

**The College of New Jersey
Board of Trustees
October 24, 2017
217/225E Brower Student Center
3:00pm**

Minutes of the Public Meeting

Present: Jorge Caballero, Chair; Susanne Svizeny, Vice Chair; Robert Altman; ,Brad Brewster; Skip Cimino; Carl Gibbs; Miles Powell; Rebecca Ostrov; Treby Williams; Priscilla Nunez, Student Representative; Eashwayne Haughton, Alternate Student Representative; David Prensky, Faculty Representative; Jana Gervertz, Faculty Representative; Tim Grant, Staff Representative; Joseph O'Brien, Staff Representative; R. Barbara Gitenstein, President

Not Present: Eleanor Horne; Rosie Hymerling , Albert Stark; Fred Keating; Brian Markison

I. Announcement of Compliance

A. It is hereby announced and recorded that the requirements of the Open Public Meetings Act as to proper notification as to time and place of meeting have been satisfied

II. It is moved by Ms. Svizeny, seconded by Mr. Cimino, that the Board go into closed session to discuss personnel actions including: Faculty New Appointments – Tenure Track, New Appointments – Temporary, Reappointments – Temporary, and Resignations; Staff New Appointments, Reappointments, Change of Status, and Resignations; pending litigation including: Calogero Paxia v. TCNJ et al.; Ratarsha Willis v. TCNJ; Joseph Gage v. TCNJ; Alexa Madoff v. TCNJ et al.; Alexander Taylor v. TCNJ; William Carter vs. TCNJ; Libertarians for Open Government v. TCNJ; anticipated litigation, and real property acquisition or disposition, items exempt under the Open Public Meetings Act.

III. Closed Session

IV. Resumption of Public Session/Pledge of Allegiance

V. Approval of the Minutes of the August 17, 2017 Public Retreat

It was moved by Ms. Svizeny, seconded by Mr. Gibbs, that the minutes be approved. The minutes were approved unanimously.

VI. Approval of the Minutes of the July 11, 2017 Public Meeting

It was moved by Ms. Svizeny, seconded by Dr. Altman, that the minutes be approved. The minutes were approved unanimously.

VII. Report of the President

President Gitenstein gave her report.

VIII. Report of Board Officers

A. Report of the Board Officers Nominating Committee

Ms. Williams reported for the committee and offered the following slate of officers for 2017 – 2018

Chair – Jorge Caballero

Vice Chair – Susanne Svizeny

B. Report of the Outgoing Transition Committee

Dr. Altman reported for the Committee.

C. Report of the Presidential Search Committee

Ms. Svizeny reported for the Committee.

IX. Report of the Trustee Member of the TSC Corporation

Mr. Powell gave the report for Mr. Markison.

X. Report of the Trustee Liaison to the New Jersey Association of State Colleges and Universities

Dr. Altman gave his report.

XI. Report of the Trustee Member of the TCNJ Foundation

Mr. Donohue gave the report for Ms. Horne.

XII. Report of the Trustee Member of the TCNJ Alumni Association

Mr. Donohue gave the report for Ms. Horne.

XIII. New Business

A. Report of the Executive Committee

Chair Caballero reported for the Executive Committee.

1. President's Contract Extension – Attachment A

It was moved by Ms. Svizeny, seconded by Dr. Altman, that the resolution be approved. The motion carried unanimously.

2. Faculty Actions - New Appointments – Tenure Track, New Appointments – Temporary, Reappointments – Temporary, and Resignations – Attachment B

It was moved by Mr. Powell, seconded by Ms. Williams, that the resolution be approved. The motion carried unanimously.

3. Staff Actions - New Appointments, Reappointments, Change of Status, and Resignations – Attachment C

It was moved by Ms. Ostrov, seconded by Mr. Cimino, that the resolution be approved. The motion carried unanimously.

4. The College of New Jersey Board of Trustees Resolution to Implement FY 2018 Merit Salary Adjustment for Non-Unit Employees – Attachment D

It was moved by Ms. Svizeny, seconded by Dr. Altman, that the resolution be approved. The motion carried unanimously.

5. Resolution Honoring Mr. Christopher Gibson for Service to The College of New Jersey Board of Trustees – Attachment E

It was moved by Dr. Altman, seconded by Ms. Svizeny, that the resolution be approved. The motion carried unanimously.

B. Report of the Mission Fulfillment Committee

Trustee Ostrov reported for the committee.

1. The College of New Jersey Board of Trustees Resolution Approving a Revised Policy for Undergraduate Bulletin Year of Record – Attachment F

It was moved by Ms. Ostrov, seconded by Mr. Cimino, that the resolution be approved. The motion passed unanimously.

2. The College of New Jersey Resolution Approving an Interim Title IX Policy – Attachment G

It was moved by Ms. Ostrov, seconded by Mr. Powell, that the resolution be approved. The motion passed unanimously.

3. The College of New Jersey Resolution Approving an Interim Student Conduct Code Policy – Attachment H

It was moved by Ms. Svizeny, seconded by Mr. Cimino, that the resolution be approved. The motion passed unanimously.

C. Report of the Governance Committee

Chair Caballero gave the report for Ms. Horne.

D. Report of the Business and Infrastructure Committee

Trustee Altman reported for the committee.

1. Resolution Approving Waivers of Advertising for College Business Purposes – Attachment I

It was moved by Mr. Cimino, seconded by Ms. Ostrov, that the resolution be approved. The motion passed unanimously.

2. Resolution Approving Waivers of Advertising for Facilities and Construction – Attachment J

It was moved by Ms. Svizeny, seconded by Ms. Ostrov, that the resolution be approved. The motion passed unanimously.

3. Resolution Concerning Submission of the Fiscal Year 2019 Capital Budget Request Totaling \$46,471,000 – Attachment K

It was moved by Ms. Svizeny, seconded by Mr. Cimino, that the resolution be approved. The motion passed unanimously.

4. Resolution Approving Student Fees for Bonner Summer Fellows Pre-College Program for Summer 2018 – Attachment L

It was moved by Ms. Ostrov, seconded by Ms. Svizeny, that the resolution be approved. The motion passed unanimously.

5. Resolution Approving Student Fees for Pre-College Academy Series for Summer 2018 – Attachment M

It was moved by Mr. Cimino, seconded by Mr. Gibbs, that the resolution be approved. The motion passed unanimously.

E. Report of the Audit, Risk Management and Compliance Committee

Trustee Williams reported for the committee.

1. Resolution Approving Waivers of Advertising for College Business Purposes – Attachment N

It was moved by Dr. Altman, seconded by Ms. Ostrov, that the resolution be approved. The motion passed unanimously.

2. Resolution Approving Audited Fiscal year 2017 Financial Statements
- Attachment O

It was moved by Mr. Powell, seconded by Mr. Gibbs, that the resolution be approved. The motion passed unanimously.

XIV. Faculty Senate Report - President Amanda Norvell

Dr. Norvell addressed the Board and shared information on the activities of the Faculty Senate.

XV. Adjournment

It was moved by Mr. Brewster, seconded by Ms. Svizeny, that the resolution be approved. The motion passed unanimously.

Be It

Resolved: That the next public meeting of The College of New Jersey Board of Trustees, will be a teleconference call on Monday, December 4, 2017 at a time and location to be announced.

Be It

Further

Resolved: That this meeting be adjourned.

Respectfully submitted,



Heather M. Fehn
Chief of Staff and Secretary to the
Board of Trustees



TO: Timothy Grant,
Interim Chief of Police

FROM: Sgt. Marcie Montalvo,
Administrative Sergeant

DATE: Oct 1, 2017

RE: Crime Statistics from July 1, 2017 - September 30, 2017

In accordance with New Jersey Statute P.L. 2015, Chapter 220, S485, supplementing Chapter 3b of Title 18A, enacted on January 19, 2016, the president of each public institute of higher education shall report to the governing board of the institution, at each of its regular meetings, all crimes, fires and other emergencies which occurred on campus during the previous reporting period. For the purposes of this report, The College of New Jersey is following the Clery Act definitions for reporting crime statistics.

- Burglary- 2 incidents
- Aggravated Assault- 1 incident (dating violence w/minor injury)
- MV Theft - 0 incidents
- Arson- 0 incidents
- Sexual Assault- 0 incidents
- Domestic Violence- 0 incidents
- Dating Violence - 1 incident w/minor injury
- Stalking- 0 incidents
- Sex Offenses- 0 incidents
- Drug Law Offenses- 0 incidents
- Liquor Law Offenses- 17 incidents
- Illegal Weapons Offenses- 0 incidents
- Driving while Under the Influence or Intoxicated- 0 incident
- Hate Crimes- 0 incidents
- Fire Statistics - 0 incidents
- Other Emergencies – 0 timely warnings issued during this period

****NOTE:** The numbers reported reflect the number of occurrences, *not* the number of victims.

**The College of New Jersey
Board of Trustees
Resolution Approving a Contract Extension for
President R. Barbara Gitenstein**

Whereas: The Board of Trustees last renewed President Gitenstein's contract effective January 1, 2013, with an expiration date of December 31, 2017, and;

Whereas: On July 11, 2017 President Gitenstein announced her intention to retire, effective June 30, 2018, and;

Whereas: Continuity of leadership is essential to the college's success now and through our presidential search and transition.

**Therefore,
Be It**

Resolved: That the Board of Trustees of The College of New Jersey hereby approves the extension of the term of President Gitenstein's current contract through June 30, 2018, and authorizes the Chair of the Board of Trustees to execute a contract addendum consistent with the terms outlined herein.

New Appointments - Faculty - Tenure Track

Dina Boero	Assistant Professor History Effective: August 5, 2017 – June 30, 2020
Jennifer Del Nero	Assistant Professor Special Education, Language & Literacy Effective: August 5, 2017 – June 30, 2020
Aniefre Inyang	Assistant Professor Marketing & Interdisciplinary Business Effective: August 5, 2017 – June 30, 2020
John Leustek	Assistant Professor Communication Studies Effective: August 5, 2017 – June 30, 2020
Nicholas McBride	Assistant Professor Music Effective: August 5, 2017 – June 30, 2020

New Appointments - Faculty – Temporary

Jennifer Childress	Assistant Professor Art & Art History Effective: August 5, 2017 End Date: June 30, 2018
Marina De Souza	Assistant Professor Public Health Effective: August 5, 2017 End date: June 30, 2018
Kalani Hettiarachchilage	Assistant Professor Physics Effective: August 5, 2017 End Date: June 30, 2018
Bharathwaj Muthuswamy	Assistant Professor Computer Science Effective: August 5, 2017 End Date: June 30, 2018

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New Appointments - Faculty – Temporary – continued

Colleen Pedrotty
Instructor
Nursing
Effective: August 5, 2017
End Date: June 30, 2018

Joshua Roach
Assistant Professor
Music
Effective: August 5, 2017
End Date: June 30, 2018

Susan Schmoyer
Assistant Professor
Mathematics & Statistics
Effective: August 5, 2017
End Date: June 30, 2018

Jessica Wilton
Assistant Professor
English
Effective: August 5, 2017
End Date: June 30, 2018

Melkamu Woldemariam
Assistant Professor
Biology
Effective: August 5, 2017
End Date: June 30, 2018

Reappointments - Faculty - Temporary

Amy Pacini
Instructor
Nursing
Effective Date: August 5, 2017
End Date: June 30, 2018

Lisa Roe
Librarian/ Instructor
Library
Effective Date: August 5, 2017
End Date: June 30, 2018

Resignation - Faculty

Mary Teixeira
Nursing
Effective: June 30, 2017

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New Appointments - Staff

Melissa Andreas	Professional Services Specialist 4 Brower Student Center Effective: November 1, 2017
Agnieszka Baczyk	Associate Director Human Resources Effective: July 17, 2017
Alfonso Gonzalez	Professional Service Specialist 3 User Support Services Effective: August 21, 2017
LaChan Hannon	Assistant Director STEP Office Effective: October 2, 2017
Sherritta Hughes	Professional Service Specialist 2 Counseling & Psychological Services Effective: August 21, 2017
Eric Jendryaszek	Professional Service Specialist 4 Athletics Effective: August 7, 2017
Donald Klein	Professional Service Specialist 4 Athletics Effective: August 7, 2017
Manuel Montiel	Professional Service Specialist 3 Development & Alumni Engagement Effective: September 5, 2017
Kaitlin Neinstedt	Professional Service Specialist 4 Admissions Effective: October 2, 2017
Addison Savela	Professional Service Specialist 4 Athletics Effective: August 7, 2017

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New Appointments – Staff - continued

Jacolby Suggs	Professional Service Specialist 4 Admissions Effective: August 21, 2017
Olivia White	Professional Service Specialist 4 Alumni Engagement Effective: August 21, 2017
Don Trahan, Jr.	Director Student Affairs Effective: September 11, 2017
Mark Wieland	Manager Conference & Events Services Effective: September 5, 2017

Reappointments (Effective: October 1, 2017 – September 30, 2018)

Lisa Angeloni	Vice President Enrollment Management
Sharon Blanton	Vice President & Chief Information Officer Information Technology
Angela Chong	Interim Vice President Student Affairs
John Donohue	Vice President College Advancement
Heather Fehn	Chief of Staff/Secretary to the BOT President's Office
Curtis Heuring	Vice President Administration
Thomas Mahoney	Vice President & General Counsel General Counsel
Gregory Pogue	Vice President Human Resources
Lloyd Ricketts	Vice President & Treasurer Treasurer's Office

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Reappointments (Effective: October 1, 2017 – September 30, 2018) - continued

Jacqueline Taylor

Provost & Vice President
Academic Affairs

Change of Status - Staff

Brittany Aydelotte

CELR Center
From: Professional Services Specialist 3 (AFT)
To: Project Specialist (Non-Unit)
Effective: July 22, 2017

Karissa Czepiga

Conference & Event Services
From: Professional Services Specialist 4 (AFT)
To: Manager (Non-Unit)
Effective: August 7, 2017

Mark Kalinowski

TCNJ Center for the Arts
From: Professional Services Specialist 4
To: Professional Services Specialist 3
Effective: August 5, 2017

Megan Nicholson

CELR Center
From: Project Specialist (GRT)
To: Professional Services Specialist 3 (AFT)
Effective: July 22, 2017

Pamela Olliver

Records & Registration
From: Principal Clerk Typist (CWA)
To: Professional Services Specialist 4 (AFT)
Effective: June 12, 2017

Dale Simon

TCNJ Center for the Arts
From: Professional Services Specialist 4
To: Professional Services Specialist 3
Effective: August 5, 2017

Resignations - Staff

Erin Barnard

Admissions
Effective: September 1, 2017

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Resignations – Staff - continued

Mark Gola

Athletics

Effective: September 22, 2017

Christine Laba

Counselor Education

Effective: July 28, 2017

Christine McCann

Center for Global Engagement

Effective: August 5, 2017

Brett Miller

Athletics

Effective: August 1, 2017

Sarah Richter

Development & Alumni Engagement

Effective: July 22, 2017

**The College of New Jersey
Board of Trustees
Resolution to Implement FY 2018 Merit Salary Adjustment
For Non-Unit Employees**

Whereas: N.J.S. 18A:64-6, as amended by the Higher Education Restructuring Act of 1994, invests the College's Board of Trustees with the responsibility and authority to administer the compensation of non-unit employees; and

Whereas: The College of New Jersey has developed and implemented an appropriate performance evaluation and merit-based salary adjustment procedures for non-unit employees;

**Therefore,
Be It**

Resolved: That the Board of Trustees hereby authorizes the President to implement FY2018 salary adjustments for non-unit employees, corresponding to each employee's performance rating; and

**Be It
Further**

Resolved: That the pool of dollars available for FY 2018 non-unit increases is 3.00% of the salary base as of July 1, 2017, and

**Be It
Further**

Resolved: That all increases for non-unit employees are based on merit, and

**Be It
Further**

Resolved: That the FY 2018 salary adjustment for non-unit employees shall be implemented effective on the first day of the first pay period for FY2018.

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**Resolution Honoring
Mr. Christopher Gibson
For Service to
The College of New Jersey
Board of Trustees**

Whereas: Mr. Christopher Gibson has served as a public member of The College of New Jersey Board of Trustees since his appointment in December 2003; and

Whereas: Throughout his time on the Board, Mr. Gibson was an extraordinary member. In addition to serving at least one year as a member of each Board Committee, he provided guidance and leadership by serving as the Chair of the Building and Grounds, Finance and Investments and Student Affairs Committees; and

Whereas: As Chair of the Finance & Investments Committee, Mr. Gibson was instrumental in revising the college's investment portfolio strategy adopted by the Board. This strategy proved to be very successful for the college; and

Whereas: In 2005 Mr. Gibson was elected Board Secretary, followed by Board Vice Chair in 2008 and finally to a three-year term as Board Chair in 2011. As an officer of the Board Mr. Gibson served the trustees and the college with a compassionate, laser focus ensuring the Board's attention on serving the needs of the students, faculty and staff of our community, including with regard to affordability and prudent budgeting; and

Whereas: Mr. Gibson graciously committed his time and expertise to consciously supporting the college's mission and goals. His thoughtful insight and progressive vision were critical to committee and full board discussions and deliberations.

**Therefore,
Be it**

Resolved: That The College of New Jersey Board of Trustees convey their deep respect and gratitude to Mr. Christopher Gibson and commend him for his outstanding services as a member and officer of the Board and wish him every success and happiness in all his future endeavors.

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**The College of New Jersey Board of Trustees
Resolution Approving a Revised Policy for
Undergraduate Bulletin Year of Record**

Whereas: The College of New Jersey's *Policy Framework* calls for the regular review of College policies.

Whereas: The Committee on Academic Programs has reviewed the Bulletin Year for Changes of Major policy and has recommended revisions to clarify the policy on degree program requirements for all undergraduate students, not just those students who change majors.

**Therefore,
Be It**

Resolved: Degree requirements for students adding a major or minor are governed by the Undergraduate Bulletin in effect at the time the addition is approved.

Be It

Further

Resolved: Degree requirements for matriculated students changing their major are governed by the requirements for the new major set out in the Undergraduate Bulletin for the year in which the change of major takes effect.

Be It

Further

Resolved: Students returning to the College after an absence of two consecutive semesters (not including summer) follow the requirements in effect at the time of their return.

Be It

Further

Resolved: Exceptions to this policy will be made as follows. A) If course sequencing problems arise, the department chair of the new major may indicate that the change of major is effective under the provisions of an earlier Undergraduate Bulletin. B) Students in programs for professional certification should consult with their advisors for specific requirements. C) Curricular changes approved through school governance procedures may alter the Undergraduate Bulletin of record for current students. Affected students must be notified at the time of approval.

Be It

Further

Resolved: That this revised policy, renamed Undergraduate Bulletin Year of Record, be approved and replace all previous documents.

Mission Fulfillment Committee

Discussion Item: CAP Recommendation to Replace Bulletin Year Policy

In February 2017, the Committee on Academic Programs (CAP) received a charge from the Steering Committee to review the Bulletin Year for Changes of Major policy and update if necessary. If any changes to the policy were solely to bring the policy in line with current practice, no testimony was required. It was noted that there is no other policy that governs the Bulletin Year of Record. Therefore, CAP recommended that the Bulletin Year for Changes of Major Policy be broadened to address the Bulletin Year of Record generally and that the policy name be modified to reflect this additional scope. As this is a Board of Trustees policy, the final recommendation to replace this policy must be approved by the Board of Trustees.



The College of New Jersey

Section:	II.1.6
Title:	Bulletin Year for Changes of Major
Effective Date:	1990
Approved By:	Board of Trustees
Responsible Unit:	Academic Affairs (609-771-3080, academic@tcnj.edu)
History:	
Related Documents:	

I. INTRODUCTION

This document defines bulletin year for changes of major.

II. DEFINITIONS

N/A

III. POLICY

When a matriculated student changes his or her major, that student must follow the requirements for the new major set out in the Bulletin for the year in which the change of major takes effect.

Exceptions to this policy are:

-Departments may allow Educational Opportunity Fund students and Open Option students to follow the major requirements in effect at the time of their original matriculation. However, once these students have entered a major, any additional change of major will follow the requirements of the Bulletin for the year in which the additional change of major takes place.

-If course sequencing problems arise, the department chair of the new major may indicate that the change of major is effective under the provisions of an earlier Bulletin.

Non-matriculated students who are admitted to degree candidacy will follow the requirements of the bulletin in effect at the time of their matriculation.

Procedure: At the time that the department approve a student's change of major request, the department chair will indicate on the change of major form the Bulletin year under which the change is effective. All students changing major will be provided by the Office of Records and Registration with the correct control sheet for their new major when the change has been processed.

IV. RELATED DOCUMENTS

V. HISTORY

Passed by APC: April 19, 1990

Presented to Academic Affairs Committee, Board of Trustees: June 7, 1990

**The College of New Jersey
Resolution of the Board of Trustees Approving
the Interim Title IX Policy**

- Whereas: The College of New Jersey, in order to fulfill its mission, has the authority and responsibility to maintain order, protect the community and the rights of its members, and cultivate and sustain a positive living and learning environment; and
- Whereas: The *Title IX Policy*, established in 2016, is to be reviewed every two years and that any substantive changes will be reviewed in accordance with applicable governance policy and procedures; and
- Whereas: The College Policy Framework allows the implementation of interim policies under extraordinary circumstances where legal requirements must be met in a short time period before full governance review is possible; and
- Whereas: Evolving case law informing best practices around student conduct cases involving Title IX and other issues suggest that to secure fundamentally fair procedural standards, interim changes to procedural standards in both the Title IX policy and Student Conduct Code are necessary to secure the best interest of the College and our students,
- Whereas: The proposed interim changes to the *Title IX Policy* have been developed under direction of the Interim Vice President for Student Affairs, in collaboration with the Office of General Counsel, and is the result of a comprehensive review; now
- Therefore,
Be It Resolved: That the Board of Trustees of The College of New Jersey hereby approves the attached *Interim Title IX Policy* for implementation upon approval.

October 24, 2017

Section:	XI.1.19	
Title:	Interim Title IX Policy	
Effective Date:	October 24, 2017	
Approved By:	Board of Trustees	
Responsible Unit:	Division of Student Affairs (609) 771-2201, sa@tcnj.edu	
Related Documents:	<ul style="list-style-type: none"> • Student Conduct Code • Policy Prohibiting Discrimination in the Workplace/ Educational Environment • Procedures for Internal Complaints Alleging Discrimination in the Workplace/ Educational Environment 	
History:		
<u>Version</u>	<u>Date</u>	<u>Notes</u>
2.0	October 24, 2017	Revisions approved by The Board of Trustees
1.0	July 5, 2016	New policy; Initial release

I. INTRODUCTION

The Title IX Policy (“Policy”) prohibits sexual assault, dating and domestic violence, sexual harassment, stalking and other power based personal violence.

The [College](#) of New Jersey (“TCNJ” or the “College”), as an institution of higher education and a community dedicated to learning and the advancement of knowledge, expects and requires the behavior of [Students](#), faculty, and staff to be compatible with its high standards of conduct. For the [College](#), this means a firm institutional commitment to protect the community and the rights of its members, and to cultivate and sustain a positive living and learning environment. Thus, sexual harassment, including misconduct such as physical sexual misconduct, domestic or dating violence, and stalking (collectively, “Sexual Violence”) will not be tolerated.

