STUDENT RIGHTS AND STANDARDS OF CONDUCT
FISK UNIVERSITY
2012-2013

Student Rights

The University affirms and guarantees the following rights to all members of the student body:

1. The right to exercise freedom of religion, freedom of speech, freedom of the press, and freedom of peaceful assembly and petition.
2. The right to conduct oneself off-campus without specific restrictions imposed by the University except for violations of University policies or when one's conduct poses a continuing threat to the University community.
3. The right to be assured against prejudiced or capricious evaluation in the classroom; the right to decline disclosure of personal, religious, or political views; the right to take reasoned exception to information, conjecture, or views presented; and the right to seek mediation for any evaluation, disclosure or other decision which is felt to be unjustly made by a classroom instructor.
4. The right to know what items constitute the individual's permanent record kept by the University and to have access to review all such items, with the exception of those items supplied to the University in confidence; the right to be assured of the confidentiality of all records kept unless the University is released by the student or his or her guardian, or the University is compelled by a legal authority to reveal them.
5. The right to have peaceful and quiet conditions for study.

Students charged with violations of the Code of Student Conduct have the right to:

1. A written copy of the charges.
2. An expeditious, fair and impartial hearing.
3. Review all documents formally presented by the University against a student during a hearing.
4. To be present for all witnesses' testimony.
5. Present evidence and witnesses on his/her behalf.
6. Right not to incriminate oneself and to have no inference drawn as a result of the choice to remain silent.
7. Submit an appeal.

Fisk University Judicial Philosophy

The Fisk University judicial system is designed to enrich student learning and development through acceptance of personal responsibility. The Fisk University judicial system seeks to protect the rights of each student by interpreting and enforcing campus regulations and policies and by adjudicating student behavioral issues in a fair and reasonable manner. The objective of each step of the judicial process is to develop an atmosphere of individual accountability, social enrichment, and community growth,

while preparing each student to contribute to society with maturity, thoughtfulness, respect, and understanding.

The University has jurisdiction over the conduct of students on- and off-campus. No disciplinary probation or entry of an adverse notation on any permanent record shall be imposed unless the student has been notified in writing of the charges against him or her in sufficient time that the student may have the opportunity to refute them. However, a student may be pre-emptorily suspended pending a hearing in exceptional circumstances.

Students are responsible for being knowledgeable of the University catalog, handbook, and other regulations relating to students and for complying with them in the interest of an orderly and productive community. Failure or refusal to comply with the rules and policies established by the University may subject the offender to disciplinary action up to and including permanent dismissal from the University.

Definition of Terms

1. The term "University" means Fisk University.
2. The term **"**student" includes all persons taking courses at Fisk University whether they are enrolled full-time or part-time, graduate or undergraduate, transient or cross-registered from another institution.
3. The term "faculty member" means any person contracted or otherwise employed by Fisk University to conduct classroom activities.
4. The term "University official" includes any person contracted or employed by Fisk University, performing assigned professional or administrative responsibilities.
5. The term "organization" means any number of persons who comply with formal requirements of the Office of Student Activities and Fisk University for recognition as an active group.
6. The term "University Judicial Officer" refers to the Dean of Student Engagement or any other person designated by the Dean of Student Engagement to be responsible for the management of student conduct and disciplinary matters in addition to monitoring the completion of sanctions instituted against any student. The Judicial Officer is authorized to investigate, adjudicate, mediate, refer, or otherwise resolve any cases of alleged violation(s) of the Code of Student Conduct.
7. The term "University Judicial Board" and "University Hearing Officer" means any person or persons authorized by the Dean of Student Engagement or University Judicial Officer to determine whether a student has violated the Code of Student Conduct and to recommend sanctions or disciplinary action to the Dean of Student Engagement.
8. The term "Appeal Officer" means any person or persons authorized by (or including) the Dean of Student Engagement to review an appeal of a finding from any University judicial body.
9. The term "policy" is defined as the regulations of the University as found in the Code of Student Conduct, the Honor Code, Student Housing Policies, University Bulletin or Academic Catalog, University Website, or any University document or guideline.

10. The term “weapon” is defined as any instrument that inflicts or which is designed to appear as an instrument that inflicts bodily harm or injury.

Standards of Conduct

The University’s standards of student conduct address two major areas of integrity. The Honor Code, which includes both academic integrity and personal integrity, and the Code of Student Conduct, which addresses respect for the rights of both the University and the people within the University community. These standards of conduct are intended to encourage honesty in academic achievement as well as personal growth and development.

Honor Code

The Honor Code at Fisk University is based on the expectation that students will not lie, cheat, or steal in academic and non-academic matters. It has a dual function of protection both academic and personal integrity.

The Honor Code applies to students’ behavior on-campus and off-campus. Students are expected to abide by the Honor Code and not to tolerate actions by fellow students which breach the Honor Code.

The Hearing Committee of the Committee on Standards and Degrees or the University Disciplinary Council will adjudicate infractions against the Honor Code. However, the faculty, administration, and the Board of Trustees reserve authority to act in any case they deem to be extreme in their discretion.

The following are infractions of the Honor Code:

<u>Academic Integrity</u>

1. Academic cheating or plagiarism: intentionally using or attempting to use unauthorized materials, information, or study aids in any educational exercise.
2. Fabrication: furnishing false information to the University with the intent to deceive.
3. Facilitating academic dishonesty: intentionally or knowingly helping or attempting to help another to violate any provision of the Academic Integrity portion of the Honor Code.
4. Forgery, alteration, destruction, or misuse of University documents, records and identification.

<u>Personal Integrity</u>

1. Lying: knowingly giving false information or testimony during the investigation or hearing of a disciplinary matter.
2. Eluding or evading: refusal to respond to a request to report to a University administrative office.
3. Unauthorized use or misuse of the University's computing facilities to include: logging on an account without the knowledge and permission of the owner;

changing, deleting or adding to the programs, files and/or data without authorization of the owner; theft of program data or machine resources; attempts to thwart security of the computer system; and attempts to disrupt the normal operations of the computer system, including hardware and software

4. Commission of any criminal offense as defined by any local, state and/or federal law, rule and/or regulation.

Code of Student Conduct

The Code of Student Conduct has been established to insure the rights and privileges of all members of the University community, to communicate the expectations of the community to its members, and to provide a basis for orderly conduct of the University's affairs. The administration of discipline is a function of the Office of Student Engagement and/or the appropriate adjudicating body.

Reports of acts and incidents involving students may be referred for evaluation and possible disciplinary action by Residence Hall staff members, faculty, students, and other members of the University community. A student alleged to have acted in violation of any University regulation(s) will be interviewed by the University Judicial Officer or his/her designee. During this interview, the student will be advised as to what University regulation(s) have allegedly been violated and will be given an opportunity to explain his or her version of the act or incident or to otherwise refute the allegations.

The University Judicial Officer will review the incident, taking into account the information provided by the student. A determination will be made and the student will be advised as to whether the University will seek a sanction of suspension or expulsion. Cases in which a suspension or expulsion is sought will be referred to the University Judicial Officer for assignment to the appropriate adjudicating body for a hearing. Cases in which the student is subject to less severe sanctions will be disposed of by the appropriate judicial body pursuant to procedures outlined below.

