***The College of New Jersey***

***PROPOSED STUDENT CONDUCT CODE***

WORKING DRAFT

10.20.2010

*INTERNAL DOCUMENT*

1. **INTRODUCTION**

As defined in its mission and core beliefs, The College of New Jersey is a diverse community of learners that is dedicated to promoting wellness and fostering the development of the whole person. Articulation of the rights and responsibilities of students as well as the values of the College community are critical for the transmission of ideas, pursuit of truth, development of students, and safety of all. By choosing to join The College of New Jersey (College) community, members are responsible for upholding the standards of the College community, both on and off campus and to refrain from conduct that threatens the pursuit of knowledge, rights, respect, or safety that every individual deserves.

1. **DEFINITIONS**
2. The term “College” means The College of New Jersey.
3. The term “student,” includes all persons who are registered for undergraduate courses, or maintaining matriculation in an undergraduate degree program at the College; and have an academic record with Primary Academic Web Services, the College’s records and registration system - either full-time or part-time, degree seeking or non-degree seeking.

1. The term “College official” includes any person employed by the College, performing assigned administrative or professional responsibilities. This also includes some student staff such as Community Advisors, information desk attendants, etc.
2. The phrase “member of the College community” includes any person who is a student, faculty member, College official or any other person employed by the College. The term “College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks).
3. The title “Associate Dean of Students” (ADS) is that person designated by the Dean of Dean of Students or designee to be responsible for the administration of the College’s non-academic student conduct processes.
4. The title “Assistant Director of Student Conduct (ADSC) is that person designated by the Dean of Students or designee to be responsible for the day-to-day administration of the College’s non-academic, non-residential student conduct process.
5. The term “policy” means the written regulations, standards, and policies of the College as found in, but not limited to this policy and the official TCNJ policy website located at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
6. “Violence-based violations” include expressions or threats of physical or verbal force directed against self or others, so as to cause physical injury or abuse.
7. “Effective consent” is informed, freely and actively given mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. A victim may be unable to give effective consent when he or she is unable to consent due to his or her age, because he or she is physically helpless, mentally incapacitated, or intoxicated from alcohol or other drugs.
8. “Communication” includes, but is not limited to, contact through the use of the internet, social networking sites, email, voicemail, text message, telephone and in-person.
9. **POLICY**
10. AUTHORITY

The Dean of Students or designee, under the direction of the Vice President for Student Affairs, will exercise general supervision of student conduct functions. The Associate Dean of Students (ADS) or designee provides vision, leadership and management for the College’s non-academic student conduct process. Under the general supervision of the Associate Dean of Students, the Assistant Director of Student Conduct or designee (ADSC) is responsible for the day-to-day administration of the College’s non-academic student conduct process.

The College of New Jersey *Student Conduct Code* shall apply to conduct that occurs on College premises, and at College sponsored activities, and to off-campus conduct. The ADS has discretion to determine that off campus conduct will not be addressed by the student conduct process if the incident is minor, does not adversely affect the College community, occurs at a non-College affiliated event, or does not endanger the health or safety of the student or others.

Each student shall be responsible for his/her conduct from the time of enrollment in undergraduate courses or matriculation in an undergraduate degree program, through the actual awarding of a degree or cessation of undergraduate academic coursework. If a student is registered for courses for a semester, but classes are not yet in session, the College has discretion to address conduct that occurs when classes are not in session.

1. INTERPRETATION AND AMENDMENTS

Any question of interpretation or application of the *Student Conduct Code* shall be referred to the ADS or his/her designee for final determination.

1. STUDENTS’ RIGHTS AND RESPONSIBILITIES

I. Student Procedural Rights

A. Students charged with a violation of the *Student Conduct Code* will maintain his or her status as a student and may continue to attend class and pursue academic studies pending the outcome of the student conduct process, unless an interim suspension is necessary to ensure the health, safety or welfare of members of the College or College property or to ensure the student’s own physical or emotional safety and welfare. Students who have been suspended on an interim basis will be provided a hearing within 10 days of the suspension. In addition, students are presumed to be “not responsible” for the alleged violation(s) until found “responsible” under process(es) outlined in the *Procedural Standards* by a “more likely than not” standard.

