While on this status, any further violations of College Policy will result in more severe disciplinary action and may result in additional Administrative Directive Outcomes and/or Suspension. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Conduct & Off-Campus Services for five years after a Student separates from the College.

c. **Pending Suspension.** The pending suspension status is 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. This status constitutes a disciplinary record that will remain on file with the Office of Student Conduct & Off-Campus Services for five years after a Student separates from the College.

d. **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 & Off-Campus Services 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 & Off-Campus Services 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.

e. **Expulsion.** Permanent dismissal from the College and restriction from College property. This status constitutes a disciplinary record that will remain on file with the Office of Student Conduct & Off-Campus Services 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.

f. **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 & Off-Campus Services indefinitely. Degree revocation is reserved for only those cases 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.

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ii. **Educational Outcomes.**

a. **Restorative Practices.** Participation in a discussion by trained facilitators with any person(s) or department(s) 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 multi-partial, 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 "In-Violation" for physical sexual misconduct.

c. **Mentored Action Plan.** Develop a mentored action plan with the aid of an assigned mentor, agree to the terms of the plan, complete required meeting(s), and reflection.

d. **Other discretionary sanctions.** Work assignments, essays, presentations, research projects, conduct contracts, service to the College, or other discretionary assignments.

iii. **Administrative Directive Outcomes.**

a. **Administrative Relocation of Housing.** Administrative transfer of a Student from one campus housing location to another.

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 & Off-Campus Services 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 & Off-Campus Services Conduct for five years after a Student separates from the College.

d. **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.

e. **Restitution.** Compensation for loss, damage, or injury to College property. This may take the form of appropriate service and/or monetary or material replacement.

f. **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

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age, regardless of financial dependency or resulting sanction.

g. **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 & Off-Campus Services, and at the written request of all involved persons.

h. **Behavior Support Plan**. This is a directive to the Student from the Office of Student Conduct & Off-Campus Services and/or in consultation with another appropriate office (including but not limited to Dean of Students Office, Office of Title IX and Sexual Misconduct, or Division of Academic Affairs) which outlines expected behaviors to aid in a Student's success. By participating in this plan, the Student acknowledges a commitment to working with a College administrator to establish support(s) and resource(s) on campus with the intention of mitigating disruptive behaviors.

L. Disciplinary Record Keeping Practice

i. **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 & Off-Campus Services. 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.

ii. **Privacy/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. Finally, the College may publicly share with the campus community limited information related to conduct outcomes subject to the limitation set forth under FERPA.

iii. **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 & Off-Campus Services. 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 & Off-Campus Services may provide Students with copies of redacted incident reports, letters, and any forms or

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receipts in the Student' s file. Students may make arrangements to review any available recording(s) as an element of their education record by making arrangements with the Office of Student Conduct & Off-Campus Services. However, copies of recordings 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.

iv. **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 probationary status, 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.

v. **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 & Off-Campus Services. 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 & Off-Campus Services 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 be granted in full, partially granted, or denied. If an administrative deletion request has been denied, the student can reapply six months after their last request, unless otherwise indicated by the Dean of Students.

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M. 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 awaiting 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 & Off-Campus Services.
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.

N. Leave of Absence or Withdrawal.

i. 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

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will be notified of the pending matter and registration hold.

ii. If documentation of an incident is brought to the attention of the Office of Student Conduct & Off-Campus Services 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.

iii. 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 & Off-Campus Services to request arrangements to adjudicate or dispose of the matter before the registration hold will be released.

V. Related Documents:

- Academic Integrity
- The College of New Jersey Policy Prohibiting Discrimination in the Workplace/Educational Environment
- Student Rights and Freedoms
- Computer Access Agreement
- Sexual Harassment, Misconduct, and Discrimination Policy
- Involuntary Health or Safety Withdrawal
- Use of Campus Property

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History:

Version	Date	Notes
11.0	August 28, 2025	Interim Policy
10.0	October 18, 2022	Interim Policy approved by the Board of Trustees
9.0	October 26, 2021	Revisions approved by the Board of Trustees
8.0	August 11, 2020	Revisions approved by the Board of Trustees
7.0	June 30, 2020	Revisions approved by the Board of Trustees
6.0	July 9, 2019	Interim Policy approved by the Board of Trustees
5.0	July 10, 2018	Revisions approved by the Board of Trustees
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; Board of Trustees Policy

[1] Including a representative from the Office of Student Conduct & Off-Campus Services 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

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Approval Signatures

Step Description	Approver	Date
Compliance Office Review	Michael Canavan: Vice President,General Counsel	8/28/2025
Compliance Approval	Louise Lester: Director of Compliance Privacy Officer	8/22/2025
Policy Owner Review	Sean Stallings: VP for Student Affairs	8/19/2025
Policy Review	Jordan Draper: Associate VP Dean of Students	8/18/2025

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