The following are violations of the University Code of Student Conduct and the recommended disciplinary sanction for each offense. The faculty, administration, and the Board of Trustees reserve authority to act in any case they deem to be extreme and shall not be limited by the violations enumerated below or elsewhere in the University Code of Student Conduct. *(See "Disciplinary Sanctions" herein for an explanation of the sanction code listed after each offense; each sanction code listed serves as the maximum recommended sanction and the actual sanction given for a violation may be lesser or, when merited, more severe.)*

1. Violation of the terms of probation; (S4)
2. Vandalism, malicious destruction, damage, or misuse of private or public property, including library materials; (S1 & S7)
3. Obstruction or disruption of teaching, research, administration, disciplinary proceedings, or other University activities, including public service functions, or of any authorized activities on or off University premises; (S2 & S12)
4. Intentional bodily harm: menacing, hazing, fighting-- (a) Intentionally inflicting bodily harm upon any person on University-owned or controlled

property; (b) intentionally taking any action for the purpose of inflicting bodily harm upon any person; (c) taking any action with reckless disregard that bodily harm could result upon any person; (d) threatening to use force or alleged authority to inflict bodily harm upon any person on University-owned or controlled property; (e) menacing a member of the University community (i.e., knowingly causing a person to believe that the offender will cause serious physical harm to one or one's personal property). Such behavior includes rape, sexual assault, or sexually threatening actions; (S6)

5. Theft, wrongful appropriation (i.e., theft with intent to temporarily deprive the owner of possession), unauthorized possession, or sale or damage to property of the University or of any organization affiliated with the University or of another member of the University community (i.e., faculty, staff, student, or campus visitor); (S4)(S7)
6. False representation, or any unauthorized claim to speak and/or act in the name of Fisk University, or any organization, student, University officials, or faculty members; (S6)
7. Unauthorized use of or entry to University facilities and/or unauthorized possession or distribution of keys to University facilities; (S4)
8. Unlawful use or possession of drugs, less than 0.5 oz. or 14 grams, on University-owned or controlled property or during University activities; *Note: University security or other law enforcement authorities may file additional charges for this violation and every subsequent drug violation, as with the violation of any other law, rule or regulation. Note: Parents of dependent undergraduates under the age of 21 are contacted after the student is found responsible of this violation and every subsequent violation until the student reaches 21 years of age;* (S6)(S9)
9. Unlawful possession, distribution or apparent intent to distribute or dispense drugs, more than 0.5 oz. or 14 grams; *Note: University security or other law enforcement authorities may file additional charges for this violation and every subsequent drug violation, as with the violation of any other law, rule or regulation. Parents of dependent undergraduates under the age of 21 are contacted after the student is found responsible of this violation and every subsequent violation until the student reaches 21 years of age;* (S6)(S9)
10. Use, or being under the influence of alcoholic beverages on University owned or controlled property or at a University sponsored or supervised activity, whether on or off campus; *Note: Parents of dependent undergraduates under the age of 21 are contacted after the student is found responsible of this violation and every subsequent alcohol violation until the student reaches 21 years of age* (S4)
11. Possession of alcoholic beverages on University owned or controlled property or at a University sponsored or supervised activity, whether on or off campus; *Note: Parents of dependent undergraduates under the age of 21 are contacted after the student is found responsible of this violation and every subsequent alcohol violation until the student reaches 21 years of age* (S4)
12. Possession, while on University-owned or controlled property or at University-sponsored or supervised activities, of any weapon in violation of the University Weapons Policy such as, but not limited to, rifles, shotguns,

ammunition, handguns, and air guns, including explosives, such as firecrackers, including weapons for which the carrier has a legal permit; (S6)

13. Disorderly conduct or lewd, indecent, or obscene conduct on University owned or controlled property or at University sponsored or supervised functions, or any abuse or unauthorized use of sound amplification equipment; (S4)
14. Gambling or engaging in any form of gambling that is a violation of state or federal law; (S4)
15. Participation of students in group activities on or adjacent to the campus which causes damage to public or private property, causes injuries to persons, or interferes with the orderly functioning of the University or the normal flow of traffic; (S4 &S7)
16. Violation of properly constituted rules and regulations governing the use of motor vehicles on University owned or controlled property, which includes, non-authorized driving on the campus lawn or other secure areas, and disregard for the Davidson County vehicle noise ordinance; (S2 & S12)
17. Inciting other students to violate written University policies and regulations as promulgated and announced by authorized personnel; (S4)
18. Falsely reporting the presence of a weapon or unlawful explosive or incendiary device with the intent to mislead, deceive, or disrupt the operation of the University or a scheduled event sponsored by the University; (S6)
19. Any act of arson; (S6)
20. Falsely reporting a fire or other emergency, falsely setting off a fire alarm, tampering with or removing from its proper locations fire extinguishers, hoses, or any other fire emergency equipment except when done with real need for such equipment; (S4)
21. Violation of policies and regulations established for Student Housing and Residence Life, violating the residence hall contract, or violating rules of individual residence halls; (S4 & S14)
22. Altering, lending, or selling a student identification card, use of a student identification card by anyone than its original holder, using a student identification card in any unauthorized manner; (S4)
23. Willful failure to appear at a judicial board hearing following proper notification to appear either as a party or as a witness; (S4)
24. Violation of local, state or federal law when it appears that the student has acted in a way which may adversely affect institutional integrity or seriously interfere with the University's normal educational function, or which may impair or endanger the welfare of any member of the University community; (S6)
25. Failure to comply with directives of University officials acting in the performance of their official duty, failing to respond to a lawful request by properly identified University officials, security, or law enforcement officials in the performance of their duties, failing to report for a conference, meeting, or appointment with any University official or faculty member; failing to appear as a witness in a disciplinary case when properly notified; failing to comply with any disciplinary action imposed on a person by any judicial body or administrator; (S4)
26. Violation of the Honor Code: Personal Integrity. (S4)

FISK UNIVERSITY WEAPONS POLICY

General Prohibition Against Weapons

It is a Class E Felony under Tennessee law, and a violation of University policy, to possess or carry firearms and other statutorily defined weapons on University property (including, without limitation, all Fisk buildings or buses, its campus, grounds, recreation areas, athletic fields, housing facilities -- whether faculty, administration, staff or student housing -- or any other property owned, used or operated by Fisk). For purposes of this policy, University property shall be deemed to include any University-sanctioned or sponsored activity, whether on or off-campus. Pursuant to Tennessee law and University policy, "weapon" includes, but is not limited to, razors and razor blades, except those used solely for personal shaving, and any sharp pointed or edged instrument, except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance; it also includes firearms, explosives, dangerous compounds, gunpowder, firearm ammunitions, explosive weapons, bowie knives, hawk bill knives, ice picks, BB guns, pellet guns, air/CO2/paintball guns, blow guns, daggers, slingshots, leaded canes, switchblade knives, martial arts weapons (such as a nun-chuk or throwing star), blackjacks, knuckles, or any other weapons of like kind, not used solely for instructional or school-sanctioned ceremonial purposes. In response to any violation or alleged violation of this Policy, Fisk reserves the right to conduct an internal investigation, refer the matter to the appropriate law enforcement authority(ies) and to take appropriate action within the internal University disciplinary framework. Violation of this Policy may result in immediate dismissal from Fisk University. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF SIX (6) YEARS IMPRISONMENT AND A FINE NOT TO EXCEED THREE THOUSAND DOLLARS ($3,000) FOR CARRYING WEAPONS ON SCHOOL PROPERTY.

Exception for Sports Weapons

As an exception to the general anti-weapons policy, stated above, Fisk allows students, employees and visitors to store paint guns and martial-arts implements with the Office of Public Safety for use these of sports weapons strictly off-campus. The Office of Public Safety has discretion to determine which sports weapons qualify for storage. Students wishing to use such weapons off-campus must adhere to the following procedure:

Sports Weapon Registration

The owner must complete an Office of Public Safety weapons registration form, and check the weapon with the Office of Public Safety, which will tag the weapon and maintain a log. In exchange, the owner will be issued a "Permission to Possess Sports Weapon" card, which must be carried whenever the owner in possession of the weapon.

Sports Weapon Check-Out

Owners wishing to checkout their sports weapons for off campus use must present the Office of Public Safety with both a photo ID and the Permission to Possess Sports Weapon card; complete a form provided by the Office of Public Safety, both signing it out with the date and time, and confirming in writing that the owner will be taking the sports weapon directly off campus; and leave the weapon tag with the Office of Public Safety until the sports weapon is returned.

Sports Weapon Check-in

Upon returning the sports weapon to campus, the owner shall proceed immediately to the Office of Public Safety, which will confirm that the sports weapon is the same one that was checked out; record the date and time of check-in, replace the weapons tag, and have the owner sign the check-in form.

WEAPONS MAY NEVER BE TAKEN ON FISK'S CAMPUS OR TO ANY FISK SANCTIONED OR AFFILIATED ACTIVITY, AND INSTEAD MUST BE TAKEN DIRECTLY FROM OFF-CAMPUS TO THE OFFICE OF PUBLIC SAFETY, AND FROM THE OFFICE OF PUBLIC-SAFETY TO AN OFF-CAMPUS LOCATION, WHICH IS NOT A FISK SANCTIONED OR AFFILIATED ACTIVITY.

Application

This policy applies to all students, employees, faculty, administrators and visitors of Fisk University. It also applies to all tenants in Fisk University-owned housing.

