

**The College of New Jersey
Board of Trustees
October 18, 2022
2:00 pm**

Public Meeting Agenda

- 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. Motion to go into Closed Session
It is moved by _____, seconded by _____, that the Board go into closed session to discuss personnel matters including Faculty New Appointments – Tenure Track, New Appointments – Clinical Specialist/Lecturer, Reappointments – Clinical Specialist/Lecturer, New Appointments – Temporary, Reappointments – Temporary, Reappointments - Emeritus; Staff New Appointments, Change of Status, Emeritus Retirements; pending litigation including: Ratarsha Willis v. TCNJ; TCNJ v. PSE&G; Nonna Sorokina v. TCNJ; Alexis Nicol v. TCNJ; Catalina Messina, Katherine Dieker, Christopher Jacob, Anna Zimberg, and Isabella Walz v. TCNJ; "John Doe" v. TCNJ; anticipated litigation, and presidential evaluation and compensation, items exempt under the Open Public Meetings Act.
- III. Closed Session
- IV. Resumption of Public Session
- V. Approval of the Minutes of the June 13, 2022 Public Meeting
- VI. Approval of the Minutes of the June 28, 2022 Public Meeting
- VII. Approval of the Minutes of the August 30, 2022 Public Meeting
- VIII. Report of Board Officers
 - A. Report of the Board Officers Nominating Committee/Reorganization of the Board
- IX. Report of the President
- X. Report of the Trustee Member of the TSC Corporation

- XI. Report of the Trustee Liaison to the New Jersey Association of State Colleges and Universities
- XII. Report of the Trustee Member of the TCNJ Foundation
- XIII. Report of the Trustee Member of the TCNJ Alumni Association
- XIV. New Business
 - A. Report of the Executive Committee
 - 1. Faculty - New Appointments – Tenure Track, New Appointments – Clinical Specialist/Lecturer, Reappointments – Clinical Specialist/Lecturer, New Appointments – Temporary, Reappointments – Temporary, Reappointments – Emeritus – Attachment A
 - 2. Staff - New Appointments, Change of Status, Emeritus Retirements; Attachment B
 - 3. The College of New Jersey Board of Trustees Resolution to Implement FY 2023 Merit Salary Adjustment For Non-Unit Employees – Attachment C
 - B. Report of the Mission Fulfillment Committee
 - 1. The College of New Jersey Resolution of the Board of Trustees Approving the Student Conduct Code – Attachment D
 - 2. The College of New Jersey Resolution of the Board of Trustees Approving the Involuntary Health & Safety Withdrawal Policy – Attachment E
 - C. Report of the Inclusive Excellence Committee
 - D. Report of the Governance Committee
 - E. Report of the Business and Infrastructure Committee
 - 1. Resolution Approving Waivers of Advertising (College Business Purposes) – Attachment F
 - 2. Resolution Approving Waivers of Advertising (Facilities and Construction) – Attachment G

3. Resolution Concerning Submission of the Fiscal Year 2023 Capital Budget Request Totaling \$135,500,000 – Attachment H
4. Resolution Approving Capital Project Budgets Over \$1 Million – Attachment I
5. Resolution Approving Rates for 2022-2023 Dual Enrollment Courses – Attachment J

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

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

XV. Adjournment

Be It

Resolved: That the next public meeting of The College of New Jersey Board of Trustees will be held on Tuesday, December 6, 2022 at a time and location to be announced.

Be It

Further

Resolved: That this meeting be adjourned.

TO: Timothy Grant,
Chief of Police

FROM: Lt. Marcie Montalvo,
Administrative Lieutenant

DATE: Oct 3, 2022

RE: Crime Statistics from June 1st – September 30, 2022

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 and VAWA definitions for reporting crime statistics.

- Rape- 1 incident
- Robbery- 0 incidents
- Aggravated Assault- 1 incident (3 non-resident wrestlers forced way into dorm room & damaged property while restraining victim in room; multiple charges filed)
- Burglary- 0 incidents
- Larceny- 9 incidents (*4 bikes, 5 other movable property)
- Sex Offenses- 0 incidents
- MV Theft - 3 incidents (6 golf carts total; all recovered-4 off campus at Moody Park)
- Arson- 0 incidents
- Drug Law Offenses- 1 incident (1 referral to Student Conduct)
- Liquor Law Offenses- 2 incidents (2 referrals to Student Conduct)
- Illegal Weapons Offenses- 0 incidents
- Driving while Under the Influence or Intoxicated- 0 incidents
- VAWA Offenses:
 - Sexual Assault- 1 incident on campus, 1 in Residence Hall (Centennial)
 - Domestic Violence- 1 incident on campus (*1 off campus not reportable)
 - Dating Violence - 2 incidents on campus, 2 in Residence Halls
 - Stalking- 0 incidents
- Hate Crimes- 0 incidents
- Fire Statistics - 0 incidents
- Other Emergencies – 0 timely warning issued during this period (0 incidents)
 - 0 Crime Alert/update issued: type/date_____
 - 0 Emergency Alerts issued: type/date_____

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

Resolution Concerning Implementation of Increase In Compensation For The President of The College of New Jersey

Whereas: The College of New Jersey Board of Trustees is authorized under the provisions of N.J.S.A. 18A:64-6 to “appoint and fix the compensation of a president of the college, who shall be the executive officer of the college”; and

Whereas: The President's salary has remained unchanged since her last compensation adjustment effective, July 1, 2021; and

Whereas: President Foster lead the college with a steadfast commitment to the restart of in-person classes and work. Maintaining a focus on the health and safety of the students, faculty and staff of the college, she adopted strategies to ensure the community reengaged in the teaching and learning activities central to the college’s mission, and

Whereas: Under her leadership, and in concert with the board and campus community, the campus’ strategic plan, “Extending Our Excellence,” was finalized. The plan will advance the institution over the next 5 years to meet the changing needs of future students and the workforce they will enter, and

Whereas: A critical component of the institutional strategic plan is “We Are TCNJ,” the plan to advance inclusive excellence. Throughout the execution of this plan we will ensure we continue to focus on, and realize, the essential goals to advancing inclusive excellence at the college, and

Whereas: Throughout the last year President Foster has brought alignment to financial investments and critical infrastructure and other capital facilities projects, protecting the physical assets of the campus, and

Whereas: In reviewing the president’s performance, the Board considered her continued outstanding service and the current market to ensure that her compensation is consistent with her peers in the state.

Therefore,
Be It

Resolved: That The College of New Jersey Board of Trustees, authorizes a 4.026 percent increase to the president’s FY21 base effective July 1, 2022. In addition, in recognition of her accomplishments, the Board authorizes a one-time bonus of 7 percent of her FY21 base.

October 18, 2022

New Appointments – Faculty – Tenure Track

Ewa Dziedzic-Elliott	Librarian 2/Assistant Professor R. Barbara Gitenstein Library Effective: July 7, 2022 – June 30, 2025
----------------------	---

New Appointments – Faculty – Clinical Specialist/Lecturer

Michele Coulombe	Clinical Specialist Elementary and Early Childhood Education Effective: July 30, 2022 – June 30, 2024
------------------	---

Isabel Kentengian	Clinical Specialist World Languages and Cultures Effective: July 30, 2022 – June 30, 2024
-------------------	---

Celia Liu	Clinical Specialist World Languages and Cultures/College Wide Academics Effective: July 30, 2022 – June 30, 2024
-----------	---

Tamara Tallman	Clinical Specialist Elementary and Early Childhood Education Effective: July 30, 2022 – June 30, 2024
----------------	---

Mahra Weber	Clinical Specialist Special Education Language and Literacy Effective: July 30, 2022 – June 30, 2024
-------------	--

Reappointments – Faculty – Clinical Specialist/Lecturer

John DeGood	Senior Lecturer Computer Science Effective: July 30, 2022 – June 30, 2024
-------------	---

Melanie Phillips	Clinical Specialist Special Education Language and Literacy Effective: July 30, 2022 – June 30, 2024
Susan Schmoyer	Lecturer Mathematics and Statistics Effective: July 30, 2022 – June 30, 2024
Eric Szabo	Senior Lecturer Finance Effective: July 30, 2022 – June 30, 2024
Rebecca Triano	Lecturer Chemistry Effective: July 30, 2022 – June 30, 2024
Bikram Pal Turka	Senior Lecturer Computer Science Effective: July 30, 2022 – June 30, 2024

New Appointments – Faculty – Temporary

Alan Chernoff	Instructor Economics Effective: July 30, 2022- June 30, 2023
Sharen Clugston	Assistant Professor Nursing Effective: July 30, 2022- June 30, 2023
Brandi Diggs	Assistant Professor Music Effective: July 30, 2022- June 30, 2023

Andreea DiLorenzo	Assistant Professor Psychology Effective: July 30, 2022- June 30, 2023
Pinches Dirnfeld	Assistant Professor Mathematics and Statistics Effective: July 30, 2022- June 30, 2023
Padma Ganesh	Assistant Professor Physics Effective: July 30, 2022- June 30, 2023
Zachary Kline	Assistant Professor Sociology and Anthropology Effective: July 30, 2022- June 30, 2023
Anthony Kosar	Instructor World Languages and Cultures Effective: July 30, 2022- June 30, 2023
Benjamin Lundgren	Assistant Professor Biology Effective: July 30, 2022- June 30, 2023
Adam McMahon	Assistant Professor Political Science Effective: July 30, 2022- June 30, 2023
Erin Riley-Lepo	Assistant Professor Education Administration and Secondary Education Effective: July 30, 2022- June 30, 2023
Elana Rucker	Assistant Professor Kinesiology and Health Sciences Effective: July 30, 2022 – June 30, 2023

Joanne Tonkin
Assistant Professor
Special Education Language and Literacy
Effective: July 30, 2022- June 30, 2023

John Wallace
Librarian 3/Instructor
R. Barbara Gitenstein Library
Effective: September 26, 2022 – June 30, 2023

Reappointments – Faculty – Temporary

Warren Buckleitner
Assistant Professor
Design and Creative Technology
Effective: July 30, 2022 – June 30, 2023

Maxwell Burkey
Assistant Professor
Political Science/African American Studies
Effective: July 30, 2022 – June 30, 2023

Chelsey Cain
Assistant Professor
Criminology
Effective: July 30, 2022 – June 30, 2023

Erin Cangelosi
Instructor
Nursing
Effective: July 30, 2022 – June 30, 2023

Drew D'amore
Assistant Professor
Psychology
Effective: July 30, 2022 – June 30, 2023

William Franczak
Assistant Professor
Mathematics and Statistics
Effective: July 30, 2022 – June 30, 2023

Thomas Goller
Assistant Professor
Mathematics and Statistics
Effective: July 30, 2022 – June 30, 2023

Zachariah Grochau-Wright
Assistant Professor
Biology
Effective: July 30, 2022 – June 30, 2023

Christina Maffa
Assistant Professor
English
Effective: July 30, 2022 – June 30, 2023

Janet Mazur
Instructor
College Wide Academics
Effective: July 30, 2022 – June 30, 2023

Julia Mazzarella
Assistant Professor
Counselor Education
Effective: July 30, 2022 – June 30, 2023

Matthew McAndrew
Assistant Professor
Philosophy, Religion, and Classical Studies
Effective: July 30, 2022 – June 30, 2023

Sungmin Park
Librarian 3/Instructor
R. Barbara Gitenstein Library
Effective July 1, 2022 – June 30, 2023

Colleen Pedrotty
Instructor
Nursing
Effective: July 30, 2022 – June 30, 2023

Ellen Renn
Instructor
Nursing
Effective: July 30, 2022 – December 31, 2022

October 18, 2022

Lisa Roe
Librarian 2/Assistant Professor
R. Barbara Gitenstein Library
Effective: July 30, 2022 – June 30, 2023

Debra Schiff
Librarian 2/Assistant Professor
R. Barbara Gitenstein Library
Effective: July 1, 2022 – June 30, 2023

Colleen Silk
Instructor
Nursing
Effective: July 30, 2022 – June 30, 2023

Diane Steinberg
Assistant Professor
English
Effective: July 30, 2022 – June 30, 2023

Retirements – Faculty Emeritus

Arthur Hohmuth
Psychology
Effective: September 1, 2022

New Appointments – AFT Staff

Jessica Madrigal Professional Services Specialist III
Center for Global Engagement
Effective: July 06, 2022

Marinela Barbu Professional Services Specialist III
User Support Services
Effective: July 20, 2022

Brigitte Bedoya Professional Services Specialist IV
Residential Education & Housing
Effective Date: August 11, 2022

Audra Yacka Professional Service Specialist II
Counseling & Prevention Services
Effective Date: September 1, 2022

Stephanie Iacoviello Program Assistant
Admissions
Effective Date: September 7, 2022

Treasure Burke Professional Services Specialist I
Counseling & Prevention Services
Effective Date: September 28, 2022

Katherine Miller Professional Services Specialist IV
Brower Student Center
Effective Date: August 4, 2022

October 18, 2022

Change of Status – AFT Staff

Cecilia Colbeth Women In Learning & Leadership
From: Program Coordinator
To: Assistant Director II
Effective: July 18, 2022

Kaitlin West Fraternity & Sorority Life
From: Program Coordinator
To: Professional Services Specialist III
Effective: July 2, 2022

Emeritus Retirements – Staff

Cathie A. Allison Effective Date: September 1, 2022
Program Assistant

Mary Lynn Hopps Effective Date: July 1, 2022
Assistant Director III

Lloyd Rickets Effective Date: October 1, 2022
Treasurer

Mark Watkins Effective Date: August 1, 2022
Senior Repairer

October 18, 2022

**The College of New Jersey Board of Trustees
Resolution to Implement FY 2023 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 FY2023 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 2023 non-unit increases is 4.00% of the salary base as of July 1, 2022, and

Be It
Further

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

Be It
Further

Resolved: That the FY 2023 salary adjustment for non-unit employees shall be implemented effective on the first day of the first pay period for FY2023.

October 18, 2022

The College of New Jersey
Resolution of the Board of Trustees Approving
the 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 2021, is to be reviewed in accordance with federal and state policies and any substantive changes will be reviewed in accordance with applicable governance policy and procedures; and
- Whereas: The proposed changes to the *Interim Student Conduct Code* are moderate changes and have been developed under direction of the Vice President for Student Affairs and in collaboration with the Office of General Counsel, and
- Whereas: The nature of the proposed changes are significant enough to warrant an interim policy change while awaiting formal adoption through college governance,
- Therefore,
Be It Resolved: That on October 18, 2022 the Board of Trustees of The College of New Jersey hereby approves the attached *Interim Student Conduct Code*, for implementation upon approval.

October 18, 2022

MEMORANDUM



TO: Board of Trustees

FROM: Sean Stallings, Vice President for Student Affairs

RE: Student Affairs Policies

DATE: September 27, 2022

We write to give detail regarding changes implemented for the *Interim Student Conduct Code*. This policy is presented with moderate, but time-sensitive changes for the 2022-2023 academic year. As the proposed adjustments relate to changes in procedural standards for student hearings, the request for an interim policy approval is requested while the final policy is reviewed through governance. An overview of specific changes to the policies are outlined below.

