

Middlesex County College Code of Student Conduct

Purpose

The purpose of the Code of Student Conduct is to communicate the expectations that Middlesex County College (MCC) has of students, and to educate and guide students to understand their responsibility for appropriate behavior and respect for others in the MCC Community. MCC is dedicated to the advancement of learning, to student retention and success, and also to the development of responsible personal and social conduct. The maintenance of discipline in the MCC setting is intended to support a civil environment conducive to learning and inquiry. Student Affairs staff members work in partnership with faculty and academic administrators to support this goal.

This *Code* is provided to give students a general notice of prohibited conduct. This Code has not been designed to set forth an exhaustive list of misconduct, but to establish behavioral guidelines. It is the responsibility of all students to become familiar with this Code.

DEFINITIONS

The following terms as used in the code are defined as follows:

1. **Administration or staff** – any person who currently hold a non- faculty appointment within Middlesex County College.
2. **Business Day** – any day when the College offices are open for business.
3. **Code** – means the Student Code of Conduct including the stated expectation for student behavior and procedures through which the department of Student Affairs addresses student misconduct.
4. **College** – means Middlesex County College and all of its centers, or other locations on which it operates.
5. **College Advisor** – a member of the College community , who is not an attorney and is not related to the student going through the process, who has been selected by a student respondent or by a Complainant to assist him/her in the hearings or conferences conducted in accordance with the *Code*.
6. **College grounds or premises** – building or grounds used, owned, leased, operated, controlled or supervised by the College.
7. **Complainant** – the initiator of the complaint alleging an act or misconduct which may constitute a violation of the *Code*.
8. **Faculty** – any person who holds a current academic appointment within the College.
9. **Member of the College Community** – any student, faculty, administrator or staff member of the College or visitor to the College.
10. **Student** – all persons taking courses at the College, without regard to the physical location of the course, including off campus sites or through distance learning.
11. **Respondent** – any student who has been accused of an act or misconduct as prohibited by the Code.
12. **Student Conduct Hearing Panel** – appointed members of the College community appointed to hear conduct referrals relating to alleged violations of the Student Code of Conduct, except for alleged violations of the Standards of Academic Integrity.
13. **Student Conference** – a fact-finding meeting held by the Student Life Coordinator and the Respondent.

VIOLATIONS

1. Unauthorized use or possession on the campus of weapons, ammunition, explosives, fireworks, or other dangerous substances or materials.
2. Threatening, harassing or inflicting bodily harm or physical abuse or injury to the person of a fellow student, faculty or staff member, administrative officer or guest of the College.
3. Harassment, intimidation or bullying to the person of a fellow student of the College. Harassment, intimidation or bullying is defined by the New Jersey Anti-Bullying Bill of Rights Act as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on the property of the College or at any function sponsored by the College that substantially disrupts or interferes with the orderly operation of the institution or the rights of other students and that:
 - a. a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;
 - b. has the effect of insulting or demeaning any student or group of students; or
 - c. creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.
4. Obstruction or disruption of teaching, learning, research, administration, discipline procedures or other College authorized event. Disruptions of teaching and learning which may include tardiness, offensive language or behavior, noise and improper use of personal communication devices (e.g., cell phones, headphones, and laptops).
5. All forms of academic dishonesty, including but not limited to cheating, copyright infringement, facilitating academic dishonesty and plagiarism or assisting others to engage in those activities.
6. The failure to report any action or plan of dishonesty whether knowledge of such act or plan is obtained directly or indirectly.
7. The soliciting of assisting another to do any act which would subject a student to probation, suspension or expulsion.
8. Unauthorized distribution, use, or possession of any substance constituting a "controlled dangerous substance" within the meaning of the New Jersey Controlled Dangerous Substance Act, N.J.S.A. 24:21-1 et seq., or any illegal drug, on College property or at College sponsored activities.
9. Failure to comply with the College's policy on smoking.
10. Illegal gambling on College property.

