

UNIVERSITY COURTYARD HANDBOOK

RESIDENCE HALL CONDUCT SYSTEM

Students found in violation of the regulations included in this handbook will be held accountable for their actions and will face disciplinary action and/or legal prosecution. University Courtyard is recognized as a University Judicial Officer and therefore may provide disciplinary action in regards to all students, including residents. Students will also be held accountable for the conduct of their guests, and could face educational and administrative sanctions for the behavior of their guests.

UNIVERSITY REGULATIONS PROCESS

Residents are not only responsible for University Courtyard policies, but for University Conduct Regulations (California Code of Regulations) as well. Residents found to be in violation of University Policy will be referred to the University Courtyard Student Conduct Coordinator (who is recognized as a University Judicial Officer) and/or the Assistant Vice President for Judicial Affairs.

University Conduct Regulations

The University is committed to maintaining a safe and healthy living and learning environment for students, faculty and staff. Each member of the campus community must behave in a way consistent with this commitment. Student behavior that is not consistent with the Student Conduct Code is addressed through an educational process that is designed to promote safety and good citizenship and, when necessary, impose appropriate consequences.

A) Student Responsibilities:

Students are expected to be good citizens and to engage in responsible behaviors that reflect well upon themselves and the university, to be civil to one another and to others in the campus community, and to contribute positively to student and university life.

B) Unacceptable Student Behaviors:

The following behavior is subject to University disciplinary sanctions:

1. Dishonesty, including:
 - Cheating, plagiarism or other forms of academic dishonesty that are intended to gain unfair academic advantage.
 - Furnishing false information to a University official, faculty member or campus office.
 - Forgery, alteration or misuse of a University document, key or identification instrument.
 - Misrepresenting oneself to be an authorized agent of the University or one of its auxiliaries.
2. Unauthorized entry into, presence in, use of or misuse of University property.
3. Willful, material and substantial disruption or obstruction of a University-related activity, or any on-campus activity.
4. Participating in an activity that substantially and materially disrupts the normal operations of the University, or infringes on the rights of members of the University community.
5. Willful, material and substantial obstruction of the free flow of pedestrian or other traffic, on or leading to campus property or an off-campus University related activity.
6. Disorderly, lewd, indecent or obscene behavior at a University related activity or directed toward a member of the University community.
7. Conduct that threatens or endangers the health or safety of any person within or related to the University community, including physical abuse, threats, intimidation, harassment or sexual misconduct.
8. Hazing, or conspiracy to haze, as defined in Education Code Sections 32050 and 32051:
"Hazing" includes any method of initiation or pre-initiation into a student organization, or any pastime or amusement engaged in with respect to such an organization which causes, or is likely to cause, bodily danger, physical harm or personal degradation or disgrace resulting in physical or mental harm, to any student or other person attending any school, community college, college,

university or other educational institution in this state; but the term "hazing" does not include customary athletic events or other similar contests or competitions. A group of students acting together may be considered a 'student organization' for purposes of this section whether or not they are officially recognized. Neither the express or implied consent of a victim of hazing, nor the lack of active participation while hazing is going on is a defense. Apathy or acquiescence in the presence of hazing is not a neutral act, and is also a violation of this section.

