CAMPUS CONDUCT CODE
AND
CAMPUS HEARING BOARD PROCESS

Office of Student Rights and Responsibilities
Division of Student Affairs
CAMPUS CONDUCT CODE AND CAMPUS HEARING BOARD PROCEDURES

Office of Student Rights and Responsibilities

F-107

(609) 626-3585

CAMPUS CONDUCT CODE

Stockton is dedicated to the dissemination of knowledge, the pursuit of truth, the development of students, and the general well-being of society. The information, policies, regulations, and procedures enumerated in this section contain essential principles that promote civil and considerate behavior that are fundamental to a realization of these goals. These principles include five values: integrity, community, social justice, respect, and responsibility. It is the responsibility of all Stockton community members to uphold and be knowledgeable of the information, policies, and procedures outlined in this document.
Campus Code of Conduct
The following regulations govern the conduct of all administrators, faculty, staff, other employees, students, and all visitors, guests, and licensees while they are on the campus or in University-owned or controlled facilities. The University considers the behaviors described below as inappropriate for the University community and in opposition of the values stated above. These regulations shall not preclude enforcement of applicable federal, state and local laws or ordinances. The University is in no way a sanctuary from the law, and all persons who violate the law must expect to pay the penalties of the law.

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

1. Integrity: University community members exemplify honesty, honor, and a respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:
   a. Dishonesty: Including but not limited to cheating, plagiarism, or knowingly furnishing or possessing false, falsified, or forged materials, documents, accounts, records, identification, or information to any University administrator, staff or faculty (Procedures for charges involving academic honesty are found in the University Bulletin.);
   b. Falsification: Forgery, alteration or misuse of University documents, records, identification cards, other official University database files or other misuse of the University’s computerized systems or other equipment. (See Standards Concerning Acceptable Use of Stockton’s Computing Facilities on the Computer Services Web site or this Handbook.);
   c. Theft: Intentional and unauthorized taking of property, obtaining property under false pretenses, knowingly possessing, keeping, or receiving stolen property, or destroying or damaging, or threatening to destroy or damage property or deface property of the state (owned or controlled) or any person;
   d. Unauthorized Access: Unauthorized access into and/or use of University facilities/equipment, including but not limited to the library, athletic facilities and equipment, galleries, classrooms, television/video equipment, computers or confidential files;
   e. Collusion: Inciting, inducing or aiding and abetting others to engage in any conduct or to perform acts prohibited by the code of conduct;
   f. Trust: Violations of positions of trust within the community.

2. Community: University community members build and enhance their community. Behavior that violates this value includes, but is not limited to:
   a. Disruptive behavior: Obstruction or substantial disruption of University operations including teaching, research, administration, disciplinary procedures, public service functions, other University activities, or other authorized non-University activities which occur on University premises;
   b. Weapons: Possession or use of a firearm, explosive, dangerous chemical or other dangerous weapon in contravention of federal, state or local laws or University policies and procedures. This includes use and possession of a facsimile weapon or use of an object as a weapon;
   c. Unauthorized use: Unauthorized use of the University’s name, logo, finances, materials and supplies (including stationery bearing the University’s letterhead) or facilities (including computer facilities) or property (owned or controlled) for commercial, personal or political purposes.
d. Tobacco: Smoking or tobacco use in any area of campus where smoking or tobacco use are prohibited (See Smoking Policy)

3. Social Justice: University community members recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing university community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. Conduct that violates this value includes, but is not limited to:

a. Discrimination: Conduct which is severe, ongoing, pervasive, and/or prevents a member of the institution from engaging in University activities, or conduct that violates the University’s policy prohibiting discrimination. Includes sex discrimination; (See Student Policy Prohibiting Discrimination in the Academic/ Educational Environment in this Student Handbook.)

b. Harassment: Any unwelcome conduct based on actual or perceived status including: [sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status]. Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the victim and community.

i. a) Hostile Environment. Sanctions can and will be imposed for the creation of a hostile environment only when [unwelcome] harassment is sufficiently severe, pervasive (or persistent) and objectively offensive that it unreasonably interferes with, limits or denies the ability to participate in or benefit from the University’s educational or employment program or activities (Also see Policy Prohibiting Sexual Misconduct and Discrimination in the Academic/Educational Environment)

b. Retaliation: Any intentional, adverse action taken by any responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in a University grievance proceeding or other protected activity

4. Respect: University community members show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:

a. Harm: Any action that intentionally or recklessly causes harm, threatens bodily harm, presents an imminent danger of harm or endangering the health or safety of any person; (Also see Disposition of Domestic Violence Complaints)

b. Hazing: Defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation;

c. Sexual Misconduct: Sexual misconduct is a term used to capture sexual harassment, gender-based harassment and sexual violence. Sexual violence, includes dating violence, stalking, domestic violence, rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX. (See Stockton University Resource Guide on Title IX for additional information)

d. Indecent or Obscene: Disruptive, lewd, indecent or obscene conduct on or off the University property or at a University-sponsored or supervised function.

