

BOARD OF GOVERNORS
Rutgers, The State University of New Jersey

December 7, 2021

Virtual Meeting

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 7, 2021
5. CLOSED SESSION
6. RESUMPTION OF OPEN SESSION
7. MATTERS PRESENTED BY THE CHAIR
8. MATTERS PRESENTED BY THE PRESIDENT
9. COMMITTEE ON ACADEMIC AND STUDENT AFFAIRS – December 1, 2021
10. COMMITTEE ON FINANCE AND FACILITIES – November 15, 2021
11. COMMITTEE ON AUDIT – October 27, 2021
12. COMMITTEE ON HEALTH AFFAIRS – November 10, 2021
13. CONSENT AGENDA
 - a. Approval of Minutes of the Board of Governors – October 6, 2021
 - b. Proposed Recommendation to Membership on the Board of Managers of the New Jersey Agricultural Experiment Station
 - c. Executive Committee – December 7, 2021
 - (1) Proposed Resolution Adopting Revisions to University Policy 40.2.14: Investment Policy
 - (2) Proposed Resolution Amending the Board of Governors and Board of Trustees Charge to the Joint Committee on Investments
 - d. Committee on Academic and Student Affairs – December 1, 2021
 - (1) Faculty Appointments with Tenure Recommendations
 - (2) Faculty Promotion with Tenure Recommendation
 - (3) Proposed Resolution on the Appointment to the Rodkin-Weintraub Chair in Engineering
 - (4) Proposed Resolution on the Appointment to the Jacobs Chair in Applied Physics
 - (5) Proposed Resolution on the Appointment to the Prudential Chair in Business
 - (6) Proposed Revision to University Policy 60.1.33: Title IX Policy and Grievance Procedures
 - (7) Proposed Resolution Establishing the Bachelor of Fine Arts in Visual Art Degree Program at the Camden College of Arts and Sciences
 - (8) Proposed Resolution Establishing the Master of Science in Finance-Wealth Management at the School of Business–Camden
 - e. Committee on Finance and Facilities – November 15, 2021
 - (1) Proposed Resolution Approving Phase 5 Projects for the Administrative and Student Information Systems Initiatives
 - (2) Proposed Resolution Accepting and Certifying the Financial Report on Rutgers’ Allocation and Transfer of Resources Across Campuses for the Period July 1, 2020 to June 30, 2021
 - (3) Proposed Resolution Approving Revised “One-Stop” and Commuter Center Project at Rutgers University–Newark
 - (4) Proposed Resolution Authorizing a Two-Year Contract Extension with Elsevier Inc. for the Purchase of Nursing Licensure Exam Review and Preparation Services
 - f. Committee on Health Affairs – November 10, 2021
 - (1) Minutes of the University Behavioral Health Care Leadership Committee Meeting of July 27, 2021
 - (2) University Behavioral Health Care Staff Appointments, Reappointments and Clinical Privileges of September 21, 2021
 - (3) University Behavioral Health Care’s Quality Improvement Report for the First Quarter of 2021

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14. REPORT OF THE EXECUTIVE VICE PRESIDENT – CHIEF FINANCIAL OFFICER AND UNIVERSITY TREASURER
 - a. Joint Committee on Investments – November 18, 2021
15. REPORT OF THE UNIVERSITY SENATE
16. OLD BUSINESS
17. NEW BUSINESS
19. ADJOURNMENT



**PROPOSED RESOLUTION
ADOPTING REVISIONS TO
UNIVERSITY POLICY 40.2.14: INVESTMENT POLICY**

WHEREAS, University Policy 40.2.14: Investment Policy was last updated by the Board of Governors and Board of Trustees of Rutgers, The State University of New Jersey, on March 9, 2021 to implement the University's divestment from fossil fuels; and

WHEREAS, the Joint Committee on Investments, in consultation with the University's Chief Investment Officer, determined that specific investment guidelines and objectives within the Investment Policy should be updated; and

WHEREAS, the Joint Committee on Investments further determined it prudent to revise the title of the internal office that manages the University's investments, changing it from Endowment Office to Investment Office, and this change is further reflected in the proposed revisions to University Policy 40.2.14; and

WHEREAS, following a thorough evaluation of the proposed revisions, the Joint Committee on Investments recommended the attached revisions to University Policy 40.2.14 to the Executive Committee of the Board of Governors and the Executive Committee of the Board of Trustees; and

WHEREAS, on December 7, 2021, the Executive Committee of the Board of Governors reviewed and endorsed the proposed changes to the Investment Policy and recommended approval by the Board of Governors.

NOW, THEREFORE, BE IT RESOLVED that, upon the recommendation of the Joint Committee on Investments and the Executive Committee of the Board of Governors, the Board of Governors of Rutgers, The State University of New Jersey, approves the attached revisions to University Policy 40.2.14: Investment Policy, with deletions shown in strikeout and additions underlined; and

BE IT FURTHER RESOLVED that the revisions to University Policy 40.2.14: Investment Policy shall take effect upon the approval of the Board of Trustees.

Attachment: Proposed Revisions to University Policy 40.2.14: Investment Policy

Board of Governors
Rutgers, The State University
of New Jersey
December 7, 2021

UNIVERSITY POLICY

Policy Name:	Investment Policy				
Section #:	40.2.14	Section Title:	Financial Management: Fiscal Management	Formerly Book:	N/A
Approval Authority:	Board of Governors with the consent of the Board of Trustees		Adopted:	05/08/2002	Reviewed: 03/09/2021 <u>12/07/2021</u>
Responsible Executive:	Executive Vice President – Chief Financial Officer and University Treasurer		Revised:	07/17/2002; 11/21/2003; 10/06/2005 BOG with 10/27/2005 BOT consent; 09/27/2006; 10/26/2006 BOT with 12/08/2006 BOG consent; 06/25/2009; 04/13/2012; 07/01/2013; 10/10/2013; 8/21/2014; 6/15/2016; 06/15/2017; 12/06/2018; 12/17/2019; 03/09/2021; <u>12/07/2021</u>	
Responsible Office:	University Investment Endowment Office		Contact:	University Investment Endowment Office: investment@finance.rutgers.edu u848-445-2788	

1. Policy Statement

The following investment objectives and guidelines are intended to govern the overall management of the University’s endowment funds consisting of the unitized long-term investment pool, which includes the Board of Governors' Long Term Fund and the Board of Trustees' Long Term Fund (collectively "the Endowment"), and other separately managed funds subject to the terms of their agreements.

2. Reason for Policy

To define the investment process, policies, guidelines, and objectives of the endowment; create a framework from which the Investment Committee can evaluate performance, explore opportunities, and make recommendations to the Boards; provide guidance for, expectations of, and limitations on all parties bearing responsibilities related to the endowment; and achieve risk-adjusted returns that maintain the purchasing power of the endowment, while adhering to the highest fiduciary standards and upholding a commitment to the core values of Rutgers University.

3. Who Should Read This Policy

Members of the University community with an interest in the University’s policies on endowment investments.

4. Resources

- A. Appendix A: Asset Allocation
- B. Appendix B: Rutgers University Committee on Divestment Policy Advisory Statement to the Joint Committee on Investments
- C. Appendix C: Resolution on Divestment of Investments in Companies Doing Business in Sudan; Resolution Approving Divestment From Fossil Fuels and Amending University Policy 40.2.14: Investment Policy

5. Definitions

None

6. The Policy

I. ROLES AND RESPONSIBILITIES

A. Board of Governors and Board of Trustees

Members of the Boards, ultimately, are responsible as fiduciaries for managing the Endowment. Therefore, the Boards' specific responsibilities are as follows:

1. Oversee activities of the Joint Committee on Investments (hereinafter the "Investment Committee" or "Committee") as they relate to the investment of the University's endowment; and;
2. Delegate to the Chairs of the Boards the appointment of Investment Committee members.

B. Joint Committee on Investments ("Committee")

The Committee's responsibilities are as follows:

1. Set overall policies for the investment of the University's endowment;
2. Review and ensure this policy is being implemented; develop recommendations for revisions to this policy for review, and adoption by the Board of Governors and the Board of Trustees;
3. Establish the University's spending rate and approve the University administration's calculation thereof;
4. Establish the institution's real return objective;
5. Establish appropriate implementation guidelines, including but not limited to the following:
 - a. acceptable level of risk for the portfolio;
 - b. long-term asset allocation targets for the portfolio; and
 - c. asset classes for inclusion in the portfolio.
6. In consultation with the Investment Endowment Office, select and evaluate the Investment Consultant;
7. In consultation with the Endowment Office and the Investment Consultant, establish investment practices, including but not limited to the following:

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

- a. hiring and terminating investment managers; and
 - b. portfolio rebalancing rules.
8. Review and evaluate performance of the investment portfolio against appropriate benchmarks;
 9. Oversee the Investment Endowment Office and the Investment Consultant in ongoing monitoring of individual fund managers, and hiring and terminating investment managers as appropriate;
 10. Ensure that adequate and appropriate research and due diligence is being conducted concerning the portfolio and its investments;
 11. Annually, review the level of expenses incurred;
 12. Interface with the Investment Endowment Office and Investment Consultant to address current issues;
 13. Report regularly on the status of the endowment to the Board of Governors and Board of Trustees;
 14. Avoid conflicts of interest, the appearance of conflicts of interest, and prohibited transactions;
 15. Monitor annually the performance of all separately managed funds not monitored by the consultant; and
 16. Review and approve the budget of the Investment Endowment Office.

C. Investment Endowment Office

The Investment Endowment Office, in conjunction with the Investment Consultant, has responsibility for administering the endowment and will report to the Committee on all matters relating to the investment and stewardship of the assets; it will report administratively to the Executive Vice President – Chief Financial Officer and University Treasurer. The Investment Endowment Office will serve as contact for investment managers and consultants and will maintain detailed knowledge of the portfolio and its managers. The Office, in collaboration with the Investment Consultant, will also make recommendations to the Committee in order for the Committee to discharge its responsibilities.

In addition, the Investment Endowment Office will have the following responsibilities:

1. Implement the actions endorsed by the Committee;
2. Invest new gifts made to the endowment according to established guidelines;
3. Sell assets as needed to fund the spending allowance;
4. Rebalance the portfolio as directed by the Investment Policy;
5. Serve as the primary communication link between the Committee and the Investment Consultant; and
6. Prepare and annually present performance and evaluation reports on all separately managed funds not monitored by the consultant.

D. Investment Consultant

The Investment Consultant is responsible for providing support for the Committee and the Investment Endowment Office, including advice and education pertaining to investment guidelines, asset allocation structure, and investment managers. The

Investment Consultant will assist in the selection of new investment managers and monitoring of existing managers. In addition, the consultant will provide performance evaluation reports for the endowment on a monthly basis.

The Investment Consultant will have the following responsibilities while working in conjunction with endowment staff:

1. Assist in the development and implementation of investment policies, objectives and guidelines;
2. Prepare asset allocation analyses and, at least annually or more often if market conditions merit, recommend asset allocation strategy modifications with respect to the endowment's objectives;
3. Review investment managers for both quantitative and qualitative aspects, including the due diligence for and the on-going monitoring of existing managers; search for new managers; and make recommendations regarding the hiring or firing thereof;
4. Prepare and present quarterly performance evaluation reports using industry standards for performance reporting and analysis;
5. Annually, at a minimum, complete a full analysis of the portfolio's liquidity;
6. Attend Committee meetings as requested;
7. Review fees for both current and proposed investment managers regularly;
8. Review, develop and, when necessary, educate Committee members on special investment strategies that complement existing asset classes or strategies to be considered by the Committee and the InvestmentEndowment Office;
9. Notify the Committee and the InvestmentEndowment Office of any material changes in ownership of the consultant and of any changes in personnel who are integral in assisting the University;
10. Assist the Committee and the InvestmentEndowment Office in special tasks relating to the endowment;
11. Notify the Committee and the InvestmentEndowment Office immediately of any material litigation or violation of securities regulations in which any Investment Manager utilized by the endowment is involved;
12. Notify the Committee and the InvestmentEndowment Office of any significant changes in portfolio managers, personnel, or ownership of any investment management firm utilized by the endowment; and
13. Adhere to all regulatory agency guidelines.

II. INVESTMENT POLICIES AND OBJECTIVES

A. General Investment Philosophy

Providing for future spending needs while meeting current spending needs is the objective of the endowment.

1. **Time Horizon:** The endowment has a long-term investment horizon and serves as a perpetual asset to the University.
2. **Return:** The long-term objective is to achieve a total return averaging at least the spending policy plus inflation, net of fees and expenses. Returns in

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excess of this amount will provide for the long-term growth of the endowment.

3. **Risk:** The overall level of risk in the endowment will be primarily mitigated by attention to asset allocation. The focus is on overall portfolio risk, not risk related to specific asset classes.
4. **Taxes:** The endowment is owned by a tax-exempt organization.
5. **Liquidity:** The endowment has a long-term investment horizon with relatively low liquidity needs. For this reason, the endowment can tolerate short- and intermediate-term volatility provided that long-term returns meet or exceed its investment objective.

B. Return Objectives

The investment objectives of the endowment are based upon a long-term investment horizon allowing short-term fluctuations to be viewed in an appropriate perspective.

Over time, the endowment will aim to achieve its return goal while maintaining acceptable risk levels. To accomplish this goal, the endowment will diversify its assets among several asset classes (See Appendix A).

All return objectives described are understood to be net of (after) management expenses.

