

The following is an excerpt from the Academic Catalog (April 2022). Students are advised to review the current catalog for updates, which is available at www.jerseycollege.edu



Teterboro Campus

Grievance Policies

Institutional Grievance Process

Jersey College provides students (and staff in cases of Title IX determinations) (an “appealing party”) with a process for resolving incidents of suspected injustice. An appealing party who believes that a decision or sanction that was imposed by Jersey College is unfair has the right to appeal to a Grievance Board by filing a written notice of appeal. The appeal request must be: (i) addressed to the Grievance Board; (ii) contain information, facts and supporting documentation for a *prima facie*⁴¹ case of an error within the authority of the Grievance Board (see below); and (iii) be received by the Grievance Board within three (3) days of being informed of the decision. The written request for appeal must be sent via (i) email with a confirmation request to grievance@jerseyCollege.edu; (ii) regular or express mail to Jersey College, Attention: Grievance Board, 546 US Highway 46, Teterboro, NJ 07608; or (iii) personally delivered to the Campus Director.

The Grievance Board only has the authority to hear and pass judgment on a request for reconsideration based on an error that: (i) had a significant, substantive effect on the decision; (ii) on newly discovered evidence that was not available at the time the decision was made, or (iii) in an appeal of a Title IX decision or sanction (x) a procedural irregularity that affected the outcome of the matter or (z) the Title IX Coordinator, investigator, or decision-maker having a conflict of interest or bias that affected the outcome of the matter (each, individually and collectively an “Actionable Error”). The Grievance Board does not have the authority to hear or pass judgment on Financial Assistance appeals or on course grades in the absence of a claim of fraud, bad faith, or mistake. Financial Assistance appeals should be directed to the Financial Assistance Appeals Board. Course grade appeals that do not involve a claim of fraud, bad faith, or mistake should be addressed with the instructor or the Campus Director per “Grade - Grade Determination” policy.

The formation of a Grievance Board is not automatic. The decision to convene a Grievance Board and hear a case is subject to the appealing party presenting in the appealing student’s written appeal a *prima facie*⁴⁰ case of an Actionable Error.

The Grievance Board is comprised of a three-member hearing board drawn from Jersey College’s faculty and administration. All hearings are overseen by the President of the College (or his designated appointee)⁴². The President of the College is responsible for (i) determining that the written appeal request includes facts and/or documentation that present a *prima facie* case of an Actionable Error; (ii) appointing the members of the Grievance Board; and (iii) overseeing the entire appeal process, including, without limitation, implementing the Grievance Board procedures to ensure principles of equity and fairness (including precedent status), and providing clarity on all grievance matters. The President of the College (or his designated appointee) is not a voting member of the Grievance Board.

The conduct of the appeal hearing is essentially informal. Hearings are conducted in accordance with the investigatory model of administrative hearings, in which the hearing panel assumes responsibility for the questioning of witnesses and the eliciting of relevant evidence. The grievance hearing is private and not open to the public or non-involved members of Jersey College’s community and members of the bar may not act as a representative within the system.

The Grievance Board will notify the appealing party (and in the case of a Title IX grievance the non-appealing party simultaneously) in writing of the final decision on appeal including the rationale for the decision. Appeal decisions will be rendered within thirty (30) days after the receipt of the written appeal. All appeal decisions are final and not subject to further review.

If students are not satisfied with the outcome of their appeal, students may file inquiries or complaints with the Commission of the Council on Occupational Education at Council on Occupational Education, 7840 Roswell Road, Bldg. 300, Suite 325, Atlanta, Georgia 30350, www.council.org, or (770) 396-3898.

Non-Title IX Grievances

In non-Title IX grievances, the purpose of the hearing is to establish the facts. The burden of proof is upon the appealing student; the appealing student must establish that the decision or sanction was not justified by through “clear and convincing” evidence. The “clear and convincing standard” means that the evidence presented by the appealing student must be highly and substantially more probable to be true than not and the trier of fact must have a firm belief or conviction in its factuality. Formal rules of evidence shall not be applicable in proceedings conducted pursuant to this policy. The Grievance Board has the discretion to admit all matters into evidence that reasonable persons would accept as having probative value. Panel members may take into consideration matters that would be within the general experience of students and faculty members.

The Grievance Board will discuss the action and make a decision either to uphold, overturn or modify the charge and sanction. In making such a decision the board may consider (1) character witnesses, (2) mitigating circumstances, (3) past record of disciplinary sanctions of the party complained against, and (4) other factors that the board considers relevant to the sanctions. Procedures within the grievance and appeal system are not to be considered analogous to court proceedings and only that degree of formality has been included in these procedures that are considered necessary to insure a well-functioning and equitable system.

⁴¹ “at first look,” or “on its face”

⁴² a designee shall be appointed in all Title IX grievances

Title IX Grievances

In Title IX grievances, the Grievance Board may solicit written clarification on any issue raised on appeal from the Case Decision-Maker assigned to the case, the Coordinator, the Investigator, the Complainant, or the Respondent (each as previously defined). In preparation of an appeal, the Respondent and Complainant may have access to the recording of the disciplinary hearing. Appeals are decided upon the record of the original proceeding and any written information submitted by any of the parties. The Grievance Board in Title IX appeals shall not substitute their own judgment for the decision of the original Case Decision-Maker or attempt to rehear the case.

Following the Grievance Board's review of all information they will either (i) affirm the finding and sanction originally determined; (ii) affirm the finding and modify the sanction; or (iii) remand the case for a new hearing. 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.

