

Ocean County College: Code of Student Conduct

PREFACE

Ocean County College students are responsible for knowing the information, policies, and procedures outlined in this Code of Student Conduct. Ocean County College reserves the right to make changes to this code as necessary; changes are effective when they are posted online. Students are encouraged to check online at go.ocean.edu/policies for the updated versions of all Ocean County College policies and procedures.

Nothing contained in this document is intended to conflict with local, state, or federal law.

SECTION 1: Philosophy Statement

Ocean County College is committed to fostering a campus environment that is conducive to academic inquiry and thoughtful study and discourse. The student conduct program within the Office of Student Conduct is committed to an educational and developmental process that balances the interests of individual students with the interests of the Ocean County College community. This Code of Student Conduct is designed to address all student misconduct excluding gender-based misconduct. Gender based misconduct is covered by Title IX and addressed by Policy #2410, Sexual Harassment.

A community exists on the basis of shared values and principles. Students of the Ocean County College community are expected to uphold and abide by certain standards of conduct that form the basis of the Code of Student Conduct. These standards are embodied within a set of five core values: integrity, community, fairness, respect, and responsibility.

Student members of the Ocean County College community bear responsibility for their conduct. When students fail to exemplify the five core values by engaging in violation of the rules described in this document, proceedings are undertaken to assert and uphold the Code of Student Conduct.

The student conduct process at Ocean County College is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with College policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with community expectations. When students are unable to conform their behavior to community expectations, the student conduct process may determine that the students should no longer share in the privilege of participating in this community.

The student conduct process is quite different from criminal and civil court proceedings. Student conduct procedures and rights are managed with fairness to all but do not include the same protections of due process afforded by the courts. Due process, as defined within this code, assures written notice, a thorough and equitable investigation, and the right to appeal in writing a finding or sanction, or both, based on specific grounds, as outlined in this document. Preponderance of the evidence is the evidence standard for this code. No student will be found in violation of Ocean County College policy or the Code of Student Conduct without information showing that it is more likely than not that a violation occurred, and sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

SECTION 2: Definitions

Advisor: Any person, chosen by a student to assist him/her/them throughout the disciplinary processes. The advisor shall not speak on behalf of the student. The parent or legal guardian of a student who is under the age of 18 (a minor) may advocate on behalf of the student during the process. Advisors other than legal guardians or parents are not permitted to speak on behalf of the minor student or involve themselves in the investigation process.

Anonymous: To report an incident without identifying the name of the reporting party in order to protect one's identity.

Appeal: Refers to a process by which a responding student has requested to have the outcome of a student discipline investigation reconsidered if certain conditions are met (see Appeal Standards for Responding Students).

Bullying: Aggressive behavior or intentional harm-doing which is carried out repeatedly and over time in an interpersonal relationship characterized by an imbalance of power.

Business Day: A day that the College is open for business even if no classes are scheduled (excluding Saturdays and Sundays).

College: Ocean County College and all of its campuses, sites, divisions, and programs.

College Premises: All buildings and grounds owned, leased, operated, controlled, and/or supervised by the College.

College-Sponsored Activity: Any activity on or off College premises that is specifically initiated or supervised by the College.

Cyberbullying: Willful and repeated harm inflicted using computers, cell phones, and other electronic devices.

Disciplinary Record: Written documentation of a student disciplinary proceeding created when the Executive Director of Student Services (or designee) finds the student responsible for violating one or more of the policies set forth in Section 6 of the Code of Student Conduct or an appeal filed by the student that results in an affirmation of the decision by the Executive Director of Student Services (or designee).

Distribution: Sale and/or exchange.

Harassment: Conduct (physical, verbal, graphic, written, or electronic) that is sufficiently severe, pervasive, or persistent so as to threaten an individual or limit the ability of an individual to work, study, or participate in the activities of the College.

OCC Official Method of Communication with Students: Ocean County College email is the College's primary means of communication with students; all notices, letters, and other items described in this document will be delivered to students via their OCC email addresses. Students are responsible for all communication delivered to their official College email addresses.

Possession: The state of having, owning, or controlling something.

Reporting Party: When reporting a violation of this code and/or College policy, a reporting party may be a member or non-member of the campus community, including, but not limited to: students, student organizations, faculty, administrators, staff, guests, visitors, vendors, or campers.

Responding Student: A student identified by the reporting party as violating this code or policy.

Sanction: Penalty for a violation of the Code of Student Conduct and/or College policy which is intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with community expectations.

Student: A person to whom an offer of admission has been extended or registration processed for any course or program and thereafter as long as the person has a continuing educational interest in the College.

