

STOCKTON UNIVERSITY



PROCEDURE

Campus Hearing Board – Students

Procedure Administrator: Vice President, Student Affairs

Authority: N.J.S.A. 18A: 64-6

Effective Date: December 1, 1976; March 20, 1980; September 18, 2009; August 8, 2016; January 10, 2019; October 7, 2019; September 10, 2020; March 2, 2023

Index Cross-References: Policy I-57: Campus Hearing Board, Policy I-120 Student Policy Prohibiting Discrimination and Harassment in the Academic/Educational Environment

Procedure File Number: 1032

Approved By: Dr. Harvey Kesselman, President

I. PURPOSE

The Student Campus Hearing Board is comprised of students, faculty, and staff who have displayed a commitment to upholding the community standards set forth by the Campus Conduct Code and the Mission of the University and are trained in Campus Conduct Code processes. Student Campus Hearing Board members play a crucial role in the adjudication of student conduct matters and ensure that students are given the opportunity to have their cases heard by a representative body of the University.

The purpose of this procedure is to prescribe the membership, organization, operation, and authority of the Student Campus Hearing Board. The information included in this Procedure is provided to help participants understand the student hearing process.

II. DEFINITIONS

Aggrieved Party: A person who has been subjected to conduct that implicates a potential violation of the Campus Conduct Code.

Complainant: A person who files a complaint on their own behalf or on behalf of an Aggrieved Party.

Moderator: A member of the Campus Hearing Board or a staff member from the Office of Student Conduct who is present at hearings to manage the process.

Preponderance of the Evidence: Under the preponderance of the evidence standard, the evidence must indicate that it is more likely than not that the violation occurred (i.e., that there is a greater than 50% chance that the claim is true and/or that the violation occurred).

Respondent: A person who has been named as the accused in a complaint.

Sexual Misconduct: Sexual misconduct is an umbrella term used by Stockton University which includes but not limited to: Sexual Assault, Dating Violence Domestic Violence, Sexual Harassment, Stalking, Gender-Based Harassment and Coercion/Intimidation. See University Procedure 6940: Sexual Misconduct Procedure for specific definitions of Prohibited Conduct, Rights and the Resolution Processes.

Witness: A person identified as being involved, having direct knowledge, and/or witnessing behavior(s) or actions reported in a complaint.

III. COMPLAINTS AGAINST STUDENTS

A. Complaints Against Students

The Campus Conduct Code applies to all undergraduate and graduate students through the date of their graduation. Adjudication of any alleged violation will continue even if a student takes a leave of absence or withdraws. The University reserves the right to assign conduct occurring prior to date of matriculation to the Office of Enrollment Management for resolution.

Conduct that occurs on University premises, in or out of the academic setting, while using University technology, at instructional sites or during off-campus University affiliated events where students are representing the University is subject to the Code of Conduct. A University affiliated event is an off-campus gathering of members of the Stockton community (and/or their guests) which is sponsored or funded in whole or in part by Stockton.

Private off-campus events not sponsored or funded by Stockton may be subject to the University discipline system if the conduct violates University policies or procedures, local, state, or federal law, or when the University determines that the conduct has a direct impact on the educational mission and interests of the University and/or the safety and welfare of the University community.

The University reserves the right to hold a student responsible for actions at their residence even if they were not present at the time of the incident. In such a case, the student would be required to produce confirming evidence that they were not involved.

The Code may also be applied to conduct online and via email or other electronic media. Students should be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and may subject a student to allegations of conduct violations (excluding the exercise of constitutionally protected rights, or conduct otherwise permissible under local, State or federal law).

IV. DISCIPLINARY PROCEDURES

A. Procedures for Filing a Complaint

Any student, employee, or guest of the University may file a complaint against a student alleging violation(s) of the Campus Conduct Code. Community members may submit a report alleging violation(s) of the Campus Conduct Code.

