<div align="center">**MEMORANDUM**</div>

**TO:**  Committee on Students and Campus Community (CSCC)

**FROM:** Steering Committee

**RE:**  Review of the *Undergraduate Student Conduct Code* and *Graduate Student Conduct Code*

**DATE:** February 3, 2016

## Background:

On December 16, 2015, Steering received a memorandum from Dr. Amy Hecht, Vice President for Student Affairs, and Dr. Gregory Pogue, Vice President for Human Resources. It asks Steering to initiate a review of the *Undergraduate Student Conduct Code* and the *Graduate Student Conduct Code*.

The College of New Jersey's *Undergraduate Student Conduct Code* was passed by the Board of Trustees on July 12, 2011 and was updated July 8, 2014. The *Graduate Student Conduct Code* was passed by the Board of Trustees on July 9, 2013. Under Policy Section 1.B. "Interpretation and Amendments" under each code respectively it states:

> The [code] will be reviewed in its entirety every two years. Any time prior to the next biennial review of the [code], a recognized constituency or the Assistant Vice President may request a review of the [code] by submitting a written request to the Vice President for Student Affairs.

> Any substantive changes will be reviewed in accordance with applicable governance policy and procedures.

Given that both policies were last reviewed more than two years ago, they are both due for biennial review.

## Charge:
The Steering Committee charges CSCC to conduct a review of the *Undergraduate Student Conduct Code* and the *Graduate Student Conduct Code*.

In conducting this review, the CSCC should seek input from the Associate Vice President of Student Affairs, the Office of General Counsel, and the Office of Student Conduct and Dispute Resolution Services, as well as other individuals and offices deemed appropriate by CSCC.

In conducting its review, CSCC should work with Angela Lauer Chong, AVP of Student Affairs and Dean of Students, to review any recommended substantive policy changes. Any proposed changes by CSCC should reflect any changes or updates in applicable College policies, case law,

legislative or administrative guidance, and best practices.  Specific areas for review include any recommendations for changes to policy from the Dean of Students and the Office of General Counsel, as well as the following:

- Review any recommendations from the Office of Student Conduct and Dispute Resolution Services to explore merging the graduate and undergraduate codes;
- Review policy and procedural standards to address compliance with federal and state legislation as recommended by the Office of Student Conduct and Dispute Resolution Services and the Office of the General Counsel;
- Review recommended investigatory process in lieu of a formal hearing for any Title IX cases submitted by the Title IX Coordinator and Office of Student Conduct and Dispute Resolution Services; and
- Review recommendation for procedural standards updates including defining terms such as incapacitation, clarifying eligibility for administrative deletion, and clarifying scope of appeal review for procedural error as recommended by the Dean of Students, Office of Student Conduct and Dispute Resolution Services, and Office of General Counsel.

Following this work, if CSCC deems that substantive changes to the policy are necessary, it should develop a preliminary recommendation and seek testimony from the campus community including faculty, staff, and students.  Testimony should be sought in the form of public fora as well as digital forms of information gathering such as a Qualtrics survey.

**Timeline:**
CSCC should begin work after having submitted their preliminary recommendation on the charge related to the development of a Title IX policy.  It should aim to submit a Preliminary Recommendation by the end of the Spring 2016 semester, with full testimony and a Final Recommendation being completed during the Fall 2016 semester.

**TCNJ Governance Processes**

**Step #1 -- Identifying and reporting the problem:**  When a Standing Committee receives a charge from the Steering Committee, the first responsibility is to clearly articulate and report the problem to the campus community. The problem may have been set out clearly in the charge received from the Steering Committee, or it may be necessary for the Standing Committee to frame a problem statement. The problem statement should indicate the difficulties or uncertainties that need to be addressed through new or revised policy, procedure, or program. The problem statement should be broadly stated and should include a context such as existing policy or practice.  Problem statements may include solution parameters but should not suggest any specific solutions.  Clearly stated problems will lead to better recommendations.

**Step #2 -- Preparing a preliminary recommendation:**  Once the campus community has received the problem statement, committees can begin to collect data needed to make a preliminary recommendation.  Committees 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 through regular updates and the Governance website. At this point, committees typically receive input or testimony through committee membership, formal testimony, and open comment from affected individuals and all stakeholder groups. Committees must be proactive in inviting stakeholder groups (including Student Government, Staff Senate and Faculty Senate) to provide formal testimony. In cases where testimony results in significant and substantive changes to the preliminary recommendation, the new recommendation will be considered to be in step #2.

**Step #3 -- Making a final recommendation:** Committees must use sound judgment to give the campus adequate time to review the preliminary recommendation before making their final recommendation. Again, committees are expected to be proactive in receiving feedback on the preliminary recommendation. 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, in the best judgment of the committee, the campus community has responded to the proposed resolution of the issue, the committee shall send its final recommendation (with documentation) to the Steering Committee. That final recommendation should include a suggested implementation date. Accompanying the final recommendation shall be a report of how testimony was gathered, 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.

**Testimony**

The presenting of testimony, prior to both the preliminary and final recommendations, is central to the concept of shared governance. All stakeholder groups will have an opportunity to provide input into governance issues through direct membership as well as invited testimony. Individuals appointed or elected to the governance system are expected to take a broad institutional perspective relative to issues being considered. In contrast, invited testimony will reflect the stakeholder perspective on the issue being considered. Committees are expected to be proactive in inviting stakeholder groups to provide testimony at both steps # 2 and #3 of the process. Committees need to identify stakeholder groups that are interested in each particular issue and invite their testimony at scheduled Committee meetings or hearings. Committees should report in their transmittal memos which groups were targeted as stakeholders, how testimony was invited, the form of the testimony (written, oral, etc.), and the substantive content of the testimony.

To see the Steering Committee's guidelines for gathering testimony and making a final recommendation, see the "Governance Toolbox" at http://academicaffairs.pages.tcnj.edu/college-governance/a-governance-toolbox/