5. Responsibility: University community members are given and accept a high level of responsibility to self, to others, and to the community. Behavior that violates this value includes, but is not limited to:
a. Alcohol: Possession, consumption and/or distribution, or attempted distribution of alcoholic beverages in contravention of federal, state or local laws or University regulations or knowingly being present at the time of prohibited conduct. (See Alcohol Policy)
b. Drugs: Possession, use, misuse, distribution or attempted distribution of legal drugs, illegal drugs, prescription drugs, controlled dangerous substances, or drug paraphernalia that are prohibited by state or federal laws or knowingly being present at the time of the prohibited conduct (See Drug Policy)
c. Failure to Comply: Refusal to comply with a request, directive or order from an official of the University, including campus police officers, members of the University administrative staff or other authorized persons acting in the performance of their official University duties and responsibilities.
d. Other Policies: Violations of established University policies or regulations and any other procedures or regulations officially promulgated by the University and/or the State of New Jersey.
e. Off Campus Behaviors: Off-campus actions and/or behaviors that violate laws and regulations of federal, state and local agencies, as well as policies of the University. (See Off Campus Actions and Behaviors)

ACADEMIC POLICY VIOLATIONS
Violations of Academic Policy are handled by the Office of the Provost. Separate policies and procedures, administered through the Office of the Provost, exist for handling cases of academic dishonesty and grade appeals. These policies and procedures are described in the University Bulletin

OFF-CAMPUS ACTIONS AND BEHAVIORS
The University reserves the right to take necessary and appropriate disciplinary action to protect the safety and well-being of the campus community when representatives of the University become aware of alleged misconduct occurring off-campus. While the University may not routinely invoke the disciplinary process for individual misconduct occurring off University premises, it may be necessary to take such action in order to protect the campus community when there are reasonable grounds to believe that an individual's behavior off University premises indicates that he/she poses a serious and substantial danger to others. Often, such “substantial danger” will be manifested by a pending criminal charge, usually relating to a crime of violence, burglary, substantial theft or fraud, the distribution of illegal drugs and/or alcohol, the possession of substantial quantities of illegal drugs, or illegally possessing or using any weapon (e.g. illegal possession or use of fire arms) or illegally using an object as a weapon (e.g. baseball bat).

Moreover, in meeting its educational mission, the University recognizes the importance of establishing and enforcing acceptable community standards of behavior. Individuals who are members of this University community have a responsibility to represent themselves in a lawful and responsible manner at all times, both on and off the campus. In doing so, members of the University community should know that they will be held accountable for their off-campus actions and/or behaviors as they relate to established laws and regulations of federal, state and local agencies, as well as policies of the University even if a violation does not rise to the level of creating substantial danger to others or themselves. In addition, if the University becomes aware that a University community member has been arrested, the University may take the opportunity to educate them. This provision creates no duty in the University to investigate all actions of its members.
OVERVIEW OF THE CAMPUS HEARING BOARD
The regular membership of the Campus Hearing Board consists of students, faculty, and administrative staff members. In general, the Campus Hearing Board addresses grievances against students via the Student Hearing panel. The Executive Committee and the Administrative Hearing panel are subsets of the Campus Hearing Board. The Executive Committee addresses grievances against faculty or staff.

Selection of Members
All staff and faculty members of the Campus Hearing Board will be appointed by the Vice President for Student Affairs, except for members of the Executive Committee who are appointed by the President. Members are encouraged to participate in at least one panel as an observer prior to serving as a voting panelist. Members may be removed for failure to meet assignments and/or responsibilities.

Students: The Office of Student Rights and Responsibilities will recruit students to serve on the Board. Recruitment will take place as needed.
Faculty: In consultation with the faculty deans, the Provost and Executive Vice-President will nominate faculty to serve as panel members. Prior to submitting nominations, the Provost and Executive Vice President should have the agreement of those nominated that they are willing to serve if appointed. Nominations should be made by October 1.
Staff: In consultation with the Dean of Students, the University’s senior leadership and the Office of Student Rights and Responsibilities will nominate members who are willing to serve if appointed. Nominations will be made by October 1.

Member Responsibilities
Campus Hearing Board members are expected to be responsible for:
• Understanding of the Campus Conduct Code and sanctions for violation of that code.
• Working knowledge of the Board’s functions and operations.
• Adherence to the format and procedures for the conduct of hearings established by the Board and administered by the moderators.
• Maintenance of the confidentiality of all complaints, hearings and actions of the Board.
• Recommendations for improving the operations and applicability of the Campus Conduct Code.

Campus Hearing Board Panels
Assignment of cases to one of four panels is possible depending on the factual circumstances involved: the Executive Committee Hearing Panel, the Administrative Hearing Panel, the Student Hearing Panel, or a Special Administrative Hearing Panel for Interim Suspensions or Removal.

Executive Committee
Although the Executive Committee is organized as a subgroup of the Campus Hearing Board for the primary purpose of addressing grievances against faculty or staff, it can hear certain cases itself.

