

CODE OF CONDUCT 2021-2022

In order to protect the rights of all community members and guests, the College has established a Code of Conduct that outlines standards of behavior and means for sanctioning those who do not abide by these standards. The Code of Conduct covers the behavior of all students and their guests¹ and applies to acts committed on the Ramapo College campus, at on and off campus College-sponsored events and off campus behaviors as defined in Section F.

The disciplinary regulations that follow are designed to provide broad guidelines. They are not meant to define in exhaustive terms all behaviors that are prohibited. In all cases, the College has the right and duty to protect the well-being of community members. When violations of the Code of Conduct are also violations of Federal, State, or local law, the College, through its employees or representatives, may file a complaint in the appropriate forum. Similarly, the College itself may press internal disciplinary charges.

Ramapo College is committed to providing timely support and assistance to victims and/or survivors² of sexual assault or misconduct. The Sexual Misconduct Policy is a comprehensive policy for victims and/or survivors, and accused students and can be found by [clicking here](#).

The Code of Conduct will not be applied to abridge a student's exercise of free speech or expression which is protected by the Constitution of the State of New Jersey or the First Amendment of the U.S. Constitution.

The Code of Conduct may be amended. If a change is made, students will be notified through means deemed appropriate.

A. The Role of the Dean of Students

The Dean of Students or designee(s) has the responsibility for overseeing the staff in the Office of Student Conduct and processes related to the implementation of the Code. Academic misconduct charges are generally considered by members of the staff of the Provost/Vice President for Academic Affairs Office. In a situation where a student's health or safety is/was very seriously endangered, the Dean of Students or designee(s) will make every attempt to notify the student's parent/guardian as soon as possible.

B. Filing Complaints

Complaints against students may be made by any student, employee, or guest of the College who believes the Code of Conduct has been violated. A complaint must be made in writing to the Public Safety Department within a reasonable amount of time after the occurrence. (This will normally be construed to mean within 30 calendar days, unless unusual circumstances exist or it is an alleged crime that the college must report under The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.) The complainant should include as much detail concerning the alleged violation as possible and include specific reference to the part of the Code the complainant believes was violated. The complainant must visit the Public Safety Department (Office C-102) to complete a report. Students are formally charged with alleged violations only after appropriate

¹ Residents and commuters will be held accountable for the behavior and/or actions of the non-student guest(s) they are hosting.

² A note on language: The words "victim" and "survivor" are used interchangeably here. Ramapo College respects the decision of those who have experienced violence to identify as a victim or a survivor. We recognize that choosing to identify as a survivor is an important part of the healing process for some who have experienced sexual violence.

members of the Office of Student Conduct staff have reviewed the complaint, investigative documents (written reports) and witness statements (if available). Reports used to file a complaint or statement in the Public Safety Department may be used by the Office of Student Conduct in the adjudication of a College Disciplinary Hearing or in a College Disciplinary Review Board hearing. The information may become part of the general case file and may be viewed by those against whom complaints have been filed as part of their due process rights. Complaints may also be filed via the [Public Safety Department's website](#). These complaints are reviewed by College officials during business hours and prior to being referred to relevant offices for possible action.

C. Complaints Against Student Groups

Recognized or registered student groups, organizations and teams may be charged with violations of the Code of Conduct. A student group, organization or team and its officers or captains may be held collectively and/or individually responsible when violations of the Code of Conduct occur by those associated with the group or organization whose actions have received the consent of the groups' or organization's leaders, officers, or spokespersons. The president or identifiable spokesperson of the group who is charged with violations of the Code of Conduct will be sent a "Notice of Disciplinary Hearing" that will indicate the adjudication option that will be employed in their case. The person receiving this notice must be a registered student. For additional information regarding complaints against student groups, please refer to the [Organization or Team Affiliated Event Policy](#).

D. Responsibilities of Officers or Other Leaders of Student Organizations

The officers or leaders or any identifiable spokesperson for a student group or organization may be directed by the Dean of Students or a designee to take appropriate action designed to prevent or end violations of the Code of Conduct by the group or organization, or by any persons associated with the group or organization who can reasonably be said to be acting on the group's or organization's behalf. Failure to make reasonable efforts to comply with the Dean of Students or designee's directive shall be considered a violation of "failure to comply with the directions of College officials, including campus Public Safety Officers, or Officers of the law, acting in performance of their duties (Code H.17)."

