

**Independent Fact-Finding Report  
Concerning Incidents in Student Housing  
Fall 2013**

*Prepared for San Jose State University*

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**HansonBridgett**

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## INTRODUCTION

On November 21, 2013, the Santa Clara County District Attorney charged four San Jose State University ("University") freshmen students with battery and hate crimes stemming from interactions with another freshmen student, their roommate in an eight-person dormitory suite. Although the charges were filed as misdemeanors, the District Attorney added hate crime enhancements insofar as the investigation by the University Police Department determined that the four assailants were Caucasian, the victim African American, and evidence surrounding the incidents giving rise to the charges reflected a racial animus underlying the behavior. As the factual details of the charges described a course of conduct against the victim that spanned the entire Fall 2013 semester, an immediate question and concern surfaced as to how this situation could have existed for so long. In particular, the questions focused on:

- at what point the University became aware of the situation involving the residents in this dormitory suite,
- what actions, if any, the University took in response to the situation, and
- whether the University's policies and procedures contributed to or permitted this troubling situation to go unnoticed.

On December 4, 2013, the University's President announced that a special task force would be formed to review the circumstances of the incidents that occurred in the dormitory and identified two goals for the special task force:

- Review all of the facts.
- Propose recommendations for ensuring that San Jose State is a safe, welcoming, tolerant community. (**Appendix 1**)

The President also initiated an independent fact-finding inquiry to develop information for use by the special task force. Our firm was engaged to conduct the fact-finding inquiry and prepare a report for the special task force. The President directed that the fact-finding should:

- Determine, to the extent possible, what happened, when it happened, and who the alleged perpetrators are.
- Determine when and how the campus knew of the alleged incident, or should have known of it.
- Determine how and when the campus administration responded to the alleged incident.
- Determine whether the campus or any of its employees violated any existing campus or systemwide policies in responding to the alleged incident. Determine the extent to which such policies, procedures and practices were followed. (**Appendix 1**)

Our report addresses the following:

Chapter 1: The Fact-finding Inquiry

- Executive Summary (pp. 3-9)
- Scope of Our Inquiry (p. 9)
- Methodology/Contents of the Report (pp. 9-10)

Chapter 2: The Facts

- Background Information – San Jose State University (pp. 10-15)
- Key Events – Background (pp. 15-17)
- Key Events – Incidents Involving the Victim (pp. 17-27)
- Notice to the University (pp. 28-30)
- University Response to Incidents (pp. 30-35)

Chapter 3: Compliance with University Policies and Procedures (pp. 36-46)

Chapter 4: Conclusions (pp. 47-51)

# CHAPTER ONE: The Fact-finding Inquiry

## I. EXECUTIVE SUMMARY

On August 16, 2013, eight freshmen students moved into an eight-person suite on the seventh floor of one of the Campus Village dormitories (the “Suite”).<sup>1</sup> The students were selected randomly for assignment to the suite and were assigned to four two-person private bedrooms that were arranged around a common area consisting of a living room and dining/kitchen area. The student who was assaulted (“Victim”) was assigned to the “D” bedroom.<sup>2</sup> Two of the students identified by the UPD as assailants (Suspect 1 and Suspect 2) were assigned to “C” bedroom on the same side of the suite; the other assailants were assigned to the “A” and “B” bedrooms (Suspect 3 and Suspect 4, respectively) on the other side of the suite common area.<sup>3</sup> (**Exhibit A**)

### A. The Incidents

The evidence shows that a series of events occurred over the course of the semester, between late August and early October, in which the Victim was the target of conduct by the Suspects and other students in the dormitory:<sup>4</sup>

– A student from another suite suggested the possibility of giving the Victim a nickname – “3/5.” The Suspects referred to the Victim by this nickname – and a subsequent modification, “Fraction” – for several days in the first two weeks of the semester.

– The Victim, and on occasion his roommate, were barricaded in their bedroom by the placement of a table outside of the bedroom door.<sup>5</sup> The Victim’s roommate called Suspect 4 to request that the table be moved and Suspect 4 moved the table. This incident was repeated 3-4 times.<sup>6</sup>

– Suspect 2 obtained a U-shaped bicycle lock and together with Suspects 3 and 4 placed the lock around the Victim’s neck. The first time this occurred, in the common area of the suite, the incident was described by Suspect 2 to have begun as a joke in response to viewing a similar prank from a television show. In a second incident, Suspects 2, 3 and 4 lured

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<sup>1</sup> To protect the privacy and security of the residents living in the dormitory, we have declined to identify the specific dormitory room. Identification of the specific building/room is not essential to the matter reported herein.

<sup>2</sup> The Victim shared a bedroom with a roommate that he knew from high school. In the room assignment process, the Victim and his roommate requested to be assigned to the same room.

<sup>3</sup> To protect the privacy of the students and confidential matters concerning their involvement in this matter, we refer to students by pseudonym. An index of the pseudonyms is included as **Appendix 2**.

<sup>4</sup> A timeline of the events is included as **Appendix 3**.

<sup>5</sup> The doors to the bedrooms opened outward into a narrow hallway.

<sup>6</sup> On certain occasions, the door was not barricaded by a table, but rather someone held the door shut from the outside as the Victim or his roommate attempted to leave.

the Victim into Suspect 3's bedroom and attempted unsuccessfully to place the lock on the Victim's neck in a forcible manner, resulting in a minor injury to the Victim.

– One (or more) of the Suspects removed the Victim's shoes from his closet and hid them. On a second occasion, Suspects 1 and 2 removed the Victim's shoes from his closet in an attempt to lure the Victim into a closet. The door handle on the inside of the closet had been removed and it appeared that the intent was to trap the Victim in the closet.

– Suspects 1 and 2 displayed a Confederate flag in the common area of the Suite.<sup>7</sup> The Victim objected to the display and the flag was taken down. Suspects 1 and 2 displayed the flag again after the Victim returned home for a weekend visit. The flag was observed on display in the common area by the Victim and his parents upon return to the Suite.

– A racial slur was written on a whiteboard posted on a wall in the common area of the Suite. The slur was written while the Victim was away for the weekend, but was observed by the Victim and his parents upon his return to the Suite.

– Suspects 1, 3 and 4 wrote a note of "apology" to the Victim. The note contained a sarcastic reference to Martin Luther King and language that was perceived by the Victim and others as a veiled warning against further complaints by the Victim.

(See, Chapter Two, Section VI, pp. 19-28; **Appendix 4(A)**)

## **B. The University's Awareness of the Incidents**

The University became aware of the Victim's situation late in the evening on October 13, 2013. The Victim's parents visited the Suite and observed the Confederate flag in the common area and the racial slur written on the whiteboard. The parents reported their observations to the Resident Assistants ("RA") on duty. The RAs ("RA 1" and "RA 2") reported the conversation with the parents to their supervisor. The next morning, the supervisor contacted the Victim to speak with him and to determine what was happening in the Suite. In a conversation with the supervisor on October 14, 2013, the Victim eventually disclosed the series of incidents that had occurred over the course of the semester. The supervisor determined that the matter should be reported to the University Police; however, the Victim did not wish to file a report with the Police. The supervisor determined that a complaint could be filed on the Victim's behalf and she took steps to notify the University Police. Based on the supervisor's report, an investigation by the University Police Department was initiated.

### **1. Actual Knowledge of the Incidents**

Prior to October 13, 2013, there was no complaint to the University by the Victim – or any other person – regarding any of the incidents. The Victim did not want the incidents reported to anyone, including his family. The Victim's roommate and other students spoke with

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<sup>7</sup> Initially, Suspects 1 and 2 displayed the flag in a window in their bedroom on October 8, 2013. The RAs on duty that evening went to the room and told Suspects 1 and 2 to remove the flag from the window. The flag was removed from the window. The Victim was not present when the RAs requested removal of the flag and the RAs were not aware that the Victim resided in the Suite. The RAs noted the incident in their duty log. Suspect 1 decided to display it in the common area of the Suite the next day.

the Victim and encouraged him to say something about the behavior of his roommates, but the Victim declined to do so and asked his roommate and the other students who spoke with him to say nothing. The other students acceded to the Victim's request and nothing was reported.

Statements by the Victim indicate a specific intent not to bring the inappropriate conduct or concerns to the attention of anyone outside of the Suite. It does not appear that the Victim wanted the conduct to be reported to anyone and wished to handle the situation on his own. It appears that the Victim was aware of resources to report the misconduct, whether directly to the Housing staff or indirectly/anonymously through the police "tip line," but elected not to utilize those resources. There is no evidence that the Victim was hindered from accessing such resources because of mistrust of the University or because he thought that complaining would be ineffective.

(See, Chapter Two, Section VII, p. 31)

## 2. Constructive Knowledge of the Incidents

### a) Actions by the Victim

The evidence does not indicate circumstances that might have alerted the University to a potential problem with the Victim earlier. For example, the Victim never sought to move out of the Suite. Under Housing policy, students may request a transfer to another dormitory room; such a transfer can be requested without giving a reason after the first two weeks of the semester. Although this opportunity is well-publicized the Victim did not pursue a transfer. Likewise, the Victim never presented in his interactions with University staff in a manner that suggested stress or difficulty with his living situation.

### b) Interactions Between the Victim and Housing Staff

There were two occasions where the Victim interacted with University Housing staff while he was experiencing problems with the suitemates, but the Resident Assistant assigned to the Victim's floor ("RA 4"<sup>8</sup>) did not observe behavior that suggested a problem between the Victim and his roommates. In the first, a September 21, 2013 meeting with the residents of the Suite to prepare an agreement among the Suitemates there was a reference to a bikelock. However, although the bikelock was mentioned, neither the Victim nor the residents said anything about the incidents where the bikelock was placed on the Victim's neck. **(Exhibit B)** The Victim's demeanor during the meeting did not suggest to RA 4 that there was an unspoken problem or reason to be concerned about the Victim.

RA 4 also assisted the Victim in recovering his shoes after one of the incidents, but the Victim did not express anything regarding problems or difficulties with his roommates. When RA 4 entered the Suite to assist the Victim, there was nothing displayed in the common areas that constituted a violation of University policy or cause for concern. In resolving that incident, RA 4 encouraged the Victim to let him know if there was a problem, but there was no follow-up from the Victim.

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<sup>8</sup> The Suite is part of a "themed" living community – College of Engineering Living and Learning (CELL). All of the students on the floor were Engineering students who had applied for and had been accepted by the College of Engineering to live in the community. The RA assigned to the floor is designated a Theme Community Resident Assistant.

(See, Chapter Two, Section VII, pp. 29-30)

c) The Confederate Flag

The circumstances surrounding the initial display of the Confederate flag did not present a “red flag” as to the Victim’s situation. Initially, the flag was in the bedroom of Suspects 1 and 2 (see footnote 5, *supra*). At the time the RAs on duty directed removal of the flag from the window, the Victim was not present. The other resident present at the time (the Victim’s roommate who answered the door) was not aware that the flag was there or that there was a problem. There was also no indication for the RAs on duty that an African American student was living in the Suite – Housing records do not contain any information identifying the residents of the Suite by ethnic background. Suspects 1 and 2 were cooperative and the incident, though a violation of University policy, was not considered a major infraction. The incident was reported according to policy for follow-up by the RAs’ supervisor. Actual knowledge of the situation in the Suite came to light a few days later.

(See, Chapter Two, Section VII, pp. 30-31)

**C. University’s Response to the Discovery of Misconduct Involving the Victim**

**1. Response to Incident Involving Confederate Flag**

This incident was not reported directly to campus authorities and first notice of the issue did not involve facts or circumstances that were known to relate to the Victim. The issue came to the attention of Housing staff through casual notice of a posting of complaints on a non-University website. The Housing staff followed-up by notifying the RAs on duty, who subsequently investigated and discovered the possible violation of policy. The RAs action to address the complaint – request removal of the flag and explain the proper circumstances for displaying the flag in the private bedroom – was consistent with University policy. Likewise, reporting the matter on the duty log to bring it to the attention of the RAs’ supervisor was appropriate.

Both Student Conduct and Housing policy called for further action by the RAs’ supervisor, the Residential Living Coordinator (“RLC”). The RLC was expected to speak with the students to ensure that they understood the issues raised by the public display of the flag and to determine whether the conduct was indicative of a more serious problem.<sup>9</sup> Under past practice, the follow-up by the RLC was expected to be accomplished within 24-48 hours of the incident. However, the relevant policies do not specify a particular timeframe. The RLC planned a follow-up to the incident, in particular consulting with the RA 4, but did not speak with the students regarding the flag within the 24-48 hour timeframe.

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<sup>9</sup> It is not evident whether this inquiry would have required further conversations with other members of the Suite. The flag had been publicly displayed from a private bedroom. To the extent that both roommates in the bedroom consented to display of the flag in the room (which was the case), there was no violation of University policy. The RLC had no prior interactions with the residents of the Suite or reports of misconduct to alert her to a potentially larger problem. The display of controversial items was not an uncommon occurrence.

(See, Chapter Two, Section VII, p. 30)

## **2. Response to and Investigation of the October 13, 2013 Complaint/Report**

Based on the report of the Victim's parents to the RAs on duty, the RAs notified RLC of the situation. The RLC promptly contacted the Victim to follow-up. Initially, the conversation focused on the items the Victim and his parents observed in the room (Confederate flag in the common area and racial slur on the whiteboard) – the Victim did not disclose any other conduct by the Suspects.<sup>10</sup> The Victim initially disclaimed a serious problem, telling the RLC that the conversation between his parents and the Suitemates the previous evening appeared to resolve the conflict with his roommates. Nonetheless, the RLC pressed for more information and eventually told the RLC about the entire course of conduct over the semester.

Despite the Victim's reluctance to make a "formal" matter of the conduct, the RLC advised that further steps would have to be taken and that a report to the University Police was appropriate. The RLC sought and obtained guidance on reporting the matter to UPD anonymously and took steps to make the report. UPD initiated its investigation on October 14, 2013.

The matter was also promptly reported to the University's Student Conduct and Education Department ("Student Conduct"), Title IX/Department of Human Resources (Title IX/DHR), and Crisis Assessment and Intervention Team ("CAIT"). Student Conduct initiated an investigation according to its policies. The Student Conduct process is ongoing. The Title IX/DHR investigation was initiated and concluded on about November 18, 2013 after receiving the final report of investigation of UPD. CAIT addressed the matter in its meeting on October 16, 2013 and continued to monitor the situation in subsequent meetings on November 6 and November 20.

(See, Chapter Two, Section VIII, pp. 31-32)

## **3. Removal of Suspects from the Suite**

Based on the initial investigation and, in particular, the Victim's description of the conduct by his Suitemates, Suspects 1 and 2 appeared to be the primary assailants. Consequently, these two students were immediately removed from the Suite and transferred to other, separate dormitory facilities. In the following week, UPD advised that Suspect 4 was also implicated in the conduct. UPD advised the Director of University Housing of this development and advised that Suspect 4 should be removed from the Suite. Under Housing policy, the Victim was contacted to determine whether he was comfortable with Suspect 4 remaining in the Suite. The Victim stated that his concern was with Suspects 1 and 2 and that with their removal he was okay with Suspect 4 remaining in the Suite. In any event, at his parent's request Suspect 4 moved off campus. At this time, there was no indication that Suspect 3 was going to be charged in the matter. The Victim did not express any concern with Suspect 3 remaining in the Suite.

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<sup>10</sup> The evidence shows that the Victim did not disclose to his parents conduct by his Suitemates other than that observed by his parents on their visit to the room. The parents report to the RA on duty did not discuss any conduct beyond what they had observed earlier that evening.

Under Housing policy and practice, a student will not be removed from campus housing unless the student has been suspended after conclusion of the disciplinary process (see next section). Housing will remove a student from campus housing before conclusion of the disciplinary process in certain circumstances where it is determined that the student poses a threat to himself/herself or others; for example, cases involving firearms in the facilities . The decision in this instance to permit the Suspects to remain in campus housing was consistent with the past practice.

(See, Chapter Two, Section VIII, pp. 33-34)

#### **4. Interim Suspension of the Suspects**

Under University policies, a student may not be expelled or otherwise disciplined until the steps of the Student Conduct disciplinary process have been completed. However, the Vice President of Student Affairs (“VPSA”) is delegated authority to direct an interim suspension under limited circumstances “where there is reasonable cause to believe that separation of a Student is necessary to protect the personal safety of persons within the University community or University Property, and to ensure the maintenance of order.” Interim suspension is typically not pursued until completion of investigation confirming the violation of campus policy. The VPSA directed interim suspension of the four Suspects on or about November 20, 2013, based on his determination that requirements to impose interim suspension under the applicable policies had been satisfied.

(See, Chapter Two, Section VIII, pp. 34-35)

#### **D. University’s Compliance with Relevant Policies and Past Practice**

With respect to the discovery of the issues related to the Victim and the subsequent responses to address the specific misconduct, University staff acted in compliance with relevant policies and past practice. However, evidence demonstrates that campus leadership did not follow its usual practice in its executive oversight of the incidents.

##### **1. Response by University Staff**

University policy provides that staff will investigate allegations of misconduct or violations of University policy and take appropriate action to investigate the incident and to take further corrective or disciplinary action as warranted by the circumstances. As explained in the foregoing section, at the time the University became aware of the issues involving the Victim, appropriate investigative and corrective actions were undertaken.

##### **2. Executive Oversight**

Although the allegations involving the Victim were disclosed on October 13, 2013, and reported to certain members of the President’s Cabinet (Vice President of Student Affairs and Vice President of Administration & Finance) as early as October 15, 2013, the incidents were not reported to the University President until October 26, 2013. At this time, the President was apprised of little more than an issue that was to be investigated. Subsequent to this report, which was delivered in a few minutes at a sporting event, the UPD completed its investigation of the matter and recommended that four students be charged with crimes ranging from assault with a deadly weapon to hate crimes – against another student. The President was not updated

on this development when it occurred (October 29, 2013) and, in fact, received no update on the matter until November 20, 2013 just prior to announcement of the charges to be filed by the District Attorney. The President did not receive any further report from the Vice President of Student Affairs (who made the initial report on October 26) or from the Vice President of Finance & Administration (one his reports, the Police Chief, provided updates on the status of the investigation).

Similarly, the University's Chief of Staff was not informed of any of the allegations concerning the Victim or the ongoing police investigation until November 20, 2013. There is no reporting relationship between the Chief of Staff and the Cabinet members; Cabinet members will report directly to the President within their areas of responsibility. The President and the Chief of Staff believe that the matter should have been brought to the attention of the Cabinet or reported in greater detail to the President. Their concern is that because of the lack of earlier notice the University was not in a position to respond timely to the incident or to take the steps senior leadership would have deemed appropriate to the circumstances and would have taken if notified.

Our factual findings indicate that this failure did not result in a violation of University policy regarding administrative issues for which the University staff was responsible (i.e., the failure to take action required under applicable policy), but the failure of internal communication precluded senior level oversight of the matter according to established practice. Consequently, the University missed the opportunity to address institutional concerns related to insuring security of the students (in addition to the Victim, the Suspects, and the other residents on that floor – physically and environmentally (i.e., with respect to anticipated publicity or other interference with the academic setting), general campus security, and media relations in a more timely fashion.

(See, **Appendix 4(B)**)

## **II. SCOPE OF THE INQUIRY**

Our inquiry has been defined as an exploration and reporting of the facts related to the incidents involving the Victim and identification of the relevant University policies and practices implicated by those facts. In discharging this obligation we have been guided by the four requirements set forth in the President's appointment message. (Appendix A)

Consistent with the terms of our appointment and the establishment of the special task force, we have not been asked and we do not seek to determine, whether the University could have or should have acted differently. Our task in this matter is to uncover and to report the facts that may explain why the circumstances unfolded as they did. Furthermore, we have not sought to determine recommendations for future practices or alternatives to the University's current practices and procedures. We understand that the special task force will explore these questions and issues as they are raised by the facts.

## **III. METHODOLOGY/CONTENTS OF THE REPORT**

Our inquiry focused on clarifying the sequence of events and the related circumstances regarding the criminal charges filed by the DA on November 21, 2013. Our inquiry was preceded by several investigations and where appropriate we used information uncovered in

those investigations, in particular relying on statements from those investigations where the witness was not available for our inquiry.

Our inquiry began on December 3, 2013 and continued to submission of this report on January 31, 2014. Our work included approximately 40 interviews (initial and follow-up) and questioning of the witnesses identified in **Appendix 2**. We spoke with all of the University professional and student staff who played some role in the decisions related to the incidents and reviewed all of the documents that related to communications with the Victim and Suspects and internal reporting related to the incidents.

The Victim declined our request for direct questioning given the pending criminal charges and his likely role in those proceedings and the preference of his family to reclaim a degree of privacy in the matter.<sup>11</sup> Accordingly, we have relied on the statements that the Victim provided to UPD and others to understand the nature of his complaints. As noted in this report, there are instances where we have not been able to confirm key details due to the unavailability of the Victim and have relied upon other witness statements.

Similarly, three of the four Suspects elected not to participate in this fact-finding because of pending criminal charges.<sup>12</sup> As with the Victim, we have relied upon the statements, if any, that the Suspects provided as part of the UPD investigation. Of the remaining Suitemates, only Suitemate B refused our request for an interview. Accordingly, we have relied upon the statements that this witness provided as part of the UPD investigation. Otherwise, the other students who were witness to these issues were cooperative in our fact-finding.<sup>13</sup>

The appendices and exhibits identified at the end of the report detail the publicly available documents and information that we reviewed in preparing the report. Because of the pending criminal proceedings we have summarized information and evidence compiled in the course of the UPD investigation in lieu of including the Incident/Investigation as an exhibit. Because of privacy rights afforded under the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99) (“FERPA”), related state statutes and University policy, we have not included in this report information derived from the Student Conduct investigation and have relied on information from other sources as described above and herein. Similarly, in light of confidentiality/privacy rights of third parties we reviewed all of the documentation in the CAIT

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<sup>11</sup> To avoid contacting the Victim without proper introduction, we relied, initially, upon University staff familiar to the Victim to arrange an interview with the Victim. The initial response to these inquiries was a request by the Victim’s family to maintain privacy. Subsequently, we requested the opportunity for an interview through the family of the Victim’s roommate who had a personal relationship with the Victim and his family. Eventually, we contacted the Victim’s mother to explain our request to speak with the Victim and the scope of our inquiry. (**Appendix 6**) Ultimately, we were informed that an interview as part of this fact-finding was not possible due to the pending criminal investigation/proceedings. Under University policy (see Section VIII.B.3., *supra*) the Victim may be compelled to participate in inquiries related to this matter. However, we determined that exercise of such authority was not appropriate at this juncture.

<sup>12</sup> Suspect 2 agreed to our request for an interview, notwithstanding the criminal charges.

<sup>13</sup> The roommate of Suspect 3 declined our request to provide additional information beyond his brief statement in the Police Report.

logs to confirm statements provided by witnesses, but have not included those logs given the disclosure or personal, confidential information of third parties contained in the log.

We have reviewed the evidence in the matter under a preponderance of the evidence standard. Under this standard we have drawn conclusions or made findings where the majority of the credible evidence supports the conclusion or the fact.

## CHAPTER TWO: The Facts

### IV. SAN JOSE STATE UNIVERSITY

#### A. Background

San Jose State University was founded in 1857 and is the oldest public institution of higher education on the West Coast. The University is one of 23 campuses in the California State University System. The University's mission is:

To enrich the lives of its students, to transmit knowledge to its students along with the necessary skills for applying it in the service of our society, and to expand the base of knowledge through research and scholarship.

Academically, the University consists of seven colleges, offering 69 bachelor's degrees with 81 concentrations and 65 master's degrees with 29 concentrations. The University is accredited by the Accrediting Commission for Senior Colleges and Universities of the Western Association of Schools and Colleges. Various college programs are accredited by specialized accrediting agencies. The faculty for the Fall 2013 semester consisted of 1687 members (tenured, probationary and temporary lecturer). For the Fall 2013 semester, the University's total enrollment was 31,049 students – of which 83% were undergraduates and 3,736 were first time freshmen. Fifty eight percent (58%) of the students identify as minority<sup>14</sup> and 9% are foreign students.

Physically, the University's main campus consists of more than 50 major buildings (including 23 academic buildings and seven residence halls) on 19 city blocks in downtown San Jose. The seven residence halls include traditional 2-3 person college dormitory settings (i.e., Joe West), apartment-style living arrangements used by students and faculty (certain of the Campus Village buildings, and multi-resident suites (such as the one occupied by the Victim and his Suitemates).

#### B. Governance

##### 1. Key Personnel

The University's President is Mohammad Qayoumi and he is assisted by his Chief of Staff Dorothy Poole. Four major divisions make up the University's administration: Student Affairs, Academic Affairs, University Advancement and Administration and Finance. Four Senior Leaders for these divisions report directly to the President, including the Vice President for Student Affairs, William Nance. (**Appendix 7(A)**) The Division of Student Affairs includes Campus Life and its sub-units: University Housing and Student Conduct & Ethical Development ("SCED"). Cathy Busalacchi is the Associate Vice President ("AVP") for Campus Life, reporting

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<sup>14</sup> American Indian (<1% [of total students]), African American (3%), Hispanic (22%), Asian (32%).

to the VPSA. **(Appendix 7(B))** The Director of Housing, Vic Culatta, and Director of SCED<sup>15</sup> report to the AVP-Campus Life. **(Appendix 7(C))**

The President is assisted by the President's Cabinet consisting of: the Chief of Staff, VPSA, Vice President for Administration and Finance (Shawn Bibb), Vice President for Advancement (Rebecca Dukes), Director Division of Intercollegiate Athletics (Gene Bleymaier), and the Provost and Vice President for Academic Affairs (at the time Ellen Junn). The Cabinet meets weekly to review and decide on matters raised by the members of the group. The Cabinet does not have a specific mandate but its focus is on issues of institutional concern.

The University has established a Crisis Assessment and Intervention Team ("CAIT").<sup>16</sup> CAIT's mission is to monitor conduct and behavioral issues involving students and faculty and to refer individuals involved in campus incidents to appropriate resources. CAIT has no operational authority, but, where appropriate, may make informal recommendations for response to campus incidents involving conduct and behavioral issues.<sup>17</sup> CAIT is comprised of:

- AVP- Campus Life (Chair)
- Police Chief
- Associate Vice President for Undergraduate Studies
- Associate Vice President for Student Affairs
- Assistant Associate Vice President for Faculty Affairs
- Director, Equal Opportunity & Employee Relations/Deputy Title IX Coordinator
- Executive Assistant to VPSA (CAIT Coordinator)

The Director, Student Counseling Services and the Director, Student Conduct and Ethical Development also participate in CAIT meetings in an unofficial capacity.

CAIT meets on a regular bi-weekly basis and at each meeting reviews new cases and updated information on continuing cases. New incidents involving behavior/conduct issues – reported officially to law enforcement, in the Student Conduct process, or informally to CAIT staff – by students, staff, and faculty are proposed for inclusion on the CAIT agenda by the CAIT coordinator. At each meeting, the CAIT team reviews new items and determines whether a

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<sup>15</sup> Staci Gunner was the Director of SCED until the end of the Fall semester. Shannon Quihuiz is currently the Interim Director.

<sup>16</sup> Organizations similar to CAIT were established at most college campuses in the wake of the Virginia Tech shootings. In the aftermath of that incident authorities discovered that the student perpetrator had been involved in a series of behavioral/conduct issues across the Virginia Tech campus, but the institution had no mechanism in place to identify and to monitor such a course of conduct. CAIT's role is to insure that issues arising in different areas of the campus are tracked consistently for the purpose of identifying potential patterns and warning signs indicating a potential for future problem behavior and the opportunity for intervention before such a problem arises.

<sup>17</sup> CAIT does not operate pursuant to a specific University policy or directive, but derives its general authorization under policies and directives providing for campus safety and security. CAIT has recently undertaken training of its members under the principles of the National Behavioral Intervention Team Association ("NaBITA") and has adopted procedures for case assessment and monitoring consistent with NaBITA best practices. See, [www.nabita.org](http://www.nabita.org).

CAIT case should be opened.<sup>18</sup> The CAIT coordinator maintains a log of open cases and provides updates to the committee on new developments by revising the continuous log before each meeting. Because of the confidential nature of information provided to the committee in the CAIT log (private/confidential information concerning Student Conduct, medical, and investigative information), the committee members are provided copies of the log in each meeting, but do not maintain personal copies of the CAIT log. Information from CAIT meetings is held in strictest confidence.

## **2. Internal Reporting and Communicating of Campus Incidents Involving Students**

The University has several established processes for reporting incidents involving students. If an incident involving a student occurs it is likely to be reported in one or more of the following ways:

- **Law Enforcement:** Incidents involving violations of law may be reported to the University Police Department. For matters involving students, UPD provides reports to Student Conduct, the Title IX Coordinator, and University Housing (for incidents occurring in campus housing). In addition, UPD provides the AVP-Campus Life with a daily report of on-campus law enforcement activity.

- **Student Conduct Reporting System – PAVE:** Incident reports involving students are uploaded to the PAVE system for disposition through the Student Conduct process. Such reports are generated by Student Conduct upon report of a student incident and in many instances by University Housing pursuant to an incident occurring in on-campus housing.<sup>19</sup> PAVE files/records are subject to disclosure restrictions under FERPA.

- **Morning Report:** The Morning Report is an unofficial daily report prepared each morning by the University Housing RLC on-duty. The Morning Report reflects matters that RAs on duty in each of the dormitories have reported to the RLC or ARLC on-duty the previous evening.<sup>20</sup> Each morning the AVP-Campus Life compares the Morning Report with the UPD daily report of activity and will follow-up if there are discrepancies/inconsistencies in the matters included in each report.

- **On-Duty RA Duty Log:** Each of the dormitories has RAs on duty each evening/night. The on-duty RA maintains a log of activity that is provided to the building RLC each morning. The duty log identifies significant actions and interactions undertaken by the RA, including matters that may be reported separately to the on-duty RLC/ARLC.

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<sup>18</sup> Items determined to fall outside of CAIT's jurisdiction may be referred back to the appropriate department/division for follow-up and monitoring.

<sup>19</sup> The Assistant Director for Residential Life in the University Housing department is a Deputy Student Conduct Officer and has access to information in the PAVE system.

<sup>20</sup> If an RA on duty seeks guidance from an RLC or ARLC who is not the on-duty RLC/ARLC, the matter will likely not be reported in the Morning Report, but may be the subject of an incident report in PAVE or specific follow-up by the RLC/ARLC to whom the report was made (reported through the Housing chain of command)).

### **C. Values and Culture**

The values of the University are reflected in the work of the Division of Student Affairs. The mission of Student Affairs is to provide student-focused programs and services that support student success and enhance the student experience at San Jose State. It works to create critical student learning opportunities beyond the classrooms that support the intellectual, personal and civic growth of the University's students. Student Affairs has six core values: Learning, Student Success, Excellence, Integrity, Diversity, and Community. The Division also publishes a set of Student Rights and Responsibilities that reinforce these values and the values of the University as a whole: Students are expected to demonstrate academic integrity, accountability for one's actions, respect for oneself and one's community, and personal development. Additionally, included in the SJSU Catalog, available to students online, is the following regulation concerning "Campus Climate":

As members of a university community it is our responsibility to advocate tolerance, respect and understanding at a level above that which is minimally required of us by law. While SJSU has largely succeeded in creating a diverse campus community, it must also actively promote a civil campus climate. This may require changes in attitudes and behaviors as we develop our common bonds.

The University's leadership is defined by a belief that shared decision making and collaborative university governance is at the core of San Jose State's culture. To that end, the leadership "promotes discussion and engagement among faculty, staff, students and the community to shape and accomplish the goals" of the University.

(See, <http://www.sjsu.edu/discover/administration/index.html>)

#### **1. Strategic Plan Vision 2017**

With input from the University community, San Jose State has developed a strategic plan of campus and community improvement called Vision 2017. The guiding principles of Vision 2017 include the University's "Strong and Unique Sense of Place" and Unbounded Learning." By a "Strong and Unique Sense of Place," the strategic plan recognizes the University's dedication to create a "welcoming, vibrant and safe environment that fosters a sense of belonging and Spartan pride." "Unbounded Learning" refers to the University's "innovative, engaged learning community committed to preparing students with adaptive skills and knowledge for a global 21st century." The stated goals of Vision 2017 are to develop communities that create a sense of belonging, to enhance student success through innovation, to establish a culture of helping, to improve organizational responsiveness, and to create modern collaborative spaces.

#### **2. Diversity Plan**

In 2013, President Qayoumi established a Diversity Commission, the mission of which is to help the University assess its current status, and to align, integrate and improve its institutional policies, education practices and programs to have a more powerful impact on student learning and achievement. The Commission's work will examine University principles of diversity such as Institutional Viability and Vitality, Education and Scholarship, Access and Success and Campus Climate, and Intergroup Relations. It is expected to develop and refine a comprehensive campus diversity plan with input from the entire San Jose State community and by evaluating relevant models of other successful universities. The Commission was originally

co-chaired by Ellen Junn, Vice President of Academic Affairs and William Nance, VPSA. Ms. Junn left the University in January 2014 to take over as Provost and Vice President of Academic Affairs at CSU Dominguez Hills.

## **V. KEY EVENTS - BACKGROUND**

### **A. Freshmen Orientation.**

Prior to the start of the Fall semester, all freshmen students were required to enroll in one of the 2-day, on-campus orientation programs designed to introduce the incoming students to University life and expectations as they matriculated. The programs were conducted in June and July 2013 and students attending the program stayed overnight in one of the on-campus housing facilities. In addition to briefings on campus programs, class registration policies, and on-campus resources, students were required to attend an evening program focused on real-life situations that they might expect to encounter as they entered the new world of being a college student. The program, delivered through a series of skits based on typical campus-life situations, emphasized cultural values unique to the University and expectations of students defined as "Spartan Pride." (**Exhibit C**) The program culminates with a "pinning," recognizing the incoming students commitment to abide by the principles demonstrated in the program.

Suspects 3 and 4 completed the First-Time Freshmen Orientation program, including the mandatory evening program on June 11-12. Suspect 1 completed the program on June 25-26 and Suspect 2 completed the program on July 25-26.

### **B. Housing Policy/Moving Into Campus Village.**

In anticipation of entering the University as a freshmen student, the Victim submitted an application for on-campus housing. The application includes execution of the campus housing License Agreement. (**Exhibit E**) University policy provides that all non-local freshmen are required to live in on-campus housing. One of the newer Campus Village dormitories is designated primarily for freshmen students and students are housed in this building in "suites" that consist of a common area (kitchen/dining and living room) and four two-person bedrooms.

Generally, students are assigned randomly to housing based on the timing of their completed applications.<sup>21</sup> As an exception to random assignment, two students may request an assignment that the University will honor upon completion of both applications. Similarly, students may request to live in certain "themed" living communities if they qualify. One of the themed communities in the Campus Village freshmen dorm is designated for students in the College of Engineering. Students may request assignment to the College of Engineering Living and Learning ("CELL") by completing an application with the College of Engineering in addition to the Housing application. (**Exhibit F**)

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<sup>21</sup> In the past, the University had experimented with programs to "match" roommates, but had abandoned the practice as the tools used to make the matches were not very effective. For example, Housing learned that questionnaires for determining student preferences were often inaccurate/misleading as they were filled out by the student's parents and did not reflect the actual preferences of the student. Random selection proved to be more efficient and effective for initial assignments.

The Victim applied for housing in the CELL community and requested assignment to a room with another student from his high school. The Victim received the housing assignment that he desired and was assigned to a room in a suite on the 7<sup>th</sup> floor of his building in Campus Village. Students moved into housing on August 16, 2013 for the fall semester. The Victim and his seven suitemates moved in on that date. On the first day in the dorms, all of the students meet with the Residential Life Coordinator for the building and the Resident Assistant for their floor/room. The first day meeting is mandatory and provides an opportunity for the Housing staff to inform students of Housing policies and practices and explain the operation of the dormitory and programs available to students. The Victim and the Suspects participated in these first-day programs and the orientations by the RLC for their building and the RA for their floor (RA 4).

Students are required to abide by their initial room assignments for the first two weeks of the semester. After two weeks, students may request a no-questions-asked change of room assignment. **(Exhibit G)** The period for requesting such assignments is two weeks; thereafter, students may request a room change, but must provide a reason for requesting the change. The Victim did not request a room change during this period or at any other time.

### **C. University Housing Staff**

University Housing utilizes student and professional staff to assist students in on-campus housing. Each dormitory has a Residential Life Coordinator, an Assistant Residential Life Coordinator, and Resident Assistants. **(Exhibit H)** The RLC is a University staff employee, responsible for the entire building and supervision of the ARLC and RAs assigned to the building. ARLCs are typically graduate students who assist the RLC with supervision of the residents and RAs. Resident Assistants serve as a resource to student residents, monitor compliance with University Housing policy, and provide dormitory programs focused on University culture and values and enhancing the on-campus housing experience. Generally, RAs are assigned to a floor in pairs; first time RAs will be paired with more experienced RAs.<sup>22</sup> **(Exhibit H)**

Assistant from RAs is available 24 hours. During regular business hours, the RA office is fully staffed. The building desk is staffed until midnight and two RAs are assigned on duty during the evening/night hours.

Residential Life Staff (RLCs, ARLCs and RAs) undergo extensive training before the start of both fall and spring semesters. RLCs and ARLCs are required to attend a week of training before each semester; RAs have two weeks of training before the fall semester, and a week before the spring semester begins. It is not uncommon for training days to extend from 8:00 a.m. to early evening. **(Exhibit I)**

As would be expected, the trainings help the housing staff develop the skills necessary to carry out their job duties. In particular, aside from informing them of their administrative duties, the training programs are designed to prepare the staff for difficult interpersonal situations that may arise over the course of the semester. Two programs present trainees with real-life scenarios played out by veteran Residential Life or other University Staff. The first,

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<sup>22</sup> Typically, RAs are assigned on the basis of one RA for approximately 50 students.

called "Through Open Doors," requires RAs to confront staff actors in "low impact" situations, such as when a resident is homesick, doing poorly in class, or making noise after hours. The second more intensive training is referred to as "Behind Closed Doors" and presents more serious scenarios such as substance abuse, domestic violence, depression or medical transport. These sessions are time-intensive and interactive: RAs are divided in groups and take turns addressing particular factual situations in front of their group. After an RA has taken his/her turn, he/she gets feedback from all other participants, including other RAs.<sup>23</sup>

The training programs are planned and executed by University Housing and include the active participation of the Assistant Director for Residential Life, RLCs, and the Vice President of Student Affairs. RAs receive performance evaluations each semester and re-employment as an RA for the following semester requires a positive performance evaluation. **(Exhibit J)**

#### **D. Relationship Among Suitemates**

The Victim and his roommate knew each from their high school days, but the other Suitemates met each other for the first time on move-in day. The Suite had four private bedrooms and roommates were assigned as follows:

"A" bedroom: Suspect 3 and Suitemate A

"B" bedroom: Suspect 4 and Suitemate B

"C" bedroom: Suspects 1 and 2

"D" bedroom: Victim and his roommate<sup>24</sup>

From the outset there was a good relationship between the Victim and his Suitemates: Suspect 1 described a good relationship with the Victim.<sup>25</sup> And Suspect 1 and the Victim made plans to pledge to the same fraternity. Suspects 2, 3 and 4 described a good relationship with all of the Suitemates from the outset and noted that the relationship, from their perspective continued to be good. Suitemates A and B concur in this assessment. The Victim has also stated that he feels that a good relationship with Suspects 3 and 4 remains as well as with Suitemates A and B.<sup>26</sup>

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<sup>23</sup> A member of the fact-finding team anonymously attended a three-hour "Behind Closed Doors" RA training on January 14, 2014. All participants (RAs) took the program seriously, appeared well-equipped to handle the difficult situations presented, and – where appropriate – referenced University resources that were available to assist them in addressing resident conflict issues.

<sup>24</sup> We are informed by the residents in the Suite that the Suitemates included a mix of backgrounds: one African American, one Hispanic, and one Asian American.

<sup>25</sup> In particular, Students D and E commented that Suspect 1 and the Victim got along well and would "hang out" together on occasion.

<sup>26</sup> For the Spring semester, Housing accommodated the Victim's request to relocate to a new housing assignment in one of the other Campus Village dormitories.

## **VI. KEY EVENTS – INCIDENTS INVOLVING THE VICTIM**

### **A. The Victim's Statement of Behavior by His Suitemates<sup>27</sup>**

In his conversation with the RLC on October 14, 2013 and statements to the police on October 15 and 24, 2013, the Victim described the following events:

- The prior evening the Victim returned to his room to find a racial slur written on the dry erase board in the common area of the Suite and a confederate flag draped around a cardboard cutout of Elvis Presley in the living room.
- The victim said his father spoke to his Suitemates and the discussion went well and seemed to be positive.
- The Victim recalled the first assault was possibly during the first week of September and involved the bikelock placed around his neck. He stated that Suspects 1, 2 and 3 were involved in this incident and that he resisted against the attempt to place the bikelock around his neck. Afterwards, the Victim said the Suspects were laughing and that he told them, "don't let this happen again." He made it clear that he did not think it was funny or that he was alright with their behavior.
- The next incident was about a week later. The Victim stated that he was in Suspect 4's room talking about classes and Suspects 1, 2, 3, and 4 approached to put the bikelock on him again. The Victim described a struggle in the "B" bedroom and that Suitemate B was blocking the door. The Victim said the Suspects held him down while they tried to get the bikelock around his neck. The Victim believed that Suitemate B was going along with the four Suspects and actively participating. Other people in the Suite saw what was happening, but did not help and he was scared. The Victim said that he continued to struggle and eventually Student C intervened and told the Suspects to stop.<sup>28</sup>
- The Victim states that he believes everyone other than Suspects 1, 3 and 4 are his friends.
- After an incident where students from another Suite took his Suitemate's fish he saw a note from his Suitemates threatening corporal punishment against the residents and the Victim if there was another attempt to take the fish. The Victim asked Suspects 1 and 2 to remove the note; the note remained but Suspect 3 changed the Victim's name on the note.

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<sup>27</sup> Because we did not have the opportunity to speak with the Victim we set forth these allegations at the outset so that his claims regarding the alleged behavior are clear. In doing so, we do not presume these statements to be undisputed or dispositive, but, rather a point of reference. In the succeeding sections we discuss other facts we have uncovered relative to these allegations.

<sup>28</sup> Some witness statements, including the Victim's, have speculated that Suspect 1 was involved in this incident. Student C, however, is clear that she came into the Suite with Suspect 1 after this incident had started and that Suspect 1 was never involved in the attempt to put the bikelock on the Victim.

- The Victim heard Suspects 1, 2 and 4 outside his room when he was barricaded in his room.
- The Victim was also barricaded in the bathroom by Suspects 1, 2 and 4 for several minutes.
- The Victim was warned by his roommate that Suspects 1, 2 and 4 had taken his shoes and planned to trap the Victim in a closet. The Victim said the Suspects left clues for him to find the shoes and insisted that he play along. The Victim followed the notes until he got to a closet, from which the door handle had been removed. The Victim asked two friends (Students D and E) to help him because his Suitemates were "messing with him again." The Victim asked them to standby so the Suspects "don't get me."
- The Victim told Suspects 1, 2 and 4 that he did not like what was happening to him and that he couldn't take it anymore. The Victim threatened several times to report them to RA 4 and hoped after each warning things would get better, but they got worse.
- The Victim states he stayed away from the Suite and always locked his door at night because he feared the Suspects would do something to him. He also said he could not study in his room and that it affected his grades.
- His Suitemates gave him a sarcastic apology note with a reference to "the Beloved Reverend Doctor Martin Luther King, Jr." along with a post script that stated something to the effect of, "We do not advise you to ignore us."
- The Victim said that in high school a classmate verbally harassed him, but the current incidents were different because they were physical.
- The Victim said that he was the only resident of the room being targeted in such incidents and that it was because he was black. The Victim said that it was his perspective that the lock was placed around his neck to symbolize, "Putting chains and locks on the black kid." However, he stated also that he did not think the Suitemates were racist, but that these events were part of, "A prank war gone extreme." The Victim stated he had not played pranks or jokes on others in his Suite.
- The Victim stated "race has always been used, with name calling and the bike lock." The Victim claimed the bike lock and the posting of the confederate flag as references to slavery and he was the only Suitemate that was given and called a racial nickname (3 fifths).
- The Victim's parents were not aware of all the violence perpetrated against their son.

## **B. Nicknames**

Shortly after moving into the Suite, a student from a suite across the hall ("Student A") joined the residents in the Suite (all of the residents were present in the Suite except for the Victim's roommate) in a discussion of possible "nicknames" for residents in the Suite. The participants in this discussion included the Victim, Student A, Student B, Suspect 1, Suspect 3, and Suspect 4 (we have not confirmed that Suspect 2 participated in this discussion, though he

was present in the Suite). Student A states, as confirmed by Student B, that there was difficulty finding an appropriate nickname for the Victim.<sup>29</sup> Nicknames were proposed for all of the students in the group. The Victim's roommate noted that nicknames were written on the dry erase board in the room as they were proposed (whiteboard). Student A says that because there was difficulty in finding a name for the Victim, she suggested that they could try something like "3/5" as a nickname. One of the students did not understand the reference and Student A explained.<sup>30</sup> The Victim's roommate does not recall that this nickname was actually written down on the whiteboard.

The Victim stated he did not like the name and the discussion continued with the suggestion of using "fraction" instead. The Victim found this name less objectionable. Reports vary among the other witnesses, but each of the Suspects was heard to use the "3/5" nickname at least once for several days after this meeting and by the end of the second week of school, the nicknames were no longer used. Suitemate A denies that he used the objectionable nicknames, but Suitemate B admits that he used the "3/5" nickname for a couple of days. The Victim did not report this incident or his concerns over the nicknames to any University official.

### **C. Barricading**

Suspect 2 stated that it was not unusual for the Suitemates to block exit from one of the bedrooms from the outside from time to time and that most of the Suitemates engaged in this behavior on occasion. Suitemate A confirmed that this occurred. The instances where this occurred were described as random and minor involving all of the Suitemates.

The Victim reports that at some point, perhaps in the month of August, one or more of the Suspects moved a table in front of the door of the "D" bedroom, effectively barricading the Victim and his roommate in the room. Suitemate B stated that Suspects 1 and 4 were responsible for barricading the Victim and his roommate in the room in this fashion; he says that it occurred sometime in mid-September and that the Victim and his roommate were held in the room for about 5 minutes.<sup>31</sup> The Victim's roommate called Suspect 4 on his cell phone and

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<sup>29</sup> Some of the suggestions included "Don Juan" and "Desperate Jose." There were also nicknames proposed for the other roommates.

<sup>30</sup> Student A explained that "3/5" referred to the "Three-Fifths Compromise" between Southern and Northern states reached during the creation of the U.S. Constitution at the Philadelphia Convention of 1787. The compromise provided that three-fifths of the enumerated population of slaves would be counted for representation purposes regarding both the distribution of taxes and the apportionment of the members of the United States House of Representatives.

<sup>31</sup> The Victim's roommate said that the incident lasted about 10 minutes and that Suspect 4 responded quickly when he call him to release them from the bedroom.

requested that the table be removed so that the door could be opened. Suspect 4 complied a few minutes later.<sup>32</sup>

#### **D. Bikelock Incidents**

##### **1. Bikelock Incident 1**

In early September, Suspect 2 bought a U-shaped bike lock for his bicycle. Suspect 4 had recently seen an episode of a television show called "Workaholics" in which the characters put a bikelock (similar to the one purchased by Suspect 2) around the neck of one of their friends. The character with the bikelock around his neck is about to meet with his boss and clients and his friends play a game of hide and seek with the key.<sup>33</sup> Suspect 4 thought that this was funny and decided to try it with one of his Suitemates. Suspect 2 selected the Victim because he thought that the lock would fit around the Victim's neck.<sup>34</sup>

Several witnesses (Student A, Victim's roommate, Suspect 2, and the Victim) described the incident in the same general terms:

- Suspects 2 and 4 participated,<sup>35</sup>
- the Victim was in the hallway of the Suite,
- Suspect 2 came up behind the Victim and put the lock on his neck,
- the Victim attempted to remove the lock, and
- after approximately 5 minutes, Suspect 2 gave the Victim the key to the lock and he took it off.

The witnesses described Suspect 2 as "joking" around and that the Victim's reaction ranged from neutral to the appearance of being uncomfortable; none described the Victim as angry. None of the witnesses recalled a specific statement by the Victim telling Suspect 2 not to do it again or to leave the Victim alone. All tend to agree that after the lock came off, all of them remained in the common area for a few minutes before returning to their rooms.

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<sup>32</sup> In his statements in the UPD investigation, the Victim cited other instances of being barricaded in his room. However we have not been able to confirm that a barricading of this type (described above) occurred on more than one occasion. Suspect 2 stated that it was a common practice for members of the suite to hold a door shut from the outside when the occupant needed to leave and it was a joke that was played on others in the suite. Student B confirmed this point. The Victim's roommate reported that the Victim told him that he had been trapped in a bathroom of the Suite for a period of time, but we have not been able to confirm such an incident with other witnesses. Because we have not had the opportunity to speak with the Victim, we are unable to provide additional information on this allegation.

<sup>33</sup> An excerpt from the episode is available at <http://www.comedycentral.com/episodes/6f2hq1/workaholics-the-promotion-season-1-ep-102>.

<sup>34</sup> The Victim's roommate is also small in stature, but Suspect 2 was uncertain how he might react as Suspect 2 had not had many interactions with him.

<sup>35</sup> One witness recalls that Suspect 1 participated, but the other witnesses could not confirm this point. The Victim's statement identified Suspect 1 as a participant, but we have not been able to confirm that statement.

None of the witnesses recall any conduct that related to the Victim's race in the course of this incident. The Suspects did not use any racial slurs or references and there were no references to chains, the nicknames that had been used before, or anything similar.<sup>36</sup>

## **2. Bikelock Incident 2**

In approximately the second week of September another incident occurred with the bikelock.<sup>37</sup> On this occasion, Suspect 2, Suspect 3, and Suspect 4 were in Suspect 4's bedroom.<sup>38</sup> The Victim was lured into the bedroom by Suitemate B and as he came in, Suspect 2 attempted to put the bikelock on him again. The Victim resisted, knocked down the Suspects and all of them ended up on the floor between the beds. In the course, Suspect 2 bumped his head on the bed and the Victim bruised his lip. At that point, Student C intervened, the scuffling ended, and the Victim left the room.