A complaint must be filed electronically via the Conduct Complaint Form on the Office of Student Conduct website. Upon submission, the Conduct Complaint

Form will be delivered to the Office of Student Conduct for processing. Complaints should be made within a reasonable amount of time after the occurrence. Criminal incidents must be reported promptly to permit accurate, complete, and timely information about safety on campus as required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), 20 U.S.C. 1092(f).

The complaint should include as much detail as possible concerning the alleged violation, and where possible, should include the specific reference to the Campus Conduct Code section allegedly violated. Criminal activity (actual or perceived) should be reported immediately to Public Safety, and where appropriate, Public Safety will submit a report to the Office of Student Conduct.

The University reserves the right to serve as the Complainant when the aggrieved party chooses not to participate in the Campus Hearing Board process. For example, the University may serve as the Complainant when the complaint alleges conduct that poses a risk to the University campus community, or there is misconduct that implicates a pattern of violation of the Campus Conduct Code. The Dean of Students (or designee) will determine whether the University will serve as the Complainant, with consultation with the Office of General Counsel, where appropriate. When serving as the Complainant, the University will designate a representative to present the aggrieved party's case during the Campus Hearing Board process.

Complaints against University employees will be forwarded to the Office of Human Resources, and/or the Office of Equal Opportunity and Institutional Compliance for review and resolution.

B. Complaints involving prohibited discrimination or harassment based upon 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 will be referred to the Office of Equal Opportunity and Institutional Compliance for review in accordance with the Student Policy Prohibiting Discrimination and Harassment in the Academic/Education Environment (I.20) and Student Procedure Prohibiting Discrimination and Harassment in the Academic/Education Environment (1200). Initial Risk Assessment

When the University receives notice of an alleged student violation of the Campus Conduct Code, the Dean of Students (or designee) will review the complaint and conduct a risk assessment to determine whether the alleged violation warrants an interim suspension of any party pending the processing of the complaint.

Whenever a complaint provides evidence that the continued presence of the accused student on the campus may pose a substantial threat of self-harm, harm to others, or to the stability and/or continuance of normal University functions, the University reserves the right to impose an interim suspension from classes, residence areas, and/or the entire campus pending a disciplinary hearing (refer to Section IV.C.6-7 below for a complete description of procedures).

C. Review of Complaints

The Office of Student Conduct will review the complaint and determine whether it should be adjudicated under the student discipline system, and, if applicable, the appropriate adjudicator. As part of its information review, the Office of Student Conduct may meet with parties.

After reviewing the complaint and conducting any necessary meetings, the Office of Student Conduct will recommend administrative action(s) to the Dean of Students (or designee) from the below options:

1. Refusal to Assign Case

The University can refuse to assign a case to the Student Campus Hearing Board where there is insufficient evidence to support an alleged violation of the Campus Conduct Code. The Office of Student Conduct will provide written notice to the Complainant of such determination. The Complainant may, within five (5) business days of the date of such notice, appeal the refusal to assign case determination in writing to the Dean of Students (or designee).

The Dean of Students (or designee) will uphold or reverse the determination. The decision by the Dean of Students is not subject to appeal.

The Office of Student Conduct reserves the right to reopen a closed complaint if sufficient supporting information becomes available.

2. Referral to the Office of Residential Life

Complaints involving residential life matters may be referred to the Office of Residence Life for resolution under the Guide to Residence Life. These complaints may include, but are not limited to, minor and first-time violations subject to a warning or a probation sanction. Alleged violations that are subject to a sanction of separation from the University will be processed by the Office of Student Conduct. Complaints handled by Residential Life that result in separation from housing may be appealed to the Dean of Students (or designee). For more information, see the Guide to Residential Life.

3. Referral of Recognized Groups

Complaints alleging violations by official student groups may be referred to the office providing recognition or arranging formation of the student group to resolve in accordance with University guidelines (e.g., Student Development for Registered Student Organizations, Athletics for NCAA teams or club sports, etc.). Student groups found responsible for conduct violations may face outcomes including but not limited to, restitution, loss of campus privileges, suspension of group activities, or loss of recognition. Complaints alleging group violations that may also result in individual charges for a student member of the group can be processed by the Office of Student Conduct. Complaints against recognized groups resulting in outcomes of loss of campus recognition, privileges, or suspension of activities may appeal to the Student Affairs Executive Team member identified in the determination letter.