Title IX: Addressed under Ocean County College Policy #2410, Sexual Harassment. Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs and activities in federally-funded schools at all levels. If any part of a school district or college receives any federal funds for any purpose, all of the operations of the district or college are covered by Title IX.

SECTION 3: Jurisdiction

Ocean County College students are provided a copy of the Code of Student Conduct annually in the form of a link on the Ocean County College website. Hard copies are available upon request from the Office of Student Conduct. Students are responsible for having read and for abiding by the provisions of the Code of Student Conduct.

Scope of Jurisdiction

Ocean County College affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. These procedures are applicable regardless of the status of a reporting party. A reporting party may be a member or non-member of the campus community, including students, student organizations, faculty, administrators, staff, guests, visitors, vendors, or campers.

For the purposes of student conduct, Ocean County College considers an individual to be a student when an offer of admission has been extended or registration processed for any credit or non-credit course or program (excluding campers) and thereafter as long as the student has a continuing educational interest in the College. In the case of a student who is enrolled simultaneously at OCC and at an affiliated high school and non-compliance with OCC's Code of Student Conduct is alleged, the OCC Code of Student Conduct will apply for incidents that occur outside of the time when the student is under the supervision of the faculty/staff/administrators of the partner high school.

Ocean County College retains conduct jurisdiction over students who choose to take a leave of absence, withdraw, or have graduated for any misconduct that occurred prior to the leave, withdrawal, or graduation. If sanctioned, holds may be placed on the students' ability to re-enroll, and/or obtain official transcripts, and/or graduate. All

sanctions must be satisfied prior to re-enrollment. In the event of serious misconduct committed while still enrolled but reported after the responding party has graduated, Ocean County College may invoke these procedures. Should the responding party (former student) be found responsible, Ocean County College may revoke that student's degree.

The Code of Student Conduct applies to behaviors that take place on the campus, at Ocean County College-sponsored events, and off-campus when the Vice President of Student Affairs, or designee, determines that the off-campus conduct affects a substantial Ocean County College interest. A substantial Ocean County College interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/herself or others; and/or
- Any situation that significantly impinges upon the rights, property, or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of OCC.
- Any situation in which OCC policy or this code of conduct is violated.

Protected Speech and Online Behavior

The Code of Student Conduct may be applied to behavior conducted online, via email or other electronic medium. Students should be aware that online postings, such as postings on blogs, web postings, chats, and social networking sites, are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of a violation is posted online. The College does not regularly search for this information but may act if and when such information is brought to the attention of Ocean County College officials.

Any online postings or other electronic communications by students not on College networks, websites, or between College email accounts, occurring completely outside of the College's control, will be subject to this code only when those online behaviors can be shown to cause a substantial on-campus disruption. Otherwise, such communications are considered speech protected by the First Amendment. Remedies for such conduct will be provided, but protected speech cannot be legally subjected to discipline under this code, with one exception – in the case of a true threat, defined as “a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals.”

Guests, Visitors, Vendors, and Community Members

Under the Code of Student Conduct, students may be held accountable for the misconduct of guests, visitors, vendors, and community members that the students invite to campus and/or host on campus.

The Code of Student Conduct also applies to students who are a part of all on-site contractual partner agreements including high school bridge, extensions, academy partnerships and dual-credit programs. Students in these programs are subject to the Code of Student Conduct while on Ocean County College's campus when they are not under the supervision of representatives of the partner agency.

SECTION 4: Violations of the Law

Alleged violations of federal, state, and local laws may be investigated and addressed under the Code of Student Conduct. When an offense occurs over which the College has jurisdiction, the Ocean County College conduct process will usually move forward, notwithstanding any criminal complaint, or its outcome, that may arise from the same incident.

Students accused of crimes may request to take a leave of absence from Ocean County College until the criminal charges are resolved. In such situations, the voluntary leaves of absence are subject to the following conditions:

- The student must comply with all campus investigative efforts that will not prejudice his/her defense in the criminal trial; and
- The student must comply with all interim actions and/or restrictions imposed during the leave of absence; and
- In order to be reinstated to active status, the student must first be subject to, and fully cooperate with, the campus conduct process and must comply with all imposed sanctions.

Ocean County College reserves the right to exercise its authority to impose interim suspension upon notification that a student is facing criminal investigation and/or complaint. Full procedures for interim suspension may be found on page 12 of this document.