Composition: The Executive Committee, which consists of a Chairperson, faculty, staff, student, recorder, and the Dean of Students or designee (ex-officio), meets to conduct the general business of the Campus Hearing Board involving faculty or staff issues. This panel, at its discretion, may include on the Executive Committee one at-large member drawn by lot from members of the
general Campus Hearing Board. The Chairperson is recommended by the Dean of Students and appointed by the President of the University. Additionally, the Director of Human Resources Management or designee shall serve as a member of the Executive Committee. Selection will be made at the annual reorganizational meeting of the Board, generally held in October. Nominees for the positions will be current members who are available to serve for the upcoming term of office, i.e., October 1 to September 30. In the event vacancies occur, the Director of Student Rights and Responsibilities, in consultation with the Dean of Students, will forward to the President the names of three Board members who are willing to serve on the Executive Committee.

**Administrative Hearing Panel**
The Administrative Hearing Panel is generally utilized based upon unique circumstances surrounding a particular code violation, as determined by the Executive Committee or the Office of Students Rights and Responsibilities. Examples include the timing of cases being filed (e.g., near the end of the semester or during the semester breaks when students, faculty and/or staff may not be available enough to ensure the speedy resolution of a case), cases involving sensitive medical or health related information, serious violations that may or may not have resulted in the imposition of an interim suspension, or employment-related issues.

Cases of Interim Suspension or Removal for students can be heard by the Administrative Hearing Panel in accordance with the Interim Suspension or Removal procedures outlined in the Student Handbook.

**Composition:**  
**When the Respondent is a Student:** An Administrative Hearing will consist of a panel of three to five members (two to four is quorum) of the University administration/faculty where one individual will act as moderator. An effort will be made to include administrators from each division of the University. The panel members will be designated by Director of Student Rights and Responsibilities.

**When a Respondent is a Faculty/Staff:** An Administrative Hearing will consist of a panel of from one to three University staff, one of whom will act as Chair. The panel members will be designated by the Director of Human Resources Management.

**Student Hearing Panel**
Cases involving students that do not involve interim suspension or otherwise involve unusual circumstances, such as those considered when an administrative hearing is utilized, are generally referred to a Student Hearing Panel by The Office of Student Rights and Responsibilities. Student hearing panels are generally utilized to hear cases that involve general violations of the University policy, such as disorderly conduct, some alcohol/drug violations, theft and unauthorized entry.

**Composition:**  
The Student Hearing panel is typically composed of three to five students (two to four is quorum) where one individual will act as Moderator. At times the panel may call upon a faculty or staff member to assist with a hearing if enough student panelists are not available.
Special Administrative Hearing Panel for Interim Suspensions or Removal of Faculty or Staff

A Special Administrative Hearing Panel will review Interim Suspension cases in a manner that provides opportunities for the Complainant and Respondent to present information in substance and form comparable to that provided by an Executive Committee Hearing Panel.

In cases where the President makes a judgment that the presence of an alleged faculty/staff violator of the Campus Conduct Code presents an imminent danger to the individual and/or others on campus or to the orderly conduct of the University, the respondent faculty/staff may be interimly suspended and barred from campus by the President prior to a hearing.

**Function:**

A Special Administrative Hearing Panel will review the Interim Suspension case in a manner that provides opportunities for the Complainant and Respondent to present information in substance and form comparable to that provided by an Executive Committee Hearing Panel.

**Composition:**

A Special Administrative Hearing Panel will consist of a panel of from one to three University administrators where one individual will act as Chair. An effort will be made to include administrators from each division of the University. The panel members will be designated by the President. All recommendations from such a hearing will go directly to the President for review and appropriate action.

Note: Interim Suspension or Removal Cases for Student Respondents follow the Interim Suspension Process or Involuntary Leave of Absence Process

**Schedule of Operation**

The Campus Hearing Board’s various panels will operate throughout the academic year. During the summer session, the Office of Student Rights and Responsibilities will handle the cases brought before it, as appropriate. Besides convening for necessary hearings, the Campus Hearing Board will meet publicly at least once a year to review operations and procedures. The Office of Student Rights and Responsibilities will prepare an annual report for the President.

**Campus Conduct Code Violation Procedures**

**How to File a Complaint**

Complaints can be filed electronically by accessing the Conduct Complaint Form through the goStockton portal’s Home or Student Life tabs. The complaint form, once submitted, will be delivered to the Office of Student Rights and Responsibilities for processing. Charges may be filed by any member of the University community against any student, faculty or staff member of the University community. In all cases, any charge filed should include:

1. Complainant’s name and address
2. Respondent’s name and contact information, when known
3. Respondent’s local address and permanent address, when known
4. University regulation(s) allegedly violated and nature of alleged violation(s)
5. Date and place of alleged violation(s) and
6. Name and contact information of proposed witnesses, when known
Complainant: A person who alleges another person violated the Code of Conduct and filed a complaint to be adjudicated through the Campus Hearing Board.

Respondent: A person who has been named in a Code of Conduct complaint as an alleged code violator and is asked to respond via the Campus Hearing Board.

Victim: A person who has been involved in an incident(s) where she/he has been subjected to a Code of Conduct violation. She/he may serve as a complainant or another party may file a complaint on behalf of the victim.

