

## **STUDENT HOUSING AND RESIDENCE LIFE POLICIES**

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A residence hall is a densely populated community composed of students with many different interests, habits and preferences. The University is committed to the concept that residence halls should provide a living and learning environment, where, in a spirit of cooperation and consideration for others, students may live, study, and relax together. It is the students' responsibility to become acquainted with each item as it relates to the following policies. These policies are reviewed annually by residence hall staff.

### **CAMPUS RESIDENCE REQUIREMENTS**

All undergraduate students who are unmarried and financially dependent on parental support are required to reside on-campus. The Dean of Student Life may make exceptions when the student is a legal resident of Davidson County, or when there is a temporary shortage of residence hall space, or due to personal circumstances. Fisk believes that participation in the give-and-take of campus life is an indispensable part of a university education. When an exception is granted, it must come in the form of written approval from the Dean of Student Life and must be received prior to the beginning of the registration period in which the student seeks permission for off-campus residence.

### **CANCELLATION OF RESIDENCE HALL CONTRACT**

This sanction is used in situations where it is determined that a student should not be allowed the privilege of living in a University Residence Hall. Students receiving this sanction:

- A. Shall be given the opportunity to discuss the situation with the Dean of Student Life;
- B. Shall be advised in writing by the Dean of Student Life of appropriate administrative appeal procedures;
- C. May not be permitted to enter any residence hall(s) or the cafeteria; and
- D. May be suspended or dismissed from the University.

### **COHABITATION AND OVERNIGHT GUESTS IN RESIDENCE HALLS**

Cohabitation is strictly prohibited in the University Residence Halls. Violation of this policy could result in cancellation of the offending student's residence hall contract, as well as additional disciplinary action. If the cohabitant is a Fisk student, he or she will also receive the same sanction. If the cohabitant is not a Fisk student, he or she may be sanctioned for trespassing by the Fisk University Office of Public Safety and referred to the Metropolitan Nashville Police Department for appropriate action based on the trespass. The cohabitant will also be barred from campus. (Also refer to the Section of this Handbook titled "Visitation" for the University's policy on visitation.)

Overnight guests are permitted with roommate approval. Guests must be of the same gender. Guests may stay for a maximum of two successive nights with prior approval by the Residence Hall Director. No guest may spend more than three nights in a one-month period in any residence hall. The maximum of three overnight stays is inclusive of all on-campus residential facilities. All overnight guests must be registered with the Residence Hall Director regardless of the length of their stay or relationship to the resident they are visiting. Students are responsible for the actions of their guests. For health and safety reasons, the University reserves the right to limit the number of guests per building. Guests of students must be escorted at all times by their hosts in the residence hall. NOTE: The University does not allow persons under 18 years of age to be overnight guests unless they are part of a University sponsored event. Babysitting is prohibited in all residence facilities.

## **COMPUTERS**

All students are encouraged to have their own computer (laptop or desktop). Currently, Jubilee Hall and Crosthwaite Hall are the only residence halls equipped with Internet connections in the rooms. Fisk University does not assume responsibility for repairs or upgrades for student-owned computers and peripherals. It is recommended that students purchase a security cable for their desktop or notebook computer.

Each residence hall is “wired” to the Internet and equipped with a designated computer lounge for students’ use, as indicated below.

- Jubilee Hall - 3rd Floor, Study Lounge (6 PCs)
- Shane Hall - 4th Floor, Room C402, (6 PCs)
- Crosthwaite Hall - 2nd Floor, Study Lounge (6 PCs)
- New Livingstone Hall - 1st Floor, (6 PCs)

All registered students are eligible to receive a network account and an email address. Contact the Fisk University Information Technology Systems Office, located on the lower level of Crosthwaite Hall, to receive the required Account Request Form.

## **CONFISCATION POLICY**

Certain items are prohibited in the residence halls because they pose health, fire and/or safety hazard, because of University policy. If appliances, the use of which are not permitted or which are being used in an impermissible fashion are found in students' rooms, the appliances will be subject to confiscation and the student subject to an assessment for damages, the cost of removal and/or storage. If students have any items confiscated pursuant to this policy, he or she will receive a receipt. Upon full payment of any fee or expense imposed, students are entitled to the return of their appliances at the end of the year as they leave campus. Any item not claimed within one calendar year becomes Fisk University’s property and will be discarded. Weapons, alcohol, illegal drugs and drug paraphernalia will be turned over to the Office of Public Safety or the Metropolitan Nashville Police Department as determined in the sole discretion of the University will not be returned, since a violation of state law has occurred.