Interim Student Conduct Code:

- An update to links associated with relevant state and federal law, an updated flow chart of the conduct process, and updated sanctioning practices (as required by the drug-free schools act)- formerly known as Appendixes A-E;
- Further clarification of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, decriminalizing cannabis under certain circumstances, but maintaining compliance with prohibition of cannabis possession or use on federal property, or the property of entities that receive federal funds;
- Removal of the Community Standards Board (CSB) as an option under formal hearings;
- Clarification for Summer, End of Term, and Geographically Remote cases what qualifies as a "minor incident" vs. a "major incident;" and
- Providing the option for remote hearings for Summer, End of Term, and Geographically Remote cases.

Please see the final copy of the interim policy attached.

Section:	XI.1.3	
Title:	The College of New Jersey Interim Student Conduct Code	
Effective Date:	October 26, 2021	
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">• Academic Integrity Policy• The College of New Jersey Policy Prohibiting Discrimination in the Workplace/Educational Environment• Student Rights and Freedoms Policy• Computer Access Agreement• Sexual Harassment, Misconduct, & Discrimination Policy• Involuntary Health or Safety Withdrawal Policy• Use of Campus Property Policy	
History:		
<u>Version</u>	<u>Date</u>	<u>Notes</u>
10.0	October 18, 2022	Interim Policy approved by the Board of Trustees
9.0	October 26, 2021	Revisions approved by the Board of Trustees
8.0	August 11, 2020	Revisions approved by the Board of Trustees
7.0	June 30, 2020	Revisions approved by the Board of Trustees
6.0	July 9, 2019	Interim Policy approved by the Board of Trustees
5.0	July 10, 2018	Revisions approved by the Board of Trustees
4.0	October 24, 2017	Revisions approved by the Board of Trustees
3.0	July 5, 2016	Revisions approved by the Board of Trustees
2.0	July 8, 2014	Revisions approved by the Board of Trustees
1.0	July 12, 2011	New Policy; Initial Release

ABLE OF CONTENTS

I.	<u>INTRODUCTION</u>	4
II.	<u>DEFINITIONS</u>	4
III.	<u>POLICY</u>	
A.	<u>Authority</u>	7
B.	<u>Interpretation and Amendments</u>	8
C.	<u>Students' Rights and Responsibilities</u>	8
D.	<u>Violations of Expectations for Student Conduct</u>	
1.	<u>Law and Policy Compliance</u>	10
2.	<u>Personal Integrity</u>	11
3.	<u>Personal Abuse</u>	11
4.	<u>Property</u>	13
5.	<u>Compliance with Directives</u>	14
6.	<u>Drugs, Narcotics, Controlled Substances, and/or Paraphernalia</u>	14
7.	<u>Alcoholic Beverages</u>	15
8.	<u>Weapon and Dangerous Substances</u>	16
9.	<u>Fire and Safety</u>	16
10.	<u>Computer Misuse</u>	17
11.	<u>Disruption/Obstruction</u>	17
12.	<u>Repeated Behavior</u>	17
IV.	<u>PROCEDURAL STANDARDS</u>	
A.	<u>Reports</u>	17
B.	<u>Alternative Resolution Process</u>	19
C.	<u>Investigation</u>	21
D.	<u>Charge(s)</u>	22
E.	<u>Conference</u>	22
F.	<u>Informal Hearing</u>	23
G.	<u>Formal Hearing</u>	24
H.	<u>Appeal Procedures</u>	26
I.	<u>Summer, End of Term, and Geographically Remote Cases</u>	27
J.	<u>Interim Measures/Remedies</u>	28
K.	<u>Sanctioning Practices</u>	
1.	<u>Status Outcomes</u>	30

2. <u>Educational Outcomes</u>	31
3. <u>Administrative Directive Outcomes</u>	31
L. <u>Disciplinary Record Keeping Practice</u>	32
M. <u>Violation of Law and <i>Student Conduct Code</i></u>	34
N. <u>Leave of Absence or Withdrawal</u>	34

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 permitted to be present throughout any meetings, investigation preparations, hearing proceedings, and/or any appeal process to provide support and/or assistance to an 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 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.

“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.

“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 person hired and/or trained by the [College](#) who is designated to conduct conferences and Student Conduct 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.

“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.

Abusive or harassing conduct directed at a person or group because of actual or perceived membership in a Protected Category (sometimes generally known as “bias incident(s)”, “bias crime(s)”, or “hate crime(s)”) may result in an enhanced sanction.

“Reasonable Accommodations” are adjustments or modifications made in a system or process to ensure accessibility for individuals with disabilities. Reasonable accommodations are determined by the Accessibility Resource Center (ARC) on a case-by-case basis.

“Reporter” is the [Student](#) alleged to have experienced an incident of personal abuse as outlined in section 03. *Personal Abuse* of the *Student Conduct Code*. Please note that while non-students may report [Student](#) to the Office of Student Conduct, *Procedural Standards* may not apply to non-student reporters. .

“Respondent” is the [Student](#) 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.

“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 [Student](#) 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.

“Stalking Behavior” 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.

"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 or certificate 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 & Off-Campus Services.

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

"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 [VPSA](#).

The [VPSA](#) may delegate this authority to the Dean of Students Office. Under the direction of the Office of Student Conduct, the Director of Student Conduct & Off-Campus Services is responsible for implementing the student conduct process. The [VPSA](#) 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. This includes, without limitation, time periods during which classes are not in session, or the [Student](#) is not yet registered for college classes and while enrolled or participating in a program at another institution. The Director of Student Conduct & Off-Campus Services 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 at the [College](#). 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, or if a [Student](#) is on a leave of absence or has voluntarily withdrawn from the [College](#) if the behavior occurred while they were a [Student](#).

B. Interpretation and Amendments

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

A recognized constituency or the Dean of Students may request a review of the *Student Conduct Code* by submitting a written request to the [VPSA](#).

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 College of New Jersey 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 [Non-Exhaustive Selection of New Jersey Statutes](#), [Non-Exhaustive Selection of Ewing Township Ordinances](#), and [Excerpt: 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](#).

Failure to notify the [College](#) of any arrest or conviction. [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. [You may report your arrest by clicking here](#). The Director of Student Conduct & Off-Campus Services 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 may be considered a *D. Violation of Expectations for Student Conduct*.

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. 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 directed at a person(s), 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. 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.

Abusive or harassing conduct directed at a person or group *because of actual or perceived* membership in a Protected Category (sometimes generally known as “bias incident(s)”, “bias crime(s)”, or “hate crime(s)”) may result in an enhanced sanction.

b. Invasion of Privacy

- 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.

c. Stalking

- i. Purposefully or knowingly engaging in [Stalking Behavior](#) 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 [Stalking Behaviors](#) 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.

d. 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.

e. 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 previous or current personal, intimate, or special relationship exists (defined by marriage, civil union, dating, family membership, or co-habitation), which includes physical, sexual, emotional, economic, and/or psychological actions or threats of actions that a reasonable person in similar circumstances and with similar identities would find intimidating, terrorizing, or threatening. Such behaviors may include threats of violence to oneself or one's family member.
- iv. Interference with the freedom of another person to move about in a lawful manner by force, threat, or intimidation.

Physical Abuse conduct directed at a person or group *because of actual or perceived* membership in a Protected Category (sometimes generally known as “bias incident(s)”, “bias crime(s)”, or “hate crime(s)”) may result in an enhanced sanction.

f. 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 of any hazing activity as described above by a [Student](#) 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.

Defacement, damage or destruction of property conduct directed at a person or group *because of actual or perceived* membership in a Protected Category (sometimes generally known as “bias incident(s)”, “bias crime(s)”, or “hate crime(s)”) 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. Failure to correctly identify oneself at all times and present this information 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.
- d. Failure to fully satisfy all the components outlined within the signed Alternative Resolution agreement in the designated timeframe.

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](#).

Amnesty

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.

Although New Jersey state law permits the possession and use of cannabis in certain circumstances, federal law prohibits cannabis use, possession and/or cultivation at educational institutions and on the premises of other recipients of federal funds. In accordance with New Jersey state law, possession, use, and/or cultivation of cannabis regardless of age is not allowed on any College property, nor is it allowed at any College-sponsored event or activity off campus regardless of age.

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 of devices for the rapid, high-risk consumption of alcohol including, but not limited to funnels, beer pong accessories, beer bong, 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 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.

Amnesty

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. [Weapon](#) 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 or use of electronic smoking devices 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

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 & Off-Campus Services. 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 & Off-Campus Services 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 [Sexual Harassment, Misconduct, & Discrimination](#) related reports including but not limited to possible incidents of physical sexual misconduct, sexual harassment, stalking, and/or some instances of physical abuse if involving an intimate partner, the following process will apply: [Sexual Harassment, Misconduct, & Discrimination Policy](#).*
2. **Advisor.** Individuals may be accompanied by one Advisor provided that the involvement of the Advisor does not result in an undue delay of the process. It is the responsibility of the individual to coordinate scheduling with their Advisor for any meetings and/or proceedings.

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

The Advisor may not participate directly with any process or represent any person involved; nor can an Advisor speak, write, or otherwise communicate with an investigator, conduct administrator, [Hearing Administrator](#), or appeal reviewer on behalf of the individual they are advising. Advisors may not engage in behavior or advocacy that harasses, abuses, or intimidates either the [Reporter](#) or [Respondent](#), a witness, or individuals involved in resolving the complaint. Advisors who do not abide by these guidelines may be excluded from the process.

The Advisor may be any person of the individual's choosing; however, an Advisor may not also serve as a witness in the same matter. The Advisor may be an attorney but the Advisor is still limited to the supportive and non-participatory role described above. An Investigator or [Hearing Administrator](#) may also be accompanied by an Advisor, which may include a representative from the Office of General Counsel. The Advisor of the [Hearing Administrator](#), who may participate in a manner to ensure procedural standards are upheld, but does not disrupt the overall proceeding, Any cost associated with the participation of an Advisor is the responsibility of the individual.

3. Initial Assessment. All cases will be reviewed by the Director of Student Conduct & Off-Campus Services.

Upon receipt of a report regarding behavior that may fall under 03. Personal Abuse (*Violations of Expectations for Student Conduct*), the Director of Student Conduct & Off-Campus Services 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 Director of Student Conduct & Off-Campus Services will:

- a. Assess the safety and well-being of those involved and offer the College's immediate support and assistance;
- b. Inform the [Reporter](#) and [Respondent](#) of the right to seek medical treatment;
- c. Inform the [Reporter](#) and [Respondent](#) of the right to contact law enforcement, have a criminal investigation conducted (where appropriate), and/or seek a protective order (where appropriate);
- d. Inform the [Reporter](#) and [Respondent](#) about [College](#) and community resources, the right to seek appropriate and available interim measures, and how to request those measures;
- e. Inform the [Reporter](#) of the right to seek resolution under this *Code*, and determine whether the [Reporter](#) wishes (i) to seek such resolution, or (ii) to request that no investigation be pursued, and that no disciplinary process be initiated or disciplinary action 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;
- 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 Director of Student Conduct & Off-Campus Services will ensure the [Reporter](#) receives a written explanation of all [College](#) resources and options, and are offered the opportunity to meet with the Director of Student Conduct & Off-Campus Services to discuss those resources and options. When a decision is reached to impose interim measures, to initiate an investigation, or to take any actions that involves notifying a [Respondent](#), the Director of Student Conduct & Off-Campus Services 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 Director of Student Conduct & Off-Campus Services to discuss those resources and options.

4. **[Reasonable Accommodations](#)**. Should any individual involved in the Student Conduct process as a [Reporter](#), [Respondent](#), or witness believe they may require and/or benefit from any form of accommodation to effectively participate, they are encouraged to contact the Accessibility Resource Center (ARC) directly at 609-771 3199. [Reasonable accommodations](#) are individualized and in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1992 (as amended). All requests must be made in advance and the Office of Student Conduct staff will consider recommendations provided by ARC.

B. Alternative Resolution Process

The [College](#) recognizes that there is not one universal resolution process that best meets the needs of our [Students](#) and the campus community. To adequately address reports of behavior that may be in *Violation of Expectations for Student Conduct* that may result in charges under 03. Personal Abuse an alternative process may be utilized.

Alternative resolution is a voluntary process within the [College's Student Conduct Code](#) that allows a [Respondent](#) in a Student Conduct matter to accept responsibility for the behavior they engaged in that may have caused [Harm](#) to the [Reporter](#). By fully participating in this process the [Respondent](#) will not be charged with a violation of [College](#) policy.

The alternative resolution process is designed to eliminate the 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 Office of Student Conduct. In order for the alternative resolution process to be appropriate, both parties must have an understanding and agree on the necessary elements of

the process. Both the [Reporter](#) and [Respondent](#) will have to agree to the following terms should they wish to participate in the alternative resolution process:

1. 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;
2. Both the [Reporter](#) and [Respondent](#) must participate in individual intake meetings with appropriate staff to learn more about the resolution process prior to participating;
3. The process can only be used once and will not be considered if requested by a repeat [Respondent](#) under *the Student Conduct Code* and/or the *Sexual Harassment, Misconduct, & Discrimination Policy*;
4. The [Reporter](#) and [Respondent](#) must agree to all recommendations outlined in the formal agreement or the case reverts back to an investigation;
5. Information documented during this process can be subpoenaed if a criminal investigation is initiated;
6. Participation in this process does not constitute a finding of “In-Violation” for a *Violation of Expectations for Student Conduct* charge, and is therefore not reflected on the [Respondent’s](#) disciplinary record;
7. If the [Respondent](#) is documented and found “In-violation” for any *Violations of Expectations for Student Conduct* this agreement can be used in the sanctioning phase of that process; and
8. The [Respondent](#) may be charged with 05. Compliance with Directives for failure to meet all requirements outlined in the agreement.

The alternative resolution process is beneficial when both parties participate in good faith. Should the [Respondent](#) not complete the agreement, the case may revert back to an investigation, and/or the [Respondent](#) may be charged with 05. Compliance with Directives.

If the [Student](#) is charged with *Violations of Expectations for Student Conduct* under 05. Compliance with Directives, the original conduct staff member who facilitated the agreement may serve as a witness during the conduct process. The [Reporter](#) who originated the initial complaint and the [Respondent](#) will have access to the outcome and rationale of this proceeding.

A Restorative process is a philosophical approach to dispute resolution 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 moving forward to repair the [Harm](#).

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

1. Restorative Circle. Participation in a discussion by trained facilitators with a [Reporter](#) or Harmed Parties that is designed to result in the shared agreement outlining how to correct the [Harm](#) caused by the [Respondents](#) behavior. The

[Reporter](#)/Harmed Parties and [Respondent](#) (and possible community members) work together to develop an agreement that resolves the issue(s), and can help the [Respondent](#) restore their standing in the community and repair relations that were damaged by their actions. During the circle process both [Students](#) can have a support person present. A support person differs from an [Advisor](#) as this person can have an active role during this process. A support person must be approved by the lead facilitator.

2. Impact Statement
3. Counseling Sessions
4. Alcohol/Drug Education Class(es)
5. Bi-weekly or monthly check in meetings with the Director of Student Conduct & Off-Campus Services
6. Implementation of a No Contact Directive with the College
7. Restriction from participation in specific clubs and/or organizations
8. Restriction from participation in particular events (e.g. Senior Week)
9. Completion of a mentored action plan with regular meetings with an assigned staff member of the College
10. Community Service

The [College](#) reserves the right to suspend or terminate the alternative resolution process at any time.

Any agreements reached as part of the Alternative Resolution Process must be documented, signed in-person or via email by the [Reporter](#) and [Respondent](#), and approved by the Director of Student Conduct & Off-Campus Services. If no agreement is reached then the matter may be referred to the Director of Student Conduct & Off-Campus Services for further action.