1. Investment portfolio assets should return, over the time horizon, an annualized nominal rate of return greater than or equal to the long-term return objective.
2. Investment portfolio assets should return a nominal rate of return greater than or equal to a composite index created by combining various indices in the same proportion as the Endowment's policy allocation (described in the Asset Allocation section II.E).

C. Volatility and Risk

Risk is defined as the probability of failing to meet the endowment's return objectives within a long-term framework. The following variables related to risk should be considered in all aspects of the investment process:

1. Asset/Style Allocation
2. Volatility
3. Risk of Loss
4. Correlation
5. Liquidity Requirements

D. Spending Policy

The purpose of the endowment is to provide funding, in perpetuity, for programs of the University. The amount of this funding each year, referred to as the spending allowance, is determined either in accordance with donor-designated rules, or in the absence of such rules, by the Boards' Spending Policy. The Boards have selected a spending rate of 4.00% of the average of the trailing 13 quarter-end endowment market value per share average as being appropriate for sustaining the purchasing power of the endowment and yet still providing the funding for which the endowment

was established. The annual spending policy also includes a 0.95% allocation for foundation administration. This spending rate will be reviewed at least annually by the Committee in light of evolving trends with respect to investment returns and the rate of inflation. Adjustments will be made when appropriate.

E. Asset Allocation

The single most important decision, which affects the endowment, is the asset allocation decision. Investment research has determined that a significant portion of an endowment's investment behavior can be attributed to (1) the asset classes/styles, which are employed by the Endowment and (2) the weighting of each asset class/style. Given its importance, the policy asset allocation will be reviewed at least annually and revised as necessary.

The target asset allocation is based on a comprehensive allocation study completed by the ~~Investment Endowment~~ Office and the Investment Consultant. The target asset allocation of the endowment is designed to give balance to the overall structure of the Endowment's investment program over a long-term horizon. Asset allocation decisions will not be based on market timing.

The endowment's current long-term asset allocation framework is illustrated in Appendix A.

F. Portfolio Rebalancing

The ~~Investment Endowment~~ Office will monitor the asset allocation and attempt to stay within the ranges allowed for each asset category with the ultimate motivation to move towards the long-term target allocations. If the portfolio is close to or outside of the allowed ranges, the ~~Investment Endowment~~ Office, with advice from the Investment Consultant, will develop a plan of action to rebalance. Allocations may differ from targets but within ranges for various reasons, including market fluctuations, moving to new targets over time, and decisions to over- or under-weight a sector based on valuations, risks, and opportunities. Alternative asset classes may require a longer period of time to achieve the target allocations. Where possible, portfolio cash flows will be used to rebalance in a cost effective manner.

G. Impermissible Investments

From time to time, the Committee may decide to recommend that the University does not desire to hold investments in specifically designated companies, types of companies, or companies located or doing business in certain countries or regions. Generally speaking, the policy of the Committee will be consistent with restrictions in investments within New Jersey Statutes 52:18A-89. In addition, the Committee will consider the Rutgers University Committee on Divestment Policy Advisory Statement to the Committee included as Appendix B in making recommendations under this section. Should the governing boards of the University expressly approve any restrictions on investment of the endowment, such resolutions will be included as Appendix C within this policy.

H. Liquidity

The endowment has a long-term investment horizon with relatively low liquidity needs. For this reason, the endowment can tolerate short- and intermediate-term volatility provided that long-term returns meet or exceed its investment objective. Consequently,

the endowment may take advantage of less liquid investments, such as private equity, real estate, hedge funds, and other partnership vehicles, which typically offer higher risk-adjusted return potential as compensation for reduced liquidity. To ensure adequate liquidity for distributions and to facilitate rebalancing, the Investment Endowment Office and the Investment Consultant will conduct ongoing reviews of total endowment liquidity.

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APPENDIX A

Asset Allocation

<u>Asset Allocation</u>	<u>Policy Target Ranges</u>
Growth Assets	60 - 85%
Public Equities	30 - 50%
Domestic	10 - 30%
International Developed	5 - 20%
Emerging Markets	0 - 15%
Private Equity	15 - 30%
Real Estate	5 - 15%
Opportunistic Credit	5 - 15%
Diversifying Strategies	10 - 30%
Hedged Liquid	5 - 20%
Private Liquid	5 - 15%
Liquidity	5 - 20%
Fixed Income	5 - 15%
Cash	0 - 5%

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APPENDIX B

RUTGERS UNIVERSITY COMMITTEE ON DIVESTMENT POLICY ADVISORY STATEMENT TO THE JOINT COMMITTEE ON INVESTMENTS

The Joint Committee on Investments (“JCOI”) has asked the University administration for assistance in developing a divestment policy. In response, the administration appointed a committee composed of students, faculty, administration and board members which has developed this advisory statement for the JCOI.

As the public land-grant, research university of the State of New Jersey, the University’s mission statement recognizes that our concerns extend beyond our campuses and that the research, teaching, and service of the University addresses problems so as to benefit citizens locally, regionally, nationally and globally. The University’s mission statement may be found at <https://www.rutgers.edu/about>

The University’s long-term financial health relies on the governing boards of the University exercising their fiduciary responsibilities to manage the endowment with reasonable care and in accordance with prudent investor standards in order to protect the University’s assets for current and future generations. The University’s investment policy governs the overall management of the endowment and may be found at <https://policies.rutgers.edu/sites/default/files/40-2-14-current.pdf>~~https://policies.rutgers.edu/40-2-14-current.pdf~~<https://policies.rutgers.edu/40-2-14-current.pdf>.

Section II. G of the investment policy, “Impermissible Investments,” provides that the JCOI may decide to recommend to the governing boards that the University does not desire to hold investments in specifically designated companies, types of companies, or companies located or doing business in certain geographical regions.

The primary purpose of any divestment is to express unequivocally and publicly the University’s view on an issue rather than to bring about an economic impact through our endowment’s investment action. This advisory statement is intended to guide the decision-making of the University administration and the JCOI when considering whether to make a recommendation to the governing boards to divest from specific companies, industries, or regions. Such recommendations should be extremely rare and subject to a high standard.

The following principles should be applied when evaluating divestment recommendations:

- The divestment is consistent with the fiduciary obligation of the JCOI and the Boards;
- The behavior, action, or product in question is antithetical to the core mission or values of the university;
- The organization, industry or entity to be divested has sole or shared responsibility for the concern(s) identified;
- The concern reflects the consensus of the University community.

Divestment requests may be generated by members of the University community and should be submitted to the Office of the University Secretary at this website:

<https://universitysecretary.rutgers.edu/contact-us/send-message-office-secretary> Divestment requests should address how the proposal meets the principles listed above.

The University Secretary will refer these requests to the Chair of the JCOI and the Chief Financial

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Officer (“CFO”) or his/her designee.

Should the JCOI chair and the CFO or designee determine that the request does not meet all of the criteria listed above, the request will not be submitted to the JCOI. Should the JCOI chair and the CFO or designee make a preliminary determination that the request appears to meet the four criteria listed above, they may, at their discretion, recommend that an ad hoc committee be created to consider the following issues and advise the JCOI in considering the divestment request:

- Whether there is a consensus among a wide array of stakeholders that the subject of the divestment request is a concern that affects either the University community and/or people beyond its borders;
- Whether the University community has taken action to disengage from the organization, industry or entity being considered (for example, in its purchasing decisions);
- Whether the subject of the divestment request is a social injury of such magnitude that, if not addressed, will directly affect a significant number of individuals.

In considering a divestment recommendation, the University, as a corporate body, must undertake its efforts so as to avoid making commitments to positions that may intimidate its members, produce an atmosphere of distrust and suspicion, or create obstacles to free inquiry.

The decision to divest is made solely by the Board of Governors and Board of Trustees. The JCOI, and only the JCOI, can make a divestment recommendation to the boards.

A response to a divestment request will be provided at the following points in the evaluation process:

1. If the request is not referred to the JCOI;
2. If the request is referred to the JCOI;
3. If a divestment recommendation is on the agenda of the boards for consideration;
4. If the decision is negative, a response to the divestment request will be provided.

APPENDIX C

RESOLUTION ON DIVESTMENT OF INVESTMENTS IN COMPANIES DOING BUSINESS IN SUDAN

POLICY STATEMENT REGARDING HUMANITARIAN CRISIS IN DARFUR

In recognition of the humanitarian crisis in Darfur, the University's Joint Committee on Investments is requesting that its investment advisors, fund managers, and financial consultants comply with the Policy Statement set forth below.

If there are any questions regarding the Policy Statement for its application in any one instance, please contact the Chair of the Joint Committee on Investments or the University's Executive Vice President for Finance and Administration.

This Resolution is set forth below:

WHEREAS, despite significant pressure from the United States and the world community, the human rights situation in Sudan has continued to deteriorate; and

WHEREAS, the Joint Committee on Investments has reviewed the human rights situation in Sudan and the escalating political and economic instability in that country and has determined that it would be in the best interests of the university to fully divest itself of investments in companies with operations in Sudan;

NOW, THEREFORE, BE IT RESOLVED:

- 1.) That the Boards of Governors and Trustees, through a recommendation issued by the Joint Committee on Investments, authorizes the university's divestiture of holdings in companies with operations in Sudan. Implementation of this measure is delegated to the Investment Committee, with the understanding that divestiture shall generally be in keeping with the so-called "targeted" divestiture approach undertaken by the State of New Jersey.
- 2.) That nothing in this resolution shall be deemed to direct the sales of holdings at an imprudent time; however, such sales shall take place as soon as prudently possible; and

BE IT FINALLY RESOLVED that the Boards of Governors and Trustees of Rutgers, The State University of New Jersey, hereby consents to the October 26, 2006 resolution, and joins the Joint Committee on Investments in reasserting its belief in the fundamental importance of political neutrality.

Board of Governors
Approved December 8, 2009

Board of Trustees
Approved October 26, 2009



RESOLUTION
APPROVING DIVESTMENT FROM FOSSIL FUELS AND
AMENDING UNIVERSITY POLICY 40.2.14: INVESTMENT POLICY

WHEREAS, the Rutgers University Investment Policy includes a process the University should follow when members of the University community request that funds within the Rutgers University Endowment be divested from, or that the Investment Office should avoid making new investments in, certain industries, sectors, or companies due to a potential conflict between the University's position on an issue or agenda that is held or advanced by such industries, sectors, or companies; and

WHEREAS, in the spring of 2020, the Joint Committee on Investments received a request from the Endowment Justice Collective, an association of several Rutgers student groups, individual students, professors, alumni and community members ("EJC"), to divest from fossil fuels, among other sectors; and

WHEREAS, pursuant to the process, the Chair of the Joint Committee on Investments ("Chair") and the University's Executive Vice President – Chief Financial Officer ("CFO") determined EJC's request regarding fossil fuels should proceed to the next step in the process, which is to form an ad hoc committee to evaluate the divestment request and make a recommendation to the Joint Committee on Investments; and

WHEREAS, the Chair and CFO formed an ad hoc committee of students, faculty members, and administrators from across Rutgers University that conducted its work of evaluating the divestment request in light of the three major elements set forth in the Investment Policy's process regarding divestments requests, and concluded its work by submitting the attached written report dated February 22, 2021 to the Chair and CFO; and

WHEREAS, as further described in the ad hoc committee's Report, the ad hoc committee recommends that the University divest from fossil fuel investments by taking the following actions:

1. Cease all new investments in funds whose strategy is focused on fossil fuel investments;
2. Divest from passive index funds with exposure to fossil fuel investments within one year and reinvest in environmentally friendly versions of those indices. In addition, actively seek new investment opportunities in renewable energy and energy efficiency categories provided they deliver competitive rates of return;
3. Exit all currently held private fossil fuel investments within 10 years, or as soon as practicable;
4. Because some commingled funds may hold minimal exposure to fossil fuels, emphasize the University's stance on this topic to investment partners, urging them to review their own processes and decisions regarding the inclusion of such assets in client portfolios; and

WHEREAS, on March 5, 2021, the Joint Committee on Investments ("JCOI") reviewed and discussed the ad hoc committee's report and determined that the ad hoc committee properly evaluated the divestment request, agrees that the recommendations can be enacted in accordance with the fiduciary responsibilities of the boards, and recommends that the Board of Governors and the Board of Trustees adopt the ad hoc committee's recommendations for divestment from fossil fuels; and

WHEREAS, in addition to adopting the ad hoc committee's recommendations, the JCOI (i) states for the sake of clarity that these recommendations also include divestment from fossil fuel investments held in separately managed accounts owned by the University within the Long-Term Investment Pool, and (ii) recommends that the Investment Office report progress of this divestment initiative annually.

NOW, THEREFORE, BE IT RESOLVED that, upon the recommendation of the JCOI, the Board of Governors and the Board of Trustees of Rutgers, The State University of New Jersey, each agrees that Rutgers should divest from fossil fuel investments as more specifically described in the ad hoc committee's report attached hereto and adopts the ad hoc committee's recommendations; and

BE IT FURTHER RESOLVED that the Investment Office should (i) implement the recommendations within the parameters described in the report while also being mindful of its fiduciary duty to apply the standard of care applicable to investment offices generally, and (ii) report progress on this divestment initiative annually; and

BE IT FURTHER RESOLVED that the Board of Governors and the Board of Trustees of Rutgers, The State University of New Jersey, hereby thank each and every member of the ad hoc committee for agreeing to be part of the committee, and for the work, effort, and time each member contributed to the process; and

BE IT FURTHER RESOLVED that the University's Investment Policy (University Policy 40.2.14) be amended by adding a copy of this Resolution as Appendix C thereof; and

BE IT FINALLY RESOLVED that this Resolution shall take effect upon approval by the Board of Governors and Board of Trustees.

