STOCKTON UNIVERSITY

PROCEDURE

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<th>Campus Hearing Board - Students</th>
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<td>Procedure Administrator: Vice President, Student Affairs</td>
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<td>Approved By: Harvey Kesselman, President</td>
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The purpose of this procedure is to prescribe the membership, organization, operation, and authority of the Student Campus Hearing Board.

STUDENT CAMPUS HEARING BOARD

The regular membership of the Student Campus Hearing Board consists of students, faculty, and staff members.

DEFINITIONS

Complainant: A person who filed a complaint.

Moderator: Office of Student Rights and Responsibilities staff member who is present at hearings to provide support.

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

Sexual Misconduct: Sexual misconduct is a term used by Stockton University and includes sexual harassment, gender-based harassment and sexual violence. See Stockton's Resource Guide on Title IX: Sex Discrimination and Sexual Misconduct for specific definitions of sexual harassment, gender-based harassment and sexual violence.

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

Witness: A person who has been named as being involved, having direct knowledge, and/or witnessing behavior(s) or actions reported in a complaint.
SELECTION OF MEMBERS

All members of the Student Campus Hearing Board will be recruited and selected by the Office of Student Rights and Responsibilities. Members are required 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 select students to serve on the Board through an application and interview process. Members will be selected as needed. Students are not permitted to serve on the Board in Title IX sexual misconduct cases.

FACULTY and STAFF: The Office of Student Rights and Responsibilities will select interested faculty and staff through an interview process. Final appointment is based on the supervisor’s approval.

MEMBER RESPONSIBILITIES

Student Campus Hearing Board members are expected to be responsible for at least the following:

1. Understanding of the Campus Conduct Code and sanctions for violation(s) of that Code.
2. Working knowledge of the Board’s functions and operations.
3. Adherence to the format and procedures for the conduct of hearings established by the Board and administered by the Moderators.
4. Maintenance of the privacy of all complaints, hearings and actions of the Board.
5. Recommendations for improving the operations and applicability of the Campus Conduct Code.

SCHEDULE OF OPERATION

The Student Campus Hearing Board will operate throughout the University year. During summer session, the Student Campus Hearing Board will handle the cases brought before it, as appropriate. Besides convening for necessary hearings, the Office of Student Rights and Responsibilities will seek feedback from board members at least once a year as a review of operations and procedures and will prepare an annual report.

CAMPUS CONDUCT CODE VIOLATION PROCEDURES

HOW TO FILE A COMPLAINT

Complaints against a student(s) can be filed electronically by accessing the Conduct Complaint Form on the Office of Student Rights and Responsibilities website. The complaint form, once submitted, will be delivered to the Office of Student Rights and Responsibilities for processing.

Complaints against employees of the University will be directed to the Office of Human Resources.

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 directed to the Office of Institutional Diversity and Equity.
WHAT HAPPENS AFTER A COMPLAINT IS FILED
When a charge of misconduct has been filed against a student of the University community, the Dean of Students will determine if the alleged misconduct warrants an interim suspension. If not, the Office of Student Rights and Responsibilities staff will review the complaint to determine the appropriate venue to handle the complaint.

Correspondence for members of the University community will be sent via electronic mediums. Where appropriate, duplicate correspondence will be sent to other local or permanent addresses on record at the University.

PREHEARING INTERVIEW
When complaints are accepted, the student respondent will be scheduled to have a prehearing interview with the Office of Student Rights and Responsibilities staff. During the prehearing interview, the respondent will have the opportunity to enter one of three pleas to each of the alleged violations/charges:

1. NO PLEA- not electing to enter a plea except at a hearing to be scheduled at a later date; or when a respondent fails to participate in the prehearing interview;
2. NOT RESPONSIBLE- not accepting responsibility for stated code violations; or
3. RESPONSIBLE- accepting responsibility for stated code violations.

The respondent can elect to accept responsibility for the code violation(s) but not for the related sanctions; resulting in a hearing to assign sanctions. The respondent can elect to submit an explanation when accepting responsibility for a code violation(s).

In those instances, where the respondent student accepts responsibility, an outcome letter will be sent to the student by the Office of Student Rights and Responsibilities with assigned sanction(s) and deadlines. No hearing panel is convened.

If the respondent indicates that respondent is not responsible for code violations 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 a hearing panel for resolution.

ASSIGNMENT OF CASE

1. Withdrawal of Charges
   The complainant may request withdrawal of the complaint no later than 48 hours prior to the prehearing interview or the hearing. A request to withdraw the charges must be submitted, in writing, by the complainant to the Office of Student Rights and Responsibilities. Detailed instructions can be found in the Student Handbook.

