

## **POLICY**

Ocean County College reserves the right to suspend, expel or take other corrective or disciplinary action against students for behavior reported to the Vice President of Student Affairs that contributes or results in:

- A. Danger to the safety and well-being of oneself and/or others.
- B. A breach of college rules and/or regulations as set forth in this policy and the most current Student Handbook and College Catalog.
- C. A disruption of any college curriculum or co-curriculum program.

Specific disciplinary action shall be determined by the Vice President of Student Affairs, utilizing the procedures and sanctions cited in the Student/Faculty Judiciary Council in accordance with its constitution. These sanctions include: verbal or written reprimand, restitution of costs, disciplinary probation, suspension, or expulsion.

The following is a specific, although not exhaustive, list of disruptive behaviors as defined and/or qualified by current statutes and case law that may result in the imposition of disciplinary action:

1. Persistent, repeated or gross acts of willful disobedience or defiance toward college personnel.
2. Assault, battery, or any other form of physical or sexual abuse of a student or college employee.
3. Verbal abuse of a student or college employee.
4. Any conduct that threatens the health or safety of another individual (including any such action that takes place at an event sponsored or supervised by the college).
5. Theft or damage to the property of the college, an employee, or another student.
6. Interference with the normal operations of the college (e.g., disruption of teaching and administrative functions, disciplinary procedures, pedestrian or vehicular traffic, or other college activities, including its public service functions).
7. Use of personal portable sound amplification equipment (e.g., radios and tape players) in a manner that disturbs the privacy of other individuals and/or the instructional program of the college.
8. Unauthorized entry into, or use of, college facilities.
9. Forgery, falsification, alteration or misuse of college documents, records, or identification.
10. Dishonesty such as cheating, plagiarism, or knowingly furnishing false information to the college and its officials, including identity fraud in any face-to-face or distance learning course, exam, or other academic exercise.
11. Disorderly, lewd, indecent, or obscene conduct.
12. Extortion.

13. Conduct disruptive to any activity on college property or at any college sponsored or supervised function.
14. The use, possession, sale or distribution of narcotics or other dangerous illegal drugs on college property or at any function sponsored or supervised by the college.
15. Possession or use of alcoholic beverages on college property or at any function sponsored or supervised by the college.
16. Illegal possession or use of firearms, explosives, dangerous chemicals, or other weapons on college property or at college sponsored activities.
17. Smoking in classrooms or other unauthorized campus areas.
18. Failure to satisfy college financial obligations.
19. Failure to comply with directions of college officials, faculty, staff, or campus security officers who are acting in performance of their duties.
20. Failure to identify oneself upon the request of a college official acting in the performance of his/her duties.
21. Gambling.
22. Sexual harassment or sexual and racial discrimination.
23. Theft or other abuse of computer time, including but not limited to:
  - a. Unauthorized entry into a file to use, read, or change the contents or for any other purpose.
  - b. Unauthorized transfer of a file.
  - c. Unauthorized use of another individual's identification and password.
  - d. Use of computing facilities to interfere with the work of another student, faculty member, or college official.
  - e. Use of computing facilities to send obscene or abusive messages.
  - f. Use of computing facilities to interfere with normal operation of the college computing system.
24. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.

25. Abuse of the campus judicial system, including but not limited to:
- a. Failure to obey the summons of a judicial body or college official.
  - b. Falsification, distortion, or misrepresentation of information before a judicial body.
  - c. Disruption or interference with the orderly conduct of a judicial proceeding.
  - d. Attempting to influence the impartiality of a member of a judicial body prior to and/or during the course of the judicial proceeding.
  - e. Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during, and/or after a judicial proceeding.
  - f. Failure to comply with the sanction(s) imposed under the student code.
  - g. Influencing or attempting to influence another person to commit an abuse of the judicial system.
26. Violation of other applicable federal, state, and local laws as such violations impact on campus personnel, the curricular or co-curricular programs, and other college rules and regulations not cited above.

ADOPTED: August 23, 1976  
Revised: August 25, 1980  
Revised: June 26, 1995  
Revised: April 22, 1996

Revised: February 28, 2000  
Revised: November 20, 2000  
Revised: May 29, 2001  
Revised: January 24, 2011

## **PROCEDURE**

Any campus discipline process shall begin with a written complaint to the Vice President of Student Affairs.