Amnesty for Serious Violations - Reporting Parties and Witnesses

Ocean County College encourages the reporting of incidents of harassment, violations to equal opportunity, discrimination and crimes to College officials. Sometimes, reporting parties or witnesses are hesitant to report or participate as witnesses in the student conduct process because they fear they themselves may be accused of policy or code violations, such as underage drinking at the time of the incident. It is in the best interests of this community that reporting parties choose to inform College officials of serious violations and that witnesses come forward to share what they know. To encourage reporting, the College pursues a policy of offering reporting parties and witnesses amnesty from minor policy and code violations related to serious conduct violations.

For Reporting Parties – Educational options will be explored, but no conduct proceedings or conduct record will result.

For Those Who Offer Assistance – Educational options will be explored, but no conduct proceedings or conduct record will result.

For Those Who Receive Assistance – At the discretion of the Executive Director of Student Services, amnesty may also be extended, on a case-by-case basis, to the person receiving assistance.

Abuse of amnesty requests can result in a decision by the Executive Director of Student Services not to extend amnesty to the same person repeatedly.

False Allegations

Deliberately false and/or malicious accusations under this code, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Parental Notification

Ocean County College reserves the right to notify parents/guardians of students under the age of 21 regarding any health or safety risk, particularly alcohol and other drug violations. If a student is 21 years of age or older, the College may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The College also reserves the right to designate which officials have a need to know about incidents that fall within this procedure, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Withdrawal of a Responding Student

A responding student facing an alleged violation(s) of the Code of Student Conduct is not permitted to withdraw from Ocean County College until the allegation(s) is resolved.

SECTION 5: How to Report an Incident

Individuals and resources are available for the reporting of crimes and policy/code violations, and action will be taken as soon as an incident is reported. Those who are aware of crimes or misconduct are encouraged to report it as quickly as possible:

Campus Security
Building # 30
(732) 255-0400, extension 2200

Office of Student Conduct
Administration Building (Building # 1), Room 020
(732) 255-0400, extension 2944

Online, using the reporting form posted at <https://www.ocean.edu/student-services/report-a-concern/> . Download the mobile ReportIt app from the App Store or Google play or use the desktop ReportIt website located at www.reportit.com.

SECTION 6: The Rules

Core Values and Behavioral Expectations

Ocean County College considers the behavior described in the following sub-sections as inappropriate for the Ocean County College community and in opposition to the core values set forth Ocean County College Policy # 5247. These expectations and rules apply to all students. Ocean County College encourages community members to report to College officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following examples of misconduct is subject to the sanctions outlined in Section 8: Overview of the Conduct Process.

Integrity: *Ocean County College students exemplify honesty, honor, and a respect for the truth in all of their dealings.*

1. **Falsification.** Knowingly furnishing or possessing false, falsified, fraudulent, or forged materials, documents, accounts, records, identification, or financial instruments, such as transcripts, diplomas, immunization records, doctors' notes, worthless checks, or money orders;
2. **Academic Dishonesty.** Acts of academic dishonesty as outlined in Policy and Procedure #5180, Cheating and Plagiarism;
3. **Unauthorized Access.** Unauthorized access to any Ocean County College building (i.e., keys, cards) or unauthorized possession, duplication, or use of means of access to any College building or failing to timely report a lost College identification card or key;
4. **Collusion.** Action or inaction with another or others to violate the Code of Student Conduct;
5. **Trust.** Violations of positions of trust within the community;
6. **Election Tampering.** Tampering with the election of any Ocean County College-recognized student organization (minor election code violations are addressed by the Associated Students of Ocean County College – the Student Government);
7. **Theft.** Intentional and unauthorized taking or maintaining possession of College property or the personal property of another, including goods, services, and other valuables.

Community: *Ocean County College students build and enhance their community.*

8. **Disruptive Behavior.** Substantial disruption of Ocean County College operations, including obstruction of teaching, research, administration, other College activities, and/or other authorized non-College activities which occur on campus;
9. **Rioting.** Causing, inciting, or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or causes damage and/or destruction of property;
10. **Unauthorized Entry.** Misuse of access privileges to College premises or unauthorized entry to or use of buildings, including trespassing, propping, or unauthorized use of alarmed doors for entry into or exit from a College building;
11. **Trademark.** Unauthorized use and misuse of Ocean County College or organizational names and images;
12. **Damage and Destruction.** Intentional, reckless, and/or unauthorized damage to or destruction of Ocean County College property or the personal property of another;
13. **IT and Acceptable Use.** Violating the Ocean County College Acceptable Use and Computing Policy, found online at go.ocean.edu/Acceptable Use;
14. **Gambling.** Gambling as prohibited by the laws of the State of New Jersey. Gambling may include raffles, lotteries, sports pools, and online betting activities. Additional information may be found in the OCC Student Handbook, "Administrative Information and Policies";
15. **Weapons.** Possession, use, threat by, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons, and pellet guns), or other weapons or dangerous objects, such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade longer than three inches, including the storage of any item that falls within the category of a weapon in a vehicle parked on College property. The term "weapon" includes any object or substance that is designed to, or used to, or reasonably can be used to, inflict physical harm, cause injury, or incapacitate;
16. **Tobacco.** Smoking, including "vaping" or use of "e-cigs," or any tobacco use in any area of campus are prohibited;
17. **Fire Safety.** Violation of local, state, federal, or campus fire policies, such as:
 - a. Intentionally or recklessly causing a fire which damages Ocean County College or personal property or which causes injury;
 - b. Failure to evacuate a College-controlled building during a fire alarm;

