

Student Code of Conduct

Policy Statement:

This Policy updates and establishes clear expectations and guidelines for student behavior and promotes a safe and inclusive learning environment. The code of conduct sets forth the standards of behavior that students are expected to adhere to while attending the institution and outlines the consequences for violating those standards.

Reason for Policy:

The Bergen Community College Code of Student Conduct Policy and Procedures is crucial as it ensures alignment with current social norms, legal standards, and emerging issues such as first amendment rights, technological advancements, and more. This process promotes inclusivity, diversity, and equity, ensuring all students feel respected and supported. Clear, updated guidelines help students understand expectations and consequences, enhancing personal growth and ethical development. Regular revisions also improve campus safety and well-being, maintain the institution's reputation, and address feedback from the community, creating a dynamic and supportive environment for student success.

The procedures manual should be updated and aligned regularly with the current College catalog, practices, organizational structure, as well as many updated legal standards including those related to Title IX.

Who Should Read This Policy:

All members of the Bergen Community College community.

The Policy:

Bergen Community College students are expected to uphold and abide by the standards of conduct that form the basis of the Student Code of Conduct. These standards are embodied within a set of five core values:

- Integrity: Bergen Community College students exemplify honesty, honor, and a respect for the truth in all of their dealings.
- Equity: Bergen Community 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.
- Respect: Bergen Community College students exhibit positive regard for each other, for property, and for the community.
- Community: Bergen Community College students build and enhance their community.
- Responsibility: Bergen Community College students are given and accept a high level of responsibility to self, to others and to the community.

Bergen Community College students bear responsibility for their conduct. When students fail to exemplify the five core values by engaging in any violation of the standards, proceedings will take place as outlined in the Student Code of Conduct. Based on the outcome of the proceedings, the College reserves the right to engage in corrective and/or disciplinary action as outlined in the *Code*.

Procedure:

See Attached Document

Related Documents/Policies:

HR 008-001.2023 Title IX Policy and Procedures Covering Discrimination, Harassment, and Sexual Misconduct (Events occurring prior to August 1, 2024)

HR 011-002.2024 Title IX Policy and Procedures Covering Discrimination, Harassment, and Sexual Misconduct (Events occurring August 1, 2024 and beyond)

Policy History: (adopted/amended)

Adopted: August 6, 2024

Amended:

POLICY

Bergen Community College students are expected to uphold and abide by the standards of conduct that form the basis of the Student Code of Conduct (the “Code”). These standards are embodied within a set of five (5) core values:

- Integrity: Bergen Community College students exemplify honesty, honor, and a respect for the truth in all of their dealings.
- Equity: Bergen Community 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.
- Respect: Bergen Community College students exhibit positive regard for each other, for property, and for the community.
- Community: Bergen Community College students build and enhance their community.
- Responsibility: Bergen Community College students are given and accept a high level of responsibility to self, to others and to the community.

Bergen Community College students bear responsibility for their conduct. When students fail to exemplify the five (5) core values by engaging in any violation of the standards, proceedings will take place as outlined in the Student Code of Conduct. Based on the outcome of the proceedings, the College reserves the right to engage in corrective and/or disciplinary action as outlined in the Code.

PROCEDURES - The Code

Bergen Community College is committed to providing a campus environment that is conducive to academic inquiry in the College tradition. The Vice President of Student Affairs is responsible for the oversight of student discipline at Bergen Community College, and has the authority to implement the procedures contained in the Bergen Community College Student Code of Conduct, which is designed to address all student misconduct allegations at the College.

Bergen Community College students bear responsibility for their conduct; as such, they should familiarize themselves with the Bergen Community College Student Code of Conduct, which is also available on our website.

Bergen Community College Student Code of Conduct

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SECTION I: STUDENT CODE OF CONDUCT

Preface

A community exists on the basis of shared values and principles. Students at Bergen Community College are expected to uphold and abide by certain standards of conduct that form the bases of the Student Code of Conduct. These standards are embodied within a set of five (5) core values: integrity, equity, respect, community, and responsibility. The Student Code of Conduct is provided to give students a general notice of expected conduct. This Code has not been designed to set forth an exhaustive list of misconduct, but rather to establish behavioral guidelines, and is not intended to create rights beyond those of the background laws framing such codes, generally.

It is the responsibility of all students to become familiar with the information, policies, and procedures contained in this Code. Bergen Community 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 bergen.edu/policies for the updated versions of all Bergen Community College policies and procedures.

Nothing contained in this document is intended to conflict with local, state, or federal law, and if provisions do conflict, will be construed so as not to do so, or to honor appropriate conflict-of-laws principles.

Philosophy Statement

Bergen Community College is committed to providing a campus environment that is conducive to academic inquiry in the College tradition. 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 greater College community. This Student Code of Conduct is designed to establish behavioral guidelines that pertain to student misconduct, excluding sex and gender-based misconduct. Sex and gender-based misconduct is covered by the Title IX Policy Covering Discrimination, Harassment, and Sexual Misconduct. Student members of the College community are expected to abide by certain standards of conduct that form the basis of this Student Code of Conduct and ensure that their visitors do likewise. When students fail to adhere to this Code, College or community standards, appropriate proceedings may be initiated under this Code to address the failure and its consequences.