Appeals Policy for Financial Assistance

Students suspended from receiving financial aid with extenuating circumstances may submit written documentation to the Campus Director within ten days of the suspension to appeal the decision. All appeals must include third party documentation of the extenuating circumstances. Extenuating circumstances are defined as environmental conditions outside of the student's control (e.g., circumstances such as an injury to the student, an illness of the student, or the death of a relative of the student). A Board consisting of the Campus Director and President of Jersey College will review the documentation submitted. This committee will provide a written response to the student within five working days of the appeal. All decisions of this Financial Assistance Appeals Board will be final.

Arbitration

Students are informed and understand as a condition to attending Jersey College they agree that any claim, dispute or controversy (whether in contract, regulatory, tort or otherwise, whether pre-existing, present or future and including constitutional, statutory, common law, intentional tort and equitable claims) arising from or relating to their enrollment in Jersey College or relationship with Jersey College, including oral or written statements, will be submitted to and resolved by individual binding arbitration. The terms and conditions relating to individual binding arbitration are set forth in the Enrollment Agreement.

Disclosure of Disciplinary Findings to Third-Parties

In accordance with FERPA, Jersey College will not disclose the final results of a disciplinary proceeding to third-parties, except under permitted exceptions (as defined by FERPA). Notwithstanding the foregoing, all suspensions and dismissals shall be marked in the respondent's permanent record. Further, in instances where it is determined that a student misconduct resulting in the suspension or dismissal is of both an intentional and egregious nature, the conduct sanction may be recorded on the student's official transcript with a transcript notation. The transcript of the student shall be marked Disciplinary Notation due to Offense. For example, for dismissal as a result of academic dishonesty, the transcript would be marked Withdrawal due to Academic Dishonesty. The transcript notation shall occur only upon completion of the student conduct proceedings. Students may file a written petition to the Academic Standards Committee to have the notation removed from their transcript. The decision to remove the conduct sanction notation shall rest in the sole discretion and judgment of a majority of the Academic Standards Committee. Finally, while an institution of postsecondary education may disclose the final results of a disciplinary proceeding, if it finds that (i) the student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and (ii) with respect to the allegation made against him or her, the student has committed a violation of the institution's rules or policies, Jersey College has determined that the results of such investigations should not be released.

National Council (NC) for State Authorization Reciprocity Agreement (SARA)

- Complaints against an Institution operating under SARA policies go first through the Institution's own procedures for resolution of grievances. Allegations of criminal offenses or alleged violations of a State's general-purpose laws may be made directly to the relevant State agencies.
- Complaints regarding student grades or student conduct violations are governed entirely by institutional policy and the laws of the SARA Institution's Home State.
- If a person bringing a Complaint is not satisfied with the outcome of the institutional process for handling Complaints, the Complaint (except for Complaints about grades or student conduct violations) may be appealed, within two years of the incident about which the Complaint is made, to the SARA Portal Entity in the Home State of the Institution against which the Complaint has been lodged. That Portal Entity shall notify the SARA Portal Entity for the State in which the student is located of receipt of that appealed Complaint. The resolution of the Complaint by the Institution's Home State SARA Portal Entity, through its SARA complaint resolution process, will be final, except for Complaints that fall under the provision "g" below.
- While the final resolution of the Complaint rests with the SARA Portal Entity in the Home State of the Institution against which the Complaint has been lodged, the Portal Entity in the complainant's location State may assist as needed. The final disposition of a Complaint resolved by the Home State shall be communicated to the Portal Entity in the State where the student lived at the time of the incident leading to the Complaint, if known.
- While final resolution of Complaints (for purposes of adjudication of the Complaint and enforcement of any resultant remedies or redress) resides in certain cases with institutions (Complaints about grades or student conduct violations), or more generally with the relevant Institution's Home State SARA Portal Entity (all other Complaints), the Regional Compact(s) administering SARA may consider a disputed Complaint as a "case file" if concerns are raised against a SARA member State with regard to whether that State is abiding by SARA policies, as promulgated in the SARA Manual. The Regional Compact may review such institutional concerns in determining whether a State under its SARA purview is abiding by SARA policies. Similarly, a Complaint "case file" may also be reviewed by NC-SARA in considering whether a Regional Compact is ensuring that its SARA member States are abiding by the SARA policies required for their membership in SARA.

- SARA State Portal Entities shall report quarterly to NC-SARA the number and disposition of appealed Complaints that are not resolved at the institutional level. NC-SARA shall make that information publicly available on its website. Such data will create transparency and can be used in determining whether a Regional Compact is ensuring that its SARA member States and those States' Institutions are abiding by the policies required for State membership and institutional participation in SARA.
- Nothing in the SARA Manual precludes a State from using its laws of general application to pursue action against an Institution that violates those laws.

State

State Information

New Jersey Office of the Secretary of Higher Education (OSHE)

The Office of the Secretary of Higher Education (OSHE) will not review a complaint until all grievance procedures at the institution have been followed, all avenues of appeal exhausted, and documentation provided that such procedures have been exhausted. OSHE handles only those complaints that concern educational programs or practices of degree-granting institutions subject to the Regulations of OSHE.

OSHE does not:

- handle anonymous complaints.
- intervene in matters concerning an individual's grades or examination results as these are the prerogative of the College's faculty.
- intervene in matters concerning tuition and fee refunds.
- intervene in matters concerning student conduct violations.
- intervene in human resources matters.
- handle complaints concerning actions that occurred more than two years ago.
- intervene in matters that are or have been in litigation.

Residents of other states and territories who are seeking information about filing a complaint about a New Jersey institution operating outside of New Jersey under SARA, as well as New Jersey residents seeking information about filing a complaint about an out-of-state institution operating under SARA can find more information by viewing the SARA Agreement (www.state.nj.us/highereducation/SARA.shtml).

Additional information regarding OSHE Complaint Process may be obtained at www.state.nj.us/highereducation/OSHEComplaintInstructions.shtml.