- c. Improper use of College fire safety equipment; or
 - d. Tampering with or improperly engaging fire alarm or fire detection/control equipment while on College property, which could result in a local fine in addition to Ocean County College sanctions;
18. **Ineligible Pledging or Association.** Pledging or associating with a student organization without having met eligibility requirements established by the College;
19. **Animals.** Animals, with the exception of service animals that provide assistance, are not permitted on campus except as permitted by College Policy #2330, Service Animals, or by law.
20. **Wheeled and Recreational Devices.** Skateboards, sleds, roller blades, roller skates, bicycles, and similar wheeled devices are not permitted on the campus mall, inside College buildings, athletic fields, or on tennis courts. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities; individuals may be liable for damage to College property caused by these activities.

Fairness: *Ocean County College students are just and equitable in their treatment of all members of the community and act to discourage and/or intervene to prevent unjust and inequitable behaviors.*

21. **Retaliatory Discrimination or Harassment.** Any intentional, adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in a civil rights grievance proceeding or other protected activity under this code, regardless of the outcome of the initial complaint;
22. **Bystanding/Complicity.**
- a. Complicity with or failure of any student to appropriately address known or obvious violations of the Code of Student Conduct or law;
 - b. Complicity with or failure of any organized group to appropriately address known or obvious violations of this Code of Student Conduct or law by its members.
23. **Abuse of Conduct Process.** Abuse of, interference with, or failure to comply with College processes, including conduct and academic integrity processes:
- a. Falsification, distortion, or misrepresentation of information;
 - b. Failure to provide, destroying, or concealing information during an investigation of an alleged policy violation;
 - c. Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
 - d. Harassment, both verbal and physical, and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
 - e. Failure to comply with the sanction(s) imposed by the campus conduct system;
 - f. Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system;
 - g. Retaliation of any kind, whether against a complainant, survivor, witness, or any participant in the conduct process.

Respect: *Ocean County College students exhibit positive regard for each other, for property, and for the community.*

24. **Harm to Persons.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person.
25. **Threatening Behaviors:**

- a. **Threat.** Written or verbal conduct, or gestures, that cause a reasonable expectation of injury or harm to the health or safety of any person or damage to any property.
 - b. **Intimidation.** Threats or acts that cause a reasonable fear of harm in another.
26. **Bullying and Cyberbullying.** Repeated and/or severe aggressive behaviors, such as bullying and cyberbullying, that intimidate or intentionally harm or control another person physically or emotionally, which are not protected by freedom of expression;
27. **Hazing.** An act that endangers the mental or physical health or safety of a student, or that 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. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent, failing to discourage, and/or failing to report those acts may also violate this policy (see Ocean County College Student Handbook, "Administrative Information and Policies");
28. **Public Exposure.** Deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts.
29. **Unauthorized Use of Electronic or Other Devices.** Phones, cameras, or any recording devices used to make an audio, video, or photographic record of any person or thing while in the classroom or in any campus location where there is a reasonable expectation of privacy, such as locker rooms, changing rooms, and restrooms.

Responsibility: *Ocean County College students are given and accept a high level of responsibility to self, to others and to the community.*

- 30. **Alcohol.** Use, possession, or distribution of alcoholic beverages or paraphernalia, except as expressly permitted by law and Ocean County College Policy #8600, Alcohol and Substance Abuse (see Community Standards for further information);
- 31. **Drugs.** Use, possession, or distribution of illegal drugs and other controlled substances or drug paraphernalia, except as expressly permitted by law and the College's Alcohol and Substance Policy #8600 (see Community Standards for further information);
- 32. **Prescription Medications.** Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;
- 33. **Failure to Comply.** Failure to comply with the reasonable directives of Ocean County College officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;
- 34. **Other Policies.** Violating other published Ocean County College policies or rules, including Ocean County College's Civility Statement;
- 35. **Health and Safety.** Creation of health and/or safety hazards, such as dangerous pranks, hanging out of or climbing from/on/in windows, balconies, and roofs;
- 36. **Violations of Law.** Evidence of violation of local, state, or federal laws, when substantiated through Ocean County College's conduct process.