What Happens After a Complaint Is Filed

1. Complaint Reviewed

   Students
   When a charge of misconduct has been filed against a student, the Office of Student Rights and Responsibilities staff will review the complaint to determine if the Campus Hearing Board is the appropriate venue to handle the complaint and will assign the case to the resolution process it believes most appropriate. Cases will be resolved within 30 University business days, unless special assistance is needed or extenuating circumstances prevent completion by this timeframe. All parties will be notified if an extension is required. This timeframe encompasses the full conduct process including all appeals.

   Faculty or Staff
   When charges of misconduct are made against a faculty and/or staff member, the Executive Committee of the Campus Hearing Board will review the complaint to determine if it is the appropriate venue to handle the complaint. If it is determined not to be the appropriate venue, the complaint will then be filed by the Executive Committee with the Office of Human Resources, the Office of Institution Diversity and Equity, or other appropriate office. Correspondence for all members of the University community will be sent via electronic media. When appropriate, duplicate correspondence will be sent to other local or permanent addresses on record at the University.

2. Resolution Options/Assignment of Case

   Students
   1. Withdrawal of Charges
      The Complainant may request withdrawal of his/her charges not later than 24 hours prior to the hearing. A request to withdraw the charges must be submitted, in writing, by the Complainant to the Office of Student Rights and Responsibilities or the Executive Committee with an explanation. The request must contain the following:
      • The reason for withdrawal. Example: New evidence that shows the student had no role in the incident.
      • A statement that withdrawal is not due to coercion.
      • Any other information relevant to case.

   2. Refusal to Assign Case
      The Office of Student Rights and Responsibilities has the right to not assign cases for the student conduct process when there is no information to support the allegation. The Complainant may, within five business days, appeal in writing to the Director of Student Rights and Responsibilities...
for assignment to the conduct process. The Office reserves the right to reopen a case if supporting information becomes available.

3. Assignment to Conflict Resolution
Cases may be referred for conflict resolution if the case is best handled in this format and all parties agree such as roommate disagreements, escalating tensions with a potential for code violations, etc. No serious issues, such as any accusations of violence, sexual violence, etc., will be considered for this option. Residential students should consult with Residence Life first.

4. Prehearing Interview
When complaints against a student are accepted by the appropriate office, the Respondent will be scheduled to have a prehearing interview with the Office of Student Rights and Responsibilities staff.

During the prehearing interview, the student Respondent will:
- Review the case,
- Review the allegations and any available information,
- Review the conduct process, and have all their questions answered,
- After the review, resolution options will be offered.

5. Informal Resolution
a. The Respondent accepts responsibility for the stated code violations and accepts the offered sanctions.
b. The Respondent can elect to submit an explanation when accepting responsibility for a code violation(s).
c. The Respondent accepts responsibility for stated code violations but does not accept the offered sanctions. The case will be referred to a hearing panel to determine sanctions.
d. The written results of the informal resolution will be filed with the Office of Student Rights and Responsibilities and the Dean of Students. If informal resolution cannot be accomplished within seven business days after the affected parties have been contacted, the case will be referred to a hearing for disposition.

Note: The Respondent can elect to submit an explanation when accepting responsibility for a code violation(s) only and why they do not accept the offered sanctions.

6. Campus Hearing Board Referral Instances
Cases will be assigned to the appropriate Campus Hearing Board panel (see definition of Campus Hearing Board panels above) when:
- The Respondent elects not to plea except at a hearing to be scheduled at a later date.
- The Respondent does not accept responsibility for stated code violations.
- If the Respondent fails to schedule or attend a scheduled pre-hearing interview, the case will be referred to a hearing panel.
- The Respondent accepts responsibility for stated code violations but does not accept sanctions. The case will be referred to a hearing panel to determine sanctions.

Note: The Office of Student Rights and Responsibilities may refer the matter to the Office of Residential Life or Academic Affairs when it is appropriate.
Faculty and Staff
1. Withdrawal of Charges
The Complainant may request withdrawal of his/her charges not later than 24 hours prior to the hearing. A request to withdraw the charges must be submitted, in writing, by the Complainant to the appropriate Office or (i.e. Office of Student Rights and Responsibilities, Human Resources, etc.) the Executive Committee with an explanation. The request must contain the following:
- The reason for withdrawal. Example: New evidence that shows the student had no role in the incident.
- A statement that withdrawal is not due to coercion.
- Any other information relevant to case.

2. Refusal to Assign Case
The Executive Committee may refuse to assign a case involving a faculty or staff Respondent to a hearing or to another sector of the institution. The Complainant may, within five business days, appeal in writing to the Vice President of Administration and Finance for assignment to a formal hearing through Human Resources or to another sector for the University. The Vice President of Administration and Finance must respond to this appeal within five business days. The Executive Committee will not vote on an appeal of its decision.

3. Informal Resolution
a. In those instances where the faculty/staff member accepts responsibility, a sanction meeting will be scheduled with the Director of Human Resources, or designee; no hearing panel is convened.
b. The written results of the informal resolution will be filed with Human Resources. If informal resolution cannot be accomplished within seven business days after the affected parties have been contacted, the case will be referred to a hearing for disposition.