B. Student conduct procedures are exercised in accordance with the published  *Procedural Standards* in a responsible manner in order to provide a fundamentally fair process for students charged with a possible violation of the *Student Conduct Code*. This includes providing students with adequate notice of grounds for any applicable charge(s), an adequate opportunity to be heard through published process(es), and information regarding sanctioning practices.

C. Students’ rights also include those outlined in *Student Rights and Freedoms*, the *Facilities Use Policy*, and other published College policies. Violation of College policy including but not limited to the *Student Conduct Code* may result in forfeiture of such rights when necessary to preserve the safety of the College community or the orderly execution of the educational mission of the College.

II. **Student Responsibilities**

1. EXPECTIONS FOR STUDENT CONDUCT :

Students, as members of The College of New Jersey Community, shall aspire to:

1. Engage in responsible social conduct that reflects credit upon the College community both on and off campus and is consistent with a safe and healthy campus environment;
2. Conduct him/her self in an honest manner that makes him or her worthy of the trust of others;
3. Model good citizenship in any community by committing to actions that benefit the community and others;
4. Recognize that the ideas and contributions of all persons allow for diverse and creative intellectual inquiry;
5. Do no harm and do not present a threat of harm to self, others, or personal or institutional property; and
6. Be responsible and held accountable for one’s decisions and actions.

1. VIOLATIONS OF EXPECTATIONS

*The following is a non-exhaustive list of misconduct that* ***does not meet*** *The College of New Jersey’s expectations for student conduct. Such misconduct is a violation of the* Code of Conduct *and may result in disciplinary sanctions. Other conduct not found on this list may still be deemed unacceptable by the College, and may be addressed by the student conduct process.*

A. Law & Policy Compliance

1. Violation of any College policy, rule, or regulation published in hard copy or available electronically on the College website.

2. Violation of any federal, state or local law.

3. Failure to meet financial obligations with respect to College funds, or conducting any financial transaction unlawfully or unethically.

4. Violation of College policies and regulations governing the possession or use of automobiles or other motor vehicles on campus or, violation of parking regulations published by the College.

B. Complicity

1. Aiding of assisting another to violate College policy, or acting in any way to further a violation of College policy.

C. Personal Integrity

1. Falsifying or being party to the falsification, actively or passively, of any official College identification card, record or document.

2. Possession, use, manufacture/sale of falsified identification card, document or record.

D. Personal Abuse

1. Sexual Harassment
   1. Conduct of a sexual nature or based on gender or sexuality that creates an intimidating, hostile, or offensive campus, educational, or working environment. This includes unwanted, unwelcome, or inappropriate sexual or gender-based activities or comments. See also, Discrimination and Sexual Harassment Policy at [link].
   2. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made a condition of the conferral of any benefit, or rejection of such advance, request or conduct implies that a student will suffer adverse consequences from another student in an express or implied position of authority.
   3. Instances of discrimination or harassment from an employee at the College should be reported to the Office of the General Counsel. Reporting instructions and the Discrimination Policy can be found at http://www.tcnj.edu/~ogc/reporting.html.
2. Obscene or Indecent Behavior
   1. Exposure of one’s sexual organs or the display of sexual behavior that would reasonably be offensive to others or be observed by other non-consenting persons who would be affronted or alarmed.
   2. Trespassing, spying or eavesdropping for sexual arousal.
3. Physical Sexual Misconduct\*
   1. Any sexual penetration (anal, oral or vaginal), however slight, that occurs without the effective consent of the victim, or that occurs when the victim is unable to give consent regardless of gender. Sexual penetration that occurs without the consent of the victim can/may include the use of threats, coercion, or physical force. Sexual penetration that occurs when a victim is unable to give consent can/may include those where the victim is unable to consent due to his or her age, because he or she is physically helpless, mentally incapacitated, or intoxicated from alcohol or other drugs.
   2. Any intentional sexual touching, or forced touching of another, however slight, with any object or body part; or any disrobing of another without effective consent.
4. The College of New Jersey will not pursue potential policy violations of alcohol or other drugs of the victim that occurred in the context of the sexual misconduct.
   1. Any one or more communication made in any manner likely to cause fear of safety to a reasonable person under similar circumstances. Communication includes, but is not limited to, contact through the use of the internet, social networking sites, email, voicemail, text message, telephone and in-person.
   2. An attempt to, intimidate, threaten or unduly influence another person to discourage cooperation with or full and truthful participation in a student conduct enforcement matter or other College policy enforcement matter.
5. Invasion of Privacy
   1. Unauthorized display, publication, transmission, or other dissemination (including via the internet) of explicit or offensive recordings (including but not limited to photographs, video and/or audio) of another person. Consent to be recorded does not imply consent for such records to be displayed, published, transmitted or otherwise disseminated.
   2. Unauthorized intrusion upon a person’s private belongings, space or communications.
   3. Unauthorized appropriation and/or use of someone’s identifying or personal data or documents.
6. Stalking