Suspect 3 said that this incident occurred at a time that there was no animosity amongst the Suitemates. Suspect 3 said that he later spoke to the Victim to apologize, but the Victim did not seem bothered by the event and made a joke about "getting even" next time.

Again, there was no evidence of any conduct that related to the Victim's race in the course of this incident. The Suspects did not use any racial slurs or references and there were no references to chains, the nicknames that had been used before, or anything similar.

### **E. Shoes**

#### **1. 1<sup>st</sup> Incident**

In mid-September the Victim returned to find that his shoes had been removed from his closet. The Victim spoke with Suspects 1 and 2 and they eventually admitted that they had taken the Victim's shoes as a joke/prank. After this confrontation the shoes were returned.

#### **2. 2nd Incident**

In early October the Victim returned again to find that his shoes had been removed from his closet. On this occasion the Victim's roommate warned him that he had overheard a plan by Suspects 1 and 2 to lure him into a closet in the Suite where the inside handle had been removed. The Victim found that a note had been left in place of his missing shoes, providing clues to where he could find his shoes. The note contained the following language:

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<sup>36</sup> Some media reports refer to the Victim being held in chains. There is no evidence that this occurred. In both incidents the U-shaped bikelock was used by itself. In response to the question that the Victim was asked after he reported this incident the following month ("why do you think they did this?"), the Victim stated it was "like putting chains on the black man."

<sup>37</sup> This is a best estimate of the date. We were not able to obtain from the Victim any confirmation of the dates/timeframes of these incidents

<sup>38</sup> The Victim stated that Suspect 1 was present. Suspect 1 denies involvement in this incident; his statement is confirmed by Student C (Suspect 1 and Student C were dating at the time). Student C says that she and Suspect 1 came into the Suite after the incident began and that Suspect 1 never took part.

*If you wish to find your shoes  
you must find the several clues  
Must ponder das boot  
unless the germans shout shoot  
For that is the faggot's fate  
In the enrichment center you must wait  
Eat shit and die  
blah blah blah pie<sup>39</sup>*

The Victim went to RA 4 and asked for his help.<sup>40</sup> The Victim reported that he thought that his Suitemates intended a prank that included luring him into a closet where the inside handle had been removed (effectively trapping him in the closet). The Victim and RA 4 decided that RA 4 would visit the Suite under the guise of a health/safety inspection and determine if the door had been altered. This plan was designed to protect the Victim from the appearance that he was “snitching” on his Suitemates. RA 4 went to the room as planned, observed the missing door handle and directed the Victim and his roommate (who were present at the time) to tell the Suspects to replace the door handle or face consequences and that he would check back later that evening. RA 4 inspected the common areas of the room and did not observe any other violations.

In the meantime, the Victim had followed the notes left by the Suspects in an attempt to find his shoes. Upon arriving at the closet and seeing another note in the back of the closet, the Victim became concerned that retrieving the note would lead to being trapped in the closet. The Victim elected to have two of his friends (Students D and E) present before he entered the closet and went to the suite across the hall to obtain their assistance. The Victim’s friends<sup>41</sup> came to the Suite and stood by as the Victim attempted to recover his shoes. Suspect 1 and Suspect 2 were also present and as the Victim went to enter the closet Suspect 1 said that they should push him and close the door. Student D warned Suspect 1 not to do that and the Victim was able to retrieve his shoes.

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<sup>39</sup> It was not clear who had authored the noted, but Suspects 1, 2, and 4 and Suitemate B had named the fish that they kept in the Suite, “Das Booten Fisch.” Suspect 1 had also made a comment to Student B that the closet had been set up as the “Enrichment Center,” a place for Suitemates to spend time by themselves. At the time he made this comment, Suspect 1 also stated that the Victim could use some time in the Enrichment Center.

<sup>40</sup> RA 4 does not recall that the Victim ever showed him any notes associated with this “prank” and believes he would have remembered this note if it had been shown to him. In the absence of additional information from the Victim we have no reason not to credit this statement by RA 4.

<sup>41</sup> The Victim’s friends were brothers whom the Victim met in the first week of school. One of the friends had a girlfriend who lived in the suite across the hall from the Victim’s suite. Students D and E also knew Suspect 1 and that the Victim and Suspect 1 used to have a good relationship. The Victim had told Students D and E about his recent problems with Suspect 1 and his other Suitemates.

When Suspect 2 returned to the Suite, the Victim's roommate informed him of the visit by the RA. Suspects 1 and 2 replaced the door handle. RA 4 returned to the Suite later that evening and confirmed that the door handle had been replaced. A few days later, RA 4 saw the Victim and confirmed that all was okay with his roommates.

#### **F. Confederate Flag Incident (October 8)**

Suspects 1, 2, and 4 decided to purchase a set of confederate flags for display in their rooms. Suspect 1 felt the flags could be displayed to "ruffle some feathers." Suspect 2 made the purchase online and received a set of three flags (one plain, one with the words "don't tread on me" and a third with the words "the South will rise again" and a picture of a walking skeleton). On October 8, Suspects 1 and 2 displayed the flag in the window of their bedroom; from that location, it was visible to students walking amongst the Campus Village buildings.

During the day, Suspects 1 and 2 noted that several students, some African-American, had noticed and were pointing towards the flag. Suspect 1 suggested that they could go down to confront the students, but Suspect 2 said he would not do that.<sup>42</sup>

A post appeared on the website "SJSU Confessions" noting the presence of the flag. Several comments to the posting objected to the presence of the flag. An RA from another building called the on-duty RA in the building, RA 1, and alerted him to the presence of the flag. RA 1 confirmed the presence of the flag and on his rounds that evening visited the room with RA 2.

RA 1 and RA 2 knocked on the door and the Victim's roommate answered the door. The RAs asked to speak with the residents in the "C" bedroom and Suspects 1 and 2 came out of the room. RA 1 explained that because of the complaints, the flag in the window was a violation of Housing policy and it would have to be removed. The RAs explained that the flag could be displayed within the bedroom, but not to the public. Suspects 1 and 2 said they understood and would remove the flag, which they did.

RA 1 noted the event in the duty log. **(Exhibit K)** Later that evening, Suspects 1 and 2 came to the RA Desk to ask further questions regarding the policy related to display of the flag. RA 1 answered their questions.

The next day, Suspects 1 and 4 decided to display the flag in the common area of the Suite – specifically to see the reaction of the Victim. Suspect 2 disagreed with this plan but Suspect 1 proceeded to hang the flag on the wall of the living room. The Victim noticed the flag and objected to it being hung in the common area. Eventually the flag was taken down.

The following morning, the RLC reviewed the duty log and noted the entry related to the confederate flag. The RLC responded in the affirmative to a question from RA 1 regarding whether proper procedures had been followed. The RLC was finishing up a priority investigation and made a note to speak with RA 4 regarding the Suite in their next meeting.

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<sup>42</sup> The Victim did not identify a precise date for this event in his prior interviews and witnesses have not been able to provide sufficient information to pinpoint a more precise date.

**G. “Note of Apology” (October 11)**

Suspect 2 stated that he became tired of the “tension” in the room and the fact that Suspect 1, Suspect 4 and Suitemate B were always giggling about plans for the Victim. Suspect 2 spoke with the Victim and expressed his desire to see things change in the Suite because things had gotten out of hand on both sides.<sup>43</sup> Suspect 2 was aware that the other Suitemates intended to make some form of apology to the Victim. Suspect 2 states that he heard Suspect 1, Suspect 4, and Suitemate B talking about a letter that they planned to send to the Victim. Suspect 3 said that once he realized that the three of them (Suspects 1, 2, and 4) were targeting the Victim, he and Suitemate A decided to not be part of it, but neither of them was involved in the plans regarding the note of apology.

On or about October 11, 2013, a letter was left under the door of the Victim’s room. The letter contained the following text:<sup>44</sup>

*Mr. [Victim's full name].*  
*It has come to our attention that you have taken offense to some of our actions over the past month. It is not our intention to beget hostilities between the members of our humble abode but rather welcome all with a sense of congenial pride. Therefore we wish to extend our sincerest apology if our previous conduct did not make you feel welcome as a member of our communal domicile. In the words of the Beloved Reverend Doctor Martin Luther King Jr., "We must learn to live together as brothers or perish as fools." As you may have noticed many of us in this suite have formed a fraternal brotherhood and we would like to cordially invite you to join us as faith or fin.*

*Warm Regards*

*The Residents*

*P.S. The Residents have welcomed you it is not advised to ignore the call of the Residents.*

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<sup>43</sup> The Victim questioned Suspect 2 as to what things he had done to prompt the tension, but did not receive a specific response.

<sup>44</sup> We have recreated the letter here in the form as it appeared in the document left for the Victim. The letter was dated October 11, 2013. The Victim’s roommate left for the weekend on October 10 and the Victim left for the weekend sometime on October 11. The letter was found by the Victim’s roommate when he returned to the Suite on the afternoon of October 13.

## H. October 13 Observations/Incident

On Thursday, October 10, the Victim's roommate went home for the weekend after his classes. At the time he left, he does not recall seeing the confederate flag in the common area of the Suite or anything written on the whiteboard. The Victim left the following day and, likewise, it does not appear that he saw the confederate flag or anything on the whiteboard before leaving.

At some point on Friday,<sup>45</sup> Student A was in the Suite and wrote on the whiteboard: "Bitches on my dick." Suspect 2 saw this phrase and changed it to "Bitches on my duck" as he believed that to be less offensive.<sup>46</sup> He also added the phrase, "Quack Quack nigga." Suspect 2 explained that the phrase he added was similar to language he experienced in high school where friends would make up rhyming phrases in similar style (two of the same words and a third word). Suspect 2 explained that the third word in this instance was not intended as a racial slur – ending the word in "a" as opposed to "er" was meant to avoid a racial connotation.<sup>47</sup>

In addition to the writing on the whiteboard, the confederate flag appeared again in the common area of the Suite. It appears that Suspect 1 draped the flag over a cardboard figure of Elvis Presley that was propped up in the corner of the living room.

On Sunday, October 13, the Victim's roommate returned to the Suite, accompanied by his parents. The mother of the Victim's roommate saw the writing on the whiteboard and the confederate flag. The mother of the Victim's roommate contacted the Victim's parents, explained what she observed, and recommended that they come in to the Suite to see these items firsthand.<sup>48</sup>

Later that evening the Victim returned to the Suite with his parents. They too observed the confederate flag and the racial slur on the whiteboard. The Victim's parents called all of the residents of the Suite into the common area.<sup>49</sup> The Victim's father spoke to the Suite residents and his expressed his displeasure with what he observed and explained the inappropriateness

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<sup>45</sup> The specific timeframe is unclear. None of the witnesses were able to recall precisely when these writings appeared on the whiteboard. But it appears that the first writing appeared sometime after Friday (10/11) and before Sunday afternoon (10/13).

<sup>46</sup> See prior footnote.

<sup>47</sup> Without delving into a debate over the usage of either form of the word, it is clear that use of the word in either form in this context is a violation of University policy.

<sup>48</sup> To this point, the Victim's roommate had honored a request by the Victim not to say anything about the activities of the Suspects directed towards the Victim. However, while away from campus that weekend, the Victim's roommate felt compelled to tell his mother what he had observed. Upon seeing the confederate flag and racial slur, the mother of the Victim's roommate felt the situation was more serious than she had anticipated and she felt it essential that the matter be brought to the attention of the Victim's parents, notwithstanding the request of the Victim to maintain confidentiality.

<sup>49</sup> Student A was visiting Suitemate A. She remained in Suitemate A's bedroom as it was clear to her that this was a matter for the residents of the Suite.

of the behavior. For the most part the residents of the Suite listened respectfully to the Victim's father.<sup>50</sup> After speaking with the residents of the Suite, the Victim's parents left the building.<sup>51</sup>

Outside the building, the Victim's parents called the RA on-duty and asked to speak with him outside. RA 1 and RA 3 were beginning to conduct rounds at the time and came down to the ground floor to meet the parents outside the building. RA 1 and RA 3 met the parents and described them as upset, but calm. The Victim's father described what they saw in the Suite and the conversation with the Suitemates. The Victim's father told the RAs that he believed the conversation with the students in the Suite went well and that the situation was under control.<sup>52</sup> The Victim's father advised that the RAs did not need to visit the room that evening (at this point it was close to 10:30 p.m.), but requested that the RAs look in on the Suite within the next few days.

The RAs returned to their office and spoke with the ARLC and related the conversation with the parents. The RAs entered an account of the meeting with the parents in the duty log (**Exhibit K**) and notified the RLC by email. RA 1 wrote:

*Emily,*

*Prior to having our first set of rounds at 10:00PM, RA 3 and I were informed by parents that their son [Victim] is potentially "a victim of hate crime being committed within his suite." I was called by the father at 10:05PM on the RA on Duty phone, and we discussed this situation outside of the CV\_entrance for about 20 minutes.*

*They kept reiterating how their son, [Victim], in Room #\_\_\_D, is in a room that has an "Elvis cutout with a Confederate Flag covering him" and "hoes...nigga"<sup>53</sup> written on the white board. The parents felt impacted by this, and wanted to bring this to our attention. The parents, specifically the father, wanted to mediate the situation and talked to all the residents within the suite. The father believes they will resolve the "offensiveness" but wants us, RA 3 and I, to follow up on the situation.*

*We wanted to inform you about this because they will be contacting you to ensure that we followed up.*

*What are your thoughts?*

*Sincerest regards,*

*RA 1*

*(Exhibit L)*

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<sup>50</sup> Student A could overhear some of the conversation and stated that Suspect 1 responded at certain point in a manner that she perceived as potentially challenging to the Victim's father. However, in reporting the matter to the RAs, the Victim's father did not indicate there had been a problem with any of the Suitemates in the discussion and appeared to believe that his comments to the Suitemates were well-received.

<sup>51</sup> The details of this exchange were provided by the Victim's roommate, Student A, Suspect 2, and Suitemate A. We did not have the opportunity to speak with the Victim or his parents or the other Suitemates. However, the accounts by each of the witnesses with whom we spoke were generally consistent.

<sup>52</sup> RA 1 and RA 3 stated that the Victim's father explained that he worked at a college campus and was familiar with dealing with students and conflicts between students in on-campus residences.

<sup>53</sup> We did not find evidence that the word "hoes" was written on the whiteboard.

## **VII. NOTICE TO THE UNIVERSITY**

The first report of a problem in the Suite was made on October 13, 2013, in the conversation between the Victim's parents and the RAs on duty. The evidence is undisputed that the Victim did not report any of the activities by the Suspects before this time.

### **A. Lack of Report/Complaints – Decision to Keep Incidents Confidential**

The students who knew the Victim and observed the interactions between him and the Suspects report that the Victim was clearly bothered by some of the Suspect's activities. In particular, the attempt to lure the Victim into the closet (to retrieve his shoes), the second bikelock incident, and the display of the confederate flag in the common area of the Suite. Likewise, in conversations between the Victim and his roommate and Students C, D and E over the course of the semester, the Victim expressed frustration and at times concern over the treatment by the Suspects. These other students encouraged the Victim to report the conduct to the RA, his parents, or some other official. Student C encouraged him to use the anonymous tip line. The Victim consistently responded that he did not want to make a report/complaint and would handle the situation on his own. The Victim also requested that the students with whom he spoke not report the matter on their own.<sup>54</sup>

On the evening of October 13, after his parents observed what was happening in the Suite, it does not appear that the Victim explained to his parents the other incidents that had occurred over the course of the semester. In the conversation with the RAs on duty the Victim's father referenced only the items that he observed in the Suite that evening and the RAs did not understand that there was other conduct that he was reporting.

When the Victim met with the RLC on October 14, he did not disclose the other incidents initially (see Section VII.C.; **Exhibit L**). The Victim and the RLC discussed what had occurred the night before and the conversation almost ended without the Victim mentioning any of the other incidents. These other incidents were disclosed by the Victim only after the RLC pressed him to report any additional concerns.

### **B. Circumstances Constituting Potential Constructive Knowledge of the Events**

#### **1. There were no outward signs that the Victim was experiencing problems**

None of the witnesses to the conduct by the Suspects against the Victim viewed the conduct as racially motivated at the time it occurred. Most of the incidents were viewed by the witnesses as pranks, some simple and others that at some point became extreme. The witnesses observed that the Victim's general demeanor did not give any indication that he was

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<sup>54</sup> The Victim's roommate explained that both he and the Victim had been subjected to bullying in high school and that in those experiences the Victim had been reluctant to report what was happening to him. The Victim's roommate explained that the Victim proceeded in those circumstances on the belief that eventually the bullying would stop (because the offenders would lose interest) or that making a report would only exacerbate the situation, so keeping quiet was the better course.

under stress because of the Suspect's conduct, except on the few occasions that he complained to them about an incident.

Resident Assistants do not have authority to enter rooms without advance notice except in emergency situations. Advance notice would typically give residents the opportunity to "correct" any potential violations of policy. On the occasions where RAs visited the room, with or without notice, they did not observe anything out of the ordinary or that would constitute a violation of University policy.

RA 4, assigned to the Victim's floor, did not observe any outward signs from the Victim that suggested a potential problem with his Suitemates. In the discussion of the Suitemate agreement (and the reference to "no bikelock of shame") the Victim did not respond or react in a fashion that indicated the reference had particular significance. Likewise, in the Victim's request for assistance in recovering his shoes the Victim gave no indication that the incident was other than a small dispute with the Suitemates. The RA 4 asked the Victim to let him know if there was any other assistance that he required.

The Victim approached RA 4 on only one other occasion to ask that a sign be removed from the common area of the Suite. In this instance, a dispute had arisen over a fish (claimed as the general property of the Suite) removed from the Suite by residents from another suite. Suspects 1 and 2 reclaimed the fish after a confrontation with the residents of the other suite (Students B and C); the Victim was present during that confrontation and Suspects 1 and 2 suspected that the Victim may have assisted the residents from the other suite to take the fish. Thereafter, a note appeared over the fish, warning residents from the other suite not to disturb the fish. Someone in the Suite (the Victim could not tell RA 4 who was responsible) added the Victim's initials to the sign in handwriting several times. The Victim asked the residents to remove the sign and asked the RA to intervene when the sign was not removed. RA 4 spoke to one of the residents (he could not recall which of the Suitemates he spoke with) and the sign was removed.

In his visits to the Suite, RA 4 did not observe anything out of the ordinary or a violation of University policy.

## **2. The display of the confederate flag did not indicate a problem between the Victim and the Suitemates**

A few days after the "fish" incident, the issue arose regarding the confederate flag. In responding to the complaint about display of the confederate flag, the RAs on duty did not encounter the Victim. Because the flag, at that time, was displayed in bedroom of Suspects 1 and 2, there was no indication that a problem existed with other members of the Suite. The cooperation of the Suspects in responding to the RAs' request to remove the flag from public display led the RAs to believe that the matter had been resolved. While in the Suite, the RAs did not observe any violation of University policy.

As we note above, RA 1 and RA 2 described the incident to RA 4. Because that room was assigned to RA 4 he would have known that the Victim lived in the Suite, but the circumstances did not cause him to draw a connection between that event and a larger problem with the Victim. RA 4 had asked the Victim to contact him (after the incident with the shoes) if

there were other problems and there had been no further reports from the Victim that indicated a serious problem.<sup>55</sup>

### **C. Circumstances Constituting Actual Knowledge of the Events**

In response to the message from RA 1 on October 13, the RLC contacted RA 1 and RA 3 and spoke with them about their meeting with the parents. The RLC also spoke with the ARLC who had been present and had spoken with the RAs the night before. Thereafter, the RLC contacted the Victim by telephone and requested that he come in to meet with her. The RLC met with the Victim approximately an hour later.

The RLC and the Victim reviewed the events of the night before. The Victim presented that he felt good about the situation after the meeting between his parents and the Suitemates and that the situation was fine. The RLC pressed him to talk more about his experience in the Suite, but the Victim's initial comments indicated he was okay. It was not until the conversation almost ended that the Victim mentioned that other incidents had occurred. The RLC probed further regarding these events and the RLC obtained a full report of the misconduct by the Suspects. (**Exhibit L**) The RLC asked the Victim if he was concerned for his safety in remaining in the Suite; he responded that he felt okay remaining in the Suite, referencing again the positive effect of the discussion from the night before. The RLC explained resources available for the Victim and later followed-up with the director of one of the resources to determine what programs were coming up that would be beneficial for the Victim.

The RLC also spoke with the Victim's mother. She alerted the RLC to a note of "apology" that she and her husband had seen the night before (see Section VI.C.5.) The RLC prepared a report documenting the incidents described by the Victim. She advised the Associate Director of Housing and her supervisor, the Assistant Director for Residential Life.

## **VIII. RESPONSE BY THE UNIVERSITY**

### **A. Initiation of UPD Investigation**

After disclosing the incidents to the RLC, the Victim stated that he did not want to report the matter to the University Police. Given the nature of the allegations, the RLC felt that further action was required. The RLC consulted with the Associate Director and the Associate Director contacted UPD to determine whether a report could be filed on behalf of the Victim. UPD advised that the RLC could file the complaint and the matter would be investigated. That afternoon (October 14), the RLC filed the report with UPD.

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<sup>55</sup> RA 4 had responded to a request by the Victim to have a note in the common area of the Suite taken down. At the time it was not presented as a significant problem for the Victim. We did not have the opportunity to hear the Victim's perspective on his interactions with RA 4, but RA 4's explanation of the events appeared consistent with other information we received regarding the possibility that the Victim's demeanor may have signaled a problem. None of the students we interviewed felt the RAs would have been aware of a problem with the Victim because they themselves saw no outward signs.

## **B. Investigation/Administration Follow-up**

### **1. Police Investigation/DHR Investigation/Student Conduct Investigation**

UPD met with the RLC and received a report of the information provided by the Victim to the RLC. Because the Victim was a minor, UPD contacted his mother to request permission to interview her son. The Victim's mother wanted to contact her husband and requested that the interview be postponed until her husband could be involved and that they would contact the police. The parents did not contact UPD that night and the next day (October 15) UPD contacted the parents and arranged a meeting with the Victim. The police met with the Victim and his parents and obtained a report from the Victim.

After speaking with the Victim, UPD visited the Suite with the RLC. Suspects 1, 2, 3, and 4 were present, as were Suitemates A and B and the Victim's roommate. Suspect 4 is a minor; UPD contacted his father and his father requested that his son not be interviewed. The police obtained a statement from Suspect 2 that day and later obtained statements from Suspects 1 and 3. Between October 15 and 22 the police conducted interviews with:

The Victim's roommate  
Suitemates A and B  
Students A, B, C, D, E and F  
RA 4

UPD prepared an initial report on October 17, 2013, that was distributed to DHR, Housing and Student Conduct. Each of those departments initiated investigations according to their internal procedures. On about October 29, 2013, UPD completed its investigation and recommended charges be filed against Suspects 1, 2, 3, and 4.

### **2. CAIT Monitoring**

The Crisis Assessment and Intervention Team meets every two weeks and had a meeting scheduled for October 16, 2013. On October 14, 2013, the AVP-Campus Life was present when the Associate Director of Housing informed the Housing Director of the efforts to arrange for investigation of the matter by UPD. At that point the Housing Director briefed the AVP-Campus Life on the matter according to the information that had been provided by the RLC earlier in the day.<sup>56</sup> The AVP-Campus Life advised the CAIT Coordinator to add an item to the October 16 meeting agenda. The agenda item noted discussion of "situation in Housing regarding alleged hate crime" and queries regarding information Housing provides to students regarding student support services and whether cases reported by Housing are escalated/referred to Student Conduct or other offices.

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<sup>56</sup> The AVP-Campus Life receives a "Morning Report" each day prepared by the ARLC on duty the night before. Typically, the AVP will compare the Morning Report with the report of police activity that she receives each morning to determine what events may have occurred in on-campus housing, what police activity may have occurred, and if events have been reported to the proper authority. The Morning Report for October 14 did not include an entry for the incident involving the Victim; the incident was not reported to the ARLC on duty because of the involvement by the building ARLC and report to his supervisor.

In the October 16 meeting, the AVP briefed the committee on available information. The discussion was brief in that the police investigation had just begun and the initial report had not yet been disseminated. The case was added to the log. The case was discussed again in the November 6 meeting. At that point, appropriate investigations had been initiated and the committee focused on discussion of contacts with the Victim related to the ongoing investigations and any referrals for services that would be appropriate.

The next CAIT meeting on November 20, 2013, was abbreviated due to conflicting meetings regarding possible interim suspension for the Suspects involved in the matter.

### 3. Relocation of Suspects to Alternative Housing

In the initial visit to the Suite by UPD on October 15, 2013, the RLC called attention to the "C" bedroom occupied by Suspects 1 and 2. The police observed:

- several depictions of the "SS" symbol associated with Nazi Germany,
- a picture of the author of Irresistible Revolution, Shane Claiborne, with a swastika drawn on his forehead,<sup>57</sup>
- a campaign poster ("Solange for VP") to which a picture of Adolph Hitler had been added,<sup>58</sup>
- a confederate flag with a walking skeleton and the words "the South will Rise Again,"
- a drawing of a "pentagram" hung on a paper near the ceiling.<sup>59</sup>

The RLC reported these observations the decision was made to move Suspects 1 and 2 to other housing locations. **(Exhibit M)** In addition to the disturbing items found in their bedroom, the initial statements identified them as the primary actors in the misconduct that had been reported by the Victim.

As the UPD investigation continued, the police determined that Suspect 4 was more involved in the incidents as a perpetrator than had been originally determined and he was identified in the initial police report as a suspect along with Suspects 1 and 2. In a follow-up interview with the Victim, he mentioned that it was awkward with Suspect 4 in the Suite. The

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<sup>57</sup> Claiborne's book is subtitled "Living as an Ordinary Radical" and describes and advocates what the author argues to be a truly Christian lifestyle.

<sup>58</sup> These items were never observed by the University in the common areas of the Suite; however, the Victim's roommate stated that the "Solange for VP" poster was in the kitchen area for a period of time. Suspect 2 states that he asked the Victim and the Victim's roommate if they were bothered by the poster and would have taken it down if they asked. The witness statements do not confirm a specific date(s) when any of the items with Nazi themes were in the common area as opposed to the "C" bedroom. The Victim did not complain about these items in his initial statement to the RLC or in his statements to the police; he did mention the Nazi items to Student B and she encouraged him to report the incidents.

<sup>59</sup> UPD determined that it represented a symbol associated with the Church of Satan. A similar picture was found on the ceiling in the living room.

Police Chief informed the Housing Director of this comment and recommended that Suspect 4 be removed from the Suite.<sup>60</sup> The Housing Director directed the Assistant Director for Residential Life to contact the Victim and discuss the matter of removing Suspect 4 from the Suite.<sup>61</sup> Housing and Student Conduct policies provided that the Victim should be empowered to state his preferences in the matter. After the Assistant Director spoke with the Victim, the decision was made to allow Suspect 4 to remain in the Suite.<sup>62</sup>

Suspect 3 remained in the Suite until he was suspended on November 20, 2013. He was not identified by the police as a suspect until the report of October 29, 2013, and in the conversation with the Victim about the living arrangements, the Victim expressed no concern with Suspect 3 continuing to live in the Suite.<sup>63</sup>

#### **4. Interim Suspension of Suspects**

On October 17, 2013, after receipt of the initial police report, the AVP-Campus Life recommended that the VPSA direct interim suspension of the Suspects.<sup>64</sup> Under University policy, the VPSA is delegated authority to impose an interim suspension:

where there is reasonable cause to believe that separation of a Student is necessary to protect the personal safety of persons within the University community or University Property, and to ensure the maintenance of order.<sup>65</sup>

Interim suspension is neither automatic nor required and is not considered a punitive measure. Interim suspension will result in removal from on-campus housing.<sup>66</sup> As the interim suspension is an exception to the Student Conduct Process and the due process rights afforded under that policy, interim suspensions are appropriate only in exceptional circumstances. Since 2012, the VPSA has imposed interim suspensions in five other cases:

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<sup>60</sup> At the start of the police investigation, Suspect's 4 father moved him off campus to stay with him at a hotel for a period of time.

<sup>61</sup> The Assistant Director left a telephone message and emailed the Victim on about October 25, 2013. She did not actually make contact with the Victim until November 5, 2013..

<sup>62</sup> Suspect 4 was one of the first of the Suspects to apologize to the Victim. The Victim had earlier expressed the view that he was most concerned with Suspects 1 and 2 and after their removal from the Suite, was more comfortable.

<sup>63</sup> Student Affairs believed that UPD intended to charge only Suspects 1, 2 and 4 up until the time that the District Attorney provided notice of the charges to be filed. At that time, Student Affairs was "surprised" to learn that Suspect 3 would also be charged. However, the October 29 police report lists Suspect 3 as an individual to be charged along with the other Suspects.

<sup>64</sup> At this point it would have been Suspects 1, 2, and 4.

<sup>65</sup> E.O. 1073, Article VI.A. (Appendix 5).

<sup>66</sup> University Housing policy provides for removal from on-campus housing under similar criteria. Housing has exercised this authority in the past typically where a direct threat has been presented (i.e., firearm in a housing unit).

- Sexual misconduct/Sexual assault in Housing;
- Multiple incidents of unprovoked public shouting, racial slurs and verbal abuse; permission to attend classes granted initially, but subsequently revoked;
- Loaded gun in dorm room; permission to attend classes (supervised restriction at academic location);
- Setting off fireworks in dorm room; verbally abusive and aggressive to staff on multiple occasions involving multiple offices; permission to attend classes granted; and
- Verbal abuse, aggressiveness, and threat of bodily harm against staff and faculty on multiple occasions and in multiple locations.

In this instance, upon receiving notice of the charges to be filed against the Suspects, the VPSA determined that interim suspensions should be imposed. The VPSA also relied on a verbal report by the Title IX/DHR Officer that her review of the police report had confirmed a violation of University policy.<sup>67</sup> Specifically, the nature of the charges gave rise to a concern regarding the University's ability to provide for the safety of all of the students involved; in addition, the anticipated publicity that would accompany the filing of the charges and the potential for threats to campus security warranted the interim measures.<sup>68</sup> The interim suspensions were imposed on November 21, 2013. (**Exhibit O**)

## 5. Interim Corrective Actions by the University

The University provides a number of resources to students to assist in responding to the challenges of campus life. These resources are well-publicized, generally, and included as part of orientations conducted by Student Affairs and Housing. However, it is evident that at the time of these orientations students can be overwhelmed by the information being provided. There is an ongoing discussion of how availability of these resources can be communicated to students more effectively.

On October 23, 2013, University Housing conducted an all-staff meeting that included a presentation by Student Conduct to review Incident Reporting, Documentation, and Confrontation/Mediation Skills. In addition, as is its past practice Housing has modified RA training to incorporate lessons learned from these incidents.

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<sup>67</sup> It is not entirely clear how this factor was determinative on the question to impose the suspensions. The Title IX/DHR investigation did not uncover new information not already reported by UPD three weeks earlier. At this time there was no actual report – the DHR Officer reported her findings verbally. In reviewing the other circumstances where interim suspensions have been imposed it is not apparent that this report is a required step before imposition of a suspension. Moreover, E.O. 1073 does not identify this report as a mandatory prerequisite.

<sup>68</sup> As we discuss more fully below, the Chief of Staff was not informed of the issues involving the Victim until November 20, 2013. In addition, to her concern that the issues in the matter should have been raised to her attention and the President's attention sooner, she was frustrated by the failure to consider imposition of interim suspensions sooner, given the circumstances of the allegations. (**Exhibit Q**) Although the decision on this point was within the purview of the VPSA, in the Chief of Staff's view, the circumstances on November 20, 2013 were no different than the circumstances on October 17, 2013, in terms of the University's understanding of the gravity of the factual allegations.

The Crisis Assessment and Intervention Team has identified a need for regular case management support. The Chair has taken steps to create regular staffing for the committee.

The University is also in the process of adopting a new system for tracking disciplinary actions. The new system will improve the capability of cross-referencing and tracking reports of policy violations.

## **6. Executive Response to the Incident**

The University President was notified of the issues involving the Victim on October 26, 2013. This was not a formal briefing, but rather a brief conversation with the VPSA as he was leaving a football game (to go to the airport). The VPSA's report indicated a "hate crime" in campus housing was being investigated by UPD. The President understood from the VPSA that he would receive a more detailed report once the matter was fully investigated. The President did not receive any other reports after that initial report. On November 20, 2013, as charges were about to be filed by the District Attorney, the Chief of Staff was informed of the situation and informed the President in a call with the VPSA.<sup>69</sup>

In our interviews, the President and Chief of Staff expressed concern that the matter had not been reported, or reported more fully, to their level before November 20, 2013. In particular, both expressed concern that the failure to report adversely affected several institutional interests, including, but not limited to, timely planning and preparing the institution for: reporting to CSU leadership, communication with the Victim and his family, and communication with the campus (faculty, staff and students) regarding the incidents if they became a public matter. Inasmuch as it did become a public matter for which the President and the Chief of Staff were not given adequate advance notice, the opportunity for timely response in key areas was impaired.

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<sup>69</sup> The Vice President for Finance and Administration ("VPFA") received regular reports from the Police Chief on the status of the investigation; the President did not receive reports from the VPFA until after the matter was briefed to the President on November 20, 2013.

## **CHAPTER THREE: Compliance with Policies and Procedures**

### **IX. Relevant SJSU Policies, Procedures and Practices.**

#### **A. Statutes and Regulations**

##### **1. Family Educational Rights and Privacy Act**

The Family Educational Rights and Privacy Act ("FERPA") (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records. Generally, rights granted by FERPA belong to the parents of an individual student, though these rights transfer to the student when he or she reaches the age of 18 or attends school beyond the high school level. Specifically, FERPA grants parents or eligible students the right to inspect the student's education records and request corrections of inaccurate or misleading information. (See 34 CFR § 99.31.) In addition—and perhaps more relevant here—FERPA prohibits the release of any information from a student's education record without written permission. (*Id.*) There are limited exceptions to this prohibition, however, and FERPA allows schools to disclose records without consent under certain circumstances, such as to school officials with legitimate educational interest, to appropriate officials in cases of health and safety emergencies, or to comply with a judicial order or lawfully issued subpoena. (*Id.*) Notably, there is no exception for the release of information, without consent, to the parents of an eligible student.

The University's own policies and publications on FERPA are set forth in Presidential Directive 2008-02, "Institutional Policy on Access and Control of Information Contained in Student Records." For the most part, the University's policies mirror those set forth in FERPA, with one major exception. FERPA allows the disclosure of student information if such information has been designated as "directory information" (e.g., name, address, ID number, phone number, date and place of birth, major, etc.). The University's policy is more restrictive on student directory information disclosure and permits only disclosure of dates of enrollment and degrees.

##### **2. Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act**

Under the Jeanne Clery Act (20 U.S.C. § 1092(f)) colleges and universities are required to disclose information about crime on and around their campus. The University must publish – and make available to prospective and current students and employees – yearly reports that document every occurrence of seven categories of crimes on campus. These crimes include homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft and arson. Additionally, instances of larceny, simple assault, intimidation, and destruction of property must also be reported if they are classified as a hate crime. In reporting a hate crime, the University must identify the category of prejudice involved (e.g., race, gender, religion, ethnicity). Universities with a police or security department are further required to maintain a public crime log documenting the nature, date, time and general location of each crime and its disposition. San Jose State is required to abide by the Clery Act, and posts its Annual Security Report online.

### 3. California Standards for Student Conduct

The "Standards for Student Conduct" for the California State University system are set forth in section 41301 Title 5 of the California Code of Regulations. The Standards for Student Conduct identifies twenty types of conduct that constitute grounds for student discipline. As a general matter, according to the Standards for Student Conduct, "students are expected to be good citizens and to engage in responsible behaviors that reflect well upon their university, to be civil to one another and to others in the campus community, and contribute positively to student and university life." (5 C.C.R. § 43101(a).)

Under the Standards for Student Conduct, student discipline can be based on any of the following grounds.<sup>70</sup>

- 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;
- Threatening or endangering the health or safety of any person within or related to the University community, including physical abuse, threats, intimidation, harassment;
- Hazing, defined as any act likely to cause physical harm, personal degradation or disgrace resulting in physical or mental harm, to any student, or apathy or acquiescence in the presence of hazing;
- Engaging in 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, or poses a significant threat of disruption or interference with University operations; and
- Encouraging, permitting, or assisting another to do any act that could subject him or her to discipline.

(5 C.C.R. § 43101(b).) Significantly, the Standards for Student Conduct contain an explicit exception, noting that "[n]othing in this Code may conflict with Education Code Section 66301 that prohibits disciplinary action against students based on behavior protected by the First Amendment." (5 C.C.R. § 43101(d).)

#### **B. California State University Systemwide Policies and Procedures**

##### **1. Executive Order 1073: Student Conduct Procedures**

On April 6, 2012, CSU Chancellor Charles Reed issued Executive Order 1073 ("EO 1073"), which adopts and implements revised procedures for the enforcement of the Standards for Student Conduct set forth in section 41301 of Title 5 of the California Code of Regulations, as the policy for CSU students.

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<sup>70</sup> These are non-exhaustive, selected from all prohibited conduct for relevance to the current investigation.

**2. Executive Order 1074: Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Students and Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students**

On April 6, 2012, CSU Chancellor Charles Reed issued Executive Order 1074 ("EO 1074"), which established a revised system-wide policy prohibiting discrimination, harassment and retaliation against students. EO 1074 defines discrimination as "adverse action taken against a student by the CSU, a CSU employee, another student, or a third party based on any protected status," which includes age, disability, gender, genetic information, nationality, race, ethnicity, religion, sexual orientation, or veteran status. (EO 1074, Art. I.H. and I.P.) Harassment is defined as any "unwelcome conduct engaged in because of a protected status that is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the student, and is in fact considered by the student, as limiting the student's ability to participate in or benefit from the services, activities or opportunities offered by the University." (*Id.*, Art. I.K.)

Except in the case of a privilege recognized under California law (such as the psychotherapist-patient privilege), EO 1074 requires any member of the University community who knows of, or has reason to know of, allegations or acts that violate this policy, to promptly inform the DHR Administrator.

Under EO 1074, students have the option of filing a formal complaint or initiating an informal resolution process. However, the order acknowledges that "it is not appropriate [in cases involving discrimination, harassment or retaliation] for a student to be required to 'work out the problem' directly with the accused." (EO 1074, Art. V.) When a student chooses to file a formal complaint, EO 1074 sets forth detailed procedures for the filing, the University's investigation, and review of any findings made by the University. Students and CSU employees are required by the order to cooperate with any investigation or other process contained in the order.

**C. San Jose State University Policies and Procedures**

**1. Presidential Directives**

**a. Presidential Directive 2009-04**

President Qayoumi issued Revised Presidential Directive 2009-04 on August 18, 2009, concerning responsibilities for administering the Student Conduct. The Directive Code provides that the Director of Student Conduct and Ethical Development in the Division of Student Affairs is responsible for carrying out the duties in Executive Order No. 1043 assigned to the Student Conduct Administrator, including the determination of whether to initiate disciplinary action. The Directive also provides that the duties of the president in Executive Order No. 1043 are delegated to the Vice President for Student Affairs, including the appointment of hearing officers (Article III), review of final reports of hearing officers and issuing notice of the final decision (Article IV, Sections 5 and 6), and the imposition of interim suspension (Article VI).

**b. Presidential Directive 2007-07**

President Qayoumi issued Revised Presidential Directive 2007-07 on December 18, 2012, concerning the University's compliance with CSU Executive Order 1074, which outlined procedural requirements in cases of discrimination, harassment or retaliation. Specifically, the revised Directive covers the process of filing grievances with the University and the procedures that the University must follow in responding to complaints, including intake, investigation, representation of the accused, and appeals.

**2. Academic Senate Resolutions**

**a. Sense of Senate (SS-S05-7): SJSU Shared Values**

At its April 25, 2005 meeting, the University's Academic Senate passed Sense of the Senate Resolution SS-S05-7. The resolution sets forth the University's "Shared Values," including University goals for both undergraduate and graduate students. These goals include (but are not limited to): "multi-cultural and global perspectives gained through intellectual and social exchange with people of diverse economic and ethnic backgrounds"; "active participation in professional, artistic, and ethnic communities"; and "diversity." With respect to the diversity value, the resolution states that the students of the University "value and respect diversity, inclusion, civility and individual uniqueness and recognize the strength these factors bring to our community and learning environment. All of our interactions should reflect trust, caring and mutual respect." For its "Vision 2010," the resolution further states that the "University will also be known for providing a welcoming, inclusive environment and exemplary student support services from application to graduation."

**b. University Campus Climate Policy (S01-13): Commitment to a Campus Climate that Values Diversity & Equal Opportunity**

At its May 14, 2001 meeting, the University's Academic Senate passed Policy Recommendation S01-13. The recommendation seeks to implement a "policy of commitment to a campus climate that values diversity and equal opportunity." The policy states that the University is committed to "maintaining a climate where individuals feel welcome," "ensuring that students and employees have ready access to information on procedures for filing complaints for non-compliance with laws or university policies, with safeguards to ensure that reports can be filed without intimidation or retaliation," and "promoting this policy through seminars, discourse, and discussions." The policy recommendation also requires that the new policy be posted on the University's webpage and the Human Resources Division webpage, and requires that all colleges and divisions be given copies of the policy and encouraged to distribute it widely.

**3. Student Conduct Code**

General standards for student conduct at the University are defined by the University's Student Conduct Code ("SCC"), which incorporates verbatim the provisions of section 41301 of Title 5 of the California Code of Regulations, set forth above.

**4. Housing License Agreements**

Students who live in campus housing must abide by the policies and regulations outlined in the Housing License Agreement, which each student must sign prior to being granted bed

space. The same policies and regulations also appear in the Community Living Handbook ("Handbook"), distributed along with other materials at the beginning of each academic year.<sup>71</sup> (Handbook, at p. 20.) The regulations identify housing-related conduct that may subject licensees to discipline. In addition to agreeing to comply with the SCC, by signing the License Agreement each student agrees to the following specific provisions:

- Civil and Criminal Law: Residents are required to abide by all Federal, State, County and local laws and ordinances. Violation of criminal or civil law in or outside of University Housing Services ("UHS") facilities is basis for revocation of the housing license agreement. (License Agreement, at p. 25.)
- Community Living: Each resident agrees to conduct him or herself in a manner that is conducive for fellow residents to study, live and sleep. Each resident agrees to not disturb this environment, and also agrees to demonstrate reasonable efforts to resolve roommate and/or resident hall problems. Residents are expected to report uncivil treatment of others, vandalism, and other violations of the license agreement. (*Id.*, at p. 26.)
- Concealment of Violations: Residents have a responsibility to take appropriate action, which includes but is not limited to, informing a Residential Life staff member if they become aware of any violations of UHS policies. Failure to notify UHS staff of violations will result in judicial action. (*Ibid.*)
- Decorating and Renovating Room Structure: It is prohibited to hang tapestries, flags, and burlap from the ceiling, as such materials can feed a fire. These decorations may be affixed to the wall if they have been treated with a fire retardant and are so labeled. All decorations visible to the public must comply with University policies. (*Id.*, at pp. 27-28.)
- Disruptive Behavior/Disorderly Conduct: Any conduct that disrupts the normal order of the community is considered disorderly and is prohibited. Residents are responsible for their actions as well as the actions of their guests while in any UHS facility or on UHS grounds. (*Id.*, at p. 28.)
- Harassment and/or Assault: Harassment of any kind will not be tolerated. Any form of activity, whether covert or overt, that creates a threatening or harassing environment for any UHS resident, guest or staff member will be handled judicially and may be grounds for immediate disciplinary action, revocation of the Housing License Agreement, and criminal prosecution.<sup>72</sup> (*Id.*, at p. 32.)

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<sup>71</sup> The policies and regulations also appear in the Resident Advisor Manual. (RA Manual, at Ch. 8.)

<sup>72</sup> Physical harassment/assault is defined by the University Police Department as any act of physical intimidation or physical harassment, physical force or physical violence or the threat of physical force or physical violence that is directed against any person or group of persons. Verbal Harassment is a verbal behavior, either in words or gestures, which dominates, controls, or does another person harm. (See License Agreement, at p. 32.)

- Passive Involvement: In the presence of a policy violation, residents may attempt to stop the violation, contact residential staff and/or immediately remove themselves from the situation and the vicinity of the violation. If a resident chooses to remain at the scene of a policy violation, he/she will be included on the Incident Report and may also be held accountable for a policy violation. (*Id.*, at p. 37.)
- University Policies: Residents are required to abide by all university policies as outlined in the SJSU Catalog (available at the bookstore or on website). (*Id.*, at p. 44.)
- Windows/Balconies/Screens/Patios: Residents may display signs and posters in their residence hall room windows as long as the signs and posters comply with University policy. Postings must comply with health, fire and life safety codes. (*Ibid.*)

## 5. Roommate Agreements

### a. Agreement in General

In addition to the express policies and regulations of UHS, students sharing rooms or suites are required to draft and sign agreements between themselves within the first few weeks of the semester ("Roommate Agreement").<sup>73</sup> (Handbook, at p. 6.) The content of these agreements is determined by the students themselves, with the oversight of a Resident Advisor ("RA")<sup>74</sup>, and provides each student the opportunity to outline acceptable conduct related to sleeping, visitors, study habits, cleanliness, communication, décor, drugs and alcohol, and use of phone/TV/cable/computer. As stated in the RA Manual, the roommate agreements "can be helpful if any problems later arise in the academic year to help the residents and RA calmly begin to discuss what changed in the agreement." (RA Manual, Ch. 9, at pp. 136-147.)

The Handbook outlines the basic rights of a roommate, which are intended to provide a reference point for residents in drafting their own agreements. Included in this list of rights is: the right to be free from fear, intimidation and physical or emotional harm; the right to be respected as a person; and the right to expect that any and all disagreements will be discussed in an atmosphere of openness and mutual respect. (Handbook, at p. 6.)

### b. Roommate Agreement for Suite 704

The residents of Suite 704 signed a Roommate Agreement covering suite-wide conduct and activities, in addition to completing and signing room-specific agreements between

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<sup>73</sup> These are filled out only by the residents of the Classics and the Suites.

<sup>74</sup> According to the Handbook, RAs are student staff members whose job it is to: help effectively maintain and further enhance the housing program; help with roommate or community mate difficulties, academic questions, policy support, personal concerns, and emergency situations; coordinate several programs each semester and provide feedback from residents to UHS; direct students to the appropriate resources when they cannot address the students' concerns. (Handbook, at p. 4.)

roommates. The general Roommate Agreement for the entire Suite was signed by all eight residents on September 23, 2013, and included the following relevant provisions:

- Communication: "Face to face if there is a problem in suite."
- Room Décor: "Anything goes. Must be appropriate. Nothing that interferes with daily activities."
- Other issues: "No 'bike lock of shame."

## **X. NOTICE TO STUDENTS OF CONDUCT POLICIES AND PROCEDURES**

Students are notified of SCC and UHS policies, related disciplinary procedures, and avenues for reporting inappropriate conduct in a number of ways.

First, when they arrive on campus, all students receive a new student orientation packet. This packet includes the following:

- **TipNow Card**: Informs students of text and email messaging system by which students can anonymously inform law enforcement of a crime or suspicious activity.
- **SJSU Stay Safe Card**: Provides students with a list of resources that students can call for help, including after-hours nurse advice, suicide and crisis hotline, counseling services, student health, UPD, and resources for domestic violence and rape. The back of the card includes the statement "you are strongly encouraged to report any abuse, bias or hate incidents, hazing, sexual violence, or suspicious activity immediately" and the motto "See something. Say something."
- **Handbook Information Sheets**: Provides a quick reference for information pertinent to living in campus housing, including what to do in an emergency, how to manage issues such as maintenance and lost keys, and a list of important phone numbers.
- **Empowered Bystander Card**: Provides students with ideas about confronting harmful behavior, such as being proactive, getting someone else involved or alleviating the situation by way of distraction.

Second, first-year students – who are obligated (with limited exceptions) to live in campus housing – receive the Handbook and Housing License Agreement which contain policies outlined above. These documents also refer to the SCC and rules governing SCC disciplinary proceedings, state affirmatively that students must abide by the SCC, and provide students with information they need to familiarize themselves with the policies. (See, e.g., License Agreement, at p. 45.) Both the Handbook and the Housing License Agreement also outline the UHS Judicial Process, and describe the interplay between the UHS Judicial Process and the SCC adjudicative process. (See above for a description of the UHS Judicial Process.)

Third, all policies and procedures that apply to student conduct are available online, either by way of SJSU Department websites or in the SJSU Catalog, which includes information on Student Responsibilities and Rights, Campus and Information Resources, and Non-Discrimination Policies. All information concerning student conduct, and related complaint and disciplinary procedures, can be accessed on the SJSU Catalog website and are described in detail on the website of the Office of Student Conduct and Ethical Development. This latter resource includes links to Executive Order 1073 ("EO 1073") and EO 1074.

Last, RAs and other Resident Life Staff are educated about the SJSU student conduct process, and serve as a resource for students with questions or concerns. (See *infra* Section I.C.4.a.) RAs ensure that student residents of campus housing are provided and understand the materials described above.