Attachment: Report of the Ad Hoc Committee on Fossil Fuel Divestment

Board of Governors
Rutgers, The State University
of New Jersey
March 9, 2021

Board of Trustees
Rutgers, The State University
of New Jersey
March 9, 2021



**PROPOSED RESOLUTION
AMENDING THE BOARD OF GOVERNORS AND BOARD OF TRUSTEES
CHARGE TO THE JOINT COMMITTEE ON INVESTMENTS**

WHEREAS, the Board of Governors and Board of Trustees Charge to the Joint Committee on Investments was last amended on December 6, 2018; and

WHEREAS, revisions to the Charge to the Joint Committee on Investments are now required to reflect the title change of the internal office that manages the University's investments from Endowment Office to Investment Office; and

WHEREAS, on December 7, 2021, the Executive Committee of the Board of Governors endorsed the attached proposed revisions to the Charge to the Joint Committee on Investments and recommended approval by the Board of Governors.

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 Charge to the Joint Committee on Investments, with deletions shown as strikeout and additions in underline; and

BE IT FURTHER RESOLVED that the attached revisions to the Charge to the Joint Committee on Investments shall become effective upon approval by the Board of Trustees.

Attachment: Proposed Revisions to Charge to the Joint Committee on Investments

Board of Governors
Rutgers, The State University
of New Jersey
December 7, 2021

**BOARD OF GOVERNORS AND BOARD OF TRUSTEES
CHARGE TO THE JOINT COMMITTEE ON INVESTMENTS**

PURPOSE:

The Joint Committee on Investments assists the Board of Governors and the Board of Trustees in exercising active and independent oversight of the University's investment policies, controls, processes, and reporting practices in a manner consistent with the mission and purpose of the University. The Committee shall oversee the investment of funds and monetary assets under the control and management of the Board of Governors and Board of Trustees and advise each on the policy and procedure with respect thereto. The Committee chair should actively solicit opinions and encourage discussion of conflicting positions before any decision is made.

MEMBERSHIP:

In keeping with the Association of Governing Board's Statement guidelines on board responsibilities for investment committees, it is essential that members of the Joint Committee on Investments have a good understanding about the inter-relationships between spending from investment funds, the university's budget practices, and its investment policy. Preference will be given to appointments of individuals who have demonstrated expertise to serve on this committee (e.g. investment, finance, and/or accounting expertise as well as experience in the not-for-profit sector).

DUTIES AND RESPONSIBILITIES:

The Joint Committee on Investments shall meet at least quarterly and shall have the following duties and responsibilities:

1. Review and ensure University Policy 40.2.14, Investment Policy, is being implemented.
2. Develop recommendations for revisions to University Policy 40.2.14 to be presented for review and adoption by the Board of Governors and the Board of Trustees.
3. Establish the University's spending rate and approve the University Administration's calculation thereof.
4. Establish the University's real return objective
5. Establish appropriate implementation guidelines, -including but not limited to the following:
 - a. acceptable level of risk for the portfolio;
 - b. long-term asset allocation targets for the portfolio and
 - c. asset classes for inclusion in the portfolio
6. In consultation with the ~~Endowment~~ Investment Office, select and evaluate the Investment Consultant.
7. In consultation with the ~~Endowment~~ Investment Office and the Investment Consultant, establish investment practices, including but not limited to the following:
 - a. hiring and terminating investment managers; and
 - b. portfolio rebalancing rules
8. Review and evaluate the performance of the portfolio against appropriate benchmarks.

9. In consultation with the ~~Investment~~ Endowment Office and the Investment Consultant, review the performance of individual fund managers and hire and terminate investment managers as appropriate.
10. Ensure that adequate and appropriate research and due diligence is being conducted concerning ~~the~~ portfolio and its investments.
11. Annually, review the level of expenses incurred.
12. Interface with the ~~Endowment~~ Investment Office and Investment Consultant to address current issues.
13. Report regularly on the status of ~~the~~ endowment assets to the Board of Governors and the Board of Trustees.
14. Avoid conflicts of interest, the appearance of conflicts of interest, and prohibited transactions.
15. Monitor annually the performance of all separately managed funds not monitored by the Investment Consultant.
16. Review the budget of the ~~Endowment~~ Investment Office.
17. Review, as needed, investments in specifically designated companies, types of companies, or companies located or doing business in certain countries or regions that the Committee may decide to recommend to the Boards for divestment. Ensure that the Boards' divestment decisions are: a) adopted separately by resolution; b) communicated to the University's investment managers; and c) practiced until explicitly rescinded by the Boards.

Board of Governors

Adopted October 13, 2009
Amendment Approved June 15, 2016
Amendment Approved December 6, 2018
Amendment Approved December 7, 2021

Board of Trustees

Adopted October 29, 2009
Amendment Approved June 15, 2016
Amendment Approved December 6, 2018
Amendment Approved December 7, 2021



PROPOSED RESOLUTION
APPROVING REVISIONS TO UNIVERSITY POLICY 60.1.33:
TITLE IX POLICY AND GRIEVANCE PROCEDURES

WHEREAS, on December 17, 2020, the Board of Governors of Rutgers, The State University of New Jersey, approved the “Title IX Policy and Grievance Procedures” policy as University Policy 60.1.33; and

WHEREAS, the Advisory Committee on Rutgers’ Response to Sexual Harassment and Sexual Violence through its Policies and Procedures Subcommittee, as well as Title IX Coordinators, and other stakeholders across the University reviewed and identified changes to be made to University Policy 60.1.33: Title IX Policy and Grievance Procedures which resulted in the attached proposed revisions to University Policy 60.1.33: Title IX Policy and Grievance Procedures that clarify certain topics, align with best practices, and ensure continued compliance with the requirements of the current Title IX regulations; and

WHEREAS, on October 19, 2021, University Policy 60.1.33: Title IX Policy and Grievance Procedures, as revised, was approved on an interim basis; and

WHEREAS, on October 22, 2021, the University Senate reviewed and approved the proposed changes to University Policy 60.1.33: Title IX Policy and Grievance Procedures; and

WHEREAS, on December 1, 2021, with the endorsement of Executive Vice President for Academic Affairs Prabhas V. Moghe and Senior Vice President Vivian Fernandez; Vice Chancellor for Student Affairs, Rutgers University–New Brunswick, Salvador Mena; Vice Chancellor for Student Affairs, Rutgers University–Newark, Corlisse Thomas; and Vice Chancellor for Student Affairs, Rutgers University–Camden, Mary Beth Daisey, the Board of Governors Committee on Academic and Student Affairs reviewed the proposed revisions to 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 the attached revisions to University Policy 60.1.33: Title IX Policy and Grievance Procedures, with deletions shown in strikeout and additions underlined; and

BE IT FINALLY RESOLVED that this Resolution shall take effective immediately.

Attachment: Proposed Revisions to University Policy 60.1.33: Title IX Policy and Grievance Procedures

Board of Governors
Rutgers, The State University
of New Jersey
December 7, 2021

UNIVERSITY POLICY

Policy Name:	Title IX Policy and Grievance Procedures					
Section #:	60.1.33	Section Title:	Human Resources: University-wide HR Policies & Procedures	Formerly Book:	Formerly Policies 10.3.12 and 60.1.28 (complete rewrite)	
Approval Authority:	Board of Governors		Adopted:	08/14/2020 (implemented as interim); 12/17/2020 (officially adopted)	Reviewed:	<u>10/19/2021</u> (as interim); <u>12/07/2021</u>
Responsible Executives:	Executive Vice President for Academic Affairs and Senior Vice President for Human Resources		Revised:	<u>10/19/2021</u> (implemented as interim); <u>12/07/2021</u>		
Responsible Offices:	Academic Affairs and University Human Resources		Contact:	https://uec.rutgers.edu/programs/title-ix/coordinators/ Phone: (973) 972-8000 Email: uec_contact@uec.rutgers.edu		

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, 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)¹, 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;
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

¹ Relevant definitions from the Clery Act are included in Appendix D.

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 University Policy 10.2.11: Code of Student Conduct Policy, the RBHS Students Rights, Responsibilities, and Disciplinary Procedures Policy, the University Policy 60.1.12: 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.²
- 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.

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.

D. Formal Complaint

"Formal Complaint" means a written 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-Information~~ 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
 - They concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

² 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.

- ~~Evidence-Information~~ 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.

- "Third Party Respondent" means any Respondent who is not a University student, faculty member, or staff member.

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 (OEE)), 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 person of the University may report instances of Covered Sexual Harassment in accordance with this Policy 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 found here: Title IX Reporting Form; or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. , 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 as defined in Section IV.DC. above 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 ~~de~~investigate, 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. Any Complainant who wishes to submit a Formal Complaint should contact a campus or OEE Title IX Coordinator.~~

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 coordinate the provision of requested de disability accommodations that have not been unless specifically requested by the Parties in a timely manner, 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 [University Policy 10.2.11: Code of Student Conduct](#); [RBHS Students Rights, Responsibilities, and Disciplinary Procedures Policy](#); or [Rutgers University Policy 60.1.12: 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 someone who is otherwise affiliated with the University, but not a University student, please refer to the [Rutgers University Policy 60.1.12: 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 [University Policy 10.2.11: 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. Generally, 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. However, ~~the~~ Title IX Coordinator and the office responsible for addressing other misconduct will have discretion to determine whether those additional charges will be ~~dealt with~~ addressed 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 (or member of their staff), staff member, Office of Employment Equity staff member, the 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.~~

If the Respondent is a student, the Allegations generally 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 generally 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) generally will be addressed by OEE.

C. Reports Against Third Parties

Any Respondent who is not a University student, faculty member, or staff member is generally considered a Third Party. The University's ability to take appropriate corrective action against a Third Party will depend on the nature of the Third Party's relationship to the University. Generally, if a report of Covered Sexual Harassment is made against someone who has no affiliation with the University, the University's ability to take corrective action against such a person may be limited, though the University will still offer the Complainant supportive measures as defined in Section VII.A., below.

1. OEE generally will address allegations against ~~If the Respondent is a Third Party Respondent~~ who, during the relevant time period, was:
 - an applicant for employment with the University, or
 - doing business with the University (e.g. as a contractor, subcontractor, vendor, intern, or volunteer) ~~or is otherwise affiliated with the University, but is not a University student, the allegation will be addressed by.~~
2. The Title IX Office at the Rutgers campus with the ability to provide supportive measures for the Complainant generally will address allegations against a Third Party Respondent who, during the relevant time period, was:
 - the guest of a student, or
 - a non-student residing in University-owned or University-controlled housing, or
 - a participant in a University Program or Activity (e.g., a participant in a summer camp; an individual attending a Program or Activity by invitation or that is open to the public).
- 4.3. ~~the Office of Employment Equity. The University-wide Title IX Coordinator will determine which office(s) will address allegations against all other Third Party Respondents. 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.

Appendices A and B 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 Sstate 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.

Nothing in the Policy prevents a Complainant from seeking the assistance of State or local law enforcement alongside the appropriate on-campus process.

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 (Complainant or Respondent), at any time. 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. Parties may request supportive measures even in cases where no Formal Complaint has been filed, no investigation or informal resolution occurs, and/or where either party declines to participate in University disciplinary proceedings.

~~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
- Deadline eExtensions of ~~deadlines~~ or other course-related adjustments
- Modifications of work or class schedules
- Tutoring services
- Campus escort services
- Restrictions on contact between the Parties ("No Contact Orders")
- Changes in on-campus 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 University Policy 10.2.11: Code of Student Conduct~~; [RBHS Students Rights, Responsibilities, and Disciplinary Procedures Policy](#); [University Policy 60.1.12: 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 ~~student and non-student employee Respondents~~ on administrative leave from their employment during the Title IX Grievance Process in accordance with applicable laws, 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 that any individual participating in the process as a Title IX Coordinator, investigator, decision-maker, facilitator of an informal resolution process, or appeals officer disclose any potential or actual conflict of interest or bias. If a Party believes that any of those individuals has a conflict of interest or bias, they may make a request. 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) days³ 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 submit provide the Title IX Coordinator a Formal Complaint, as defined in Section IV.D., above, a written, signed complaint (or other indication that the Complainant is the person filing the formal complaint) describing the facts alleged to initiate the Title IX Grievance Procedures.~~ When filing a Formal Complaint under this Policy, Complainants must be currently participating in, or attempting to participate in, the education programs or activities of the University (which may include participation as a student, employee,⁴ or third party).

³ References to days in this Policy refer to working days.

⁴ 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.

The Complainant's signature (or other indication that the Complainant is the person filing the formal complaint) on the Formal Complaint indicates the Complainant's desire to have the Formal Complaint addressed ~~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 ~~will determine~~ is responsible for determining whether it is necessary for the Title IX Coordinator to initiate a complaint ~~in order for~~ so that the University ~~can~~ tecan 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 procedural 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 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,⁵ 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 will be 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.⁶
- 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, ~~during~~ in the course of an investigation, the University decides to investigate allegations that are not included in the initial Notice of Allegations, ~~but may constitute~~ but may constitute ~~and are otherwise~~ Covered Sexual Harassment falling within this Policy, the Title IX 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~~ allegations.

