

MEMORANDUM

TO: Committee on Student and Campus Community (CSCC)

FROM: The Steering Committee

RE: Student Conduct Code - REVISED

DATE: October 16, 2019

Background

On February 26, 2019, Steering received a request from then Interim Vice President for Student Affairs, Sean Stallings, requesting that the Committee on Student and Campus Community conduct a review of the Student Conduct Code. That request highlighted the following areas for specific review:

- Review the “Violations of Expectations for Student Conduct” section and determine the need for clarifying and updating policy violations, specifically including bias related incidents;
- Review recommendations from the Office of Student Conduct to explore expanding status sanctions to be equitable regarding on and off-campus behavior;
- Review the interim measures section from the Office of Student Conduct to explore possible options of transcript hold, degree conferral postponed or withheld, and/or transcript notation in accordance with the [Association of Student Conduct Administrators](#) recommendations;
- Review policy and procedural standards changes to address compliance with federal and state legislation as recommended by the Office of Student Conduct and Office of the General Counsel;
- Review recommended additions of FERPA exceptions regarding sharing of limited information related to conduct outcomes; and
- Consider feedback/recommendations from the broader campus community related to above review.

On the basis of this memo, Steering sent a charge to CSCC on April 8th, 2019. On July 9th, 2019, however, the Board of Trustees approved a revised [Student Conduct Code](#) on an interim basis. At the same time, The Board of Trustees approved a revised [Title IX policy](#), also on an interim basis. As a result of these interim policies, Steering believes it necessary to issue a revised charge to CSCC. **The revised charge is substantively the same as the previous charge, except that it reflects the new interim Student Conduct Code and Title IX policy.**

Charge

Steering requests that CSCC immediately begin a review of the Student Conduct Code. That review should minimally address the points raised by the Interim Vice President for Student Affairs.

CSCC should begin by clarifying with the Vice President for Student Affairs the following points made in his memo and quoted from that memo in the background to this charge:

1. Review the “Violations of Expectations for Student Conduct” section and determine the need for clarifying and updating policy violations, specifically including bias related incidents--What does “bias related” mean? Does this mean racism, sexism, ableism, heterosexism, cis-gendered privilege, and/or incidents of classism and xenophobia or religious bias? Alternatively, does this refer to incidents that harm students based on any social group(s) that they might belong to? The term “bias related” can be vague; more specificity is needed and should be used throughout the Student Conduct Code.
2. Review recommendations from the Office of Student Conduct to explore expanding status sanctions to be equitable regarding on and off-campus behavior--What does “status sanctions to be equitable regarding on and off-campus behavior” mean?
3. Review recommended additions of FERPA exceptions regarding sharing of limited information related to conduct outcomes--What is the goal of this statement? Is the goal to make it possible to share the penalties for students who are found to have engaged in acts that are defined as a violation of the student conduct code?

Second, the review should ensure that the code allows the College the ability to adequately address issues that arise due to membership in social categories or legally protected classes, or the specifics that are used to clarify point #1 above (e.g., racism, sexism, ableism, heterosexism, cis-gendered privilege, or religion).

CSCC should collect data and consult widely with the campus community, including but not limited to Academic Affairs, Deans Council, Department Chairs, Campus Diversity Council, Campus Police, Office of the Dean of Students, Office of Student Conduct and Dispute Resolution, Counseling and Prevention Services, Career and Community Studies, Information Technology, Records and Registration, and Student Government. Extra care should be taken to ensure that CSCC consults with students, faculty, and staff who have experienced or are likely to experience racism, sexism, ableism, heterosexism, cis-gendered privilege, or religious bias at TCNJ. In addition, CSCC should consult the various climate surveys and documents that the

campus has produced in recent years, as well as any information student housing has that is relevant.

The product of this review, the preliminary recommendation, should be:

- comments on and/or questions about the policy
- suggested language and/or content, as appropriate, which provide “adequate clarity of the principles contributing” (See Step 2 of the Governance Document) to the policy
- comments, questions, and/or language that clearly reflect the College’s vision for our campus

CSCC should gather Tier III testimony on its preliminary recommendation from faculty, staff, and students and then prepare a final recommendation which again should consist of comments on and/or questions about the policy as well as suggested language and/or content, as appropriate. Both CSCC and the campus community should keep in mind that the final recommendation must be reviewed by the General Counsel, which may determine that some suggestions are not possible while other suggestions are subject to editing.

In conducting this review CSCC should consider at least two of the related policies, The College’s [Policy Prohibiting Discrimination in the Workplace/Educational Environment](#), which was last reviewed December 14th, 2016 and the [Title IX Policy](#) which was last reviewed on July 9th, 2019.

Timeline

CSCC should begin work immediately on the charge, with the goal of submitting final recommendation to Steering by May 2020. Throughout its work on this charge, CSCC should be in contact with General Counsel, as needed. Upon accepting the Final Recommendation and before asking the Provost to recommend that the President take this policy to the Board of Trustees, Steering will request that the Vice President of Student Affairs (or an appointed designee) approach the General Counsel for its review of the recommendation.

Testimony Tier: Tier III - Faculty, Staff and Students

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.

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 below) 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 re-submit 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

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