4. Prehearing Interview
When the Respondent is a faculty and/or staff member, the Respondent will be scheduled to have a prehearing interview with the Director of Human Resources, or designee, or be referred to the Office of Institutional Diversity and Equity for appropriate action. During the prehearing interview, the Respondent will have the opportunity to respond by:
- Not electing to plea except at a hearing to be scheduled at a later date.
- Not accepting responsibility for stated code violations.
- Accepting responsibility for stated code violations. The Respondent can elect to submit an explanation when accepting responsibility for a code violation(s).

5. Campus Hearing Board Referral Instances
Cases will be assigned to the appropriate Campus Hearing Board panel (see definition of Campus Hearing Board panels above) when:
a. If the Respondent indicates that he/she is not responsible, and therefore contests the validity of the charges or chooses not to enter a plea, the Respondent will sign a statement to that effect. The case is then referred to the Executive Committee, which determines the type of hearing panel or;
b. Recommending informal resolution or sending the matter to another sector of the institution for resolution.
3. Overview of Various Hearing Panels Outcome Reporting

Student Respondent:
A written summary of the Administrative Hearing will be forwarded to the Dean of Students with recommendations for dismissal of the case or imposition of sanctions. The Dean of Students will advise the Complainant, the Respondent and the Director of Student Rights and Responsibilities of the decision within a timely manner of receipt of the recommendations of the appropriate Hearing Panel.

Faculty/Staff Respondents:
A written summary of the Administrative Hearing will be forwarded within seven business days to the Director of Human Resources Management, the chairperson of the Campus Hearing Board, the Respondent and the Complainant with recommendations for dismissal of the case or imposition of sanctions. Exceptions to the findings shall be made in writing and directed to the Director of Human Resources Management within seven business days. Once the exception is submitted, the President or designee will advise the Complainant, the Respondent and the Campus Hearing Board of the decision within seven business days of receipt of the recommendations of the Administrative Hearing Panel and any exceptions to them.

How will a Hearing be Conducted
1. All charges will be presented through the Office of Student Rights and Responsibilities to the Respondent in written form at least five University business days prior to the scheduled hearing. The notice will include:
   a. Name of the Complainant
   b. The regulation(s) allegedly violated and the nature of the alleged violation(s)
   c. Date, time and place of alleged violation(s)
   d. Date, time and place of hearing
   e. Reference to the pages of the Student Handbook where sanctions and Campus Hearing Board procedures are defined
   f. Names of proposed witnesses, when known.

2. No recommendation for the imposition of sanctions may be based solely upon the failure of the Respondent or Complainant to address the charges or appear at the hearing. Either party who is not present at a hearing may submit written evidence. Written evidence will be read into the record by the Moderator and considered before action is recommended.

3. No member of the Campus Hearing Board panels will participate in any case in which he/she is the Respondent, a Complainant, or a witness; has a direct personal interest; or has acted previously in an advisory capacity or creates an appearance of bias. If a Board Member’s eligibility to participate in a case is challenged by parties to the case, a decision in this regard will be made by the Moderator in consultation with the Office of Student Rights and Responsibilities or the Executive Committee, in employment cases. Replacement will be made from eligible Board Members.

4. Each hearing will be conducted by a Moderator/Chair who will be responsible to provide for the effective conduct of the hearing. The Moderator/Chair will have a regular vote on cases for which he/she will also serve as Moderator/Chair.
5. Picture taking, filming or use of any electronic device (e.g., cell phone, computer) is prohibited during the hearing as are audio/visual recording devices, other than those employed by the Campus Hearing Board. Use of electronic devices pertinent to presentation at the hearing may be granted with explicit permission of the hearing Moderator. A summary digest and a verbatim record, such as a tape recording, will be produced for all hearings in cases that may result in the imposition of the sanctions of restitution, suspension or expulsion from the University.

6. The Campus Police Department may serve as a resource for the Complainant and/ or Respondent to conduct fact finding for a Code of Conduct complaint prior to its resolution through the conduct process. Discretion is given to University administrators and/or Campus Police as to which University records can be accessed, viewed and/or duplicated for the requesting party. The Office of Student Rights and Responsibilities or Human Resources may serve as a resource for a Respondent to conduct fact finding when the Campus Police serve as a Complainant.

7. Hearings may be open to the public with the consent of both parties. In hearings involving more than one Respondent, severance will be allowed; that is, one Respondent and the Complainant may agree to and receive a hearing closed to the public, while another Respondent receives a hearing open to the public. At all hearings, the Moderator/Chair has the right to move to a closed hearing by removing spectators, witnesses not currently being interviewed and any other persons except the panel members and Campus Hearing Board Advisor or designee, Complainant, Complainant’s advisor, Respondent and Respondent’s advisor. In a closed hearing, witnesses will be present only for the time necessary to present testimony and respond to cross-examination.

8. The Complainant and the Respondent have the right to present witnesses subject to the right of cross-examination by the other parties. Absent new information, the Moderator may limit fact based witnesses to be heard, if testimony is redundant.

9. The Hearing Panel may direct questions through the Moderator to any party to the proceedings or to any witness called by the parties or by the Hearing Panel.