The student conduct process at Bergen Community 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 evidentiary standard for this code. No student will be found in violation of Bergen Community College policy or the Student Code of 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.

Core Values of Student Conduct at Bergen Community College

- **Integrity**: The quality of being honest and having strong ethical principles.
- **Equity**: The quality of being fair, just, and impartial.
- **Respect**: A feeling of deep admiration for another entity elicited by their abilities or qualities.
- **Community**: A group of people interacting in the same place and having a particular characteristic in common.
- **Responsibility**: The state or fact of having a duty to take ownership of one's behavior.

Definitions

Advisor - A member of the College community, who is not an attorney and not related to the student going through the process, who has been selected by a respondent or by a complainant to assist them in investigations or conferences conducted in accordance with this Code. The advisor shall not speak on behalf of the student.

Anonymous - To report an incident without identifying the name of the Complainant in order to protect one's identity.

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

Administration or Staff - Any employee who currently holds a non-faculty appointment within the College.

BCC Official Method of Communication with Students – Bergen Community 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 BCC email addresses. Students are responsible for all communication delivered to their official College email addresses.

Business Day - Any day when the College offices are open for business.

College - The institution and all of its campus locations, divisions and programs.

College Grounds or Premises - All buildings or grounds, used, owned, leased, operated, controlled or supervised by the College.

College Sponsored Activity - A College sponsored activity means any academic, athletic, co-curricular, extra-curricular or other activity on or off-campus, which is initiated, aided, or sponsored, authorized, or supervised by the College.

Complainant - When reporting a violation of this Code and/or College policy, a Complainant 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 others.

Disciplinary Record - Written documentation of a student disciplinary proceeding created when the Office of Student Conduct (or designee) finds the student responsible for violating one or more of the policies in the Student Code of Conduct or the results of an appeal filed by the student that results in an affirmation of the decision by the Office of Student Conduct (or designee).

Distribution - Sale and/or exchange.

Faculty - Any person who holds a current academic appointment within the College.

Member of the College Community - Any student, faculty, administrator, or staff member of the College or visitor to the College, during the time of visitation.

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

Respondent - Any student who has been accused of an act or misconduct as prohibited by this Code.

Sanction - Penalty for a violation of the Student Code of 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, or intent to continue learning, as a member of the College community.

Student Organization - A College-recognized group of Bergen students meeting the criteria for group registration or recognition established by the Office of Student Life.

SECTION II: JURISDICTION

The Board of Trustees at Bergen Community College has adopted by appropriate resolution the terms and provisions of this Student Code of Conduct and, by the adoption of this Student Code of Conduct, has empowered the employees and committees referenced herein to enforce the terms and provisions set forth. The College maintains the right to take all necessary and appropriate action to protect the health, safety, and welfare of the employees, students, and visitors to the College campus community.

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

For the purposes of student conduct, Bergen Community College considers an individual to be a student when they meet the definition above in the Definition section of the Code. If non-compliance with BCC's Student Conduct Code is alleged for a student who is enrolled simultaneously at BCC and at an affiliated high school, the BCC Student Code of Conduct will apply for incidents that occur within BCC jurisdiction, outside of the time when the student is under the supervision of the faculty/staff/administrators of the partner high school.

Bergen Community 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 Complainant. A Complainant may be a member or non-member of the campus community, including students, student organizations, faculty, administrators, staff, guests, visitors, vendors, or others.

Bergen Community 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 Respondent has graduated, Bergen Community College may invoke these procedures. Should the Respondent (former student) be found responsible for a violation, Bergen Community College may revoke that student's degree and/or impose other penalties and restrictions as appropriate.

The Student Code of Conduct applies to behaviors that take place on the campus, at Bergen Community College-sponsored events, and off-campus when the Vice President of Student Affairs, or designee, determines that the off-campus conduct affects a substantial Bergen Community College interest. A substantial Bergen Community 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 self or others; and/or
- Violations of local ordinance, state, or federal law, including repeat violations of any local ordinance, state, or federal law; 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 BCC; and/or
- Any situation in which BCC policy or this Code is violated.

Protected Speech and Online Behavior

The Student Code of 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 may act, if and when, such information is brought to the attention of Bergen Community 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 disruption to the campus or College operations. Otherwise, such communications are typically 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 an intentional, reckless, or serious expression that a speaker means to commit an act of unlawful violence or inflict bodily harm upon specific individuals.

Guests, Visitors, Vendors, and Community Members

Under the Student Code of 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 Student Code of Conduct also applies to students who are a part of any on-site contractual partner agreements including high school bridge, extensions, academy partnerships and dual-credit programs. Students in these programs are subject to the Student Code of Conduct’s jurisdiction as defined above when they are not under the supervision of representatives of the partner agency.

SECTION III: VIOLATIONS OF THE LAW AND THIS CODE

Alleged violations of federal, state, and local laws may be investigated and addressed under the Student Code of Conduct. When an offense occurs over which the College has jurisdiction, the Bergen Community College conduct process will 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 Bergen Community College until the criminal charges are resolved. In such situations, voluntary leaves of absence are subject to the following conditions:

- The student must comply with all campus investigative efforts that will not prejudice their 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.