SECTION 7: Student Conduct Authority

The President is vested with the authority over student conduct by the Board of Trustees. The President designates the Vice President of Student Affairs to oversee the student conduct process. The Vice President of Student Affairs designates the Executive Director of Student Services and Director of Program Compliance to manage the student conduct process.

SECTION 8: Overview of the Conduct Process

This overview provides a general awareness of the way in which Ocean County College's campus conduct proceedings work, but it is noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible and are not the same in every situation, although consistency in similar situations is a priority. The campus conduct process and all applicable timelines commence with notice to an administrator of a potential violation of Ocean County College rules.

Notice

When notice is received from any source, such as a reporting party, third party, or through an online communication, Ocean County College may proceed with an investigation.

Group Violations

A student group or organization and its officers and membership may be held collectively and individually responsible when violations of this code by the organization or its member(s):

- Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit;
- Have received the consent or encouragement of the organization or of the organization's leaders or officers; or
- Were known or should have been known to the membership or its officers.

Investigations of student groups or organizations follow the same general student conduct procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually, which will be proportionate to the involvement of each individual and the organization.

Investigation Notice of Investigation and Alleged Violation

When an investigation is opened by the Executive Director of Student Services or designee, a notice of investigation and a complete Code of Student Conduct will be sent to all parties. In the case of a student who is enrolled simultaneously at OCC and at an affiliated high school being investigated under OCC's Student Code of Conduct, the administration of the affiliated high school may be notified of the investigation and be provided updates as needed. The Executive Director of Student Services, or designee, will appoint investigator(s) to investigate allegations of violations under this code. The investigator(s) may take the following steps, the Executive Director of Student Services, or designee.

Interim Measures

Under the Code of Student Conduct, the Executive Director of Student Services or designee, may:

- Take action to provide interim support and remedies to the reporting party and the community, such as no contact orders, counseling, academic support, student financial aid advising, a campus escort, academic or work schedule and assignment accommodations, safety planning, and referral to campus and community support resources.
- Impose restrictions and/or suspend a responding student from the College pending the investigation of alleged violation(s) of the Code of Student Conduct when a responding student is determined to represent a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve Ocean County College property, and/or to prevent disruption of, or interference with, the normal operations of Ocean County College.

Interim suspensions are imposed until an investigation can be completed, typically within ten business days, pending the results of an investigation of alleged violation(s) of the Code of Student Conduct. The interim suspension may be continued if a danger to the community is posed. The College may be delayed or prevented from conducting its own investigation and resolving the allegation because of an ongoing criminal process. In such cases, the College will only delay its decision until such time as it can conduct an internal investigation or obtain sufficient information independently or from law enforcement upon which to proceed. This delay will be no longer than ten business days from notice of the incident unless a longer delay is requested in writing by the reporting party to allow the criminal investigation to proceed before the College process.

A student who receives an interim suspension may request a meeting with the Vice President of Student Affairs (for Student Conduct interim suspension) or designee, to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, Ocean County College may still proceed with an investigation.

During an interim suspension, a student may be denied access to the Ocean County College campus, facilities, and/or events. As determined appropriate by the Executive Director of Student Services, or designee, this restriction may include classes and/or all other Ocean County College activities or privileges for which the student might otherwise be eligible. A student's instructor(s), appropriate Dean(s), and Campus Security will be notified in writing by the Director of Program Compliance regarding the interim suspension of the student. At the discretion of the aforementioned officials and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student.

Investigation Procedures

When the Executive Director of Student Services or designee determines an investigation is required, the case is forwarded to Student Conduct investigator(s).