2. Refusal to Assign Case
   The Office of Student Rights and Responsibilities has the right to not assign cases to the Student Campus Hearing Board when there is insufficient information to support the allegation. The complainant may, within five business days, appeal in writing to the Dean of Students for assignment to the Student Campus Hearing Board Panel. The Office of Student Rights and Responsibilities reserves the right to reopen a case if supporting information becomes available.

3. The Office of Student Rights and Responsibilities may refer the matter to the Office of Residential Life.
   Cases involving residential students may be referred to and handled by the Office of Residence Life per the Guide to Residence Life. This includes, but is not limited to, minor and first-time violations that could result in sanctions from a warning to probation. Cases involving charges that could result in any separation from housing and/or the University.
remain with the Office of Student Rights and Responsibilities for processing.

4. The Office of Student Rights and Responsibilities may refer the matter to Academic Affairs.
   If it appears that the issues raised are academic in nature rather than disciplinary, the Office of Student Rights and Responsibilities may refer the matter to the Provost for resolution.

5. Assignment of a Case to the Office of Institutional Diversity and Equity.
   If it appears that the issues raised include prohibited discrimination or harassment under the Student Policy Prohibiting Sexual Misconduct and Discrimination in the Academic/Educational Environment, the Office of Student Rights and Responsibilities will refer the matter to the Office of Institutional Diversity and Equity for review and investigation and/or resolution.

6. Assignment to Conflict Resolution
   Cases may be referred for conflict resolution if the situation is best handled in this format and all parties agree. Cases which involve threat of harm to self or others, sexual misconduct, use of illegal substances, disclosure of illegal activity, or reports of child, physical, or sexual abuse cannot be mediated. If such information is disclosed during a mediation, the information will be referred to the appropriate office/department.

7. Assignment to a Student Campus Hearing Board Panel
   If the complaint cannot be resolved by one of the preceding methods, the Office of Student Rights and Responsibilities will assign the case to a hearing panel.

STUDENT CAMPUS HEARING BOARD PANELS
Assignment to a panel is possible depending on the factual circumstances involved: the Administrative Hearing Panel, the Student Hearing Panel, or an Appeal Panel. Assignment to a panel will occur regardless of the current enrollment status of all involved students.

A. ADMINISTRATIVE HEARING PANEL
   COMPOSITION: An Administrative Hearing Panel will consist of three to five faculty and/or staff members where one individual will act as moderator.
   FUNCTION: Administrative Hearing Panels are generally utilized based upon unique circumstances surrounding a particular code violation. 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, and/or serious violations that may or may not have resulted in the imposition of an interim suspension.

The Office of Student Rights and Responsibilities will make arrangements for an administrative hearing. The panel will render a decision and assign sanctions within seven business days of the date of the hearing. Decisions will be made by majority vote of the panel and provided to the Office of Student Rights and Responsibilities for dissemination. The Respondent, Complainant, and Victim or Survivor will be notified of the Hearing Panel’s decision, in compliance with federal law and guidance, in a timely manner. Appropriate offices and external agencies/entities will also be notified as required by law, internal policy, and/or practice.
B. STUDENT HEARING PANEL

COMPOSITION: A Student Hearing Panel will consist of three to five students, where one student will act as moderator. At times the panel may call upon faculty or staff panelists to assist with a hearing if enough student panelists are not available.

FUNCTION: 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. Cases that do not 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.

C. APPEAL PANEL

COMPOSITION: The Appeal Panel is composed of three to five panel members (students, faculty, and/or staff). The panel will conduct a review based on the parameters outlined within the Student Handbook.

FUNCTION: The Appeal Panel serves to review appeals submitted after the issuance of an Interim Suspension or Removal and/or outcome of a Hearing Panel. Decisions will be made based on the appeal guidelines outlined in the Student Handbook and issued by the Office of Student Rights and Responsibilities.

CONDUCT OF HEARINGS

1. All charges will be presented through the Office of Student Rights and Responsibilities to the respondent in written form. The notice will include:

   a. Name of the complainant;
   b. The alleged violation(s) of the Code of Conduct;
   c. Date of the alleged violation(s);
   d. Date, time and place of hearing;
   e. Information on the right to one (1) advisor.

2. No recommendation for the imposition of sanctions may be based solely upon the failure of the respondent to answer the charges or appear at the 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 action is recommended.