E. Accountability of Students to Civil Authorities

Students may be accountable to both civil authorities and to the College for acts that violate the law and the Code of Conduct. Disciplinary action at the College will continue while criminal proceedings are pending and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced. The College reserves the right to reach its own determination on violations of the Code of Conduct unaffected by the outcome of any civil or criminal action.

F. Actions for Serious Crimes on Campus or Off Campus

If the College is made aware a student has been arrested, indicted, or found guilty of a crime, or when the College is notified of a student's off-campus conduct (including electronic communication) that, in the College's judgment, is sufficiently severe or pervasive that the student poses a material threat to the public safety or to ongoing operations of the campus, the College reserves the right to take administrative actions to protect the community and may, therefore, issue an Interim Suspension from the entire campus and refer the matter to the Office of Student Conduct for review and potential disciplinary action through the student conduct process. (see section "M").

G. College Actions Against Non-Students

The College's disciplinary process does not have jurisdiction when a complaint is filed against a person who is not a student. Persons who are not students but who violate Federal, State, or local laws or College regulations may be subject to arrest, immediately restricted from campus and/or may have their campus visitation privileges revoked. College officials may file charges with the police against guests or other visitors who violate laws while on campus. Non-students who are restricted from campus or have their College visitation privileges revoked have the right to appeal that determination by writing to the official who issued the ban letter. Campus hosts may be held responsible for their guests' behavior. Hosts may be charged with the violation(s) of the Code of Conduct that was committed by their guest(s).

H. Prohibited Conduct (Code of Conduct)

Repeated or aggravated violations of any provisions of the Code of Conduct may result in expulsion, suspension, or the imposition of such lesser sanctions as may be appropriate.

- 1a. Intentionally or recklessly causing physical harm.
- 1b. Intentionally or recklessly causing reasonable apprehension of physical harm.
- 1c. Intentionally or recklessly causing threats to do physical harm.
- 1d. Intentionally or recklessly endangering the welfare of others.
- 2a. Intentionally or recklessly engaging in harassment, intimidation or bullying, including physical acts, speech, writing, voicemail, e-mail, electronic communication or communication through a third party, which is sufficiently severe, pervasive and objectively offensive so as to substantially disrupt school operations or substantially undermine another student's ability to participate in or to receive the benefits, services or opportunities offered by the College and that: (i.) involves intimidation or threats to another person's safety, rights of personal privacy and property, academic pursuits, College employment, or participation in activities sponsored by the College or organizations or groups related to the College; or (ii.) a reasonable person should know, under the circumstances, will have the effect of insulting or demeaning any student or group of students; or (iii.) creates an intimidating or hostile environment by substantially interfering with a student's education, or by materially impairing the academic pursuits, employment or participation of any person or group in the College community, or by severely or pervasively causing physical or emotional harm to the student or other member of the College community; or (iv.) as a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or other person or damaging the person's property or placing her/him in reasonable fear of physical or emotional harm to her/his person or to any member of that person's family or household, or of damage to her/his property.

- 2b. Discriminatory harassment, intimidation or bullying. A student will be found responsible for discriminatory harassment, intimidation or bullying who engages in conduct described as “harassment, intimidation or bullying” which the student directs at a specific group or individual, based upon race, creed, religion, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), familial status, marital/civil union status, affectional or sexual orientation, gender identity or expression, domestic partnership status, atypical hereditary cellular or blood trait, genetic information, disability, (including perceived disability, physical, mental and/or intellectual disabilities), or liability for service in the Armed Forces of the United States or any other characteristic protected from discrimination by the New Jersey Law Against Discrimination, NJSA 10:5-4, which conduct substantially interferes with work, educational performance or equal access to the College’s resources and opportunities.
- 3a. Use of any weapon or realistic model of a weapon. (The definition of weapon includes those items described as such in the New Jersey Code of Criminal Justice as well as any similar instrument that has no legitimate or obvious purpose related to the College's educational program. For example, dart guns, paintball guns, BB guns, bows and arrows, any instrument that can discharge a projectile, hunting knives, carpet knives, razor knives, and knives with blades longer than two inches, except knives related to the preparation or consumption of food or that can be legitimately described as a pocket or pen knife.)
- 3b. Possession of any weapon or realistic model of a weapon.
- 3c. Storage of any weapon or realistic model of a weapon.
- 3d. Discharge of any weapon.
- 3e. Hunting or fishing anywhere on the College campus.
4. Intentionally initiating or causing to be initiated any false report or warning concerning:
 - a) The threat of fire
 - b) The presence of a bomb or of an explosion
 - c) Any other emergency condition
5. Intentionally or recklessly and substantially, disrupting normal College or College-sponsored activities including, but not limited to:
 - a) Presentations by invited speakers
 - b) Studying
 - c) Teaching
 - d) Research
 - e) College administration, including governance operations
 - f) The activities of fire, police or other emergency services
 - g) Verbally or physically assaulting College officials acting in the performance of their duties
6. Violating the terms of any disciplinary sanction or actions required by a college office for reasons of health and safety or college policies imposed in accordance with this Code and the Guide to Community Living.
7. Distribution or possession for purposes of distribution of cannabis, any controlled substance, illegal drug, or commonly acknowledged cannabis or other drug paraphernalia.