10. The Respondent will not be compelled to testify against his/her will.

11. 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 case. Witnesses who knowingly furnish false information during a hearing will be charged with a violation of the Campus Conduct Code as appropriate.

12. Each Complainant, Respondent or victim (in cases in which the Complainant is someone other than the victim) has the right to be assisted at the hearing by one advisor of their choosing, e.g., an attorney, counselor, parent or roommate. The role of the advisor is to assist and advise but not to offer testimony, question witnesses, make statements or speak before the panel in place of the Respondent, Complainant or victim. Further, an advisor may not interfere with the proceedings of the hearing.

13. After hearing testimony and receiving pertinent evidence, the Hearing Panel will render a decision within seven business days of the date of the hearing. Decisions will be made by majority vote.
14. The findings of the Hearing Panel will be forwarded to the Office of Student Rights and Responsibilities or Human Resources.

When the Respondent is a student, the Dean of Students will be responsible for notifying the Complainant and the Respondent of the decision and for implementing it in a timely manner. The Dean of Students will notify appropriate offices and external agencies/entities as required by law/internal policy. In cases of expulsion from the University, the President will be notified of the sanction and a copy of the sanction letter will be placed in the student’s official file in the Office of the Registrar.

When the Respondent is a faculty or staff member, the Office of Human Resources will be responsible for notifying the Complainant and the Respondent of the decision and for implementing within seven days. The Director of Human Resources will notify appropriate offices and external agencies/entities as required by law/internal policy. In cases of termination of contract with the University, the President will be notified of the sanction and a copy of the sanction letter will be placed in the faculty/staff’s official file in the Office of Human Resources.

15. All summaries of proceedings, notes, audio or written records, etc., pertaining to the conduct of the hearings are maintained by the Office of Student Rights and Responsibilities or the Office of Human Resources.

Student Non-Compliance Process
1. The standard process for resolving Campus Conduct Code violations will be followed when students do not comply with sanctions.
2. The student will be charged with Failure to Comply (Violation of the University value of Responsibility).
3. The case will be referred to the original case manager where the old sanctions and new charge will be discussed. Informal resolution will be attempted. A successful informal resolution will include:
   • An extension to complete the original educational assignments.
   • An extension or addition of conduct status changes, as appropriate.
   • New or extended status change applied because the old status will have been violated by the value of Responsibility.
4. If informal resolution is unsuccessful, the case will be referred to a hearing.
5. The results of the hearing may be appealed following standard Appeals procedures.

SANCTIONS DEFINED
Student Respondent
Sanctions may be applied to address specific personal growth needs pertaining to the behavior leading to the incident. Students will be notified of their educational assignments and change in conduct status with the University.
Educational Assignments
Educational assignments are specific to an individual case and are determined based on relevance to the violating behavior. Examples of educational assignments include, but are not limited to: community service, alcohol and drug programs and restitution.

Restitution
Reimbursement for damage to or theft of property will be required. Reimbursement may take the form of payment to compensate for damages, cleaning or replacements.

Fine
Payment of $50 will be required as a result of Campus Conduct Code violations. Money collected will defray costs associated with education programs for campus offenders and/ or victims, as appropriate. Fines may not be paid with University funds, refunds from federal or state financial aid grants or loans.

Status Changes Student Respondent Warning
This action is a formal written notice on behalf of the University and will clearly document the student’s behavior that has been deemed unacceptable. A written warning does not preclude the possibility of a more severe disciplinary sanction in the event of future violations.

Probation
This action constitutes a change in status between good standing and suspension or expulsion from the University. The student is permitted to remain enrolled at the University under stated conditions, depending upon the nature of the violation and upon the potential learning value that may derive from specific restrictive measures. Its primary effect is to suspend a privilege related to the nature of the offense and/or restrict access to specific campus facilities or programs. Restrictions of the probation may include restriction from residence halls or extracurricular activities during the stated period and will be stated in the sanction letter. Further violations may result in interim suspension, suspension or expulsion from the University.

Suspension
This action results in a student’s involuntary withdrawal from the University for an indefinite period of time. Please contact the Registrar’s office for questions about matriculation. A student placed on suspension is permitted, after a prescribed period of separation, to submit a petition demonstrating his/her good citizenship in the time away from the University and potential for making positive contributions in the future.

Individual student petitions for reinstatement are required to include the components listed below:
• A personal essay evidencing the learning the student has gained from the incident that led to indefinite suspension.
• The manner in which the student has been occupied since his/her departure from the University.
• The specific commitments the student will make to contributing positively to the University community, if offered the opportunity for readmission.
• Documented evidence of the student’s completion of substantial service to the community.
• Documented evidence of gainful employment and/or completion of academic course work at an accredited institution of higher education.
• Documented evidence of completion of any special assignments identified for the student by the Office of Student Rights and Responsibilities at the time of or subsequent to the student’s departure.

This petition is reviewed by the Office of Student Rights and Responsibilities. The Dean of Students, or designee, will report the decision of the petition review and determine whether, and under what conditions, a student may be permitted to return to the University in the future.