Bergen Community 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 are found in the interim sanctions part of this Code.

SECTION IV: SPECIAL PROVISIONS

Amnesty for Serious Violations

The College encourages the reporting of incidents of harassment, violations of equal opportunity, discrimination, and crimes to College officials. Sometimes, Complainants 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 Complainants 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 Complainants and witnesses amnesty from minor policy and code violations related to serious conduct violations.

For Complainants - 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 Director of Student Life and Development, 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 Student Conduct Office not to extend amnesty to the same person repeatedly.

Attempted Violations

In most circumstances, the College will treat attempts to commit any of the violations listed in this Code as if those attempts had been completed.

College as Complainant

As necessary, the College reserves the right to initiate a complaint, to serve as Complainant, and to initiate conduct proceedings without a formal complaint by the alleged victim of misconduct.

False Allegations

The College will not tolerate intentional false reporting of incidents. It is a violation of this Code to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

Student Organization Violations

When members of groups, individuals acting collusively, or members of an organization act in concert in violation of any policy, they may be held accountable as a group, and an investigation may proceed with the group as joint Respondents. In any such action, however, determinations will be made with respect to the involvement of each individual Respondent. Code violations may be charged as collateral misconduct in other College proceedings, and in such cases, those proceedings share Student Code of Conduct authority, and those procedures will be used in lieu of the procedures described herein.

Good Samaritan

In a community, students are encouraged to help other members of the community who are in need; to be Good Samaritans. When a student has assisted an intoxicated student in procuring campus safety and/or professional medical assistance at Health Services, or any other healthcare facility, neither the intoxicated student nor the individual(s) who assist them will be subject to formal action through this process for (a) being intoxicated, or (b) having provided that person alcohol and/or drugs. This applies only to first-time, isolated incidents, and does not excuse or protect those who flagrantly or repeatedly violate college alcohol and/or drug policies.

Parental Notification

The College reserves the right to notify parents/guardians of any student whose conduct is deemed to be in violation of this Code, when permitted by law. The College reserves the right to notify all law enforcement agencies of any breach of the provisions of this Code involving alcohol, drugs, or any other act that is a danger to the health, safety, and well-being of any member of the College community. The College also reserves the right to designate which college officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act ("FERPA").

Notification of Outcomes

The outcome of a campus formal investigation is part of the educational record of the Respondent and is protected from release under the Federal Education Rights and Privacy Act ("FERPA"), except under certain conditions:

1. As allowed by FERPA, when a student is accused of a policy/code violation that would constitute a "crime of violence", Bergen Community College will inform the Complainant 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 Respondent, the alleged violation, the finding, and the sanctions assigned (if applicable).
2. Students should be aware that, in the event they pursue a job that requires some kind of security clearance and Bergen Community 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.
3. Conduct records can be shared with a transferee institution upon a student's application to transfer to that institution, without consent.
4. If a student is enrolled simultaneously at BCC and at an affiliated high school and their complaint is adjudicated under BCC's Student Code of Conduct, the administration of the affiliated high school may be notified of the outcome of the investigation.
5. In cases where Bergen Community 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 Offenses
 10. Non-Forcible Sex Offenses

Defenses

It has become common for students accused of policy violations to try to excuse their actions with explanations such as prescription drug interactions, self-defense, disabilities, etc. The College's policy on defenses is clear. Defending your actions could be admission of a violation of policy. "Yes, we fought, but Complainant started it" still means you had a fight, and that violates this Code. Taking someone's property under the influence of an anti-depressant is still taking someone else's property. While your defense will not excuse your actions, the College will take the legitimacy of your defense into consideration in addressing the proper sanction. If you were not the aggressor in a fight, you may still be sanctioned, but your sanction may be lesser than the sanction of the person who started the fight.

Withdrawal of a Respondent

A Respondent facing an alleged violation(s) of the Student Code of Conduct is not permitted to withdraw from Bergen Community College until the allegation(s) is resolved, unless permission is granted in writing by an appropriate administrator.

SECTION V: HOW TO REPORT AN INCIDENT

A complaint against a student for violations of this Code may be made by anyone who feels this Code has been violated. A complaint should be made as soon as possible following the incident. The Complainant should include as much detail of the alleged violation as possible and to the degree possible include specific references to the part of this Code that pertains to the complaint.

Reports can be filed online at www.bergen.edu/report.

The incident report should include:

- Complainant's name, address, and telephone number.
- The name of the person who is accused of a violation of this *Code*.
- The date(s) on which the alleged incident occurred.
- The place(s) where the alleged incident occurred.
- A statement describing, in detail, the alleged incident.
- The name, address, and telephone number of any witnesses.

In exceptional circumstances, provisions may be made to protect the identity of reporters and witnesses upon request.

Please note if the form is not completed in its entirety, the Office of Student Conduct may be limited in its ability to investigate and address the incident. Students are responsible to read and to abide by the provisions of this Code and the authority of the student conduct process.

This Code and the student conduct process apply to the conduct of individual students and College recognized student organizations.