⁵ The Notice of Allegations may also contain notice of related violations of other University policies.

⁶ 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.

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:~~

~~If all of the following elements are met in the reasonable determination of the Title IX Coordinator, the University will investigate the allegations according to the Title IX Grievance Process set forth in this Policy:~~

- ~~1. The conduct is alleged to have occurred in the United States;~~
- ~~2. The conduct is alleged to have occurred in a Rutgers program or activity; and~~
- ~~4.3. 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 VIII.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.4., “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:

- a. 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;
- b. The Respondent is no longer enrolled at or employed by Rutgers; or,
- c. 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.4., “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 this 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 or other reasonable means.

4. Appeal of Dismissal of Formal Complaint

Where all or part of a Formal Complaint is dismissed under this 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 ~~Appeals Officer Senior Student Affairs Officer~~⁷ ~~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 reevaluate 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 University Policy 10.2.11: Code of Student Conduct~~; [RBHS Students Rights, Responsibilities, and Disciplinary Procedures Policy](#); or ~~the University Policy 60.1.12: 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.

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

⁷ ~~"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.~~

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

3.2.

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.⁸ ~~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 VIII.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.

4.3. 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 VIII.G.1. and VIII.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.

⁸ ~~As permitted by the Title IX Regulations, a~~An actual or perceived 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, or the Advisor's status as a potential witness does not prohibit someone from serving as an Advisor. ~~As also stated in the Title IX Regulations, the Advisor is not prohibited from being a witness in the matter.~~

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 the University 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.~~⁹

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 work toward~~ 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 ~~or hearing~~ and proceed with an Informal Resolution at any point ~~prior to the Decision-maker(s) reaching a determination regarding responsibility 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, and either Party.~~ ~~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.~~ The University may also unilaterally end the 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 Completion of 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 Formal Complaint 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~~

⁹ Use of an informal resolution process to resolve Formal Complaints of Covered Sexual Harassment by students against employees is expressly prohibited by the Title IX Regulations ~~[include citation]~~.

same matter. A party's failure to comply with any agreement reached during the Informal Resolution Agreement may result in a violation of University Policy 10.2.11: 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, holidays, 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. The timeframes for Informal Resolution and 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, including the number of witnesses and volume of information provided by the Parties; the need for language assistance or accommodation of disabilities; or as otherwise necessary to ensure the integrity and completeness of the process, as determined by the Title IX Coordinator. 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 Requests by Parties

All participants are expected to make themselves reasonably available for any meetings and hearings as requested by the Title IX Office or OEE.

Either Party may request an extension during the Grievance Process for good cause, provided that the requestor provides reasonable notice₁ and the delay does not overly inconvenience other Parties. All extension requests must be submitted in writing to the Title IX Coordinator or investigator. 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 ~~is~~ issued_s. The investigation will include interviewing the Complainant, Respondent, and witnesses, and gathering ~~relevant evidence~~ information 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 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.

~~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 The burden of proof and burden of gathering evidence does not rest with either Party, and However, alleither Parties will have an opportunity to provide information or evidence during the course of the investigation. y may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing.~~

Investigators have the burden of gathering and storing all information identified by the Parties, identifying and collecting other information related to the allegations, and determining what information is relevant to the Formal Complaint, as defined in this Policy.

Any Party may decide not to share their account of what occurred or may decide not to participate in the investigation; however, any Party that wants to identify witnesses or provide information is expected to do so as early in the process as possible.

~~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)₁ or from the person whose information the records include₁ 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 (excluding intake meetings that occur prior to the filing of a Formal Complaint), with sufficient time for such individual to prepare to participate. Parties or witnesses may waive the notice period and agree to meet within a shorter timeframe.

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

~~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 EvidenceInformation**

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 written statement from them in lieu of a live interview. Investigators also have discretion not to interview a witness if they determine the witness does not possess relevant information.

The investigator(s) will give the ~~Complainant, Respondent,~~Parties and witnesses an opportunity to submit any evidenceinformation, including but not limited to, documents, communications, photographs, videos, audio recordings, text messages, and social media posts, and any additional information that relates 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~~related information.

~~All evidence~~information 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 evidenceinformation 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 evidenceinformation prior to conclusion of the investigation.

EvidenceInformation that will be available for inspection and review by the Parties will be any evidenceinformation 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~~ information they would like the investigator to consider before the Parties' time to inspect and review evidence begins.

Federal regulations require that the Parties be given access to all evidence that is directly related to the allegations in the Formal Complaint prior to the conclusion of the investigation so that the Parties may respond and/or prepare for the hearing. In order to protect the privacy of all Parties and ensure that evidence is used only for purposes related to this Title IX Grievance Process, Prior to obtaining access to any ~~evidence~~ information, 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~~ information 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. This agreement does not prohibit the Parties from generally discussing with others the allegations under investigation, or from speaking with their Advisor, Support Person and/or Campus Liaison about the facts and evidence of the case.

The investigator(s) will send the ~~evidence~~ information 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 ~~information~~ 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 ~~information~~ evidence is made available and any restrictions or limitations on access.

The Parties will have ten (10) days to review the ~~information~~ evidence and submit a written response by email to the investigator(s). If Parties do not provide the investigator(s) with a written response within ten (10) days, it will be assumed they reviewed all of the ~~information~~ 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 ~~information~~ 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 ~~information~~ evidence. The Investigation Report is not required to catalog all ~~information~~ evidence obtained by the investigator(s), but only to provide a fair summary of that ~~information~~ evidence. Only relevant ~~information~~ 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~~ Advisors, and allow them an equal opportunity to review and respond to the report within ten (10) days. If ~~parties~~ Parties do not provide the investigator with a written response within ten (10) days, it will be assumed they reviewed the investigation report and chose not to respond. Upon receipt of a written 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 ~~Parties'~~ 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 ~~each~~ 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

The Title IX Coordinator (or designee) will offer to schedule a Pre-Hearing Conference with each Party and their Advisor, Support Person and/or Campus Liaison, no later than two (2) days before the scheduled hearing.

The purpose of a Pre-Hearing Conference is to discuss the hearing procedures; to discuss any technology that will be used at the hearing and how to operate such technology; to discuss the time allotted for the hearing and any time limitations; to identify the names of the witnesses that will be asked to appear at the hearing; to determine how to address new evidence that the Parties seek to offer at the hearing that was not previously available during the investigation (in accordance with Section VIII.J.5.d., below); and to resolve any other matters that the Decision-maker determines, in their discretion, should be resolved before the hearing. Inability to schedule or a Party's failure to attend a Pre-Hearing Conference is not grounds to postpone the hearing.

The 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 the investigator(s) 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~~ managing 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 information 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,~~ and 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.

For each hearing, there will generally be two Decision-makers, both of whom will attend the live hearing. The first Decision-maker will oversee the hearing, make a determination regarding responsibility, and document all findings in a decision letter. The second Decision-maker will make a determination regarding sanctions, if applicable, and communicate that determination and rationale to the first Decision-maker for inclusion in the final written decision.

- In cases in which the Respondent is a student or otherwise within the purview of a campus Title IX office, the second Decision-maker will be assigned by the campus's Student Affairs Officer responsible for student conduct.
- ~~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 otherwise within the purview of OEE, 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 second Decision-maker 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~~

5. a. Live Hearing & Technology

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, r~~ At the University's discretion, any or all Parties, witnesses, and other participants may appear at the live hearing virtually through remote hearing technology. ~~emote 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.

The Decision-maker(s) 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.

—Presentation of Allegations

b.

Following introductory remarks, the Decision-maker(s) will read aloud the allegations against the Respondent as stated in the Notice of Allegations. The Respondent will have the opportunity to answer “Responsible” or “Not Responsible” for each allegation.

If the Respondent answers “Responsible” to an allegation, the Decision-maker will not make any determination regarding responsibility of that allegation at the hearing. The parties may present narratives, witnesses, and closing statements, and may also have their Advisor conduct cross-examination; however, the Decision-maker(s) will consider this information solely to determine appropriate sanctions. Alternatively, if all parties wish to waive the right to these portions of the hearing, the hearing may proceed directly to the Reading of Impact Statement and Mitigating Factors & Sanction Recommendations.

c. Narratives, Witnesses & Questioning

Both Parties will have the opportunity to present their narratives. 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 ~~may~~ 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~~ ask questions after the Decision-maker(s) conducts an initial round of questioning of each Party/witness. The Decision-maker(s) may pause ~~cross-examination~~ questioning at any time in order to ask their 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.

d. Evidence

The Parties may seek to include all relevant evidence including, but not limited to, expert testimony and character witnesses. Any Party asking that additional relevant information beyond what was previously provided to investigators be considered may be asked to demonstrate that such information was not reasonably available to them at the time of the investigation. If any Party seeks to introduce such new evidence, the Decision-maker may, at their discretion: (a) accept the new evidence as admissible and proceed with the hearing as scheduled; (b) request an adjournment of the hearing to allow sufficient time for all other parties to review and respond to such evidence; or (c) take other measures as they deem appropriate.

6. Questions and Cross-Examination by Party's Advisors

a. Cross-Examination

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~~ ask questions of the other Party or Parties and witnesses at the hearing. During this ~~live cross-examination~~ questioning, 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~~ ask questions 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.

A Party may affirmatively waive the right to have their Advisor conduct cross-examination through a written statement provided to the Decision-maker(s), or through a verbal statement to the Decision-maker during the recorded hearing.

b. Relevance

Before any cross-examination or other question is answered, the Decision-maker(s) will determine if the question is relevant. Relevant questions refer to those questions that tend to make an allegation of Covered Sexual Harassment not or less likely to be true. 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. Relevant questions do not include:

- Affirmative non-interrogative statements (including accusatory statements, personal opinions, extraneous commentary, or other affirmative non-

interrogative response to or characterization of a party's or witness's answer) or redundant or repetitive questions that have already been asked on behalf of a party;

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

~~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 pausing 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 Advisors 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 EvidenceInformation

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).

a. Credibility

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 ~~information~~ 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.

a.b. Weighing Evidence

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) ~~information~~ 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 accounts, 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 information 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 sanctions~~ and will ~~may~~ 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; and (9) any other mitigating or aggravating factors specific to the case.

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 require training or 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.¹⁰
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"), or his or her designee, as appropriate. The Appeals Officer will be free of not have a conflict of interest and/or 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

¹⁰ 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.

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 employee or third-party Respondents, the Appeals Officer will:

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

In cases involving student Respondents, the Appeals Officer 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.

~~3.~~

~~In cases involving employee Respondents, the Appeals Officer will:~~

~~Affirm the finding; or~~

~~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 Appeals Officer's receipt of time for the non-appealing Party's to submit a written response to the written appeal expires. ~~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.~~ All appeal decisions are final and not subject to further review.

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
<p>Office for Violence Prevention and Victim Assistance (VPVA)</p> <p>3 Bartlett Street College Avenue Campus New Brunswick, NJ 08901 Phone: (848) 932-1181 (24 hours/day, 7 days/week) Email: vpva@echo.rutgers.edu http://vpva.rutgers.edu</p>	<p><u>Confidential Resource</u> 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>Rutgers Student Health - Counseling, Alcohol & Other Drug Assistance Program and Psychiatric Services (CAPS)</p> <p>Main Center 17 Senior Street College Avenue Campus New Brunswick, NJ 08901 Phone: (848) 932-7884 http://health.rutgers.edu/medical-counseling-services/counseling/</p>	<p><u>Confidential Resource</u> 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>Rutgers Student Health Services – Physicians and other Health Professionals</p> <p>Student Health Services Office Hurtado Health Center College Avenue Campus 11 Bishop Place New Brunswick, NJ 08901 Phone: (848) 932-7402 Email: health@rutgers.edu http://health.rutgers.edu</p>	<p><u>Confidential Resource</u> 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 without any identifying</p>

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		<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 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>University Chaplains (or Ordained Clergy)</p> <p>A list of Registered Chaplains can be found here: http://ruoffcampus.rutgers.edu/rutgers-university-multi-faith-council/</p>	<p><u>Confidential Resource</u></p>	<p>This resource has no reporting obligation, unless acting in a role other than that of Chaplain or Clergy.</p>
<p>Student Legal Services</p> <p>Livingston Campus Tillett Hall, Room 247 53 Avenue E Piscataway, NJ 08854 848-932-4LAW(4529) www.rusls.rutgers.edu</p>	<p><u>Confidential Resource</u></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>	<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>Title IX Coordinator</p> <p>Office of Student Affairs Compliance & Title IX 2 Richardson Street New Brunswick, NJ 08901 College Avenue Campus Phone: (848) 932-8200 http://compliance.rutgers.edu/title-ix/reporting/</p>	<p><u>Non-Confidential Resource</u></p> <p>For information related to the Title IX complaint process or to file a complaint against a Rutgers student for <u>s</u>Sexual <u>h</u>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>Rutgers University Police Department (RUPD)</p> <p>New Brunswick Division 55 Paul Robeson Boulevard New Brunswick, NJ 08901 Phone: 9-1-1 (for emergencies) Phone: (732) 932-7211 http://rupd.rutgers.edu/rupd.php</p>	<p><u>Non-Confidential</u></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 accordance with N.J.S.A. 9:6-8. 10.</p>