Engaging in any conduct, following or otherwise communicating with a person repeatedly in a manner likely to cause fear for safety or seriously annoy a reasonable person under similar circumstances.

1. Defamation
   1. Oral or written publication of a false statement of fact that exposes the person about whom it is made to hatred, contempt, or ridicule, or subjects that person to loss of the good will and confidence of others, or so harms that person’s reputation as to deter others from associating with her or him. This does not include the good faith documentation of a possible policy violation.
2. Abuse\*
   1. Use of unwelcome force against the person or property of any person or group.
   2. Any one action or statement that imminently threatens significant harm to the health or safety of any person or group.
   3. Any one action, statement or use of force against a person where a personal, intimate or special relationship exists (defined by marriage, dating, family, or co-habitants), and would reasonably threaten or intimidate.
   4. Interference with the freedom of another person to move about in a lawful manner without effective consent by force, threat, intimidation or other means.
   5. Abusive or harassing conduct directed at a person or group *because of* age, race, ethnicity, gender, sexual orientation, religion or disability may result in an enhanced sanction.
3. Hazing
   1. Any action taken, created or situated which negligently, intentionally or recklessly subjects any person to the risk of bodily harm, physical discomfort, humiliation, harassment, degradation, abuse, or interferes with academic activities; or causing or encouraging any person to commit an act that would be a violation of law or College regulations for the purpose of initiating, promoting, fostering or confirming any form of affiliation with a student group or organization.
   2. Observation by a member of a student group or organization of any hazing activity without reporting to College authorities or otherwise aiding or assisting another to violate the hazing policy.

c. The expressed or implied consent of the victim is not a defense to the actions described above.

E. Property

* + - 1. Unauthorized use/possession, attempted or actual theft, and/or misappropriation of property belonging to others or The College of New Jersey.
      2. Damage, malicious or negligent defacement, or destruction of property belonging to others or The College of New Jersey.
      3. Unauthorized possession, duplication or use of keys to any College premises; or unauthorized entry into any office, residence hall room, mailbox, or other College facility.

4. Defacement, damage or destruction of property directed at a person or group *because of* age, race, ethnicity, gender, sexual orientation, religion or disability may result in an enhanced sanction.

F. Compliance with Directives

1. Failure to comply with immediate directives issued by an identified College official. A directive may be considered any written or verbal mandate.
2. Failure to correctly identify themselves at all times and present this information courteously upon request by a College official or law enforcement officer.
3. Aiding or assisting another to violate college policy, or acting in any way to further a violation of College policy.

G. Drugs

1. Unlawful possession, use, manufacture, or distribution of drugs, narcotics, or controlled substance and/or paraphernalia.