As this Code is based on shared values, it sets a range of expectations for the student no matter where or when their conduct may take place. 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.

Office of Public Safety

201-447-9200 or by dialing "6" on any campus phone

Office of Student Life & Student Conduct

201-447-7215 or email studentconduct@bergen.edu

Note: Reporting a Student for an Academic Integrity Violation

A faculty member who suspects a student in their class, or working under their direction, of conduct demonstrating a lack of academic integrity can choose to:

- Submit the complaint as “information only” to request that the incident be kept “on file” for the student.
 - An instructor who has addressed an alleged violation within the context of their course, and/or believes that a student made an unintentional mistake and who does not want to file a formal complaint should submit an “information only” complaint through their Dean/Coordinator to the Director of Student Life and Development who will enter the “information only” complaint into the Maxient system. A record of the number of “information only” complaints will be kept in the system for reference with any future incidents.
- File official charges with the Office of Student Conduct.
 - The Office of Student Conduct, in collaboration with the Academic Department Chair and Faculty, will review all complaints submitted against a student to determine whether sufficient evidence exists to support a charge for conduct demonstrating a lack of academic integrity. If the Dean determines that the evidence is sufficient, the complaint will be assigned to an investigator within the Office of Student Conduct.
 - The Office of Student Conduct does not typically investigate academic incidents unless there are multiple informational complaints, or the alleged violation is so serious that the scope of appropriate sanctions falls outside of what can be applied by an instructor, coordinator, or dean. Once a complaint is assigned and necessary documentation is received by the office, the student will be notified of the incident, charges, and a meeting time and follow the appropriate processes in this Code.

SECTION VI: STANDARDS OF CONDUCT

Core Values and Behavioral Expectations

Bergen Community College considers the behavior described in the following sub-sections as inappropriate for the BCC community and in opposition to the core values set forth in the Bergen Community College Student Code of Conduct. These expectations and rules apply to all students. BCC 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 VIII. E. of the Code.

A. Integrity: *Bergen Community 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. **Unauthorized Access.** Unauthorized access to any Bergen Community 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.
3. **Collusion.** Action or inaction with another or others to violate the Student Code of Conduct. The knowing failure of any organized group to exercise preventive measures relative to violations of this *Code* by members.
4. **Trust.** Violations of positions of trust or authority within the community.
5. **Election Tampering.** Tampering with the election of any Bergen Community College recognized student organization.
6. **Unauthorized Use.** Misuse or unauthorized use of the College or organizational names and images.
7. **Theft.** Intentional and unauthorized taking or maintaining possession of College property or the personal property of another without permission, including goods, services, and other valuables.
8. **Academic Dishonesty.** Acts of academic dishonesty as outlined in the Academic Regulations section of the College Catalog.

B. Equity. *Bergen Community 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. Behavior demonstrating a lapse of equity includes, but is not limited to:*

1. **Discrimination or Harassment.** For offensive or annoying behavior to rise to the level of a Code violation, such behavior must have the potential to cause a

deprivation of the civil rights of a member of a protected class. Protected classes at the College include pre-disposing genetic characteristics/testing requirements, gender identity/expression, sex, race, color, religion, creed, age, national origin, nationality, ancestry, ethnicity, disability, veteran's status, military service, sexual orientation, and pregnancy or breastfeeding status, marital status or domestic partnership/civil union status (See College Non-Discrimination Policy for more details).

2. **Retaliatory Discrimination or Harassment.** Any intentional, adverse action taken by a Respondent 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, which has the effect of depriving a member of the community of educational or employment access, enjoyment, benefits or opportunities. See College Non-Discrimination Policy for more details.
3. **Bystanding/Complicity.**
 - a. Complicity with or failure of any student to appropriately address known or obvious violations of the Student Code of Conduct or law.
 - b. Complicity with or failure of any organized group to appropriately address known or obvious violations of this Student Code of Conduct or law by its members.
4. **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 supportive measures or sanction(s) imposed by the College.
 - 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, witness, or any participant in the conduct process.

C. Respect. *Bergen Community College students exhibit positive regard for each other, for property, and for the community. Behavior demonstrating a lack of respect includes, but is not limited to:*

1. **Harm to Persons.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person.
2. **Threatening Behaviors.** Threat, verbal assault, abuse, or physical obstruction of any individual. Such behavior includes verbal or physical disruption or obstruction of teaching, research or disciplinary proceedings of any individual, office or authorized College activity. Intimidation (implied threats) or coercion (pressuring another unreasonably until an act is not truly voluntary).
 - a. **Threat.** Written or verbal conduct, or gestures, that intentionally or recklessly cause a reasonable expectation of injury or harm to the health or safety of any person or damage to any property that is not otherwise protected by freedom of speech.
 - b. **Intimidation.** Implied threats or acts that cause another to reasonably fear harm.
3. **Bullying and Cyberbullying.** Repeated and/or severe aggressive behaviors, likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally, which are not protected by freedom of expression.
4. **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.
5. **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.
6. **Lewd or obscene conduct.**
 - a. Public urination, defecation, or intentional expression of bodily fluids onto another.
 - b. Deliberately and publicly exposing one's intimate body parts.
 - c. Sexual acts performed in public.
 - d. Surreptitiously taking pictures or recording of another person in a gym, locker room, restroom, or any other area where a reasonable expectation of privacy exists.
 - e. Streaking.
 - f. Possession or distribution of any obscene materials, as defined by the standards of the College community, including sexual materials that may be prohibited by law, including revenge porn, deepfakes, etc.
7. **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, including but not limited to locker rooms, changing rooms, and restrooms.

