

STOCKTON UNIVERSITY



PROCEDURE

Campus Hearing Board – Students

Procedure Administrator: Vice President, Student Affairs

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

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

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

Procedure File Number: 1032

Approved By: Dr. Harvey Kesselman, President

I. PURPOSE

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

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

II. DEFINITIONS

Aggrieved Party: A person who has been involved in an incident(s) where the person has been subjected to a potential? Campus Conduct Code violation.

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

Moderator: A member of the Campus Hearing Board or a staff member from the Care and Community Standards Office who is present at hearings to manage the process.

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

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 University Procedure 6940: Interim Sexual Misconduct Procedure for specific

definitions of sexual harassment, gender-based harassment and sexual violence.

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

III. COMPLAINTS AGAINST STUDENTS

A. Complaints Against Students

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

Discipline may be imposed on students for conduct which occurs on University premises, in or out of the classroom setting, while using University technology, at off-campus instructional sites or during off-campus University affiliated events where students are representing the University. A University affiliated event is an off-campus gathering of members of the Stockton community (and/or their guests) which is sponsored or funded in whole or in part by Stockton.

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

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

The Code may also be applied to conduct online and via email or other electronic media. Students should be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and may subject a student to allegations of conduct violations except for cases in which a member of the University community is legally exercising their First Amendment rights.

IV. DISCIPLINARY PROCEDURES

A. Procedures for Filing a Complaint

Complaints against students may be made by any student, employee, or guest of the University who feels the Campus Conduct Code has been violated. Community members may make a report of an alleged violation of the Campus Conduct Code. A complaint must be filed electronically by accessing the Conduct Complaint Form on the Care and Community Standards website. The complaint form, once submitted, will be delivered to the Care and Community Standards Office for Processing. Complaints should be made within a reasonable amount of time after the occurrence. Criminal incidents must be reported promptly to permit accurate, complete and timely information about safety on our campus as required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), 20 U.S.C. 1092(f).

The complaint should include as much detail concerning the alleged violation as

possible and include the specific reference to the part of the Campus Conduct Code the Complainant feels has been violated. The University reserves the right to investigate any reported incident, including those alleging biased behavior. Perceived criminal activity should be reported immediately to Public Safety, which will submit its report of a student violation to the Care and Community Standards Office.

When the aggrieved party chooses not to participate in the Campus Hearing Board process, the University reserves the right to serve as the Complainant when the complaint alleges conduct that poses a risk to the University campus community and/or if there is a pattern of behavior that is supported with sufficient evidence of an alleged violation of the Campus Conduct Code. The Dean of Students (or designee), in consultation with the Office of General Counsel, will determine whether the University will serve as the Complainant. Under these circumstances, the University will assign a representative to present the aggrieved party's case during the Campus Hearing Board process.

Complaints against employees of the University will be forwarded to the Office of Human Resources, and/or the Office of Equal Opportunity and Institutional Compliance for review and resolution. The employee's direct supervisor will be copied on the transmittal.

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 by the Care and Community Standards Office to the Office of Equal Opportunity and Institutional Compliance for investigation and recommended course of action.

B. Initial Risk Assessment

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

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

C. Review of Complaints

The Care and Community Standards Office will review the complaint and determine whether it should be adjudicated by the student discipline system, and, if so, the appropriate adjudicator will be determined. The review of the complaint may not require meeting with all parties; the Care and Community Standards Office will determine what meetings are necessary.

After reviewing the complaint and conducting meetings as necessary, the Care and

Community Standards Office will make a recommendation to the Dean of Students (or designee) of the appropriate course of action for the complaint. There are several courses of action for complaints:

1. *Refusal to Assign Case*

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

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

The Care and Community Standards Office reserves the right to reopen a complaint if sufficient supporting information becomes available after any such determination.

2. *Referral to the Office of Residential Life*

Complaints involving residential life matters may be referred by the Care and Community Standards Office to the Office of Residence Life for resolution in accordance with the Guide to Residence Life. These complaints may include, but are not limited to, minor and first-time violations that could result in a warning or a probation sanction. Complaints involving alleged violations that could result in any separation from the University will be processed by the Care and Community Standards Office. Complaints handled by Residential Life which result in separation from housing can appeal to the Dean of Students (or designee). For more information, see the Guide to Residential Life (link?).

3. *Referral to Academic Affairs*

If the complaint contains alleged violations that are academic in nature rather than disciplinary, the Care and Community Standards Office will refer the matter (in whole or in part) to the Office of the Provost for resolution.

4. *Assignment to the Office of Equal Opportunity and Institutional Compliance*

If the complaint contains alleged violations that include prohibited discrimination or harassment under the Student Policy Prohibiting Discrimination and Harassment in the Academic/Educational Environment, the Care and Community Standards Office will refer the complaint to the Office of Equal Opportunity and Institutional Compliance for review and investigation and/or resolution. The Office of Equal Opportunity and Institutional Compliance will provide a summary of its investigation or the outcome to the Care and Community Standards Office for adjudication, as appropriate.

