



Rowan College of South Jersey

Administrative Procedure: 8007

STUDENT CODE OF CONDUCT

The College is dedicated to the advancement of knowledge while ensuring an environment that is orderly and to act decisively to eliminate disruption of the educational process.

It should be noted that all College students who officially participate in dual activities at another college or university are responsible for being aware of, and are held accountable for, adhering to the conduct policies and procedures at *both* institutions.

These administrative procedures have been designed to protect the student, to be fair to all parties, to prevent the imposition of inappropriate penalties, and to offer the right to appeal.

In all situations, the student will be informed of the charges, allowed to be represented, provided with a written copy of the complaint, and be given an opportunity to appeal. The proceedings will include a prompt, fair, and impartial process from initial investigation to the final result.

Administration of Policy

The administration of student conduct policies and procedures is overseen by two directors. The Gloucester Campus is overseen by the Director of Student & Veteran Affairs. The Cumberland Campus is overseen by the Director of Judicial Affairs. Hereafter, referred to as "Director."

While the final responsibility for administration of student discipline rests with the President, he/she may, through a designee, immediately impose an interim suspension upon a student when there is evidence that the presence of the student on campus may pose a threat to others or to the continuance of normal college function when, due to the immediacy of the issue, time does not allow for the formal discipline process. (See administrative procedure, *8007.1 Interim Safety Suspension*.)

Student Discipline Guidelines

In all cases, any disciplinary action should be appropriate to the nature and severity of the violation. Single or multiple sanctions may be imposed when students are found responsible for violating the Student Code of Conduct. Many factors are considered when deciding sanctions. These factors may include past disciplinary record, the nature of the violation, and the severity of damage or harm resulting from the violation.

Administrative Procedure: 8007 Student Code of Conduct

Students who are suspended or expelled as a result of a violation of the Student Code of Conduct are not eligible for a refund of tuition or fees for the semester in which the suspension or expulsion occurs. Students who are suspended or expelled after the Withdrawal Deadline has passed are not eligible to receive Withdrawals.

Process for Student Conduct Issues and Discipline

Filing a Complaint

Complaints should be filed in a timely manner. Students and staff may file complaints directly to the appropriate Director. Complaints should include as much detail as possible and make a specific reference to the part of the Student Code of Conduct the Complainant feels has been violated. If the complaint involves perceived criminal activity, it should immediately be reported Campus Security who will then forward a report to the appropriate Director. If a complaint provides evidence that presence of an accused student on campus may pose a threat to others or to the continuance of normal College function, the College reserves the right to impose an interim suspension from campus pending a disciplinary hearing.

Notice

If it is determined that a complaint will be adjudicated by the disciplinary system, the accused student will be notified of the alleged violation via the campus webmail system. Notice may also be made in writing or by phone using the student's contact information on file. The disciplinary hearing notice will state which portion of the Student Code of Conduct was allegedly violated and describe the date and location on which the alleged violation occurred, if applicable. The hearing notice will instruct the student to call and schedule a disciplinary hearing or waive his/her right to a hearing by signing a Hearing Waiver. If the accused student fails to attend or reschedule the hearing, a decision may be made in the student's absence. Alternately, an **administrative hold** may be placed on the student's account for failure to respond to a disciplinary hearing notice.

Rights in Disciplinary Hearings

1. The student has the right to receive written notice of the charges.
2. The student has the right to review the case file prior to and/or during the hearing. All personally identifying information of other individuals mentioned in the case will be redacted. The student may review the file, but may not take photographs of the file or be provided with copies.
3. The burden of proof in determining responsibility rests upon the Complainant, who must establish that the accused student is "more likely than not" responsible for the violation based on the information presented.
4. Disciplinary hearings will be closed. Only those directly involved in the case can attend.

5. The student has the right to confidentiality pursuant to the Family Educational Rights and Privacy Act (FERPA) of 1974.
6. The student has the right to be assigned an impartial hearing officer.
7. The student has the right to have a personal advisor present at the disciplinary hearing as a support person. The advisor may be an attorney. While the advisor can be present, he or she can have no role in the hearing. Advisors are not permitted to speak on behalf of the student, appear in the place of the student, or ask questions during the hearing. A student wishing to have an advisor present must inform the appropriate Director at least 24 hours in advance of the disciplinary hearing. If the advisor is an attorney, the College will determine if legal counsel for the College should also be present at the hearing. If the student's selected advisor is unable to attend, the hearing will not be cancelled.
8. The student has the right to bring witnesses with information directly related to the incident to the hearing. Witnesses may not be present for the entire disciplinary hearing. They will be called to participate when appropriate. A hearing will not be postponed if a witness is unable to attend. Written statements from witnesses may be considered. A student wishing to have a witness present must inform the appropriate Director at least 24 hours in advance of the disciplinary hearing by providing the name of the witness or witnesses and a summary of the information he or she is expected to provide.
9. The accused student will receive written notification of the decision reached via campus webmail after a decision is reached. The student may be notified via postal mail as well. The notification of results will include a list of sanctions imposed, if any.
10. When there are victims involved in an incident, victims may submit written statements detailing the effects of the violation. These statements will remain confidential and will be used in determining appropriate sanctions, if the accused student is found responsible. In "crimes of violence" or "sex offenses," victims have the right to be notified of the outcome of the disciplinary hearing and information. Victims in these cases also have the right to appeal. In cases of sexual misconduct, victims have the right to full participation in the disciplinary hearing process. (See policy and administrative procedure, *7013 Sexual Misconduct and the Rights of Victims*.)
11. The College will, upon written request, disclose to the alleged victim of a crime of violence (as the term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such a crime or offense. If the victim is deceased as a result of such crime or offense, the next of kin of such victim will be treated as the alleged victim for purposes of this policy.