FISK UNIVERSITY ZERO TOLERANCE PRANK POLICY

Fisk University has adopted a zero tolerance policy for pranks on all University Owned or Controlled Property. All students are encouraged to respect other students, student organizations or campus related groups, and members of the Fisk Community at all times. Pranks can be humiliating to the person(s) "pranked"; they can also lead to destruction of personal property and unsafe activity; tax valuable University and community resources; or create illegitimate alarm in a time of legitimate concern.

Should a prank take place among due to the effort of any individual, student organization (registered or non-registered), class, or against any member of the University community the following actions will be taken:

First occurrence: Automatic $200 fine for any individual, and all members of a student group, class, or organization without respect to participation.

Second occurrence: Automatic $200 fine for any individual, and all members of a student group, class, or organization without respect to participation and permanent denial of active status for the violating organization.

Please note: The Office of Student Engagement may skip or amend any of the above steps and utilize more severe measures as required to maintain an atmosphere of learning and education on the Fisk campus. Any prank that results in a direct violation of the Fisk University Code of Student Conduct will result in adjudication through the University Judicial System for any individual or student organization.

ILLICIT DRUGS AND ALCOHOL POLICY

Fisk University is committed to providing to students with a safe environment free of illegal drugs and alcohol misuse in keeping with the spirit and intent of the Drug-Free School and Communities Act of 1986, as amended.

Fisk strictly prohibits students and employees from unlawfully possessing, using or distributing alcohol and illicit drugs on its property or as part of any University-sponsored event, including off-campus activities that Fisk sponsors or to which it is connected. Fisk also strictly prohibits the improper use and unauthorized possession of prescription drugs. Drug paraphernalia and waterpipes of all kinds are prohibited. Fisk will impose discipline, up to and including expulsion and possible referral for prosecution by a law enforcement agency, for violation of this Policy. Applicable federal, state and local laws impose severe penalties on violators. The University will not offer protection or immunity from prosecution by law enforcement agencies. Fisk may also require completion of a treatment program for continued enrollment or re-enrollment.

Internal Sanctions: Please refer to the University's Code of Student Conduct for specific sanctions that will be imposed internally for violations of Fisk's Illicit Drug and Alcohol Policy.

Sanctions under Tennessee law (summarized): It is unlawful for anyone under age 21 to buy, possess, transport (unless in the course of their lawful employment), or consume alcoholic beverages, including wine or beer; and, for any adult to buy alcoholic beverages for, or furnish them to, anyone under 21 years of age. Tennessee law classifies these offenses as Class A Misdemeanors, punishable by imprisonment for not more than 11 months and 29 days, or a fine of up to $2,500, or both. Tennessee law classifies public intoxication as a Class C Misdemeanor, punishable by imprisonment for up to 30 days or a fine of not more than $50, or both. Tennessee law classifies possession or casual exchange of a controlled substance (marijuana, for example) as a Class A Misdemeanor (described above). A third and any subsequent offense of possession of .5 ounces or less of marijuana is punishable by imprisonment for up to six years and a fine of $3,000. Tennessee law classifies as a felony an exchange from one person over 21 years of age to a person under 21 years of age, where the older person is at least two years older than the younger person. Tennessee law provides punishment of one to six years imprisonment and a fine of $5,000 for the first offense of possession of more than .5 ounces of marijuana under circumstances where the intent to resell may be implicit. Manufacturing or distributing, as well as possession of a substantial quantity of a controlled substance, is punishable by imprisonment of up to 15 to 60 years and a $500,000 fine.

Sanctions under Federal law (summarized): The following summarizes some of the penalties that can apply for illegal possession of a controlled substance under federal law:

First conviction: up to one (1) year imprisonment and a fine of at least $1,000, but not more than $100,000, or both.

After one prior drug conviction: at least 15 days in prison, not to exceed two (2) years, and a fine of at least $2,500, but not more than $250,000, or both.

After two or more prior drug convictions: at least 90 days in prison, not to exceed three (3) years, and a fine of at least $5,000, but not more than $250,000, or both.

For crack cocaine, courts impose special sentencing: Mandatory minimum of five (5) years in prison, not to exceed 20 years, and a fine of up to $250,000, or both, if: (a) the first conviction and the amount of crack possessed exceeded five grams; (b) it is the second crack conviction and the amount of crack possessed exceeded three grams; or (c) it is the third or subsequent crack conviction and the amount of crack possessed exceeded one gram.

Additional Sanctions: Additional sanctions that can be imposed against a person for illegal possession of a controlled substance include, without limitation, the following:

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment.

Forfeiture of vehicles, boats, aircraft or any other entity used to transport or conceal a controlled substance.

A civil fine of up to $10,000.

Denial of federal benefits, such as student loans, grants, contracts and professional and commercial licenses, up to one year for the first offense, and up to five years for a second or subsequent offense.

Ineligibility to purchase a firearm.

The risks associated with abuse of controlled substances and alcohol are high. For more information, please refer to: www.whitehousedrugpolicy.gov/drugfact/index.html and www.niaa.nih.gov/Publications.

The following services and referrals are available in the surrounding community:

Alcoholics Anonymous – (615) 831-1050 or (800) 559-2252

Toll-Free Information and Referral Services:

Cocaine Hotline: 800-COCAINE

Drug Abuse Information Line: 800-522-5353

National Institute on Drug Abuse: 800-662-HELP

SEXUAL ASSAULT POLICY

Fisk University strictly prohibits sexual assault including, but not limited to sexual offenses, as defined by Tennessee Law. Sexual assault is defined, without limitation, as non-consensual sexual activity or contact, sexual abuse or exploitation, or sexual activity or contact with one who is incapacitated. Date rape is no less of a criminal offense than rape of a stranger. In accordance with the University's Bylaws, harassment by any administrator, faculty, student, employee or non-employee, including vendors and visitors, is strictly prohibited and shall be subject to disciplinary action.

The disciplinary measures described in this Policy should not be construed to replace or serve as an alternative to contacting the Metropolitan Nashville Police Department.

Members of the University community, who are the victims of, or who have knowledge of, a sexual assault occurring on University property, or occurring in the course of a University-sponsored activity, or perpetrated by a member of the University community, are urged to report the incident promptly. Fisk University will treat victims of sexual assault with the greatest concern, care, sensitivity and seriousness. Names of victims will not be released by the University to the public or media.

Victims are encouraged to report sex offenses to the Metropolitan Nashville Police Department, (615) 862-8600 (non-emergency); or, 911 (emergency). Victims are also urged to report sex offenses to the University Office of Public Safety, (615) 329-8777. A representative of the Office of Public Safety will come to the student victim when called, and security personnel will summon the police to campus when requested. Victims may also report to the Office of Student Engagement, University Counseling Services or a member of the residential life staff. The Office of Student Engagement is responsible for enforcing Student Standards of Conduct. Disclosures by a victim to any other office on campus necessitates that the office contact police authorities or (2) the University Office of Public Safety regarding the incident. University officials responding to the complaint will inform the victim, at a minimum, of the options available to him or her for criminal prosecution and civil proceedings, and inform the victim of the appropriate grievance procedure, the availability of mediation, alternative housing arrangements, academic assistance alternatives, and other pertinent information.

A victim may also report an incident(s) of sexual assault to a community resource including the Matthew Walker Comprehensive Health Center, (615) 327-9400; the Rape Crisis Center, (615) 256-8526 [crisis line] or, (615) 259-9055; or, a local hospital or health center.

It is important for victims of sexual assault to seek immediate medical attention and to preserve evidence of the assault. A medical examination, called a "Rape Test Kit", conducted at a local hospital will help to preserve evidence of a crime. Before removing clothing, washing or showering, or altering the scene of the crime, victims are strongly encouraged to consult the police or the Office of Public Safety to assist in the testing.

Support for students involved in sexual assault is provided through the residential life staff, the Dean of Student Engagement, University Counseling Services, and the Office of Public Safety. Friends and supporters of victims of assault may assist by listening, giving comfort, support and protection. Information about services for victims provided by outside agencies is available through any of the offices identified above and is listed in pamphlets distributed each year.

The University reserves the right to report any suspected crime or offense to the appropriate law enforcement authorities.

Students charged with sexual assault are subject to disciplinary action as set forth in the Fisk Code of Student Conduct and the Fisk University Judicial System. Possible sanctions include warning, probation, suspension, expulsion and referral to public authorities for prosecution. Students involved may also be required to attend one or more appropriate anger management, drug or alcohol rehabilitation programs. Proceedings through the Fisk University Judicial System will not preclude the reporting and/or institution of criminal and/or civil charges against the assailant.