Title IX of the Education Amendments of 1972 (“Title IX”) and its implementing regulations protects people from discrimination, based on sex, in education programs or activities. Title IX states that: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” The U.S. Department of Education’s Office for Civil Rights (“OCR”) enforces compliance with Title IX and emphasizes the importance of providing an educational environment free from discrimination. The College prohibits any such unlawful

discrimination. Therefore, any acts of [Sexual Violence](#) against an individual¹ (whether [Student](#), faculty or staff) constitutes such discrimination and in some cases may be a crime.

Individuals who have been subjected to [Sexual Violence](#) are strongly urged to promptly report such incidents. The [College](#) will respond promptly to all reports of [Sexual Violence](#). The [College](#) will provide a fair and impartial investigation and resolution and, where appropriate, issue remedial measures and/or sanctions. The severity of the corrective action, up to and including termination or expulsion of the party found responsible, will depend on the circumstances of the particular case. Any person who is classified as a “[responsible employee](#)” by the [College](#), ([link to list of Responsible Employees](#)) and who learns of an incident of [Sexual Violence](#) must make a report to the [Title IX Coordinator](#). Retaliation against anyone who makes a report of Sexual Violence or cooperates in an investigation of [Sexual Violence](#) is prohibited by [College](#) policy as well as Title IX and other state and federal laws.

II. DEFINITIONS

“Advisor” is a person chosen by either the [Respondent](#) or the [Reporter](#) to accompany that individual during investigations and/or assist the individual with any investigation preparations. The advisor may not participate directly in any proceedings or represent any person involved. Any cost associated with the participation of an advisor is the responsibility of the individual.

“AVP” is an Assistant or Associate Vice President (including those serving in an interim or acting role) or a designee appointed by the Vice President of Students Affairs (VPSA).

“College” means The College of New Jersey.

“Course of Conduct” means repeatedly maintaining a visual or physical proximity to a person; following, monitoring, observing, surveilling, threatening, or communicating to or about a person directly or through third parties, by any action, method, device, or means; interfering with a person’s property; repeatedly committing harassment against a person; or repeatedly conveying, or causing to be conveyed, verbal or written threats or threats conveyed by any other means of communication or threats implied by conduct or a combination thereof directed at or toward a person.

“Effective Consent” is informed, freely and actively given mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. A person may be unable to give Effective Consent when they are unable

¹ Note, any reference in the *Title IX Policy* to a person or role in the policy or process is intentionally gender neutral to reflect the [College](#)’s commitment to an inclusive policy.

to consent due to their age, or because the person is physically helpless, mentally incapacitated, or [Incapacitated](#) from alcohol or other drugs.

- Effective Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Effective Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Effective Consent may be initially given but withdrawn at any time.

Effective Consent cannot be given when it is the result of intimidation, force, or threat of harm. When Effective Consent is withdrawn or can no longer be given, sexual activity must stop immediately.

“Harm” creates an intimidating or [Hostile Environment](#) by substantially interfering with a [Student’s](#) education, or by materially impairing the academic pursuits, employment or participation of any person or group in the [College](#) community, or by severely or pervasively causing physical or emotional harm to the [Student](#) or other member of the [College](#) community.

“Hearing Administrator” includes any faculty or professional staff member at the [College](#) designated and trained by the Office of Student Conduct and/or Office of Title IX to conduct Title IX formal administrative hearings.

“Hostile Environment” is defined as an environment that, through one or more incidents of harassing conduct (e.g., physical, verbal, graphic or written) based on a person’s [Protected Category](#) becomes sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of a reasonable individual to participate in or benefit from a [College](#) program or activity.

“Incapacitated” is being in a state where a person lacks the capacity to understand the fact that the situation is sexual, or cannot understand (rationally and reasonably) the nature and/or extent of the situation. A person who knows or should reasonably know that another person is incapacitated may not engage in sexual activity with that person.

Persons who meet any of the following criteria or conditions are incapacitated: (i) sleeping, (ii) passed out, (iii) under the age of consent or under a certain age in relation to the other party to the sexual activity (both of which are matters of state law) or (iv) due to a disability, do not have the mental capacity to consent.

A person who does not meet any of those criteria or conditions for incapacity may become incapacitated through the use of alcohol or drugs. Such a person’s state of incapacity is a subjective determination that is based on all of the facts available because persons reach incapacitation at different points and as a result of different stimuli.

Alcohol related incapacity results from a level of alcohol ingestion that is more severe than that required to produce the minimum levels of influence, impairment, intoxication, inebriation, or drunkenness. Factors that can influence a person's status include gender, body size and composition; tolerance for alcohol and other drugs; amount and type of alcohol or other drugs taken or administered, and the mixture taken; amount of food intake prior to administration; propensity for blacking out; genetics; and time elapsed since the ingestion of the alcohol or drugs.

The effects of alcohol and drug use often occur along a continuum. For example, alcohol intoxication can result in a broad range of effects, from relaxation and lowered inhibition to euphoria and memory impairment, and to disorientation and incapacitation. Incapacitation due to alcohol or drug use is a state beyond "mere" intoxication or even being drunk. It exists when a person lacks the ability to make or act on a considered decision to engage in sexual activity. Indicators of incapacitation may include inability to communicate, lack of control over physical movements, and/or lack of awareness of circumstances. An incapacitated person can also experience a blackout state during which the person appears to give consent but does not have conscious awareness or the capacity to consent. Some medical conditions may also cause incapacitation. Incapacity can result from factors including, but not limited to mental disability, involuntary physical restraint, or from the administration of substances.

"Intimate Body Parts" includes the following: sexual organs, genital areas, anal area, inner thigh, groin, buttock, or breast of a person.

"Prohibited Conduct" defined in Section III, Part H.

"Protected Category" collectively refers to one or more of the following categories: age, race, creed, color, national origin, nationality, ancestry, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability.

"Reporter" is the person who is the target of an act of [Prohibited Conduct](#) defined within the Title IX Policy.

"Respondent" is the person who is subject to an investigation, procedural requirements including proceedings, remedial measures, and/or sanctions as a result of information filed in a report, determined through an investigation, and/or conduct proceeding.

"Responsible Employee" defined in Section III, Part C.

"Sexual Contact" is an intentional touching by a person, either directly or through clothing, of another's [Intimate Body Parts](#) for the purpose of degrading or humiliating another or sexually arousing or sexually gratifying the actor.

“Sexual Penetration” includes vaginal intercourse, cunnilingus, fellatio, or anal intercourse between persons or insertion of the hand, finger, or object into the anus or vagina either by the actor or upon the actor’s instruction.

“Sexual Violence” the collective term used to describe all forms of physical sexual misconduct (sexual assault), dating/domestic violence, stalking, and sexual harassment.

“Student” or “Students” includes all persons who accept an offer of admission to the [College](#), register for credit bearing courses or maintain matriculation in a degree program at the [College](#), either full time or part time, degree or non-degree seeking, and have an academic record with Primary Academic Web Services (PAWS), the [College’s](#) records and registration system. The status of other individuals who participate in [College](#)-sponsored or recognized programs will be determined solely at the discretion of the Director of Student Conduct. Participants in certificate programs, that are not otherwise a student at the [College](#), such as the Career and Community Studies program, are responsible for adhering to the standards for conduct outlined in the *Student Conduct Code*, but shall be governed by the procedural standards set forth in the applicable certificate program’s policy.

“Third Party” includes individuals who are neither [Students](#) nor Employees, including but not limited to contractors, guests, and consultants.

“Title IX Coordinator” is the Title IX Coordinator (including those serving in an interim or acting role) or a designee appointed by the Vice President of Student Affairs.

“VPSA” is the Vice President of Student Affairs (including those serving in an interim or acting role) or a designee appointed by the President.

“Weapon” includes any item that is designed in appearance or function to resemble a firearm, cause harm, and/or invoke fear or intimidation. Weapons include, but are not limited to, knives, brass knuckles, swords, slingshots, or any other item when used to harm or intimidate another.

III. POLICY

A. Scope of the Policy

This policy applies to all members of the [College](#) community, including [Students](#), faculty, and staff. It also applies to contractors and other third parties within the [College’s](#) control. This policy applies to sexual misconduct, [Sexual Violence](#) and discrimination based on sex:

- That occurs on [College](#) premises, in any [College](#) facility, or on [College](#) property; or
- At a [College](#) sponsored, recognized, or approved program or activity, regardless of location; or

- That impedes equal access to any [College](#) education program or activity or that creates a hostile environment which impacts the education or employment of a member of the [College](#) community regardless of where the conduct occurred; or
- That otherwise threatens the health and/or safety of a member of the [College](#) community.

B. Title IX Coordinator

The [College's Title IX Coordinator](#) will oversee the [College's](#) review, investigation, and resolution of those reports to ensure the [College's](#) compliance with Title IX, and related laws and guidance, and the effective implementation of this policy. The [Title IX Coordinator](#) will have adequate training on what constitutes sexual harassment, including [Sexual Violence](#).

The [Title IX Coordinator](#) and/or EEO Officer generally are:

- Responsible for oversight of the investigation and resolution of all reports of sexual harassment, sexual assault, stalking, and domestic and dating violence involving [Students](#), staff, and faculty;
- Knowledgeable and trained in applicable [College](#) policies and procedures, and relevant state and federal laws;
- Available to advise any individual, including a [Reporter](#), a [Respondent](#), or a [Third Party](#), about the courses of action available at the [College](#), both informally and formally;
- Available to provide assistance to any [College](#) Employee regarding how to respond appropriately to a report of sexual harassment including [Sexual Violence](#);
- Responsible for monitoring compliance with all procedural requirements, record-keeping, and timeframes outlined in this policy; and
- Responsible for overseeing training, and any reviews of campus climate and culture regarding [Sexual Violence](#).

Title IX Coordinator Contact Information (<http://titleix.tcnj.edu/>)

Brower Student Center
609-771-3266
titleix@tcnj.edu

C. Obligation of Responsible Employees

The [College](#) designates certain Employees who have administrative or supervisory responsibilities on campus as [Responsible Employees](#). This includes, for example, members of the Board of Trustees, the President, Vice Presidents, Deans, Directors, Coaches, Student Affairs professionals (including Community Advisors), and Advisors to Student groups. This does not include professional staff in CAPS, AVI, ADEP, or TCNJ Clinic when information is disclosed through a clinical relationship. A list of

[Responsible Employees](https://titleix.tcnj.edu/responsible-employee/) can be found on the Title IX website:
<https://titleix.tcnj.edu/responsible-employee/>.

[Responsible Employees](#) will endeavor to honor a [Reporter's](#) request for confidentiality, but must report any incident of sexual harassment including [Sexual Violence](#) to the [Title IX Coordinator](#) and so inform the [Reporter](#)². The [Responsible Employee](#) shall promptly share all details about a report of [Prohibited Conduct](#) including the known details of the incident (e.g., date, time, location), the names of the parties involved, a brief description of the incident and if the incident has been previously reported with the [Title IX Coordinator](#) by telephone or by email or through the Online Reporting System at:

https://tcnj-advocate.symplicity.com/public_report/index.php/pid272784. Such reporting ensures timely support for all parties and enables an effective and consistent institutional response.

D. Annual Security Report/Crime Statistics

The [College](#) issues the Annual Security Report (ASR) in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. It is the policy of TCNJ to ensure our campus community is informed of all incidents that may impact their safety and security. The campus community is encouraged to report all crimes, whether actual, attempted, or suspected, and all emergency situations to the Office of Campus Police Services or any other campus security authority.³

The [College](#) compiles and discloses statistics of reports of the types of crimes specified in the Clery Act for the campus and immediately adjacent areas. In addition, the [College](#) publishes an annual report to the Department of Education with statistics of Clery Crimes for the last three years, along with other policy statements addressing campus security and safety.

It is important to know that a formal police report or investigation is not needed in order for a crime to be included in the crime statistics provided in this report. Campus security authorities are surveyed monthly for their input during the course of the year. Campus Police does not collect victim information unless specifically authorized by the [Reporter](#) or directly reported from the [Reporter](#) to law enforcement.

E. Rights of the Reporter and the Respondent

The rights of the [Reporter](#) and [Respondent](#) in a [Sexual Violence](#) proceeding includes:

² Supervisors are required to report incidents of sexual harassment including [Sexual Violence](#) according to the New Jersey State Policy Prohibiting Discrimination in the Workplace.

³ Campus security authorities are represented by, but not limited to the following offices: Vice President for Administration, Provost/Vice President for Academic Affairs, Vice President for Human Resources, Vice President for Student Affairs, Residential Education and Housing, Disability Support Services, Student Health Services, Athletics, and Alcohol and other Drug Education Program (ADEP).

- To have access to applicable [College](#) policies and procedures be informed of the nature of all charges connected with the allegations of the [Reporter](#).
- To be treated with due respect by [College](#) officials.
- To have an [Advisor](#) present during any proceeding, investigation meeting, or related meeting. The role of the [Advisor](#) will be limited to being present only; they will not be allowed to speak during any [College Sexual Violence](#) proceeding, investigation meeting, or related meeting.
- Adequate, reliable, and impartial investigation and appropriate resolution of all reports of [Sexual Violence](#).
- To be informed by the [College](#) of options to notify proper law enforcement authorities including on-campus and local police, and the option to be assisted by campus authorities in notifying proper law enforcement, if the individual chooses.
- To be notified of available counseling, mental health, academic, legal and other support services, both at the [College](#) and in the community.
- To have allegations investigated by individuals who are properly trained to investigate and resolve allegations of [Sexual Violence](#).
- Equitable participation in the investigation process, including the opportunity to identify witnesses and other appropriate evidence.
- The right to appeal as set forth in these procedures.

F. Training

The [College](#) of New Jersey will provide [Students](#) and Employees with information regarding the prevention of [Sexual Violence](#) and the procedure to be followed in filing complaints. Every incoming [Student](#) is required to complete online training regarding [Sexual Violence](#), prevention and intervention, and how to report incidents of [Sexual Violence](#). The [College](#) of New Jersey will provide all new Employees with training on this Policy and the related Procedures within a reasonable period of time after each new Employee's appointment date. Refresher training shall be provided to all Employees, including supervisors, within a reasonable period of time. The [College](#) will also provide supervisors with training on a regular basis regarding their obligations and duties under this *Policy* and the related Procedures. All [College](#) investigators will participate in annual training on trauma-informed investigation techniques to ensure compliance with federal laws and guidelines.

G. Prevention and Education

Prevention strategies employed by the [College](#) include training that focuses on instilling a sense of responsibility in our community members to act when witnessing harmful behavior. This training offered both in person and online, builds confidence and critical skills in our community members to be able to engage in safe intervention strategies for addressing situations. For additional information on prevention and

education see Anti Violence Initiatives at oavi.tcnj@edu and Title IX at titleix@tcnj.edu.

H. Prohibited Conduct

This Policy prohibits the following conduct:

1. **Sexual Harassment**

- a. Conduct of a sexual nature or based on gender or sexuality that is severe or pervasive enough to create a [Hostile Environment](#) as defined by a reasonable person under similar circumstances. This may include unwanted, unwelcome, or inappropriate sexual or gender-based activities, or comments.
- b. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made a condition of the conferral of any benefit, or rejection of such advance, request, or conduct implies that a person will suffer adverse consequences from another person in an express or implied position of authority.
- c. Third Party Harassment. This Policy also applies to third party harassment. Third Party harassment is unwelcome behavior involving any of the [Protected Categories](#) referred to in (a) above that is not directed at an individual but exists in the workplace/educational environment and interferes with an individual's ability to do their job as an employee or a [Student](#). Third Party harassment based upon any of the aforementioned [Protected Categories](#) is prohibited by this Policy.

2. **Physical Sexual Misconduct**

- a. Any [Sexual Penetration](#), however slight, of a person without that person's [Effective Consent](#).
- b. 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](#).

3. **Stalking**

- a. Purposefully or knowingly engaging in a [course of conduct](#) directed at a specific person that would cause a reasonable person to fear for their safety or the safety of a third person, or suffer other emotional distress. Such [courses of conduct](#) include but are not limited to alarming conduct, following a specific person or otherwise communicating with a person repeatedly in a manner likely to cause fear for safety, or seriously annoy a reasonable person under similar circumstances.

4. **Dating or Domestic Violence (As listed under Physical Abuse section in the Student Conduct Code)**

- a. 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), that would reasonably be perceived by that person as a threat or intimidation.

5. **Bullying, Intimidation, and Harassment**

- a. Engaging in conduct, including any gesture, written, verbal or physical act, or any electronic communication (which includes e-mails, text messages, and Internet postings on web-sites or other social media),; that is so severe or pervasive and objectively offensive that it substantially disrupts or interferes with the orderly operation of the [College](#) or the rights of any [Student](#) or other member of the [College](#) community; and that:
 - involves intimidation or threats to another person’s safety, rights of personal privacy and property, academic pursuits, [College](#) employment, or participation in activities sponsored by the [College](#) or organizations or groups related to the [College](#); or
 - a reasonable person should know, under the circumstances, will have the effect of insulting or demeaning any person or group; or
 - creates an intimidating or [Hostile Environment](#) by substantially interfering with a [Student’s](#) education, or by materially impairing the academic pursuits, employment or participation of any person or group in the [College](#) community, or by severely or pervasively causing physical or emotional harm to the [Student](#) or other member of the [College](#) community; or
 - a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a [Student](#) or other person or damaging the person’s property or placing the person in reasonable fear of physical or emotional harm to their person, or to any member of that person’s family or household, or of damage to the persons’ property.
- b. Any attempt to intimidate, threaten, or unduly influence another person with the purpose to discourage cooperation or truthful participation in a student conduct matter, investigation, or proceeding.

Abusive or harassing conduct directed at a person or group because of membership in a [Protected Category](#) may result in an enhanced sanction.

6. **Invasion of Privacy including Sexual Exploitation**

- a. Unauthorized making of an explicit or objectively offensive recording (including but not limited to photographs, video, and/or audio) of another person.
- b. Unauthorized display, publication, transmission, or other dissemination (including via the Internet) of explicit or objectively offensive recordings (including but not limited to photographs, video and/or audio) of another person. Consent to be recorded does not imply consent for such records to be displayed, published, transmitted, or otherwise disseminated.
- c. Unauthorized intrusion upon a person’s private property or communications.
- d. Unauthorized appropriation and/or use of someone’s identifying or personal data or documents.

- e. An act or acts committed through abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or other non-legitimate purpose without the [Effective Consent](#) of the person.

7. **Obscene or Indecent Behavior**

- a. Exposure of one's sexual organs or the display of sexual behavior or contact that would reasonably be offensive to others or be observed by any other non-consenting persons who would be affronted or alarmed.
- b. Trespassing, spying, or eavesdropping for sexual arousal.

8. **Aiding or Assisting**

- a. Aiding or assisting another to violate the *Title IX Policy*, or acting in any way to further a violation of the *Title IX Policy*.
- b. [Students](#) may be held accountable for the actions of their non-TCNJ guest.

9. **Retaliation**

- a. This policy prohibits retaliation against any [Student](#), faculty, or staff member who in good faith alleges that they were the victim of [Sexual Violence](#), harassment, or discrimination, or provides information in the course of an investigation; or is accused of violating [Prohibited Conduct](#). No Employee or [Student](#) who in good faith files a report, provides information for an investigation, or testifies in any proceeding under this policy shall be subjected to adverse employment or educational consequences based upon such involvement or be the subject of retaliation. For information regarding examples of retaliation in the workplace please refer to [*The Policy Prohibiting Discrimination in the Workplace/Educational Environment*](#).

For information regarding retaliation prohibited by the *Student Conduct Code* please refer to section [II. Definitions, U. Retaliation](#).

10. **Amnesty**

The [College](#)'s highest priority is the physical and mental health, safety, and well-being of individual [Students](#) and the campus community. An element of promoting safety is providing clear, responsible methods of reporting and addressing incidents of [Sexual Violence](#). Therefore, in order to remove potential barriers to reporting [Sexual Violence](#), the [College](#) will not charge a [Student](#) with violating any expectations of student conduct regarding alcohol or other drugs if that [Student](#) reports such conduct within a complaint of possible [Sexual Violence](#).

IV. PROCEDURAL STANDARDS

A. Reporting Prohibited Conduct

All [Students](#), faculty, and staff may report [Prohibited Conduct](#) to any one or more of the following: Campus Police, [Title IX Coordinator](#), or EEO Officer. These reporting options are not mutually exclusive. Reporting parties may simultaneously pursue criminal and

[College](#) disciplinary action. The [College](#) will support [Reporters](#) in understanding and assessing their reporting options.

Preservation of Evidence: The [College](#) recognizes that making the decision to report [prohibited conduct](#) often takes time. Nevertheless, pending the decision to report, reporting parties are strongly encouraged to take immediate steps to preserve all evidence that is relevant to a future report of [Prohibited Conduct](#), a Protective Order, or an investigation by law enforcement, by the [College](#), or both. Such evidence may include:

- A forensic sexual assault examination (within 72 hours);
- Tests for alcohol and other drug levels (for use in determining capacity for [Effective Consent](#));
- Any clothing, sheets or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- Electronic exchanges (e.g., text messages, emails, and Facebook, Instagram, Snapchat or other social media posts, to the extent that they can be captured or preserved);
- Photographs (including photographs stored on smartphones and other devices); and
- Voicemail messages and other physical, documentary and/or electronic data that might be helpful or relevant in an investigation. Electronic and photographic evidence may be lost through the upgrade or replacement of equipment (including smartphones), software and/or accounts or may simply be lost to the passage of time.

1. **Reporting to Campus Police (Criminal Process)**

In all cases of possible [Sexual Violence](#), individuals are also encouraged to promptly file a report by contacting Campus Police at (609) 771-2345 or 911, or by visiting the office located in the Administrative Services Building, room 104.

Campus Police are **not** a confidential resource; therefore, any report may require a criminal investigation. Although complete confidentiality cannot be guaranteed, Campus Police strives to treat all persons with equal care, respect, and dignity and will to the best of their ability, preserve the privacy of all persons involved.

2. **Protective Orders**

Where [Prohibited Conduct](#) is reported to the Police, it may be possible to obtain a court-ordered emergency or preliminary protective order. These protective orders may be issued if the judge or magistrate believes that there is an immediate threat to health or safety of the [Reporter](#). Later, after a full hearing, the court may agree to issue a “permanent” protective order, in appropriate cases. “Protective orders” are

separate and distinct from “no-contact directives” issued specifically by the [College](#). Protective orders may be obtained only from a court of law and are enforceable anywhere in the United States; their violation may result in criminal charges. In contrast, no-contact directives may be obtained from the Title IX Office or Office of [Student](#) Conduct and Dispute Resolution Services and are enforceable through the [College](#). The Office of [Student](#) Conduct and Dispute Resolution Services or the Title IX Office can arrange and/or attend a meeting with Campus Police, who can explain the process for seeking a protective order and can escort a [Student](#), faculty, or staff member to the appropriate office in order to initiate a petition seeking a protective order.

3. **Joint Investigation**

An investigation conducted by Campus Police is a separate investigation from the Title IX investigation. These investigations may proceed on parallel paths and involve different legal obligations under federal or state law.

Campus Police and Student Affairs will work cooperatively to ensure that the [Reporter](#)'s allegation of [Sexual Violence](#) is treated seriously and that they are treated with dignity. Their collaboration is essential to a sensitive investigation which requires obtaining, securing, and maintaining information for a potential criminal prosecution and/or Title IX investigation.

