

<b>Section:</b>	XI.1.20	
<b>Title:</b>	Student Rights and Freedoms Policy	
<b>Effective Date:</b>	September 15, 2017	
<b>Approved By:</b>	Board of Trustees	
<b>Responsible Unit:</b>	Vice President for Student Affairs (609) 771-2201; sa@tcnj.edu	
<b>Related Documents:</b>	<ul style="list-style-type: none"> <li>• Inter-Greek Council Expansion Policy Use of Campus Property Policy</li> <li>• Student Conduct Code</li> <li>• Student Complaints Policy</li> </ul>	
<b>History:</b>		
<u>Version</u>	<u>Date</u>	<u>Notes</u>
3.0	9/15/2017	Revised
2.0	7/8/2014	Revised
1.0	6/1967	New policy; Initial release

## I. INTRODUCTION

This Student Rights and Freedoms Policy enumerates the essential provisions for student freedom to learn at The College of New Jersey. This policy makes reference to policies when appropriate. It is not a restatement of any existing policies at The College of New Jersey and it is not intended to conflict with or revise or supersede those or other policies, but rather should be construed to be consistent with them. Further, this policy is not a restatement or summary of all rights enumerated in the *Constitution of the United States of America*.

## II. DEFINITIONS

N/A

## III. POLICY Preamble

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the personal development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop a capacity for critical judgment and to engage in sustained and independent search for truth.

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

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. The purpose of this statement is to enumerate the essential provisions for student freedom to learn at The College of New Jersey.

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

Under no circumstances is a student<sup>1</sup> barred on the basis of age, race, creed, color, national origin, nationality, ancestry, sex/gender (including pregnancy), marital status, civil union status, domestic partner status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability.

## **II. Classroom Standards**

The professor in the classroom and in conference encourages free discussion, inquiry, and expression. Students are evaluated by faculty in academic courses on the basis of academic performance, not on opinion or conduct in matters unrelated to academic standards.

### **A. Protection of Freedom of Expression**

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

### **B. Protection Against Improper Academic Evaluation**

Students are responsible for maintaining the standards of academic performance established for each course in which they are enrolled. However, students who

wish to contest a grade may pursue an appeal in accordance with the [Student Complaints Policy](#) as appropriate.

## **III. Student Education Records**

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<sup>1</sup> The term “student” should be construed to be consistent with the definition of student in the current [Student Conduct Code](#).

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

#### **IV. Student Affairs**

##### **A. Freedom of Association**

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

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

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

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

gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability.

Exceptions include:

- a. Religious qualifications may be required by organizations whose aims are primarily sectarian.
- b. Sororities or fraternities that have been traditionally single sex organizations may limit membership to a single sex or gender expression.
- c. Club Sports teams recognized and advised through the College recreation program may limit membership to a single sex or gender expression provided there is a co-existing team of the same or substantially similar sport for the opposite sex or gender expression.

## B. Freedom of Inquiry and Expression

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

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

## C. Student Participation in Institutional Governance

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

## D. Student Media at The College of New Jersey

The College acknowledges that students have editorial responsibility for student media and commits to respecting the editorial freedom and financial autonomy of

that student media necessary to maintain their integrity of purpose as vehicles of free inquiry and free expression in our academic community.

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

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

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

## **VI. Disciplinary Standards and Procedures**

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

### **A. Standards of Conduct Expected of Students**

The general behavioral expectations of the student at The College of New Jersey are those stated in the [Student Conduct Code](#), as applicable. Violations will be dealt

with according to the procedures stated in the Procedural Standards outlined in the [Student Conduct Code](#).

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