

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

Revised Title: 10.004 Tc - 0.004Tw66(r)
Environment

Procedure File Number: 1032

Approved By: Dr. Harvey Kesselman, Pre

Aggrieved Party: A person who has been subjected to conduct that implicates a potential violation of the Campus Conduct Code.

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 Office of Student Conduct 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 and/or that the violation occurred).

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

Form will be delivered to the Office of Student Conduct 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 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 as possible concerning the alleged violation, and where possible, should include the specific reference to the Campus Conduct Code section allegedly violated. Criminal activity (actual or perceived) should be reported immediately to Public Safety, and where appropriate, Public Safety will submit a report , 2hbl Cppr

C. Review

4. *Referral to Academic Affairs*

If the complaint alleges violations that are academic in nature, the matter will be referred (in whole or in part) to the Office of the Provost for resolution.

5. *Referral to the Office of Equal Opportunity and Institutional Compliance*

If the complaint alleges violations that include prohibited discrimination or harassment under the Student Policy Prohibiting Discrimination and Harassment in the Academic/Educational Environment, the case will be referred to the Office of Equal Opportunity and Institutional Compliance for review, investigation, and/or resolution if applicable. The Office of Equal Opportunity and Institutional Compliance will provide a summary of its investigation or the outcome to the Office of Student Conduct for adjudication, if applicable. See Student Procedure Prohibiting Discrimination and Harassment in the Academic /Education Environment (1200).

6. *Assignment to Mediation*

With approval from the Dean of Students (or designee), complaints may be referred for mediation. Mediation may not be available if there are pending charges in any criminal court. All named parties must agree to enter a formal mediation process through the Office of Student Conduct. The mediation process does not limit disclosure of information that is required to be reported and disclosed by Campus Security Authorities and Responsible Employees under the Clery Act, Title IX, or as otherwise required by law.

7. *Interim Suspension*

The University reserves the right to suspend a student on an interim basis from classes and/or to limit access to residence areas or the campus (in whole or part) if an incident report or complaint provides evidence that the continued on campus presence of the accused poses a substantial threat of self-harm, harm to others, or to the stability and/or continuance of normal University functions. The Dean of Students (or designee) may consult with other University personnel as necessary regarding the imposition of an interim suspension. The Dean of Students (or designee) will consult with the Title IX Coordinator (or designee) to determine the necessity for an interim suspension of the accused in all “sexual misconduct” cases, as defined under the University Sexual Misconduct Procedure.

If an interim suspension is imposed, the student will receive a written notice from the Dean of Students (or designee), along with the University’s Separated Students Protocol. Any modifications to the interim suspension will be communicated in writing by the Dean of Students (or designee). A student under Interim Suspension is immediately removed from the University community, and cannot participate in classes, reside in the residence halls, or otherwise be present on University property. University policies and procedures will continue to apply during an interim suspension.

A student who receives an interim suspension may appeal to the Vice President for Student Affairs. The Vice President for Student Affairs considers any information provided by the student and evaluates the suspension based on a) the possible threat posed by the student, and b)

the reliability of the available information about the incident. If the Vice President for Student Affairs finds that the information about the incident is reliable and that the student does pose a potential threat, the interim suspension will remain in place. If the Vice President for Student Affairs determines that the interim suspension is unwarranted, the suspension will be lifted, and the student may return to the University. The resolution of the charges will proceed based on the applicable procedure.

During an interim suspension, the student may request that the *Stockton Cares* Office notify their faculty that they will miss class. Students should consult with their faculty about available options to make up missed coursework after the interim suspension has been lifted. Consistent with FERPA, a copy of the interim suspension letter is provided to the Office of the Provost for business purposes. The Dean of Students (or designee) will notify the student when the interim suspension is lifted, and of any interim restrictions (e.g., removal from University housing, limited access to campus) during the pendency of any remaining disciplinary charges, criminal proceedings, or relevant medical evaluation.

The University has discretion to impose, lift, reassess, or modify an interim suspension as circumstances may warrant at any point in a case as new information becomes available.

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

If the complaint cannot be resolved by one of the preceding methods, the Office of Student Conduct will recommend to the Dean of Students (or designee) that the complaint be assigned to one of the following Student Campus Hearing Board Panels for resolution:

(i) STUDENT HEARING PANEL

Student Hearing Panels hear complaints that involve general misconduct and alleged violations of University policy or procedure (e.g., disorderly conduct, alcohol/drug violations, theft).

(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 timing issues (e.g., the filing of a complaint near the end of the semester or during the semester breaks when students, faculty and/or staff may not be available to ensure the prompt resolution of a

9. *Assignment to Outside Adjudicator*

The Office of Student Conduct reserves the right to assign a complaint to an external adjudicator for a hearing. The Dean of Students (or designee),

Student Campus Hearing Board panels.

Members who are selected to serve are required to pa

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 Office of Student Conduct 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.

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11. No recommendation for the imposition of outcomes may be based solely upon the failure of the Respondent to respond to allegations 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. The rules of evidence, the prohibition of hearsay and opinion evidence applicable in criminal and civil cases generally will not apply. University disciplinary hearings 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 Office of Student Conduct. Alternate arrangements for the case file review may be made at the discretion of the Office of Student Conduct where necessary. Note: The Office of Student Conduct 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. The University does not provide attorneys to

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 outcome, the Appeal Panel will render the appropriate determination and/or outcome.

The decision of the Appeal Panel is final.

B. Appeals For Outcomes of Suspension or Expulsion

Appeals for outcome(s) of suspension or expulsion will be heard by the Vice
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XI. DOUBLE JEOPARDY

Double jeopardy does not apply to University disciplinary or administrative 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	01/04/2023
Divisional Executive	01/04/2023
General Counsel	02/18/2023