1. The Director of Program Compliance or a Student Conduct investigator will conduct a comprehensive investigation to determine if there is reasonable cause to believe that the responding student violated Ocean County College code/policy and to determine the specific violations that should serve as the basis for the complaint.
 - a. If there is insufficient evidence through the investigation to support reasonable cause, the allegations will be closed with no further action;
2. Prepare the notice of alleged code/policy violation(s) on the basis of the reasonable cause determination, which will be delivered to the reporting party and responding student via OCC's official means of student communication prior to any meetings between the responding student and the investigator(s);

3. Meet with the reporting party to finalize the official statement of complaint, which will be developed by the investigator(s), or designee, as a result of this meeting;
4. Meet with the responding student to finalize the official response to the complaint, which will be developed by the investigator(s), or designee, as a result of this meeting.
5. A reporting party or responding student is permitted to bring an advisor to the meeting. However, the advisor may not interfere with the investigative process. The advisor's presence is to provide support and guidance to the student. The advisor may not speak on behalf of the student nor may the advisor question the investigator. The parent or legal guardian of a student who is under the age of 18 (a minor) may advocate on behalf of their student during the process. Advisors other than legal guardians or parents are not permitted to speak on behalf of the minor student or involve themselves in the investigation process.
6. Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding student, who may be given notice of the interview prior to or at the time of the interview;
7. Interview all relevant witnesses and summarize the information they are able to share;
8. Obtain all documentary evidence and information that is available;
9. Obtain all physical evidence that is available;
10. Send additional Notice of Alleged Violations to the responding and reporting parties if additional violations of the Student Code of Conduct are discovered during the course of the investigation;
11. Arrange and have follow-up meetings with any of the parties as deemed necessary based on the information gathered throughout the investigation;
12. Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline;
13. Make a finding, based on a preponderance of the evidence (whether a policy/code violation is more likely than not);
14. Present the investigation report and findings to the Executive Director of Student Services.

Responding students or reporting parties may inquire with the Executive Director of Student Services if they have questions about any aspect of the process or would like an update on the status of an investigation. During these conversations, issues of procedure and timelines may be discussed. Any information directly related to the investigation must be addressed with the investigator(s). Ocean County College reserves the right to record all conduct meetings and interviews.

Finalization of Investigation and Determination of Sanctions

In the event the investigator(s) finds that the responding student is responsible for the violation(s), the case report with the finding will be forwarded to the Executive Director of Student Services to assign sanctions. Sanctions for all cases will be assigned by the Executive Director of Student Services to ensure consistency.

The Executive Director of Student Services will deliver notice of findings and sanctions to all parties.

Notification of Outcomes

The outcome of a campus investigation is part of the educational record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. As allowed by FERPA, when a student is accused of a policy/code violation that would constitute a

“crime of violence, “Ocean County College will inform the reporting party in writing of the final results of an investigation regardless of whether the College concludes that a violation was committed. Such release of information may only include the name of the alleged student/responding student, the violation committed, and the sanctions assigned (if applicable). Students should be aware that, in the event they pursue a job that requires some kind of security clearance and Ocean County College receives a request from a government agency with a signed release from the student, these records must be released to the requesting government agency. If a student is enrolled simultaneously at OCC and at an affiliated high school and their case is adjudicated under OCC’s Student Code of Conduct, the administration of the affiliated high school may be notified of the outcome of the investigation.

In cases where Ocean County College determines through the student conduct process that a student violated a policy/code that would constitute a “crime of violence”, the College may also release the above information publicly and/or to any third party. FERPA defines “crimes of violence” to include:

1. Arson
2. Assault Offenses (includes stalking)
3. Burglary
4. Criminal Homicide—Manslaughter by Negligence
5. Criminal Homicide—Murder and Non-Negligent Manslaughter
6. Destruction/Damage/Vandalism of Property
7. Kidnapping/Abduction
8. Robbery
9. Forcible Sex Offences
10. Non-Forcible Sex Offenses

Conduct Sanctions

One or more of following sanctions may be imposed upon any student for any single violation of the Code of Student Conduct:

1. **Warning:** An official written notice that the student has violated Ocean County College policies and/or rules and that more severe sanctions will result should the student be involved in other violations while the student is enrolled at the College.
2. **Restitution:** Compensation for damage caused to Ocean County College or any person’s property. This could also include the payment of labor costs and expenses when a student fails to return a reserved space (classroom, conference room) to its proper condition. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
3. **Community/Ocean County College Service Requirements:** A student or student organization may be required to complete specific supervised Ocean County College service.
4. **Loss of Privileges:** The student may be denied specified privileges for a designated period of time.
5. **Confiscation of Prohibited Property:** Items whose presence is in violation of Ocean County College policy/code will be confiscated and become the property of the College. Prohibited items may be returned to the owner at the discretion of the Director of Program Compliance and/or Campus Security.
6. **Behavioral Requirement:** The student may be required to seek academic counseling, personal counseling, substance abuse screening, write a letter of apology, or other actions.