Both the [Reporter](#)/Harmed Parties and [Respondent](#) may be accompanied by an [Advisor](#) at any meeting with Student Conduct staff during the Alternative Resolution Process.

C. Investigation

The Director of Student Conduct & Off-Campus Services 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 a 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 may result in 03. *Personal Abuse* charges, there will be two trained investigators present whenever possible. The lead investigator will coordinate meetings with the [Reporter](#) and [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. 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.

When there is both a [College](#) and law enforcement investigation, the conduct investigation may be temporarily delayed so law enforcement may gather evidence, but the investigation will resume once law enforcement has completed evidence gathering. The [College](#) will generally not wait for the conclusion of any related criminal proceeding to initiate or conduct an investigation.

For [Sexual Harassment, Misconduct, & Discrimination](#) related investigations, the following process will apply: [Sexual Harassment, Misconduct, & Discrimination Policy](#)

Information gathered during a [Sexual Harassment, Misconduct, & Discrimination](#) investigation may be shared with the Office of Student Conduct. Information gathered during a Student Conduct investigation may be shared with the Office of Title IX and Sexual Misconduct for the purposes of ongoing investigations and/or administrative hearings.

If a [Sexual Harassment, Misconduct, & Discrimination](#) investigation results in charges for *D. Violations of Expectations for Student Conduct* that are unrelated to [Sexual Harassment, Misconduct, & Discrimination](#), the Director of Title IX Compliance & Sexual Misconduct may transfer the case back to the Office of Student Conduct for adjudication. If the Director of Title IX Compliance & Sexual Misconduct determines that there are violations of expectations outlined in this code that are not [Sexual Harassment, Misconduct, & Discrimination](#) in nature but directly relate to a violation of the [Sexual Harassment, Misconduct, & Discrimination Policy](#), the Director of Title IX Compliance & Sexual Misconduct, in consultation with the Director of Student Conduct & Off-Campus Services, may decide to adjudicate all charges through the [Sexual Harassment, Misconduct, & Discrimination](#) process.

D. 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 a [Hearing Administrator](#) shall be scheduled within a timely period.

E. 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. In such 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 and/or informal or formal administrative 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.

F. 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 "In-Violation" 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 "In-Violation" 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 “In-Violation” for any charges, the [Hearing Administrator](#) will then assign any appropriate sanctions. The decisions 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 & Off-Campus Services. (Please see Section *F. Appeals* for more information).

G. Formal Hearing

If a formal hearing is selected, the [Respondent](#) will participate in an administrative 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 & Off Campus Services and, when practicable, has not previously served as a [Hearing Administrator](#) in a prior conduct process involving the [Respondent](#). In certain circumstances under the discretion of the Director of Student Conduct & Off-Campus Services, an external adjudicator may be utilized to serve as the [Hearing Administrator](#). The [Hearing 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 & Off-Campus Services.
2. **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 in some cases the person bringing the complaint on behalf of the [College](#) and [Advisor\(s\)](#) are allowed to attend the entire portion of the 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 administrator hearing the case. *Personal Abuse* cases) [Respondent](#), and in some cases the person bringing the complaint on behalf of the [College](#) and [Advisor\(s\)](#) are allowed to attend the entire portion of the 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 [Hearing Administrator](#).
 - b. **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.
 - c. **Questions.** The [Hearing Administrator](#), 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 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.

- d. **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.
- e. **Decline to provide information.** The Respondent (and in *03. Personal Abuse* cases the Reporter) 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.
- f. **Procedural questions.** All procedural questions are subject to the final decision of the Hearing Administrator.
- g. **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 *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.
- h. **Hearing recorded.** Recordings will not be permitted during any phase of the conduct process with the exception of the administrative hearing. 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. The College will not provide transcriptions or audio recordings.
- i. **Decision in absentia.** If a Respondent, with notice, does not appear for a formal 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.
- j. **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, audiotape, written statement, or other viable means as determined by the Director of Student Conduct & Off-Campus Services to be appropriate.

H. Appeal Procedures

1. **Respondent appeal.** A [Respondent](#) is afforded one single opportunity to appeal decisions and/or any sanctions issued by a [Hearing Administrator](#) 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 is the subject of a report resulting in a [Respondent](#) being charged under *03. 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](#) 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](#)'s findings of fact and decision of "In-Violation" 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 appeal administrator may request additional information or clarification from the [College](#) and/or external investigators/adjudicators, conference administrator, the [College](#) administrator preparing the hearing, the [Hearing Administrator](#), 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](#). 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 [Hearing 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 at the time of 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](#).
 - b. **Alter sanction.** The administrator may alter the sanctions issued by the original [Hearing Administrator](#). Alteration of a 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](#) is warranted to correct procedural irregularity or to consider new information. A [Student](#) may appeal a decision of the new [Hearing Administrator](#).
 - d. **Remand.** The administrator may direct the original [Hearing Administrator](#) 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](#) if there are any changes after the review.

I. Summer, End of Term, and Geographically Remote Cases

The following process will apply for incidents that occur over the summer, 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 status sanction range of a warning to probation, 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, 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 for 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 sanction of 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 & Off-Campus Services 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 may 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](#) (in 03. Personal Abuse cases) and the Director of Student Conduct & Off-Campus Services.

J. Interim Measures/Remedies

Under certain circumstances (such as 03. Personal Abuse cases) interim measures may be initiated to protect the safety and well-being of persons involved in an incident or the campus community in conjunction with, or pending the outcome of, a separate behavior review process (such as the [Involuntary Health or Safety Withdrawal Policy](#)), and/or the investigative or adjudicative processes of the *Student Conduct Code* and/or [Sexual Harassment, Misconduct, & Discrimination Policy](#). Interim measures may include the following to the extent reasonably available and appropriate:

1. **Interim suspension.** Immediate separation of a [Student](#) from the [College](#) by the Dean of Students 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 & Off-Campus Services 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. Cases involving interim suspension through the Office of Student Conduct may be forwarded to the College's Behavior Intervention Team (BIT) for further assessment of threat to self or others under the [Involuntary Health or Safety Withdrawal](#) policy.
2. **Interim termination of housing.** Immediate removal and prohibition of a [Student](#) from [College](#) housing by the Director of Student Conduct & Off-Campus Services pending an investigation or adjudication. Through the duration of the termination the [Student](#) will be restricted from entering all residential floors in [College](#) buildings.
3. **Degree hold.** The awarding of a degree from the [College](#) is contingent not only on the completion of academic requirements but also on full compliance with the [College's](#) regulations throughout the [Student's](#) entire time enrolled,

including the period between the completion of academic requirements and graduation. If a [Student](#) is scheduled to graduate while there is an open case/investigation into their alleged behavior, the [College](#) reserves the right to withhold a [Student's](#) degree pending the outcome of the [College's](#) investigation and/or adjudication process.

4. **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, or written [Communication](#) with another individual or group, nor shall they coordinate indirect [Communications](#) with the other individual or group through a [Third Party](#).
5. **Behavior Support Plan.** This is an agreement between the [Student](#) and the Office of Student Conduct and/or other appropriate office (including but not limited to Dean of Students Office, Office of Title IX and Sexual Misconduct, or Division of Academic Affairs) which outlines expected behaviors to aid in a [Student's](#) success. This plan serves as an agreement of understanding between the [Student](#) and the [College](#) of the [Student's](#) duty to meet The [College's](#) behavioral expectations. By participating in this plan, the [Student](#) acknowledges a commitment to working with a [College](#) administrator to establish support(s) and resource(s) on campus with the intention of mitigating disruptive behaviors. *This measure may occur prior to, in conjunction with, or as a sanction resulting from a Student Conduct investigation or proceeding.*
6. **Academic measures.** This may include assistance in transferring to another section of a course, assistance in requesting withdrawal or an incomplete grade in a particular course, leave of absence or withdrawal from the [College](#), or assistance requesting alternate methods of completing coursework. Academic measures may be subject to the discretion of Academic Affairs and/or the Director of Equal Employment Opportunity Programs.
7. **Housing measures.** This may include requiring a [Student](#) to relocate [College](#) housing assignment pending the outcome of a conduct investigation or proceeding. This may also include facilitating changes from a non-campus housing location to alternate housing, or assistance in exploring alternative housing off-campus.
8. **Employment measures.** This may include arranging for alternate [College](#) employment, different work shifts, etc.
9. **Other measures/remedies.** 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 dispute resolution services such as mediation or restorative practices when appropriate.

K. 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 [Specific Sanctions for Selected Violations](#).

1. **Status Outcomes. A sanction that defines the status of a Student with the College.**

- 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. **Probation.** This status serves as a disciplinary status assigned to a [Student](#) for a specified period of time. While on this status, any further violations of [College Policy](#) will result in more severe disciplinary action and may result in additional Administrative Directive Outcomes and/or Suspension. 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. **Pending suspension.** The pending suspension status is 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](#). 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. **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](#) will be restricted from [College](#) property and may be required to provide prior notice and receive approval from the Director of Student Conduct & Off-Campus Services 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.
- e. **Expulsion.** Permanent dismissal from the [College](#) and restriction from [College](#) property. 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](#).
- f. **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 cases 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.
- b. **Mediation.** Participation in a mediated discussion with other disputants facilitated by multi-partial, 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 may not be available to [Students](#) responding to or being found “In-Violation” for physical sexual misconduct.
- c. **Mentored Action plan.** Develop a mentored action plan with the aid of an assigned mentor, agree to the terms of the plan, complete required meeting(s), and reflection.
- 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. **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 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](#) may 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. **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.
- e. **Restitution.** Compensation for loss, damage, or injury to [College](#) property. This may take the form of appropriate service and/or monetary or material replacement.
- f. **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.
- g. **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 & Off-Campus Services, and at the written request of all involved persons.
- h. **Behavior support plan.** This is a directive to the [Student](#) from the Office of Student Conduct and/or in consultation with another appropriate office (including but not limited to Dean of Students Office, Office of Title IX and Sexual Misconduct, or Division of Academic Affairs) which outlines expected behaviors to aid in a [Student's](#) success. By participating in this plan, the Student acknowledges a commitment to working with a College administrator to establish support(s) and resource(s) on campus with the intention of mitigating disruptive behaviors.

L. 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. **Privacy/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](#). Finally, the [College](#) may publicly share with the campus community limited information related to conduct outcomes subject to the limitation set forth under FERPA.

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 & Off-Campus Services. 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 may 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 be granted in full, partially granted, or denied. If an administrative deletion request has been denied, the student can reapply six months after their last request, unless otherwise indicated by the Dean of Students.

M. 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 & Off-Campus Services.

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.

N. 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.

Section:	XI.1.3	
Title:	The College of New Jersey Interim Student Conduct Code	
Effective Date:	October 26, 2021	
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">• Academic Integrity Policy• The College of New Jersey Policy Prohibiting Discrimination in the Workplace/Educational Environment• Student Rights and Freedoms Policy• Computer Access Agreement• Sexual Harassment, Misconduct, & Discrimination Policy• Involuntary Health or Safety Withdrawal Policy• Use of Campus Property Policy	
History:		
<u>Version</u>	<u>Date</u>	<u>Notes</u>
10.0	October 18, 2022	Interim Policy approved by the Board of Trustees
9.0	October 26, 2021	Revisions approved by the Board of Trustees
8.0	August 11, 2020	Revisions approved by the Board of Trustees
7.0	June 30, 2020	Revisions approved by the Board of Trustees
6.0	July 9, 2019	Interim Policy approved by the Board of Trustees
5.0	July 10, 2018	Revisions approved by the Board of Trustees
4.0	October 24, 2017	Revisions approved by the Board of Trustees
3.0	July 5, 2016	Revisions approved by the Board of Trustees
2.0	July 8, 2014	Revisions approved by the Board of Trustees
1.0	July 12, 2011	New Policy; Initial Release

ABLE OF CONTENTS

I.	<u>INTRODUCTION</u>	4
II.	<u>DEFINITIONS</u>	4
III.	<u>POLICY</u>	
A.	<u>Authority</u>	7
B.	<u>Interpretation and Amendments</u>	8
C.	<u>Students' Rights and Responsibilities</u>	8
D.	<u>Violations of Expectations for Student Conduct</u>	
1.	<u>Law and Policy Compliance</u>	10
2.	<u>Personal Integrity</u>	11
3.	<u>Personal Abuse</u>	11
4.	<u>Property</u>	13
5.	<u>Compliance with Directives</u>	14
6.	<u>Drugs, Narcotics, Controlled Substances, and/or Paraphernalia</u>	14
7.	<u>Alcoholic Beverages</u>	15
8.	<u>Weapon and Dangerous Substances</u>	16
9.	<u>Fire and Safety</u>	16
10.	<u>Computer Misuse</u>	17
11.	<u>Disruption/Obstruction</u>	17
12.	<u>Repeated Behavior</u>	17
IV.	<u>PROCEDURAL STANDARDS</u>	
A.	<u>Reports</u>	17
B.	<u>Alternative Resolution Process</u>	19
C.	<u>Investigation</u>	21
D.	<u>Charge(s)</u>	22
E.	<u>Conference</u>	22
F.	<u>Informal Hearing</u>	23
G.	<u>Formal Hearing</u>	24
H.	<u>Appeal Procedures</u>	26
I.	<u>Summer, End of Term, and Geographically Remote Cases</u>	27
J.	<u>Interim Measures/Remedies</u>	28
K.	<u>Sanctioning Practices</u>	
1.	<u>Status Outcomes</u>	30

2. <u>Educational Outcomes</u>	31
3. <u>Administrative Directive Outcomes</u>	31
L. <u>Disciplinary Record Keeping Practice</u>	32
M. <u>Violation of Law and <i>Student Conduct Code</i></u>	34
N. <u>Leave of Absence or Withdrawal</u>	34

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 permitted to be present throughout any meetings, investigation preparations, hearing proceedings, and/or any appeal process to provide support and/or assistance to an 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 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.

“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.

“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 person hired and/or trained by the [College](#) who is designated to conduct conferences and Student Conduct 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.

“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.

Abusive or harassing conduct directed at a person or group because of actual or perceived membership in a Protected Category (sometimes generally known as “bias incident(s)”, “bias crime(s)”, or “hate crime(s)”) may result in an enhanced sanction.

“Reasonable Accommodations” are adjustments or modifications made in a system or process to ensure accessibility for individuals with disabilities. Reasonable accommodations are determined by the Accessibility Resource Center (ARC) on a case-by-case basis.

“Reporter” is the [Student](#) alleged to have experienced an incident of personal abuse as outlined in section 03. *Personal Abuse of the Student Conduct Code*. Please note that while non-students may report [Student](#) to the Office of Student Conduct, *Procedural Standards* may not apply to non-student reporters. .

“Respondent” is the [Student](#) 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.

“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 [Student](#) 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.

“Stalking Behavior” 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.

"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 or certificate 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 & Off-Campus Services.

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

"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 [VPSA](#).

The [VPSA](#) may delegate this authority to the Dean of Students Office. Under the direction of the Office of Student Conduct, the Director of Student Conduct & Off-Campus Services is responsible for implementing the student conduct process. The [VPSA](#) 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. This includes, without limitation, time periods during which classes are not in session, or the [Student](#) is not yet registered for college classes and while enrolled or participating in a program at another institution. The Director of Student Conduct & Off-Campus Services 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 at the [College](#). 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, or if a [Student](#) is on a leave of absence or has voluntarily withdrawn from the [College](#) if the behavior occurred while they were a [Student](#).