5. *Assignment to Mediation*

With approval from the Dean of Students (or designee), complaints may be referred by the Care and Community Standards Office for mediation. Mediation may not be available where there are pending charges in any criminal court. All parties involved must agree to enter into a formal mediation process through the Care and Community Standards Office. Please note that the mediation

process will not protect from disclosure information that is required to be reported by Campus Security Authorities and Responsible Employees under the Clery Act and Title IX, respectively.

6. *Interim Suspension*

Whenever a complaint provides evidence that the continued presence of the accused student on the campus may pose a substantial threat to themselves, others in the University, or to the stability and/or continuance of normal University functions, the University reserves the right to impose an interim suspension from classes, residence areas, or the entire campus pending a disciplinary hearing. If the Dean of Students determines that an interim suspension is warranted, the student will receive an official notice in writing from the Care and Community Standards Office.

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

If the complaint cannot be resolved by one of the preceding methods, the Care and Community Standards Office will recommend to the Dean of Students (or designee) that the complaint be assigned to a Student Campus Hearing Board Panel for resolution. There are several types of Student Campus Hearing Board Panels:

(i) STUDENT HEARING PANEL

Student Hearing Panels are generally utilized to hear complaints that involve general alleged violations of University policy or procedure, such as disorderly conduct, alcohol/drug violations, theft and unauthorized entry.

(ii) ADMINISTRATIVE HEARING PANEL

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

(iii) SPECIAL ADMINISTRATIVE HEARING PANEL

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

8. *Assignment to Outside Adjudicator*

The Care and Community Standards Office reserves the right to assign a complaint to an adjudicator from outside the University for a hearing. The Dean of Students (or designee), in consultation with the Office of General Counsel, has the authority to determine whether a case should be assigned to an outside adjudicator. The outside adjudicator is selected by the Office of General Counsel. The Care and Community Standards Office will provide written notice

to the Complainant and the Respondent of the assignment of a complaint to an outside adjudicator.

D. Notification

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

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

E. Pre-Hearing Interview

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

In a case where the Respondent accepts responsibility, an outcome letter will be sent to the Respondent by the Care and Community Standards Office with assigned sanction(s) and deadlines.

Should the Respondent not accept responsibility for the charges, nor accept the proposed sanction(s), then appearance at the disciplinary hearing is required.

V. STUDENT CAMPUS HEARING BOARD

A. Campus Hearing Board Membership

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

Members who are selected to serve are required to participate in the Student Campus Hearing Board training and to observe at least one panel prior to serving as a voting panelist. Members will not be assigned to a panel until these requirements are

completed. There is no term limit for service on the Student Campus Hearing Board.

B. Campus Hearing Board Structure

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

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

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

Each Hearing Panel will make a decision by majority vote.

C. Campus Hearing Board Procedures

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

and/or witness statements which are subject to cross-examination by the other parties. The moderator may limit the number of witnesses to be heard. Questions must be directed through the moderator who will review questions for relevance before presenting them to the Respondent, Complainant, or witnesses. Written signed witness statements must be submitted to the Care and Community Standards Office prior to the hearing. The witness may submit the statement in person, through their assigned Stockton University email account, or through US mail with notarization.

5. The Respondent, Complainant, and witnesses will not be compelled to testify against their will.
6. The hearing panel will receive and consider relevant and material oral and/or documentary evidence. The moderator may exclude irrelevant or unduly repetitious evidence. Verbal testimony must have direct relevance to the complaint and will not consist of character witness statements. Anyone who knowingly furnishes false information during a hearing will be charged with a violation of the Campus Conduct Code as appropriate.
7. Each Complainant, Respondent, witness, and Aggrieved Party (in cases where the Complainant is someone other than the Aggrieved Party), has the right to be assisted at the hearing or any conduct meeting by one advisor and one support person of their choosing (e.g., an attorney, counselor, parent or roommate). The role of the advisor and support person is to assist and advise and not to offer testimony, question witnesses, make statements or speak before the panel in place of the Respondent, Complainant, witness, or Aggrieved Party. Further, the advisor and support person may not interfere with the proceedings of the hearing. Failure to follow these instructions may result in the moderator or a staff member from the Care and Community Standards Office removing an advisor and/or support person from the hearing. Upon request, the Care and Community Standards Office will provide assistance with finding an advisor and/or support person.
8. Hearings will proceed and decisions will be rendered regardless of enrollment status of the Complainant, the Respondent, the Aggrieved Party (in cases where the Complainant is someone other than the Aggrieved Party) or any Witnesses at the time of the hearing.
9. The Respondent is presumed not responsible for the allegation(s).
10. After hearing testimony and receiving relevant evidence, within seven business days of the date of the hearing, the hearing panel will deliberate, render a written decision, and assign sanctions. Hearing panels will apply the preponderance of the evidence standard for all complaints. Decisions will be made by majority vote of the members of the hearing panel and will be reported to the Care and Community Standards Office and the Dean of Students. The Care and Community Standards Office will provide prompt written notice of the decision to the Respondent and the Complainant. Appropriate offices and external agencies/entities will also be notified as required by law, internal policy and practice, or University policy or procedure.
11. No recommendation for the imposition of sanctions may be based solely upon the failure of the Respondent to answer alleged violations or to appear at a hearing. If a Respondent, who is not present at a hearing, submits written

evidence, it will be read into the record by the moderator and considered before a decision is rendered.