## **XI. REPORTING VIOLATIONS OF SJSU CONDUCT POLICIES**

### **D. Administration of the Student Conduct Code and Executive Orders 1073 and 1074**

The SCC is enforced by the Office of Student Conduct and Ethical Development according to the procedures of Executive Order 1073, promulgated by the CSU Chancellor along with Executive Order 1074 in April 2012. (SJSU Catalog, Office of Student Conduct and Ethical Development website.) The Director of Student Conduct and Ethical Development is responsible for administering the SCC, and for carrying out the duties assigned to the Student Conduct Administrator as identified in Order 1073. (SJSU Catalog, Student Conduct Procedures.) These duties include, notably, receiving, evaluating and investigating complaints concerning alleged violations of the SCC, holding an informal conference with students that are the subject of complaints, determining whether or not to initiate disciplinary proceedings, and scheduling and attending disciplinary hearings. (*Ibid.*; EO 1073, Art. IV, at pp. 5-10.) The Vice President of Student Affairs is responsible for appointing hearing officers, reviewing final reports of the hearing officers, issuing notice of final decisions, and, where necessary, imposing interim suspensions. (EO 1073, Art. IV, sections D and F; Art. V.)<sup>75</sup>

Cases involving allegations of discrimination, harassment or retaliation against students are handled differently. Such complaints are directed to the DHR Administrator and handled according to the procedures outlined in Executive Order 1074. (See above for EO 1074's definitions of discrimination and harassment; Art. IV, section D.) The DHR Administrator, in turn, must notify the Student Conduct Administrator of any such complaints as well as the results of investigations where a student is found to have violated Order 1074. (EO 1073, Art. IV, section D.) Notably, campus officials are empowered to initiate an investigation into any purported or suspected instance of discrimination, harassment or retaliation in cases where no complaint has been filed, even when an investigation is contrary to the intent or wishes of the alleged victim. (EO 1074, Art. VI.)

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<sup>75</sup> EOs 1073 and 1074 detail the procedures that must be followed in the case that a student is accused of violating policies of the CSU. Per the direction of 5 C.C.R. § 41301(c), the procedures were designed to ensure that students are afforded appropriate notice and an opportunity to be heard before any sanction is imposed by the CSU.

### **E. General Reporting Triggers for Staff**

Generally, any member of the SJSU community who is aware of a possible violation of the SCC should direct an oral or written complaint to the Director of Student Conduct and Ethical Development, or in cases of discrimination, harassment or retaliation, to the DHR Administrator. (EO 1073, Art. IV, sections A, D; EO 1074, Art. II.)<sup>76</sup>

### **F. Procedures for Students to Report Violations of SJSU Policies**

Upon arrival on campus, new students are provided information on the multitude of resources available for them to report suspicious behavior and illegal or inappropriate conduct, or to obtain help for other personal problems that may arise. By way of these materials and additional information provided online – and as reflected in campus motto "See something. Say something." – students are invited to report violations of campus or UHS policies to Residential Life Staff, the Office of Student Conduct and Ethical Development, UPD, and/or the DHR Administrator.

### **G. Role of Resident Life Staff in Addressing Policy Violations**

It is the mission of UHS to "create a residential community that supports and enhances academic success, fosters the learning and development of the students, and promotes student involvement and civic engagement." (Handbook, at p. 3.) Also explicitly part of UHS's mission is to "facilitate the development of a residential community that is caring, inclusive, safe and secure." (*Ibid.*) To this end, there are specific situations in which Residential Life Staff are obligated to inform the appropriate authority, including the Resident Life Coordinator ("RLC")<sup>77</sup> of the facility in question, the Office of Student Conduct and Ethical Development, or the University Police Department ("UPD"). These situations tend to track provisions of the SCC, or the prohibitions laid out in EOs 1073 and 1074.

The RA manual states that "the health, safety, and welfare of your residents are a part of your responsibilities as a staff member." (RA Manual, Ch. 4, at p. 17.) Accordingly, RAs are directed to report all resident behavior that violates University Housing Policies and Regulations, as detailed in both the Handbook distributed to residents and the Housing License Agreement. (*Id.*, Ch. 7; see also, *infra*, I.A.2.) RAs are also instructed to include those who are only "passively" involved in a policy violation – those who remain "at the scene" – in their incident reports. (RA Manual, Ch. 8, at p. 119; see also procedures related to incident reports below.) Though clearly a violation of SJSU housing policies, RAs are specifically directed to report all instances of intimidation, harassment or harm to residents to the RLC or Assistant Resident Life

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<sup>76</sup> Members of the SJSU community are not under an obligation to inform the DHR Administrator where a privilege from disclosure is recognized under California law. (EO 1074, Art. II.)

<sup>77</sup> According to the Handbook, the RLC is responsible for: the general supervision and management of the residential community; advisement and personal counseling of individuals and groups of students; policy enforcement, and for the implementation of residential programs which support the goals of the housing program and the University. RLCs are also on call for emergencies. (Handbook, at p. 4.)

Coordinator ("ARLC").<sup>78</sup> (RA Manual, Ch. 4, at p. 30.) Notably, resident conduct of this type is included in the section of the RA Manual entitled "Emergency Procedures." If the resident appears to be in immediate danger, the RA is instructed to contact the ARLC on duty, presumably as soon as possible. (*Ibid.*)

Given their front-line position in Residential Life and student housing, RAs are advised on mediating conflict. (*Id.*, Ch. 7.) As a general matter, RAs are instructed that an important part of mediating conflict between and among residents is teaching residents "life skills" and helping them learn to resolve interpersonal conflicts by themselves. (*Id.*, at p. 80.) RAs are directed to encourage residents to try and arrive at a solution without the assistance of the staff, and to offer suggestions on how to approach the other party.<sup>79</sup> (*Ibid.*) Indeed the "ultimate goal" of the UHS's student conduct processes is to help the student "become a fully functioning member of the community." (*Id.*, Ch. 8, at p. 93.)

RAs are told to ask for help whenever they feel it is necessary. For instance, they are directed to call the ARLC on duty: any time they have a question about how to resolve a situation, or in cases where additional staff presence is required. RAs are also given instructions to call UPD whenever a crime has occurred; specific crimes listed in the manual include physical violence and hate-related crimes. (*Id.*, Ch. 4, at p. 30.)

Apart from personally contacting a supervisor or the authorities, RAs are required to complete incident reports whenever a confrontation with a resident involves a violation of housing policies.<sup>80</sup> (*Id.*, Ch. 8, at pp. 129-130.) RAs are instructed to complete and file a report immediately after the incident is complete; they must be filed by 10:00 a.m. the morning after the incident. (*Id.*, Ch. 8, at p. 130; see also Ch. 10, at p. 15.) Even when they document relatively minor violation, incident reports initiate the disciplinary process. They serve as the first point of reference for the RLC, who will make the initial determination of how to proceed.

## **H. The University Housing Services Judicial Process**

Conduct that constitutes a violation of a Housing License Agreement policy, but that does not violate the SCC, is handled separately by UHS.<sup>81</sup> The UHS Judicial Process commences when a Resident Life Staff member completes an incident report, documenting a

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<sup>78</sup> According to the Handbook, ARLCs are live-in student staff members whose job it is to: assist the RLC with the management of the residential community; supervise a variety of positions including Office Assistants, RAs and Hall Government Officers; provide counseling and policy enforcement that enhance the goals of the housing program and the University; assist the RLC with management of the residential Front Desk for that area as well as fulfilling the responsibilities of the RA. (*Ibid.*)

<sup>79</sup> As set forth above, however, EO 1074 acknowledges it may not be appropriate in cases involving discrimination, harassment, or retaliation for a student to be required to "work out the problem" directly with the accused.

<sup>80</sup> In fact, any SJSU student or staff member may complete an incident report to document violation(s) of residence hall and/or apartment regulations. (RA Manual, Ch. 8, at p. 130.)

<sup>81</sup> Conduct that violates both the SCC and the License Agreement is addressed by the Office of Student Conduct and Ethical Development, pursuant to the judicial process outlined by EO 1073.

violation of a UHS policy. The accused resident will then meet with either a UHS staff member, or the UHS Student Judicial Review Board, which is responsible for reviewing community-related violations. (License Agreement, at p. 45.) Next, a hearing will take place during which the resident will have the opportunity to respond to the allegations. (*Ibid.*) After the hearing, and any further investigation, the hearing officer will determine the resident's responsibility for the violation. (*Ibid.*) Any resident found to be in violation of UHS policies will be subject to sanctions as outlined in the Housing License Agreement including, but not limited to, a written and verbal warning, community probation, relocation within campus housing, or revocation of the Housing License. (*Ibid.*) An accused resident sanctioned for an alleged violation may appeal the decision of the UHS hearing officer by written letter within three days following the imposition of the sanction. (*Id.*, at pp. 45-46.)

## **XII. COMPLIANCE WITH POLICIES**

Our findings regarding compliance with applicable policies for each of the following items requiring University response are set forth in **Appendix 4(B)**.

- Notation on suitemate agreement (“no bikelock of shame”)
- Report by student: suspicion of prank by suitemates (scavenger hunt leading to locked closet)
- RA review of SJSU Confessions Post
- On-duty RA observation of public display of confederate flag
- Actions subsequent to discovery of confederate flag; characterization of incident (race- related or not)
- Report by parents: RA conversation with parents of Victim
- Report by student: RLC interview of Victim
- Notifications within administration
- Report to UPD; UPD Investigation
- Initiation of Investigations (DHR, SCED)
- Continued assignment to housing (Suspects , 2, 3, and 4)
- Continued assignment to Suite (Suspects 3 and 4)
- Decision re: interim suspensions

## CHAPTER FOUR: Conclusions

### XIII. CONCLUSIONS

With respect to the issues that we were tasked to review, we have reached the following conclusions:

**A. Determine, to the extent possible, what happened, when it happened, and who the alleged perpetrators are.**

Attached at Appendix 4 is a chart detailing our conclusions as to the incidents that occurred, the parties involved in those events, and the relative timeframe of the events. Because most of these events were not documented by contemporaneous reports, the specific time/date of the events is in question. In many instances, the lack of access to certain of the witnesses precludes anything other than an assumption based on broad ranges provided by the available witnesses. Notwithstanding this uncertainty, we believe the information in the chart reflects the relative sequence and frequency of the conduct at issue.

**B. Determine when and how the campus knew of the alleged incident, or should have known of it.**

The University was apprised of the fact that the Suspects displayed a Confederate flag and wrote a racial slur in the common area of the Victim's room on October 13, 2013 as a result of the conversation between the Victim's parents and RA 1 and RA 3. It is clear that the matters reported by the Victim's parents extended only to the acts that they observed in the room on that evening. The weight of the evidence indicates that the University did not learn of the broader scope of the problems experienced by the Victim until the following day.

On October 14, 2013, as a result of the conversation between the Victim and the RLC, the University learned for the first time that the acts observed the prior evening were part of a course of conduct that extended back to the beginning of the semester. Prior to the conversation with the RLC neither the Victim nor any of the witnesses to or participants in any of the inappropriate conduct reported such behavior to a member of the University professional or student staff. Likewise, there is no evidence that any member of the University professional or student staff witnessed/observed any of the behavior at the time that it occurred.

As to the question of whether the University should have known of the Victim's troubles, there are two ways that this might have occurred: observation of behavior by the Victim that suggested he was experiencing an uncomfortable situation or failure to follow-up on an unusual circumstance or occurrence that involved the Victim. On the first point, the Victim's insistence on keeping the matter private, notwithstanding encouragement by others to seek assistance, suggests that it was unlikely that the University could or should have discovered the problem based solely on the Victim's demeanor and actions before it was reported. First, there were very few interactions between the Victim and members of the University staff from which some "red flag" might have presented itself. The level of interaction between the Victim and University staff was consistent with University policy, so we cannot conclude the University failed to interact with the Victim as required or that the infrequent contact was the reason that the University missed the opportunity to observe potential cues.

Second, it seems clear that in his interactions with University staff the Victim did not offer any signals of the problems he was experiencing and perhaps was careful to avoid giving such signals. Significantly, even when the Victim was presented with the opportunity to disclose the prior issues he did not do so immediately and those issues were finally disclosed almost as an afterthought.

On the second point, we have looked closely at two events that involved the University staff that in hindsight were clearly related to the Victim's situation. The first concerns the reference in the suitemate agreement: "no bikelock of shame." It is evident this reference related to the earlier incidents involving putting the bikelock on the Victim over his objection. RA 4 asked the significance of this reference at the time it was made. It did not occur to the RA 4 that the phrase referred to the incidents we now know occurred or to anything involving similar conduct. RA 4 understood it to be an inside joke amongst the suitemates and the behavior of the students as the time appeared to be consistent with that explanation. The Victim's conduct/demeanor was neutral, he did not seem upset and he did not laugh as some of the others. RA 4 had not observed anything involving the Victim before or after inconsistent with his determination it was an off-hand reference without particular significance.<sup>82</sup> On this point, the RA 4 presented as a credible witness.

The other event is the discovery of the Confederate flag on October 8. The evidence is clear that the flag was discovered on the same day that it was displayed in the window. Possession of the Confederate flag by itself is not a violation of University policy; if the Suspects had simply hung the flag in their room – as opposed to in the window - they would have been privileged to do so. When the RAs came to the room, they did not observe anything in the common area that presented an issue (and the Victim's roommate did not recall that there was anything in the common area at that time to raise a concern). Moreover, when the RAs directed that the flag be removed, the Suspects complied. Logically, the presence of an African American student in the suite might have presented a different situation, but the RAs did not encounter an African American student or have this information. The RAs did not know who lived in the room – it was not their floor, the Victim was not present, and nothing was said at the time (by the Victim's roommate or the Suspects) to disclose that issue. Even assuming the RAs checked the records for the Suite after the fact, they would not have found information concerning the ethnic background of any of the residents as that information is not maintained by Housing. Likewise, when the RLC reviewed the duty log the next morning, she was not aware that the flag presented a problem based simply on who lived in the room – she did not know the ethnic background of the residents.<sup>83</sup>

Based on the foregoing, it appears that the sole question is whether follow-up after the fact would have changed the circumstances. A further visit to the room that evening would have

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<sup>82</sup> RA 4 was not familiar with the "prank" of putting a bikelock on a person's neck that had been portrayed in a television show and that was cited by Suspect 2 as the impetus for trying something similar with the Victim.

<sup>83</sup> RA 4 was in the office when the RAs on duty returned from the room. He was informed of the actions by the RAs on duty. Because the RAs on duty reported that the flag had been removed without incident, RA 4 was not concerned that further action was required at that time. Although he knew that an African American student lived in the room, the lack of an earlier complaint and the removal of the flag from public view indicated to him that an immediate problem did not exist.

found the flag in bedroom C – not a violation of University policy. A visit to the room the following day may have led to discovery of the flag in the common area – a more obvious concern – and a reason to take further steps to assess what was happening in the Suite. The applicable policies called for follow-up with the Suspects, but not necessarily a visit to the Suite. Typically, the follow-up would have been a request by the RLC to meet with the students, probably in her office, not a surprise visit to the Suite.

Consequently, we cannot conclude that a preponderance of the evidence establishes that the University should have known of the broader problems affecting the Victim before the direct reports on October 13 and 14.

**C. Determine how and when the campus administration responded to the alleged incident.**

There are two levels of “response” that we have considered. First, what immediate steps were taken upon receipt of information indicating an issue to be addressed by the University. Second, to what extent were the University’s responses appropriate to minimizing the likelihood of further problems presented by the situation taking into account the likely course of events.

**1. Immediate Responses**

In the preceding section we discuss the response to the Confederate flag on October 8. In response to the October 13 and October 14 reports the administration:

- met with the Victim promptly,
- offered support services to the Victim,
- initiated Police, Student Conduct and DHR investigations as a result,
- relocated the students suspected of misconduct away from the Victim,
- respected the Victim’s preferences with respect to relocation of the other Suspects, and
- made the decision for interim suspensions upon completion of the relevant investigations.

We conclude these responses were appropriate under the circumstances and in accordance with applicable policies and past practices. In particular, we were favorably impressed with the awareness of staff to the sensitivity of the situation and their understanding of the importance/significance of their roles/responsibilities in responding to the issues presented to them.

Moreover, in responding to the situation, staff at this level appreciated the need to assess the effectiveness of steps and practices that had been undertaken and implement immediate change to existing procedures/practices. As a result, corrective measures are already in progress:

- The Housing staff reviewed procedures with student staff and incorporated aspects of this situation into subsequent training for student staff.

- The CAIT has reviewed its processes and instituted changes to enhance monitoring of campus conduct issues.

## 2. Anticipating Issues

Because the facts and issues related to the Victim's complaint had not been raised earlier the University was faced with a fluid situation – developing facts as decisions were required. Inasmuch as the nature of this situation was characterized as a “hate crime” from the very first report and it was undisputed that the conduct included racially-charged behavior (the racial slur scrawled on the whiteboard), the conduct targeted an African American student, and both the suspected perpetrators and victim involved were freshmen students, those who were informed of the situation were on notice that a serious, potentially explosive scenario was emerging. Even without the benefit of hindsight, the potential for unwelcome publicity, safety concerns, and disruption in the housing and academic experience of the students involved was, or should have been, evident. Accordingly, the facts known at that time indicate elevating consideration of this situation to the top leadership was warranted.

Regardless of the outcome of subsequent investigations, the University would have had an obligation to address proactively with the CSU system and campus stakeholders its response to the reported misconduct. This issue, on this campus, went to the heart of what SJSU is all about. Reassuring the Victim and his parents, notifying the CSU leadership/staff of the situation, and communicating with the local campus community were likely and evident future requirements. Assuming that these steps could be undertaken without the opportunity for early consideration and advance planning and input from the President and/or Chief of Staff, effectively limited the senior leadership's discretion in how to proceed and undercut the effectiveness of any actions that they could take once they were properly advised/informed.<sup>84</sup>

**D. Determine whether the campus or any of its employees violated any existing campus or systemwide policies in responding to the alleged incident. Determine the extent to which such policies, procedures and practices were followed.**

### 1. University Staff.

As set forth in the preceding sections, we have concluded generally that the University staff acted in accordance with its policies in responding to the reports of misconduct at the time the incidents came to its attention. We have raised a question concerning the timeliness of the follow-up with respect to the October 8 Confederate flag incident. However, we are satisfied that the initial response to the incident comported with expectations under the policy and can do

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<sup>84</sup> For example, the President contacted the parents to express his concern on November 21, 2013. At this point, the matter had been reported in the local media and five weeks had elapsed since the situation came to light. The timing left the impression that the University's senior leaders were uncaring and now only interested in damage control. This impression evolved from the failure to treat this issue based on the potential that it presented and the subsequent lack of opportunity for the University to demonstrate the care and concern for its students that it stands for.

no more than speculate as to whether further follow-up would have changed the circumstances. In deciding whether such follow-up is or would have been significant, the answer lies in the extent to which an inquiry by the RLC in response to that event would have been sufficient to prompt the Victim or his roommate to elect to disclose information that until that point they had elected to keep private.

## **2. Executive Oversight/Action.**

Neither the President nor the Chief of Staff is satisfied that the University responded in a timely fashion in this matter at the institutional. Although the classification of the allegations involving the Victim was known to the University on October 14, 2013, investigated completely by the UPD by October 30, 2013, and reviewed thoroughly by the District Attorney with a decision to pursue prosecution, with hate crime allegations, by mid-November, the President was not briefed fully on this matter before November 20, 2013.

The concern by both is the lack of leadership presence in this five-week period and the failure to anticipate the potential consequences for the institution and the steps that would have to be taken to address this situation. Notifying higher authorities, communication with the family at the executive level, and planning for addressing the issue with the campus community were not undertaken in a manner that was viewed as consistent with the University's principles and commitments.

We can conclude that this violation did not affect the staff actions required to address properly the Victim's complaint – investigation and corrective action occurred (or has been undertaken) as required by the applicable policies. As explained above, the issue of timing of the decision as to interim suspension raised by the Chief of Staff is not specified by policy and the decision was in accord with the relevant policy.

## **APPENDICES**

1. Appointment of Independent Fact-finder
2. Witness List
3. Timeline of Events
4. Findings:
  - A. Chart Summarizing Factual Findings
  - B. Chart Summarizing Policy Violations
5. Relevant Laws and Policies
6. Letter to Victim's parents, dated January 21, re: Request for Interview
7. Organizational Charts
  - A. Office of the President
  - B. Division of Student Affairs
  - C. University Housing Services

## **EVIDENTIARY EXHIBITS**

- A. Schematic (get from SJSU website)/Pictures of Suite
- B. Roommate and Suitemate Agreements
- C. Fall Freshmen Orientation Program materials
- D. Empowered Bystander Card
- E. 2013/2014 License Agreement
- F. CELL Brochure
- G. Information re: Room Change Application; Application for Room Change
- H. RLC, ARLC and RA Job Descriptions
- I. Fall 2013 RA Training Syllabus
- J. RA Performance Evaluation
- K. RA Duty Log (October 8, 2013-October 13, 2013)
- L. RLC Incident Report
- M. Letters, dated October 17, 2013, from Housing to Victim and Suspects 1, 2, and 4
- N. Email Messages, dated October 18, 2013, from Housing to Victim and Suspects 1, 2, and 4
- O. Email Messages, dated November 20, 2013, from Housing to Victim and Suspects 1, 2, and 4
- P. Letters, dated November 21, 2013, from VPSA to Suspects
- Q. Student resources (brochures, pamphlets, communication of services)
- R. Email Message, dated October 18, 2013, from Chief of Staff.

# APPENDIX 1

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# President's Update: An Independent Review of the Facts

December 5, 2013 Christina Olivas



President Qayoumi names Judge LaDoris H. Cordell to lead a task force that will review all the facts and propose recommendations for nurturing a safe, welcoming, tolerant community. (Photo: Christina Olivas)

**President Qayoumi emailed the following statement to all faculty, staff and students regarding alleged hate crimes in SJSU's student housing complex. A website summarizing all relevant reports, updates and messages has been established.**

Dear Spartans,  
I'm touching base to share additional information about the efforts to move the campus forward toward healing and recovery from the alleged race-related incident that occurred this fall in one of our residence halls.

Last week, **I promised to initiate an independent review** of the facts. I'm pleased to report that Judge LaDoris H. Cordell (retired) has agreed to lead a special task force that will have two goals:

1. Review all of the facts.
2. Propose recommendations for ensuring that San Jose State is a safe, welcoming, tolerant community.

Judge Cordell served the Superior Court of California, County of Santa Clara, for 19 years before becoming the independent police auditor for the City of San Jose in 2010. Throughout her career, Judge Cordell has sought to give a voice to the unheard. I am grateful that she is willing and available to serve in this critical role.

The work of the special task force will be informed by an independent fact-finding effort. Myron "Mike" D. Moye, a partner at law firm Hanson Bridgett LLP, has been retained to conduct the fact-finding effort and produce a report that will be presented to the special task force. Moye has extensive experience in cases involving harassment, discrimination, ethics and regulatory compliance.

The fact finding will begin immediately and seeks to:

1. Determine, to the extent possible, what happened, when it happened, and who the alleged perpetrators are.

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## EVENTS

1/29	Men's Basketball vs UNLV
1/30	Selfies with Sammy
1/30	Tartuffe

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diversity, Mohammad Qayoumi, president

2. Determine when and how the campus knew of the alleged incident, or should have known of it.
3. Determine how and when the campus administration responded to the alleged incident.
4. Determine whether the campus or any of its employees violated any existing campus or systemwide policies in responding to the alleged incident.  
Determine the extent to which such policies, procedures and practices were followed.

Moye has been asked to produce his report by January 31, 2014. The special task force will receive the report and begin its work in February, and issue a final public report by April 30. Task force members will include a diverse mixture of SJSU students, faculty and staff members and alumni; subject-matter experts within the California State University; and community members. Its membership will be finalized by January 15.

Let me also update you on two related matters.

As many of you know, San Jose State has undertaken previous efforts to make diversity an intentional, holistic element of our teaching and learning mission. In spring 2013, we solicited nominations for a **Commission on Diversity**. Its members were appointed in August 2013 and the group met for the first time this fall. The commission will meet again this month and will have the opportunity to consider the recommendations of the special task force in its work going forward.

In an **earlier message to you**, I outlined plans for a forum on racial intolerance to be held on campus in the first two weeks of December. After consultation with student groups, we are postponing this event to early next year in order to maximize participation. We need students to play a prominent role in planning the gathering, and there is insufficient time to do this now as they are preparing for final exams.

I appreciate the many ways our community has responded in the last two weeks.

Much work lies ahead. A website **summarizing all relevant reports, updates and messages** has been established. Please continue to reach out to me, and to one another.

Sincerely,  
Mohammad Qayoumi  
President

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## APPENDIX 2

## Appendix 2 – Witness List<sup>1</sup>

Name	Role
<b>Students</b>	
"Victim" *	Student subjected to inappropriate conduct; resides in "D" bedroom
"Victim roommate"	High school friend of Victim; resides in "D" bedroom
Parents of "Victim" *	Visited Suite Oct 13; observed Confederate flag and racial slur; reported observations to RA 1 and RA 3
Parents of "Victim's Roommate"	Visited Suite Oct 13; observed Confederate flag and racial slur
"Suspect 1" *	Student charged in case (conspiracy, assault, battery, hate crime) involving Victim; resides in "C" bedroom
"Suspect 2"	Student charged in case (conspiracy, assault, battery, hate crime) involving Victim; resides in "C" bedroom
"Suspect 3" *	Student charged in case (hate crime) involving Victim; resides in "A" bedroom
"Suspect 4" *	Juvenile student charged in case (conspiracy, assault, battery, hate crime) involving Victim; resides in "B" bedroom
"Suitemate A"	Roommate of Suspect 3
"Suitemate B" *	Roommate of Suspect 4
"Student A"	Resident from suite across the hall; provided "nicknames"
"Student B"	Resident from suite across the hall; observed "pranks" against Victim; encouraged Victim to report misconduct
"Student C"	Friend of Suspect 1; observed second incident involving bikelock; encouraged victim to report misconduct
"Student D"	Confronted Suspects 1 and 2 at request of Victim re: prank involving Victim's shoes
"Student E"	Confronted Suspects 1 and 2 at request of Victim re: prank involving Victim's shoes
"Student F"	Resident from suite across the hall; observed "pranks" against Victim; encouraged Victim to report misconduct
"Student G"	Upperclass student; former RA and resident of CELL

<sup>1</sup> Individuals identified by (\*) declined interviews.

## **President's Cabinet**

Mohammed Qayoumi	President
Dorothy Poole	Chief of Staff
Shawn Bibb	Vice President Administration and Finance
Gene Bleymaier	Director, Division of Intercollegiate Athletics
Rebecca Dukes	Vice President Advancement
Bill Nance	Vice President Student Affairs

## **University Housing - Student Staff**

"RA 1"	Resident Assistant on duty the night of Oct. 8 and Oct. 13; directed removal of Confederate flag on Oct. 8 and spoke with Victim's parents on Oct. 13
"RA 2"	Resident Assistant on duty the night of Oct. 8; directed removal of Confederate flag
"RA 3"	Resident Assistant on duty the night of Oct. 13; spoke with Victim's parents
"RA 4"	Resident Assistant assigned to Victim's floor
"ARLC"	Assistant Residential Life Coordinator

## **Division of Student Affairs**

Bill Nance	Vice President Student Affairs
Monica Garcia	Executive Assistant for VPSA; CAIT Coordinator
Cathy Busalacchi	Assistant Vice President Campus Life; Chair CAIT
Art King	Assistant Vice President Student Affairs; Member CAIT

## **Other CAIT Members**

Pete Decena	Chief of Police; Member CAIT
Dennis Jaehne	Assistant Vice President Undergraduate Studies; Member CAIT
Natalie King	Assistant Associate Vice President for Faculty Affairs; Member CAIT
Julie Pasaint	Director, Equal Opportunity and Employee Relations; Title IX Deputy Coordinator/University DHR Administrator; Member CAIT
Ellen Lin	Director, Student Counseling Services

## **University Housing – Professional Staff**

Vic Culatta	Director, University Housing
Stephanie Hubbard	Associate Director, University Housing
Natina Gurley	Assistant Director for Residential Life
Emily Weideman	Residential Life Coordinator

## **Student Conduct**

Staci Gunner	Former Director, Student Conduct and Ethical Development
Shannon Qhuihuiz	Interim Director, Student Conduct and Ethical Development

## APPENDIX 3

### Appendix 3 – Timeline of Events

June 11-12	Suspects 3 and 4 attend First-Time Freshmen Orientation ( <b>Exhibit C</b> )
June 25-26	Suspect 1 attends First-Time Freshmen Orientation
July 23-24	Suspect 2 attends First-Time Freshmen Orientation
August 1-15	RA Training for Fall Semester ( <b>Exhibit I</b> )
August 16	Residence Hall Check-in and move in to dormitory First residence hall meeting with briefings by RLC, RA 4 and other RAs
August 30	"Open" (no-questions asked) roommate change period begins ( <b>Exhibit G</b> )
Early Sept. *	First bikelock incident
September 12	"Open" (no-questions asked) roommate change period ends
September 14 *	Incident where fish is taken by residents of suite across the hall.  Incident where Victim and his roommate are "barricaded" in their bedroom.
September 23	Victim and Suitemates meet with RA 4 and execute Suitemate Agreement ( <b>Exhibit B</b> )
September 24 *	Shoe incidents
October 8	A Resident Assistant views a posting on "SJSU Confessions" describing a confederate flag displayed in a dormitory room window and containing several postings in the "Comment" section criticizing the flag. This RA contacts RA 1, the on-duty RA, and reports the incident. RA 1 goes outside and sees the flag and goes to room with RA 2 during evening rounds. RA 1 knocks on the door and it is answered by the Victim's roommate. RA 1 asks to speak with residents in "C" bedroom. RA 1 tells Suspects 1 and 2 to remove the flag from the window. Suspects 1 and 2 comply.  RA 1 notes incident on duty log. ( <b>Exhibit K</b> )  Later in the evening, Suspects 1 and 2 come to RA desk to ask questions about the policy governing the flag. RA 1 explains policy.
October 9	Suspect 1 hangs Confederate flag in common area of Suite. Victim observes and objects to flag being there. Flag is taken down.

October 10 Victim's roommate goes home for the weekend. Flag is not displayed. Does not recall any writing on the whiteboard.

October 11 Victim goes home for the weekend (sometime in afternoon after classes).  
Note of apology left under Victim's door.<sup>2</sup>

October 13 Victim's roommate returns to Suite with his parents (in the afternoon). Victim's roommate finds "note of apology" that was left in room. His mother observes Confederate flag in the common area and racial slur written on whiteboard. She contacts Victim's parents and explains what she has observed; recommends that they come to Suite to see for themselves.

[Evening] Victim returns to room with his parents. Victim's parents observe Confederate flag and racial slur. Victim's parents request Suitemates to join them in a meeting. Victim's parents express disapproval of flag and racial slur and explain impact. Suspect 4 apologizes to Victim.

[Approximately 10:00 p.m.] Victim's parents leave building and call RA on duty from outside building; ask the RA on duty to come out to meet them. RA 1 and RA 3 go outside to meet Victim's parents. Victim's parents explain what they observed in the room and their conversation with Suitemates. Victim's parents state that situation is under control, no need for the RA to visit room that evening but RAs should check on them in the next few days.

RA 1 and RA 3 return to building and prepare e-mail report to RLC, noting incident and likelihood that Victim's parents may contact her. (**Exhibits K and L**)

October 14 RLC views email message from RA 1. RLC sends message to Victim asking him to meet with her.

RLC meets with the Victim. He confirms events of previous evening and explains that he feels better and things will be okay in the Suite now. RLC continues the conversation and eventually the Victim relates the prior incidents with the Suspects. RLC asks if Victim wants to file a complaint or report with UPD – Victim declines. RLC asked if Victim wants to move or if he feels unsafe in the Suite – Victim declines offer to move and says that he is okay now. RLC offers information on campus resources that are available to Victim.

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<sup>2</sup> The note is dated October 11, 2013. The note was left for the Victim sometime after he left for the weekend and was discovered by the Victim's roommate when he returned to campus on October 13, 2013.

RLC calls Associate Director of University Housing to report matter. Associate Director contacts UPD to determine if a report can be filed on behalf of the Victim. UPD advises that RLC can file an anonymous report. Associate Director directs RLC to contact UPD and file the report.

Associate Director notifies Director, University Housing and Assistant Vice President for Campus Life.

The RLC files the report with UPD. UPD responds and determines Victim is a minor, so his parents must be contacted before they can speak with him. UPD contacts the Victim's parents and arranges a meeting with the Victim and his parents for following day.

October 15

UPD meets with Victim and his parents and takes statement.

UPD visits Suite with RLC. Upon observing Nazi paraphernalia in "C" bedroom (Suspects 1 and 2) RLC informs Suspects 1 and 2 that they will be relocated from the Suite.

October 16

AVP for Campus Life notifies VPSA of incident and steps taken.

Police Chief reports status of matter, including fact that matter has been referred to DA and to Vice President for Finance and Administration.

Police Chief reports matter in CAIT meeting.

October 17

UPD provides initial report of investigation to Housing and Student Conduct.

Housing prepares correspondence to Suspects and Victim regarding conduct during investigation. (**Exhibit M**)

AVP for Campus Life met with VPSA to discuss updated status and information received to date and recommends interim suspension of students.

VPSA makes decision not to impose Interim Suspensions, no notification sent to President's Office. Decision was based on actions taken, UPD investigative findings to date, limited CAIT information, and consideration of student conduct policy.

October 18

Assistant Director for Residential Life speaks with Suspects 1, 2 and 4 regarding conduct during investigation of incidents and forwards October 17 letter. (**Exhibit N**)<sup>3</sup>

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<sup>3</sup> The President was away from the campus October 18 and 20-24, but remained in contact by electronic mail.

October 23 Housing All Staff Meeting conducted. Staff from the Student Conduct Office were invited to facilitate a review of Incident Reporting, Documentation, and Confrontation/Mediation Skills.

October 24 UPD informed Housing Director that the Victim had indicated he was uncomfortable in his suite with Suspect 4 remaining in the room. Assistant Director for Residential Life attempted to contact the Victim via phone and email and left messages, but received no response.

UPD sent supplemental information of UPD Report (e.g., additional witness reports) to Housing Associate Director and Director of Student Conduct.

October 25 President's Cabinet conducts all-day retreat. President, VP Administration and Finance, VP Advancement, and VPSA do not mention or discuss ongoing investigation concerning Victim or allegations. Chief of Staff is not apprised of situation regarding Victim.

October 26 At football game VPSA advises President, VP of Finance & Administration and VP Advancement that incident has occurred in student housing. VPSA discloses to President allegations of placing bikelock on Victim's neck and discovery of Nazi references in dormitory room.

October 29 UPD produced the final report of investigation to Housing Associate Director, Director of Student Conduct, and University DHR Administrator. Report indicates recommendation for charges against Suspects 1, 2, 3, and 4. UPD indicated they would be forwarding to the District Attorney and Juvenile Hall for review of potential charges.

October 31 Further attempt to contact the Victim by DHR Administrator.

November 5 Victim contacted Assistant Director for Residential Life and he was fine with the roommate situation; he stated that it was awkward, but ok. The Victim gave a release permitting the Assistant Director to talk to his parents.

Assistant Director spoke with Victim's parents, who expressed concern that she had not heard from the university as to what was happening. Assistant Director explained the process and answered her questions.

November 6 CAIT discussed the case in its regularly-scheduled meeting. The Police Chief advised that the DA planned to file charges. DHR Administrator indicated she had tried to contact the Victim as she initiated her investigation, but that he had not responded to her contact efforts.

November 8-12 Director of Student Conduct attempted to contact the Victim to initiate the conduct process, per EO 1073 and 1074.

November  
8-12

Director of Student Conduct attempted to contact the Victim to initiate the conduct process, per EO 1073 and 1074.

November 13

The Victim returned call to Director, Student Conduct and set up an appointment to meet.

November 14

DA advises UPD that charges will be filed.

November 15

The Victim met with the Director Student Conduct, was provided information on the Victim conduct and Title IX/DHR processes, his victim's rights within the processes, the suspects who were being charged, and the steps and timeline for moving forward. Information for support resources and services were also provided. The Victim declined a formal investigation through the Student Conduct process. However, the Director of Student Conduct determined that there is sufficient evidence to initiate the student discipline process in this matter, nonetheless.

November 18

Following completion of the Title IX/DHR investigation and UPD investigation, Student Conduct issued "come-in letters" to Suspects 1, 2 and 4. Scheduling of the Informal Conferences began, anticipated to be completed by 12/10. Scheduling also includes interviews with possible witnesses in the case.

November 20

University received information from UPD that the DA planned to file charges against four suspects. The DA determined that a fourth student who was not identified as a suspect within the University's Title IX/DHR findings was also charged in the case.<sup>4</sup>

First time Chief of Staff is informed of issue in student housing and nature of allegations being investigated by UPD. In call between Chief of Staff, VPSA and President, response by President indicates lack of knowledge of details of incident and investigation. Discussion between Chief of Staff and VPSA reflects view that interim suspensions should have been imposed earlier.

A redacted version of the final UPD report was published in local media.

DHR Administrator provided verbal report of her findings that there is substantial evidence of discrimination and harassment on the basis of race. DHR indicated that the final written report should be available by 11/25.

---

<sup>4</sup> The VPSA expressed surprise that a fourth suspect was identified. The October 29, 2013 UPD report noted that Suspect 3 was recommended for a hate crime charge.

Assistant Director for Residential Life contacted the Victim and Suspects by phone and via email to inform of the pending release of information by the DA. Call indicated the possibility of media accessing the secure housing facilities and noted rights to privacy and right to not speak to any media if approached. **(Exhibit O)**

November 21

Based on verbal report of the results of the DHR Administrator findings, the VPSA issued Interim Suspensions to the three students identified in the University Police Department report and the Title IX/DHR findings. **(Exhibit P)**

The fourth student not included in the Title IX/DHR findings (Suspect 3) was already planned to be included in the Student Conduct process as a bystander. After learning the DA included the fourth student in the charges, the VPSA issued Interim Suspension to that student regarding "maintenance of order" per EO 1073.

Student Conduct Office issued "come-in letter" to Suspect 3.

November 21

Housing Director again extended an offer to the Victim, his roommate and other residents on the floor to be relocated elsewhere in housing if they wish. Media pressure, including publishing names and room numbers via the police report, have led to internal privacy concerns for other students in the suite and on the floor.

November 22

The DA announced its filing of charges against the fourth student as a juvenile, and the University confirmed that the student had also been suspended. **(Exhibit P)**

November 25

President and VPSA met with Housing staff and RAs to discuss incident and public statements regarding the matter.

## APPENDIX 4

**APPENDIX 4(A) – EVENTS: WHAT, WHO, WHEN**

Incident	Participants	Date/Timeframe	Report at occurrence	Discovered By SJSU	Action Taken? When?
Race-based nickname - created	Student A	Sometime in last two weeks of August	No	10/14	Yes; 10/14
Race-based nickname – use	Suspect 1 Suspect 2 Suspect 3 Suspect 4 Student B	5-7 days in last two weeks of August	No	10/14	Yes; 10/14
Blocking in room (minor)	Unknown	Unknown	No	10/14	Yes; 10/14
Barricade in room	Suspect 1 Suspect 4	Early September	No	10/14	Yes; 10/14
Bikelock I	Suspect 2 Suspect 3 Suspect 4	Early September	No	10/14	Yes; 10/14
Bikelock II	Suspect 2 Suspect 3 Suspect 4	Mid-September	No	10/14	Yes; 10/14
Removing shoes	Unknown	Mid-September	No	10/14	Yes; 10/14
Failed attempt to lock in closet	Suspect 1 Suspect 2	End of September/Early October	Yes		Yes; same date
Confederate flag in "C" bedroom	Suspect 1 Suspect 2 Suspect 4	10/8	Yes	10/8	Yes; 10/8
Confederate flag in common area	Suspect 1 Suspect 4	10/9-13	No	10/13	Yes; 10/13
Nazi references in common area	Suspect 2	Periodic thru semester	No	10/14	Yes; 10/14
Pentagrams in common area	Suspect 2	Periodic thru semester	No	10/14	Yes; 10/14
Racial slur on whiteboard	Suspect 2	10/11-13	Yes	10/13	Yes; 10/13
Note of apology	Suspect 1 Suspect 4 Suitemate B	10/12	Yes (upon discovery)	10/14	Yes; 10/14

## APPENDIX 4(B) – POLICY VIOLATIONS<sup>1</sup>

INCIDENT/EVENT	APPLICABLE POLICY	VIOLATION? BY WHOM? HOW?
Responding to notation on suitemate agreement (“no bikelock of shame”)	- Student Conduct Code - Resident Assistant Manual	No
RA review of SJSU Confessions Post	- Student Conduct Code - Resident Assistant Manual	No
On-duty RA observation of public display of confederate flag; and actions to remove	- Student Conduct Code - Executive Order 1073 - Executive Order 1074 - Resident Assistant Manual	No
RA response to report by parents; RA conversation with parents of Victim	- Student Conduct Code - Executive Order 1073 - Executive Order 1074 - Resident Assistant Manual	No
Report by student: RLC interview of Victim	- Student Conduct Code - Executive Order 1073 - Executive Order 1074	No
Report to UPD; UPD Investigation	- Clery Act - Student Conduct Code - Executive Order 1073 - Executive Order 1074	No
Initiation of Investigations (SCED, DHR)	- Student Conduct Code - Executive Order 1073 - Executive Order 1074	No
Decision to continue assignment to housing (Suspects 1, 2, 3, 4)	- License Agreement - Student Conduct Code	No
Decision to continue assignment to Suite (Suspects 3 and 4)	- License Agreement - Student Conduct Code	No
Decision re: Interim suspensions	- Student Conduct Code - Executive Order 1073	No

<sup>1</sup> See also, Section XIII.D.2.

## APPENDIX 5

**San José State**  
UNIVERSITY

Office of the President

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<http://www.sjsu.edu>

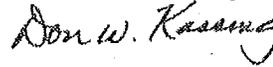
President:  
Don W. Kassing

February 22, 2007

PD 2007-01

MEMO TO: Vice Presidents, Deans, Directors, Chairs, and  
Administrative Heads

FROM: Don W. Kassing  
President



SUBJECT: Presidential Directive 2007-01  
Executive Order No. 970  
Student Conduct Procedures

As president, I have assigned responsibility for administration of CSU Executive Order No. 970, Student Disciplinary Procedures, to the Office of Student Conduct and Ethical Development in the Division of Student Affairs. The student conduct administrators in the Office of Student Conduct and Ethical Development will be responsible for determining whether to initiate disciplinary action for alleged violations to the Student Conduct Code and performing duties as proscribed in the Executive Order procedures.

The student conduct administrator will investigate complaints of suspected violations of the Student Conduct Code. Should it be determined that a violation has occurred, a conference will be held with the student to respond to the allegations. If an agreement is reached as to an appropriate disposition, the matter will be closed. If an agreement is not reached, the student may request a closed hearing with a hearing officer appointed by the president to determine whether formal disciplinary action is appropriate and/or to determine appropriate sanctions. The hearing is intended to be educational rather than adversarial. The hearing officer will make a decision based on information presented during the hearing and present a recommendation to the Vice President for Student Affairs, who then makes the final decision.

The student conduct administrator and the Vice President for Student Affairs are the only university personnel authorized to impose administrative sanctions for violations of the Student Conduct Code in accordance with Executive Order No. 970. Faculty members are authorized to impose academic sanctions for academic integrity violations. For more information, please see SJSU's Academic Integrity Policy (F06-01) available on the Academic Senate website.

Each campus president determines whether it is appropriate for attorneys to be present in all or some proceedings. San José State University does not permit attorneys to be present in any proceeding, which applies to both the student charged and the campus. Both the student and campus can consult attorneys outside of the actual proceedings. During the conference and hearing, the student and student conduct administrator may have an advisor, who is not an attorney, present.

Questions regarding Executive Order No. 970 may be directed to the Office of Student Conduct and Ethical Development at 924-5985.

DWK:ms

Attachment

The California State University:  
Chancellor's Office  
Bakersfield, Channel Islands, Chico,  
Dominguez Hills, Fresno, Fullerton,  
Hayward, Humboldt, Long Beach,  
Los Angeles, Maritime Academy,  
Monterey Bay, Northridge, Pomona,  
Sacramento, San Bernardino, San Diego,  
San Francisco, San José, San Luis Obispo,  
San Marcos, Sonoma, Stanislaus

## **Presidential Directive**

### **Introduction**

San José State University is committed to ensuring a safe learning and living environment for students, faculty, and staff. The privilege of attending San José State University is accompanied by certain responsibilities to ensure this environment. The California Code of Regulations, Title 5, Section 41301 establishes behavioral expectations of our students to promote safety and good citizenship. The California State University issued Executive Order No. 970, named Student Conduct Procedures, on February 2, 2006 to outline procedures for administering the Student Conduct Code as well as ensuring students' rights to due process. Executive Order No. 970 supersedes Executive Order No. 628. The process is intended to be educational in nature, and appropriate sanctions may be administered.

### **Purpose**

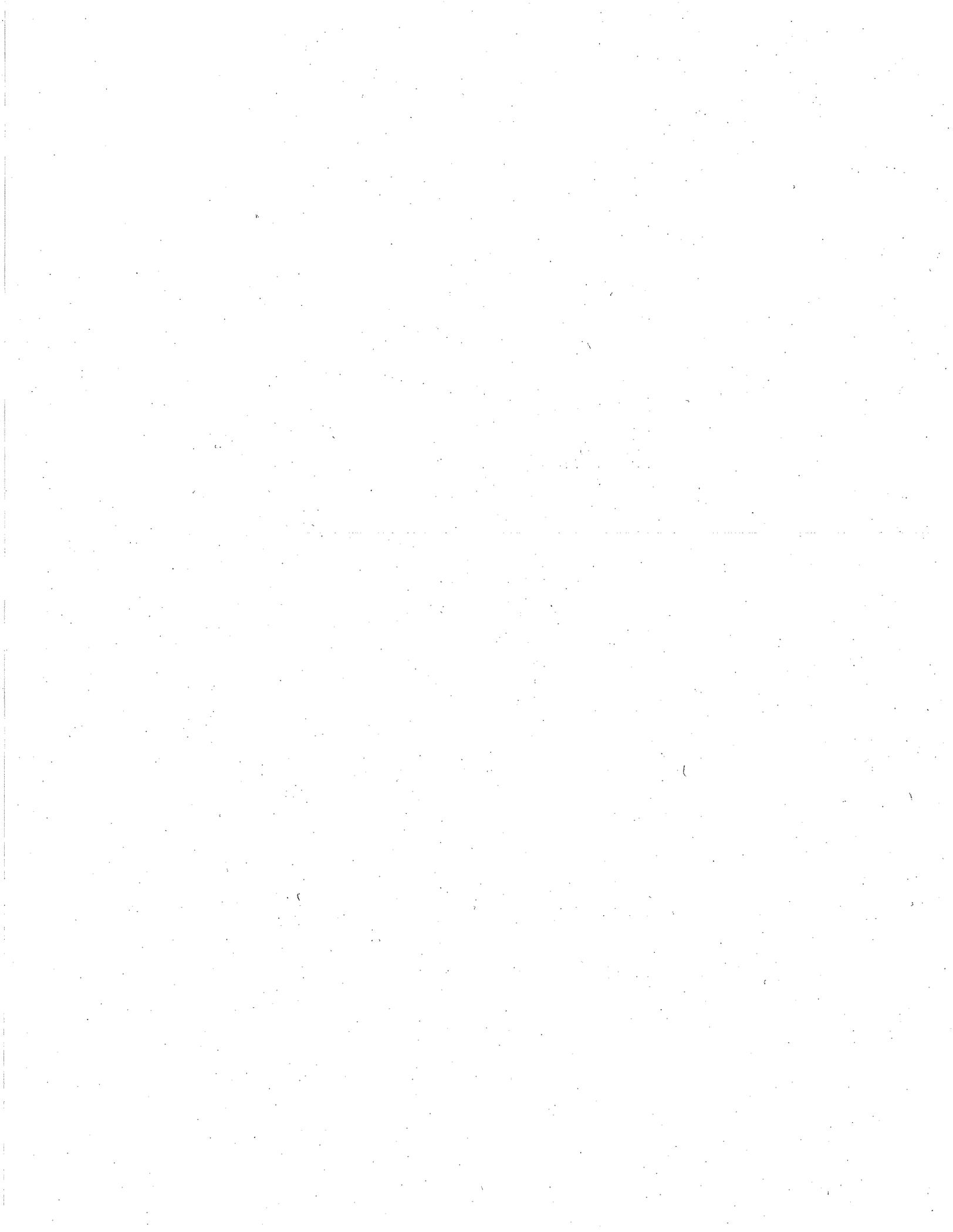
It is the purpose of this Presidential Directive to assure that San José State University complies with the California Code of Regulations, Title 5, Section 41301 and California State University Executive Order No. 970 and to set forth how the Student Conduct Code is administered at San José State University.

### **Policy and Implementation**

At San José State University the responsibility for administering the Student Conduct Code resides with the Director of Student Conduct and Ethical Development in the Division of Student Affairs. This position is responsible for carrying out the duties in Executive Order No. 970 assigned to the Student Conduct Administrator, including the determination of whether to initiate disciplinary action.

Use of attorneys is not permitted in student conduct proceedings at San José State University. This includes the informal conferences as well as formal disciplinary hearings. (See EO 970, Article III, Section 3 for additional details about attorneys.)

The duties of the president in Executive Order No. 970 are delegated to the Vice President for Student Affairs, including the appointment of hearing officers (Article III), review of final reports of hearing officers and issuing notice of the final decision (Article IV, Sections 5 and 6), and the imposition of immediate suspension (Article VI).





**SAN JOSÉ STATE  
UNIVERSITY**

**PD 2007-07  
- Revised -**

December 18, 2012

**Office of the President**

Mohammad H. Qayoumi, Ph.D.  
President

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**MEMO TO:** Administrative Heads, Chairs, Deans, Directors and  
Vice Presidents

**FROM:** Mohammad H. Qayoumi  
President

**SUBJECT:** Presidential Directive PD 2007-07 (Revised)  
San José State University Discrimination, Harassment and  
Retaliation Complaint Procedure for Students and Applicants for  
Admission

The purpose of this revised Presidential Directive is to assure that San José State University continues to comply with all Federal and State legislation and California State University policies regarding unlawful discrimination, harassment and retaliation. San José State University is committed to creating an atmosphere in which all students can study free of unlawful discrimination. These revised procedures are developed in compliance with new CSU Executive Order 1074.

This revised directive supersedes all prior complaint procedures for SJSU students and applicants for admission.