Campus Police will advise all [Reporters](#) of any sexual crime or misconduct of existing medical, counseling, mental health, and support services. The [Reporter](#) will promptly be advised that it is his/her right to have any allegation of [Sexual Violence](#) investigated by Campus Police. There will be full and prompt cooperation and assistance of campus authorities in notifying Campus Police. This will be in addition to any campus disciplinary proceedings which may take place. The [Reporter](#) will be advised of the outcome of any criminal or disciplinary proceeding which may take place.

Campus Police and Student Affairs will work cooperatively to take reasonable and necessary action to prevent further unwanted contact of [Reporters](#) and [Respondents](#) including notifying the [Reporter](#) of options for no contact directives, housing re-location, and other remedial measures deemed appropriate and reasonable. Campus Police will coordinate with state, county, and municipal agencies to develop and implement domestic violence and [Sexual Violence](#) training programs, and continue to effectively work with front line officers to enhance training on the proper handling of these types of crimes.

Campus Police will initiate a criminal investigation into all sexual assault and domestic violence offenses reported to Campus Police by the [Reporter](#). Any sexual assault or domestic violence offense which comes to the attention of Student Affairs will be reported to Campus Police as a Clery reportable offense prior to the

initiation of any administrative investigation. However, Campus Police investigators will not contact the [Reporter](#) or initiate a criminal investigation without the consent of the [Reporter](#).

4. **Confidential Resources**

The [College](#) believes it is important that [Students](#) are aware of opportunities for support and assistance. Available confidential resources are listed below. Reporting any allegations of sexual harassment or [Sexual Violence](#) to any of the listed resources will not result in an investigation without the consent of the [Student](#) or Employee sharing the information, but on-campus resources may report the crime to Campus Police with no identifying information for inclusion in the annual campus crime report (Clery).

On-Campus Confidential Resources (available Monday-Friday 8:30-4:30pm)

Office of Anti-Violence Initiatives (AVI)
(609) 771-2272
<http://oavi.pages.tcnj.edu/>
Forcina Hall 308

Counseling and Psychological Services (CAPS)
(609) 771-2247
<http://www.tcnj.edu/~sa/counseling/>
Eickhoff Hall 107

Student Health Services (SHS)
(609) 771-2483
<http://health.pages.tcnj.edu/>
Eickhoff Hall 107

Off Campus Resources (Available 24 Hours)

Capital Health System (Hospital)
(609)-394-6000
750 Brunswick Avenue
Trenton, NJ 08638
<http://www.capitalhealth.org/>

Womanspace, Inc.
(609) 394-0136
1530 Brunswick Avenue
Lawrenceville, NJ 08648
<http://www.womanspace.org/>

Mercer County Domestic Violence & Sexual Assault Hotline
(609) 394-9000

NJ Statewide Domestic Violence Hotline
(800) 572-SAFE

National Hotlines (Available 24 Hours)
Domestic Violence (800) 799-SAFE
Sexual Assault (800) 656-HOPE

For a description of the resources above or for more off-campus resources please visit: <https://oavi.tcnj.edu/get-help-2/victims-survivors/relatedlinks/>

The confidentiality of information provided to these sources is protected by law and individuals' personal information will not be disclosed without the [Student's](#) permission.

5. **Privacy and Confidentiality**

The [College](#) is committed to protecting the privacy of all individuals involved in a report of any violation of the *Title IX Policy*. All Employees who are involved in the Title IX response, including the [Title IX Coordinator](#), Deputy Title IX Coordinators and Investigator(s), receive specific training about respecting and safeguarding private information. Throughout this process, every effort will be made to protect the privacy of all individuals in a manner consistent with the need for a thorough review of the report.

Privacy and confidentiality have two distinct meanings in this process.

Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those Employees or other relevant parties who "need to know" in order to assist in the active review, investigation, or resolution of the report filed. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

Confidentiality means that information shared by an individual with designated confidential resources outlined in this policy cannot be revealed to any other individual without the express permission of the individual. These resources are prohibited from breaking confidentiality unless there is an imminent threat or harm to self or others, a suspicion of child abuse or by order of a court of law.

The [Title IX Coordinator](#) is responsible for assessing whether requests by reporting parties not to disclose their identity to anyone else, including the person who allegedly committed the [Prohibited Conduct](#) can be granted. While such a request

may limit the [College](#)'s ability to investigate and respond to the report, the [Title IX Coordinator](#), in consultation with Campus Police, Office of Anti-Violence Initiatives, and other relevant [College](#) administrators (as appropriate), will consider the request in light of the [College's](#) commitment to provide a safe and non-discriminatory environment for all [Students](#) and Employees, and will honor the request whenever possible. Similarly, the [Reporter](#) may request that the [Title IX Coordinator](#) refrain from conducting an investigation at all. In either case, the [Title IX Coordinator](#) will review and promptly notify the [Reporter](#) making the request whether the request will be granted. Factors to be considered in determining whether a request to maintain an individual's identity as confidential and/or that the report not be investigated may include but are not limited to:

- Whether there is a perceived risk that the [Respondent](#) may have a propensity to commit acts prohibited by this policy;
- Whether there have been other reports about the same [Respondent](#);
- Whether the [Respondent](#) has a history of arrests or records from the community or a prior institution indicating a history of physical [Sexual Violence](#) or harassment;
- Whether the [Respondent](#) has threatened future physical [Sexual Violence](#) or harassment, or other prohibited acts (including non-[Sexual Violence](#)) against the [Reporter](#) or others;
- Whether the alleged Sexual Violence or harassment was committed by multiple parties;
- Whether circumstances suggest there is an increased risk of future acts of [Sexual Violence](#) or harassment or other [Prohibited Conduct](#) under similar circumstances (e.g., whether the report reveals a pattern of perpetration, such as via the illicit use of drugs or alcohol, at a given location or by a particular group);
- Whether the alleged [Prohibited Conduct](#) was perpetrated with a [Weapon](#);
- Whether the [Reporter](#) is a minor; and
- Whether the [College](#) possesses other means to obtain relevant information (e.g., security cameras, information known to [College](#) personnel, or physical evidence).

B. Interim Measures/Remedies

Reports of [Sexual Violence](#) or harassment in violation of this policy may require immediate interim measures to protect the safety and well-being of the [Reporter](#) or the [Respondent](#) and/or the campus community pending the outcome of the investigative and adjudicative processes. Interim measures may include the following to the extent reasonably available and appropriate:

No Contact Directive is an official [College](#) directive that serves as notice to an individual that they must not have physical contact with or proximity to, or direct

verbal, electronic, written, and/or indirect [Communications](#) intentionally made through another individual.

1. For Students:

- Academic accommodations, such as, assistance in transferring to another section of a course, assistance in requesting withdrawal or an incomplete grade in a particular course, leaves of absence or withdrawal from the [College](#), or assistance requesting alternate methods of completing coursework, and
- Housing accommodations, such as, requiring a [Student](#) to relocate housing assignment pending the outcome of a conduct investigation or proceeding. This may also include facilitating changes in on-campus housing location to alternate housing, assistance in exploring alternative housing off-campus, and
- Employment accommodations, such as, arranging for alternate [College](#) employment, different work shifts, etc.,
- Arranging a meeting with the Title IX Office and/or Campus Police to discuss or report [Prohibited Conduct](#);
- Arranging a meeting with Anti-Violence Initiatives and/or Campus Police to discuss safety planning;
- Arranging access to counseling services and assistance in setting up initial appointments;
- Arranging access to medical services and assistance in setting up initial appointments;
- Transportation or parking accommodations;
- Assigning [Respondent](#) to interim suspension status; and
- Any other measure that may be arranged by the [College](#) (to the extent reasonably available) to ensure the safety and well-being of a [Student](#) and/or the [College](#) community affected by [Prohibited Conduct](#).

2. For Faculty/Staff:

- Employment accommodations, such as, temporary assignment, if appropriate, to other work duties and responsibilities, or other work locations, or other work groups/teams or alternative supervision/management;
- Arranging a meeting with the Title IX Office, EEO, and/or Campus Police to discuss or report [Prohibited Conduct](#);
- Arranging a meeting with Campus Police to discuss safety planning;
- Arranging access to counseling services and assistance in setting up initial appointments;
- Arranging access to medical services and assistance in setting up initial appointments;
- Transportation or parking accommodations; and

- Any other measures that may be arranged by the [College](#) (to the extent reasonably available) to ensure the safety and well-being of an Employee who has been affected by [Prohibited Conduct](#).

C. Investigation or Resolution Procedures and Protocols

1. Initial Assessment

Upon receipt of a report of [Prohibited Conduct](#), the [Title IX Coordinator](#) will make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report. In this initial assessment, the [Title IX Coordinator](#) will:

- A. Assess the [Reporter](#) and [Respondent](#)'s safety and well-being and offer the [College](#)'s immediate support and assistance;
- B. Inform the [Reporter](#) and [Respondent](#) of the right to seek medical treatment, and explain the importance of obtaining and preserving forensic and other evidence;
- C. Inform the [Reporter](#) and [Respondent](#) of the right to contact law enforcement, decline to contact law enforcement, and/or seek a protective order;
- D. Inform the [Reporter](#) and [Respondent](#) about [College](#) and community resources, the right to seek appropriate and available remedial and protective measures, and how to request those resources and measures;
- E. Inform the [Reporter](#) of the right to seek resolution under this policy, and determine whether the [Reporter](#) wishes (i) to seek such resolution, or (ii) to request confidentiality (i.e., that their name or other identifying information not be shared with the [Respondent](#), that no investigation be pursued, and/or that no disciplinary action be taken) if possible considering the unique circumstances of the case;
- F. Explain the [College](#)'s prohibition against Retaliation;
- G. Assess the nature and circumstances of the report, including whether it provides any identifiable information;
- H. Determine whether the report triggers any Clery Act obligations, including entry of the report in the daily crime log and/or issuance of a timely warning, and take steps to meet those obligations.

The [Title IX Coordinator](#) will ensure the [Reporter](#) receives a written explanation of all [College](#) resources and options and are offered the opportunity to meet with the [Title IX Coordinator](#) to discuss those resources and options. When a decision is reached to impose interim protective measures, to initiate an investigation or to take any action that involves notifying a [Respondent](#), the [Title IX Coordinator](#) will also ensure that the [Respondent](#) receives a written explanation of all [College](#) resources and options and are offered the opportunity to meet with the [Title IX Coordinator](#) to discuss those resources and options.

2. Time Frame

The [College](#) will attempt to resolve every report involving a [Student](#) as the [Respondent](#) within 60 calendar days of an initial report, excluding any relevant appeal period. If applicable the procedural standards outlined in the *Student Conduct Code* regarding summer, end of term, and geographically remote cases will apply. Absent exigent circumstances, the [College](#) will attempt to resolve every report involving a faculty and/or staff member as the [Respondent](#) within 120-180 calendar days of the complaint being filed, subject to possible adjustment may be required by applicable negotiated agreement.

The [College](#) recognizes that each case has its own unique circumstances, and time frames for each stage of the process may vary depending on the details of a case and at certain times of the academic year (for example, during breaks, study periods or final exams). The [College](#) may extend any time frame for good cause, with a written explanation to the [Reporter](#) and the [Respondent](#).

The [College's](#) process for responding to, investigating and adjudicating reports under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the [Title IX Coordinator](#) and based upon the unique circumstances of every case. Prior determinations made or sanctions imposed under these procedural standards will not be subject to change because criminal charges arising out of the same facts giving rise to violation of this policy are later dismissed, reduced, or resolved in favor of the criminal law defendant. The investigation may be temporarily delayed so law enforcement may gather evidence, but the investigation will resume once law enforcement has completed evidence-gathering and generally will not wait for the conclusion of any related criminal proceeding.

3. Resolution Process

The [College](#) recognizes that there is not one universal resolution process that best meets the needs of our [Students](#) and campus community. To adequately address reports of [Prohibited Conduct](#) three different procedural processes are outlined. Option One: Administrative Hearing is the default process. To utilize Option Two or Option Three in lieu of Option One there must be consensus of both the [Reporter](#) and the [Respondent](#). The [College](#) retains the right at any time to select Option One: Administrative Hearing as the most appropriate procedural process.

Any person may file a report regarding a possible Title IX incident at any time. The [Title IX Coordinator](#) will receive the report and determine whether: (i) the allegations in the report, if found more likely than not to have occurred, would constitute a violation of this policy, (ii) there is sufficient information to

warrant an investigation, and (iii) the [Reporter](#) will participate in the [College](#) investigation process. Based on the information received, the [Title IX Coordinator](#) and [College](#) Administrators may determine that interim action(s) may be necessary to stop or prevent any further harassment from occurring. Should the [Title IX Coordinator](#), in consultation with the [AVP](#), determine that a threat to the health and/or safety of the campus community exists, an interim suspension may be applied for the [Respondent](#) pending the outcome of a conduct proceeding. No permanent change in [Student](#) status will occur pending the outcome of the conduct proceeding, however the [Respondent](#) may be relocated or removed from housing, academic space, or [College](#) property on a temporary basis. If the [Respondent](#) is neither an Employee nor a [Student](#), the Office of Student Conduct and Dispute Resolution Services and Campus Police may request that the [Respondent](#) be banned from the TCNJ campus community.

For all investigations there will be one or more trained investigators present. The [Title IX Coordinator](#) will be the lead investigator and coordinate meetings with the [Reporter](#) and the [Respondent](#).⁴ Once an initial report is received, the [Title IX Coordinator](#) will meet with both the [Reporter](#) and [Respondent](#) to gather additional information related to the complaint and ask which resolution process, if any, they would like to utilize. Once a decision is made regarding the resolution process, the investigators will follow the proper protocol outlined below.

Flow charts outlining the process described for all three options can be found in the appendix section of this policy.

Option One: Administrative Hearing for Cases involving Student Respondent

Both the [Reporter](#) and [Respondent](#) will be interviewed and asked to share information they have regarding the incident, as well as all relevant documentation (i.e. text messages, emails, photos, etc.), and identify witnesses who may provide direct information regarding the allegation. The investigator(s) will gather all information and create a statement summary which will be provided to each person providing information for acknowledgement. At that time the [Reporter](#) or the [Respondent](#) can make additions to or note any concerns or clarifications to their statement summary. The [Title IX Coordinator](#) will then add the document to the Title IX Investigation Report. Whenever possible, investigator(s) will gather all information within 35-40 calendar days. (Please refer to the section on time frames for information about delays).

Once all information is gathered and compiled into an investigation report, the lead investigator will meet separately with the [Reporter](#) and [Respondent](#) for a final review

⁴ The [College](#) may retain the right to use external investigators to resolve complaints and will notify both the [Reporter](#) and [Respondent](#) prior to this decision.

of information. The full investigation report, which does not include any finding or determinations, will be reviewed by the Assistant Vice President ([AVP](#)) to ensure that procedural protocol was followed. The [AVP](#) will either confirm that protocol was followed and the incident was fully investigated, or will ask the investigator(s) to further examine section(s) of the investigation report or seek additional information. Once satisfied with the process review, the [AVP](#) will determine whether there are charges based on the facts in the investigation report. The [AVP](#) will make that determination within 10 calendar days of receiving the investigation report. If the [AVP](#) determines that there are no charges then the [Reporter](#) has an opportunity to appeal this finding by following the process outlined in the *Appeal for Student Cases* section of this policy. If charges are assigned, the [AVP](#) will then forward the investigation report to a trained staff member who will serve as the Hearing Administrator. The [Hearing Administrator](#) will conduct a hearing in which the [Reporter](#), [Respondent](#), and all relevant witnesses, are invited to present and question information gathered for the investigation report. Once all information is shared the [Hearing Administrator](#) will make a determination of responsibility based on a *more likely than not* standard to determine whether a violation of the Policy occurred.

If the [Hearing Administrator](#) determines there are no findings of responsibility the [Reporter](#) may appeal the decision by following the process outlined in the *Appeal for Student Cases* section of this policy. If the [Hearing Administrator](#) makes a determination of responsibility, they will ask the [Reporter](#) and [Respondent](#) to submit character references or statements and the [Reporter](#) may submit an impact statement. Previous conduct history will also be reviewed. After reviewing this information, the [Hearing Administrator](#) will determine appropriate sanctions based on the facts of the case as well as all mitigating and aggravating information.

Formal hearing guidelines. Formal hearings shall be conducted according to the following guidelines.

Private hearing. A hearing is conducted in private. The [Reporter](#) and [Respondent](#), and [Advisor\(s\)](#) are allowed to attend the entire portion of the hearing at which information is received (this excludes deliberations). Admission of any other person to the hearing shall be at the discretion of the [Hearing Administrator](#).

Joint hearing. In cases involving more than one [Respondent](#), the [Hearing Administrator](#) may permit the hearing concerning each party to be conducted either separately or jointly.

Advisors. The [Hearing Administrator](#), the [Reporter](#) and, the [Respondent](#) may be assisted by an [Advisor](#) of their choice, at their expense. [Students](#) must notify the [Title IX Coordinator](#) of whom they have designated as their [Advisor](#) five business days prior to the scheduled hearing. A representative from the [College's](#) Office of the General Counsel may also be present at the hearing. All individuals are responsible for presenting their

own information, and therefore [Advisors](#) are not permitted to speak or to participate directly in any hearings. A [Student](#) should select as an [Advisor](#) a person whose schedule allows attendance at the scheduled date and time for the hearing as delays will not normally be allowed due to the scheduling conflicts of an [Advisor](#).

Questions. The [Hearing Administrator](#), the [Reporter](#), and the [Respondent](#) may arrange for witnesses to present pertinent information. The [Reporter](#) and the [Respondent](#) may suggest questions to be answered by one another and/or one another's witnesses, but the questions must be directed to the [Hearing Administrator](#) rather than to the other party or witness directly. The [Hearing Administrator](#) will determine whether questions or potential information are appropriate at their discretion.

Additional information. Relevant records, exhibits and written statements (including [Student](#) impact statements and/or character statements during the sanction phase) may be accepted as information for consideration at the discretion of the [Hearing Administrator](#).

Decline to provide information. The [Respondent](#) has the right to decline to provide any written or oral statements, answer questions posed in a hearing, or provide any information on their behalf. However, the [Hearing Administrator](#) may draw an adverse inference from the [Student's](#) absence of information or refusal to answer questions.

Procedural questions. All procedural questions are subject to the final decision of the Hearing Administrator.

Basis for decision. The [Hearing Administrator's](#) determination shall be made on the basis of whether it is *more likely than not* that the [Respondent](#) violated the *Title IX Policy*. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings.

Hearing recorded. There will be a single record, such as a digital audio recording of all formal hearings. Deliberations will not be recorded. The record will be the property of the [College](#).

Decision in absentia. If a [Respondent](#), with notice, does not appear for a hearing, the [Hearing Administrator](#) may postpone the hearing or hear the information in support of the charges in the [Respondent's](#) absence and will make a decision on the available information.

Special accommodation. The [Hearing Administrator](#) may accommodate persons with concerns for the personal safety, well-being, and/or fears of confrontation during the hearing by providing separate facilities or physical dividers, and/or by permitting participation by telephone, videophone/conferencing, videotape, audio tape, written statement, or other viable means as determined by the [Title IX Coordinator](#) or Director of Student Conduct to be appropriate.

Differing abilities accommodation. The [Hearing Administrator](#) will provide any reasonable accommodation for hearing participants who have a disability and are registered with, or notify the Office of Disability Services and the Office of Student Conduct in a timely manner.

If at the conclusion of a Title IX investigation it is determined that there are no charges of violating to the Title IX policy but there may be violations of the *Student Conduct Code* the [Title IX Coordinator](#) may transfer the case to the Office of Student Conduct for adjudication. If the [Title IX Coordinator](#) determines that there are violations of expectations outlined in the *Student Conduct Code* that directly relate to a violation of the *Title IX Policy* the [Title IX Coordinator](#) in consultation with the Director of Student Conduct & Dispute Resolutions may decide to adjudicate all charges through the Title IX process.

Option Two: Investigatory Model for Cases involving Student Respondent

Both the [Reporter](#) and [Respondent](#) will be interviewed and asked to share information they have regarding the incident, as well as all relevant documentation (i.e. text messages, emails, photos, etc.), and identify witnesses who may provide direct information regarding the allegation. The investigator(s) will gather all information and create a statement summary which will be provided to each person providing information for acknowledgement. At that time the [Reporter](#) or the [Respondent](#) can make additions to or note any concerns or clarifications to their statement summary. The [Title IX Coordinator](#) will then add the document to the Title IX Investigation Report. Investigator(s) will strive to gather all information within 35-40 calendar days. (Please refer to the section on time frames for information about delays).

If the [Reporter](#) and [Respondent](#) consent to the investigatory model, after gathering all information the lead investigator will make a determination of responsibility based on a "more likely than not" standard to determine whether a violation of the Policy occurred.

Once the investigator(s) have made a determination regarding responsibility, the full investigation report, including this finding, will be reviewed by the [AVP](#) to ensure that procedural protocol was followed. The [AVP](#) will either confirm that protocol was followed and the incident was fully investigated, or will ask the investigator(s) to further examine section(s) of the investigation report or seek additional information. The [AVP](#) will make that determination within 10 calendar days of receiving the investigation report.

If the investigators determine there are no charges or findings of responsibility and the [AVP](#) confirms the investigation to be complete, the [Reporter](#) may appeal the decision by following the process outlined in the *Appeal for Student Cases* section of this policy. If after the investigation and [AVP](#) review, it is determined that the [Respondent](#) is responsible for violation of this policy, the [AVP](#) will forward the report to the Office of Student Conduct and Dispute Resolution Services to assign appropriate sanction(s).

Both the [Reporter](#) and [Respondent](#) will then be contacted and asked to submit character references and the [Reporter](#) may submit an impact statement to be taken into consideration when determining sanctions. Previous conduct history will be also be reviewed. After reviewing this information, the Office of Student Conduct will determine appropriate sanctions based on the facts of the case as well as all mitigating and aggravating information.

Any sanctions will typically be assigned and communicated to the [Reporter](#) and [Respondent](#) by the Director of Student Conduct & Dispute Resolutions or designee within 10 calendar days of receiving the investigation report. The [Reporter](#) and [Respondent](#) will then have an opportunity to appeal by following the process outlined in the *Appeal for Student Cases* section of this policy.

If at the conclusion of a Title IX investigation it is determined that there are no charges pertaining to the Title IX policy but there may be violations of the *Student Conduct Code* the [Title IX Coordinator](#) may transfer the case back to the Office of Student Conduct for adjudication. If the [Title IX Coordinator](#) determines that there are violations of expectations outlined in the *Student Conduct Code* that directly relate to a violation of the *Title IX Policy* the [Title IX Coordinator](#) in consultation with the Director of Student Conduct & Dispute Resolutions may decide to adjudicate all charges through the Title IX process.

An [Advisor](#) of the [Reporter](#) or [Respondent's](#) choice may be present during the initial meeting, investigation, and any additional meetings with [College](#) staff in relation to a Title IX incident but [Advisors](#) may not represent the party or actively participate in the meeting. The [Title IX Coordinator](#) or investigator(s) may also have an [Advisor](#) present at their discretion.

Option Three: Alternative Resolution for Cases involving Student Respondent

Alternative resolution is a voluntary process that allows the [Respondent](#) to accept responsibility for their behavior. The alternative resolution process is designed to eliminate the [Prohibited Conduct](#), prevent its recurrence, and remedy its effects in a manner that meets the needs of the [Reporter](#) while still maintaining the safety of the overall campus community.

