

**BOARD OF GOVERNORS**  
Rutgers, The State University of New Jersey

**December 17, 2020**

12:00 p.m. - open session / 12:05 p.m. - closed session / 1:00 p.m. - open session

Tentative Agenda

1. CALL TO ORDER
2. STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT
3. ROLL CALL
4. RESOLUTION TO CONDUCT CLOSED SESSION – December 17, 2020
5. CLOSED SESSION
6. RESUMPTION OF OPEN SESSION
7. MATTERS PRESENTED BY THE PRESIDENT
8. PUBLIC COMMENT
9. MATTERS PRESENTED BY THE CHAIR
  - a. Resolution Honoring Richard W. Roper, Member of the Board of Governors
10. COMMITTEE ON FINANCE AND FACILITIES – December 2, 2020
  - a. Proposed Resolution Approving the Behavioral Health Treatment Center and Residence on the Cook Campus
  - b. Proposed Resolution Approving the Naming of the Behavioral Health Treatment Center and Residence on Cook Campus
  - c. Proposed Resolution Approving the Naming of 15 Washington Street on the Newark Campus
  - d. Proposed Resolution Approving Phase IV Scope and Financing for the Administrative and Student Information Systems Projects
11. COMMITTEE ON ACADEMIC AND STUDENT AFFAIRS – December 1, 2020
12. COMMITTEE ON AUDIT – October 29, 2020
13. COMMITTEE ON HEALTH AFFAIRS – November 16, 2020
14. COMMITTEE ON INTERCOLLEGIATE ATHLETICS – December 16, 2020
15. CONSENT AGENDA
  - a. Approval of Minutes of the Board of Governors – October 7, 2020
  - b. Proposed Recommendations to Membership on the New Jersey Agricultural Experiment Station Board of Managers
  - c. Governors Executive Committee – December 17, 2020
    - (1) Proposed Revisions to the Bylaws of the Board of Governors
    - (2) Proposed Revisions to University Policy 50.4.1: Lobbying and Advocacy Policy
  - d. Committee on Academic and Student Affairs – December 1, 2020
    - (1) Proposed Resolution Adopting University Policy 60.1.33: Title IX Policy and Grievance Procedure
    - (2) Proposed Resolution Approving Revisions to University Policy 10.2.11: Code of Student Conduct
    - (3) Faculty Tenure Appointment Recommendations
  - e. Committee on Finance and Facilities – December 2, 2020
    - (1) Proposed Resolution Approving the Purchase of Three Leased Floors in the Gateway Building on the College Avenue Campus
    - (2) Proposed Resolution Accepting and Certifying the Financial Report on Rutgers' Allocation and Transfer of Resources Across Campuses for the Period July 1, 2019 to June 30, 2020
    - (3) Proposed Resolution Approving Revisions to University Policy 40.2.13: Donor Gift Policy to Amend Gift Acceptance Fees
  - f. Committee on Health Affairs – November 16, 2020
    - (1) Minutes of the University Behavioral Health Care (UBHC) Leadership Meetings of August 18, 2020 and September 22, 2020

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- (2) Proposed University Behavioral Health Care Staff Appointments, Reappointments and Clinical Privileges of September 22, 2020 and October 20, 2020
- (3) Proposed University Behavioral Health Care Quality Improvement Report: Second Quarter 2020
- (4) University Behavioral Health Care Plan for Professional Services for 2020
- 16. REPORT OF THE EXECUTIVE VICE PRESIDENT AND CHIEF FINANCIAL OFFICER
  - a. Joint Committee on Investments – November 18, 2020 and December 15, 2020
- 17. REPORT OF THE UNIVERSITY SENATE
- 18. OLD BUSINESS
- 19. NEW BUSINESS
- 20. ADJOURNMENT



**PROPOSED RESOLUTION  
APPROVING PHASE 4 PROJECTS FOR THE  
ADMINISTRATIVE AND STUDENT INFORMATION SYSTEMS INITIATIVES**

**WHEREAS**, the integration of the former University of Medicine and Dentistry of New Jersey into Rutgers, The State University of New Jersey, necessitated a migration to an enterprise-wide information technology platform; and

**WHEREAS**, University-wide efficient, effective, and responsive business practices and systems are foundational elements of the Rutgers Strategic Plan; and

**WHEREAS**, the University must provide reliable and accessible information to our academic and administrative leadership; and

**WHEREAS**, the Board of Governors approved Phase 1 projects for the Administrative and Student Information Systems Initiatives on April 3, 2015; Phase 2 projects on June 15, 2016; and Phase 3 projects on February 12, 2019; and

**WHEREAS**, the administration has planned projects for Phase 4 encompassing January 1, 2021 through December 31, 2021 as described in Exhibit A; and

**WHEREAS**, the scope of the projects for Phase 4 would include implementation of additional modules as it relates to Financial Management, Budget and Financial Planning, and Procurement, as well as continuation of Oracle's cloud-based Human Resources system, continuation of an enterprise-wide Customer Relationship Management (CRM) system on a new Salesforce platform, and continuation of a new Student Information System; and

**WHEREAS**, Phase 4 will also include business process and organizational review for Human Resources and Payroll Services and the Student Experience Improvement Initiative; and

**WHEREAS**, the estimated costs for Phase 4 of the Administrative and Student Information Systems Initiatives project is \$38.44 million, which will be funded in the short to medium-term using commercial paper or other debt instruments; and

**WHEREAS**, on December 2, 2020, following a presentation and discussion of the Phase 4 projects identified above and as further described in Exhibit A hereof, the Committee on Finance and Facilities agreed to recommend approval by the Board of Governors for the Phase 4 projects, with spending authority not to exceed the funding limit of \$38.44 million, to be funded through the aforementioned sources.

**NOW, THEREFORE, BE IT RESOLVED** that, upon the recommendation of the Committee on Finance and Facilities, the Board of Governors of Rutgers, The State University of New Jersey, approves the Phase 4 Projects of the Administrative and Student Information Systems Initiative for a cost not to exceed \$38.44 million.

Attachment: Exhibit A – Administrative and Student Information Systems: Phase 4 Projects

Board of Governors  
Rutgers, The State University  
of New Jersey  
December 17, 2020

# Funding Request - Summary

| <b>SUMMARY</b>        |                     |
|-----------------------|---------------------|
|                       | Phase 4 Request     |
| Project               |                     |
| HR/Payroll            | \$10,897,243        |
| Student Experience    | \$6,113,644         |
| Financial Management  | \$913,099           |
| Budget                | \$349,004           |
| CRM                   | \$13,731,486        |
| Chart of Accounts     | \$4,297,528         |
| Reporting & Analytics | \$2,141,813         |
| <b>TOTAL</b>          | <b>\$38,443,817</b> |



**PROPOSED RESOLUTION  
ADOPTING REVISIONS TO THE  
BYLAWS OF THE BOARD OF GOVERNORS**

**WHEREAS**, the Bylaws of the Board of Governors of the Corporation ("Bylaws") were last amended on April 7, 2020; and

**WHEREAS**, the Board desires to incorporate into its Bylaws the Procedures for Board of Governors Meetings, which have recently been amended to expand from five to twelve the permissible number of members of the public providing comments at a meeting of the Board of Governors; and

**WHEREAS**, members of the public requesting to speak shall continue to be required to limit their comments to matters that are action items on the agenda for that day, shall be expected to limit their comments to two minutes, and shall be required to register to speak no later than twenty-four hours prior to the meeting of the Board of Governors; and

**WHEREAS**, the Board further desires to state the maximum number of Board of Governors and Board of Trustees members that shall be assigned to its committees; and

**WHEREAS**, additional revisions are necessary to update administrator titles within the Bylaws; and

**WHEREAS**, on December 17, 2020, the Governors' Executive Committee reviewed the proposed revisions to the Bylaws of the Board of Governors and recommended approval by the full board.

**NOW, THEREFORE, BE IT RESOLVED** that, upon the recommendation of the Governors Executive Committee, the Board of Governors of Rutgers, The State University of New Jersey, approves the attached revisions to the Bylaws, with deletions shown in strikeout and additions underlined; and

**BE IT FURTHER RESOLVED** that the revisions to the Bylaws shall take effect immediately.

Attachment: Proposed Revisions to the Bylaws of the Board of Governors

Board of Governors  
Rutgers, The State University  
of New Jersey  
December 17, 2020



## **BYLAWS OF THE BOARD OF GOVERNORS OF THE CORPORATION**

**Amended ~~April 7~~ December 17, 2020**

### **PREAMBLE**

#### **A. General**

Rutgers, The State University, is a body incorporated under the name of "The Trustees of Queen's College in New Jersey," by Royal Charter dated November 10, 1766 (amended March 20, 1770) confirmed and amended by Acts of the Legislature of the State of New Jersey adopted June 5, 1781, and May 31, 1799, respectively, and having perpetual succession and existence, its name having been changed to Rutgers, The State University, by act of the Legislature in 1956. Hereinafter the corporation of Rutgers, The State University, shall be known as Rutgers, The State University.

Members of the Board of Governors are covered by the "special state officer or employee" provisions of the New Jersey Conflicts of Interest Law (N.J.S.A. 52:13D-12 et seq.) and by the University Conflicts of Interest Policy for Members of the Boards of Governors and Trustees, Camden Board of Directors and University Officers, as adopted by the Board of Governors and Board of Trustees. Members of the Board of Governors are covered by the indemnification provisions of the Rutgers, The State University Law enacted in 1956 (N.J.S.A. 18A:65-1 et seq.), which is also known as the "Rutgers Act of 1956," and the University Indemnification Policy.

#### **B. Functions of the Board**

The Board of Governors has general supervision over and is vested generally with the government, control, conduct, management and administration of Rutgers, The State University. To this end, it appoints a President, Secretary and Associate Secretary, and Treasurer of the Board, and a Secretary, Associate Secretary, Treasurer, and Associate Treasurer of the University Corporation. Upon the recommendation of the President and in accordance with Section IV.B.4, the Board of Governors will act on the appointments of University Officers as defined in Section III.A of these Bylaws. Moreover, the Board of Governors delegates to the President and his or her administration the responsibility to manage and administer its policies regarding, among other matters, the organization, administration, and development of the University. It also delegates certain powers to the University Senate and the faculties under existing regulations.

#### **C. Open Public Meetings Act**

Meetings of the Board of Governors shall be in conformance with the Open Public Meetings Act, P.L. 1975, Chapter 231, (N.J.S.A. 10:4-6 et seq.) and any amendments thereto.

## **I. MEETINGS OF THE BOARD**

### **A. General**

1. An annual meeting for the election and appointment of officers of the Board and for the consideration of such other business as may come before the Board shall be held in June on such date as the Board shall designate.
2. At least five regular meetings shall be held, at such hours as the Board of Governors may determine, on any campus of Rutgers University or at such other place in New Jersey as the Board shall designate, unless extenuating or emergent circumstances prohibit the ability to hold a public meeting within the fiscal year. Each Governor has a duty to attend regular and special meetings of the Board and his or her assigned committee meetings.
3. Special meetings of the Board may be called at the discretion of the Chair. Special meetings shall also be called by the Chair at the request of three voting members and upon receipt of notice from them stating the purpose of the meeting.
4. It is the policy of the Board that all Governors attend all meetings of the Board and all committee meetings in person whenever possible. When such attendance in person is not possible, the Chair of the Board or the chair of a board committee may permit participation by a Governor via telephone conference call or videoconferencing. All such requests should be made to the Secretary of the University, who shall in turn consult with the Chair of the Board of Governors for Board of Governors meetings, or the Chair of the Committee for committee meetings, at least two days in advance of the meeting. It is the policy of the Board that the use of such communications equipment should be requested and permitted only sparingly.

### **B. Notice and Agenda of Open Meetings**

1. Notice of meetings shall be given in accordance with the Open Public Meetings Act.
2. The agenda of each meeting shall be prepared by the President of the University in consultation with the Chair and transmitted to each Governor at least five days before the meeting. At the meeting, the Board in its judgment may remove agenda items, or in accordance with the Open Public Meetings Act, may add agenda items.
3. The agenda shall be made available at the Office of the Secretary of the University a reasonable time before each meeting. Memoranda or other materials pertinent to the agenda similarly shall be made available when distribution is consistent with public policy, University Regulations policy, precedent, and the Open Public Meetings Act.
4. Any organization, group, or individual from within or without the University may request that an item of business be placed on the agenda.
  - (a) The request shall be filed in writing with the Secretary of the University who, after

consultation with the Chair and the President, shall respond promptly to the petitioner. The request shall (i) define the issue, and (ii) demonstrate that the issue has been explored fully and sequentially with the Dean, or Director of the University division concerned, the appropriate Chancellor, the ~~Senior Executive~~ Vice President for Academic Affairs, the Executive Vice President ~~for Finance and Administration~~ Chief Financial Officer and University Treasurer or the Executive Vice President ~~for Strategic Planning and Operations~~ and Chief Operating Officer, and, finally, the President, and specify the results at each level of consideration. The Chair of the Board shall have the discretion to recognize individuals and groups, when the Chair deems appropriate, who have not made a request to the Secretary of the University in accordance with the procedures set forth in this paragraph.

(b) When the request involves an administrative decision not normally reviewable by the Board, the request also shall show affirmatively that a substantial injustice has been or may be suffered or that there has been a substantial failure of due process in the consideration of the issue presented to the Administration. (The sole fact that the petitioner's request has been rejected by the Administration is not sufficient reason for the Board to review it.)

C. Conduct of Meetings

1. Open Meetings

(a) The Board shall conduct open meetings in accordance with the Open Public Meetings Act.

(b) Where action is the subject of concern or dispute, the Chair or the President shall explain the basis of such action.

~~(c) Any organization, group, or individual from within or without the University may be recognized to be heard only on agenda action items approved in accordance with Section I.B above and that will be voted on by the Board of Governors at that meeting. Motions to go into closed session, to go into recess, and to adjourn shall not be considered agenda action items on which an individual may speak. If an individual requests to speak on an action agenda item scheduled to be on the Board's consent agenda, said action agenda item will be moved from the consent agenda. Requests to be heard shall have been registered with the Secretary of the University at least 24 hours before the meeting at which the Board will take action on the agenda item. Presentations shall be subject to reasonable time limits, which shall generally be two minutes per presentation. The procedures for meetings of the Board are elaborated upon in Appendix A: Procedures for Board of Governors Meetings.~~

2. Closed Meetings

(a) Closed meetings shall be held only under circumstances and conditions in said Act.



## II. OFFICERS OF THE BOARD AND THEIR DUTIES

- A. The officers of the Board shall be a Chair, a Vice Chair, a Secretary, an Associate Secretary, and a Treasurer. The Chair and Vice Chair shall be voting Governors.
- B. The Chair shall preside over meetings of the Board and shall be a voting member of all committees. The Chair shall serve for no more than three successive one-year terms.
- C. The Vice Chair shall act as Chair in the absence of the Chair.
- D. The Secretary of the University shall attend all meetings of the Board, act as its clerk and record all votes and the minutes of all proceedings to be kept for archival purposes; shall perform like duties for the committees of the Board; shall give notice of all meetings of the Board and of its committees; and shall perform such other duties as may be prescribed by the Board or the Chair. In the absence of the Secretary, the Associate Secretary shall perform such duties. For administrative purposes, the Secretary of the University will report to the President, and the Associate Secretary of the University will report to the Secretary of the University.
- E. The Treasurer of the Board shall be the chief fiscal officer of the Board. The Treasurer shall render to the Board regular reports of the financial condition of the University and shall perform such other duties for the Board as may be prescribed by the Board or the Chair.
- F. For any reason that the Board may deem sufficient, it may delegate the powers and duties of any officer of the Board to any other officer of the Board, or to any Governor, for the time being.

## III. OFFICERS OF RUTGERS, THE STATE UNIVERSITY AND THEIR DUTIES

- A. The Officers of the University shall be a President; an Senior Executive Vice President for Academic Affairs; an Executive Vice President ~~for Finance and Administration and Chief Financial Officer and~~ University Treasurer ~~(who serves as the University's Chief Financial Officer)~~; an Executive Vice President ~~for Strategic Planning and Operations and~~ Chief Operating Officer; a Chancellor, Rutgers University–New Brunswick; a Chancellor, Rutgers Biomedical and Health Sciences and Executive Vice President for Health Affairs; a Chancellor, Rutgers University–Newark; a Chancellor, Rutgers University–Camden; a Secretary of the University; a Senior Vice President for External Affairs; a President of the Rutgers University Foundation and Executive Vice President for Development and Alumni ~~Relations~~ Engagement; a Senior Vice President for Research ~~and Economic Development~~; a Senior Vice President and General Counsel; and such other officers as the President, in consultation with the Board, may determine.
- B. The President shall have such duties as are or may be prescribed by law, University Policies ~~and Regulations~~, and the Board.

C. The President, the ~~Senior Executive~~ Vice President for Academic Affairs, the Executive Vice President ~~for Finance and Administration~~ Chief Financial Officer and University Treasurer, and the Executive Vice President ~~for Strategic Planning and Operations~~ and Chief Operating Officer or their designees, shall execute contracts on behalf of Rutgers, The State University of New Jersey. The Chancellor, Rutgers University–New Brunswick, the Chancellor, Rutgers Biomedical and Health Sciences and Executive Vice President for Health Affairs, the Chancellor, Rutgers University–Newark, the Chancellor, Rutgers University–Camden, or their designees, shall execute contracts on behalf of their respective ~~campuses~~ units. All such persons shall be custodians of the deeds, securities and other documents, and monies of Rutgers, The State University of New Jersey. The Executive Vice President ~~for Finance and Administration~~ Chief Financial Officer and University Treasurer, or his or her designees, shall make disbursements from the funds which are under the control and management of the Board by check or by an alternative form of electronic payment. Checks shall be signed personally or by facsimile by the Executive Vice President ~~for Finance and Administration~~ Chief Financial Officer and University Treasurer, an Associate Treasurer, or by an Assistant Treasurer. Non-aggregated discretionary payments valued at \$1 million or greater shall be approved at the invoice level by the Executive Vice President ~~for Finance and Administration~~ Chief Financial Officer and University Treasurer and, in addition, by any one (1) of the following University Officers: the Chair of the Board of Governors, President, ~~Senior Executive~~ Vice President for Academic Affairs, Executive Vice President ~~for Strategic Planning and Operations~~ and Chief Operating Officer, or Secretary of the University.

D. Senior Vice President and General Counsel. The Senior Vice President and General Counsel shall have the duty to manage and supervise all legal affairs for the University, shall serve as the general legal officer of the Board of Governors and the University, and shall serve as legal adviser to the Board of Governors, to the President, and to other administrative officers of the University. The Senior Vice President and General Counsel shall, in general, give advice on specific matters and represent the University and the Board of Governors in all legal proceedings, and has the responsibility and authority to designate outside counsel to fulfill these functions as needed.

E. Other officers of the University shall have such duties as may be prescribed by law or by the Board or the President in conformance with law and University Policies ~~and Regulations~~.

F. For any reason that the Board may deem sufficient, it may delegate the powers and duties of any officer of the University to any other person, including another officer of the University and any Governor, for the time being.

#### IV. COMMITTEES OF THE BOARD

A. General

1. Membership. Except as otherwise provided, (a) committees shall consist of such numbers of voting Governors, voting Trustees, and representatives of the University Senate

elected to either Board as the Board of Governors shall determine; (b) the Chair of each Board shall name the candidates from his or her respective board, and the Chair of the Board of Governors shall then appoint the membership from these candidates; and (c) the Chair of the Board of Governors shall designate each committee chair, except as noted in Section IV.D.2. In the event of a breach of confidentiality, a Member may be removed from governing board committees and the governing boards.

2. Open Meetings. When a committee has been delegated power to act in the name of the Board, action shall be taken only at a meeting open to the public of which notice has been given in conformance with the said Open Public Meetings Act.

B. Standing Committees. The standing committees of the Board of Governors, not including any joint committees in Section IV.D. or the Governors Executive Committee, shall consist of no more than five members of the Board of Governors and no more than five members of the Board of Trustees. In addition, the Chair of the Board of Governors shall be an *ex officio* member of all standing committees. The standing committees shall be:

1. Committee on Audit. This committee, which shall meet a minimum of five times per year, or as requested by the Chair, shall advise the Board concerning all appropriate audit and accounting matters. Members of the committee shall meet alone at least once with the University's independent auditors to receive their report on their findings at the conclusion of the annual audit of the University. The Committee on Audit shall recommend to the Board of Governors, with input from the University's financial management, the appointment of the University's Chief Audit Executive of the University's Internal Audit Department as well as the appointment of the external audit firm. The Chief Audit Executive shall report to the Committee on Audit functionally, and to the Senior Vice President ~~and Chief Enterprise for Risk Management, Ethics, and Compliance Officer~~ administratively, and will have direct access to the President and Board of Governors, when necessary. The committee shall be furnished by the Executive Vice President ~~for Finance and Administration~~ Chief Financial Officer and University Treasurer with reports on any significant fiscal matters. It shall be kept informed by the officers of the corporation of any irregularities or need for changes in fiscal procedures which may become known to them. The Executive Vice President ~~for Finance and Administration~~ Chief Financial Officer and University Treasurer shall report to the committee all recommendations of the independent auditors and shall state with reasons agreement or disagreement with such recommendations. The Senior Vice President ~~and Chief Enterprise for Risk Management, Ethics, Audit and Compliance Officer~~ shall furnish the committee with internal compliance reports, including the content and status of hotline complaints. The University's Chief Audit Executive of the University's Internal Audit Department shall furnish the committee with the annual internal audit workplan, internal audit reports and the corresponding responses from management.

2. Committee on Finance and Facilities. This committee shall be kept informed on, consider proposals for, and make recommendations to the Board with respect to the fiscal affairs and facility needs of the University. Unless the Board determines otherwise, every proposal for significant expenditure of funds beyond ordinary operations shall be submitted to the committee

for review before consideration by the Board. The committee shall have oversight of the University's: (a) capital planning and capital financing activities; (b) debt management and derivative policies; (c) need for public and private funds; (d) annual operating budgets; (e) development activities; (f) facility needs with respect to the real estate, buildings, grounds and equipment owned, possessed, occupied or utilized by the University; (g) other matters related to the preservation and maintenance of physical plant assets; and (h) policy for the naming of University divisions, campuses, and other facilities and shall recommend specific names therefore.

This committee may recommend to the Board, subject to the consent of the Board of Trustees with respect to buildings, grounds, and other property of which the Board of Trustees has control pursuant to Rutgers, The State University Law enacted in 1956 (N.J.S.A. 18A:65-1 et seq.), the acquisition, sale or other disposition or use of real estate or buildings by purchase, exchange, sale or lease, and the alteration, improvement, erection or construction of buildings or equipment.

3. Committee on Academic and Student Affairs. This committee shall conduct a continuing study of the University's organizational and educational effectiveness and shall advise the Board on immediate action and long-term plans to determine and advance the instructional, research, and public service missions of the University. It shall: (a) have general oversight of the educational programs of the University; (b) consider tenure appointments and promotions of academic personnel and make recommendations to the Board with respect thereto; (c) review and make recommendations to the Board of Governors of persons who are of acknowledged distinction or high professional attainment to receive honorary degrees or serve as Commencement Speaker; (d) anticipate contingencies that might hamper performance of the University's missions and inform the Board of them; and (e) review programs and services in student affairs and other areas of the University that support the quality of student life and that contribute to ensuring a positive multicultural environment.

Student complaints, grievances, and petitions are addressed by the University through established institutional policies and are not within the scope of duties for which this committee is responsible.

4. Governors Executive Committee. This committee shall conduct a continuing study of the compensation of the President, and shall review the performance of and determine the salary of the President. This committee shall also review the President's recommendations on the appointments of University Officers as defined in Section III.A. of the Bylaws, and shall present in the form of a resolution the initial appointment of an individual to a position as a University Officer for approval by the full Board of Governors. The President shall review with the committee the performance measures and targets and his assessments of the performance of the University Officers, Vice Presidents, Chancellors, and other senior executive officers and his recommendations on their compensation (including the amounts, types, and components of any compensation plan). This committee shall nominate members of the Board of Governors or Board of Trustees for appointment by the Board of Governors to the Rutgers University-Camden campus board of directors as more fully described in Section V. of these Bylaws. This

committee shall receive regular and comprehensive updates on state and federal legislative matters and shall review and endorse new or revised University Policies for action by the Board. This committee shall also be responsible for all matters related to Board governance, including amendments to the Bylaws as well as presenting at the annual meeting a slate of candidates for officers of the Board and of the corporation to be elected or appointed for the following fiscal year. The Chair of the Board, or any other committee member, shall not vote in cases where his or her name has been placed in nomination.

5. Committee on Intercollegiate Athletics. This committee shall act in an advisory capacity to the President and the Board of Governors on matters related to intercollegiate athletics at Rutgers University–New Brunswick, Rutgers University–Newark and Rutgers University–Camden. The committee shall exercise oversight and broad policy formulation on all aspects of intercollegiate athletics including academic integrity; the overall development of student athletes; compliance with University, NCAA, and governmental regulations; and gender equity, financial, facilities, fundraising, and public relations matters. This committee shall also evaluate the overall goals and objectives of the athletics programs and recommend ways in which ~~a~~ Athletics can continue to serve the overall mission and goals of the University.

6. Committee on Health Affairs. This committee shall review and report to the Board of Governors on matters concerning the health care services provided by all schools and programs at the University, including but not limited to: Cancer Institute of New Jersey, School of Nursing in Newark and New Brunswick, School of Nursing–Camden, New Jersey Medical School, Rutgers School of Dental Medicine, Robert Wood Johnson Medical School, School of Health Related Professions, School of Pharmacy, School of Public Health, University Behavioral Health Care, and Rutgers Health. For all schools and programs, this committee shall review and recommend for Board action such matters as may be appropriate and as are identified in the Board’s Charge to the Committee on Health Affairs.

C. Ad Hoc Committees. Ad hoc committees may be created by the Chair with the approval of the Board.

D. Joint Committees.

1. Joint committees may be created by the Board of Governors and the Board of Trustees.

2. Committee on Investments. This committee, which shall meet at least quarterly, shall consist of four Governors and four Trustees of whom one shall be designated as chair by the Chair of the Board of Trustees. It shall oversee the investment of funds and monetary assets under the control and management of the respective Boards and advise each on the policy and procedure with respect thereto, including retention of investment advisers and oversight of the adviser’s function in accordance with the University’s Investment Policy.

## **V. APPOINTMENTS TO RUTGERS–CAMDEN CAMPUS BOARD OF DIRECTORS**

1. Pursuant to the New Jersey Medical and Health Sciences Education Restructuring Act,

P. L. 2012, Chapter 45, Section 26, Item (b), (N.J.S.A. 18A:65-14.6), the Board of Governors shall appoint three members to the Rutgers University–Camden campus board of directors. These appointments shall be made from among the members of the Board of Governors and Board of Trustees, as determined by the Board of Governors. Directors shall be appointed to the Camden campus board of directors from among those Governors or Trustees nominated by the Governors Executive Committee, which shall nominate sufficient Governors or Trustees to fill three positions, including vacant positions as may arise. The term of office of a member appointed by the Board of Governors shall be coterminous with the member's term on the Board of Governors or Board of Trustees, as the case may be. Governors or Trustees appointed to serve on the Camden campus board of directors shall serve the interests of the University and promote the development of the Camden campus consistent with the powers and limitations prescribed by law and as set forth in University policy, including applicable conflict of interest, and ethics requirements. Vacancies on the Camden campus board of directors shall be filled in the same manner as the original appointments. Governors or Trustees serving on the Camden campus board of directors shall report to the Board of Governors concerning the operations and programs of Rutgers University–Camden in such manner and frequency, but not less than twice per fiscal year, as the Board of Governors shall determine.

## **VI. FISCAL YEAR**

The fiscal year shall be from July 1 through June 30.

## **VII. BYLAWS AMENDMENTS**

These Bylaws may be altered, amended or repealed by majority vote of the Board at any regular, annual, or special meeting provided that five days' notice of the proposal shall have been given.

Adopted November 12, 1956. Amended: July 6, 1960; July 10, 1961; July 9, 1962; November 19, 1971; June 11, 1976; July 14, 1978; December 8, 1978; September 14, 1979; June 12, 1981; September 11, 1981; November 12, 1982; December 8, 1989; June 12, 1990; July 12, 1991; October 11, 1991; April 10, 1992; October 14, 1994; October 9, 1998; April 12, 2002; November 8, 2002; February 13, 2004; July 14, 2006; June 12, 2008; December 12, 2008; February 26, 2009; June 25, 2009; June 22, 2010; December 14, 2012; July 11, 2013; October 2, 2013; June 19, 2014; July 16, 2014; July 16, 2015; February 3, 2016; February 8, 2017; June 19, 2019; April 7, 2020; December 17, 2020.



**BYLAWS OF THE BOARD OF GOVERNORS  
OF THE CORPORATION**

**APPENDIX A  
PROCEDURES FOR BOARD OF GOVERNORS MEETINGS**

1. Meetings are held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. which provides for public notice of Board meetings and gives the public the opportunity to see and hear the Board conduct its business.
2. While public participation at Board meetings is not required under the Open Public Meetings Act, it is the Board's customary practice to allow such participation with respect to specific, agenda action items. Any organization, group or individual from within or without the University may be recognized to be heard only on agenda action items approved in accordance with Section I.B. of the Bylaws of the Board of Governors of the Corporation, provided that requests to be heard shall have been registered with the Secretary of the University at least twenty-four hours before the meeting at which the Board will take action on the agenda item. Motions to go into closed session, to go into recess, and to adjourn shall not be considered agenda action items on which an individual may speak. Comments or presentations must relate to the agenda item and shall be subject to reasonable time limits, which shall generally be two minutes per speaker. The number of speakers shall be limited to twelve, and registered speakers may not substitute, or cede time to, another individual.
3. The agenda for each meeting will be prepared by the President of the University in consultation with the Chair of the Board as further specified in the Bylaws of the Board of Governors. This agenda will be available in the Office of the Secretary a reasonable time before the meeting and will be distributed to the press, the AAUP and student leaders, and to other members of the public upon request. At the meeting, the Board in its judgment may remove agenda items, or in accordance with the Open Public Meetings Act, may add agenda items.
4. Members of the public will be permitted to attend public meetings in accordance with the fire safety capacity limits of the room, with priority given to members of the press. The remaining places for members of the public will be filled, prior to the start of the meeting, on a first-come, first-served basis. Individuals who have been admitted to the meeting room may not be readmitted if they exit from the meeting room during the meeting.
5. Persons who engage in disruptive activities at the meeting, including the failure to honor the public speaking procedures noted above, may be required to leave the meeting room and may be subject to arrest and/or disciplinary proceedings in accordance with University Policies and/or State and local laws.



**PROPOSED RESOLUTION  
APPROVING REVISIONS TO  
UNIVERSITY POLICY 50.4.1: LOBBYING AND ADVOCACY POLICY**

**WHEREAS**, University Policy 50.4.1: Lobbying and Advocacy Policy was last revised on June 13, 2014; and

**WHEREAS**, revisions are necessary to clarify the authority for the adoption of formal positions taken by the University on State and federal legislation or proposed policies; and

**WHEREAS**, additional revisions are necessary to bring University Policy 50.4.1: Lobbying and Advocacy Policy into the current policy format; and

**WHEREAS**, on December 17, 2020, the Governors Executive Committee reviewed the proposed revisions to University Policy 50.4.1: Lobbying and Advocacy Policy and recommended approval by the Board of Governors.