4. *Referral to Academic Affairs*

If the complaint alleges violations that are academic in nature, the matter will be referred (in whole or in part) to the Office of the Provost for resolution.

5. *Referral to the Office of Equal Opportunity and Institutional Compliance*

If the complaint alleges violations that include prohibited discrimination or harassment under the Student Policy Prohibiting Discrimination and Harassment in the Academic/Educational Environment, the case will be referred to the Office of Equal Opportunity and Institutional Compliance for review, investigation, and/or resolution if applicable. The Office of Equal Opportunity and Institutional Compliance will provide a summary of its investigation or the outcome to the Office of Student Conduct for adjudication, if applicable. See Student Procedure Prohibiting Discrimination and Harassment in the Academic /Education Environment (1200).

6. *Assignment to Mediation*

With approval from the Dean of Students (or designee), complaints may be referred for mediation. Mediation may not be available if there are pending charges in any criminal court. All named parties must agree to enter a formal mediation process through the Office of Student Conduct. The mediation process does not limit disclosure of information that is required to be reported and disclosed by Campus Security Authorities and Responsible Employees under the Clery Act, Title IX, or as otherwise required by law.

7. *Interim Suspension*

The University reserves the right to suspend a student on an interim basis from classes and/or to limit access to residence areas or the campus (in whole or part) if an incident report or complaint provides evidence that the continued on campus presence of the accused poses a substantial threat of self-harm, harm to others, or to the stability and/or continuance of normal University functions. The Dean of Students (or designee) may consult with other University personnel as necessary regarding the imposition of an interim suspension. The Dean of Students (or designee) will consult with the Title IX Coordinator (or designee) to determine the necessity for an interim suspension of the accused in all “sexual misconduct” cases, as defined under the University Sexual Misconduct Procedure.

If an interim suspension is imposed, the student will receive a written notice from the Dean of Students (or designee), along with the University’s Separated Students Protocol. Any modifications to the interim suspension will be communicated in writing by the Dean of Students (or designee). A student under Interim Suspension is immediately removed from the University community, and cannot participate in classes, reside in the residence halls, or otherwise be present on University property. University policies and procedures will continue to apply during an interim suspension.

A student who receives an interim suspension may appeal to the Vice President for Student Affairs. The Vice President for Student Affairs considers any information provided by the student and evaluates the suspension based on a) the possible threat posed by the student, and b)

the reliability of the available information about the incident. If the Vice President for Student Affairs finds that the information about the incident is reliable and that the student does pose a potential threat, the interim suspension will remain in place. If the Vice President for Student Affairs determines that the interim suspension is unwarranted, the suspension will be lifted, and the student may return to the University. The resolution of the charges will proceed based on the applicable procedure.

During an interim suspension, the student may request that the *Stockton Cares* Office notify their faculty that they will miss class. Students should consult with their faculty about available options to make up missed coursework after the interim suspension has been lifted. Consistent with FERPA, a copy of the interim suspension letter is provided to the Office of the Provost for business purposes. The Dean of Students (or designee) will notify the student when the interim suspension is lifted, and of any interim restrictions (e.g., removal from University housing, limited access to campus) during the pendency of any remaining disciplinary charges, criminal proceedings, or relevant medical evaluation.

The University has discretion to impose, lift, reassess, or modify an interim suspension as circumstances may warrant at any point in a case as new information becomes available.

8. *Assignment to a Student Campus Hearing Board Panel*

If the complaint cannot be resolved by one of the preceding methods, the Office of Student Conduct will recommend to the Dean of Students (or designee) that the complaint be assigned to one of the following Student Campus Hearing Board Panels for resolution:

(i) STUDENT HEARING PANEL

Student Hearing Panels hear complaints that involve general misconduct and alleged violations of University policy or procedure (e.g., disorderly conduct, alcohol/drug violations, theft).