2. Misuse or misappropriation of any prescription or over-the-counter medication.

3. Being in the presence of the illegal use of a drug, narcotic or controlled substance.

1. Disrupting the campus or off campus community or engaging in any policy violation while a student is under the influence of a drug, controlled substance or narcotic.
2. The College of New Jersey’s highest priority is the physical and mental health, safety and well-being of individual students and the campus community. Therefore, no student seeking medical attention by contacting either College or local authorities for a drug overdose (nor a student who seeks medical attention on behalf of the affected student) will be formally charged under the Code of Conduct for the unlawful use or possession of a drug. Although this does not relieve any student or organization from responsibility for other policy violations that may have occurred prior to seeking medical attention, the effort to seek help for the affected student may be a mitigating factor in sanctioning. Affected students may be required to complete an evaluation or other educational programs, but will not face disciplinary sanctions as prescribed through the student conduct process.

H. Alcoholic Beverages\*

1. Being in possession of, or consuming alcoholic beverages on or off campus while under the age of 21.

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

3. Possession and/or utilization of devices for the rapid, high-risk consumption of alcohol.

4. Consuming alcoholic beverages or carrying alcohol in open containers in any public area without the receipt of an alcohol permit.

5. Hosting the underage consumption of alcohol in either a social space, residence hall room, common area or off campus space that is occupied, under the control of, or reserved for the use of the student or organization.

6. Possession of common source containers of alcohol whether empty or full.

1. Excessive use of alcohol resulting in a state of intoxication which endangers oneself or others.
2. Disrupting the campus or off campus community or engaging in any policy violation while a student is intoxicated.

9. The College of New Jersey’s highest priority is the physical and mental health, safety and well-being of individual students and the campus community. Therefore, no student seeking medical attention by contacting either College or local authorities for intoxication (nor a student who seeks medical attention on behalf of the affected student) will be formally charged for the unlawful use or possession of alcohol.

Although this does not relieve any student or organization from responsibility for other policy violations that may have occurred prior to seeking medical attention, the effort to seek help for the affected student may be a mitigating factor in sanctioning.

Affected students may be required to complete an evaluation or other educational programs, but will not face disciplinary sanctions as prescribed through the student conduct process.

I. Weapons and Dangerous Substances

1. Possession, storage, or carrying a firearm or other weapon in their residence hall room, on their person, or in their motor vehicle.
2. Possession or use of fireworks, gun powder, explosives or dangerous chemicals, except as authorized for use in class, in connection with College-sponsored research or in another approved activity and are used in the way authorized and approved.

J. Fire and Safety

1. Setting fire to or creating a fire on property owned or operated by the College or off campus.

2. Intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency.

1. Unauthorized or improper handling of or tampering with any fire, safety, or emergency equipment or fixtures.
2. Lighting a candle, incense or any other open flame in a College facility, or wooded area without express permission from the Department of Occupational Safety and Environmental Services.
3. Smoking inside any College building and/or within 10 feet of a doorway to any College building.
4. Removing screens entering or exiting a building through a window and/or throwing objects out windows.
5. Leaving exit, fire, and/or smoke doors propped open or unlocked, or entering/exiting the buildings through emergency exit doors.
6. Presence on the roofs of College buildings, fire escapes, ledges, service elevators, balconies, and other areas that are designated closed or prohibited.
7. Riding of bicycles or skateboards, the throwing, kicking, or bouncing of objects, the use of roller skates or blades, the use of water guns, and any other activity that causes risk to property or personal safety in College buildings.
8. Presence of any motorized vehicle or machine in buildings with the exception of motorized vehicles used in aid to persons with disabilities.

K. Computer Misuse

1. See the *Computing Access Agreement* (link)

L. Disruption/Obstruction

1. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other College activities or normal operations including its public service functions on or off campus.
2. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
3. Behavior that disturbs the peace, academic study, comfort or sleep of others.