- 8a. Violation of Federal, State, local cannabis laws and regulations or the Ramapo College Alcohol Cannabis, Other Drug, and Good Samaritan Policy.
- 8b. Violation of Federal, State, local other drug laws (controlled substances) and regulations or the Ramapo College Alcohol Cannabis, Other Drug, and Good Samaritan Policy.
9. Violation of Federal, State, local alcohol laws and regulations or the Ramapo College Alcohol Cannabis, Other Drug, and Good Samaritan Policy.
- 10a. Intentionally or recklessly misusing fire equipment or other safety equipment, including fire alarm, fire detection, and fire suppression devices.
- 10b. Failure and/or refusal to immediately evacuate from buildings and /or endangered areas or to follow instructions during a fire alarm.
- 10c. Activating a fire alarm.
11. Intentionally furnishing false information to the College, a College official, or officer of the law, verbally or in writing.
- 12a. Forgery of any College document or instrument of identification.
- 12b. Unauthorized alteration of any College document or instrument of identification.
- 12c. Unauthorized use of any College document or instrument of identification.
- 12d. Possession or use of a document which falsely purports to be a driver's license, birth certificate, or other document issued by a government agency and which could be used as a means of verifying age or identity.
13. All forms of academic dishonesty including cheating (including using unacknowledged electronic sources), fabrication, facilitating academic dishonesty, and plagiarism. (Students charged with a violation of this section of the Code of Conduct are subject to the procedures outlined in the Academic Integrity Policy which is published in the College Catalog.)
14. Intentionally and substantially interfering with rights of privacy or the freedom of expression of others.
- 15a. Theft of property or services.
- 15b. Attempted theft of property or services.
- 15c. Acting as an accessory in the theft of property or services.
- 15d. Knowingly take, possess, or sell or attempt to sell property of another person.
- 15e. Violation of published guest/visitation policy and procedures.
16. Intentionally or recklessly destroying or damaging or threatening to destroy or damage the property of others.
- 17a. Failure to comply with the directions of College officials, including campus Public Safety Officers, or Officers of the law, acting in performance of their duties.
- 17b. Failure to comply with the Ramapo College Student Code for Healthy Living and Learning and other federal, state, local, or campus issued public health directives.

18. Violation of published Federal, State, or local laws or of College regulations or policies. (Such regulations or policies may include the Social Gathering Policy and residence hall agreements as well as those regulations relating to campus demonstrations, misuse of identification cards, motor vehicle regulations, etc.)
- 19a. Unauthorized presence in College premises.
- 19b. Unauthorized use of College facilities or equipment.
- 19c. Unauthorized presence in, surveillance of, or use of another's property or assigned College residence.
- 19d. Entering or exiting or allowing another person to enter or exit a building through windows or emergency exits.
20. Use or possession of fireworks, other incendiaries, or explosive devices.
21. Failure or refusal to produce a College identification card upon demand by a Public Safety Officer or other official of the College acting in their official capacity, or Officer of the law.
22. Littering, vandalism of College or private property (on-campus), or placing graffiti on walls, doors, or other College or privately owned property.
23. Hazing, including organizing, engaging in, facilitating, or promoting any conduct which places or may place another person in danger. (The consent of those hazed will not be accepted as a defense.) Hazing and aggravated hazing are also crimes punishable under the provisions of Title 2C of the Statutes of the State of New Jersey. Failure to comply with any of the standards or requirements outlined in the Pledge's Bill of Rights (developed by the Attorney General of the State of N.J. pursuant to N.J.S.A. 18A: 3-24 et. seq.) will be considered a violation of this section of the Code of Conduct. Subsequent changes in hazing laws are automatically included in the Code of Conduct upon their adoption.
- 24a. Computer misuse, including but not limited to, hardware theft or fraud, duplicating copy-protected software, unauthorized use, subverting restrictions, and plagiarizing class programs, cyber-harassment, and invasion of privacy through electronic or digital means. (Specific rules governing the use of computers and computer labs on campus are developed by the Ramapo College Information Technology Services. Violations of those rules including the Policy for Responsible Use of Electronic Communications will be construed as violations of this section of the Code of Conduct.)
- 24b. Electronic invasion of privacy, including photographing, filming, videotaping, recording, or otherwise reproducing in any manner, or disclosing the image of another person.
25. Violation of New Jersey Gambling Law (NJS 2C-37-1 through 9) on College premises or at College events held off campus.
- 26a. Causing intentional or reckless harm or other physical injury to campus wildlife including the purposeful destruction of these creatures' natural habitats.
- 26b. Possessing an animal or pet without authorization.
27. Violations of the Policies and Procedures for On Campus Jobs when it references certain dismissals for "cause".
28. After a verbal or written warning, continued violation of H.1-27 or of any published College policy.