The alternative resolution process will only be used at the request and agreement of both the [Reporter](#) and [Respondent](#) and under the direction of the [Title IX Coordinator](#). The alternative resolution options available under this Policy recognize:

- Participation in this process is voluntary and either the [Reporter](#) or [Respondent](#) can choose to end the process at any time prior to signing the agreement and pursue an investigation;
- Mediation, even if voluntary, will not be used in cases involving sexual assault;

- Both the [Reporter](#) and [Respondent](#) must participate in individual conference meetings with appropriate staff to learn more about the resolution process prior to participating;
- The process can only be used once and will not be considered if requested by a repeat [Respondent](#) under the Title IX policy;
- The [Reporter](#) and [Respondent](#) must agree to all recommendations laid out in the formal agreement or the case reverts back to investigation; and
- The [Respondent](#) may be charged with *Failure to Comply with a Directive of a College Official* (Charge 5a.) under the *Student Conduct Code* for failure to meet the requirements laid out in the agreement.

Possible options that [Students](#) may utilize in this process are outlined below:

Restorative Processes is a philosophical approach that embraces the reparation of harm, healing of trauma, reconciliation of interpersonal conflict, and reintegration of people who have been marginalized through participatory learning and improved decision making skills. Rather than focusing on what policies have been violated, Restorative Processes instead identify who has been harmed and what actions are necessary to repair the harm.

- Formal Restorative Conference- Participation in a discussion by trained facilitators with any persons harmed and development of a shared agreement of how to correct the harm. The [Reporter](#) and [Respondent](#) (and possible community members) work together to develop an agreement that resolves the issue, and can help the [Respondent](#) restore their standing in their communities and repair relationships that were damaged by their actions.
- Informal Restorative Conference- The [Title IX Coordinator](#) will meet separately with the [Reporter](#) and the [Respondent](#). The meetings will include discussion on the behavior, the impact on the [Reporter](#), [Respondent](#) and the community. At the culmination of the meetings, the [Title IX Coordinator](#) will have a final meeting with the [Respondent](#) who will be required to complete exercises and/or educational activities to acknowledge the harm their actions caused. All information discussed in this meeting will be shared with the [Reporter](#).
- Informal Restorative Statements- This may include structured voluntary apology letters, affective questions towards the [Respondent](#) including; who was affected, how were they affected, and what was the harm caused, etc. This could be done either in-person with the [Respondent](#) or via written statements. All information discussed in this meeting will be shared with the [Reporter](#).

Additional options:

- Counseling Sessions
- Alcohol Education Classes
- Bi-weekly or Monthly check in meetings with the [Title IX Coordinator](#)

- Permanent extension of a No contact directive with the College
- Restriction from participation in specific clubs and/or organization
- Restriction from participation in particular events (ie. Senior Week)
- Completion of a master education plan with regular meetings with the Director of Student Conduct & Dispute Resolutions
- Community Service

The College reserves the right to stop this process at any time and revert back to investigation.

Any agreements that are reached during the alternative resolution process must be documented, signed by the [Reporter](#) and [Respondent](#), and approved by the [Title IX Coordinator](#). If no agreement is reached than the matter may be referred to the [Title IX Coordinator](#) for further action.

Both the [Reporter](#) and the [Respondent](#) may be accompanied by an [Advisor](#) at any meeting during the alternative resolution process.

D. Appeal for Cases Involving Student Respondent

If at the conclusion of a Title IX investigation, there is a finding of responsibility, both the [Respondent](#) and the [Student Reporter](#) are afforded the opportunity to appeal decisions and/or any sanctions issued within five business days of the date of the written decision. Appeals will be reviewed by the Vice President of Student Affairs ([VPSA](#)).

All appeals must be in writing, and include any supporting documentation that the [Student](#) wishes to be considered. Deference is given to the original Investigator's findings of fact and decision of responsibility and/or any sanctions, therefore the burden of proof is on the [Student](#) filing an appeal to sufficiently demonstrate cause to alter procedures, the original decision or any sanctions. An appeal will generally be limited to a review of the investigation report and supporting documents for one or more of the purposes below, provided however the administrator may request additional information or clarification from the accused [Student](#), complaining party, witnesses, investigator(s), and/or other administrators for purposes of this review.

- Process review. To determine whether the investigation process was conducted in accordance with published procedures and without bias on the part of the Investigator(s). Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
- Information review. To determine whether there was information presented in the investigation that, if believed by the board or administrator, was sufficient to establish that a violation of the Policy occurred.
- Sanction review. To determine whether any sanctions imposed were appropriate for the violation of the Policy which the [Student](#) was found to have committed.

- New information. To consider new information, submitted by the appealing [Student](#) within the prescribed five business day period, sufficient to alter a decision or other relevant facts not brought out in the original investigation, because such information was not known to the [Student](#) appealing at the time of the original investigation.

Appeal decision. An administrator reviewing an appeal may make one of the following decisions.

- Affirm. The administrator may decide to affirm the decision of the original Investigator(s).
- Alter sanction. The administrator may alter the sanctions issued by the Office of Student Conduct. Alteration in the sanction may include reducing or increasing the sanction or requirements.
- New investigation. The administrator may determine that a new investigation by different investigators is warranted to correct procedural irregularity or to consider new information. A [Student](#) may appeal a decision of the new investigators.
- Remand. The administrator may direct the original Investigators to review their original decision subject to any instructions from the administrator; and may affirm that decision or render a new decision consistent with those instructions. A [Student](#) may appeal a decision made by the original Investigator(s) if there are any changes after the review.

The decision of the administrator reviewing the submitted appeal is the final and conclusive decision of the [College](#) and is appealable only to the New Jersey Superior Court, Appellate Division in accordance with the New Jersey Rules of Court.

E. Investigation for Cases Involving Employee Respondent

[Prohibited Conduct](#) falling under this policy by Employees is prohibited under the Policy Prohibiting Discrimination in the Workplace/ Educational Environment (<http://ogc.pages.tcnj.edu/reporting>). Procedures for Internal Complaints Alleging Discrimination in the Workplace/ Educational Environment may be found at <http://affirm.pages.tcnj.edu/complaint>). When a complaint of alleged discrimination is received, the [Title IX Coordinator](#), EEO/AA Officer, or authorized designee will conduct an investigation and prepare an investigatory report including a summary of the complaint, a summary of facts developed through the investigation, and an analysis of the allegations and facts. The report is submitted to the President of the [College](#) who will issue a final determination. Absent exigent circumstances, an investigation and/or disposition will be completed within 120-180 calendar days of the date the complaint is filed, subject to possible adjustment may be required by applicable negotiated agreement.

While an investigation is underway, appropriate and relevant interim protective measures may be put in place including, but not limited to position re-assignment,

counseling through college resources, or suspension. Any determination by the investigator and the President will be made on the basis of whether it is more likely than not that the [Respondent](#) violated the *Policy Prohibiting Discrimination in the Workplace/ Educational Environment*. Both the [Reporter](#) and [Respondent](#) are entitled to equitable participation in the investigation process.

Both the [Reporter](#) and the [Respondent](#) will be sent notifications simultaneously in writing of the result of any institutional disciplinary proceeding (including appeal) that arises from an allegation of discrimination including dating violence, domestic violence, sexual assault, or stalking. Sanctions for a determination that discrimination took place may include but not limited to any of the following sanctions alone or in any combination: warning/reprimand, position re-assignment, training, counseling, loss of privilege, demotion, suspension, or removal from employment.

F. Appeals for Cases Involving Employees as Respondent

Appeal Process: If the [Reporter](#) disagrees with the determination of the [College](#), depending on the [Reporter](#)'s status as a career, unclassified, or senior executive service Employee or applicant for employment, they may have the right to submit a written appeal, within 20 calendar days of the receipt of the letter of determination from the [College](#) to the Merit System Board, P.O. Box 312, Trenton, NJ 08625. The appeal should contain a concise explanation of the disagreement. Regulations governing the appeal process are set forth at N.J.A.C. 4A: 7-3.2.

Filing with External Agencies: Any Employee can file a complaint directly with external agencies that investigate discrimination/harassment charges in addition to utilizing this internal procedure.

Sanctions

G. Student Sanctions

The following sanctions, alone or in any combination, may be imposed upon any [Student](#) found to have violated this Policy.

1. Status Outcomes.

- **Warning.** A notice in writing to the [Student](#) that the [Student](#) is violating or has violated institutional regulations and that further violations may result in more severe disciplinary action.
- **Pending termination of housing.** This status serves as a housing probationary status assigned to a [Student](#) for a specified period of time before their housing privileges are terminated. While on this status, any further violations of [College](#) policy may result in termination of housing. In addition, this status constitutes a

disciplinary record that will remain on file with the Office of [Student](#) Conduct for five years after a [Student](#) separates from the [College](#).

- **Termination of housing.** Removal or prohibition of a [Student](#) from [College](#) housing after a specific date and for a specified period of time. Through the duration of the termination, the [Student](#) will be restricted from entering all residential floors in [College](#) buildings. [Students](#) removed from [College](#) housing for disciplinary reasons will receive the refund available based on the time of the semester according to the Department of Residential Education and Housing policies and the housing contract. In addition, this status constitutes a disciplinary record that will remain on file with the Office of [Student](#) Conduct for five years after a [Student](#) separates from the [College](#).
- **Pending suspension.** This status serves as the disciplinary probation status assigned to a [Student](#) for a specified period of time before he or she is suspended from the [College](#). While on this status, any further violations of [College](#) policy may result in suspension from the [College](#). In addition, this status constitutes a disciplinary record that will remain on file with the Office of [Student](#) Conduct for five years after a [Student](#) separates from the [College](#).
- **Suspension.** Termination of course registration and residency (if applicable) from the [College](#) after a specific date and for a specified time. Through the duration of the suspension, the [Student](#) may be restricted from [College](#) property and may be required to provide prior notice and receive approval from the Director of [Student](#) Conduct for the purpose of conducting [College](#) business. Before a [Student](#) may be readmitted to the [College](#) after the designated period of time, the [Student](#) must meet with the Dean of [Students](#) to show satisfactory completion of any assigned directives or to discuss stipulated conditions for their return. In addition, this status constitutes a disciplinary record that will remain on file with the Office of [Student](#) Conduct indefinitely. Should a [Student](#) wish to return to the [College](#) after the suspension period, the [Student](#) must comply with any academic standards and procedures then in effect.
- **Expulsion.** Permanent dismissal from the [College](#) and restriction from [College](#) property. In addition, this status constitutes a disciplinary record that will remain on file with the Office of [Student](#) Conduct indefinitely. Expulsion is the most serious disciplinary action taken by the [College](#) and is generally reserved for only those cases of behavioral misconduct in which all the relevant facts and aggravating circumstances support a conclusion that the only reasonable sanction is permanent removal from the [College](#).
- **Degree Revocation.** Permanent revocation of an earned degree from the [College](#) and restriction from [College](#) property. In addition, this status constitutes a disciplinary record that will remain on file with the Office of [Student](#) Conduct indefinitely. Degree revocation is reserved for only those case of behavioral

misconduct that occur while an individual is a [Student](#), but is not made known to the [College](#) until after a degree is earned, and in which all the relevant facts and aggravating circumstances support a conclusion that the only reasonable sanction is permanent revocation of an earned degree from the [College](#).

2. Education Outcomes.

- **Restorative practices.** Participation in a discussion by trained facilitators with any persons or departments harmed and development of a shared agreement of how to correct the harm. Unlike other sanctions, all participants must voluntarily agree to participate in the restorative process.
- **Mediation.** Participation in a mediated discussion with other disputants facilitated by multipartial, trained mediators with the hope of developing a negotiated agreement serving as resolution to the dispute. Unlike other sanctions, all participants must voluntarily agree to participate in mediation.
- **Master education plan.** Develop a master education plan with the aid of the Director of Student Conduct and mentor committee, agree to the terms of the plan, and to continuous evaluation.
- **Other Discretionary sanctions.** Work assignments, essays, presentations, research projects, conduct contracts, service to the [College](#), or other discretionary assignments.

3. Administrative Directive Outcomes.

- **Administrative Relocation of Housing.** Administrative transfer of a [Student](#) from one campus housing location to another.
- **Loss of privilege.** Denial of any specified privilege for a designated period of time. Examples include but are not limited to: guest privileges, restriction from a [College](#) event or program, and/or area or building.
- **Restitution.** Compensation for loss, damage, or injury to [College](#) property. This may take the form of appropriate service and/or monetary or material replacement.
- **Parental notification.** Notification may be sent to parents or guardians of a [Student](#) who is under 18 years of age, or financially dependent on their parents or guardians, depending on the circumstances surrounding the incident. Parents or guardians may also be notified of alcohol and other drug incidents for [Students](#) less than 21 years of age, regardless of financial dependency or resulting sanction.

- **No Contact Directive/Extension of Existing No Contact Directive.** This may include a new directive (as described above), or an extension of an original directive with or without altered or additional parameters or instructions. Sanctioned no contact directives may only be removed at the discretion of the Director of [Student](#) Conduct, and at the written request of all involved parties.

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 and 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 Violence](#) or intimate partner violence.

An administrator may impose any sanction that it finds to be fair and proportionate to the violation and that is authorized for violations of the Policy. In determining an appropriate sanction, the administrator may consider any record of past disciplinary matters as well as the nature and severity of the misconduct. The Investigator(s) will consider as part of deliberations whether the [Respondent](#) poses a continuing risk to a member or members of the [College](#) community. The [College](#) expects all cases involving a finding of responsibility for [Sexual Violence](#) to involve consideration of the sanctions of suspension or expulsion. Any sanction imposed shall be explained or supported in a written decision of the administrator.

A [Student](#) found responsible for [Sexual Penetration](#) that occurs without the [Effective Consent](#) of the person, or that occurs when the person 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.

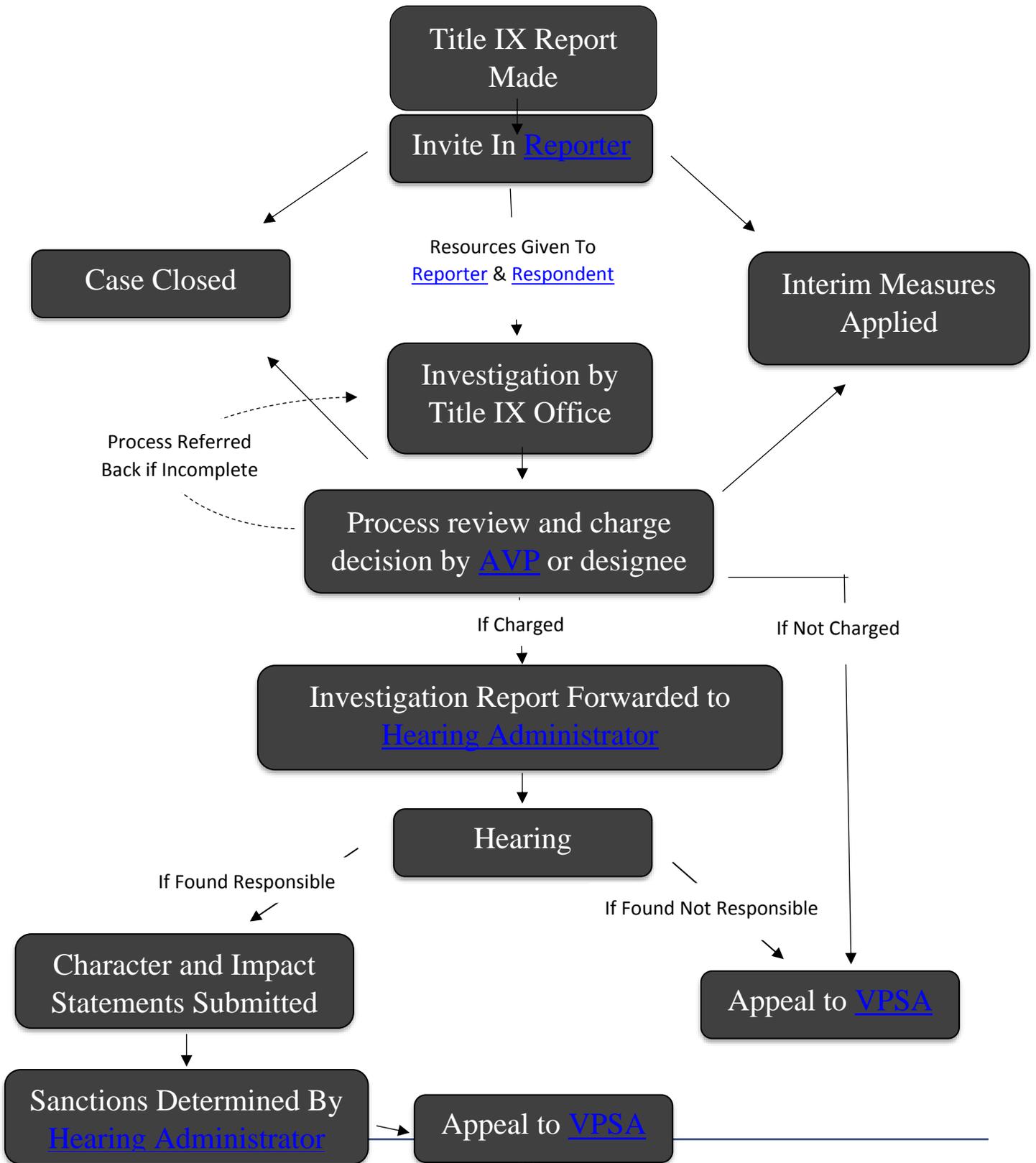
Dating and Domestic violence includes any action, statement or use of force against a person where a personal, intimate or special relationship exists (defined by marriage, civil union, dating, family membership, or co-habitation), and would reasonable threaten or intimidate that person. This may include forms of stalking. A [Student](#) found responsible for dating or domestic violence will be issued sanctions ranging from being moved to a different housing location with pending termination of housing status to expulsion.

V. Disciplinary Actions for Faculty and Staff

Any Employee found to have violated any portion or portions of this Policy may be subject to appropriate administrative and/or disciplinary action which may include, but which shall not be limited to: referral for training, referral for counseling, written or verbal reprimand, suspension, reassignment, demotion, loss of privileges for supervising [Students](#), loss of privileges for travel, or termination of employment. Referral to another appropriate authority for review for possible violation of State and Federal statutes may also be appropriate.

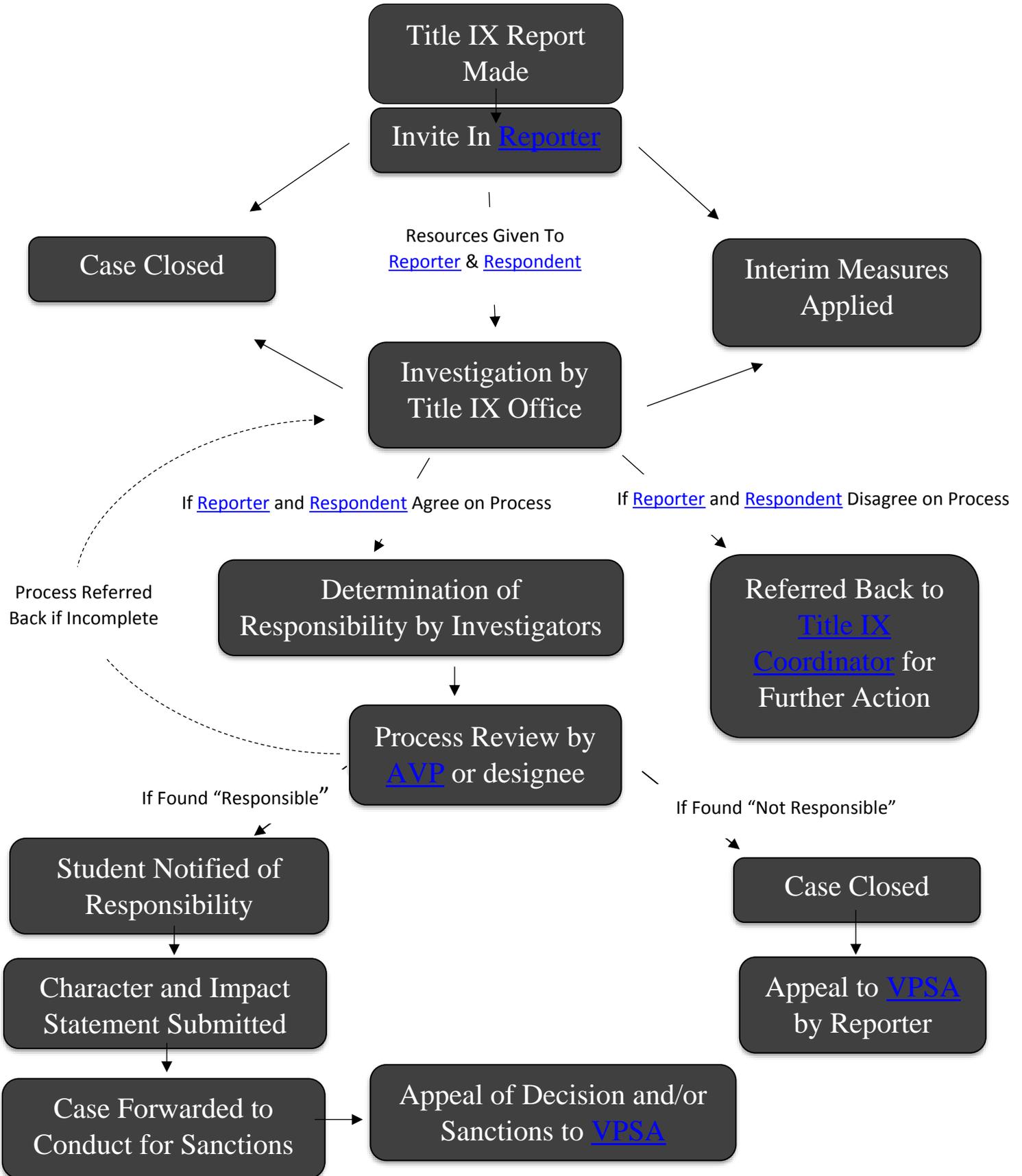
This is the default process used when parties do not agree on a resolution method

Appendix A (Option 1- For Student Respondents)