		This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.
<p>Residence Life</p> <p>New Brunswick/Piscataway Phone: (848) 932-4371 Email: resident@rutgers.edu http://ruoncampus.rutgers.edu</p>	<p><u>Non-Confidential</u></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>University Ombud's Office</p> <p>115 College Avenue New Brunswick, NJ 08901 College Ave Campus Phone: (848) 932-1452 Email: Ombuds@rutgers.edu https://ombuds.rutgers.edu/</p>	<p><u>Non-Confidential</u></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 abused, this resource will notify the RUPD.</p>

<p>Dean of Students</p> <p>Office of the Dean of Students 88 College Avenue College Avenue Campus New Brunswick, NJ 08901 Phone: (848) 932-2300 Email: deanofstudents@echo.rutgers.edu</p>	<p><u>Non-Confidential Resource</u></p> <p>The Dean of Students Office provides solutions, services, and support to help students navigate Rutgers University. The Office serves 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>Title IX Coordinator for Complaints Against University Employees or Third Parties</p> <p>Office of Employment Equity University Human Resources 57 U.S. Highway 1, ASB II Cook Campus Phone: (848) 932-398079 Email: Lisa.grosskreutz@rutgers.edu</p>	<p><u>Non-Confidential</u></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>

<p>Title IX Coordinator for Athletics</p> <p>Senior Associate Athletics Director for Olympic Sport/Senior Woman Administrators Intercollegiate Athletics 83 Rockefeller Road Livingston Campus Piscataway, NJ 08854 Phone: (732) 445-7899 Email: khickey@scarletknights.com</p>	<p><u>Non-Confidential</u></p> <p>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>Institutional Compliance Officer –Title IX and University-wide Title IX Coordinator</p> <p>University Ethics and Compliance One World’s Fair Drive Somerset, NJ 08873 Phone: (732) 235-5304 https://uec.rutgers.edu/programs/title-ix/</p>	<p><u>Non-Confidential</u></p> <p>Resource providing students and other members of the Rutgers Community with information about <u>U</u>niversity policies and procedures for addressing <u>s</u>Sexual <u>h</u>arassment, sexual violence <u>s</u>talking, 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

<p>Office for Violence Prevention and Victim Assistance (VPVA)</p> <p>249 University Avenue Blumenthal Hall, Room 203 Newark, NJ 07102 Phone: (973) 353-1918 (24 hours/day, 7 days/week) http://vpva.rutgers.edu http://counseling.newark.rutgers.edu/vpva</p>	<p><u>Confidential Resource</u> 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>Student Health Services</p> <p>249 University Avenue Blumenthal Hall, Room 104 Newark, NJ 07102 Phone: (973) 353-5231 http://health.newark.rutgers.edu/ Sexual Assault Hotline: 973-353-4357 (HELP) Business Hours: M-F 8:30 a.m. – 4:30 p.m. 24 Hour Nurse Line: (866) 221-9674</p>	<p><u>Confidential Resource</u> 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>Counseling Center</p> <p>249 University Avenue Blumenthal Hall, Room 101 Newark, NJ 07102 Phone: (973) 353-5805 Website: http://counseling.newark.rutgers.edu/</p>	<p><u>Confidential Resource</u> for victims of sexual assault and interpersonal/intimate partner violence.</p> <p>Provides psychological and psychiatric services, along with a comprehensive alcohol and other drug</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 minor has been sexually</p>

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<p>For Psychological Emergencies during regular business hours: (973) 353-5805</p> <p>After regular business hours: University Hospital Crisis Line, (973)623-2323 Suicide Prevention Lifeline, (800) 273-TALK</p>	<p>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>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>Director of Title IX and ADA Title IX Coordinator</p> <p>Rutgers University – Newark Paul Robeson Campus Center 350 Dr. Martin Luther King Jr. Blvd. Room 316 A Newark, NJ 07102 P. (973) 353-1906</p> <p><u>Title IX Coordinator</u></p> <p>- Rutgers University - Newark Paul Robeson Campus Center 350 Dr. Martin Luther King Jr. Blvd. Newark, NJ 07102 (973) 353-1906 Email: titleix@newark.rutgers.edu</p>	<p><u>-Non-Confidential Resource</u></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>Dean of Students</p> <p>Rutgers University – Newark Paul Robeson Campus Center, Suite 352 350 Dr. Martin Luther King Jr. Blvd. Newark, NJ 07102 (973) 353-5300 Email: careteam@rutgers.edu</p> <p><u>Dean of Students</u></p> <p>- Rutgers University - Newark Paul Robeson Campus Center 350 Dr. Martin Luther King Jr. Blvd. Newark, NJ 07102 (973) 353-5063 Email: deanofstudents@newark.rutgers.edu</p>	<p><u>-Non-Confidential Resource</u></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 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> <p>If the incident is a crime, this resource will report it without any identifying information to the RUPD</p>

		<p>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

<p>Office for Violence Prevention and Victim Assistance (VPVA)</p> <p>326 Penn Street Camden Campus Center Camden, NJ -08102 Phone: (856) 225-2326 (24 hours/day, 7 days/week) http://vpva.rutgers.edu https://vpva.camden.rutgers.edu/</p>	<p><u>Confidential Resource</u> 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>Student Wellness Center Medical, Psychological, Alcohol/Drug/Nicotine Assistance, and Health Promotion Services</p> <p>326 Penn Street Camden Campus Center, 2nd Floor Camden, NJ 08102 Phone: (856) 225-6005 http://healthservices.camden.rutgers.edu/</p>	<p><u>Confidential Resource</u> 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)

<p>Office for Violence Prevention and Victim Assistance (VPVA)</p> <p>65 Bergen Street, Suite 1441 Newark, NJ 07101 Phone: (973) 972-4636</p> <p>https://rbhs.rutgers.edu/uroweb/vpva.html</p>	<p><u>Confidential Resource</u> 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>Student Health Services</p> <p>Rutgers Health Sciences Campus at Newark Doctor's Office Center 90 Bergen Street, Suite 1750 Newark, NJ Phone: (973) 972-8219</p> <p>New Brunswick/Piscataway Campus Monument Square 317 George Street, First Floor New Brunswick, NJ Phone: (732) 235-5160</p>	<p><u>Confidential Resource</u> 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>Student Wellness Program</p> <p>For Emergencies (after 5:00 p.m. and weekends): (800) 327-3678</p> <p>Newark Campus/Scotch Plains Campuses 183 South Orange Avenue Newark, NJ 07103 Phone: (973) 972-5429</p>	<p><u>Confidential Resource</u> 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 information to the RUPD</p>

<p>New Brunswick/Piscataway Campus 242 Old New Brunswick Road Piscataway, NJ <u>08854</u> <u>Phone:</u> (732) 235-5930</p> <p>Blackwood Campus Rutgers University Behavioral Health Care Student Wellness Program One Echelon Plaza, Suite 101 Voorhees, NJ 08043 <u>Phone:</u> (856) 770-5750</p>		<p>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

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

<p>Law Enforcement</p>	<p>New Brunswick Police Department Emergency: 9-1-1 25 Kirkpatrick Street New Brunswick, NJ 08901 Phone: (732) 745-5200</p> <p>Piscataway Police Department Emergency: 9-1-1 455 Hoes Lane Piscataway, NJ 08854 Phone: (732) 562-2300</p> <p>Newark Police Department Emergency: 9-1-1 311 Washington Street Newark, NJ <u>07102</u> <u>Phone: (973) 733-6000</u></p> <p>Camden Police Department Emergency: 9-1-1 800 Federal Street Camden, NJ 08103 <u>Phone: (856) 757-7400</u></p>
<p>Government Resources</p>	<p>United States Department of Education Office for Civil Rights New York Office 32 Old Slip, 26th Floor New York, NY 10005 Phone: (646) 428-3800 Email: OCR.NewYork@ed.gov</p> <p>United States Department of Justice Office on Violence Against Women 145 N Street, Suite 10 W 121 Washington, DC 20530 Phone: (202) 307-6026 https://www.justice.gov/ovw</p>

Appendix B

On-Campus Resources for Respondents

New Brunswick

Personnel	Status	Reporting Obligation
<p>Rutgers Student Health - Counseling, Alcohol & Other Drug Assistance Program and Psychiatric Services (CAPS)</p> <p>Main Center 17 Senior Street College Avenue Campus New Brunswick, NJ 08901 Phone: (848) 932-7884</p> <p>http://health.rutgers.edu/medical-counseling-services/counseling/</p>	<p><u>Confidential Resource</u> 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>Rutgers Student Health Services – Physicians and other Health Professionals</p> <p>Student Health Services Office Hurtado Health Center College Avenue Campus 11 Bishop Place New Brunswick, NJ 08901 Phone: (848) 932-7402 Email: health@rutgers.edu</p>	<p><u>Confidential Resource</u> 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>University Chaplains (or Ordained Clergy)</p> <p>A list of Registered Chaplains can be found here: http://ruoffcampus.rutgers.edu/rutgers-university-multi-faith-council/</p>	<p><u>Confidential Resource</u></p>	<p>This resource has no reporting obligation, unless acting in a role other than that of Chaplain or Clergy.</p>
<p>Residence Life</p> <p>New Brunswick/Piscataway Phone: (848) 932-4371 Email: resident@rutgers.edu http://ruoncampus.rutgers.edu</p>	<p><u>Non-Confidential Resource</u></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>Student Legal Services</p> <p>Livingston Campus Tillett Hall, Room 247 53 Avenue E Piscataway, NJ 08854 Phone: 848-932-4LAW(4529)</p> <p>www.rusls.rutgers.edu</p>	<p><u>Confidential Resource</u> 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>Title IX Coordinator</p> <p>Office of Student Affairs Compliance & Title IX 2 Richardson Street New Brunswick, NJ 08901 College Avenue Campus Phone: (848) 932-8576/8200</p> <p>http://compliance.rutgers.edu/title-ix/reporting/ titleix.rutgers.edu</p>	<p><u>Non-Confidential Resource</u></p> <p>For information related to the Title IX complaint process or to file a complaint against a Rutgers student for <u>s</u>Sexual <u>h</u>arassment, 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>Rutgers University Police Department (RUPD)</p> <p>New Brunswick Division 55 Paul Robeson Blvd New Brunswick, NJ 08901 Phone: 9-1-1 (for emergencies) Phone: (732) 932-7211</p> <p>http://rupd.rutgers.edu/rupd.php</p>	<p><u>Non-Confidential Resource</u></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>University Ombud's Office</p> <p>115 College Ave New Brunswick, NJ 08901 College Ave Campus Phone: (848) 932-1452 Email: Ombuds@rutgers.edu</p> <p>www.ombuds.rutgers.edu</p>	<p><u>Non-Confidential Resource</u></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>Dean of Students</p> <p>Office of the Dean of Students 88 College Avenue College Avenue Campus New Brunswick, NJ 08901 Phone: (848) 932-2300 Email: deanofstudents@echo.rutgers.edu</p>	<p><u>Non-Confidential Resource</u></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>Title IX Coordinator for Complaints Against University Employees or Third Parties</p> <p>Office of Employment Equity University Human Resources 57 U.S. Highway 1, ASB II</p>	<p><u>Non-Confidential Resource</u> supporting the University's commitment to preventing discrimination and</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>Cook Campus Phone: (848) 932-3979/3980 Email: Lisa.grosskreutz@rutgers.edu</p>	<p>advancing equal opportunity.</p>	
<p>Institutional Compliance Officer –Title IX and University-wide Title IX Coordinator</p> <p>University Ethics and Compliance One World's Fair Drive Somerset, NJ 08873 Phone: (732) 235-5304</p> <p>https://uec.rutgers.edu/programs/title-ix/</p>	<p><u>Non-Confidential Resource</u> providing students and other members of the Rutgers Community with information about uUniversity policies and procedures for addressing sSexual Hharassment, sexual violence, stalking, relationship misconduct, and 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>

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Newark

<p>Counseling Center</p> <p>249 University Avenue Blumenthal Hall, Room 101 Newark, NJ 07102 Phone: (973) 353-5805 Website: http://counseling.newark.rutgers.edu/</p> <p>For Psychological Emergencies during regular business hours: (973) 353-5805</p> <p>After regular business hours: University Hospital Crisis Line, (973)623-2323 Suicide Prevention Lifeline, (800) 273-TALK</p>	<p><u>Confidential Resource.</u> 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>Title IX Coordinator</p> <p>Director of Title IX and ADA Title IX Coordinator Rutgers University – Newark Paul Robeson Campus Center 350 Dr. Martin Luther King Jr. Blvd. Room 316 A Newark, NJ 07102 (973) 353-1906 Email: scott.strother@rutgers.edu</p> <p><u>Title IX Coordinator</u> <u>Rutgers University – Newark</u> <u>Paul Robeson Campus Center</u> <u>350 Dr. Martin Luther King Jr. Blvd.</u> <u>Newark, NJ 07102</u> <u>Phone: (973) 353-1906</u> <u>Email: titleix@newark.rutgers.edu</u></p>	<p><u>Non-Confidential Resource.</u> For information related to the Title IX complaint process or to file a complaint against a Rutgers student for <u>s</u>Sexual <u>h</u>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

<p>Student Wellness Center Medical, Psychological, Alcohol/Drug/Nicotine Assistance, and Health Promotion Services</p> <p>326 Penn Street Camden Campus Center, 2nd Floor Camden, NJ 08102 Phone: (856) 225-6005</p>	<p><u>Confidential Resource</u> providing support to Rutgers students, 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>Title IX Coordinator</p> <p>Associate Dean of Students & Title IX Coordinator 326 Penn Street Camden, NJ 08102 {Phone: (856) 225-6422 Email: aemery@rutgers.camden.edu</p>	<p><u>Non-Confidential Resource.</u></p> <p>For information related to the Title IX complaint process or to file a complaint against a Rutgers student for sSexual Hharassment, 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)

<p>Student Health Services</p> <p>Rutgers Health Sciences Campus at Newark Doctor's Office Center 90 Bergen Street, Suite 1750 Newark, NJ <u>07103</u> Phone: (973) 972-8219</p> <p>New Brunswick/Piscataway Campus Monument Square 317 George Street, First Floor New Brunswick, NJ <u>08901</u> Phone: (732) 235-5160</p>	<p><u>Confidential Resource</u> providing support to Rutgers students, 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>Student Wellness Program</p> <p>For Emergencies (after 5:00 p.m. and weekends): (800) 327-3678</p> <p>Newark Campus/Scotch Plains Campuses 183 South Orange Avenue Newark, NJ <u>07103</u> Phone: (973) 972-5429</p> <p>New Brunswick/Piscataway Campus 242 Old New Brunswick Road Piscataway, NJ <u>08854</u> Phone: (732) 235-5930</p>	<p><u>Confidential Resource</u> providing support to Rutgers students, 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>Title IX Coordinator</p> <p>Assistant Vice Chancellor for Academic & Student Affairs & Title IX Coordinator 65 Bergen Street, Suite 1441 Newark, NJ 07101 (973) 972-5374 Email: susan.hamilton@rutgers.edu</p>	<p><u>Non-Confidential Resource</u></p> <p>For information related to the Title IX complaint process or to file a complaint against a Rutgers student for sSexual hHarassment, sex discrimination, sexual assault, and 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>

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 Definitions¹¹

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.