## **CURFEW**

All residence halls close at 12:00 midnight seven days per week, and are locked for residents' safety. Freshmen men and women are required to be in their residence hall at curfew (12:00 midnight). Exceptions are made for special campus activities and with the permission from the Dean of Student Life. Upperclassmen and women must use their keys to enter the residence halls after midnight, but are not subject to the curfew applicable to freshmen and women.

## **DAMAGE, DESTRUCTION, OR OBSTRUCTION OF COMMUNITY PROPERTY**

Any cost related to the damage, destruction, obstruction or loss of use otherwise of University property. Residence hall common area property (lobby furniture, kitchen equipment, etc.) or residence hall community property (computer lab equipment, bathroom equipment, etc.) shall be the financial responsibility of the residence hall community. Residents are expected to observe acceptable standards of cleanliness and sanitation in rooms, bathrooms and common areas. Misuse, lack of cleanliness or destruction of these areas shall be the financial responsibility of the residence hall community. The total cost of cleaning, repair or replacement shall be assessed and divided among the total number of residents in a defined residential living space or the entire residence hall.

Written notice of a residence hall community financial penalty shall be given to all students of the residence hall by the Resident Director or a member of the Student Life administrative staff. Once assessed, it shall be placed on the student's University account. The University also reserves the right to refer the matter for appropriate sanctions under the University Judicial System.

## **FACILITIES/EQUIPMENT AND EXIT DOORS**

For safety reasons, exit doors may not be propped open or otherwise obstructed so as to prevent complete closure. Entering or exiting a building through unauthorized doors or windows is prohibited. Keys or other entrance devices are the property of the University; the University grants a limited right of use to the student to whom a key or other entrance devices are issued. Keys and entry devices must not be given to anyone else for any use or purpose. Keys should be carried at all times. Unauthorized use of cable television services, computer access, telephone access, etc. (including splicing of cable, telephone, computer wires, etc.) is prohibited, and violations shall be subject to discipline under the University Judicial System for residence halls.

## **FIRE PREVENTION AND SAFETY POLICIES**

ALL FIRES, NO MATTER HOW SMALL, MUST BE REPORTED TO THE RESIDENT DIRECTOR IMMEDIATELY.

## **FIRE AND EMERGENCY EVACUATION**

Students should be familiar with the exits nearest to their rooms so they can exit quickly and safely when the fire alarm sounds. When the alarm sounds, students should put on their shoes (and a coat in cold weather), close the room door and leave the building quickly. Students may return only upon authorization from the staff. Failure to exit a building while a fire alarm is sounding will be considered a violation of the Student Code of Conduct.

## **FIRE EQUIPMENT, EXIT SIGNS AND FIRE DOORS**

All fire-related equipment including fire extinguishers, hoses, alarms, exit signs, and notices are available for the purpose of saving lives. The equipment is to be used for fires only. Unauthorized use of or tampering with any of this equipment, as well as the blocking of fire exits, is a serious violation and may subject the student to appropriate sanctions under the University Judicial System and may result in suspension or expulsion from the University. It is also a criminal offense and may result in prosecution or any other appropriate sanction by a law enforcement agency or any other appropriate governmental authority. Fire doors must remain closed at all times to contain smoke and fire. Any person knowingly causing a false alarm of fire or other emergency to be transmitted involving a risk of physical harm to person or property, is guilty of a misdemeanor of the first degree for which the maximum penalty is six months in jail or a \$1,000.00 fine or both. The University reserves the right to deem any objects to be hazardous; repeat offenders will be subject to discipline under the University Judicial System.

The following policies have been established in accordance with fire and safety laws of the State of Tennessee regarding public buildings. The procedure set forth in this policy for building maintenance is applicable to all residence halls.

(a) Resistance coils or gas appliances of any kind such as hot plates, emersion coils, grills, skillets, toasters, toaster ovens or any appliance with an exposed heating element or heating surface are prohibited. Microwaves and hot surface appliances, such as hot plates, George Foreman Grills, space heaters, popcorn poppers, etc., are not allowed in student rooms. The use of UL approved portable electric hair dryers, curling irons, portable refrigerators (3.5 cubic feet, 1.5 amps), razors, radios, clocks, computers, desk lamps, irons, televisions sets, tape recorders, CD players, and stereos are permitted in student rooms.