9. Use, possession, manufacture or distribution of illegal drugs or drug-related paraphernalia, (except as expressly permitted by law and University regulations) or the misuse of legal pharmaceutical drugs.
10. Use, possession, manufacture or distribution of alcoholic beverages (except as expressly permitted by law and University regulations), or public intoxication while on campus or at a University related activity.
11. Theft of property or services from the University community, or misappropriation of University resources.
12. Unauthorized destruction or damage to University property or other property in the University community.
13. Possession or misuse of firearms or guns, replicas, ammunition, explosives, fireworks, knives, other weapons or dangerous chemicals (without the prior authorization of the campus president) on campus or at a University related activity.
14. Unauthorized recording, dissemination, or publication of academic presentations (including handwritten notes) for a commercial purpose.
15. Misuse of computer facilities or resources, including:
 - a. Unauthorized entry into a file, for any purpose.
 - b. Unauthorized transfer of a file.
 - c. Use of another's identification or password.
 - d. Use of computing facilities, campus network or other resources to interfere with the work of another member of the University community.
 - e. Use of computing facilities and resources to send obscene or intimidating and abusive messages.
 - f. Use of computing facilities and resources to interfere with normal University operations.
 - g. Use of computing facilities and resources in violation of copyright laws.
 - h. Violation of a campus computer use policy.
16. Violation of any published University policy, rule, regulation or presidential order.
17. Failure to comply with directions or, or interference with, any University official or any public safety officer while acting in the performance of his/her duties.
18. Any act chargeable as a violation of a federal, state or local law that poses a substantial threat to the safety or well being of members of the University community, to property within the University community or poses a significant threat of disruption or interference with University operations.
19. Violation of the Student Conduct Procedures, including:
 - a. Falsification, distortion or misrepresentation of information related to a student discipline matter.
 - b. Disruption or interference with the orderly progress of a student discipline proceeding.
 - c. Initiation of a student discipline proceeding in bad faith.
 - d. Attempting to discourage another from participating in the student discipline matter.
 - e. Attempting to influence the impartiality of any participant in a student discipline matter.
 - f. Verbal or physical harassment or intimidation of any participant in a student discipline matter.
 - g. Failure to comply with the sanction(s) imposed under a student discipline proceeding.
20. Encouraging, permitting or assisting another to do any act that could subject him or her to discipline.

C) Procedures for Enforcing This Code

The Chancellor shall adopt procedures to ensure students are afforded appropriate notice and an opportunity to be heard before the University imposes any sanction for a violation of the Student Conduct Code.

D) Application of This Code

Sanctions for the conduct listed above can be imposed on applicants, enrolled students, students between academic terms, graduates awaiting degrees and students who withdraw from school while a disciplinary matter is pending. Conduct that threatens the safety or security of the campus community, or substantially disrupts the functions or operation of the University is within the jurisdiction of this Article regardless of whether it occurs on or off campus. Nothing in this Code may conflict with

Education Code Section 66301 that prohibits disciplinary action against students based on behavior protected by the First Amendment.

HOUSING REGULATIONS PROCESS

In addition to University Conduct Regulations, there are additional behavior standards for residents who occupy campus housing.

Incident Reports

Incident Reports are information that is documented as to what a staff member saw, heard, or smelled. Incident reports can be written for potential violations, illness or injury, fire alarms, or to pass along information to the Resident Directors and Professional Housing Staff. Residents may write incident reports if they encounter a policy violation. Names of all individuals who are present during a potential violation will be included on the incident report. Just because someone's name is on an incident report does not mean that they are in violation of a policy. Some individuals may be witnesses to the events and may be called to give their account of what happened. Please understand that just because an incident report is written does not mean disciplinary action will be taken.

DISCIPLINE MEETING

Should an investigation or disciplinary action become necessary, the student will receive written notification concerning the alleged violation of a policy. This notification may request that the student meet with one of the following:

Resident Director

For first time violations, lower level violations and situations requiring follow up, students will likely meet with the Resident Director of their building.

Student Conduct Coordinator

For more serious violations, students will meet with the Student Conduct Coordinator. The University Courtyard Student Conduct Coordinator is also recognized as a Campus Judicial Officer, and may hold students accountable for university violations committed within the Residential Area of University Courtyard.

Assistant Director

If the Student Conduct Coordinator is unavailable, students may be asked to meet with the Assistant Director to adjudicate serious violations.