**NOW, THEREFORE, BE IT RESOLVED**, upon the recommendation of the Governors Executive Committee, that the Board of Governors of Rutgers, The State University of New Jersey, approves the attached revisions to University Policy 50.4.1: Lobbying and Advocacy Policy, with deletions shown in ~~strikeout~~ and additions underlined; and

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

Attachment: Proposed Revisions to University Policy 50.4.1

Board of Governors  
Rutgers, The State University  
of New Jersey  
December 17, 2020





## RUTGERS POLICY

**Section:** 50.4.1

**Section Title:** External Affairs

**Policy Name:** Lobbying and Advocacy Policy

**Formerly Book:** N/A

**Approval Authority:** Board of Governors

**Responsible Executive:** Senior Vice President for External Affairs

**Responsible Office:** Office of External Affairs

**Originally Issued:** 7/1/2013

**Revisions:** 6/13/2014 (changes in position titles and office name)

**Errors or changes? Contact:** [externalaffairs@oldqueens.rutgers.edu](mailto:externalaffairs@oldqueens.rutgers.edu)

## UNIVERSITY POLICY

|                                      |  |                              |  |                              |            |
|--------------------------------------|--|------------------------------|--|------------------------------|------------|
| <b><u>Policy Name:</u></b>           | Lobbying and Advocacy Policy               |                              |  |                              |            |
| <b><u>Section #:</u></b>             | 50.4.1                                     | <b><u>Section Title:</u></b> | Governance & Legal Matters: External Affairs   | <b><u>Formerly Book:</u></b> | N/A        |
| <b><u>Approval Authority:</u></b>    | Board of Governors                         | <b><u>Adopted:</u></b>       | 07/01/2013   | <b><u>Reviewed:</u></b>      | 12/17/2020 |
| <b><u>Responsible Executive:</u></b> | Senior Vice President for External Affairs | <b><u>Revised:</u></b>       | 06/13/2014; 12/17/2020   |                              |            |
| <b><u>Responsible Office:</u></b>    | Office of External Affairs                 | <b><u>Contact:</u></b>       | <a href="mailto:mcdonough@OQ.Rutgers.edu">mcdonough@OQ.Rutgers.edu</a><br><a href="mailto:externalaffairs@rutgers.edu">externalaffairs@rutgers.edu</a> |                              |            |

### 1. Policy Statement

This policy sets the guidelines and processes for members of the Rutgers community to engage in lobbying activity officially on behalf of Rutgers with government officials under the guidance and authorization of the Rutgers Office of External Affairs. As the State University of New Jersey, it is imperative that communications on behalf of Rutgers from members of the Rutgers

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All regulations and procedures are subject to amendment.

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All policies are subject to amendment. Please refer to the Rutgers University Policy Library website ([policies.rutgers.edu](http://policies.rutgers.edu)) for the official, most recent version.

community to government entities or employees be delivered in an organized, clear, and consistent manner.

This policy does not limit the personal rights of those in the Rutgers community who wish to contact, or advocate to, government officials about their personal or professional beliefs and interests. Furthermore, this policy does not apply to lobbying communications from members of the Rutgers Community made on behalf of professional groups or organizations.

2. **Reason for Policy**

- To provide clarity to the Rutgers community on official lobbying policies and procedures.
- To comply with laws that govern official lobbying at all levels of government.
- To maximize the ~~efficacy in effectiveness~~ of Rutgers advocacy efforts by delivering uniform, consistent, and clear communication with elected officials.

3. **Who Should Read This Policy**

All members of the Rutgers community who seek to lobby local, ~~s~~State, and/or federal elected officials, government staff, and employees on behalf of Rutgers.

4. **~~Related Documents~~Resources**

~~10.1.13, Federal Directed Funding (“Earmarking”)~~

~~50.3.4, Electoral Political Activities and the Use of University Resources~~

The Legislative and Governmental Process Activities Disclosure Act, N.J.S.A. 52:13C-18 et seq

Federal Lobbying Disclosure Act of 1995

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~~All regulations and procedures are subject to amendment.~~

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All policies are subject to amendment. Please refer to the Rutgers University Policy Library website ([policies.rutgers.edu](http://policies.rutgers.edu)) for the official, most recent version.

5. **Contacts Definitions**  
McDonough@oldqueens.rutgers.edu  
Francine@oldqueens.rutgers.edu  
millerjw@ca.rutgers.edu

**A. Lobbying Activity:** Lobbying communications and any efforts in support of such communications, including preparation or planning activities, research, and other background work that is intended, at the time of its preparation, to contact a government official on behalf of Rutgers.

**B. Government Official:** For the purposes of this policy, a government official is any local, State, or federal official listed below.

1. **Covered Federal Official:** Covered federal officials include Members of the United States House of Representatives and their staffs, as well as members of the United States Senate and their staffs, including staff of joint committees, leadership groups, or committees of either House of Congress; and any employee of a working group or caucus organized to provide legislative services or other assistance to Members of Congress. Covered federal officials also include the Office of the President; Vice President; employees of the Executive Office of the President; Level I – V of the Executive Schedule (generally Assistant Secretaries, Commissioners, and above); Members of the Uniformed Services at pay grade above 0-7 (generally top military officers, such as Brigadier General and above); and any officer or employee in a position of a confidential, policy-advocating character.

2. **State Official:** State executive branch officials are the Governor, Governor's Cabinet members, senior staff members, and all employees of the Governor's administration. State legislative branch officials are members of the Legislature, partisan and non-partisan legislative staff members, and any employee of a State legislator.

3. **Local Official:** Local officials are representatives from all local forms of government, including but not limited to, mayors and their staff, City Council members, City Council staff members, County office holders and their staff members within the administration, any employee of a local government official, or committees of any branch of local government.

**C. Lobbying Communication:** Any in-person or indirect unsolicited communication made on behalf of Rutgers, including oral, written, or electronic communication, to influence government officials including, but not limited to: an appropriations request, action on legislation, rules, regulations, contracts, nominations, or any other governmental program or policy.

**A lobbying communication is not:**

- Communications required pursuant to an existing contract, permit, license, grant, or loan.
- A speech, article, publication, or other material that does not address an official position of the University, which is distributed and made available to the public through a medium of mass communication.
- Educational meetings and presentations to officials.

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~~All regulations and procedures are subject to amendment.~~

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All policies are subject to amendment. Please refer to the Rutgers University Policy Library website ([policies.rutgers.edu](http://policies.rutgers.edu)) for the official, most recent version.

- Public testimony or written comments that do not address an official position of the University, in response to a public proceeding.
- Personal lobbying communications using personal resources or that of a professional association.
- Communications required by subpoena or civil investigative demand, or otherwise compelled by statute, regulation, or other action of a public agency.

**D. Personal Lobbying Communication:** Any lobbying communication made on personal time using personal resources setting forth personal opinions to government officials.

**E. Professional Lobbying Communication:** Any lobbying communication made to government officials on behalf of professional groups or organizations.

**F. Official Rutgers Lobbying Communication:** A lobbying communication, authorized by the Vice President for State Government Affairs or Vice President for Federal Relations, made on behalf of the University.

**G. Rutgers Leadership:** For the purposes of this policy, Rutgers leadership consists of the Rutgers President, all Vice Presidents, Chancellors, and Deans.

**H. Rutgers Community:** Full-time, part-time, permanent, and temporary employees, faculty, and staff.

## 6. The Policy

### ~~50.4.1~~ LOBBYING AND ADVOCACY POLICY

#### I. INTRODUCTION

The Senior Vice President for External Affairs or designee is responsible for the coordination of all official Rutgers communications and interactions with government entities. The Vice President for State Government Affairs and Vice President for Federal Relations, acting as designees of the Senior Vice President, shall advise, or be consulted, on all such activities to ensure coordination and consistency of intent, purpose, and accuracy, and shall approve materials, content of testimonies, and accuracy of positions to be presented in representation of Rutgers University.

The Senior Vice President for External Affairs, in consultation with the President, is responsible for the adoption of formal positions taken by the University on pending State or federal legislation or proposed policies.

#### II. ACCOUNTABILITY

Under the direction of the Senior Vice President for External Affairs, the Chancellors, Deans, and Vice Presidents shall ensure compliance with and implementation of this policy.

#### III. APPLICABILITY

This policy applies to all full-time, part-time, permanent and temporary employees, faculty, and staff.

#### ~~IV.~~ DEFINITIONS

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~~All regulations and procedures are subject to amendment.~~

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All policies are subject to amendment. Please refer to the Rutgers University Policy Library website ([policies.rutgers.edu](http://policies.rutgers.edu)) for the official, most recent version.

A. ~~**Lobbying Activity:** Lobbying communications and any efforts in support of such communications, including preparation or planning activities, research, and other background work that is intended, at the time of its preparation, to contact a government official on behalf of Rutgers.~~

B. ~~**Government Official:** For the purposes of this policy, a government official is any local, state, or federal official listed below.~~

1. ~~**Covered Federal Official:** Covered federal officials include Members of the U.S. House of Representatives and their staffs, as well as members of the U.S. Senate and their staffs, including staff of joint committees, leadership groups, or committees of either House of Congress; and any employee of a working group or caucus organized to provide legislative services or other assistance to Members of Congress. Covered federal officials also include the Office of the President; Vice President; employees of the Executive Office of the President; Level I—V of the Executive Schedule (generally Assistant Secretaries, Commissioners, and above); Members of the Uniformed Services at pay grade above 0-7 (generally top military officers, such as Brigadier General and above); and any officer or employee in a position of a confidential, policy-advocating character.~~

2. ~~**State Official:** State executive branch officials are the Governor, Governor's Cabinet members, senior staff members, and all employees of the Governor's administration. State legislative branch officials are members of the Legislature, partisan and non-partisan legislative staff members, and any employee of a state legislator.~~

3. ~~**Local Official:** Local officials are representatives from all local forms of government, including but not limited to, mayors and their staff, City Council members, City Council staff members, County office holders and their staff members within the administration, any employee of a local government official, or committees of any branch of local government.~~

C. ~~**Lobbying Communication:** Any in-person or indirect unsolicited communication made on behalf of Rutgers, including oral, written, or electronic communication, to influence government officials including, but not limited to: an appropriations request, action on legislation, rules, regulations, contracts, nominations, or any other governmental program or policy.~~

A lobbying communication is not:

- ~~Communications required pursuant to an existing contract, permit, license, grant or loan.~~
- ~~A speech, article, publication or other material that does not address an official position of the University, which is distributed and made available to the public through a medium of mass communication.~~
- ~~Educational meetings and presentations to officials.~~
- ~~Public testimony or written comments that do not address an official position of the university, in response to a public proceeding.~~
- ~~Personal lobbying communications using personal resources or that of a professional association.~~
- ~~Communications required by subpoena or civil investigative demand, or otherwise compelled by statute, regulation or other action of a public agency.~~

D. ~~**Personal Lobbying Communication:** Any lobbying communication made on personal time using personal resources setting forth personal opinions to government officials.~~

E. ~~**Professional Lobbying Communication:** Any lobbying communication made to government officials on behalf of professional groups or organizations.~~

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All regulations and procedures are subject to amendment.

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All policies are subject to amendment. Please refer to the Rutgers University Policy Library website ([policies.rutgers.edu](http://policies.rutgers.edu)) for the official, most recent version.

~~F. **Official Rutgers Lobbying Communication:** A lobbying communication, authorized by the Vice President for State Government Affairs or Vice President for Federal Relations, made on behalf of the University.~~

~~G. **Rutgers Leadership:** For the purposes of this policy, Rutgers leadership consists of the Rutgers President, all Vice Presidents, Chancellors, and Deans.~~

~~H. **Rutgers Community:** Full time, part time, permanent and temporary employees, faculty, and staff.~~

~~V. **REFERENCE**~~

~~Federal Lobbying Disclosure Act, Public Law 110-81, 105-166, 104-65~~

~~IV. **ADVOCATING ON BEHALF OF RUTGERS UNIVERSITY**~~

- ~~A. All members of Rutgers Leadership and of the Rutgers Community must consult with the Vice President for State Government Affairs or Vice President for Federal Relations before engaging in lobbying activities on behalf of Rutgers. The Vice President for State Government Affairs or Vice President for Federal Relations may authorize any proposed engagement following such consultation.~~

~~Lobbying Activities that require consultation with the Vice President for State Government Affairs or Vice President for Federal Relations include, but are not limited to:~~

- ~~1. Submission of oral or written statement(s)/testimony, appearance before government officials, or one-on-one meetings with government officials to educate, inform, or represent the official position of Rutgers University or any Rutgers component units on any issue.~~
- ~~2. Rutgers site tours or visits by government officials.~~
- ~~3. Advocacy or lobbying activities on behalf of Rutgers intended to create or influence legislation, regulations, or public policy.~~
- ~~4. Requests on behalf of Rutgers to any government official for public appropriations, grants, or other public financial support.~~

- ~~B. Any verbal or written representation of Rutgers or that of its component units must be consistent with and adequately reflect the University's mission, vision, values, strategic direction, and policies.~~

~~C. **Lobbying Authorization Process**~~

- ~~1. Authorization process for Rutgers Leadership~~

~~Rutgers Leadership may engage in lobbying activities in consultation with the Vice President for State Government Affairs or Vice President for Federal Relations~~

- ~~2. Authorization process for the Rutgers Community~~

~~Members of the Rutgers Community may be authorized to engage in official lobbying activities on behalf of Rutgers in accord with this procedure:~~

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~~All regulations and procedures are subject to amendment.~~

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~~All policies are subject to amendment. Please refer to the Rutgers University Policy Library website ([policies.rutgers.edu](http://policies.rutgers.edu)) for the official, most recent version.~~

- a. The member of the Rutgers Community shall submit a brief, written, request that details the proposed lobbying activity to his/her supervising Dean, Vice President, or Chancellor.
- b. The Dean, Vice President, or Chancellor shall determine whether to approve or deny the request.
- c. If the Dean, Vice President, or Chancellor approves the request, he/she shall forward the proposal to the Vice President for State Government Affairs or Vice President for Federal Relations for advice and consultation

D. Federal Lobbying Disclosure

The Federal Lobbying Disclosure Act mandates that the University file quarterly and semi-annual reports related to ~~the~~ University lobbying activities and related expenditures. The University's Office of Federal Relations, under the supervision of the Senior Vice President for External Affairs, manages the University's compliance with the Act. University employees who have engaged in federal lobbying activities with covered federal officials must report their activities to the Office of Federal Relations and will be required to document their lobbying activity through a quarterly questionnaire from the Office of Federal Relations.

E. Unauthorized Lobbying Activity Reporting

If any member of Rutgers Leadership or the Rutgers Community has engaged in unauthorized lobbying activities, or becomes aware of unauthorized lobbying activities that are taking place, he/she must immediately report the unauthorized lobbying activity to the Vice President for State Government Affairs or Vice President for Federal Relations

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~~All regulations and procedures are subject to amendment.~~

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All policies are subject to amendment. Please refer to the Rutgers University Policy Library website ([policies.rutgers.edu](http://policies.rutgers.edu)) for the official, most recent version.

——F. Personal Lobbying Communications

Members of Rutgers Leadership or the Rutgers Community who engage in personal lobbying communications shall make it clear that the views expressed are personal in nature.

1. Rutgers letterhead shall not be used for personal contacts;
2. Personal lobbying communications shall not be sent from Rutgers e-mail accounts; and
3. Official Rutgers Titles shall not be used when making personal contacts.

G. Lobbying Activities on Behalf of Professional Groups or Organizations

1. Members of Rutgers Leadership or the Rutgers Community who engage in lobbying activities on behalf of a professional organization shall make it clear that the views expressed are being made on behalf of the professional organization and not on behalf of Rutgers.
2. Rutgers letterhead shall not be used for any professional organization lobbying activities.

~~VII. SANCTION~~

~~Failure to comply with this policy may result in sanctions up to, and including, termination of employment.~~

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~~All regulations and procedures are subject to amendment.~~

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All policies are subject to amendment. Please refer to the Rutgers University Policy Library website ([policies.rutgers.edu](http://policies.rutgers.edu)) for the official, most recent version.





**PROPOSED RESOLUTION  
ADOPTING UNIVERSITY POLICY 60.1.33:  
TITLE IX POLICY AND GRIEVANCE PROCEDURES**

**WHEREAS**, on August 14, 2020, revised federal regulations implementing Title IX of the Education Amendments Act of 1972 became effective and applicable to institutions of higher education; and

**WHEREAS**, a review was conducted by a University Title IX task force to identify necessary adjustments to the University's existing Title IX policies and procedures to ensure alignment with the Department of Education's regulatory changes; and

**WHEREAS**, the task force determined that substantial modifications to University Policy 10.3.12: Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct, and University Policy 60.1.28: Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct by Employees and Third Parties would have been required to comply with these regulatory revisions, particularly with respect to changes to the definition of sexual harassment, adoption of procedures for a live hearing process, clarification of the applicability of Title IX to incidents occurring off-campus, and other procedural and definitional changes; and

**WHEREAS**, the Title IX task force therefore recommended the creation of a new single University Policy to apply to students, faculty, staff, and third parties to enhance efficiency and promote consistency in the University's response to incidents covered by Title IX; and

**WHEREAS**, the Title IX task force, working under the direction of the University's Title IX executive sponsors, drafted an integrated Title IX policy statement which the University established as interim University Policy 60.1.33: Title IX Policy and Grievance Procedures on August 14, 2020 as a replacement for University Policies 10.3.12 and 60.1.28 and which was implemented on an interim basis in order to ensure the University's compliance with regulatory requirements; and

**WHEREAS**, on December 1, 2020, with the endorsement of Executive Vice President for Academic Affairs Prabhas Moghe; Rutgers University–New Brunswick Vice Chancellor for Student Affairs, Salvador Mena; Rutgers Biomedical and Health Sciences Assistant Vice Chancellor for Academic & Student Affairs & Title IX Coordinator, Susan Hamilton; Rutgers University–Newark Vice Chancellor for Student Affairs, Corlisse Thomas; and Rutgers University–Camden Vice Chancellor for Student Affairs, Mary Beth Daisey, the Board of Governors Committee on Academic and Student Affairs reviewed the attached University Policy 60.1.33: Title IX Policy and Grievance Procedures and recommended approval by the Board of Governors.

**NOW, THEREFORE, BE IT RESOLVED** that, upon the recommendation of the Committee on Academic and Student Affairs, the Board of Governors of Rutgers, The State University of New Jersey, approves and adopts the attached Policy 60.1.33: Title IX Policy and Grievance Procedures, effective immediately; and

**BE IT FURTHER RESOLVED** that University Policy 10.3.12: Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct, and University Policy 60.1.28: Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct by Employees and Third Parties are hereby rescinded.

Attachment: University Policy 60.1.33: Title IX Policy and Grievance Procedures

Board of Governors  
Rutgers, The State University  
of New Jersey  
December 17, 2020

# RUTGERS

THE STATE UNIVERSITY  
OF NEW JERSEY

## UNIVERSITY POLICY

|                                |  |                       |  |   |  |
|--------------------------------|--|-----------------------|--|---|--|
| <b>Policy Name:</b>            | Title IX Policy and Grievance Procedures   |                       |  |   |  |
| <b>Section #:</b>              | 60.1.33  | <b>Section Title:</b> | Human Resources:<br>Universitywide HR Policies &<br>Procedures | <b>Formerly Book:</b>   | Formerly Policies 10.3.12 and 60.1.28 (complete rewrite) |
| <b>Approval Authority:</b>     | Board of Governors   |                       | <b>Adopted:</b>  | 08/14/2020 (implemented as interim);<br>12/17/2020 (officially adopted)   | <b>Reviewed:</b>   |
| <b>Responsible Executives:</b> | Executive Vice President for Academic Affairs and Senior Vice President for Human Resources and Organizational Effectiveness |                       | <b>Revised:</b>  |   |  |
| <b>Responsible Offices:</b>    | Academic Affairs and University Human Resources  |                       | <b>Contact:</b>  | <a href="https://uec.rutgers.edu/programs/title-ix/coordinators/">https://uec.rutgers.edu/programs/title-ix/coordinators/</a><br>Phone: (973) 972-8000<br>Email: <a href="mailto:uec_contact@uec.rutgers.edu">uec_contact@uec.rutgers.edu</a> |  |

### 1. Policy Statement

Rutgers, The State University of New Jersey, is committed to fostering an environment that is safe and secure and free from sexual discrimination and harassment, sexual violence, dating and domestic violence, and stalking. The University recognizes its responsibility to increase awareness of such misconduct, prevent its occurrence, and reduce its effects by supporting victims, dealing fairly with offenders, and diligently investigating formal complaints of Covered Sexual Harassment. In addressing these issues, all members of the University must come together to respect and care for one another in a manner consistent with our deeply held academic and community values.

### 2. Reason for Policy

The University is required to comply with Title IX of the Education Amendments of 1972 (Title IX), as amended, which prohibits discrimination on the basis of sex in educational programs and activities. The United States Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a person's equal access to the University's educational programs and activities.

On May 19, 2020, the United States Department of Education issued regulations under Title IX that define sexual harassment, address how colleges and universities, including Rutgers, must

respond to reports of misconduct falling within that definition of sexual harassment, and mandate a specific grievance process that the University must follow in those cases.

This Policy describes the ways in which Rutgers will respond to reported instances of sexual harassment that fall within the definition of sexual harassment set forth in the Title IX regulations. Other alleged misconduct, including allegations of sexual harassment that do not fall within the definition set forth in the Title IX regulations, may be addressed under other University Policies and procedures, as described in further detail throughout this Policy.

### **3. Who Should Read this Policy**

All members of the Rutgers University Community.

### **4. Resources**

[University Policy 10.2.11: Code of Student Conduct](#)

[Discrimination, Harassment, Workplace Violence, Sexual Misconduct, and Retaliation Complaint Process: Complaints Against University Employees and Third Parties](#)

[University Policy 60.1.12: Policy Prohibiting Discrimination and Harassment](#)

[University Policy 60.1.13: Policy Prohibiting Workplace Violence](#)

[University Policy 60.1.16: Conscientious Employee Protection Policy](#)

[Office of Employment Equity Formal Complaint Form](#)

[Rutgers Biomedical and Health Sciences \(RBHS\) Students Rights, Responsibilities and Disciplinary Procedures](#)

New Jersey Campus Sexual Assault Victim's Bill of Rights, N.J.S.A. 18A:61E-1 et seq.

[United States Department of Education, Office for Civil Rights](#)

[United States Department of Justice, Office on Violence Against Women](#)

Education Amendments Act of 1972, 20 U.S.C. §§1681 - 1688 (2018)

[85 Fed. Reg. 30026 \(May 19, 2020\) \(Title IX Regulations\)](#)

Additional on-campus and off-campus resources are listed at the end of this Policy.

### **5. Definitions**

See Sections IV and V of this Policy for definitions of conduct prohibited by this Policy and other important concepts and definitions.

### **6. The Policy**

#### **I. INTRODUCTION**

Pursuant to Title IX, this Policy provides that the University will respond promptly, and in a manner that is not deliberately indifferent, when the University has actual knowledge of Covered Sexual Harassment prohibited by this Policy, including sexual assault, dating violence, domestic violence, and stalking, that occurs in a University education program

or activity against a person in the United States, and is committed by a current Rutgers student, employee, or third party.

As defined below, all Covered Sexual Harassment is prohibited by this Policy. This Policy also prohibits retaliation against any individual who, in good faith, asserts their right to bring a complaint under this Policy (including individuals who make third-person reports), participates or refuses to participate in an investigation or hearing under this Policy, or protests alleged conduct prohibited by this Policy (including retaliation).

The University is committed to responding to all forms of sexual harassment. Reports of misconduct outside the scope of this Policy, including sexual harassment that does not meet the definition of Covered Sexual Harassment prohibited by Title IX and this Policy, may be addressed under other University Policies. Additional information concerning reporting options and applicable policies is set forth below.

## **II. EFFECTIVE DATE**

The Title IX Policy and Grievance Procedures ("Policy") apply to all reports and/or formal complaints of alleged Covered Sexual Harassment (as defined below) submitted to a Title IX Coordinator on or after August 14, 2020. Complaints submitted prior to August 14, 2020, but not resolved by that date, will be investigated and adjudicated according to this Policy, to the extent practicable, as determined by the Title IX Coordinator.

## **III. NON-DISCRIMINATION IN APPLICATION**

The requirements and protections of this Policy apply equally regardless of sex, sexual orientation, gender, gender identity, gender expression, age, race, nationality, class status, ability, religion, or other protected classes covered by federal or State law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about Rutgers' Policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

## **IV. DEFINITIONS**

### **A. Covered Sexual Harassment**

For the purposes of this Policy, "Covered Sexual Harassment" includes any conduct on the basis of sex that constitutes one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo harassment);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity;
3. Sexual assault (as defined in the Clery Act)<sup>1</sup>, which includes any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent;

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<sup>1</sup> Relevant definitions from the Clery Act are included in Appendix D.

4. Dating violence (as defined in the Violence Against Women Act ("VAWA") amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship.
5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New Jersey's domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of New Jersey.
6. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the Code of Student, the RBHS Students Rights, Responsibilities, and Disciplinary Procedures Policy, the Policy Prohibiting Discrimination and Harassment, or other University Policies.

## **B. Consent**

Consent requires clear and unambiguous communication and mutual agreement for the act in which the participants are involved. Consent will be assessed objectively from the standpoint of a reasonable person in the position of the Respondent.

In understanding the meaning of consent, the following principles apply:

- A sexual interaction is considered consensual when individuals willingly and knowingly engage in the interaction.
- Consent can be given by words or actions, as long as those words or actions express willingness to engage in the sexual contact or activity. If there is confusion or ambiguity, participants in sexual activity are expected to stop and clarify each person's willingness to continue.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Previous relationships or previous consent for sexual activity is not consent to sexual activity on a different occasion. (For example, consent to certain acts at one point in an evening does not mean consent to the same acts later in the same evening.)
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Silence or the absence of resistance is not the same as consent.

- Consent must be continually assessed and can be withdrawn at any time.
- The use of alcohol or drugs does not justify or excuse behavior that violates this Policy and never makes someone at fault for being the victim of a violation of this Policy.

### 1. Age

Under New Jersey's Statutory Rape Laws, a person must be 16 years of age to legally consent to sexual activity. A person cannot give consent to sexual activity with someone who has "the duty to care" for them unless they are over the age of 18. Individuals that fall into "the duty to care" category would include parents or guardians, and those in any type of formal supervisory role. If individuals are between the ages of 13 and 15, they can legally consent to sexual activity with a partner who is not more than 4 years older.

### 2. Coercion and Force

Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.

Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, and/or force. Ignoring objections of another person is a form of coercion.

Force refers to the use of physical violence and/or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

### 3. Incapacitation

Someone who is incapacitated cannot consent. A person is incapacitated when the person cannot make a rational, reasonable decision because the person lacks the ability to understand their decision. A person can become incapacitated as a result of, among other things, physical or mental impairment, involuntary physical constraint, sleep, unconsciousness, or consumption of alcohol or other drugs.

According to New Jersey law, an individual who is physically or mentally impaired may not be able to give consent to sexual activity. Physical or mental impairment may include: visual, speech or hearing impairment, cognitive impairment; being unconscious or asleep; or being under the influence of alcohol or other substance(s) to the point of being unable to make a decision. The impact of alcohol and other drugs varies from person to person.

## C. Education Program or Activity

For the purposes of this Policy, "education program or activity" includes locations, events, or circumstances over which Rutgers exercises substantial control over both the Respondent and the context in which the Covered Sexual Harassment occurs. This may include, but is not limited to, conduct that occurs in one of the following:

- Any on-campus facility, property, or building owned or controlled by the University.
- Any off-campus premises that Rutgers has substantial control over.
- Buildings or property owned or controlled by a recognized student organization.<sup>2</sup>
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Rutgers' programs and activities over which Rutgers has substantial control.

#### **D. Formal Complaint**

"Formal Complaint" means a document (hard copy or electronic) that alleges that a Respondent committed Covered Sexual Harassment within a Rutgers education program or activity and requests initiation of the procedures consistent with the Policy to investigate the allegation of Covered Sexual Harassment. A "Formal Complaint" can only be filed by a Complainant with a signature or other indication that the Complainant is the person filing the formal complaint, or it must be signed by the Title IX Coordinator.

#### **E. Complainant**

"Complainant" means any individual who has reported being or is alleged to be the victim of conduct that could constitute Covered Sexual Harassment as defined under this Policy.

#### **F. Parties**

"Parties" refers to the Complainant(s) and Respondent(s) in a particular case.

#### **G. Relevant evidence and questions**

"Relevant" evidence and questions refer to any questions and evidence that tend to make an allegation of Covered Sexual Harassment more or less likely to be true.

"Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of the processes described in this Policy:

- Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior unless:
  - They are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or

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<sup>2</sup> A "student organization" is an identified group of students who have complied with the formal requirements for University recognition and affiliation and have registered for affiliation with the University, or who are advised by a University department or University employee.



- They concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally recognized privilege.
- Any Party's medical, psychological, and similar records unless the Party has given voluntary, written consent.

#### **H. Respondent**

"Respondent" means any individual who has been reported to have engaged in conduct that could constitute Covered Sexual Harassment as defined under this Policy.

### **V. OTHER IMPORTANT CONCEPTS**

#### **A. Role of the Title IX Coordinator**

The University has a Title IX Coordinator for Rutgers University–Camden, Rutgers University–Newark, Rutgers University–New Brunswick, Rutgers Biomedical and Health Sciences, a Title IX Coordinator for employees (the Director of the Office of Employment Equity), as well as a Title IX Compliance Officer who serves as the University-wide Title IX Coordinator. The Title IX Coordinators oversee the administration of this Policy in a neutral and equitable manner and serve as the central points of contact for all University students, employees, faculty, and staff affected by conduct prohibited by this Policy. The Title IX Coordinators are responsible for overseeing the University's response to all reports and complaints of conduct prohibited by this Policy and identifying and addressing any patterns or systemic problems revealed by such reports and complaints.

#### **B. Privacy vs. Confidentiality**

*Confidentiality* refers to the ability of identified confidential resources to not report crimes and violations to law enforcement or University officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References to *privacy* mean Rutgers offices and employees who are not identified as confidential resources will share information disclosed, pursuant to sections V.C. and VI.E. below, only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues.

The University will keep the identity of any individual who has made a report or complaint pursuant to this Policy confidential, including the identity of any individual who has made a report or filed a Formal Complaint of Covered Sexual Harassment under this Policy, any Complainant, any individual who has been reported to have engaged in sex discrimination, any Respondent, and any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA) statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding under this Policy.

#### **C. Reports vs. Formal Complaints**

Any member of the University may report instances of Covered Sexual Harassment in accordance with this Policy, and the University strongly encourages any individual

who is aware of such conduct to do so. Upon receipt of a report by a Title IX Coordinator or a Rutgers official with authority to institute corrective measures, Rutgers will respond in a way that is not deliberately indifferent. Specifically, the Title IX Coordinator (or designee) will notify the Complainant of the availability of Supportive Measures (with or without filing a Formal Complaint) and the option of filing a Formal Complaint under this Policy to initiate the Grievance Procedures, as well as any other steps deemed necessary and/or appropriate by the Title IX Coordinator. Note that all University employees who are not designated as Confidential Resources are required to notify a Title IX Coordinator upon receipt of a report of alleged Covered Sexual Harassment from a student, and all University managers and supervisors are required to notify the Title IX Coordinator for Employees (Director of the Office of Employment Equity) upon receipt of a report of alleged Covered Sexual Harassment from an employee.

A signed, written Formal Complaint must be submitted by a Complainant, or signed by the Title IX Coordinator, in order to initiate the Grievance Procedures under this Policy. This means that in order for Rutgers to investigate alleged Covered Sexual Harassment under this Policy, either the Complainant must submit a Formal Complaint indicating that they wish the University to do so, or a Title IX Coordinator must determine that an investigation is necessary in order to meet the University's obligations under Title IX, and submit a Formal Complaint in lieu of the Complainant doing so.

#### **D. Disability Accommodations**

This Policy does not alter any institutional obligations under federal disability laws, including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process, provided the accommodations will not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

#### **E. Retaliation**

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing. This includes any charges filed against an individual for other policy violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

Retaliation can take many forms, including sustained abuse or violence, threats, and intimidation. Any individual or group of individuals, not just a Respondent or Complainant, can be responsible for retaliation. Retaliation is considered a separate offense from the original complaint and will be considered independently from the merits of the underlying complaint. Complaints alleging retaliation will be investigated in accordance with applicable Code of Student Conduct; RBHS Students Rights, Responsibilities, and Disciplinary Procedures Policy; or Rutgers Policy Prohibiting Discrimination and Harassment.

## **F. Amnesty for Student Alcohol and Drug Violations**

Sometimes students may be reluctant to report instances of sexual misconduct because they fear being charged with University alcohol or drug policy violations. The University encourages students to report all instances of conduct prohibited by this Policy and will take into consideration the importance of reporting such conduct in addressing violations of the University's alcohol and drug policies. Normally, the University will not respond punitively to alcohol or other drug violations associated with prohibited conduct reported under this Policy.

Amnesty does not apply in situations where alcohol or other drugs are used as a tool to facilitate a violation of this Policy and/or instances of illegal alcohol or other drug distribution.

