**To:**         Steering Committee

**From:** Committee on Students and Campus Community

**Re:**         Final recommendations on the Student Rights and Freedoms Policy

**Date:**      December 5, 2013

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The Committee on Students and Campus Community (CSCC) received the charge from the Steering Committee to review the proposed Student Rights and Freedoms Policy developed by the Assoc. Dean of Students/Director of Students in light of broad campus impact.

The CSCC invited and received inputs oral and writing from all stakeholder groups through the following:

1. Organized two open fora
2. Business Building Room 206/ Wednesday, October 16, 2013 at 3:00pm to 4:30pm

2. Education Building, Room 206/Wednesday, October 23, 2013 at 12:00pm

 to 1:20pm

2. Comments from the campus community were invited via email (CSCC@tcnj.edu)

and through a qualtrics form where input was directed to CSCC@tcnj.edu.

3. As a committee CSCC reviewed and discussed the policy during CSCC meetings

 on 09/12/12, 09/26/2012, 04/10/2013, 05/08/2013, 09/11/2013 and 10/9/2013.

4. To expedite the process, and to clarify numerous issues interactively, Angela Chong was

 invited to assist CSCC with policy development and communicate .

5. The proposed policy was discussed at the Faculty and Staff Senate meetings, and at the SG

 meeting on October 16, 2013.

The above process provided sufficient opportunity to all stakeholders to provide input into the proposed policy though direct membership as well as invited testimony.

 **Recommendation summary**

The CSCC concurs with the campus community that the policy as written is acceptable and no changes were noted other than making sure that the referenced policies contain within the *Student Rights and Freedoms Policy* have the appropriate links to these policies. We have noted these policies in red and underlined. The policy attached is part of the “The Full Recommendation” to the Steering Committee.

**Student Rights and Freedoms**

The following document was formulated in June 1967, and was adopted by The College administration in conjunction with faculty and student groups in August 1968. The statement was revised for its twenty-fifth anniversary in 1992 and again in 2013 to reflect the evolution of the College and law and policy implications.

**Preamble**

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the personal development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop a capacity for critical judgment and to engage in sustained and independent search for truth. Institutional procedures for achieving these purposes may vary from campus to campus, but the minimal standards of academic freedom of students outlined below are essential to any community of scholars.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. The College will endeavor to develop policies and procedures within the general standards of the *Policy Framework* and governance process, and with the broadest possible participation of the members of the academic community. The purpose of this statement is to enumerate the essential provisions for student freedom to learn at The College of New Jersey.

**I. Freedom of Access to Higher Education**

The College of New Jersey is open to all students who are admitted, enrolled and maintain matriculation standards within the limits of its facilities. Under no circumstances is a student barred on the basis of age, race, creed, color, national origin, nationality, ancestry, sex/gender (including pregnancy), marital status, civil union status, domestic partner 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. Likewise, in general, the facilities and services of the College are open to all enrolled students within the limits of its facilities, appropriate services, and resources.

**II. Classroom Standards**

The professor in the classroom and in conference encourages free discussion, inquiry, and expression. Students are evaluated on the basis of academic performance, not on opinion or conduct in matters unrelated to academic standards. Every student is expected to participate in each of his/her courses in accordance with the Attendance Policy.

A. Protection of Freedom of Expression

Students are free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

B. Protection Against Improper Academic Evaluation

Students are responsible for maintaining the standards of academic performance established for each course in which they are enrolled. However, each academic department has orderly appeal procedures to review academic evaluation for prejudice or capriciousness. A student who desires to appeal an assigned evaluation or grade may bring the matter to the attention of the instructor. If a conclusion cannot be reached that is satisfactory to both the student and instructor then the matter may undergo further appeal as outlined in the relevant procedures.

C. Protection Against Improper Disclosure

Information about student views, beliefs, and lawful political associations which faculty and staff acquire in the course of their work as instructors and advisors is generally considered confidential. It is a professional obligation to protect against disclosure except where warranted, for example if relevant or necessary in addressing a health, safety or security concern.