(ii) ADMINISTRATIVE HEARING PANEL

Administrative Hearing Panels review cases that occur during interim periods where Student Campus Hearing Board panelists are not readily available, or to adjudicate cases with unique circumstances surrounding a serious alleged violation of the Campus Conduct Code. Examples include timing issues (e.g., the filing of a complaint near the end of the semester or during the semester breaks when students, faculty and/or staff may not be available to ensure the prompt resolution of a complaint), complaints involving sensitive medical or health related information, and/or serious alleged violations that may result in the imposition of an interim suspension, suspension or expulsion.

(iii) SPECIAL ADMINISTRATIVE HEARING PANEL

A Special Administrative Hearing Panel will be appointed at the discretion of the Dean of Students or designee to expedite adjudication of student disciplinary cases where an interim suspension has been issued.

9. *Assignment to Outside Adjudicator*

The Office of Student Conduct reserves the right to assign a complaint to an external adjudicator for a hearing. The Dean of Students (or designee), in consultation with the Office of General Counsel, has the authority to determine whether a case should be assigned to an external adjudicator, and the selection thereof.

D. Notification

When it is determined that a complaint will be assigned for a hearing, the accused student will be notified of the alleged violation in writing via a tracked letter sent to the student's University email address. This is the official method of notification and students are responsible for checking their University email address daily. The notice will include the alleged violation(s) of the Campus Conduct Code, the date of the alleged violation(s), and will specify whether the case will be heard by a Student Campus Hearing Board Panel or an external adjudicator. The notice will also inform the Respondent of the option to attend a pre-hearing meeting .

Students participating in the student disciplinary process who require special accommodations must contact the Learning Access Program as early as possible in the student disciplinary process, but at least five (5) business days in advance of a hearing. The student will meet with a Learning Access Program coordinator and discuss their needs to determine reasonable accommodations. The Learning Access Program will give the student a Letter of Accommodation outlining any recommended accommodations. The student must provide the Letter of Accommodation to the Office of Student Conduct for implementation.

E. Pre-Hearing Meeting

At a prehearing meeting, the Respondent will have the opportunity to accept responsibility for the alleged violation(s) and agree to the proposed outcomes by entering a plea of RESPONSIBLE. The outcomes (s) will reflect the severity of the current charge(s) against the student, as well as previous disciplinary outcomes. If the Respondent enters a plea of RESPONSIBLE, the Respondent waives the right to have the complaint adjudicated at a disciplinary hearing and any related appeal.

In a case where the Respondent accepts responsibility, an outcome letter will be sent to the Respondent by the Office of Student Conduct with agreed upon outcomes(s) and deadline(s).

Appearance at the disciplinary hearing is required if the Respondent does not accept responsibility for the charges nor the proposed outcomes.

V. STUDENT CAMPUS HEARING BOARD

A. Campus Hearing Board Membership

The membership of the Student Campus Hearing Board consists of students, faculty, and staff members. All members of the Student Campus Hearing Board will be recruited and selected via an application process by the Office of Student Conduct. Employees must receive approval from their supervisor prior to applying to serve on the Student Campus Hearing Board. The Dean of Students or their designee makes the final selection of individuals to serve on

Student Campus Hearing Board panels.

Members who are selected to serve are required to participate in the Student Campus Hearing Board training and to observe at least one panel prior to serving as a voting panelist. Members will not be assigned to a panel until all requirements are completed. There is no term limit for service on the Student Campus Hearing Board.

B. Campus Hearing Board Structure

A Student Hearing Panel will consist of three or five students. If the requisite number of students are not available, the Office of Student Conduct will assign faculty or staff to the panel to assist with a hearing.

An Administrative Hearing Panel will consist of a minimum of three faculty and/or staff members.