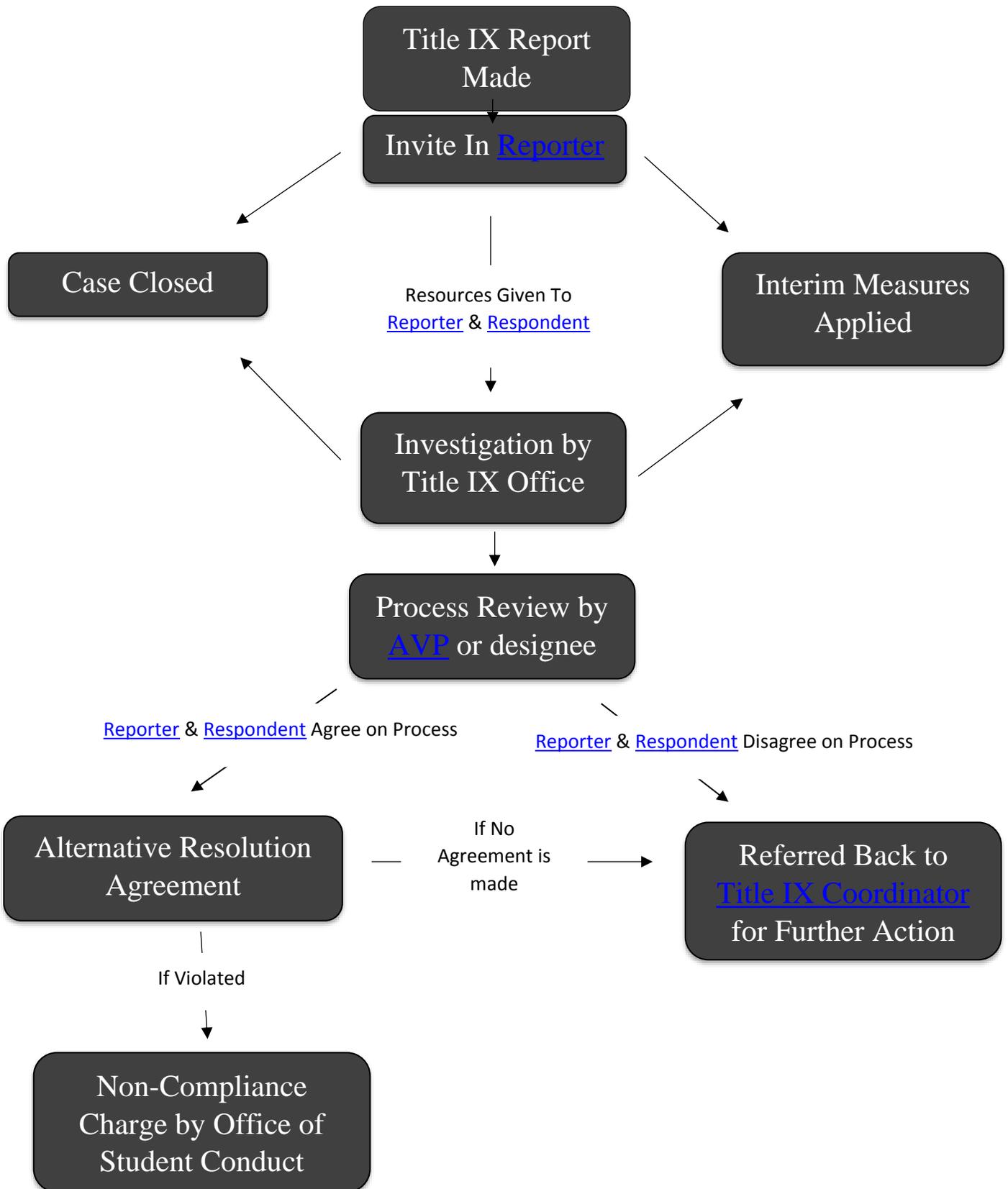
Option One is the default process used when parties do not agree on a resolution method

Appendix B (Option 2- For Student Respondents)

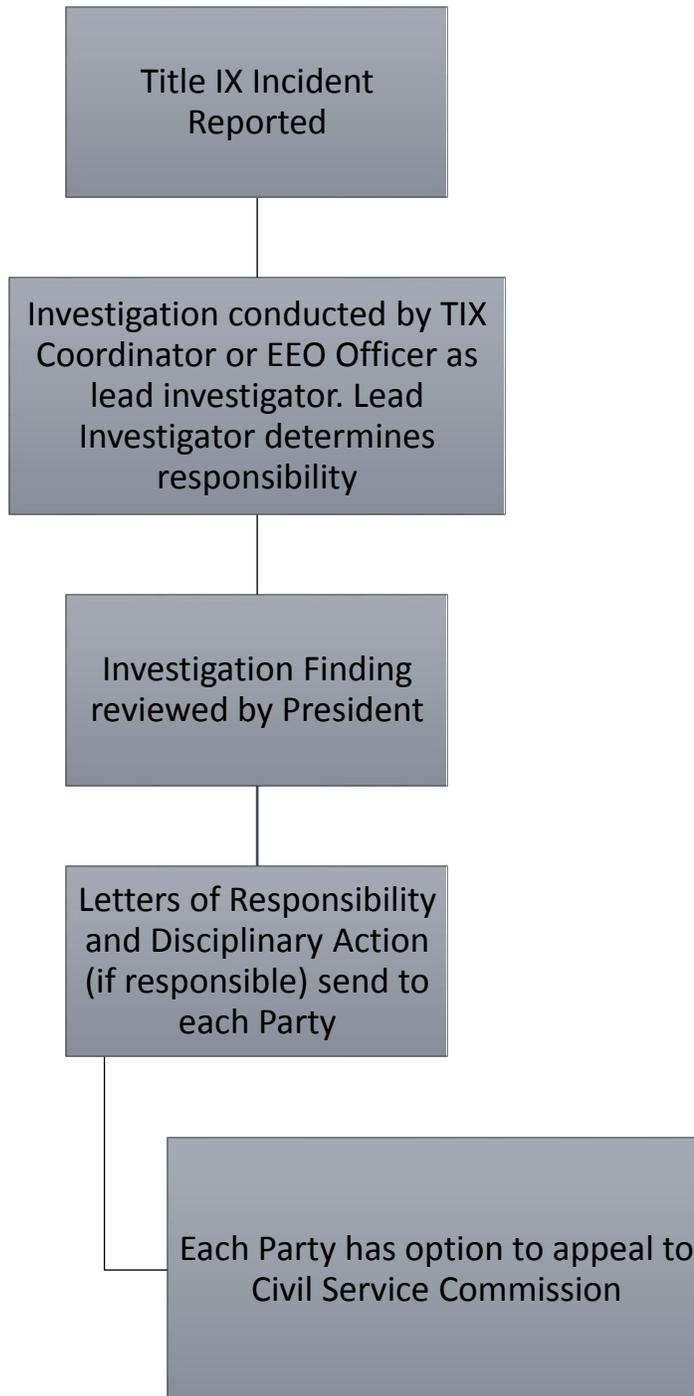


Option One is the default process used when parties do not agree on a resolution method

Appendix C (Option 3: For Student Respondents)



Appendix D- For Employee [Respondents](#)



**The College of New Jersey
Resolution of the Board of Trustees Approving
the Interim Student Conduct Code**

Whereas: The College of New Jersey, in order to fulfill its mission, has the authority and responsibility to maintain order, protect the community and the rights of its members, and cultivate and sustain a positive living and learning environment; and

Whereas: The *Student Conduct Code* last amended in 2016, is to be reviewed every two years and that any substantive changes will be reviewed in accordance with applicable governance policy and procedures; and

Whereas: The College Policy Framework allows the implementation of interim policies under extraordinary circumstances where legal requirements must be met in a short time period before full governance review is possible; and

Whereas: Evolving case law informing best practices around student conduct cases involving Title IX and other issues suggest that to secure fundamentally fair procedural standards, interim changes to procedural standards in both the Title IX policy and Student Conduct Code are necessary to secure the best interest of the College and our students,

Whereas: The proposed interim changes to the *Student Conduct Code* have been developed under direction of the Interim Vice President for Student Affairs, in collaboration with the Office of General Counsel, and is the result of a comprehensive review; now

Therefore,
Be It Resolved: That the Board of Trustees of The College of New Jersey hereby approves the attached *Interim Student Conduct Code* for implementation upon approval.

October 24, 2017

Summary of Substantive Proposed Changes to the Student Conduct Code

LOCATION	CHANGE HIGHLIGHTED	EXPLANATORY COMMENTS
General Change: Pronoun replacement	His/Her changed to their	To be gender inclusive/in line with other College policies
§ II. Definitions, INSERT NEW “AVP,” “Sexual Violence,” “Title IX Coordinator,” “VPSA”	<p>“AVP” is an Assistant or Associate Vice President (including those service in an interim or acting role) or a designee appointed by the Vice President of Student Affairs (VPSA).</p> <p>“Sexual Violence” the collective term used to describe all forms of physical sexual misconduct (sexual assault), dating/domestic violence, stalking, and sexual harassment.</p> <p>“Title IX Coordinator” is the Title IX Coordinator (including those serving in an interim or acting role) or a designee appointed by the Vice President of Student Affairs.</p> <p>“VPSA” is the Vice President of Student Affairs (including those serving in an interim or acting role) or a designee appointed by the President.</p>	In line with changes to TIX Policy Changes
§ II. Definitions, change “Hostile Environment” is defined as an environment on campus that, through harassing conduct (e.g., physical, verbal, graphic or written) based on a person’s <u>Protected Category</u> , becomes sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from a <u>College</u> program or activity.	“ Hostile Environment ” is defined as an environment that, through one or more incidents of harassing conduct (e.g., physical, verbal, graphic or written) based on a person’s <u>Protected Category</u> becomes sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of a reasonable individual to participate in or benefit from a <u>College</u> program or activity.	Clarify the threshold used to determine whether the behavior was sufficiently severe, pervasive or persistent enough as to interfere/limit a student’s participation/benefit in a College program or activity.
§ II. Definitions, change “Reporter” is the person who is making a report of experiencing an incident of personal abuse as outlined in section 03. <i>Personal Abuse</i> .	“ Reporter ”— Still In Progress	Confusing for individual’s reading the policy. Trying to find language to better explain.
§ II. Definitions, change “Respondent” is the person who is subject to an investigation and/or the <i>IV. Procedural Standards</i> set forth in the <i>Student Conduct Code</i> which may include but are not limited to proceedings, remedial measures, and/or sanctions as a result of information filed in a report, determined through an investigation, and/or conduct proceedings.	“ Respondent ”— Still In Progress	Confusing for individual’s reading the policy. Trying to find language to better explain.
§ III. C. Students’ Rights and Responsibilities	Added: Students wishing to gather or express their views	Given current political climate, I wanted to list resource for students wishing to demonstrate peacefully.

peaceably should follow the guidelines in the Use of Campus

Property policy.

<p>§ IV. Procedural Standards. A. Reports. 2. Investigation. For Title IX related investigations, the following <i>IV. Procedural Standards</i> will apply [<i>TIIX policy</i>]. However, if a Title IX investigation results in charges for <i>D. Violations of Expectations for Student Conduct</i> that are unrelated to Title IX, the Title IX Coordinator may transfer the case back to the Office of Student Conduct for adjudication.</p>	<p>Added (at end): <i>If the Title IX Coordinator determines that there are violations of expectations outlined in this code that are not Title IX in nature but directly relate to a violation of the Title IX Policy, the Title IX Coordinator in consultation with the Director of Student Conduct may decide to adjudicate all charges through the Title IX process.</i></p>	<p>In line with the changes to Procedural Standards listed in the Title IX Policy.</p>
<p>§ IV. Procedural Standards. C. Conference. The <u>Respondent</u> will be scheduled to meet with an assigned administrator for a conference to discuss the grounds for any charges, process, and sanctioning practices. The <u>Respondent</u> will select whether they will participate in a formal or informal conduct hearing; unless the case includes charges of any violations not related to Title IX, but under the <i>03. Personal Abuse</i> section of this code. In such cases, the administrator will determine what type of hearing is appropriate <i>after the investigation is completed</i> after considering the expressed preferences of both the <u>Respondent</u> and <u>Reporter</u> and the totality of the circumstances. If the administrator finds that an informal hearing is appropriate, then a different administrator may be assigned or the conference administrator may conduct the hearing with the permission of both the <u>Respondent</u> and <u>Reporter</u>. An <u>Advisor</u> of the <u>Respondent's</u> choice may be present during the conference. The conference administrator may also have an <u>Advisor</u> present through the conference meeting or informal hearing at his or her discretion. If after notice a <u>Respondent</u> does not attend a scheduled conference, the administrator may postpone the conference or review the information available and make a decision on responsibility including assigning any sanctions to the <u>Respondent</u> if deemed appropriate.</p>	<p>The <u>Respondent</u> will be scheduled to meet with an assigned administrator for a conference <i>meeting</i> to discuss the grounds for any charges, process, and sanctioning practices. The <u>Respondent</u> will select whether they will participate in a formal or informal conduct hearing; unless the case includes charges for any violations not related to Title IX, but under the <i>03. Personal Abuse</i> section of this code. In such cases, the administrator will determine what type of hearing is appropriate after considering the expressed preferences of both the <u>Respondent</u> and <u>Reporter</u>, and the totality of the circumstances. If the administrator finds that an informal hearing is appropriate, then a different administrator may be assigned or the conference administrator may conduct the hearing with the permission of both the <u>Respondent</u> and <u>Reporter</u>. An <u>Advisor</u> of the <u>Respondent's</u> choice may be present during the conference. The conference administrator may also have an <u>Advisor</u> present through the conference meeting or informal hearing at their discretion. If after notice a <u>Respondent</u> does not attend a scheduled conference, the administrator may postpone the conference or review the information available and make a decision on responsibility including assigning any sanctions to the <u>Respondent</u> if deemed appropriate.</p>	<p>Provide further clarification</p> <p>Point of clarification. Removed portion from original (highlighted in yellow). Investigation already complete by this time.</p>
<p>§ IV. Procedural Standards. D. Informal hearing. If the <u>Respondent</u> <i>or administrator</i> selects an informal hearing the administrator conducting the conference may immediately conduct the informal hearing or schedule the informal hearing to take place within a practical period. However, in the case of a personal abuse charge, if the administrator selects an informal hearing to address any charges, the administrator conducting the conference will assign a different <u>Hearing Administrator</u> to conduct the informal hearing within a practical period.</p>	<p>If the <u>Respondent</u> selects an informal hearing the administrator conducting the conference may immediately conduct the informal hearing as the <u>Hearing Administrator</u> or schedule the informal hearing to take place within a practical period. However, in the case of a <i>03. Personal Abuse</i> charge, if <i>the administrator</i> selects an informal hearing to address any charges, the administrator conducting the conference will assign a different <u>Hearing Administrator</u> to conduct the informal hearing within a practical period.</p>	<p>Point of clarification. Removed original portion (highlighted in yellow) as that relates to the second sentence in 03. Personal Abuse cases only.</p>
<p>§ IV. Procedural Standards. D. Informal hearing. 3. Decision. The <u>Hearing Administrator</u> will determine whether the <u>Respondent</u> is responsible for any charges. The <u>Hearing</u></p>	<p>The <u>Hearing Administrator</u> will determine whether the <u>Respondent</u> is responsible for any charges. The <u>Hearing Administrator's</u> determination shall be made on the basis of whether it is <i>more</i></p>	

<p><u>Administrator</u>'s determination shall be made on the basis of whether it is <i>more likely than not</i> that the <u>Respondent</u> violated the <i>Student Conduct Code</i>. If the <u>Respondent</u> is found not responsible for any charges, the process is concluded. If the <u>Respondent</u> is found responsible for any charges, the <u>Hearing Administrator</u> will then assign any appropriate sanctions.</p>	<p><i>likely than not</i> that the <u>Respondent</u> violated the <i>Student Conduct Code</i>. If the <u>Respondent</u> is found not responsible for all charges, the <u>hearing</u> is concluded. If the <u>Respondent</u> is found responsible for any charges, the <u>Hearing Administrator</u> will then assign any appropriate sanctions.</p>	<p>Point of clarification</p>
<p>§ IV. Procedural Standards. D. Informal hearing. 04. Appeal The <u>Respondent</u> may appeal the decision and/or any sanctions issued by the <u>Hearing Administrator</u> in writing to the Director of Student Conduct. (Please see Section F. Appeals for more information).</p>	<p>The <u>Respondent</u> (and Reporter in 03. Personal Abuse cases) may appeal the decision and/or any sanctions issued by the <u>Hearing Administrator</u> in writing to the Director of Student Conduct. (Please see Section F. Appeals for more information).</p>	<p>Point of clarification</p>
<p>§ IV. Procedural Standards. E. Formal Hearing 1. Administrative Hearing. If a formal hearing is selected the <u>Respondent</u> has the opportunity to select an administrative hearing, a Community Standards Board (CSB) hearing, or an <i>All College Standards Board hearing</i>. However, in the case of a personal abuse charge, the <u>Hearing Administrator</u> will select either an administrative hearing, a Community Standards Board hearing, or an <i>All College Standards Board hearing</i>. <i>An All College Standards Board (ACSB) hearing can only be selected if a Respondent's case may result in suspension or expulsion in the event that person is found responsible for any charges</i>. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings.</p> <p>1. Administrative hearing. An administrative hearing is conducted by a trained faculty or staff member of the <u>College</u> who is selected by the Director of Student Conduct and who has not previously served as a <u>Hearing Administrator</u> in the <u>Respondent's</u> conduct process whenever possible. The administrator will hear information presented by the <u>Reporter</u>, the <u>Respondent</u> and any participating witnesses and render a decision and sanctions if appropriate. A <u>Student</u> may appeal the decision of the administrator to the Director of Student Conduct.</p>	<p>If a formal hearing is selected, the <u>Respondent</u> has the opportunity to select an administrative hearing or, in cases that will not result suspension or expulsion from the College, a Community Standards Board (CSB) hearing. However, in the case of a 03. Personal Abuse charge, the <u>Hearing Administrator</u> will select either an administrative hearing or, if suspension or expulsion is not within the sanction range, a CSB hearing. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings.</p> <p>1. Administrative hearing. An administrative hearing is conducted by a trained faculty or staff member of the <u>College</u> who is selected by the Director of Student Conduct and who has not previously served as a <u>Hearing Administrator</u> in the <u>Respondent's</u> conduct process whenever possible. The administrator will hear information presented by the <u>Reporter</u>, the <u>Respondent</u>, and any participating witnesses; and will render a decision and sanctions if appropriate. A <u>Student</u> may appeal the decision of the <u>Hearing Administrator</u> to the Director of Student Conduct.</p>	<p>Option highlighted in yellow removed. See explanatory comments below.</p> <p>Point of clarification</p>
<p>§ IV. Procedural Standards. E. Formal Hearing 2. Community Standards Board (CSB) 2. Community Standards Board. The Community Standards Board is a <u>Student</u> board chaired by a <u>Student</u> representative and advised by the Assistant Director of Student Conduct. The Community Standards Board is comprised of four voting members; the <u>Student</u> chair votes only in the case of a tie. The <u>Advisor</u> to the board does not vote nor participate in deliberations, but may answer questions regarding procedural standards, <u>Policy</u>,</p>	<p>The CSB is a <u>Student</u> board chaired by a <u>Student</u> representative and advised by the Assistant Director of Student Conduct. <i>The CSB may be comprised of up to 4 voting members and the Student chair who votes only in the case of a tie. Quorum for the CSB includes minimally two voting members and one Student chair.</i> The <u>Advisor</u> to the <u>CSB</u> does not vote nor participate in deliberations, but may answer questions regarding procedural</p>	<p>The timeline for the process has been significantly delayed in the past when trying to coordinate the schedules of minimally 7 individuals (5 student board members/board advisor/respondent). This will give more flexibility to meet Quorum without sacrificing the quality of the hearing.</p>

<p>or sanctioning practices. A <u>Student</u> may appeal the board's decision to the Director of Student Conduct. The Community Standards Board will not hear cases that may result in suspension or expulsion should the <u>Respondent</u> be found responsible for any charges.</p>	<p>standards, <u>Policy</u>, or sanctioning practices. A <u>Student</u> may appeal the board's decision to the Director of Student Conduct. The CSB will not hear cases that may result in suspension or expulsion from the College should the <u>Respondent</u> be found responsible for any charges. <i>The CSB may not be available for cases occurring at the end of the semester or during extended breaks such as the summer.</i></p>	<p>To reflect that during certain times of a semester/extended breaks this option may not be available due to student's lack of availability.</p>
<p>§ IV. Procedural Standards. E. Formal Hearing 3. ACSB 3. All College Standards Board. The All College Standards Board is comprised of five members and is chaired by the Director of Student Conduct or designee of the Vice President for Student Affairs. The membership of the All College Standards Board includes two <u>Student</u> representatives, one faculty member, one student affairs staff member, and an additional representative that can be either faculty or staff member. The Director of Student Conduct neither votes nor participates in deliberations, but may answer questions regarding procedural standards, <u>Policy</u>, or sanctioning practices. The All College Standards Board will hear cases that may result in suspension or expulsion should the <u>Respondent</u> be found responsible for any charges. A <u>Student</u> may appeal the board's decision to the Vice President for Student Affairs.</p>	<p>Option removed</p>	<p>To be in line with the current and proposed interim Title IX Policy which does not permit formal "board" hearings in TIX cases. This board has student representation and is inappropriate to hear TIX related cases.</p> <p>Continuing to offer ACSB in non-TIX cases that could also result in suspension/expulsion creates an "extra" hearing option for some students and not others. I find this to be inconsistent/unfair that students (all facing suspension/expulsion) do not have equitable hearing options.</p> <p>In lieu of the board, I would like to recruit/train a pool of faculty/staff willing to serve as formal hearing administrators who would qualify to hear all conduct/Title IX cases.</p>

Section:	XI.1.3	
Title:	The College of New Jersey Student Conduct Code	
Effective Date:	TBD	
Approved By:	Board of Trustees	
Responsible Unit:	Vice President for Student Affairs (609) 771-2201, sa@tcnj.edu	
Related Documents:	Academic Integrity Policy Policy Prohibiting Discrimination in the Workplace/Educational Environment Student Rights and Freedoms Computer Access Agreement Title IX College-Wide Policy	
History:		
<u>Version</u>	<u>Date</u>	<u>Notes</u>
1.0	July 12, 2011	Approved by Board of Trustees
2.0	July 8, 2014	Revisions approved by the Board of Trustees
3.0	July 5, 2016	Revisions approved by the Board of Trustees

The College of New Jersey
**INTERIM STUDENT
CONDUCT CODE
(09.2017)**

I. INTRODUCTION

The College of New Jersey, as a community dedicated to learning and the advancement of knowledge, expects and requires the behavior of [Students](#) to be compatible with its high standards of scholarship and conduct. Acceptance of admission to the College carries with it an obligation to uphold the College's standards and promote the welfare of the community. [Students](#) are responsible for upholding non-academic standards of behavior set forth in this [Policy](#) as well as the expectations for academic conduct outlined in the [Academic Integrity Policy](#).

Academic communities differ from other communities in several ways. For the purpose of this code, two differences are particularly worthy of emphasis. First, the primary mission of colleges and universities is the pursuit of knowledge and the development of the whole person. The environment must be conducive to teaching, learning, research, and personal growth. Second, campus living and learning environments are unique. On a residential campus such as The College of New Jersey, [Students](#) live in close proximity to one another and interact continuously in their day-to-day living. Freedom to learn can be preserved only through respect for the rights of others, for the free expression of ideas, and for the law.

In order to fulfill its mission and function, the College has the authority and responsibility to maintain order and to exclude those who are disruptive of the educational process. The *Student Conduct Code* aims to protect the community and the rights of its members, to cultivate and sustain a positive living and learning environment, to educate [Students](#)

regarding responsibility and accountability for their actions, to encourage and foster self-insight and self-initiated change of behavior, to uphold the procedural rights of [Students](#) accused of violating the College's rules and regulations, and to encourage the application of ethical decision-making in the daily life of [Students](#).

II. DEFINITIONS

“Advisor” is a person chosen by either a [Respondent](#) or [Reporter](#) to accompany that individual during investigation or conference meetings, hearing proceedings, and/or assist them with any hearing or conference preparations, and/or appeals. The Advisor may not participate directly in any proceedings or represent any [Reporter](#) or [Respondent](#) involved. Any cost associated with the participation of an Advisor is the responsibility of that individual.