Extreme caution is urged when using these appliances in the room from both a safety and a sanitary aspect. Students are encouraged to use cooking appliances (with smooth heating surfaces only) in kitchens, where available. If these smooth surface appliances are used in the kitchen area, use the following precautions:

- Operate all appliances away from flammable items such as bedding, paper, clothing, aerosol cans, etc.

- Never leave cooking food unattended. Crock-pots are not allowed for this reason.
- Unplug all appliances immediately when you are done.
- Clean appliances, plates and utensils, immediately after use. With multiple people living in an area, the potential for infestation by bugs and rodents multiplies quickly when food and dirty dishes are left out.

(b) Care should be taken in the use of all electrical cords and sockets. Extension cords are to be used only as an extension of a single unit, not as a multiple plug adapter. All electrical cords should bear the label “Approved by Underwriter’s Laboratories.” Do not overload circuits. Multiple plug adapters are prohibited. UL approved power strips with surge protectors are permitted.

(c) LIGHTED CANDLES OR CANDLES WITH BURNT WICKS, INCENSE BURNERS, HALOGEN LAMPS, AND POTPOURRI BURNERS ARE NOT ALLOWED IN STUDENT ROOMS.

(d) The use or storage of kerosene, gasoline, naphtha, benzene, or any similar flammable material in residence halls is prohibited.

(e) Flammable items such as sheets, fish net, etc., should not be hung or draped from the walls or ceiling. Light fixtures are not to be covered with flammable items.

(f) Wastepaper baskets should be emptied frequently.

(g) Fisk University is a smoke-free campus. Smoking is prohibited in all buildings on-campus, including residential facilities. Additionally, smoking is prohibited during all campus ceremonies and activities sponsored under the auspices of Fisk University. Guests or visitors of our students are expected to comply with this smoking policy.

(h) Fire doors are to be kept closed. Fire doors serve to protect you in the event of fire but are useless when left open. Fire doors are located throughout the residence halls in the corridors, at the stairwells, and at some of the lobbies and, if properly closed, prevent fire, smoke, and fumes from spreading throughout the building in the event of fire, thus keeping some routes clear for safe exit.

(i) No live Christmas trees or live greenery may be used anywhere within the buildings. Fireproof trees of vinyl/aluminum are acceptable. No strung holiday lights may be used in the residence halls.

(j) All decorating materials used on floors where residents live must be fireproof.

(k) No straw or similar flammable material may be used inside the building.

(l) Doors may be covered with flameproof material during the holiday season only if it is attached by tape (no tacks) on the sides, top, or bottom of the door.

(m) There should be nothing used at any time that will impede the flow of traffic in the halls in the event an evacuation of the building should become necessary.

(n) Glass inserts in the fire doors may not be covered at any time.

(o) Light bulbs and light fixtures must not be covered with paper, cellophane, or paint. Theater gels may be attached to desk lamps, etc., for colored lighting effects.

(p) All room smoke alarms are equipped with the appropriate battery. If an alarm is found missing a battery, it will be assumed that the student has removed the battery. All missing batteries may lead to a fine of up to \$100.00 plus the replacement cost, all of which shall be assessed to each resident of the room. It is the responsibility of each resident to report non-working batteries to their Resident Director.

**VIOLATION OF THESE FIRE SAFETY RULES IS A SERIOUS OFFENSE. FAILURE TO COMPLY WITH THE FIRE SAFETY REGULATIONS SHALL RESULT IN THE FOLLOWING SANCTIONS:**

- First Offense- Written Warning, \$200 Fine, and community service (Possible Revocation of Housing Contract)
- Second Offense- Referral to Tribunal Disciplinary Council (Recommended Sanction- Suspension or Expulsion)
- If violation of the above fire safety regulations results in fire or property damage, the University may impose more severe sanctions including significant fines and suspension or expulsion.

**HEALTH SAFETY**

To limit the likelihood of pests, students should not store perishable food items in open containers. It is the students' responsibility to keep his or her room clean and to take trash to the refuse containers provided. Cooking is not permitted in the residence hall rooms

**IMPROPER BEHAVIOR**

No student shall participate in any behavior that is disruptive to the residential community. Examples include but are not limited to, water, food or shaving cream fights, or any behavior in or outside of a residential facility that is not conducive to the educational atmosphere of the residence hall. Obscene, intimidating, or socially inappropriate behaviors which are offensive to the prevailing standards of an academic community are prohibited.