VI. RIGHTS IN DISCIPLINARY HEARINGS

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

1. To receive written notice of any disciplinary charges.
2. To have reasonable access to the case file prior to and during any hearing, provided that all reviews, prior to the hearing, take place in the Care and Community Standards Office. Any alternate arrangements for the case file review may be made at the discretion of the Care and Community Standards Office. Note: The Care and Community Standards Office does not maintain or release police reports. Any request for a police report associated with a disciplinary case must be made to the issuing police department.
3. To have access to advice and support by an individual of their choosing, including an attorney.
4. To have no negative inference made from a failure of the parties to appear, participate or speak during a hearing.
5. The Respondent will be presumed not responsible for any allegation. Violation is found only after a review of the credible information presented determines that it was "more likely than not" that the Respondent was responsible.
6. The parties will be given the opportunity to participate in the hearing, present information on their own behalf, bring witnesses and question witnesses who appear and provide information at the hearing]. .
7. Following the completion of all hearings associated with a complaint, the parties will receive written notification of the decision reached. The notification will also include a list of any sanctions imposed and appeal information.
8. The parties will have the right to waive any of these rights.
9. The Respondent may submit a written statement to the Care and Community Standards Office detailing the presence of any mitigating factors. This statement will be considered when determining an appropriate sanction and only if the Respondent is found "in violation."
10. To be free from intimidation, harassment, bullying, or any other form of retaliation throughout and following the disciplinary process.

VII. SANCTIONS

Sanctions may be applied to address specific personal growth needs pertaining to the behavior that led to violation of the Campus Conduct Code. There are three categories of sanctions: status changes; educational; and fines or restitution. Status changes may be applied to reflect the seriousness of a behavior and range from a minimum of a warning to a maximum of expulsion from the University. Educational sanctions may include, but are not limited to, a workshop, online class, community service, and training modules. Restitution may be applied if the reported incident resulted in

damages. A list of code violations and associated ranges of sanctions and status changes can be found on the Care and Community Standards website.

Students who seek to have sanctions deferred during the Appeal Process must make a written request to the Care and Community Standards Office within 48 hours of the notice of the decision. Individuals who receive a sanction of expulsion are not eligible for a deferment. Deferments may also include additional restrictions as appropriate (i.e. removal from housing; class attendance only; etc.).

VIII. GOOD SAMARITAN STATUS

To promote responsible student behavior and respect for the health and welfare of all members of the University community, when determining a charge or sanction for a violation of the Campus Conduct Code, student conduct administrators or the hearing body may consider whether a Respondent student attempted to take remedial action to assist a victim in a life-changing situation^[O&B] or took steps to assist the University in gathering information regarding alleged code violations.^[O&B]

Good Samaritan status may be applied during the hearing when appropriate evidence exists.

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

IX. APPEAL PROCESS

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

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

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

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

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

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

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

If an appeal is upheld based on procedural error or new information reasons, the case will be remanded to the Campus Hearing Board to re-open the hearing. If an appeal

is upheld based on inappropriate sanction, the Appeal Panel will render the appropriate determination and/or sanction.

The decision of the Appeal Panel is final.

B. Appeals For Sanctions of Suspension or Expulsion

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

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

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

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

X. RECORDS MAINTENANCE

The official records for the Student Campus Hearing Board will be maintained by the Care and Community Standards Office, with appropriate copies of sanction letters sent to specified University 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 Care and Community Standards Office are retained for seven years from the date of the most recent incident in the student's file. Records of students who were suspended, expelled, prohibited from future enrollment or otherwise withdrawn for disciplinary or medical reasons are retained permanently.

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

XI. DOUBLE JEOPARDY

Double jeopardy does not apply to University disciplinary hearings.

XII. EXTERNAL LAW ENFORCEMENT AUTHORITIES

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

Students should be aware that external law enforcement officers have legal access to the campus at all times. When federal, state or local law enforcement officers have reason to believe the law is being violated on the campus, they may proceed to take appropriate action on their own initiatives, without the prior request or approval of the

University. The Student Campus Hearing Board is not designed nor authorized to enforce local, state or federal criminal and civil laws. However, once a matter is brought to the University's attention or a student is adjudged guilty in a civil or criminal court of law, the University may initiate Student Campus Hearing Board procedures. The University is under no obligation to delay University proceedings when a student is also being processed through the criminal or civil system. In addition, the outcome of a criminal or civil process does not influence or change any University processes and/or outcomes.

Review History:

	Date
Procedure Administrator	08/19/2020
Divisional Executive	08/20/2020
General Counsel	09/08/2020
Cabinet	09/10/2020
President	09/10/2020