M. Repeated Behavior

1. Repeated behavior that materially and/or substantially interferes with the operation of the College or individuals, and that previously has been brought to the attention of the student through participation in a separate behavior review process or by a College official.
2. **Procedural Standards**
   1. Reports, Charges, and Hearing
      * 1. Filing a report. Any member of College community may file an incident report documenting a student for possible violations of the *Code of Student Conduct*, including a representative from the Office of the Dean of Students on behalf of a person outside the College community. A report must be prepared in writing and directed to the Associate Dean of Students and/or Director of Residential Education if the incident occurred in the residence halls. Any report should be submitted as soon as possible after the event takes place, preferably within 30 days. However, the Associate Dean of Students (ADS) has discretion to accept a report and issue charges against a student regardless of when the report is submitted if the conduct poses a possible threat to the College community.
        2. Investigation. The ADS or designee may conduct an investigation to determine if the information in the report merits charges against a student or students, a formal admonishment, no charges, or if the incident can be addressed through an alternate dispute resolution process or mediation.
   2. Charge(s). Any charge(s) will be presented to the accused student in written form through the student’s College email address, as the official means of communication at the College. A time shall be set for an informal conference with a hearing officer within a timely period, not to exceed fifteen calendar days after the student has been notified. Maximum time limits may be extended at the discretion of the hearing officer for unforeseen circumstances.
   3. Informal conference. The accused student will meet with the assigned hearing officer for an informal conference to discuss the grounds for any charge(s), process, and sanctioning practices. The accused student will select whether he or she will participate in a formal or informal conduct hearing. An advisor of the accused student’s choice may be present during the informal conference. If after notice, an accused student does not attend a scheduled informal conference, the hearing officer may make a decision on the information available and sanction the student if appropriate.
   4. Informal hearing. If the accused student selects an informal hearing to address the charge(s), the hearing officer conducting the informal conference will immediately conduct the informal hearing. The accused student’s advisor may remain present for the informal hearing, but may not represent the student or address the hearing officer. His or her role is limited to providing support to the student by observing or advising the student outside of the proceeding.
      1. Joint hearings. In informal hearings involving more than one accused student, the administrator or board advisor may permit the hearings concerning each student to be conducted either separately or jointly.
      2. Information. The informal hearing provides an opportunity for the accused student to be heard and to provide information in the informal hearing such as written witness statements. The student may accept or deny responsibility for the charges.
      3. Decision. The hearing officer will determine whether the student is responsible for the charge(s). If the student is not responsible for the charges, the process is concluded. If the student is found responsible, the hearing officer will assign appropriate sanction(s).
      4. Appeal. The accused student may appeal the decision and/or sanctions issued by the hearing officer in writing to the ADS. (Please see Section II. Appeals for more information).
   5. Formal hearing.If the accused student selects a formal hearing, then he or she has the opportunity to select either an administrative hearing or a board hearing.
      1. Administrative hearing. An administrative hearing is conducted by a trained faculty or staff member of the College selected by the ADS or designee who has not been previously involved in the accused student’s conduct process. The administrator will hear information presented by all parties and render a decision and sanctions if appropriate. A student may appeal the decision of the administrator to the ADS or designee.
      2. Community Standards Board. The Community Standards Board (CSB) is a student board chaired by a student representative and advised by the Assistant Director of Student Conduct (ADSC). The CSB is comprised of four voting members, and the student chair votes in the case of a tie. The advisor to the board does not vote or participate in deliberations, but may answer questions regarding procedural standards, policy, or sanctioning practices. A student may appeal the board’s decision to the ADS. The CSB will also hear appeals of removal from office via the leadership criteria.
      3. All College Standards Board. The All College Standards Board (ACSB) is comprised of five members and is chaired by the ADS. The ACSB members include two student representatives, one faculty member, one student affairs staff member, and one more representative that can be either faculty or staff. The ADS does not vote nor participate in deliberations, but may answer questions regarding procedural standards, policy, or sanctioning practices. The ACSB will hear cases that may result in suspension or expulsion if the accused student is found responsible for the charge(s). A student may appeal the board’s decision to the Vice President for Student Affairs.