**PERSONS AND GROUPS HAVING RIGHT TO FILE GRIEVANCES**

These procedures provide students and applicants for admission the right to request and receive a fair and impartial investigation of any on-campus perceived discriminatory act by an SJSU employee, fellow student, or student organization, or any on-campus incident that is believed to be harassment or discriminatory on the basis of race, color, national origin, ancestry, citizenship status, veteran status, disability, medical condition, sex, age, sexual orientation, gender identification, religion, marital status and genetic information.

These procedures were adopted to encourage students and applicants for admission to seek redress of perceived discrimination through an SJSU internal process that is readily available, prompt, and meets high standards of fairness. However, no student or applicant for admission is precluded by these procedures from filing a complaint, at any time, with the U.S. Department of Education Office for Civil Rights.

## **COMPLAINT FILING DEADLINE**

A student or applicant for admission may submit a complaint form within 20 Working Days after the end of the academic term (semester/quarter) in which the most recent alleged act of Discrimination, Harassment or Retaliation occurred. If a student or applicant for admission engages in the Informal Resolution Process, the complaint deadline may be extended for a period of up to 20 Working Days, meaning, in this instance, a complaint may be filed up to 40 Working Days after the end of the academic term in which the alleged act occurred.

## **FILING A COMPLAINT**

All student and applicant for admission complaints of discrimination, harassment, or retaliation shall be directed to the Title IX Coordinator in the Human Resources Office for Equal Opportunity (OEO), UPD Building, 3<sup>rd</sup> Floor for investigation and resolution. This includes allegations of discrimination, harassment, or retaliation by employees or other students against a student. A student or applicant for admission may file a complaint by submitting a completed CSU Student Discrimination/Harassment/Retaliation Complaint Form to the Office for Equal Opportunity, San José State University, One Washington Square, San José, CA 95192-0046. The form is available at <http://www.calstate.edu/eo/EO-1045-Attachment1.pdf>. In lieu of the complaint form, students may submit a written statement in accordance with the requirements of CSU Executive Order 1074. Complaints of discrimination against a member of the University Police Department (UPD) shall be brought to the attention of the Title IX Coordinator in the Office for Equal Opportunity. The OEO will work with UPD to ensure the complaint is fully investigated and resolved in accordance with this Directive. When the Campus has knowledge of an act of discrimination, harassment, or retaliation, the OEO will investigate with or without a formal complaint.

## **ACKNOWLEDGEMENT OF COMPLAINT**

The Title IX Coordinator shall promptly meet with the student or applicant for admission to discuss his or her concern and interim remedies, as appropriate. This meeting will occur whether or not the complaint is being processed or has been found to be deficient in some manner.

## **INFORMAL RESOLUTION PERIOD**

The Title IX Coordinator shall promptly meet with the student to attempt to resolve the complaint informally in a manner that addresses any harm that may have been suffered as a result of the possible discrimination and steps to take to prevent a similar discrimination from recurring.

If the student's concern alleges sexual discrimination, including but not limited to, sexual harassment or sexual violence, the student shall be referred to the Title IX Coordinator. The Informal Resolution process is not appropriate for complaints of sexual discrimination.

When participating in the Informal Resolution Period the complainant will not be required to resolve the problem directly with the accused. The Title IX Coordinator will work to resolve the student's concern quickly and effectively. The Title IX Coordinator will meet with the student, the accused and any witnesses as necessary.

If a resolution is reached through these informal means, it shall be memorialized in writing and signed by the student. The matter shall be considered closed at this point and the student may not file a complaint or appeal about the same incident unless the discrimination, harassment or retaliation continues, or the terms of the informal resolution are violated.

Participation in the Informal Resolution Process is voluntary and the student or the Title IX Coordinator may terminate this process at any time. Termination by the Title IX Coordinator must be communicated in writing to the student and the accused.

### **LEVEL I INVESTIGATION – CAMPUS LEVEL**

Once a complaint has been filed, the Title IX Coordinator will conduct an intake interview with the student within 10 Working Days of receiving the complaint. The Title IX Coordinator will advise the student of investigation process, and inform the student of his or her rights. If the complaint alleges sexual violence, the Title IX Coordinator shall advise the student of his or her right to file a criminal complaint, provide information about available resources, and discuss reasonable and appropriate interim remedies to avoid contact with the accused. The investigation shall be completed no later than 60 Working Days following the intake interview. This timeline may be extended up to an additional 30 Working Days, either by mutual agreement, or when a key person, such as the student, accused, witness, or investigator is unavailable for a legitimate reason.

At the conclusion of the investigation process, the Title IX Coordinator shall prepare an investigative report, summarizing the allegations, investigative process, the Preponderance of Evidence standard, the evidence considered, the findings, and a determination as to whether or not EO 1074 has been violated. The Title IX Coordinator will also notify the student, in writing, of the investigation outcome within 10 Working Days of completing the report. This notification shall include all items in the Investigative Report. If it is determined that EO 1074 was violated, the report will include remedies afforded to the Complainant. If it is determined that EO 1074 was not violated, the complainant will be advised in the notice of his or her right to file an appeal.

### **RIGHT TO REPRESENTATION**

The student and accused may be accompanied by an advisor of his or her choosing to any meeting or interview. The student or accused should identify this person to the Title IX Coordinator in writing. The advisor may not speak on behalf of the student or accused, but may observe and consult with the individual.

### **RETALIATION PROHIBITED**

Retaliation, intimidation, or harassment of any kind by an employee or agent of SJSU against a person or group seeking redress under these grievance procedures in an investigation or otherwise participating in any proceeding under this Presidential Directive is prohibited and shall be regarded as separate and distinct discrimination that may be grieved.

### **CONFIDENTIALITY**

Information provided to the OEO will be shared only when necessary for the investigation. Confidentiality cannot be ensured because of the need to fully investigate complaints, however, only information essential to that end will be shared with relevant parties.

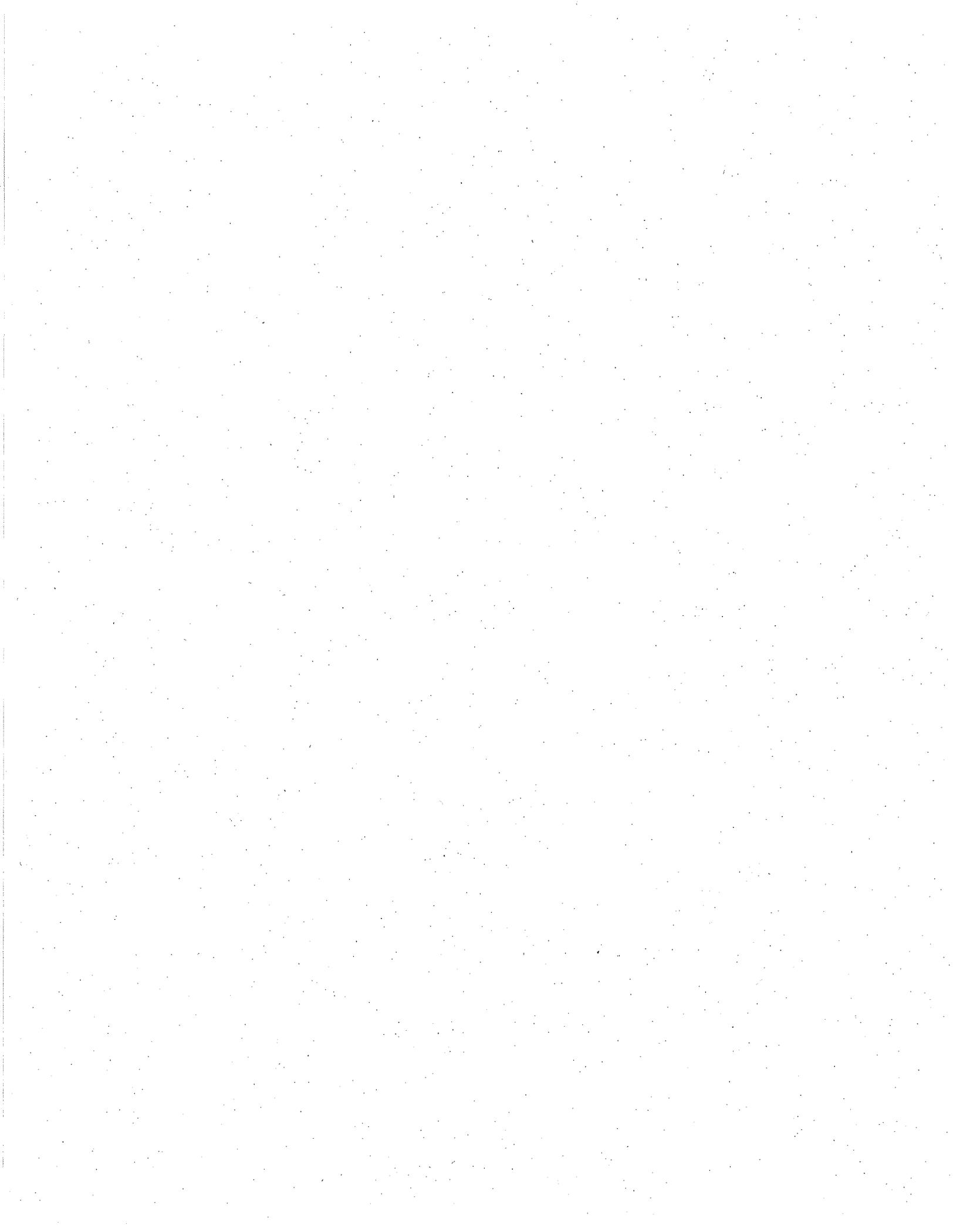
### **MAINTENANCE OF DOCUMENTATION**

Documentation gathered and produced in final form by SJSU officials as part of the processing of a complaint shall be maintained by the OEO for three (3) years from the date of resolution of the complaint. Such documentation shall be maintained on a confidential basis.

## **LEVEL II APPEAL REVIEW – OFFICE OF THE CHANCELLOR**

If the complainant remains dissatisfied with the Level I Campus Investigation resolution of his or her complaint of discrimination, he or she has the right to a Level II appeal of the matter with the Office of the Chancellor (CO) no later than 10 Working Days after receipt of receipt of the written notice of the Level I campus investigation.

Level II appeals shall be filed in accordance with EO 1074 and shall be addressed to: CSU Office of the Chancellor, Equal Opportunity and Whistleblower Compliance Unit, Systemwide Human Resources, 401 Golden Shore, 2<sup>nd</sup> Floor, Long Beach, CA 90802.



SAN JOSÉ STATE  
UNIVERSITY

Office of the President

Jon Whitmore, President

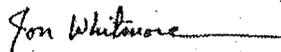
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November 19, 2008

To: Heads, Chairs, Deans, Directors and Vice Presidents

From: Jon Whitmore, President



Subject: Presidential Directive 2008-03

**Institutional Policy on Access and Control of Information  
Contained in Employee Records**

The purpose of this Presidential Directive is to ensure that San José State University continues to comply with all Federal and State legislation and California State University policies regarding the access and control of information contained in employee records. For background information on the development of this policy, please see Presidential Directive 2008-02, Institutional Policy on Access and Control of Information Contained in Student Records.

This Presidential Directive originally was issued on August 25, 2008. The current revised version was reissued on November 19, 2008, and includes section **1.1.2 Research Use** that was inadvertently omitted from the original version.

San José State University

**Institutional Policy on Access and Control of Information Contained in Employee Records**

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Institutional policy for the access and control of information contained in employee records operates in compliance with state and federal statutes, including, but not limited to, the California Information Practices Act (IPA) and the California Public Records Act (PRA). The IPA, PRA and other state and federal statutes protect information maintained by the University that identifies or describes an individual (personal information), including, but not limited to, name, social security number, physical description, home address, home telephone number, education, financial matters, medical or employment history. In order to assess the right of a person or entity to obtain timely and efficient availability of institutional data reports for all users, an Institutional Data Management Council (IDMC), appointed by the President, is in charge of the development of institutional policies and operational guidelines for the management and delivery of such data.

The policy is based on the following principles:

1. Accuracy: Accuracy of data is the responsibility of all members of the university community, even though accountability is assigned to particular units and individuals.
2. Responsiveness: The university is committed to the principle of continuous improvement in its responsiveness in providing institutional data.
3. Limited Redundancy: Since duplication of data increases the likelihood of data inaccuracy and effort, the university will strive to reduce excessive redundancy in its data and systems.
4. Security: The university is committed to securing confidential data while providing reasonable access to authorized users.

**RELEASE OF INFORMATION FOR THE PUBLIC**

Beyond disclosure that is required and/or permitted by the IPA or PRA no individual data are provided to the general public, including individuals, businesses, or organizations. Requests for an exception to release individual employee data from public individuals or organizations may come to IDMC with university senior administrators as the requestor.

**INFORMATION FOR USE WITHIN SAN JOSE STATE UNIVERSITY**

**1. Requesting Individual Employee Data**

To obtain data, including, but not limited to personal information, from individual employee records, a request must be submitted in writing. Approved requests will be assigned to the appropriate university office(s) for response. Release of Social Security numbers is not permitted. Medical records are excluded as part of this policy per CSU HIPAA Privacy Policy located at [http://www.calstate.edu/Benefits/pdf/CSU\\_HIPAA\\_Policy.pdf](http://www.calstate.edu/Benefits/pdf/CSU_HIPAA_Policy.pdf). Requests for individual employee data are evaluated and granted on a case by case basis by the Associate Vice President for Human Resources.

All employee data are released for internal use by the requestor only, except as defined in section 1.1.2, Research Use. The requestor, and specified designees, must agree to use any released data only for the purposes specified in the request and must agree that released data will not be reproduced, published, publicly posted, or used for any secondary purpose. The requestor also agrees that he or she will destroy any data with personal information once he or she no longer has a legitimate business use for the information in the ordinary course of his or her official responsibilities. Misuse of any such data may subject requestors or their designees to civil or criminal penalties and/or University discipline.

Any dispute regarding a request for release of individual employee data may be submitted to the IDMC for resolution using a petition for hearing.

## **1.1. Individual Employee Data Access Privileges and Procedures**

The authorization process and type of employee data that may be provided varies according to the administrative responsibilities of the requestor. Requests for employee data are evaluated and approved for the following purposes:

### **1.1.1. SJSU Administrative Use**

Authorization to submit a request for release of individual employee data must first be approved or denied by the appropriate area senior administrator. Requests must demonstrate a legitimate business interest and must be relevant and necessary in the ordinary course of the performance of the official administrative responsibilities of the sponsoring individual, department or organization (hereafter referred to as the requestor).

### **1.1.2. Research Use**

With appropriate approval, all individual employee data may be provided to researchers affiliated with SJSU, or working in conjunction with SJSU faculty or management personnel. The requestor must submit proof of SJSU Institutional Review Board (IRB) approval when making a request for any employee data to be used in scholarly research. If the requestor is a matriculated student, the request must be authorized by the researcher's faculty advisor at SJSU, by the faculty advisor's department chair or director, and by the college dean of the sponsoring department at SJSU. In instances where the sponsoring department does not report to a college dean, the request must be authorized by the appropriate senior administrator for that unit.

In evaluating requests from researchers for surveys of employees, the IDMC and other units as appropriate will work collaboratively to determine the institutional impact of surveying employees, e.g., to ensure that employees are not asked to participate in an inappropriately high number of surveys. Requests for employee contact data from researchers wishing to survey employees may be approved or denied.

## **2. Requesting Aggregate Data**

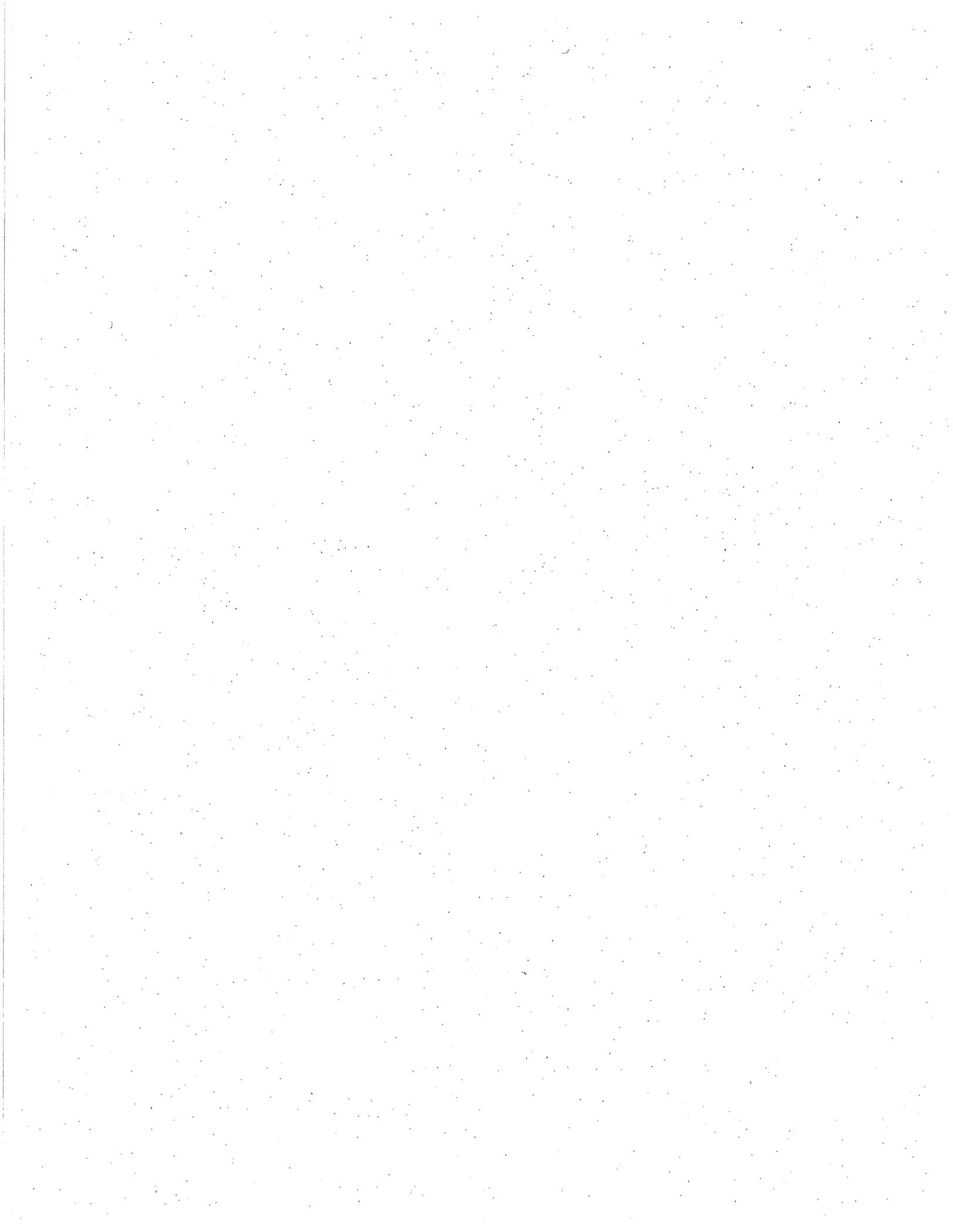
Aggregate data is defined as data that are compiled or computed, and that exclude any record-level values of any nature, including but not limited to personal identifying information such as names and/or SJSU Identification numbers (EMPLID). Requests for aggregate employee data are evaluated on a case by case basis. Submitted requests are approved or denied by the Associate Vice President for Human Resources and/or the Office of Institutional Research.

Requests from recognized external organizations such governmental entities are reviewed by the AVP of HR and/or the Office of Institutional Research and may be referred to IDMC for further review as appropriate.

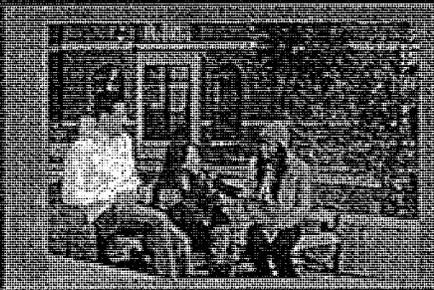
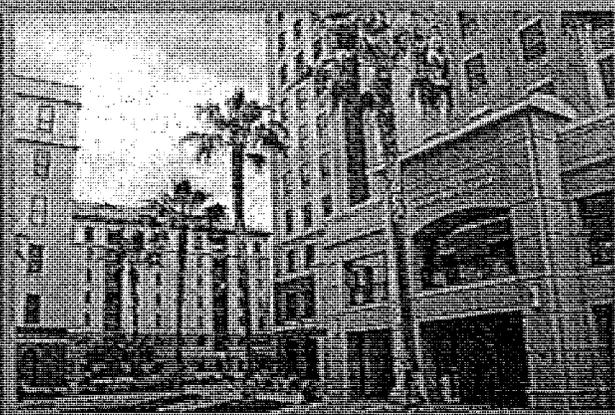
## **3. Use of Employee Data for Mass E-mail Service**

Requests for the university's use of mass e-mail service are evaluated on a case-by-case basis and are approved or denied by senior administrators of the Office of Public Affairs within the Division of University Advancement who will notify the University Computing and Telecommunication (UCAT) for processing. Only university email addresses will be used.

Requests must demonstrate a legitimate business interest and must be relevant to the administrative responsibilities of the sponsoring department or organization. The Public Affairs Office reserve the right to edit and format e-mails according to university publications standards. The requesting department must provide an SJSU e-mail address where recipients may send replies and where returned e-mail is sent. The requesting department assumes responsibility for replies and returned e-mail. No attachments can be accommodated. Additional information must be posted on a separate website with appropriate link provided in the e-mail.



# University Housing Services



2013-2014

## RESIDENCE HALL COMMUNITY LIVING HANDBOOK



SAN JOSÉ STATE  
UNIVERSITY

UNIVERSITY HOUSING  
SERVICES

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## LETTER FROM THE DIRECTOR

2013-2014

Welcome Home!

University Housing Services is glad that you are here and are excited about the coming year. To make the most out of your college and residential experience, we strongly encourage you to get to know your fellow community members, hall government, and housing staff. We also urge you to become involved in the many activities available. Living in a residential community provides opportunities to develop life skills and to foster newfound friendships. We hope that the coming months will be rich with new discoveries and experiences, increased self-knowledge, good grades, and new friends.

We have prepared this handbook, to help you settle into your surroundings as well as remind you of important policies and regulations. It includes information concerning all aspects of University Housing Services and can direct you to other campus resources. Also, keep an eye out for upcoming emails, newsletters, and blogs designed to pass on pertinent information to you. Check your MYSJSU account for important information!

We are here to encourage your personal growth and development and to assist you in gaining the most from your residential community. Please feel free to use our resources and call upon us in the University Housing Services Office, located on the 2nd floor of Building B, (408) 795-5600.

Have a great year!

Sincerely,

Victor I. Culatta, Director  
University Housing Services

## **UHS MISSION STATEMENT**

University Housing Services strives to create a residential community that supports and enhances academic success, fosters the learning and development of our students, and promotes student involvement and civic engagement. As a department, our practices promote efficiency, operational effectiveness and fiscal responsibility.

As an integral member of the San José State University community and Division of Student Affairs, we value:

### **Accountability**

We are fiscally responsible and promote efficiency in our work practices. We regularly benchmark, assess and evaluate our programs and services utilizing results in strategic planning efforts to increase efficiency and make improvements.

### **Communication**

We are open in our communication and practice transparency in our working relationships with students and staff.

### **Community**

We seek to facilitate the development of a residential community that is caring, inclusive, safe and secure and promotes sustainability.

### **Education**

We support the academic mission of the university and seek to create living and learning environments that promote student development.

### **Integrity**

We practice ethical decision making and honesty in our working relationships.

### **Value**

We strive to provide a quality on campus living experience at an affordable cost.

### **Visionary**

We follow best practices striving to incorporate new developments and trends in campus student housing and student learning.

## WHO'S WHO IN RESIDENTIAL LIFE

There are members of the University Housing Services staff whose function is to support the Residential Life Program 24 hours a day. A live-in team staffs each residential community. They are the day-to-day contact persons and one of the keys to the success of the residential environment. Live-in staff have a difficult job with many complex responsibilities. Please treat them with dignity and respect. At the same time, if you have a concern about the performance of a staff member, please share your concern with the Assistant Directors or Associate Director of Residential Life, who can be reached at (408) 795-5600.

The **Residential Life Coordinator (RLC)** is responsible for the general supervision and management of the residential community. RLCs are responsible for the advisement and personal counseling of individuals and groups of students. They are also responsible for policy enforcement, and for the implementation of residential programs which support the goals of the housing program and the University. The RLC is a full-time, professional staff person who resides in the hall year-round. RLCs have scheduled office hours, are available for scheduled appointments, and are on call for emergencies.

The **Assistant Residential Life Coordinator (ARLC)** is a live-in student staff member - usually a graduate student - who assists the Residential Life Coordinator with the management of the residential community. The ARLC supervises a variety of positions including: Office Assistants, Resident Advisors, and Hall Government Officers. In addition, the ARLC provides counseling and policy enforcement that enhance the goals of the housing program and the University.

**Senior Resident Advisors (SRA)** is a live-in student staff member - usually an upper division student - who assists the Residential Life Coordinator with the management of the residential Front Desk for that area as well as fulfilling the responsibilities of the Resident Advisor listed below.

**Theme Community Resident Advisors (TCRA)** is a student staff member who works to create and facilitate a community experience focused on a specific theme (Arts Village, Global Village, Community for Engineering Living and Learning, and Spartan Honors). The TCRA also fulfills all responsibilities of the RA position listed below.

**Resident Advisors (RA)** is a student staff member who lives within the residential communities. We are fortunate to have these student staff members to help effectively maintain and further enhance the housing program. RAs can help you with roommate or community-mate difficulties, academic questions, policy support, personal concerns, and emergency situations. They also coordinate several programs each semester and provide feedback from residents to University Housing Services. They are selected for their particular interests in helping members of the residential community experience the benefits of living on campus. RAs undergo extensive training that allows them to gain the skills and experience to better serve the needs of residents in our multicultural community. You can expect the RAs to direct you to the appropriate resources when they cannot address your concerns.

## **LIVING AND LEARNING IN A RESIDENTIAL COMMUNITY**

University Housing Services (UHS) exists as an integral part of the educational program and academic services of San José State University. Inherent in the operation of UHS is the creation and support of an atmosphere that is conducive to living and learning for all residents. UHS promotes the academic mission of the University and strives to develop a sense of community among students, faculty and staff.

Living in an on-campus community has many advantages. Not only are you just minutes from your classes and administrative offices, you are beginning the process of an education outside of the classroom. You will be living with a group of diverse individuals with a common goal: to become a graduate of San José State University. And although this goal remains a constant throughout your collegiate career, the process of living among these other individuals offers you the opportunity to learn to make a positive contribution to society once you take that step into the "real" world.

UHS offers programs and services targeted at strengthening the interpersonal skills of students by exposing them to various lifestyles and cultural heritages. In attempting to maintain a well-rounded approach to education, our programs are also aimed at supporting the educational goals of our residents while providing growth and development opportunities. In addition, as noted in the Annual Student Housing License Agreement Booklet, UHS has reasonable expectations regarding safety and community standards in place to ensure a positive learning experience for all our residents.

**Your opportunity to be an integral member of this residential community awaits you!**  
Front desks are available in each of the residence halls. These desks are open from 7:00 p.m. - 1:00 a.m. At the front desk you may check out recreational equipment such as pool sticks & balls, ping pong equipment, DVDs, and more. For a complete listing, please go to your front desk. These desks are staffed by students who can answer many of your questions. So please stop by and say hi!

## ROOMMATE STARTER KIT

University Housing Services is home to a variety of students throughout the academic year. Oftentimes, the diverse and multicultural population can create discomfort and conflict may arise. These feelings can be multiplied when the conflict is centered between roommates. Due to limited space within the housing system, room change requests may be difficult to grant; therefore, compromises between the people involved must be reached.

In an effort to promote a harmonious and comfortable living situation for all members of a community, UHS urges residents to recognize the basic rights of roommates listed below. Please keep in mind that the same principles may be applied to any member of a community and is not limited to roommates. UHS also promotes the idea of being proactive and asks residents to discuss the issues listed below with their roommates before a conflict even arises.

**The basic rights of a roommate acknowledged and upheld by UHS include:**

1. The right to study free from undue interference (noise, stereo, guests, etc.) in one's own room. A schedule for study times should be agreed upon.
2. The right to sleep free from undue disturbance from noise, guests, roommates, etc. A schedule for sleep times should be agreed upon.
3. The right to expect that roommates will respect one's personal belongings.
4. The right to be free from fear, intimidation and physical or emotional harm.
5. The right to a clean environment in which to live.
6. The right to be respected as a person.
7. The right to personal privacy.
8. The right to host guests at agreed upon times, with the expectations that guests are to respect the rights of the host's roommate(s) and other residents. A schedule for hosting guests should be agreed upon.
9. The right to expect reasonable cooperation in the use of the telephone, Internet, TV, and other common appliances and shared responsibility for any joint bills.
10. The right to expect that any and all disagreements will be discussed in an atmosphere of openness and mutual respect, and that it is acceptable, when either roommate feels it is necessary, to involve a residential life staff member in such discussion.

These rights are a suggested format for an agreement between roommates to ensure that each individual's rights are respected. Your level of enjoyment and satisfaction from residential living will depend, to a large extent, on the thoughtful consideration you demonstrate for one another. As roommates, you should mutually determine the decision and the stipulations of the "living agreement" and endorse it. You and your roommate(s) may wish to sign and date an agreement and refer to it when necessary. Please see your RLC and/or Resident Advisor should you need further assistance.

All residents are **required** to complete the Living Agreement between all roommates upon move in and when changing rooms.

## WAYS TO GET INVOLVED

### PROGRAMS

University Housing Services is committed to providing social and educational programs for our community members. At anytime you can find out what programs are going on by going to <http://sjsu.universitythinktank.com>. This website has a link to a calendar describing many of the events happening in the residence community. Examples may include: Movie Nights, Casino Nights, Exam Preparation Nights, Plant a Pot, etc. If you have suggestions for programs, please contact your resident advisor, hall government or RHA representatives.

### HALL GOVERNMENT

Dances! Cultural Celebrations! Movie Nights! BBQ's! These are just a few of the events planned by Hall Government. Each housing community has its own Hall Government and each resident is a member. Everyone is invited to attend the weekly meetings where social and educational programs are planned and where community concerns are discussed. Each Hall Government has leadership positions such as President, Vice President, Secretary, Treasurer, and Wing/Floor Representatives. Most positions will be elected during the first two weeks of the fall semester. Residents who participate will further develop their communication and leadership skills. The RLC or ARLC advises each Hall Government.

### RESIDENCE HALL ASSOCIATION (RHA)

RHA is the governing body for all residents. Every resident is a member of RHA and is encouraged to attend the biweekly meetings on Tuesdays in the Dining Commons. RHA's purpose is to enhance residents' experiences by providing social and educational programs as well as serve as a liaison between University Housing Services and residents. RHA plans Welcome Week events and sponsors programs throughout the year. Six officers and one advisor comprise the Executive Board. Regular elections are held in the spring. RHA also has other involvement opportunities in its many committees. Students who participate in RHA have the opportunity to attend regional and national conferences to exchange ideas with student leaders at other campuses. For more information, please contact a RHA Executive Board member. You may find contact information and much more information about RHA at [www.sjsurha.org](http://www.sjsurha.org) Look for minutes, agendas, meeting times and locations.

### LEADERSHIP RETREAT

The annual leadership retreat is open to all University Housing Services residents. Topics include leadership styles, diversity, goal setting, communication skills, and delegation. Most of these sessions are facilitated by Student Leaders who have served in leadership roles (such as Resident Advisors or Hall Government/RHA officers) and want to share their experience with you. There is no cost for this event, but the number of participants is limited. For more information, please call RHA at 408-795-5663, email [uhs-rha-group@sjsu.edu](mailto:uhs-rha-group@sjsu.edu), or visit [www.sjsurha.org](http://www.sjsurha.org).

## NATIONAL RESIDENCE HALL HONORARY (NRHH)

National Residence Hall Honorary is comprised of the top 1% of residence hall leaders. This group is the recognition group within RHA and selects programs, people, communities, etc. to represent San José State University at the regional and national levels for Of The Month awards. If you want any more information about this group and how to get involved, please call (408)-924-6172.

## HOUSING ADVISORY PANEL (HAP)

HAP is comprised of residents students interested in providing feedback regarding the University Housing Services program, services and facilities. HAP meets regularly through each semester and provides an opportunity for students to voice concerns and share feedback. For more information, please call the RHA office at 408-795-5663, email [uhs-rha-group@sjsu.edu](mailto:uhs-rha-group@sjsu.edu), or visit [www.sjsurha.org](http://www.sjsurha.org).

## STUDENT JUDICIAL REVIEW BOARD

The Student Judicial Review Board is responsible for reviewing community-related violations of the policies outlined in the Community Living Handbook. The Student Judicial Review Board is comprised of residents who apply during the month of September to serve on the board. The individuals selected to serve on the Board receive extensive training related to due process, residence hall policies and procedures, and decision-making skills. The Student Judicial Review Board meets weekly to review and hear documented incidents. For each incident, an education hearing is conducted and sanction decisions are made. This is a wonderful way to get involved and learn about judicial issues. For more information or an application, please call University Housing Services at 795-5600.

## RESIDENT ADVISORS

As a Resident Advisor, you serve as an advisor, group leader, and role model to students. The position offers students the opportunity to become stronger leaders, meet new people, further develop their communication skills, and learn more about themselves and others. The selection process begins in October of each year. There are academic qualifications that must be met as well as, leadership experience; experience working and living with diverse groups of people, and a flexible schedule. Remuneration may include a housing space, meal plan, on-campus phone service, cable service, internet, priority registration, and a stipend. For more information, please call UHS at 795-5600 or go to [www.housing.sjsu.edu](http://www.housing.sjsu.edu) and click on student resources.

## JOB INFORMATION

Much of the research tracking successful college graduates nationwide includes two interesting characteristics: the majority of them have lived and worked on campus! Living and working on campus is convenient and flexible and provides a crucial link to campus life. More often than not, you can count on your employer to be a support person and advocate. Many departments on campus will be advertising for student workers during the first few weeks of each semester through the Career Center, the Spartan Daily, flyers and posters around campus. Working on campus is a great environment to gain valuable skills and work experience.

### WORK-STUDY JOBS

You must be awarded College Work Study as part of your Financial Aid package in order to accept a work-study position. This will be listed on your award letter if you are eligible. Listings of current work-study job openings are available at the Financial Aid Office (Student Services Building). If one appeals to you, you will be referred to that department with a "clearance card" that identifies you as a work-study recipient. Go to the department and arrange for an interview. Many departments are willing to train you if you are motivated to learn. Housing offers front desk office assistant positions as a work study job. Please see your Residence Life Coordinator if you are interested in working at the front desk of your hall.

### STUDENT ASSISTANT JOBS

Student Assistant positions are listed in the Career Center. These positions do not require awards of any type. Most often, you just have to be a full time student. Just show your ID card at the reception area and you will be able to view the jobs listed on the bulletin boards.

### JOBS IN YOUR OWN BACKYARD

UHS and the Dining Commons employ numerous student workers. Jobs include Office Assistants, Resident Advisors, Theme Community-Resident Advisors, Senior-Resident Advisors, Assistant Residential Life Coordinators, student employees within the UHS office and student workers in the DC. Watch your bulletin boards for information about these and other positions available throughout the year and feel free to ask current employees, including your Residential Life Coordinator, about potential job openings.

## BUILDING FACILITIES

Your room or apartment is your home for the next 10 - 12 months. One of the major goals of the UHS staff is to maintain the condition of the rooms/apartments so that it feels as much like a home to you as possible. Our desire is that when you leave at the end of your stay with us, the room or apartment is in the same condition that it was in when you arrived.

Upon check-in, each person is given a Room or Apartment Inventory Sheet to complete. This sheet must be filled out thoroughly and precisely. The form will also be used to execute your check-out when you move out. The check-out condition of the room/apartment will be matched against the information provided from you at check-in. Damages found upon check-out that are not listed on the inventory sheet from check-in will be charged to the occupants of the space evenly, if responsibility cannot be attributed to a specific resident.

You are encouraged to arrange and decorate your space, but remember that you are responsible for the contents and the condition of your room, along with returning all furniture to its original placement upon check out. To avoid damage charges, remember the following:

1. No painting, alterations, or redecoration is allowed in any room/apartment/suite. Do not mount contact paper, stickers, or plywood on walls, doors, ceilings or furniture. Be aware that glue, staples, nails, and tape can cause damage to walls and ceilings. Due to the risk of fire, please do not hang items or decorations in the hallways or unit door.
2. Each bedroom is furnished with a chair, desk, dresser, and bed per resident. In addition, rooms in the Brick halls and Joe West have book shelves, mirrors, a trash can, and a recycle bin. Rooms in Campus Village have a desk hutch, mobile file, one trash can, and two recycle bins. Please note that these items must remain in your room and may not be removed
3. You are responsible for providing your own blankets, towels, bedspread, pillow, lamp, extra-long twin sheets, and pillowcases. You may bring a stereo, radio, television, computer, etc. Electrical cooking appliances (except microwaves) are not allowed in student rooms. You are also strongly encouraged to have a flashlight available in your room/apartment in case of emergency.
4. You are expected to maintain your room/apartment in good condition and will be held financially responsible for any damages incurred beyond normal wear and tear. It is important that you accurately complete the Room/Apartment Inventory Sheet at the time of check-in. Remember, study room, recreation room, and formal lounge furnishings may not be moved within the building or taken from the building. To remove such items is in violation of UHS policy. Air-conditioning is available in the Brick halls and Campus Village; please keep windows closed when the air-conditioning is in use to conserve energy.
5. While UL rated surge protector extension cords are permitted, household extension cords (e.g., multi-plug adapters or zip household extension cords) are not allowed because they pose a fire hazard.

## BATHROOMS

Each wing in every Brick and Joe West residence hall has its own bathroom with shower areas. Residents must provide their own toiletries. Restrooms receive a basic cleaning once each weekday with a detailed cleaning once per week. Weekend service is not provided. When a bathroom is being cleaned, there is no entry to that bathroom. Strong commercial chemicals are used to clean bathrooms. Bathrooms may not be used for any reason during the cleaning process. Residents are required to use another bathroom when these chemicals are used. Sneaking a quick shower or flushing away the chemicals does not allow for proper cleaning and could result in injury. In the Suites, each unit has 2 bathrooms and shower areas per unit and the Apartments each have 1-2 bathroom areas depending on the type of occupancy. Residents are responsible for cleaning their bathrooms.

## BIKE LOCKERS

Bike lockers are provided for resident use and are located outside of Joe West Hall and in the Campus Village Parking Garage. Residents interested in using the lockers should complete a registration form in the Housing office. **Please note that spaces are limited!**

## CUSTODIAL SERVICES

Custodians work with you to help keep our buildings clean. They are responsible for public areas, which include building lobbies, restrooms, hallways, formal lounges, recreation rooms, study rooms, meeting rooms and laundry rooms. Please keep these areas clear during cleaning time.

## KITCHENS

All the classic residence halls have a common area kitchen. Hours and guidelines for use of the kitchen are determined by each Hall Government. The custodial staff is only responsible for emptying trash and mopping the floor. All other cleaning needs of the kitchen are the responsibility of residents using the kitchen.

## MAINTENANCE AND REPAIRS

To initiate a facilities request, go to <http://www.housing.sjsu.edu/Facilities/index.htm> and register in our online maintenance system which allows you to enter and track the progress of your maintenance requests at any time. For maintenance emergencies (such as an overflowing toilet or a door that doesn't lock) which occur during business hours, Monday through Friday from 8:00 a.m. - 5:00 p.m., contact the UHS office at 795-5600. For maintenance emergencies which occur outside of business hours and on weekends, please contact the Resident Advisor on duty who can request emergency facilities assistance. Laundry repairs may be reported to Web Laundry by calling 1-800-421-6897 or visiting [www.fixlaundry.com](http://www.fixlaundry.com).

## PARKING

There are a limited number of parking spaces available in the underground Campus Village Parking Garage available to all residents. To purchase a parking permit, please visit the Housing office to submit a Parking Request Form. The monthly fee for a parking space at Campus Village is \$100.00 for a standard permit and \$20.00 for a motorcycle permit.

All Residents may also park in the Seventh Street Garage with an "H" parking permit purchased through SJSU Parking & Transportation Services.

Please note that any vehicle parked in the Campus Village Parking Garage without an authorized permit will be ticketed and towed at owner's expense.

## TRASH AND RECYCLING

Residents are provided trash and recyclable containers in each room/unit and are responsible for disposing of their trash and recyclables in the receptacles provided. In the Brick halls, residents are required to dispose of their trash and recyclables outside of the building in the containers provided. In Joe West Hall, residents are required to dispose of their trash in the containers provided on each floor and their recyclables in the container provided outside of the building. Residents in the Suites and Apartments are required to dispose of their trash and recyclables in the receptacles provided in the trash rooms of each floor for the building that they live in.

## SAFETY AND SECURITY

Living on campus does not exempt San José State students from threats to their personal safety. Therefore, students should use precautionary measures to minimize existing dangers and hazards in the environment. Although living with constant fear is unnecessary and unhealthy, students should be aware of safeguards which deter possible victimization. Here are a few basic suggestions:

1. *Always* keep the door of your room or apartment locked, even if you are sleeping or going down the hall. Remember to always carry your keys and access card with you to avoid being locked out.
2. Unsecured bicycles invite theft. Purchase a bike lock and secure your bike in the appropriate place.
3. Identify expensive and/or important belongings with a type of permanent identification such as a metal engraver.
4. Rely on your neighbors and have them rely on you to be alert to suspicious persons and/or unusual events.
5. Keep your access cards/keys with you at all times.
6. The placement of any furniture including beds in front of windows is strictly prohibited. Blocking window egress is a violation of University Housing Policy.
7. Do not prop doors or let unfamiliar people into the entrances of your building.
8. Be alert and aware of your surroundings. Report any safety/security concerns to the appropriate authority.

The University Police Department has more useful safety information at:  
<http://www.sjsu.edu/police/>.

### BLUE LIGHT EMERGENCY PHONES

Blue Light emergency telephones are located in a number of places near the residence halls, apartments and throughout the campus. Note where they are and use them if you think you are in trouble or see any suspicious activity. These phones will directly connect you to the University Police Department in seconds. They can also be used to request an escort if you are feeling unsafe walking on campus.

### PUBLIC ACCESS TO BUILDINGS

Non-residents do not have access into any housing facility unless a resident escorts them. The exterior doors of all the halls are locked 24 hours a day. Visitors may contact a resident by calling from house phones that are located near the front and rear entrances of every hall. *Residents are responsible for their guests' behavior at all times during their visit and must sign in their guests at the Hall Desks between the hours of 10 p.m. - 1 a.m. Sunday - Wednesday and 10pm - 2 a.m. Thursday - Saturday.* Visitors are only permitted to enter a building with the escort of the host and must be escorted at all times. Entrance by any other means is not permitted. Uninvited guests are not welcome in the residence halls. Permitting uninvited guests into these areas is in violation of UHS security policies. You can help maintain security by calling your RLC, ARLC, RA or University Police at 4-2222 if you see any suspicious individuals loitering in the area. You can also help to secure your apartment/hall by keeping the doors locked and by refusing to open the door to non-residents. Please close doors that you see are propped open. *Keep your door locked at all times*, even if you are stepping out for a few minutes, taking a nap or studying. If

you lose your access card or key, contact UHS staff immediately. You put yourself and your roommate(s) in jeopardy if you keep your door unlocked because of lost access cards/keys.

## KEY INFORMATION/LOCKOUTS

Access cards/keys are given to residents when they check into their halls/apartments. Students are urged to exercise extreme caution in safeguarding their access cards/keys; carry your access cards/keys with you at all times. The first lock-out is complimentary; for the subsequent lock-outs the residents account will be billed as follows: second will cost \$15.00; third will cost \$30.00, the fourth and subsequent will cost \$60.00. Additionally, on the fourth lock-out the incident will be documented and the resident will be referred to the Residential Life Coordinator for judicial action.

### If locked out:

**8:00am - 5:00pm: Go to the University Housing Services Office**

**5:00pm - 7:00pm: Go to the West Hall Desk (Weekends & holidays contact the RA on Duty)**

**7:00pm - 8:00am: Contact the RA on Duty in your building**

Staff is expected to respond in a reasonable amount of time; however, lockouts are rarely emergencies and you may need to wait. Any lost key should be reported immediately so that your lock can be changed and you can be issued a new key. Room locks are typically re-cored within two business days and access cards are replaced within 1-2 hours of notification during normal business hours.

Charges:           \$75.00 for lost room key (includes re-coring lock)  
                      \$25.00 for lost access card

## EMERGENCIES

Please note evacuation procedures on the back of your room or apartment door. If they are missing or illegible, see your RLC immediately for replacement.

### IN CASE OF FIRE

#### If you cannot safely extinguish the fire:

1. Evacuate the area.
2. Close all doors as you leave - take your access card and key.
3. Do not use any elevators.
4. Call 911.

#### For fire inside your room:

1. Call 911.
2. Give your exact location.
3. Tell them what is burning.
4. Activate Fire Alarm (if in the residential community).

#### For fire outside your room:

1. Feel the door - If it is hot, DO NOT Open It (Student room doors have a two-hour burn capacity).
2. Call 911 and give them your exact location.
3. Seal the bottom of your door with cloth material wet if possible to keep smoke out.
4. Retreat. Close as many doors between you and the fire as possible.

#### If the door is not hot, open it cautiously:

1. If there is smoke present - stay low.
2. Walk or crawl to the closest Exit.
3. Do not use any elevators.
4. Call 911.

Take any medication with you, as you might be outside for a while. Once you have evacuated, please see a UHS staff member for additional information. Do not re-enter the building unless you are instructed to do so by a UHS staff member.

**Please Note:** Fire alarms have clear plastic covers over them that must be lifted up prior to pulling down the red handle on the fire alarm pull-station.

### IN CASE OF EARTHQUAKE

#### If you are in a building when the earthquake begins:

1. "Duck and cover" under a desk or table.
2. Move away from exterior wall windows, overhead lights, etc.
3. Wait at least two minutes after shaking stops before leaving a building.
4. Help disabled persons evacuate the building.

If you are outside when the earthquake begins, move to a clear area well away from structures or overhead hazards such as trees, power lines, or glass. Follow instructions of UHS staff, University Police, and other Emergency Team members. Tune to radio station KSJS 90.7 FM for campus information.

## BUILDING EVACUATION

Always evacuate the building when the fire alarm or smoke detector sounds. Failure to do so will be in violation of the license agreement and state laws and could cause you physical harm.

1. Leave through the nearest safe exit when you hear the building emergency alarm (fire alarm) or if you are told to do so by University Police, Fire Department staff or UHS staff.
2. Take keys, wallets, prescription medicines, glasses, warm clothes and other essential personal belongings with you in case this building cannot be reentered immediately.
3. Move at least 150 feet away from all structures. Meet in your specified location. If you do not know your location, please see your RA.
4. Use the stairs. Stairwells are safe, temporary havens for the injured or the disabled.
5. Do not use elevators - in case of fire or earthquake, many elevators stop in place and you may be trapped.

## PREPAREDNESS

You are strongly encouraged to maintain a bag of emergency supplies in your room. Supplies should include items such as water, food, flashlight, portable radio, extra batteries, extra eyeglasses, prescription medicine, warm clothes and first aid kit. Please make yourself familiar with these emergency procedures.

## STAFF DUTY

A student staff member is on duty each day to assist with any questions/concerns that may arise. Duty hours are 7:00 p.m. - 8:00 a.m. (Sunday - Thursday) and 7:00 p.m. - 7:00 p.m. (Friday & Saturday). You can determine which staff member is on duty by checking the desk area. Note that the hall office phone is forwarded to the staff member on duty during duty hours when the office is closed. During the hours of 8:00 a.m. - 5:00 p.m., please contact the University Housing Service office for assistance at 408-795-5600.

## COUNSELING SERVICES

Many students may be experiencing anxiety or concern regarding their safety, especially in light of recent world events. While Residential Life staff is available to assist students with their concerns, some students may prefer to meet with a Counselor. Professionally trained staff members are available at SJSU's Counseling Services to help. Services are confidential and free to currently enrolled students. Contact Counseling Services at (408) 924-5910 or stop by their office in Room 201 of the Administration Building to make an appointment.

## COMMUNITY AND PERSONAL RESPONSIBILITY STATEMENT

A community refers to a group of people sharing a common purpose:

- who are interdependent for the fulfillment of certain needs,
- who live in close proximity and interact on a regular basis,
- who share in defining expectations for all members of the group,
- who assume responsibility for meeting these expectations, and
- who are respectful and considerate of the individuality of other persons within the community.

You are expected to maintain a high level of maturity, responsibility, and use of common sense regarding your conduct in the residential community and at the University. You are responsible for understanding the policies, rules and regulations that govern the University and the housing community. A copy of the SJSU Student's Rights and Responsibility is available at the Vice President of Student Affairs Office or through the web at:

<http://www.sjsu.edu/studentconduct/docs/StudentConductCode-SCED.pdf>

~~For University Housing Services policies, you should print a copy of the Housing License and the Community Living Handbook from [www.housing.sjsu.edu](http://www.housing.sjsu.edu). The campus catalog and schedule of classes also outline important campus policies.~~

You are expected to cooperate with the staff. If you are concerned about a staff member's actions, or inappropriate behavior, you should talk to the staff member and the person's supervisor, if necessary, to clear up any misunderstandings. Concerns about policies, rules and regulations should be discussed with RAs, ARLCs, RLCs, or UHS staff. With many residents living and sharing in relatively confined area, cooperation, flexibility, and respect are the keys to maintaining a positive community.

## JUDICIAL PROCESS

The purpose of the University Housing Services judicial system is to maintain University Housing Services standards by helping residents to understand their responsibility for maintaining their residential community. The University Housing Service judicial system collaborates with the University Student Conduct process. The purpose of the Student Conduct process is to administer the Student Conduct Code in a manner that is consistent with the University's core values of fairness, honesty, and integrity.