In circumstances where the victim or alleged perpetrator is a student at this University, the following rights are due to the student, as appropriate:

Victim's Human Dignity Rights

A victim of sexual assault has the right:

1. To be free from any suggestion that victims must report the crimes to be assured of any other right guaranteed under this Policy or the Fisk University Judicial System.
2. To have any allegations of sexual assault treated seriously and the right to be treated with dignity.
3. To be free from any suggestion that victims are responsible for the commission of crimes against them.
4. To be free from any pressure from campus personnel to:
   (a) Report crimes if the victim does not wish to do so.
   (b) Report crimes as lesser offenses than the victim perceives the crimes to be.
   (c) Refrain from reporting crimes.
   (d) Refrain from reporting crimes to avoid unwanted personal publicity.

Rights to On- and Off-Campus Resources

1. To be notified of existing campus and community-based medical, counseling, mental health and student services for victims of sexual assault whether the crime formally reported to campus or civil authorities.
2. To have access to campus counseling under the same terms and conditions that apply to other students in their institution.
3. To be informed of and to be assisted in exercising:
   (a) Any rights to confidential or anonymous testing for sexually transmitted diseases (including the human immunodeficiency virus – HIV) and/or pregnancy.

(b) Any rights that may be provided by law to compel and disclose the testing of sexual assault suspects for communicable diseases.

Campus Judicial Rights

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

Legal Rights

1. 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 was reported and/or committed.
2. To receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities.

Campus Intervention Rights

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

Accused's Rights During University Proceedings

Students accused of sexual assault are entitled to the following rights in a University Judicial proceeding, in addition to any others set forth pursuant to the Fisk University Judicial System:

1. To receive written notice of complaint.
2. To receive all documents provided to the review official(s).
3. To receive at least 48 hours' prior notice of a review date, time and place.
4. To be accompanied by an adviser from the University community.
5. To present witnesses.
6. To ask questions of witnesses.
7. To participate in the review process.
8. To an investigation provided by the Office of Student Engagement.
9. To receive written notice of findings of a review and an appeal.
10. To appeal a review outcome as provided under the Fisk University Judicial System.

Policy on Bias or Hate Crimes

Definition of Bias or Hate Crimes

Bias crimes, also known as hate crimes, are unwelcome and unlawful activities motivated by the bias of a perpetrator toward a another person(s) based upon personal characteristics which may be actual or perceived. Fisk University Policy and Federal Law prohibit crimes motivated by bias on the basis of race, ethnicity, color, gender, age,

ancestry, national origin, disability, sexual preference or sexual orientation, religious or political belief, practice, or persuasion.

When the University receives a compliant related to bias or hate crime, the Dean of Student Engagement will designate a University Judicial Officer to investigate the matter, which includes witness interviews, and the collection of evidence or information pertinent to the report. In certain circumstances, the Office of Public Safety may refer the matter to the Metro Nashville Police Department.

If a member of the Fisk University community is a victim or witnesses a bias or hate crime, he/she should contact the Fisk University Office of Public Safety or the Office of Student Engagement. The Department of Public Safety can be reached by telephone at (615) 329-8777 and is located in the Lower Level of Carnegie Hall, or by using an Emergency Telephone on campus, or at mwest@fisk.edu to contact The Office of Public Safety by email.

The Office of Student Engagement can be reached by telephone at (615) 329-8597 and is located in the Lower Level of Spence Hall. To contact the Office of Student Engagement by email, please contact jmeriwether@fisk.edu.

Additionally, any student or member of the University Community who may have knowledge of an activities related to crimes of bias or hate may report the matter to the Office of Public Safety or the Office of Student Engagement.

Student Standards Regarding Bias or Hate Crimes

Each student and student group is responsible for refraining from any conduct that is detrimental to the Fisk University campus. It is the responsibility of each student to maintain a healthy and safe environment based upon individual actions while enrolled at Fisk University. Any choice made that upsets such an atmosphere may result in the exclusion of any individual or group from the University.

Each student and student group is responsible for conducting themselves in a manner that supports that academic and social environment of the campus in a way that supports learning while respecting the rights, dignity, and freedom of other members or groups of the Fisk University Community.

Any violation of University policies, rules or regulations, or violation of federal, state, or local law may result in a violation of the student code of conduct and may result in the exclusion of any individual or group from the University.

The following non-exhaustive list of provisions outlines conduct or behavior that may result in disciplinary action against any individual or group in relation to crimes of bias or hate. This includes, but is not limited to the following:

No student shall harass, threaten, coerce the harassment of, or otherwise intimidate another person or identifiable group of persons, in a manner that is unlawful, while on University owned or controlled property, based upon the person or group's race,

ethnicity, color, gender, age, ancestry, national origin, disability, sexual preference or sexual orientation, religious or political belief, practice, or persuasion.

No student shall engage in any type of unlawful harassment or behavior leading to a hostile environment on University owned or controlled property
Unlawful harassment includes but is not limited to actions that are:

(a) directed toward a particular person or persons;

(b) based upon the person or group's race, ethnicity, color, gender, age, ancestry, national origin, disability, sexual preference or sexual orientation, religious or political belief, practice, or persuasion;

(c) unwelcome;

(d) severe, extreme, or pervasive;

(e) objectively offensive or derogatory; and/or

(f) unreasonable in nature and interferes with the victim(s) student status, employment, academic pursuits, or participation in University-sponsored activities which causes the denial of equal access to the University Community

Federal Implications

Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act (the "Clery Act")

Fisk University is required to report incidence of occurrences of bias crimes on campus annually. This report is provided as part of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act (the "Clery Act"). The Clery Act requires the University to report such incidents to the Tennessee Bureau of Investigation.

The Clery Act defines hate crimes as any of the crimes otherwise reportable under the Clery Act or any bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity or disability of the victim.

THE MATTHEW SHEPARD AND JAMES BYRD, JR., HATE CRIMES PREVENTION ACT OF 2009

The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009, **18 U.S.C. § 249**, was enacted as Division E of the National Defense Authorization Act for Fiscal Year 2010. Section 249 of Title 18 provides funding and technical assistance to state, local, and tribal jurisdictions to more effectively investigate and prosecute hate crimes. It also creates a new federal criminal law which criminalizes willfully causing bodily injury (or attempting to do so with fire, firearm, or other dangerous weapon) when

(1) the crime was committed because of the actual or perceived race, color, religion, national origin of any person or (2) the crime was committed because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person and the crime affected interstate or foreign commerce or occurred within federal special maritime and territorial jurisdiction.

The newly enacted § 249 has three significant subsections. **Subsection (a)(1)** criminalizes violent acts (and attempts to commit violent acts undertaken with a dangerous weapon) when those acts occur because of the actual or perceived race, color, religion, or national origin of any person. This section of the statute has a broader reach than existing hate crime statutes. (18 U.S.C. § 245, for example, requires that government prove not only that the crime was motivated by animus but also because of the victimâ€™s participation in one of six enumerated federally protected activities). Section 249(a)(1) was passed pursuant to Congress's Thirteenth Amendment authority to eradicate badges and incidents of slavery. The government need prove no other "jurisdictional" element to obtain a conviction.

Subsection (a)(2) of § 249 protects a wider class of victims. Subsection (a)(2) criminalizes acts of violence (and attempts to commit violent acts undertaken with a dangerous weapon) when motivated by the actual or perceived gender, disability, sexual orientation, or gender identity of any person. It will also apply to violent acts motivated by animus against those religions and national origins which were not considered to be "races" at the time the Thirteenth Amendment was passed. This portion of the statute was passed pursuant to Congress's Commerce Clause authority. Thus, to obtain a conviction, the government must prove that the crime was in or affected interstate or foreign commerce. Subsection (a)(2)(B) of the statute contains a detailed description of the ways the commerce clause element may be fulfilled.

Subsection (a)(3) of § 249 provides for prosecution of crimes committed because of any of the characteristics defined in (a)(1) or (a)(2), whenever such crimes occur within the Special Maritime and Territorial Jurisdiction (SMTJ) of the United States.

The statute criminalizes only violent acts resulting in bodily injury or attempts to inflict bodily injury, through the use of fire, firearms, explosive and incendiary devices, or other dangerous weapons. The statute does not criminalize threats of violence. Threats to inflict physical injury may be prosecutable under other hate crimes statutes, such as 42 U.S.C. § 3631 or 18 U.S.C. § 245. Such threats may also be prosecutable under generally applicable federal laws preventing interstate communication of threats.