I. Adjudication of Cases

Students and/or organizations charged with violations of the Code of Conduct will be sent (via e-mail to the Ramapo College issued e-mail account) a "Notice of Disciplinary Hearing" that will indicate which of the following adjudication options will be employed in their case:

1. College Disciplinary Hearings: If the alleged violation is one for which the student could not be suspended or expelled from the College, the case will likely be heard (although it is not mandatory) in a College Disciplinary Hearing normally conducted by a professional staff member in Residence Life, Office of Student Conduct, or a designee. The charged student will be required to attend a scheduled hearing with the presiding administrator (hereafter referred to as Hearing Officer) and will have the opportunity to discuss the alleged violation. Charged students have the option of taking responsibility for the alleged violation prior to the hearing by signing the "Notice of Disciplinary Hearing" form and returning it to the Office of Student Conduct. Students who choose to accept responsibility (by signing and submitting the form) will not attend the scheduled hearing. The Hearing Officer will assess the disciplinary sanction and send this result to the student. Further information regarding Disciplinary Hearings is outlined in Section J.
2. College Disciplinary Review Board Hearings: If the alleged violation is one for which the charged student could be suspended or expelled from the College, the case must be heard by the College Disciplinary Review Board, cases of sexual misconduct are an exception. Cases of sexual misconduct fall under the Sexual Misconduct Policy. Specific information regarding College Disciplinary Review Board Hearings is outlined in Sections J, K, and L.

In the adjudication of cases, the Hearing Officer or College Disciplinary Review Board must find that the charged student is responsible for the conduct violation "more likely than not" based on the credible evidence. The "preponderance of the evidence" standard is a lower one than the "beyond a reasonable doubt" standard employed in criminal prosecutions within the court system.

J. Administrative Action

No Contact Order: The Office of Student Conduct or designees may determine that action needs to be taken at the time of the incident or during an investigation. When this situation arises, a No Contact Order will be issued between the students or groups of students involved. By copy of this order, students are not permitted to contact each other via verbal, written, or electronic means, or through a third party person. Students seeking court issued restraining orders, or protections off campus should contact a police agency. The Office of Student Conduct will review all relevant materials (Public Safety reports, Residence Life reports, written statements, etc) to determine any further disciplinary action.

No Contact Orders are issued for a set period of time and are reviewed at the end of each academic year.

Students seeking court issued restraining orders, or protections off campus should contact a police agency.

K. Definition of a Student

A student will be subjected to the College's disciplinary process if the alleged violation occurred while they were a registered student. Ramapo College recognizes as a student any individual who has completed the following:

- paid a tuition deposit indicating “intent to enroll”;
- registered for credit bearing courses; and
- arrived on campus to begin the semester/term.

This definition includes individuals who arrive to campus prior to the start of the semester/term for recognized College functions including, but not limited to student employment; trainings; athletics; and participation in the Summer EOF program. In cases where a student charged withdraws from the College prior to the disciplinary hearing, the disciplinary process will proceed regardless of the change in enrollment status.

L. Rights in All Disciplinary Hearings

For any disciplinary action for which sanctions may be imposed, the student and/or organization shall have the following procedural protections:

1. Written notice of the charges that is dated at least three (3) business days prior to any scheduled College Disciplinary Hearing and seven (7) business days prior to any scheduled College Disciplinary Review Board Hearing. A student may relinquish their right to the notification period by signing and executing a waiver with the Office of Student Conduct. A written notice of the charges will be sent to the student’s Ramapo College email address. It is the responsibility of the student to access their Ramapo College electronic mail on a daily basis.
2. Reasonable access to the case file prior to and during the hearing. The "preponderance of the evidence" standard is a lower one than the "beyond a reasonable doubt" standard employed in criminal prosecutions within the court system. A student will be found responsible for a conduct violation when the credible evidence presented proves that the conduct violation was “more likely than not” to have occurred.
3. The right to remain silent and not present evidence against themselves.
4. Opportunities to both question those who provide information at the hearing and respond to any information being presented against her/him. Formal rules of evidence shall not be applicable pursuant to the Code of Conduct. The Board Advisor/Hearing Officer shall give effect to the rules of confidentiality and privilege, but shall otherwise admit all information for consideration that reasonable persons would accept as having material value. Unduly repetitious or irrelevant information may be excluded.
5. The charged student or the complainant may, upon showing relevance and necessity, request witnesses to appear at a hearing. Character witnesses are not permissible in campus disciplinary hearings. It is the responsibility of the complainant and the charged student to notify the Office of Student Conduct in writing of the persons they wish called as witnesses at least three (3) business days before the hearing. The Office of Student Conduct will notify individuals who are identified as witnesses that their appearance is required. It is generally expected that witnesses will appear in person to give testimony. Under rare circumstances, the Board Advisor/Hearing Officer may accept a written statement from a witness who has been excused from attending a hearing. Witness identity can be confirmed by submitting witness statements through the Public Safety Department. Witness statements that are not submitted through the Public Safety Department must be signed, dated, and notarized. The decision as to whether such a document or any other alternative means of testimony may be used lies solely with the Board Advisor/Hearing Officer. Non-students may be called to serve as a witness at the discretion of the Board Advisor/Hearing Officer. Students who

refuse to appear as witnesses (or make arrangements to submit a written statement) for either the complainant or the charged student may be charged with “failure to comply with the directions of College officials, including campus Public Safety officers, or officers of the law, acting in performance of their duties (Code H.17).” Witnesses will be excluded from the hearing during the testimony of other witnesses. All parties to the case shall be excluded during any deliberations determining responsibility or sanctions.

6. Students charged with alleged violations, complainants, and witnesses may be accompanied by one advisor, who may be an attorney. An advisor may provide counsel to the student, but may not speak on their behalf nor appear in lieu of the student. A student who wishes to have an attorney as an advisor must inform the Office of Student Conduct, in writing or by telephone at least three (3) business days before the scheduled hearing. When informed that an attorney will be present at the hearing, the College may consult with the College’s Legal Counsel/Vice President for advice on whether legal counsel for the College should also be present.
7. In accordance with current guidelines established in the Family Educational Rights and Privacy Act (FERPA), the New Jersey Open Public Records Act (OPRA) and implemented by Ramapo College, the record of most disciplinary hearing’s findings is not open to the public. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, permits the disclosure of campus disciplinary system findings to victims of "crimes of violence". In addition, FERPA permits, once all appeals are exhausted, the final results of campus disciplinary hearings for crimes of violence to be disclosed to the complainant, including the name of the accused held responsible and the nature of the offense. Parents or guardians may be notified in certain cases involving violations of campus drug or alcohol regulations once all appeals have been heard or when the Dean of Students or designee deems the matter a health or safety emergency. Complainants in other kinds of cases will be notified about case adjudication and sanctions imposed if, in the Dean of Student’s or their designee's opinion, such disclosure is necessary to protect the safety of the complainant or of other members of the community. If FERPA or other pertinent regulations change, the complainant and the student charged will be notified before a hearing is held. Note: Since the College does not have campus police officers, certain records of actions taken by outside police authorities are normally public information and are not subject to laws governing the privacy of College records.
8. In cases where a student charged does not appear after proper notice and has no justifiable reason for non-appearance, the finding will be an "uncontested admission of violation" and an appropriate sanction will be imposed. Please see Section “S” for information on appeals.
9. Hearings will not be postponed unless under unusual circumstances set forth in the "Justifiable Excuse" policy for non-appearance. The policy is available on the Office of Student Conduct webpage under Disciplinary Hearings: What You Need to Know. Requests for postponement by third parties, including counsel, will not be considered. Refer to the Code of Conduct Section “E”. Accountability of Students to Civil Authorities for information about postponement requests for criminal proceedings.
10. Whenever a Suspension of Residence Privileges, a College Suspension, or an Expulsion is considered as possible sanctions, the hearing will be recorded. Other hearings may be recorded at the discretion of the Director of Student Conduct. The recordings are solely for the purpose of providing assistance to the Hearing Officer/members of the College Disciplinary Review Board or to the Appeals Officer in their deliberations. The recordings remain the property of the College and constitute an official record of the hearing.