11. Any charge relating to the violation of any of the criminal statutes of the State of New Jersey, which violation occurs either on the campus, at off campus sponsored events or directly affects the College community. The College will cooperate fully with any law enforcement agency investigating such violations.
12. Falsification, alteration or withholding information related to records or documents maintained by the College.
13. Theft, misappropriation, vandalism, non-accidental damage, grossly negligent damage or arson to any College property or private property of a fellow student, faculty or staff member, administrative officer or guest of the College.
14. Failure to present student identification to a College employee in response to a request.
15. Unauthorized entry into any secured building or facility, obstructing access to any campus building or facility, the unauthorized use or occupation of any classroom, public or common indoor areas, recreational or athletic facility, faculty office or any other components of the College's physical plant or property.
16. Failure to register the dissemination of printed material or unauthorized display of posters and advertising material.
17. Abusive or unauthorized use and operation of outdoor and indoor sound systems, public address systems sound tracks, or bullhorns.
18. Unauthorized consumption and/or unauthorized possession of alcoholic beverages on campus.
19. Failure, after a warning, to wear adequate clothing and foot covering while attending classes or utilizing any campus facility.
20. Consumption of food and beverages outside of authorized areas unless authorization has been given by a faculty member, staff or administrator.
21. Soliciting or assisting another to do any act which would subject that student to any sanction within the Code of Student Conduct.
22. A failure to abide by the "acceptable use policies for computers."
23. It is the policy of this College that membership in fraternities or sororities or any other clubs or organization not sponsored by the College is prohibited. Organizations that initiate, advocate or promote activities which threaten the safety or well-being of persons or property on College grounds, which disrupt the program environment or are harmful to the education process, are prohibited. Activities involving initiations, hazing, intimidation, and/or related actions of such group affiliations which are likely to cause bodily danger, physical harm, and personal degradation or disgrace resulting in physical or mental harm to students are prohibited. Any student causing and/or participating in activities

which intimidate or adversely affects the attendance of another student or staff member will be subject to disciplinary action.

24. Engaging or the soliciting of any activity which would interfere with the normal operation of the College.

CODE OF STUDENT CONDUCT DISCIPLINARY PROCEDURES

HOW TO FILE A COMPLAINT

Any student, faculty member, staff member, or College administrator may file a complaint against a student alleging a violation of the Code. A complaint shall be submitted in writing promptly after the occurrence or discovery of the alleged infraction(s).

Reporting Forms may be obtained in the Student Life Office, located in College Center, room 213.

THE COMPLAINT PROCESS

All complaints are referred to the Dean of Student Affairs for investigation/ and or possible resolution.

Upon receipt of the written complaint, or information prompting the initiation of the disciplinary process, the Dean of Student Affairs or designee will evaluate whether the circumstances merit disciplinary action based on the nature of the charges. Generally, the student charged with the violation will be informed of the nature and scope of the complaint. The source of information may be kept confidential, if the Dean of Student Affairs or designee determines, in his or her discretion, that revealing the source would create a risk of physical or emotional harm to the source, or might otherwise have a chilling effect on enforcement of these rules. .

THE FACT FINDING PROCESS

The Dean of Student Affairs or his/ her designee will gather information from all relevant parties involved and endeavor to complete the investigation within thirty (30) calendar days of receiving the complaint.

1. After the investigation of a complaint is completed the Dean of Student Affairs may determine that:
 - a. No grounds or insufficient grounds exist to conclude that a violation occurred and dismiss the complaint; or
 - b. Grounds exist to conclude that a violation may have occurred.
2. The Vice President of Academic and Student Affairs or designee may make exceptions, and exclude a student from classes or MCC property if he or she determines that the student's presence on campus is likely to interfere with MCC's orderly operation or create a significant risk to the health or safety of students, faculty, staff or MCC property.
3. If the Dean of Student Affairs determines that no grounds or insufficient grounds exist to conclude that a violation occurred and dismisses the complaint, a written notice of determination shall be provided to the student.