B. Interpretation and Amendments

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

A recognized constituency or the Dean of Students may request a review of the *Student Conduct Code* by submitting a written request to the [VPSA](#).

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 College of New Jersey 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 [Non-Exhaustive Selection of New Jersey Statutes](#), [Non-Exhaustive Selection of Ewing Township Ordinances](#), and [Excerpt: 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](#).

Failure to notify the [College](#) of any arrest or conviction. [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. [You may report your arrest by clicking here](#). The Director of Student Conduct & Off-Campus Services 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 may be considered a *D. Violation of Expectations for Student Conduct*.

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. 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 directed at a person(s), 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. 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.

Abusive or harassing conduct directed at a person or group *because of actual or perceived* membership in a Protected Category (sometimes generally known as “bias incident(s)”, “bias crime(s)”, or “hate crime(s)”) may result in an enhanced sanction.

b. Invasion of Privacy

- 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.

c. Stalking

- i. Purposefully or knowingly engaging in [Stalking Behavior](#) 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 [Stalking Behaviors](#) 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.

d. 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.

e. 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 previous or current personal, intimate, or special relationship exists (defined by marriage, civil union, dating, family membership, or co-habitation), which includes physical, sexual, emotional, economic, and/or psychological actions or threats of actions that a reasonable person in similar circumstances and with similar identities would find intimidating, terrorizing, or threatening. Such behaviors may include threats of violence to oneself or one's family member.
- iv. Interference with the freedom of another person to move about in a lawful manner by force, threat, or intimidation.

Physical Abuse conduct directed at a person or group *because of actual or perceived* membership in a Protected Category (sometimes generally known as "bias incident(s)", "bias crime(s)", or "hate crime(s)") may result in an enhanced sanction.

f. 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 of any hazing activity as described above by a [Student](#) 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.

Defacement, damage or destruction of property conduct directed at a person or group *because of actual or perceived* membership in a Protected Category (sometimes generally known as “bias incident(s)”, “bias crime(s)”, or “hate crime(s)”) 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. Failure to correctly identify oneself at all times and present this information 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.
- d. Failure to fully satisfy all the components outlined within the signed Alternative Resolution agreement in the designated timeframe.

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](#).

Amnesty

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.

Although New Jersey state law permits the possession and use of cannabis in certain circumstances, federal law prohibits cannabis use, possession and/or cultivation at educational institutions and on the premises of other recipients of federal funds. In accordance with New Jersey state law, possession, use, and/or cultivation of cannabis regardless of age is not allowed on any College property, nor is it allowed at any College-sponsored event or activity off campus regardless of age.

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 of devices for the rapid, high-risk consumption of alcohol including, but not limited to funnels, beer pong accessories, beer bong, 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 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.

Amnesty

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. [Weapon](#) 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 or use of electronic smoking devices 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

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 & Off-Campus Services. 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 & Off-Campus Services 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 [Sexual Harassment, Misconduct, & Discrimination](#) related reports including but not limited to possible incidents of physical sexual misconduct, sexual harassment, stalking, and/or some instances of physical abuse if involving an intimate partner, the following process will apply: [Sexual Harassment, Misconduct, & Discrimination Policy](#).*
2. **Advisor.** Individuals may be accompanied by one Advisor provided that the involvement of the Advisor does not result in an undue delay of the process. It is the responsibility of the individual to coordinate scheduling with their Advisor for any meetings and/or proceedings.

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

The Advisor may not participate directly with any process or represent any person involved; nor can an Advisor speak, write, or otherwise communicate with an investigator, conduct administrator, [Hearing Administrator](#), or appeal reviewer on behalf of the individual they are advising. Advisors may not engage in behavior or advocacy that harasses, abuses, or intimidates either the [Reporter](#) or [Respondent](#), a witness, or individuals involved in resolving the complaint. Advisors who do not abide by these guidelines may be excluded from the process.

The Advisor may be any person of the individual's choosing; however, an Advisor may not also serve as a witness in the same matter. The Advisor may be an attorney but the Advisor is still limited to the supportive and non-participatory role described above. An Investigator or [Hearing Administrator](#) may also be accompanied by an Advisor, which may include a representative from the Office of General Counsel. The Advisor of the [Hearing Administrator](#), who may participate in a manner to ensure procedural standards are upheld, but does not disrupt the overall proceeding. Any cost associated with the participation of an Advisor is the responsibility of the individual.

3. **Initial Assessment.** All cases will be reviewed by the Director of Student Conduct & Off-Campus Services.

Upon receipt of a report regarding behavior that may fall under 03. Personal Abuse (*Violations of Expectations for Student Conduct*), the Director of Student Conduct & Off-Campus Services 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 Director of Student Conduct & Off-Campus Services will:

- a. Assess the safety and well-being of those involved and offer the College's immediate support and assistance;
- b. Inform the [Reporter](#) and [Respondent](#) of the right to seek medical treatment;
- c. Inform the [Reporter](#) and [Respondent](#) of the right to contact law enforcement, have a criminal investigation conducted (where appropriate), and/or seek a protective order (where appropriate);
- d. Inform the [Reporter](#) and [Respondent](#) about [College](#) and community resources, the right to seek appropriate and available interim measures, and how to request those measures;
- e. Inform the [Reporter](#) of the right to seek resolution under this *Code*, and determine whether the [Reporter](#) wishes (i) to seek such resolution, or (ii) to request that no investigation be pursued, and that no disciplinary process be initiated or disciplinary action 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;
- 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 Director of Student Conduct & Off-Campus Services will ensure the [Reporter](#) receives a written explanation of all [College](#) resources and options, and are offered the opportunity to meet with the Director of Student Conduct & Off-Campus Services to discuss those resources and options. When a decision is reached to impose interim measures, to initiate an investigation, or to take any actions that involves notifying a [Respondent](#), the Director of Student Conduct & Off-Campus Services 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 Director of Student Conduct & Off-Campus Services to discuss those resources and options.

4. **[Reasonable Accommodations](#)**. Should any individual involved in the Student Conduct process as a [Reporter](#), [Respondent](#), or witness believe they may require and/or benefit from any form of accommodation to effectively participate, they are encouraged to contact the Accessibility Resource Center (ARC) directly at 609-771 3199. [Reasonable accommodations](#) are individualized and in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1992 (as amended). All requests must be made in advance and the Office of Student Conduct staff will consider recommendations provided by ARC.

B. Alternative Resolution Process

The [College](#) recognizes that there is not one universal resolution process that best meets the needs of our [Students](#) and the campus community. To adequately address reports of behavior that may be in *Violation of Expectations for Student Conduct* that may result in charges under 03. Personal Abuse an alternative process may be utilized.

Alternative resolution is a voluntary process within the [College's Student Conduct Code](#) that allows a [Respondent](#) in a Student Conduct matter to accept responsibility for the behavior they engaged in that may have caused [Harm](#) to the [Reporter](#). By fully participating in this process the [Respondent](#) will not be charged with a violation of [College](#) policy.

The alternative resolution process is designed to eliminate the 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 Office of Student Conduct. In order for the alternative resolution process to be appropriate, both parties must have an understanding and agree on the necessary elements of

the process. Both the [Reporter](#) and [Respondent](#) will have to agree to the following terms should they wish to participate in the alternative resolution process:

1. 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;
2. Both the [Reporter](#) and [Respondent](#) must participate in individual intake meetings with appropriate staff to learn more about the resolution process prior to participating;
3. The process can only be used once and will not be considered if requested by a repeat [Respondent](#) under the *Student Conduct Code* and/or the *Sexual Harassment, Misconduct, & Discrimination Policy*;
4. The [Reporter](#) and [Respondent](#) must agree to all recommendations outlined in the formal agreement or the case reverts back to an investigation;
5. Information documented during this process can be subpoenaed if a criminal investigation is initiated;
6. Participation in this process does not constitute a finding of "In-Violation" for a *Violation of Expectations for Student Conduct* charge, and is therefore not reflected on the [Respondent's](#) disciplinary record;
7. If the [Respondent](#) is documented and found "In-violation" for any *Violations of Expectations for Student Conduct* this agreement can be used in the sanctioning phase of that process; and
8. The [Respondent](#) may be charged with 05. Compliance with Directives for failure to meet all requirements outlined in the agreement.

The alternative resolution process is beneficial when both parties participate in good faith. Should the [Respondent](#) not complete the agreement, the case may revert back to an investigation, and/or the [Respondent](#) may be charged with 05. Compliance with Directives.

If the [Student](#) is charged with *Violations of Expectations for Student Conduct* under 05. Compliance with Directives, the original conduct staff member who facilitated the agreement may serve as a witness during the conduct process. The [Reporter](#) who originated the initial complaint and the [Respondent](#) will have access to the outcome and rationale of this proceeding.

A Restorative process is a philosophical approach to dispute resolution 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 moving forward to repair the [Harm](#).

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

1. Restorative Circle. Participation in a discussion by trained facilitators with a [Reporter](#) or Harmed Parties that is designed to result in the shared agreement outlining how to correct the [Harm](#) caused by the [Respondents](#) behavior. The

[Reporter](#)/Harmed Parties and [Respondent](#) (and possible community members) work together to develop an agreement that resolves the issue(s), and can help the [Respondent](#) restore their standing in the community and repair relations that were damaged by their actions. During the circle process both [Students](#) can have a support person present. A support person differs from an [Advisor](#) as this person can have an active role during this process. A support person must be approved by the lead facilitator.

2. Impact Statement
3. Counseling Sessions
4. Alcohol/Drug Education Class(es)
5. Bi-weekly or monthly check in meetings with the Director of Student Conduct & Off-Campus Services
6. Implementation of a No Contact Directive with the College
7. Restriction from participation in specific clubs and/or organizations
8. Restriction from participation in particular events (e.g. Senior Week)
9. Completion of a mentored action plan with regular meetings with an assigned staff member of the College
10. Community Service

The [College](#) reserves the right to suspend or terminate the alternative resolution process at any time.

Any agreements reached as part of the Alternative Resolution Process must be documented, signed in-person or via email by the [Reporter](#) and [Respondent](#), and approved by the Director of Student Conduct & Off-Campus Services. If no agreement is reached then the matter may be referred to the Director of Student Conduct & Off-Campus Services for further action.

Both the [Reporter](#)/Harmed Parties and [Respondent](#) may be accompanied by an [Advisor](#) at any meeting with Student Conduct staff during the Alternative Resolution Process.

C. Investigation

The Director of Student Conduct & Off-Campus Services 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 a 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 may result in 03. *Personal Abuse* charges, there will be two trained investigators present whenever possible. The lead investigator will coordinate meetings with the [Reporter](#) and [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. 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.

When there is both a [College](#) and law enforcement investigation, the conduct investigation may be temporarily delayed so law enforcement may gather evidence, but the investigation will resume once law enforcement has completed evidence gathering. The [College](#) will generally not wait for the conclusion of any related criminal proceeding to initiate or conduct an investigation.

For [Sexual Harassment, Misconduct, & Discrimination](#) related investigations, the following process will apply: [Sexual Harassment, Misconduct, & Discrimination Policy](#)

Information gathered during a [Sexual Harassment, Misconduct, & Discrimination](#) investigation may be shared with the Office of Student Conduct. Information gathered during a Student Conduct investigation may be shared with the Office of Title IX and Sexual Misconduct for the purposes of ongoing investigations and/or administrative hearings.

If a [Sexual Harassment, Misconduct, & Discrimination](#) investigation results in charges for *D. Violations of Expectations for Student Conduct* that are unrelated to [Sexual Harassment, Misconduct, & Discrimination](#), the Director of Title IX Compliance & Sexual Misconduct may transfer the case back to the Office of Student Conduct for adjudication. If the Director of Title IX Compliance & Sexual Misconduct determines that there are violations of expectations outlined in this code that are not [Sexual Harassment, Misconduct, & Discrimination](#) in nature but directly relate to a violation of the [Sexual Harassment, Misconduct, & Discrimination Policy](#), the Director of Title IX Compliance & Sexual Misconduct, in consultation with the Director of Student Conduct & Off-Campus Services, may decide to adjudicate all charges through the [Sexual Harassment, Misconduct, & Discrimination](#) process.

D. 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 a [Hearing Administrator](#) shall be scheduled within a timely period.

E. 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. In such 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 and/or informal or formal administrative 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.

F. 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 "In-Violation" 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 "In-Violation" 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 "In-Violation" for any charges, the [Hearing Administrator](#) will then assign any appropriate sanctions. The decisions 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 & Off-Campus Services. (Please see Section *F. Appeals* for more information).

G. Formal Hearing

If a formal hearing is selected, the [Respondent](#) will participate in an administrative 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 & Off Campus Services and, when practicable, has not previously served as a [Hearing Administrator](#) in a prior conduct process involving the [Respondent](#). In certain circumstances under the discretion of the Director of Student Conduct & Off-Campus Services, an external adjudicator may be utilized to serve as the [Hearing Administrator](#). The [Hearing 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 & Off-Campus Services.
2. **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 in some cases the person bringing the complaint on behalf of the [College](#) and [Advisor\(s\)](#) are allowed to attend the entire portion of the 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 administrator hearing the case. *Personal Abuse* cases) [Respondent](#), and in some cases the person bringing the complaint on behalf of the [College](#) and [Advisor\(s\)](#) are allowed to attend the entire portion of the 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 [Hearing Administrator](#).
 - b. **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.
 - c. **Questions.** The [Hearing Administrator](#), 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 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.

- d. **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.
- e. **Decline to provide information.** The Respondent (and in *03. Personal Abuse* cases the Reporter) 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.
- f. **Procedural questions.** All procedural questions are subject to the final decision of the Hearing Administrator.
- g. **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 *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.
- h. **Hearing recorded.** Recordings will not be permitted during any phase of the conduct process with the exception of the administrative hearing. 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. The College will not provide transcriptions or audio recordings.
- i. **Decision in absentia.** If a Respondent, with notice, does not appear for a formal 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.
- j. **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, audiotape, written statement, or other viable means as determined by the Director of Student Conduct & Off-Campus Services to be appropriate.

H. Appeal Procedures

1. **Respondent appeal.** A [Respondent](#) is afforded one single opportunity to appeal decisions and/or any sanctions issued by a [Hearing Administrator](#) 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 is the subject of a report resulting in a [Respondent](#) being charged under *03. 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](#) 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](#)'s findings of fact and decision of "In-Violation" 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 appeal administrator may request additional information or clarification from the [College](#) and/or external investigators/adjudicators, conference administrator, the [College](#) administrator preparing the hearing, the [Hearing Administrator](#), 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](#). 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 [Hearing 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 at the time of 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](#).
 - b. **Alter sanction.** The administrator may alter the sanctions issued by the original [Hearing Administrator](#). Alteration of a 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](#) is warranted to correct procedural irregularity or to consider new information. A [Student](#) may appeal a decision of the new [Hearing Administrator](#).
 - d. **Remand.** The administrator may direct the original [Hearing Administrator](#) 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](#) if there are any changes after the review.

I. Summer, End of Term, and Geographically Remote Cases

The following process will apply for incidents that occur over the summer, 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 status sanction range of a warning to probation, 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, 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 for 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 sanction of 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 & Off-Campus Services 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 may 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](#) (in *03. Personal Abuse cases*) and the Director of Student Conduct & Off-Campus Services.