A Special Administrative Hearing Panel will include at least one senior University administrator; senior University administrators are defined as members of the President's Cabinet and any other senior administrator designated by the President for inclusion hereunder. Senior administrators may be drawn from any division of the University. One panel member will act as the moderator. Every attempt will be made to hold a Special Administrative Hearing Panel within (7) seven business days of the date of the Dean of Students' decision to impose an interim suspension and/or recommendation that a complaint be heard by a Special Administrative Hearing Panel.

Each Hearing Panel will decide by majority vote.

C. Campus Hearing Board Procedures

1. In advance of a hearing, the Office of Student Conduct will provide written notice to all parties of the charges to be adjudicated. The notice will include:
 1. Name of the parties;
 2. The alleged violation(s) of the Campus Conduct Code and the basis of the alleged violation(s);
 3. Date of the alleged violation(s);
 4. Date, time and place of hearing;
 5. Information on the parties' right to be assisted at a hearing by one advisor.
2. No member of the Student Campus Hearing Board will participate in any case in which the member is a Respondent, a Complainant, a witness, has a direct personal interest, in which the member has acted previously in an advisory capacity, or that creates an appearance of bias or conflict of interest. If a member's eligibility to participate in a hearing is challenged by any party to the complaint, the moderator will decide, in consultation with the Office of Student Conduct, whether a member may participate in a hearing. If determined that a member may not participate in a hearing, a replacement member will be selected from eligible board members.
3. The photographing, recording, filming, or other similar use of any electronic device (e.g., cell phone, computer, or other audio/video device) by any person is prohibited during any hearing, other than by the staff of the Office of Student Conduct. The moderator may grant permission to use electronic

devices at the hearing to present information related to the alleged violations in the complaint.

4. The Complainant and the Respondent have the right to present witnesses, and/or witness statements which are subject to cross-examination by the other parties. The moderator may limit the number of witnesses to be heard. Questions must be directed through the moderator who will review questions for relevance before presenting them to the Respondent, Complainant, or witnesses. Written signed witness statements must be submitted to the Office of Student Conduct prior to the hearing. The witness may submit the statement in person, through their assigned Stockton University email account, or through US mail with notarization.
5. The Respondent, Complainant, and witnesses will not be compelled to testify against their will.
6. The hearing panel will receive and consider relevant and material oral and/or documentary evidence. The moderator may exclude irrelevant or unduly repetitious evidence. Verbal testimony must have direct relevance to the complaint and will not consist of character witness statements. Anyone who knowingly furnishes false information during a hearing will be charged with a violation of the Campus Conduct Code as appropriate.
7. Each Complainant, Respondent, witness, and Aggrieved Party (in cases where the Complainant is someone other than the Aggrieved Party), has the right to be assisted at the hearing or any conduct meeting by one advisor and one support person of their choosing (e.g., an attorney, counselor, parent, friend, roommate). The role of the advisor and support person is to assist and advise and not to offer testimony, question witnesses, make statements or speak before the panel in place of the Respondent, Complainant, witness, or Aggrieved Party. Further, the advisor and support person may not interfere with the proceedings of the hearing. Failure to follow these instructions may result in the moderator or a staff member from the Office of Student Conduct removing an advisor and/or support person from the hearing. Upon request, the Office of Student Conduct will assist a party with finding an advisor and/or support person.
8. Hearings will proceed and decisions will be rendered regardless of enrollment status of the Complainant, the Respondent, the Aggrieved Party (in cases where the Complainant is someone other than the Aggrieved Party) or any Witnesses at the time of the hearing.
9. The Respondent is presumed not responsible for the allegation(s).
10. After hearing testimony and receiving relevant evidence, within seven business days after the date of the hearing, the hearing panel will deliberate, render a written decision, and determine outcomes. Hearing panels will apply the preponderance of the evidence standard for all complaints. Decisions will be made by majority vote of the members of the hearing panel and will be reported to the Office of Student Conduct and the Dean of Students. The Office of Student Conduct will provide prompt written notice of the decision to the Respondent and the Complainant. Appropriate offices and external agencies/entities will also be notified as required by law, internal policy and practice, or University policy or procedure.