Policy and Procedure on Mental Health Status

Laws of the state of Tennessee govern Fisk University's response to the mental health status of students or members of the university community. The University must follow two portions of statute, one governing children, and one governing adults. Specifically, the University observes the definition of **Mental illness** as "a psychiatric disorder, alcohol dependence, or drug dependence, but does not include mental retardation or other developmental disabilities" pursuant to Tennessee Code Annotated 33-1-101.

In accordance with Tennessee Code Annotated 33-1-101 **(22)** "**Serious emotional disturbance**" means a condition in a child who currently or at any time during the past year has had a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet psychiatric diagnostic criteria that results in functional impairment that substantially interferes with or limits the child's role or functioning in family, school, or community activities and includes any mental disorder, regardless of whether it is of biological etiology;

In accordance with Tennessee Code Annotated 73-6-102 **(2)** "Adult" means a person eighteen (18) years of age or older who because of mental or physical dysfunctioning or advanced age is unable to manage such person's own resources, carry out the activities of daily living, or protect such person from neglect, hazardous or abusive situations without assistance from others and who has no available, willing, and responsibly able person for assistance and who may be in need of protective services; provided, however, that a person eighteen (18) years of age or older who is mentally impaired but still competent shall be deemed to be a person with mental dysfunction for the purposes of this chapter;

University Procedure

If a student is incapacitated, or declared to be a risk of danger to him/herself or to the campus community, the Provost, the Dean of Student Engagement or the Director of Counseling Services submits written notice to the Office of the Registrar that the student is to be administratively withdrawn based on communication received from the student's parents or family, or based on communication from a physician, mental health practitioner, etc. This notice will state the reason for withdrawal, the effective withdrawal date, and provide supporting documentation.

STRUCTURE OF THE FISK UNIVERSITY JUDICIAL SYSTEM

Fisk students must comply with all local, state and federal laws and regulations. Students who violate these laws or regulations are subject to sanction by the University as well as prosecution by the appropriate governmental authorities. Sanction by the University does not constitute "double jeopardy" for criminal prosecution purposes.

Students charged with a violation of the Fisk University Code of Student Conduct may have their case heard before the appropriate body within the Fisk University judicial system.

The Fisk University Judicial System includes:

COMMITTEE ON STANDARDS AND DEGREES

The Committee on Standards and Degrees reviews the academic performance of students and recommends to the Dean of Academic Affairs those students who should be placed or retained on academic probation, removed from academic probation, or

suspended or dismissed from the University by reason of insufficient academic progress or performance. The Committee is comprised of the Dean of Academic Affairs, who chairs the Committee; the Director of Admissions and Records, or designee; the Registrar; a staff member in the student academic support services program, to be named by the President; the Director of Financial Aid; the Director of Student Engagement; and four faculty members elected by the Faculty Assembly.

The Hearing Committee is a standing subcommittee of the Committee on Standards and Degrees, and shall comprise at least one faculty member, and at least one administrative staff member, of the Committee on Standards and Degrees; two students of senior standing, each with a grade point average of 3.0 or higher; and, as a non-voting consultant, the Director of Student Engagement. When asked to do so by the Director of Student Engagement, or by a student requesting Committee review of disciplinary sanctions imposed by the Director of Student Engagement, the Hearing Committee shall review disciplinary sanctions imposed upon students charged with violating University standards of conduct, and shall make appropriate recommendations to the Director of Student Engagement. The Hearing Committee may at its discretion also review disciplinary sanctions imposed by the Student Engagement staff when asked to do so by the affected student, following procedures outlined in the Student Handbook. It may also review disciplinary charges against students to make a determination of the validity of the charges, and may function as an appeal body to hear appeals from actions by the Student Judiciary Council.

UNIVERSITY JUDICIAL OFFICER

In order to expedite the process, the University Judicial Officer (Dean of Student Engagement) or a designee may conduct an initial investigation to determine if the complaint can be resolved administratively or referral to a judicial council is necessary. The accused student and the University Judicial Officer or a designee must agree to an administrative decision. An administrative decision will be final and there will be no subsequent proceedings, including an appeal. If the complaint cannot be adjudicated administratively, the student will be charged with a violation of the Code of Student Conduct and the case will be resolved in a formal hearing. The student must agree to administrative resolution in writing.

RESIDENCE HALL JUDICIAL BOARD (RHJB)

The Residence Hall Judicial Board hears cases involving violations of residence hall regulations. The membership of the RHJB is selected through interview and selection by the Office of Student Engagement. This council has a minimum of four voting members. The chairman of the Residence Hall Judicial Board only votes in the case of a tie. Resident Assistants may not be members of the RHJB. All appeals of the Residence Hall Judicial Board’s decisions are to be made to the University Disciplinary Council.

UNIVERSITY DISCIPLINARY COUNCIL (UDC)

The University Disciplinary Council routinely handles matters pertaining to breaches of the University's Standards of Conduct in all offenses which might result in

suspension or expulsion from the University. They may hear cases and appeals referred to them by the University Judicial Officer or designee, the Residence Hall Judicial Board, or may handle cases directly without receiving a recommendation. The members of the UDC are appointed by the Office of Student Engagement. The UDC has four voting members consisting of faculty, staff and students, and one chairperson, who presides over the hearings. The chairperson will only vote when there is a deadlock among the UDC. The University Disciplinary Council is the University Judicial Board responsible for making recommendations in cases involving breach of University regulations to the Dean of Student Engagement, and may take the following actions: no action taken, agree with charges, or dismiss charges. The UDC may decide to implement additional sanctions in relation to findings in any judicial matter. Students may request an appeal of the decision of the University Disciplinary Council to the Dean of Student Engagement**.**

FILING CHARGES AND HEARING OPTIONS

Any member of the University community may file a complaint alleging a violation of the Code of Student Conduct by a student of the University. The complaint should be in written form and filed as soon as possible after the incident occurs. Persons filing complaints should do so in a timely manner in order to avoid unnecessary delays in the judicial process.

All formal charges shall be presented to the accused student in written form. A time shall be set for a hearing which normally will not be less than two (2) days and will not be more than twenty (20) calendar days after the student has been presented with the charges. Maximum time limits for the scheduling of hearings may be extended at the discretion of the Office of Student Engagement.

During holidays or between semesters or when an appropriate University Judicial Board cannot meet, a University Hearing Officer may be assigned to hear any case.

STUDENT HOUSING HEARINGS

The following rules of procedure for adjudicating alleged violations of the Code of Student Conduct are established for use by on-campus residential staff for violations of Student Housing Regulations:

1. Written notification of the alleged violation(s) shall be filed with the person designated as the Student Housing Hearing Officer.
2. The Student Housing Hearing Officer shall notify the student involved of a possible violation of the Code of Student Conduct and request that he/she report to the Student Housing Hearing Officer for a conference or a judicial letter will be sent to the student. The letter will outline the charge and the sanction. All letters of judicial notice will include a signature of receipt form.
3. Prior to adjudication, the Student Housing Hearing Officer must answer two questions:
    A. Does the accused student have a previous disciplinary record? This information is available in the Office of Student Engagement.

B. Is the alleged offense serious enough to result in possible suspension or expulsion? The Student Housing Hearing Officer must consult with the Dean of Student Engagement in making this determination.

4. If the offense could result in possible suspension or expulsion, the case shall be referred to the University Disciplinary Council for adjudication.
5. If the case is not referred and the student accepts responsibility for the violation, he or she may waive all further hearings and accept the decision and sanctions of the Student Housing Hearing Officer as final and binding for all purposes.
6. If the student denies the charge, he or she may request a formal hearing before the Residence Hall Judicial Board.
7. If the student assumes responsibility for the violation, he or she may request that the Residence Hall Judicial Board determine the sanction.
8. When unusual circumstances exist and during periods when the Residence Hall Judicial Board cannot meet, the case will be referred to the University Disciplinary Council.
9. The Student Housing Hearing Officer and the Residence Hall Judicial Board may impose all disciplinary sanctions except suspension and expulsion.
10. In cases involving disciplinary action, all documents and materials will be kept in the Office of Student Engagement for inclusion in the student's disciplinary record.
11. All documents, records, and materials of any judicial hearing will be maintained in the Office of Student Engagement.

