

## MEMORANDUM

TO: Committee on Student and Campus Community (CSCC)

FROM: The Steering Committee

RE: Title IX Policy

DATE: October 16, 2019

**Background:** On July 9<sup>th</sup>, 2019, the Board of Trustees approved revisions to the college's [Title IX policy](#). The revised policy is to be implemented on an interim basis while it moves through the governance process.

**Charge:** Steering asks CSCC to read and provide comments on this policy. CSCC should consult widely with the campus community, including but not limited to:

- the Title IX Officer,
- the Equal Employment Opportunity and Affirmative Action Officer,
- General Counsel,
- the Vice President of the Office of Human Resources,
- the Vice President for Student Affairs,
- the Office of the Dean of Students,
- the Departments within Counseling and Prevention Services,
- the Director of Diversity and Inclusion,
- the Director of Career and Community Studies,
- Academic Affairs,
- the Council of Deans,
- Academic Leaders,
- the Campus Diversity Council,
- Information Technology,
- Records and Registration,
- Student Government, Faculty Senate, Staff Senate, and
- Campus Police.

Extra care should be taken to ensure that CSCC consults with students, faculty, and staff belonging to protected categories (see the definition on page 5 of the policy). 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. CSCC should

review the policy in light of its ongoing review of the [Student Conduct Policy](#), revisions of which were also approved by the Board of Trustees on an interim basis on July 9<sup>th</sup>, 2019.

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 14<sup>th</sup>, 2016, and
- the [Student Conduct Policy](#), revisions of which were also approved by the Board of Trustees on an interim basis on July 9<sup>th</sup>, 2019.

As the Student Conduct policy is the subject of a separate charge to CSCC, the committee may consider acting on the two charges together at its discretion.

## **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.

## **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 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.*