If you have allegedly violated a policy stated in this license agreement that is also a violation of the student conduct code, your case will be adjudicated by the Office of Student Conduct and Ethical Development. You may view the Student Conduct Code and Student Conduct process at:

<http://www.sjsu.edu/studentconduct/docs/StudentConductCode-SCED.pdf>  
<http://www.calstate.edu/eo/EO-1043.html>

If you have allegedly violated a policy stated in this license agreement that is not a violation of the student conduct code, the following will occur:

The Residential Life Staff will document the incident. Residents will then be required to meet with a UHS Staff Member or the Student Judicial Review Board. Communication for a hearing will occur through phone, email and/or campus mailbox. It is resident's responsibility to check their mail and respond to their hearing and all other judicial matters in a timely manner. Residents must be available when the hearing is called or the Hearing Officer(s) will only consider whatever written material has been provided. *(If residents choose not to meet with the Hearing Officer(s) within the stated timeline, a decision may be made without their input. Furthermore, residents waive their right to appeal.)* After an investigation, the Hearing Officer(s) will determine your responsibility for the violation(s) based on all available evidence. If found responsible in the University Housing Service judicial system, the Hearing Officer(s) may impose one or more of the sanctions listed below, as well as additional educational sanctions which may be appropriate. Within five working days of the time of the decision, you will be notified in writing regarding the outcome of your meeting.

The University Housing Services sanctions may include one or more of the following outcomes:

1. A written or verbal warning detailing the liability for continued or repeated violations.
2. Issuance of an educational sanction. If residents choose not to complete the sanction, further action will be taken, including additional sanctions and a hold placed on their student record.
3. A written letter of probation stating that any further violation may lead to dismissal from the housing community.
4. Administrative relocation within the housing community.
5. A written letter of revocation of the Housing License for violations enumerated in the letter. Revocation of the Housing License means that residents must move out of their campus residence on the date specified. Residents are not allowed to live in any University Housing facility within 72 hours or less, and are not allowed to return for a minimum of one year. Also, residents are not allowed to return as a guest in any of the facilities. Residents will still be responsible for the full amount owed in your Housing License Agreement for the academic year.

Failure to complete sanctions may result in further disciplinary actions including, but limited to university record holds, further sanctions, and suspension from housing.

## APPEAL

If the accused student is not in agreement with the decision made by a University Housing Services Hearing Officer(s), the student may appeal the decision. A written letter of appeal must be submitted to the UHS Associate Director (or his/her designee) within three (3) days after the date of the original sanction letter. Students must write and submit the appeal on their own behalf. Appeals written and submitted by an attorney will not be accepted.

**The resident will be granted an appeal hearing based upon meeting the criteria of at least one of the following:**

1. New information.
2. Procedural rights violation.
3. Sanction dissimilar with similar cases.
4. Bias on the part of the decision maker(s).

**It is further recommended that the resident adhere to the following guidelines prior to appealing their case:**

1. A listing of the incident(s) in question.
2. The reason the resident is appealing (see above).
3. Explanations of the circumstances resident believes substantiate the reason for the appeal.
4. Information and people who could corroborate their reason for appeal. In addition, resident should attach any written documentation to this form that corroborates their reason for appeal and sign the acknowledgement. If resident has any questions about the appeal process, contact the UHS Assistant Director for Residential Life or their Residential Life Coordinator.

If an appeals hearing is granted, the resident will have an opportunity to state the reason for the appeal and provide detailed information that supports the appeal request. The resident may have one non-lawyer individual present at the hearing who acts as advisor. The student may consult with the advisor during the hearing; however, this individual may not speak for the student during the hearing.

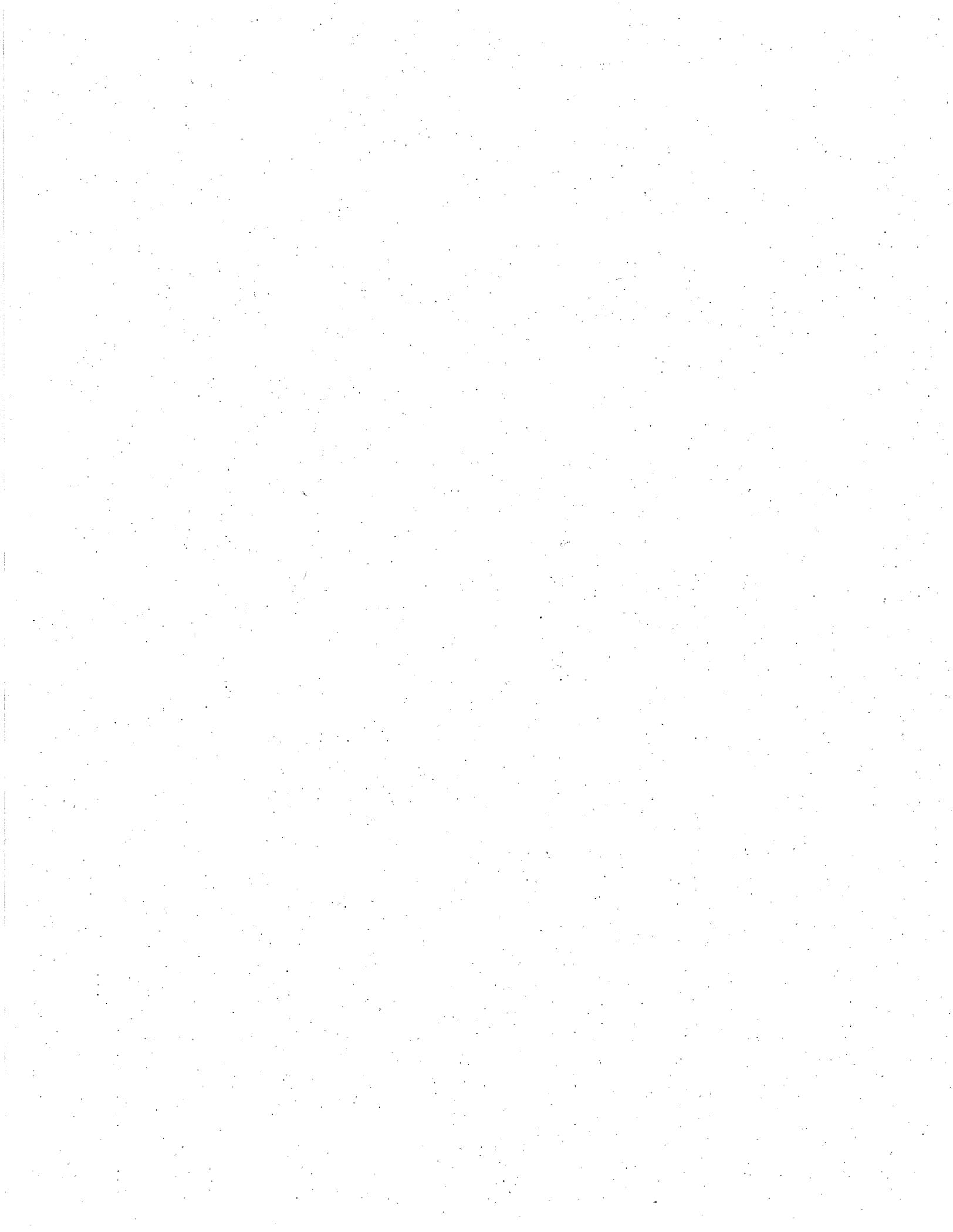
## UHS POLICIES AND REGULATIONS

Described below are the Policies and Regulations, which govern all University Housing Services occupants. By completing and signing the Housing License Agreement, residents agree to all of these provisions. Applicants should read these provisions carefully before submitting a completed License Agreement.

Inappropriate conduct by students is subject to discipline on the San Jose State University campus. The Office of Student Conduct and Ethical Development coordinates the discipline process and establishes standards and procedures in accordance with regulations contained in Sections 41301 through 41304 of Title 5, California Code of Regulations. A copy of these regulations can be found in the current edition of the San Jose State University General Catalog. All violations of the Terms and Conditions or Policies and Regulations below are subject to review by the Office of Student Conduct and Ethical Development for violation of 41301 through 41304, as well as grounds for eviction from University Housing Services Facilities. Conduct that is in violation of the law will be referred to University Police for investigation, if warranted.

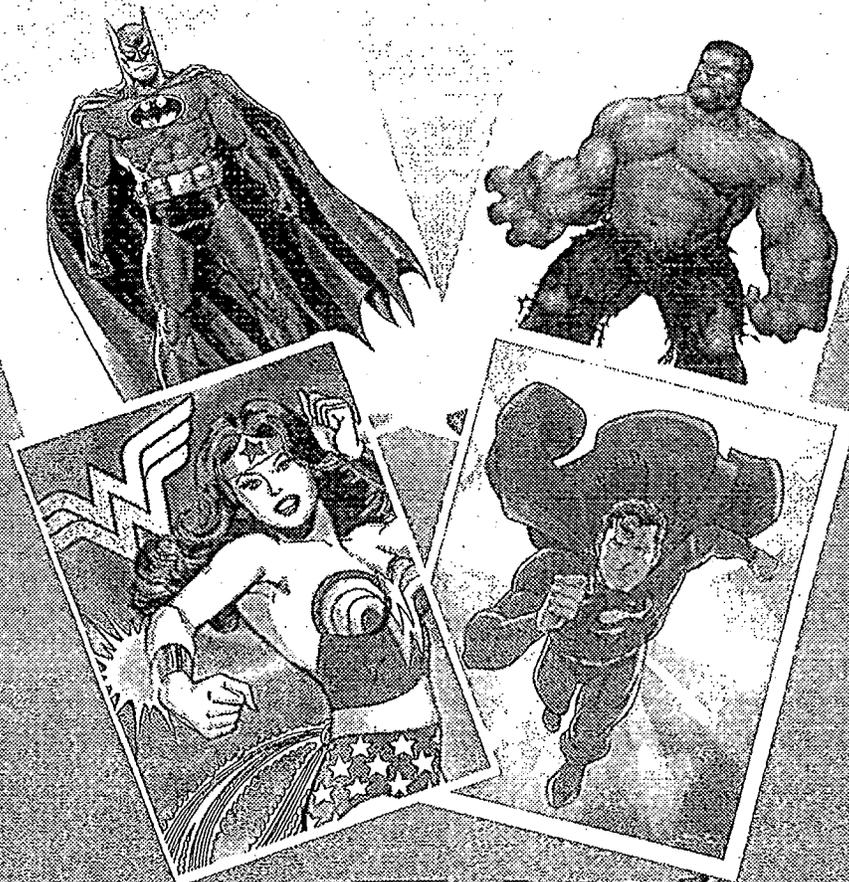
### ACCESS TO UNIVERSITY HOUSING FACILITIES & KEYS

- a) Residents are responsible for all keys and access cards/fobs issued to them and must carry their keys and access cards/fobs at all times.
- b) Residents must report lost or stolen keys or cards immediately to the Residential Life Coordinator or UHS Office. New keys/access cards/fobs will be issued (\$25.00 fee for card, \$50.00 for fobs and \$75.00 fee for hard key) and the lost card/fob will be deactivated. Lost keys can usually be replaced within two working days. Lost cards/fobs will be replaced within 1-2 hours of notification, during business hours. Cards/fobs reported lost after business hours will be replaced the following business day. Residents who have lost their access card/fob or key and require housing staff to give them immediate access to their room or apartment will also be subject to a lock out fee according to the lock out fee policy.
- c) Residents are responsible for any damage to their key and/or card/fob if it stops working.
- d) Resident's access card or fob and key are for their use only. Under no circumstances are access cards, fobs, or keys permitted to be duplicated or loaned to other individuals.
- e) Residents may not add/or change any locks to their apartment, suite or bedroom.
- f) Residents may not hold gates or doors open for unknown people. All residents have a key and an access card or fob.
- g) Residents may not prop open any door or gate. Anyone caught doing so may have their License revoked, and will receive no refund of fees.
- h) Residents must keep the apartment, suite, and bedroom doors locked at all times.
- i) Residents should report all suspicious persons or activities to the University Police Department immediately at (408) 924-2222.
- j) Residents should use the door viewer to see who is there before opening the door.
- k) Residents may not enter their assigned room prior to being issued a key, access card or fob. Upon check-out, all appropriate keys and access cards/fobs must be returned to University Housing Services.
- l) Residents may only use the UHS space assigned to them. UHS reserves the right to assign vacant space as needed.



# ANIMATE YOUR COMMUNITY

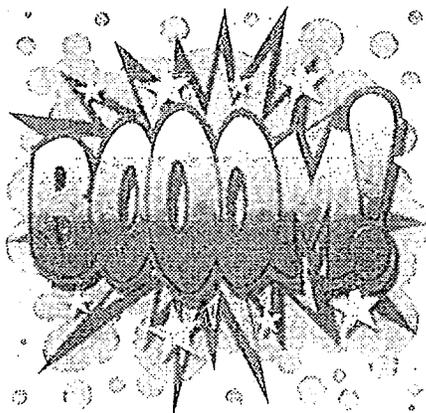
SJSU — UHS — Residential Life



RESIDENT ADVISOR  
MANUAL  
2013-2014

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# CHAPTER 1



# INTRODUCTION

## The Mission of SJSU

In collaboration with nearby industries and communities, SJSU faculty and staff are dedicated to achieving the university's mission as a responsive institution of the State of California: To enrich the lives of its students, to transmit knowledge to its students along with the necessary skills for applying it in the service of our society, and to expand the base of knowledge through research and scholarship.

## SJSU's Goals

For both undergraduate and graduate students, the university emphasizes the following goals:

- In-depth knowledge of a major field of study.
- Broad understanding of the sciences, social sciences, humanities, and the arts.
- Skills in communication and in critical inquiry.
- Multi-cultural and global perspectives gained through intellectual and social exchange with people of diverse economic and ethnic backgrounds
- Active participation in professional, artistic, and ethnic communities.
- Responsible citizenship and an understanding of ethical choices inherent in human development.

## SJSU's Character and Commitment

San José State University is a major, comprehensive public university located in the center of San José and in the heart of Silicon Valley. SJSU is the oldest state university in California. Its distinctive character has been forged by its long history, by its location, and by its vision - a blend of the old and the new, of the traditional and the innovative. Among its most prized traditions is an uncompromising commitment to offer access to higher education to all persons who meet the criteria for admission, yielding a stimulating mix of age groups, cultures, and economic backgrounds for teaching, learning, and research. SJSU takes pride in and is firmly committed to teaching and learning, with a faculty that is active in scholarship, research, technological innovation, community service, and the arts.

## UHS Mission Statement

As an integral component of San Jose State University and the Division of Student Affairs, the mission of University Housing Services is to provide supportive and affordable residential learning communities that promote academic success and individual development.

To fulfill our mission, University Housing Services will:

1. Provide a positive living environment
  - cleaner, safer, prettier, happier
  - peaceful & respectful communities
  - well maintained, clean, attractive facilities
  - diversity understanding & celebration
  - communication
  - student accountability & responsibility
  - neighborhood partnerships
  - approachable/knowledgeable staff



2. Enrich the learning experience
  - comprehensive 'life skills' education
  - access to technology
  - diversity awareness
  - utilize student development theory
  - assist in life transition
  - faculty/staff/community partnerships
  
3. Maintain fiscal integrity and responsibility
  - long and short range financial planning
  - insure affordable/competitive rates
  - creative revenue generation
  - mutually beneficial partnerships
  - thorough responsible research regarding financial decisions

<b>Residential Life Vision Statement</b>
--

As part of a vibrant and growing housing program, Residential Life strives to be intentional and student-centered. We work collaboratively with members of the SJSU community to promote the following vision:

- We help our students build inclusive, socially just and interactive communities where every member feels a sense of belonging.
- We work to foster student growth in a manner that shapes character and develops independence.
- We encourage our students to explore their personal identity and embrace diversity as well as appreciate individuality.
- We promote healthy communication, intellectual discourse and support students in achieving academic success.
- We endeavor to help our students understand their role, rights and responsibilities as members of the SJSU community and as citizens of our world.

**Goals:**

**1. Develop a strong Residential Life staff team.**

- Staff see themselves a part of the UHS team and understand how they work with other units.
- Provide an intentional staff training and development program which challenges staff to grow as professionals.
- Staff feel informed and knowledgeable. Communication is frequent and thorough. Processes are simple and transparent.
- Staff have a solid understanding of their job and responsibilities which they gain through on-going training and feedback.
- Staff feel supported and valued in their position and that there is a genuine level of care for the person.
- There is a high level of trust within the Residential Life Team.
- Assessment measures are in place to determine staff needs. Residential Life Leadership responds to feedback and address issues and concerns in a timely and appropriate manner.
- Staff are invested in the program and recommend Residential Life and SJSU as a good place to work.

**2. Students benefit from living on campus and want to return.**

- Students are invested in developing inclusive and socially just communities where they feel at home.

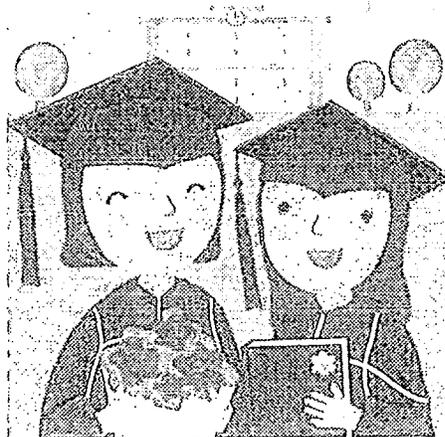
- Staff offer high quality programs and events that foster life long learning and development. Educational learning outcomes are integrated into all programming.
- Students interact with highly trained and experienced staff that help foster their growth.
- Students have increased opportunities to engage in campus life (interacting with faculty outside the classroom, accessing student services and participating in student organizations).
- RHA and its affiliates (Hall Government and NRHH) serve as the voice of students and are seen as advocates for residential students. Executive Board and other leadership positions are highly sought after opportunities.
- Students have the opportunity to provide feedback through their involvement and feel like their voices are heard.

### 3. We serve as useful academic support for our students.

- Provide a comprehensive range of programs and services where students can learn and apply abilities for educational and personal success.
- Develop and maintain the Living Learning Communities as links between personal interests and academic pursuits by demonstrating investment by faculty, students and staff.
- Faculty are infused into all of the residence halls, building positive relationships that support students throughout their academic career and beyond.
- The Faculty-In-Residence program exists as an opportunity for faculty and student interaction outside of the classroom.
- The Living Learning Center exists as a resource for the San José State University residential community to support the academic mission of the university, promote educational growth, and develop strong community connections.

### UHS: How We View Our Residents

- Resident students are important to our housing program and to the university.
- Resident students are people who come to us with needs and wants. It is our job to make sure they leave our office with all their needs sincerely and honestly considered.
- Resident students are not dependent on us; we are interdependent on one other.
- Resident students are not an interruption of our work; they are the purpose of it.
- Resident students deserve the most courteous attention we can give them. They are the lifeblood of this housing program and the University

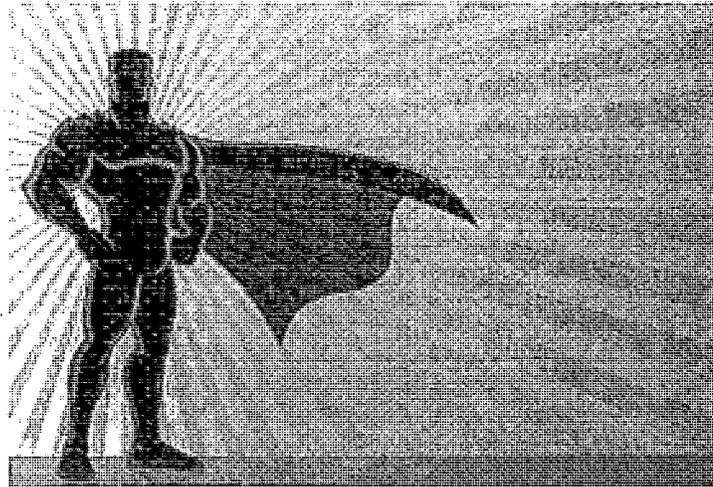


Chapter 1



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# CHAPTER 4

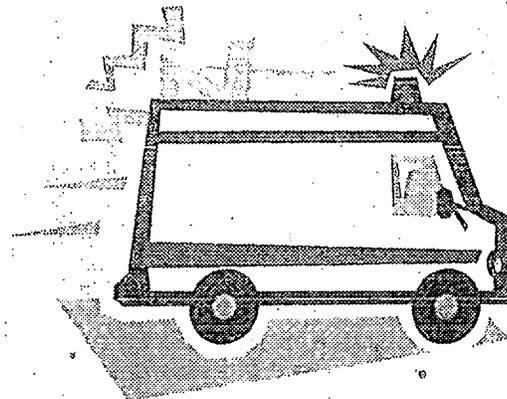


# EMERGENCY PROCEDURES

## Emergency Procedures

The health, safety, and welfare of your residents are a part of your responsibilities as a staff member. You may be called upon to make decisions and use your judgment in times of crises. Although we hope and plan for a safe and uneventful term, you must be prepared to respond efficiently and effectively in case of an emergency. It is important to know what procedures and resources are used in the event of drug/alcohol poisoning, earthquake, fire, flood, etc.

The following procedures have been outlined to assist you in helping residents in an emergency situation. While part of your responsibility as a student staff member is to keep your residents safe, you are not totally responsible for their safety. Every resident has a responsibility for his/her own safety. Therefore, it is important that you keep yourself safe. This means that you do not put yourself into dangerous situations in order to assist residents. This is the job of emergency personnel. Do what you can and what is safe, but **always call for help.**



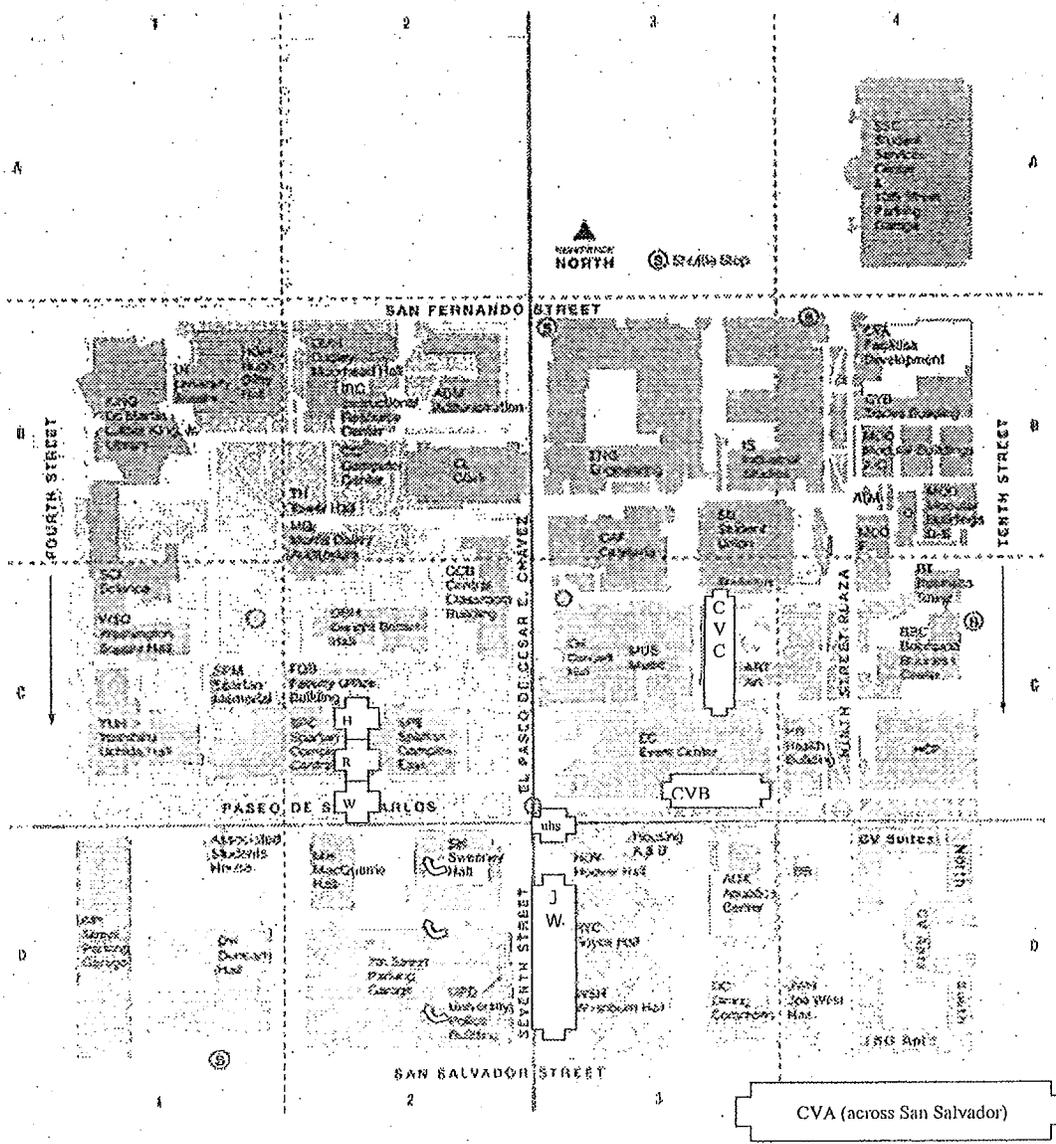
In case of an emergency, telephone or have someone else telephone University Police. Describe the problem, indicate what is being done, and request the needed assistance. Give your name, identify yourself as a student staff member, give your location, the number of persons involved, and the telephone number where you can be reached. **DO NOT HANG UP** the receiver until after the dispatcher hangs up; they may wish to clarify some information. Contact the ARLC/RLC on duty as soon as possible.

You may be asked to provide additional support/assistance as required.

- Ambulance Service: Do not call for an Ambulance directly. You must call 911 immediately. Allow UPD officers to make the call for an ambulance.
- Assembly Areas for Evacuations: Evacuate residents from the buildings at least 500 feet away from danger area. Each building/complex and/or floor has an assigned evacuation place. Please refer to the evacuation map at the end of this section.
- Blue Light Phones: Blue light phones are direct lines to UPD. To use in an emergency--simply pick up the phone--no dialing required. If you are being chased by someone and cannot talk on the blue light phone, simply lift the receiver off the hook. Police will know where the receiver was removed and will dispatch an officer immediately. Blue light phones can also be used by anyone requesting a campus escort at anytime.
- People with disabilities: ALWAYS be aware of residents with disabilities in times of emergency.
- The UHS Emergency Command Center is located in the kitchen in UHS. The extension number at the UHS Front Desk is 5-5600. If CVB is evacuated, the Center for Residential Leadership (CRL in Joe West) becomes the command center. Should this be the case, all communication will occur via radio. If emergencies occur after hours, contact the ARLC on Duty via the Duty Cell: (408) 482-4491
- The SJSU Emergency Command Center is in the University Room in the Student Union.

- For Emergencies, the senior most manager of UHS is in charge. Should no managers be on site, the RLC on Duty becomes the person in charge. Immediately, the following items need to be addressed:
  - Dispatch representative to SJSU Emergency Command Center.
  - Set up UHS Front Desk with someone answering 5-5600 and recording all calls.
  - RLCs report to UHS with radios for further instructions.
  - Assess facility and human conditions for purposes of decision making.
  - Update SJSU command center and/or UPD as to status and needs of residential community.
- If you have any questions or concerns regarding the emergency procedures, please consult your RLC.

**Evacuation Map**



## Crisis Index

### Emergency Procedures

Stay Calm

Trust your instincts

Take Charge

See the Crisis Through

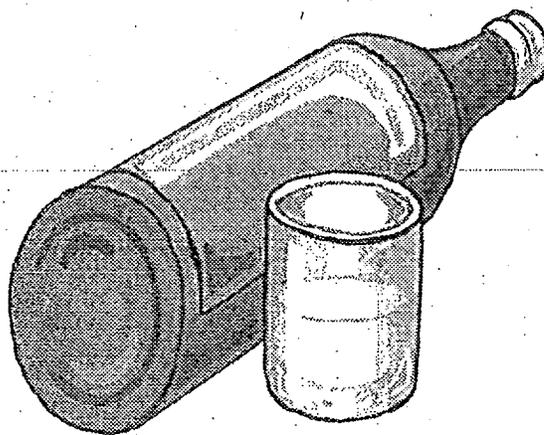
Follow Up

### Alcohol Abuse (Cross Reference Intoxicated Resident)

#### Alcohol/Drug Poisoning

*For how to deal with an intoxicated resident see "Intoxicated Resident"*

1. Assessment: Who? What? When?
  - a. Performed by Resident Advisor on-duty, Assistant Residential Life Coordinator on-duty or the Residential Life Coordinator on-duty.
  - b. Ask three questions:
    1. What's your name?
    2. What's your room number?
    3. What day is it?
  - c. Immediately follow action steps if student is found in an altered state of consciousness, dazed, vomiting, staggering, or slurring speech, smells of alcohol.
2. Action
  - a. If resident is found **unconscious**, call 911 from a campus phone or (408) 924-2222 from a cell phone. Paramedics should respond in addition to Police, to make medical assessment.
    1. This call will go to UPD on campus.
    2. State the condition of the resident; for example "unconscious" or "conscious"
    3. Contact ARLC on Duty immediately after you contact UPD.
  - b. If resident is unable to communicate or answer questions correctly, or cannot speak, call 911. When paramedics and Police respond:
    1. State that student appears to be severely intoxicated, and is not able to communicate.
    2. Contact ARLC on Duty.
  - c. If student can answer questions correctly, contact ARLC on Duty for further assessment.
    1. ARLC can then contact UPD for additional support.
    2. Condition is assessed for need to transport student to hospital or jail.
    3. If a student is at point when he/she needs to be watched during the night, and friends or roommate are not willing to do so, the student will then have to be transported to the hospital for their safety.



### Alcohol Emergency Tips

CALL UPD (911 from on campus or 408-924-2222 from any other phone) FOR IMMEDIATE MEDICAL HELP IF ANY OF THE FOLLOWING ARE APPARENT OR SUSPECTED:

- He/she drank alcohol in combination with any sedative, hypnotic, or tranquilizer.
- He/she is experiencing shallow or irregular breathing.
- He/she displays rapid, violent, or extreme changes of mood or behavior.
- He/she cannot be roused by shaking or yelling.

### Assault/Fight

1. Do not put yourself in harm's way
2. Call UPD
3. Call ARLC on-call

### Bird Flu Pandemic (See communicable diseases)

### Blackout (see power outage)

1. Gather orange vest, flashlight, and walkie talkie
2. Meet at front desk of building for further instructions

### Bodily Fluids (Cross Reference Facilities Disaster)

Vomit- Get "vomit powder" from front desk area and sprinkle on vomit  
When dried, sweep into garbage bag, dispose of bag

Blood- Tape off area  
Call ARLC duty phone  
Wait for further instructions from ARLC

Feces- Tape off area  
Call ARLC duty phone  
Wait for further instructions from ARLC

### Bomb Threat

- Assume all threats are real
- Gather as much information as possible (time, location, type, caller information, etc.) using Terrorist/Bomb Threat worksheet located at each front desk

➤ Contact the ARLC on Duty and UPD immediately

1. CONSIDER ALL CALLS AS REAL! If taking a phone call that a bomb or other explosive device has been placed on campus or in residence halls, ask the caller the following questions in the order that they are listed.
  - WHEN is the bomb going to explode?
  - WHERE is the bomb located?
  - WHAT kind of bomb is it?
  - WHAT does the bomb look like?
  - WHY did you place the bomb?
  - WHERE are you calling from?
  - WHAT is your name?

The questions should be asked in this order because the immediate concern is the safety of residents. The most efficient way of ensuring their safety is to locate and disarm the bomb as soon as possible. Also, as the questioning goes on, these questions become more threatening to the caller and she/he is more inclined to hang up once she/he starts to feel threatened.

2. Keep talking to the caller as long as possible and record the following:
  - time of call
  - age and sex of caller
  - speech pattern, accent, description of speech
  - emotional state of caller (angry, nervous, excited, etc.)
  - background noise of the call (cars, trains, music, TV, other voices, church bells or chimes, etc.)
3. If your phone has a HOLD button on it, engage it before you think the caller is going to hang up the telephone. Some phones have a hold button, which will tie up the caller's line and make the call traceable. If a letter or note is received with bomb threat, turn it over to UPD immediately using as little handling of the paper and/or envelope as possible.
4. Information distribution:
  - Call UPD immediately (911 on campus phones) or (408) 924-2222 from any other phone
  - Call RLC of the endangered hall and ARLC on Duty
  - Call UHS Office (5-5600) if the threat occurs during business hours
  - Call Staff members of the hall effected
5. If you observe a suspicious object or potential bomb in a residence hall, **DO NOT HANDLE THE OBJECT!** Clear the area and immediately call UPD.
6. UPD and UHS Staff will conduct a detailed search for the bomb. **DO NOT HANDLE OR KICK ANY BOXES OR OBJECTS!**
7. If necessary, follow evacuation procedures and calmly leave the building.

#### In Case of Smoke or Stink Bomb

If you find a canister or container emitting smoke, DO NOT HANDLE IT. It is hot, and it may explode! Call UPD immediately. Evacuate the building and watch for fire. After the container or canister has been disposed of by UPD, open windows and doors to circulate air.

### Communicable Diseases

1. Find out any knowledge the student has on ailment
2. Have student stay where they are
3. Call ARLC on Duty immediately

### Cutting

#### Suspected

1. Contact your're RLC during office hours ASAP

#### Student discloses cutting behavior

1. Listen to student, let them share as much info as possible
2. Do not make judging statements ("you shouldn't do that")
3. Encourage student to visit Counseling Services (offer to walk over with them if necessary)
4. Notify RLC during office hours next day

#### Roommate, friend witnessed, or shared info

1. Notify ARLC on duty
2. ARLC or RLC will help you confront the situation

\*If student is found in process of cutting or after having just cut contact ARLC on duty immediately, ARLC will help secure medical attention.

### Date Rape (see sexual assault)

### Drugs/Suspicion of Drugs

1. Contact UPD and then call ARLC on duty immediately, follow instructions

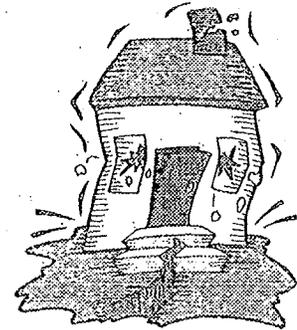
### Earthquake

Duck and cover. Contact your RLC or the A/RLC on duty *Immediately* to find out where you are needed. The standard gathering place is the front desk of your building

**Minor Earthquakes:** Duration of shake not severe or life threatening--telephone service temporarily inoperative.

**Major Earthquakes:** Duration results in very severe damage and is life threatening. Building(s) may collapse or severely crack. Telephone service may be out of order indefinitely.

1. During earthquake
  - a. Get under something solid, i.e., table, desk, door frame.
  - b. Ride out shaking & earth movements.
  - c. DO NOT try to evacuate during shaking.
  - d. Assist others in remaining calm.
  - e. Avoid falling fixtures, lights, etc.
2. Once earthquake has subsided, consider your safety while making assessment of:
  - a. Medical needs
  - b. Special assistance needed by the disabled students
  - c. Structural damage
  - d. Exposed electrical wires
  - e. Water/Gas leakage
3. After severe earthquake has subsided and dangerous structural damage is evidenced:
  - a. Evacuate people to an open area away from trees and power/telephone lines.
  - b. Keep people from re-entering building.
    - a. Wait for instruction from emergency personnel.
4. Earthquake Supply Boxes  
Each building and apartment complex has an earthquake supply box on the premises. The box has water, food, updated UHS rosters, a bull horn, caution tape and various other supplies to assist you in case of an emergency.



### Earthquake Action Plan

#### Before the earthquake:

1. Have staff learn the safe spots: under sturdy tables, desks, or against inside walls.
2. Have staff learn danger spots: windows, mirrors, hanging objects, tall bookshelves, and unsecured furniture.
3. Decide how and where the staff will unite. (The staffs most likely will be in separate places during the quake.)
4. Learn how to shut off gas, water, and electricity in case the lines are damaged. DO NOT EVER ATTEMPT TO RELIGHT GAS PILOTS.
5. Prepare list of residents who need special assistance in case of earthquakes.
6. Prepare a list of residents who are familiar with First Aid and CPR and who can assist the staff.
7. Conduct practice drills. Become aware of physically safe locations and prepare a staff plan.
8. Encourage residents to keep breakables and heavy objects on bottom shelves.
9. Check to be sure that heavy tall furniture such as bookcases or wall units are secured.
10. Encourage residents to maintain emergency food, water, and other supplies such as flashlight, portable radio, extra batteries, medicines, First Aid kit, and clothing.

**During the earthquake:**

1. Stay calm. Don't run and try not to panic. If you take proper precautions, chances are you will not get hurt.
2. Stay where you are. If outdoors, stay outdoors. If indoors, stay indoors. Most injuries occur as people are entering or leaving buildings.
3. If the earthquake strikes when you are indoors, take cover under a desk, table, bench or against inside walls or doorways. Stay away from glass windows and outside doors.
4. If in a high-rise, stay away from windows and outside walls. Get under a table. Do not use elevators.
5. If in a crowded public place, do not rush for the doors. Move away from display shelves containing objects that could fall.
6. If driving, pull over to the side of the road and stop. Avoid overpasses and power lines. Stay inside until the shaking stops.
7. Don't use candles, matches, or other open flames during or after the quake. Douse all fires appropriately (fire extinguisher).
8. If the quake catches you outside, move away from the buildings and utility wires. Once in an open area, stay there.
9. Don't run through or near buildings. The greatest danger is from falling debris just outside doorways and close to outer walls.

**After the earthquake:**

1. Do not move from a place of safety, until told to do so by an emergency response professional. There may be aftershocks to an earthquake.
2. Meet the rest of the staff at a predetermined location.
3. Determine assignment of tasks among the available staff members.
4. Check for injuries. Do not attempt to move seriously injured persons unless they are in immediate danger or further injury.
5. Check utility lines and appliances for damage. If you smell gas, open windows and shut off main gas valve. Leave the building and report gas leakage to authorities. DO NOT REENTER the building until utility official says it is safe.
6. If water pipes are damaged, shut off the supply at the main valve. Emergency water may be attained from hot water tanks, toilet tanks, melted ice cubes, bottled water, etc.
7. Check to see that sewage lines are intact before permitting continued flushing of toilets.
8. If electrical wiring is shorting out, shut off current at the main meter box.
9. Stay out of severely damaged buildings. Aftershocks can shake them down.
10. Do not heed or spread rumors. They often do great harm following disasters.

11. Stay off the telephone except to report an emergency.
12. Turn on your radio or television to get the latest emergency information.
13. Don't go sightseeing. Respond to requests for assistance from police, fire fighting and relief organizations, but do not go into damaged areas unless your assistance has been requested. Cooperate fully with local authorities.
14. Be prepared for additional aftershocks.

### Eating Disorder

If Suspected-

1. Contact your RLC during normal office hours

Person with disorder discloses it to you

1. Get details (how long, have they sought out any other help, etc)
2. Encourage them to see go to the Health/Wellness Center for help
3. Notify your RLC during normal office hours

### Emergency Evacuation

1. If convenient, get orange vest, whistle, and walkie talkie
2. Meet in front of building (RLC or ARLC will dispatch you from there)

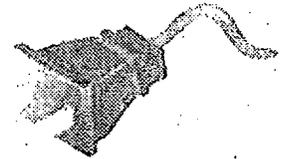
### Explosives

1. Minor explosives (not life-threatening materials: firecrackers, caps, etc.) may cause damage to buildings or furniture and will cause a noise disturbance.
  - a. Investigate & seek violator
  - b. Notify other staff members
  - c. Document incident, damage & evidence. Submit to RLC.
  - d. Assist medical needs/apply first aid
  - e. Watch for smoldering burns in carpet or on furniture
2. Major Explosives: Immediate, life threatening materials (dynamite, blasting caps, synthetic explosives, nitroglycerin, chemical compound, etc.) Potential, volatile materials such as gasoline, turpentine, etc.
  - a. Contact UPD immediately (911 on campus or (408) 924-2222 from any other phone) and ARLC on Duty.
  - b. Attend medical needs
  - c. Evacuate dangerous area/building
  - d. Document incident. Submit into PAVE Judicial System.

## Facilities Disaster

### Utility Failure

1. **Water Failure:** No hot/cold, or any water
  - a. Contact University Housing Services (5-5600).
  - b. After hours contact RLC on Duty.
  - c. Contact RLC of the building affected by this incident (if instructed by RLC on Duty).
  - d. Check for clogged water (sink/shower) outlet.
  - e. Watch for open faucets and overflowing sinks after water service resumes. Also beware of very hot water after service is restored.
  - f. Document incident.
  
2. **Electricity Failure:** Power blackout or overloaded circuit breakers
  - a. Use issued flashlight (all staff).
  - b. Check safety of residents-keep them calm.
  - c. Check surrounding area & other buildings' condition.
  - d. Contact A/RLCs affected.
  - e. Contact Housing Operations (5-5600) during business hours (M-F 8am to 5pm).
  - f. After hours, contact ARLC on Duty.
  - g. **DO NOT USE CANDLES OR OPEN FLAME, there is FIRE DANGER**
  - h. Master Circuits are located: 8th street: Royce Hall, 9th street: West Hall and 10th street: Campus Village
  - i. Keep residents in common area to reduce injury.
  - j. Lock all doors to reduce burglary or accidents.
  - k. Watch for practical jokes!
  
3. **Telephone Failure:** If phone service has been disconnected
  - b. Call the ARLC on duty and contact UPD if necessary.
  - c. Switch on UHS radio (located in A/RLC Offices) per direction from ARLC on duty.



### Gas Leak

There are NO direct natural gas sources to the buildings except in the Boiler Rooms of the Bricks and Joe West. Campus Village does NOT have any natural gas.  
Gaseous smell in or near Bricks rooms #238 and #338.

1. Contact UPD.
2. Contact ARLC on duty
3. Contact A/RLC of affected building.
4. Evacuate building AFTER SPEAKING TO RLC OR ARLC
5. Document incident. Submit to PAVE Judicial System

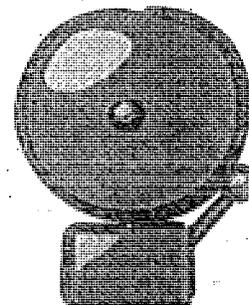
After the source has been determined open doors and windows to circulate air.

## Fire

Be sure the hallway is clear of smoke, exit to the nearest stairwell, BE LOUD, but do not go out of your way, YOUR SAFETY IS PRIORITY!

### Fire Alarms

1. Always assume it is a real fire and proceed accordingly.
2. Evacuate the building **with** your vest, whistle, clipboard, floor roster, and flashlight. These items will be essential in an effective evacuation of the building.
3. Check the fire pull stations on your wing/floor on the way down to the hall office to meet the rest of the staff. Also warn the residents loudly using your whistle and flashlight to evacuate as you go down to the office.\*\*\*
4. The staff member who is staying in the office makes calls to UPD and RLC on Duty regarding the fire alarm.
5. The residents must evacuate the building via an approved route and to the designated evacuation site for their building. Failure to leave the hall could/should result in documentation and a fine.
6. Depending on how many staff members are present, each person is assigned to a "post" where he/she will meet his/her residents to take attendance. All residents will gather in the same place every time the fire alarm rings and the building is evacuated.
7. After a pull station is identified, if a false alarm situation is confirmed, an A/RLC would reset it.
8. SJFD and/or UPD will determine when the building is safe for residents to re-enter.



\*\*\*Note: According to UHS policies, student staff members are not responsible for evacuating students from the building – every resident is responsible for evacuating him/herself. Student staff should, however, make every effort to assist with the evacuation of the building that is safe for the staff member and the residents.

### Evacuation Procedures

1. **Determining necessity based on:**
  - Immediacy of danger to YOU and others,
  - Orders from authorities (Police, Fire Dept. RLC, etc.)
2. **Announce evacuation by:**
  - Word of mouth,
  - Pounding on doors--room by room, as you vacate the area.
  - Pulling fire alarm only if there is a fire or you are told to do so by UPD.
3. **Proceed with evacuation by:**
  - Instructing residents not to use elevators
  - Moving residents out via stairwells
  - Instructing groups to meet in specific evacuation areas
  - Visually sweeping the building's common areas
  - Moving residents to a clear area 500 feet or more from danger area.
  - Use your roster to take attendance of building residents as thoroughly as possible
4. **Assist those who require special assistance in evacuation procedure.**

- Check on residents who might require special assistance (blind, deaf, in wheelchair, on crutches, injured, ill, etc.) as you evacuate.
5. **Accountability**
    - Make sure ALL residents and staff are out of the danger area--if safe or approved.
    - Report any missing individuals suspected still in danger area immediately to authorities.
  6. **Temporary Shelter**
    - Locate shelter in another hall or building (DC, Event Center, etc.).
    - During bad weather, use cars and parking garage.
  7. **Special Assistance**
    - Assist emergency authorities with crowd control.
    - Apply first aid and comfort to the injured and distraught.
    - Residents **should not return to evacuated areas** until instructed by emergency personnel.

### **If Trapped In A Building**

1. If near a window, place an article of clothing (shirt, coat, etc.) outside the window as a marker for emergency personnel.
2. If there is no window, stay near the floor, where the air is more breathable. Shout at regular intervals to alert emergency personnel.

### **DON'T**

- Residents should not re-enter any danger area - unless instructed and/or told as safe by authorities.
- Residents should not attempt to use elevator to evacuate danger area.
- Do not pull fire alarms if a gaseous substance is present. The alarm bell could spark and ignite gases.

### **Fire Extinguishers**

Determine the type to use and ALWAYS be prepared to use any of them.

<u>Type of burning substance</u>	<u>Type of Extinguisher used</u>
1. Wood, paper, fabrics	Water or ABC
2. Electric	ABC
3. Liquid	ABC

For questions concerning use or types of extinguishers, contact the Environmental Safety Dept. (408-924-2130).

### **Firearms/Weapons**

Live ammunition or weapons/firearms within the halls are potentially life threatening--discharging weapons such as rifles, guns, pistols, martial art equipment, etc.

1. Call UPD immediately.
2. Take cover, out of line of fire or danger.
3. Shelter the disabled/injured/sick.

4. Assist medical needs if safe.
5. Assist UPD.
6. Document incident. Submit to PAVE Judicial System.

### **DO NOT ATTEMPT TO NEGOTIATE OR DISARM INDIVIDUAL!**

1. Watch individual's behavior.
2. Try to learn person's name.
3. Try to find out why they want to hurt others.
4. Inform Police of access routes to danger area.

### **First Aid/ CPR**

1. Do NOT attempt any first aid or CPR that you are not certified and licensed to do.
2. Contact an ARLC if a student is injured
3. If a student or guest needs CPR CALL 911 from a campus phone or 408-924-2222 from a cell first THEN call ARLC duty phone
4. Never move someone unless their life is in jeopardy (fire, etc.)

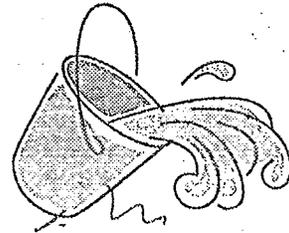
### **Flooding**

Minor flood--no broken fixtures or pipes.

1. Call ARLC on Duty
2. Mop up excess water.

Major flood--broken fixtures, pipes, heavy rainfall with flooding.

1. If major flood, call ARLC on Duty.
2. Call RLC of building (if instructed by ARLC on Duty).
3. Document incident. Submit to PAVE Judicial System.



### **Harassment (see intimidation)**

### **Hazardous Substance Spill**

Major and Minor spills of an unknown substance in populated area.

1. Barricade off area with caution tape, masking tape, wire, string, etc.
3. After hours call ARLC on Duty.
4. Call RLC of building.
5. Call UPD (911).
6. Call Environmental Health and Safety (408-924-2130).
7. If warranted, evacuate the building.
8. Assist with the disabled and medical emergencies.
9. Document incident. Submit to PAVE Judicial System.

## Intimidation

### Know the Types

Harassment- To irritate or torment persistently.

Stalking- To follow or observe someone persistently out of obsession

Harm to Person- A physical attack or assault on someone

ALL types should be reported to your A/RLC with as much documentation as possible, if this is a situation that may involve a resident being in *immediate danger* contact the ARLC on duty. Residents can also be encouraged to report these instances to UPD.

## Intoxicated Resident

Aim for Progress Not Perfection

### IMMEDIATE CARE OF AN INTOXICATED PERSON

1. Don't give the person any substance (aspirin, coffee, tea or other liquid stimulant) to sober them up
2. Don't give the person cold shower
3. Don't try to walk run or exercise the person
4. Don't keep the person awake
5. Don't attempt to constrain the person
6. Don't induce vomiting in a semi-conscious person
7. Don't try to be rational or logical in discussions with the person
8. Don't be intimidated by the person and his/her behavior



DO call the ARLC on duty for further assessment if alcohol poisoning is suspected in any way

### How to deal with an intoxicated person

Our alcohol policy/program helps students make educated choices about drinking. Some components of responsible drinking are: eating small snacks while drinking, and not drinking on an empty stomach; knowing your limit, and sticking to it; not allowing peer pressure to influence you to drink more than you should; drinking as a complement to the social event, NOT the FOCUS of the event. We will cover additional information about alcohol use and drinking choices during student staff training.

Despite our best attempts at providing an atmosphere that facilitates sensible drinking choices (including abstention) a member of the party may become too intoxicated to drive or go home alone. While sensible drinking decisions can be fostered by providing an appropriate environment, they cannot be absolutely insured.

At one time or another, almost everyone who drinks has taken in more than he/she should have. Sometimes emotional factors contribute to excessive consumption. At other times people miscalculate the strength of what they are drinking, or forget that they haven't eaten beforehand. When this happens, the immediate issue is not why or how someone has become intoxicated, but what to do about it.

The behavior of someone who is intoxicated is unpredictable at best. There are, however, some practical approaches one can take. The following guidelines are set forth to be used as they seem appropriate to the individual instance of intoxication.