## **LITTERING AND TRASH DISPOSAL**

No person shall discard trash of any kind on the grounds of on-campus residential facilities, except in appropriate receptacles provided for such purpose. No public area trashcans (bathroom, kitchen, laundry room, etc.) should be utilized for personal trash.

## **LOCK-OUT POLICY**

If students get locked out of their rooms, the staff will let them into their room with no charge once each semester. To minimize overuse of this service, a charge of \$5.00 will be assessed for additional lockouts. After a third lockout, possession of the key must be verified by the Residence Hall Director. Failure to present the key will result in automatic charge for a lock change.

## **LOST KEY OR SECURITY CARD**

If a student loses a residence key or security card, a new one can be obtained by reporting it within 24 hours to the Residence Hall Director. Students will be charged a cost for labor of \$100 to replace lost or stolen room entry keys and \$50 for lost or stolen building exterior keys or security cards. The cost of key replacement will be automatically charged to the student's account to maintain the security of the residential facility. The fee may be waived in appropriate circumstances. Appropriate sanctions may be imposed.

## **OFFENSIVE SIGNS AND PICTURES**

Signs which use curse words, derogatory and demeaning names, racial names, or depict violent acts, are not permitted on room doors or in any facility within the University, including residence hall rooms.

## **OPENING AND CLOSING OF RESIDENCE HALLS**

There is an official opening and closing time and date for each academic semester. This information is sent to each student during the preceding semester and is listed on the University Academic Calendar. Students will not be allowed to stay in the residence halls before or after scheduled opening and closing times.

At the beginning of each semester, there is an official check-in period/procedure for the residence halls. Upon arrival on-campus, students should ensure all accounts are clear, and go directly to their assigned residence hall. Students must be financially cleared before room keys are issued. If a student is not listed as financially cleared on the residence hall registration list, that student will need to go to the business office to rectify the matter before he or she can move into the dorm.

During the first week of each semester, the Resident Assistant will contact each student on his or her floor to complete a Room Checklist form. The student and the Resident Assistant will check the condition of all items in the student's room. It is important that all damages be noted on the form to identify those that occurred prior to

the student's occupying the room. Residents will be held responsible for any damages to their rooms over and above those noted on the form at the time they check into the residence halls.

At the end of each semester, there is an official checkout period/procedure for the residence halls. Before leaving the residence hall, students must clear out all personal belongings and turn in their room, closet, and mailbox keys. No personal items will be stored in dorm rooms once the academic year has ended. Students are required to store all personal belongings off-campus.

### **PERSONAL PROPERTY**

The University and the residence hall staff assume no responsibility for theft, damage or loss of money, valuables or personal property. Students are strongly encouraged to consider carrying some form of personal insurance if their family's homeowner's policy does not cover them while they are away from home.

### **PETS**

For environmental health and safety reasons, no pets other than tropical fish can be kept in the residence halls. Tropical fish tanks may not infringe upon the rights of the roommate. Feeding stray animals is prohibited.

### **POSTING NOTICES**

While Fisk University believes in the communication of events, programs and activities throughout its campus, students, faculty, staff and the general public must seek authorization to post notices from the Office of Student Life or the department or division head over the bulletin board in question. Notices are to be posted only on bulletin boards and are strictly prohibited on windows, doors, walls and buildings, trees, utility poles, etc. Unauthorized signs will be removed. Signs displayed in violation of this rule will be confiscated.

### **PUBLIC SIGNS**

The display of public signs (e.g. road signs and public service signs such as exit signs) is prohibited.

### **QUIET HOURS**

The residence hall is a community that strives for an atmosphere conducive to study and rest so that students will be able to perform well at Fisk University. With this goal in mind, quiet hours are in effect from 8:00 p.m. - 8:00 a.m., Sunday - Thursday, and 12:00 a.m. - 12:00 p.m., Friday and Saturday. Quiet hours are minimal for each living unit on-campus. If residents within any living unit believe that quiet hours should be extended, the Resident Director within that living unit may take a vote of all residents who would be affected by that change. According to the majority vote, extended quiet hours may be implemented or minimal quiet hours may be retained. During quiet hours, noise may not



be heard outside of the room so as not to disturb fellow residents. Quiet hours are extended to twenty-four hours during examination weeks. Students are expected to share responsibility for maintaining quiet hours and respecting others' rights to study and sleep. Because of the close proximity of the residence halls, noise outside of the halls must be maintained at a reasonable level. For this reason, loud music (including stereo speakers in room windows) and other noises are not permitted in the residential areas. This includes noise external to the building.