## **G. Designation of University Offices and Employees**

Throughout this Policy, the University office and/or employee(s) who will typically perform certain roles or duties are identified. However, the University may designate other University offices or employees to perform any roles or duties described in this Policy where necessary to effectuate this Policy.

## **H. Misconduct Outside the Scope of Title IX**

The University is committed to responding to all reports of harassment and discrimination, and other forms of misconduct, including those that allege conduct that falls outside the scope of Title IX and this Policy. As discussed in further detail below, if a report or Formal Complaint is not investigated or adjudicated under this Policy, the alleged conduct may still be prohibited under other University Policies. The University will investigate and adjudicate any such conduct pursuant to such Policies as applicable, and any individual may file a complaint under such Policies directly. For additional information, see below:

- For reports of harassment, discrimination or other misconduct outside the scope of Title IX against a faculty or staff member, third party who does business with the University, or is otherwise affiliated with the University, but not a University student, please refer to the Rutgers Policy Prohibiting Discrimination and Harassment, and accompanying procedures, or contact the University's Office of Employment Equity.
- For reports of harassment, discrimination or other misconduct outside the scope of Title IX against a student, please refer to the Code of Student Conduct or RBHS Students Rights, Responsibilities, and Disciplinary Procedures Policy or contact the Title IX Coordinator at the appropriate Chancellor unit/campus.

In addition, depending on the nature of the allegations, additional charges under other Policies may apply even where some allegations are investigated under this Policy. The Title IX Coordinator and the office responsible for addressing other misconduct will determine whether those additional charges will be dealt with under this Policy, or under other applicable policies.

When portions of the report or Formal Complaint include conduct that would not constitute Covered Sexual Harassment under this Policy, the Title IX Grievance Process will only be applied to investigate and adjudicate the allegations that constitute Covered Sexual Harassment.

## **VI. REPORTING COVERED SEXUAL HARASSMENT**

The University strongly encourages students, faculty, and staff to report all conduct that may be prohibited by this Policy as promptly as possible so that the University can respond effectively.

Any person may report Covered Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Covered Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, by the online reporting form, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the contact information for Title IX Coordinators as listed in the online reporting form and the Resources section of this Policy.

Any person may report or meet with a Title IX Coordinator, Office of Employment Equity staff member, Rutgers University Police Department (RUPD), or any confidential resource (see VI.D.) to ask questions about the process before deciding to file a Formal Complaint.

In cases where an incident is reported to a Title IX Coordinator or RUPD by someone other than the alleged victim (such as a supervisor, faculty member, resident advisor, colleague, friend, or roommate, for example), the Title IX Coordinator will promptly notify the alleged victim that a report has been received. The Title IX Coordinator will make every effort to meet with the alleged victim to discuss available options and on-campus and off-campus resources. The alleged victim will have the option to file a Formal Complaint with the Title IX Coordinator but is not required to participate in any resulting investigation or disciplinary process.

### **A. Reports Against Students**

Rutgers, The State University of New Jersey, is a public research university with multiple campuses – Rutgers University–New Brunswick, Rutgers University–Newark, and Rutgers University–Camden – and an academic health care division, Rutgers Biomedical and Health Sciences (RBHS), which collaborates University-wide and is aligned with Rutgers University–New Brunswick.

Allegations will be addressed by the Title IX Office at the Rutgers campus with the ability to provide supportive measures for the Complainant and/or with disciplinary authority over the Respondent.

### **B. Reports Against Faculty and Staff**

If the Respondent is a faculty or staff member, the allegation will be addressed by the University's Office of Employment Equity (OEE). Additionally, if the Respondent is a student employee and the Covered Sexual Harassment occurred in the context of their employment, the allegation(s) will be addressed by OEE.

### **C. Reports Against Third Parties**

If the Respondent is a third party who does business with the University or is otherwise affiliated with the University, but not a University student, the allegation will be addressed by the Office of Employment Equity. If the Respondent is not otherwise affiliated with the University and does not do business with the University, the University-wide Title IX Coordinator will determine which office(s) will address the allegations.

#### **D. Confidential Resources**

Rutgers University–Camden, Rutgers University–New Brunswick, Rutgers University–Newark and RBHS each have several confidential resources available, including advocates, counselors, clergy, and healthcare providers. These are people that, in general, are not obligated to share any personally identifying information about a report of prohibited conduct (such as the reporting person's, victim's or Respondent's name) with the Title IX Coordinator, law enforcement, or any other University administrator. A report to a confidential resource will not trigger an investigation or disciplinary action under this Policy. Confidential resources can offer the following assistance:

- Provide information about how to file a complaint with the University or law enforcement;
- Direct the person to other forms of protection and support, such as victim advocacy, accommodations, and/or health, or counselling services;
- Arrange for medical care and accompany them, or arrange for someone to accompany them, to seek such care; and
- Provide immediate and long-term help.

Appendix A contains a complete list of the confidential resources on each campus. Members of the Rutgers community may use these confidential resources whether or not they make a report to a Title IX Coordinator or participate in University disciplinary proceedings or the criminal process.

#### **E. Responsibilities of Faculty, Staff and Other Non-Confidential University Employees Following Receipt of a Report**

The University recognizes that individuals, including students, may be most comfortable disclosing sexual violence and other prohibited conduct to a University member they know well, such as a faculty member, coach, or resident advisor. These "non-confidential" employees will protect and respect an individual's privacy to the greatest extent possible and share information only on a need-to-know basis; however, they cannot serve as a confidential resource.

Any University employee (other than the confidential resources identified in Appendices A and B) who receives a report about conduct prohibited by this Policy involving a student is required to inform the appropriate Title IX Coordinator about the incident. Information about Covered Sexual Harassment that a student includes in a classroom assignment is considered a report and must be shared with the Title IX Coordinator. Similarly, University supervisors and managers are required to inform the Title IX Coordinator for Employees (Director of the Office of Employment Equity) of any reported conduct prohibited by this Policy involving other employees. This means that these individuals are required to report to the Title IX Coordinator all relevant details, including the names of the individual who made the report, the alleged victim (if different), the alleged Respondent, any witnesses, and other known relevant facts. These reporting requirements aim to ensure that all potential Complainants are provided with appropriate resources and supportive measures, even if they do not wish to pursue a Formal Complaint.

Notwithstanding this requirement, the University encourages all members of the University community to report conduct prohibited by this Policy directly to a Title IX Coordinator.



## **F. Public Awareness Events**

The University supports public awareness events such as Students Challenging Realities and Educating Against Myths (SCREAM) Theater events, "Take Back the Night" events, candlelight vigils, protests, survivor speak outs, and other forums. These activities help inform the need for campus-wide education and prevention efforts. Disclosure by a student at such events of incidents of prohibited conduct is not considered a report under this Policy that a University employee would be required to relay to a Title IX Coordinator. Additionally, there is no duty to report information received through a person's participation as a subject in an Institutional Review Board-approved human subjects research protocol, except as required by other University policies or law.

## **G. Law Enforcement**

Individuals may choose to report crimes of sexual violence to RUPD, and/or the state or local police department or the county prosecutor's office where the incident(s) occurred. RUPD officers are trained to assist victims of sexual assault, dating violence, domestic violence, and stalking.

RUPD personnel are familiar with state and local law enforcement processes and can explain what happens when sexual violence is reported to law enforcement. RUPD personnel can also accompany any student or employee requesting support to the local police department or prosecutor's office, though they cannot serve as a substitute for legal advice on these matters.

While RUPD may work cooperatively with State or local law enforcement authorities, the criminal justice system is independent of the University's internal disciplinary procedures. Law enforcement authorities, including RUPD, do not determine whether a violation of this Policy has occurred.

Additional information on the RUPD intake process can be found in Rutgers' annual security report, which is available at <http://rupd.rutgers.edu/aboutsafe.php>.

## **VII. NON-INVESTIGATORY MEASURES**

### **A. Supportive Measures**

Supportive measures are non-disciplinary and non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to any party before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to Rutgers education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all Parties or the Rutgers community, or deter sexual harassment.

Complainants who report allegations that could constitute Covered Sexual Harassment under this Policy have the right to receive supportive measures from Rutgers regardless of whether they desire to file a Formal Complaint. Supportive measures are also available for Respondents at any point in the Title IX process.

As appropriate, supportive measures may include, but are not be limited to:

- Counseling
- Extensions of deadlines or other course-related adjustments

- Modifications of work or class schedules
- Campus escort services
- Restrictions on contact between the Parties (“No Contact Orders”)
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus

Any decisions regarding supportive measures shall be made by the appropriate Title IX Coordinator, in consultation with relevant University administrators and the Party requesting supportive measures. It is not necessary to file a Formal Complaint under this Policy, participate in the adjudication process, or file a criminal complaint in order to request supportive measures from the University. Complainants may request supportive measures even in cases where the Complainant has requested that no investigation be undertaken, or the Complainant or Respondent has declined to participate in University disciplinary proceedings or the criminal process.

Failure to comply with certain supportive measures, such as a No Contact Order or other measures taken to separate the Parties in academic, employment, or extracurricular settings, may be a violation of the Code of Student Conduct; RBHS Students Rights, Responsibilities, and Disciplinary Procedures Policy; Policy Prohibiting Discrimination and Harassment; or other University Policies and may lead to additional disciplinary action.

#### **B. Emergency Removal and Administrative Leave**

The University retains the authority to remove a Respondent from a Rutgers program or activity on an emergency basis, where the University (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Covered Sexual Harassment justifies a removal.

For cases involving student Respondents, Rutgers will follow the procedures as described in [University Policy 10.2.12: Safety Intervention Policy](#) when making a determination regarding emergency removal from any aspect of a Rutgers program or activity.

For cases involving employee Respondents, Rutgers retains the authority to place a non-student employee Respondent on administrative leave during the Title IX Grievance Process in accordance with applicable Policies and collective negotiations agreements.

### **VIII. TITLE IX GRIEVANCE PROCESS**

#### **A. Rights of the Parties**

The University is committed to providing accessible, prompt, thorough and fair methods of investigation and resolution of Formal Complaints filed under this Policy. To this end, in addition to the procedural rights afforded throughout this Policy, the Complainant and Respondent are entitled to the following overarching rights:

1. To be treated with dignity by all persons involved in resolution processes under this Policy.
2. To reasonable accommodations for any documented disabilities.
3. To a reasonably prompt and thorough investigation of the allegations.
4. To a fair hearing.
5. To equal access to information, evidence, and University resources, including information pertaining to counseling services (See Appendix A, Resources for Complainants and Appendix B, Resources for Respondents).
6. To an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations).
7. To information about this Policy.
8. To be free from intimidation, harassment, bullying, or any other form of retaliation throughout the resolution process.
9. To have reasonable steps taken to prevent any unnecessary or unwanted in-person contact with the other party(ies) during the resolution process including modifications to the live hearing process.
10. To report the incident to law enforcement at any time.

The University also adheres to the New Jersey Campus Sexual Assault Victim's Bill of Rights which is reproduced in this Policy as Appendix C.

#### **B. Conflicts of Interest or Bias**

The University requires any University personnel participating in the investigation, hearing process, sanctioning, or appeal determinations to disclose to the Title IX Coordinator any potential or actual conflict of interest or bias. If a Party believes that any individual involved in the process has a conflict of interest or bias, they may make a request to the Title IX Coordinator that the individual not participate. This request must be submitted in writing to the Title IX Coordinator within three (3) days<sup>3</sup> after notification of that person's involvement in the process. Any request must include a description of the conflict or bias. If the Title IX Coordinator determines that a conflict of interest or bias may exist, the University will take steps to address the conflict or bias in order to ensure an impartial process. A Party who believes that the Title IX Coordinator has a conflict of interest or bias may make a request to University Ethics and Compliance that the Title IX Coordinator not participate.

#### **C. Filing a Formal Complaint**

To file a Formal Complaint, a Complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. When filing a Formal Complaint under this Policy, Complainants must be currently participating in, or

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<sup>3</sup> References to days in this Policy refer to working days.



attempting to participate in, the education programs or activities of the University (which may include participation as a student, employee,<sup>4</sup> or third party).

The Complainant's signature on the Formal Complaint indicates the Complainant's desire to have the Formal Complaint investigated and adjudicated under this Policy. In all cases, University personnel will reveal information about the identities of the Parties, including the identity of the Complainant, only to those who need to know in order to carry out their duties and responsibilities and/or as necessary to comply with this Policy or applicable law. This may include the investigators assigned to the case, potential witnesses, the Respondent, and University administrators involved in the disciplinary process or implementation of supportive measures.

It is not necessary to file a Formal Complaint in order to receive supportive measures under this Policy. Nothing in the Policy prevents a Complainant from seeking the assistance of State or local law enforcement alongside the appropriate on-campus process.

If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator is responsible for determining whether it is necessary for the Title IX Coordinator to initiate a complaint in order for the University to respond to the reported conduct of which it has actual notice in a way that is not deliberately indifferent. The Title IX Coordinator will consider various factors in this assessment, such as the availability of independent evidence of the allegations, the nature of the allegations, and/or whether there have been other similar complaints about the same Respondent. If the Title IX Coordinator initiates a Formal Complaint, the University will inform the Complainant of this decision in writing. The Complainant will not be required to participate in the process but will receive all notices issued under this Policy.

Rutgers may consolidate Formal Complaints alleging Covered Sexual Harassment against more than one Respondent, or by more than one Complainant, against one or more Respondents, or by one Party against the other Party, where the allegations of Covered Sexual Harassment arise out of the same facts or circumstances.

#### **D. Notice of Allegations**

If a Formal Complaint is filed, the Title IX Coordinator will provide the Notice of Allegations set forth in the Formal Complaint to the Complainant and the Respondent. Such notice will occur as soon as practicable, *but* no more than five (5) days after the University receives a Formal Complaint of the allegations, absent extenuating circumstances or if the University needs more time to gather all required information for the Notice of Allegations.

The Parties will be notified by their Rutgers email accounts if they are a student or employee, and by other reasonable means if they are neither. It is the responsibility of Parties to maintain and regularly check their Rutgers email accounts.

The University will provide sufficient time for the Parties to review the Notice of Allegations and prepare a response before any initial interview.

Following review of the Formal Complaint and after providing Notice of Allegations to the Parties, the Title IX Coordinator may determine that all or part of the Formal Complaint must or should be dismissed, and, if so, will issue a Notice of Dismissal. If the Title IX Coordinator determines that part of the Formal Complaint will be

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<sup>4</sup> Rutgers "education programs or activities" are not limited to Rutgers academic programs. Current employees are considered to be participating in a Rutgers program or activity for purposes of this Policy. Conduct that occurs in the workplace or in the course of performing one's duties at Rutgers is considered to take place in a Rutgers program or activity.

dismissed, all Parties will also receive the Notice of Dismissal described in Section VII.F.3.

## **1. Contents of Notice of Allegations**

The Notice of Allegations will include the following:

- A copy of this Policy, either electronic or hardcopy as appropriate.
- The allegations potentially constituting Covered Sexual Harassment, including sufficient details of the allegations needed to enable the Parties to prepare for an initial interview. Sufficient details include the identities of the Parties involved in the incident (including, but not limited to, the Complainant), the conduct allegedly constituting Covered Sexual Harassment, and the date and location of the alleged incident, to the extent such information is known at the time the Notice of Allegations is issued.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Grievance Process.
- A statement that the Parties may have a support person of their choice present throughout the investigation and hearing processes.<sup>5</sup>
- A statement that the Parties may have an advisor of their choice to conduct cross-examination at the hearing who may be, but is not required to be, an attorney.
- For student Parties, a statement that they will have access to a list of campus liaisons to provide assistance throughout the Title IX process.
- A statement that before the conclusion of the investigation, the Parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that either tends to prove or disprove the allegations, whether obtained from a Party or other source.
- A statement that University Policies prohibit knowingly making false statements or knowingly submitting false information during the grievance process.

## **2. Ongoing Notice**

If, in the course of an investigation, the University decides to investigate allegations that are not included in the initial Notice of Allegations and are otherwise Covered Sexual Harassment falling within this Policy, the Title IX

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<sup>5</sup> For the purposes of compliance with VAWA, an individual may choose to have a support person or advisor as a VAWA “advisor” throughout the grievance process.

Coordinator will issue an updated Notice of Allegations to notify the Parties of the additional allegations being investigated. The Parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

#### **E. Determining Jurisdiction**

In addition to meeting the definition of “Covered Sexual Harassment” above, the Grievance Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

- a. The conduct is alleged to have occurred in the United States;
- b. The conduct is alleged to have occurred in a Rutgers education program or activity; and
- c. The alleged conduct, if true, would constitute Covered Sexual Harassment as defined in this Policy.

If all of the elements are met, the University will investigate the allegations according to the Title IX Grievance Process set forth in this Policy.

#### **F. Dismissal of a Formal Complaint**

##### **1. Mandatory Dismissal**

If any one of the jurisdictional elements defined in Section VII.E above is not met, the Title IX Coordinator will notify the Parties in writing that the Formal Complaint is being dismissed for the purposes of this Policy. Either party may appeal this dismissal using the procedure outlined in Section VIII.F., “Appeal of Dismissal of Formal Complaint,” below.

##### **2. Discretionary Dismissal**

The Title IX Coordinator may dismiss a Formal Complaint brought under the Title IX Grievance Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

1. A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
2. The Respondent is no longer enrolled at or employed by Rutgers; or,
3. If specific circumstances prevent Rutgers from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Either party may appeal this dismissal determination using the process outlined in Section VIII.F., “Appeal of Dismissal of Formal Complaint,” below.

##### **3. Notice of Dismissal**

Upon reaching a decision that the Formal Complaint or any specific allegation within the Formal Complaint will be dismissed under this Policy under Section

VIII.F., the Title IX Coordinator will promptly send written notice of the dismissal, including the reason for the dismissal and information on the appeals process, simultaneously to the Parties through their Rutgers email accounts.

#### **4. Appeal of Dismissal of Formal Complaint**

Where all or part of a Formal Complaint is dismissed under Section VIII..F above, either Party may file an appeal of that decision within three (3) days of receipt of the Notice of Dismissal by filing a written appeal with the appropriate Senior Student Affairs Officer<sup>6</sup> of the appealing party's school and/or division, or the Associate Vice President for Labor and Employee Relations("Appeals Officer"), as appropriate. Information on where to direct any appeal in a particular case will be set forth in the Notice of Dismissal. The Appeals Officer will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing Decision-maker(s) in the same matter.

The only permitted grounds to appeal a Dismissal at this stage in the process are: (i) conflict or bias by the Title IX Coordinator who issued the Notice of Dismissal, or (ii) error in the conclusion that the Formal Complaint does not fall within the scope of this Policy.

The Appeals Officer will issue a decision within five (5) days, which will be provided to all Parties. If the Appeals Officer finds that the Title IX Coordinator had an impermissible conflict of interest or bias, a new Title IX Coordinator will be assigned to the case and will evaluate the Formal Complaint. If the Appeals Officer determines that the dismissed allegations in the Formal Complaint do fall within the scope of this Policy, the Parties will be so notified and the investigation will proceed accordingly.

#### **5. Discretion to Investigate Dismissed Complaints or Allegations Under Other University Policies**

Upon dismissal for the purposes of Title IX, the University retains discretion to determine whether to investigate the reported allegations under another University Policy, including but not limited to the Code of Student Conduct; RBHS Students Rights, Responsibilities, and Disciplinary Procedures Policy; or the Policy Prohibiting Discrimination and Harassment, in which case the Parties will receive separate notice in accordance with the applicable Policy and procedures.

#### **G. Support Persons, Advisors, & Campus Liaisons**

The University will provide the Parties equal access to information about available advisors and support persons. Any restrictions on advisor or support person participation will be applied equally. Except where explicitly stated in this section, the University expects Parties to participate in the process directly and not through an advocate or representative.

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<sup>6</sup> "Senior Student Affairs Officer" refers to the officer in the Division of Student Affairs (or their designee), who oversees the Title IX Coordinator on each campus.

## **1. Support Persons**

The Parties have the right to select a Support Person to provide support and assistance throughout the Title IX process. A Party may be accompanied by a Support Person to any meeting or hearing to which they are required or are eligible to attend. A Support Person cannot represent the Party during any investigatory meeting/interview or proceeding and cannot address an investigator/Decision-maker(s) unless they are designated as an Advisor for the hearing process, or are otherwise granted permission by the investigator/Decision-maker(s).

## **2. Advisors**

The Parties have the right to select an Advisor of their choosing to conduct cross-examination at the hearing. A Party's Advisor of choice may be, but does not need to be, an attorney. The Advisor is not prohibited from having a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor of or against the Parties to a particular case. The Advisor is also not prohibited from being a witness in the matter. The Parties can choose to have their Support Person fulfill this function or may select an additional individual to serve as the Advisor at the hearing. While the Advisor may attend any investigatory meeting/interview, the Advisor cannot represent the Party during any such meeting/interview, unless otherwise granted permission by the investigator.

As discussed in Section VII.J.6. below, the Party's Advisor will conduct any cross-examination during the hearing. If a Party does not select an Advisor for this purpose, or the chosen Advisor does not attend the hearing, Rutgers will provide the Party with an Advisor for the sole purpose of conducting cross-examination at the hearing.

## **3. Campus Liaison**

Student Parties have the right to select a Campus Liaison to assist them through the Title IX process. A Campus Liaison is a member of the University community who has been trained to provide support and guidance to student Parties engaged in a Title IX Process. If the student Party designates the Campus Liaison as a Support Person or Advisor, the Campus Liaison may accompany the student Party to any meeting or hearing, within the guidelines of Sections VII.G.1. and VII.G.2., above.

## **4. Advisor and Support Person Availability**

The University will not intentionally schedule meetings or hearings on dates where the Advisors and/or Support Persons for all Parties are not available, provided that the Advisors and Support Persons act reasonably in providing available dates and work collegially to promptly find dates and times that meet all schedules.

The University's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other policies apply to matters governed under this Policy, and Rutgers cannot agree to extensive delays solely to accommodate the schedule of an Advisor or Support Person. The determination of what is reasonable shall be made by the Title IX Coordinator or investigator.

The University will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor or Support

Person, and may offer the party the opportunity to obtain a different Advisor or utilize one provided by Rutgers.

#### **H. Informal Resolution**

The University recognizes that some individuals may prefer not to go through an investigation. An informal resolution process is available in all cases, except as provided by law for those in which an employee is alleged to have committed Covered Sexual Harassment against a student. For purposes of this Policy, Informal Resolution cannot be utilized to resolve Formal Complaints by students against employees.

Informal resolution is a voluntary, remedies-based, structured interaction between or among affected Parties that balances support and accountability against a Respondent. Informal Resolution is offered in various forms, but is generally designed to allow a Respondent to acknowledge harm and accept responsibility for repairing harm (to the extent possible) experienced by the Complainant and/or the University community. Informal Resolution is designed to eliminate the prohibited conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the Complainant while maintaining the safety of the campus community.

Informal Resolution processes aim to identify and repair harm in the community, restore wellness, and promote communication, engagement, and cooperation. Informal Resolution options may include educational programs and workshops, impact statement discussions, one-on-one meetings with staff, mediation, or Restorative Practices.

A Formal Complaint must be filed in order to proceed with an Informal Resolution. A Complainant may request an Informal Resolution at the time of filing a Formal Complaint. Alternatively, either Party may request to halt the investigation and proceed with an Informal Resolution at any point in the investigation process, prior to the start of a hearing. When a party requests Informal Resolution, the Title IX Coordinator will review the matter to confirm that Informal Resolution is appropriate. Participation in an Informal Resolution process is voluntary, and the Parties must consent in writing to participation. The written consent will inform the Parties that they can request to end the Informal Resolution process at any time and pursue or resume an investigation. Information gathered and utilized in Informal Resolution cannot be used in any other University process, including a formal investigation, if Informal Resolution ends unsuccessfully. If Informal Resolution efforts are unsuccessful and the Complaint is not dismissed pursuant to section VIII.F., the investigation and/or disciplinary process will resume.

All Informal Resolution processes must result in a written agreement, and all agreements must be documented and approved by the Title IX Coordinator to ensure consistency with the University's Title IX obligations. Upon approval of the Informal Resolution Agreement, the disciplinary process will be concluded, the matter will be closed and both Parties will be provided with written notice of the resolution. The Parties are bound by the terms of the Informal Resolution Agreement and they cannot request a formal investigation of the same matter. A party's failure to comply with the Informal Resolution Agreement may result in a violation of the Code of Student Conduct or other applicable University policies, and details regarding the underlying matter may be considered in sanctioning.



In cases in which both Parties are employees, the Informal Resolution process set forth in the [“Discrimination, Harassment, Workplace Violence, Sexual Misconduct, and Retaliation Complaint Process: Complaints Against University Employees and Third Parties,”](#) shall apply.

## **I. Investigation Procedures**

### **1. Timeframes**

The University does not limit the time for submitting a report of conduct prohibited by this Policy. However, the University's ability to investigate and respond effectively may be reduced with the passage of time.

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, generally no longer than ninety (90) days after the filing of the Formal Complaint, excluding all appeals processes. The timeframe for the Grievance Process may be extended for good cause, including but not limited to, the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the complexity of the case; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

The University will endeavor to resolve every complaint in a fair, impartial, and timely manner. The University recognizes that each case has its own unique circumstances, and that time frames for each stage of the process may vary depending on the details of a case and at certain times of the academic year (for example, during breaks, study periods, or final exams). Time frames may be extended for Informal Resolution or other good cause as necessary to ensure the integrity and completeness of this process. Other reasons for an extension of time frames include, but are not limited to: compliance with a request by law enforcement; accommodation of the availability of witnesses; accounting for exam periods, school breaks or vacations; and/or accounting for complexities of a specific case, including the number of witnesses and volume of information provided by the Parties. The University will notify the Parties in writing of any extensions of time frames and the reason for the extension.

The University's process for responding to, investigating, and adjudicating Formal Complaints under this Policy will continue during any law enforcement proceeding or civil proceeding. The investigation may need to be temporarily delayed at the request of law enforcement, but will resume as soon as possible and generally will not wait for the conclusion of any related criminal proceeding.

### **2. Timeframe Extensions**

Either Party may request an extension during the Grievance Process for good cause, provided that the requestor provides reasonable notice and the delay does not overly inconvenience other Parties. The Title IX Coordinator or investigator has sole judgment to grant or deny all extensions in the Process.

### **3. General Principles of Investigations**

#### **a. Roles of the Investigator and Title IX Coordinator**

A specially trained investigator (or team of investigators) will be assigned to investigate the conduct alleged to constitute Covered Sexual Harassment after the Notice of Allegations issues. The investigation will include interviewing the

Complainant, Respondent, and witnesses, and gathering relevant evidence directly related to the complaint. The Title IX Coordinator will communicate with the investigators regularly to ensure that the investigation is thorough, impartial, and fair. The Title IX Coordinator will also ensure that the Parties are updated throughout the investigative process, including with timely notice of meetings where either or both Parties may be present.

b. Burden of Proof and Collection of Evidence

Rutgers, and not the Parties, has the burden of proof and burden of gathering evidence. This means that Rutgers is responsible for proving a violation of this Policy has occurred. This burden does not rest with either Party, and either Party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing.

Rutgers uses the preponderance of the evidence standard for investigations of Formal Complaints under this Policy. This means that the investigation determines whether it is more likely than not that a violation of the Policy occurred.

c. Restrictions on University's Access to Medical Records

Rutgers cannot access, consider, or disclose medical records without a waiver from the Party (or parent, if applicable) or whose information the records include or of whom the records include information.

**4. Notice of Interviews and Meetings**

The University will provide, to any individual whose participation is invited or expected, written notice at least five (5) days in advance, of the date, time, location, participants, and purpose of all investigative interviews, hearings, or other meetings, with sufficient time for such individual to prepare to participate.

Parties will also be notified in writing that they may bring one Support Person and/or one Advisor to each interview.

The investigator will provide an equal opportunity for the Parties to identify witnesses, including fact and expert witnesses, as part of the investigation process. The investigator may interview fact and expert witnesses or collect a notarized written statement from them in lieu of a live interview. However, only the statements of witnesses who agree to testify and be cross-examined at the hearing following conclusion of the investigation process, described below, may be considered by the decision-maker(s).

**5. Collection, Storage, and Review of Evidence**

The investigator(s) will give the Complainant, Respondent, and witnesses an opportunity to submit any evidence, including but not limited to, photographs, videos, audio recordings, text messages, and social media posts that relate to the alleged Covered Sexual Harassment. The investigator(s) will also work with the RUPD and other campus offices to gather pertinent documentary materials (if any) and other relevant information.

All evidence and records will be stored in a secure manner in accordance with law and University policy.



Prior to completion of the investigation, the Parties will have an equal opportunity to review and respond to the evidence obtained through the investigation that directly relates to the allegations in the Formal Complaint. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the Parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

- Evidence that is relevant, even if that evidence does not end up being relied upon by the University in making a determination regarding responsibility; and
- Inculpatory or exculpatory evidence (meaning evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

*All Parties must submit any evidence they would like the investigator to consider before the Parties' time to inspect and review evidence begins.*

Prior to obtaining access to any evidence, the Parties and their Support Persons, Campus Liaisons, and Advisors must sign an agreement not to disseminate, photograph or otherwise copy any of the evidence obtained during the investigation or hearing process, and/or any of the testimony heard during the hearing for any purpose unrelated to the Title IX grievance process. Once signed, this agreement may not be withdrawn.

The investigator(s) will send the evidence made available to each party and each party's Advisor, if any, to inspect and review. The specific means or technology used to provide the evidence may vary depending on the circumstances of the case and the University shall have the sole discretion to determine the appropriate format in which evidence is made available and any restrictions or limitations on access.

The Parties will have ten (10) days to review the evidence and submit a written response by email to the investigator(s). If Parties do not provide the investigator(s) with a response within ten (10) days, it will be assumed they reviewed all of the evidence and chose not to respond. The investigator(s) will consider the Parties' written responses before completing the Investigation Report.

The investigator(s) will provide copies of each Parties' written responses to all other Parties and their Advisors, if any.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

## **6. Investigation Report**

At the conclusion of the investigation, the investigator(s) will prepare an Investigation Report that fairly summarizes relevant evidence. The Investigation Report is not required to catalog all evidence obtained by the investigator(s), but only to provide a fair summary of that evidence. Only relevant evidence (including both inculpatory and exculpatory – tending to prove or disprove the allegations) will be referenced in the Investigation Report. The Investigation Report may detail a timeline of the case and summarize relevant supporting documentation. The report may also include the investigators' assessment of individual credibility. Any information or evidence

deemed irrelevant will be kept as part of the case file and stored in a secure database but will not appear in the Investigation Report.

The investigator(s) may redact irrelevant information from the Investigation Report when that information is contained in documents or evidence that is/are otherwise relevant.

The investigator(s) will send the report to the Complainant, Respondent, and their advisors, and allow them an equal opportunity to review and respond to the report within ten (10) days. If parties do not provide the investigator with a response within ten (10) days, it will be assumed they reviewed the investigation report and chose not to respond. Upon receipt of a response to the report from either Party, the investigator may, but is not required to, amend the investigation report, if deemed necessary. The investigator will then provide the complete investigation report, including each party's responses, to the Complainant, Respondent, their advisors, and the case decision-maker(s), at least ten (10) days prior to the scheduled hearing.

## **J. Hearing**

The University will not issue a disciplinary sanction arising from an allegation of Covered Sexual Harassment without holding a live hearing unless otherwise resolved through an Informal Resolution process. Neither party can waive the right to a live hearing.

### **1. Notice of Hearing**

The Title IX Coordinator will provide simultaneous written notice of the hearing to the Parties no less than ten (10) days prior to the hearing. Such notice will include:

- the specific allegations;
- the name of the Decision-maker(s);
- the time, date, and location of the hearing;
- for cases involving a student Party, a list of the names and contact information of University-trained Campus Liaisons;
- information on requesting accommodations for a documented disability or a translator;
- a statement directing each party to supply the Title IX Coordinator or Office of Employment Equity, as applicable, with additional witness information and/or any supporting documents they intend to introduce for the first time at the hearing at least five (5) working days before the hearing;
- a statement that each party may raise any objections regarding the Decision-maker's actual or perceived conflicts of interest or bias;
- a statement that the party is entitled to have an Advisor of choice conduct cross-examination on their behalf during the hearing, and a request that the Party notify the Title IX Coordinator at least five (5) working days prior to the hearing if the party does not intend to select their own Advisor and will require that an Advisor be provided for them; and

- a copy of or a hyperlink to the Hearing Decorum Guidelines, and a statement that a participant's failure to abide by the Guidelines may result in their removal from the hearing.