J. Interim Measures/Remedies

Under certain circumstances (such as *03. Personal Abuse cases*) interim measures may be initiated to protect the safety and well-being of persons involved in an incident or the campus community in conjunction with, or pending the outcome of, a separate behavior review process (such as the [Involuntary Health or Safety Withdrawal Policy](#)), and/or the investigative or adjudicative processes of the *Student Conduct Code* and/or [Sexual Harassment, Misconduct, & Discrimination Policy](#). Interim measures may include the following to the extent reasonably available and appropriate:

1. **Interim suspension.** Immediate separation of a [Student](#) from the [College](#) by the Dean of Students 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 & Off-Campus Services 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. Cases involving interim suspension through the Office of Student Conduct may be forwarded to the College's Behavior Intervention Team (BIT) for further assessment of threat to self or others under the [Involuntary Health or Safety Withdrawal](#) policy.
2. **Interim termination of housing.** Immediate removal and prohibition of a [Student](#) from [College](#) housing by the Director of Student Conduct & Off-Campus Services pending an investigation or adjudication. Through the duration of the termination the [Student](#) will be restricted from entering all residential floors in [College](#) buildings.
3. **Degree hold.** The awarding of a degree from the [College](#) is contingent not only on the completion of academic requirements but also on full compliance with the [College's](#) regulations throughout the [Student's](#) entire time enrolled,

including the period between the completion of academic requirements and graduation. If a [Student](#) is scheduled to graduate while there is an open case/investigation into their alleged behavior, the [College](#) reserves the right to withhold a [Student's](#) degree pending the outcome of the [College's](#) investigation and/or adjudication process.

4. **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, or written [Communication](#) with another individual or group, nor shall they coordinate indirect [Communications](#) with the other individual or group through a [Third Party](#) .
5. **Behavior Support Plan.** This is an agreement between the [Student](#) and the Office of Student Conduct and/or other appropriate office (including but not limited to Dean of Students Office, Office of Title IX and Sexual Misconduct, or Division of Academic Affairs) which outlines expected behaviors to aid in a [Student's](#) success. This plan serves as an agreement of understanding between the [Student](#) and the [College](#) of the [Student's](#) duty to meet The [College's](#) behavioral expectations. By participating in this plan, the [Student](#) acknowledges a commitment to working with a [College](#) administrator to establish support(s) and resource(s) on campus with the intention of mitigating disruptive behaviors. *This measure may occur prior to, in conjunction with, or as a sanction resulting from a Student Conduct investigation or proceeding.*
6. **Academic measures.** This may include assistance in transferring to another section of a course, assistance in requesting withdrawal or an incomplete grade in a particular course, leave of absence or withdrawal from the [College](#), or assistance requesting alternate methods of completing coursework. Academic measures may be subject to the discretion of Academic Affairs and/or the Director of Equal Employment Opportunity Programs.
7. **Housing measures.** This may include requiring a [Student](#) to relocate [College](#) housing assignment pending the outcome of a conduct investigation or proceeding. This may also include facilitating changes from a non-campus housing location to alternate housing, or assistance in exploring alternative housing off-campus.
8. **Employment measures.** This may include arranging for alternate [College](#) employment, different work shifts, etc.
9. **Other measures/remedies.** 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 dispute resolution services such as mediation or restorative practices when appropriate.

K. 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 [Specific Sanctions for Selected Violations](#).

1. Status Outcomes. A sanction that defines the status of a Student with the College.

- 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. **Probation.** This status serves as a disciplinary status assigned to a [Student](#) for a specified period of time. While on this status, any further violations of [College Policy](#) will result in more severe disciplinary action and may result in additional Administrative Directive Outcomes and/or Suspension. 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. **Pending suspension.** The pending suspension status is 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](#). 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. **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](#) will be restricted from [College](#) property and may be required to provide prior notice and receive approval from the Director of Student Conduct & Off-Campus Services 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.
- e. **Expulsion.** Permanent dismissal from the [College](#) and restriction from [College](#) property. 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](#).
- f. **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 cases 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.
- b. **Mediation.** Participation in a mediated discussion with other disputants facilitated by multi-partial, 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 may not be available to Students responding to or being found "In-Violation" for physical sexual misconduct.
- c. **Mentored Action plan.** Develop a mentored action plan with the aid of an assigned mentor, agree to the terms of the plan, complete required meeting(s), and reflection.
- 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. **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 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 may 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. **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.
- e. **Restitution.** Compensation for loss, damage, or injury to [College](#) property. This may take the form of appropriate service and/or monetary or material replacement.
- f. **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.
- g. **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 & Off-Campus Services, and at the written request of all involved persons.
- h. **Behavior support plan.** This is a directive to the [Student](#) from the Office of Student Conduct and/or in consultation with another appropriate office (including but not limited to Dean of Students Office, Office of Title IX and Sexual Misconduct, or Division of Academic Affairs) which outlines expected behaviors to aid in a [Student's](#) success. By participating in this plan, the Student acknowledges a commitment to working with a College administrator to establish support(s) and resource(s) on campus with the intention of mitigating disruptive behaviors.

L. 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. **Privacy/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](#). Finally, the [College](#) may publicly share with the campus community limited information related to conduct outcomes subject to the limitation set forth under FERPA.

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 & Off-Campus Services. 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 may 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 be granted in full, partially granted, or denied. If an administrative deletion request has been denied, the student can reapply six months after their last request, unless otherwise indicated by the Dean of Students.

M. 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 & Off-Campus Services.

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.

N. 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.

The College of New Jersey
Resolution of the Board of Trustees Approving
the Involuntary Health & Safety Withdrawal 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 *Involuntary Health & Safety Withdrawal Policy* last amended in 2018, is to be reviewed in accordance with federal and state policies and any substantive changes will be reviewed in accordance with applicable governance policy and procedures; and

Whereas: The proposed changes to the *Involuntary Health & Safety Withdrawal Policy* are moderate changes and have been developed under direction of the Vice President for Student Affairs and in collaboration with the Office of General Counsel, and

Whereas: The nature of the proposed changes are significant enough to warrant an interim policy change while awaiting formal adoption through college governance,

Therefore,

Be It Resolved: That on October 18, 2022 the Board of Trustees of The College of New Jersey hereby approves the attached *Interim Involuntary Health & Safety Withdrawal Policy*, for implementation upon approval.

MEMORANDUM

TO: Board of Trustees

FROM: Sean Stallings, Vice President for Student Affairs

RE: Student Affairs Policies

DATE: September 16, 2022

I write to give detail regarding changes implemented for the *Interim Involuntary Health & Safety Withdrawal Policy*. This policy is presented with moderate, but time-sensitive changes for the 2022-2023 academic year. As the proposed adjustments relate to changes in procedural standards, the request for an interim policy approval is requested while the final policy is reviewed through governance and with the continued input of the Office of General Counsel. An overview of specific changes to the policies are outlined below.

Noteworthy changes Involuntary Health & Safety Withdrawal Policy:

- Changed a procedural process which offered a hearing for involuntary withdrawals was removed from the *Policy*. In practicality, after a few cases that went through the hearing process it was determined that this did not afford students the best opportunity to provide information on their own behalf. In replacement of a hearing, the *Policy* has added an opportunity for a student to review all information considered by the Behavior Intervention Team (BIT) and provide a written response for consideration. This new process is still in accordance with best practices for threat and risk assessment.
- Added language that ensures the institution offers reasonable accommodations, where possible, prior to any decisions which impact a student's status.
- Added information about the College's return to campus process (the process where a student returns to the institution after they have been transported to the hospital for mental health related concerns).
- Added definitions to be consistent with other College policies and edited definitions for clarity and in accordance with best practices for threat and risk assessment.
- Added a table of contents and restructured the organization and flow of the *Policy*.

Please see the final copy of the interim policy attached.

Section:	XI.1.2	
Title:	Involuntary Health or Safety Withdrawal Policy	
Effective Date:		
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• Interim Sexual Harassment, Misconduct, & Discrimination Policy	
History:		
<u>Version</u>	<u>Date</u>	<u>Notes</u>
3.0		
2.0	July 10, 2018	Revisions approved by the Board of Trustees
1.0	July, 2009	New Policy; Initial Release

Table of Contents

I.	INTRODUCTION.....	3
II.	DEFINITIONS	3
III.	POLICY	5
IV.	PROCESS	6
	A. Initiation of processes by the Dean of Students Office	6
	B. Interim Involuntary Health or Safety Withdrawal Process (IIHSW).....	8
	C. Involuntary Health & Safety Withdrawal (IHSW).....	10
	D. Returning/Readmission after Involuntary Withdrawal (IIHSW or IHSW)	11
V.	ADDITIONAL PROCEDURES & OPTIONS.....	12
	A. Voluntary Leave of Absence	12
	B. Retroactive Withdrawals.....	12
	C. Tuition Credits.....	13
VI.	RECORD KEEPING POLICY.....	13
	A. File maintenance	13
	B. Confidentiality	13
	C. Inspection.....	14

I. Introduction

The purpose of this policy is to describe the criteria and procedural standards for an Involuntary Health or Safety Withdrawal (*Withdrawal*) of a *Student* from The College of New Jersey. This policy is reserved for those circumstances when other supports and resources have been exhausted, or the risk of *Harm* or *Impediment* to the operations of the *College* are so significant that an *Withdrawal* is necessary to preserve the health or safety of an individual *Student* or community, or the educational mission of the *College*.

Separation of a *Student* from the *College* and its facilities may be necessary if there is sufficient evidence that the *Student* is engaging in or is likely to engage in behavior that either poses a danger to self or others or disrupts the learning environment of others. This policy will be applied in a nondiscriminatory manner, and decisions will be based on consideration of the *Student's* conduct, actions, and statements and not on knowledge or belief that the *Student* has a disability.

II. Definitions

Advisor is a person chosen to accompany the *Student* involved in the *Withdrawal* process. The Advisor may not participate directly in any proceedings or represent the *Student* involved. Any cost associated with the participation of an Advisor is the responsibility of the *Student*.

Assistance Plan is an agreement between the *Student* and the *College* which outlines resources, supports, and strategies to aid in a *Student's* success. The process is overseen by the *Dean of Students*.

Behavior Intervention Team (BIT) is an interdisciplinary team of administrators who will review any *Student* case under consideration for a *Withdrawal*. A BIT ad-hoc committee reviews tuition credit and retroactive withdrawal appeals. Team membership includes, but is not limited to representatives from the Dean of Students Office, Office of Student Conduct, Campus Police Services, Counseling and Prevention Services, Residential Education and Housing, Accessibility Resource Center and Academic Affairs. A representative from the Office of the General Counsel is included on the team to advise with potential legal matters, but does not serve in a decision-making capacity. The ad-hoc committee membership includes select members of the BIT team, as well as representatives from Records & Registration, Student Financial Aid, and the Office of Student Accounts. The *Dean of Students* may add member to the team for review of a particular case if circumstances warrant doing so.

Behavior Support Plan is a document developed to address the individual's behavioral needs of any students whose conduct, actions, or statements interferes with their educational experience or education experience of others.

Care Referral is an online reporting process whereby any individual can submit information regarding a concern(s) with a *Student*.

College means The College of New Jersey.

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.

Dean of Students is the non-academic Dean of the College (including those serving in an interim or acting role) or designee appointed by the Vice President of Students Affairs (VPSA).

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*, self, or other member of the *College* community.

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.

Impediment is an interference with the pedagogy or administrative processes or activities that prohibits the *College* from delivering teaching, services, or procedures to others.

Interim Involuntary Health or Safety Withdrawal (IIHSW) *see also definition of Withdrawal*

Involuntary Health or Safety *see also definition of Withdrawal*

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.

Private Medical Provider (PMP) is a qualified licensed medical professional.

Return to Campus Meeting occurs when a *Student* goes to the hospital for a screening. After the *Student* is discharged, the *Student* must attend a *Support Consultation* with Counseling and Prevention Services at the *College*. After this, the *Student* will meet with the *Dean of Students* to determine other holistic supports, navigate academic concerns such as missed coursework or deadlines, generate an *Assistance Plan*, and appropriate

case management.

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 or certificate 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 *Dean of Students*.

Substantial Risk exists when there is a high probability of significant *Harm* and not just a slightly increased, speculative, or remote risk; and that risk cannot be eliminated or reduced to an acceptable level through reasonable accommodations and/or campus supports.

Support Consultation is a meeting that occurs after a *Student* is transported to the hospital. A *Student* returning from hospitalization or hospital screening is permitted to return to resume normal college activities including coursework and residence unless otherwise directed, in writing by the *Dean of Students*. Upon return the *Student* will first meet with Director of Counseling and Prevention Services or designee to review any mental/emotional health supports and recommend any additional health supports or limitations.

Third Party includes individuals who are neither *Students* nor Employees including but not limited to contractors, guests, and consultants.

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

Withdrawal for the purposes of this policy, *Interim Involuntary Health or Safety Withdrawals (IIHSW's)* may be implemented by the *Dean of Students* or designee. An *Involuntary Health or Safety Withdrawal (IHSW)* may occur on its own, or an *IIHSW* may be ratified or modified after *BIT* review.

III. Policy

- A. A *Student* may be subject to a *Withdrawal* if they meet the following criteria:
 - i. If there is a *Substantial Risk* or evidence of significant *Harm* to the health or safety of the *Student*, members of the campus community, and/or others; or
 - ii. If there is a *Substantial Risk* or evidence of unreasonable *Impediment* to the educational process or activity; and no reasonable accommodations are available that can adequately reduce that risk or disruption.
- B. When evaluating whether a *Student* meets either criteria for a *Withdrawal*, the following factors will be considered:

- i. Nature, duration and severity of *Harm* or *Impediment*, and/or
 - ii. Probability that the *Harm* or *Impediment* will actually occur,
 - iii. The imminence of the potential *Harm* and/or
 - iv. Whether accommodations requested by the *Student* (if any) are reasonable and can be provided by the *College* to reliably and satisfactorily reduce the risk of *Harm* or *Impediment*.
- C. The *Withdrawal* procedures outlined in this policy should not be a substitute for other existing policies or procedures at the *College* when disciplinary, academic, or other administrative responses are available and the circumstances can best be addressed through existing processes (*e.g. student conduct process, academic dismissal process, Title IX process, etc.*)
- D. This policy is not intended to be disciplinary in nature and is not a penalty but meant to support the *Student* and to maintain safety in the *College* community.