7. **Educational Program or Assignment:** Requirement to attend, present, and/or participate in a program or write a research/reflection paper related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
8. **Ocean County College Probation:** The student may be put on official notice that, should further violations of Ocean County College policies/codes occur during a specified probationary period, he/she may face suspension or expulsion. Regular probationary meetings may also be imposed.
9. **Eligibility Restriction:** The student is deemed “not in good standing” with Ocean County College for a specified period of time. Specific limitations or exceptions may be granted by the Executive Director of Student Services, or designee, such as:
 - a. Ineligibility to hold any office in any student organization recognized by Ocean County College or hold an elected or appointed office at the College;
 - b. Ineligibility to represent Ocean County College to anyone outside the College community in any way, including participating in the study abroad program, attending conferences, or representing Ocean County College at an official function, event, or intercollegiate competition as a player, manager, or student coach.
10. **Revocation of Driving and Parking Privileges on Campus:** Evidence of reckless or repeated violations of traffic safety or parking regulations on College premises may lead to a revocation of driving and parking privileges on campus.
11. **Removal from Class:** A student who is disruptive to the learning environment may be removed or withdrawn from a class or transferred to another section of the course.
12. **Ocean County College Suspension:** A student may be separated from Ocean County College for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. During the suspension period, the student is banned from Ocean County College property, functions, events, and activities without prior written approval from the Executive Director of Student Services, or designee. This sanction may be enforced with a trespass action as necessary. This sanction will be noted as a Conduct Suspension on the student’s official academic transcript.
13. **Ocean County College Expulsion:** A student may be permanently separated from Ocean County College, with the student being banned from College property and the student’s presence at any Ocean County College-sponsored activity or event prohibited. Ocean County College will contact local law enforcement to report a person who has been expelled for trespassing if they are found on College property. This sanction will be noted as a Conduct Expulsion on the student’s official academic transcript.
14. **Other Sanctions:** Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Executive Director of Student Services, or designee.

The following sanctions may be imposed upon groups or organizations found to have violated the Code of Student Conduct:

1. One or more of the sanctions listed above and/or
2. Deactivation, de-recognition, or loss of all privileges, including status as an Ocean County College registered group or organization, for a specified period of time.

Notice of Findings and Sanction(s)

At the conclusion of an investigation, Ocean County College will notify all parties of the findings and sanctions as well as provide a copy of the investigation report. Responding students have the right to accept or reject findings or sanctions within seven business days of their receipt of the notice of findings and sanctions. A responding student may accept the finding and sanction(s) by not responding to the notification and allowing seven business days to pass. A responding student may reject the finding and/or the sanctions only by filing a written appeal within seven business days of receiving official notification of responsibility from the College. This written appeal document must contain all the information that the responding student wants to be considered in his/her appeal of either the finding, the sanction(s), or both.

If Ocean County College's finding is that the responding student is responsible for the violation, the responding student has seven business days after receiving notice of the finding and sanction(s) to either accept or reject the finding, sanction(s), or both, using the methods listed in the first paragraph of this section.

Finding of Responsibility – Responding Student Accepts Finding and Sanction(s)

- If the responding student accepts the finding and sanction(s) by not filing an appeal within seven business days, Ocean County College considers this an “uncontested allegation.” If accepted, the process ends and the sanction(s) are applied.

Finding of Responsibility – Responding Student Rejects Finding and/or Sanction(s)

- If the responding student rejects the finding, sanction(s), or both, and files an appeal that meets the standards for filing an appeal within seven business days, Ocean County College will conduct an administrative review of the finding and/or the sanction(s).

Appeal Standards for Responding Students

Appeals requests from responding students for both findings and sanctions are limited to the following grounds:

1. A procedural, or substantive, error occurred that significantly impacted the outcome of the investigation and determination of sanction(s), such as substantiated bias or a material deviation from established procedures;
2. To consider new evidence, unavailable during the original investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in the appeal;
3. The sanctions imposed are substantially disproportionate to the severity of the violation and the responding student's conduct history.

Appeals must be filed in writing with the Vice President of Student Affairs within seven business days of the notice of the outcome of the investigation to the student. In order to file an appeal, a responding student filing an appeal must include the following three elements:

1. Clearly identify the grounds under which the appeal is being filed based on the three reasons identified above;
2. Address the ways in which the circumstances of the case meet the grounds for appeal;
3. Provide a complete summary of the appeal, including all new evidence, if applicable, and any other information that supports the appeal.