Expulsion
This action results in the permanent separation of the student from the University, its programs and facilities. This includes a permanent withdrawal of a student’s privilege to register for and attend classes, reside on campus or use University facilities.

Faculty or Staff Respondent

Warning
Oral or written notice to the offender that his/her conduct was questionable and continuation or repetition of the conduct will be treated more severely.

Reprimand
Written notice to the offender for violation of specified regulations, including the possibility of a more severe disciplinary sanction in the event of future violations.

Restitution
Reimbursement for damage to or theft of property may take the form of providing appropriate services to repair damage to property paying full compensation for damages, completely replacing the property or such other appropriate action as may be required.

Suspension
Exclusion for a definite period of time from University classes, programs, employment and/or activities as set forth in the notice of suspension. The suspension requires absence from campus and life of the University. The conditions of readmission or reinstatement of privileges shall be stated in the letter of suspension.

In the case of suspension or removal of a faculty / staff Respondent, notification will be made to the appropriate offices of the University. A copy of any written sanction will be placed in the employee’s file.

Removal
Termination of employment.
GOOD SAMARITAN POLICY
In an effort to promote responsible student behavior and respect for the health and welfare of all members of the collegiate community, Campus Hearing Board panel members may take into account whether an accused student attempted to take remedial action to assist a victim in a life-threatening situation will be taken into account when determining the appropriate sanction. Providing students with necessary medical assistance due to over-consumption of alcohol and/or other drugs takes priority over judicial or criminal considerations. Students are encouraged strongly to seek immediate assistance for themselves or their friends without regard for possible disciplinary or criminal concerns. Consideration for disciplinary leniency will be given to students who require medical support or who request medical support for others due to dangerous consumption of alcohol or drugs.

APPEAL PROCESS
Student Respondent
Within seven business days after a decision by the Dean of Students (recommendations from Administrative and Student Hearing Boards), the Complainant and/or the Respondent may appeal to the Vice President for Student Affairs to review the decision. The appellant must present a written statement that argues why he/she was denied a fair hearing. The Vice President for Student Affairs may refuse to review an appeal he/she believes to be without merit.

Appeals must be made on one of the following conditions:
1. Procedural error that will change the outcome of the hearing.
2. To evaluate new evidence not presented at the hearing.
Upon review, the Vice President for Student Affairs will take one of the following actions:
• Sustain the original judgment.
• Adjust the charges and/or modify sanctions.
• Order a rehearing. The rehearing will be held within seven business days before panel members and alternates who did not participate in the original hearing. The number of students, faculty and staff who rehear the case will be identical to the original hearing. Also, the decision from a rehearing cannot be appealed again.
• Dismiss the case.
Sanctions will be applied during the appeal process, unless a deferment is granted by the Dean of Students or other sanctioning officer. To request a deferment of sanctions during the appeal process a student must email the sanctioning officer with the request and reason within 24 hours of the issued sanctions.

Note: In cases of an Interim Suspension or Removal student should follow the procedures outlined in the Interim Suspension or Removal procedure.

The Office of Student Rights and Responsibilities reserves the right to reopen a case if supporting information becomes available after all appeals have been exhausted.

Faculty / Staff Respondent
Within ten business days of a decision of the President, either party may appeal in writing such decision to the Board of Trustees.
The Respondent may appeal the President’s action when the President adopts the recommendation of the Hearing Panel (Executive Committee or Special Administrative Hearing Panel) and sanction is imposed, or when the President accepts the findings of the Hearing Panel but modifies the sanction.

Upon review of the record, the Board of Trustees will take one of the following actions:
- sustain the original judgment
- adjust the charges and/or modify sanctions
- direct a rehearing with the findings going to the Board of Trustees
- dismiss the case

**Conduct Outcomes Leniency**
Students who have completed all their appeal options may request leniency of their sanctions. This request may be submitted to the Dean of Students after a student completes all of their educational assignments and have completed at least one semester of their status change sanction, if applicable. Leniency will not be considered for behavior resulting in harm to others and threat of harm to others, bias-related incidents, illegal drug violations, serving underage students alcohol, and weapons violations. Leniency only applies to fines and status changes such as probation or to loss of housing.

The request for leniency must contain the following information:
- Specific sanction(s) that are desired to be changed.
- Rationale with evidence for why the change should be approved.
- Proof that all educational assignments were completed.
- Proof that at least one semester of the status change is complete, if applicable.
- What the student has learned from this situation.
- How the student plans on contributing to the campus community.
- How the student plans on avoiding situations that would lead to future conduct code violations.

Requests missing any one of the required elements will not be considered. This is a one-time option per case.

**RECORDS DISCLOSURE AND MAINTENANCE**
The official records for the Campus Hearing Board are maintained by the Office of Student Rights and Responsibilities, with appropriate copies of sanction letters sent to specified offices. Student letters are also sent to the Office of Student Records for inclusion in the student’s official file. Disciplinary records 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.

Access to disciplinary records is provided in accordance with FERPA as amended, Clery Act and University Records Retention Policy.