NON-HOUSING HEARINGS

The following rules of procedure shall be used for adjudicating all non-housing hearings:

The following rules of procedure shall be used for adjudicating all non-housing hearings:

A Normally, a hearing will be conducted in private. All hearings dealing with academic performance, scholastic probation, financial aid and medical/psychiatric records will be held in closed session. The University Judicial Officer may have a scribe attend any hearing at his or her discretion for the purpose of note-taking only.

B The University Judicial Officer may make an audio tape recording of judicial board hearings. No other recording devices or court reporters are permitted to record or transcribe a judicial board hearing. The audio tape recording is the property of the University and may be reviewed by the accused student or the complainant for the purpose of preparing an appeal. The time and location of such a review is subject to the discretion of the University Judicial Officer.

C A quorum (majority) of a University Judicial Board must be present in order to hear a case. A majority vote of the members present is required for all decisions of the University Judicial Board;

D A member of the University Judicial Board who cannot hear the evidence fairly and objectively for any reason is obligated to recuse himself/herself from the case;

E A student who fails to appear before the University Judicial Board, in accordance with proper notification, shall be deemed to have waived his/her rights to be present during the University Judicial Board's deliberation, to know the evidence against him/her, to present evidence in his/her own behalf, and to exercise reasonable cross-examination of witnesses appearing against him/her. This waiver shall become effective if the student fails to appear at the designated time and place of hearing and the case will be heard in absentia.

F A hearing may only be rescheduled 24 hours prior to the time set for the hearing if the student communicates in writing to the Dean of Student Engagement good cause for granting a continuance of a scheduled hearing.

G The chairperson is in charge of maintaining an orderly discussion throughout the hearing. Proceedings should be conducted with fitting dignity and should reflect the importance and seriousness of the hearings. Any person, who fails to follow the instructions of the chairperson, after a warning, shall be referred for appropriate disciplinary action.

H Admission of any person to a hearing shall be at the discretion of the Chairperson of the University Judicial Board.

I The Chairperson shall ascertain that the accused has been advised of his/her rights.

J The secretary shall then read the statement of charges and advise of the maximum penalty for each charge.

K The accused shall enter a plea of guilty or not guilty. If a guilty plea is entered, he/she shall be advised of the maximum penalty. In the event that the accused pleads guilty, the board shall review the circumstances of the case and make appropriate decisions or recommendations regarding the sanction.

L The complainant and the accused student (as well as any victim/witness who is not also the complaining party) shall have the right to be assisted by an advisor. The advisor will be of the individual's own choosing and may be an attorney. The University Judicial Officer will present the case for the complainant and the University. The accused student will be responsible for presenting his or her case and may be assisted by an advisor. However, advisors, including attorneys, will not be permitted to speak or to participate directly in the hearing.

M The complainant, the University Judicial Officer, and the accused student have the right to call witnesses. Members of a University Judicial Board, the University Judicial Officer, and the University Judicial Board Chairperson may question witnesses, including the complainant and the accused student. The complainant and the accused student may question witnesses. The complainant and the accused student will be permitted to review and examine evidence during the hearing, if approved by the Chairperson of the University Judicial Board.

N Pertinent records, exhibits and taped or written statements may be accepted as evidence for consideration at the discretion of the University Judicial Board Chairperson. Written evidence shall not be presented as evidence, unless circumstances make such presentation necessary and unavoidable. Under similar restrictions, the accused may present written statements in his/her defense. Unsigned statements shall not be admitted as evidence. Any

drawings or statements written and accepted as evidence during a hearing shall be signed and submitted to the Chairperson during the hearing and shall become the property of the University.

O After the presentation of evidence by the University, the accused shall be allowed to present all relevant evidence.

P Procedural questions are subject to the final decision of the Chairperson of the adjudicating University Judicial Board, in consultation with the University Judicial Officer.

Q After the hearing, the University Judicial Board, and the Chairperson, will go into closed session. A majority vote of the student, administrative, and faculty members present at the hearing is necessary to reach a decision. The Chairperson may participate in the deliberations of the board. During deliberations all persons except the University Judicial Board members shall be excused from the hearing room. All matters upon which the decision may be based must be introduced at the hearing, and the decision shall be based solely upon the evidence presented.

R The University Judicial Board's determination of responsibility will be made on the basis of whether, by a preponderance of the evidence presented at the hearing, it is more likely than not that the accused student committed the violation (s) as charged.

S After a determination of guilt or innocence by a University Judicial Board, the previous disciplinary record of the accused (if any) shall be given to the University Judicial Board for consideration as to an appropriate sanction.

T Based upon findings in the hearing, the University Judicial Board, will inform the Office of Student Engagement of their decision, and any sanctions. When a sanction is imposed, the student will be given a written statement of the decision of the University Judicial Board and any sanctions imposed.

U A University Judicial Board member shall not discuss cases prior to or after the hearing. The information received by members of a University Judicial Board during a case is considered strictly confidential. Violations of this confidence by any University Judicial Board member could result in disciplinary action.

V The student has the right to appeal any decision provided that relevant grounds for an appeal can be cited.

W All documents, records, and materials of any judicial hearing will be maintained in the Office of Student Engagement.

DISCIPLINARY SANCTIONS

A student or student organization found responsible for violating the Code of Student Conduct may receive one or more of the sanctions listed below. Prior to issuing a sanction, the University Judicial Officer will inform the University Judicial Board or the University Hearing Officer if the accused student or student organization has any previous violations of the Code of Student Conduct. This may have an effect on the type and level of the sanction(s) to be imposed.

The following list of sanctions is intended to show the range of sanctions that may be imposed on a student or student organization, either individually or in combination.

This list is not to be regarded as all-inclusive but rather as a sample of sanctions that may be imposed.

S1. **Disciplinary Warning** - An official written reprimand stating that unacceptable behavior has occurred and any further inappropriate behavior or other violations of the Student Conduct Code may result in more serious judicial actions by the University.

S2. **Disciplinary Probation** – Disciplinary Probation is a specific period of time, generally not less than three months, during which further violations of the Code of Student Conduct may result in suspension or expulsion. Violations of disciplinary probation generally will result in more serious disciplinary action against the student, such as suspension or expulsion from the University.

S3. **Probationary Reporting** – A student may be required to report to an appropriate university official on a regularly scheduled basis for a specified period of time.

S4. **Suspension** – Suspension indicates that a student, by his/her actions, has forfeited the privilege of attending Fisk University for a specified period of time. Suspended students are prohibited from entering the campus without specific authorization from the Office of Student Engagement. Students who reside on-campus will have a minimum of 48 hours notice to remove all of their belongings out of the residence hall after notification that the penalty of suspension is in effect. All residence hall fees and deposits may be forfeited. A student receiving a sanction of suspension from the University for less than one (1) semester assumes the responsibility for transportation and housing while under sanction. Fisk University will not recognize any academic credit earned from another institution during the period of suspension.

S5. **Interim or Summary Suspension** – As a general rule, the status of a student accused of violations of these regulations should not be altered until a final determination has been made in regard to the charges against him or her. Nevertheless, summary suspension may be imposed upon a finding by the University Judicial Officer or designee that the continued presence of the accused on-campus will pose an immediate threat:

a. to the physical safety or well-being of the accused, or of any other member of the University or its guests;
b. to the integrity of institutional property or personal property of members of the University community or its guests; or
c. substantial disruption of classroom or other campus activities.

During an interim suspension, the student shall be denied access to the Residence Hall and/or to campus (including classes), and/or all other University activities or privileges for which the student might otherwise be eligible, as the Dean of Student Engagement, or a designee, may determine to be appropriate. A preliminary hearing will be held by a designee of the Office of Student Engagement within two (2) working days of the interim or summary suspension to determine if the suspension should continue until a formal hearing of the

charges by a University adjudicating body can be held. If the interim or summary suspension is upheld, the formal hearing concerning suspension or expulsion shall be held no later than five (5) working days after the first day of interim suspension.

S6. **Expulsion** – Expulsion is the most serious sanction that can be imposed on a Fisk University student. Expulsion is a permanent forced withdrawal from the University and entails a permanent separation from the institution. An expelled student may not enter any part of the campus without specific authorization from the Office of Student Engagement. Students who reside on-campus will have a maximum of 48 hours to remove all of their belongings out of the residence hall after notification that the penalty of expulsion is in effect.