      4. Formal hearing guidelines. Formal hearings shall be conducted according to the following guidelines. (excluding leadership criteria appeals)
         1. Private hearings. Hearings will be conducted in private. The person bringing the information forward, the accused student and their advisors are allowed to attend the entire portion of the board or administrative hearing at which information is received (this excludes deliberations). Admission of any other person to the hearing shall be at the discretion of the board or administrator hearing the case.
         2. Joint hearings. In hearings involving more than one accused student, the administrator or board advisor may permit the hearings concerning each student to be conducted either separately or jointly.
         3. Advisors. The person bringing the information forward and the accused student may be assisted by an advisor of their choice, at their expense. Students must notify the ADS or designee who they have designated as their advisor five business days prior to the scheduled hearing. The advisor may be an attorney. Please note that if a student chooses an attorney to advise them, the College’ General Counsel will also be present at the hearing. Students are responsible for presenting their own information, and therefore advisors are not permitted to speak or to participate directly in any hearings. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.
         4. Questions. The party bringing the charges, the accused student and the hearing board or administrator may arrange for witnesses to present pertinent information. The parties may suggest questions to be answered by one another and/or one another’s witnesses, but the questions will be directed to the chairperson of the board or the administrator rather than to the other party or witness directly. Questions of whether questions or potential information is appropriate will be resolved in the discretion of the chairperson of the board or administrator.
         5. Additional information. Relevant records, exhibits and written statements (including student impact statements) may be accepted as information for consideration by a board or administrator at the discretion of the chairperson or administrator him or herself.
         6. Decline to testify. The accused student has the right to decline to testify, answer questions posed in a hearing or provide any information on his or her behalf.
         7. Procedural questions. All procedural questions are subject to the final decision of the chairperson of the board or administrator.
         8. Majority vote and quorum. A board will determine by majority vote whether the accused student has violated the charge(s) issued. For any board hearing, a quorum of 3 voting members is necessary. Quorum is not required for an administrative hearing and the decision is made by the administrator alone.
         9. Basis for decision. The board or administrator’s determination shall be made on the basis of whether it is more likely than not that the accused student violated the *Student Rights and Responsibilities.* Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings.
         10. Hearing recorded. There will be a single verbatim record, such as a tape or digital recording of all formal hearings. Deliberations will not be recorded. The record will be the property of The College of New Jersey and will be destroyed after either the period to submit an appeal has lapsed, or the appeal process has concluded.
         11. Decision in absentia. If an accused student, with notice, does not appear for a formal hearing, the hearing body may postpone the hearing or hear the information in support of the charges in the accused student’s absence and the board or administrator will made a decision on the available information.
         12. Special accommodations. The board or administrator may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the party bringing information, accused student and/or other witness during the hearing by providing separate facilities or physical dividers and/or by permitting participation by telephone, videophone/conferencing, videotape, audio tape, written statement, or other means where and as determined in the sole judgment of the ADS to be appropriate.
         13. Differing Abilities accommodations. The board or administrator will provide reasonable accommodations for hearing participants who have a disability and are registered with, or notify the Office of Differing Abilities and the Office of the Dean of Students in a timely manner.
   6. Appeals
      1. Five days to appeal. A student is afforded one single opportunity to appeal a decision by a hearing body. A decision or sanction issued by an administrator (whether through a formal or informal hearing) or Community Standards Board may be appealed by the accused student to the ADS or designee within five business days of written notification of the decision and sanctions. Appeals of the All College Standards Board may be appealed to the Vice President for Student Affairs.
      2. Required format. All appeals must be in writing and except as required to explain the basis of new information, an appeal will be limited to a review of the verbatim record of the hearing and supporting documents for one or more of the following purposes:
      3. Process review. To determine whether the hearing was conducted fairly in light of the charges and information presented, without bias on the part of the hearing body, and in conformity with prescribed procedures, giving an accused student notice and opportunity to prepare a response to any allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
      4. Information review. To determine whether there was information presented in the hearing that, if believed by the board or administrator, were sufficient to establish that a violation of the *Student Rights and Responsibilities* occurred.