IV. Process

- A. Initiation of processes by the Dean of Students Office
 - i. Care Referral: Anyone may file a *Care Referral* with the Dean of Students Office should they have concerns about the health or safety or potential *Harm* to an individual *Student* or other community members, or if the behavior of a *Student* rises to the level of *Impediment*. A *Care Referral* can be filed online at <https://tcnjcares.tcnj.edu/>. **However, should there be a more urgent concern for anyone's health or safety, a report should be made directly to Campus Police Services by calling 9-1-1 or 609-771-2345.**
 - ii. Triage: The Office will review each *Care Referral* within three (3) business days of submission. Possible actions after review include assisting a *Student* with a voluntary leave of absence, referral to internal and/or external resources, case management services, referral to the CARE Team for further support and assistance, or, if warranted, referral to the *Dean of Students* and *BIT* should the circumstances demonstrate potential risk of *Harm* or *Impediment* as described in this policy. For more information about support and services through the Dean of Students Office, refer to tcnjcares.tcnj.edu.
 - iii. CARE Team: The TCNJ Cares program has established a multi-disciplinary team to receive *Student* referrals in order to identify and enact appropriate strategies for addressing their unique needs. This is a campus-wide team that meets monthly to review non-emergent *Student* cases related to social, mental health, academic, behavior, or any combination of concerns raised. Through collaboration and coordination of resources, the CARE Team seeks to foster academic and personal success for *Students*. Membership may be added or removed at the discretion of the *Dean of Students*. For more information about support and services through the Dean of Students Office, refer to tcnjcares.tcnj.edu.
 - iv. Dean of Students and Behavior Intervention Team Review:
 - 1. Any *Care Referral* may be referred to the *Dean of Students* and *BIT* for review. The *Dean of Students* and/or *BIT* will review available

information regarding the *Student* and consider the following:

- a. The credibility of any information received;
 - b. Whether the information received, or anticipated through the *Withdrawal* process, describes circumstances or behavior that could meet the criteria for a *Withdrawal*; and/or
 - c. Whether existing *College* administrative responses such as disciplinary, academic, or other processes or supports are appropriate to address the behavior. However, additional administrative processes may be utilized prior to, during, or after a review under the policy.
2. Interim Measures. The *Dean of Students* will review the reasonably available information and determine whether any interim measures are appropriate for the safety of the *Student(s)*, community members, or others involved. Interim measures may include a *Withdrawal*, no-contact directives, removal from campus housing, removal from academic course(s) or projects, and/or other administrative actions pending a *BIT* review or other resolution to the issue such as an evaluation or voluntary leave of absence. The *Dean of Students* may confer with the *BIT* before making a determination on interim measures.
- a. *Return to Campus Process*. (See Definitions)
 - i. *Support Consultation*: The *Support Consultation* is the first step of the *Return to Campus Process*. This is a meeting with Counseling and Prevention Services Office.
 - ii. *Assistance Plan*: After the *Support Consultation* and *Return to Campus Meeting*, the *Dean of Students* may permit a *Student* to remain enrolled under conditions specified in an *Assistance Plan*. An *Assistance Plan* may include, but is not limited to any of the following:
 1. Academic advising to review the academic plan and course load (in consultation with the student's academic advisor and/or department chair);
 2. Change in academic major;
 3. Affiliation with Accessibility Resource Center;
 4. Compliance with treatment plan recommended by a *PMP*;
 5. Compliance with medication regimen recommended by a *PMP*;
 6. Expectation that *Student* utilizes coping mechanisms that have been set by their *PMP's* or *College* counselors;
 7. Referral to campus or external resources; and
 8. Compliance with all expectations outlines in the *Assistance Plan*
 - b. *Behavior Support Plan*: In cases where other processes,

procedures, or interventions are not remediating the behavior, a *Behavior Support Plan* may be developed. A *Behavior Support Plan* may include, but is not limited to any of the following:

- i. Compliance with expectations of *College's Student Conduct Code, Interim Sexual Harassment, Misconduct, and Discrimination Policy*, and/or academic policies;
 - ii. Expectation that *Student* utilizes coping mechanisms that have been set by their *PMP's* or *College* counselors;
 - iii. Referral to campus or external resources;
 - iv. Outline of appropriate resources; and
 - v. Compliance with all expectations outlined in the *Behavior Support Plan*.
3. Violence Risk Assessment: A *Student* may be required to meet with the Dean of Students Office for an internal risk assessment to determine the risk of *Harm* or *Impediment* to themselves and/or others.
 4. Voluntary Leave of Absence: A *Student* may decide that they need to take time away from *College*. Any *Student* who is withdrawing from all courses for any given semester must apply for a Leave of Absence from the *College*. All *Students* will need to complete the Leave of Absence Form found on the website (<https://recreg.tcnj.edu/student-withdrawal-process/>). After the form is received by the Office of Records & Registration, they will start the leave of absence process. *Students* will receive a confirmation email that the form has been received and processed. Any *Student* who does not register for two consecutive regular academic semesters will need to re-apply for re-entry to the *College*. For more information about this process, refer to <https://admissions.tcnj.edu/applications/other-applicants/>.
 5. Interim Involuntary Health or Safety Withdrawal (IIHSW): If there is reasonable support of a *Withdrawal* in lieu of interim measures, the *Dean of Students* will, whenever possible convene a *BIT* review to consider application of this policy as outlined below. If interim measures occur at a time when a *BIT* review is impractical, *BIT* will convene during a regularly scheduled meeting to discuss. They will then ratify, modify, or remove the IIHSW requirements.
 6. Non-Compliance: If a *Student* is not in compliance with the expectations set forth in their meetings with the Dean of Students Office an *IIHSW* may be utilized to ensure the safety and wellbeing of the *Student* and/or campus community.

B. Interim Involuntary Health or Safety Withdrawal Process (IIHSW)

The following section outlines in detail the measures that can be taken by the Dean of Students Office and/or through a *BIT* Review.

- i. Interim Involuntary Health or Safety Withdrawal
 1. A *Student* may be removed from any or all *College* premises and/or programs pending review and resolution, after consideration of reasonably available information that reflects that a *Substantial Risk*

of *Harm* exists. An interim *Withdrawal* is a preliminary action taken to protect the health and safety of the *Student* and/or others, and is not a penalty nor disciplinary action. Failure to comply with the terms of an interim measure, *Assistance Plan* or *Behavior Support Plan*, may result in further Dean of Students Office and *BIT* review or progression to an *IHSW*. Upon notification of an *IHSW*, a *Student* may provide information for consideration of this decision to the *Dean of Students*.

2. External Evaluation

- a. A *Student* on an interim *Withdrawal* must submit a comprehensive medical/psychological assessment completed by a *PMP* to aid the *College* in determining risk to self or others. The *PMP* may be selected by the Dean of Students Office at the *College's* cost. The *College* retains the right to select the *PMP* and receive any professional work product generated as part of the evaluation. The *Student* will need to sign a release and the Dean of Students Office will submit all relevant information to the *PMP*.
 - b. Under some circumstances, a *Student* may be permitted upon request to the *Dean of Students*, to secure their own *PMP* if they are an appropriate fit for the evaluation required by a *Student's* circumstances. If a *Student* is permitted to utilize their own *PMP* (who is not a family member of the student or has any other relationship with the student that compromises objectivity), the *College* is not responsible for any expense associated with the evaluation. If the *Student's PMP* does not provide sufficient information, the *College* reserves the right to then utilize the *College* selected *PMP* or require the *Student's PMP* to provide additional information.
 - c. Guidance for a *PMP* may include evaluating the following:
 - i. Advisability and risks of the *Student* returning to campus including coursework and residence if relevant;
 - ii. Adjustment to a demanding academic and social environment given any existing supports;
 - iii. Management of emotions and utilization of coping mechanisms;
 - iv. Likelihood for future impulsive or self-destructive behaviors; and/or
 - v. Recommendations for increasing the likelihood of success at the *College*.
 - d. The *PMP's* final report should be sent under confidential cover to the Dean of Students Office for *BIT* review.
3. *BIT* Review: The *BIT* will review all reports, *Student* submissions of additional information, conduct a risk assessment if not already

completed, and determine whether the *Student* should be cleared to return to coursework and/or residence. If the *BIT* determines that return is not appropriate, application of this policy as outlined below for a *Withdrawal* will commence.

4. Interim removal from housing: A *Student* may be removed from campus residency pending review and resolution, after consideration of reasonably available information that reflects that a *Substantial Risk of Harm* exists. This is a preliminary action taken to protect the health and safety of the *Student* or others, and is not a penalty nor disciplinary action.
5. Interim removal from courses: A *Student* may be removed from one or more academic courses pending review and resolution, after consideration of reasonably available information that indicates a *Substantial Risk of Harm*. This is a preliminary action taken to protect the health and safety of the *Student* or others, and is not a penalty nor disciplinary action.
6. Interim No-Contact Directive: This is an official *College* directive that serves as notice that they must not have physical contact with or proximity to, or direct verbal, electronic, or written *Communication* with another individual or group, nor shall they coordinate indirect *Communication* with the other individuals or group through a *Third Party*.

C. Involuntary Health & Safety Withdrawal (IHSW)

- i. The *Dean of Students* and/or *BIT* may determine whether an IHSW is warranted if any of the following circumstances exist:
 1. After a review of available information, the *BIT* determines that there is *Substantial Risk* or evidence of unreasonable *Impediment* to the educational process or activity because of apparent conduct, medical, or mental health issues of the *Student*.
 2. After review of an external evaluation, the *BIT* determines that a *Substantial Risk* or evidence of significant *Harm* to the health or safety of the *Student*, members of the campus community, and/or others exists.
 3. After the *Dean of Students* exercises reasonable efforts to meet with a *Student*, the *Student* fails to meet or communicate with the *Dean of Students*, does not meet expectations set forth in the *Assistance Plan* and/or *Behavior Support Plan*, refuses to undergo an external assessment, does not provide required information or documentation as outlined in this policy, and/or fails to complete the return to campus procedures.
- ii. A *Student* will be notified of the *BIT* decision through the *College's* electronic communication.
- iii. Appeal
 1. A *Student* is afforded one single opportunity to appeal a decision as a result of the *BIT* decision. A decision for *Withdrawal* or condition

for readmission issued may be appealed by the *Student* to the *VPSA* within five (5) business days of written notification of the decision and conditions for readmission. Appeals must be reviewed by the *VPSA* within ten (10) business days of receipt of the appeal and any decision is final.

2. Required format: All appeals must be in writing and will be limited to a review of all reports, *Student* submissions of additional information to *BIT*, and any risk assessments. Appeals may be submitted for review for one or more of the following purposes:
 - a. Process review: To determine whether the *IHSW* process was conducted in accordance to stated policies and procedures. 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 *BIT* review that, if credible, was sufficient to establish that a *Withdrawal* for health or safety reasons was appropriate.
 - c. Readmission conditions review: To determine whether the condition(s) imposed were appropriate.
 - d. New information: To determine whether new information is sufficient to alter a decision or other relevant facts not brought out in the *BIT* review because such information was not known or available at the time.
3. Appeal decision: The *VPSA* may make one of the following decisions:
 - a. Uphold the *Withdrawal*.
 - b. Reinstate the *Student*.
 - c. Revise readmission criteria.

D. Returning/Readmission after Involuntary Withdrawal (IIHSW or IHSW)

- i. A *Student* who has been withdrawn under this policy (voluntarily or involuntarily) will have a hold placed on their registration requiring the student to meet with the Dean of Students Office before returning as a *Student*.
- ii. A *Student* should provide appropriate documentation of compliance with any conditions of returning/readmission to the *Dean of Students* for review by the *BIT*. Any *Student* who does not register for two consecutive regular academic semesters will be discontinued and will have to apply for re-entry to the *College*.
- iii. In addition to the information that the returning *Student* submits, the *Dean of Students* may require the *Student* to undergo an evaluation by a *PMP* (who is not a family member of the *Student* or has any other relationship with the *Student* that compromises the objectivity), who has been approved by the *Dean of Students*.

- iv. Factors that may be considered when making a decision regarding readmission include, but are not limited to the following:
1. The nature and severity of the risk or evidence of substantial *Harm* or *Impediment* for which the student either voluntarily withdrew or was administratively withdrawn;
 2. The *Student's* overall academic and education record while previously enrolled;
 3. The conduct's impact on self or others, if any, within or outside the community;
 4. The input of any healthcare professionals with whom the *Student* has consulted (if the *College* needs additional input from an outside *PMP* it would be at the *College's* expense);
 5. The amount of time between the written request and the original *Withdrawal*;
 6. Whether the *Student* has pursued other higher education during the period between the *Withdrawal* and the request to re-enroll, and if so, the *Student's* academic and education record at any other college or university;
 7. The *Student's* activities and any criminal record as a non-student during the period of *Withdrawal*;
 8. Other authorized information the *Dean of Students* deems relevant.

V. Additional Procedures & Options

- A. Voluntary Leave of Absence: A *Student* may decide that they need to take time away from the *College*. Any *Student* who is withdrawing from all courses for any given semester must apply for a Leave of Absence from the College. All *Students* will need to complete the Leave of Absence Form found on the website (<https://recreg.tcnj.edu/student-withdrawal-process/>). After the form is received by the Office of Records & Registration, their Office will start the leave of absence process. *Students* will receive a confirmation email that the form has been received and processed from the Office of Records & Registration. Any *Student* who does not register for two consecutive regular academic semesters will be discontinued and will have to apply for re-entry to the *College*.
- i. *Students* who leave the *College* voluntarily at any point while interim measures are in place or being put in place, or during the *IIHSW* or *IHSW* process are subject to the procedures outlined under sections *IIHSW* or *IHSW* process.
- B. Retroactive Withdrawals: For *Students* who did not withdraw in accordance with the dates listed in the TCNJ academic calendar, may qualify for a retroactive withdrawal if experiencing serious health or other concerns; and as such were unable to withdraw within the expected time frame. A retroactive withdrawal would replace all grades for that semester with a "WD" on a *Student's* academic transcript. In order to appeal the grades for a semester and apply for a retroactive withdrawal a *Student* must meet with the Dean of Students Office, the staff will review the materials needed for a retroactive

withdrawal. A *Student* will need to submit all materials which may include: request of appeal, timeline of events, documentation to support request, and other materials as needed, to the Dean of Students Office at least five (5) business days in advance of the next *BIT* ad-hoc meeting and within 90 calendar days of the grades being posited of the semester for which they are appealing. All applications and materials should be submitted utilizing the following link (select option#3). The *BIT* ad-hoc members will then review, discuss, and vote on the information packet to determine whether to approve or deny the request. If denied, a *Student* will be informed of the *BIT* ad-hoc decision sent to the Provost for final approval.

- C. Tuition Credits: *Students* who did not withdraw in accordance with the dates listed in the TCNJ academic calendar and left the *College* during the middle of a semester may qualify for a tuition credit for serious health or other concerns, if they have been granted a retroactive withdrawal or withdrew from all courses for that semester with a grade of (WD or WF). A tuition credit would refund *Student's* tuition either 100%, 75%, or 50% of the "out of pocket" expenses for the semester in which they withdrew. Out of pocket expenses include loans or cash payments. Grants, scholarships, housing and dining expenses, and other fees are not included in the tuition credit appeal process. In order to apply for the tuition credit a *Student* must meet with the Dean of Students Office, the staff will review the materials; which may include request of appeal, timeline of events, documentation to support request, previous requests, and other materials as needed, for this process. A *Student* will need to submit all materials to the Dean of Students Office at least five (5) business days in advance of the next *BIT* ad-hoc meeting and within 90 calendar days of the date grades are posted of the semester for which they are appealing. All applications and materials should be submitted utilizing the following link (selected option #4) The *BIT* ad-hoc members will then review, discuss, and vote on the information packet to determine whether to approve or deny the tuition credit and then determine the level of refund and any financial concerns or repercussions for the *Student*. If a *Student* is denied, they will be informed of the *BIT* ad-hoc decision in writing. If a *Student* is approved for a refund then the tuition credit would be submitted to the President for final approval. If the refund is approved, the President will send all necessary information to Student Financial Aid and Student Accounts. A refund will be placed on the *Student's* account. The *Student* will also receive a letter confirming the refund from the Dean of Students Office.