S7. **Restitution** – Requiring restitution allows for the compensation of loss, damage or injury caused by a student or student organization's misconduct. Compensation may take the form of appropriate service, and/or monetary or material replacement.

S8. **Educational Sanction** – An educational sanction may consist of the assignment of specific projects to be performed by a student or student organization. Examples include, but are not limited to, sanctions such as writing a research paper on a specific topic, performing community service hours, attending or conducting an educational program, and/or writing reaction papers on a specified topic. Educational sanctions also include completing mandated alcohol and drug education programs, referral to University counseling, or counseling services outside of the University.

S9. **Alcohol and Drug Testing** – A student may be required to show proof of having a clean drug test to the Dean of Student Engagement as a part of a judicial sanction by the University Disciplinary Council only as a sanction for drug related infractions of the Code of Student Conduct.

S10. **Counseling** – A student may be required to attend counseling sessions for a specified period of time with a University counselor or be referred for counseling resources outside of the University. Proof of completion of any sanctioned counseling is required to be presented to the Office of Student Engagement.

S11. **Work Hours** – A student may be required to perform specified tasks of service to the University under the supervision of a University official.

S12. **Loss of Privileges** – Denial of specific social privileges or campus activities or organizational membership for a designated period of time.

S13. **Residence Hall Suspension** – Separation of the student from the residence halls for a specific period of time.

S14. **Residence Hall Expulsion** – Permanent separation of the student form the residence halls and termination of the Student Housing Contract.

S15. **Organization Deactivation** – Loss of privileges, including University recognition for a specific period of time or permanently. Loss of privileges may include, but is not limited to, a prohibition on social events, fund-raising projects, intramural events, and completion of community service hours and special projects. When a student organization engages in an act of misconduct, the University reserves the right to take action not only against the organization but also against any individual student member of the organization as well.

Note: Any student found responsible for violating University policy who withdraws from the University and has not completed all assigned judicial sanctions or sat before any judicial body may be prohibited from obtaining a diploma/transcript or denied readmission to the university pending completion of all sanctions or request for judicial hearing. Failure to comply with any assigned judicial sanctions will result in immediate and permanent revocation of housing contract or suspension from Fisk University.

Note: Seniors found responsible for violating University policy during the last 45 days of classes, finals, or senior days or any senior who has not completed all assigned judicial sanctions by any judicial body may be prohibited from participating in Commencement exercises or ceremonies and/or from obtaining a diploma/transcript pending completion of all sanctions. Seniors found responsible for violating University policy during the last 45 days of classes, finals, or senior days are not entitled to a judicial hearing. Recent graduates who willfully obstruct the University following commencement may be denied transcripts or access to the campus.

APPEALS

In the interest of fairness, only the recipient of disciplinary actions has the right to appeal. It is the responsibility of the body of original jurisdiction to inform the disciplined student of the right to appeal and to whom the appeal should be presented. Disciplinary sanctions imposed through institutional hearings do not become effective until the sanctions assessed by the judicial body have been approved by the appropriate authority.

Time Limitations.	An appeal must be submitted in writing within 48 hours of the approving authority's decision to sustain the penalty assessed by the University Judicial Board.
Submission of Appeal.	All appeals must be submitted within the appropriate time limitations to the Dean of Student Engagement. The Vice President of Student Engagement and Enrollment Management will refer the appeal to the appropriate appellate body.
Grounds for Appeal.	The appeal must specify grounds which would justify consideration. General dissatisfaction with the outcome of the decision shall not be accorded as a basis for

consideration of an appeal. The only basis for considering an appeal is the presentation of facts, which show:

1. an error in procedural due process by the body of original jurisdiction which prejudiced the disciplined student to the extent that he or she was denied a fundamentally fair hearing as a result of the error; or
2. the emergence of new evidence which could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the original decision of the adjudicating body.

Appellate Procedure. The appellate body shall make an initial determination as to whether or not sufficient grounds for appeal, based on the standards enunciated above, have been alleged. Appeals, which do not allege sufficient grounds, shall be denied consideration and dismissed. Appeals, which allege sufficient grounds, will be accepted for consideration. The appellate body shall not conduct a new hearing, but will consider only the record made by the adjudicating body. The appellate body may, at its own discretion, permit written or oral statements from the concerned parties at the time the appeal is considered.

Action by Appellate Body. The alternatives available to the appellate body are:

1. to sustain the recommended penalty;
2. to reverse the verdict;
3. to remand it to the original judicial body (to reconsider the penalty only, not guilt or innocence);
4. to grant a new hearing based on new evidence provided.

Authority of the President. The President will not hear a case that has not gone through the proper disciplinary appeals process. The President of the University retains final authority on all campus matters, including disciplinary decisions. Therefore, any disciplinary action is subject to final review by the President of the University.

RETENTION OF STUDENT DISCIPLINARY RECORDS

Disciplinary files developed will be voided if the student is determined to be innocent of the rules violation(s) charged against him or her. A permanent file will be maintained if a student is suspended or expelled as a result of his or her being found guilty of a rules violation(s). No reference to the suspension or expulsion will be made on the student's transcript unless the sanction so specifies. Files developed in cases in which a lesser sanction has been imposed will be retained for a period of four (4) years after graduation or seven (7) years after date of action unless the sanction specifies that it should be retained for a longer period.

WRITTEN STUDENT COMPLAINTS POLICY

Students with general complaints are encouraged to resolve the issue at an informal level by discussing the concern with the other party identified as causing or contributing to the grievance (another student, volunteer, faculty member and/or administrator) or their supervisor.

If the student is unable to resolve the concern at the informal level – no later than 15 working days after the alleged incident – a written statement of the complaint should be filed with the Office of Student Engagement (non-academic related)/Office of the Provost (academic related).

FORMAL STUDENT COMPLAINT RESOLUTION PROCESS

The Formal Student Complaint Resolution Process is the exclusive means for resolving a grievance or formal complaint within Fisk University. Complaints must be filed within 15 working days of the alleged incident. The Formal Student Complaint Resolution Process proceeds whether or not the parties involved pursue outside remedies. Parties involved as complainants or respondents or as participants in the resolution process will maintain confidentiality of the proceedings. Information revealed in the proceedings will be disclosed only to those individuals who need to know as defined by the Dean of Student Engagement/Associate Provost. The timelines noted in this procedure may be altered as deemed necessary by the Office of Student Engagement (non-academic related)/Office of the Provost (academic related).

FILING COMPLAINTS

The student may obtain a "Written Student Complaint Form" from the Office of Student Engagement, Office of the Provost, Residence Hall Offices, or on the Fisk website at www.fisk.edu.

For General Complaints:
The completed form should be taken to the Office of Student Engagement in a sealed envelope addressed to: Dean of Student Engagement, CONFIDENTIAL

For Residence Hall Complaints:
The completed form should be taken to the Residence Hall Director of the building where the violation occurred in a sealed envelope addressed to: Office of Residence Life, CONFIDENTIAL.

For Criminal Complaints:
The completed form should be taken to the Office of Public Safety in a sealed envelope addressed to: Director of Public Safety, CONFIDENTIAL.

For Academic Complaints

The completed form should be taken to the Office of the Provost in a sealed envelope addressed to: Office of the Provost, CONFIDENTIAL.

A copy will be forwarded to the Student Government Association's Grievance Director within 72 hours after receipt.

The Dean of Student Engagement/Associate Provost will review the written complaint and meet with the complainant within 72 hours of receipt.

NOTIFICATION OF RESPONDENT

Within five (5) working days of the receipt of the complaint, the Dean of Student Engagement/Associate Provost will notify the respondent in writing, advise the respondent of the name of the complainant and the nature of the allegations, and refer the respondent to the Fisk University written Student Complaints Policy. The complainant will choose the complaint resolution option he or she prefers (mediation, administrative resolution, or hearing committee). The respondent may agree to the option chosen by the complainant or may request the appointment of a Hearing Committee (as appointed by the Dean of Student Engagement/Associate Provost). The respondent will also be advised that any speech or conduct threatening or constituting retaliation against the complainant or any witness will be regarded as a serious and separate infraction. The respondent must reply to the Dean of Student Engagement in writing, within five (5) working days of receiving notice of the complaint.