11. No recommendation for the imposition of outcomes may be based solely upon the failure of the Respondent to respond to allegations or to appear at a hearing. If a Respondent, who is not present at a hearing, submits written evidence, it will be read into the record by the moderator and considered before a decision is rendered.

VI. RIGHTS IN DISCIPLINARY HEARINGS

The University disciplinary system is not a criminal or civil law process. The rules of evidence, the prohibition of hearsay and opinion evidence applicable in criminal and civil cases generally will not apply. University disciplinary hearings accord the following specific rights to all students:

1. To receive written notice of any disciplinary charges.
2. To have reasonable access to the case file prior to and during any hearing, provided that all reviews, prior to the hearing, take place in the Office of Student Conduct. Alternate arrangements for the case file review may be made at the discretion of the Office of Student Conduct where necessary. Note: The Office of Student Conduct does not maintain or release police reports. Any request for a police report associated with a disciplinary case must be made to the issuing police department.
3. To have access to advice and support by an individual of their choosing, including an attorney. The University does not provide attorneys to parties.
4. To decline to appear, to participate or to speak during a hearing without negative inference.
5. The Respondent is presumed not responsible for any allegation. Violation is found only after a review of the credible information presented determines that it was "more likely than not" that the Respondent was responsible.
6. The parties are given the opportunity to participate in the hearing, to present information on their own behalf, to bring witnesses, and to question witnesses who appear and provide information at the hearing.
7. Following the completion of all hearings associated with a complaint, the parties receive written notification from The Office of Student Conduct with the hearing officer's decision. notification will include a list of any determined outcomes and appeal information.
8. The parties have the right to waive any of these rights.
9. If the Respondent is found "responsible," the Respondent may submit a written statement to the Office of Student Conduct detailing any mitigating factors. This statement will be considered when determining the appropriate outcome(s).
10. To be free from intimidation, harassment, bullying, or any other form of retaliation throughout and following the disciplinary process.

VII. OUTCOMES

Outcomes may be applied to address specific personal growth needs pertaining to the behavior that led to violation of the Campus Conduct Code. There are three categories of outcomes: status changes; educational; and fines or restitution. Status

changes may be applied to reflect the seriousness of a behavior and range from a minimum of a warning to a maximum of expulsion from the University. Educational outcomes may include but are not limited to: workshops, online classes, community service, and training modules. Restitution may be applied if the reported incident resulted in damages. A list of code violations and associated ranges of outcomes and status changes can be found on the Office of Student Conduct website.

Students who seek to have outcomes deferred during the Appeal Process must make a written request to the Office of Student Conduct within 48 hours of the notice of the decision. Individuals who receive an outcome of expulsion are not eligible for a deferment. Deferments may also include additional restrictions as appropriate (e.g., removal from housing; campus presence limited to class attendance only; etc.).

VIII. GOOD SAMARITAN STATUS

Good Samaritan status promotes responsible student behavior and respect for the health and welfare of all members of the University community. Under Good Samaritan status, disciplinary action may be mitigated for student Respondent(s) who attempt remedial action to assist a victim in getting help from appropriate University or emergency personnel even when conduct violations may have occurred, or the Respondent(s) took steps to assist the University with gathering information regarding alleged conduct violations. Good Samaritan status may be applied by Student Conduct administrators or the hearing body during the hearing to determine a charge or outcome for a violation of the Campus Conduct Code. Where appropriate, Good Samaritan status also may be applied for a Respondent who pleads “responsible.”

The University reserves the right to review each incident on a case-by-case basis.

IX. APPEAL PROCESS

Upon notification of the outcome of a case, the Complainant, Respondent, or the Dean of Students may file an appeal under the following circumstances:

1. Procedural irregularity or substantive error that affected the outcome of the matter.; Deviations from the University’s policy and procedures will not be a basis for sustaining an appeal unless significant prejudice resulted;
2. New evidence that could affect the outcome of the matter that was not reasonably available at the time the determination regarding responsibility or dismissal was made; or
3. The sanction(s) imposed were substantially disproportionate or not appropriate in light of the violation(s).