### Article I. Conduct of Investigation

- A. Any college employee or student may initiate disciplinary procedures by submitting a written complaint to the Vice President of Students Affairs.
- B. Temporary Suspension - Prior to conducting an informal investigation, the Vice President of Student Affairs may determine that the student presents a threat to person, property and/or the academic environment. In such cases the Vice President of Student Affairs may impose an immediate but temporary suspension which may include, but shall not be limited to banning the student from all campus functions (including classes,) property and buildings. An exception shall be made if the Vice President of Student Affairs determines the student's presence on campus is essential to the ongoing investigation. Investigative proceedings shall be expedited by the Vice President of Students Affairs and appropriate personnel, which may include but shall not be limited to campus security and the Dover Township Police Department. In no case shall temporary suspension exceed three calendar weeks from time of suspension. By then, the student's case shall be adjudicated. If not, the student shall have the right to appeal to the college president any continuation of the temporary suspension. The college shall retain the right in all cases to file civil or criminal charges if appropriate. The conditions of the temporary suspension shall be made known to appropriate college personnel.
- C. The Vice President of Student Affairs shall first review the case informally with the party or parties involved in the incident. At the informal review, the accused shall be informed of his/her applicable rights and shall be presented a copy of College Policy #5247, Student Discipline.
- D. If the Vice President of Student Affairs shall determine that a prima facie case exists, s/he shall conduct a more thorough investigation on behalf of the college, utilizing written and verbal depositions, witness statements, security reports, etc. If the Vice President of Student Affairs shall determine that a prima facie case does not exist s/he will review his/her rationale with the initial complainant(s), providing options for dealing with the complaint.

### Article II. Hearings

#### A. Informal Hearing

The charges, information and testimony shall be reviewed by the Vice President of Student Affairs and one additional administrative staff person of the Vice President's choosing. Upon completion of the Vice President's review, appropriate sanctions shall be determined and shared with the student in writing, including the right of appeal. During an informal hearing, the student shall have the right to be accompanied by an advisor of his/her choice. The role of the advisor shall be restricted during the hearing, to only providing advice and counsel to the student. Legal counsel shall qualify as advisors, but shall not have any right to represent the student in the informal hearing procedure.

Article III. Appeal Hearing

Any student receiving a sanction by the Vice President of Student Affairs can appeal that sanction in writing to the Student-Faculty Judiciary Council within seven (7) calendar days. The student can waive the judiciary process and appeal directly to the president whose decision shall be final. The president of the college shall respond with a decision in writing to the student within ten (10) calendar days of documented receipt of the appeal. The Student-Faculty Judiciary Council shall respond with a decision as quickly as possible, but in not case later than one (1) month after documented receipt of the appeal.

If the student shall chose an Appeal Hearing, a written decision of the findings shall be provided to the accused student by the Vice President of Student Affairs, with sufficient details and in sufficient time before the Appeal Hearing to ensure opportunity for proper defense. There shall be a minimum of seven (7) calendar days between the issuance of the findings and the Appeal Hearing. If additional time is needed by the student, s/he can request an extension of five (5) calendar days from the Vice President of Student Affairs. The Hearing can be cancelled by the accused through written notice to the Vice President of Student Affairs prior to the hearing. If so, the original decision of the Vice President of Student Affairs shall stand. Appeals shall include the specific nature of the appeal and shall be limited to either: a) new information, b) inappropriate sanctions and/or, c) violations if due process. The decisions of the Student-Faculty Judiciary Council Appeal Board shall be final.

Article IV. Treatment of the Accused - Pending Final Appeal Action

Except for reasons relating to the safety of students, employees or college property, the status of the student shall not be altered, including his/her right to be present on the campus and attend classes, pending action on an appeal review of the sanction.

Article V. Sanctions

- A. Reprimand A verbal or written warning against further violation.
- B. Restitution: A financial sanction to cover the cost of replacing physical property of the college Intentionally damaged or stolen by the student or medical expense resulting from person injury. The shall not limit the right of the college to also seek restitution through appropriate civil proceedings. If restitution is not made within the time specified, an additional sanction shall be imposed.
- C. Disciplinary Probation: Probation us a set period if time during which any infraction of college rules, policies, conditions or regulations can cause the student to be suspended or expelled. The sanctioned student may be placed on disciplinary probation for a specific period of time and specific condition of that probation set forth.