Disciplinary records maintained by the Office of Student Rights and Responsibilities are retained for seven years from the date of the most recent incident in the student’s file or until one year after the student has graduated from the University, whichever is longer, provided the student was not suspended, expelled, prohibited from future enrollment or otherwise withdrawn for disciplinary
or medical reasons. Records of students who were suspended, expelled, prohibited from future enrollment or otherwise withdrawn for disciplinary or medical reasons are retained indefinitely. Students are advised to consult Academic Affairs with regard to the records retention policies associated with academic dishonesty cases. Cases involving sexual assault or discrimination will be maintained permanently. All other files will be maintained as per federal regulations.

Students may inspect and review their conduct records in the Office of Student Rights and Responsibilities.

- Students must complete a request form. The student’s request will be fulfilled within 45 days of receipt of completed request form.
- Special arrangements will be made for students who cannot come to the office for specific hardship reasons such as residing in another state. This may include a copy (at the University’s expense) or alternative arrangements without providing a copy.
- Students may request copies of their conduct record by completing a request form. Information in the record that identifies other students will be redacted according to federal laws.

Students may seek corrections of their record if the content is inaccurate, misleading or violates their privacy rights in accordance to FERPA.

- Students must file a formal records correction request with the Director of the Office of Student Rights and Responsibilities.
- The student will be notified in writing within 5 business days that a change was or was not made.
- If no change was made, the student will also be notified that they can submit a challenge letter for their file, which will be included in any disclosures.

PARENT NOTIFICATION (FERPA)

Parents or legal guardians of students claimed as dependents on income tax returns, or if the student notifies the University that they are dependents, may generally be notified of conduct outcomes upon request. If either parent claims the student as a dependent, both may receive information. Stockton University may notify parents or legal guardians of conduct issues involving their dependent students in the following instances:

- In a health or safety emergency
- In cases involving a crime of violence or non-forcible sex offenses and their campus outcomes
- In arrests for violating laws
- Campus outcomes where laws and University policies concerning alcohol or drug-related matters if the student is under 21 at the time of notification

Stockton University will notify parents or legal guardians of conduct issues involving non-dependent students as follows:

- In a health or safety emergency
- In cases involving a crime of violence or non-forcible sex offenses and their campus outcomes

Disclosures to victims, accused students and others will comply with Federal and NJ State privacy laws.

- Victims and accused students will receive notice of outcomes.
- Disclosures to others will be on need to know basis.
Disclosures to Third Parties Will Comply with FERPA. The student conduct record will be disclosed with the student’s written consent. The disclosure will be in accordance with the students expressed directions:

- Specifying the records to be disclosed
- Stating the purpose of the disclosure
- Identifying the party or class of parties to whom the disclosure will be made

The student conduct record may be disclosed without consent under the following circumstances:

- University officials who need to know the information to perform their assigned duties
- Compliance with subpoenas, court orders, or in response to litigation initiated by the student against the University
- Health or safety emergencies where the health of the student or others could be impacted. The emergency must be a significant threat to health or safety.
- To officials of schools in which the student seeks/intends to enroll or is already enrolled, when the information relates to the student’s enrollment or transfer. The Office of Student Rights and Responsibilities will attempt to confirm the school’s request with the student prior to disclosure.

Note: Laws concerning this area change rapidly. New legal requirements will supersede these items if they change during the year. The update will be added at the next publication.

Double Jeopardy
Technically, the principle of double jeopardy is a criminal law concept and, because the courts agree that University disciplinary hearings are not criminal proceedings, criminal law principles do not apply.

Civil Law and Civil Authorities
The President of the University or designee may request assistance from civil law enforcement officers, when there is an imminent danger to persons or property on the campus and/or when the University’s resources are not adequate to sustain normal operation of the University.

Students and all other members of the University community should be aware that off-campus 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 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, faculty or staff member is adjudged guilty in a civil or criminal court of law, the University may initiate Campus Hearing Board procedures, if the misconduct is so serious as to demonstrate that the person can no longer effectively contribute to the University community. Generally such action should be anticipated when a person is convicted of a felony.
UNIVERSITY RIGHTS TO AMEND AND MODIFY PROCEDURES

Right to Amend Procedures
The conduct procedures outlined above supersede all previous procedures of Stockton University with respect to student rights and responsibilities including those that may appear in any University publication. The University reserves the right to amend these procedures from time to time.

Right to Modify Procedures
Stockton University reserves the right to modify its student conduct procedures and appeals processes with notice to the complainant and the accused student under these circumstances:
• when classes are not in session,
• during the summer session,
• when safety and security issues so demand,
• when special expertise is needed to ensure fairness,
• when multiple students are involved in an incident that is being resolved in a hearing, multiple students may consent to have their hearing together,
• when a case may result in a Warning status change, the case may be heard by an individual Administrator,
• or in other circumstances where the student is incarcerated, hospitalized, or if deemed incapable of understanding the process due to their current mental state by a licensed mental health professional and confirmed by the appropriate University administrator within one or more offices (Campus Police or Wellness Center).

Modified procedures, nonetheless, will provide students with required procedural elements described herein, including using an appropriate hearing panel when necessary. President. All recommendations from such a hearing will go directly to the President for review and appropriate action.