**Sanctions for quiet hours may include one or all of the following:**

**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.

**Restitution/Fine** – Requiring restitution or fine 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.

## **RESIDENCE HALL COUNCIL**

The Residence Hall Council is a body elected by the residents. The Council is the active link of communication between the residence hall staff and the students. This is an excellent way for the new members of the campus to become involved in University governance. The role of the Residence Hall Council is to plan and implement programming for your residence hall. The Council meets regularly to plan residence hall functions and activities. Residence hall students are welcome to attend the Council meetings. All residence hall students are encouraged to become involved in the Residence Hall Council.

## **RESIDENTIAL SECURITY**

Security is an important matter and students play a key role in their own security. Students should take care to lock their rooms; keep all monies, jewelry and valuables in a safe place; report suspicious individuals; and, avoid walking alone at night. In addition, students should never give keys, security cards, or mailbox combinations to anyone under any circumstances; or let unknown persons into the residence hall; or leave personal belongings unsecured.

The University provides 24-hour security services. To maintain the safety of all residents, students and visitors must follow the guidelines established and the requests of the desk attendants. Visiting students must have a current photo ID to enter a residence hall. All visitors must sign in at the residence desk and leave proper photo identification

with the desk attendant that will be returned when they leave the residence hall. The desk attendant will call the resident to come to the desk to meet his/her visitor. Students and visitors who refuse to show proper identification will not be permitted to enter the residence hall. Students who fail to respond to the requests of the desk attendant will be deemed to be in violation of this policy and subject to disciplinary action. Visitors who fail to respond to the requests of the desk attendant may be barred from the residence halls and/or the campus. Students should always carry their Student ID card.

## **ROOM DECORATIONS**

Fisk University encourages students to express their individuality and creativity through their room decorations. Painting of rooms is not permitted. Students are permitted to use curtains, carpets and plants to personalize their home away from home. It is important to consider all University safety regulations. Decorations must be arranged so as not to obstruct any exits in case of an emergency. Structural modifications or building on to a students' room is prohibited. Residents are advised to use masking tape or mounting adhesives, not nails, for hanging items on the doors, walls or ceiling.

## **ROOM/HALL CHANGES**

Students who desire to change rooms may do so only during the time designated by the Residence Hall Director, but not during the first ten days of the semester. Students who change rooms without the permission of the Residence Hall Director will be subject to disciplinary action.

## **SALES, SOLICITATION OR CANVASSING**

To protect everyone's right to privacy, no group or individual may solicit, sell, act as a vendor or operate a business venture of any kind on any University property without the permission of Office of Student Life.

## **SANITATION AND CLEANLINESS**

Residents are expected to observe acceptable standards of cleanliness and sanitation in rooms, bathrooms, and all residential community areas. No student shall throw waste materials on floors or out of windows. Residents shall not cause plumbing fixtures to become clogged and the use of kitchen areas for purposes other than food preparation is strictly prohibited.

## **STUDENT CONDUCT**

The Code of Student Conduct emphasizes the University's obligation to promote personal freedom, maturity and responsibility and applies in all aspects of student life. All students accept the responsibility to conform to all University rules and regulations. Failure to meet this obligation will result in appropriate disciplinary action, which may include a fine, probation, suspension or dismissal from the University, relocation to another residence hall, termination of the University housing contract and/or other sanctions. Any member of the University community may report an individual who is in

violation of the Code of Student Conduct. Residence Life staff members as well as the University hearing officer will assist students who wish to report others.

## **TELEPHONES**

Each room in the residence halls is wired for telephone service which may be activated directly through BellSouth, at the student's expense.

In the event that a student's behavior warrants him/her moving to another room during the school year, the student shall be responsible for any incurred/ additional costs for changing telephone service to the new room. To have a phone installed, students must call BellSouth at (615) 557-6500. Students will be responsible for any damages to phone jacks.

## **TRESPASSING**

No unauthorized person shall knowingly enter, remain, or reside in the residence halls. Violators are subject to fines and/or arrest.