1. **Alcohol is a drug.** Alcohol affects the brain, and a person who is heavily under its influence is not able to be rational. The individual may not know what he or she is doing or saying. For example, although anger or resentment may be expressed, one cannot be sure these are true feelings; they may or may not be. Therefore, to argue or to attempt to reason with a drunken person is likely to yield only frustration for both parties.
2. **An intoxicated person can, however, sense how those around feel toward her/him.** Through tone of voice, expression and movements, one can demonstrate concern for the welfare of the intoxicated person.
3. **Only time allows the body to burn up alcohol.** The "old tales" of giving coffee or a cold shower will not cause the person to be any less intoxicated; rather, it will simply make him/her a more wide-awake drunk. Time is the only cure of intoxication (and a hangover!)
4. **Intoxicated people sometimes vomit,** especially if they have eaten before or while drinking. An intoxicated person who is asleep should not be lying on his or her back. Place the person on his/her side. An intoxicated person can suffocate by vomiting while sleeping. Intoxicated individuals have impaired control of their motor abilities. If the person has had a considerable amount to drink, be sure that someone stays on hand to monitor breathing and ensure that the person doesn't develop any dangerous side-effects **ONLY IF EMERGENCY PERSONNEL WILL NOT TRANSPORT THEM - DO NOT TAKE ON THIS RESPONSIBILITY** (see emergency tips, next page).
5. **At all costs, an intoxicated person should be kept from driving.** If he or she insists on driving, car keys should be calmly and firmly taken away. Very often, intoxicated persons do not think of themselves as menaces on the road. Even behind the wheel, they think they have things under control, although of course they don't. Avoid argument: kindness and firmness are best. If possible, arrange for someone else to drive the person's car, or call for a taxi, or invite the person to spend the night. Many people who are drunk are aware of their condition, and will go along with your suggestion as long as they do not feel threatened or degraded.

### Immediate Care of an Intoxicated Person

#### Do's

- Find out what the person was drinking, how much, over what time period, and if he/she has taken any other drugs or medicines.
- Contact University Police for an assessment. Then contact the ARLC on call.
- Periodically check to see if s/he can be aroused, while you wait for emergency personnel to respond
- Stay with the intoxicated person who is vomiting; keep the person from swallowing or breathing in the vomit by placing them on their side.
- If the person is combative, then before approaching or touching him/her, explain what you intend to do, speaking in a clear, firm, and reassuring manner.

- Call for help/ and or information.

#### Don'ts

- Don't let any intoxicated student operate a car, motorcycle, or bike.
- Don't administer anything orally-- food, liquid, or drug-- to sober that person up (the only thing that will sober up a drunk person is time.)
- Don't laugh, ridicule, provoke, anger or threaten an intoxicated person.

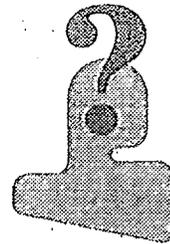
### Missing Person

#### Assess the situation

1. What was the emotional state of the missing individual?
2. What are this person's typical habits?
3. How long has the individual been missing?
4. How can this person be identified?

#### Action to be taken

1. Notify the ARLC on duty immediately
2. Organize all collected information
3. Search immediate area
4. Call places frequented by the individual
5. Relay any new info to the RLC or ARLC working with you
6. Submit this information into the PAVE Judicial System.



### Nuclear Attack

Imminent attack or announced attack of nuclear weapons heading to San José Area.

1. UPD will make detailed evacuation announcements over patrol vehicle's public address system.
2. Civil Defense Air Raid Warning sirens will blast.
3. Assist the Disabled/Injured/Sick.
4. Proceed to marked Fallout Shelter as instructed.
5. Remain in shelter until authorities say otherwise.
6. Emergency Broadcast System Stations:
  - KRRX 1500 am radio
  - KLOK 1170 am radio
  - KEEN 1370 am radio
7. Local Fallout Shelters
  - a. 7th Street Garage
  - b. Joe West Hall
  - c. Sweeney Hall
  - d. Art-Building/Health Building

### Power Outage

1. Stay calm, you set the tone for your floor
  2. Check in with your RLC or the RLC on duty for any special instructions
- The standard gathering place is the front desk of your building**

### **Pregnancy**

1. Do not over-react
2. Get information (has resident sought medical attention?, who knows?, how are they doing mentally and emotionally?) and relay this information to the RLC of the building during normal business hours.

### **Psychological disorder or emergency**

1. Determine the nature of the emergency
2. Is the student a threat to themselves or others?
3. Contact the ARLC on duty immediately.

### **Rape (see sexual assault)**

### **Riot**

1. Contact ARLC on duty immediately
2. Stay clear of area but keep an eye on the situation if possible

### **Sexual Assault**

Contacted Immediately after

1. Assess safety (is the perpetrator around?)
2. Contain situation (contain rumors)
3. Tell the assaulted person that you have to call a supervisor who has had more experience with this situation and will be able to help (ARLC on duty)
  - o ARLC on duty will contact RLC on duty immediately the Counselor on Duty (408-924-5930) will also be made aware

Contacted More than a day after

1. Tell the assaulted person that you have to call a supervisor who has had more experience with this situation and will be able to help (ARLC on duty)
  - o ARLC on duty will contact RLC on duty immediately. Counselor on Duty (408-924-5930) will also be contacted for support.

### **Suicide**

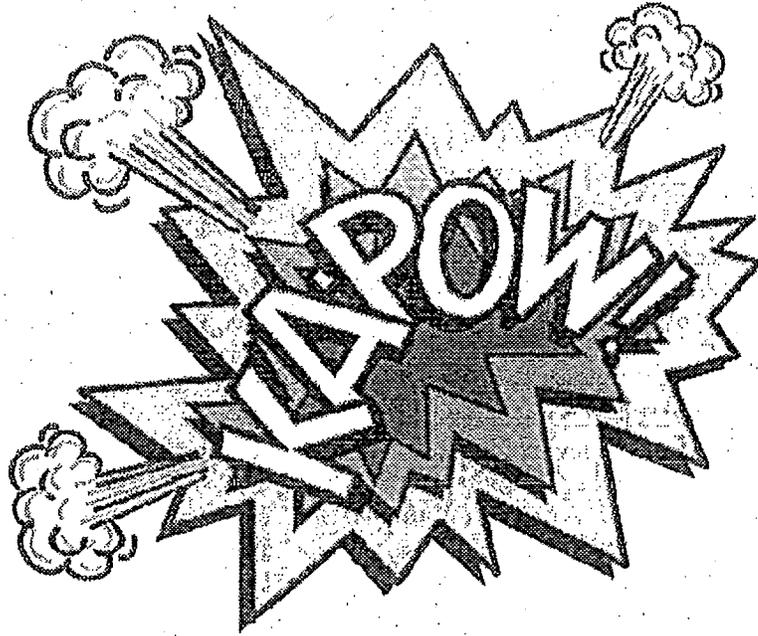
Levels of Suicide	1. Contact <b>RLC on call</b> immediately
1. Threat	a. Know the facts to relay to RLC
2. Gesture	b. Know your location
3. Attempt	c. Contain the situation (keep non-involved parties away, do not relay the information to anyone but the RLC, ARLC, and UPD)
4. Completed	

## **Theft**

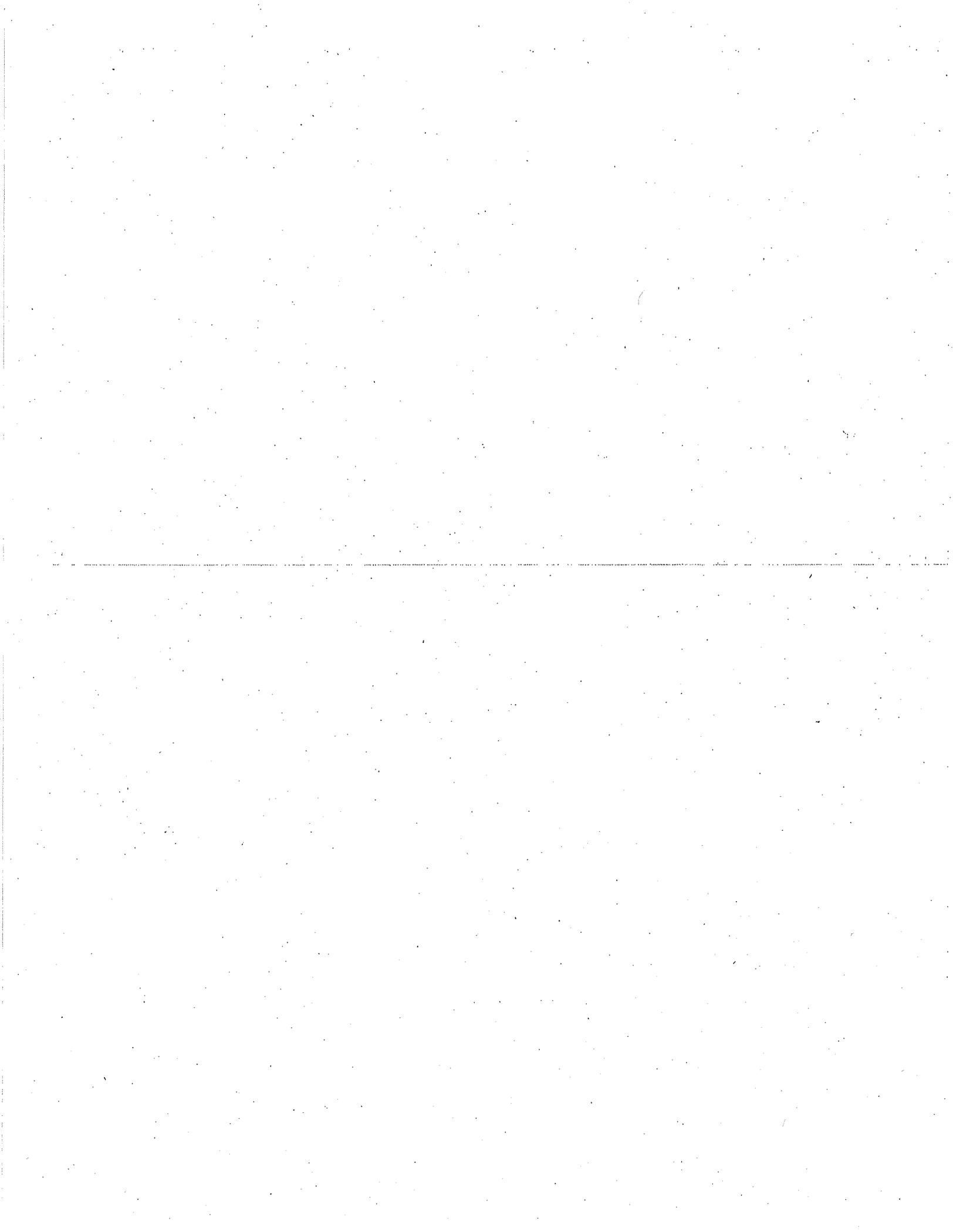
1. Ask resident to assess all that is missing and take notes
2. Call ARLC on duty
3. Encourage student to go to UPD to report theft



# CHAPTER 6



# COMMUNITY DEVELOPMENT & PROGRAMMING



## **Programming Model**

Programming is an important part of living in the residence halls. Programming can be seen as any organized activity designed to make a positive contribution to the student's education. Through programming, student staff can develop a community, educate students, involve students in their own learning, and provide students with outlets for emotional release. Our programming efforts correspond to the mission and goals of the University, the Student Affairs Division, and University Housing Services.

The Residential Life Program Model offers students personal and academic growth opportunities. In order to achieve our learning outcomes, there are six major areas within the Residential Life Programming Model.

### **ACADEMIC DEVELOPMENT**

Academics are the core of the University's mission. By focusing on academic growth, utilizing support services, and making connections with faculty students are better able to achieve their academic goals and graduate. These programs are intended to help students develop a sense of purpose within the institution, select a major field of study, become a better student, identify and prepare for a career path after college, and foster a desire to learn.

### **MULTICULTURAL COMPETENCE**

Multicultural Competence suggests a level of wisdom that is built upon over time and reflection. Multicultural competence, in this sense, is about understanding the many facets of multiculturalism and also the practice of "Inclusive Excellence" AAC&U (Williams, Berger & McClendon, 2005.). "Inclusive Excellence" translated to the residential environment is approached through four primary elements:

1. A focus on student intellectual and social development;
2. Offering a purposeful development and utilization of organizational resources to enhance student learning; and development;
3. Attention to the cultural differences students bring to the residential experience and that enhance it;
4. A welcoming community that engages all of its diversity in the service of student and organizational learning. Sample programs may include, but are not limited to: guest speakers, panel discussions; discussion groups, movies / plays, preparing and or eating ethnic foods; sessions which present historical facts on different cultures or groups.

### **VALUES & IDENTITY**

Programs assist students in clarifying their values and defining their identities. It is here where students begin to answer the life-long question, "Who am I?" By living on campus, students will be able to describe their own values and define who they are, they will understand themselves and how they relate to others, and act consistently with their stated values. Sample programs may include: value clarification programs that may challenge a students beliefs; debates on 'hot topics'; information on (stage appropriate) choices; leadership programs.

### **COMMUNICATION**

Programs promote skills that facilitate interpersonal relationships and communication with others. Sample programs may include: communication workshops; group discussions on interpersonal relationships and intimacy; roommate mediation or conflict resolution programs; leadership programs.

### **LIFELONG LEARNING**

Students will develop academic and life skills with a commitment to knowledge that will be transferable

and will continue to grow in the years to come after SJSU. Sample programs may include: study and research skills; faculty lecture series/dinner with the community; cooking or finance workshops, leadership programs, newspaper readership program. It is through this aspect of our program where we hope to instill a passion for lifelong learning.

### **CIVIC ENGAGEMENT**

Programs encourage students to be an active participant in their inclusive communities and to develop a personal sense of responsibility to that community. Sample programs may include: community service projects, attending a sporting event on campus; fundraisers for charity, programs and discussions around current events; leadership opportunities

Programming requirements are divided into two types: **Educational Programs** and **Community Builders**. Furthermore, programs, in general, can be broken down into two categories: **Active** and **Passive**.

**Active Programs:** Active Programs consist of programs that require student physical participation. These programs often have a facilitator or a presenter.

**Passive Programs:** Programs that do not require physical interaction. They may consist of bulletin boards, newsletters, flyers, posters, etc.

**Community Builders:** Community Builders bring together residents in a social manner or civic manner. They build connections and allow students to have a sense of belonging.

## **Programming Requirements**

Each Residential Life building staff member is required to have eight (8) programs per semester. This can be broken down further to educational programs and community builders as specified by area.

Each RA will also be expected to conduct at least one floor meeting per month. These meetings will be used to discuss policies, programs, and hall government issues. RAs are also responsible for the upkeep of informational bulletin boards near their rooms or on their floors on a monthly basis.

Each Resident Advisor will work closely with their supervisor (RLC and/or ARLC) to determine the needs of the community and how best to serve those needs.

## **How to Assess the Needs of Your Community**

### Interest Inventory

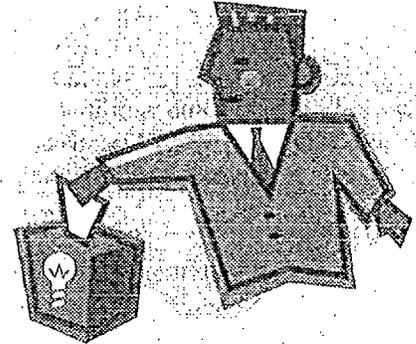
A great way to assess residents' needs and interests is through a survey. You can approach this either formally or informally. Formally, you can create a survey with different program ideas and they can check which ones they are interested in. You can hand the survey out to all residents either in a meeting or individually. Ask them to complete the survey and leave a space where they can write any ideas you may not have thought of. You may also want to leave a space to ask if they are interested in helping you plan – if so be sure to have them write their name and contact number.

### Resident Bio Sheet

At the beginning of the semester have each resident fill in a "Bio" Sheet. This sheet would ask basic questions that would help you get to know the resident better, but can also be helpful when programming. Questions you may want to ask are: Favorites (movie, color, hero, food, etc.); Majors, Birthdates, Hobbies, etc. Use your imagination.

### Suggestion Box

You can create a suggestion box where residents can put suggestions anonymously. Often the suggestions you receive will give you an idea of what is needed. You can place a box in the lobby for all staff members to use or try an envelope hanging from a bulletin board.



### Brainstorming Session

A brainstorming session can be done with the whole community or with a few selected residents that seem to be leaders of the community. When brainstorming, don't rule anything out. Try to be as creative as possible and then after the creativity runs out rank your ideas.

### Observations and Discussions with other Staff Members

Sometimes you may see a need by your observations or discussions with others in the hall. If you notice or hear that people are throwing up in the bathroom frequently on weekends, you may want to consider a program on alcohol usage. If you notice or hear that people are throwing up in the bathrooms all the time, doesn't matter time or day, you may want to consider a program on eating disorders. If you see that a number of residents are on a certain team, you may want to take another group to watch them compete. Many programs can be discovered just through being aware of what is happening in the hall already.

### **Community Builders**

These are activities that encourage growth-enhancing, positive interaction between residents in a specific community setting.

#### Examples:

Event attendance (sports, plays, etc.)  
Going to movies  
Shopping trips  
Orientation activities  
Eating as a group in the DC  
Watching a movie in the lounge

### **Educational Programs**

These are programs expose students to new ideas and ways of thinking.

#### Examples:

Race relations guest speaker & discussion  
LGBT Ally Training  
Women's history events Presentation  
Cross-cultural communication workshop  
How to do laundry  
How to Study Programs  
Filing for Financial Aid

Income Tax Preparation  
CPR - First Aid Course  
Banking and budgeting workshop  
Dating safely  
Filing income taxes

See Think Tank for more ideas and programs that have been done in the past by hall staff members.

### Passive Programs

#### How to Create a Bulletin Board

A bulletin board is similar to an active program in that it provides information and a developmental or community building opportunity to residents. However, a bulletin board does not have to be at a certain hour and can reach everyone even if they don't attend the program. Most people see bulletin boards just walking by.

When thinking of the type of Bulletin Board to do, you would want to follow many of the steps for other programs. For example, you would still want to do a 'needs' assessment with your residents and find out what they want or need. Creating a Bulletin Board also takes time and planning.

Some things to think about when creating a bulletin board and/or any publicity would be the usage of colors, topic consideration, audience viewing or potentially-viewing this passive, etc.

One effective way to present educational information to your residents is through passive programming. It allows you to present a lot of information. It allows the residents the opportunity to pick and choose what they want to learn about and to learn at their own pace and interest level. Here are some suggested topics:

Black History Month	Rape and sexual assault
Academic resources	Stress management
Queer Awareness Week	Exam preparation
University Health Service	Time management
Women's History Month	Eating disorders
Community involvement/leadership	Hate Speech/Words that Hurt
Asian Pacific Islander Heritage Month	Voting
Alcohol and drug information	White Privilege and Racism
Safer sex and birth control	Freedom of Speech
Breast and testicular cancer	

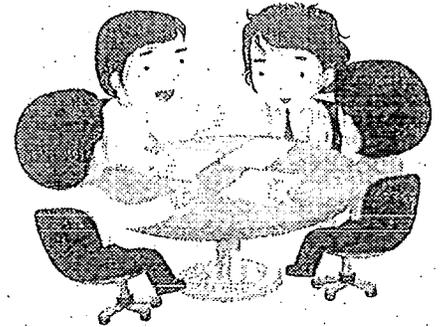
#### SOME HELPFUL TIPS:

- Make sure what you put up isn't your only copy because, despite all the hard work you put in, some of your work may be vandalized. If you have a display case in your hall, this is a good place to put stuff to keep it protected.
- You can do passive programming anywhere!
- Be sure that the information you get is up-to-date and authentic. Nothing's worse than disseminating incorrect and out-of-date information.

## Planning a Program

### Steps to a Successful Program

1. Assess the students needs – Use interest surveys, brainstorming, and informal discussions, etc.
  - Talk with other RAs in your building. You can make programming a group effort. This could give you the chance to take the lead or just help out with what is needed.
2. Set objectives and goals for the program – Goals will show what the programmer is trying to achieve and why. They will also be used to state who is to be affected, what will be done, how it will be done, and how it will be evaluated. For more information on goal setting review the following:



### Goal Setting

In order to be effective, goals must be realistic. You must consider the needs of the residents, for the program must be relative to their needs or interests. If you notice that the residents of your hall/complex seem stressed out, your goal might be to provide some relief or relaxation, or it might be to provide techniques to better deal with frustration and stress.

DO: BE SPECIFIC!

DO: SET A TIME FRAME!

### Preparing Objectives

Clearly defined objectives really help your group to stay on track. Objectives provide an outline for the actual program, and target your group's ideas and efforts. It also organizes your activity, preventing a tendency to ramble without focus. In the same manner that a builder uses blueprints to construct a building, programmers use objectives to define the steps that will be taken to build their finished product.

Another important factor behind choosing your objectives is that without a clear understanding of the program intent yourself, you will be unable to communicate your ideas to your supporters. Only by preparing your objectives in advance would you be able to respond to the needs of your speaker.

When detailing your objectives, describe the "product" which the program participant is supposed to gain from attending the event, or that which the attendee will LEARN or ACHIEVE. Use as many statements as necessary to outline your intentions.

### EXAMPLE:

Residents will learn to identify all forms of contraception.

Residents will learn the advantages and disadvantages of the various types of contraceptives.

Residents will be able to dispel certain myths about contraception, and will be given answers to any personal questions they may have regarding the issue of contraception.

## Being Sensitive to the Needs of a Multicultural Community

When planning a program, you want to make sure it appeals and relates to as many of your residents as possible. You should take as many steps as you can to ensure that none of your residents feel excluded from or offended by your program. These are some guidelines which can hopefully help you out:

- Ensure that the content of the program does not reflect stereotypes or assumptions about ethnic or political groups, lifestyle preference, gender, people with disabilities, etc.
- Find a resource person or presenter who is committed conducting the program in a way that will raise awareness of appreciating differences.
- Prepare the presenter to confront insensitive comments or actions by participants.
- Research the cultural traditions of the program to be sure that they accurately reflect the highlighted cultures.



- Ensure that the agenda of the program does not convey the message that certain groups are included because they "have to be." An example includes calling an Easter or Christmas party a "Holiday Party" while not celebrating all of the holidays that occur at that time.
  - Develop your publicity carefully so that it doesn't use or depict people by stereotypes, nor so that it is exclusive of any group.
  - Invite all residents to attend, not just those who are members of the topic being presented.
  - Plan an agenda that won't cause discomfort or minimize participation by some.
  - Make sure activities which are traditionally heterosexual (e.g. semi-formals, dating games, tuck-ins) do not exclude bisexual, lesbian, and gay residents
  - Find a location that is easily accessible to people with disabilities.
- Vary the times and days that you offer programs so that students who work can attend them.
  - If you are serving food, ensure that it meets different dietary needs, vegan, vegetarian, raw, lactose intolerant, diabetic, etc.
- Plan the date and time of the program so that it does not coincide with a specific religious observance that may exclude some members of the community.
  - Recruit the help of planners and presenters who represent different ethnic groups, genders, lifestyles, age groups, and so forth, so that the ideas presented in the program can represent diverse perspectives.

## Publicity

Good publicity motivates and encourages people to attend programs. Publicity is a crucial factor in programming.

Posters, flyers, door tags, mailbox stuffers, e-mail, and word of mouth are great techniques for publicity, but enthusiasm and a positive attitude are key. Publicity stimulates interest in your events, and promotes awareness of your group's purpose and function. You obviously need to reach the intended audience for your programs, and to provide necessary details about the event. Good publicity stimulates our conscious awareness, enticing us to attend the program.

Publicity is not restricted to posters, although that's one idea. The idea is for people to notice the publicity (and tell their friends! Word of mouth makes great publicity!)

In addition, social networking has become extremely popular. It may be a good idea to use this to your advantage when advertising. Use sites such as Facebook and Twitter for publicity. Create a hall Facebook page for your floor/wing and invite all your residents. You can easily send out posts and messages to publicize. This would also be a good option for you to stay connected with your residents on Facebook even if you chose not to be "friends" with them.

### THE MORE PEOPLE THAT KNOW ABOUT YOUR PROGRAM, THE MORE WILL ATTEND!

Timing is also very important. People must be given adequate time to arrange their schedule so that attendance is possible. A minimum of one weeks notice is recommended. If you have a large amount of publicity, or would like to attract a large number of people to your event, increase publicity as the event date draws near. On the day of the event, add the words "tonight" or "today" to existing posters. This will serve as a reminder to anyone who "spaces-out" though they planned to attend. Remember, the public views publicity as a "preview" of your program. If the publicity is boring or not well planned, people will assume that your program will be the same. Insure good attendance by using creative and unique publicity.

### EXAMPLES of Publicity

#### Posters and Signs

To be effective, signs must catch the eye. Anything that helps in this regard will increase the number of people whom the ad reaches. Remember: A poster in a bad location is a wasted poster.

#### Banners

Large signs, near entrances, with all the info, will serve to reinforce smaller notices.

#### Personal Notes

Slip (an approved by your supervisor) note under the door of students who seem interested in a program when it was being discussed, telling them what you have planned.

#### Floor Meetings

Using floor meetings to stimulate interest in an upcoming program is certainly a good marketing strategy. You can also use hall government or RHA for something like this.

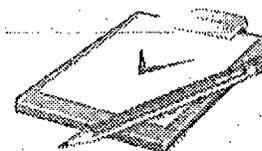
#### Incentives

There are a multitude of incentives that can be used to get students excited about attending programs. Food, trinkets, key chains are a good bet. "Programming Bucks" distributed at all programs and an auction every month or semester of cool prizes is even better.

\*[Clear your publicity with appropriate Facilities, Dining, or buildings staff **before** starting distribution.]

### Program Checklist

- Find out what the residents want and need.
- Set realistic goals and anticipated attendance.
- Set an appropriate date, time and location. Check to make sure that there are no conflicts with other RA's, Hall Government, RHA or other campus events.
- Submit ThinkTank (online) proposal to your RLC/ARLC for approval
- Wait for topic approval and request funds before proceeding.**
- If you are having a facilitator come in, confirm the date, time and location with him/her. This should occur at least two weeks in advance of your program. Talk with the facilitator about what will be presented and any needs he/she may have (room set up, equipment, etc.)
- Put up creative posters, fliers, etc. at least one week in advance of the program.
- Ask residents to help implement the program. Assign specific tasks.
- Be sure that equipment that will be used is available and in working order.
- Reserve the room or space where program will be held.
- Confirm volunteers and facilitators if applicable.
- Confirm that funds are available in advance.
- Make sure program is within college procedures and guidelines.
- Order food or purchase refreshments.
- Program is presented!!!
- Ask residents for feedback. Follow up!!
- Complete Program Evaluation on ThinkTank
- Turn in all receipts to Hall Government Treasurer within ONE week
- Take down all fliers, posters and publicity that you used to advertise your program the DAY AFTER the event is held
- Send a Thank you note to facilitator/presenter/those that helped



Please remember that a successful program is not necessarily determined by the number of people who attend, but rather by the quality of the program presented. Any effort you make, great or small, will make the residence halls a better place to live.

### Fundraising

Funds are available all around you! Money can be requested from every hall government, RHA, and even AS. Donations can be requested from nearly every business in the area. All it takes to get some great things is simply walking in and asking.

### Raffles/Prizes

Nearly anything can and probably has been given away as a raffle/prize. If you can think it, chances are you can get it somewhere. The most important thing to remember is that if ANY money is spent on prizes, receipts must be turned in to the Hall Government Treasurer, along with the name, SJSU ID number and room number and signature of the winning resident(s).

## Money Requests

Requesting money is an easy process. All it takes is some thought.

- What exactly is the program?
- How much money are you requesting?
  - Do not just estimate! Actually research how much everything will cost
- Be prepared to defend your program and the money you are requesting

A form can be picked up from your hall government

If you are requesting a large sum of money, RHA might be a better resource since their budget is larger. To request money from RHA, simply download the form from the website: [www.sjsuRHA.org](http://www.sjsuRHA.org). Click on "Money Request" on the right side.

## Liability

Some programs that involve sports or traveling require a bit more planning. These present more liability to UHS so more precautions are used. RAs planning such programs must discuss them with their supervisor to ensure they are practical for campus and residence halls. Liability forms will be provided for all residents to complete as they arrive at the program or before, if traveling is involved.

# CHAPTER 7



# COUNSELING & CONFLICT MEDIATION

- Do not accuse the person, instead let them know you care about her/him and address specific behavior that you may have noticed.
- Stop the conversation if it gets out of control. Don't let it become a fight.
- Call for professional advice or assistance especially for an emergency situation.
- Let the person know you care about him/her.
- Suggest professional help and assist with referral.
- Do not nag the person if they do not seek help; you cannot force him/her to go, but you can notify your RLC.
- Do not get involved in the specifics of the eating disorder.
- Do not try to control the person. Remember eating disorders center around control and if you try to control the resident, s/he will win every time.

*(Siegel, Michelle, Brisman Judith and Weinshel Margot. Surviving an Eating Disorder).*

*(Eating Disorders on Campus, Rhem, James, Editor. National On-Campus Report, August 1, 1998).*

## Conflict Mediation

Despite our best efforts to build community, conflicts will sometimes arise between roommates or members of the community. Effective conflict mediation will abate the conflict between the persons involved, relieve tension on the floor/suite, show people that they can constructively confront one another, and finally, show that you care about the wellness of the floor/suite.

### When to Get Involved

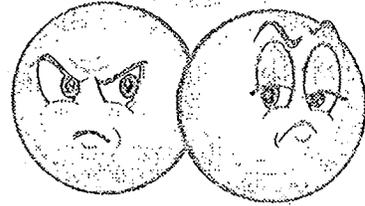
There may be some situations in which intervention by a staff member is necessary for the parties involved to come to a resolution. When you are approached by a resident who is involved in a conflict with their roommate(s) or another person, attempt to gather all the information about what is upsetting him/her. If they haven't already, encourage the resident to first try to resolve the problem themselves, and give them some tips on how to approach the other party involved. Some questions you may want to ask:

- What did you expect from a roommate/suitemate?
- What's been happening so far?
- When did you first notice the conflict?
- How do you think the situation could be resolved?
- What would you need from your roommate or suitemates?
- If I were your roommate or suitemate, what would you want me to know?
- What is it about your roommate that bothers you?
- What changes would your roommate have to make to work this out?
- What changes would you have to make to work this out?
- How would you feel about a third party mediating the situation?
- If you were the other person, how would you want to be informed about the conflict?

If you become aware of a conflict through rumor or tension in the community, be proactive in confronting it early on. Let the people involved know that you are aware of the conflict, and that you are available to help them resolve it.

### You Will Need to Mediate the Conflict If

- The resident(s) were unable to work out the problem themselves
- The issue begins to negatively affect the community
- A previous conflict resolution is not working out
- Complex issues need temporary settlements
- There are large underlying issues that are deeper than the conflict immediately at hand



### Steps in Conflict Mediation

#### **Before the Mediation**

- Allow some time to let emotions settle.
- Set up a neutral time and place for the mediation (your room is a good place).
- Ask each party to come to the mediation with a list of what's bothering them. Writing it down helps them to better articulate to themselves and to you what the specific nature of the problem is.
- Ask each person how long he or she is able to spend discussing the issue.
- Let your supervisor know that the mediation is going to be taking place, so s/he can give you more specific advice.
- Set up your room to be comfortable and neutral (e.g. everyone should be sitting at an equal height).

#### **During the Mediation**

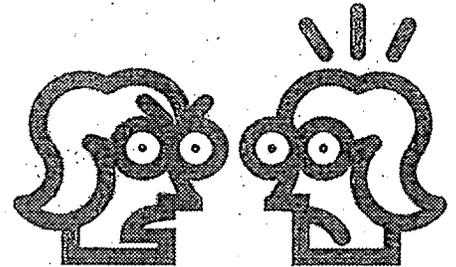
##### **Set the Stage**

- Explain the purpose and process to all participants ("We're here to resolve the conflict effectively and equitably. We may not be able to resolve the conflict in one sitting, but this mediation can be a starting point.")
- Explain your role as a mediator. You are there to refocus problems, facilitate communication, help the parties learn to solve problems in a constructive and efficient manner, and help the parties avoid future conflicts by reaching a mutually acceptable agreement.
- Explain the role of and establish ground rules.
- What are the objectives of the meeting?
- What will be acceptable, and what will not?
- How will the discussion be structured?
- How will interruptions be handled?
- How much time will each participant have to speak?
- What role will you take as a staff person?

- What can they expect from you?
- Will there be things discussed that should not be discussed with anyone else?  
How much time total will be given to discuss the issue?
- Is there anything else the participants would like to add?
- Inform them that you may be interrupting the discussion to remind them of the ground rules.
- Get an agreement to the ground rules.

### **Describing the Conflict**

- Allow each person to describe the situation from his or her point of view
- Each person tells his/her interpretation of the problem uninterrupted.
- Encourage them to avoid hurtful or unproductive statements that are accusatory or incorrect. Ask the individuals to be solution-oriented and concentrate on behavior instead of the person.
- Actively listen to each person and take notes for yourself.
- Acknowledge feelings, but bring each person back to needs and concerns.
- Summarize the main concerns of each party.



### **Identifying the Issues**

- Summarize any areas of agreement that exist. This helps to identify common ground and establish progress.
- Summarize each party's issues in a neutral fashion.

### **Generating Alternatives**

- Help participants prioritize issues (deal with one issue at a time), brainstorm alternatives and compromises.
- Re-state areas of agreement to keep the process moving.
- Keep the focus on the future.

### **Developing a Win-Win Agreement**

- Consider the ways the alternatives meet the needs and concerns of each party.
- Consider the feasibility of each alternative.
- Encourage the parties to select the most workable agreements, but let them know that agreements are negotiable.
- Plan for implementation (who is going to do what when?).
- Obtain agreements from participants on the final verbal or written agreement.
- Encourage participants to learn from the process and to continue communicating with one another.

### **Throughout the Conflict Mediation**

- Keep calm.

- Remain impartial.
- Be aware of your body language and nonverbal communication

#### After the Conflict Mediation

- Document the situation in an IR. Attach a copy of any written agreements.
- Follow up with the residents involved. Ask how they're going and how they feel about the agreement.
- Set up another session if the agreement turns out to be unworkable.
- If new issues have arisen since the mediation, encourage them to work it out using the skills they learned in the mediation. If this is not possible, schedule another session with the participants.

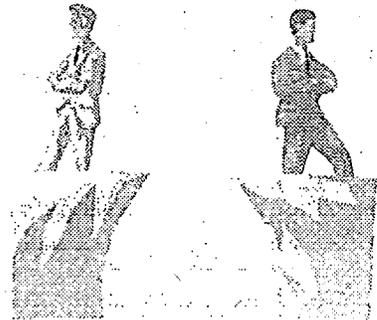
### Roommate Information

Here is information that may be helpful during the first few weeks of building community. You can use the game listed below, surveys, and questions during your first floor meeting and/or Transitional/Roommate programming.

### Tips for Successful Confrontations

#### Do:

- Make eye contact.
- Use "I" statements.
- Give the person alternatives, and follow through on them.
- Speak to the person one-on-one, if you can.
- Give people ways to "save face," if possible.
- Be calm.
- Use the three P's: Polite, Persistent, & Patient.
- Use an assertive style.
- Make a self-assessment, if you are having a horrible night you may wish to use a fellow staff member to approach a concern.



#### Don't:

- Touch people unless you know it's ok to do so (especially if they have been drinking).
- Patronize people, or treat them like children breaking their parent's rules.
- Yell at people, or call people names.
- Say you will call UPD or take other actions unless you plan to follow through on all actions.
- Get into a fight (verbal or physical!) It's not your job and it's counter productive.

After waiting to allow emotions to cool down, have a follow-up meeting with the resident to answer any questions and to clear up any misunderstanding so that you can re-establish rapport with the residents.

#### The importance of telling your residents the rules at the beginning of the year:

Student staff members are responsible for providing clear information to residents about housing policies and community standards. Through the clear definition of expectations, student staff members can take a

proactive approach to student behavior by encouraging residents to be responsible for their own behavior and to share in the responsibility for maintaining a positive community environment. During the first hall/community meeting of the semester, staff members must review the UHS Policies and Regulations. These are outlined in the Community Living Handbook. On their inventory sheet, residents initialed, indicating that they will read the Handbook on the UHS website, and will review all policies. Staff members should remind residents that they signed this and discuss the consequences of decision-making in regards to policies.

**You can't pretend you don't see a policy violation:**

Even though a proactive approach will make the disciplinary role easier, RAs constantly observe and respond to student behavior. When aware of inappropriate behavior or a policy violation, staff members must respond to the situation and to the individual(s) involved. There are no options for ignoring problem behavior. If you are on your way to class or out of the building, and become aware of a policy violation, you are obligated to notify another staff member who will respond before you can leave.

**Document everything:**

It is extremely important that student staff members understand that documentation of incidents are essential in the overall student conduct process. A common mistake staff members make is waiting too long, until a pattern of problem behavior develops, before addressing a problem behavior and documenting the incident. The RLC must be informed and must have documentation in order to respond to a concern with a student.

**Teaching students to resolve their own issues (for minor policy violations):**

In addition to responding to inappropriate behavior, it is essential that staff members see themselves as teachers of "life skills." Many students see RAs as authority figures that will solve their problems for them. Student staff should strive to strengthen the residents' ability to handle their own problems. Frequently, students do not have the skills or confidence to confront others. Wanting to help others become more responsible for themselves should never be interpreted as a non-caring response. When direct confrontation between students does not accomplish desirable results, it becomes the responsibility of the staff member to step in and respond to the situation of non-compliance by the fellow student.

**If you need help, don't hesitate to get it:**

In some instances, residents may become very defensive when confronted by a staff member regarding a policy violation. Residents may even go so far as to verbally insult the staff member or become physical. In these situations, the staff member should remove him or herself from the situation immediately. At no time is a staff member expected to subject him or herself to such treatment. Staff members are expected to document these situations and explain the incident in as much detail as possible. Staff members can also contact the secondary staff member on duty, the ARLC on duty, or UPD for support and assistance in handling the situation.

**Confrontation Guidelines**

**Prior to an incident.**

Once a situation has begun, here is what you should be considering

**1. Collect information.**

- a. What is taking place?
- b. What is the issue or behavior that needs to be addressed?
- c. Who is involved?
- d. Then, set goals. What needs to be accomplished?

2. **Identify your resources.**
  - a. Do you have what it takes to deal effectively with this situation?
  - b. What can you use to your advantage? (Other people, other student staff, ARLC, RLC, UPD...)
3. **Enter the situation.**
  - a. If the situation involves a group, determine who is responsible for everyone present (usually the occupant of the room, or the main players involved in the incident.)
  - b. Try to get the individual responsible to accompany you outside the room, or away from the group, so that you are not confronting him/her in front of his/her peers.
  - c. Try to talk one-on-one with the responsible individual.
4. **Identify yourself.**
  - a. If you are dealing with someone who does not know who you are, (or your role as a staff member,) tell him or her. "I am the Resident Advisor on-duty tonight. It is part of my job to enforce community policies."
5. **Make your request.**
  - a. If it's a policy issue, state the policy, and explain why you are making the request.
6. **For policy violations, explain how the individual's behavior differs from the policy, and ask the person to comply.**
  - a. "I see that you have an open container of what appears to be an alcoholic beverage in the hallway. The policy on alcohol is that alcohol is not allowed in the common areas, and no one under 21 is allowed to consume alcohol in the building. Please dispose of that beer right away."
7. **Specify what behaviors are causing others a problem, e.g., damage, rowdiness, sloppiness, etc.**
  - a. "By having a large, noisy gathering in your room after quiet hours, you are keeping your neighbors from being able to go to sleep."
  - b. Discuss why the behavior is unacceptable and what behavior change is expected.
8. **Stick to the issues.**
  - a. Don't let the student make excuses or bring in a lot of outside circumstances and rationalizations.
  - b. Keep the focus on the student's behavior/policy violation.
9. **If appropriate and necessary, use constructive coercion.**
  - a. Give negative possible results if the student's behavior doesn't change, e.g., calling the ARLC on-duty or UPD, reminding the resident that not cooperating with student staff is a policy violation and they risk further consequences, etc.
10. **Show concern for the individual.**
  - a. Communicate your support and caring for the person.
11. **Any confrontation should be documented in the duty log for your building.**
  - a. If the confrontation involves a violation, complete an incident report form immediately following the incident.  
You should advise the student that you would be letting your RLC know what happened, a simple statement will do: "Thank you for complying with my request. Of course, as part of



my job responsibilities, I am required to document this incident and submitting that as the first step in the Student Conduct process. You will be contacted in the next few days in order to schedule a meeting with either the RLC or Student Conduct Office to discuss this."

**12. If the person you are confronting becomes threatening or abusive, get help.**

- a. This is not backing down.
- b. In actuality, you are taking control of the situation by following up with people who can assist you (or take over in addressing the individuals, if necessary.)
- c. Use your back-ups. Call a co-RA, the ARLC on-duty, the RLC on-duty, or UPD! You might try saying "I see that you're very upset about this, and that you don't want to listen to what I have to say. I will have the RLC contact you later."

**13. Realize and convey that the confrontation is only an initial contact.**

- a. If students need, you can follow-up to provide a referral for on-campus resources, such as the counseling center.
- b. Make clear that students will have a chance to tell their side of the story, but this is not that time.

**14. Be open to further involvement with the student.**

- a. End the confrontation with an open invitation to talk.

**A Model for Handling Difficult Situations:  
ROSE – Respect, Objectivity, Stance, Efficiency**

**RESPECT**

As the policy enforcer, you disapprove of the behavior, not the person. You need to display the utmost respect for residents when dealing with a situation. A staff member can be assertive without being sarcastic, insulting, or harsh.

**OBJECTIVE**

A staff member needs to be aware of why they are dealing with a particular situation. Many of these situations are very "cut and dry" such as the evidence of alcohol use or excessive noise, but there are many times when a staff member walks into a situation where it may take some time to figure out exactly what is going on. That is why objectivity is so important.

**STANCE**

Your physical and verbal stance conveys everything to a resident. This includes your posture, your tone of voice, your hand gestures, and even your expressions. You do not want to display an aggressive stance when approaching residents. Shouting and backing a resident up against a wall is obviously not the way to communicate that you disapprove of their behavior.

**EFFICIENCY**

Get in, get out. Confront the unwanted behavior, get the information that you need, respond in the manner according to your policies, and then get out. This does not suggest that you should not be thorough or not follow the standards set by your department, but it suggests that being efficient makes everyone's life easier.

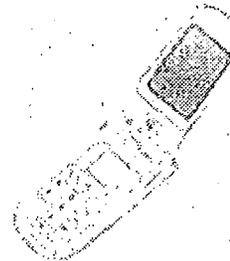
## When to call for help

### When to call the ARLC on duty:

- Any time you have a question about how to resolve a situation
- Additional staff presence in dealing with a complicated situation
- Immediately after any time you have called UPD or 911
- If someone has a medical concern,

### When to call the RLC on duty:

- If you can't get a hold of the ARLC for any of the above situations
- Bomb threat
- Explosives
- Nuclear attack
- Life-threatening situations (after calling 911)



### When to call UPD:

- If you are grossly outnumbered in addressing a situation, especially one that involves alcohol
- If you suspect any drugs are present (smell is enough to cause suspicion)
- If a crime has occurred (physical violence, hate-related crimes, vandalism, theft)
- If you suspect someone has alcohol poisoning but hesitate to call 911

### When to call 911:

- If someone has a pressing medical emergency, such as a broken bone, difficulty breathing, non-responsive, etc.

For specific response steps broken down by situation, see the Emergency and Personal Crisis Management section.

## Duty Telephone Tidbits

### What information to have when you call for help:

When you need to call for assistance in responding to a situation, you need to know the following pieces of information:

- A thorough description of the situation: who is present, how many residents are present, what policies are they violating, why do you feel you need help
- Where is the incident occurring: specific building and room numbers are expected
- Does the person that is coming to help you need to bring anything: specific keys, first aid supplies, building roster, etc
- Are any other ResLife or emergency staff there or on the way

### When you answer your building's phone, you must say the following:

- Either "RA duty phone" or "(Name your building) duty phone"
- "This is (fill in your name.)"

Keep in mind, this is not your personal cell phone and must be treated professionally at all times.

### When you are dealing with any situation, the only phone numbers you can give out:

- Front desk phone numbers
- Other buildings' RA duty phone numbers

- Your ARLC and RLC's office phone numbers
- The main UHS phone number

When you are dealing with any situation, **DO NOT (under any circumstance) give out the following phone numbers:**

- ARLC and RLC duty phone numbers
- RAs' personal cell phone numbers
- Residents' phone numbers
- ARLC's or RLC's home phone number or cell phone number

If a student, parent or emergency response staff is supposed to have these numbers, they will already have them.

While responding to a situation, if a parent (or student) is incredibly angry and insists that they talk to your supervisor, you can either give them your supervisor's office phone number and tell them they can leave your supervisor a voicemail, or you can take their name and number and tell them you will pass that on to the ARLC on-duty. **Do not give out the ARLC on-duty phone number, especially to angry people.**

### **Entering Student Rooms -- UHS Policy Statement**

University Housing Services shall reserve the right to enter the premises occupied by Licensee (student) for the purposes of emergency, health, safety, maintenance, management of applicable rules and regulations, or for any other lawful purpose. University Housing Services staff shall exercise these rights reasonably and with respect for Licensee's right to be free from unreasonable searches and intrusions into study or privacy.

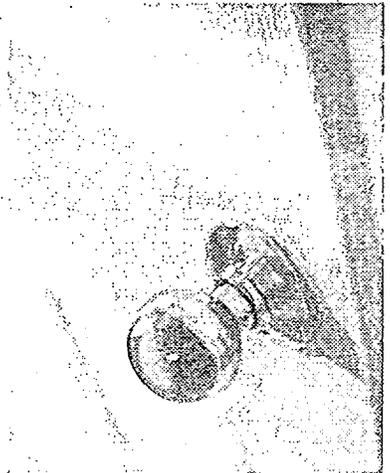
If, while in the progress of a warrant-less search or residence entry for the above stated purposes, substances and materials are found which are illegal and/or against regulations, further action may be initiated.

#### **Residence Entry Considerations:**

- Students have a legitimate right to privacy in their residence hall/apartment room.
- Residents will be notified when staff enters their residence not during scheduled health and safety checks.
- If staff must enter a room for any purpose, **two staff members must be present.**

#### **Searches and Seizures - Background**

The Fourth Amendment states that: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized."



Residence hall staff should be particularly aware of searches and seizures conducted in student rooms and the liabilities that accompany such action. Warrant-less searches are generally permitted: (1) in an emergency (to locate medication etc.); and (2) if the student(s) have expressed verbal consent at their free will.

### How to enter a room

If you have sufficient reason to enter a room (you suspect someone is hurt inside or you suspect a policy violation is occurring), you **MUST** follow the steps below:

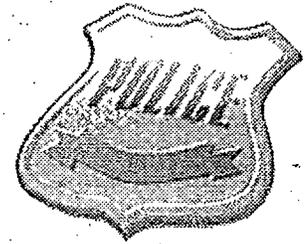
- Contact the ARLC on duty to verify the appropriateness to/get permission for entering the room.
- There must be two staff present (that can be 2 RAs or an RA and an ARLC or an RA and a UPD officer, etc.)
- Knock loudly on the door and wait at least 2 seconds for a response
- Knock loudly on the door announcing your position, and that you will key in, then wait at least 2 seconds for a response
- Knock loudly on the door announcing your position and that you are about to key in
- Key in

For any apartment or suite setting, you must follow the above steps when entering the front door and each bedroom door.

### Dealing with UPD/SJPD/SJFD

Anytime UPD, SJPD (San Jose off-campus Police) or SJFD (San Jose Fire Department) respond to a situation, they are there in crisis response mood and might not be as polite as you'd like when they talk to you. Below are tips to keep in mind:

- Do your best to remain professional and provide as much helpful information as possible.
- You can NOT reveal any specific information about residents, such as names, phone numbers, birthdays, etc.
- If UPD asks for the personal cell phone or apartment phone number of an ARLC/RLC, do not give that out and refer them to the ARLC on-duty.
- You can not let UPD into a room unless you follow the steps listed above about entering a students' room. If you don't think anyone is hurt or a policy is being broken, you can not enter the room, regardless of how insistent UPD is.
- It is always ok to tell UPD/SJPD/SJFD that you need to wait for your supervisor to get to the situation and call the ARLC immediately.



### Conflict Resolution if a Resident Is Mad After You Confront Them

There are three "easy" steps to resolve a conflict, but you have to be brave. Conflicts between residents and staff often occur after a confrontation over alcohol-related events or quiet hour violations. Being a staff member is a very tough position, the only way to survive is to be consistent. If you handle every confrontation in the same, reasonable way then it takes emotion away, and it is easier to get back to reality once the confrontation is finished. Always keep in mind: you have to confront the behavior, not the person.

If you confront the behavior and not the person and a conflict between you and your resident still arises, then use the following steps to overcome the conflict:

#### Immediately Address the Conflict

If you confronted a resident and it didn't go as well as you had hoped and a conflict arose between both of you, you need to face that resident and get it resolved as soon as possible (within a day or two.) Allowing it to sit will not help. Do not just wait till things calm down; a high-tension level on the floor is not healthy for a happy community. On the other hand, don't try to resolve the conflict without thinking about the repercussions of your actions.

### **Think Before You Speak**

Many times when a staff member confronts a resident about a conflict, they say things that they normally would not say, but which come out on the spur of the moment. Usually the adrenaline is rushing so fast that their thoughts get all twisted and they say things in the wrong order or the wrong tone of voice. Before you go to confront the person that you may have a conflict with, make sure you take a few minutes to write down what you are going to say. Once you have what you want to say written down, go over it a few times until it is solid in your mind and then go face the person.

Once you have thought about what you are going to say, make sure you say it in the right way. Many times the words are not hurtful, but it is the tone in which they are said to us. Take a minute to go over in your head, the different ways of relaying your message. Go to your resident(s) and/or other person that you are having a conflict with and take a deep breath and tell them how you feel in a civilized manner.