MEDIATION

Either the complainant or the respondent may request the Dean of Student Engagement/Associate Provost to attempt resolution of the complaint through mediation. Either party may decline to participate. If good faith efforts to mediate the complaint are ongoing, the Dean of Student Engagement/Associate Provost will suspend other complaint resolution options. If both parties agree to a settlement through mediation, no further option for resolution will be available. The case will be recorded in writing and kept on file by the Office of Student Engagement/Office of the Provost. If no settlement is reached, the complainant may choose either the Administrative Resolution or the Hearing Committee option.

ADMINISTRATIVE RESOLUTION

The complainant has the prerogative of choosing the administrative resolution option, subject to the right of the respondent to request mediation or the right of the respondent or the Dean of Student Engagement/Office of the Provost to request the appointment of a Hearing Committee. In an administrative resolution, the Dean of Student Engagement/Associate Provost or appointed administrator will review the complaint and meet with the complainant and will also meet with the respondent. The Dean of Student Engagement/Associate Provost will seek to resolve any factual disputes by interviewing witnesses and reviewing documents in order to establish the credibility of the parties. The Dean of Student Engagement/Associate Provost or appointed administrator will ordinarily complete this investigation within fifteen (15) working days

of the notification of the respondent. After completing the investigation, the Dean of Student Engagement/Associate Provost or the administrator will meet with the complainant and respondent either together or separately, to discuss the appropriate resolution to the complaint. After the meeting(s) the Dean of Student Engagement/Associate Provost or administrator will prepare a statement of the facts and a conclusion. Administrative resolution of a complaint is binding on both the complainant and the respondent.

HEARING COMMITTEE

At the request of either party, or the Dean of Student Engagement/Associate Provost request, a committee will be appointed to review the case, and after determining the facts, make a recommendation of resolution.

The appointed committee will consist of five members and two alternates to hear the case. Committee members will be chosen from the following pools within Fisk University.

a. Faculty members recommended by the Dean of Student Engagement/Associate Provost.
b. Staff from a pool recommended by either the Director of Human Resources or the Dean of Student Engagement/Associate Provost.
c. Students who are active members of one of the Fisk University Judicial Boards.

The Committee will include at least one member of the same status (e.g., staff, faculty member, student) as the respondent and at least one student. The Dean of Student Engagement/Associate Provost will designate a chairperson for the Hearing Committee.

HEARING COMMITTEE PROCEDURES

1. The Dean of Student Engagement/Associate Provost will provide Committee members with copies of the complaint and the complete policy of the alleged infraction, deliver to the Chairperson of the Hearing Committee a complete set of documents in the case, provide a procedural outline for the hearing to the Chairperson, assist the Chairperson in scheduling a hearing, ordinarily within ten (10) working days of the request for a hearing, assist the Chairperson in identifying the witnesses whom the complainant and respondent intend to call, and identify other person who might assist the Committee.

2. The Chairperson will notify the complainant and respondent not less than five (5) working days prior to the hearing of its location, time, and date. The Chairperson also will identify the members of the Committee and inform the parties that challenges for bias must be made not less than two (2) working days prior to the hearing. The Chairperson will determine the sufficiency of the challenges, and, if appropriate, choose a replacement from the alternates originally designated by the Dean of Student Engagement/Associate Provost. If the Chairperson is challenged, the Dean of Student Engagement/Associate Provost or his or her designee will determine if this challenge is sufficient.

The Chairperson may extend the deadlines in the Hearing Committee process if he or she finds just cause.

3. The hearing will ordinarily be held on consecutive working days and will not be open to any person who is not directly participating. Either party may exercise the option to select an advisor with whom he or she may consult upon request to the Chairperson at reasonable times during the hearing. Only a current faculty or staff member can act as an advisor. Off-campus individuals, parents, or those who have no direct affiliation with the University cannot serve as advisors. Request to be accompanied by an advisor must be made to the Chairperson in writing within three (3) working days of the hearing. The Chairperson may allow or decline an advisor to be present based on his or her judgment and must respond to the request in writing within one (1) working day of the hearing. Advisors who are admitted to the hearing may not address the Committee nor question witnesses.

4. The hearing will begin with a presentation of the complainant's case and be followed by the respondent's response to the allegations. The Committee may question both parties. Questions asked by the complainant or respondent may be disallowed by the Chairperson if he or she determines that any question or statement is irrelevant to the proceedings. Both parties will be provided an opportunity for appropriate rebuttal. Neither the complainant nor the respondent will be allowed to directly question each other, nor shall the Committee be questioned directly. The burden of proof is upon the complainant, who must establish the guilt of the respondent by an overwhelming preponderance of the evidence. All proceedings will be tape recorded for review by the Committee during deliberation of the facts, or may be utilized by the Dean of Student Engagement/Provost in the case of an appeal. Tape recordings of the proceedings will be kept on record by the Office of Student Engagement/Provost's Office, and will not be available to either the complainant or respondent after the hearing.

5. Witnesses will not be present except during their testimony. The complainants' witness will first be allowed to provide their knowledge of relevant facts through questions posed by the Committee and by both parties followed by the respondents' witnesses. Once the Committee is satisfied that all relevant information has been presented, both parties will be allowed to present summary statements and or written briefs to the Committee.

6. Once the hearing is adjourned, the Committee will privately meet to discuss the evidence and testimony, and to determine the facts and the extent to which they constitute proof of the allegations made against the respondent.

POSSIBLE FINDINGS

If the Hearing Committee determines that the alleged infraction has occurred, the Committee will be given access to any records of prior infractions by the respondent. The Committee will then assess the seriousness of the case based on the severity of the

infraction, the extent to which it was a single or repeated incident, and any record of past infractions. The Committee will develop a recommendation of sanctions, which will apply only to the respondent. Sanctions recommended by the Committee may include termination of employment for any faculty or staff member of the University, or exclusion from the University or any lesser sanction for any student. The Committee will communicate its findings and recommendation of sanctions to the Dean of Student Engagement/Associate Provost. The Dean of Student Engagement/Associate Provost will then accept or reject the report, or refer the case back to the Hearing Committee for additional review. If the Dean of Student Engagement/Associate Provost accepts the report, after consultation with the Director of Human Resources, he or she will determine if the sanctions are appropriate and impose the sanctions. A copy of the decision will be placed in the respondents file; no record will be made in the complainants file. If it is determined that there are insufficient grounds to support the claim or allegation made by the complainant, both parties will be so informed in writing and the complaint will be dismissed. The complaint will be recorded in the institutional tally and the records of the Dean of Student Engagement/Associate Provost.

PROCEDURES FOR APPEAL

Either party may appeal the decision of the Dean of Student Engagement/Associate Provost to the Dean of Student Engagement/ Provost. A formal appeal must be filed in writing within three (3) working days after receipt of a decision. The Dean of Student Engagement /Provost's response to the appeal will be one of the following:

1. Accept the Dean of Student Engagement's/Associate Provost's findings and sanctions.
2. Accept the Dean of Student Engagement/Associate Provost's findings and modify the sanctions.
3. Send the case back to the Dean of Student Engagement/Associate Provost to review the findings and/or modify the sanction.
4. Reject the Dean of Student Engagement's/Associate Provost's findings and sanctions.

KNOWINGLY MAKING FALSE COMPLAINTS

If it is determined during the Formal Student Complaint Resolution Process the complainant knowingly made a false complaint, the Dean of Student Engagement/Associate Provost may charge the complainant with a violation of the Personal Integrity section of the Fisk University Honor Code, and may result in exclusion from the University or any lesser penalty.

STUDENT PUBLICATIONS

Editors of student publications enjoy appropriate editorial freedom consistent with the interest of the student body, the University and accepted standards of journalism.

Fisk Forum

The Fisk Forum is the student newspaper, edited and managed by a student staff. Working as a reporter, editorial writer, or advertising manager for *The Forum* provides excellent training in journalistic skills, as well as a unique opportunity to participate deeply and responsibly in the life of the University. Fisk's student press published the earliest writings of W.E.B. Du Bois, and throughout its history has been an energetic advocate for democratic reforms and for racial justice, reporting and commenting not only on campus affairs but also the local, regional, national, and world scenes. *The Fisk Forum* returned to active publication in 2010.

Fisk Herald

The Fisk Herald is another student publication and is a student-edited literary quarterly publication open to contributions from student and faculty writers. *The Herald* publishes poetry and prose and also serves at times as a forum for discussion of campus topics. Emphasis is on creative writing.

Fisk Oval

The Oval is the University yearbook, featuring photographs of the faculty, senior class members, and major student organizations representatives. *The Fisk Oval* returned to active publication in 2010.