      5. Sanction review. To determine whether the sanction(s) imposed were appropriate for the violation of the *Student Rights and Responsibilities* which the student was found to have committed.
      6. New information. To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information was not known to the person appealing at the time of the original hearing.
   7. Appeal decision.An administrator reviewing an appeal may make one of the following decisions.
      1. Affirm. The administrator may decide to affirm the decision of the original hearing body.
      2. Alter sanction. The administrator may alter the sanctions issued by the original hearing body. Alteration in the sanction may include reducing or increasing the sanction or requirements.
      3. New hearing. The administrator may determine that a new hearing is warranted to correct procedural irregularity or to consider new information.
      4. Overturn. The administrator may overturn the decision of the original hearing body.
   8. End of Academic Year Cases. Any incidents that are reported near the end of the spring semester and are unable to be heard before the last week of classes in accordance with the traditional process may be heard by an existing hearing body over the summer.
      1. Minor incidents. For minor incidents that a finding of responsibility would result in a warning and/or educational sanctions, the accused student will be asked to submit a statement in writing regarding the incident that may include statements by any witnesses by a prescribed date. The board, in conjunction with the incident report form, will consider this statement. The accused student will be notified of the board’s decision via email. This process will also be utilized to handle such incidents that occur during summer sessions conducted at the College. If the accused student wishes to appeal the decision of this board, they must do so within five days of notification of the decision.
      2. Major incidents. For more serious incidents that a finding of responsibility may result in a status of pending termination of residency, termination of residency, pending suspension, suspension, or expulsion the student will have the choice between responding to the charges in writing (as described above), or by participating in a hearing process in person through existing procedures. The ADS will determine whether this process should take place during the summer, or after classes have reconvened in the Fall.
   9. Sanctioning Practices. The following sanctions may be imposed upon any student found to have violated the *Student Rights and Responsibilities.*
      1. Warning. A notice in writing to the student that the student is violating or has violated institutional regulations and that further violations may result in more severe disciplinary action.
      2. Loss of privileges. Denial of specified privileges for a designated period of time.
      3. Restitution. Compensation for loss, damage, or injury to College property. This may take the form of appropriate service and/or monetary or material replacement.
      4. Discretionary sanctions. Work assignments, essays, presentations, research projects, conduct contracts, service to the College, or other discretionary assignments.
      5. Restorative justice. Participate in a mediated meeting with the person(s) or department(s) harmed and develop a shared agreement of how to correct the harm. All participants must voluntarily agree to participate in the process.
      6. Master education plan. Develop a master education plan with the aid of the Associate Dean and mentor committee and agree to the terms of the plan and for continuous evaluation.
      7. Parental notification. Notification may be sent to the parents or guardian of a student who is (1) under 18 years of age or (2) financially dependent on his or her parents or guardian, depending on the circumstances surrounding the incident. Parents or guardians may also be notified of alcohol and other drug incidents for students under 21 years of age, regardless of financial dependency or resulting sanction.
      8. Pending termination of housing. This status serves as the housing probationary status accorded a student for a specified period of time before his or her housing privileges are terminated. While on this status, any further violations of College policy may result in termination of housing. In addition, this status constitutes a disciplinary record that will remain on file with the Office of the Dean of Students for five years after a student’s separation from the College.
      9. Termination of housing. Removal of a student from College housing after a specific date and for a specified period of time. Through the duration of the termination, the student will be restricted from entering all residential floors in College buildings. Students who are removed from College housing for disciplinary reasons will receive the refund available based on the time of the semester according to the department of Residential Education and Housing policies and the housing contract. In addition, this status constitutes a disciplinary record that will remain on file with the Office of the Dean of Students for five years after a student’s separation from the College.
      10. Pending suspension. This status serves as the disciplinary probation status accorded a student for a specified period of time before he or she is suspended from the College. While on this status, any further violations of College policy may result in suspension from the College. In addition, this status constitutes a disciplinary record that will remain on file with the Office of the Dean of Students for five years after a student’s separation from the College.