## **VANDALISM**

Furniture is provided in the residence halls (e.g., rooms, lobbies, lounges, etc.) for the students' use. This furniture must remain in these areas; relocation of this furniture is prohibited. Residents will be responsible or share in the payment of damages for any acts of vandalism in the residence hall. Students found guilty of committing any act of vandalism will face disciplinary action including, but not limited to, fines, repaying the costs of replacement or repair, cancellation of the housing contract, and/or expulsion. Students will be held liable for their guests' acts of vandalism as well. Violation of this policy will result in sanction up to arrest.

## **VENDING MACHINES**

Vending machines are installed for students' convenience. If the machines are out of order, report this fact to the Resident Hall Director. Tampering or misuse of any service equipment will result in removal of the equipment and subject students to disciplinary actions. Stealing or vandalizing any coin-operated vending machine may also result in arrest or arraignment by legal authorities.

## **VISITATION**

Visitation is a privilege and not a right. The University reserves the right to suspend or cancel visitation at any time. In-room visitation by members of the opposite sex is strictly prohibited for freshmen students. Visitation is permissible in designated common areas of the residence halls during hours of visitation. Residents are responsible for all actions of their guests and are responsible for informing them of housing rules and regulations. Guests will remain with their hosts at all times while in on-campus residential facilities. Residents are responsible for all activities of their guests that occur within their rooms in any residential public or common area.

The hours of visitation for freshman and sophomore residence halls are:

Monday - Thursday:..... 7:00 p.m. - 11:00 p.m.  
Friday - Sunday:..... 7:00 p.m. - 12:00 p.m.

- Visitors must abide by all rules and regulations of the residence halls and the University.
- Visitors must remain in the room of the host/hostess and are not permitted to loiter in the halls.
- Visitors and residents must use the public and community bathrooms designated for use by their respective gender only.
- The maximum number of visitors in a room is three per resident.
- Visitors must sign in at the main desk of each residence hall and leave their ID with the Desk Attendant.
- Hosts and hostesses must go to the main desk to sign in and escort their visitors to their room.
- They must also escort their visitors out of their room and back to the main desk.
- Visitors must pick up their ID when they check out at the main desk upon leaving the residence halls.

The rights of a resident always supersede those of any visitors at any time/event if it is a time when visitors are permitted. If a resident is inconvenienced by the presence of any visitor at any time, the resident should ask the host or a residence life staff member to have the visitor leave. If unable to resolve a situation in this manner, the resident should contact the Residence Hall Director. Multiple violations of this policy may result in immediate revocation of the student's residence hall contract.

### **WASHER AND DRYER SERVICE**

Washers and dryers are conveniently located in each residence hall facility. Students are prohibited from washing articles other than clothing (i.e. rugs or shoes) or using dye in the washers. Students should not leave their articles unattended in the laundry room. Fisk University is not responsible for lost or stolen articles. Stealing or vandalizing any coin-operated vending machine may result in arrest by law enforcement authorities.

# **ROOM ENTRY AND SEARCH IN RESIDENCE HALLS**

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## **POLICY AND INTENT**

The University makes every effort to insure privacy in all residence halls. Nevertheless, designated University officials have the right to enter a student's room for matters pertaining to general health and safety; to perform reasonable custodial, maintenance and repair service; to inspect for damages or cleanliness; and for suspected rule violations. In addition, designated University officials may enter and search a student's room if there is any reason to believe that the premises are being used for an illegal purpose, or a purpose which violates health or safety regulations, or interferes with normal university operations. Physical evidence of violations of this policy may be confiscated and used as evidence in disciplinary proceedings.

The following is intended to define procedures for room entry and room searches, which preserve as much as possible the integrity of students and their right to privacy. It should be clearly understood that the guidelines outlined for search and entry are intended for students' protection and control. However, nothing herein can limit the ability of authorized law enforcement or judicial agencies to seek and obtain legal search warrants to enter and search rooms on the University campus.

## **DEFINITIONS**

"Room inspection" is an entrance into a student's room to fulfill the duties of authorized personnel or to inspect the conditions within the room for health and safety reasons.

"Room search" is a formal entry into a student's room to search for evidence when reasonable cause exists to believe that the Code of Student Conduct may have been violated or that the health, safety or welfare of students or others may be at risk.