3. No member of the Student Campus Hearing Board will participate in any case in which the member is the respondent, a complainant, a witness, has a direct personal interest or in which the member 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. Replacement will be made from eligible board members.

4. Picture taking, filming or use of any electronic device (e.g., cell phone, computer) are prohibited during the hearing as are audio/visual recording devices, other than those employed by the Student Campus Hearing Board. Use of electronic devices pertinent to presentation at the hearing may be granted with explicit permission of the hearing moderator.
5. 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 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, case coordinator, complainant, complainant’s advisor, respondent, respondent’s advisor, and University personnel assisting with the process.

a. In a closed hearing, witnesses will be present only for the time necessary to present testimony and respond to cross-examination.

6. The complainant and the respondent have the right to present witnesses subject to the right of 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 for relevance before presenting the question to the respondent, complainant, or witnesses.

7. The respondent, complainant, and witnesses will not be compelled to testify against their will.

8. 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 as opposed to 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.

9. Each complainant, respondent, witness, and victim or survivor (in cases where the complainant is someone other than the victim or survivor), has the right to be assisted at the hearing or any conduct meeting by one advisor of their choosing, e.g., an attorney, counselor, parent or roommate. The role of the advisor 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 victim or survivor. Further, an advisor may not interfere with the proceedings of the hearing. Failure to follow these instructions may result in the moderator or the Office of Student Rights and Responsibilities staff removing an advisor from the proceedings. The Office of Student Rights and Responsibilities may provide assistance finding an advisor for participants upon request.

10. After hearing testimony and receiving pertinent evidence, the hearing panel will deliberate, render a decision, and assign sanctions within seven business days of the date of the hearing. The hearing panels will use the preponderance of the evidence standard for all cases. Decisions are made by majority vote and reported to the Office of Student Rights and Responsibilities for dissemination. The respondent, complainant, and/or victim or survivor will be notified, in a timely manner, of the panel’s decisions and sanctions in compliance with federal law and guidance. Appropriate offices and external agencies/entities will also be notified as required by law, internal policy, and practice.

11. 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 and are maintained in accordance with University, state, and federal policies/laws.

SANCTIONS
Sanctions may be applied to address specific personal growth needs pertaining to the behavior that led to violations of the Code of Conduct. Status changes may be applied to reflect the seriousness of a behavior. Sanctions and status changes can be found in the Student Handbook. Status changes will remain on file in accordance with University Records Retention Protocols. Cases of expulsion will
remain on file with the University and Office of Student Rights and Responsibilities indefinitely. Notation of the dates of suspension or expulsion are permanently noted on the student’s transcript.

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, panel members may take into account when determining the appropriate sanctions whether a respondent student attempted to take remedial action to assist a victim in a life-threatening situation. 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 therefore strongly encouraged 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
Within seven business days after a decision by the Student Campus Hearing Board the complainant and/or the respondent may submit an appeal to the Appeal Panel for review. Only written appeals will be accepted and reviewed; this is a paper process. Appeals must be based on one of the following conditions:

1. Procedural error that will change the outcome of the hearing;
2. To evaluate newly discovered evidence not known at the time of the hearing.

Respondent may ask the Appeal Panel to adjust the charge(s) and/or modify sanctions, request a new hearing, or dismiss the case.

Upon review, the Appeal Panel will:

1. Sustain the original judgment;
2. Adjust the charge(s) and/or modify sanctions;
3. Order a rehearing; or
4. Dismiss the case.

The appeal review hearing 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. Any modifications of outcomes will be based on the evidence and will follow the sanction guide.

The Vice President for Student Affairs serves as the final level of appeal, following the appeal panel.

RECORDS MAINTENANCE
The official records for the Student Campus Hearing Board are maintained by the Office of Student Rights and Responsibilities, with appropriate copies of sanction letters sent to specified offices. 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 Rights and Responsibilities are retained for seven years from the date of the most recent incident in the student’s file 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 harassment, sexual misconduct, and/or discrimination will be maintained permanently. All other files will be maintained as per federal regulations.

DOUBLE JEOPARDY
Technically, the principle of double jeopardy is a criminal law concept. University disciplinary hearings are not criminal proceedings.

CIVIL LAW AND CIVIL AUTHORITIES
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, the University President may request assistance from law enforcement officers.

Students 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 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:

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<tr>
<td>Vice President for Student Affairs</td>
<td>12/09/2018</td>
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<tr>
<td>General Counsel</td>
<td>12/16/2018</td>
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<tr>
<td>Cabinet</td>
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