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.

¹¹ 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 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.

Rape

As defined by the Summary Reporting System (SRS) User Manual from the FBI's UCR Program: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling

As defined by the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest

As defined by the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape

As defined by the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program: Sexual intercourse with a person who is under the statutory age of consent



PROPOSED RESOLUTION
ESTABLISHING THE BACHELOR OF FINE ARTS IN VISUAL ART
DEGREE PROGRAM AT THE CAMDEN COLLEGE OF ARTS AND SCIENCES

WHEREAS, the Camden Faculty of Arts and Sciences at Rutgers, The State University of New Jersey, seeks to establish a Bachelor of Fine Arts in Visual Art degree program to be offered by the Camden College of Arts and Sciences; and

WHEREAS, the multidisciplinary Visual Art major will prepare students for competitive careers in the art world; and

WHEREAS, the proposed degree program has been reviewed by an external consultant who has recommended its approval, and resources to launch the program are in place; and

WHEREAS, the proposed program has been approved by the Faculty and then-Dean of the Camden Faculty of Arts and Sciences Howard J. Marchitello, Chancellor of Rutgers University–Camden Antonio D. Tillis, Executive Vice President for Academic Affairs Prabhas V. Moghe, and University President Jonathan Holloway; and

WHEREAS, on December 1, 2021, the Committee on Academic and Student Affairs reviewed the proposal establishing the Bachelor of Fine Arts in Visual Art degree program, and recommended its 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 establishment of the Bachelor of Fine Arts in Visual Art degree program, to be offered by the Camden College of Arts and Sciences; and

BE IT FURTHER RESOLVED that the Board of Governors affirms that the aforementioned degree program, under the standards of the Higher Education Restructuring Act of 1994, does not exceed or change Rutgers' mission, does not require significant new resources, and does not raise significant issues of duplication with existing New Jersey programs; and

BE IT FINALLY RESOLVED that, upon approval by the Board of Governors of the Bachelor of Fine Arts in Visual Art degree program, the proposal be forwarded to the New Jersey Presidents' Council for action.

Board of Governors
Rutgers, The State University
of New Jersey
December 7, 2021



**PROPOSED RESOLUTION
ESTABLISHING THE MASTER OF SCIENCE IN
FINANCE-WEALTH MANAGEMENT DEGREE PROGRAM
AT THE SCHOOL OF BUSINESS–CAMDEN**

WHEREAS, the School of Business–Camden at Rutgers, The State University of New Jersey, seeks to establish a Master of Science in Finance-Wealth Management degree program; and

WHEREAS, the Master of Science in Finance-Wealth Management degree program will provide the skills necessary for success in the practice of wealth management; and

WHEREAS, the proposed degree program has been reviewed by an external consultant who has recommended its approval, and resources to launch the program are in place; and

WHEREAS, the proposed program has been approved by the Faculty and the Dean of the School of Business–Camden Monica Adya, Chancellor of Rutgers University–Camden Antonio D. Tillis, Executive Vice President for Academic Affairs Prabhas V. Moghe, and University President Jonathan Holloway; and

WHEREAS, on December 1, 2021, the Committee on Academic and Student Affairs reviewed the proposal establishing the Master of Science in Finance-Wealth Management degree program and recommended its 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 establishment of the Master of Science in Finance-Wealth Management (M.S.F.W.M.) degree program, to be offered by the School of Business–Camden; and

BE IT FURTHER RESOLVED that the Board of Governors affirms that the aforementioned degree program, under the standards of the Higher Education Restructuring Act of 1994, does not exceed or change Rutgers’ mission, does not require significant new resources, and does not raise significant issues of duplication with existing New Jersey programs; and

BE IT FINALLY RESOLVED that, upon approval by the Board of Governors of the Master of Science in Finance-Wealth Management degree program, the proposal be forwarded to the New Jersey Presidents’ Council for action.

Board of Governors
Rutgers, The State University
of New Jersey
December 7, 2021

**PROPOSED RESOLUTION
APPROVING PHASE 5 PROJECTS FOR THE
ADMINISTRATIVE AND STUDENT INFORMATION SYSTEMS INITIATIVES**

WHEREAS, the integration of the University of Medicine and Dentistry of New Jersey necessitated a migration to an enterprise-wide information technology platform; and

WHEREAS, Universitywide 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; Phase 3 projects on February 12, 2019; and Phase 4 projects on December 17, 2020; and

WHEREAS, the administration has planned projects for Phase 5 encompassing January 1, 2022 through December 31, 2022 as described in Exhibit A; and

WHEREAS, the scope of the projects for Phase 5 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 5 will also include business process and organizational review for Human Resources and Payroll Services and the Student Experience Improvement Initiative; and

WHEREAS, the estimated cost for Phase 5 of the Administrative and Student Information Systems Initiatives project is \$38.85 million, which will be funded in the short to medium-term using commercial paper or other debt instruments; and

WHEREAS, on November 15, 2021, following a presentation and discussion of the Phase 5 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 5 projects, with spending authority not to exceed the funding limit of \$38.85 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 5 Projects of the Administrative and Student Information Systems Initiative for a cost not to exceed \$38.85 million; and

BE IT FURTHER RESOLVED that the Board of Governors reasonably expects to reimburse the expenditure of Phase 5 Projects (“Project Costs”) paid prior to the issuance of debt, with proceeds of such debt, and this Resolution is intended to be, and hereby is, a declaration of the official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the debt, with proceeds of such debt, in accordance with Treasury Regulations Section 1.150-2; and

BE IT FURTHER RESOLVED that the University Administration, acting through the Executive Vice President–Chief Financial Officer and University Treasurer, on behalf of Rutgers, with advice from the Senior Vice President and General Counsel, is hereby authorized and directed to negotiate, approve, execute, and perform all necessary agreements, contracts, certificates, reports and documents on behalf of Rutgers that are necessary for the successful execution of the Project.

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

Attachment: Exhibit A – Administrative and Student Information Systems: Phase 5 Projects

Board of Governors
Rutgers, The State University
of New Jersey
December 7, 2021



Cornerstone Phase 5 funding Request

The purpose of this proposal is to request funding for Phase 5 of the Cornerstone initiative. Below are some clarifying notes to accompany this request:

- Phase 5 is being defined as the period of January 1, 2022 through December 31, 2022.
- As result of the pandemic and a need to reprioritize the plan to accommodate slower progress, the spending for phase 4 came in below the original forecast. The chart below reflects the current spending status and remaining funds for each project. Work not completed in Phase 4 will roll into Phase 5, along with any related funds. The funding request for Phase 5 is in addition to the funds from Phase 4.
- The requested funds are for the following projects:
 - HR/Payroll
 - Phase 5 funding in the Oracle Human Capital Management Cloud (HCM) project will be focused on Business Process Review and implementation planning.
 - Additional funding will be required in December 2022 for Phase 6 which will focus on implementation.
 - Student Experience Improvement Initiative
 - Similarly, the next phase of work for the Student Management Cloud will be focused on the completion of the Student Financial Planning module, Business Process Review, and implementation planning.
 - Additional funding will be required in December 2022 for phase 6 which will focus on implementation.
 - Constituent Relationship Management (SalesForce):
 - The Phase 5 funding in this project will be focused on the completion of Enrollment Management implementation, Business Process Review for Rutgers Foundation and Alumni Relations, implementation planning, and possibly the start of implementation in these areas.
 - Additional funding will be required in December 2022 for Phase 6 which will focus on implementation for the Foundation and Alumni Relations, and the initiation of Business Process Review for Athletics and Research & Corporate Engagement.
 - Chart of Accounts
 - For the Chart of Accounts project, Phase 5 funding will be focused on incremental modifications and enhancements.
 - Assuming all work is completed as planned, it is likely additional funds will not be requested for Phase 6 or beyond.
 - Financial Management

- Phase 5 funding will be focused on continuing implementation of the Lease Administration program and enhancements to the Enterprise Planning Management system (Financial Consolidation and Close Services and Account Reconciliation Cloud Services).
 - Assuming all work is completed as planned, it is likely additional funds will not be requested for Phase 6 or beyond.
- Budget Office Operations
 - Similarly, Phase 5 funding for the Budget Office will be focused on implementing enhancements to the Enterprise Planning Management system (Enterprise Planning and Budgeting Cloud Services and Performance and Cash Management Cloud Services).
 - Assuming all work is completed as planned, it is likely additional funds will not be requested for Phase 6 or beyond.
- Reporting and Analytics
 - Phase 5 funding for reporting and analytics will be focused on continued development and implementation of the Oracle Analytics Cloud.
 - Assuming all work is completed as planned, it is likely additional funds will not be requested for Phase 6 or beyond.
- Procurement Functions
 - Phase 5 funding for Procurement operations will be focused on implementation of the new Travel Management and Expense Management systems.
 - Assuming all work is completed as planned, it is likely additional funds will not be requested for Phase 6 or beyond.

Cornerstone Funding Request - Summary

Project	Phase 5 (for period of 1/01/22-12/31/22)
HR/Payroll	\$6,045,000
Student Experience	\$5,056,324
Financial Management	\$1,410,568
Budget	\$687,261
CRM	\$18,510,798
Chart of Accounts	\$4,511,413
Reporting & Analytics	\$1,424,542
Procurement	\$1,200,000
TOTAL	\$38,845,906

Cornerstone Phase 5 Funding Request - Detail

Project	Category	Phase 5 Request	Update on phase 4 funding, spend rates and remaining funds: Due to delays in securing funds for Phase 4, we used Phase 3 funds to cover on-going work where needed across the projects. Once the funds for Phase 4 were received, adjustments (fund transfers) were made to reconcile and realign the individual project budgets between the two phases as needed. These adjustments are noted below.
HR/Payroll	Support Staff	\$850,000	Phase 4 funding : \$12,162,121 (includes \$10,897,243 BOG phase 4 approval plus \$364,878 carry over from phase 3 plus \$900,000 transferred from CRM phase 4) Forecasted spend for Phase 4: \$11,500,000 Actual spend for 1/21-12/21:\$1,920,622 (includes forecast for Nov/Dec) Remaining funds: \$10,241,499 Phase 5 Forecasted spend : \$16,286,499 (Phase 4 remaining plus Phase 5 request)
	Implementation Partner	\$2,500,000	
	Oracle - HCM	\$1,300,000	
	HR/Payroll Contingency (30%)	\$1,395,000	
	HR/Payroll Total	\$6,045,000	
Student Experience (SEII)	Support Staff	\$250,000	Phase 4 funding : \$9,234,778 (includes \$6,113,644 BOG phase 4 approval plus \$121,134 carry over from phase 3 plus \$3MM transferred from CRM phase 4) Forecasted spend for Phase 4: \$5,726,000 Actual spend for 1/21-12/21: \$3,871,658 (includes forecast for Nov/Dec) Remaining funds: \$5,363,120 Phase 5 Forecasted spend : \$10,419,444 (Phase 4 remaining plus Phase 5 request)
	Oracle - Student Information System	\$1,118,464	
	Sierra-Cedar - SFP Project	\$771,016	
	Sierra-Cedar - BPR Project	\$1,750,000	
	SEII Contingency (30%)	\$1,166,844	
	SEII Total	\$5,056,324	
CRM	Support Staff	\$1,783,910	Phase 4 BOG approved funding : \$13,731,486 Forecasted spend for Phase 4: \$11,484,080 Actual spend for 1/21-12/21: \$10,570,660 (includes forecast for Nov/Dec plus \$3.9MM transferred to HCM and SEII) Remaining funds: \$3,160,826 Phase 5 Forecasted spend : \$21,671,624 (Phase 4 remaining plus Phase 5 request)
	Salesforce - CSA Rersource	\$235,000	
	Salesforce -Foundation Capped Enterprise Subscription	\$5,194,413	
	Enroll Mgt Professional Service Extensions	\$1,500,000	
	Ph 2 Foundation Professional Services	\$3,916,667	
	Third Party Package Software	\$1,000,000	
	Enterprise Infrastructure Server & Software	\$14,000	