Failure to Appear:

Our staff will make every effort to meet with a student before adjudicating policy violations. A student who fails to appear for a conduct meeting or appeal is not excused from pending action and may lose the right to appeal. The conduct meeting will take place as scheduled, evidence will be reviewed and a decision made. The student will be informed of that decision in writing. A student who voluntarily withdraws from the University or leaves University Courtyard prior to the completion of a proceeding is not excused from pending action.

Locking Out:

In certain circumstances, a University Courtyard staff member may temporarily lock out a student in order to ensure the student meets with the appropriate individual. When this happens, the student will need to meet with the staff member before being issued a new key.

Standards of Evidence:

Formal rules of evidence are not applicable to the housing judicial process. If a student denies responsibility for an alleged policy violation, the Resident Director, Student Conduct Coordinator and/or Assistant Director must make their decision based upon the "preponderance of the evidence."

Temporary Reassignment of Bed Space:

Under certain circumstances, a professional staff member of University Courtyard may decide to temporarily relocate someone's bed space when a report is received regarding a potential violation dealing with the safety and security of the community. The purpose of relocating a resident temporarily is to allow for time to sort out an investigation. Just because someone is reassigned temporarily, does not mean that they will be found in violation, and could return to their former space if found not responsible. If someone is assigned to a temporary space, they may be precluded from entering certain areas of University Courtyard without staff escort in order to ensure the physical and emotional safety of the community and resident.

Parental Notification:

Responsible parent(s) or guardian(s) of students may be contacted by a professional staff member of University Courtyard if the Director or their designee determines that a parental contact is needed. The decision to contact a parent will be made if the student is under 18, or the incident presents an immediate and substantial threat to the health, safety or welfare of a person or property. The emergency contact information will be used to contact the parent(s) or guardian(s) of University Courtyard students.

Housing Disciplinary Sanctions

Housing disciplinary sanctions include but are not limited to:

Administrative Sanctions:

- Fines/Financial Restitution for damages
- Mandatory room change
- Verbal warning
- Written warning
- Housing Probation
- Housing Probation with loss of housing for the following academic year
- Termination of Your Housing License Agreement without release of financial obligation
- Referral to University student disciplinary process
- Mandated Counseling Assessment
- Confiscation and/or destruction of personal property related to the violation

Educational Sanctions:

- Alcohol education class (\$30 class fee charged)
- Community service hours
- Online educational modules (\$15 use fee charged)
- Other projects and reading/writing assignments

Charges associated with educational sanctions are not intended to be fines. These charges offset the costs associated with these sanctions, so that all University Courtyard residents are not paying for them. Other university sanctions may be imposed for violations of the University Conduct Regulations listed in this guide. Please consult the University Judicial Affairs website at <http://www.csufresno.edu/judicialaffairs/> for more information. Also, the Student Conduct Coordinator may refer the student to the Director/Assistant Director of Housing and/or the Office of Student Affairs.

DEFINITION OF DISCIPLINARY TERMS**Possession**

University Courtyard interprets possession to include a resident's bedroom, or any other area or property reasonably under control of the resident, even if guests are responsible for the items in violation of policy.

Verbal Warning

A verbal warning is a conversation between housing staff and the student informing them that the student's behavior is not acceptable within our community. A written note may be placed in the student's file, but no further action beyond the verbal warning will be taken.

Written Warning

A written warning is a formal notice from University Courtyard sent to the student found to be in violation of a University Courtyard policy. This notice documents that the student has been officially

warned that their behavior is in violation of University Courtyard policies and if that behavior continues, more severe sanction will be given. Educational sanctions may be given with the Written Warning. Failure to complete assigned sanctions may result in the student receiving more severe sanctions.

Housing Probation

Probation is given when severe policy violations occur, and signify that a student's choices are in conflict with the values of the residential community. Residents placed on probation are warned that any other violation of policy could result in the revocation of his or her Housing License Agreement without release of associated financial obligations.