## **2. Pre-Hearing**

Parties will be given access to the complete case file upon request prior to the hearing. The case file will contain the Investigation Report, information provided by the Parties, and any additional information gathered by investigators during the investigation that is directly related to the allegations in the Formal Complaint. Prior to obtaining access to any evidence, the Parties and their Support Persons, Campus Liaisons, and Advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this Agreement may not be withdrawn.

## **3. Participation and Attendance at the Hearing**

Live hearings are not public. The only individuals permitted to participate in the hearing are the Parties; the Decision-maker(s); the Parties' Advisors; the Parties' Support Persons; witnesses; and a staff member(s) to manage logistical and technical aspects of the hearing.

Participation in the hearing is voluntary. The University will proceed with the live hearing in the absence of any party and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that party. (See Section VIII.J.6. below). Rutgers will not threaten, coerce, intimidate, discriminate, or retaliate against any party or witness in an attempt to secure that individual's participation. The Decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's (or witness's) absence from the live hearing or refusal to answer cross-examination or other questions.

All participants at the hearing, including the Parties, witnesses, Support Persons, and Advisors are expected to behave in a civil and appropriate manner. All participants are required to comply with the Hearing Decorum Guidelines. A participant's failure to abide by the Guidelines may result in their removal from the hearing.

## **4. Decision-maker(s)**

The role of the Decision-maker(s) shall be filled by appropriate University personnel and/or independent third party(ies), depending on the Respondent's relationship to the University (as student, employee or third party). In no circumstance will the Decision-maker(s) have served as the Title IX Coordinator, investigator, or party's advisor in the same case, nor may the Decision-maker(s) serve as the Appeals Officer in the same case. The Decision-maker(s) will not have any conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor of or against the Parties in a particular case. The Decision-maker(s) will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for Complainants, maintaining respect for decorum, and any technology to be used at the hearing.

In cases in which the Respondent is a student, the Decision-maker(s) will make a determination regarding responsibility and sanctions. In cases in which the Respondent is an employee or third party doing business with the University,

there will be two Decision-makers, one of whom will be responsible for overseeing the hearing and making a determination regarding responsibility and the other will be appointed by the Respondent-employee's unit, or other appropriate office, and will make a determination regarding sanctions. Both Decision-makers will attend the hearing.

## **5. Hearing Logistics**

The live hearing may be conducted with all Parties physically present in the same geographic location, but in no circumstance will the Parties be required to be physically present in the same room during the hearing. Upon either Parties' request, remote hearing technology will be utilized to enable the Party and/or the Party's Advisor and/or Support Person to appear at the live hearing virtually from a separate, private room, or other appropriate location. This technology will enable participants simultaneously to see and hear each other. At the University's discretion, any or all Parties, witnesses, and other participants may appear at the live hearing virtually through remote hearing technology. Also, at its discretion, the University may delay or adjourn a hearing based on technological errors not within a Party's control.

Both Parties will have the opportunity to present their narrative. The investigator will then present the investigation report. The Parties each will have the opportunity to present witnesses and other information consistent with the Policy. The Decision-maker(s) will determine the relevance of any witnesses or information.

The Decision-maker(s) will ask questions of the Parties and witnesses (including the investigator). As discussed below, each Party's Advisor will have the opportunity to conduct cross-examination after the Decision-maker(s) conducts an initial round of questioning of each Party/witness. The Decision-maker(s) may pause cross-examination at any time for the purpose of asking the Decision-maker's own follow-up questions and as may be necessary.

Witnesses are excluded from the hearing during testimony by other witnesses.

The Decision-maker may set reasonable time limits for any part of the hearing.

Cell phones and recording devices may not be used in the hearing room(s) unless approved by the Decision-maker(s) in advance and must be turned off before the hearing convenes.

The University will record all proceedings through audio recording.

The Parties may seek to include all relevant evidence including, but not limited to, expert testimony and character witnesses.

## **6. Cross-Examination by Party's Advisor**

Cross-examination is designed to test the credibility and trustworthiness of the information presented at the hearing. The Parties have the right to select an Advisor to conduct live cross-examination of the other Party or Parties and witnesses at the hearing. During this live-cross-examination, the Advisor will ask the other Party or Parties and witnesses relevant questions and follow-up questions (including those challenging credibility) directly, orally, and in real time. A Party's Advisor may appear and conduct cross-examination on their behalf even if the Party does not attend the live hearing.

The Parties are not permitted to conduct cross-examination themselves. Therefore, if a Party does not select an Advisor, Rutgers will select an Advisor to serve in this role for the limited purpose of conducting the cross-examination during the hearing at no fee or charge to the Party. Where the University provides an Advisor due to a Party's failure to obtain or select their own Advisor, the Advisor provided by the University may not be challenged on the ground that the Advisor holds a conflict of interest or bias against Complainants or Respondents generally, or in favor of or against the Parties in a particular case, as the role of the advisor is solely to conduct the required cross-examination.

Before any cross-examination question is answered, the Decision-maker(s) will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the Decision-maker(s), may be deemed irrelevant if they have been asked and answered.

Prior statements (written or oral) by Parties and or witnesses cannot be considered by the Decision-maker(s) unless that individual participates in the hearing and agrees to be cross-examined by the other Parties' Advisor. This restriction does not apply to information or evidence (such as text messages, emails, videos, and social media postings) that constitute all or part of the Covered Sexual Harassment itself.

A party may affirmatively waive the right to have their Advisor conduct cross-examination through a written statement provided to the Decision-maker(s).

## **7. Continuances or Extensions**

The Decision-maker(s) may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, the Decision-maker(s) or Title IX Coordinator will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

## **8. Review of Recording**

The recording of the hearing will be available for review by the Parties within 24 hours of completion of the hearing unless there are any extenuating circumstances. However, the Parties or Advisor will not receive a copy of the recording of the hearing.

## **K. Determination Regarding Responsibility**

### **1. Standard of Proof**

Rutgers uses the preponderance of the evidence standard to determine responsibility of Formal Complaints covered under this Policy. This means that the hearing determines whether it is more likely than not that a violation of the Policy occurred.

### **2. General Considerations for Evaluating Testimony and Evidence**

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on written, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker(s).

Decision-makers shall not draw inferences regarding a Party's or witness' credibility based on the Party's or witness' status as a Complainant, Respondent, or witness, nor shall they base their judgments in stereotypes about how a Party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the Party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a Party's or witness' testimony is non-linear or incomplete, or if the Party or witness is displaying stress or anxiety.

Decision-makers will afford the highest weight relative to other testimony to first-hand testimony by Parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by this Policy, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be afforded lower weight than testimony regarding direct knowledge of specific facts that occurred. Other forms of testimony, such as expert testimony and character testimony, will be afforded lower weight relative to the testimony of fact witnesses.

Where a Party's or witness' conduct or statements demonstrate that the Party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Decision-maker(s) may draw an adverse inference as to that Party's or witness' credibility.

### **3. Components of the Determination Regarding Responsibility**

The written Determination Regarding Responsibility will be issued simultaneously to all Parties through their Rutgers email account, or other reasonable means, as necessary. The Determination will include:

- a. Identification of the allegations potentially constituting Covered Sexual Harassment;
- b. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c. Findings of fact supporting the determination;
- d. For each allegation:
  - i. A statement of, and rationale for, a determination regarding responsibility;
  - ii. A statement of, and rationale for, any disciplinary sanctions the University imposes on the Respondent; and
  - iii. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the University's education program or



activity will be provided by the University to the Complainant; and

- e. The procedures and permitted reasons for appeal (described below in “Appeal”), including the Appeals Officer’s information.

#### **4. Timeline of Determination Regarding Responsibility**

If there are no extenuating circumstances, the determination regarding responsibility and sanctions, if applicable, will be issued by the Decision-maker(s) within five (5) days of the completion of the hearing.

#### **5. Finality of the Determination Regarding Responsibility**

The determination regarding responsibility becomes final either on the date that the University provides the Parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in “Appeals” below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

Note that pursuant to federal law, if the Decision-maker does not find that a student-Respondent committed an act of forcible sexual violence, the Complainant may only be advised of sanctions imposed against the student Respondent that directly relate to the Complainant.

### **L. Sanctions and Other Remedial Measures**

#### **1. How Sanctions Are Determined**

The Decision-maker(s) will impose sanctions that are:

1. Fair and appropriate given the facts of the particular case;
2. Consistent with the University’s handling of similar cases;
3. Adequate to protect the safety of the campus community; and
4. Reflective of the seriousness of the Covered Sexual Harassment.

The Decision-maker(s) will consider the recommended sanction and will consult the appropriate Title IX Coordinator to obtain information about sanctions imposed in similar cases. However, the Decision-maker(s) will determine the appropriate sanctions to impose. In all cases involving employee Respondents, the decision concerning discipline shall be consistent with the terms of all University Policies and the terms of any collective negotiations agreements that may be applicable.

The Decision-maker(s) will consider relevant factors, including, if applicable: (1) facts and circumstances surrounding the event at issue, (2) the nature of the prohibited conduct at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); (3) the circumstances concerning the issue of consent (such as force, threat, coercion, intentional incapacitation, etc.); (4) state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (5) the impact of the offense on the Complainant; (6) the Respondent’s prior disciplinary history; (7) the safety of the University community; and (8) precedent established by previous sanctions.

## 2. Sanctions for Student Respondents

For students, sanctions imposed under this Policy will be comprised of an “inactive sanction” and, where appropriate, “active sanctions,” as defined in [University Policy 10.2.11: Code of Student Conduct](#).

An inactive sanction is an official University sanction: Reprimand, Probation, Disciplinary Suspension, Expulsion or Dismissal, or Loss of University Housing. Additional information regarding these sanctions is set forth in the Code of Student Conduct. Permanent notation of disciplinary action without details of the nature of the infraction shall be made on the transcript whenever a student is expelled. Transcript notations of disciplinary action will also be made if a suspension is implemented. When the suspension has been completed, the notation will be removed. Transcript notations of disciplinary action may be imposed as part of a sanction in other circumstances, as determined by the Director of Student Conduct and/or a Decision-maker.

An “active sanction” is designed to remedy the effects of the misconduct and/or prevent its recurrence and may or may not be imposed as part of the sanction. Examples of active sanctions include:

1. Restitution: Repayment to the University or to an affected party for damages resulting from a violation of this Policy.
2. Restorative: Programs, projects, or assignments designed to mitigate the harm done to the affected Parties and restore the University community. Restorative sanctions may include (but are not limited to) educational service, letters of apology, and restorative justice practices.
3. Educational Service Hours: Service to the University community to be completed by a specified date. Location and projects for completion of educational service must be approved by the Decision-maker.
4. Informal Resolution: Students may be referred to nontraditional means of conflict resolution. These sanctions may vary case to case.
5. Educational: Programs, projects, or assignments designed to educate a student or student organization about the consequences of their actions and to impart skills that may help the student avoid future violations.

The following sanctions also may be imposed in a matter under this Policy, in addition to (but not in lieu of) the inactive sanction:

1. Changing the Respondent's academic schedule.
2. Revocation of honors or awards.
3. Restricting access to University facilities or activities (including student activities and campus organizations).
4. Issuing a No Contact Order to the Parties or requiring that such an order remain in place.
5. Moving the Respondent's residence or removing them from on-campus housing.



6. Dismissal or restriction from University employment.
7. Campus ban.

In addition to any sanction, the University may also recommend counseling or other support services for the Respondent.

### **3. Sanctions for Employee Respondents**

For employees, sanctions may include discipline up to and including termination of employment, consistent with the terms of all University Policies concerning personnel actions and the terms of any applicable collective negotiations agreements.

In addition to any sanction, the University may also recommend counseling or other support services for the Respondent.

### **4. Sanctions for Third-Party Respondents**

In cases in which the Respondent is not a University student or employee, the Decision-maker will determine an appropriate sanction within the scope of the University's authority.

### **5. Other Remedial Measures**

The University may also determine that additional measures are appropriate to respond to the effects of the incident on the University community. Additional responses for the benefit of the University community may include:

1. Increased monitoring, supervision, or security at locations or activities where the misconduct occurred.
2. Additional training and educational materials for students and employees.
3. Revision of the University's policies relating to sexual misconduct.
4. Climate surveys regarding sexual misconduct.

## **M. Appeals**

Each party may appeal a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) days of being notified of the decision, indicating the grounds for the appeal.

The grounds for appeal are:

1. **Procedural Irregularity that affected the outcome of the matter** (i.e. The University failed to follow its prescribed procedures).
2. **New Information** that was not reasonably available at the time the determination regarding responsibility or sanction was made, that could affect the outcome of the matter.<sup>7</sup>

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<sup>7</sup> In exceptional circumstances, if new information becomes available after the conclusion of the appeal period, parties may file an appeal within five (5) days from receipt of such new information. Before the substance of the appeal will be considered, the appealing party must clearly demonstrate why such information was not previously available to them.

3. **A Conflict of Interest or Bias** held by the Title IX Coordinator, investigator(s), or Decision-maker(s) for or against an individual party, or for or against Complainants or Respondents in general, that affected the outcome of the matter.
4. **Disproportionate Sanction:** In matters involving students, the sanction imposed against the Respondent was not appropriate for the offense committed. This ground for appeal is only available in cases involving student Respondents.

Disagreement with the finding or sanctions is not, by itself, grounds for appeal. The fact that any criminal charges based on the same conduct were dismissed, reduced, or resolved in favor of the Respondent does not require, and will not necessarily result in, a change in the disciplinary decisions and/or sanctions.

The submission of an appeal stays any sanctions for the pendency of an appeal. Supportive measures remain available during the pendency of the appeal.

Appeals are decided by either the appropriate Senior Student Affairs Officer of the appealing Party's school and/or division, or the Associate Vice President for Labor and Employee Relations ("Appeals Officer"), as appropriate. The Appeals Officer will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or Decision-maker(s) in the same matter.

The appealing Party must submit the appeal in writing to the Appeals Officer within five (5) days after receiving the Decision-maker's written decision. The time for appeal shall be offered equitably to all Parties and shall not be extended for any Party solely because the other Party filed an appeal. Failure to submit a written appeal within this five (5) day period forfeits the right to appeal under this Policy, regardless of the outcome of the other Party's appeal (if submitted). If either the Complainant or Respondent submits an appeal, the Title IX Coordinator will as soon as practicable notify the other Party in writing that an appeal has been filed and the grounds of the appeal. The non-appealing Party may submit a written response within five (5) days after notice of an appeal. If both the Complainant and Respondent appeal, the appeals will be considered concurrently.

The Appeals Officer may solicit written clarification on any issue raised on appeal from the Decision-maker(s) assigned to the case, the Title IX Coordinator, the investigator, the Complainant, or the Respondent. In preparation of an appeal, the Respondent and Complainant may have access to the recording of the disciplinary hearing. Appeals are decided upon the record of the original proceeding and any written information submitted by any of the Parties. The Appeals Officer shall not substitute their own judgment for the decision of the original Decision-maker(s) or attempt to rehear the case.

Following the Appeals Officer's review of all information, in cases involving student Respondents, they will:

1. Affirm the finding and sanction originally determined; or
2. Affirm the finding and modify the sanction; or
3. Remand the case for a new hearing.

In cases involving employee Respondents, the Appeals Officer will:

1. Affirm the finding; or
2. Remand the case for a new hearing.

In cases involving student Respondents, sanctions should only be modified if they are found to be clearly disproportionate to the gravity of the violation and/or precedent for similar offenses. Cases should only be remanded for a new hearing if the specified procedural errors were so substantial they effectively denied the Respondent or Complainant a fair hearing, new information merits a new hearing, or a conflict of interest or bias is found to have affected the outcome.

The imposition of sanctions may be deferred during the appeal process and the status of the Party shall not change until the Appeals Officer issues a final decision, except that a hold may be placed on a student's transcript and no degree will be awarded to a student Respondent pending completion of the appeals process. Supportive measures may also be taken or continued while the case is going through the appeals process.

The Appeals Officer will notify the Complainant and Respondent in writing simultaneously of the final decision on appeal including the rationale for the decision. Appeal decisions will be rendered within ten (10) days after the receipt of the written appeal. All appeal decisions are final and not subject to further review. Once the appeal process is completed, it shall be the responsibility of the Director of Student Conduct, Title IX Coordinator, or Chancellor's designee (where the Respondent is enrolled at New Brunswick, RBHS, Newark, or Camden) or the appropriate Dean or Supervisor of an employee to oversee the implementation of imposed sanctions.

## **IX. REPORTING OF CRIME AND DISCIPLINARY STATISTICS**

A federal law known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act (see [University Policy 30.1.12: Jeanne Clery Disclosure of Campus Security Policy and campus Crime and Statistics Act](#)) requires the University to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which may also constitute prohibited conduct under this Policy. As described in the chart in the Resources listing (Appendix A), some employees who receive reports of prohibited conduct under this policy (including some who may be otherwise considered "confidential") are required by the Clery Act to notify the University Public Safety about such incidents for statistical reporting purposes. These notifications minimally include the classification and location of the reported crime but do not always identify the individuals involved. The Clery Act also requires the University to issue a "timely warning" when it receives a report of certain crimes that pose a serious or continuing threat. Such reports do not contain information identifying any individuals. The University Annual Security Report is available at <https://ipo.rutgers.edu/publicsafety/crime-statistics>.

## **X. RECORDS DISCLOSURE**

Disciplinary proceedings conducted by the University are subject to the Family Educational Rights and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the University without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances. For example, Title IX requires that the University tell the Complainant whether or not it found

that sexual violence occurred, any individual remedies offered or provided to the Complainant or any sanctions imposed on the Respondent that directly relate to the Complainant, and other steps the school has taken to eliminate the hostile environment caused by the Respondent's actions, and to prevent recurrence. FERPA specifically allows schools to disclose to alleged victims of violence, including sexual violence, the final results of any University disciplinary proceeding involving the offense. Further, any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct, or required to be produced through other compulsory legal process.

Additional information about FERPA can be found at <https://uec.rutgers.edu/programs/ferpa-student-privacy/>.

## **XI. AMENDMENTS**

The University may amend the Policy from time to time. Nothing in the Policy shall affect the inherent authority of Rutgers to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the University community.

## Appendix A

### On-Campus Resources for Complainants

#### New Brunswick

| Personnel  | Status   | Reporting Obligation   |
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| <p><b>Office for Violence Prevention and Victim Assistance (VPVA)</b></p> <p>3 Bartlett Street<br/>College Avenue Campus<br/>New Brunswick, NJ 08901<br/>Phone: (848) 932-1181<br/>(24 hours/day, 7 days/week)<br/>Email: <a href="mailto:vpva@echo.rutgers.edu">vpva@echo.rutgers.edu</a><br/><a href="http://vpva.rutgers.edu">http://vpva.rutgers.edu</a></p>   | <p><b><u>Confidential Resource</u></b><br/>providing crisis intervention, counseling and advocacy 24/7</p>   | <p>This resource will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX).</p> <p>If the incident is a crime or near the campus, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the RUPD.</p> |
| <p><b>Rutgers Student Health - Counseling, Alcohol &amp; Other Drug Assistance Program and Psychiatric Services (CAPS)</b></p> <p>Main Center<br/>17 Senior Street<br/>College Avenue Campus<br/>New Brunswick, NJ 08901<br/>Phone: (848) 932-7884<br/><a href="http://health.rutgers.edu/medical-counseling-services/counseling/">http://health.rutgers.edu/medical-counseling-services/counseling/</a></p> | <p><b><u>Confidential Resource</u></b><br/>providing counseling services through CAPS. Services include crisis intervention, individual therapy, workshops alcohol and other drug assistance programs and psychiatric care. Solution focused individual therapy,</p> | <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report as required by law.</p> <p>If there is reasonable cause to believe a minor has been sexually abused, this resource will notify the RUPD.</p>   |
| <p><b>Rutgers Student Health Services – Physicians and other Health Professionals</b></p> <p>Student Health Services Office<br/>Hurtado Health Center<br/>College Avenue Campus<br/>11 Bishop Place<br/>New Brunswick, NJ 08901<br/>Phone: (848) 932-7402<br/>Email: <a href="mailto:health@rutgers.edu">health@rutgers.edu</a><br/><a href="http://health.rutgers.edu">http://health.rutgers.edu</a></p>    | <p><b><u>Confidential Resource</u></b><br/>providing comprehensive clinical care, including medical, pharmacy, and mental health counseling services.</p>  | <p>This resource will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX)</p> <p>If the incident is a crime, this resource will report it</p>   |

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|   |                                     | <p>without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act)</p> <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, these resources will report as required by law.</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, the RUPD will notify the Division of Child Placement and Permanency in accordance with N.J.S.A. 9:6-8. 10.</p>  |
| <p><b>University Chaplains (or Ordained Clergy)</b></p> <p>A list of Registered Chaplains can be found here:<br/> <a href="http://ruoffcampus.rutgers.edu/rutgers-university-multi-faith-council/">http://ruoffcampus.rutgers.edu/rutgers-university-multi-faith-council/</a></p> | <b><u>Confidential Resource</u></b> | <p>This resource has no reporting obligation, unless acting in a role other than that of Chaplain or Clergy.</p>  |
| <p><b>Student Legal Services</b></p> <p>Livingston Campus<br/> Tillett Hall, Room 247<br/> 53 Avenue E<br/> Piscataway, NJ 08854<br/> 848-932-4LAW(4529)<br/> <a href="http://www.rusls.rutgers.edu">www.rusls.rutgers.edu</a></p>  | <b><u>Confidential Resource</u></b> | <p>providing eligible Rutgers students with professional legal advice and assistance at no cost by attorneys licensed to practice in the state of New Jersey.</p> <p>This resource will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX).</p> <p>If the incident is a crime or near the campus, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act)</p> <p>If there is reasonable cause to suspect that a minor has been sexually</p> |

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|   |  | abused, this resource will notify the RUPD.  |
| <p><b>Title IX Coordinator</b></p> <p>Office of Student Affairs Compliance &amp; Title IX<br/>2 Richardson Street<br/>New Brunswick, NJ 08901<br/>College Avenue Campus<br/>Phone: (848) 932-8200<br/><a href="http://compliance.rutgers.edu/title-ix/reporting/">http://compliance.rutgers.edu/title-ix/reporting/</a></p> | <p><b><u>Non-Confidential Resource</u></b></p> <p>For information related to the Title IX complaint process or to file a complaint against a Rutgers student for Sexual Harassment, sex discrimination, or sexual assault.</p> | <p>Unless a Complainant requests otherwise and the request is granted, this resource will supervise the investigation to reported incidents under this Policy (Title IX).</p> <p>If the incident is a crime, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>  |
| <p><b>Rutgers University Police Department (RUPD)</b></p> <p>New Brunswick Division<br/>55 Paul Robeson Boulevard<br/>New Brunswick, NJ 08901<br/>Phone: 9-1-1 (for emergencies)<br/>Phone: (732) 932-7211<br/><a href="http://rupd.rutgers.edu/rupd.php">http://rupd.rutgers.edu/rupd.php</a></p>                          | <p><b><u>Non-Confidential</u></b></p> <p>RUPD provides emergency services and responds to reports of sexual violence and other crimes. RUPD also provides security escorts.</p>  | <p>The University Police Department will report to the applicable Title IX Coordinator all information received about incidents under this Policy, so the University can investigate and respond (Title IX).</p> <p>If the incident is a crime, the RUPD will include it in a crime log and annual crime statistics without identifying the alleged victim (Clery Act).</p> <p>If the incident is a crime and poses a serious or continuing threat, the RUPD will issue an emergency notification or timely warning (Clery Act)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, the RUPD will notify the Division of Child Placement and Permanency in</p> |



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|   |   | <p>accordance with N.J.S.A. 9:6-8. 10.</p> <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>   |
| <p><b>Residence Life</b></p> <p>New Brunswick/Piscataway<br/> Phone: (848) 932-4371<br/> Email: <a href="mailto:resident@rutgers.edu">resident@rutgers.edu</a><br/> <a href="http://ruoncampus.rutgers.edu">http://ruoncampus.rutgers.edu</a></p>   | <p><b><u>Non-Confidential</u></b></p> <p>Residence Life (RL) Staff will respond to incidents that happen on campus. RL Staff can assist students in contacting resources, and help guide them throughout the process.</p> | <p>This resource will report to the applicable Title IX Coordinator all information received about incidents under this Policy, so the University can investigate and respond (Title IX). If the incident is a crime, this resource will report it to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the RUPD.</p> <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p> |
| <p><b>University Ombud's Office</b></p> <p>115 College Avenue<br/> New Brunswick, NJ 08901<br/> College Ave Campus<br/> Phone: (848) 932-1452<br/> Email: <a href="mailto:Ombuds@rutgers.edu">Ombuds@rutgers.edu</a><br/> <a href="https://ombuds.rutgers.edu/">https://ombuds.rutgers.edu/</a></p> | <p><b><u>Non-Confidential</u></b></p> <p>The Office for the Ombudsperson for Students offers students who feel they have exhausted all other possible remedies, alternative methods to resolve their issues.</p>          | <p>This resource will report to the applicable Title IX Coordinator all information received about incidents under this Policy, so the University can investigate and respond (Title IX).</p> <p>If the incident is a crime, this resource will report it to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>If there is reasonable cause to suspect that a minor has been sexually</p>  |



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|   |   | abused, this resource will notify the RUPD.  |
| <p><b>Dean of Students</b></p> <p>Office of the Dean of Students<br/>88 College Avenue<br/>College Avenue Campus<br/>New Brunswick, NJ 08901<br/>Phone: (848) 932-2300<br/>Email: <a href="mailto:deanofstudents@echo.rutgers.edu">deanofstudents@echo.rutgers.edu</a></p>  | <p><b><u>Non-Confidential Resource</u></b></p> <p>The Dean of Students Office provides solutions, services and support to help students navigate Rutgers University. The Office services as a student support network by providing advocacy, problem resolution, and critical incident intervention for those times when additional assistance is needed.</p> | <p>This resource will report to the applicable Title IX Coordinator all information received about incidents under this Policy, so the University can investigate and respond (Title IX).</p> <p>If the incident is a crime, this resource will report to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the RUPD.</p> <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p> |
| <p><b>Title IX Coordinator for Complaints Against University Employees or Third Parties</b></p> <p>Office of Employment Equity<br/>University Human Resources<br/>57 US Highway 1, ASB II<br/>Cook Campus<br/>Phone: (848) 932-3979<br/>Email: <a href="mailto:Lisa.grosskreutz@rutgers.edu">Lisa.grosskreutz@rutgers.edu</a></p> | <p><b><u>Non-Confidential Resource</u></b></p> <p>Resource supporting the University's commitment to preventing discrimination and advancing equal opportunity.</p>   | <p>Unless a Complainant requests otherwise and the request is granted, this resource will supervise the investigation to reported incidents under this Policy (Title IX).</p> <p>If the incident is a crime, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>  |

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| <p><b>Title IX Coordinator for Athletics</b></p> <p>Senior Associate Athletics Director for Olympic Sports<br/>Intercollegiate Athletics<br/>83 Rockefeller Road<br/>Livingston Campus<br/>Piscataway, NJ 08854<br/>Phone: (732) 445-7899<br/>Email: <a href="mailto:khickey@scarletknights.com">khickey@scarletknights.com</a></p> | <p><b>Non-Confidential</b><br/>Resource addressing issues relating to gender equity in Rutgers athletics programs.</p>  | <p>This resource will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX).</p> <p>If the incident is a crime, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the RUPD.</p>   |
| <p><b>Institutional Compliance Officer –Title IX and University-wide Title IX Coordinator</b></p> <p>University Ethics and Compliance<br/>One World's Fair Drive<br/>Somerset, NJ 08873<br/>Phone: (732) 235-5304<br/><a href="https://uec.rutgers.edu/programs/title-ix/">https://uec.rutgers.edu/programs/title-ix/</a></p>       | <p><b>Non-Confidential</b><br/>Resource providing students and other members of the Rutgers Community with information about university policies and procedures for addressing Sexual Harassment, sexual violence stalking and relationship misconduct.</p> | <p>Unless a Complainant requests otherwise and the request is granted, this resource will supervise the investigation to reported incidents under this Policy (Title IX).</p> <p>If the incident is a crime, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p> |

## Newark

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| <p><b>Office for Violence Prevention and Victim Assistance (VPVA)</b></p> <p>249 University Avenue<br/>Blumenthal Hall, Room 203<br/>Newark, NJ 07102<br/>Phone: (973) 353-1918<br/>(24 hours/day, 7 days/week)<br/><a href="http://vpva.rutgers.edu">http://vpva.rutgers.edu</a><br/><a href="http://counseling.newark.rutgers.edu/vpva">http://counseling.newark.rutgers.edu/vpva</a></p> | <p><b><u>Confidential Resource</u></b><br/>providing crisis intervention, counseling and advocacy 24/7</p>   | <p>This resource will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX).</p> <p>If the incident is a crime or near the campus, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the RUPD.</p> |
| <p><b>Student Health Services</b></p> <p>249 University Avenue<br/>Blumenthal Hall, Room 104<br/>Newark, NJ 07102<br/>Phone: (973) 353-5231<br/><a href="http://health.newark.rutgers.edu/">http://health.newark.rutgers.edu/</a><br/>Sexual Assault Hotline: 973-353-4357 (HELP)<br/>Business Hours: M-F 8:30 a.m. – 4:30 p.m.<br/>24 Hour Nurse Line: (866) 221-9674</p>                  | <p><b><u>Confidential Resource</u></b><br/>providing support to Rutgers students, faculty and staff who are victims of sexual assault and interpersonal/intimate partner violence.</p>         | <p>This resource will report incidents without any identifying information to enable the University to understand the existence and extent of the problem (Title IX)</p> <p>If the incident is a crime, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act)</p>  |
| <p><b>Counseling Center</b></p> <p>249 University Avenue<br/>Blumenthal Hall, Room 101<br/>Newark, NJ 07102<br/>Phone: (973) 353-5805<br/>Website:<br/><a href="http://counseling.newark.rutgers.edu/">http://counseling.newark.rutgers.edu/</a></p>  | <p><b><u>Confidential Resource</u></b><br/>for victims of sexual assault and interpersonal/intimate partner violence.</p> <p>Provides psychological and psychiatric services, along with a</p> | <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report as required by law.</p> <p>If there is reasonable cause to suspect that a</p>  |

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| <p>For Psychological Emergencies during regular business hours: (973) 353-5805</p> <p>After regular business hours:<br/>University Hospital Crisis Line, (973)623-2323<br/>Suicide Prevention Lifeline, (800) 273-TALK</p>   | <p>comprehensive alcohol and other drug assistance. For victims of trauma or assault, a range of supportive services is offered, including individual and group therapy. Also offers individual and group substance abuse counseling, psychiatric evaluations and medication monitoring. As needed, provides crisis intervention and assistance with community resources and referrals.</p> | <p>minor has been sexually abused, the RUPD will notify the Division of Child Placement and Permanency in accordance with N.J.S.A. 9:6-8. 10.</p>   |
| <p><b>Director of Title IX and ADA<br/>Title IX Coordinator</b></p> <p>Rutgers University – Newark<br/>Paul Robeson Campus Center<br/>350 Dr. Martin Luther King Jr. Blvd.<br/>Room 316 A<br/>Newark, NJ 07102<br/>P. (973) 353-1906</p>                               | <p><b><u>Non-Confidential Resource</u></b><br/>For information related to the Title IX complaint process or to file a complaint against a Rutgers student for sexual harassment, sex discrimination or sexual assault.</p>  | <p>Unless a Complainant requests otherwise and the request is granted, this resource will supervise the investigation to reported incidents under this Policy (Title IX).</p> <p>If the incident is a crime, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> |
| <p><b>Dean of Students</b></p> <p>Rutgers University - Newark<br/>Paul Robeson Campus Center, Suite 352<br/>350 Dr. Martin Luther King Jr. Blvd.<br/>Newark, NJ 07102<br/>(973) 353-5300<br/>Email: <a href="mailto:careteam@rutgers.edu">careteam@rutgers.edu</a></p> | <p><b><u>Non-Confidential Resource</u></b><br/>The Dean of Students Office provides solutions, services and support to help students navigate Rutgers University. The Office services as a student support network by providing advocacy, problem resolution, and critical incident intervention for those times when additional assistance is needed.</p>                                  | <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures. This resource will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX).</p>  |

