

APPENDIX E

Specific Sanctions for Selected Violations

The College is required by law to disclose possible sanctioning practices for certain violations of the Student Conduct Code. The descriptions below include possible ranges of sanctions that may be applied to students who are found responsible for violations meeting the definitions described below. Mitigating or aggravating factors may impact the severity of sanctions assigned.

Physical Sexual Misconduct and Dating/Domestic Violence Sanctions

As required by the federal Jeanne Clery Act, the College must disclose the range of possible sanctions that may be imposed following an institutional disciplinary procedure addressing sexual misconduct or dating/domestic violence.

A hearing administrator may impose any sanction that it finds to be fair and proportionate to the violation and that is authorized for violations of the *Student Conduct Code*. In determining an appropriate sanction, the hearing administrator may consider any record of past disciplinary matters as well as the nature and severity of the misconduct. The hearing administrator will consider, as part of their deliberations, whether the accused student poses a continuing risk to a member or members of the College community. The College expects all cases involving a finding of *in violation* for sexual misconduct to involve consideration of the sanctions of suspension or expulsion. Any sanction imposed shall be explained or supported in a written decision of the hearing administrator.

A student found in violation of sexual penetration that occurs without the effective consent of the victim, or that occurs when the victim is unable to give consent will be issued sanctions ranging from suspension to expulsion. Students found responsible for any intentional, non-consensual sexual contact with an intimate body part of another, or forcing another to have sexual contact with an intimate body part of oneself or another, with any object or body part; or any disrobing of another without effective consent will be issued sanctions ranging from pending termination of housing and pending suspension statuses to expulsion.

Dating/Domestic violence includes any action, statement or use of force against a person where a personal, intimate or special relationship exists (defined by marriage, civil union, dating, family membership, or co-habitation), and would reasonably threaten or intimidate that person. A student found responsible for this type of *03. Personal Abuse* will be issued sanctions ranging from being moved to a different housing location with pending termination of housing status to expulsion.

Alcohol and Drug Related Sanctions

In response to the Drug-Free Schools and Communities Act of 1989, the College has published the following possible sanctions for alcohol and other drug violations in the *Alcohol and Other Drugs Policy*:

A student who commits a violation of expectations outlined in the Student Conduct Code is subject to sanctions commensurate with the offense consistent with local, state, and federal law,

up to and including removal from College assigned housing, expulsion from the College, and referral for prosecution, as well as the possibility of revocation of privilege to consume alcohol on campus and/or to attend College-sponsored events at which alcohol will be served or consumed. Referrals to the Alcohol and Other Drugs Support Services and/or Counseling and Psychological Services (CAPS) may be required.

The 1998 HEA amendments to The Family Education Rights and Privacy Act (FERPA) of 1974 added an exception that allows institutions of higher education to disclose to a parent or legal guardian information regarding a student's violation of any law or institutional rule or policy governing the use or possession of alcohol if the student is under 21, or the use or possession of a controlled dangerous substance without regard to a student's age, and the institution determines that the student has committed a disciplinary violation with respect to use or possession. The College may choose to apply this exception and communicate with the family of a student who meets the established criteria, in an effort to partner with the family to assist the student.

Loss of Financial Aid for Drug Conviction(s)

Be advised that a student who is convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance while enrolled in an institution of higher education and receiving any federal financial aid (e.g. grant, loan, or work assistance) will lose his/her eligibility for such federal assistance according to the following schedule:

If convicted of an offense involving the **possession** of a controlled substance, the ineligibility period is:

First Offense: 1 year

Second Offense: 2 years

Third Offense: Indefinite

If convicted of an offense involving the **sale** of a controlled substance, the ineligibility period is:

First Offense: 2 years

Second Offense: Indefinite

Bullying, Intimidation and/or Harassment Sanctions

In accordance with the 2011 New Jersey Anti-Bullying Statute § 28, the College is providing a range of disciplinary sanctions which may result if a student is responsible for an act of bullying, intimidation or harassment that will range from a warning with discretionary educational sanction(s) to expulsion.