11. Final decisions and a listing of any sanctions imposed will be noted by the Board Advisor/Hearing Officer who will be responsible for ensuring such information is conveyed in writing to the charged student and to all others as deemed necessary or appropriate. The finding will be e-mailed to the charged student no later than ten (10) business days following the date of the hearing. Notification of others with a need or right to know under the law will only take place after all possible appeal processes have upheld the finding.
12. Records of findings and sanctions are retained as indicated on the Hearing Results Form. The file of a person involved in disciplinary actions may be retained as a record for an indefinite period unless a time-defined limit is indicated on the Hearing Results Form.
13. Except as specifically provided by laws referenced in Section L.8, under the New Jersey Open Public Records Act, the outcomes of College disciplinary hearings and academic actions against a student are privileged and confidential to the extent that disclosure of such records would reveal the identity of the student.

M. College Disciplinary Review Board Structure

The College Disciplinary Review Board shall be comprised of five members, two of whom shall be matriculated students, and the other three of whom shall be members of the faculty or staff. A quorum consists of any three members of the Board. Decisions are made by majority vote and the process does not allow for abstentions. College Disciplinary Review Boards will be impaneled on a case-by-case basis from a list of volunteers who have agreed to the principles and procedures outlined in the Code of Conduct and in the College Disciplinary Review Board Manual. All members of the College Disciplinary Review Board are trained by the Office of Student Conduct and receive continuous education training at the discretion of the Director of Student Conduct.

Each College Disciplinary Review Board hearing will be guided by a Board Advisor, who is normally an employee of the Office of Student Conduct. The Board Advisor may comment on questions of procedure and admissibility of information presented and shall not be excluded from hearings or Board deliberations. The Board Advisor shall not vote. The Board Advisor shall exercise control over the manner in which the hearing is conducted to avoid unnecessarily lengthy hearings and to prevent the harassment or intimidation of all those providing testimony. The Board Advisor may make accommodations for the safety and well-being of the complainant, charged student, and witnesses by providing separate facilities for testimonies, using a telephone, videophone, videotape, audio tape, written statement, or other means on a case by case basis. These accommodations are made at the sole judgment of the Board Advisor. Anyone who disrupts a hearing or who fails to adhere to hearing guidelines may be excluded from the hearing. The Board Advisor will ensure that the Board follows the procedures outlined in the Code of Conduct and in the College Disciplinary Review Board Manual.

N. College Disciplinary Review Board Hearing Format

At the time, date, and place scheduled, the hearing shall be conducted under the guidance of the Board Advisor. All hearings before the College Disciplinary Review Board shall be recorded and shall adhere to the following format:

1. The Board Advisor shall convene the hearing and introduce all the parties involved in the hearing, and the students' advisors, if any. Each student may only have one (1) advisor.
2. The Board Advisor will not apply the technical rules of evidence followed in criminal or civil hearings nor entertain technical legal motions. Technical legal rules pertaining to the wording of questions, hearsay, and opinions will not be formally applied. Reasonable rules of relevancy will guide the Board Advisor in deciding on the admissibility of information.

Reasonable limits may be imposed on the number of witnesses and the amount of cumulative evidence that may be introduced.

3. Any objections to the due process requirements shall be entered on record and the Board Advisor shall make any necessary rulings regarding the validity of such objections.
4. The alleged violation(s) upon which the complaint has been based shall be read by the Board Advisor. The charged student will be asked to enter a plea to each alleged violation. (In a case where a charged student pleads “responsible” for all charged violations, there will be no formal hearing on the charges. The charged student, the complainant and/or the victim will be permitted to make brief statements of explanation to the Board if they so wish. The Board will deliberate in private and determine a sanction.)
5. The complainant shall provide their narrative of the events describing the alleged violation(s).
6. The charged student shall then provide their narrative (if not electing to remain silent).
7. The charged student shall have the opportunity to ask questions of the complainant followed by questions from the Board.
8. The complainant shall have the opportunity to ask questions of the charged student, followed by questions from the Board.
9. The complainant shall be given the opportunity to call witnesses.
10. The charged student shall be given the opportunity to question each witness of the complainant after they testify, followed by questions from the Board.
11. The charged student shall be given the opportunity to call witnesses.
12. The complainant shall be given the opportunity to question each witness of the charged student after they testify, followed by questions from the Board.
13. The Board Advisor may adjourn the hearing for a brief period of time so that concise closing statements can be prepared.
14. The charged student shall present their closing statement followed by the complainant.
15. The hearing shall be concluded and the members of the College Disciplinary Review Board shall deliberate in private until the final decision is reached and recorded.