D. Community. *Bergen Community College students build and enhance their community. Violations of community standards include but are not limited to:*

1. **Disruptive Behavior.** Disruption or obstruction of teaching, research, administration, other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College premises. Examples of this include, but are not limited to:
 - a. Unruly classroom behavior which substantially impacts or interferes with the learning environment.
 - b. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
 - c. Participating in an on-campus or off-campus demonstration, riot or activity that substantially disrupts the normal operations of the College and/or infringes on the rights of other members of the College community.
 - d. Leading or inciting others to substantially disrupt scheduled and/or normal activities within any campus building or area.
 - e. Disorderly conduct that is lewd or indecent regardless of the intent; or
 - f. Verbal assault or abuse of, interference with, or noncompliance to campus public safety officer(s) or other College officer(s) while they are acting in performance of their duties on College premises.
2. **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.
3. **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.
4. **Trademark.** Unauthorized use and misuse of Bergen Community College or organizational names and images.
5. **Damage and Destruction.** Intentional, reckless, and/or unauthorized damage, littering, vandalism, or destruction of Bergen Community College property or the personal property of another including but not limited to:
 - a. Misuse of access privileges to College premises or unauthorized entry to or use of buildings, including trespass.
 - b. Driving motor vehicles on lawn or grounds without permission.
 - c. Failure to clean up after a registered event.
 - d. Failure to maintain an organization's facilities and/or surrounding property.

6. **IT and Acceptable Use.** Violating the Bergen Community [College IT Acceptable Use Policy](#).
7. **Gambling.** Gambling as prohibited by the laws of the State of New Jersey. Gambling may include raffles, lotteries, sports pools, and online betting activities.
8. **Weapons.** Violating the Bergen Community College [Weapons on Campus Policy](#).
9. **Tobacco.** Use of tobacco products, including but not limited to cigarettes, cigars, cigarillos, smokeless tobacco, e-cigarettes and other vaping devices on College property. Bergen Community College is a tobacco-free campus.
10. **Fire Safety.** Violation of local, state, federal, or campus fire policies, such as:
 - a. Intentionally or recklessly causing a fire which damages Bergen Community College or personal property or which causes injury.
 - b. Failure to evacuate a College-controlled building during a fire alarm.
 - c. Intentionally or recklessly obstructing a fire exit in any College building;
 - d. Improper use of College fire safety equipment.
 - e. 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 Bergen Community College sanctions.
11. **Ineligible Pledging or Association.** Pledging or associating with a student organization without having met eligibility requirements established by the College.
12. **Animals.** Animals, with the exception of service animals that provide assistance, are not permitted on campus.
13. **Wheeled and Recreational Devices.** Skateboards, sleds, roller blades, roller skates, scooters, bicycles, and similar wheeled devices are not permitted inside College buildings. 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.

E. Responsibility. *Bergen Community College students are given and accept a high level of responsibility to self, to others and to the community.*

1. **Alcohol.** Use, possession, or distribution of alcoholic beverages or paraphernalia, except as expressly permitted by law or policy.
2. **Drugs.** Use, possession, or distribution of illegal drugs and other controlled substances or drug paraphernalia, except as expressly permitted by law or policy.
3. **Prescription Medications.** Abuse, misuse, sale, or distribution of prescription or over-the-counter medications.

4. **Failure to Comply.** Failure to comply with the reasonable directives of Bergen Community College officials or law enforcement officers during the performance of their duties and/or failure to identify oneself accurately to these persons when requested to do so.
5. **Failure to Follow College Procedures.** Failure to follow procedures for College events held on or off-campus.
6. **Other Policies.** Violating other published Bergen Community College policies or rules.
7. **Health and Safety.** Creation of health and/or safety hazards
8. **Violations of Law.** Evidence of violation of local, state, or federal laws, when substantiated through Bergen Community College's conduct process.

SECTION VII: 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.

SECTION VIII: STUDENT CODE OF CONDUCT PROCESS AND PROCEDURES

This overview provides a general awareness of the way in which Bergen Community 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 may not be 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 Bergen Community College rules.

Notice

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

Group Violations

A student group or Student 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.

Notice of Investigation and Alleged Violation

When an investigation is opened by Vice President of Student Affairs or designee, a notice of investigation will be sent to respondents with an invitation to an informational meeting. In addition, a complete Student Code of Conduct will be sent to all parties. In the case of a student who is enrolled simultaneously at BCC and at an affiliated high school, who is being investigated under BCC'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 Director of Student Life and Development, or designee, will appoint investigator(s) to investigate allegations of violations under this *Code*. The investigator(s) may institute "Interim Measures".