CRM	Other Software/Licensing (Hyland, Ownbackup, Heroku, Informatica, Enrollment RX)	\$595,085	
	CRM Contingency (30%)	\$4,271,723	
	CRM Total	\$18,510,798	
Chart of Accounts 2 (COA)	Support Staff	\$141,227	Phase 4 BOG approved funding : \$4,297,528 Forecasted spend for Phase 4: \$3,690,000 Actual spend for 1/21-12/21:\$3,262,1113 (includes forecast for Nov/Dec) Remaining funds: \$1,035,415 Phase 5 Forecasted spend : \$5,546,828 (Phase 4 remaining plus Phase 5 request)
	Ideametrics - COA Phase 2 Project	\$2,000,000	
	Oracle - Enterprise Data Management Cloud Service	\$249,875	
	NACUBO - Advisory Partners	\$25,000	
	KPMG - Change Partner	\$1,343,408	
	COA Contingency (20%)	\$751,902	
	COA Total	\$4,511,413	
Financial Mgt	Support Staff	\$30,007	Phase 4 BOG approved funding : \$913,099 Forecasted spend for Phase 4: \$751,358 Actual spend for 1/21-12/21:\$851,283 (includes forecast for Nov/Dec) Remaining funds: \$61,816 Phase 5 Forecasted spend : \$1,472,384 (Phase 4 remaining plus Phase 5 request)
	RPG (Lease Administration)	\$156,667	
	Enhancement and Project Support	\$350,000	
	Lease Accelerator - License	\$138,800	
	EPM Placeholder	\$500,000	
	Financial Mgt Contingency (20%)	\$235,095	
	Financial Mgt Total	\$1,410,568	
Budget Office	Staff Supprt	\$72,718	Phase 4 BOG approved funding : \$349,004 Forecasted spend for Phase 4: \$290,837 Actual spend for 1/21-12/21:\$10,320 (includes forecast for Nov/Dec) Remaining funds: \$338,684 Phase 5 Forecasted spend : \$1,025,945 (Phase 4 remaining plus Phase 5 request)
	EPM Placeholder	\$500,000	
	Budget Office Contingency (20%)	\$114,544	
	Budget Office Total	\$687,261	
Reporting & Analytics	Internal Support	\$1,014,618	Phase 4 BOG approved funding : \$2,141,813 Forecasted spend for Phase 4: \$2,108,685 Actual spend for 1/21-12/21:\$1,358,417 (includes forecast for Nov/Dec)
	Oracle - OAC License	\$172,500	
	Reporting & Analytics Contingency (20%)	\$237,424	

Reporting and Analytics	Reporting and Analytics Total	\$1,424,542	Remaining funds: \$783,396 Phase 5 Forecasted spend : \$2,207,938 (Phase 4 remaining plus Phase 5 request)
Procurement	Implementation Cost	\$1,000,000	Phase 4 funding: \$1,469,490. (All carry over from phase 3) Forecasted planned spend for Phase 4: \$1,69,490 Actual spend for 1/21-12/21:\$ 375,861 (includes forecast for Nov/Dec) Remaining funds: \$1,093,629 Phase 5 Forecasted spend : \$2,293,629 (Phase 4 remaining plus Phase 5 request)
	Procurement Contingency (20%)	\$200,000	
	Procurement Total	\$1,200,000	
TOTAL PHASE 5 REQUEST		\$38,845,906	

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**PROPOSED RESOLUTION
ACCEPTING AND CERTIFYING THE FINANCIAL REPORT ON RUTGERS'
ALLOCATION AND TRANSFER OF RESOURCES ACROSS CAMPUSES
FOR THE PERIOD JULY 1, 2020 TO JUNE 30, 2021**

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 for Finance and Administration and University Treasurer prepared a financial report identifying the allocation and transfer of resources across campuses for the fiscal year ending June 30, 2021 (the "Report"), a copy of which is attached hereto; and

WHEREAS, the Report was presented to the Committee on Finance and Facilities on November 15, 2021, 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, 2020 to June 30, 2021; 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, 2020 to June 30, 2021.

Board of Governors
Rutgers, The State University
of New Jersey
December 7, 2021



RUTGERS

Financial Report on
The Allocation and Transfer of Resources Across Campuses

For the Period July 1, 2020 to June 30, 2021

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TOTAL RUTGERS
as of June 2021

Dollars in thousands

	FY21 Budget	FY21 Actual	Fav/(Unfav) \$ Variance	Fav/(Unfav) % Variance
Revenue (Sources of Funds)				
Student Tuition and Fees	1,284,807	1,301,060	16,253	1.27%
Federal and State Student Aid	265,711	270,007	4,296	1.62%
Federal Appropriation	7,324	5,819	(1,505)	(20.55%)
Allocated University Support	-	-	-	-
NJ State Appropriations	437,032	438,985	1,953	0.45%
State Paid Fringe*	431,008	431,008	-	0.00%
Grants and Contracts	528,964	631,267	102,303	19.34%
Facilities and Administrative Recoveries	118,817	128,317	9,500	8.00%
Gift and Contribution Revenue	38,104	49,406	11,302	29.66%
Endowment and Investment Income	57,050	47,979	(9,071)	(15.90%)
Healthcare Revenue	526,583	461,649	(64,934)	(12.33%)
Affiliated and Housestaff	410,020	538,253	128,233	31.27%
Other Sources Revenue	112,280	157,707	45,427	40.46%
Auxiliary Revenue	102,807	76,465	(26,342)	(25.62%)
Total Revenue	4,320,507	4,537,922	217,415	5.03%
Expense (Uses of Funds) by Natural Class				
Salaries and Wages	2,194,421	2,138,531	55,890	2.55%
Fringe Benefits*	691,449	665,157	26,292	3.80%
Total Compensation	2,885,870	2,803,688	82,182	2.85%
Supplies and Other	249,983	198,303	51,680	20.67%
Scholarships and Fellowships	455,943	469,260	(13,317)	(2.92%)
Travel	36,328	9,663	26,665	73.40%
Plant Operation and Maintenance	122,930	116,740	6,190	5.04%
Debt Service - Principal and Interest	182,316	177,219	5,097	2.80%
Other Operating Expense	250,939	282,901	(31,962)	(12.74%)
Professional Services	269,675	324,037	(54,362)	(20.16%)
Total Expense	4,453,985	4,381,811	72,174	1.62%
Transfers	-	2	2	-
Cost Pool Transfers	-	-	-	-
Surplus/(Deficit) Operations	(133,478)	156,113	289,591	(216.96%)
Plant Fund & Non Operating Transfers**	5,423	(43,830)	(49,253)	(908.22%)
Use of Prior Year Net Assets***	31,002	6,099	(24,903)	(80.33%)
Change in Fund Balance	(97,053)	118,382	215,435	-

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 2021

Dollars in thousands

	FY21 Budget	FY21 Actual	Fav/(Unfav) \$ Variance	Fav/(Unfav) % Variance
Revenue (Sources of Funds)				
Student Tuition and Fees	643,550	665,243	21,693	3.37%
Federal and State Student Aid	25,190	36,176	10,986	43.61%
Federal Appropriation	7,324	5,819	(1,505)	(20.55%)
Allocated University Support	-	-	-	-
NJ State Appropriations	205,748	205,792	44	0.02%
State Paid Fringe*	124,343	122,564	(1,779)	(1.43%)
Grants and Contracts	200,018	253,422	53,404	26.70%
Facilities and Administrative Recoveries	52,192	50,562	(1,630)	(3.12%)
Gift and Contribution Revenue	20,001	24,289	4,288	21.44%
Endowment and Investment Income	22,064	19,247	(2,817)	(12.77%)
Healthcare Revenue	345	326	(19)	(5.51%)
Affiliated and Housestaff	-	-	-	-
Other Sources Revenue	64,816	77,418	12,602	19.44%
Auxiliary Revenue	84,843	61,685	(23,158)	(27.30%)
Total Revenue	1,450,434	1,522,543	72,109	4.97%
Expense (Uses of Funds) by Natural Class				
Salaries and Wages	649,610	638,677	10,933	1.68%
Fringe Benefits*	204,290	197,968	6,322	3.09%
Total Compensation	853,900	836,645	17,255	2.02%
Supplies and Other	55,265	46,213	9,052	16.38%
Scholarships and Fellowships	93,453	106,359	(12,906)	(13.81%)
Travel	21,595	7,805	13,790	63.86%
Plant Operation and Maintenance	51,599	44,021	7,578	14.69%
Debt Service - Principal and Interest	48,280	43,048	5,232	10.84%
Other Operating Expense	57,567	68,793	(11,226)	(19.50%)
Professional Services	80,915	87,327	(6,412)	(7.92%)
Total Expense	1,262,575	1,240,210	22,365	1.77%
Transfers	14,212	6,165	(8,047)	(56.62%)
Cost Pool Transfers	(269,284)	(269,284)	-	0.00%
Surplus/(Deficit) Operations	(67,212)	19,214	86,426	(128.59%)
Plant Fund & Non Operating Transfers**	18,271	(8,729)	(27,000)	(147.78%)
Use of Prior Year Net Assets***	11,407	-	(11,407)	(100.00%)
Change in Fund Balance	(37,534)	10,485	48,019	-

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 2021

Dollars in thousands

	FY21 Budget	FY21 Actual	Fav/(Unfav) \$ Variance	Fav/(Unfav) % Variance
Revenue (Sources of Funds)				
Student Tuition and Fees	272,899	282,480	9,581	3.51%
Federal and State Student Aid	14,999	12,407	(2,592)	(17.28%)
Federal Appropriation	-	-	-	-
Allocated University Support	-	-	-	-
NJ State Appropriations	33,697	33,697	-	0.00%
State Paid Fringe*	35,648	39,829	4,181	11.73%
Grants and Contracts	26,868	52,796	25,928	96.50%
Facilities and Administrative Recoveries	5,150	5,846	696	13.51%
Gift and Contribution Revenue	3,367	4,650	1,283	38.11%
Endowment and Investment Income	4,437	3,968	(469)	(10.57%)
Healthcare Revenue	-	-	-	-
Affiliated and Housestaff	-	-	-	-
Other Sources Revenue	7,066	7,272	206	2.91%
Auxiliary Revenue	8,322	5,864	(2,458)	(29.54%)
Total Revenue	412,454	448,809	36,355	8.81%
Expense (Uses of Funds) by Natural Class				
Salaries and Wages	171,288	172,916	(1,628)	(0.95%)
Fringe Benefits*	52,732	50,715	2,017	3.83%
Total Compensation	224,020	223,631	389	0.17%
Supplies and Other	19,024	14,904	4,120	21.66%
Scholarships and Fellowships	49,077	57,799	(8,722)	(17.77%)
Travel	2,330	219	2,111	90.60%
Plant Operation and Maintenance	5,180	3,370	1,810	34.94%
Debt Service - Principal and Interest	11,479	11,512	(33)	(0.29%)
Other Operating Expense	14,428	15,491	(1,063)	(7.37%)
Professional Services	18,152	17,201	951	5.24%
Total Expense	343,690	344,126	(436)	(0.13%)
Transfers	2,629	(3,223)	(5,852)	(222.59%)
Cost Pool Transfers	(88,322)	(88,322)	-	0.00%
Surplus/(Deficit) Operations	(16,930)	13,137	30,067	(177.60%)
Plant Fund & Non Operating Transfers**	-	(1,026)	(1,026)	-
Use of Prior Year Net Assets***	5,233	2,260	(2,973)	(56.81%)
Change in Fund Balance	(11,697)	14,371	26,068	-

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 2021

Dollars in thousands

	FY21 Budget	FY21 Actual	Fav/(Unfav) \$ Variance	Fav/(Unfav) % Variance
Revenue (Sources of Funds)				
Student Tuition and Fees	113,632	111,204	(2,428)	(2.14%)
Federal and State Student Aid	4,892	6,871	1,979	40.45%
Federal Appropriation	-	-	-	-
Allocated University Support	-	-	-	-
NJ State Appropriations	17,657	17,657	-	0.00%
State Paid Fringe*	17,852	19,104	1,252	7.01%
Grants and Contracts	18,007	26,060	8,053	44.72%
Facilities and Administrative Recoveries	1,700	1,475	(225)	(13.24%)
Gift and Contribution Revenue	690	1,103	413	59.86%
Endowment and Investment Income	1,057	571	(486)	(45.98%)
Healthcare Revenue	30	-	(30)	(100.00%)
Affiliated and Housestaff	-	-	-	-
Other Sources Revenue	2,420	2,407	(13)	(0.56%)
Auxiliary Revenue	4,166	2,751	(1,415)	(33.97%)
Total Revenue	182,104	189,204	7,100	3.90%
Expense (Uses of Funds) by Natural Class				
Salaries and Wages	86,522	85,395	1,127	1.30%
Fringe Benefits*	27,102	26,180	922	3.40%
Total Compensation	113,623	111,575	2,048	1.80%
Supplies and Other	4,086	3,687	399	9.77%
Scholarships and Fellowships	29,503	29,739	(236)	(0.80%)
Travel	651	87	564	86.64%
Plant Operation and Maintenance	2,297	2,104	193	8.40%
Debt Service - Principal and Interest	2,517	2,517	-	0.00%
Other Operating Expense	7,973	6,230	1,743	21.86%
Professional Services	9,886	7,474	2,412	24.40%
Total Expense	170,537	163,414	7,123	4.18%
Transfers	1,340	1,370	30	2.24%
Cost Pool Transfers	(41,480)	(41,480)	-	0.00%
Surplus/(Deficit) Operations	(28,574)	(14,320)	14,254	(49.88%)
Plant Fund & Non Operating Transfers**	(185)	(1,632)	(1,447)	782.16%
Use of Prior Year Net Assets***	384	652	268	69.79%
Change in Fund Balance	(28,375)	(15,301)	13,074	-