Note: A determination that a violation has occurred shall be followed by a deliberation concerning the appropriate sanction to be imposed. The past disciplinary record of the charged student shall not be supplied to the Board by the Board Advisor prior to this point. Other information from either party to the hearing, including a written victim impact statement if appropriate, or from the Board Advisor which is relevant to the choice of sanction may also be introduced at this point, including information concerning penalties assessed against other students for similar offenses. No information directly related to the case in question may be introduced for the first time at this point in the hearing unless the charged student has been informed and allowed to review and comment on the material.

O. Sanctions

The following sanctions singly or in combination may be imposed for violations of Section H: Prohibited Conduct. All findings result in written notification being placed in the student's disciplinary file in the Office of Student Conduct. Sanctions for group or organization misconduct may include revocation or denial of recognition or registration, de-funding, or the imposition of other appropriate sanctions.

A student who fails to complete the terms of a campus disciplinary sanction by the given deadline may have her/his registration for a subsequent semester postponed or terminated until all terms of

the sanction have been completed. Students who fail to comply with a sanction may be charged with “violating the terms of any disciplinary sanction or actions required by a college office for reasons of health and safety or college policies imposed in accordance with this Code and the Guide to Community Living (Code H.6).” A student, with incomplete disciplinary sanction(s), that is no longer enrolled at the College will have a registration hold placed on their account and sanctions placed in hiatus. Should a student re-enroll at the College, the sanctions must be completed. Monetary fines are the exception to this rule, as they are immediately posted on a student’s account.

1. **Official Warning:** A written statement indicating a violation of the Code of Conduct has occurred and warning that a subsequent violation will likely be treated more severely;
2. **Monetary Fines:** For some policy violations, students will be required to pay monetary fines. Examples of violations where students may be issued a fine include, but are not limited to, alcohol and other drug violations, fire safety violations, social gathering violations, and incidents involving non-compliance;
3. **Financial Restitution Requirement:** The student may be required to provide the College with financial restitution for the restoration or replacement of property that was damaged, defaced, lost, or stolen. Students seeking a financial award from other students for damages or compensation for stolen/damaged items should seek further assistance from Mahwah Municipal Court. The student conduct process does not have jurisdiction in this area;
4. **Community Restitution:** The assignment of imposed service hours and/or participation in educational programs or projects;
5. **Probation:** A defined period of time whereby a student is given an opportunity to modify their behavior or risk more severe sanctions. Any subsequent violation of the Code of Conduct, while in this status, will likely result in suspension of residence privileges or activities privileges;
6. **Disciplinary Probation:** A defined period of time whereby any registered student is given an opportunity to modify their behavior or risk losing student status. Any subsequent violation of the Code of Conduct, while in this status, will likely result in suspension or expulsion from the College;
7. **Suspension of Activity Privileges:** The student cannot be a member of a recognized or registered student organization, participation in the organizations’ regularly scheduled activities, serve as a representative of the College, or participate in intramural, club, or intercollegiate sports. Notification of this sanction/status will be sent to appropriate College officials so they will know who may not participate in activities sponsored by their offices;
8. **Loss of Campus Housing Selection Privilege:** Students assigned this sanction may only enter the selection process as an “individual”. Students are not permitted to join a “group” or be pulled into a group. Students must follow the necessary procedures outlined within the housing selection materials in order to secure housing as an individual.
9. **Housing Relocation:** Students assigned this sanction will be required to relocate to a new residence area assignment. This sanction may include restriction from visiting in the previous residence area.
10. **Suspension of Residence Privileges:** The student’s privilege to live on campus and visit the residence areas of the campus is suspended for a defined period of time. The student is not entitled to any refund of campus housing and/or meal plan fees once the standard refund periods have expired.
11. **College Suspension:** Beginning on the date of suspension takes effect, the student may not attend classes or submit any further work for their courses. In addition, the student may not be present on the campus nor at the College-sponsored event for any reason whatsoever for

a specified period of time. The student is not entitled to a refund or any tuition or fees after the scheduled refund dates.

12. **Expulsion:** Beginning on the date the expulsion takes effect, the student may never again register for classes, may never attend classes, or submit any further work for the courses in which they are currently registered. In addition, the student may never be present on the campus nor at a College-sponsored event for any reason whatsoever. The student is not entitled to any refund or any tuition or fees after the published refund dates. (See Registrar and Transcript Notations, Section "R");
13. **Other Sanctions:** Other sanctions may be imposed in addition to, or instead of those described in #1 through #12.