Judgments of ability and character may be provided under appropriate circumstances, such as applications for admission or transfer to other institutions of higher education, employment recommendations, consideration for awards, and clearance for classified government positions, normally with the knowledge or consent of the student.[[1]](#footnote-1)

**III. Student Education Records**

In the regular business operations of the College, records of information pertaining to students are maintained in many offices and departments that qualify as education records as defined by the Family Educational Rights and Privacy Act “FERPA”. The College is committed to upholding the privacy and inspection rights of students when it comes to these education records, in accordance with FERPA and its implementing regulations and as outlined by the Office of Records and Registration at http://recreg.pages.tcnj.edu/student-privacy-rights.

Transcripts of academic records should contain only information about academic status. Records of academic performance should not reflect the political activities or beliefs of students. Administrative staff and faculty members should respect confidential information about students which they acquire in the course of their work.

**IV. Student Affairs**

A. Freedom of Association

The College recognizes that students bring a variety of previously acquired interests to the campus and develop many new interests as members of the academic community that enhance learning and the student experience both inside and outside of the classroom. Students are free to organize and join associations to promote common interests. An association is recognized as a College student organization, incurring all privileges and responsibilities thereof, by approval through established procedures of the Student Government, or in the case of Fraternities and Sororities, the Inter-Greek Council *Expansion Policy[[2]](#footnote-2)*.

1. The membership, policies, and actions of a student organization are determined by the students who are current members of the College community and must be in compliance with all state, local, and federal law as well as College and Student Government or Inter-Greek Council policies.

2. Affiliation with extramural organizations does not of itself disqualify a student organization from institutional recognition.

3. Each organization on campus is required to have a faculty or staff advisor, but recognition by the College is not withheld solely because of the temporary inability of a student organization to secure an advisor. With the exception of organizations that have assigned advisors based on job descriptions of professional staff, each organization is free to choose its own faculty or staff advisor who is willing to so serve. Faculty or staff advisors who advise student organizations owe the College their customary duties as employees to act appropriately within the course and scope of their employment, but do not have responsibility to the organization that they advise or to third parties for the actions of such organizations or their members.

4. Recognized student organizations are required to submit a constitution including criteria for membership, criteria for selection of officers, and rules or procedures upon approval by the Student Government or Inter-Greek Council as well as any constitutional changes or updates. They are not required to submit a membership list as a condition of institutional recognition, with the exception of Fraternities and Sororities who request rosters and academic information from their members. In addition, a current list of officers is to be filed in the Office of the Dean of Students each year.

5. Except as otherwise provided in this section, student organizations are open and limited to all TCNJ students who meet the criteria of these organizations. No student who meets the other criteria of an organization can be denied membership on the basis of a protected class: age, race, creed, color, national origin, nationality, ancestry, sex/gender (including pregnancy), marital status, civil union status, domestic partner 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. Exceptions include:

a. Religious qualifications may be required by organizations whose aims are primarily sectarian.[[3]](#footnote-3)

b. Sororities or fraternities that have been traditionally single sex organizations may limit membership to a single sex or gender expression.

c. Club Sports teams recognized and advised through the College recreation program may limit membership to a single sex or gender expression provided there is a co-existing team of the same sport for the opposite sex or gender expression.

B. Freedom of Inquiry and Expression

1. Students and student organizations are free to examine and to discuss all questions of interest to them, and to express opinions publicly and privately. They are free to express support for causes on campus by orderly means as set forth in the Use of Campus Property Policy. Students and student organizations should make clear that their public expressions represent the viewpoint or expression of those individuals or organizations and not necessarily those of the College.

2. Students and student organizations are encouraged to invite and to hear guest speakers of their choosing. Some guest speakers or programs may require College regulation of the time, place or manner of the event to ensure that the scheduling of facilities is orderly, that there is adequate preparation and security for the event, and that the event will not disrupt the normal operations of the College as outlined in the “Use of Campus Property Policy”. Any requirements imposed by the College for the safe and appropriate execution of a program will be neutral in regards to content, viewpoint, or sponsorship of the program.