“AVP” is an Assistant or Associate Vice President (including those serving in an interim or acting role) or a designee appointed by the Vice President for Student Affairs (VPSA).

“College” means The College of New Jersey.

“College Official” includes any person employed by the College performing assigned administrative, academic, or professional responsibilities including campus police, campus health providers, and [Student](#) employees.

“Communication” includes, but is not limited to, contact through the use of the Internet, social networking sites, email, voicemail, text message, written message, and telephone, as well as in person.

“Controlled Substances” means a substance whose distribution is controlled by regulations or statute. Such substances include, but are not limited to, [Narcotics](#), depressants, stimulants, hallucinogens, and cannabis.

“Course of Conduct” means repeatedly maintaining a visual or physical proximity to a person; following, monitoring, observing, surveilling, threatening, or communicating to or about a person directly or through third parties, by any action, method, device, or means; interfering with a person's property; repeatedly committing harassment against a person; or repeatedly conveying, or causing to be conveyed, verbal or written threats or threats conveyed by any other means of [Communication](#) or threats implied by conduct or a combination thereof directed at or toward a person.

“Drug” refers to a chemical substance, especially one prescribed by a physician that is used in the diagnosis, treatment, or prevention of a condition or disease. A drug is also a chemical substance, such as a [Narcotic](#), that affects the central nervous system and is used recreationally for perceived desirable effects on personality, perception, or behavior. Drugs purchased without a prescription may include headache medicines, cough syrups, and similar mild medications, and can be purchased at virtually any pharmacy or retail store. For purposes of this [Policy](#), the term “drug” also includes any other chemical substance, compound or combination when used to induce an altered state, and any otherwise lawfully available product when used for any purpose other than its intended use when such use may cause harm to oneself or others.

“Drug Paraphernalia” is defined as all equipment, products, and materials of any kind that are used or intended for use in planning, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing a controlled dangerous substance into the human body, including roach clips, bongs, pipes, etc.

“Effective Consent” is informed, freely and actively given mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. A person may be unable to give Effective Consent when that individual is unable to consent due to their age, or because that individual is physically helpless, mentally [Incapacitated](#), or [Incapacitated](#) from alcohol or other [Drugs](#).

- Effective Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Effective Consent is required regardless of whether the person initiating the act is under the influence of [Drugs](#) and/or alcohol.
- Effective Consent may be initially given but withdrawn at any time.
- When Effective Consent is withdrawn or can no longer be given, sexual activity must stop immediately.

“Hearing Administrator” includes any faculty or professional staff member at the [College](#) designated and trained by the Office of Student Conduct & Dispute Resolution Services (hereafter referred to as the Office of Student Conduct) to conduct conferences and informal or formal administrative hearings.

“Hostile Environment” is defined as an environment that, through one or more incidents of harassing conduct (e.g., physical, verbal, graphic or written) based on a person’s [Protected Category](#) becomes sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of a reasonable individual to participate in or benefit from a [College](#) program or activity.

“Incapacitated” is being in a state where a person lacks the capacity to understand the fact that the situation is sexual, or cannot understand (rationally and reasonably) the nature and/or extent of the situation. A person who knows or should reasonably know that another person is incapacitated must not engage in sexual activity with that person.

Persons who meet any of the following criteria or conditions are incapacitated: (i) sleeping, (ii) unconscious, (iii) under the age of consent or under a certain age in relation to the other party to the sexual activity (both of which are matters of state law) or (iv) due to a disability; do not have the mental capacity to consent.

A person who does not meet any of those criteria or conditions for incapacity may become incapacitated through the use of alcohol or [Drugs](#). Such a person's state of incapacity is a subjective determination that is based on all of the facts available because persons reach incapacitation at different points and as a result of different stimuli.

Alcohol related incapacity results from a level of alcohol ingestion that is more severe than that required to produce the minimum levels of influence, impairment, intoxication, inebriation, or drunkenness. Factors that can influence a person's status include gender, body size and composition; tolerance for alcohol and other [Drugs](#); amount and type of alcohol or other [Drugs](#) taken or administered, and the mixture taken; amount of food intake prior to consumption; propensity for blacking out; genetics; and time elapsed since the ingestion of the alcohol or [Drugs](#).

The effects of alcohol and [Drug](#) use often occur along a continuum. For example, alcohol intoxication can result in a broad range of effects, from relaxation and lowered inhibition to euphoria and memory impairment, and to disorientation and incapacitation.

Incapacitation exists when a person lacks the ability to make or act on a considered decision to engage in sexual activity. Indicators of incapacitation may include inability to communicate, lack of control over physical movements, and/or lack of awareness of circumstances. An incapacitated person can also experience a blackout state during which the person appears to give consent but does not have conscious awareness or the capacity to consent. Some medical conditions may also cause incapacitation. Incapacity can result from factors including, but not limited to mental disability, involuntary physical restraint, or from the administration of substances.

"Intimate Body Parts" includes the following: sexual organs, genital areas, anal area, inner thigh, groin, buttock, or breast of a person.

"Narcotic" refers to an addictive [Drug](#), such as opium or morphine, which reduces pain, alters mood and behavior, and usually induces sleep or stupor.

"Policy" means the written regulations, standards, and policies of the [College](#) as found in, but not limited to, this policy and an official TCNJ policy website.

"Prescription Drug" refers to any substance prescribed by a licensed medical practitioner for individual consumption. It includes prescribed drugs and over-the-counter drugs, which may have been legally obtained.

"Protected category" collectively refers to one or more of the following categories: age, race, creed, color, national origin, nationality, ancestry, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability.

"Reporter" is the person who is the target of an incident of personal abuse as outlined in section 03. *Personal Abuse*.

“Respondent” is the person who is subject to an investigation and/or the *IV. Procedural Standards* set forth in the *Student Conduct Code* which may include but are not limited to proceedings, remedial measures, and/or sanctions as a result of information filed in a report, determined through an investigation, and/or conduct proceeding.

“Retaliation” includes any adverse actions or statements that attempt to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by that person’s status as a [Student](#) or because that person has made a report, provided information for, assisted, or participated in any manner in a conduct matter, investigation, or proceeding.

Retaliation is established when:

- The [Reporter](#) has engaged in activities or procedures protected as a member of the TCNJ community (e.g. report a [Policy](#) violation or participate in an investigation);
- The [Respondent](#) knew of the activity;
- The [Respondent](#) thereafter subjected the person to any adverse action, treatment or condition; and
- There is a causal connection between the protected activity or procedure and the adverse action, treatment or condition.

“Sexual Contact” is an intentional touching by a person, either directly or through clothing, of another’s [Intimate Body Parts](#) for the purpose of degrading or humiliating another or sexually arousing or sexually gratifying the actor.

“Sexual Penetration” includes vaginal intercourse, cunnilingus, fellatio, or anal intercourse between persons or insertion of the hand, finger, or object into the anus or vagina either by the actor or upon the actor’s instruction.

“Sexual Violence” the collective term used to describe all forms of physical sexual misconduct (sexual assault), dating/domestic violence, stalking, and sexual harassment.

“Student” or “Students” includes all persons who accept an offer of admission to the [College](#), register for credit-bearing courses or maintain matriculation in a degree program at the [College](#), either full time or part time, degree or non-degree seeking, and have an academic record with Primary Academic Web Services (PAWS), the [College](#)’s records and registration system. The status of other individuals who participate in [College](#)-sponsored or recognized programs will be determined solely at the discretion of the Director of Student Conduct. Participants in certificate programs, that are not otherwise a student at the College, such as the Career and Community Studies (CCS) program, are responsible for adhering to the standards for conduct outlined in the *Student Conduct Code*, but shall be governed by the procedural standards set forth in the applicable certificate program’s [Policy](#).

“Title IX Coordinator” is the Title IX Coordinator (including those serving in an interim or acting role) or a designee appointed by the Vice President of Student Affairs).



“VPSA” is the Vice President of Student Affairs (including those serving in an interim or acting role) or a designee appointed by the President.

“Weapon” includes any item that is designed in appearance or function to resemble a firearm, cause harm, and/or invoke fear or intimidation. Weapons include, but are not limited to, knives, brass knuckles, swords, slingshots, or any other item when used to harm or intimidate another.

III. POLICY

A. Authority

The *Student Conduct Code* describes the non-academic behavior expected of all Students, as well as the procedures for addressing and adjudicating reports of Student misconduct. Academic integrity standards are not covered by this code, but rather fall within the authority of the faculty, academic integrity officer in each school, the All-College Academic Integrity Board, and Office of the Provost and Vice President for Academic Affairs as outlined in the Academic Integrity Policy.

Authority for student conduct ultimately rests with the President of the College and the Board of Trustees, who delegate authority for non-academic conduct of Students to the Vice President for Student Affairs.

The Vice President for Student Affairs may delegate this authority to the appropriate Assistant Vice President/Dean of Students and to the Director of Student Conduct. Under their direction, the Director of Residential Education, the Assistant Director of Student Conduct, and appropriate student conduct and residential education staff are responsible for implementing the student conduct process. The Vice President for Student Affairs has authority to appoint hearing boards and hearing or appellate administrators. Any reference in the *Student Conduct Code* to the role or responsibilities of a specific College Official may be delegated by that person to an appropriate designee. Also note, any reference in the *Student Conduct Code* to a person or role in the Policy or process is intentionally gender neutral to reflect the College’s commitment to an inclusive Policy.

The College Student Conduct Code shall apply to Student conduct that occurs on College premises, at College-sponsored activities, and off campus including, without limitation, time periods during which classes are not in session or the Student is not yet registered for classes and while enrolled or participating in a program of another institution. The Director of Student Conduct has discretion to determine what off-campus conduct will be addressed by the student conduct process. Factors that will be considered include whether the incident is documented by a verifiable source, adversely affects the College community, occurs at a College-affiliated event, or endangers the health or safety of the Student or others.

Each Student shall be responsible for their conduct from the time of enrollment in courses or matriculation in a degree program, through the actual awarding of a degree or cessation of academic coursework. The College has discretion to address conduct that occurs when classes are not in session if a Student is registered for courses for a semester, but classes are not yet in session.

B. Interpretation and Amendments

Any questions of interpretation or application of the *Student Conduct Code* shall be referred to the Director of Student Conduct for final determination.

The *Student Conduct Code* will be reviewed in its entirety every two years. Any time prior to the next biennial review of the *Student Conduct Code*, a recognized constituency or the Assistant Vice President/Dean of Students may request a review of the *Student Conduct Code* by submitting a written request to the Vice President for Student Affairs.

Any substantive changes will be reviewed in accordance with applicable governance [Policy](#) and procedures.

C. [Students'](#) Rights and Responsibilities

[Students](#) at the [College](#) have the same rights and protections under the Constitutions of the United States and the State of New Jersey as other citizens. These rights include freedom of expression, press, religion, and assembly. The [College](#) has a tradition of [Student](#) activism and values freedom of expression, which includes voicing unpopular views and dissent. As members of the [College](#) community, [Students](#) have the right to express their own views, but must also take responsibility for respecting the same right of others. [Students](#) wishing to gather or express their views peaceably should follow the guidelines in the [Use of Campus Property](#) policy.

[Students](#) have the right to be treated fairly and with dignity regardless of race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability, and as revised in the [Policy Prohibiting Discrimination in the Workplace/Educational Environment](#). The [College](#) has a strong commitment to pluralistic education. Accordingly, the [College](#) will not unlawfully discriminate on the basis of protected group status.

[Students](#) have the right to have access to the [College](#) policies that affect them. The [College](#) is committed to providing [Students](#) with a balanced and fair system of accountability and dispute resolution. Accordingly, [Students](#) will be provided appropriate procedural standards that are administrative in nature and should not be equated with procedures used in civil or criminal court. Individuals can access [College](#) policies [here](#).

[Students'](#) rights also include those outlined in [Student Rights and Freedoms](#) and other published [College](#) policies. Violation of [College](#) policy, including but not limited to the *Student Conduct Code*, may result in forfeiture of such rights when necessary to preserve the safety of the [College](#) community or to achieve the orderly execution of the educational mission of the [College](#).

Along with rights come certain responsibilities. [Students](#) at the [College](#) are expected to act consistently with the values of the [College](#) community to preserve a safe and vibrant environment that encourages scholarship and personal growth.



The [College](#) values the individual contribution of every member of the community and expects that [Students](#) will:

- Engage in responsible social conduct that reflects credit upon the [College](#) community both on and off campus, and is consistent with a safe and healthy environment;
- Respect the rights of others to pursue an exceptional education free from harassment, bullying, defamation, and discrimination;
- Conduct oneself with personal integrity and in an honest manner that makes that person worthy of the trust of others;
- Model good citizenship in any community by committing to actions that benefit the community and others, and do not impede the educational mission of the [College](#) or individual pursuits of knowledge;
- Recognize that respect for the ideas and contributions of all persons allow for diverse and creative intellectual inquiry;
- Do no harm and do not present a threat of harm to self, others, or personal or institutional property;
- Seek assistance, resources, or aid for self or others in a timely manner when health, safety, or wellness is at risk;
- Respect the right of fellow [Students](#) to participate in [College](#) or outside organizations, associations, or relationships with other [Students](#) without fear, threat, or act of hazing;
- Conduct oneself professionally and with civility in all pursuits of knowledge in and outside the classroom;
- Be responsible and held accountable for one's decisions and actions, and the impact on self and others; and
- Be fully acquainted and comply with the [College](#)'s published policies and procedures and local, state, and federal law.

D. Violations of Expectations for [Student](#) Conduct

*The following is a non-exhaustive list of conduct that **does not meet** The [College](#)'s expectations for [Student](#) conduct. Such misconduct is a violation of the Student Conduct Code and may result in disciplinary sanctions. Other conduct not found in this code may still be deemed unacceptable and may be addressed by the [College](#).*

1. Law and Policy Compliance

- a. Violation of any [College Policy](#), rule, or regulation published in hard copy or available electronically on the [College](#) website.



- b. Violation of any federal, state or local law. (See [Appendix A](#) and [Appendix B](#) for non-exhaustive lists of selected state statutes and township ordinances and [Appendix C](#) for an excerpt of the State of New Jersey “Anti-Bullying Bill of Rights Act.”)
- c. Failure to meet financial obligations with respect to [College](#) funds, or conducting any financial transaction unlawfully or unethically.
- d. Violation of [College](#) policies and regulations governing the possession or use of automobiles or other motor vehicles on campus, or violation of parking regulations published by the [College](#).
- e. [Students](#) have an ongoing obligation to notify the [College](#) of any arrest or criminal conviction (the “criminal charge”) within 30 calendar days of the occurrence of the criminal charge by submitting detailed documentation describing the criminal charge and the circumstances and event or underlying conduct that gave rise to the Criminal Charge to the Office of Student Conduct [here](#). The Director of Student Conduct will review all such notices and determine the appropriate course of action through established student conduct procedural standards and practices. Failure to report a criminal charge within 30 calendar days of occurrence will be considered a *D. Violation of Expectations for Student Conduct*.
- f. The [College](#) recognizes that an arrest, in and of itself, is not a finding of guilt. However, the [College](#) may investigate the event or conduct giving rise to or the circumstances surrounding the arrest to determine whether a possible violation of the *Student Conduct Code* is warranted and, if so, whether a *D. Violation of Expectations for Student Conduct* has occurred.

2. Personal Integrity

- a. Falsifying, or being party to the falsification, of any official [College](#) identification card, record (e.g. *oral or written communication*), or document.
- b. Possession, use, manufacture, or sale of a falsified identification card, document, or record.

3. Personal Abuse

- a. Sexual Harassment
 - i. Conduct of a sexual nature or based on gender or sexuality that is severe or pervasive enough to create an intimidating, abusive, or hostile campus, educational, or working environment as defined by a reasonable person under similar circumstances. This may include unwanted, unwelcome, or inappropriate sexual or gender-based activities, or comments.
 - ii. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made a condition of the conferral of any benefit, or rejection of such advance, request, or conduct implies that a person will suffer adverse consequences from another student in an express or implied position of authority.
 - iii. Sexual harassment is a violation of [Title IX](#) of the Education Amendments of 1972, and Title VII of the Civil Rights Act of 1964 (as amended in 1991), as well as [The Policy Prohibiting Discrimination in the Workplace/Educational Environment](#) (which applies to all employees including [Student](#) employees with respect to conduct that arises out of their employment status).
- b. Obscene or Indecent Behavior
 - i. Exposure of one’s sexual organs or the display of sexual behavior or contact that would reasonably be offensive to others or be observed by any other non-consenting persons who would be affronted or alarmed.



- ii. Trespassing, spying, or eavesdropping for sexual arousal.
- c. Physical Sexual Misconduct
 - i. Any [Sexual Penetration](#), however slight, that occurs without [Effective Consent](#).
 - ii. 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](#).
 - iii. The [College](#)'s highest priority is the physical and mental health, safety, and well-being of individual [Students](#) and the campus community. An element of promoting safety is providing clear, responsible methods of reporting and addressing incidents of sexual misconduct. Therefore, in order to remove potential barriers to reporting sexual misconduct, the Office of Student Conduct will not charge a [Student](#) with violating any expectations of Student conduct regarding alcohol or other [Drugs](#) if that [Student](#) reports such conduct within a report of possible sexual misconduct.
 - iv. Sexual misconduct is a violation of [Title IX](#) of the Education Amendments of 1972, and Title VII of the Civil Rights Act of 1964 (as amended), as well as [The Policy Prohibiting Discrimination in the Workplace/Educational Environment](#) (which applies to all employees including [Student](#) employees with respect to conduct that arises out of their employment status).
- d. Bullying, Intimidation, and Harassment
 - i. Engaging in conduct, including any gesture, written, verbal or physical act, or any electronic [Communication](#) (which includes e-mails, text messages, and Internet postings on web-sites or other social media), that is so severe or pervasive and objectively offensive that it substantially disrupts or interferes with the orderly operation of the [College](#) or the rights of any [Student](#) or other member of the [College](#) community; and that:
 - a. involves intimidation or threats to another person's safety, rights of personal privacy and property, academic pursuits, [College](#) employment, or participation in activities sponsored by the [College](#) or organizations or groups related to the [College](#); or
 - b. a reasonable person should know, under the circumstances, will have the effect of insulting or demeaning any person or group; or
 - c. creates an intimidating or [Hostile Environment](#) by substantially interfering with another [Student's](#) education, or by materially impairing the academic pursuits, employment or participation of any person or group in the [College](#) community, or by severely or pervasively causing physical or emotional harm to the [Student](#) or other member of the [College](#) community; or
 - d. a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a [Student](#) or other person or damaging the person's property or placing the person in reasonable fear of physical or emotional harm to their person, or to any member of that person's family or household, or of damage to their property.
 - ii. Any attempt to intimidate, threaten, or unduly influence another person with the purpose to discourage cooperation or truthful participation in a student conduct matter, investigation, or proceeding. This may also include the intentional violation of no contact directives or interim measures implemented by the [College](#) in response to an open investigation or proceeding.

- iii. Any attempted [Retaliation](#) against an individual because the person has made a report, provided information, assisted, or participated in any manner in a conduct matter, investigation, or proceeding.
- iv. Abusive or harassing conduct directed at a person or group *because of* membership in a [Protected Category](#) may result in an enhanced sanction.
- e. Invasion of Privacy including Sexual Exploitation
 - i. Unauthorized making of an explicit or objectively offensive recording (including but not limited to photographs, video, and/or audio) of another person.
 - ii. Unauthorized display, publication, transmission, or other dissemination (including via the Internet) of explicit or objectively offensive recordings (including but not limited to photographs, video and/or audio) of another person. Consent to be recorded does not imply consent for such records to be displayed, published, transmitted, or otherwise disseminated.
 - iii. Unauthorized intrusion upon a person's private property or [Communications](#).
 - iv. Unauthorized appropriation and/or use of someone's identifying or personal data or documents.
 - v. An act or acts committed through exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or other non-legitimate purpose (i.e. illegal, [Hostile Environment](#), incongruent with proposed use of space/resources, etc.) without the [Effective Consent](#) of the person.
- f. Stalking
 - i. Purposefully or knowingly engaging in a [Course of Conduct](#) directed at a specific person that would cause a reasonable person to fear for their safety or the safety of a third person, or suffer other emotional distress. Such [Courses of Conduct](#) include but are not limited to alarming conduct, following a specific person or otherwise communicating with a person repeatedly in a manner likely to cause fear for safety, or seriously annoy a reasonable person under similar circumstances.
- g. Defamation
 - i. Oral or written publication of a false statement of fact that exposes the person about whom it is made to hatred, contempt, or ridicule; subjects that person to loss of the good will and confidence of others; or so harms that person's reputation as to deter others from associating with that person. This does not include the good faith documentation of a possible [Policy](#) violation or good faith journalistic reporting in the absence of negligence or recklessness.
- h. Physical Abuse
 - i. Use of unwelcome force against a person or the property of any person or group.
 - ii. Any action or statement that imminently threatens significant harm to the health or safety of any person or group.
 - iii. 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.
 - iv. Interference with the freedom of another person to move about in a lawful manner by force, threat, intimidation, or other means without [Effective](#)



Consent.

- v. Abusive or harassing conduct directed at a person or group *because of* membership in a Protected Category may result in an enhanced sanction.
 - i. Hazing
 - i. Any action taken, or situation created that negligently, intentionally, or recklessly subjects any person to the risk of bodily harm, physical discomfort, harassment, emotional or mental degradation, abuse, or interferes with academic activities; or causes or encourages any person to commit an act that would be a violation of law or College regulations for the purpose of initiating, promoting, fostering, or confirming any form of affiliation with a Student group or organization. This provision applies to all Students regardless of College or Student Government recognition of the Student group or organization.
 - ii. Observation by a member of a Student group or organization of any hazing activity as described above without reporting the incident to College authorities.
 - iii. Aiding or assisting another to engage in any hazing activity as described above.
 - iv. The expressed or implied consent of a person is not a defense to any hazing activity described above.
- 4. Property**
- a. Unauthorized use or possession, attempted or actual theft, and/or misappropriation of property belonging to others, the College, or the New Jersey Educational Facilities Authority.
 - b. Damage, malicious or negligent defacement, or destruction of property belonging to others, the College, or the New Jersey Educational Facilities Authority.
 - c. Unauthorized possession, duplication, or use of keys to any College premises; or unauthorized entry into any office, residence (*including but not limited to residence hall rooms, private residences on or off campus, or private businesses*), mailbox, or other College facility.
 - d. Defacement, damage or destruction of property directed at a person or group *because of* membership in a Protected Category may result in an enhanced sanction.
- 5. Compliance with Directives**
- a. Failure to comply with a duly issued directive by an authorized College Official or law enforcement officer. A directive may be considered any written or verbal mandate.
 - b. Failures to correctly identify oneself at all times and present this information courteously upon request by a College Official or law enforcement officer.
 - c. Aiding or assisting another to violate College policy, or acting in any way to further a violation of College policy. Students may be held accountable for the actions of their guest.
- 6. Drugs, Narcotics, Controlled Substances, and/or Paraphernalia**
- a. Unlawful possession, use, purchase, or attempted purchase of Drugs, Narcotics, or Controlled Substances and/or Paraphernalia.
 - b. Unlawful manufacture, distribution, or intended distribution of Drugs, Narcotics, or Controlled Substances and/or Paraphernalia.
 - c. Misuse or misappropriation of any prescription or over-the-counter medication.
 - d. Knowingly being in the presence of the *illegal* use of a Drug, Prescription Drug, Narcotic, or Controlled Substances.