VI. **Record Keeping Policy**

- A. File maintenance: Any reports and records regarding a *Student* who has referred to the Dean of Students Office for support, interim measures, and/or application of this policy has a file created and maintained by the Dean of Students Office. Files are maintained for five (5) years after the date the *Student* separates from the *College*; however, files of *Students* who have been involuntarily withdrawn are maintained indefinitely.
- B. Confidentiality: The federal Family Educational Rights and Privacy Act of 1974 (FERPA) protects a *Student's* education records, including records in the Dean of Students Office, from unauthorized disclosure to third parties. A *Student* must sign

a waiver to grant access to their record before the *College* will disclose information protected by FERPA contained in the *Student's* records. These confidentiality requirements apply to a *Student's* parents or guardians with the exception of health or safety emergency, 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 information with specific persons under certain circumstances.

- C. Inspection: *Students* may request to inspect or view their records in accordance with FERPA. To do so, a *Student* should make an appointment with the *Dean of Students*. Records are not immediately available to *Students* because they must first be reviewed for confidential information regarding others, and thus may need to be redacted. Upon request, the Dean of Students Office will provide *Students* with copies of redacted reports, letters, and any documents in the *Student's* file. *Students* may make arrangements to review any recordings as an element of their education record by making arrangements with the Dean of Students Office.

Section:	XI.1.2	
Title:	Involuntary Health or Safety Withdrawal Policy	
Effective Date:		
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• Interim Sexual Harassment, Misconduct, & Discrimination Policy	
History:		
<u>Version</u>	<u>Date</u>	<u>Notes</u>
3.0		
2.0	July 10, 2018	Revisions approved by the Board of Trustees
1.0	July, 2009	New Policy; Initial Release

Table of Contents

I.	INTRODUCTION	3
II.	DEFINITIONS.....	3
III.	POLICY.....	5
IV.	PROCESS.....	6
	A. Initiation of processes by the Dean of Students Office.....	6
	B. Interim Involuntary Health or Safety Withdrawal Process (IIHSW)	8
	C. Involuntary Health & Safety Withdrawal (IHSW)	10
	D. Returning/Readmission after Involuntary Withdrawal (IIHSW or IHSW)	11
V.	ADDITIONAL PROCEDURES & OPTIONS.....	12
	A. Voluntary Leave of Absence	12
	B. Retroactive Withdrawals.....	12
	C. Tuition Credits	13
VI.	RECORD KEEPING POLICY	13
	A. File maintenance	13
	B. Confidentiality.....	13
	C. Inspection.....	14

I. Introduction

The purpose of this policy is to describe the criteria and procedural standards for an Involuntary Health or Safety Withdrawal (*Withdrawal*) of a *Student* from The College of New Jersey. This policy is reserved for those circumstances when other supports and resources have been exhausted, or the risk of *Harm* or *Impediment* to the operations of the *College* are so significant that an *Withdrawal* is necessary to preserve the health or safety of an individual *Student* or community, or the educational mission of the *College*.

Separation of a *Student* from the *College* and its facilities may be necessary if there is sufficient evidence that the *Student* is engaging in or is likely to engage in behavior that either poses a danger to self or others or disrupts the learning environment of others. This policy will be applied in a nondiscriminatory manner, and decisions will be based on consideration of the *Student's* conduct, actions, and statements and not on knowledge or belief that the *Student* has a disability.

II. Definitions

Advisor is a person chosen to accompany the *Student* involved in the *Withdrawal* process. The Advisor may not participate directly in any proceedings or represent the *Student* involved. Any cost associated with the participation of an Advisor is the responsibility of the *Student*.

Assistance Plan is an agreement between the *Student* and the *College* which outlines resources, supports, and strategies to aid in a *Student's* success. The process is overseen by the *Dean of Students*.

Behavior Intervention Team (BIT) is an interdisciplinary team of administrators who will review any *Student* case under consideration for a *Withdrawal*. A BIT ad-hoc committee reviews tuition credit and retroactive withdrawal appeals. Team membership includes, but is not limited to representatives from the Dean of Students Office, Office of Student Conduct, Campus Police Services, Counseling and Prevention Services, Residential Education and Housing, Accessibility Resource Center and Academic Affairs. A representative from the Office of the General Counsel is included on the team to advise with potential legal matters, but does not serve in a decision-making capacity. The ad-hoc committee membership includes select members of the BIT team, as well as representatives from Records & Registration, Student Financial Aid, and the Office of Student Accounts. The *Dean of Students* may add member to the team for review of a particular case if circumstances warrant doing so.

Behavior Support Plan is a document developed to address the individual's behavioral needs of any students whose conduct, actions, or statements interferes with their educational experience or education experience of others.

Care Referral is an online reporting process whereby any individual can submit information regarding a concern(s) with a *Student*.

College means The College of New Jersey.

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.

Dean of Students is the non-academic Dean of the College (including those serving in an interim or acting role) or designee appointed by the Vice President of Students Affairs (VPSA).

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*, self, or other member of the *College* community.

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.

Impediment is an interference with the pedagogy or administrative processes or activities that prohibits the *College* from delivering teaching, services, or procedures to others.

Interim Involuntary Health or Safety Withdrawal (IIHSW) *see also definition of Withdrawal*

Involuntary Health or Safety *see also definition of Withdrawal*

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.

Private Medical Provider (PMP) is a qualified licensed medical professional.

Return to Campus Meeting occurs when a *Student* goes to the hospital for a screening. After the *Student* is discharged, the *Student* must attend a *Support Consultation* with Counseling and Prevention Services at the *College*. After this, the *Student* will meet with the *Dean of Students* to determine other holistic supports, navigate academic concerns such as missed coursework or deadlines, generate an *Assistance Plan*, and appropriate

case management.

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 or certificate 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 *Dean of Students*.

Substantial Risk exists when there is a high probability of significant *Harm* and not just a slightly increased, speculative, or remote risk; and that risk cannot be eliminated or reduced to an acceptable level through reasonable accommodations and/or campus supports.

Support Consultation is a meeting that occurs after a *Student* is transported to the hospital. A *Student* returning from hospitalization or hospital screening is permitted to return to resume normal college activities including coursework and residence unless otherwise directed, in writing by the *Dean of Students*. Upon return the *Student* will first meet with Director of Counseling and Prevention Services or designee to review any mental/emotional health supports and recommend any additional health supports or limitations.

Third Party includes individuals who are neither *Students* nor Employees including but not limited to contractors, guests, and consultants.

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

Withdrawal for the purposes of this policy, *Interim Involuntary Health or Safety Withdrawals (IIHSW's)* may be implemented by the *Dean of Students* or designee. An *Involuntary Health or Safety Withdrawal (IHSW)* may occur on its own, or an *IIHSW* may be ratified or modified after *BIT* review.

III. Policy

- A. A *Student* may be subject to a *Withdrawal* if they meet the following criteria:
 - i. If there is a *Substantial Risk* or evidence of significant *Harm* to the health or safety of the *Student*, members of the campus community, and/or others; or
 - ii. If there is a *Substantial Risk* or evidence of unreasonable *Impediment* to the educational process or activity; and no reasonable accommodations are available that can adequately reduce that risk or disruption.
- B. When evaluating whether a *Student* meets either criteria for a *Withdrawal*, the following factors will be considered:

- i. Nature, duration and severity of *Harm* or *Impediment*, and/or
 - ii. Probability that the *Harm* or *Impediment* will actually occur,
 - iii. The imminence of the potential *Harm* and/or
 - iv. Whether accommodations requested by the *Student* (if any) are reasonable and can be provided by the *College* to reliably and satisfactorily reduce the risk of *Harm* or *Impediment*.
- C. The *Withdrawal* procedures outlined in this policy should not be a substitute for other existing policies or procedures at the *College* when disciplinary, academic, or other administrative responses are available and the circumstances can best be addressed through existing processes (*e.g. student conduct process, academic dismissal process, Title IX process, etc.*)
- D. This policy is not intended to be disciplinary in nature and is not a penalty but meant to support the *Student* and to maintain safety in the *College* community.

IV. Process

- A. Initiation of processes by the Dean of Students Office
 - i. Care Referral: Anyone may file a *Care Referral* with the Dean of Students Office should they have concerns about the health or safety or potential *Harm* to an individual *Student* or other community members, or if the behavior of a *Student* rises to the level of *Impediment*. A *Care Referral* can be filed online at <https://tcnjcares.tcnj.edu/>. **However, should there be a more urgent concern for anyone's health or safety, a report should be made directly to Campus Police Services by calling 9-1-1 or 609-771-2345.**
 - ii. Triage: The Office will review each *Care Referral* within three (3) business days of submission. Possible actions after review include assisting a *Student* with a voluntary leave of absence, referral to internal and/or external resources, case management services, referral to the CARE Team for further support and assistance, or, if warranted, referral to the *Dean of Students* and *BIT* should the circumstances demonstrate potential risk of *Harm* or *Impediment* as described in this policy. For more information about support and services through the Dean of Students Office, refer to tcnjcares.tcnj.edu.
 - iii. CARE Team: The TCNJ Cares program has established a multi-disciplinary team to receive *Student* referrals in order to identify and enact appropriate strategies for addressing their unique needs. This is a campus-wide team that meets monthly to review non-emergent *Student* cases related to social, mental health, academic, behavior, or any combination of concerns raised. Through collaboration and coordination of resources, the CARE Team seeks to foster academic and personal success for *Students*. Membership may be added or removed at the discretion of the *Dean of Students*. For more information about support and services through the Dean of Students Office, refer to tcnjcares.tcnj.edu.
 - iv. Dean of Students and Behavior Intervention Team Review:
 - 1. Any *Care Referral* may be referred to the *Dean of Students* and *BIT* for review. The *Dean of Students* and/or *BIT* will review available

information regarding the *Student* and consider the following:

- a. The credibility of any information received;
 - b. Whether the information received, or anticipated through the *Withdrawal* process, describes circumstances or behavior that could meet the criteria for a *Withdrawal*; and/or
 - c. Whether existing *College* administrative responses such as disciplinary, academic, or other processes or supports are appropriate to address the behavior. However, additional administrative processes may be utilized prior to, during, or after a review under the policy.
2. Interim Measures. The *Dean of Students* will review the reasonably available information and determine whether any interim measures are appropriate for the safety of the *Student(s)*, community members, or others involved. Interim measures may include a *Withdrawal*, no-contact directives, removal from campus housing, removal from academic course(s) or projects, and/or other administrative actions pending a *BIT* review or other resolution to the issue such as an evaluation or voluntary leave of absence. The *Dean of Students* may confer with the *BIT* before making a determination on interim measures.
- a. *Return to Campus Process*. (See Definitions)
 - i. *Support Consultation*: The *Support Consultation* is the first step of the *Return to Campus Process*. This is a meeting with Counseling and Prevention Services Office.
 - ii. *Assistance Plan*: After the *Support Consultation* and *Return to Campus Meeting*, the *Dean of Students* may permit a *Student* to remain enrolled under conditions specified in an *Assistance Plan*. An *Assistance Plan* may include, but is not limited to any of the following:
 1. Academic advising to review the academic plan and course load (in consultation with the student's academic advisor and/or department chair);
 2. Change in academic major;
 3. Affiliation with Accessibility Resource Center;
 4. Compliance with treatment plan recommended by a *PMP*;
 5. Compliance with medication regimen recommended by a *PMP*;
 6. Expectation that *Student* utilizes coping mechanisms that have been set by their *PMP's* or *College* counselors;
 7. Referral to campus or external resources; and
 8. Compliance with all expectations outlines in the *Assistance Plan*
 - b. *Behavior Support Plan*: In cases where other processes,

procedures, or interventions are not remediating the behavior, a *Behavior Support Plan* may be developed. A *Behavior Support Plan* may include, but is not limited to any of the following:

- i. Compliance with expectations of *College's Student Conduct Code, Interim Sexual Harassment, Misconduct, and Discrimination Policy*, and/or academic policies;
 - ii. Expectation that *Student* utilizes coping mechanisms that have been set by their *PMP's* or *College* counselors;
 - iii. Referral to campus or external resources;
 - iv. Outline of appropriate resources; and
 - v. Compliance with all expectations outlined in the *Behavior Support Plan*.
3. Violence Risk Assessment: A *Student* may be required to meet with the Dean of Students Office for an internal risk assessment to determine the risk of *Harm* or *Impediment* to themselves and/or others.
 4. Voluntary Leave of Absence: A *Student* may decide that they need to take time away from *College*. Any *Student* who is withdrawing from all courses for any given semester must apply for a Leave of Absence from the *College*. All *Students* will need to complete the Leave of Absence Form found on the website (<https://recreg.tcnj.edu/student-withdrawal-process/>). After the form is received by the Office of Records & Registration, they will start the leave of absence process. *Students* will receive a confirmation email that the form has been received and processed. Any *Student* who does not register for two consecutive regular academic semesters will need to re-apply for re-entry to the *College*. For more information about this process, refer to <https://admissions.tcnj.edu/applications/other-applicants/>
 5. Interim Involuntary Health or Safety Withdrawal (IIHSW): If there is reasonable support of a *Withdrawal* in lieu of interim measures, the *Dean of Students* will, whenever possible convene a *BIT* review to consider application of this policy as outlined below. If interim measures occur at a time when a *BIT* review is impractical, *BIT* will convene during a regularly scheduled meeting to discuss. They will then ratify, modify, or remove the IIHSW requirements.
 6. Non-Compliance: If a *Student* is not in compliance with the expectations set forth in their meetings with the Dean of Students Office an *IIHSW* may be utilized to ensure the safety and wellbeing of the *Student* and/or campus community.

B. Interim Involuntary Health or Safety Withdrawal Process (IIHSW)

The following section outlines in detail the measures that can be taken by the Dean of Students Office and/or through a *BIT* Review.

- i. Interim Involuntary Health or Safety Withdrawal
 1. A *Student* may be removed from any or all *College* premises and/or programs pending review and resolution, after consideration of reasonably available information that reflects that a *Substantial Risk*

of *Harm* exists. An interim *Withdrawal* is a preliminary action taken to protect the health and safety of the *Student* and/or others, and is not a penalty nor disciplinary action. Failure to comply with the terms of an interim measure, *Assistance Plan* or *Behavior Support Plan*, may result in further Dean of Students Office and *BIT* review or progression to an *IHSW*. Upon notification of an *IHSW*, a *Student* may provide information for consideration of this decision to the *Dean of Students*.

2. External Evaluation

- a. A *Student* on an interim *Withdrawal* must submit a comprehensive medical/psychological assessment completed by a *PMP* to aid the *College* in determining risk to self or others. The *PMP* may be selected by the Dean of Students Office at the *College's* cost. The *College* retains the right to select the *PMP* and receive any professional work product generated as part of the evaluation. The *Student* will need to sign a release and the Dean of Students Office will submit all relevant information to the *PMP*.
 - b. Under some circumstances, a *Student* may be permitted upon request to the *Dean of Students*, to secure their own *PMP* if they are an appropriate fit for the evaluation required by a *Student's* circumstances. If a *Student* is permitted to utilize their own *PMP* (who is not a family member of the student or has any other relationship with the student that compromises objectivity), the *College* is not responsible for any expense associated with the evaluation. If the *Student's PMP* does not provide sufficient information, the *College* reserves the right to then utilize the *College* selected *PMP* or require the *Student's PMP* to provide additional information.
 - c. Guidance for a *PMP* may include evaluating the following:
 - i. Advisability and risks of the *Student* returning to campus including coursework and residence if relevant;
 - ii. Adjustment to a demanding academic and social environment given any existing supports;
 - iii. Management of emotions and utilization of coping mechanisms;
 - iv. Likelihood for future impulsive or self-destructive behaviors; and/or
 - v. Recommendations for increasing the likelihood of success at the *College*.
 - d. The *PMP's* final report should be sent under confidential cover to the Dean of Students Office for *BIT* review.
3. *BIT* Review: The *BIT* will review all reports, *Student* submissions of additional information, conduct a risk assessment if not already

completed, and determine whether the *Student* should be cleared to return to coursework and/or residence. If the *BIT* determines that return is not appropriate, application of this policy as outlined below for a *Withdrawal* will commence.