- D. Suspension: The student may be suspended from the college for a specific period of time, not to exceed one (1) calendar year. In such cases, the student's grades and class status shall be governed by college policies #5125 and 5154.
- E. Expulsion: A student can be expelled from the college. Expulsion shall be a permanent separation.

The following is a specific, although not exhaustive, list of disruptive behaviors as defined and/or qualified by current statutes and case law that may result in the imposition of disciplinary action.

1. Persistent, repeated or gross acts of willful disobedience or defiance toward college personnel.
2. Assault, battery or any other form of physical or sexual abuse of a student or a college employee.
3. Verbal abuse of a student or college employee.
4. Any conduct that threatens the health or safety of another individual (including any such action that takes place at an event sponsored or supervised by the college).
5. Theft or damage to the property of the college, an employee or another student.
6. Interference with the (normal) operations of the college (e.g., disruption of teaching and administrative functions, disciplinary procedures, pedestrian or vehicular traffic or other college activities, including its public-service functions).
7. Use of personal, portable sound amplification equipment (e.g., radios and tape players) in a manner that disturbs the privacy of other individuals and/or the instructional program of the college.
8. Unauthorized entry into, or use of college facilities.
9. Forgery, falsification, alteration or misuse of college documents, records or identification.
10. Dishonesty such as cheating, plagiarism or knowingly furnishing false information to the college and its officials.
11. Disorderly, lewd indecent or obscene conduct.
12. Extortion.
13. Conduct disruptive to any activity on college property or at any college-sponsored or supervised function.
14. The use, possession, sale or distribution of narcotics or other dangerous illegal drugs on college property or any function sponsored or supervised by the college.
15. Possession or use of alcoholic beverages on college property or at any function sponsored or supervised by the college.
16. Illegal possession or use of firearms, explosives, dangerous chemicals or other weapons on college property or at college-sponsored activities.
17. Smoking in classrooms or other unauthorized campus area.
18. Failure to satisfy college financial obligations.
19. Failure to comply with direction of college officials, faculty or staff members, or campus security officers who are acting in performance of their duties.

20. Failure to identify oneself upon request of a college official acting the performance of his/her duties.
21. Gambling.
22. Sexual harassment of sexual or racial discrimination.
23. Theft or other abuse of a computer time, including but not limited to:
  - a. Unauthorized entry into a file to use, read or change the contents or for any other purpose.
  - b. Unauthorized transfer of a file.
  - c. Unauthorized use of another individual's identification and/or password.
  - d. Use of computing facilities to interfere with the work of another student, faculty member or college official.
  - e. Use of computing facilities to send or receive obscene or abusive messages.
  - f. Use of computing facilities to interfere with normal operations of the college's computing system.
  - g. Any other violation of College Policy #2530, "Use of the Internet and Ocean County College E-mail."
24. Hazing, defined as an act which endangers the mental or physical health or safety of a student or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with or as a condition for continued membership in a group or organization.
25. Abuse of the campus judicial system, including but not limited to:
  - a. Failure to obey the summons of a judicial body or college official.
  - b. Falsification, distortion or misrepresentation of information before a judicial body.
  - c. Disruption or interference with the orderly conduct of a judicial proceeding.
  - d. Attempting to influence the impartiality of a member of a judicial body prior to and/or during the course of a judicial proceeding.
  - e. Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during and or after a judicial proceeding.
  - f. Failure to comply with the sanctions imposed under the student code.
  - g. Influencing or attempting to influence another person to commit an abuse of the judicial system.
26. Violation of other applicable federal, state or local laws as such violation impact on campus personnel, the curricular or co-curricular programs and other college rules and regulations not cited above.

Article VI. Due Process Rights

In all instances of an investigation by the Vice President of Student Affairs, basic due-process rights shall be afforded to the accused. These shall include, but shall not be limited to; written notice of the hearing, statement of the charges, right to see information, right to confront witnesses (except in certain limited cases in which witnesses refuse to appear but do submit a detailed statement of an incident,

right to present information and testimony, right to have an advisor present (legal counsel shall qualify as advisors but shall not have any right to represent the student in the informal-hearing procedure,) and right of appeal.

Article VII. Confidentiality Statement

The confidentiality of all hearings/appeals shall be in accordance with applicable state and federal laws.