C. Student Participation in Institutional Government

As constituents of this academic community, students are free, individually, and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The student body has the right to participate in the development of institutional policy affecting academic and student affairs through student representatives in accordance with the governance process.

D. Student Media at The College of New Jersey

The College acknowledges that students have editorial responsibility for student media and commits to respecting the editorial freedom and financial autonomy of that student media necessary to maintain their integrity of purpose as vehicles of free inquiry and free expression in our academic community.

1. Student media is free of censorship and advanced approval of copy by faculty and administration. Student editors and managers are responsible for developing their own editorial policies and news coverage, regardless of any College support or advisory assistance.

2. The editorial freedom of student editors and managers is constrained by their obligation to maintain compliance with applicable law and the canons of responsible journalism such as the avoidance of copyright and trademark infringement; false light invasion of privacy, misappropriation or violation of publicity rights, or improper publication of private facts; defamation; indecency and obscenity; fraud; trespass; improper surreptitious recording; false, misleading or coercive advertising; undocumented allegations; unwarranted attacks on personal integrity; and the techniques of harassment and innuendo. In the absence of any such non-compliance editors and managers are protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial content.

 3. A statement explicitly indicating that the opinions expressed are not necessarily those of the College or student body should appear on the editorial pages of all of The College of New Jersey's student media and should precede television, radio and internet editorials.

 **V. Freedom of Students Off Campus**

A. Exercise of Rights of Citizenship

Students are both members of the academic community and of the greater community in which they live. As members, students enjoy the same freedom of speech, peaceful assembly, and right of petition that other members enjoy; as members of the academic community, they are subject to the obligations which accrue to them by virtue of this membership. The College *Student Conduct Code* shall apply to student conduct that occurs on College premises, at College-sponsored activities, and off campus.

B. Institutional Authority and Civil or Criminal Penalties

The College of New Jersey encourages excellence in citizenship by having students, faculty, and staff sustain and advance the communities comprising our campus, township, state, and nation.  All individuals affiliated with the College shall serve these interrelated communities as responsible citizens, both on and off campus.  Accordingly, all members of the TCNJ community are expected to develop and enhance each of these communities in a manner consistent with the applicable codes of ethical conduct established by the College, as well as local, state, and federal laws.

Although the College neither substitutes for nor interferes with regular legal processes, College student conduct proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and College policy without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under these procedural standards may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Director of Student Conduct. Prior determinations made or sanctions imposed under these procedural standards will not be subject to change because criminal charges arising out of the same facts giving rise to violation of College rules are later dismissed, reduced, or resolved in favor of or against the criminal law defendant.[[4]](#footnote-4)

**VI. Disciplinary Standards and Procedures**

The philosophy of student involvement at The College of New Jersey places emphasis upon responsible student conduct. Disciplinary proceedings, therefore, play a role that can, as appropriate, be complemented by or adjusted in accordance with interactive exploration of alternatives, counseling, guidance, example, and admonition. At the same time, The College of New Jersey has the authority and responsibility to maintain order and to exclude those who are disruptive of the educational process. Proper procedural standards outlined in the *Student Conduct Code* will be observed to ensure due process.

A. Standards of Conduct Expected of Students

The general behavioral expectations of the student at The College of New Jersey are those stated in the *Student Conduct Code and Graduate Student Conduct Code*. These expectations will be interpreted in a manner consistent with principles of relevancy and reasonableness. Violations will be dealt with according to the procedures stated in the Procedural Standards outlined in the *Student Conduct Code and Graduate Student Conduct Code*.

1. [↑](#footnote-ref-1)
2. [↑](#footnote-ref-2)
3. [↑](#footnote-ref-3)
4. [↑](#footnote-ref-4)