Educational Sanctions: Essay or research projects may be assigned. Students may have community restitution projects assigned. Students who are found responsible for Code of Conduct violations which involve alcohol/drug use and/or abuse, or who otherwise engage in behavior associated with alcohol/drug use and/or abuse, may be required to attend educational programs intended to inform them about alcohol/drug use and/or abuse.

Mental Health Assessment: A student may be required to participate in a mental health assessment through the Center for Health and Counseling. Students are strongly encouraged to follow the recommendation of the mental health practitioner.

Restriction of Privileges: Students may have their alcohol allowed privileges for their living unit temporarily or permanently revoked. Students may have residence area visitations or campus driving or parking privileges limited or revoked.

Postponement of Degree Conferment: A student may have the awarding of their degree postponed based on the information in the Code of Conduct Section "P".

Please note: There will be no refund of tuition, room, or board charges after the published deadlines if withdrawal from courses and/or campus residence is affected because of violations of the Code of Conduct. Students should be aware that a conviction in criminal court for certain controlled substance offenses including drug possession and/or sale may have them declared ineligible for Federal financial aid for a period of time.

Determination of Sanctions

Factors to be considered in deciding sanctions shall include the past disciplinary record of the student, the nature of the offense, and severity of any damage, injury, or harm resulting from it as perceived by the victim and/or appropriate College official. The (ab)use of alcohol shall be considered an aggravating rather than a mitigating factor. Violations of the Code of Conduct proving to have been motivated by illegal bias will result in the imposition of more severe sanctions. Victims may submit written statements to the Office of Student Conduct detailing the effect the offense has had upon them and their ability to function as students.

Access to Electronic Mail Accounts

Students or former students may have their privilege to use an e-mail account issued through the College revoked for a specified period of time. Specifically, students who have been suspended or expelled from the College may have their e-mail account terminated immediately (or directly after all appeal procedures have been exhausted).

P. Conduct Code Violations' Effect upon Graduation

A student found responsible for violations of the Code of Conduct, which could have led to College

Suspension or Expulsion had they remained a registered student at the College and who has otherwise satisfied the College's published requirements for graduation, may have the awarding of their degree postponed to a future date or permanently withheld. A student whose graduation is postponed or permanently withheld may also be refused a copy of their official transcript and cannot have it sent to others during the period of their sanction. In cases where graduation is delayed due to pending charges, cases normally will be adjudicated within as short a period of time as possible. A graduating student found responsible for violations of the Code of Conduct, which result in the imposition of a fine or restitution of money or goods, may be refused an official copy of their transcript and cannot have it sent to others while these charges remain on their college account.

Q. Registration Holds for Disciplinary Reasons

A student who fails to complete the terms of a disciplinary sanction by the given deadline may have their registration for a subsequent semester postponed or terminated until all terms of the sanction have been completed.

R. Registrar and Transcript Notations

When academic action is taken, it is noted on the student's official College transcript, this may range from an Academic Warning to an Academic Dismissal.

S. Appeals

Only disciplinary determinations that result in a Suspension of Residence Privileges, College Suspension, or Expulsion may be appealed to the Dean of Students or their designee by the student charged. A sanction for group or organization misconduct which revokes or denies recognition or registration may also be appealed to the Dean of Students or their designee by the organization's president or identifiable spokesperson.

Appeals are not heard in person; instead all requests for appeal must be submitted in writing to the Dean of Students Office within five (5) business days from the date on the letter notifying the person charged of the original decision. Failure to appeal within the allotted time will render the original decision final. Appeals shall be decided upon the record of the original hearing and upon the written appeal letter. If the Dean of Students or their designee finds grounds for a modification or reversal, then they may dismiss the case, change the sanction, or remand the case to the original or another College Disciplinary Review Board for review or rehearing. If the disciplinary determination was reached by an "Admission of Violation" by the charged student or by the accused student admitting responsibility; the only acceptable grounds for appeal will be if the sanctions are disproportionate to the offense.

Appeals shall be approved only on one or more of the following grounds:

1. If the sanctions are found to be significantly disproportionate to the offense;
2. If the specified procedural error or errors in the interpretation of the College regulations were so substantial as to effectively deny the person charged a fair hearing;
3. If new and significant evidence becomes available which could not have been discovered by a properly diligent person before or during the original hearing;

The imposition of sanctions is normally deferred during the appeal process although sanctions may go into effect immediately if the Dean of Students or their designee deems it necessary. The decision of the Dean of Students is final. There is no further appeal within the College.