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|  |  | <p>If the incident is a crime, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act).</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the RUPD.</p> |
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## Camden

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| <p><b>Office for Violence Prevention and Victim Assistance (VPVA)</b></p> <p>326 Penn Street<br/>Camden Campus Center<br/>Camden, NJ 08102<br/>Phone: (856) 225-2326<br/>(24 hours/day, 7 days/week)<br/><a href="http://vpva.rutgers.edu">http://vpva.rutgers.edu</a><br/><a href="https://vpva.camden.rutgers.edu/">https://vpva.camden.rutgers.edu/</a></p> | <p><b><u>Confidential Resource</u></b><br/>providing crisis intervention, counseling and advocacy 24/7</p>   | <p>This resource will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX)</p> <p>If the incident is a crime or near the campus, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the RUPD.</p> |
| <p><b>Student Wellness Center Medical, Psychological, Alcohol/Drug/Nicotine Assistance, and Health Promotion Services</b></p> <p>326 Penn Street<br/>Camden Campus Center, 2<sup>nd</sup> Floor<br/>Camden, NJ 08102<br/>Phone: (856) 225-6005<br/><a href="http://healthservices.camden.rutgers.edu/">http://healthservices.camden.rutgers.edu/</a></p>       | <p><b><u>Confidential Resource</u></b><br/>providing support to Rutgers students, faculty and staff who are victims of sexual assault and interpersonal/intimate partner violence.</p> | <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report as required by law.</p> <p>If there is reasonable cause to believe a minor has been sexually abused, this resource will notify the RUPD.</p>   |

**RBHS (Newark, New Brunswick/Piscataway, and Blackwood)**

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| <p><b>Office for Violence Prevention and Victim Assistance (VPVA)</b></p> <p>65 Bergen Street, Suite 1441<br/>Newark, NJ 07101<br/>Phone: (973) 972-4636</p> <p><a href="https://rbhs.rutgers.edu/uroweb/vpva.html">https://rbhs.rutgers.edu/uroweb/vpva.html</a></p>   | <p><b><u>Confidential Resource</u></b><br/>providing crisis intervention, counseling and advocacy 24/7</p>   | <p>This resource will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX)</p> <p>If the incident is a crime or near the campus, this resource will report it without any identifying information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the RUPD.</p> |
| <p><b>Student Health Services</b></p> <p>Rutgers Health Sciences Campus at Newark<br/>Doctor's Office Center<br/>90 Bergen Street, Suite 1750<br/>Newark, NJ<br/>Phone: (973) 972-8219</p> <p>New Brunswick/Piscataway Campus<br/>Monument Square<br/>317 George Street, First Floor<br/>New Brunswick, NJ<br/>(732) 235-5160</p> | <p><b><u>Confidential Resource</u></b><br/>providing support to Rutgers students, faculty and staff who are victims of sexual assault and interpersonal/intimate partner violence.</p> | <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report as required by law.</p> <p>If there is reasonable cause to believe a minor has been sexually abused, this resource will notify the RUPD.</p>   |
| <p><b>Student Wellness Program</b></p> <p>For Emergencies (after 5:00 p.m. and weekends): (800) 327-3678</p> <p>Newark Campus/Scotch Plains Campuses<br/>183 South Orange Avenue<br/>Newark, NJ<br/>(973) 972-5429</p>  | <p><b><u>Confidential Resource</u></b><br/>for victims of sexual assault and interpersonal/intimate partner violence.</p>  | <p>This resource will report incidents without any identifying information to the Title IX Coordinator to enable the University to understand the existence and extent of the problem (Title IX)</p> <p>If the incident is a crime, this resource will report it without any identifying</p>   |

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| <p>New Brunswick/Piscataway Campus<br/>242 Old New Brunswick Road<br/>Piscataway, NJ<br/>(732) 235-5930</p> <p>Blackwood Campus<br/>Rutgers University Behavioral Health<br/>Care<br/>Student Wellness Program<br/>One Echelon Plaza, Suite 101<br/>Voorhees, NJ 08043<br/>(856) 770-5750</p> |  | <p>information to the RUPD for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning (Clery Act)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, the RUPD will notify the Division of Child Placement and Permanency in accordance with N.J.S.A. 9:6-8, 10.</p> |
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## Off-Campus Resources

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| Hospitals                                | <p>Robert Wood Johnson University Hospital<br/>1 Robert Wood Johnson Plaza<br/>New Brunswick, NJ 08901<br/>Phone: (732) 828-3000<br/><a href="http://www.rwjuh.edu">www.rwjuh.edu</a></p> <p>St. Peter's University Hospital<br/>254 Easton Avenue<br/>New Brunswick, NJ 08901<br/>Phone: (732) 745-8600<br/><a href="http://www.saintpetershcs.com">www.saintpetershcs.com</a></p> <p>University Hospital<br/>150 Bergen Street<br/>Newark, NJ 07103<br/>(973) 972-4300<br/><a href="http://www.uhnj.org">www.uhnj.org</a></p> <p>Beth Israel Medical Center<br/>201 Lyons Avenue at Osborne Terrace<br/>Newark, NJ 07112<br/>(973) 926-7000<br/><a href="https://www.rwjbh.org/newark-beth-israel-medical-center/contact-us/">https://www.rwjbh.org/newark-beth-israel-medical-center/contact-us/</a></p> <p>Hackensack Meriden Health Mountainside Medical Center<br/>One Bay Avenue<br/>Montclair, NJ 07042<br/>(973) 429-6000<br/><a href="https://mountainsidehosp.com/">https://mountainsidehosp.com/</a></p> |
| Advocacy, Counseling and Health Services | <p>Middlesex County Center for Empowerment (Rape Crisis Center for Middlesex County)<br/>29 Oakwood Avenue<br/>Edison, NJ 08837<br/>Phone: (732) 321-1189<br/><a href="http://www.co.middlesex.nj.us/Government/Departments/PSH/Pages/Center-for-Empowerment.aspx">http://www.co.middlesex.nj.us/Government/Departments/PSH/Pages/Center-for-Empowerment.aspx</a></p> <p>State-wide Sexual Assault Toll Free Hotline<br/>Phone: (800) 601-7200<br/><a href="http://www.njcasa.org">http://www.njcasa.org</a></p> <p>Sexual Violence Programs in New Jersey by county:<br/><a href="http://njcasa.org/find-help/">http://njcasa.org/find-help/</a></p> <p>SAVE of Essex County Hotline: (877) 733-2273</p> <p>State of New Jersey Department of Families and Children<br/>Domestic Violence Services<br/>24-hour hotline: (800) 572-SAFE (7233)</p> <p>RAINN National Sexual Assault Hotline<br/>Phone: (800) 656-HOPE<br/><a href="http://www.rainn.org">www.rainn.org</a></p>                                       |
| Law Enforcement                          | New Brunswick Police Department  |

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|----------------------|--|
|                      | <p>Emergency: 9-1-1<br/>25 Kirkpatrick Street<br/>New Brunswick, NJ 08901<br/>Phone: (732) 745-5200</p> <p>Piscataway Police Department<br/>Emergency: 9-1-1<br/>455 Hoes Lane<br/>Piscataway, NJ 08854<br/>Phone: (732) 562-2300</p> <p>Newark Police Department<br/>Emergency: 9-1-1<br/>311 Washington Street<br/>Newark, NJ<br/>(973) 733-6000</p> <p>Camden Police Department<br/>Emergency: 9-1-1<br/>800 Federal Street<br/>Camden, NJ<br/>(856) 757-7400</p>                                 |
| Government Resources | <p>United States Department of Education<br/>Office for Civil Rights<br/>New York Office<br/>32 Old Slip, 26<sup>th</sup> Floor<br/>New York, NY 10005<br/>Phone: (646) 428-3800<br/>Email: <a href="mailto:OCR.NewYork@ed.gov">OCR.NewYork@ed.gov</a></p> <p>United States Department of Justice Office on Violence Against Women<br/>145 N Street, Suite 10 W 121<br/>Washington, DC 20530<br/>Phone: (202) 307-6026<br/><a href="https://www.justice.gov/ovw">https://www.justice.gov/ovw</a></p> |

## Appendix B

### On-Campus Resources for Respondents

#### New Brunswick

| Personnel   | Status  | Reporting Obligation  |
|---|---|---|
| <p><b>Rutgers Student Health - Counseling, Alcohol &amp; Other Drug Assistance Program and Psychiatric Services (CAPS)</b></p> <p>Main Center<br/>17 Senior Street<br/>College Avenue Campus<br/>New Brunswick, NJ 08901<br/>Phone: (848) 932-7884</p> <p><a href="http://health.rutgers.edu/medical-counseling-services/counseling/">http://health.rutgers.edu/medical-counseling-services/counseling/</a></p> | <p><b><u>Confidential Resource</u></b></p> <p>providing counseling services through CAPS. Services include crisis intervention, individual therapy, workshops alcohol and other drug assistance programs and psychiatric care. 24/7 Crisis intervention available</p> | <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report as required by law.</p>   |
| <p><b>Rutgers Student Health Services – Physicians and other Health Professionals</b></p> <p>Student Health Services Office<br/>Hurtado Health Center<br/>College Avenue Campus<br/>11 Bishop Place<br/>New Brunswick, NJ 08901<br/>Phone: (848) 932-7402<br/>Email: <a href="mailto:health@rutgers.edu">health@rutgers.edu</a></p>   | <p><b><u>Confidential Resource</u></b></p> <p>providing comprehensive clinical care, including medical, pharmacy, and mental health counseling services.</p>  | <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, these resources will report as required by law.</p> |
| <p><b>University Chaplains (or Ordained Clergy)</b></p> <p>A list of Registered Chaplains can be found here:<br/><a href="http://ruoffcampus.rutgers.edu/rutgers-university-multi-faith-council/">http://ruoffcampus.rutgers.edu/rutgers-university-multi-faith-council/</a></p>  | <p><b><u>Confidential Resource</u></b></p>  | <p>This resource has no reporting obligation, unless acting in a role other than that of Chaplain or Clergy.</p>  |
| <p><b>Residence Life</b></p> <p>New Brunswick/Piscataway<br/>Phone: (848) 932-4371<br/>Email: <a href="mailto:resident@rutgers.edu">resident@rutgers.edu</a><br/><a href="http://ruoncampus.rutgers.edu">http://ruoncampus.rutgers.edu</a></p>  | <p><b><u>Non-Confidential Resource</u></b></p> <p>Providing services and support to help students navigate Rutgers University.</p>  | <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures</p>                        |
| <p><b>Student Legal Services</b></p> <p>Livingston Campus<br/>Tillett Hall, Room 247<br/>53 Avenue E<br/>Piscataway, NJ 08854<br/>848-932-4LAW(4529)<br/><br/><a href="http://www.rusls.rutgers.edu">www.rusls.rutgers.edu</a></p>  | <p><b><u>Confidential Resource</u></b></p> <p>providing eligible Rutgers students with professional legal advice and assistance at no cost by attorneys licensed to practice in the state of New Jersey.</p>  |   |

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| <p><b>Title IX Coordinator</b></p> <p>Office of Student Affairs Compliance &amp; Title IX<br/>2 Richardson Street<br/>New Brunswick, NJ 08901<br/>College Avenue Campus<br/>Phone: (848) 932-8576</p> <p><a href="http://compliance.rutgers.edu/title-ix/reporting/">http://compliance.rutgers.edu/title-ix/reporting/</a></p> | <p><b><u>Non-Confidential Resource</u></b></p> <p>For information related to the Title IX complaint process or to file a complaint against a Rutgers student for Sexual Harassment, sex discrimination, sexual assault or retaliation.</p>  | <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p> |
| <p><b>Rutgers University Police Department (RUPD)</b></p> <p>New Brunswick Division<br/>55 Paul Robeson Blvd<br/>New Brunswick, NJ 08901<br/>Phone: 9-1-1 (for emergencies)<br/>Phone: (732) 932-7211</p> <p><a href="http://rupd.rutgers.edu/rupd.php">http://rupd.rutgers.edu/rupd.php</a></p>                               | <p><b><u>Non-Confidential</u></b></p> <p>RUPD provides emergency services and security escorts.</p>   | <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p> |
| <p><b>University Ombud's Office</b></p> <p>115 College Ave<br/>New Brunswick, NJ 08901<br/>College Ave Campus<br/>Phone: (848) 932-1452<br/>Email: <a href="mailto:Ombuds@rutgers.edu">Ombuds@rutgers.edu</a></p> <p><a href="http://www.ombuds.rutgers.edu">www.ombuds.rutgers.edu</a></p>                                    | <p><b><u>Non-Confidential Resource</u></b></p> <p>The Office for the Ombudsperson for Students offers students who feel they have exhausted all other possible remedies, alternative methods to resolve their issues.</p>   |   |
| <p><b>Dean of Students</b></p> <p>Office of the Dean of Students<br/>88 College Avenue<br/>College Avenue Campus<br/>New Brunswick, NJ 08901<br/>Phone: (848) 932-2300<br/>Email: <a href="mailto:deanofstudents@echo.rutgers.edu">deanofstudents@echo.rutgers.edu</a></p>   | <p><b><u>Non-Confidential Resource</u></b></p> <p>The Dean of Students Office provides solutions, services and support to help students navigate Rutgers University. The Office services as a student support network by providing advocacy, problem resolution, and critical incident intervention for those times when additional assistance is needed.</p> |   |
| <p><b>Title IX Coordinator for Complaints Against University Employees or Third Parties</b></p> <p>Office of Employment Equity</p>   | <p><b><u>Non-Confidential Resource</u></b> supporting the University's commitment to preventing</p>   | <p>This resource will share information with University personnel who need to know it in order to carry</p>   |

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| University Human Resources<br>57 US Highway 1, ASB II<br>Cook Campus<br>Phone: (848) 932-3979<br>Email: <a href="mailto:Lisa.grosskreutz@rutgers.edu">Lisa.grosskreutz@rutgers.edu</a>  | discrimination and<br>advancing equal<br>opportunity.   | out University policies and<br>procedures.  |
| <b>Institutional Compliance Officer –Title IX<br/> and University-wide Title IX Coordinator</b><br><br>University Ethics and Compliance<br>One World's Fair Drive<br>Somerset, NJ 08873<br>Phone: (732) 235-5304<br><br><a href="https://uec.rutgers.edu/programs/title-ix/">https://uec.rutgers.edu/programs/title-ix/</a> | <b><u>Non-Confidential<br/> Resource</u></b> providing<br>students and other<br>members of the Rutgers<br>Community with<br>information about<br>university policies and<br>procedures for<br>addressing Sexual<br>Harassment, sexual<br>violence, stalking,<br>relationship misconduct<br>and retaliation. | This resource will share<br>information with University<br>personnel who need to<br>know it in order to carry<br>out University policies and<br>procedures. |

## Newark

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| <p><b>Counseling Center</b></p> <p>249 University Avenue<br/>Blumenthal Hall, Room 101<br/>Newark, NJ 07102<br/>Phone: (973) 353-5805<br/>Website:<br/><a href="http://counseling.newark.rutgers.edu/">http://counseling.newark.rutgers.edu/</a></p> <p>For Psychological Emergencies during regular business hours: (973) 353-5805</p> <p>After regular business hours:<br/>University Hospital Crisis Line, (973)623-2323<br/>Suicide Prevention Lifeline, (800) 273-TALK</p> | <p><b><u>Confidential Resource</u></b>. Provides psychological and psychiatric services, along with a comprehensive alcohol and other drug assistance. For victims of trauma, a range of supportive services is offered, including individual and group therapy. Also offers individual and group substance abuse counseling, psychiatric evaluations and medication monitoring. As needed, provides crisis intervention and assistance with community resources and referrals.</p> | <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, these resources will report as required by law.</p> |
| <p><b>Title IX Coordinator</b></p> <p>Director of Title IX and ADA<br/>Title IX Coordinator<br/>Rutgers University – Newark<br/>Paul Robeson Campus Center<br/>350 Dr. Martin Luther King Jr. Blvd.<br/>Room 316 A<br/>Newark, NJ 07102<br/>(973) 353-1906<br/>Email: <a href="mailto:scott.strother@rutgers.edu">scott.strother@rutgers.edu</a></p>  | <p><b><u>Non-Confidential resource</u></b>. For information related to the Title IX complaint process or to file a complaint against a Rutgers student for Sexual Harassment, sex discrimination, sexual assault or retaliation.</p>  | <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures</p>                        |

## Camden

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| <p><b>Student Wellness Center</b><br/> <b>Medical, Psychological,</b><br/> <b>Alcohol/Drug/Nicotine Assistance, and</b><br/> <b>Health Promotion Services</b></p> <p>326 Penn Street<br/> Camden Campus Center, 2<sup>nd</sup> Floor<br/> Camden, NJ 08102<br/> Phone: (856) 225-6005</p> | <p><b><u>Confidential Resource</u></b><br/> providing support to<br/> Rutgers students,<br/> faculty, and staff.</p>   | <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report as required by law.</p> <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report as required by law.</p> |
| <p><b>Title IX Coordinator</b></p> <p>Associate Dean of Students &amp; Title IX Coordinator<br/> 326 Penn Street<br/> Camden, NJ 08102<br/> (856) 225-6422<br/> Email: <a href="mailto:aemery@rutgers.camden.edu">aemery@rutgers.camden.edu</a></p>                                       | <p><b><u>Non-Confidential resource.</u></b> For information related to the Title IX complaint process or to file a complaint against a Rutgers student for Sexual Harassment, sex discrimination, sexual assault or retaliation.</p> | <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>   |

**RBHS (Newark, New Brunswick/Piscataway, Blackwood)**

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| <b>Student Health Services</b><br><br>Rutgers Health Sciences Campus at Newark<br>Doctor's Office Center<br>90 Bergen Street, Suite 1750<br>Newark, NJ<br>Phone: (973) 972-8219<br><br>New Brunswick/Piscataway Campus<br>Monument Square<br>317 George Street, First Floor<br>New Brunswick, NJ<br>(732) 235-5160    | <b><u>Confidential Resource</u></b><br>providing support to Rutgers students, faculty, and staff.   | If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report as required by law. |
| <b>Student Wellness Program</b><br><br>For Emergencies (after 5:00 p.m. and weekends): (800) 327-3678<br><br>Newark Campus/Scotch Plains Campuses<br>183 South Orange Avenue<br>Newark, NJ<br>(973) 972-5429<br><br>New Brunswick/Piscataway Campus<br>242 Old New Brunswick Road<br>Piscataway, NJ<br>(732) 235-5930 | <b><u>Confidential Resource</u></b><br>providing support to Rutgers students, faculty, and staff.   | If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report as required by law. |
| <b>Title IX Coordinator</b><br><br>Assistant Vice Chancellor for Academic & Student Affairs & Title IX Coordinator<br>65 Bergen Street, Suite 1441<br>Newark, NJ 07101<br>(973) 972-5374<br>Email: <a href="mailto:susan.hamilton@rutgers.edu">susan.hamilton@rutgers.edu</a>   | <b><u>Non-Confidential resource.</u></b> For information related to the Title IX complaint process or to file a complaint against a Rutgers student for Sexual Harassment, sex discrimination, sexual assault, and retaliation. | This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.                     |



## APPENDIX C

### New Jersey Campus Sexual Assault Victim's Bill of Rights

#### Introduction

A college or university in a free society must be devoted to the pursuit of truth and knowledge through reason and open communication among its members. Academic communities acknowledge the necessity of being intellectually stimulating where the diversity of ideas is valued. Its rules must be conceived for the purpose of furthering and protecting the rights of all members of the University community in achieving these ends.

The boundaries of personal freedom are limited by applicable state and federal laws and institutional rules and regulations governing interpersonal behavior. In creating a community free from violence, sexual assault, and nonconsensual sexual contact, respect for the individual and human dignity are of paramount importance.

The State of New Jersey and Rutgers recognize that the impact of violence on victims and the surrounding community can be severe and long lasting. Thus, this Bill of Rights has been established to articulate requirements for policies, procedures, and services designed to ensure that the needs of victims are met and that the colleges and universities in New Jersey create and maintain communities that support human dignity.

#### Bill of Rights N.J.S.A. 18A:61E-1 et seq.

The following rights shall be accorded to victims of sexual assaults that occur:

- On the campus of any public or independent institution of higher education in the State of New Jersey; and
- Where the victim or alleged perpetrator is a student at that institution; and/or
- When the victim is a student involved in an off-campus sexual assault.

#### *Human Dignity Rights:*

- To be free from any suggestion that victims must report the crimes to be assured of any other right guaranteed under this policy;
- To have any allegations of sexual assault treated seriously; the right to be treated with dignity;
- To be free from any suggestion that victims are responsible for the commission of crimes against them;
- To be free from any pressure from campus personnel to:
  - Report crimes if the victim does not wish to do so;
  - Report crimes as lesser offenses than the victim perceives the crime to be;
  - Refrain from reporting crimes;
  - Refrain from reporting crimes to avoid unwanted publicity.

#### *Rights to Resources On and Off Campus:*

- To be notified of existing campus and community-based medical, counseling, mental health, and student services for victims of sexual assault whether or not the crime is formally reported to campus or civil authorities.
- To have access to campus counseling under the same terms and conditions as apply to other students in their institution seeking such counseling.

- To be informed of and assisted in exercising
  - any rights to confidential or anonymous testing for sexually transmitted diseases, human immunodeficiency virus, and/or pregnancy.
  - any rights that may be provided by law to compel and disclose the results of testing of sexual assault suspects for communicable diseases.

*Campus Judicial Rights:*

- To be afforded the same access to legal assistance as the accused.
- To be afforded the same opportunity to have others present during any campus disciplinary proceeding that is allowed the accused.
- To be notified of the outcome of the sexual assault disciplinary proceeding against the accused.

*Legal Rights:*

- To have any allegation of sexual assault investigated and adjudicated by the appropriate criminal and civil authorities of the jurisdiction in which the sexual assault is reported.
- To receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities
- To receive full, prompt, and victim-sensitive cooperation of campus personnel with regard to obtaining, securing, and maintaining evidence, including a medical examination when it is necessary to preserve evidence of the assault.

*Campus Intervention Rights:*

- To require campus personnel to take reasonable and necessary actions to prevent further unwanted contact of victims by their alleged assailants.
- To be notified of the options for and provided assistance in changing academic and living situations if such changes are reasonably available.

*Statutory Mandates:*

- Each campus must guarantee that this Bill of Rights is implemented. It is the obligation of the individual campus governing board to examine resources dedicated to services required and to make appropriate requests to increase or reallocate resources where necessary to ensure implementation.
- Each campus shall make every reasonable effort to ensure that every student at that institution receives a copy of this document.
- Nothing in this act or in any "Campus Assault Victim's Bill of Rights" developed in accordance with the provisions of this act shall be construed to preclude or in any way restrict any public or independent institution of higher education in the state from reporting any suspected crime or offense to the appropriate law enforcement authorities.

## APPENDIX D

### Relevant Clery Definitions<sup>8</sup>

#### Sex Assault

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, A sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

State of New Jersey Definition (N.J.S.A. 2C:14-2c): An actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

1. The victim is less than 13 years old;
2. The victim is at least 13 but less than 16 years old; and
  - a. The actor is related to the victim by blood or affinity to the third degree, or
  - b. The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status, or
  - c. The actor is a resource family parent, a guardian, or stands in loco parentis within the household;
3. The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson, or criminal escape;
4. The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;
5. The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion;
6. The actor uses physical force or coercion and severe personal injury is sustained by the victim;
7. The victim is one whom the actor knew or should have known was physically helpless or incapacitated, intellectually or mentally incapacitated, or had a mental disease or defect which rendered the victim temporarily or permanently incapable of understanding the nature of his conduct, including, but not limited to, being in-capable of providing consent.

Aggravated sexual assault is a crime of the first degree.

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<sup>8</sup> A copy of Rutgers "Safety Matters" Report is available at <https://ipo.rutgers.edu/publicsafety/crime-statistics>.

An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim.

An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

1. The actor uses physical force or coercion, but the victim does not sustain severe personal injury;
2. The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status.
3. The victim is at least 16 but less than 18 years old and:
  - a. The actor is related to the victim by blood or affinity to the third degree; or
  - b. The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or
  - c. The actor is a resource family parent, a guardian, or stands in loco parentis within the household.
4. The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim.

Sexual assault is a crime of the second degree.

### Domestic Violence

State of New Jersey Definition (N.J.S.A. 2C:25-19): The occurrence of one or more of the following criminal offenses upon a person protected under the Prevention of Domestic Violence Act of 1990:

Homicide, assault, terroristic threats, kidnapping, criminal restraint, false imprisonment, sexual assault, criminal sexual contact, lewdness, criminal mischief, burglary, criminal trespass, harassment, stalking. A domestic violence victim is a person protected by the domestic violence act and includes any person:

- who is 18 years of age or older
- who is an emancipated minor, and who has been subjected to domestic violence by:
  1. a spouse
  2. former spouse
  3. any other person who is a present or former household member
- who, regardless of age, has been subjected to domestic violence by a person with whom the victim has a child, or anticipates having a child, in common

- who, regardless of age, has been subjected to domestic violence by a person with whom the victim has had a dating relationship

Federal Definition (VAWA -42 USC 13701):

A Felony or misdemeanor crime of violence committed—

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

### Dating Violence

The New Jersey Prevention of Domestic Violence Act of 1990 (N.J.S.A. 2C:25-19) considers dating violence to be an act of Domestic Violence, see definition of Domestic Violence. In consideration of the foregoing reports made under this section are reported within the category of Domestic Violence.

Federal Definition (VAWA -42 USC 13701):

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition—Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts Covered under the definition of domestic violence.

### Stalking

State of New Jersey Definition (N.J.S.A. 2C:12-10):

Engaging in a course of conduct directed at a specific person that would cause a reasonable person that would cause a reasonable person to fear for his safety or the safety of a third person or suffer other emotional distress.

As used in this section, the following terms are defined:

- "Course of conduct" means repeatedly maintaining a visual or physical proximity to a person; directly, indirectly, or through third Parties, by any action, method, device, or means, following, monitoring, observing, surveilling, threatening, or communicating to or about, a person, or interfering

with a person's property; repeatedly committing harassment against a person; or repeatedly conveying, or causing to be conveyed, verbal or written threats or threats conveyed by any other means of communication or threats implied by conduct or a combination thereof directed at or toward a person.

- "Repeatedly" means on two or more occasions.
- "Emotional distress" means significant mental suffering or distress.
- "Cause a reasonable person to fear" means to cause fear which a reasonable victim, similarly situated, would have under the circumstances.

Federal Definition (VAWA -42 USC 13701): Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress. For the purposes of this definition—
- Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third Parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling



**PROPOSED RESOLUTION  
APPROVING REVISIONS TO UNIVERSITY POLICY 10.2.11:  
CODE OF STUDENT CONDUCT**

**WHEREAS**, on July 7, 1972, the Board of Governors of Rutgers, The State University of New Jersey, approved the "Code of Student Conduct" policy (formerly Book 4.2.7 in the University Regulations and Procedures Manual); and

**WHEREAS**, this policy has been renumbered as Policy Section 10.2.11 in the University Policy Library; and

**WHEREAS**, this policy was last revised on December 17, 2019, by Resolution of the Board of Governors, to include changes to the policy resulting from a five-year review of the policy to clarify and streamline processes, incorporate efficiencies, and improve alignment with best practices of peer institutions; and

**WHEREAS**, a subsequent review of the policy was undertaken by a University Title IX task force to identify adjustments to the policy needed to ensure alignment with revised Title IX regulations, to clarify the applicability of Title IX and University policy to incidents occurring off-campus, and to prohibit sexual misconduct by students that falls outside the scope of Title IX pursuant to the new regulations; and

**WHEREAS**, an interim revision to this policy was implemented on August 14, 2020, to align with University Policy 60.1.33: Title IX Policy and Procedures, and address forms of sexual misconduct that falls outside the scope of Title IX but remains prohibited by the University; and

**WHEREAS**, on December 1, 2020, with the endorsement of Executive Vice President for Academic Affairs Prabhas Moghe; Rutgers University–New Brunswick Vice Chancellor for Student Affairs, Salvador Mena; Rutgers Biomedical and Health Sciences Assistant Vice Chancellor for Academic & Student Affairs & Title IX Coordinator, Susan Hamilton; Rutgers University–Newark Vice Chancellor for Student Affairs, Corlisse Thomas; and Rutgers University–Camden Vice Chancellor for Student Affairs, Mary Beth Daisey, the Board of Governors Committee on Academic and Student Affairs reviewed the revisions to University Policy 10.2.11: Code of Student Conduct, and recommended approval by the Board of Governors.

**NOW, THEREFORE, BE IT RESOLVED** that, upon the recommendation of the Committee on Academic and Student Affairs, the Board of Governors of Rutgers, The State University of New Jersey, approves the attached revisions to University Policy 10.2.11: Code of Student Conduct, with deletions shown in strikeout and additions underlined; and

**BE IT FURTHER RESOLVED** that this Resolution shall take effective immediately.

Attachment: Proposed Revisions to University Policy 10.2.11: Code of Student Conduct

Board of Governors  
Rutgers, The State University  
of New Jersey  
December 17, 2020

## UNIVERSITY POLICY

|                               |  |                       |   |                       |   |
|-------------------------------|--|-----------------------|---|-----------------------|---|
| <b>Policy Name:</b>           | Code of Student Conduct                              |                       |   |                       |   |
| <b>Section #:</b>             | 10.2.11  | <b>Section Title:</b> | Academic: Student Academic Regulations & Policies   | <b>Formerly Book:</b> | 4.2.7   |
| <b>Approval Authority:</b>    | Board of Governors                                   | <b>Adopted:</b>       | 07/07/1972  | <b>Reviewed:</b>      | 12/17/201908/14/2020 (as interim); 12/17/2020 |
| <b>Responsible Executive:</b> | Executive Senior Vice President for Academic Affairs | <b>Revised:</b>       | Effective 7/1/2007; 5/28/2009 – Section 13b; 10/13/2009 – Section 67 & other administrative title changes; 4/15/2010 administrative title changes; unauthorized or undisclosed recording-added 10.(u) and 10.(aa) under Prohibited Conduct; and incorporated Academic Integrity policy (see Appendix I); 1/3/2011; ); 5/20/2011 (revisions are on file with the Office of the Secretary of the University); 7/1/2013; 9/1/2013 – complete rewrite of Code of Student Conduct (removed Appendix I: Academic Integrity Policy text-see separate policy 10.2.13); 12/9/2014; 10/14/2015; 10/7/2016; 4/6/2017; 7/18/2018; 12/17/2019; 08/14/2020 (implemented as interim); 12/17/2020 |                       |   |
| <b>Responsible Office:</b>    | Office of Student Affairs,<br>New Brunswick          | <b>Contact:</b>       | Office of Student Conduct:<br>848-932-9414,<br><a href="http://studentconduct.rutgers.edu">http://studentconduct.rutgers.edu</a> ,<br>Office of Student Affairs Compliance:<br>848-932-8200576, <a href="http://compliance.rutgers.edu">http://compliance.rutgers.edu</a>   |                       |   |

### 1. Policy Statement

The University Code of Student Conduct sets specific expectations for Rutgers University student behavior. It lists the behaviors prohibited at Rutgers University, the process for addressing allegations of student misconduct, and the possible consequences for students who violate the policy.

### 2. Reason for Policy

All policies are subject to amendment. Please refer to the Rutgers University Policy Library website ([policies.rutgers.edu](http://policies.rutgers.edu)) for the official, most recent version.



When students choose to attend Rutgers University, they understand that they must abide by all behavioral guidelines set by the Rutgers Community. The University Code of Student Conduct outlines behavioral expectations for Rutgers University students and provides information to all community members about what types of behaviors are not tolerated at Rutgers University.