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 2021

Dollars in thousands

	FY21 Budget	FY21 Actual	Fav/(Unfav) \$ Variance	Fav/(Unfav) % Variance
Revenue (Sources of Funds)				
Student Tuition and Fees	200,979	203,188	2,209	1.10%
Federal and State Student Aid	1,594	2,353	759	47.62%
Federal Appropriation	-	-	-	-
Allocated University Support	-	-	-	-
NJ State Appropriations	179,930	181,840	1,910	1.06%
State Paid Fringe*	174,298	173,021	(1,277)	(0.73%)
Grants and Contracts	283,101	298,207	15,106	5.34%
Facilities and Administrative Recoveries	59,496	69,974	10,478	17.61%
Gift and Contribution Revenue	12,652	13,308	656	5.18%
Endowment and Investment Income	10,248	9,496	(752)	(7.34%)
Healthcare Revenue	526,207	461,328	(64,879)	(12.33%)
Affiliated and Housestaff	397,879	527,385	129,506	32.55%
Other Sources Revenue	11,434	16,088	4,654	40.70%
Auxiliary Revenue	5,476	6,164	688	12.56%
Total Revenue	1,863,295	1,962,352	99,057	5.32%
Expense (Uses of Funds) by Natural Class				
Salaries and Wages	966,406	948,249	18,157	1.88%
Fringe Benefits*	310,572	299,165	11,407	3.67%
Total Compensation	1,276,978	1,247,414	29,564	2.32%
Supplies and Other	122,502	98,132	24,370	19.89%
Scholarships and Fellowships	28,480	32,156	(3,676)	(12.91%)
Travel	7,995	1,423	6,572	82.20%
Plant Operation and Maintenance	6,584	6,252	332	5.04%
Debt Service - Principal and Interest	5,085	5,085	-	0.00%
Other Operating Expense	78,113	80,723	(2,610)	(3.34%)
Professional Services	129,771	185,026	(55,255)	(42.58%)
Total Expense	1,655,509	1,656,211	(702)	(0.04%)
Transfers	(2,102)	(842)	1,260	(59.94%)
Cost Pool Transfers	(228,548)	(228,548)	-	0.00%
Surplus/(Deficit) Operations	(22,864)	76,752	99,616	(435.69%)
Plant Fund & Non Operating Transfers**	(4,600)	(17,780)	(13,180)	286.52%
Use of Prior Year Net Assets***	5,153	3,187	(1,966)	(38.15%)
Change in Fund Balance	(22,311)	62,158	84,469	-

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 2021

Dollars in thousands

	FY21 Budget	FY21 Actual	Fav/(Unfav) \$ Variance	Fav/(Unfav) % Variance
Revenue (Sources of Funds)				
Student Tuition and Fees	53,747	38,944	(14,803)	(27.54%)
Federal and State Student Aid	219,036	212,200	(6,836)	(3.12%)
Federal Appropriation	-	-	-	-
Allocated University Support	-	-	-	-
NJ State Appropriations	-	-	-	-
State Paid Fringe*	78,867	76,490	(2,377)	(3.01%)
Grants and Contracts	970	783	(187)	(19.28%)
Facilities and Administrative Recoveries	279	460	181	64.87%
Gift and Contribution Revenue	1,394	6,056	4,662	334.43%
Endowment and Investment Income	19,244	14,698	(4,546)	(23.62%)
Healthcare Revenue	1	(5)	(6)	(600.00%)
Affiliated and Housestaff	12,141	10,868	(1,273)	(10.49%)
Other Sources Revenue	26,544	54,523	27,979	105.41%
Auxiliary Revenue	-	-	-	-
Total Revenue	412,223	415,018	2,795	0.68%
Expense (Uses of Funds) by Natural Class				
Salaries and Wages	320,595	293,295	27,300	8.52%
Fringe Benefits*	96,753	91,129	5,624	5.81%
Total Compensation	417,348	384,423	32,925	7.89%
Supplies and Other	49,107	35,367	13,740	27.98%
Scholarships and Fellowships	255,430	243,206	12,224	4.79%
Travel	3,757	130	3,627	96.54%
Plant Operation and Maintenance	57,270	60,993	(3,723)	(6.50%)
Debt Service - Principal and Interest	114,955	115,057	(102)	(0.09%)
Other Operating Expense	92,858	111,664	(18,806)	(20.25%)
Professional Services	30,951	27,006	3,945	12.75%
Total Expense	1,021,677	977,846	43,831	4.29%
Transfers	(16,079)	(3,470)	12,609	(78.42%)
Cost Pool Transfers	627,634	627,634	-	0.00%
Surplus/(Deficit) Operations	2,101	61,335	59,234	2819.32%
Plant Fund & Non Operating Transfers**	(8,063)	(14,664)	(6,601)	81.87%
Use of Prior Year Net Assets***	8,825	-	(8,825)	(100.00%)
Change in Fund Balance	2,863	46,671	43,808	-

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



**PROPOSED RESOLUTION
APPROVING REVISED “ONE STOP” AND COMMUTER CENTER PROJECT
AT RUTGERS UNIVERSITY–NEWARK**

WHEREAS, on October 4, 2018 the Board of Governors of Rutgers, The State University of New Jersey, approved the “One Stop” and Commuter Center Project at Rutgers University–Newark (“Project”) for a total project cost not to exceed \$10 million; and

WHEREAS, the Project will serve as a comprehensive “one-stop” location where students can address all of their administrative and student needs such as financial aid, registrar, student accounting and student retention/student life issues in one location; and

WHEREAS, the original project scope included renovating the bottom floors of Conklin Hall and Boyden Hall to serve as a convenient one-stop location, provide a commuter student center, and improve the “face” of Rutgers University–Newark toward the greater Newark community; and

WHEREAS, since the initial approval, additional smaller projects have been identified and are desirable to open needed space in Conklin Hall, improve and maintain circulation corridors and access, and relocate existing departments, thereby offering of a full range of student services in one location; and

WHEREAS, the revised Project is expected to cost \$18 million and the University may elect to finance the costs of the Project (“Project Costs”) with debt issued by the University at a later date (“Project Bonds”); and

WHEREAS, the University may pay for certain Project Costs with non-borrowed funds prior to the time the Project Bonds are issued to finance the Project Costs; and

WHEREAS, on November 15, 2021, the Committee on Finance and Facilities reviewed the revised Project and cost and recommended its approval by the Board of Governors.

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation of the Committee on Finance and Facilities, that the Board of Governors of Rutgers, The State University of New Jersey, approves the revised “One Stop” and Commuter Center Project at Rutgers University–Newark as described herein and in the attached Project Summary for a total Project Cost not to exceed \$18 million; and

BE IT FURTHER RESOLVED that the Board of Governors reasonably expects to reimburse the expenditure of Project Costs paid prior to the issuance of debt, with proceeds of such debt, and this Resolution is intended to be, and hereby is, a declaration of the official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the debt, with proceeds of such debt, in accordance with Treasury Regulations Section 1.150-2; and

BE IT FURTHER RESOLVED that the University Administration, acting through the Executive Vice President and Chief Operating Officer of Rutgers, on behalf of Rutgers, with advice from the Chair of the Committee on Finance and Facilities, the Executive Vice President–Chief Financial Officer and University Treasurer, and the Senior Vice President and General Counsel, is hereby authorized and directed to negotiate, approve, execute and perform all necessary agreements, contracts, certificates, reports and documents on behalf of Rutgers that are necessary for the successful execution of the Project.

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

Attachment: Rutgers University–Newark “One Stop” and Commuter Center Revised Project Summary

Board of Governors
Rutgers, The State University
of New Jersey
December 7, 2021

PROJECT SUMMARY

One Stop and Commuter Center

Rutgers University – Newark Campus

December 7, 2021

REVISED PROJECT

Introduction

In October 2018 the Board of Governors approved development of a One Stop Student Services Center (One Stop) at Rutgers University-Newark. The project allows for integrated and coordinated cross-functional service in the areas of financial aid, student accounts, and registration. The 22,000 square foot project comprises the renovation of 15,500 square feet and an addition of 6,500 square feet.

Since this initial approval, a number have beneficial changes have been proposed, and RU-N seeks an amended approval to permit the additional work to occur.

Rutgers University–Newark (RU–N) is a remarkably diverse urban, public research university that is not just in Newark but of Newark—an anchor institution. Its location is a distinctive strength, especially as it is a magnet for an inclusive and diverse student body and faculty, catalyzes high-impact scholarship, and presents extraordinary opportunities to collaborate with partners on metropolitan America’s greatest challenges.

As part of the master plan and strategic goals, Rutgers University plans to establish a facility that supports all student services needs under one roof. Students will benefit immensely from a highly accessible, one-stop service center that allows them to easily address their needs in a single, streamlined location.

Program

An important aspect to the campus framework is the functionality, effectiveness, and accessibility of student services. Similar to successful One Stop projects built at Rutgers University–Camden and Rutgers University–New Brunswick, efforts being undertaken at Rutgers University—Newark will consolidate several services under one roof to create a One Stop Student Services Center. Located at the base of Conklin Hall and part of a larger repurposing effort for the entire building, this space will accommodate both the “student-facing” and back of house program. More specifically, this includes support and transaction space for cashier, MyRUN, Student Retention, Business Services, Financial Aid, Registrar, Call Center and Student Accounting.

The programming includes shared support for the many functions listed above. Coupled with the constraints of the existing building and the requirements to maintain circulation corridors and

access, the physical planning and layout of the one-stop space is a crucial step in the overall success of the process.

Directly adjacent to the one-stop functions would be a commuter lounge providing space for the everyday commuter to utilize within a centralized location of the Campus.

A number of smaller-scale projects will also be undertaken in order to free up additional space for the final One Stop functions and enhance other programs that are essential for student success. The RU-N Writing Center, Learning Center, and student support functions in Blumenthal Hall will be relocated and/or renovated. Additionally, a new elevator at Boyden Hall will provide barrier-free accessibility for visitors to the Norm Samuels Plaza.

Scope

As a primary beacon of identity to the Campus, the east facing lower levels of Boyden and Conklin would undergo exterior improvements to provide for an updated presence within the surrounding Community. This would include potential additions to both east facades and necessary elevation upgrades including a new campus gateway “arch” creating a monumental access point to the Campus.

The one-stop function is planned to encompass the first floor of Conklin Hall with the programmatic elements noted above with necessary building function and circulation improvements included. The existing Conklin Hall 100 lecture facility will remain. In order to accommodate these improvements, programs that currently reside within this location will be relocated and reconfigured as necessary.

Within the northeast portion of the first floor of Boyden Hall, the Commuter Center would be established to provide an integrated space for students actively traveling to and from the Campus. This facility would provide simple lounge space as well as potential support functions to support their daily activities and responsibilities.

Benefits

The primary benefits of the project are substantial improvements to the student experience, barrier-free accessibility enhancements, and a better visual appearance of the Campus to the surrounding Community.

Financial

The previously approved project cost is \$10 million. The cost of related smaller-scale renovation and relocation projects required to provide space for the One Stop and Commuter Lounge, revised estimates for 2022 construction, and new elevator would bring the revised project cost to \$18 million.



**PROPOSED RESOLUTION
AUTHORIZING A TWO-YEAR CONTRACT EXTENSION WITH
ELSEVIER INC. FOR THE PURCHASE OF
NURSING LICENSURE EXAM REVIEW AND PREPARATION SERVICES**

WHEREAS, in 2015 after a competitive process, Rutgers, The State University of New Jersey on behalf of its School of Nursing (“SON”) entered a contract with Elsevier Inc. for nursing licensure examination review and preparation services to help prepare SON students to pass the NCLEX-RN exam which tests the competency of nursing school graduates and is developed by the National Council of State Boards of Nursing; and

WHEREAS, passing the NCLEX-RN exam is a prerequisite to obtaining a license to become a practicing nurse and the SON therefore takes seriously its mission to help SON students prepare for and pass the NCLEX-RN exam; and

WHEREAS, SON sees a high NCLEX-RN exam pass rate for its students and believes its use of the Elsevier services is one of the reasons for this success; and

WHEREAS, SON is also aware that a new version of the NCLEX-RN exam will be utilized starting in 2023 and the current suite of Elsevier products and services available through SON’s contract will need to be supplemented through additional services to provide the SON faculty with the technology and information needed to prepare SON students for the new exam format; and

WHEREAS, on November 15, 2021, the Committee on Finance and Facilities reviewed the waiver of bid purchase with Elsevier as described above and further described in the November 4, 2021 memorandum from the Executive Vice President – Chief Financial Officer and University Treasurer and the Associate Vice President – Procurement and Chief Procurement Officer for an additional two years and a cost of \$2,500,000.00, and agreed to recommend its 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 purchase of the nursing licensure exam review and preparation services offered by Elsevier Inc. as described herein.

Board of Governors
Rutgers, The State University
of New Jersey
December 7, 2021