4. If the Dean of Student Affairs determines that grounds exist to conclude that a violation may have occurred, a Student Conference with the Student Life Coordinator will be arranged.
5. After the Student Conference, if the Dean of Student Affairs determines that the allegations are serious enough that if the student were to found responsible, the sanction could include suspension or dismissal from the College, a hearing before the Student Conduct Panel may be held.
6. If the complaint relates to conduct involving a violation of the College's Sexual Harassment and Sexual Misconduct Policy and if found responsible could result in suspension or dismissal from the College, the matter will be referred to the College's Title IX Coordinator.
7. If the Dean of Student Affairs determines to hold a Student Conduct Hearing, the Student Life Coordinator will notify the student in writing or by e-mail at least seven (7) business days prior to the Hearing.
8. Prior to the Student Conduct Hearing, the Student Life Coordinator shall prepare a written summary of the complaint and the violation(s). Copies of this information shall be provided to the student prior to the hearing.
9. The Dean of Student Affairs will inform the student that the Student Life Coordinator is available to assist the student with the understanding and following the procedures set forth in the Code.
10. The student may also have an advisor/support person present at the Student Conduct Conference or Student Conduct Hearing, but this person will be an observer only in any meeting or hearing.

The student may withdraw from MCC of his or her own volition at any time during the disciplinary process. The disciplinary sanctions may still be imposed, if the student withdraws from MCC before the disciplinary process, or elects not to participate in disciplinary proceedings.

THE STUDENT CONFERENCE

1. A written notice will be provided to the student via regular U.S. Mail, College e-mail or personal delivery.
The notice shall include the following:
 - The date, time and location of the Student Conference
 - Website link to the Code
 - A summary of the complaint and violation(s)
2. The Student Conference allows the student to meet with the Student Life Coordinator to respond to the complaint.
3. If the student does not appear for the Student Conference, the Dean of Student Affairs or his/her designee may proceed to make a decision based on the information gathered during the fact-finding.

4. Following the Student Conference, the Dean of Student Affairs or designee will decide whether the student violated the Code.
5. If the Dean of Student Affairs determines that the student violated the Code, he or she will schedule a Student Hearing.

COMPOSITION OF THE STUDENT CONDUCT HEARING PANEL

A Student Conduct Hearing Panel shall consist of two (2) faculty or two (2) staff members, two (2) students. All members of the Panel are selected annually by the Vice President of Academic and Student Affairs. A sufficient number of persons shall be selected so that a panel may be established promptly to consider a complaint. One member of the Panel will be designated by the Vice President of Academic and Student Affairs to serve as the chairperson. A simple majority of the members of the Hearing Panel shall constitute a quorum.

STUDENT CONDUCT PANEL HEARING PROCESS

1. The Panel Chair will schedule a date and time for the hearing, taking into consideration the class schedule of the accused student and the availability of the Hearing Panel members. If possible, the hearing should take place within thirty (30) calendar days following the referral of the complaint to the Dean of Student affairs.
2. The student will be provided a written notice sent via U.S. mail, College e-mail or personal delivery which included the following:
 - The date, time and location of the hearing
 - Copy of the Code or an internet link to the Code
 - Summary of the complaint and violation(s)

This notice shall be provided at least seven (7) business days prior to the hearing.

3. For a hearing to take place, a minimum of one (1) student, one (1) faculty or (1) staff member, and the Chairperson of the Student Conduct Hearing Panel must be present.
4. All hearings will be conducted at the Gateway Building unless the Dean of Student Affairs determines otherwise.
5. The Student Life Coordinator will arrange for the presentation of information at the hearing including any prior determinations of violations of the Code by the student. The Hearing Panel members and the student will be permitted to inspect all documents and other information.
6. All records are maintained by the Student Life Office.
7. If the student does not appear for the hearing, the Student Conduct Panel may receive a verbal summary of the complaint and violations from the Dean of Student Affairs. The Student Conduct Hearing panel may proceed to make a decision based on the information presented during the hearing.
8. At the conclusion of the hearing the Student Conduct Hearing Panel will decide, by majority vote, outside the presence of the student and any non- members, whether the student violated the Code. The decision will be based on a preponderance of the evidence.