Interim Measures

Under the Student Code of Conduct, the Director of Student Life and Development or designee, may:

- Take action to provide interim support and remedies to the Complainant 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 Respondent from the College pending the investigation of alleged violation(s) of the Student Code of Conduct when a Respondent 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 Bergen Community College property, and/or to prevent disruption of, or interference with, the normal operations of Bergen Community College.

Interim Suspension. Interim suspensions are imposed until an investigation can be completed, typically for up to ten (10) business days, pending the results of an investigation of alleged violation(s) of the Student Code of 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 (10) business days from notice of the incident unless a longer delay is requested in writing by the Complainant 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 or its terms should be modified. Regardless of the outcome of this meeting, Bergen Community College may still proceed with an investigation.

During an interim suspension, a student may be denied access to the Bergen Community College campus, facilities, and/or events. As determined appropriate by the Director of Student Life and Development, or designee, this restriction may include classes and/or all other Bergen Community College activities or privileges for which the student might otherwise be eligible. A student's instructor(s), appropriate Dean(s), and Public Safety will be notified in writing by the Director of Student Life and Development, or designee, 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 Respondent.

No-Contact Order. The Director of Student Life & Development, or designee may impose a limited or campus-wide No-Contact Order between parties to a complaint when concerns for retaliation, ongoing conflict, and/or harassment may be present. Specific instructions will accompany the No-Contact Order outlining to all parties the expected behavior including face-to-face contact, correspondence, e-mail, text, online or electronic communication or telephone. Friends and relatives may also be prohibited from contact on behalf of either party.

Investigation Procedures

When the Director of Student Life and Development or designee determines an investigation may be required, the complaint is forwarded to Student Conduct investigator(s).

The investigator(s) will proceed as follows:

1. Conduct a comprehensive investigation to determine if there is reasonable cause to believe that the Respondent violated Bergen Community 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 Complainant and Respondent via BCC's official means of student communication, usually prior to any meetings between the Respondent and the investigator(s). The notice of investigation letter will include an invitation to an Informational Meeting to the Respondent(s).
3. Meet with the Complainant prior to the Informational Meeting to finalize the official statement of complaint, which will be developed by the investigator(s), or designee, as a result of this meeting. Discuss the next steps of the conduct process including the Informational Meeting.

Informational Meeting. All Respondents are provided an opportunity to attend a scheduled informational meeting with the Director of Student Life and Development or designee

responsible for resolving the case. An informational meeting is an informal meeting with the Director of Student Life and Development or designee who will explain the Respondent's rights and the alleged violation(s), discuss resolution options, review the Respondent's responsibilities, and provide an opportunity to review, after any required redaction, the information that was provided as the basis for the alleged policy violation(s). The Director of Student Life and Development or designee will also answer questions about the process and available options. The Director of Student Life and Development or designee may provide a range of possible outcomes for the alleged violation, but that individual cannot ensure that a specific outcome will occur.

During the informational meeting, the Respondent may select one of the available resolution processes (Administrative Conference, Informal Resolution, or Formal Resolution) for the case. In certain circumstances, the Director of Student Life and Development or designee may exercise the authority to select the resolution process. In the absence of a resolution option selection from the Respondent, the Director of Student Life and Development or designee will determine the appropriate resolution process for the case. Failure to attend an informational meeting will not delay the student conduct proceedings or impact the validity of such proceedings.

Administrative Conference

If the Director of Student Life and Development or designee believes the outcome for the alleged violation would likely not rise above Probation or result in removal from the College, the Respondent may elect to have the case resolved by Administrative Conference. An Administrative Conference takes place between the Respondent and Director of Student Life and Development or designee and does not allow for the presentation of witnesses or additional information to be submitted by the Respondent before the meeting, although the administrator may follow up with other parties as necessary before making a decision. The Administrative Conference will primarily consist of the Respondent sharing their perspective on the reported behavior and the Director of Student Life and Development or designee asking questions of the Respondent. The result of an Administrative Conference is not appealable.

An Administrative Conference may occur directly following an informational meeting or may be scheduled for a later date. Every effort will be made to schedule an Administrative Conference within five (5) Business days of the informational meeting. Following an Administrative Conference, the Director of Student Life and Development or designee will determine whether it is more likely than not that a violation occurred and determine appropriate sanction(s), if applicable.

If the Respondent does not wish to proceed with an Administrative Conference, and/or the sanction for an alleged violation would be more serious than probation, or result in removal from the College, the Respondent may elect to pursue Formal Resolution. A Formal Resolution may be required by the Director of Student Life and Development or designee for any case that may result in expulsion.

Informal Resolution

Informal Resolution (e.g., mediation, restorative practices, facilitated dialogue) is a voluntary process by which the Complainant and Respondent reach a mutually agreed upon resolution of a complaint. The Informal Resolution process will only be used at the request and agreement of both the Complainant and Respondent; and under the direction of the Director of Student Life and Development or designee. All parties must agree to the use of an Informal Resolution approach.