4. Interim removal from housing: A *Student* may be removed from campus residency pending review and resolution, after consideration of reasonably available information that reflects that a *Substantial Risk of Harm* exists. This is a preliminary action taken to protect the health and safety of the *Student* or others, and is not a penalty nor disciplinary action.
5. Interim removal from courses: A *Student* may be removed from one or more academic courses pending review and resolution, after consideration of reasonably available information that indicates a *Substantial Risk of Harm*. This is a preliminary action taken to protect the health and safety of the *Student* or others, and is not a penalty nor disciplinary action.
6. Interim No-Contact Directive: This is an official *College* directive that serves as notice that they must not have physical contact with or proximity to, or direct verbal, electronic, or written *Communication* with another individual or group, nor shall they coordinate indirect *Communication* with the other individuals or group through a *Third Party*.

C. Involuntary Health & Safety Withdrawal (IHSW)

- i. The *Dean of Students* and/or *BIT* may determine whether an IHSW is warranted if any of the following circumstances exist:
 1. After a review of available information, the *BIT* determines that there is *Substantial Risk* or evidence of unreasonable *Impediment* to the educational process or activity because of apparent conduct, medical, or mental health issues of the *Student*.
 2. After review of an external evaluation, the *BIT* determines that a *Substantial Risk* or evidence of significant *Harm* to the health or safety of the *Student*, members of the campus community, and/or others exists.
 3. After the *Dean of Students* exercises reasonable efforts to meet with a *Student*, the *Student* fails to meet or communicate with the *Dean of Students*, does not meet expectations set forth in the *Assistance Plan* and/or *Behavior Support Plan*, refuses to undergo an external assessment, does not provide required information or documentation as outlined in this policy, and/or fails to complete the return to campus procedures.
- ii. A *Student* will be notified of the *BIT* decision through the *College's* electronic communication.
- iii. Appeal
 1. A *Student* is afforded one single opportunity to appeal a decision as a result of the *BIT* decision. A decision for *Withdrawal* or condition

for readmission issued may be appealed by the *Student* to the *VP*SA within five (5) business days of written notification of the decision and conditions for readmission. Appeals must be reviewed by the *VP*SA within ten (10) business days of receipt of the appeal and any decision is final.

2. Required format: All appeals must be in writing and will be limited to a review of all reports, *Student* submissions of additional information to *BIT*, and any risk assessments. Appeals may be submitted for review for one or more of the following purposes:
 - a. Process review: To determine whether the *IHSW* process was conducted in accordance to stated policies and procedures. 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 *BIT* review that, if credible, was sufficient to establish that a *Withdrawal* for health or safety reasons was appropriate.
 - c. Readmission conditions review: To determine whether the condition(s) imposed were appropriate.
 - d. New information: To determine whether new information is sufficient to alter a decision or other relevant facts not brought out in the *BIT* review because such information was not known or available at the time.
3. Appeal decision: The *VP*SA may make one of the following decisions:
 - a. Uphold the *Withdrawal*.
 - b. Reinstate the *Student*.
 - c. Revise readmission criteria.

D. Returning/Readmission after Involuntary Withdrawal (*IHSW* or *IHSW*)

- i. A *Student* who has been withdrawn under this policy (voluntarily or involuntarily) will have a hold placed on their registration requiring the student to meet with the Dean of Students Office before returning as a *Student*.
- ii. A *Student* should provide appropriate documentation of compliance with any conditions of returning/readmission to the *Dean of Students* for review by the *BIT*. Any *Student* who does not register for two consecutive regular academic semesters will be discontinued and will have to apply for re-entry to the *College*.
- iii. In addition to the information that the returning *Student* submits, the *Dean of Students* may require the *Student* to undergo an evaluation by a *PMP* (who is not a family member of the *Student* or has any other relationship with the *Student* that compromises the objectivity), who has been approved by the *Dean of Students*.

- iv. Factors that may be considered when making a decision regarding readmission include, but are not limited to the following:
1. The nature and severity of the risk or evidence of substantial *Harm* or *Impediment* for which the student either voluntarily withdrew or was administratively withdrawn;
 2. The *Student's* overall academic and education record while previously enrolled;
 3. The conduct's impact on self or others, if any, within or outside the community;
 4. The input of any healthcare professionals with whom the *Student* has consulted (if the *College* needs additional input from an outside *PMP* it would be at the *College's* expense);
 5. The amount of time between the written request and the original *Withdrawal*;
 6. Whether the *Student* has pursued other higher education during the period between the *Withdrawal* and the request to re-enroll, and if so, the *Student's* academic and education record at any other college or university;
 7. The *Student's* activities and any criminal record as a non-student during the period of *Withdrawal*;
 8. Other authorized information the *Dean of Students* deems relevant.

V. Additional Procedures & Options

- A. Voluntary Leave of Absence: A *Student* may decide that they need to take time away from the *College*. Any *Student* who is withdrawing from all courses for any given semester must apply for a Leave of Absence from the College. All *Students* will need to complete the Leave of Absence Form found on the website (<https://recreg.tcnj.edu/student-withdrawal-process/>). After the form is received by the Office of Records & Registration, their Office will start the leave of absence process. *Students* will receive a confirmation email that the form has been received and processed from the Office of Records & Registration. Any *Student* who does not register for two consecutive regular academic semesters will be discontinued and will have to apply for re-entry to the *College*.
- i. *Students* who leave the *College* voluntarily at any point while interim measures are in place or being put in place, or during the *IIHSW* or *IHSW* process are subject to the procedures outlined under sections *IIHSW* or *IHSW* process.
- B. Retroactive Withdrawals: For *Students* who did not withdraw in accordance with the dates listed in the TCNJ academic calendar, may qualify for a retroactive withdrawal if experiencing serious health or other concerns; and as such were unable to withdraw within the expected time frame. A retroactive withdrawal would replace all grades for that semester with a "WD" on a *Student's* academic transcript. In order to appeal the grades for a semester and apply for a retroactive withdrawal a *Student* must meet with the Dean of Students Office, the staff will review the materials needed for a retroactive

withdrawal. A *Student* will need to submit all materials which may include: request of appeal, timeline of events, documentation to support request, and other materials as needed, to the Dean of Students Office at least five (5) business days in advance of the next *BIT* ad-hoc meeting and within 90 calendar days of the grades being posited of the semester for which they are appealing. All applications and materials should be submitted utilizing the following link (select option#3). The *BIT* ad-hoc members will then review, discuss, and vote on the information packet to determine whether to approve or deny the request. If denied, a *Student* will be informed of the *BIT* ad-hoc decision sent to the Provost for final approval.

- C. Tuition Credits: *Students* who did not withdraw in accordance with the dates listed in the TCNJ academic calendar and left the *College* during the middle of a semester may qualify for a tuition credit for serious health or other concerns, if they have been granted a retroactive withdrawal or withdrew from all courses for that semester with a grade of (WD or WF). A tuition credit would refund *Student's* tuition either 100%, 75%, or 50% of the "out of pocket" expenses for the semester in which they withdrew. Out of pocket expenses include loans or cash payments. Grants, scholarships, housing and dining expenses, and other fees are not included in the tuition credit appeal process. In order to apply for the tuition credit a *Student* must meet with the Dean of Students Office, the staff will review the materials; which may include request of appeal, timeline of events, documentation to support request, previous requests, and other materials as needed, for this process. A *Student* will need to submit all materials to the Dean of Students Office at least five (5) business days in advance of the next *BIT* ad-hoc meeting and within 90 calendar days of the date grades are posted of the semester for which they are appealing. All applications and materials should be submitted utilizing the following link (selected option #4) The *BIT* ad-hoc members will then review, discuss, and vote on the information packet to determine whether to approve or deny the tuition credit and then determine the level of refund and any financial concerns or repercussions for the *Student*. If a *Student* is denied, they will be informed of the *BIT* ad-hoc decision in writing. If a *Student* is approved for a refund then the tuition credit would be submitted to the President for final approval. If the refund is approved, the President will send all necessary information to Student Financial Aid and Student Accounts. A refund will be placed on the *Student's* account. The *Student* will also receive a letter confirming the refund from the Dean of Students Office.

VI. **Record Keeping Policy**

- A. File maintenance: Any reports and records regarding a *Student* who has referred to the Dean of Students Office for support, interim measures, and/or application of this policy has a file created and maintained by the Dean of Students Office. Files are maintained for five (5) years after the date the *Student* separates from the *College*; however, files of *Students* who have been involuntarily withdrawn are maintained indefinitely.
- B. Confidentiality: The federal Family Educational Rights and Privacy Act of 1974 (FERPA) protects a *Student's* education records, including records in the Dean of Students Office, from unauthorized disclosure to third parties. A *Student* must sign

a waiver to grant access to their record before the *College* will disclose information protected by FERPA contained in the *Student's* records. These confidentiality requirements apply to a *Student's* parents or guardians with the exception of health or safety emergency, 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 information with specific persons under certain circumstances.

- C. Inspection: *Students* may request to inspect or view their records in accordance with FERPA. To do so, a *Student* should make an appointment with the *Dean of Students*. Records are not immediately available to *Students* because they must first be reviewed for confidential information regarding others, and thus may need to be redacted. Upon request, the Dean of Students Office will provide *Students* with copies of redacted reports, letters, and any documents in the *Student's* file. *Students* may make arrangements to review any recordings as an element of their education record by making arrangements with the Dean of Students Office.

**Resolution Approving Waivers
Of Advertising
For College Business Purposes**

Whereas: State College Contracts Law permits waivers of advertising for specified purchases in excess of \$100,000, 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
Ready Education \$187,500	Mobile App	College Operating
Microfocus/Net ID/SUSE/Vendor TBD \$210,000	Academic Licenses Agreement, Identity Management, Sentinel Log Manager Annual Software Licenses and Maintenance	College Operating
Apple Inc. \$200,000	Annual Software and Hardware Infrastructure	College Operating
Ideametrics, DW Cloud \$75,000	Services for Supporting Cloud Modules	College Operating
Accruent LLC \$240,041	5-Year Service Agreement	College Operating
WorldStrides / International Studies Abroad (ISA) \$197,628	TCNJ London	Program Fees

October 18, 2022

**Resolution Approving Waivers
Of Advertising
For Facilities and Construction**

Whereas: State College Contracts Law permits waivers of advertising for specified purchases in excess of \$34,400; 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
Assa Abloy Entrance Systems, Inc. \$127,278	3-Year Maintenance Agreement	College Operating Budget
Clarke Caton Hintz Architects, LLC \$185,870	Professional Design Services for Roscoe West 34	Asset Renewal
NORR Partnerships \$139,700	Professional Design Services for Roscoe West 68	Capital Reserves and Strategic Reserves

**Resolution Concerning Submission of the
FY 2024 Capital Budget Request
Totaling \$135,500,000**

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 2024 – 2030 capital budget request prepared in accordance with the FY 2024 – 2030 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 \$135,500,000 for fiscal year 2024 and \$321,100,000 for the seven-year term of 2024 – 2030.

October 18, 2022

FY 2024 Capital Budget Request

Project Title	FY 2024	FY 2025	FY 2026	FY 2027-2030	Total
ADA Compliance, Various Buildings	\$2,500,000.00	\$ -	\$ -	\$ -	\$2,500,000.00
Asbestos Compliance, Various Buildings	\$600,000.00	\$600,000.00	\$600,000.00	\$2,400,000.00	\$4,200,000.00
Underground Utility Infrastructure	\$22,300,000.00	\$5,000,000.00	\$5,000,000.00	\$ -	\$32,300,000.00
Elevator Renewal, Various Buildings	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$4,000,000.00
Asset Renewal - Academic & Administrative	\$6,000,000.00	\$6,000,000.00	\$6,000,000.00	\$24,000,000.00	\$42,000,000.00
Improve Central Utility Plant Capacity	\$3,500,000.00	\$5,000,000.00	\$5,000,000.00	\$ -	\$13,500,000.00
West Library Renovation	\$15,000,000.00	\$15,000,000.00	\$ -	\$ -	\$30,000,000.00
Recreation Center Renovation	\$0.00	\$27,500,000.00	\$0.00		\$27,500,000.00
Packer Hall Renovation	\$30,000,000.00	\$ -	\$ -	\$ -	\$30,000,000.00
New Athletics & Rec Center Field House	\$15,000,000.00	\$15,000,000.00	\$ -	\$ -	\$30,000,000.00
Forcina Hall Renovations	\$22,100,000.00	\$ -	\$ -	\$ -	\$22,100,000.00
Replace & Renovate Aging Residence Halls	\$17,500,000.00	\$ -	\$ -	\$65,500,000.00	\$83,000,000.00
Total	\$135,500,000.00	\$75,100,000.00	\$17,600,000.00	\$92,900,000.00	\$321,100,000.00

October 18, 2022

Resolution Approving Capital Project Budgets Over \$1 Million

- Whereas:** The College Administration recommends that the following capital and operating projects be undertaken which are consistent with the mission and strategic plan of the College; and
- Whereas:** The estimated project cost is greater than one million dollars or of special interest; and
- Whereas:** The individual projects and their respective budgets have been reviewed and are recommended by the Business and Infrastructure Committee, a subcommittee of The College of New Jersey Board of Trustees; and
- Therefore, Be It Resolved That:** The College of New Jersey Board of Trustees approves the following projects and associated budgets for purposes as designated herein.

PROJECT NAME	AMOUNT	ANTICIPATED COMPLETION DATE	FUNDING SOURCE
New Residence Hall HVAC Upgrades/replacements	\$17,633,125	August 2025	Asset Renewal Reserves & Capital Reserves
Tennis Courts / Track Renovations	\$4,250,000	September 2023	Asset Renewal Reserves
Roscoe Hall 1 st and 2 nd Floor Alterations and Fit Out	\$2,800,000	August 2023	Asset Renewal Reserves
Steam Distribution Emergency Repairs FY23	\$6,000,000	August 2023	Asset Renewal Reserves

**Resolution Approving Rates
for 2022-2023 Dual Enrollment Courses**

- Whereas: The State College Autonomy Law vests the responsibility with the Board of Trustees to approve and adjust student charges as necessary; and
- Whereas: The College of New Jersey will be offering dual enrollment courses in high schools in the 2022-2023 academic year; and
- Whereas: Dual Enrollment is an action identified in *Transformation 2.0: Extending our Excellence* that supports the Undergraduate Enrollment goal; and
- Whereas: The Vice President of Enrollment Management recommends to the President a fee of \$550 per course, and waiving all other institutional fees; and
- Whereas: The President has reviewed the per course fees for Dual Enrollment and recommends approval thereof.
- Therefore,
Be It
Resolved: That the Board of Trustees approves the Dual Enrollment fee of \$550 per course.

October 18, 2022

**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 \$100,000, 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 Audit, Risk Management and Compliance Committee 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
Treasurer State of New Jersey \$466,450	2022 State Auto Liability Program Charges for NJASCU Member Institutions	College Operating and Reimbursement From Other Consortium Members