

MEMORANDUM

TO: Committee on Student and Campus Community (CSCC)

FROM: Steering Committee

RE: Review of the Title IX policy and the Student Conduct Code

DATE: February 7, 2018

Background:

CSCC last reviewed the Title IX policy and the Student Conduct Code in 2016. In 2017 these policies were reissued with changes as interim policies, incorporating the evolving body of law on Title IX issues. In addition, the Student Conduct Code contains a provision indicating that it will be reviewed every two years. In December, Steering received a memo from Interim Vice President of Student Affairs Angela Chong requesting a review of both policies. This memo is attached.

Charge:

Steering asks CSCC to review these policies to ensure that they are consistent with current practice and to make any other changes to the policies that CSCC deems appropriate. CSCC should pay particular attention to the changes made administratively without governance review in 2017, but it should not limit its review to these points. CSCC should include in its review consideration of any additional recommended updates suggested by the Office of Title IX, the Office of Student Conduct and Dispute Resolutions, and the Office of the General Counsel.

At Step 2, in conducting this review, the CSCC should seek input from the Interim Vice President of Student Affairs, the Office of General Counsel, the Office of Student Conduct and Dispute Resolutions, the Title IX Coordinator, the Director of Compliance, and the Chief Diversity Officer as well as other individuals and offices deemed appropriate by CSCC.

Steering also advises CSCC to explore the necessity of biannual review of the Student Conduct Code.

Testimony Tier: If changes made to the policies are solely to keep the policies in compliance with state and federal law, then CSCC may complete its final recommendation without testimony following Tier I guidelines. If CSCC recommends more substantive changes, it should bring its preliminary recommendations for the Student Conduct Code and the Title IX policy to the campus for testimony using Tier II or III guidelines, as it deems appropriate.

Timeline:

CSCC should review and update these policies by the end of the Spring 2018 semester.

TCNJ Governance Processes

Step 1 – Steering issues a charge

Step 2 - Governance prepares a Preliminary Recommendation

Once the appropriate standing committee or council has received the charge, it should start by collecting data needed to make a preliminary recommendation. It should receive input from affected individuals and all relevant stakeholder groups prior to making a preliminary recommendation. For issues that have broad implications or that affect a large number of individuals, initial testimony should be solicited from the campus community at large. For some issues, sufficient initial testimony may come from input through committee membership or solicitation from targeted constituent groups.

When, in the best judgment of the committee, adequate clarity of the principles contributing to the problem are known, a preliminary recommendation should be drafted and disseminated to the campus community.

Step 3 – The Relevant Stakeholders provide Testimony

Once a preliminary recommendation has been completed, the standing committee or council should seek testimony from the campus community. The testimony should be gathered in accordance with the Testimony Tier (see page 24) assigned to the issue by Steering.

For issues that require public testimony from the campus community, the chair of the standing committee or council should approach the president of the appropriate representative bodies to schedule the next available time slot at a meeting of that body.

Testimony should be gathered in a way that allows stakeholders to weigh in fully on the issue. Members of the standing committee or council that wrote the preliminary recommendation should be present to hear and record the testimony.

Step 4 – Governance prepares a Final Recommendation

Once the standing committee or council has received appropriate testimony, it should revise the preliminary recommendation into a final recommendation. Once the final recommendation is complete, the standing committee or council should use sound judgment to determine whether or not more public testimony is required. If, in its feedback to the original preliminary recommendation, a stakeholder representative body requests to review an issue again, the committee or council is bound to bring it back to that body. If a full calendar year has passed since the formal announcement of the preliminary recommendation, the committee must resubmit a preliminary recommendation to the campus community.

When the committee or council has completed the final recommendation, it should forward it to the Steering Committee. The final recommendation should be accompanied by a cover memo that summarizes the initial charge, how testimony was gathered and the nature of that testimony,

and how the committee responded to that testimony, including a description of how the preliminary recommendation evolved as a result of testimony.

Step 5 – Steering considers the Final Recommendation

Step 6 – The Provost and/or President and Board consider the Final Recommendation

Step 7 – Steering notifies the Campus Community

Testimony Tier I – The issue requires minimal testimony from the campus community. The assigned council or committee should consult with relevant stakeholders before preparing the final recommendation, but there is no need for surveys or open fora.

Testimony Tier II -- The issue requires moderate testimony from the campus community. The assigned council or committee should consult with relevant individuals and groups in developing a preliminary recommendation. The completed preliminary recommendation should then be made available to the relevant stakeholder groups, and testimony should be solicited in the form of written feedback (through a survey and or e-mail).

Testimony Tier III – The issue requires a high degree of testimony from the campus community. The assigned council or committee should consult with relevant individuals and groups in developing a preliminary recommendation. The completed preliminary recommendation should then be made available to the relevant stakeholder groups. Testimony should be solicited in the form of both written and oral feedback, as well as approval by the appropriate representative bodies.

Written feedback should take the form of a survey and/or email feedback. Oral feedback should take the form of public testimony at a meeting of the appropriate representative body or bodies (as identified by Steering). These meetings should be open to the general public, and publicized so that individuals not represented by that group but interested in the issue may attend. Following that meeting, the representative body may, at its discretion, issue a formal response to the preliminary recommendation, which should be sent to the relevant council or committee as well as Steering. On the completion of a final recommendation, this response should accompany the final recommendation to Steering, and it should be considered as part of Steering’s final review.

For a complete description of all steps and of the other testimony tiers, see Governance Structures and Processes, 2017 Revision, pages 21 – 24.

MEMORANDUM

TO: Steering Committee
Jackie Taylor, Provost and Vice President for Academic Affairs
Cynthia Curtis, Faculty and Co-Chair

FROM: Angela Chong, Interim Vice President for Student Affairs *AC*

RE: Request to Committee on Student and Campus Community for Spring 2017

DATE: December 19, 2017

We write to request that the Committee on Student and Campus Community conduct the following to achieve the goal of reviewing and revising the *Title IX Policy* and the *Student Conduct Code*, currently issued as interim policies from the Office of General Counsel to address necessary changes. The current interim policies reflect the evolving body of case law in Title IX matters which impact both our *Title IX Policy* and *Student Conduct Code*. Specific tasks and areas of focus are outlined below.

Title IX Policy

- Review policy and procedural standards changes with resolution processes to address compliance with federal and state legislation as recommended by the Title IX Office and Office of the General Counsel; and
- Review recommendation for updates including defining and clarifying terminology within the Policy as recommended by the Office of Title IX, Office of Student Conduct & Dispute Resolutions, and the Office of General Counsel.

Student Conduct Code

- Review the recommendation for changes to the procedural standards as recommended by the Office of Student Conduct & Dispute Resolutions; and
- Review recommendation for updates including defining and clarifying terminology within the Code to be consistent with the Title IX Policy as recommended by the Office of Title IX, Office of Student Conduct & Dispute Resolutions, and the Office of General Counsel.

The committee should also review for other general or recommended changes from the community per the Student Conduct Code which requires review on a bi-annual basis.