It is recommended that these elements of the written appeal are organized as three sections in the document so that reasons and support for the appeal are clear. The Vice President of Student Affairs will review all appeal requests from responding students and determine if the grounds for an appeal are met. No appeal will be forwarded for an administrative review unless there is reasonable cause to believe that the grounds for appeal have been met. Reasonable cause is defined as some credible information to support each element for the appeal, even if that information is merely a credible witness or a reporting party's statement. If the Vice President of Student Affairs determines there is no basis for an appeal, the appeal will be denied and the responding student will be notified of the decision within seven business days. Decisions regarding the merit of an appeal by the Vice President of Student Affairs are final.

If credible support for the appeal is submitted, the Vice President of Student Affairs will forward the appeal for administrative review and will notify the reporting and responding parties within seven business days that the appeal will be sent to the Administrative Review Panel for consideration.

Composition of the Administrative Review Panel

The Vice President of Student Services, or designee, will be responsible for assembling the Administrative Review Panel according to the following guidelines:

1. The membership of the Panel is selected from a pool of at least six students, six faculty/lecturers, and six staff/administrative members appointed and trained for at least three hours annually by the Vice President of Student Affairs.
2. For each appeal, a Panel will be chosen by the Vice President of Student Affairs from the available pool and is usually comprised of one student, one faculty member, and one staff member or administrator. Availability may determine a different composition for the Panel.
3. In a case where grounds for appeal have been met, the Vice President of Student Affairs must form a Panel and schedule a meeting to review the appeal, absent mitigating factors, that occurs within ten business days of the day that the appeal was forwarded to the Administrative Review Panel.

To serve in the Panel pool, students must:

1. Be in academic good standing and have completed 15 hours of academic credit with a cumulative GPA of at least 2.0.
2. Be in good standing with the conduct process throughout the semester in which they serve. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the panel. A serious history of misconduct could disqualify a student for service.

In the event of a resignation from the Panel, the Vice President of Student Affairs will solicit a replacement from the group from which the representative came.

Administrative Review Panel Procedures

1. The Vice President of Student Affairs will be present in a non-voting capacity to answer policy or procedure questions only and to ensure that policy or procedures are followed.
2. Neither the reporting party nor the responding student (or their representatives) may be present or know the identity of the members of the Administrative Review Panel.

3. Neither the Executive Director of Student Services nor the Director of Program Compliance may be present during the review meeting.
4. The panel must keep all proceedings confidential.
5. Panel members will review:
 - a. The Ocean County College case report and the sanction(s) assigned by the Executive Director of Student Services.
 - b. The appeal materials submitted by the responding student.
6. The Panel will decide if the appeal is approved or denied by simple majority vote.
7. If an appeal is approved, the Panel may:
 - a. Find that the responding student is still responsible but revise the sanction(s). If the Panel chooses this option, the process ends and no further appeals may be filed by any party.
 - b. Reverse the finding of “responsible” and remove the sanction(s). If the Panel chooses this option, the process ends and no further appeals may be filed by any party.
 - c. In rare cases where a procedural error cannot be cured by the original investigators, as in cases of bias, the Administrative Review Panel may order a new investigation with a new investigator.
 - d. If a new investigation is ordered, a new investigator will be assigned to the case and will follow the Investigation process. If the outcome of this investigation finds the student is responsible for Code violations, a trained Administrator from the Administrative Review Panel pool who did not serve on the appeals committee will determine and issue the appropriate sanction(s).
8. If an appeal is denied, the finding and sanction(s) assigned by the College are final and the process ends.
9. Following the Administrative Review Panel meeting and decision, the Vice President of Student Affairs, absent mitigating factors, has three business days to inform the reporting and responding parties of the panel’s decision.
10. All notes and materials used in the review must be returned to the Vice President of Student Affairs.

Failure to Complete Conduct Sanctions

All students, as members of the Ocean County College community, are expected to comply with conduct sanctions within the timeframe specified by the Executive Director of Student Services or Administrative Review Panel. A Disciplinary Hold, prohibiting all academic and financial transactions, will be placed on student accounts until sanctions have been fulfilled. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and/or suspension from Ocean County College. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Executive Director of Student Services.

Section 9. Disciplinary Records

All conduct records are maintained by Ocean County College indefinitely in accordance with New Jersey document retention law.

Section 10. Approval and Implementation

The policy, procedures and manual for the Code of Student Conduct was approved and implemented on 5/31/2018 by the Ocean County College Board of Trustees. The manual of the Code of Student Conduct was approved by the President’s Leadership Team on 5/6/2019 and updated on 5/15/2019 and 6/2/2020.

ADOPTED: May 31, 2018

Revised: February 27, 2020 and June 2, 2020