## **CONDITIONS FOR ROOM INSPECTION**

Rooms may be entered with reasonable cause to believe that one of the conditions for entry is satisfied. Reasonable efforts will be made to notify the occupants of an anticipated room inspection. The following are guidelines for room entry:

1. There is a reasonable indication that established conduct standards or health or safety regulations are being violated. This requires the utmost care and sensitivity to the issue of maintaining privacy for students in the residence hall setting.
2. Periodic health and safety inspections are conducted by health officials and members of residence hall staff for preventive and corrective action.
3. A student's room may be entered for maintenance and general repair.

4. A student's room may be entered in case of imminent danger to health or safety.
5. Students may contact the Dean of Students with any concerns about the implementation of this policy.
6. The following personnel shall be authorized to enter students' rooms under the conditions prescribed:
  - A. Full-time professional members of the residence hall staff, excluding clerical personnel;
  - B. Resident Director alone or Resident Assistant escorted by Residence Life Staff;
  - C. Employees of the maintenance staff of the Physical Plant Services escorted by Residence Life Staff;
  - D. Non-University personnel contracted to perform maintenance or repair services on behalf of Residence Life or Physical Plant Services escorted by Residence Life Staff;
  - E. In the absence of the Resident Director or Resident Manager, a Resident Assistant with a security officer may act in the case of an emergency regarding health and safety. Other cases should be referred to the Director of Residence Life;

Rooms will be searched with reasonable cause and the occupant or occupants will be informed of the reason(s) for any room search. Whenever feasible, the Office of Student Life will provide students with written notice explaining the prompting of the search.

- There are two basic situations that precipitate administrative room search:
  1. A reasonable indication that the Code of Student Conduct or health and safety regulations are being violated;
  2. An emergency that makes it necessary for a staff member to search a room for a particular item. In an emergency situation, oral approval will suffice and written notice will not be provided.

## **STRUCTURE OF THE FISK UNIVERSITY JUDICIAL SYSTEM**

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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 Affairs; 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 Affairs. When asked to do so by the Director of Student Affairs, or by a student requesting Committee review of disciplinary sanctions imposed by the Director of Student Affairs, 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 Affairs. The Hearing Committee may at its discretion also review disciplinary sanctions imposed by the student affairs 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 (Assistant Dean of Student Life) 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 Life. 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 Tribunal Disciplinary Council.

### **TRIBUNAL DISCIPLINARY COUNCIL (TDC)**

The Tribunal 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 TDC are appointed by the Office of Student Life. The TDC 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 TDC. The Tribunal Disciplinary Council is the University Judicial Board responsible for making recommendations in cases involving breach of University regulations to the Dean of Student Life, and may take the following actions: no action taken, agree with charges, or dismiss charges. The TDC may decide to implement additional sanctions in relation to findings in any judicial matter. Students may request an appeal of the decision of the Tribunal Disciplinary Council to the Dean of Student Life.

### **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 Life.

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 Life.
  - B. Is the alleged offense serious enough to result in possible suspension or expulsion? The Student Housing Hearing Officer must consult with the Assistant Dean of Student Life in making this determination.
4. If the offense could result in possible suspension or expulsion, the case shall be referred to the Tribunal 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 Tribunal 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 Life 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 Life.

## **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 Assistant Dean of Student Life 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 and will vote only in the case of a tie. 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 Life 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 Life.

## **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 Life. 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 Life, or a designee, may determine to be appropriate. A preliminary hearing will be held by a designee of the Office of Student Life 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 Life. 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 Life as a part of a judicial sanction by the Tribunal 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 Life.
- 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 from 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: Seniors found responsible for violating University policy during the last 30 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 ceremonies and /or from obtaining a diploma/transcript pending completion of all sanctions.

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

## **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 Life. The Dean of Student Life 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 Provost & Executive Vice President. The Provost will not hear a case that has not gone through the proper disciplinary appeals process. The Provost & Executive Vice 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 Provost & Executive Vice President of the University.

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.

## **STUDENT RIGHTS AND STANDARDS OF CONDUCT**

### **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.
- 6.

### **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 Assistant Dean of Student Life or any other person designated by the Dean of Student Life 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 Life 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 Life.
8. The term “Appeal Officer” means any person or persons authorized by (or including) the Dean of Student Life 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 Tribunal 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:

### Academic Integrity

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.

### Personal Integrity

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 Life 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.

### **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](http://www.whitehousedrugpolicy.gov/drugfact/index.html) and [www.niaa.nih.gov/Publications](http://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.

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 Life, University Counseling Services or a member of the residential life staff. The Office of Student Life 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 Life, 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 Life.
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.