All appeals must be made within seven (7) business days of the date of the outcome letter. Appeals must be submitted in writing to the Office of Student Conduct by email using the individual’s University email account and should explain in detail the basis of the request, including any supporting documentation. Individuals may submit the appeal through the link found in the outcome letter.

A. Appeals for Outcomes(s) Excluding Suspension or Expulsion

Appeals for outcome(s) excluding suspension or expulsion will be heard by an Appeal Panel. The Appeal Panel is composed of a minimum of three faculty

or staff members.

No Appeal Panel member shall have participated in the initial adjudication of the case.

The Appeal Panel will review the written appeal and all documentation contained in the case file. The Appeal Panel by a majority vote will deny or uphold the appeal.

If an appeal is upheld based on procedural error or new information reasons, the case will be remanded to the Campus Hearing Board to re-open the hearing. If an appeal is upheld based on inappropriate outcome, the Appeal Panel will render the appropriate determination and/or outcome.

The decision of the Appeal Panel is final.

B. Appeals For Outcomes of Suspension or Expulsion

Appeals for outcome(s) of suspension or expulsion will be heard by the Vice President for Student Affairs (or designee) or the President of the University (or designee), respectively.

The Vice President for Student Affairs (or designee) or President (or designee) will review the written appeal and all documentation contained in the case file in order to deny or uphold the appeal.

If an appeal is upheld based on procedural error or new information reasons, the case will be remanded to the Campus Hearing Board to re-open the hearing. If an appeal is upheld based on inappropriate sanction, the Vice President for Student Affairs (or designee) or President (or designee) will render the appropriate determination and/or outcome.

The decision of the Vice President for Student Affairs (or designee) or President (or designee) is final.

X. RECORDS MAINTENANCE

The official records for the Student Campus Hearing Board will be maintained by the Office of Student Conduct, with appropriate copies of outcome letters sent to University offices that have a business reason to know such information. Disciplinary record retention, access and disclosure, or notifications will comply with the Family Educational Rights and Privacy Act of 1974 (FERPA), Clery Act, Title IX, and other applicable laws as appropriate.

Disciplinary records maintained by the Office of Student Conduct are retained for seven years from the date of the most recent incident in the student's file. Records of students who were suspended, expelled, prohibited from future enrollment, or otherwise withdrawn for disciplinary or medical reasons are retained permanently.

Students are advised to consult Academic Affairs with regard to the records retention policies associated with academic dishonesty violations. Violations involving sexual harassment, sexual misconduct, and/or discrimination will be maintained permanently. All other files will be maintained in accordance with law.

XI. DOUBLE JEOPARDY

Double jeopardy does not apply to University disciplinary or administrative hearings.

XII. EXTERNAL LAW ENFORCEMENT AUTHORITIES

When there is an imminent danger to persons or property on the University campus, and/or when the University's resources are not adequate to sustain normal operation of the University, the University President may request assistance from external law enforcement officers.

Students should be aware that external law enforcement officers have legal access to the campus at all times. When federal, state, or local law enforcement officers have reason to believe the law is being violated on the campus, they may proceed to take appropriate action on their own initiatives, without the prior request or approval of the University. The Student Campus Hearing Board is not designed nor authorized to enforce local, state, or federal criminal and civil laws. However, once a matter is brought to the University's attention or a student is adjudged guilty in a civil or criminal court of law, the University may initiate Student Campus Hearing Board procedures. The University is under no obligation to delay University proceedings when a student is also being processed through the criminal or civil system. In addition, the outcome of a criminal or civil process does not influence or change any University processes and/or outcomes.

Review History:

	Date
Procedure Administrator	01/04/2023
Divisional Executive	01/04/2023
General Counsel	02/18/2023
Cabinet	03/02/2023
President	03/02/2023