Adopted: August 23, 1976  
Revised: August 25, 1980  
Revised: June 26, 1995  
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Revised: October 28, 1999  
Revised: December 15, 1999  
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Revised: April 2, 2001  
Revised: April 26, 2001  
Revised: May 22, 2001

OCEAN COUNTY COLLEGE  
STUDENT-FACULTY JUDICIARY COUNCIL  
CONSTITUTION

Preamble

The Student-Faculty Judiciary Council is an appellate body to be convened at the request of a student who has been sanctioned by the Vice President of Student Affairs for violations of Student Discipline Policy #5247.

Article I.       Jurisdiction of the Judiciary Council

- A. The provisions contained within this constitution shall apply to all full-time and part-time student of Ocean County College.
- B. These provisions shall apply to any appeal brought before the Council concerning a disciplinary decision by the Vice President of Student Affairs. The Council shall have no original jurisdiction over matters of discipline.

Article II.       Composition of the Judiciary Council

- A. The Judiciary Council shall consist of:
  - 1. The Vice President of Academic Affairs, or his/her representative, who shall serve as Chair;
  - 2. The Vice President of Student Affairs, who shall both serve as Clerk of the Council, with responsibility to handle all administrative details, and present the college's case against the student. S/he shall not vote on Council Matters.
  - 3. Eight (8) faculty members randomly selected by the Vice President of Student Affairs from the full-time faculty at the beginning of each academic year.
  - 4. Eight (8) student members randomly selected by the Vice President of Student Affairs from the student body at the beginning of each academic year.
- B. Any resignation from the Council shall be filled as soon as possible by the same random selection process.

Article III.       Composition of Appeal Hearing Boards

- A. As such need arises, the Vice President of Academic Affairs shall randomly select two (2) faculty and two (2) student members of the Judiciary Council to serve as an Appeal Hearing Board. The Vice President of Academic Affairs, or his/her representative, shall serve as Chair. An alternate student member and faculty member shall be chosen to serve in a non-voting capacity, except in the absence of a regular faculty or student member.
- B. The Chair shall convene an Appeal Hearing Board with ten (10) calendar days of receipt of a written request to do so by a sanctioned student.

Article IV. The Appeal Hearing

- A. The student appearing before the Appeal Hearing Board shall have the right to be accompanied by an advisor of his/her choice. The role of the advisor shall be restricted during the hearing to only providing advice and counsel to the student. (Legal counsel shall qualify as advisors but shall not have any right to represent the student in the Appeal-Hearing procedure.)
- B. The agenda for Appeal Hearings shall be as follows: (1) Welcome and introductions by the Chair, (2) Review of procedures, (3) Presentation of charges and findings of the Vice President of Student Affairs, (4) Questions by Board Members, (5) Presentation by appellant, (6) Questions by Board Members, (7) Open discussion, (8) Closing statements, (9) Adjournment.
- C. The burden of proof shall rest upon the appellant to provide evidence-substantiating claims. Appeals shall be made only for one or more of the following reasons:
  - 1. New information
  - 2. Violations of Due Process
  - 3. Length/Type of Sanctions
- D. The appellant shall be given an opportunity to testify and to present witnesses relevant to the case.
- E. Two (2) days prior to the Appeal Hearing the sanctioned student shall submit in writing to the Vice President of Student Affairs, the name of the advisor s/he intends to use.
- F. The decision of the Appeal Hearing Board shall be based solely upon matters placed in evidence during the Hearing.
- G. Failure or refusal of a student to participate in the proceedings of the Appeal Hearing Board s/he has sought, shall result in the sanctions imposed by the Vice President of Student Affairs taking effect immediately.
- H. An audio recording shall be made of all hearings. The recordings shall remain the property of Ocean County College.
- I. The confidentiality of all appeals shall be in accordance with applicable state and federal laws.
- J. Decisions of the Board shall be reached by a majority vote. A tie vote shall be deemed a vote to sustain the decision and sanction of the Vice President of Student Affairs.

Article V. Sanctions

If the Appeal Hearing Board supports the sanctions of the Vice President of Student Affairs, such sanctions shall take effect immediately.

If the Appeal Hearing Board supports the appeal by the student, the Board shall have the authority to do one or more of the following:

- 1. dismiss the sanction;

2. modify the Vice President of Student Affairs' sanction;
3. impose one or more of the sanctions defined in college Policy #5247, in whole or in part.

All decisions of the Appeal Hearing Board shall be final.

Adopted by the Board of Trustees: June 18, 1976

Revised: June 26, 1995

Revised: March 20, 2001

Revised: April 2, 2001

Revised: April 26, 2001

Revised: May 22, 2001