The Director of Student Life and Development or designee may consider the following factors to assess whether Informal Resolution is appropriate, or which form of Informal Resolution may be most successful for the parties:

The parties' amenability to Informal Resolution

- Likelihood of potential resolution, considering any power dynamics between the parties
- The nature and severity of the alleged misconduct
- The parties' motivation to participate
- Civility of the parties
- Results of a violence risk assessment/ongoing risk analysis
- Disciplinary history of the Respondent
- Whether interim measures are needed
- Complaint complexity
- Emotional investment/capability of the parties
- Rationality of the parties
- Goals of the parties
- Adequate resources to invest in Informal Resolution (time, staff, etc.)

The ultimate determination of whether Informal Resolution is available or successful is made by the Director of Student Life and Development or designee. The Director of Student Life and Development or designee is authorized to facilitate a resolution that is acceptable to all parties, and/or to accept a resolution that is proposed by the parties. The College reserves the right to suspend or terminate the Informal Resolution process at any time.

Any agreements reached as part of the Informal Resolution Process must be documented, signed in-person or electronically by the Complainant and Respondent, and approved by the Director of Student Life and Development or designee. If no agreement is reached, then the matter may be referred to the Director of Student Life and Development or designee for further action.

The Director of Student Life and Development or designee maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions for failure to comply. Results of complaints resolved by Informal Resolution are not appealable.

Formal Resolution

When the Director of Student Life and Development or designee determines a formal investigation is required, the complaint is forwarded to Student Conduct investigator(s). The investigator(s) will proceed as follows:

1. 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 Respondent, who may be given notice of the interview prior to or at the time of the interview, as long as their access to an advisor is not compromised;
2. Interview all relevant witnesses and summarize the information they are able to share;
3. A Complainant or Respondent is permitted to bring an advisor of their choosing 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.
4. Obtain all documentary evidence and information that is available;
5. Obtain all physical evidence that is available;
6. Send additional Notice of Alleged Violations to the parties if additional violations of the Student Code of Conduct are discovered during the course of the investigation;
7. Arrange and have follow-up meetings with any of the parties as deemed necessary based on the information gathered throughout the investigation;
8. Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline;
9. Make a finding, based on a preponderance of the evidence (whether a policy/code violation is more likely than not).
10. Present the investigation report and findings to the Director of Student Life and Development.

Parties may inquire with the Director of Student Life and Development 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). Bergen Community 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 Respondent is responsible for the violation(s), the investigation report with the finding will be forwarded to the Director of Student Life and Development to assign sanctions. Sanctions for all cases will be assigned by the Director of Student Life and Development to ensure consistency. The Director of Student Life and Development will deliver notice of findings and sanctions to all parties.

Notice of Findings and Sanction(s). At the conclusion of an investigation, Bergen Community College will notify appropriate parties of the findings and sanctions as well as provide a copy of the investigation report. Respondents have the right to accept or reject findings or sanctions within seven (7) business days of their receipt of the notice of findings and sanctions.

Accept. A Respondent may accept the finding and sanction(s) by not responding to the notification and allowing seven (7) business days to pass, or by communicating acceptance in writing pursuant to the instructions in the notification of outcome.

- If the Respondent accepts the finding and sanction(s) by not filing an appeal within seven (7) business days or in writing, Bergen Community College considers this an “uncontested allegation.” If accepted, the process ends, and any sanction(s) are applied.

Reject. A Respondent may reject the finding and/or the sanctions only by filing a written appeal within seven (7) business days of receiving official notification of responsibility from the College. This written appeal document must contain all the information that the Respondent wants to be considered in the appeal of either the finding, the sanction(s), or both.

- If the Respondent rejects the finding, sanction(s), or both, and files an appeal that meets the standards for filing an appeal within seven (7) business days, Bergen Community College will conduct an administrative review of the finding and/or the sanction(s).

Appeal Standards. Appeals requests from Respondents 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 conduct sanctions fall outside the range of sanctions designated for the offense(s), considering the cumulative conduct history of the Respondent and the sanctioning rubric.

Appeals must be filed in writing to the Vice President of Student Affairs, or designee within seven (7) business days of the notice of the outcome of the investigation to the student. In order to file an appeal, a Respondent filing an appeal must include the following three elements:

1. Clearly identify the grounds under which the appeal is being filed based on one or more of the three reasons identified above;
2. Address the ways in which the circumstances 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 (3) sections in the document so that reasons and support for the appeal are clear. The Vice President of Student Affairs, or designee will review and determine if the grounds for an appeal are met. In review, the original finding and sanction are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show clear error. 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 Complainant's statement. If the Vice President of Student Affairs, or designee determines there is no basis for an appeal, the appeal will be denied, and the Respondent will be notified of the decision within seven (7) business days. Decisions regarding the merit of an appeal by the Vice President of Student Affairs, or designee 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 parties within seven (7) 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 Affairs, 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 students/staff/administrative members appointed and trained annually by the Vice President of Student Affairs.
2. For each appeal, a Panel will be chosen by the Vice President of Student Affairs, or designee, from the available pool and is usually comprised of one student, one faculty member, and one staff member or administrator. Availability may dictate a different composition for the Panel.
3. Where grounds for appeal have been met, the Vice President of Student Affairs, or designee, must form a Panel and schedule a meeting to review the appeal, absent mitigating factors, that occurs within ten (10) 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 good standing with the conduct;
2. Have completed 15 hours of academic credit with a cumulative GPA of at least 2.5.
 - a. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the panel.
3. A serious history of misconduct could disqualify a student from service.