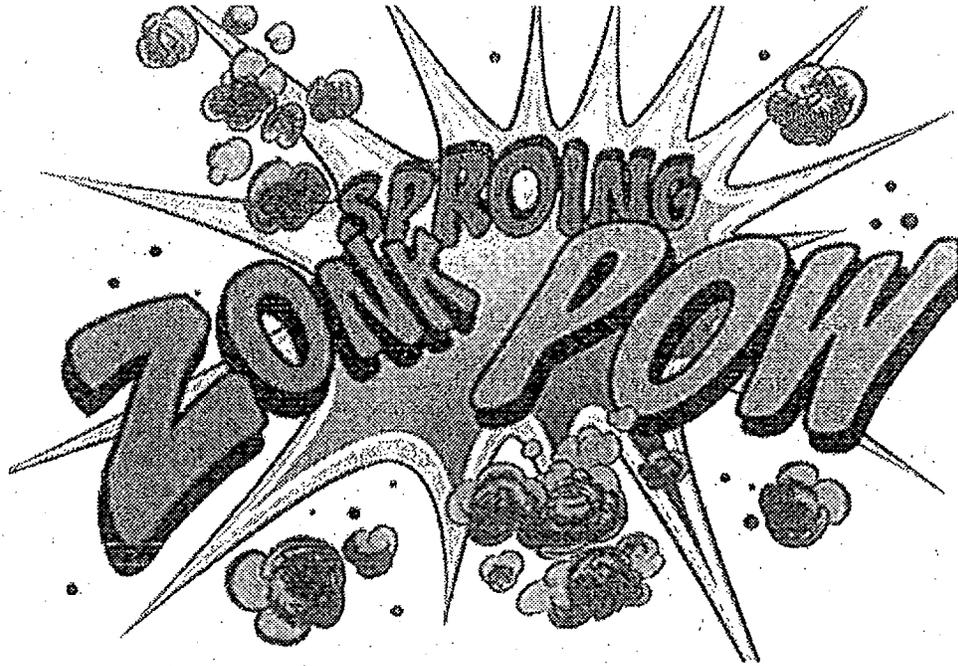
### **Follow Up...**

After you confronted the person and it seems that everything is back to normal, sit down again with your resident and talk about how you might have handled the confrontation better so that he or she did not develop a conflict. Of course, you might have done these three steps and they didn't work on the first try. In this case, regroup and try them again.

If the conflict gets too large for you to handle and you feel that you are in danger or that another resident is in danger makes sure that the proper personnel are notified. The bottom line is that you want to make a safe and harmonious community; if a conflict on the floor is causing the community to be tense, it must be resolved.



# CHAPTER 8



# CONDUCT

## Philosophy of UHS's Student Conduct Process

University Housing Services established Community Standards as guidelines by which members of the community can live together. In order to effectively assist in a student's development process, the university and UHS have designed a conduct process that addresses inappropriate or illegal behavior of residents with the goal of changing future behavior. The goal of the student conduct process is philosophical in nature and educational in purpose. Given this philosophical orientation, conduct meetings with students are seen as opportunities for student growth and development. To maximize this opportunity, we recognize that:

- 1) The student at SJSU is an adult and should be able to act independently and maturely. Because the student is an adult, there are some actions that are considered unacceptable in an adult community. (See Community Living Handbook.) In addition, as adults, students must be treated with respect as they proceed through the conduct process. They are entitled to a fair and professional resolution of the incident.
- 2) Students in college are experiencing an intense period of personal growth and change. Community guidelines, policies, and confrontation of inappropriate behaviors are essential ways of supporting the positive development of our students.
- 3) The student holds final responsibilities for his/her behavior and ultimately makes a choice whether or not he/she will be involved in future unacceptable behavior.
- 4) We need to distinguish between the total person, who deserves to be treated with dignity and respect, and the person's behaviors, which failed to meet the standard of community living in the residence halls.
- 5) We must look upon the student not only for what he or she may have done but also for what he or she is capable of doing and becoming.
- 6) The unacceptable behavior may be a symptom of another problem. It is sometimes impossible to try to determine the true problem and therefore the true manner by which the problem may be resolved.
- 7) The sanctioning philosophy of the conduct process is to facilitate positive change in behavior using the least severe sanction possible. The most effective sanctions will be those sanctions that address the cause of the behavior, that are directly related to the incident and the development level of the student, and that are mutually agreed upon by staff and the student.

Inherent in all of these principles is the ultimate goal of helping the student to become a fully functioning member of the community. Students are responsible for their actions and will be held accountable for violations of state and federal laws as well as university policies and procedures. The student conduct procedures are designed to ensure due process, but they should not be confused with a court of law. All decisions should be based on a preponderance of evidence.

The goal of the student conduct process is to improve the quality of the student's life as well as that of his/her community by assisting in the student's learning process.

## Establishment, Authority, and Jurisdiction

The University Housing Services conduct process was established under the authority of two documents within the CSU system. "The Statement On Student Rights and Responsibilities," from January 14, 1971 and "Student Disciplinary Procedures For The California State University and Colleges, Executive Order 148," from July 1972. In section VIII.D of the first document and 7.a.3 of the second document, residence complex judicial bodies have been given the authority to hear cases "of charges of conduct violations in residence hall facilities where the infraction occurred" and the violation "does not involve a possible sanction of suspension or expulsion."

The RLC of each facility has the authority to make the decision regarding all residence hall policy violations. However, the student in question (should they attend their conduct hearing) has the right to appeal this decision.

## Student Bill of Rights

Students in any case within UHS shall be guaranteed the following with the stipulation that a proven violation of any right shall be grounds for overturn of any review action within the University Housing conduct process.

- **The Right To Be Informed Of Impending Action:** The student(s) shall have the right to be informed when formal sanctions are initiated against them.
- **The Right To Adequate Notification Of The Hearing:** The student(s) shall have at least 24 hours notice prior to an informal discussion with the RLC and may request re-scheduling of this discussion. The student(s) shall have at least 72 hours prior notification before a Review Board or Administrative hearing, except when an immediate threat to the student or community exists, or there are less than 2 weeks remaining in the semester.
- **The Right To Introduce Witnesses And/Or Evidence:** The student(s) shall have the right to introduce witnesses, one's own knowledge, and evidence in one's defense.
- **The Right To Remain Silent:** The student(s) may elect to remain silent before any hearing of a Student Review Board or refuse to seek a hearing without such action being specifically regarded as an admission of guilt.
- **The Right Of Appeal:** The student(s) may appeal any decision of a RLC or Student Review Board to the appropriate administrator (if they attend the scheduled hearing).
- **The Right To A Hearing Without Undue Delay:** The student(s) shall have the right to a hearing without undue delay.
- **The Right To A Written Report Of The Hearing Outcome:** The student(s) shall receive a written statement of the decision by the RLC or Student Review Board.

## Judicial Hearings

### Type of Hearings

When a student is involved in violation of UHS policies in which they wish to appeal a RLC's decision, the Staff Development and Conduct Coordinator or his/her designee will make the decision regarding the use of a Student Review Board or an Administrative Review Board to decide the outcome of the case. This will primarily occur during the first two weeks of each semester.

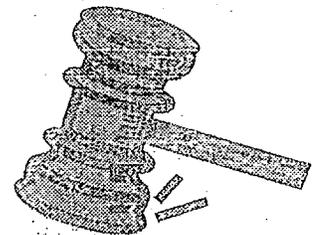
- **RLC Meeting**
  - An educational discussion with the residents involved in the violation. This meeting will occur within five (5) business days of the incident. At this meeting, the resident is encouraged to clarify their involvement in the incident. The RLC hears all sides of the story, allowing the resident(s) to bring witnesses as necessary. The RLC makes a decision and issues a sanction to the student within three (3) business days of the meeting.
- **Administrator Review**
  - An appeal to the Staff Development and Conduct Coordinator can occur when a student believes all the information presented has not been considered in the incident. The appeal paperwork must be filed within 3 business days of the date of the sanction letter. The Staff Development and Conduct Coordinator will review the students' appeal and make a decision to change or uphold the decision made by the RLC.
- **Director of University Housing Services Meeting**
  - A formal meeting with the Director of University Housing Services or designee, can occur if the student still disagrees with the decision on the appeal. With the exception of eviction cases or cases where academic action has been recommended, this is the final step in the University Housing Services conduct process.

### Formal Appeal

#### 1) Requesting an Appeal Hearing

If the accused student is not in agreement with the RLC's or Student Judicial Review Board's decision, the student may appeal the decision. The completed appeals statement must be submitted in writing to the Staff Development and Conduct Coordinator within three (3) business days after the date on the original sanction letter. Students must write and submit an appeal on their own behalf.

- a) Appeals written and submitted by an attorney will not be accepted.
- b) The student will be granted an appeal hearing based upon meeting the criteria of at least one of the following:
  - i) New information
  - ii) Procedural rights violation
  - iii) Sanction dissimilar with similar cases
  - iv) Bias on the part of the decision maker(s).
  - v) Not accepting responsibility for the violation(s).
- c) It is further recommended that the student follow the following guidelines prior to appealing their case:
  - i) Read the conduct process and the housing facility rules and regulations thoroughly.



- ii) Carefully review all incident report forms and documentation.
  - iii) Follow the guidelines regarding the basis for appeal.
- 2) **Appeal Statement**  
 Your appeal statement must be typed and should be clear and concise. You should include:
- i) A listing of the incident(s) in question.
  - ii) The reason why you are appealing (see above).
  - iii) Explanations of the circumstances you believe substantiate the reason the appeal.
  - iv) Names and witnesses who could corroborate your reason for appeal.
- b) In addition, you should attach any written documentation to this appeal, which corroborates your reason for appeal. Finally, this statement will be your initial contact with the Staff Development and Conduct Coordinator, your statement must be typed and you must sign the acknowledgement. If you have any questions about the appeal process, please contact the Staff Development and Conduct Coordinator or your RLC.
- 3) **During the Appeal Hearing**
- a) At the hearing, the student will have an opportunity to state the reason for their appeal and provide detailed information, which supports the appeal request. The student may have one individual present at the hearing, which acts as their advisor or counsel. The student may consult with their advisor during the hearing. However, this individual may not for the student.

### **Student Conduct Review Board**

The Student Conduct Review Board is comprised of current SJSU students who have been selected to serve the residential community. The purpose of the Conduct Review Board is to review community-related violations of the Community Living Handbook. The students receive extensive training related to due process, residence hall policies and procedures, and decision-making skills. The board makes decisions regarding student conduct cases and assists the individual involved in redirecting one's behavior and energies along more acceptable lines. The Conduct Review Board meets weekly to review cases and meet with students. The RLC's or other Residential Life Professional staff will refer cases to the Conduct Review Board.

The importance of a genuine concern for each individual cannot be over-emphasized in the Student Conduct Review Board hearings. The fact that there are fellow students who are willing to give of their time and good judgment is important to most students involved in rules violations. The Review Board member who listens well and questions wisely may contribute to better understanding on the part of the student whose behavior has been misunderstood.

Board hearings should be conducted in an atmosphere of friendliness, with only enough emphasis given to formal procedures to maintain fairness and dignity. A Conduct Board member's concern may best be demonstrated through an attitude of acceptance for the student as a person. It is the incident of behavior which has brought the student to the discipline process. The SJSU community encompasses considerable diversity in values, standards and morals. These need to be considered along with the total person, as well as the actions. It is important, however, that each member of the community understands the limitations that exist. An important part of the Review Board's responsibility is helping the student understand the expectations that are held for them and how their behavior differs from the minimal demands of the University community, as well as adversely affecting others.

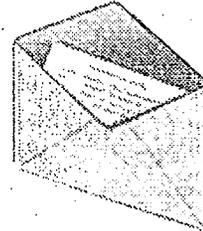


## Types of Sanctions

The following are sanctions relating to the violation of policies and procedures appropriate to residence complexes. RLCs and the Review Board have the ability to use these sanctions.

### Official Written Warning

A written warning informing the student their behavior is unacceptable by residence complex standards; usually warranted for a relatively minor violation within the complex.



### Educational Sanction

Projects or activities that may stipulate other conditions such as: apologies, written reports, help with projects that might be related to the violation, etc. Care must be exercised to avoid demeaning and unfair tasks, as well as involuntary servitude.

### University Housing Services Probation

A written statement indicating to the student that they are on a probationary status within the residence complex system, for the duration of the time they reside in on-campus housing. This student should be aware that any further violation of University and/or residence complex regulations could jeopardize their residence complex living status.

### Restitution

Additionally, as a condition of any sanction, a student may be required to pay for cost incurred in repairing, replacing, or refinishing of damaged or missing property or for services rendered.

### Transfer from Residence Unit Complex

This sanction is used when it is believed that a change of environment (relocation) will benefit the student(s) and the residence community. This sanction will be considered for students involved in repeated violation of residence complex policy or individuals involved in serious offenses.

### No Trespass

This sanction will be considered for students and or non-students who are disorderly or involved in violations of residence complex policies. Any behavior which disrupts the "normal order" of the community is considered disorderly and is prohibited. A report will be filed with the University Police Department and the individual will be arrested for a misdemeanor according to California Penal Code 602.5, if found at the residence complex unit after a No Trespass has been filed.

### Denial of Future University Housing

Students involved in repeated violations of residence complex policies or students who have demonstrated behavior which negatively impacts the community living environment may be denied future University Housing.

### Eviction - Termination of the SJSU/UHS License

Depending on the information surrounding a case, the hearing officer(s) may recommend removal from the residence complex system, with refunds to be determined by conditions established in the License.

## Standard Due Process

Due process is satisfied by providing the resident with a written student contact form, a discussion with the RLC within five working days of the incident, providing at least 24 hours written notification of and the ability to re-schedule the discussion, and sufficient opportunity for the resident to present their side of the story. Specifically, at any step of the disciplinary process, the RLC can expect to follow these simple procedures:

- 1) The incident report is submitted to the database by 10 am the following day.
- 2) The RLC schedules a meeting with the student(s) in question, giving them at least 24 hours notice and the ability to re-schedule if the time is inconvenient.
- 3) The RLC hears all sides of the story, allowing the student to bring witnesses as necessary.
- 4) The RLC makes a decision and issues a sanction, if the student accepts responsibility, and does not appeal the sanction.
- 5) The RLC issues the letter containing the decision, which also concerns the question of responsibility, to the student, or gives the student the opportunity to pick the letter up the next day.
- 6) If any, the RLC includes the educational sanction and follow up procedures in the letter.
- 7) If the student chooses not to accept responsibility or appeals the sanction, the RLC informs the student of the appeals process.

### Termination of License: Due Process

In the cases which regard termination of the license and subsequent appeal hearings, due process is satisfied by the same processes as described above, with the following additions:

- 1) Advance notice of the complaints against the student(s) must be included in the notification letter.
- 2) The student must be provided with copies of written documentation before the informal discussion with the RLC, although the student(s) are not entitled to confront their accusers.
- 3) The disciplinary action must be commensurate with the severity of the violation.
- 4) The eviction letter, if the decision is to terminate the license, must include appropriate appeals information. The eviction letter does not require an additional educational sanction as in other cases, however.

### Exceptional Cases Process

During the first or last two weeks of the semester cases may be referred to the Staff Development and Conduct Coordinator or designee for immediate action.

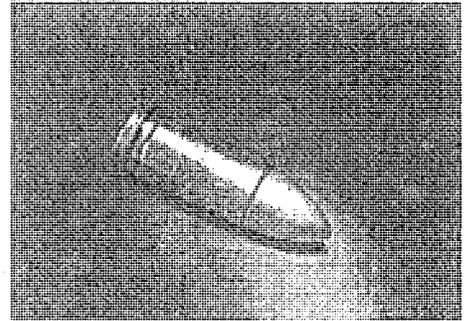
In situations that involve a serious threat to the community, a resident may receive written documentation prior to or at a scheduled meeting with the Staff Development or Conduct Coordinator or designee.

## UHS Policies and Regulations

Described below are the Policies and Regulations, which govern all University Housing Services occupants. By completing and signing the Housing License Agreement, residents agree to all of these provisions. Applicants should read these provisions carefully before submitting a completed License Agreement. Inappropriate conduct by students is subject to discipline on the San Jose State University campus. The Office of Student Conduct and Ethical Development coordinate the discipline process and establish standards and procedures in accordance with regulations contained in Sections 41301 through 41304 of Title 5, California Code of Regulations. A copy of these regulations can be found in the current edition of the San Jose State University General Catalog. All violations of the Terms and Conditions or Policies and Regulations below are subject to review by the Office of Student Conduct and Ethical Development for violation of 41301 through 41304, as well as grounds for eviction from University Housing Services Facilities. Conduct that is in violation of the law will be referred to University Police for investigation, if warranted.

### **Weapons/Dangerous Items**

Possession of weapons and explosives, including, but not limited to fireworks, firearms, live ammunition, BB guns, paintball guns, air pellet guns, toxic substances, highly flammable substances, and any knife having a blade longer than five inches is prohibited from use or storage in the residence halls. Possession of these items may result in revocation of the License Agreement.



### **Weights/Exercise Equipment**

Weight lifting equipment is permitted in the apartments, suites, or rooms only if the total weight of any freestanding item does not exceed 25 lbs. Weight or exercise equipment may not be attached to the ceilings, doors, walls, and/or any structure within UHS facilities.

### **Windows/Balconies/Screens/Patios**

Residents are not allowed to sit on the window ledge or balcony ledge of any residence facility window. Storage of any materials on window ledges/balconies is not permitted. Residents shall not alter the structure of these areas.

Objects thrown from windows of buildings can cause severe damage; therefore, nothing may ever be thrown or hung/suspended from a window or set on a window ledge. Residents who permit any item (liquid or solid) to fall, drop, or be thrown from any residence facility window will be in violation of UHS policy.

Laser lights and pointers may not be pointed out windows.

Screens are not to be opened or removed. Residents will be charged if screens are removed or missing. Window screens and limiters are not to be removed or tampered with. Residents will be charged if limiters are removed or missing.

Residents are prohibited from climbing in or out of a window except in case of fire.

It is prohibited to place furniture, including beds, in front of windows or doors. Blocking window or door egress is a violation of University Housing Policy

Even in high-rise buildings, people on the ground can see into windows, and residents within the UHS community can easily view activities occurring in other rooms within UHS facilities. Be mindful to keep window coverings closed when you desire privacy.

Residents may display signs and posters in their residence hall room windows as long as the signs and posters comply with University policy. Postings must also comply with health, fire, and life safety codes.

### **Pro-Active Approach to Help Minimize Conduct Issues**

**Minimizing conduct issues begins the day that residents move into your building and your community.** The more positive impact that a large number of residents sees they can have, the less likely the problematic few can take over the community. Some ways to do this include:

- Establish a positive, healthy and active community.
- Be consistent when confronting behaviors – as an individual and as a staff.

- Role model appropriate behavior
- Be visible in the building and on all of the floors
- Be informed about policies
- Clarify your community standards – as much as possible use community standards that the residents speak about.
- Encourage residents to take responsibility in their community and to confront each other.

## Writing an Incident Report

### Keep in mind:

- Keep sentences short. When explaining complicated incidents, use short, concise sentences rather than long (possibly run-on) complicated ones.
- Remember that the important parts of the sentences are the nouns and verbs. Adjectives can often be biased; only use them when necessary.
- Incident reports are not creative writing exercises. Style is not important. "Just the facts...."
- All incident reports should be written in the third person
- Incident reports must be grammatically correct, this includes spelling.
- Incident reports must be written immediately and submitted to the database by 10 am the next morning. The longer you wait, the more details can be lost.
- Improperly written reports affect many people.
  1. RLC's and the Office of Student Conduct and Ethical Development cannot adjudicate properly without correct information.
  2. You and your community since the behavior might not change.
  3. The resident who might not be able to receive a fair hearing.

### What to include:

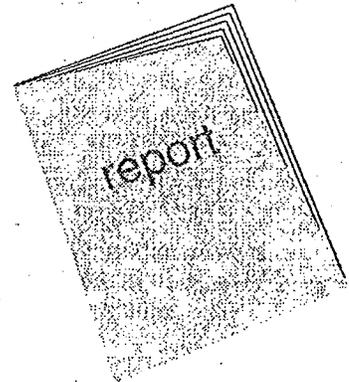
- 1) Start report with day, date, and time (including AM or PM).
- 2) State where and who was involved.
  - a) Do not forget to include yourself and other staff, include why you were in that place and time. Ex: "While on rounds...", "After hearing a loud noise while sitting in her room, Resident Advisor Page Turner"
- 3) Use complete names and room numbers for the residents involved the first time they are mentioned in the report. After that, you can use last names only.
  - a) Do not assume the reader will use information at the top of the report. Include everyone involved.
  - b) Do not leave out names just because they didn't say anything.
  - c) If there were unknown people witnessing the incident, say so, and give an approximate number. Try to give complete descriptions of people who violated regulations or policies when you cannot identify them by name.
- 4) State what happened during the incident.
  - a) Put events in proper order.
  - b) If you are quoting, say so, or indicate that you are paraphrasing what was said.
  - c) Use verbs rather than adjectives to convey the tone of the incident. Adjectives tend to be judgments; verbs are actions. Ex: "*He yelled*" rather than "*He was angry*" or "*She stumbled and fell*" rather than "*She was drunk.*"

- 5) Do not assume anything.
  - a) You cannot really know if someone is drinking beer even if it's in a bottle. Describe events rather than labeling them. Ex: "John was holding a can of Coors Lite, Resident Advisor (your last name here) could smell beer on his breath when he talked."
- 6) Please keep in mind you are writing an incident report to document an incident. Therefore, you must describe the incident in enough detail so that someone who was not present can understand.
  - a) Tip: If you think it might help, review the incident report with a fellow staff member or your ARLC/RLC. Have them read it to you and relay the story as they understand it.

Please keep in mind that a sample of a well-written incident report will be available in the conduct database for staff to review.

#### **When and Why to Complete an Incident Report:**

Student contact forms are an extremely important part of the student judicial process. The student contact form initiates the judicial process and is the first step in the encouraging change in students' behavior. This documentation is necessary for any action that needs to be taken by the RLC or other professional staff members. Not every situation that is documented will be handled as a conduct hearing; some situations may be considered "FYI." An FYI is information that is provided to the RLC so that there is some knowledge that something significant is happening – this usually includes more sensitive issues that a staff member may be concerned about. Other important elements of the conduct process may include duty logs, one on one meeting and staff meetings as different means of sharing information and being proactive about concerns.



Any university student and staff member may complete an incident report to document violation(s) of residence hall/apartment regulations. Incident reports must be submitted in the database by 10am the day following the incident. Staff members are encouraged to complete incident reports for all incidents that they observe. At the time of the confrontation, the staff member should attempt to notify the resident(s) that an incident report would be completed to document the situation, unless it is not feasible because of intoxication or lack of cooperation. If possible, the staff member should briefly discuss the incident with the resident(s), and refer the resident(s) to the RLC if they have immediate concerns or questions. If it is not possible to speak with the resident at the time the documentation is written, the RA should talk with the resident the following day to discuss the incident and inform the resident that documentation was completed and submitted. The student will be shown the incident report at the time of their conduct meeting.

# CHAPTER 9



# HOUSING PROCEDURES

## Check-In Procedures

Most residents will check-in at the beginning of the academic year, but as there are room changes and new assignments throughout the year, check-ins will continue all year long. When a resident checks-in for the very first time for the year, the following steps need to happen:

- Marked as here on the building roster
- Receive any welcome bag and materials
- Receive the Community Living Handbook
- Receive their access card, bedroom key and if applicable, parking permit
- Receive their cable box (if applicable)
- Sign and date the check-in portion of the room inventory after it has been completed by an RA. At this step, they also need to initial the appropriate spots above their signature.
- The student gets the bottom copy of the room inventory. Let residents know they have five days to make any changes to their inventory by notifying the RA on duty.

Mid-year, if a resident comes to check-in, the following steps need to happen:

- Ask to see the student's copy of the Room Change/ New Assignment Form. It will be a carbon copy, but the RA should be able to confirm their name, student ID number and room assignment.
- If they are moving on-campus from off-campus, give them a copy of the Community Living Handbook and access card. If they are moving from another residence hall, they already received these.
- Give the student their key.
- Walk the student to the bedroom and complete a room inventory while they are present. Have them sign, date, and initial the check-in portion of the inventory.
- The student gets the bottom copy of the inventory.
- Leave the inventory in the appropriate location:
  - o Classics: in the binder with the other inventory sheets for the building
  - o CVC: in RLC's box at the front desk
  - o CVB: in RLC's box in the CVB ResLife office

## Check-Out Procedures

Most residents will check-out at the end of the academic year, but with room changes and license cancellations, there will be a few check-outs during the year. When a resident is ready to check-out, the following needs to happen:

- Confirm that they have all of their belongings completely out of the bedroom/ suite/ apartment and that they have cleaned their area. All doors and windows need to be closed and locked.
- Review the resident's License Cancellation form or Room Change Approved form indicating that they are authorized to check-out of the room. If the resident does not have one of these two forms, they are not permitted to check-out and the RA should tell them to speak with UHS (if they want to cancel their housing) or the ARLC/RLC (if they want to move rooms).
- find the resident's room inventory and walk with them to their room
- Complete the check-out portion of the room inventory, thoroughly looking for any possible damages. This includes checking every drawer, looking under and behind all furniture, etc.
- anywhere that there is damage, write a detailed explanation of what is damaged and how it is damaged, use specifics (size, degree, color, etc)

- If there is damage, give the resident the pink "Possible Damages" half-sheet and if they accept responsibility for the damage, have them sign the blue "Damage Responsibility Acceptance" full-sized form, which you will turn in with the room inventory. These forms can be found:
  - o Classics: in a file in the drawer behind the front desk
  - o CVB: at the courtesy desk or CVB ResLife Office
  - o Suites: in the duty bag, with extras on the bookshelf behind the front desk
- Double check that the windows are closed and locked.
- Get the metal key from the resident and note the key code at the top of the inventory
- Have the resident sign and date the bottom of the inventory
- RA should sign and date the bottom of the inventory
- The resident gets the bottom copy of the room inventory form
- Leave the room/ suite/ apartment with the resident, locking all doors behind you
- Place the room inventory in your RLC's box and the key in the metal key box behind the front desk/courtesy desk

For check-outs in CVB, residents have the ability to complete an express check-out so these steps will be slightly different.

When you have completed a check-out, it is important to immediately turn-in the inventory to your RLC since it needs to be given to the Administration/Operations staff for prompt processing of any possible damage charges.

### **License Cancellation**

If a resident wants to cancel their housing contract mid-year, refer them to the UHS Office, but let them know there are very limited reasons (medical emergency, etc.) where they are likely to be released from the contract. Please remain courteous to resident through this process.

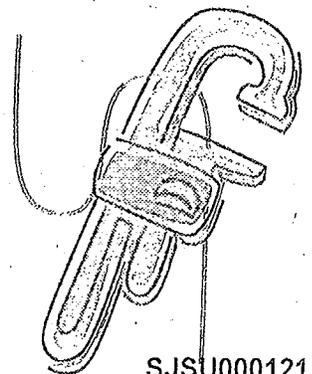
### **Improper Check-out/ Abandonment**

If a resident has his/her housing contract cancellation approved, they are required to complete a check-out with an RA/ARLC/RLC. If they move-out, but do not sign the check-out portion of the room inventory, they will be charged for an improper check-out; this will need to be indicated at the bottom of the room inventory.

If you hear from some of your residents that another resident has moved out all their belongings and is not coming back, or is not residing in their assigned space, speak with your RLC, but you will most likely be asked to complete the room inventory as if they are checking out and at the bottom, mark improper check-out and write that they abandoned.

### **Maintenance Requests**

If there are any maintenance issues to be fixed, RA's and residents can place maintenance requests by visiting the housing website <http://www.housing.sjsu.edu/> and click "Maintenance Request" at the top of the page. Here residents can enter in the location on the request, and be notified when their request is completed.



Residents are encouraged to take charge of resolving their own issues and make their own maintenance requests, but encourage them to include all information below.

**Information to include when making a request:**

- Resident name
- A phone number the resident can be reached at
- The detailed location of the issue: building, room number, description of the left/right side of the room, in the hallway near room...
- A detailed description of the problem and how long it has occurred for
- If anyone else has reported this (for instance, if the RA is following up for a resident) and when it was previously reported
- If any maintenance staff have previously responded, what they did or said

If a problem seems to be taking a particularly long time to resolve, explain there is a priority system with requests, also speak with your ARLC/RLC rather than making excessive repeated requests.

**When maintenance staff enter a room:**

Maintenance staff only enters a resident's room if they have received a request for repair or if they have reason to investigate or resolve an emergency maintenance matter. In these situations, maintenance will not offer any advance notice to the student that they are entering the space. The only notice will be when they knock on the door and announce "Housing."

## Health and Safety Inspections

On a regular basis, RA staff is expected to enter all the bedrooms/suites/apartments in their area for the following reasons:

- A visual review that the space is being kept clean
- A visual review for any obvious policy violations (alcohol present in an underage students' room, signs of a cat or dog, etc.)
- To chat with the residents about any maintenance requests they may have made (and if needed, for the RA to follow-up on)
- To see how the residents are doing in general

You will receive further information from your ARLC/RLC about the frequency that this needs to occur (it is different for areas with mostly first-year students than for upper-classmen students) as well as what paperwork needs to be completed for this. At least 48 hours before RA's enter residents' rooms for health and safety checks, you must notify your residents when specifically the checks will be occurring (for instance, between 1pm-3pm this Friday.) While completing the checks, RA's are expected to talk briefly with all residents present in the room, but since residents may not be present, RA's must complete the checks in pairs and announce themselves before keying into a student's room.

## Roommate Agreement Form

Within the first couple weeks of the semester, all residents in the Classics and the Suites will be required to complete roommate and/or suitemate contracts. This is a form that the RA will provide to the students and which we recommend the students make an effort to complete before meeting with the RA to fully complete. The students keep a copy of the form as well as the RA keeps a copy that they turn into their RLC. These

agreements can be helpful if any problems arise later in the academic year to help the residents and RA calmly begin to discuss what changed from the agreement.

RA's in CVB are not currently required to complete apartment-mate agreements with their residents at the beginning of the academic year, but having apartment residents establish similar agreements about cleaning schedules, sharing kitchen utensils, etc. can greatly help prevent problems.

If residents in any area begin to show that they are having difficulty getting along, the Community Living Handbook does state that any resident can be required to complete a roommate agreement, which will serve as a tool for the residents to learn how to communicate better and live peacefully together.

### **Damage Charges**

Residents will be held responsible for any and all damages that occur in their living area while they are living in that space. This includes minor damages, such as thumbtack holes (from hanging pictures on a wall), and major damages, such as broken furniture. Where appropriate, the damage charge will be divided among possible residents.

If residents know who caused damage in their area, they should get that student to sign the blue half-paged "Damage Responsibility Acceptance" form. If a guest caused damage, the resident this guest was visiting should sign this form.

If a resident refuses to accept responsibility for damage that they or their guest caused, the residents should notify the RA, who should document this in an incident report.

Most damage charges are assessed when a resident moves out, but if maintenance staff enter a room to make a repair and see major damage, they will charge the residents mid-way through the year. When residents receive damage charges, the charge is assessed to their account via MySJSU and they receive separate notification (often by e-mail) of the charge. If residents have questions or want to appeal a charge, they should contact the UHS staff member who sent the notification.

### **Keys and Lost Keys**

Licensees (residents) are responsible for their keys. Lost keys should be reported to the ARLC or RLC immediately. Under no circumstances should keys be duplicated or loaned to other individuals. It is a misdemeanor to reproduce any University keys or to use University keys without proper authorization. If a key is found or turned in, please give it to your ARLC or RLC, as they can review a key code list and determine which room it belongs to in order to return the key.

#### **To request a replacement key:**

If a key needs replacing for whatever reason, the student must go to their ARLC or RLC who will complete a pink key request card with the student's name, residence hall, room or apartment number, and reason for loss of key or access card. The pink card must have the ARLC or RLC's signature. The student takes this card to the main UHS office and gives it to the front desk. The new key is typically ready in one business day. The replacement cost for lost keys is as follows:

\$75 for lost room key (includes re-coring lock)

\$25 for lost access card

To get their new key, the resident will receive a note on their door when the lock has been changed telling them to come to University Housing Services office between the hours of 9am - 4pm for their new key. They must present an ID to pick up their keys and if they are the student who lost their key, they will be required to pay when they get their new key.

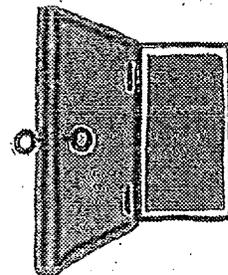
If applicable, the roommate who did not lose their key must also go to the University Housing Office to turn in their old room key and sign for their new one but should not be charged.

Please note, often students don't want to pay the charge for replacing their key, so they will not complete the paperwork to replace their key. If you hear a resident saying this, please let them know the following:

- when they check-out, they have to turn in a key, so eventually, they will be charged
- if they don't have \$50 just lying around, they can work out a payment plan with the UHS cashier to make it more manageable
- even though we like to think our buildings are secure, theft is an issue, and leaving a door unlocked is not safe for the resident or their belongings.

### Lock-Out Procedures

If a resident is locked-out, they need to go to their building's front desk (if it is open) or to locate an RA, ARLC, or RLC to let them in. As an RA, ask for their name and room number and to see their Tower ID. You will need to confirm with a building roster that they are requesting to be let into the room they are actually assigned to. Residents can not be let into a friend's room without written permission from the resident of the room, which must be arranged beforehand with the ARLC/RLC who will notify you of these special circumstances.



Residents receive 1 free lock-out each semester. The second lock out costs \$15, the third costs \$30, and the fourth costs \$60. Also, on the 4<sup>th</sup> lock-out, the resident will be written up. Whenever you let residents into a room, suite, or apartment, you must record this in your building's lock-out log; residents should then show you their key to prove they are not lost. We want to be certain that residents are not receiving excessive free lock-outs, since this creates extra work, primarily for the RA staff.

### Room Change Procedures

#### During the room change period:

A couple weeks into each semester, information and the exact dates will be posted for the formal room change process. During this time, residents will have an opportunity to complete a Room Change Request form, which must be submitted to the ARLC/RLC who will later notify the resident if the room change is approved or not. If a resident wants a room change, they can specify either which specific room they would like to move into or generally what type of room they would like (ex: any double in Joe West.) Residents who are granted a room change are given a specific deadline when the move must be complete, including officially checking-into the new room and checking-out of the old room.

#### After the room change period is over:

If residents want a room change outside of the standard room change period, they will need to meet with the ARLC/RLC in order to explain the reason for their request. Often students who are not getting along with their roommate feel like moving would be easier than trying to resolve their issues. In these cases, the room change may not be approved, and as an RA, you may be required to lead a mediation session between the two or more roommates. The reason for this is that the staff wants residents to learn how to communicate in difficult

situations as well as learn how to get along with people different from themselves. If the ARLC/RLC recognizes that the situation is too stressful for both residents to remain living in the same room, as an RA, you may be required to lead a conversation with both residents about how they each contributed to the problems in the relationship and what they can do differently to get along better with their next roommate.

### Returning Resident Room Selection Process

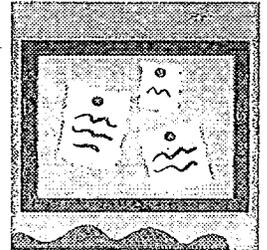
Each spring (typically in March and April), information is distributed to residents about the returning resident room selection process. During this time, residents who wish to return to on-campus housing the following academic year can sign up for their room for the next year. The ARLC/RLC will review further information about this and the exact dates for this process as the time comes, but if residents ask about this, here are some tips for them:

- Preference is almost always given if residents can fill an entire living area (room in the Classics or Apartment/Suite in Campus Village) so they should try to get together with multiple friends to sign-up together.
- When the paperwork comes out, residents are expected to read it closely and follow all steps completely. This includes being aware of any payment deadlines and knowing what to bring when they want to sign-up for a room.
- Residents are encouraged to sign-up as quickly as possible in order to have the best selection of available rooms.
- If residents have any questions, they should go to or call the UHS office.

### Posting and Distribution Policy

Any item posted in UHS residence halls must either be for a program sponsored by an RA or building hall council or must be stamped with the UHS 'approved for posting' stamp. Outside groups, including student groups and clubs, are not permitted to post or distribute information in the residence halls unless it has been approved by UHS.

If you see information posted or distributed in the residence halls, you are expected to remove it and notify your ARLC/RLC. If you see someone posting or distributing unapproved materials in the buildings, you are expected to confront them, inform them of the policy and direct them to the UHS office to request approval to distribute their information.



University Housing Services does not permit off-campus groups to post or distribute any items in the residence halls. UHS reserves the right to deny any request from an on-campus group that is deemed to contain sexist, racist, or provocative material or that which contains alcohol and other drugs.

As an RA, any poster or flyer you create for a program must include the following:

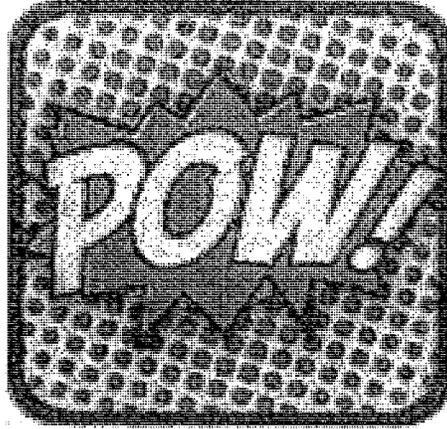
- The statement, "This event is wheelchair accessible. For questions, please call (your name) at (your bedroom extension)."
- If the event is not actually wheelchair accessible, please discuss this with your ARLC/RLC.

Posting is only permitted in specific areas within the halls, RLCs and ARLCs can provide these locations. Posters in the common areas of the bricks and Joe West need to be on fire retardant paper or covered with contact paper.

All advertisements must be taken down within 24 hours after the program has been completed.



# CHAPTER 10



# STAFF RESPONSIBILITIES

## Residential Life Job Descriptions

Because of the length of the job descriptions, they can be found on the UHS Website at the following location: [http://www.housing.sjsu.edu/abt\\_employment.html](http://www.housing.sjsu.edu/abt_employment.html)

The following job descriptions will be available:

- Associate Director of Residential Life – Stephanie Hubbard
- Assistant Director for Staff and Leadership Development – Natina Gurley
- Residential Life Coordinator
- Assistant Residential Life Coordinator
- Senior Resident Advisor
- Resident Advisor
- Themed Resident Advisor
- Office Assistant

## Resignation/Termination of Student Assistant Staff

All student assistants (including RAs and ARLCs) will be required to submit a letter of resignation to you if they leave before the end of each semester or the end of their contract – December or May (June).

The department is required to pay the student assistant within 72 hrs of their last day of employment, if they give us a minimum of 72 hours. If the student assistant gives you less than 72-hrs notice they will be paid 72-hrs after their last day of employment.

All hours posted to the student assistants PeopleSoft account will need to be deleted and a paper/manual time sheet will need to be submitted to the Administrative Assistant.

Student Assistants who have direct deposit will receive their check within 72-hrs. Student Assistants who do not have direct deposit will receive a revolving funds checks.

*Give your supervisor two-weeks written notice of resignation if leaving your position before end of semester (or contract). Failure to provide two- weeks notice, will result in a delay in your receiving your final paycheck.*

## Residential Life Evaluation/Feedback Timeline and Forms

- The Evaluation/Feedback process timeline will be shared during the October All Staff Meeting
- Copies of Evaluation Forms can be found in this section. The evaluation form is intended to mirror all responsibilities of the RA Position.



**RA/TCRA  
EVALUATION**  
(To be Completed by RLC/ARECs and RAs for Self Evaluation)  
RESIDENTIAL LIFE - UNIVERSITY HOUSING SERVICES

**RA/TCRAs should complete all items that are HIGHLIGHTED in YELLOW.**

Name: \_\_\_\_\_ Building: \_\_\_\_\_

Date of Evaluation: \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

Name of Supervisor: \_\_\_\_\_ Name of Supervisor: \_\_\_\_\_ Name of Supervisor: \_\_\_\_\_

*The supervisor will rate the RA on each of the key job elements. Supporting comments are provided in the narrative at the end of each section with references to the corresponding section number if appropriate.*

- |   |  |                               |  |                             |                                 |
|---|--|-------------------------------|--|-----------------------------|---------------------------------|
| 1 = Unsatisfactory<br>Performance,<br>Consistently Does<br>Not Meet<br>Expectations | 2 = Needs<br>Improvement<br>Occasionally<br>Does Not<br>Meet<br>Expectations | 3 = Meets<br>Expecta<br>tions | 4 = Above<br>Averag<br>e<br>Expecta<br>tions | 5 = Exceeds<br>Expectations | NB = No Basis<br>for<br>Comment |
|---|--|-------------------------------|--|-----------------------------|---------------------------------|

**COMMUNITY DEVELOPMENT**

Self Eval	1st	2nd	← (semester of evaluation)
			1. Encourages personal, social, and academic development of students. (A-1)
			2. Is available and visible on the floor and in the hall. (A-1)
			3. Interacts with residents regularly in the dining hall. (A-1)
			4. Initiates, plans and implements a Community Development Activities with the floor/suite/apt or building which address the needs and concerns of the residents. (A-1, B-2)
			5. Changes Bulletin Boards on a monthly basis replacing with materials that are conducive to the positive development of community; replaces posters and fliers when outdated. (A-1, B-2)
			6. Supports and encourages students in the development of an effective Hall Government including attending and participating in Hall Government as required by the RLC/ARLC.

		(A-1, B-4)
		7. Works with floor/area representatives to establish a positive community. (B-4)
		8. Is knowledgeable of campus agencies, services and functions. (A-2)
		9. Provides residents with academic and personal support by serving as a resource for information and through referrals. (A-2)
		10. Is an effective mediator in conflict situations. (A-3)
		11. Responds appropriately to behaviors that violate community/campus standards and expectations; responds to problem conduct or behavior of individuals or groups using appropriate interventions and refers violations through the appropriate judicial channels when necessary.(A-6)
		12. Follows prescribed procedures for documentation of conduct issues. Follows up with residents to have developmental conversations about the conduct process and decision making. (A-6)
		13. Promotes an environment which encourages tolerance and understanding. (A-5)
		14. Is a positive role model for personal behavior and academic pursuits and adheres to all residence hall policies and procedures. (A-4, A-8)
		15. Encourages residents to explore and understand the diversity of the community. (A-8)
		16. Responds to student concerns and relays those concerns to the RLC/ARLC, Facilities, UHS, or other departments in a timely manner. (A-7)
		17. TCRA Only: Educated about specific needs related to Theme Community and works with RLC, LLC, Faculty Liaison and Theme Community Committee in overall development of community. (A-12, A-13, A-17)
		18. TCRA Only: Successfully managed creating and leading Fall and Spring retreat.
		19. TCRA Only: Successfully works to advertise and market the Theme Community to perspective residents (through Open Houses, Preview Day, Returning Resident Process, etc). (A-14, A-15)
		20. TCRA Only: Successfully works to create and provide an academic component to the overall success of community. (A-18)
		21. TCRA Only: Responds appropriately to student needs related to community by conducting floor meetings, bi-weekly meetings, meetings with faculty/staff liaisons, etc. (A-16, A-19)

1<sup>st</sup> Semester Summary of RA/TCRA Self Feedback (completed by RA/TCRA): \_\_\_\_\_

2<sup>nd</sup> Semester Summary of RA/TCRA Self Feedback (Completed by RA/TCRA)

1<sup>st</sup> Semester RLC/ARLC Overall Evaluation for Community Development (Average Score) (Completed by RLC/ARLC): \_\_\_\_\_

2<sup>nd</sup> Semester RLC/ARLC Overall Evaluation for Community Development (Average Score) (Completed by RLC/ARLC): \_\_\_\_\_

COMMUNITY/EDUCATIONAL PROGRAMMING

Self Eval	1 <sup>st</sup>	Self Eval	2 <sup>nd</sup>	← (semester of evaluation)
				1. Works collaboratively with RLC/ARLC to organize and implement educational programs that are consistent with the department's values and mission: Academic Success, Community Development, Student Transitions, Service to a Diverse Student Body. (B-1)
				2. Works collaboratively with RLC/ARLC to organize educational programs each semester that are consistent with the department's programming model: Multicultural Competence, Values & Identity, Communication, Civic Engagement and Lifelong Learning. (B-1)
				3. Initiates, plans and implements eight programs per semester for floor/suite/apt or building. Additional programs may be required at the discretion of RLC/ARLC. (B-1)
				4. Implements specific programs (roommate, opening program, safety and security, special needs) as required by the job description and supervisor. (B-3, B-6)
				5. Completes all administrative program planning and evaluation materials in a timely manner. (B-1)
				6. Addresses community issues and generates discussions at regularly scheduled floor/area meetings. (A-1, B-9)
				7. Participates in major hall or area functions (e.g. events sponsored by Hall Government, RHA, NRHH, and other Hall Staff members). (B-4)
				8. Encourages residents to participate in hall and campus community events (e.g. events sponsored by AS, campus departments and organizations). (B-8)
				9. Supports and publicizes campus academic services. (B-5)
				10. Works with the RLC/ARLC/Residents to integrate academic success into their community. (B-5)

1<sup>st</sup> Semester Summary of RA/TCRA Self Feedback (Completed by RA/TCRA): \_\_\_\_\_

2<sup>nd</sup> Semester Summary of RA/TCRA Self Feedback (Completed by RA/TCRA)

1<sup>st</sup> Semester RLC/ARLC Overall Evaluation for Community/Educational Programming (Average Score)  
 (Completed by ARLC/RLC): \_\_\_\_\_

2<sup>nd</sup> Semester RLC/ARLC Overall Evaluation for Community/Educational Programming (Average Score)  
 (Completed by RLC/ARLC): \_\_\_\_\_

STAFF/ADMINISTRATIVE RESPONSIBILITIES

Self Eval	1 <sup>st</sup>	Self Eval	2 <sup>nd</sup>	← (semester of evaluation)
				1. Attends and participates in system wide and in-service training sessions including completing the RA Course. (C-1)
				2. Attends and participates in staff meetings. (C-2)
				3. Performs duties in preparation for the opening and closing of the residence halls; assists students to occupy and vacate rooms by following established check-in and check-out procedures. (Terms of Employment)
				4. Consistently fulfills duty shifts and requirements according to the expectations outlined by the staff manual and RLC. (C-5)
				5. Consistently fulfills DC duty shifts and expectations associated with..(C-5)
				6. Consistently follows prescribed procedures for reporting policy violations, including contacting ARLC, RLC, UPD and other needed campus resources. (C-5)
				7. Regularly attends individual meetings with RLC/ARLC and comes prepared to discuss issues and concerns. (C-6)
				8. Communicates regularly and in a timely manner with RLC/ARLC about all aspects of job. Responds to e-mail and phone calls in a timely manner. (C-6)
				9. Completes paperwork and administrative tasks in a timely and competent manner. (C-3, C-4)
				10. Disseminates campus and department information to residents in a timely and effective manner, including effective use of community bulletin boards. (C-8)
				11. Fulfills special project responsibilities or other programs/projects assigned (i.e. surveys, committee meetings, staff projects, new RA/TCRA selection, Returning Resident Room Selection etc). (B-7)
				12. TCRA Only: Successfully created newsletters and managed information flow through the development of successful e-communities. (C-10)
				13. TCRA Only: Successfully interacted with appropriate Faculty/Staff. (C-11)
				14. TCRA Only: Attends additional training and meetings as needed. (C-12).

1<sup>st</sup> Semester Summary of RA/TCRA Self Feedback (Completed by RA/TCRA): \_\_\_\_\_

Semester Summary of RA/TCRA Self Feedback (Completed by RA/TCRA)

1<sup>st</sup> Semester RLC/ARLC Overall Evaluation for Staff/Administrative Responsibilities (Average Score)  
 (Completed by RLC/ARLC): \_\_\_\_\_

2<sup>nd</sup> Semester RLC/ARLC Overall Evaluation for Staff/Administrative Responsibilities (Average Score)  
 (Completed by RLC/ARLC): \_\_\_\_\_

**D. RELATED DUTIES**

Self Eval	1st	2 <sup>nd</sup>	← (semester of evaluation)
			1. Reports maintenance problems in a timely manner and provides follow up when necessary; Investigates and follows up on all damage to resident rooms, hallways, and public areas. (D-1)
			2. Informs residents of fire evacuation procedures and general safety and security policies and procedures. (D-1)
			3. Is responsible with staff keys and other supplies. (D-3)
			4. Is responsible with staff privileges (i.e. use of office, use of phones, office equipment). (D-4)
			5. Maintains confidentiality and objectivity in matters related to students and staff. (D-5)
			6. Maintains positive working relationships with other Hall Staff, UHS and Dining Services Staff. (D-2)

1<sup>st</sup> Semester Summary of RA/TCRA Self Feedback (Completed by RA/TCRA): \_\_\_\_\_

Semester Summary of RA/TCRA Self Feedback (Completed by RA/TCRA)

1<sup>st</sup> Semester RLC/ARLC Overall Evaluation for Related Duties (Average Score) (Completed by RLC/ARLC): \_\_\_\_\_

2<sup>nd</sup> Semester RLC/ARLC Overall Evaluation for Related Duties (Average Score) (Completed by RLC/ARLC): \_\_\_\_\_

**SUMMARY OF STRENGTHS AND AREAS FOR IMPROVEMENTS**

**TO BE COMPLETED BY SUPERVISOR:**

1<sup>st</sup> Semester (Fall):

Strengths:

Areas for Improvement:

2<sup>nd</sup> Semester (Spring):

Strengths:

Areas for Improvement:

**1<sup>st</sup> Semester (Fall) Overall Evaluation Score (Average of All Sections) (To Be Completed by RLC/ARLC):** \_\_\_\_\_

**1<sup>st</sup> Semester (Fall) Overall Comments (Completed by RA/TCRA):** \_\_\_\_\_

**1<sup>st</sup> Semester (Fall) Overall Comments (Completed by RLC/ARLC):** \_\_\_\_\_

**2<sup>nd</sup> Semester (Spring) Overall Evaluation Score (Average of All Sections) (To Be Completed by RLC/ARLC):** \_\_\_\_\_

**2<sup>nd</sup> Semester (Spring) Overall Comments (Completed by RA/TCRA):** \_\_\_\_\_

**2<sup>nd</sup> Semester (Spring) Overall Comments (Completed by RLC/ARLC):** \_\_\_\_\_

**Signatures**

1<sup>st</sup> Semester (Fall) Signatures:

\_\_\_\_\_  
Signature of RA/TCRA

\_\_\_\_\_  
date

*(signature indicates that you have read the evaluation, not necessarily that you agree with it)*

Staff Member Comments regarding Evaluation (to be completed after evaluation meeting):

\_\_\_\_\_  
Signature of Residential Life Coordinator / Assistant Residential Life Coordinator

\_\_\_\_\_  
date

2<sup>nd</sup> Semester (Spring) Signatures:

Signature of RA/TCRA

date

*(signature indicates that you have read the evaluation, not necessarily that you agree with it)*

Staff Member Comments regarding evaluation (to be completed after evaluation meeting)

Signature of Residential Life Coordinator/Assistant Residential Life Coordinator

date

**Intent to Return**

**To be completed by Resident Advisor/Themed Community Resident Advisor**

I do wish to return to staff for the 2010-2011 academic year.