      11. Suspension. Termination of registration and residency (if applicable) as a student from the College after a specific date and for a specified time not to exceed two years. Through the duration of the suspension, the student may be restricted from College property and may be required to provide prior notice and receive approval from the Associate Dean for the purpose of conducting College business. Before a student may be readmitted to the College after the designated period of time, he or she must meet with the Dean of Students or designee to show satisfaction of any assigned directives or to discuss stipulated conditions for his or her return. In addition, this status constitutes a disciplinary record that will remain on file with the Office of the Dean of Students indefinitely.
      12. Interim suspension. Immediate separation of a student from the College and/or housing by the Dean of Students or designee pending a hearing. Interim suspension will be imposed only in exceptional circumstances to ensure the health, safety or welfare of members of the College or College property or to ensure the student’s own physical or emotional safety and welfare. Students who have been suspended on an interim basis must have a conduct hearing within ten days of the interim suspension.
      13. Expulsion. Permanent dismissal from the College and restriction from College property. In addition, this status constitutes a disciplinary record that will remain on file with the Office of the Dean of Students indefinitely.
   10. Disciplinary Record Keeping Practice.
       1. File maintenance. A student who is charged with a violation of the *Student Rights and Responsibilities* has a file created and maintained by the Office of the Dean of Students. Files are maintained for five years after the date the student separates from the College. Files of students who have been suspended or expelled are maintained indefinitely.
       2. Confidentiality. The federal Family Educational Rights and Privacy Act of 1974 (FERPA) protects a student’s education records – including student conduct files – from unauthorized disclosure to third parties. A student must sign a waiver to grant access to his or her disciplinary record before the College will disclose the information contained in the student’s records. These confidentiality requirements apply to students’ parents or guardians with the exception of a health or safety emergency, an alcohol or drug violation, or if the student is financially dependent. Federal law makes exceptions in these cases and does allow the College to share disciplinary information.
       3. Inspection. Students may request to inspect or view their disciplinary records in accordance with FERPA. To do so, a student should make an appointment with the Associate Dean or designee. Records are not immediately available to students because confidential information regarding other students may need to be redacted. Upon request, the Office of the Dean of Students will provide students with copies of redacted incident reports, letters and any forms or receipts in the student’s file.
       4. Reporting. If a student has given the proper permission for the College to share disciplinary information to a third party, it is the practice of the College to only disclose a disciplinary file if a student has ever been placed on a probationary status, has been removed from housing, or has been suspended or expelled from the College. If a third party requires disclosure of further information, they may request it from the College.
       5. Petition for administrative deletion. Disciplinary records may be administratively deleted upon approval by the Dean of Students or designee. When a record is administratively deleted, the information it contains is no longer part of an official disciplinary record. The College is required by law and College policy to retain for statistical purposes information regarding certain types of disciplinary violations. Statistical information from deleted files may be retained with the student’s name and student ID number removed. Administrative deletion only affects information maintained by the Office of the Dean of Students. Copies of letters distributed to other College departments, incident reports, police reports, and the results of previous background checks reported outside of the Office of the Dean of Students are not affected by an administrative deletion. Petitions for an administrative deletion may be made no sooner than one year after the date of the student’s last finding of fact from student conduct process and must be submitted to the Dean of Students or designee. Administrative deletion may not be granted for conduct that posed a threat to a member of the College community or College property.
   11. Violation of law and College Rights and Responsibilities. College student conduct proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and College policy without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under these procedural standards may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Director of Student Conduct. Determinations made or sanctions imposed under these procedural standards will not be subject to change because criminal charges arising out of the same facts giving rise to violation of College rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
       1. Leave of absence or withdraw. Students who withdraw or take a leave of absence from the College while a conduct matter or sanction is pending, will have a registration hold placed on their account and will be notified of the pending matter and registration hold. The student must contact the Office of the Dean of Student to make arrangements to adjudicate or dispose of the matter before the hold will be released.