### 3. Who Should Read This Policy

All members of the Rutgers University Community

### 4. Resources

- [University Policy 10.2.13: Rutgers University Academic Integrity Policy](#)
  - <http://academicintegrity.rutgers.edu/>
- [University Policy 10.2.12: Safety Intervention Policy](#)
- [University Policy 10.3.11: Communication to Students](#)
- ~~[University Policy 10.3.12: Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct](#)~~
- [University Policy 60.1.33: Title IX Policy and Grievance Procedures](#)
- [University Policy 30.1.9: Protection of Minors](#)
- [University Policy 50.3.5: Disruptions: Administrative Policy and Response](#)
- [Rutgers Biomedical and Health Sciences \(RBHS\) Policies](#)
- [RBHS Students Rights, Responsibilities, and Disciplinary Procedures](#)
- [Standards of Conduct for Student Organizations](#)
- Residence Life Policies:
  - [New Brunswick](#)
  - [Newark](#)
  - [Camden](#)
- [Ticket policy](#)

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All policies are subject to amendment. Please refer to the Rutgers University Policy Library website ([policies.rutgers.edu](http://policies.rutgers.edu)) for the official, most recent version.

- [Stop Hazing: Prevention Through Education](#)
- [Family Educational Rights and Privacy Act of 1974](#)

## 5. Definitions

Please note that definitions in this section relate to policies and procedures that are consistent universitywide (Rutgers University–Camden, Rutgers University–Newark, and Rutgers University–New Brunswick). Definitions are also provided in procedures documents.

- A. "Accused student" or "responding student" is any current student who has had disciplinary charges filed against them.
- B. "Administration or staff" includes any person who currently holds a non-faculty appointment within the University.
- C. "Campus Advisor" is a member of the University community who has been trained to provide support and guidance to accused students and complaint parties.
- D. "Charge" is a determination that the University has reasonable suspicion that a student or student organization may have violated University policy.
- E. "Chief Conduct Officer" is the person (or people) on each campus who enforces the University Code of Student Conduct, oversees the processes for handling misconduct, and may develop procedures for administration of the conduct process.
- F. "Clemency Officer" is the Senior Student Affairs Officer, on the campus from which the student was expelled, who may be petitioned for clemency by the former student for the opportunity to complete their degree.
- G. "College" or "School" means any academic division at Rutgers University.
- H. "Complaint party" refers to anyone who has filed a report with the Office of Student Conduct/Community Standards alleging misconduct by a Rutgers University student.
- I. "Conduct Officer" refers to any University staff member or administrator with responsibility for investigating and adjudicating student conduct cases.
- J. "Faculty" includes any person who holds a current academic appointment within the University.
- K. "Institution" and "University" mean Rutgers, The State University of New Jersey.
- L. "Impact statement" is a description of the effect of a policy violation on an affected party; it may be submitted in writing or via audio or video recording.
- M. "Member of the University community" means any student, faculty, administrator, or employee at the University.

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All policies are subject to amendment. Please refer to the Rutgers University Policy Library website ([policies.rutgers.edu](https://policies.rutgers.edu)) for the official, most recent version.

- N. "Office of Student Conduct" or "Office of Community Standards" refer to the offices that handle the conduct process at Rutgers University–Camden, Rutgers University–Newark, and Rutgers University–New Brunswick.
- O. "Preponderance of Information/Evidence" refers to the standard of proof required in adjudicating non-academic cases. This standard requires that the finder of fact must be persuaded that it is more likely than not that the allegations brought against the accused student are true. Refer to ~~the~~ University Policy 10.2.13: Academic Integrity Policy for information about the standard of proof used in academic integrity cases.
- P. "Senior Student Affairs Officer" refers to the officer in the Division of Student Affairs (or their designee), who oversees the Office of Student Conduct/Community Standards on each campus.
- Q. "Student" is any person for whom the University maintains educational records, and who has not yet been awarded a degree from the University at the time of the alleged violation as defined by the Family Educational Rights and Privacy Act of 1974 and related regulations. The term student may also include any person who is a non-matriculating student at the time of the alleged violation.
- R. "Student organization" is any identified group of students who have complied with the formal requirements for University recognition and affiliation and have registered for affiliation with the University, or who are advised by a University department or University employee.
- S. "Support person" is the person or persons asked by the accused student or complaint party to provide support and assistance during the disciplinary process. A support person cannot represent the student during any proceeding and cannot address a Hearing Board, Presiding Officer, or Conduct Officer unless granted permission by the Presiding Officer or Conduct Officer.
- T. "University premises" includes buildings or grounds owned, leased, operated, controlled, or supervised by the University.
- U. "University sponsored activity" means any academic, co-curricular, extra-curricular, or other activity on or off campus, which is initiated, aided, authorized, or supervised by the University.
- V. "Working day" includes any weekday that is not listed as a University holiday on the University Calendar. Days when classes are not in session, but the University is open for business, are "working days."
- W. "Written Notice" is delivery of mail to a student's local, permanent, or email address. Students are responsible for checking any/all email addresses connected to their NetID. Students have the responsibility for providing the University with current addresses, e-mail addresses, and phone numbers.

## 6. The Policy

### I. TABLE OF CONTENTS

- I. Table of Contents
- II. Preamble
- III. Jurisdiction and Authority
- IV. Criminal and Civil Proceedings and the University Code of Student Conduct
- V. Rights of the Complaint Party and Accused Student
- VI. Rules and Regulations
- VII. Interim Action
- VIII. Disciplinary Sanctions
- IX. Disciplinary Process
- X. Appeals
- XI. Disciplinary Files
- XII. Clemency for Expulsion
- XIII. Student Conduct Process Volunteers
- XIV. Revisions to the Code of Student Conduct

### II. PREAMBLE

The University Code of Student Conduct was created to ensure the safety and security of the Rutgers community. This document is intended to ensure students and organizations are aware of their rights and responsibilities within the conduct process, and to uphold the integrity and values of Rutgers, The State University of New Jersey. When students choose to enroll at Rutgers University, they are encouraged to respect its values.

The Code of Student Conduct is more than a collection of University regulations to be abided by – it seeks to promote the University's values and educate. The Code of Student Conduct encourages students to be their authentic selves as they find their place on campus, while also encouraging students to embrace inclusion through discovery, dialogue, and development as they celebrate diverse backgrounds.

The spirit of the Code of Student Conduct promotes student engagement both on and off campus, global citizenship, and leadership. It encourages students to uphold the highest tenets of trust, honesty, and integrity, understanding at all times that our actions significantly impact our personal journeys, our communities, and our larger society.

Rutgers–Camden, Rutgers–Newark, and Rutgers–New Brunswick students originate from all corners of the world and travel between many campuses and cities. As our students strive to achieve their goals, they are expected to conduct themselves in accordance with University policies and procedures, but more importantly, the values and spirit that these policies and procedures are founded upon.

### III. JURISDICTION AND AUTHORITY

#### A. The University Code of Student Conduct

This policy applies to conduct that occurs on University premises; at University sponsored activities; at functions, activities, or events hosted by students or recognized student organizations, on or off campus; and other off-campus conduct that affects a University interest (as defined above). Each student is responsible for their conduct from the time of application through the actual awarding of a degree or certificate, even if that conduct occurs before classes begin or after a semester is complete.

With the exception of undergraduate students in the Ernest Mario School of Pharmacy and the School of Nursing, Rutgers Biomedical and Health Sciences ("RBHS") student behavior is not regulated under the University Code of Student Conduct. RBHS guidelines regarding academic integrity, non-academic misconduct, and disciplinary procedures are found in the [RBHS Students Rights, Responsibilities, and Disciplinary Procedures](#) document. Please consult the RBHS website: <http://rbhs.rutgers.edu> or the [Rutgers University Policy Library](#) for specific information regarding RBHS school procedures.

#### B. The Rutgers University Academic Integrity Policy

This policy is used to address allegations of student academic misconduct. Please refer to [University Policy 10.2.13: Rutgers University Academic Integrity Policy](#) for specific information regarding what would constitute a violation of this policy.

#### C. ~~The Title IX Policy and Grievance Procedures Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking and Related Misconduct~~

~~This policy is used to address allegations of sexual harassment, sexual assault, dating violence, domestic violence, and stalking, as defined by the regulations implementing Title IX of the Education Amendments of 1972 (Title IX). ,sexual assault, relationship violence, stalking, and other gender-based discrimination in which a Rutgers student is the perpetrator. Descriptions of violations and procedures for addressing these violations are described in University Policy 60.1.33: Title IX Policy and Grievance Procedures. University Policy 10.3.12: Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking and Related Misconduct.~~

#### D. Professional/Academic Programs

Individual academic programs may have additional ethical rules, professional requirements and professional standards of conduct. Academic programs are empowered to address deviations from acceptable professional standards of conduct. Any procedures a program puts in place to address deviations from their professional standards must include, at a minimum, notice to the student of the issue and some opportunity for the student to respond to the information before a decision is made.

#### E. Student Organizations

Student organizations are collectively responsible for any action that violates University policy committed by members on behalf of the organization. \_Disciplinary action against student organizations is separate from action taken against individuals. \_Student organizations will be asked to account for behavior committed by organization members on behalf of the organization.

#### F. Criminal and Civil Court Cases

Formal rules of process, procedure, and/or evidence that are applied in criminal and civil courts are not used in campus disciplinary proceedings. \_Participants are provided process and procedure as outlined in this Code.

#### G. Residence Life

Incidents that occur in or around the residence halls will typically be managed by Residence Life staff.

#### H. Electronic Content

The Code may be applied to conduct online and via email or other electronic media. Students and student organizations should be aware that online media such as blogs, websites, chats, and social networking sites are in the public sphere and are not private. \_Online media that indicate possible misconduct may subject a student and/or student organization to disciplinary action.

#### I. University Interest

Student or student organization conduct committed on or off campus that affects a University interest is behavior that:

1. Constitutes a violation of local, state, or federal law;
2. Indicates that the student or student organization may present a danger or threat to the health or safety of themselves or others;
3. Impinges upon the rights, property, or achievements of others or significantly breaches the peace and/or causes social disorder; or
4. Is detrimental to the educational interests of the University.

Any on or off campus behavior that adversely affects a University interest and/or violates the Code of Student Conduct is subject to conduct action following standard University procedures.

#### J. Interim Action

The University may take interim disciplinary action as outlined in Section VII.

#### **IV. CRIMINAL AND CIVIL PROCEEDINGS AND THE UNIVERSITY CODE OF STUDENT CONDUCT**

Students may be held accountable for their behavior through both the criminal system and the University conduct process. \_University conduct proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the Chief Conduct Officer (or their designee), on each campus. \_Disciplinary action, decisions, and/or sanctions shall not be subject to change because criminal charges were dismissed, reduced, or resolved in favor of the student. \_University community members are not precluded from filing a civil or criminal charge against a student before, while, or after the University pursues disciplinary action.

#### **V. RIGHTS OF THE COMPLAINT PARTY AND THE ACCUSED STUDENT**

The University is committed to providing accessible, prompt, thorough, and fair methods of investigation and resolution of incidents reported under this Code to all University members of the Rutgers community. \_To this end, both the complaint party and responding student are entitled to the following rights throughout the disciplinary processes set forth in this Code, subject to the terms of this Code.

- A. To be treated with dignity by all persons involved in the disciplinary process.
- B. To equal access to information, evidence, and University resources, including information pertaining to counseling services.
- C. To a fair disciplinary process.
- D. To information about this Code.
- E. To participate or to decline to participate in the disciplinary process.
- F. To have a Campus Advisor and support person present at all meetings and disciplinary proceedings. \_Campus Advisor/support person availability is not sufficient grounds for postponing a meeting, or disciplinary proceeding.
- G. To written notice of all meetings and disciplinary proceedings, including the time and place.
- H. To present information and/or witnesses on their behalf during the disciplinary process. \_The relevance of witnesses shall be determined by the Conduct Officer or by the Presiding Officer.
- I. To choose to withhold information or testimony if the student feels information presented will lead to self-incrimination. \_Students are expected to fully cooperate with and participate in the University disciplinary system when notified, but no negative inference will be made should a student choose not to speak.
- J. To hear and respond to all information presented against them.

- K. To one written copy, upon request, of the report stating the circumstances and allegations involved. This information will be made available after a student is notified of charges.
- L. To notice of the charges, including what prohibited conduct is at issue.
- M. To submit written materials relevant to the sanction decision, which may include written impact statements.
- N. To have complaints of intimidation, harassment, bullying, or any other form of retaliation addressed by the Office of Student Conduct/Community Standards.
- O. To written notification of the case resolution, including any sanctions imposed.
- P. To be informed of their right to appeal and of the process for doing so (applies only to accused students).
- Q. To written notification of the outcome of any appeal.
- R. To privacy throughout the investigation and disciplinary process. The Office of Student Conduct/Community Standards will not release information about a case unless legally bound.
- S. To understand that information collected in the process may be subpoenaed in criminal or civil proceedings.
- T. To have reasonable steps taken to prevent any unnecessary or unwanted contact with the other party or parties during the investigation and disciplinary process.

## **VI. RULES AND REGULATIONS**

Any student found responsible for committing, attempting to commit, or assisting others in committing a violation of this Code shall be subject to disciplinary sanctions as outlined in Section VIII.

Violations of this Code include, but are not limited to:

- A. Aiding, enabling, or assisting any person in committing any violation of this Code.
- B. Violations of the Rutgers University Academic Integrity Policy.

Please refer to [University Policy 10.2.13: Rutgers University Academic Integrity Policy](#) for specific information regarding what would constitute a violation of this policy.

- C. Violations of the ~~Title IX Policy and Grievance Procedures Student Policy Prohibiting Sexual Harassment, Sexual Violence, Stalking, and Related Misconduct.~~



Please refer to University Policy 60.1.33: Title IX Policy and Grievance Procedures ~~University Policy 10.3.12: Student Policy Prohibiting Sexual Harassment, Sexual Violence, Stalking, and Related Misconduct~~ for specific information regarding what would constitute a violation of this policy.

D. Acts of dishonesty:

1. Forgery, unauthorized alteration, or unauthorized use of any University documents or records, or any instrument or form of identification, or access credentials. This includes, but is not limited to, transfer of a Rutgers University Identification Card ("RU ID"), and misuse or transfer of a residence hall key or access card.
2. Intentionally furnishing false information to the University.
3. Intentionally furnishing false information to persons outside the University concerning the student's academic record, degree, or activities.
4. Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency.
5. Unauthorized entry into, use of, or misuse of University property, including computers and data and voice communication networks.
6. Possessing or selling false identification, including RU IDs.
7. Unauthorized sale or re-sale of University event tickets or tickets provided through sponsored events/programs funded by University student fees, or the sale of such tickets above face value.

E. Safety violations:

1. Intentionally or recklessly starting a fire (does not include University approved programs including fire, e.g., bonfires).
2. Misusing fire safety equipment or elevators.
3. Intentionally or recklessly endangering the welfare of any individual.
4. Intentionally or recklessly obstructing fire, police, or emergency services.
5. Using, possessing, or storing dangerous chemicals, fireworks, or explosives on University property (even if they are legal to possess because of a license) or illegally possessing dangerous chemicals, fireworks, or explosives on an off-campus property. Possessing and storing small containers of pepper spray is permitted.
6. Using, possessing, or storing of any object classified as a weapon by the State of New Jersey on University property or illegally possessing a weapon on off-campus property. Law enforcement officials who are authorized by law to carry firearms are excluded from this definition.
7. Utilizing any instrument in a manner that endangers or tends to endanger any person.
8. Obstructing the free flow of pedestrian or vehicular traffic on or adjacent to University premises or at University events.
9. Failing to comply with the reasonable and lawful directions of University officials and/or University police, including but not limited to, instructions to produce identification.

F. Physical misconduct:

1. Inflicting bodily harm upon any person or animal.
2. Using or threatening to use force against a person or animal.

G. Sexual misconduct outside the scope of the Title IX Policy and Grievance Procedures:<sup>1</sup>

1. Gender-based harassment, which refers to acts of aggression, intimidation, stalking, or hostility based on gender, gender identity, or gender-stereotyping. Gender-based harassment can occur if students are harassed either for exhibiting what is perceived as a stereotypical characteristic of their sex, or for failing to conform to stereotypical notions of masculinity or femininity. To constitute harassment, the conduct must unreasonably interfere with an individual's education or academic activities or create an intimidating, hostile, demeaning, or offensive academic or living environment.

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<sup>1</sup> The informal resolution, investigation, and hearing procedures set forth in University Policy 60.1.33: Title IX Policy and Grievance Procedures, will be used to address these violations.

2. “Quid pro quo” sexual harassment, which refers to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communication of a sexual nature, including through electronic or social media platforms, when:
  - submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education, educational or campus life activities; or
  - submission to or rejection of such conduct by an individual is used as the basis for academic or student life decisions affecting that individual.
3. Sexual exploitation, which refers to non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Examples of sexual exploitation include, but are not limited to:
  - observing another individual's nudity or sexual activity or allowing another to observe nudity or sexual activity without the knowledge and consent of all participants;
  - non-consensual streaming of images, photography, video or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all participants;
  - exposing one's genitals in non-consensual circumstances; or
  - inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.; or
  - Knowingly exposing another person to a sexually transmitted infection or virus without the other's knowledge.
4. Sexual intimidation, which refers to threatening behavior of a sexual nature directed at another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection, such as threatening to sexually assault another person or engaging in indecent exposure.
5. Stealthing, which refers to intentionally removing, damaging, or lying about use of a prophylactic or contraceptive device (e.g. condom, female condom, other forms of birth control) when consent has only been given for protected sexual activity.
6. Sexual harassment, sexual assault, dating violence, domestic violence, or stalking, as defined by the Title IX Policy and Grievance Procedures, that occur against a person outside the United States, or outside the scope of an education program or activity as defined by Title IX, but within the jurisdiction of this Code of Student Conduct.

G.H. Bullying, intimidation, and harassment:

1. Making any communication to another person in any manner likely to cause alarm, including through electronic or social media platforms.
2. Subjecting or threatening to subject another person or animal to striking, kicking, shoving, or offensive touching.
3. Threatening to reveal or releasing personal information or media about a

person electronically or through other means of communication.

4. Engaging in any other course of alarming conduct or repeatedly committing acts with the purpose of seriously alarming another person.

In order to constitute bullying, intimidation, and/or harassment, a person's behavior must be sufficiently severe, pervasive, or persistent as to substantially disrupt or interfere with the orderly operation of the institution or the rights of a student to participate in or benefit from the educational program.

H.I. Child abuse:

Neglecting, or inflicting any form of physical, emotional, or psychological harm or harassment upon any minor identified as a permanent or temporary dependent, or co-dependent of the accused, or as under the responsibility of the accused.

I.J. Defamation:

Creating a false statement about a University community member and communicating that false statement to a third party, which then exposes that community member to hatred, contempt, ridicule, loss of good will, or loss of reputation as a result of the false statement.

J.K. Hazing:

1. Engaging in any act that impacts the mental, emotional, or physical health or safety of a student for the purpose of initiation into, admission into, affiliation with, or continued membership in any organization or team whose members are Rutgers University students.
2. Engaging in any activity that is inconsistent with regulations or policies of Rutgers University or laws in the State of New Jersey for the purpose of initiation into, admission into, affiliation with, or continued membership in any organization or team whose members are Rutgers University students.

Behavior falling into these categories shall be considered hazing regardless of whether a person is a willing participant.

K.L. Invasion of privacy:

1. Making, attempting to make, live streaming, transmitting, or attempting to transmit audio, video, or images of any person(s) on or off University premises in bathrooms, showers, bedrooms, common areas of suites or apartments, medical examination rooms, training rooms, or other premises where there is an explicit expectation of privacy with respect to nudity and/or sexual activity, without the knowledge and consent of all participants subject to such recordings and/or transmissions.
2. Viewing any person(s) on or off University premises in bathrooms, showers,

bedrooms, common areas of suites or apartments, medical examination rooms, training rooms, or other premises where there is an explicit expectation of privacy with respect to nudity and/or sexual activity, without the knowledge and consent of all participants.

~~L~~-M. Theft or damage to property:

1. Taking or attempting to take University, public, or private property without the consent of the owner or person legally responsible for that property.
2. Obtaining University services through devious means.
3. Knowingly possessing University, public, or private property without the consent of the owner or person legally responsible for that property.
4. Intentionally or recklessly damaging University, public, or private property.

~~M~~-N. Use or possession of alcohol, narcotics, or other drugs:

1. Possessing or consuming alcohol by persons under the legal drinking age in New Jersey.
2. Possessing alcohol in areas on campus where alcohol is not permitted.
3. Unlawfully possessing or using drugs, narcotics, controlled substances, or paraphernalia.\*\*
4. Misusing or misappropriating any prescription, over-the-counter medication, or legal substance.\*\*
5. Possessing or using medical marijuana on any Rutgers University property.
6. Driving under the influence of alcohol and/or other drugs.

\*\*The University strongly encourages students to call a University official and/or medical professional for medical assistance for themselves or for community members who are dangerously under the influence of alcohol or other drugs. Normally, students seeking medical treatment for the effects of drug or alcohol use will not be subject to University discipline for violations pertaining to drug or alcohol possession/use as outlined in this Code.

Medical Amnesty will be granted to both the intoxicated student and to the student seeking medical assistance for the intoxicated student, under the following conditions:

1. Both the intoxicated student and the reporting student will be required to meet with their respective campus' Office of Student Conduct/Community Standards to provide a detailed account of the events leading to the need for assistance.

2. Involved students may be required to participate in an educational program related to drugs or alcohol. \_Failure to participate in a required educational program may result in charges under this Code.\_ Medical Amnesty does not apply to disciplinary action relating to any other code violation including, but not limited to, assault, property damage, or prohibited distribution of substances. \_ Medical Amnesty does not apply to student organizations.

Normally, the person who called for assistance will be expected to remain at the scene with the intoxicated student until assistance arrives and to cooperate with medical and law enforcement personnel on the scene.

N.O. \_\_\_\_\_ Distribution of alcohol, narcotics, or other drugs:

1. Selling, transferring, giving away, or exchanging something in return for narcotics, prescription medications, or other illegal substances.
2. Providing or facilitating the consumption of alcohol by any person without taking reasonable and prudent precautions to ensure that the person is of legal drinking age in New Jersey.
3. Sharing medical marijuana with any individual who does not have a medical marijuana prescription.

O.P. \_\_\_\_\_ Disruption:

1. Intentionally or recklessly interfering with any University activity or University sponsored activity.
2. Disrupting or obstructing an academic class or lecture, an administrative or support function, or official University business.
3. Engaging in classroom conduct that is prohibited by the faculty member or is in violation of the law or University policy.

It should be noted that this policy is not intended to punish students for classroom dissent or hinder organized, peaceful, and orderly protests that are undertaken within reasonable time, place, and manner restrictions placed upon the same by the University.

P.Q. \_\_\_\_\_ Disorderly conduct:

Engaging in conduct that is disruptive, lewd, or indecent, regardless of intent, which breaches the peace of the community.

Q.R. \_\_\_\_\_ Undisclosed recording:

Recording, live streaming, or transmitting images, audio, or video of private, non-public conversations and/or meetings on University premises without the knowledge and consent of all participants. \_This may include recording instructors without consent. \_Students must consult with instructors for guidance on their

recording policies. \_This provision does not extend to the recording of public events or discussions, to recordings made for law enforcement purposes, or to any registered disability accommodation.

~~R.S.~~ \_\_\_\_\_ Violations of other published University regulations or policies.

~~S.T.~~ Engaging in behavior that violates a University interest (as defined in Part III, "Jurisdiction and Authority," Section I).

~~T.U.~~ \_\_\_\_\_ Abuse of the disciplinary system:

1. Knowingly providing false testimony or evidence at a disciplinary proceeding.
2. Disrupting or interfering with the conduct process.
3. Failing to complete imposed sanctions.
4. Refusing to provide information at a disciplinary proceeding. \_Students are expected to fully cooperate with and participate in the University disciplinary system when notified. \_A student may choose to withhold information or testimony if the student feels information presented will lead to self-incrimination.
5. Harassing or intimidating any participant in the disciplinary process.

## **VII. INTERIM ACTION**

A. Interim Suspension:

1. In certain circumstances, the Senior Student Affairs Officer (or their designee) may impose an Interim Suspension or other restrictions before the student goes through University disciplinary proceedings. \_Interim suspension shall be enacted when the Senior Student Affairs Officer (or their designee) determines there is a reasonable basis to conclude that the continued presence of the student at the University presents an acute and immediate threat to themselves, to others at the institution, or to University property.
2. During an Interim Suspension, the student shall be denied access to University premises (including classes) and to all University activities or privileges for which the student might otherwise be eligible.
3. It is the right of the student issued an Interim Suspension to meet with the Senior Student Affairs Officer (or their designee). \_This meeting must occur within two (2) working days of the student's request to meet. \_The meeting should include discussion of the following issues only:
  - a. the reliability of the information concerning the student's alleged

misconduct, including the matter of their identity.

- b. whether the alleged conduct and surrounding circumstances reasonably indicate that the continued presence of the student on University premises poses a substantial and immediate threat to themselves, to others, or to University property.

4. \_\_\_\_\_ The Senior Student Affairs Officer (or their designee) may affirm the Interim Suspension or lift the Interim Suspension. \_ The student shall be notified of the decision in writing. \_ The student will then be asked to participate in an Investigation. \_ If applicable, the appropriate disciplinary proceeding will then be scheduled at the earliest possible time.

- B. In certain circumstances, the Senior Student Affairs Officer (or their designee) may impose other interim restrictions on a student prior to the conduct of University disciplinary proceedings. \_ Such restrictions may include, but are not limited to, a residence hall suspension, termination of housing contract, or mandated room reassignment. \_ These restrictions shall be enacted when the Senior Student Affairs Officer (or their designee) determines there is a reasonable basis to conclude that the student presents a substantial and immediate threat to themselves, to others, or to University property if the student is allowed access to the resource being restricted.
- C. Under certain circumstances when it is impossible for a student to address a disciplinary issue, and the incident in question does not require an Interim Suspension, the University may grant the student a disciplinary withdrawal. \_ The decision to grant a disciplinary withdrawal will be made by the Senior Student Affairs Officer (or their designee), in consultation with the Chief Conduct Officer on the student's campus. \_ The student shall be permitted to withdraw from classes and a disciplinary hold will be placed on the student's registration and transcript. The student will not be permitted to return to Rutgers University until the disciplinary matter has been resolved.
- D. For additional relevant considerations and actions, please see [University Policy 10.2.12: Safety Intervention Policy](#).

## **VIII. DISCIPLINARY SANCTIONS**

- A. Disciplinary sanctions are imposed when students are found in violation of University regulations. \_ The purpose of sanctioning is to educate a student as to why their behavior is inappropriate, as well as to make the student aware of and sensitive to all the possible consequences of the behavior in question. Sanctions for misconduct will be determined on a case-by-case basis, utilizing six main criteria:
  - 1. The nature of the offense.
  - 2. The precedent established by previous sanctions.
  - 3. The previous disciplinary history of the student.
  - 4. Aggravating or mitigating circumstances.
  - 5. The developmental needs of the student.
  - 6. The safety and well-being of the community.
- B. Sanctions typically include two components:



1. An “inactive sanction” or official University sanction (Reprimand, Probation, Disciplinary Suspension, Expulsion or loss of University housing)
2. An “active sanction” requiring the student to complete some form of service or assignment.

C. Inactive Sanctions:

1. Reprimand

A reprimand formally indicates to a student that their behavior is unacceptable and that continuing that behavior shall warrant additional, more serious consequences.

2. Probation

Probation is a notice to a student that their actions are of such a serious nature that they may jeopardize their status as a student. The University shall refrain from suspending the student at this time, as long as the student meets all sanction requirements. Any additional incidents in which the student is found in violation of the Code of Student Conduct may result in Disciplinary Suspension with the possibility of additional sanctions.

There are two types of Probation:

- a. Term without Conditions: A term Probation without conditions stipulates the period of Probation, after which the student regains good standing with the University.
- b. Term with Conditions: A term Probation with conditions stipulates the period of Probation and includes specific restrictions or requirements to be met during the probationary period. The probationary period shall continue until the Conduct Officer determines that the conditions have been satisfied. When the term is complete and all conditions have been met, the student will regain good standing with the University.

3. Disciplinary Suspension

Disciplinary Suspension is the temporary loss of student status. While on suspension, a student may not take classes, participate in University-sponsored activities, or be present on University premises.

There are two types of suspension; students may be subject to one or both. In either case, a notation will remain on the student's official University transcript through the duration of the suspension.

- a. Term: A term suspension stipulates the period of suspension, after

which the student may return to the University community as a student (if the student meets the academic requirements of the program of study).

- b. Conditional: A conditional suspension requires that the student meet certain requirements before they can return to the University community. The conditional suspension shall continue until the Conduct Officer determines that the conditions have been satisfied. When the term is complete and all conditions have been met, the student may return to the University community as a student (if the student meets the academic requirements of the program of study). While on suspension, a student shall not be permitted to earn credits at any other institution for the purpose of transferring those credits and making progress towards a Rutgers degree.

#### 4. Expulsion

Expulsion of a student from the University is a permanent loss of student status, unless the student has successfully petitioned for clemency. A student is precluded from registration, participation in any class, activity, or program of the University, and presence on University premises. The sanction of expulsion is permanently noted on a student's official University transcript unless the student has successfully petitioned for clemency, and has completed their degree.

#### 5. Loss of University Housing

Termination of student housing privileges, and exclusion from campus residence hall premises and activities. Loss of housing privileges is often permanent, but can be designated for a period of time at the discretion of the University. This sanction may be implemented when a resident student has either breached the terms and conditions of their housing contract, has engaged in inappropriate behavior on or off campus that severely impacts the University community, and/or has been suspended, dismissed, or expelled from the University. The termination can be enforced immediately, at the discretion of the University, and is typically carried out and overseen by the Residence Life staff on the student's campus. The student losing housing privileges will not receive a refund of any housing fees paid, may be subject to a contract cancellation fee, and may be held financially responsible for the full cost of their housing for the remainder of the contract period.

### D. Active Sanctions:

#### 1. Restitution

Repayment to the University or to an affected party for damages resulting from a violation of this Code.

#### 2. Fines

Fines are monetary penalties utilized as a deterrent to further student misconduct, and are put in place in cases involving the use of alcohol and other drugs. \_Conduct fine rates are approved by the Senior Student Affairs Officer (or their designee), on each campus.

3. Restorative

Programs, projects, or assignments designed to mitigate the harm done to the affected parties and restore the University community. \_Restorative sanctions may include (but are not limited to) service, letters of apology, and restorative justice practices.

- a. Service Hours – Service to the University or local community to be completed by a specified date. \_Locations and projects for completion of educational service must be approved by the Conduct Officer.
- b. Alternative Resolution – Students may be sanctioned to nontraditional means of conflict resolution. \_These sanctions may vary from case to case and are imposed at the discretion of the Conduct Officer.

4. Educational

Programs, projects, or assignments designed to educate a student or student organization about the consequences of their actions and to impart skills that may help the student or organization avoid future violations.

5. Other Sanctions

Other sanctions may be imposed instead of, or in addition to, those specified above. \_Restrictions or denials of University parking privileges may be imposed for violations of Department of Transportation policy. \_Students found responsible for misuse of University computers or networks may lose the privilege of accessing those computers and/or networks. \_For violations of academic integrity, appropriate academic penalties shall also be applied (see [University Policy 10.2.13: Rutgers University Academic Integrity Policy](#)). For sanctions for violations associated with University housing, please refer to the Residence Life Living Policies Guide ([Rutgers University–New Brunswick](#), [Rutgers University–Newark](#), and [Rutgers University–Camden](#)). For sanctions for violations committed by student organizations, please refer to Standards of Conduct for Student Organizations. \_For violations associated with intercollegiate athletes or student organizations with national affiliations, non-University sanctions may apply.

## IX. DISCIPLINARY PROCESS

For all cases, except those:

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All policies are subject to amendment. Please refer to the Rutgers University Policy Library website ([policies.rutgers.edu](http://policies.rutgers.edu)) for the official, most recent version.