- e. Disrupting the campus or off-campus community or engaging in any [Policy](#) violation while under the influence of a [Drug](#), [Controlled Substances](#), or [Narcotic](#).
- f. The [College](#)'s highest priority is the physical and mental health, safety, and well-being of individual [Students](#) and the campus community. Therefore, no [Student](#) seeking medical attention by contacting either [College](#) or local authorities for a [Drug](#) overdose (nor a [Student](#) who seeks medical attention on behalf of the affected [Student](#)) and cooperates with and/or assists any medical, [College](#), or law enforcement officials will be formally charged under the *Student Conduct Code* for the unlawful use or possession of a [Drug](#). Although this does not relieve any [Student](#) or organization from responsibility for other [Policy](#) violations that may have occurred prior to seeking medical attention, the effort to seek help for the affected [Student](#) may be a mitigating factor in sanctioning. Affected [Students](#) may be required to complete an evaluation or other education programs, but will not face disciplinary charges or sanctions as prescribed through the student conduct process.
- g. Although New Jersey state law permits the use of medical marijuana within narrowly tailored circumstances, federal laws prohibit marijuana use, possession, and/or cultivation at educational institutions and on the premises of other recipients of federal funds. The use, possession, or cultivation of marijuana for medical purposes is therefore not allowed on any [College](#) property, nor is it allowed at any [College](#)-sponsored event or activity off campus.

7. Alcoholic Beverages

- a. Being in possession of, attempting to purchase, purchasing, or consuming alcoholic beverages on or off campus while under the age of 21.
- b. Selling, distributing, or serving alcoholic beverages to a person under the age of 21.
- c. Possession and/or utilization on campus of devices for the rapid, high-risk consumption of alcohol including, but not limited to funnels, beer pong accessories, beer bongs, luges, etc., regardless of age.
- d. Consuming alcoholic beverages or carrying alcohol in open containers in any public area without the receipt of an alcohol permit, regardless of age.
- e. Hosting the underage consumption of alcohol in a social space, residence hall room, common area, or off-campus space that is occupied by, under the control of, or reserved for the use of a [Student](#) or organization.
- f. Possession of common source containers of alcohol on campus whether empty or full, including but not limited to kegs, punch bowls, etc., regardless of age.
- g. Excessive use of alcohol resulting in a state of intoxication which endangers oneself or others.
- h. Disrupting the campus or off-campus community or engaging in any [Policy](#) violation while a [Student](#) is intoxicated.
- i. The [College](#)'s highest priority is the physical and mental health, safety, and well-being of individual [Students](#) and the campus community. Therefore, no [Student](#) seeking medical attention by contacting either [College](#) or local authorities for intoxication (nor a [Student](#) who seeks medical attention on behalf of the affected [Student](#)) and cooperates with and/or assists any medical, [College](#), or law enforcement officials will be formally charged for the unlawful use or possession of alcohol. Although this does not relieve any [Student](#) or organization from responsibility for other [policy](#) violations that may have occurred prior to seeking medical attention, the effort to seek help for the affected [Student](#) may be a

mitigating factor in sanctioning. Affected [Students](#) may be required to complete an evaluation or other education programs, but will not face disciplinary charges or sanctions as prescribed through the [student](#) conduct process.

8. [Weapons](#) and Dangerous Substances

- a. Possession, storage, or carrying of a firearm or other [Weapon](#) in a residence hall room, on a person, or in a motor vehicle on [College](#) premises or at any [College](#)-affiliated activity or event. Knives of a standard size and utilized for an ordinary kitchen function are permitted in residence hall kitchens.
- b. Possession or use of fireworks, gun powder, explosives or other incendiary devices, or dangerous chemicals, except as authorized for use in class, in connection with [College](#)-sponsored research, or for another approved activity and used in the way authorized and approved on [College](#) premises or at any [College](#)-affiliated activity or event.

9. Fire and Safety

- a. Setting or attempting to set fire to, or creating a fire on property owned or operated by the [College](#) without a permit.
- b. Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency.
- c. Unauthorized or improper handling of or tampering with any fire, safety, or emergency equipment or fixtures.
- d. Lighting a candle, incense, or any other open flame inside a [College](#) facility or wooded area without express permission from the Department of Occupational Safety and Environmental Services.
- e. Smoking inside any [College](#) building and/or within 10 feet of a doorway to any [College](#) building.
- f. Removing screens, entering or exiting a building through a window, and/or throwing objects out windows.
- g. Leaving exit, fire, and/or smoke doors propped open or unlocked, or entering or exiting the buildings through emergency exit doors.
- h. Presence on the roofs of [College](#) buildings, fire escapes, ledges, service elevators, balconies, and other areas that are designated closed or prohibited.
- i. Riding of bicycles or skateboards/hoverboards, the throwing, kicking, or bouncing of objects, the use of roller skates or blades, the use of water guns, and any other activity that causes risk to property or personal safety inside a [College](#) facility.
- j. Presence of any motorized vehicle or machine in buildings with the exception of motorized vehicles used by, or in aid to, persons with disabilities.

10. Computer Misuse

- a. See the [Computer Access Agreement](#).

11. Disruption/Obstruction

- a. Disruption to, or obstruction of teaching, research, administrative, disciplinary proceedings, or other [College](#) activities or normal operations including its public service functions on or off campus.
- b. Obstruction of the free flow of pedestrian or vehicular traffic on [College](#) premises or at [College](#)-sponsored or supervised events or activities.
- c. Behavior that disturbs the peace, academic study, or sleep of others on or off campus.

12. Repeated Behavior

- a. Repeated behavior that materially and/or substantially interferes with the operation of the [College](#) or individuals, and that previously has been brought to the attention of the [Student](#) through participation in a separate behavior review process or by a [College Official](#).

IV. PROCEDURAL STANDARDS

A. Reports. See also [Appendix D](#) for a flow chart of the student conduct process.

1. **Filing a report.** Any member of the [College](#) community may file a report against a [Student](#) for possible violations of the *Student Conduct Code*.¹ A report must be prepared in writing and submitted to the Director of Student Conduct. A person may submit a report online by using the following link: [File a Report](#). Any report should be submitted as soon as possible after the incident takes place, preferably within 30 calendar days. However, the Director of Student Conduct has discretion to accept a report and/or issue charges regardless of when the report is submitted if the conduct or [Respondent](#) are deemed to pose a possible threat to the [College](#) community or to individual members of the [College](#) community. For [Title IX](#) related reports including but not limited to possible incidents of physical sexual misconduct, sexual harassment, stalking, some instances of physical abuse if involving an intimate partner, the following IV. Procedural Standards will apply: [TIX Policy](#).
2. **Investigation.** The Director of Student Conduct/designee or an experienced external investigator will conduct a prompt, thorough, fair and impartial investigation to determine if the information in the report merits charges against a [Student](#) or [Students](#), a formal admonishment, no charges, or if the incident can be addressed through an alternate resolution process, such as mediation or restorative practices. An [Advisor](#) of the [Student's](#) choice may be present during the investigation meeting but may not represent the [Student](#) or actively participate in the meeting. The conference administrator may also have an [Advisor](#) present at their discretion.

For investigations that are not [Title IX](#) related but may result in *03. Personal Abuse* charges, there will typically be two trained investigators present. The lead investigator will coordinate meetings with the [Reporter](#) and [Respondent](#). Both the [Reporter](#) and the [Respondent](#) will be interviewed and asked to share information they have regarding the incident, as well as all relevant documentation (i.e. text messages, emails, photos, etc.), and identify witnesses who may provide direct information regarding the allegation. The investigators will gather all information and create a statement summary. The [Reporter](#) and [Respondent](#) will be called in for a meeting where they each will be given the opportunity to review the summary and respond with additional comments.

For [Title IX](#) related investigations, the following IV. Procedural Standards will apply: [TIX Policy](#). However, if a [Title IX](#) investigation results in charges for *D*.

¹ Including a representative from the Office of Student Conduct on behalf of a person outside the [College](#) community if the incident has an adverse effect on the [College](#) and there is documentation from a verifiable source.

Violations of Expectations for Student Conduct that are unrelated to [Title IX](#), the [Title IX](#) Coordinator may transfer the case back to the Office of Student Conduct for adjudication. If the Title IX Coordinator determines that there are violations of expectations outlined in this code that are not [Title IX](#) in nature but directly relate to a violation of the [Title IX](#) Policy, the [Title IX](#) Coordinator in consultation with the Director of Student Conduct may decide to adjudicate all charges through the [Title IX](#) process.

- B. Charge(s).** Any charges will be presented to the [Respondent](#) in writing through the [Student's College](#) email address, as the official means of [Communication](#) at the [College](#), and a conference with an administrator shall be scheduled within a timely period.
- C. Conference.** The [Respondent](#) will be scheduled to meet with an assigned administrator for a conference meeting to discuss the grounds for any charges, process, and sanctioning practices. The [Respondent](#) will select whether they will participate in a formal or informal conduct hearing; unless the case includes charges for any violations under the *03. Personal Abuse* section of this code (and not related to a [Title IX](#) investigation/violation). In *03. Personal Abuse* cases, the administrator will determine what type of hearing is appropriate after considering the expressed preferences of both the [Respondent](#) and [Reporter](#), and the totality of the circumstances. If the administrator finds that an informal hearing is appropriate, then a different administrator may be assigned or the conference administrator may conduct the hearing with the permission of both the [Respondent](#) and [Reporter](#). An [Advisor](#) of the [Respondent's](#) choice may be present during the conference. The conference administrator may also have an [Advisor](#) present through the conference meeting or informal hearing at their discretion. If after notice a [Respondent](#) does not attend a scheduled conference, the administrator may postpone the conference or review the information available and make a decision on responsibility including assigning any sanctions to the [Respondent](#) if deemed appropriate.
- D. Informal hearing.** If the [Respondent](#) selects an informal hearing the administrator conducting the conference may immediately conduct the informal hearing as the [Hearing Administrator](#) or schedule the informal hearing to take place within a practical period. However, in the case of a *03. Personal Abuse* charge, if the administrator selects an informal hearing to address any charges, the administrator conducting the conference will assign a different [Hearing Administrator](#) to conduct the informal hearing within a practical period.

A [Respondent's Advisor](#) may remain present for the informal hearing, but may not represent the [Respondent](#) or address the [Hearing Administrator](#). The [Advisor's](#) role is limited to providing support to the [Respondent](#) by observing or by advising the [Respondent](#) in a manner that does not disrupt the conduct proceeding. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings.

The [Hearing Administrator](#) may temporarily adjourn the informal hearing if the administrator determines that further review or clarification is necessary including, but not limited to, interviewing the [Reporter](#) and/or other witnesses.

1. **Joint hearing.** In cases involving more than one [Respondent](#), the administrator may permit the hearing concerning each party to be conducted either separately or jointly.
 2. **Information.** The informal hearing provides an opportunity for the [Respondent](#) to be heard and to provide information such as written witness statements. The [Respondent](#) may accept or deny responsibility for any charges.
 3. **Decision.** The [Hearing Administrator](#) will determine whether the [Respondent](#) is responsible for any charges. The [Hearing Administrator](#)'s determination shall be made on the basis of whether it is *more likely than not* that the [Respondent](#) violated the *Student Conduct Code*. If the [Respondent](#) is found not responsible for all charges, the process is concluded (except in *03. Personal Abuse* cases where the Reporter also has the right to appeal the outcome). If the [Respondent](#) is found responsible for any charges, the [Hearing Administrator](#) will then assign any appropriate sanctions. The decision and sanctions will be emailed to the [Respondent](#)'s TCNJ email address after the hearing.
 4. **Appeal.** The [Respondent](#) (and Reporter in *03. Personal Abuse* cases) may appeal the decision and/or any sanctions issued by the [Hearing Administrator](#) in writing to the Director of Student Conduct. (Please see Section *F. Appeals* for more information).
- E. **Formal hearing.** If a formal hearing is selected, the [Respondent](#) has the opportunity to select an administrative hearing or, in cases that will not result suspension or expulsion from the College, a Community Standards Board (CSB) hearing. However, in the case of a *03. Personal Abuse* charge, the [Hearing Administrator](#) will select either an administrative hearing or, if suspension or expulsion is not within the sanction range, a CSB hearing. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings.
1. **Administrative hearing.** An administrative hearing is conducted by a trained faculty or staff member of the [College](#) who is selected by the Director of Student Conduct and, when practicable, has not previously served as a [Hearing Administrator](#) in a prior conduct process involving the [Respondent](#). The administrator will hear information presented by the [Reporter](#), the [Respondent](#), and any participating witnesses; and will subsequently render a decision and sanctions if appropriate. A [Student](#) may appeal the decision of the Hearing Administrator to the Director of Student Conduct.
 2. **Community Standards Board (CSB).** The CSB is a [Student](#) board chaired by a [Student](#) representative and advised by the Assistant Director of Student Conduct. Quorum for CSB includes minimally two student voting members and one student chair. The CSB Board may be comprised of up to 4 voting members and the [Student](#) chair who votes only in the case of a tie. The [Advisor](#) to the CSB does not vote nor participate in deliberations, but may answer questions regarding procedural standards, [Policy](#), or sanctioning practices. A [Student](#) may appeal the board's decision to the Director of Student Conduct. The CSB will not hear cases that may result in suspension or expulsion from the College should the [Respondent](#) be found responsible for any charges. The CSB may not be available for cases occurring at the end of the semester or during extended breaks such as the summer.
 4. **Formal hearing guidelines.** Formal hearings shall be conducted according to the following guidelines.
 - a. **Private hearing.** A hearing is conducted in private. The [Reporter](#) (in *03. Personal Abuse* cases), [Respondent](#) and [Advisor\(s\)](#), and in some cases the person bringing the complaint on behalf of the [College](#) and [Advisor](#), are

allowed to attend the entire portion of the board or administrative hearing at which information is received (this excludes deliberations). Admission of any other person to the hearing shall be at the discretion of the board or administrator hearing the case.

- b. **Joint hearing.** In cases involving more than one [Respondent](#), the administrator or board chair may permit the hearing concerning each party to be conducted either separately or jointly.
- c. **Advisors.** The hearing administrator or board, person bringing the complaint on behalf of the [College](#), and/or the [Reporter](#) (in *03. Personal Abuse* cases) and [Respondent](#) may be assisted by an [Advisor](#) of their choice, at their expense. [Students](#) must notify the Director of Student Conduct of whom they have designated as their [Advisor](#) five business days prior to the scheduled hearing. A representative from the [College](#)'s Office of the General Counsel may also be present at the hearing. All individuals are responsible for presenting their own information, and therefore [Advisors](#) are not permitted to speak or to participate directly in any hearings. A [Student](#) should select as an [Advisor](#) a person whose schedule allows attendance at the scheduled date and time for the hearing as delays will not normally be allowed due to the scheduling conflicts of an [Advisor](#).
- d. **Questions.** The hearing administrator or board, the person bringing the complaint on behalf of the [College](#), and the [Reporter](#) (in *03. Personal Abuse* cases) and [Respondent](#) may arrange for witnesses to present pertinent information. The [Reporter](#) and the [Respondent](#) may suggest questions to be answered by one another and/or one another's witnesses, but the questions must be directed to the chairperson of the board or the administrator rather than to the other party or witness directly. The chairperson of the board or the administrator will determine whether questions or potential information are appropriate at their discretion.
- e. **Additional information.** Relevant records, exhibits and written statements (including [Student](#) impact statements and/or character statements during the sanction phase) may be accepted as information for consideration by a board or administrator at the discretion of the chairperson or administrator.
- f. **Decline to provide information.** The [Respondent](#) has the right to decline to provide any written or oral statements, answer questions posed in a hearing, or provide any information on their behalf. However, the hearing board or administrator may draw an adverse inference from the [Student's](#) absence of information or refusal to answer questions.
- g. **Procedural questions.** All procedural questions are subject to the final decision of the chairperson of the board or administrator.
- h. **Majority vote and quorum.** A board will determine by majority vote whether the [Respondent](#) has violated the [Policy](#) as charged. For any board hearing, a quorum of two voting members is necessary. Quorum is not required for an administrative hearing as the decision is made by the administrator alone.
- i. **Basis for decision.** The board or administrator's determination shall be made on the basis of whether it is *more likely than not* that the [Respondent](#) violated the *Student Conduct Code*. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings.

- j. Hearing recorded.** There will be a single record, such as a digital audio recording of all formal hearings. Deliberations will not be recorded. The record will be the property of the [College](#).
- k. Decision in absentia.** If a [Respondent](#), with notice, does not appear for a formal hearing, the [Hearing Administrator](#) or board may postpone the hearing or hear the information in support of the charges in the [Respondent's](#) absence and will make a decision on the available information.
- l. Special accommodation.** The CSB or administrator may accommodate persons with concerns for the personal safety, well-being, and/or fears of confrontation during the hearing by providing separate facilities or physical dividers, and/or by permitting participation by telephone, videophone/conferencing, videotape, audio tape, written statement, or other viable means as determined by the Director of Student Conduct to be appropriate.
- m. Differing abilities accommodation.** The CSB or administrator will provide any reasonable accommodation for hearing participants who have a disability and are registered with, or notify the Office of Disability Services and the Office of Student Conduct in a timely manner.

F. Appeal Procedures.

- 1. Respondent appeal.** A [Respondent](#) is afforded one single opportunity to appeal decisions and/or any sanctions issued by a [Hearing Administrator](#) or board within five business days of the date of the written decision. The decision of the administrator reviewing the submitted appeal is the final and conclusive decision of The [College](#) of New Jersey and is appealable only to the New Jersey Superior Court, Appellate Division in accordance with the New Jersey Rules of Court.
- 2. Reporter appeal.** A [Student](#) who filed a report resulting in a [Student](#) being charged with a non-[Title IX](#) related violation under *Personal Abuse* (see Section *D.3.* under *Violations of Expectations for Student Conduct*) is afforded one single opportunity to appeal decisions and/or any sanctions issued by a [Hearing Administrator](#) or board within five business days of the date of written notification of the decision and/or relevant sanctions. The decision of the administrator reviewing the submitted appeal is the final and conclusive decision of The [College](#) of New Jersey and is appealable only to the New Jersey Superior Court, Appellate Division in accordance with the New Jersey Rules of Court.
- 3. Required format.** All appeals must be in writing, and include any supporting documentation that the [Student](#) wishes to be considered. Deference is given to the original [Hearing Administrator](#) or board's findings of fact and decision of responsibility and/or any sanctions, therefore the burden of proof is on the [Student](#) filing an appeal to sufficiently demonstrate cause to alter procedures, the original decision or any sanctions. An appeal will generally be limited to a review of the verbatim record of the hearing and supporting documents for one or more of the purposes below, provided however the administrator may request additional information or clarification from the [College](#) and/or external investigators, conference administrator, the [College](#) administrator preparing the hearing, the [Hearing Administrator](#) or board, the [Reporter](#) (in 03. Personal Abuse cases) or [Respondent](#), and/or witnesses for purposes of this review.
 - a. Process review.** To determine whether the hearing was conducted in accordance with published procedures and without bias on the part of the [Hearing](#)



Administrator or any board member. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.

- b. **Information review.** To determine whether there was information presented in the hearing that, if believed by the board or administrator, was sufficient to establish that a violation of the *Student Conduct Code* occurred.
- c. **Sanction review.** To determine whether any sanctions imposed were appropriate for the violation of the *Student Conduct Code* which the Respondent was found to have committed.
- d. **New information.** To consider new information, submitted by the appealing Student within the prescribed five business day period, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information was not known to the Student appealing at the time of the original hearing.

4. **Appeal decision.** An administrator reviewing an appeal may make one of the following decisions.

- a. **Affirm.** The administrator may decide to affirm the decision of the original Hearing Administrator or board.
- b. **Alter sanction.** The administrator may alter the sanctions issued by the original Hearing Administrator or board. Alteration in the sanction may include reducing or increasing the sanction or requirements.
- c. **New hearing.** The administrator may determine that a new hearing by a different Hearing Administrator or board is warranted to correct procedural irregularity or to consider new information. A Student may appeal a decision of the new Hearing Administrator or board.
- d. **Remand.** The administrator may direct the original Hearing Administrator or board to review their original decision subject to any instructions from the administrator; and may affirm that decision or render a new decision consistent with those instructions. A Student may appeal a decision made by the original Hearing Administrator or board if there are any changes after the review.

G. Summer, End of Term, and Geographically Remote Cases. The following process will apply for incidents that occur over the summer and/or incidents that are reported regarding a Student who does not participate in courses on the property of the College or incidents that are reported near the end of any academic term and are unable to be heard before the last week of classes in accordance with the conduct process.

1. **Minor incident.** For a minor incident (where a finding of responsibility would result in a warning and/or educational sanctions), the Respondent will be asked to submit a statement in writing regarding the incident that may include statements by any witnesses by a prescribed date. The Hearing Administrator, in conjunction with the incident report form, will consider this statement. The Respondent will be notified of the Hearing Administrator's decision via electronic Communication. This process will also be utilized to handle such incidents that occur during summer sessions conducted at the College or minor incidents that occur in a geographically remote location. If the Respondent wishes to appeal the decision of the Hearing Administrator, that individual must do so within five business days of notification of the decision.
2. **Major incident.** For a more serious incident (where a finding of responsibility may result in a status of pending termination of residency; termination of residency; pending suspension; suspension; or expulsion), the Student may choose to respond to the

charges in writing (as described above), or to participate in a hearing process in person through existing procedures. The Director of Student Conduct will determine whether this process should take place during the summer or term of geographically remote course or after classes have reconvened in the following semester. For incidents that occur in a geographically remote location, a hearing with the [Respondent](#) or witness(es) present may occur. All such hearings will take place on the property of the [College](#), and the [Respondent](#) is financially responsible for any travel costs incurred to attend the hearing. In addition, participation in a hearing by means of technology such as video, telephone, Internet chat, or video may also occur with mutual consent of the [Respondent](#) and [Reporter](#) and the Director of Student Conduct.

- A. Interim Measures/Remedies.** Under certain circumstances, such as *03. Personal Abuse* and/or [Title IX](#) related cases; interim measures may be initiated to protect the safety and well-being of persons involved in an incident and/or the campus community pending the outcome of the investigative and adjudicative processes. Interim measures may include the following to the extent reasonably available and appropriate:
- 1. Interim suspension.** Immediate separation of a [Student](#) from the [College](#) and/or housing by the Assistant Vice President/Dean of Students (or designee) pending an investigation or adjudication. Through the duration of the interim suspension, the [Student](#) may be restricted from [College](#) property and may be required to provide prior notice and receive approval from the Director of Student Conduct for the purpose of conducting [College](#) business. Interim suspension will be imposed only in exceptional circumstances to ensure the health, safety or welfare of members of the [College](#) or [College](#) property or to ensure the [Student's](#) own safety and welfare. [Students](#) who have been suspended on an interim basis must have a conduct hearing within a practical period of time after the imposition of the interim suspension.
 - 2. No Contact Directive.** A no contact directive is an official [College](#) directive that serves as notice to an individual that they must not have physical contact with or proximity to, or direct verbal, electronic, written, and/or indirect [Communications](#) intentionally made through another individual.
 - 3. Academic accommodations.** This may include assistance in transferring to another section of a course, assistance in requesting withdrawal or an incomplete grade in a particular course, leaves of absence or withdrawal from the [College](#), or assistance requesting alternate methods of completing coursework.
 - 4. Housing accommodations.** This may include requiring a [Student](#) to relocate housing pending the outcome of a conduct investigation or proceeding. This may also include facilitating changes in on-campus housing location to alternate housing, or assistance in exploring alternative housing off-campus.
 - 5. Employment accommodations.** This may include arranging for alternate [College](#) employment, different work shifts, etc.
 - 6. Other accommodations.** Any other measure that may be arranged by the [College](#) (to the extent reasonably available) to ensure the safety and well-being of a [Student](#) and/or the [College](#) community. This may include the use of alternate dispute resolution



services such as mediation or restorative practices when appropriate.