9. If the Student Conduct Hearing Panel determines that the student violated the Code, it will recommend a sanction up to and including dismissal.
10. The decision of the Student Conduct Hearing Panel will be put in writing and be provided to the student via regular U.S. Mail, College e-mail, or personal delivery. With a copy to the Vice President of Academic and Student Affairs. The decision will be considered to be delivered one day after it is placed in the regular U.S. mail to the student's last known address on file with the College, a read receipt is received from the e-mail, or when it is personally delivered to the student.

DISCIPLINARY SANCTIONS

The penalties for the commission of a violation are listed below. Upon a finding, or plea, of guilt for any violation, one or more of the listed sanctions may be imposed independently or cumulatively.

- a. Warning: Notice, orally or in writing, that continuation or repetition of conduct found wrongful may be cause for more severe disciplinary action.
- b. Probation:
 1. Exclusion from participation in extracurricular College activities for a period not to exceed 1 year.
 2. Fine, restitution, and/or community service not to exceed 50 hours and/or counseling services as may be required.
- c. Disciplinary Suspension: Temporary separation from the College for a period of time not to exceed two years.
- d. Expulsion: Permanent exclusion from the College for all programs, academic or extracurricular.

ADMINISTRATIVE SUSPENSION OR DISMISSAL

The Vice President of Academic and Student Affairs or his/ her representative shall have the authority and responsibility to assure the well-being of the College community and to insure the College's ability to carry out its mission. To provide for this environment, any act or threat which, in the opinion of the Vice President of Academic and Student Affairs endangers any individual, or which results in terrorizing any member of the College community or guest may warrant immediate suspension or dismissal. Similarly, any act which may result in the disruption of College activities or inciting others to disrupt College activities or interference with the right of any member of the College from performing assigned duties or attending class may also warrant immediate suspension or dismissal. A suspension shall remain in effect until the Vice President of Academic and Student Affairs determines that the presence of the accused does not pose a threat to any member of the College community.

CODE OF STUDENT CONDUCT APPEAL PROCESS

The following process applies if the student wants to appeal the decision made following the Student Conduct Hearing:

1. The student must deliver a written letter of appeal to the Vice President of Academic and Student Affairs. The letter of the appeal must set forth why the student believes the decision or sanction should be overturned or modified, based on one or more of the grounds set forth below. The letter of appeal must be postmarked, e-mailed or hand

delivered within ten (10) business days after the decision of the Student Conduct Hearing Panel was delivered to the student.

2. Appeals are limited to the following grounds:
 - a. Whether there was a procedural error that resulted in material or prejudice to the party filing the appeal. Deviations from the designated procedures in the Code will not be a basis for sustaining an appeal unless material harm or prejudice results.
 - b. Whether the sanction is grossly disproportionate for the conduct violation, considering the relevant aggravating and/ or mitigating factors.
 - c. Whether the discovery of substantial new information not available at the time of the Student Conduct Hearing that, upon consideration by the hearing body or administrator, would have reasonably affected the results of the hearing.
3. The Vice President of Academic and Student Affairs will review all materials submitted by the student and the College file on the matter. He or she may, but is not required to 1) review the recording of the Hearing Panel; 2) interview the student and/or other persons who may have information relevant to the appeal.
4. If the student submitted substantial new information not available at the time of the Student Conduct Hearing, the Dean of Student Affairs will receive a copy of the new information and may present a response or additional information related to the student's new information. The student will receive a copy of or be present for the presentation of any such new information or response from the Dean of Student Affairs.
5. The Vice President of Academic and Student Affairs will determine whether the decision of the Student Conduct Hearing Panel will be upheld, whether there should be a reduced sanction, or whether the case should be remanded to the Dean of Student Affairs or Hearing Panel for an additional conference or hearing. The Vice President of Academic and Student Affairs will issue the decision within ten (10) business days of the date of the receipt of the students appeal letter if possible.
6. The decision of the Vice President of Academic and Student Affairs will be put in writing and a copy will be provided to the student via regular U. S. mail, College e-mail, or personal delivery.
7. The decision of the Vice President of Academic and Student Affairs (or designee) shall be final.
8. At the conclusion of the appeal process, all records of the proceedings will be returned to the Dean of Student Affairs and Coordinator of Student Life for retention in accordance with College policy.