- (a) involving academic integrity violations
  - ~~(b) subject to the University Policy 60.1.33: Title IX Policy and Grievance Procedures, including and cases of sexual misconduct that fall outside the scope of the Title IX Policy and Grievance Procedures Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking and Related Misconduct~~
  - (c) occurring in RBHS
  - (d) involving student organizational misconduct
- A. Any University community member may submit a complaint alleging a violation of the Code of Student Conduct. University community members may also submit a complaint on behalf of another person. All complaints shall be reported to the Office of Student Conduct/Community Standards.
- B. During the disciplinary process, the accused student and complaint party shall be informed of their rights (as identified in Part V, "Rights of the Complaint Party and the Accused Student") and given information about the disciplinary process.
- C. Should the accused student withdraw from the University for any reason, at any time during the disciplinary process, a hold will be placed on their transcript and registration, and the student will be prohibited from graduating while the matter is pending. The student will be unable to return to the University until they have completed the disciplinary process and the matter has been resolved.
- D. Once a complaint has been received, a Conduct Officer conducts an Investigation. The Investigation may include meetings with the responding student, the complaint party, witnesses, and any other involved individuals. The accused student and complaint party will be given written notice of meeting time(s), their rights and responsibilities, a list of Campus Advisors, and any other necessary information as determined by the Conduct Officer. An investigation may not require meeting with all parties; the Conduct Officer will determine what meetings are necessary. The Investigation will determine the next step of the process.
- E. If the accused student fails to respond to the Office of Student Conduct/Community Standards after contact has been attempted via several modes of communication, or fails to meet with the Conduct Officer for an Investigation or Administrative Conference, the Conduct Officer will assume the student declines to participate in the process. The Conduct Officer will make a determination based on their investigation; cases involving suspension, expulsion, or loss of University housing will be referred to a University Hearing. The Conduct Officer will notify the student of the complaint, charges, finding, and sanctions, if any. Should the student disagree with the finding, they will have the right to appeal to the Campus Appeals Committee.
- F. After the Investigation, one of several things may happen:
- (1) The Conduct Officer has insufficient information. No charges will be brought against the accused student at this time.
  - (2) The parties may be able to bypass the conduct process using Alternative

Resolution practices.

- (3) The Conduct Officer finds enough information to send a Finding Letter.
- (4) The Conduct Officer may request an Administrative Conference.
- (5) Following an Administrative Conference, the accused student may be called to a University Hearing (only in cases where the recommended sanctions include suspension or expulsion from the University or loss of University housing).

1. No charges

The Conduct Officer determines that no charges should be filed, or that the complaint does not include enough information for the Conduct Officer to bring charges against the student. If new information is found, the University may reopen a case and the student may be subject to the disciplinary process.

2. Alternative Resolution Practices

The University aims to create a culture that supports and utilizes Restorative Justice Practices to address and repair harm in the community, restore wellness, and promote communication, engagement, and cooperation. The Office of Student Conduct/Community Standards offers several practices to resolve issues outside of the disciplinary process. Any University community member or group may contact the Office of Student Conduct/Community Standards to learn about available resolution options, and/or to initiate a resolution process.

For resolution options, see the [Rutgers University–New Brunswick Student Conduct website](#).

3. Finding Letter

In certain minor cases, a Conduct Officer will have enough information to determine charges and responsibility from the complaint alone. The Conduct Officer will provide students with written notification that includes the complaint, the given charges, the finding of responsibility, and sanctions.

Should an accused student feel they received a letter in error or if they disagree with the finding and/or sanctions, they will have the opportunity to appeal to the Campus Appeals Committee. The Office of Student Conduct/Community Standards will review the case for eligibility.

4. Administrative Conference

After an investigation has been conducted, the Conduct Officer can request that the student attend an Administrative Conference. The student may

choose to have a Campus Advisor and/or a support person present. \_ The student will have the opportunity to present information, including witnesses in their defense. \_At this meeting, the Conduct Officer will review all available information and determine charges and sanctions, should the student be found responsible for those charges. \_The Conduct Officer will notify the student of the outcome of the Administrative Conference in writing.

If the sanctions *do not* include separation from the University or loss of housing, the Conduct Officer will issue a finding and impose sanctions. \_ Should a student disagree with the finding and/or the sanctions, they will have opportunity to appeal to the Campus Appeals Committee.

If the Conduct Officer finds that the matter warrants separation or loss of housing, the Conduct Officer will refer the matter to a University Hearing for a determination, unless the student chooses to accept the outcome of the Administrative Conference.

#### 5. University Hearing

Cases referred to a University Hearing will be heard by the University Hearing Board. \_The University Hearing Board is a formal disciplinary body comprised of two students and one faculty or staff member, overseen by a trained University community member serving as the Presiding Officer. \_The student may choose to have a Campus Advisor and/or a support person present. \_During the hearing, the complaint party will provide a narrative of what happened. \_Then the respondent will have the opportunity to provide their narrative of what happened. \_Then witnesses in support of the complaint will provide their accounts. \_Then the respondent can provide witnesses to support their interpretation of the incident.

The University Hearing Board will review all available information, question all parties and any witnesses, and determine responsibility and sanctions, if appropriate. \_Should a student disagree with the finding and/or the sanctions, they will have opportunity to appeal to the Campus Appeals Committee.

### X. Appeals

- A. An accused student will have ten working days following a decision to file an appeal. \_ All appeals must be submitted in writing, and will be referred to the Campus Appeals Committee on the responding student's campus. \_Failure to submit an appeal by the appropriate deadline will render the decision final and conclude the disciplinary process.

Appeals may be made on the following grounds:

1. Unsupported Conclusion: The decision made by the Conduct Officer or University Hearing Board is not supported by the facts of the case.

2. Procedural Error: The University Hearing disciplinary process was conducted unfairly and not in conformity with prescribed procedures. The error committed must have substantially impacted the fairness of the disciplinary process.
3. New Information: There is new information available that was not available at the time of the original Administrative Conference or University Hearing and that is sufficient to alter the original decision.
4. Disproportionate Sanction: The sanction imposed against the student was not appropriate for the offense committed.

#### B. Procedures

1. The Campus Appeals Committee on the responding student's campus will convene to review the case being appealed.
2. The Campus Appeals Committee will typically be comprised of two students and one faculty or staff member, and advised by a Conduct Officer unaffiliated with the case.
3. Appeals are decided upon the record of the original proceeding and any written information submitted by any of the parties. The Campus Appeals Committee shall not substitute its judgment for that of the original finder of fact or attempt to rehear the case.
4. In preparation of an appeal, the responding student may have access to the recording of the Administrative Conference or University Hearing, if a recording exists.
5. The Presiding Officer (if any), the Conduct Officer, and the complaint party (if any) may respond in writing to the student's appeal.
6. Any responding student who accepts responsibility for, or is found responsible for, a violation is given one appeal to be reviewed by the Campus Appeals Committee.
  - a. Accepted Responsibility – Any accused student who accepts responsibility for a violation of University policy but disagrees with the sanction imposed, maintains the right to have their sanction reviewed by the Campus Appeals Committee. All information will be reviewed and a final determination will be made, affirming or modifying the sanctions. If the sanctions are modified, the student is given new sanction instructions by the Campus Appeals Committee and the case is concluded. If the sanction is affirmed, the original sanctions will stand, and the case is concluded. However, should the sanctions include suspension or expulsion, the Campus Appeals Committee's decision is not final; the student will have five working days to file an additional appeal to the Senior



Student Affairs Officer (or their designee), who makes the final decision on the appeal.

- b. Found Responsible – Any accused student who is found responsible for a violation of University policy but disagrees with the finding and/or sanctions imposed, maintains the right to have their case reviewed by the Campus Appeals Committee. \_The Campus Appeals Committee will review all information and make a determination; affirm the original finding and sanction; affirm the finding and modify the sanction; or remand the case for a new Administrative Conference or University Hearing.
- c. Sanctions will only be recommended for change if they are found to be clearly disproportionate to the gravity of the violation, precedent for similar offenses, and/or the accused student's prior disciplinary record. \_Cases will only be recommended for remand for a new Administrative Conference or University Hearing in the event of an unsupported finding, new and significant evidence, or significant procedural error.
- d. If the sanctions include suspension or expulsion, the Campus Appeals Committee decision is not final. \_The student will have five working days to file an additional appeal to the Senior Student Affairs Officer (or their designee), who makes the final decision on the appeal.



- C. The imposition of sanctions will normally be deferred during any appeals process. \_The status of the student shall not change until the appeals process is complete. \_The University reserves the right to place a hold on the student's registration and/or transcript and no degree will be awarded to the student during the appeals process. \_Interim actions may also be taken to protect either party or the University community while the case is going through the appeals process. \_Where permitted by ~~state~~ State and federal laws, the Chief Conduct Officer (or their designee), may notify the victim of an act of student misconduct of any sanction imposed.
- D. Upon the conclusion of the appeal process, outlined above, there are no additional remedies available to the student.

#### **XI. DISCIPLINARY FILES (not including RBHS)**

- A. A student found responsible for, or who accepts responsibility for, violating University policy shall have a disciplinary file created in their name. \_University Records Retention Policy requires that disciplinary records be kept for ten years from the date of the letter providing notice of final disciplinary action. \_Disciplinary records may only be reported to third parties in accordance with University regulations and policies and subject to the Family Educational Rights and Privacy Act of 1974.
- B. A disciplinary hold may be placed on a student's University records by the Chief Conduct Officer (or their designee) while disciplinary proceedings are pending or if sanctions are not completed by the deadline.
- C. Permanent notation of disciplinary action shall be made on the transcript whenever a student is expelled, except in cases where a student has successfully petitioned for clemency and has completed their degree. \_Transcript notations of disciplinary action will also be made if a suspension is implemented; when the suspension has been completed, the notation will be removed.
- D. At no time will the Office of Student Conduct/Community Standards provide any information that divulges to the public the name, address, or other identifying personal information of anyone involved in the disciplinary process.

#### **XII. CLEMENCY FOR EXPULSION**

- A. Rutgers University has established standards of conduct for students and imposes sanctions for violations of these standards in order to sustain the personal, educational, and social development of its students. \_The University expels students when the student's behavior is so egregious that the University concludes that their continued affiliation with the University is antithetical to the safety or interests of the University community.
- B. The University recognizes that, following a long separation from the University, people may change. \_Consequently, it is appropriate that the University consider granting clemency to expelled former students in circumstances where they are able to provide significant evidence of rehabilitation and a renewed commitment to the standards of conduct and scholarship expected of Rutgers students. \_For the purposes of this

document, a petition for clemency is a procedure whereby the expelled individual requests the opportunity to complete their degree, and asks the University to consider new circumstances and facts that might alter the original sanction.

Individuals who have been expelled from the University may seek clemency under the following circumstances and conditions:

1. The individual must wait a minimum of five calendar years after the original expulsion before initiating a request for clemency. \_If the individual has taken classes elsewhere in the intervening period, those credits will not transfer towards the Rutgers degree.
2. The request for clemency must be made in writing to the Senior Student Affairs Officer on the campus from which the student was expelled, hereafter referred to as the Clemency Officer. \_The written request should include appropriate documentation concerning the individual's status during the intervening years since the expulsion, any additional mitigating circumstances with appropriate documentation, and any additional information about character or change of behavior that may be appropriate. \_This documentation may include records pertaining to mental health status, employment, criminal activity, or probation records, educational records, social service records, and letters of recommendation.

NOTE: A victim impact statement will be allowable if relevant. \_The Clemency Officer should arrange for its inclusion in the assembled documents.

#### C. Procedures

1. Upon receipt of the request for clemency, the Clemency Officer may consult with whomever they wish and may empower an advisory panel to advise them. \_The Clemency Officer or advisory panel will review the request for clemency and may conduct a personal interview with the individual and/or conduct other forms of inquiry as needed.
2. The Clemency Officer will make a recommendation to the President of the University on clemency including specific conditions, if any, for admission/readmission.
3. The final decision (with any special conditions) will be made by the President and transmitted to the Clemency Officer on the campus from which the individual was expelled.
4. The decision of the President is final.
5. If clemency is granted, the individual will be readmitted to the University and to the school, program, or successor unit from which they were expelled (assuming they are academically qualified for reenrollment). \_If the individual wants to attend a different academic unit within the University, they will be subject to the same requirements and approval processes as any current student. \_They will remain on Probation, noted on the transcript, until the degree is completed, at which time the notation will be removed, as will the notation regarding the original expulsion. \_The individual must meet whatever graduation requirements are in place at the time of readmission. \_The President may impose additional conditions on the individual's

readmission.

6. A record of the expulsion will remain in the student's disciplinary records maintained by the Office of Student Conduct, and is not subject to expunction.

### **XIII. STUDENT CONDUCT PROCESS VOLUNTEERS**

Rutgers University will recruit and train individuals to serve as Campus Advisors, University Hearing Board members, Presiding Officers, and Campus Appeals Committee members.

### **XIV. REVISIONS TO THE CODE OF STUDENT CONDUCT**

A standing ~~system-universitywide~~ committee is responsible for reviewing this Code and suggesting appropriate amendments or modifications. The committee shall consist of a minimum of two students and two representatives from Rutgers University–Camden, Rutgers University–Newark, and Rutgers University–New Brunswick.

It will be the responsibility of the Senior Student Affairs Officer at Rutgers University–New Brunswick to inform the University Senate, the President of the University, and the Board of Governors of any substantive changes in the student disciplinary process recommended by the committee. Substantive changes to the Code of Student Conduct must be approved by the Board of Governors; minor changes may be approved by the President.



**PROPOSED RESOLUTION**  
**APPROVING THE PURCHASE OF THREE LEASED FLOORS**  
**IN THE GATEWAY BUILDING ON THE COLLEGE AVENUE CAMPUS**

**WHEREAS**, in 2009, Rutgers, The State University of New Jersey, became a party to the redevelopment of the Gateway Building Project located on Easton Avenue and Somerset Street in New Brunswick which was developed by the City of New Brunswick and the New Brunswick Parking Authority, and allowed for the creation of a flagship university bookstore in partnership with Barnes and Noble; and

**WHEREAS**, in 2013 the University became a party to a major redevelopment project on the College Avenue Campus, creating the Yard, Sojourner Truth Apartments, Rutgers Academic Building, and Honors College Residence; and

**WHEREAS**, in order to carry out the 2013 College Avenue Campus redevelopment project, it became necessary to relocate certain University departments including Philosophy, Career Services, and some Rutgers–New Brunswick Chancellor’s Office functions; and

**WHEREAS**, Rutgers leased Floors 4, 5 and 7 within the Gateway Building to house those departments and entered into a lease agreement that included an option to purchase those floors in which a portion of all rent payments paid since inception would be applied to the purchase cost; and

**WHEREAS**, the University can exercise its purchase option only once during the term of the lease, namely the month of December 2020; and

**WHEREAS**, the University departments currently housed on these leased floors are vital components of Rutgers University–New Brunswick, providing necessary services, support, and functions in a prominent location on the New Brunswick Campus; and

**WHEREAS**, alternative space suitable to relocate these departments is not available on the New Brunswick Campus and it is desirable that Floors 4, 5, and 7 of the Gateway Building remain in the University’s portfolio as an owned asset; and

**WHEREAS**, the proposed acquisition of the three floors was presented to the Committee on Finance and Facilities on December 2, 2020 and the Committee recommended it for approval by the Board of Governors of Rutgers, The State University of New Jersey, at the purchase price not to exceed \$6.7 million.

**NOW, THEREFORE, BE IT RESOLVED** that, upon the recommendation of the Committee on Finance and Facilities, the Board of Governors of Rutgers, The State University of New Jersey, approves acquisition of Floors 4, 5, and 7 of the Gateway Building for \$6.7 million as described herein and in the attached project summary; and

**BE IT FURTHER RESOLVED**, that the University Administration, acting through the Executive Vice President and Chief Operating Officer, in consultation with the Executive Vice President and Chief Financial Officer and the Office of General Counsel, is hereby authorized and directed to enter into and close a purchase and sale agreement and take any and all other steps and execute and perform any other certificates, documents or agreements that are reasonably necessary for the successful acquisition of Floors 4, 5, and 7 of the Gateway Building; and

**BE IT FURTHER RESOLVED** the Board of Governors of the University reasonably expects to reimburse the expenditure of any costs for this acquisition paid prior to the issuance of any University debt issued for such acquisition (“Project Bonds”), with proceeds of such Project Bonds, and this Resolution is intended to be, and hereby is, a declaration of the official intent to reimburse the costs of this acquisition paid prior to the issuance of the Project Bonds, with proceeds of such Project Bonds, in accordance with Treasury Regulations Section 1.150-2; and

**BE IT FINALLY RESOLVED** that this Resolution shall take effect immediately.

Attachment: Gateway Building Floor Purchase Project Summary

Board of Governors  
Rutgers, The State University  
of New Jersey  
December 17, 2020

DRAFT

## **PROJECT SUMMARY**

Gateway Building – Purchase Option for  
Leased Floors 4, 5, and 7  
Rutgers University–New Brunswick

December 2, 2020

### **Introduction**

In 2009 Rutgers, the State University of New Jersey (“University” or “Rutgers”) became a party to the development of the Gateway Building Project located at Somerset and Easton Avenue. That development project consists of a parking garage, retail and office tower, and a residential tower. It was developed by the Parking Authority of the City of New Brunswick (“Parking Authority”) and was initiated by the Parking Authority’s desire to demolish another structure, referred to as the Ferren Mall and Deck, which was a parking deck with retail and office space that required extensive capital investments to repair which not only exceeded its potential value, but was no longer considered the highest and best use of the property. The decision was made by the Parking Authority to demolish the structure and redevelop another area of the City of New Brunswick that it had designated as a redevelopment zone, which is the parcel that became the site of the Gateway Building. At the time of this occurrence, Rutgers had been a lessee for approximately two decades in the retail portion of the Ferren Mall and Deck, from which it operated its flagship bookstore. Rutgers negotiated a deal with the Parking Authority to purchase as a condominium, a portion of the retail space to relocate its bookstore operations and the third floor of the office tower to relocate its University Press department. The entryway to the Bookstore is prominently positioned at the nexus of College Avenue and Somerset Street, right across from the Old Queens site.

In September 2013, the University became a party to a major redevelopment project on its College Avenue Campus, that also included development of a portion of the former property owned by the Theological Seminary (“Seminary”). At the time of this development project, Rutgers was leasing one the buildings from the Seminary for its use by the Philosophy Department. In addition, Rutgers Career Services was occupying a Rutgers owned building on the lands that would soon be redeveloped as the Yard on College Avenue. Prior to entering into the development in September 2013, Rutgers had to prepare to relocate both of these Rutgers departments and therefore entered into long-term lease agreements with the Parking Authority in the Gateway Building, for floors 5 (July 2013) and 4 (August 2013), for this purpose. As part of the lease negotiation, Rutgers was granted a one-time purchase option in each lease instrument for those floors, which is exercisable in the month of December 2020. Thereafter, in February 2016, the Chancellor’s office of New Brunswick determined it had a need for additional office space for use by various groups in its unit and that need was fulfilled by entering into the third lease for office space in the Gateway Building, this time for floor 7, under the same terms and conditions and with the purchase option opportunity as the two prior lease agreements.

## **Benefits**

The University departments located in these leased spaces are necessary and provide important and necessary support, services and functions for Rutgers on the New Brunswick Campus. Each floor is 11,019 Square Feet, and collectively totals 33,057 Square Feet. The University does not have any alternative office space on the campus that would be suitable for these departments. The Gateway Building is situated in a prominent location on the College Avenue Campus and serves as a “gateway” into the heart of the campus and is desirable to continue to remain in its portfolio as an owned asset.

## **Financial**

The Purchase Option contained in each of the three office leases establishes the purchase price of each floor at Three Million Nine Hundred Ninety Thousand and 00/100 Dollars (\$3,990,000.00) less the amount of the base rent paid under the leases through the closing date. The Purchase Option is available to be exercised only during the month of December 2020 by written notice to the Parking Authority. The closing date will naturally lag behind the notification date in December 2020, and as such the following financial information is based on what the purchase amount would be for each lease based on the net base rent paid through December 2020. Rent will continue to be paid through the date of closing and therefore the actual purchase price of each floor will be decreased according to the amount of net rent paid post December 2020.

- Floor 5 - net rent paid from commencement through and including December 2020 is \$2,066,062.50. The purchase price through December 2020 is therefore \$1,923,937.50. Each month that rent is paid, commencing January 2021, decreases the purchase price by \$22,956.25.
- Floor 4 – net rent paid from commencement through and including December 2020 is \$2,020,150. The purchase price through December 2020 is therefore \$1,969,850. Each month that rent is paid, commencing January 2021, decreases the purchase price by \$22,956.25.
- Floor 7 – net rent paid from commencement through and including December 2020 is \$1,197,427.60. The purchase price through December 2020 is therefore \$2,792,572.40. Each month that rent is paid, commencing January 2021, decreases the purchase price by \$22,956.25.
- Usual and customary time to close on a real estate purchase takes on average 60-90 days. Specific to this property, the Parking Authority has reserved up to six months to create the ownership structure to effectuate the separation of these leased floors from its existing condo structure to one that allows for them to be purchased by Rutgers.



**PROPOSED RESOLUTION  
ACCEPTING AND CERTIFYING THE FINANCIAL REPORT ON RUTGERS' ALLOCATION  
AND TRANSFER OF RESOURCES ACROSS CAMPUSES  
FOR THE PERIOD JULY 1, 2019 TO JUNE 30, 2020**

**WHEREAS**, pursuant to Section 25 of the New Jersey Medical and Health Sciences Education Restructuring Act, P.L. 2012, c. 45, the Board of Governors of Rutgers, The State University of New Jersey, is required to establish an annual certified public reporting process of the finances of Rutgers in order to measure the flow of resources across the campuses of the University; and

**WHEREAS**, the Executive Vice President–Chief Financial Officer and University Treasurer prepared a financial report identifying the allocation and transfer of resources across campuses for the fiscal year ending June 30, 2020 (the "Report"), a copy of which is attached hereto; and

**WHEREAS**, the Report was presented to the Committee on Finance and Facilities on December 2, 2020, and the Committee discussed the Report and conclusions therein; and

**WHEREAS**, the Committee recommended that the Board of Governors of Rutgers, The State University of New Jersey, formally accept and make public the report.

**NOW, THEREFORE, BE IT RESOLVED** that, upon the recommendation of the Committee on Finance and Facilities, the Board of Governors of Rutgers, The State University of New Jersey, hereby accepts the Report on Rutgers' Allocation and Transfer of Resources Across Campuses for the period from July 1, 2019 to June 30, 2020; and

**BE IT FURTHER RESOLVED** that the Board of Governors hereby certifies that the Report shall be made publicly available on the Rutgers website and shall be shared with the New Jersey Office of the State Auditor.

Attachment: Report on Rutgers' Allocation and Transfer of Resources Across Campuses for the Period July 1, 2019 to June 30, 2020.

Board of Governors  
Rutgers, The State University  
of New Jersey  
December 17, 2020





# RUTGERS

Financial Report on  
The Allocation and Transfer of Resources Across Campuses

For the Period July 1, 2019 to June 30, 2020

**TOTAL RUTGERS****as of June 2020***Dollars in thousands*

|   | FY20 Budget      | FY20 Actual      | Fav/(Unfav)<br>\$ Variance | Fav/(Unfav) %<br>Variance |
|---|------------------|------------------|----------------------------|---------------------------|
| <b>Revenue (Sources of Funds)</b>               |                  |                  |                            |                           |
| Student Tuition and Fees                        | 1,334,994        | 1,352,784        | 17,790                     | 1.33%                     |
| Federal and State Student Aid                   | 226,166          | 254,525          | 28,359                     | 12.54%                    |
| Federal Appropriation                           | 7,053            | 8,241            | 1,188                      | 16.84%                    |
| Allocated University Support                    | -                | -                | -                          | -                         |
| NJ State Appropriations                         | 439,974          | 386,491          | (53,483)                   | (12.16%)                  |
| State Paid Fringe*                              | 447,196          | 447,272          | 76                         | 0.02%                     |
| Grants and Contracts                            | 494,373          | 514,362          | 19,989                     | 4.04%                     |
| Facilities and Administrative Recoveries        | 111,822          | 113,593          | 1,771                      | 1.58%                     |
| Gift and Contribution Revenue                   | 37,909           | 43,427           | 5,518                      | 14.56%                    |
| Endowment and Investment Income                 | 64,634           | 64,421           | (213)                      | (0.33%)                   |
| Healthcare Revenue                              | 597,611          | 589,381          | (8,230)                    | (1.38%)                   |
| Affiliated and Housestaff                       | 352,255          | 309,956          | (42,299)                   | (12.01%)                  |
| Other Sources Revenue                           | 120,098          | 144,560          | 24,462                     | 20.37%                    |
| Auxiliary Revenue                               | 318,625          | 264,270          | (54,355)                   | (17.06%)                  |
| <b>Total Revenue</b>                            | <b>4,552,710</b> | <b>4,493,284</b> | <b>(59,426)</b>            | <b>(1.31%)</b>            |
| <b>Expense (Uses of Funds) by Natural Class</b> |                  |                  |                            |                           |
| Salaries and Wages                              | 2,246,675        | 2,261,416        | (14,741)                   | (0.66%)                   |
| Fringe Benefits*                                | 734,714          | 664,193          | 70,521                     | 9.60%                     |
| Total Compensation                              | 2,981,389        | 2,925,609        | 55,780                     | 1.87%                     |
| Supplies and Other                              | 239,381          | 254,029          | (14,648)                   | (6.12%)                   |
| Scholarships and Fellowships                    | 423,581          | 454,784          | (31,203)                   | (7.37%)                   |
| Travel  | 46,755           | 36,106           | 10,649                     | 22.78%                    |
| Plant Operation and Maintenance                 | 127,345          | 135,416          | (8,071)                    | (6.34%)                   |
| Debt Service - Principal and Interest           | 172,354          | 174,146          | (1,792)                    | (1.04%)                   |
| Other Operating Expense                         | 271,032          | 243,557          | 27,475                     | 10.14%                    |
| Professional Services                           | 284,876          | 304,119          | (19,243)                   | (6.75%)                   |
| Provision for Initiatives and Contingencies     | 5,146            | -                | 5,146                      | 100.00%                   |
| <b>Total Expense</b>                            | <b>4,551,860</b> | <b>4,527,765</b> | <b>24,095</b>              | <b>0.53%</b>              |
| Transfers                                       | -                | -                | -                          | -                         |
| Cost Pool Transfers                             | -                | -                | -                          | -                         |
| <b>Surplus/(Deficit) Operations</b>             | <b>850</b>       | <b>(34,483)</b>  | <b>(35,333)</b>            | <b>(4156.82%)</b>         |
| Plant Fund & Non Operating Transfers**          | (35,235)         | (43,083)         | (7,848)                    | 22.27%                    |
| Use of Prior Year Net Assets***                 | 34,384           | 19,429           | (14,955)                   | (43.49%)                  |
| <b>Change in Fund Balance</b>                   | <b>-</b>         | <b>(58,137)</b>  | <b>(58,137)</b>            | <b>-</b>                  |

Notes

\*State Paid Fringe revenue and Fringe Benefits expenses are adjusted to state appropriation value

\*\*Operating funds budgeted for deferred maintenance and other projects

\*\*\*Prior year funds set aside for one-time strategic initiatives

**NEW BRUNSWICK****as of June 2020***Dollars in thousands*

|   | FY20 Budget      | FY20 Actual      | Fav/(Unfav)<br>\$ Variance | Fav/(Unfav) %<br>Variance |
|---|------------------|------------------|----------------------------|---------------------------|
| <b>Revenue (Sources of Funds)</b>               |                  |                  |                            |                           |
| Student Tuition and Fees                        | 702,522          | 711,724          | 9,202                      | 1.31%                     |
| Federal and State Student Aid                   | 7,260            | 23,930           | 16,670                     | 229.61%                   |
| Federal Appropriation                           | 7,053            | 8,241            | 1,188                      | 16.84%                    |
| Allocated University Support                    | -                | -                | -                          | -                         |
| NJ State Appropriations                         | 205,201          | 168,499          | (36,702)                   | (17.89%)                  |
| State Paid Fringe*                              | 127,099          | 128,783          | 1,684                      | 1.32%                     |
| Grants and Contracts                            | 196,964          | 193,677          | (3,287)                    | (1.67%)                   |
| Facilities and Administrative Recoveries        | 51,605           | 53,061           | 1,456                      | 2.82%                     |
| Gift and Contribution Revenue                   | 20,265           | 22,514           | 2,249                      | 11.10%                    |
| Endowment and Investment Income                 | 23,434           | 20,575           | (2,859)                    | (12.20%)                  |
| Healthcare Revenue                              | 1,221            | 856              | (365)                      | (29.89%)                  |
| Affiliated and Housestaff                       | -                | -                | -                          | -                         |
| Other Sources Revenue                           | 74,902           | 85,259           | 10,357                     | 13.83%                    |
| Auxiliary Revenue                               | 270,673          | 222,553          | (48,120)                   | (17.78%)                  |
| <b>Total Revenue</b>                            | <b>1,688,199</b> | <b>1,639,672</b> | <b>(48,527)</b>            | <b>(2.87%)</b>            |
| <b>Expense (Uses of Funds) by Natural Class</b> |                  |                  |                            |                           |
| Salaries and Wages                              | 685,214          | 689,713          | (4,499)                    | (0.66%)                   |
| Fringe Benefits*                                | 221,158          | 206,581          | 14,577                     | 6.59%                     |
| Total Compensation                              | 906,372          | 896,294          | 10,078                     | 1.11%                     |
| Supplies and Other                              | 85,875           | 84,365           | 1,510                      | 1.76%                     |
| Scholarships and Fellowships                    | 86,329           | 93,885           | (7,556)                    | (8.75%)                   |
| Travel  | 26,500           | 22,458           | 4,042                      | 15.25%                    |
| Plant Operation and Maintenance                 | 69,429           | 69,920           | (491)                      | (0.71%)                   |
| Debt Service - Principal and Interest           | 44,163           | 44,788           | (625)                      | (1.42%)                   |
| Other Operating Expense                         | 84,565           | 75,619           | 8,946                      | 10.58%                    |
| Professional Services                           | 100,066          | 93,076           | 6,990                      | 6.99%                     |
| Provision for Initiatives and Contingencies     | 20,761           | -                | 20,761                     | 100.00%                   |
| <b>Total Expense</b>                            | <b>1,424,061</b> | <b>1,380,404</b> | <b>43,657</b>              | <b>3.07%</b>              |
| Transfers                                       | 17,019           | 22,468           | 5,449                      | 32.02%                    |
| Cost Pool Transfers                             | (278,531)        | (278,531)        | -                          | 0.00%                     |
| <b>Surplus/(Deficit) Operations</b>             | <b>2,626</b>     | <b>3,205</b>     | <b>579</b>                 | <b>22.05%</b>             |
| Plant Fund & Non Operating Transfers**          | (14,683)         | (17,023)         | (2,340)                    | 15.94%                    |
| Use of Prior Year Net Assets***                 | 12,057           | 3,598            | (8,459)                    | (70.16%)                  |
| <b>Change in Fund Balance</b>                   | <b>-</b>         | <b>(10,220)</b>  | <b>(10,220)</b>            | <b>-</b>                  |

Notes

\*State Paid Fringe revenue and Fringe Benefits expenses are adjusted to state appropriation value