Hearings for Sexual Misconduct

The College, at its sole discretion, may utilize an experienced lawyer (who is not a member of the campus community) to serve as hearing officer in cases of sexual misconduct. The evidentiary standard (preponderance of the evidence; i.e., more likely than not a violation occurred) will be used to determine the finding (responsible or not responsible).

While the hearing officer will determine the finding after the case is concluded, the College reserves the right to impose any and all sanctions. (See policy and administrative procedure, *7013 Sexual Misconduct and the Rights of Victims.*)

Description of Sanctions

Types of sanctions which may be imposed include the following:

Official Warning: An official warning is a written statement indicating that a student has violated the Student Code of Conduct and warning that subsequent violations may result in more severe disciplinary sanctions.

Probation: A student on probation is not in good social standing with the College. If a student is found responsible for a subsequent similar violation while on probation, suspension, or expulsion may occur.

Monetary Fine: The requirement that a student must pay a monetary fine that will be added to the student account.

Restitution: The requirement that a student be held accountable for public or private property that he/she damaged or destroyed by either replacing or paying for the property lost. A restitution fee can be added to the student account.

Decision-Making Reflection: A decision-making reflection is a written assignment designed to provide an opportunity for the student to reflect on the violation of the Student Code of Conduct. Decision making assignments are submitted to the sanctioning Director.

Educational Task: Completion of an educational assignment such as a workshop or online training course designed to give the student the opportunity to reflect on the violation.

No Contact Directive: A no contact directive states that the student may not have any interaction with a specific individual for the remainder of the student's academic career at the College.

Educational Counseling: Students sanctioned to educational counseling are required to visit the Center for Counseling and Wellness Services to learn about available resources and strategies for success.

Suspension of Privileges: While on suspension of privileges, a student may be restricted from participation in athletics, student organizations, and/or campus employment. A

student may also be suspended from the privilege of utilizing campus parking, computer labs, or other facilities, if deemed appropriate. Notification of the suspension will be sent to the appropriate coach, advisor, or supervisor, if applicable.

Suspension: Suspension is dismissal from the institution for a specified period of time. A suspended student may not attend classes or complete academic work for a specified period of time. A currently suspended student may not be present on campus or at College-sponsored events for any reason. The terms of the suspension may stipulate that the student fulfill certain conditions before returning to the College. The student is not eligible for a refund of tuition or fees.

Expulsion: Expulsion is permanent dismissal from the institution. A student who is expelled may never again register for courses or attend classes at the College. Additionally, the student may not be present on campus or at College-sponsored events for any reason. Expulsion will be noted on the student's academic transcript. The student is not eligible for a refund of tuition or fees.

The Director reserves the right to notify parents/guardians of students less than 21 years of age when a student is found responsible for an alcohol and/or drug violation.

Important considerations regarding sanctions:

- **Failure to complete sanctions will result in an administrative hold on the student's account until the student completes the sanction.**
- **The monetary fine structure is approved by the Board of Trustees and can be found on the *Tuition and Fees* section on the College's website.**

Hearing and Appeals Processes

Step 1 A Complaint is Filed:

- A report of misconduct is received by the Director.
- The Director notifies involved parties of the complaint in writing. A disciplinary hearing is offered to the accused student. The student may choose to waive his/her right to a hearing and have a decision made in his/her absence.
- The Director determines whether it is more likely than not that a violation occurred. A decision is communicated to the student in writing and, if warranted, sanctions may be imposed.

Step 2 The Appeal:

Once the appeal is received by the assigned Director it will be forwarded to the Vice President of Student Services.

- If the student disagrees with the findings, the student contacts the Office of Student (or Judicial) Affairs within five (5) business days of the receipt of the Director's decision to begin the appeal process. In this contact, the student is responsible for completing the written appeal, and the basis of the appeal must specifically stated and explained as one or more of the following:
 - a. The decision was not supported by a preponderance of the evidence presented (i.e., more likely than not the evidence used during the hearing was not sufficient enough to reach the decision made).
 - b. New relevant evidence is available that could or was not produced at the time of the hearing, and such new evidence is both: (1) sufficient to alter the hearing's decision, and (2) was not known to the student appealing at the time of the hearing.
 - c. The administrative procedures in 8007 *Student Code of Conduct* were not followed; however, such deviations from procedures will not be a basis for sustaining an appeal unless the deviations(s) resulted in significant prejudice to the student.
 - d. The sanction is grossly disproportionate to the offense.
 - e. The Vice President reviews the appeal information and notifies the student of the results of the appeal within fifteen (15) business days of receipt of the appeal.

Step 3 Final Appeal:

- The student may appeal to the President within five (5) business days of receipt of the Vice President's decision. The written appeal and case information is submitted to the Office of Student Affairs (Gloucester Campus) or Judicial Affairs (Cumberland Campus) and forwarded to the President for review.

The President's decision is final.

Area: Student Services
Approved: 07/01/19, 9/3/19
Revised: 09/11/19

President's Authorization:



References:

- Rowan College of South Jersey Board of Trustees Policy Manual, *2019 Acceptable Use of Network and System Services, 7013 Sexual Misconduct, and the Rights of Victims*, and *8007 Student Code of Conduct*
- Rowan College of South Jersey Administrative Procedure, *2019 Acceptable Use of Network and System Services*), *7013 Sexual Misconduct and the Rights of Victims*, and *8007.1 Interim Safety Suspension*

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