Loss of Housing for the Following Academic Year

Students who are given the sanction of loss of housing are not eligible to contract for University campus housing during the next academic year. Loss of housing privileges, a supplement to housing probation, is given to a student whose violations are deemed a disruption to the residential community at large. This is the strongest sanction before dismissal.

Termination of License Agreement (Dismissal)

License Agreements are terminated when residents fail to follow the University or Housing Regulations. A resident's agreement can be terminated for one offense or for several policy violations, which may include Written Warning or Resident Probation. Residents who have had been dismissed have forty-eight hours after notification to vacate the premises. Residents who have been dismissed will not be allowed to visit within the Residential Community (and University Courtyard Dining Hall) for a period of at least one year from the date of dismissal and will not be eligible for another housing license without the approval of the Director of Housing. Dismissal does not relieve the student of his/her housing, financial and other obligations under the Student housing and Meal Plan License Agreement. A dismissed resident may be held responsible for the entire Student Housing and Meal Plan License Agreement for the remainder of the academic year, as well as any/all other claims/causes available as under law or equity. All dismissed residents must complete proper check out and payment of all housing and meal plan balances.

OTHER CONDUCT PROCEDURES

Appeal Process

Students found responsible for violating policies and issued sanctions may appeal the decision by the given deadline. Appeals must be made in writing, and should include the reason for appeal. Appeal of sanctions can only be submitted based on the following:

1. Lack of due process
2. Sanction too severe for the violation
3. New evidence that comes to light after the decision is made

Based on who adjudicated the violation, that person's supervisor will hear appeals. You will be informed in your discipline notice/letter as to who would hear your appeal. The hearing will usually occur five to ten business days after the student has submitted the appeal request. In the case of a dismissal, while awaiting an appeal, the student may request to live in the residence halls until their appeal is heard. If approved to continue living in the residence halls, any additional violations of policy prior to the appeal hearing may result in the immediate termination of the resident's Housing License Agreement. Appeals of Housing Disciplinary Decisions should be submitted to the person listed in your judicial letter.

Confidentiality

No judicial documents and materials possessed by University Courtyard shall be released to anyone without the consent of the Director of Housing or their designee.

Confiscation

If a resident is found in possession of contraband under any University Courtyard policy, campus policy, state or federal law, the item in their possession may be confiscated by the Director of Housing or designee with no advance notification. This includes, but is not limited to, controlled substances, drug paraphernalia, candles, incense, alcohol, hookah, cooking appliances, halogen lamps, weapons, airsoft or pellet guns, etc. Items confiscated may or may not be returned depending on the severity of the contraband.

Entry into room

As listed in the Housing Procedures section, staff members may enter a room or suite under certain conditions. Please consult the "Entry Into Room" section under Housing Procedures.

Safety Inspections

During safety inspections (see Housing procedures section for more information), any identified policy or safety violation must be corrected immediately. A staff member will return to verify that the violation is corrected within 48 hours. Any illegal item or items in violation of University or University Courtyard policy or state/federal law will be confiscated without notice. Violations found during safety inspections may result in disciplinary action.

Victim/Reporting information

Because University Courtyard staff is responsible for the entire University Courtyard community, any report or Incident Report which, in the opinion of the University Courtyard staff, involves conduct of a criminal nature or conduct posing an immediate threat to the health, safety or welfare of any housing resident, University Courtyard staff will inform any victims and/or students reporting violations that:

- He/she may file a report with the Campus Police; and
- University Courtyard will, in any event, file a Third Party Report with the Campus Police

Process to Review Personal File: At any time, you may request to see your personal file. Just stop by the Atrium Customer Service Desk and fill out a "Request to Review University Courtyard file" request form. You will be contacted when the file is available, no later than 45 days from submission. At no time may you remove the file or its belongings from University Courtyard. University Courtyard upholds the 1974 Family Education and Privacy Act. If a resident is over 18, he/she may grant University Courtyard the right to release information to a parent or guardian if the "Release of Information" is marked both on the application and license agreement.