\*\*Operating funds budgeted for deferred maintenance and other projects

\*\*\*Prior year funds set aside for one-time strategic initiatives

**NEWARK****as of June 2020***Dollars in thousands*

|   | FY20 Budget    | FY20 Actual    | Fav/(Unfav)<br>\$ Variance | Fav/(Unfav) %<br>Variance |
|---|----------------|----------------|----------------------------|---------------------------|
| <b>Revenue (Sources of Funds)</b>               |                |                |                            |                           |
| Student Tuition and Fees                        | 283,571        | 291,221        | 7,650                      | 2.70%                     |
| Federal and State Student Aid                   | 2,272          | 6,725          | 4,453                      | 195.99%                   |
| Federal Appropriation                           | -              | -              | -                          | -                         |
| Allocated University Support                    | -              | -              | -                          | -                         |
| NJ State Appropriations                         | 33,671         | 27,224         | (6,447)                    | (19.15%)                  |
| State Paid Fringe*                              | 38,809         | 41,720         | 2,911                      | 7.50%                     |
| Grants and Contracts                            | 20,558         | 23,621         | 3,063                      | 14.90%                    |
| Facilities and Administrative Recoveries        | 4,416          | 4,797          | 381                        | 8.63%                     |
| Gift and Contribution Revenue                   | 2,584          | 4,196          | 1,612                      | 62.38%                    |
| Endowment and Investment Income                 | 4,533          | 3,133          | (1,400)                    | (30.88%)                  |
| Healthcare Revenue                              | -              | -              | -                          | -                         |
| Affiliated and Housestaff                       | -              | -              | -                          | -                         |
| Other Sources Revenue                           | 9,135          | 9,128          | (7)                        | (0.08%)                   |
| Auxiliary Revenue                               | 26,293         | 22,108         | (4,185)                    | (15.92%)                  |
| <b>Total Revenue</b>                            | <b>425,843</b> | <b>433,873</b> | <b>8,030</b>               | <b>1.89%</b>              |
| <b>Expense (Uses of Funds) by Natural Class</b> |                |                |                            |                           |
| Salaries and Wages                              | 176,169        | 180,657        | (4,488)                    | (2.55%)                   |
| Fringe Benefits*                                | 55,067         | 51,445         | 3,622                      | 6.58%                     |
| Total Compensation                              | 231,236        | 232,102        | (866)                      | (0.37%)                   |
| Supplies and Other                              | 14,765         | 13,313         | 1,452                      | 9.83%                     |
| Scholarships and Fellowships                    | 33,128         | 46,153         | (13,025)                   | (39.32%)                  |
| Travel  | 4,375          | 2,952          | 1,423                      | 32.53%                    |
| Plant Operation and Maintenance                 | 5,174          | 4,365          | 809                        | 15.64%                    |
| Debt Service - Principal and Interest           | 11,759         | 11,480         | 279                        | 2.37%                     |
| Other Operating Expense                         | 16,147         | 14,299         | 1,848                      | 11.44%                    |
| Professional Services                           | 20,762         | 21,406         | (644)                      | (3.10%)                   |
| Provision for Initiatives and Contingencies     | 5,482          | -              | 5,482                      | 100.00%                   |
| <b>Total Expense</b>                            | <b>342,828</b> | <b>346,069</b> | <b>(3,241)</b>             | <b>(0.95%)</b>            |
| Transfers                                       | 3,549          | 4,108          | 559                        | 15.75%                    |
| Cost Pool Transfers                             | (88,266)       | (88,266)       | -                          | 0.00%                     |
| <b>Surplus/(Deficit) Operations</b>             | <b>(1,702)</b> | <b>3,645</b>   | <b>5,347</b>               | <b>(314.16%)</b>          |
| Plant Fund & Non Operating Transfers**          | (1,663)        | (438)          | 1,225                      | (73.66%)                  |
| Use of Prior Year Net Assets***                 | 3,365          | 3,365          | -                          | 0.00%                     |
| <b>Change in Fund Balance</b>                   | <b>-</b>       | <b>6,572</b>   | <b>6,572</b>               | <b>-</b>                  |

Notes

\*State Paid Fringe revenue and Fringe Benefits expenses are adjusted to state appropriation value

\*\*Operating funds budgeted for deferred maintenance and other projects

\*\*\*Prior year funds set aside for one-time strategic initiatives

**CAMDEN****as of June 2020***Dollars in thousands*

|   | FY20 Budget    | FY20 Actual     | Fav/(Unfav)<br>\$ Variance | Fav/(Unfav) %<br>Variance |
|---|----------------|-----------------|----------------------------|---------------------------|
| <b>Revenue (Sources of Funds)</b>               |                |                 |                            |                           |
| Student Tuition and Fees                        | 115,776        | 116,984         | 1,208                      | 1.04%                     |
| Federal and State Student Aid                   | 957            | 3,159           | 2,202                      | 230.09%                   |
| Federal Appropriation                           | -              | -               | -                          | -                         |
| Allocated University Support                    | -              | -               | -                          | -                         |
| NJ State Appropriations                         | 17,644         | 14,859          | (2,785)                    | (15.78%)                  |
| State Paid Fringe*                              | 18,794         | 19,954          | 1,160                      | 6.17%                     |
| Grants and Contracts                            | 12,813         | 14,005          | 1,192                      | 9.30%                     |
| Facilities and Administrative Recoveries        | 820            | 1,022           | 202                        | 24.63%                    |
| Gift and Contribution Revenue                   | 750            | 1,233           | 483                        | 64.40%                    |
| Endowment and Investment Income                 | 1,014          | 858             | (156)                      | (15.38%)                  |
| Healthcare Revenue                              | 34             | 15              | (19)                       | (55.88%)                  |
| Affiliated and Housestaff                       | -              | -               | -                          | -                         |
| Other Sources Revenue                           | 3,448          | 2,662           | (786)                      | (22.81%)                  |
| Auxiliary Revenue                               | 12,378         | 10,040          | (2,338)                    | (18.89%)                  |
| <b>Total Revenue</b>                            | <b>184,429</b> | <b>184,792</b>  | <b>363</b>                 | <b>0.20%</b>              |
| <b>Expense (Uses of Funds) by Natural Class</b> |                |                 |                            |                           |
| Salaries and Wages                              | 89,343         | 89,225          | 118                        | 0.13%                     |
| Fringe Benefits*                                | 28,145         | 26,610          | 1,535                      | 5.45%                     |
| Total Compensation                              | 117,487        | 115,835         | 1,652                      | 1.41%                     |
| Supplies and Other                              | 4,308          | 3,664           | 644                        | 14.95%                    |
| Scholarships and Fellowships                    | 25,512         | 29,325          | (3,813)                    | (14.95%)                  |
| Travel  | 2,592          | 1,701           | 891                        | 34.38%                    |
| Plant Operation and Maintenance                 | 3,651          | 3,481           | 170                        | 4.66%                     |
| Debt Service - Principal and Interest           | 2,517          | 2,517           | -                          | 0.00%                     |
| Other Operating Expense                         | 7,344          | 7,501           | (157)                      | (2.14%)                   |
| Professional Services                           | 14,600         | 13,316          | 1,284                      | 8.79%                     |
| Provision for Initiatives and Contingencies     | (31,322)       | -               | (31,322)                   | 100.00%                   |
| <b>Total Expense</b>                            | <b>146,690</b> | <b>177,341</b>  | <b>(30,651)</b>            | <b>(20.90%)</b>           |
| Transfers                                       | 2,004          | 2,641           | 637                        | 31.79%                    |
| Cost Pool Transfers                             | (40,086)       | (40,086)        | -                          | 0.00%                     |
| <b>Surplus/(Deficit) Operations</b>             | <b>(344)</b>   | <b>(29,994)</b> | <b>(29,650)</b>            | <b>8619.19%</b>           |
| Plant Fund & Non Operating Transfers**          | (716)          | (211)           | 505                        | (70.53%)                  |
| Use of Prior Year Net Assets***                 | 1,060          | 1,199           | 139                        | 13.11%                    |
| <b>Change in Fund Balance</b>                   | <b>-</b>       | <b>(29,007)</b> | <b>(29,007)</b>            | <b>-</b>                  |

Notes

\*State Paid Fringe revenue and Fringe Benefits expenses are adjusted to state appropriation value

\*\*Operating funds budgeted for deferred maintenance and other projects

\*\*\*Prior year funds set aside for one-time strategic initiatives

**RBHS****as of June 2020***Dollars in thousands*

|   | FY20 Budget      | FY20 Actual      | Fav/(Unfav)<br>\$ Variance | Fav/(Unfav) %<br>Variance |
|---|------------------|------------------|----------------------------|---------------------------|
| <b>Revenue (Sources of Funds)</b>               |                  |                  |                            |                           |
| Student Tuition and Fees                        | 192,651          | 188,404          | (4,247)                    | (2.20%)                   |
| Federal and State Student Aid                   | 1,673            | 2,464            | 791                        | 47.28%                    |
| Federal Appropriation                           | -                | -                | -                          | -                         |
| Allocated University Support                    | -                | -                | -                          | -                         |
| NJ State Appropriations                         | 183,458          | 175,909          | (7,549)                    | (4.11%)                   |
| State Paid Fringe*                              | 176,135          | 173,851          | (2,284)                    | (1.30%)                   |
| Grants and Contracts                            | 259,464          | 276,038          | 16,574                     | 6.39%                     |
| Facilities and Administrative Recoveries        | 53,479           | 53,545           | 66                         | 0.12%                     |
| Gift and Contribution Revenue                   | 12,819           | 12,871           | 52                         | 0.41%                     |
| Endowment and Investment Income                 | 9,277            | 10,489           | 1,212                      | 13.06%                    |
| Healthcare Revenue                              | 596,356          | 588,515          | (7,841)                    | (1.31%)                   |
| Affiliated and Housestaff                       | 337,734          | 299,080          | (38,654)                   | (11.45%)                  |
| Other Sources Revenue                           | 13,473           | 14,454           | 981                        | 7.28%                     |
| Auxiliary Revenue                               | 9,281            | 9,570            | 289                        | 3.11%                     |
| <b>Total Revenue</b>                            | <b>1,845,801</b> | <b>1,805,190</b> | <b>(40,611)</b>            | <b>(2.20%)</b>            |
| <b>Expense (Uses of Funds) by Natural Class</b> |                  |                  |                            |                           |
| Salaries and Wages                              | 971,576          | 967,080          | 4,496                      | 0.46%                     |
| Fringe Benefits*                                | 321,075          | 281,925          | 39,150                     | 12.19%                    |
| Total Compensation                              | 1,292,651        | 1,249,005        | 43,646                     | 3.38%                     |
| Supplies and Other                              | 98,539           | 110,496          | (11,957)                   | (12.13%)                  |
| Scholarships and Fellowships                    | 26,178           | 29,222           | (3,044)                    | (11.63%)                  |
| Travel  | 9,946            | 7,378            | 2,568                      | 25.82%                    |
| Plant Operation and Maintenance                 | 8,234            | 7,564            | 670                        | 8.14%                     |
| Debt Service - Principal and Interest           | 5,053            | 5,053            | -                          | 0.00%                     |
| Other Operating Expense                         | 66,370           | 38,768           | 27,602                     | 41.59%                    |
| Professional Services                           | 109,544          | 134,868          | (25,324)                   | (23.12%)                  |
| Provision for Initiatives and Contingencies     | 216              | -                | 216                        | 100.00%                   |
| <b>Total Expense</b>                            | <b>1,616,732</b> | <b>1,582,354</b> | <b>34,378</b>              | <b>2.13%</b>              |
| Transfers                                       | (3,487)          | (931)            | 2,556                      | (73.30%)                  |
| Cost Pool Transfers                             | (229,749)        | (229,749)        | -                          | 0.00%                     |
| <b>Surplus/(Deficit) Operations</b>             | <b>(4,167)</b>   | <b>(7,843)</b>   | <b>(3,676)</b>             | <b>88.22%</b>             |
| Plant Fund & Non Operating Transfers**          | (769)            | (14,122)         | (13,353)                   | 1736.41%                  |
| Use of Prior Year Net Assets***                 | 4,936            | 5,797            | 861                        | 17.44%                    |
| <b>Change in Fund Balance</b>                   | <b>-</b>         | <b>(16,169)</b>  | <b>(16,169)</b>            | <b>-</b>                  |

Notes

\*State Paid Fringe revenue and Fringe Benefits expenses are adjusted to state appropriation value

\*\*Operating funds budgeted for deferred maintenance and other projects

\*\*\*Prior year funds set aside for one-time strategic initiatives

**CENTRAL****as of June 2020***Dollars in thousands*

|   | FY20 Budget      | FY20 Actual      | Fav/(Unfav)<br>\$ Variance | Fav/(Unfav) %<br>Variance |
|---|------------------|------------------|----------------------------|---------------------------|
| <b>Revenue (Sources of Funds)</b>               |                  |                  |                            |                           |
| Student Tuition and Fees                        | 40,473           | 44,451           | 3,978                      | 9.83%                     |
| Federal and State Student Aid                   | 214,004          | 218,246          | 4,242                      | 1.98%                     |
| Federal Appropriation                           | -                | -                | -                          | -                         |
| Allocated University Support                    | -                | -                | -                          | -                         |
| NJ State Appropriations                         | -                | -                | -                          | -                         |
| State Paid Fringe*                              | 86,358           | 82,964           | (3,394)                    | (3.93%)                   |
| Grants and Contracts                            | 4,575            | 7,022            | 2,447                      | 53.49%                    |
| Facilities and Administrative Recoveries        | 1,502            | 1,167            | (335)                      | (22.30%)                  |
| Gift and Contribution Revenue                   | 1,490            | 2,612            | 1,122                      | 75.30%                    |
| Endowment and Investment Income                 | 26,376           | 29,365           | 2,989                      | 11.33%                    |
| Healthcare Revenue                              | -                | (5)              | (5)                        | -                         |
| Affiliated and Housestaff                       | 14,521           | 10,876           | (3,645)                    | (25.10%)                  |
| Other Sources Revenue                           | 19,139           | 33,058           | 13,919                     | 72.73%                    |
| Auxiliary Revenue                               | -                | -                | -                          | -                         |
| <b>Total Revenue</b>                            | <b>408,438</b>   | <b>429,757</b>   | <b>21,319</b>              | <b>5.22%</b>              |
| <b>Expense (Uses of Funds) by Natural Class</b> |                  |                  |                            |                           |
| Salaries and Wages                              | 324,373          | 334,742          | (10,369)                   | (3.20%)                   |
| Fringe Benefits*                                | 109,269          | 97,633           | 11,636                     | 10.65%                    |
| Total Compensation                              | 433,642          | 432,374          | 1,268                      | 0.29%                     |
| Supplies and Other                              | 35,894           | 42,192           | (6,298)                    | (17.55%)                  |
| Scholarships and Fellowships                    | 252,434          | 256,200          | (3,766)                    | (1.49%)                   |
| Travel  | 3,341            | 1,618            | 1,723                      | 51.57%                    |
| Plant Operation and Maintenance                 | 40,857           | 50,085           | (9,228)                    | (22.59%)                  |
| Debt Service - Principal and Interest           | 108,862          | 110,309          | (1,447)                    | (1.33%)                   |
| Other Operating Expense                         | 96,606           | 107,369          | (10,763)                   | (11.14%)                  |
| Professional Services                           | 39,903           | 41,450           | (1,547)                    | (3.88%)                   |
| Provision for Initiatives and Contingencies     | 10,009           | -                | 10,009                     | 100.00%                   |
| <b>Total Expense</b>                            | <b>1,021,549</b> | <b>1,041,597</b> | <b>(20,048)</b>            | <b>(1.96%)</b>            |
| Transfers                                       | (19,085)         | (28,288)         | (9,203)                    | 48.22%                    |
| Cost Pool Transfers                             | 636,633          | 636,633          | -                          | 0.00%                     |
| <b>Surplus/(Deficit) Operations</b>             | <b>4,437</b>     | <b>(3,496)</b>   | <b>(7,933)</b>             | <b>(178.79%)</b>          |
| Plant Fund & Non Operating Transfers**          | (17,403)         | (11,288)         | 6,115                      | (35.14%)                  |
| Use of Prior Year Net Assets***                 | 12,966           | 5,470            | (7,496)                    | (57.81%)                  |
| <b>Change in Fund Balance</b>                   | <b>-</b>         | <b>(9,314)</b>   | <b>(9,314)</b>             | <b>-</b>                  |

Notes

\*State Paid Fringe revenue and Fringe Benefits expenses are adjusted to state appropriation value

\*\*Operating funds budgeted for deferred maintenance and other projects

\*\*\*Prior year funds set aside for one-time strategic initiatives

Rutgers, The State University of New Jersey

Office of the University Controller

Reconciliation of Rutgers Allocation of Resources Report to Unaudited Financial Statements 2020 (updated 11-24-20)

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(in thousands)

|  |    |           |
|--|----|-----------|
| Financial Statement Decrease in Net Position | \$ | (207,805) |
|--|----|-----------|

**Excluded Fund Activity:**

|  |  |           |
|--|--|-----------|
| Plant, Loan, True Endowment, Internal Bank, GASB Adjustments |  | (146,980) |
|--|--|-----------|

**Excluded Non Operating Activity:**

|  |  |        |
|--|--|--------|
| Net (Increase)/Decrease in Fair Value of Investments |  | 15,985 |
|--|--|--------|

|                        |  |          |
|------------------------|--|----------|
| Non Operating Revenues |  | (87,638) |
|------------------------|--|----------|

|                        |  |         |
|------------------------|--|---------|
| Non Operating Expenses |  | 348,872 |
|------------------------|--|---------|

|          |  |          |
|----------|--|----------|
| Subtotal |  | (77,566) |
|----------|--|----------|

|                              |  |        |
|------------------------------|--|--------|
| Use of Prior Year Net Assets |  | 19,429 |
|------------------------------|--|--------|

|  |    |                        |
|--|----|------------------------|
| Total Rutgers Allocation of Resources Report | \$ | <u><u>(58,137)</u></u> |
|--|----|------------------------|





**PROPOSED RESOLUTION  
APPROVING REVISIONS TO  
UNIVERSITY POLICY 40.2.13: DONOR GIFT POLICY  
TO AMEND GIFT ACCEPTANCE FEES**

**WHEREAS**, University Policy 40.2.13: Donor Gift Policy (“Gift Policy”), was last updated by the Executive Vice President for Finance and Administration and University Treasurer of Rutgers, The State University of New Jersey, on June 12, 2018; and

**WHEREAS**, the University enacted a Gift Acceptance Fee on October 1, 2006 as a mechanism to enhance and support the University’s fundraising efforts through the Rutgers University Foundation; and

**WHEREAS**, the Executive Vice President–Chief Financial Officer and University Treasurer and the President of the Rutgers University Foundation and Executive Vice President for Development and Alumni Engagement have concluded that it would be appropriate for the solicitation of major gifts for the University to revise University Policy 40.2.13 to amend the Gift Acceptance Fee, whether donations are received through the University directly or through the Rutgers University Foundation; and

**WHEREAS**, on December 2, 2020, the Committee on Finance and Facilities of the Board of Governors reviewed and discussed the proposed revisions to University Policy 40.2.13 and agreed to recommend approval by the Board of Governors.

**NOW, THEREFORE, BE IT RESOLVED** that, upon the recommendation of the Committee on Finance and Facilities, the Board of Governors of Rutgers, The State University of New Jersey, approves the attached revisions to University Policy 40.2.13: Donor Gift Policy, with deletions shown in strikeout and additions underlined; and

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

Attachment: Proposed Revisions to University Policy 40.2.13

Board of Governors  
Rutgers, The State University  
of New Jersey  
December 17, 2020

## UNIVERSITY POLICY

|                               |   |                       |   |  |  |
|-------------------------------|---|-----------------------|---|--|--|
| <b>Policy Name:</b>           | Donor Gift Policy   |                       |   |  |  |
| <b>Section #:</b>             | 40.2.13   | <b>Section Title:</b> | <u>Financial Management (Budget, Fiscal, Risk, Travel, &amp; Internal Audit): Fiscal Management</u> | <b>Formerly Book:</b>  |  |
| <b>Approval Authority:</b>    | Board of Governors  |                       | <b>Adopted:</b>   | 4/2/2012   | <b>Reviewed:</b> <u>12/17/2020</u><br><u>6/12/2018</u> |
| <b>Responsible Executive:</b> | <u>Executive Vice President and Chief Financial Officer for Finance and Administration and University Treasurer</u> |                       | <b>Revised:</b>   | 10/10/2013; 6/12/2018; <u>12/17/2020</u>   |  |
| <b>Responsible Office:</b>    | University Controller's Office  |                       | <b>Contact:</b>   | <a href="mailto:finance_helpcenter@finance.rutgers.edu">finance_helpcenter@finance.rutgers.edu</a> |  |

### 1. Policy Statement

The University has designated responsibility to the Rutgers University Foundation for soliciting and administering all gifts and grants from individuals as well as gifts to the University's endowment. Gifts and donations are voluntary and irrevocable transfers of money or property made by a donor without expectation of, or receipt of, direct economic benefit or any other tangible compensation from the donor. All funds acquired according to the terms of this definition must be deposited with the Rutgers University Foundation so that the donor can receive the appropriate acknowledgement and tax receipt.

An administrative fee of 1.25%, 2.5%, 5%, or 10% will be assessed on all outright gift and non-governmental grants (see exemptions below) and pledge payments, made to either Rutgers, The State University of New Jersey ("Rutgers University") or the Rutgers University Foundation ("Foundation"). The purpose of the fee is to fund development efforts on behalf of the University. The fee percentage may be reviewed and revised as needed. The options for methods of payment of the fee are described below.

Gifts and payments on pledges received after October 1, 2006, along with grants awarded from non-governmental sponsors for proposals submitted after October 1, 2006 are subject to the gift fee.

### 2. Reason for Policy

To provide guidance to faculty and staff concerning the depositing, recording, and acknowledgment of all charitable gifts received on behalf of Rutgers University.

To recognize the substantial increase in the need for private funds to support University priorities and the resulting demand on fundraising efforts.

To establish a fee in keeping with industry standards that helps to recover the increasing costs of the private development efforts.

To define fees, assessment of fees, exemptions, methods of payment, disclosure to donors, and responsibilities with regard to the administration of fees.

### **3. Who Should Read This Policy**

All members of the Rutgers University community.

### **4. Resources**

Rutgers University Foundation Gift Policy Manual

Rutgers University Foundation Gift Acceptance Policies

All standard Rutgers University Foundation fund agreement templates

University Controller's Office: <https://uco.rutgers.edu/>

Rutgers University Foundation: <http://support.rutgers.edu>

### **5. Definitions**

Gifts and donations are voluntary and irrevocable transfers of money or property made by a donor without expectation of, or receipt of, economic benefit or any other tangible compensation to the donor.

### **6. The Policy**

#### **A. Role of Rutgers University Foundation**

The University recognizes the critical importance of philanthropic contributions to the continued existence and excellence of Rutgers, The State University of New Jersey. The University has empowered the Rutgers University Foundation ("Foundation") to assist the University in obtaining private gift support and other resources to meet the needs of the University. As such, the Foundation is responsible to ensure that gifts from private external sources:

- are appropriate to the mission of the University;
- do not carry restrictions or conditions that may compromise the University at any time, now or in the future;
- are legal;
- are from donors whose intents are charitable; and
- are administered to protect donors' rights and wishes.

To ensure that contributions comply with University and governmental regulations, all fundraising activities on behalf of the University should be coordinated with the Foundation.

The Foundation is also responsible for acknowledging all gifts on behalf of the University. Any gifts received directly by a University department should be forwarded to the University Controller's Office ("UCO") with all documentation received from the donor that identifies the

donor and the purpose of the gift. For the purpose of acknowledging a gift, the UCO will notify the Foundation of any gifts received directly by the University.

For information about various methods of giving, types of gifts and other fundraising opportunities, contact the Rutgers University Foundation.

## **B. Legal Issues**

The University cannot accept gifts that involve unlawful discrimination based upon race, religion, sex, age, national origin, color, handicap, or any other basis prohibited by federal, State, and local laws, and regulations. The University also cannot accept gifts which obligate it to violate any other applicable law or regulation or which violate the charter or mission of the University.

The University will not accept gifts directed to or for the use or benefit of particular named individuals. These gifts are considered by the Internal Revenue Service as private benefit and not qualifying for the charitable contribution deduction. Gifts that cannot be accepted include contributions for financial aid to a specific student, contributions to provide compensation or other direct benefit to a faculty or staff member, and contributions to an account over which the donor has expenditure control.

The University and the Foundation will adhere to federal law, the Internal Revenue Service Code and its regulations, and State of New Jersey statutes relating to charitable organizations and not-for-profit corporations, particularly the Uniform Prudent Management of Institutional Funds Act.

## **—C. Purpose and Use of Gifts**

The University is responsible for ensuring that contributions are used for the purpose(s) designated by the donor. It is, therefore, important for this purpose to be clearly identified at the time the gift is made. No staff member or representative of the University or the Foundation is authorized to commit to an agreement that is contrary to the University's mission and established policies and procedures or that compromises the ability of University departments and personnel to carry out their assigned responsibilities. The Foundation can assist in working with the donor to clearly establish the intent of the gift.

Endowed gifts must be clearly identified by the donor that the gift is for endowment, in perpetuity or other words that indicate the donor's intent that the gift be permanently retained by the University. These gifts will be invested in the University's endowment pool. These funds are invested in accordance with policies established by the Joint Committee on Investments of the Board of Governors and the Board of Trustees. Income on these funds is allocated annually to each account based on the University's spending rate at that time. Under special circumstances, the University may accept gifts that are to be held or invested in some other manner as approved by the Executive Vice President for Finance and Chief Financial Officer ("EVP&CFO") ~~Administration and University Treasurer ("EVPFA")~~.

To ensure proper use of the funds, any donations or fundraising activities for specific purposes must be recorded in a distinct University account. Departments must request an account from the UCO by submitting the proper new account documentation. Once the account has been established, the UCO will coordinate with the Foundation to transfer all Foundation held funds to the new account.

The University reserves the right to apply a percentage of certain gift funds toward the general costs of operating the institution or the Foundation as specified below ("Administrative Fee").

## D. Gifts of Property

The University and the Foundation will accept gifts of property, including tangible personal property, intangible personal property, and real property.

1. Tangible personal property is any property, other than land or buildings that can be seen or touched such as furniture, books, jewelry, gems, artwork, watercraft, aircraft, and motor vehicles. Livestock, harvested crops, cut timber, and other agricultural products as well as items of business inventory or equipment fall under this category.

Note: Gifts of works of art must be made with the knowledge and/or involvement of The Jane Voorhees Zimmerli Art Museum at Rutgers in New Brunswick or the Stedman Gallery at Rutgers–Camden Center for the Arts.

2. Examples of intangible personal property include patents, copyrights, royalties, installment obligations, insurance and annuity contracts, partnership interests, checks, securities, and other negotiable instruments. Currency is not considered intangible property unless it has numismatic value as a collectible.

Gifts of intangible personal property must be readily marketable and be needed by the university for use in a manner which is related to the purposes for which its tax-exempt status was granted. This type of gift must also promote its tax-exempt purpose.

3. Real property is any property that is attached directly to land, as well as the land itself. Real property not only includes buildings and other structures, but also rights and interests. Gifts of real property must be approved by the EVP&CFO&A in consultation with the Office of the Senior Vice President and General Counsel with the advice of the Gift Acceptance Committee of the Rutgers University Foundation.

## E. Administrative Fee

### 1. Definition of Fees

Assessment fees apply to all cash gifts and nongovernmental grants that meet the definition of a gift as outlined by the Internal Revenue Service; exemptions are listed below in Section IV.

A. A 1.25% assessment will be levied on all gifts of \$25,000,000 or more, and all pledge payments on pledges of \$25,000,000 or more received by either Rutgers University or Rutgers University Foundation.

A.B. A 2.5% assessment will be levied on all gifts of \$10,000,000 or more, and all pledge payments on pledges of \$10,000,000 or more received by either Rutgers University or Rutgers University Foundation.

B.C. A 5% assessment will be levied on all gifts of \$10,000 or more, and all pledge payments on pledges of \$10,000 or more received by either Rutgers University or Rutgers University Foundation.

C.D. A 10% assessment will be levied on all gifts of \$9,999 or less, and all pledge payments on pledges of \$9,999 or less received by either Rutgers University or Rutgers University Foundation.

### 2. Assessment of Fees

- A. Fees will be assessed upon receipt of gift and apply to all cash gifts, gifts of securities, pledge payments, and nongovernmental grants.
- B. Deferred gifts, such as charitable gift annuities, trusts and bequests will be assessed only at the time they are realized.
- C. If a donor expresses the desire to be exempt from the fee, departments, schools,

or units may opt to cover the cost of the gift assessment fee for the sake of good donor relations.

- D. Grants received from non-governmental sponsors, such as corporations and foundations will be assessed as follows:
1. The gift assessment fee of 1.25%, 2.5%, 5% or 10% will be applied to all awards received from foundations and other private not-for-profit sponsors, except where there are pre-existing published guidelines that prohibit it.
  2. If the gift assessment fee is allowable, it must be added to the proposal budget after the direct and indirect Facilities and Administrative costs ("F&A") have been applied.
  3. All grant applications must also include the full applicable and available F&A costs, in accordance with standard policy of the Office of Research and Sponsored Programs ("ORSP").
  4. If the assessment fee is not allowed by the sponsor, but the F&A is, the fee will be deducted from the F&A granted in the award. The remainder of the F&A will be split according to the indirect cost recovery formulas already in place.
  5. If the F&A awarded is less than the assessment fee due, the entire F&A will be distributed to the Rutgers University Foundation, and the assessment fee will be considered paid in full for the grant.
  6. In the event that neither the assessment fee nor F&A is allowable *and* there are pre-existing published guidelines to that effect, then the grant will not be subject to the assessment fee.
- E. The University does not condone and will not approve or support the establishment of additional gift assessment fees by schools, departments, institutes, centers, programs, and other units existing within Rutgers, The State University of New Jersey.

### **3. Disclosure to Donors**

Proposals, fund agreements, gift receipts, and stewardship reports will inform the donor that a portion of the gift received will be or has been allocated to the cost of fundraising, when applicable. Specific fees should be detailed in proposals and fund agreements. Donors will receive credit for the full amount of their gifts. Oral disclosure of the fee is encouraged at the time of solicitation but should not be relied upon as the sole method of disclosing fee specifics.

An appropriate disclosure language for fundraising literature or letters regarding gift purposes is as follows: -"A portion of all donations will be used to further advancement efforts on behalf of Rutgers."

### **4. Exemptions**

Fees will not be assessed on:

- A. Documented gift agreements (including documented pledges) executed prior to the original date of this policy, October 1, 2006.
- B. Non-cash gifts (gifts-in-kind) made to the University that are to become inventoried useable assets of the University.
- C. Membership fees
- D. Cost sharing
- E. Gifts from active and retired faculty, including self-identified part-time faculty (such as lecturers)
- F. Gifts from active and retired staff, including self-identified part-time staff
- G. Gifts and grants from foundations and corporations with pre-existing published guidelines, authored by the foundation or corporation, that prohibit the payment of

administrative fees to any organization (not just to Rutgers University or RUF).

## **5. Methods of Fee Payment**

- A. Fees from the gift principal for all individual gifts to endowment and to current use funds will be deducted at the time the gift or pledge payment is transferred to the University.
- B. Donors may elect to provide for the fee by making an additional gift equivalent to the fee.
- C. When the terms of the gift specifically disallow fees or cost recovery, the academic unit benefitting from the gift may pay the fee from another discretionary departmental funding source, rather than the fee being deducted from the gift principal. University Accounting and/or Foundation Accounting will hold the gift in an undistributed cash account until notified in writing by the benefitting department of the account to be charged the fee.

## **6. Responsibilities**

- A. Departmental
  - All gifts should be submitted to the Rutgers University Foundation for processing in accordance with University policies and procedures, with instructions regarding the source of the fee payment (donor, department, exemption, etc.).
- B. Office of University Finance and Administration
  - Oversight of policy
- C. Rutgers University Foundation
  - Inform potential donors of the fee via proposal and in personal discussion.
  - Issue gift receipts with the statement informing donors of the fee policy.
  - Utilize the revenues generated by the fee to provide services and fundraising resources to the entire University community.
  - Process all gifts in accordance with University policies and procedures, working in consultation with University Accounting to report on and assess gifts and fees.
  - Assist faculty in identifying sponsor fee policies, if applicable.
  - Confirm as authorized RUF officials on ORSP automated endorsement form, signifying RUF approval of the budget and applicable fee assessments included (or not) in a grant application.
  - Include notification of fees in reporting, as needed.
- D. University Controller's Office
  - Record the fee in the appropriate expense account by department/unit and transfer the fee to the RUF.

## **7. Assistance**

- A. Questions regarding this policy and the application of fees on University accounts may be directed to the University Controller's Office at 848-445-7449 or [finance\\_helpcenter@finance.rutgers.edu](mailto:finance_helpcenter@finance.rutgers.edu).
- B. Questions regarding this policy may be directed to University Finance and Administration at (848) 932-2483 or [budget@finance.rutgers.edu](mailto:budget@finance.rutgers.edu).
- C. Questions regarding grant applications may be directed to the Office of Research and Sponsored Programs at [sponpgms@orsp.rutgers.edu](mailto:sponpgms@orsp.rutgers.edu).
- D. Questions regarding processing the gift fee on grant awards may be directed to Grant and Contract Accounting at 848-932-0165 or [dgca1@ored.rutgers.edu](mailto:dgca1@ored.rutgers.edu).
- E. Questions regarding gifts may be directed to the Office of the Chief Financial



**F. Applicability and Authority**

The Board of Governors of Rutgers, The State University of New Jersey, has approved this policy and delegates responsibility for its administration and adherence to the Executive Vice President for Finance and Administration and University Treasurer (EVPFA) and Chief Financial Officer (“EVP&CFO”) and to the President of the Rutgers University Foundation and Executive Vice President for Development and Alumni Engagement Relations. Periodic review and revision of the fee percentage or other administrative changes are subject to approval by the University Board of Governors.

DRAFT