

FISK UNIVERSITY
ZERO TOLERANCE TO PHYSICAL VIOLENCE AND VICTIMIZATION POLICY
2013

I. Policy

Fisk University is dedicated to promoting and maintaining a safe and supportive learning environment that protects students, faculty, and staff from conduct that poses a serious threat to persons or property on the University campus. Understanding and mutual respect toward individuals are essential elements to excellence in teaching and learning, to the existence of a safe and healthy campus, and to the maintenance of a campus culture that serves the needs of the community. **The University prohibits violent acts or threats of violence, including gang activity, fighting, and physical abuse against any individual.** Any student who commits a violent act, or threatens to commit a violent act, is subject to disciplinary action in accordance with this policy and other applicable University policies.

Fisk University has **zero-tolerance** for violence against students, faculty members, administrators, employees, visitors, and any other person on the University campus, or its properties. Any person who makes threats of physical violence, exhibits threatening behavior, or engages in violent acts on University property shall be subject to removal from the premises as quickly as safety permits. For the purpose of this policy, violence and threats of violence include but are not limited to the following:

- intentional bodily harm, including menacing, hazing, and 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; or (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);
- rape, sexual assault, or sexually threatening actions;
- behavior or action that may place another person in reasonable fear or apprehension of immediate bodily harm;
- the destruction of, or damage to property; or
- any conduct that harms or endangers the health or safety of others.

II. Procedures

A. Reporting

Each allegation of violence or threat of violence will be taken seriously. Individuals (including students and employees) are responsible for reporting acts of violence, threats of violence, or any other behavior, which by intent, act, or outcome could harm another person or property. Reports shall be made to the most appropriate of the following:

- Faculty Members;
- Campus Security; and
- an appropriate College Dean.

B. Disciplinary Actions for Failure to Comply

1. **Interim or Summary Suspension** – the University will immediately suspend all parties involved in any physical altercation.

As a general rule, the enrollment status of a student accused of violations of these regulations shall not be altered until the appropriate disciplinary body makes a final determination with regard to charges against the accused student. Nevertheless, summary suspension may be imposed upon a finding by the University Judicial Officer or designee that the continued presence of the accused on University premises will pose an immediate threat or disruption

- i. to the physical safety or well-being of the accused, or any other member of the University or its invitees,
 - ii. to the integrity of institutional property or personal property of members of the University or its invitees, or
 - iii. to the learning or social environment, including classrooms or other campus activities.
2. **Condition of Interim Suspension.** During an interim suspension, the accused students shall be denied access to the (i) Residence Halls, (ii) other areas of the campus, including but not limited to classrooms, student facilities, e.t.c., and/or (iii) all other University activities to which the student might be otherwise privileged, as the Dean of Student Engagement, or a designee, may determine appropriate.
3. **Continuation of Interim Suspension.** Within two (2) working days of the interim or summary suspension, a designee of the Office of Student Engagement shall hold a preliminary hearing to determine if the suspension should continue until a formal hearing of the charges is held by a University adjudicating body.
4. **Time for Hearing.** If the interim suspension 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 the interim suspension.
5. **Mandatory Sanction.** The mandatory minimum sanction for a violation of this Zero Tolerance policy will be suspension or permanent expulsion from the University. This minimum sanction will apply regardless of whether the accused student is a first offender or a repeat-offender.
6. **Absolute Defense.** An accused student has the right to raise the right of self-defense. An accused student will not receive the mandatory minimum sanction if the accused student was acting in self-defense. Nonetheless, the accused student may still receive summary suspension until an investigation of said assault is completed.