In the event of a resignation from the Panel, the Vice President of Student Affairs, or designee, will identify a replacement from the group from which the representative came. In the event of a conflict of interest the Vice President of Student Affairs will recuse any conflicted panelist and appoint an alternate.

Administrative Review Panel Procedures.

1. The Vice President of Student Affairs, or designee, will be present in a non-voting capacity to answer policy or procedure questions only and to ensure that policy and procedures are followed.
2. Neither the Complainant nor the Respondent (or their representatives) may be present or know the identity of the members of the Administrative Review Panel.
3. The Director of Student Life and Development may be consulted during the review.
4. The panel must keep all proceedings confidential.
5. Panel members will review:
 - a. The Bergen Community College investigation report and the sanction(s) assigned by the Director of Student Life and Development.
 - b. The appeal materials submitted by appropriate parties.
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 Respondent 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 case 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 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, or designee, absent mitigating factors, has three (3) business days to inform the appropriate parties of the panel’s decision, and will do so in writing.

All notes and materials used in the review must be returned to the Vice President of Student Affairs, or designee.

Conduct Sanctions

When considering sanctions to be imposed, a range of factors may be considered, including but not limited to:

1. The nature and severity of the incident;
2. The disciplinary history of the student;

3. The developmental needs of the student;
4. The level of accountability and responsibility taken by the student;
5. The level of cooperation from the student;
6. The interests of the community and those impacted by the violation and;
7. Any other aggravating, mitigating, or relevant factors.

Underage students sanctioned for the possession or distribution of illegal drugs will be subject to the College parental notification policy.

One or more of the following sanctions may be imposed upon any student for any single violation of the Student Code of Conduct. In addition, other remedies and sanctions may be fashioned at the discretion of the Director of Student Life and Development:

1. **Written Warning** - An official written notice that the student has violated Bergen Community 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 Bergen Community 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 Service** - Service assignment requiring an individual to perform services for the community or the College.
4. **Loss of Privileges** - The student may be denied specific privileges for a designated period of time.
5. **Confiscation of Prohibited Property** - Items whose presence is in violation of Bergen Community 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 Student Life and Development and/or Public Safety.
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. **Probation** - The student may be put on official notice that, should further violations of the BCC policies/codes occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.
9. **Eligibility Restriction** - The student is deemed "not in good standing" with Bergen Community College for a specified period of time. Specific limitations or exceptions may be granted by the Director of Student Life and Development, or designee, such as:

- a. Ineligibility to hold any leadership role in any student organization recognized by Bergen Community College or hold an elected or appointed office at the College;
 - b. Ineligibility to represent Bergen Community College to anyone outside the College community in any way, including participating in the study abroad program, attending conferences, or representing BCC at an official function, event, or intercollegiate competition as a player, manager, or student coach.
 - c. Ineligibility for membership in student organizations and/or participation in activities.
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. **Suspension** - A student may be separated from Bergen Community 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 Bergen Community College property, functions, events, and activities without prior written approval from the Director of Student Life and Development, 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 record. The suspension assigned shall be clearly dated for a period not less than one semester and not more than two academic years.
 13. **Facilities Restriction** - Revocation or restriction of privileges for the use of some but not all College facilities.
 14. **Expulsion** - A student may be permanently separated from Bergen Community College, with the student being banned from College property and the student's presence at any BCC-sponsored activity or event prohibited. Bergen Community 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 record.
 15. **Referral to civil or criminal authorities** - Including local, state, or federal law enforcement officials
 16. **Campus-Wide Notice of No Trespass** - This prohibits an individual from entering any part of the campus.
 17. **No Contact Order** - The Director of Student Life and Development, or designee may extend a Campus Wide No-Contact Order between parties to a complaint when the fear of retaliation and/or harassment may be present. Specific instructions will accompany the No-Contact Order outlining to all parties the expected behavior including face to face contact, correspondence, electronic or online communication, e-mail, text message or telephone. Friends and relatives are also not permitted to have any contact on behalf of either party.
 18. **Assignment Failure** - Assigning a failing grade on the assignment for a specific Bergen Community College course.

19. **Reduced Course Grade** - Assigning a lower final course grade for a specific Bergen Community College course.
20. **Course Failure** - Failing the student in the specific Bergen Community College course in which an academic integrity violation occurred.
21. **Other Educational Sanction** - Educational sanctions are meant to help students learn from their experiences. Educational sanctions, such as reflection papers, required attendance at educational programs, letters of apology or other restorative assignments may be imposed consistent with the nature and severity of the violation(s).

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

One or more of the sanctions listed above and/or

1. Deactivation, de-recognition, or loss of all privileges, including status as a Bergen Community College registered student group or Student Organization, for a specified period of time.

Failure to Complete Conduct Sanctions. All students, as members of the Bergen Community College community, are expected to comply with conduct sanctions within the timeframe specified by the Director of Student Life and Development 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 Bergen Community College. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Director of Student Life and Development.

SECTION IX: DISCIPLINARY RECORDS

All conduct records are maintained by Bergen Community College in accordance with New Jersey document retention law.