- I. Sanctioning Practices.** The following sanctions, alone or in any combination, may be imposed upon any [Student](#) found to have violated the *Student Conduct Code*. See also [Appendix E](#) for specific sanctioning procedures for selected violations.

1. Status Outcomes.

- a. Warning.** A notice in writing to the [Student](#) that the [Student](#) is violating or has violated institutional regulations and that further violations may result in more severe disciplinary action.
- b. Pending termination of housing.** This status serves as a housing probationary status assigned to a [Student](#) for a specified period of time before their housing privileges are terminated. While on this status, any further violations of [College Policy](#) may result in termination of housing. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Conduct for five years after a [Student](#) separates from the [College](#).
- c. Termination of housing.** Removal or prohibition of a [Student](#) from [College](#) housing after a specific date and for a specified period of time. Through the duration of the termination, the [Student](#) will be restricted from entering all residential floors in [College](#) buildings. [Students](#) who are removed from [College](#) housing for disciplinary reasons will receive the refund available based on the time of the semester according to the Department of Residential Education and Housing policies and the housing contract. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Conduct for five years after a [Student](#) separates from the [College](#).
- d. Pending suspension.** This status serves as the disciplinary probation status assigned to a [Student](#) for a specified period of time before that person is suspended from the [College](#). While on this status, any further violations of [College Policy](#) may result in suspension from the [College](#). In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Conduct for five years after a [Student](#) separates from the [College](#).
- e. Suspension.** Termination of course registration and residency (if applicable) from the [College](#) after a specific date and for a specified time. Through the duration of the suspension, the [Student](#) may be restricted from [College](#) property and may be required to provide prior notice and receive approval from the Director of Student Conduct for the purpose of conducting [College](#) business. Before a [Student](#) may be readmitted to the [College](#) after the designated period of time, that person must meet with the Dean of [Students](#) to show satisfactory completion of any assigned directives or to discuss stipulated conditions for their return. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Conduct indefinitely. Should a [Student](#) wish to return to the [College](#) after the suspension period, that person must comply with any academic standards and procedures then in effect.

- f. **Expulsion.** Permanent dismissal from the [College](#) and restriction from [College](#) property. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Conduct indefinitely. Expulsion is the most serious disciplinary action taken by the [College](#) and is generally reserved for only those cases of behavioral misconduct in which all the relevant facts and aggravating circumstances support a conclusion that the only reasonable sanction is permanent removal from the [College](#).
- g. **Degree Revocation.** Permanent revocation of an earned degree from the [College](#) and restriction from [College](#) property. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Conduct indefinitely. Degree revocation is reserved for only those case of behavioral misconduct that occur while an individual is a [Student](#), but is not made known to the [College](#) until after a degree is earned, and in which all the relevant facts and aggravating circumstances support a conclusion that the only reasonable sanction is permanent revocation of an earned degree from the [College](#).

2. Educational Outcomes.

- a. **Restorative practices.** Participation in a discussion by trained facilitators with any persons or departments harmed and development of a shared agreement of how to correct the harm. Unlike other sanctions, all participants must voluntarily agree to participate in the restorative process. Restorative practices will not be available to [Students](#) responding to or being found responsible for any physical sexual misconduct.
- b. **Mediation.** Participation in a mediated discussion with other disputants facilitated by multipartial, trained mediators with the hope of developing a negotiated agreement serving as resolution to the dispute. Unlike other sanctions, all participants must voluntarily agree to participate in mediation. Mediation will not be available to [Students](#) responding to or being found responsible for any physical sexual misconduct.
- c. **Master education plan.** Develop a master education plan with the aid of the Director of Student Conduct and mentor committee, agree to the terms of the plan, and to continuous evaluation.
- d. **Other Discretionary sanctions.** Work assignments, essays, presentations, research projects, conduct contracts, service to the [College](#), or other discretionary assignments.

3. Administrative Directive Outcomes

- a. **Administrative Relocation of Housing.** Administrative transfer of a [Student](#) from one campus housing location to another.
- b. **Loss of privilege.** Denial of any specified privilege for a designated period of time. Examples include but are not limited to: guest privileges, restriction from a [College](#) event or program, and/or area or building.
- c. **Restitution.** Compensation for loss, damage, or injury to [College](#) property. This

may take the form of appropriate service and/or monetary or material replacement.

- d. **Parental notification.** Notification may be sent to parents or guardians of a [Student](#) who is under 18 years of age, or financially dependent on their parents or guardians, depending on the circumstances surrounding the incident. Parents or guardians may also be notified of alcohol and other [Drug](#) incidents for [Students](#) under 21 years of age, regardless of financial dependency or resulting sanction.
- e. **No Contact Directive/Extension of Existing No Contact Directive.** This may include a new directive (as described above), or an extension of an original directive with or without altered or additional parameters or instructions. Sanctioned no contact directives may only be removed prior to their scheduled expiration (if any) at the discretion of the Director of Student Conduct, and at the written request of all involved persons.

J. Disciplinary Record Keeping Practice.

- 1. **File maintenance.** A [Student](#) who is charged with a violation of the *Student Conduct Code* has a file created and maintained by the Office of Student Conduct. Files are maintained for five years after the date the [Student](#) separates from the [College](#); however files of [Students](#) who have been suspended or expelled are maintained indefinitely.
- 2. **Confidentiality.** The federal Family Educational Rights and Privacy Act of 1974 (FERPA) protects a [Student's](#) education records, including Student conduct files, from unauthorized disclosure to third parties. A [Student](#) must sign a waiver to grant access to their disciplinary record before the [College](#) will disclose information protected by FERPA contained in the [Student's](#) records. These confidentiality requirements apply to [Students'](#) parents or guardians with the exception of a health or safety emergency, an alcohol or [Drug](#) violation, or if the [Student](#) is financially dependent on the parents or guardians. Federal law makes exceptions in these cases and does allow the [College](#) to share disciplinary information with specific persons. In addition, FERPA allows the [College](#) to disclose a [Student's](#) education record without prior written consent when the disclosure is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may include only the final results of the disciplinary proceeding conducted by the institution of postsecondary education with respect to that alleged crime or offense. Furthermore, FERPA permits the [College](#) to disclose sanction information to a [Student](#) or party who has filed a report of conduct that is a violation under *Personal Abuse* (see Section D.3. under *Violations of Expectations for Student Conduct*) when any sanction directly relates to the [Reporter](#).
- 3. **Inspection.** [Students](#) may request to inspect or view their disciplinary records in accordance with FERPA. To do so, a [Student](#) should make an appointment with the Director of Student Conduct. Records are not immediately available to [Students](#) because they must first be reviewed for confidential information regarding other [Students](#), and thus may need to be redacted. Upon request, the Office of Student Conduct will provide [Students](#) with copies of redacted incident reports, letters, and any forms or receipts in the [Student's](#) file. [Students](#) may make arrangements to review the recording as an element of their education record by making arrangements with the Office of Student Conduct. However, copies or transcripts of any recording will not be provided. Please note that it is not the [College's](#) practice to provide [Students](#) with copies of the information listed above during an open or active investigation.



4. **Reporting.** If a [Student](#) has given proper permission for the [College](#) to share disciplinary information to a third party, it is the practice of the [College](#) to only disclose a disciplinary file if a [Student](#) has ever been placed on a pending termination of housing or pending suspension status, has been removed from housing, or has been suspended or expelled from the [College](#). The [College](#) retains discretion to release additional information contained in a [Student's](#) disciplinary file if a third party requires disclosure of further information, or if a [Student](#) separates from the [College](#) with any pending Student conduct matters. For further information on requesting a disciplinary file please go to the following site: [Disciplinary Background Check Information](#).
 5. **Petition for administrative deletion.** Disciplinary records may be administratively deleted upon review and approval by the Dean of Students. When a record is administratively deleted, the information it contains is no longer part of an official disciplinary record. The [College](#) is required by law and [College Policy](#) to retain for statistical purposes information regarding certain types of disciplinary violations. Statistical information from deleted files may be retained with the [Student's](#) name and [Student](#) identification number removed. Administrative deletion affects only information maintained by the Office of Student Conduct. Copies of letters distributed by or to other [College](#) departments, incident reports, police reports, and the results of previous background checks reported outside of the Office of Student Conduct are not affected by an administrative deletion. Petitions for an administrative deletion may be made no sooner than one year after the date of the [Student's](#) last finding of responsibility from the student conduct process or one calendar year prior to their anticipated graduation, whichever is later. The request must be made in writing to the Dean of Students by submitting the following [form](#). Administrative deletion requests may not be granted for conduct that resulted in suspension or expulsion from the [College](#) and may also be denied for conduct that posed a threat to a member of the [College](#) community or serious damage to [College](#) property.
- K. Violation of Law and *Student Conduct Code*.** [College](#) student conduct proceedings may be instituted against a [Student](#) charged with conduct that potentially violates both the criminal law and [College Policy](#) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under these *Procedural Standards* may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Director of Student Conduct. Prior determinations made or sanctions imposed under these procedural standards will not be subject to change because criminal charges arising out of the same facts giving rise to violation of [College](#) rules are later dismissed, reduced, or resolved in favor of the criminal law defendant.
- L. Leave of absence or withdrawal.**
1. Individuals who withdraw or take a leave of absence from the [College](#) while a conduct matter or any sanction is pending will have a registration hold placed on their [Student](#) account(s) and will be notified of the pending matter and registration hold.
 2. If documentation of an incident is brought to the attention of the Office of Student Conduct after an individual separates from the [College](#), but includes conduct that allegedly occurred while an individual was a [Student](#), or conduct that occurred after separation from the [College](#) but has an adverse impact on the campus community, the [College](#) retains discretion to assign any charges, ban the individual from campus,



- and/or place a registration hold on the individual's account pending adjudication.
3. The [College](#) retains discretion to determine when there is enough information available or it is necessary to adjudicate charges for formerly enrolled [Students](#). An individual may contact the Office of Student Conduct to request arrangements to adjudicate or dispose of the matter before the registration hold will be released.

Resolution Approving Waivers Of Advertising For College Business Purposes

Whereas: State College Contracts Law permits waivers of advertising for specified purchases in excess of \$33,300, and

Whereas: The Law provides that such waivers shall be approved by The College of New Jersey Board of Trustees, and

Whereas: Waiver requests have been reviewed and are recommended by the Business and Infrastructure Committee, a subcommittee of The College of New Jersey Board of Trustees,

**Therefore,
Be It**

Resolved: The College of New Jersey Board of Trustees approves waivers to the following vendors for purposes as designated herein:

VENDOR	PURPOSE	FUNDING SOURCE
Beyond Aid \$55,000	Study Abroad- Ghana	Program Fees
Casa do Brasil \$38,000	Summer Study Tour - Madrid, Spain	Program Fees
CEPA-Europe GmbH \$110,000	Summer Session I Short- Term Faculty-Led Program - Italy	Program Fees
Council on International Education (CIEE) \$64,000	Winter Study Tour - Amman, Jordan	Program Fees
Council on International Education(CIEE) \$155,000	Summer Session I Study Tours - Rome, Ireland and Portugal	Program Fees
Edge Hill University \$36,600	Study Abroad Program - Ormskirk,England	Program Fees

Harlaxton College \$88,000	Summer Study Tour Program - Harlaxton Manor, England	Program Fees
Spring Hill College \$29,700	Study Abroad Program - Italy	Program Fees
UIW European Study Center GmbH \$36,100	Study Abroad-Germany	Program Fees
Advance 2000Inc. \$139,354.14	Telecommunications upgrade and completion of project work, support and maintenance	College Operating
Huron Consulting Services, LLC \$160,000	Implementation and support for Concur Travel and Expense	E&G Operating Reserves
International Business Machines Corp. (IBM) \$38,244.06	IBM SPSS Statistics software, subscription and support services	College Operating
Lynda.com \$154,751	LyndaCampus Subscription (3 year agreement)	College Operating
Oracle and ERP Cloud PPM Module \$256,969	Oracle Cloud ERP Project Portfolio Management (PPM)	College Operating
Concert Ideas \$250,000	College Union Board Spring 2018 concert	Student Activity Fee
Degy Booking International, Inc \$45,000	College Union Board Spring 2018 lecture	Student Activity Fee

Degy Booking International, Inc \$55,000	College Union Board Spring 2018 comedy show	Student Activity Fee
GrooveBoston, LLC \$150,000	College Union Board Spring 2018 concert- production and entertainment	Student Activity Fee
Wizard's Festival of Fun, Inc \$130,000	College Union Board Annual Funival 2018	Student Activity Fee
The Advisory Board Company (EAB) \$52,792	Renewal of Membership	College Operating
Assessment Technologies Institute \$47,450	Nursing Testing Package	Direct Student Charge
Ewing Township \$75,000	Annual Contributions to Ewing Township	Housing Operating
Newsbank,Inc \$40,000	Library Electronic Database	College Operating

**Resolution Approving Waivers
Of Advertising
Business and Infrastructure Committee
(Facilities and Construction)**

Whereas: State College Contracts Law permits waivers of advertising for specified purchases in excess of \$33,000; and

Whereas: The Law provides that such waivers shall be approved by The College of New Jersey Board of Trustees; and

Whereas: Waiver requests have been reviewed and are recommended by the Business and Infrastructure Committee, a subcommittee of The College of New Jersey Board of Trustees.

**Therefore,
Be It**

Resolved: The College of New Jersey Board of Trustees approves waivers to the following vendors for purposes as designated herein.

VENDOR	PURPOSE	FUNDING SOURCE
Horizon Engineering Associates \$71,534	Additional commissioning services for the STEM Building	2013 A Bond
DLB Associates, Inc. \$523,200	Design Services for Campus Fire Alarm System Upgrade	E&G Asset Renewal Reserves Housing Asset Renewal Reserves

**Resolution Concerning Submission of the
FY 2019 Capital Budget Request
Totaling \$46,471,000**

Whereas: Under the P.L. 1994, C.48, The College of New Jersey Board of Trustees has the power and duty to “Submit a request for state support to the Division of Budget and Accounting in the Department of Treasury and to the Commission in accordance with the provisions of the law;” and

Whereas: This budget request must be submitted in accordance with planning guidelines promulgated by the Division of Budget and Accounting; and

Whereas: The FY 2019 – 2025 capital budget request prepared in accordance with the FY 2019 – 2025 Division of Budget and Accounting planning guidelines has been reviewed with the Business and Infrastructure Committee of The College of New Jersey Board of Trustees; and

Whereas: The Business and Infrastructure Committee of the Board has recommended its approval;

Therefore, Be It Resolved: That the Board of Trustees approves the Capital Budget Request totaling \$46,471,000 for fiscal year 2019 and \$262,197,000 for the seven-year term of 2019 – 2025.

FY 2019 Capital Budget Request

Project Title	FY 2019	FY 2020	FY 2021	FY 2022- 2025	Total
Fire/safety compliance, Various Buildings	\$ 3,579	\$ 1,193	\$ 325	\$ 325	\$ 5,422
Compliance ADA, Various Buildings	\$ 515	\$ 515	\$ 515	\$ 1,860	\$ 3,405
Asbestos Compliance, Various Buildings	\$ 563	\$ 564	\$ 563	\$ 2,066	\$ 3,756
Asset Renewal-Academic & Administrative	\$ 6,700	\$ 5,900	\$ 3,600	\$ 10,300	\$ 26,500
STEM Complex Phase III	\$ 12,000	\$ -	\$ -	\$ -	\$ 12,000
Parking Garage	\$ -	\$ 15,000	\$ -	\$ -	\$ 15,000
New Nursing Building	\$ -	\$ 63,000	\$ -	\$ -	\$ 63,000
West Library Renovation	\$ 20,000	\$ -	\$ -	\$ -	\$ 20,000
Jogging Trail	\$ 1,114	\$ -	\$ -	\$ -	\$ 1,114
Recreation Center Renovation	\$ -	\$ -	\$ -	\$ 60,000	\$ 60,000
Packer Hall Renovation	\$ -	\$ -	\$ -	\$ 50,000	\$ 50,000
Business School Program	\$ 2,000	\$ -	\$ -	\$ -	\$ 2,000
	\$ 46,471	\$ 86,172	\$ 5,003	\$ 124,551	\$ 262,197

The College of New Jersey
Resolution Approving Student Fees for Bonner Summer Fellows Pre-College Program (Summer Program) 2018

- Whereas:** The State College Autonomy Law vests the responsibility with the Board of Trustees to approve and adjust student charges as necessary; and
- Whereas:** In April 2016, the Board of Trustees approved the TCNJ 2021: Bolder, Better, Brighter strategic plan that articulated five strategic priorities in order to guide the implementation of institutional strategic goals; and
- Whereas:** These strategic priorities include specific goals to identify and implement creative options for revenue enhancement and to communicate TCNJ's identity to new target audiences;
- Whereas:** Since 2011, the Bonner Summer Fellows Pre-College program has provided a residential academic experience for more than 225 high school students, nearly half of whom have enrolled as full-time TCNJ students; and
- Whereas:** These pre-college experiences have integrated community engaged learning experiences into the curricular experience, providing opportunities for participants to learn about and contribute to Trenton and Mercer County communities; and
- Whereas:** Since 2015, in partnership with TCNJ's Center for Complex and Sensory Disabilities and the New Jersey Commission for the Blind and Visually Impaired, this program has integrated individuals with blindness or visual impairments into classroom and community engaged learning activities, providing all participants with a diverse experience; and
- Whereas:** These programs will introduce their participants to college experience, community engaged learning, college preparation, integrated classrooms, and potentially recruit them as future TCNJ students; and
- Whereas:** In order to make the Bonner Summer Fellows Pre-College programs more flexible in terms of its offerings; and
- Whereas:** In an effort to target the right price, the Provost recommends for summer 2018:

October 24, 2017

- 1) a new rate of \$3572 for early registration/special promotion (if needed) for the 2-week offering; and
- 2) a new 1-week offering with
 - early registration/promotional rate (if \$1600 needed)
 - \$1700 standard rate
 - alumni, faculty, staff dependent
 - \$1458 rate;

Whereas: The President has reviewed the proposed student charges required to implement Bonner Summer Fellows Pre-College program in summer 2018 and recommends their approval; and

Whereas: The Business and Infrastructure Committee of the Board of Trustees has reviewed the student charges required to implement Bonner Summer Fellows Pre-College program in summer 2018 and has recommended their approval; and

**Therefore,
Be It**

Resolved: That the Board of Trustees approves these student charges for the Bonner Summer Fellows Pre-College program in summer 2018.

Be It

Further

Resolved: That tuition rates for Bonner Summer Fellows Pre-College program will be established annually as part of the College's tuition and fee structure.

**The College of New Jersey
Resolution Approving Student Fees for Pre-College Academy Series
(Summer Program) 2018**

Whereas: The State College Autonomy Law vests the responsibility with the Board of Trustees to approve and adjust student charges as necessary; and

Whereas: In April 2016, the Board of Trustees approved the TCNJ 2021: Bolder, Better, Brighter strategic plan that articulated five strategic priorities in order to guide the implementation of institutional strategic goals; and

Whereas: These strategic priorities include specific goals to identify and implement creative options for revenue enhancement and to communicate TCNJ's identity to new target audiences;

Whereas: Faculty of three Schools – Business, Science, and Health and Exercise Science – in collaboration with the Office of Graduate and Advancing Education have created a series of one-week summer pre-college academies for career exploration.

Whereas: These pre-college academies will not be offered for academic credit, but serve to give early exposure and career exploration opportunities to rising 9th, 10th, and 11th graders; and

Whereas: These academies will introduce their participants to a college experience, business and nursing simulations, labs and faculty, and potentially recruit them as future TCNJ students;

Whereas: In an effort to target the right price, the Provost recommends the following fee options for a 1-week non-residential, non-credit academy during summer 2018:

\$1100	standard rate
\$975	prior academy series participant rate
\$975	early registration/promotional rate
\$975	alumni/faculty/staff rate;

Whereas: The President has reviewed the proposed student charges required to implement pre-college academy series in summer 2018 and recommends their approval; and

Whereas: The Business and Infrastructure Committee of the Board of Trustees has reviewed the student charges required to implement pre-college academy series in summer 2018 and has recommended their approval; and

**Therefore,
Be It**

Resolved: That the Board of Trustees approves these student charges for the pre-college academy series in summer 2018.

**Be It
Further**

Resolved: That tuition rates for pre-college academy series will be established annually as part of the College's tuition and fee structure.

**Resolution Approving Waivers
Of Advertising
For College Business Purposes
(Audit, Risk Management and Compliance Committee)**

Whereas: State College Contracts Law permits waivers of advertising for specified purchases in excess of \$33,300, and

Whereas: The Law provides that such waivers shall be approved by The College of New Jersey Board of Trustees, and

Whereas: Waiver requests have been reviewed and are recommended by the Audit, Risk Management and Compliance Committee, a subcommittee of The College of New Jersey Board of Trustees,

**Therefore,
Be It**

Resolved: The College of New Jersey Board of Trustees approves waivers to the following vendors for purposes as designated herein:

VENDOR	PURPOSE	FUNDING SOURCE
Cohen Seglias Pallas Greenhall & Furman PC \$91,000	Legal Services inclusive of subcontracted construction project audit services	College Operating

**The College of New Jersey Board of Trustees
Resolution Approving Audited Fiscal Year 2017 Financial Statements**

WHEREAS The Board of Trustees is authorized by statute (N.J.S.A. 18A:64-1 *et seq.*) and the By-laws (Section 2.r) to have prepared an annual independent financial audit of the College, and

WHEREAS Pursuant to resolution of the Board of Trustees at its February 15, 2017 meeting, the College engaged the independent audit firm KPMG LLP to perform an independent audit of the College's financial statements for fiscal year 2017, and

WHEREAS KPMG LLP has completed its audit of the College's financial statements for fiscal year 2017; and

WHEREAS Management and KPMG LLP have presented the College's audited financial statements for fiscal year 2017 to the Audit, Risk Management and Compliance Committee at a meeting of that committee held on this date, during which, following best practices, the Committee met privately with KPMG LLP; and

WHEREAS The Audit, Risk Management and Compliance Committee has reviewed and duly considered the College's audited financial statements for fiscal year 2017 and the Audit, Risk Management and Compliance Committee has recommended approval of those audited financial statements by the Board; and

WHEREAS Copies of the College's audited financial statements for fiscal year 2017 that have been approved by the Board of Trustees are required to be submitted to the State Treasurer by November, 2017;

**THEREFORE
BE IT**

RESOLVED: That the Board of Trustees hereby approves the audited financial statements for fiscal year 2017, and authorizes the President and Treasurer to certify those statements and submit them to the State Treasurer as required.

October 24, 2017