**Or**

I do not wish to return to staff for the 2010-2011 academic year.

**Recommendation for 2010-2011 Re-Appointment (To Be Completed by RLC/ARLC)**

**The following applies for this RA/TCRA in regards to returning to staff for 2010-2011:**

Based on this evaluation, is recommended for re-appointment without reservation

**Or**

Based on this evaluation, is recommended for re-appointment with reservation.

Re-appointment is contingent upon meeting the goals outlined in the "Areas for Improvement" sections and successful re-evaluation to take place before new staff placement in the spring of 2010.

Should you check this, please provide comments below as to what your reservations consist of:

**Or**

Based on this evaluation, is NOT recommended for re-appointment.

Updated 8/12/09

**San Jose State University**  
**Residential Life – University Housing Services**  
 Resident Advisor Conference Assistant  
 Role Evaluation

Staff Member's Name: \_\_\_\_\_

Please rate the following questions according to this scale:

(NB)	(1)	(2)	(3)	(4)	
No Basis for Comment	Strongly Disagree	Disagree	Agree	Strongly Agree	
1. This person has made an effort to get to know me.	1	2	3	4	NB
2. I have made an effort to get to know this person.	1	2	3	4	NB
3. I have seen this person interact positively with residents.	1	2	3	4	NB
4. I feel supported by this person.	1	2	3	4	NB
5. This person is someone I would feel comfortable going to with a question.	1	2	3	4	NB
6. I feel comfortable referring a resident to this person.	1	2	3	4	NB
7. In an emergency, I trust that this person would know what to do.	1	2	3	4	NB
8. I feel that this staff member is an appropriate role model for staff and students.	1	2	3	4	NB
9. I feel that this staff member handles conflict and duty issues well.	1	2	3	4	NB
10. I feel that this staff member has a good understanding of the needs and/or issues of his/her community.	1	2	3	4	NB
11. When/if I have collaborated with this staff member on programs/projects, I feel that this staff member fulfilled their responsibilities.	1	2	3	4	NB
12. This staff member excels in:					
13. This staff member needs to improve in:					
14. Overall, I think that this staff member's performance is:					

## Student Staff Expectations

- **READ** - All student staff members are expected to read their staff manual, their job descriptions and e-mails. IT IS IMPERATIVE THAT YOU FOLLOW STAFF POLICIES AND PROCEDURES that can be found in this manual as well as e-mails. **BEFORE YOU ASK THE QUESTION, PLEASE THINK TO YOURSELF: HAS THE ANSWER TO THIS QUESTION BEEN PROVIDED TO ME?**
- **E-Mail**- All student staff receive a Housing email address, this will be the official avenue for communication with your Residents, RLC and ARLC, you are expected to check this e-mail daily and respond in a timely manner. **IT IS IMPORTANT THAT YOU READ THROUGH E-MAIL THOROUGHLY AND RESPOND AS NEEDED WHEN ASKED.** It is a suggestion that when receiving e-mail updates that you read it twice to fully understand what is being communicated and/or being asked of you.
- **Voice Mail**-All student staff will receive voicemail through their telephone in their bedroom. The outgoing message needs to be appropriate and to identify the student staff member by name and title. You are expected to check voice mail daily and to respond in a timely manner.
- **Office Mailbox**-All RAs will receive a mailbox in their area office, RLCs and ARLCS will put things in these mailboxes regularly. You are expected to check this mailbox minimally every other day you are also expected to keep this mailbox cleaned out, it is not a storage locker, anything placed in the mailbox to be posted should be posted within 12 hours of receiving it.
- **Programming database**-all programs are expected to be entered into the programming database in a timely manner, evaluations should be complete immediately after programs are finished.
- **Incident Reports**-Incident reports are expected to be filed immediately after an incident is complete. The official deadline for filing an incident report is 10:00 AM the next morning.
- **FERPA**- The Federal Education Rights Privacy Act mandates much of the information we are and are not able to share. Student staff is expected to have a basic understanding of FERPA and to comply by all guidelines.

THESE ARE MINIMAL EXPECTATIONS SET BY THE DEPARTMENT. PLEASE FOLLOW EXPECTATIONS LISTED IN THE JOB DESCRIPTION AND PRESENTED TO STAFF MEMBERS BY THEIR SUPERVISORS.

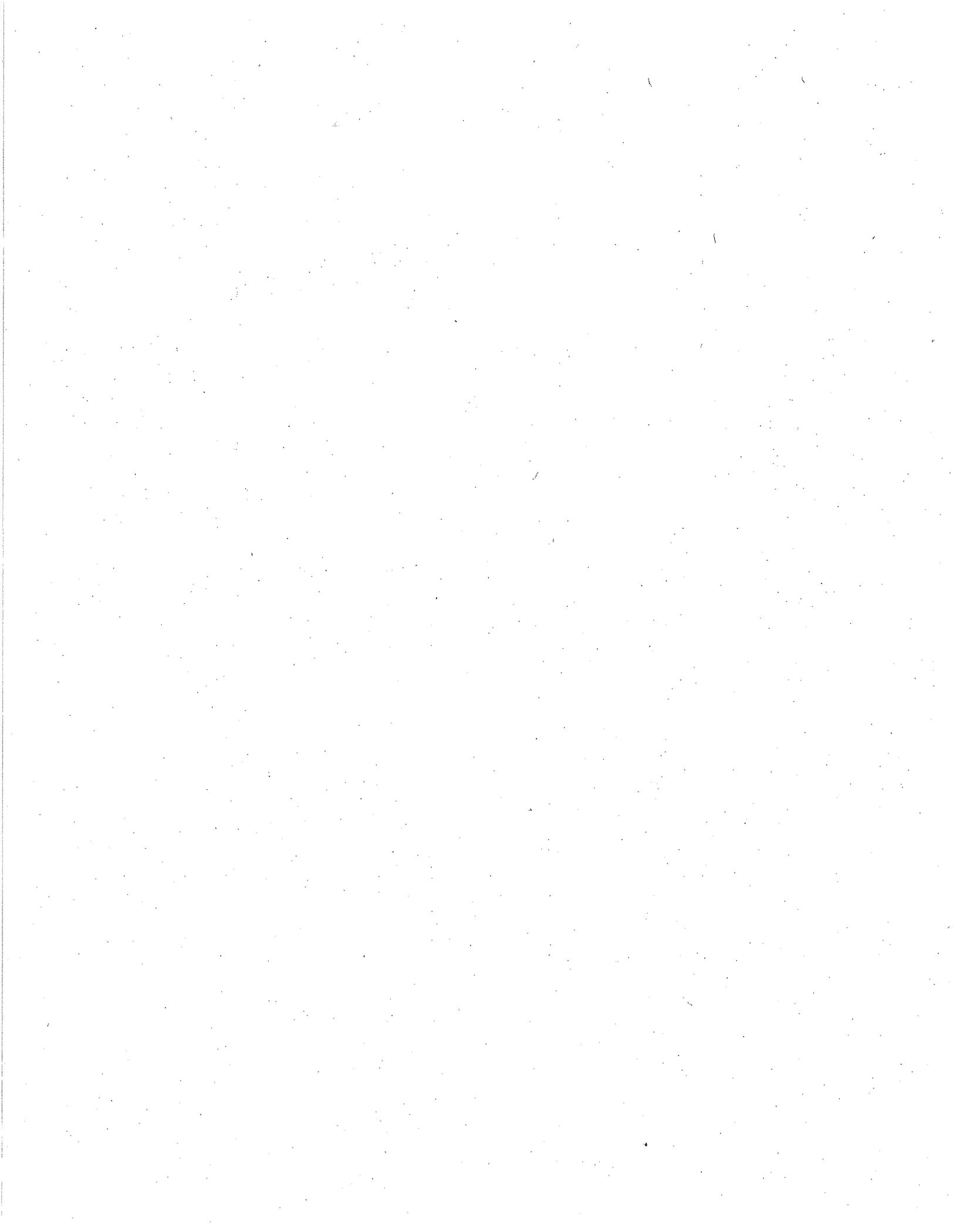
As a Student Assistant, you are subject to release from the position at any time. Failure to meet expectations or to continually meet expectations, show initiative, follow directions may result in release from your position.

## Duty Expectations

General:

**Structure**- RAs are on duty to respond to emergency and resident issues daily from 7PM-8AM. On Weekends, RAs are on duty from 7PM-7PM Friday, 7PM-7PM on Saturday, etc.

**Availability**- RAs on duty should be at the desk from 7:00 PM-10:00 PM.



THE CALIFORNIA STATE UNIVERSITY  
OFFICE OF THE CHANCELLOR

BAKERSFIELD

April 6, 2012

CHANNEL ISLANDS

CHICO

MEMORANDUM

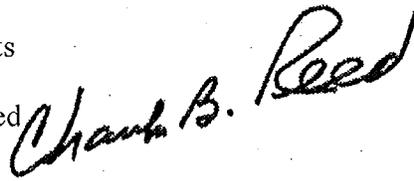
DOMINGUEZ HILLS

EAST BAY

TO: CSU Presidents

FRESNO

FROM: Charles B. Reed  
Chancellor



FULLERTON

SUBJECT: Implementation of Title IX of the Education Amendments of 1972  
and Related Sexual Harassment/Violence Legislation for CSU  
Students — Executive Order 1072

HUMBOLDT

LONG BEACH

LOS ANGELES

Attached is a copy of Executive Order 1072 regarding implementation of Title IX of the Education Amendments of 1972 and related sexual harassment/violence legislation for CSU students, which supersedes Executive Order 993.

MARITIME ACADEMY

MONTEREY BAY

In accordance with policy of the California State University, the campus president has the responsibility for implementing executive orders where applicable and for maintaining the campus repository and index for all executive orders.

NORTHRIDGE

POMONA

If you have questions regarding this executive order, please contact the Office of General Counsel at (562) 951-4500.

SACRAMENTO

CBR/gsb

SAN BERNARDINO

Attachment

SAN DIEGO

c: Executive Staff, Office of the Chancellor

SAN FRANCISCO

SAN JOSÉ

SAN LUIS OBISPO

SAN MARCOS

SONOMA

STANISLAUS

THE CALIFORNIA STATE UNIVERSITY  
Office of the Chancellor  
401 Golden Shore  
Long Beach, California 90802-4210  
(562) 951-4500

**Executive Order:** 1072  
**Effective Date:** April 6, 2012  
**Supersedes:** Executive Order 993  
**Title:** Implementation of Title IX of the Education Amendments of 1972 and Related Sexual Harassment/Violence Legislation for CSU Students

This executive order provides direction on implementing Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et seq.) and its implementing regulations (34 C.F.R. Part 106) ("Title IX"); the California Equity in Higher Education Act (Education Code §66250 et seq.); California Education Code §67385.7; and the Governor's "California Campus Blueprint to Address Sexual Assault" for CSU students.

**Legislative Requirements**

Title IX is a federal law that prohibits discrimination on the basis of sex in an educational institution's academic, educational, extracurricular and athletic activities (both on and off campus). Title IX protects all people regardless of their gender or gender identity from sexual harassment and violence, which are forms of sex discrimination. The U.S. Department of Education Office for Civil Rights published guidance concerning sexual harassment in 2001 ("*Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*") and more recently in an April 4, 2011 "Dear Colleague" letter. Under Title IX, CSU campuses are required to (1) publish and widely disseminate a notice of nondiscrimination on the basis of sex; (2) designate an employee to coordinate Title IX compliance; (3) adopt appropriate complaint and investigation procedures; (4) implement education and victim resource programs; (5) provide training to the campus community on how to identify and report harassment; and (6) provide training to appropriate employees about how to investigate allegations of sexual discrimination (including harassment and violence).

The California Equity in Higher Education Act and Education Code §67385.7 together require campuses to provide, as part of all student orientations, educational and preventative information about sexual violence, and to post sexual violence prevention and education information on the campus website.

The "California Campus Blueprint to Address Sexual Assault" provides guidance on steps that can be taken to improve individual campus responses to sexual assault. Copies of the Blueprint may be obtained from <http://www.calcasa.org>.

**Title IX Notice of Nondiscrimination**

Each CSU campus is required to post a Title IX notice of nondiscrimination on the basis of sex prominently on its website and in electronic and printed publications of general distribution. Campuses must also post the notice in a prominent location on campus, such as in the main administration building or other locations where other notices regarding campus rules, regulations, procedures and standards of conduct are posted.

The notice should make clear what kind of conduct constitutes sexual discrimination, including sexual harassment and violence, and that such conduct is prohibited sex discrimination.

**"Sexual Discrimination"** means an adverse act of sexual discrimination (including sexual harassment and sexual violence) that is perpetrated against an individual on a basis prohibited by Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., and its implementing regulations, 34 C.F.R. Part 106 ("Title IX"); California Education Code §66250 et seq. and/or California Government Code §11135.

**"Sexual Harassment"** is unwelcome conduct of a sexual nature that includes, but is not limited to: sexual violence; sexual advances; requests for sexual favors; indecent exposure; and other verbal, nonverbal or physical unwelcome conduct of a sexual nature, where such conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the individual, and is in fact considered by the individual, as limiting the individual's ability to participate in or benefit from the services, activities or opportunities offered by the university. Sexual harassment also includes gender-based harassment, which may include acts of verbal, non-verbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

**"Sexual Violence"** means physical sexual acts (such as unwelcome sexual touching, sexual assault, sexual battery and rape) perpetrated against an individual without consent or against an individual who is incapable of giving consent due to that individual's use of drugs or alcohol, or disability.

Sexual violence prevention and education information also should be provided, along with the availability of, and contact information for, campus and community resources for victims of sexual violence, including the campus Title IX Coordinator(s) and the

U.S. Department of Education Office of Civil Rights. The notice should also include:

- Common facts and myths about the causes of sexual violence;
- Information about dating violence, rape, sexual assault, domestic violence, and stalking crimes, including details about how to file internal administrative complaints with the campus and how to file criminal charges with local law enforcement officials;
- Information regarding campus, criminal and civil consequences of committing acts of sexual violence; and
- A statement explaining that the university's primary concern is the safety of members of the campus community; that the use of alcohol or drugs never makes the victim at fault for the sexual violence; that victims should not be deterred from reporting incidents of sexual violence out of a concern that they might be disciplined for related violations of drug, alcohol, or other university policies; and that except in extreme circumstances, victims of sexual violence shall not be subject to discipline for related violations of the Student Conduct Code.

### **Complaint Procedures**

Title IX requires that the CSU adopt and publish complaint procedures that provide for "prompt and equitable" resolutions of sex discrimination complaints, including sexual harassment and sexual violence.

Complaints made by students<sup>1</sup> against the CSU, a CSU employee, other CSU students or a third party. Executive Order 1074, entitled "Systemwide Policy Prohibiting Discrimination, Harassment, and Retaliation Against Students and Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students" is the appropriate systemwide procedure for all complaints of sex discrimination, harassment or violence made by CSU students (including applicants for admission) against the CSU, a CSU employee, a CSU auxiliary or CSU auxiliary employee, another CSU student or a CSU vendor.

Regardless of whether a student ultimately files a complaint under the applicable complaint procedure, if the campus knows or has reason to know about possible harassment or discrimination, it must review the matter to determine if an investigation is warranted. All such investigations must be prompt, thorough and impartial. The campus must then take appropriate steps to eliminate the harassment/discrimination, prevent its recurrence, and remedy its effects.

### **Campus Title IX Coordinator(s)**

Each campus is required to designate a Title IX Coordinator to monitor and oversee overall implementation of Title IX compliance, including coordination of training, education, communications, and administration of complaint procedures for faculty, staff,

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<sup>1</sup> For purposes of this executive order, the term "students" includes applicants for admission.

students and other members of the campus community. The designated coordinator should be someone without other institutional responsibilities that could create a conflict of interest (e.g., someone serving as university counsel or as a disciplinary decision maker). The Title IX Coordinator(s) must have adequate training on what constitutes sexual discrimination, including harassment and violence, as well as how to investigate such complaints. The Title IX Coordinator(s) must also understand how campus and systemwide complaint procedures operate.

It is important to note that Title IX prohibits sex-based discrimination in all educational programs, including athletics. Title IX measures gender equity in athletics in three distinct areas: (1) participation; (2) scholarships; and (3) other benefits, including the provision of equipment and supplies, scheduling, travel, tutoring, coaching, locker rooms, facilities, medical and training facilities and services, publicity, recruiting, and support services. Because the Title IX requirements governing gender equity in athletics are complex and require coordination with NCAA and other rules, campuses may wish to consider designating both a "senior" and a "deputy" Title IX Coordinator, with the latter handling only gender equity in athletics issues while reporting to the senior Title IX Coordinator ultimately responsible for campus-wide compliance. If a campus elects to have more than one coordinator, the requisite Title IX notice of nondiscrimination should describe each coordinator's respective role and responsibilities.

In addition to coordinating training, education and preventative measures, addressed below, the Title IX Coordinator's duties include:

- Ensuring that the complainant is notified of the right to file a criminal complaint;
- Meeting with the complainant on a regular basis to determine what steps (interim and ultimate) should be taken to protect the complainant from any hostile or unsafe environment resulting from the sexual harassment/violence, and ensuring that such steps are taken;
- Working with and training campus law enforcement personnel to provide information on Title IX requirements to ensure that reports of sexual violence are appropriately handled;
- Overseeing all complaints of discrimination and harassment and their related investigation and resolution, including complaints against students handled through the student discipline process;
- Reviewing the outcome of student disciplinary proceedings involving cases of alleged sexual violence to determine whether any remedies need to be provided to the victim that were not made available during the discipline process;
- Creating a committee of students and campus officials to identify strategies for ensuring that students know how to identify and report sexual harassment/violence and know what remedies are available to victims;
- Regularly assessing student activities to ensure that the practices and behaviors do not violate policies against sexual harassment and violence and using the resulting information to inform proactive remedial steps; and
- Identifying and addressing any systemic or other patterns of sexual harassment.

**Training, Education and Preventative Measures**

Campuses must implement preventative education programs and make available victim resources, including comprehensive victim services. Information regarding these programs must be included in (1) orientation programs for new students, faculty and staff; (2) training for students who serve as advisors in residence halls; and (3) training for student athletes and coaches.

These educational programs should include a discussion of what constitutes sexual discrimination, including sexual harassment and sexual violence, what someone should do if s/he has been the victim of, or witness to, sexual discrimination/harassment/violence, the relevant campus and systemwide policies and disciplinary procedures, and the consequences of violating these policies.

The education and prevention programs provided shall also include the following:

- Common facts and myths about the causes of sexual violence;
- Information about dating violence, rape, sexual assault, domestic violence, and stalking crimes, including details about how to file internal administrative complaints with the campus and how to file criminal charges with local law enforcement officials;
- The availability of, and contact information for, campus and community resources for students who are victims of sexual violence;
- Methods of encouraging peer support for victims;
- Information regarding campus, criminal and civil consequences of committing acts of sexual violence; and
- A statement explaining that the university's primary concern is the safety of members of the campus community; that the use of alcohol or drugs never makes the victim at fault for the sexual violence; that victims should not be deterred from reporting incidents of sexual violence out of a concern that they might be disciplined for related violations of drug, alcohol, or other university policies; and that except in extreme circumstances, victims of sexual violence shall not be subject to discipline for related violations of the Student Conduct Code.

Campuses must also include such information in their employee handbook/policies and any handbooks/policies applicable to student athletes and members of student activity groups. These materials should provide guidance on how to identify and report sexual harassment and violence, and what others should do if they learn of an incident involving someone else.

All persons involved in implementing the campus Title IX complaint procedures (e.g., Title IX coordinators, investigators and adjudicators) shall have relevant training or experience with respect to the handling, investigation and analysis of complaints of sexual discrimination, harassment and violence, as well as the CSU complaint processes. The training shall also address applicable confidentiality issues, especially with respect to the campus's duty to weigh any alleged victim's request for confidentiality against its

duty to provide a safe and nondiscriminatory environment for all members of the campus community.

**Remedies and Enforcement**

The alleged victim should be notified of options for avoiding contact with the alleged perpetrator, including changes to the alleged perpetrator's or victim's academic or living situations, as appropriate. For example, the campus may prohibit the parties from having any contact with each other pending the outcome of the campus investigation and any ensuing discipline proceeding. Campuses should minimize the burden on the alleged victim and should not, as a matter of course, remove alleged victims from classes or housing while allowing the alleged perpetrator to maintain the status quo. Other possible interim (and ultimate) steps include providing an escort between campus locations in extraordinary cases where safety may be endangered; providing academic support services such as tutoring; arranging for the alleged victim to re-take a course or withdraw from a class without penalty and without adverse effect on his/her academic record; and reviewing any proposed disciplinary actions against the alleged victim to see if there is a causal connection between the discipline and the alleged incident.

Alleged victims also should be made aware of their Title IX rights and any available resources, such as counseling, health, and mental health services and the right to file a complaint with local law enforcement. Campuses must also ensure that alleged victims know how to report any subsequent problems, and Title IX coordinators or appropriate campus representatives should follow-up with alleged victims to determine whether any retaliation or new incidents of harassment or violence have occurred.

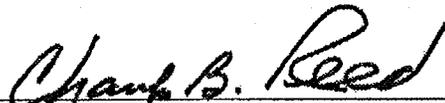
When addressing sexual assault, campuses should consider both on and off campus resources, including local rape crisis centers, municipal law enforcement agencies, district attorneys' offices and forensic medical examination sites. This allows campuses to draw upon the expertise and resources of a broader group of professionals, thereby marshalling and maximizing time-sensitive services and resources.

**Coordination with Criminal Investigations and Proceedings**

A pending (campus or local) police investigation does not relieve a campus of its responsibility to resolve sexual harassment and violence complaints: a campus may not wait until the conclusion of a police investigation to commence its own investigation, and must take immediate steps to protect the complainant. Although it may be necessary to temporarily delay the fact-finding portion of a Title IX investigation while the police are gathering evidence, once notified that the police have completed the fact gathering portion of their investigation, the campus must promptly resume and complete its own investigation. Subject to applicable law, the Title IX Coordinator should normally be given access to campus law enforcement investigation notes and findings as necessary for the Title IX investigation, so long as it does not compromise the criminal investigation.

Campus police should receive copies of and training on the CSU Title IX complaint procedures and any other procedures used for investigating reports of sexual harassment/violence. Campus police should request the complainant's consent to report incidents of sexual harassment/violence to the Title IX Coordinator; if the complainant refuses to give consent, the campus police should at a minimum encourage the complainant to file a Title IX complaint with the campus (in addition to filing a criminal complaint).

If a campus has an MOU with local law enforcement, the MOU must allow the campus to meet its Title IX obligation to resolve complaints promptly and equitably.

  
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Charles B. Reed, Chancellor

Dated: April 6, 2012

THE CALIFORNIA STATE UNIVERSITY  
OFFICE OF THE CHANCELLOR

BAKERSFIELD

April 6, 2012

CHANNEL ISLANDS

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MEMORANDUM

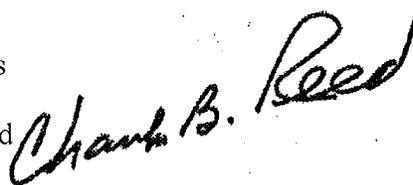
DOMINGUEZ HILLS

EAST BAY

TO: CSU Presidents

FRESNO

FROM: Charles B. Reed  
Chancellor



FULLERTON

HUMBOLDT

SUBJECT: Student Conduct Procedures — Executive Order 1073

LONG BEACH

Attached is a copy of Executive Order 1073, Student Conduct Procedures, which supersedes Executive Order 1043, issued in response to the April 2011 "Dear Colleague" letter from the U.S. Department of Education Office of Civil Rights addressing Title IX of the Education Amendments of 1972.

LOS ANGELES

MARITIME ACADEMY

MONTEREY BAY

In accordance with policy of the California State University, the campus president has the responsibility for implementing executive orders where applicable and for maintaining the campus repository and index for all executive orders.

NORTHRIDGE

POMONA

If you have questions regarding this executive order, please contact the Office of General Counsel at (562) 951-4500.

SACRAMENTO

CBR/gsb

SAN BERNARDINO

Attachment

SAN DIEGO

c: Executive Staff, Office of the Chancellor

SAN FRANCISCO

SAN JOSÉ

SAN LUIS OBISPO

SAN MARCOS

SONOMA

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THE CALIFORNIA STATE UNIVERSITY  
Office of the Chancellor  
401 Golden Shore  
Long Beach, California 90802-4210  
(562) 951-4500

**Executive Order:** 1073  
**Effective Date:** April 6, 2012  
**Supersedes:** Executive Order 1043  
**Title:** Student Conduct Procedures

**Article I. Authority and Purpose**

These procedures are established pursuant to section 41301 of Title 5 of the California Code of Regulations (Title 5), and govern all student disciplinary matters systemwide.

**Article II. Definitions**

- A. **Complainant** means an individual who claims to have been injured by, or have knowledge of, a student's violation of the Student Conduct Code, as defined below.
- B. **Discrimination** has the meaning defined in Executive Order 1074.
- C. **Executive Order 1074** is the Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Students and Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students, or any superseding executive order, if applicable.
  - 1. **DHR Administrator** means the campus administrator responsible for implementing Executive Order 1074.
- D. **Harassment** has the meaning defined in Executive Order 1074.
- E. **Student** means an applicant for admission to the CSU, an admitted CSU student, an enrolled CSU student, a CSU extended education student, a CSU student between academic terms, a CSU graduate awaiting a degree, and a CSU student who withdraws from school while a disciplinary matter is pending.
- F. **Student Conduct Code** means Title 5 §41301 et seq.

G. **Retaliation** has the meaning defined in Executive Order 1074.

H. **University** means the California State University, including its 23 campuses.

I. **University Property** means:

1. Real or personal property in the possession or under the control of the University; and
2. All University facilities whether utilized by a campus or a campus auxiliary organization.

J. **Working Days** are defined as Monday through Friday, excluding all official campus holidays or campus closures.

### **Article III. General Provisions**

#### **A. Student Conduct Administrator**

Each campus president shall assign a campus employee to be the student conduct administrator, whose responsibilities are to perform duties as prescribed in these procedures. All student conduct administrators shall have relevant experience or shall receive appropriate training regarding such issues as the student discipline process, the investigatory process, and the laws governing Discrimination, Harassment and Retaliation. The student conduct administrator serves at the pleasure of the president.

#### **B. Hearing Officers**

Each campus president shall appoint one or more persons to serve as hearing officers. They may be University employees (current or retired), managers or directors (current or retired) of a recognized campus auxiliary organization, attorneys licensed to practice in California, or administrative law judges from the Office of Administrative Hearings. Student conduct administrators and their subordinates, persons with a conflict of interest in the matter, and percipient witnesses to the events giving rise to the matter are ineligible to serve as hearing officers. The hearing officer conducts the hearing, determines whether a Student has violated the Student Conduct Code, and prepares a report that includes findings of facts and conclusions about whether the Student violated the Student Conduct Code and any recommended sanctions. All hearing officers shall have relevant experience or shall receive appropriate training regarding such issues as the student discipline process, the laws governing Discrimination, Harassment and Retaliation, Student and witness privacy rights, the Family Educational Rights and Privacy Act of 1974 (FERPA), and the role and duties (including impartiality and confidentiality) of the hearing officer.

#### **C. Advisors**

Both the Complainant and the Student charged may elect to be accompanied by an advisor to any meeting(s), conferences or interview(s). The advisor's role is limited to observing and

consulting with and providing support to the Complainant or Student charged; an advisor may not speak on the Student's/Complainant's behalf.

**D. Attorneys**

Student conduct proceedings are not meant to be formal court-like trials. Although University-related sanctions may be imposed, the process is intended to provide an opportunity for learning.

1. Each campus president determines by campus directive whether attorneys are permitted to be present in all or some campus proceedings. Any person who has a license (active or inactive) to practice law is considered an attorney for purposes of this executive order. The president's determination regarding the presence of attorneys applies to the Student charged, Complainant, and the campus, but not to the hearing officer, who may be an attorney in any case. If the Student charged is permitted to have an attorney present, the Complainant will also be permitted to have an attorney present.
  - a. The Student charged, Complainant and the campus may consult attorneys outside of the actual proceedings irrespective of the president's directive.
  - b. Notwithstanding any such directive, attorneys may attend hearings: (a) where there are pending criminal (felony) charges arising out of the same facts that are the subject of the disciplinary proceeding; or (b) where the recommended sanction is expulsion.
2. If authorized by the president's directive, attorneys may participate (if at all) only as advisors, and may not speak on behalf of their clients. Any Student who wishes to have an attorney present at the hearing must notify the student conduct administrator in writing at least five Working Days prior to the hearing.
3. In the absence of a president's directive, attorneys shall be excluded from disciplinary conferences and hearings, subject to the two exceptions set forth in D.1.b, above.

**E. Confidentiality**

Information provided to University employees shall be shared with other University employees and law enforcement exclusively on a "need to know" basis. University employees shall endeavor to honor any Complainant's or victim's request for confidentiality; however, the University shall also weigh requests for confidentiality against its duty to provide a safe and nondiscriminatory environment for all members of the campus community. Confidentiality, therefore, cannot be ensured.

**F. Other Student Conduct Code Violations Related to Incidents of Sexual Violence**

Victims should not be deterred from reporting incidents of sexual violence out of a concern that they might be disciplined for related violations of drug, alcohol, or other University.

policies. The University's primary concern is Student safety; therefore, except in extreme circumstances, victims of sexual violence shall not be subject to discipline for related violations of the Student Conduct Code.

**G. Interpretation of the Student Conduct Code and this Executive Order**

All issues regarding the hearing described in Article IV. D except those specifically noted are within the purview of the hearing officer for final determination. Questions of interpretation or application of the Student Conduct Code or this executive order are outside the purview of the hearing officer and are determined by the campus vice president for Student Affairs or designee.

**H. Delegation of Duties**

The duties of the president in these proceedings may be delegated to a vice president.

**I. Timelines**

The campus may (but is not required to) extend timelines set forth in this executive order. Extensions shall be determined by the campus president, vice president for Student Affairs, or a designee. The student conduct administrator shall notify the Student charged, Complainant and any involved campus administrators of any revised timeline.

**J. Parallel Judicial Proceedings**

Student Conduct Code proceedings are independent from court or other administrative proceedings. Discipline may be instituted against a Student also charged in civil or criminal courts based on the same facts that constitute the alleged violation of the Student Conduct Code. The campus may proceed before, simultaneously with, or after any judicial or other administrative proceedings, except in cases involving Discrimination, Harassment or Retaliation. In such cases, the campus shall proceed without delay pursuant to Article IV.A.4.a, below.

**K. Cases Involving Academic Dishonesty**

Academic dishonesty cases that occur in the classroom shall be handled by faculty members according to applicable campus procedures. After action has been taken in any such case, the faculty member shall prepare an email that identifies the Student who was found responsible, the general nature of the offense, the action taken, and a recommendation as to whether or not disciplinary action should be considered. The faculty member shall promptly send the email to the vice president for Student Affairs and the student conduct administrator so that the circumstances of the misconduct can be considered in their totality. A department's procedure for responding to cases of academic dishonesty is, by its nature, limited to the instance presented in a particular class. The Student Conduct Code process provides the

campus with an opportunity to consider the Student's entire circumstances, including whether the reported instance is part of a larger pattern of misconduct.

#### **Article IV. Proceedings**

##### **A. Complaint Intake/Investigation**

1. **Complaint.** Whenever it appears that the Student Conduct Code has been violated, an oral or written complaint should be directed to the student conduct administrator as soon as possible after the event takes place.
2. **Investigation.** Subject to section 4 below, the student conduct administrator shall promptly investigate each complaint submitted and determine whether it is appropriate to charge a Student with violation of the Student Conduct Code. The student conduct administrator shall use the preponderance of the evidence standard; i.e., whether it is "more likely than not" that the Student charged violated the Student Conduct Code.
3. **Timelines.** Investigations shall be concluded within 60 calendar days after a complaint has been made.
4. **Cases Involving Allegations of Discrimination, Harassment or Retaliation.**
  - a. Complaints by Students alleging Discrimination, Harassment or Retaliation against other Students shall be filed and investigated according to the procedures set forth in Executive Order 1074. The DHR Administrator shall notify the student conduct administrator of the status of any such complaint or appeal to the Chancellor's Office, as well as the investigation results (including findings and any interim remedies afforded to the Complainant/victim) where a student has been found in violation of Executive Order 1074.
  - b. Complaints against Students by other members of the University community shall be filed and investigated according to the procedures set forth in section 2, above. The student conduct administrator shall ensure that any such Complainant/victim is promptly referred to the campus administrator who has been appointed by the president to coordinate compliance with the laws protecting against Discrimination, Harassment and Retaliation.

##### **B. Conference**

1. The student conduct administrator shall schedule a conference with the Student charged within 10 Working Days after the investigation is complete. The Student charged shall respond to the charges of misconduct at the conference. In cases involving allegations of Discrimination, Harassment or Retaliation, within 10 Working Days after receiving the report and findings (of Student Complaints) or within 10 Working Days after completing the report and findings (of Complaints by persons other than Students), the student

- conduct administrator shall: (1) schedule and also *hold* the conference with the Student, and (2) offer the Complainant the opportunity to meet with the student conduct administrator separately.
- a. The conference shall not be recorded.
  - b. The student conduct administrator controls the conference and may exclude any advisor who materially disrupts the conference.
  - c. The conference requirement is waived if the Student fails to attend the conference or otherwise declines to cooperate.
2. The student conduct administrator shall determine which cases are appropriate for informal resolution, taking into consideration the results of the investigation and any additional information provided by the Student charged and the Complainant during any conferences. If agreement can be reached with the Student charged as to an appropriate disposition, the matter shall be closed and the terms of the disposition shall be put in writing and signed by both. Suspension of more than one year or expulsion shall be entered on the Student's transcript permanently without exception; this requirement shall not be waived in connection with a settlement agreement.
  3. If the Student admits violating the Student Conduct Code but no agreement can be reached with respect to the sanction, the Student may request a hearing on the sanction only.
  4. In cases involving allegations of Discrimination, Harassment or Retaliation, the student conduct administrator shall promptly notify the DHR Administrator of the outcome of the conference with the Student charged. If the case does not proceed to hearing, the DHR Administrator shall at that time:
    - a. Notify the Complainant of the outcome of the conference, including any sanction that relates directly to the Complainant. Victims of crimes of violence, including forcible sex offenses, shall also receive notice pursuant to IV.F.3.
    - b. Take any appropriate further steps to address the effects of any hostile environment resulting from the Discrimination, Harassment or Retaliation.
    - c. Identify and address any remaining systemic or other patterns of Discrimination, Harassment or Retaliation at the campus.
  5. Discipline cases involving allegations of Discrimination, Harassment or Retaliation may be resolved through the informal conference process. It is, however, not appropriate in such cases for a Complainant to be required to "work out the problem" directly with the Student charged, and in no event should any meeting between Complainant and the Student charged occur without appropriate involvement by the University (e.g., counselor

or appropriate administrator). The Complainant must be notified of the right to end any such informal process at any time.

**C. Notice of Hearing**

1. The student conduct administrator shall issue a notice of hearing (delivered electronically to the Student charged at the University-assigned or other primary e-mail address linked to the Student's University account) promptly after the conference. In cases involving allegations of Discrimination, Harassment or Retaliation, notice shall also be provided to the Complainant. The notice of hearing shall be issued within five Working Days after the conference(s).
2. The notice of hearing shall be issued under the following circumstances:
  - a. If the Student fails to attend the conference or otherwise declines to cooperate;
  - b. If the matter is not closed or the disposition is not memorialized in writing promptly after the conference(s); or
  - c. If the Student admits violating the Student Conduct Code, but no agreement can be reached with respect to the sanction.
3. The notice of hearing shall include the following information:
  - a. The section(s) of the Student Conduct Code that is/are the subject of the charge(s);
  - b. A factual description of the Student's conduct that forms the basis for the charge(s);
  - c. The proposed sanction(s), including in cases involving allegations of Discrimination, Harassment or Retaliation, sanctions designed to provide protection/remedy to the Complainant/victim(s);
  - d. Notification that neither the hearing officer nor the president is bound by the proposed sanction, and that the hearing officer may recommend, and/or the president may set, a more severe sanction;
  - e. The date, time and place of the hearing;
  - f. The location on the campus where the Student can view his or her discipline file, including the location (or copies) of the campus policies that were violated;
  - g. Notification that the Student may be accompanied at the hearing by an advisor, and the campus policy regarding use of attorneys. In cases of Discrimination, Harassment or Retaliation, if the Student charged brings an attorney, the Complainant will also be notified of the right to bring an attorney. If attorneys are allowed, notification shall

be given that any Student or Complainant who intends to bring an attorney must inform the student conduct administrator of the attorney's name, address and phone number at least five Working Days before the hearing;

- h. Notification that the Student can waive the right to a hearing by accepting the proposed sanction;
  - i. Notification of any immediate, interim suspension (see Article VI) and/or withdrawal of consent to remain on campus pursuant to California Penal Code § 626.4; and
  - j. A copy of this executive order or notice of where the Student and/or Complainant may obtain a copy. If an interim suspension has been imposed or consent to remain on campus has been withdrawn by the time the notice of hearing is sent, a copy of this executive order must be enclosed, along with any other campus policy referenced in the notice of hearing.
4. The student conduct administrator shall use best efforts to schedule the hearing promptly, but in any event no sooner than 10 Working Days after, and no later than 20 Working Days after, the date of the notice of hearing.
  5. A notice to appear at hearing shall be sent to any witnesses whose presence is required at the hearing at least 10 Working Days before the hearing at the University-assigned or other primary e-mail addresses linked to these persons' University accounts.
  6. The notice of hearing may be amended at any time, and the student conduct administrator may (but is not required to) postpone the hearing for a reasonable period of time. If the notice is amended after a hearing is underway, the hearing officer may (but is not required to) postpone the hearing for a reasonable period of time.

#### D. Hearing

1. The hearing is closed to all persons except the student conduct administrator; the Student charged; the Complainant in cases of Discrimination, Harassment or Retaliation; their respective advisors; appropriate witnesses while they are testifying; a support person to accompany alleged victims of Discrimination, Harassment or Retaliation while they are testifying; the hearing officer; and one person to assist the hearing officer in recording the hearing. The Student charged, any Complainant, and any witnesses shall attend the hearing in person unless the student conduct administrator permits an exception (e.g., participation via videoconference or telephone). A police or security officer may also be present if deemed appropriate or necessary by the vice president for Student Affairs or hearing officer. The University will cooperate in providing University witnesses wherever possible, provided that they are identified at least five Working Days before the hearing.

2. Hearings are intended to be educational rather than adversarial. The hearing officer controls the hearing. Except as provided in section 4 below, the student conduct administrator and the Student charged each put on the evidence in their case and may each ask questions of the witnesses in whatever manner the hearing officer deems appropriate.
3. The hearing officer may ask questions of any witness, the Student charged, the Complainant, or the student conduct administrator.
4. In cases involving allegations of Discrimination, Harassment or Retaliation:
  - a. The Complainant may be present while evidence is being presented concerning the charges that relate to the Complainant, unless the hearing officer grants a request of any Student or other witness that the Complainant be excused during their testimony to protect such Student's or other witness's privacy rights and/or pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA).
  - b. The DHR Administrator may attend the hearing in its entirety.
  - c. Questions may not be posed to an alleged victim, including any Complainant, about his or her past sexual behaviors with any persons other than the Student charged.
  - d. The hearing officer shall ask all questions of the alleged victims on behalf of the Student charged (who shall give the hearing officer a written list of questions), unless the alleged victims expressly waive this requirement and consent to questioning directly by the Student charged.
  - e. The hearing officer shall ask any questions of the Student charged and other witnesses on behalf of the Complainant (who shall give the hearing officer a written list of any such questions), unless the Complainant expressly waives this requirement.
  - f. The investigation report and any Chancellor's Office Response (prepared pursuant to section IV. A. 2. b of this executive order and Articles VI. H and VII. D of Executive Order 1074) will be entered into evidence at the hearing. Any report or response may be redacted to protect private (e.g. contact) information concerning the Complainant or other witnesses.
5. Formal rules of evidence applied in courtroom proceedings do not apply in the hearing (e.g., California Evidence Code). All information that responsible persons are accustomed to rely upon in the conduct of serious affairs is considered. Hearsay may be considered and will be given the weight appropriate under all of the circumstances. Unduly repetitive information may be excluded. The hearing officer's report shall be based only on the information received at the hearing. The hearing officer shall not, prior to preparing the report, have communications about the case with the student conduct

administrator, the Complainant, the Student charged, the witnesses or DHR Administrator unless both the student conduct administrator and the Student are present.

6. The hearing officer shall make an official audio recording of the hearing (with assistance, at the hearing officer's discretion). The recording is University Property. No other recording of the hearing is permitted. The audio recording shall be retained by the student conduct administrator in accordance with the campus records/information retention and disposition schedule.
7. If the Student charged or Complainant fails to appear at the hearing without good cause, the hearing shall nevertheless proceed. The Student charged may not be found to have violated the Student Conduct Code solely because he or she failed to appear at the hearing.
8. The hearing officer is responsible for maintaining order during the hearing and makes whatever rulings are necessary to ensure a fair hearing. Abusive or otherwise disorderly behavior that causes a material disruption is not tolerated. The hearing officer may eject or exclude anyone (including the Student charged and advisors) whose behavior causes a material disruption.
9. The hearing officer's decisions regarding procedural issues are final.
10. Where there is more than one Student charged with misconduct in connection with a single occurrence or related multiple occurrences, the student conduct administrator and the Students charged may agree to a single hearing. A Student may request consolidation of his or her case with others. The student conduct administrator makes consolidation decisions, which are subject to review by the hearing officer and thereafter are final.
11. At any time during the hearing, the Student charged may waive the right to a hearing and accept the proposed sanction. Such a waiver must be in writing.

**E. Standard of Proof; Report and Recommendations of the Hearing Officer**

1. After the hearing, the hearing officer shall make findings of fact and conclusions about whether the Student charged violated the Student Conduct Code. The standard of proof the hearing officer shall use is whether the University's charge is sustained by a preponderance of the evidence. It is the University's burden to show that it is "more likely than not" that the Student violated the Student Conduct Code.
2. The hearing officer shall submit a written report of findings and conclusions to the president, along with any recommended sanctions, including, in cases involving allegations of Discrimination, Harassment or Retaliation, recommendations regarding restricting the Student's contact with, or physical proximity to, the Complainant or other persons. The report shall be submitted within 10 Working Days after the hearing.

**F. Final Decision/Notification**

The president shall review the hearing officer's report and issue a final decision.

1. The president may impose the recommended sanction(s), adopt a different sanction or sanctions, reject sanctions altogether, or refer the matter back for further findings on specified issues. If the president adopts a different sanction than what is recommended by the hearing officer, the president must set forth the reasons in the final decision letter. The president's final decision letter shall be issued within 10 Working Days after receipt of the hearing officer's report.
2. The president shall send his or her decision electronically to the Student charged at the University-assigned or other primary e-mail address linked to the Student's University account.
3. In cases involving crimes of violence, including forcible sex offenses, both the Complainant/victim and Student charged shall be informed of the final results of the hearing in writing. (20 U.S.C. §1092.) This information is only given to the Student charged and Complainant/victim and includes the name of the Student charged, any violation found to have been committed, and any sanction(s) imposed on the Student charged. (20 U.S.C. §1232g; 34 C.F.R. §668.46(b)(11)(vi)(B).) The University may also notify any other alleged victim(s) of the final results regardless of whether or not the charges are sustained. (34 C.F.R. §99.31 et seq.)
4. In cases involving Discrimination, Harassment or Retaliation without crimes of violence, a similar notice will be issued, but the information given to the Complainant/victim concerning sanctions shall be limited to any violation found to have been committed and any sanctions that relate directly to the Complainant/victim.
5. In cases involving Discrimination, Harassment or Retaliation, the president shall also send his or her final decision to the DHR Administrator so that he/she may determine whether any additional remedies or steps shall be afforded or undertaken in order to maintain a safe and nondiscriminatory University environment.
6. In cases involving Discrimination, Harassment or Retaliation, if the Complainant/victim requests a copy of the transcript of the hearing, the University shall provide the portions of the transcript that concern whether a violation of the Student Conduct Code occurred.

**Article V. Sanctions**

A. The following sanctions may be imposed for violation of the Student Conduct Code:

1. **Restitution.** Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.

2. **Loss of Financial Aid.** Consistent with California Education Code §69810 et seq., scholarships, loans, grants, fellowships and any other types of state financial aid given or guaranteed for the purposes of academic assistance can be conditioned, limited, cancelled or denied.
3. **Educational and Remedial Sanctions.** Assignments, such as work, research, essays, service to the University or the community, training, counseling, or other remedies intended to discourage a repeat of the misconduct or as deemed appropriate based upon the nature of the violation.
4. **Denial of Access to Campus or Persons.** A designated period of time during which the Student is not permitted: (i) on University Property or specified areas of campus (see California Penal Code §626.2); or (ii) to have contact (physical or otherwise) with the Complainant, witnesses or other specified persons:
5. **Disciplinary Probation.** A designated period of time during which privileges of continuing in Student status are conditioned upon future behavior. Conditions may include the potential loss of specified privileges to which a current Student would otherwise be entitled, or the probability of more severe disciplinary sanctions if the Student is found to violate any University rule during the probationary period.
6. **Suspension.** Temporary separation of the Student from active Student status or Student status.
  - a. A Student who is suspended for less than one year shall be placed on inactive Student status and remains eligible to re-enroll at the University (subject to individual campus enrollment policies) once the suspension has been served. Conditions for re-enrollment may be specified.
  - b. A Student who is suspended for one year or more shall be separated from Student status but remains eligible to reapply to the University (subject to individual campus application policies) once the suspension has been served. Conditions for readmission may be specified.
7. **Expulsion.** Permanent separation of the Student from Student status from the California State University system.

**B. Multiple Sanctions**

More than one sanction may be imposed for a single violation.

**C. Good Standing**

A Student is not considered to be in good standing for purposes of admission to the University while under a sanction of suspension or expulsion, or while his or her admission or re-admission has been qualified (Title 5 §40601(g)).

**D. Administrative Hold and Withholding a Degree**

The University may place an administrative hold on registration transactions and release of records and transcripts of a Student who has been sent a notice of hearing and may withhold awarding a degree otherwise earned until the completion of the process set forth herein, including the completion of all sanctions imposed.

**E. Record of Discipline**

A record of disciplinary probation or suspension is entered on a Student's transcript, with beginning and end date, for the duration of the sanction. A record of expulsion or suspension for one academic year or more shall note the effective date of discipline and remains on the transcript permanently, without exception. This requirement shall not be waived in connection with any settlement agreement.

**Article VI. Interim Suspension**

**A. Grounds**

A president may impose an interim suspension pursuant to Title 5 §41302 where there is reasonable cause to believe that separation of a Student is necessary to protect the personal safety of persons within the University community or University Property, and to ensure the maintenance of order.

**B. Notice and Opportunity for Hearing**

A Student placed on interim suspension shall be given prompt notice of the charges pending against him or her as enumerated in Title 5 §4130; a factual description of the conduct alleged to form the basis for the charges; and the opportunity for a hearing within 10 Working Days of the imposition of the suspension (Title 5 §41302). Where a timely request is made, a hearing will be held to determine whether continued suspension is required to protect personal safety or property and to ensure the maintenance of order. This hearing may also serve as the disciplinary hearing in accordance with the procedures outlined in Article IV, provided that proper notice has been given and, in cases involving Discrimination, Harassment or Retaliation, that an investigation report has been completed. The hearing is conducted pursuant to the provisions of Article IV. D of these procedures. The president shall review the hearing officer's report and shall promptly issue a final decision regarding interim suspension. Notice to the Student charged shall be given pursuant to Article VI. F. 2. Victims of Discrimination, Harassment or Retaliation shall be notified

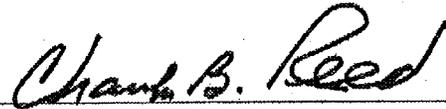
pursuant to Article IV, F. 3 and 4. In cases involving Discrimination, Harassment or Retaliation, a copy of the final decision shall also be provided to DHR Administrator pursuant to Article IV, F. 5 of this executive order. If the University establishes that there is reasonable cause for the interim suspension to continue, it shall remain in effect until the University closes the disciplinary matter, whether by settlement, final decision or dropped charges, but in no case longer than the president has determined is required to protect the personal safety of persons within the University community or University Property and to ensure the maintenance of order.

**C. Denial of Presence on Campus**

During the period of an interim suspension, the Student charged may not, without prior written permission from his or her campus president, enter any campus of the California State University other than to attend the hearing regarding the merits of his or her interim suspension. The president may also restrict the Student's participation in University-related activities on a case-by-case basis; e.g., attending off-campus activities and/or participating in on-line classes, etc. Violation of any condition of interim suspension shall be grounds for expulsion (Title 5 §41302).

**Article VII. Admission or Readmission**

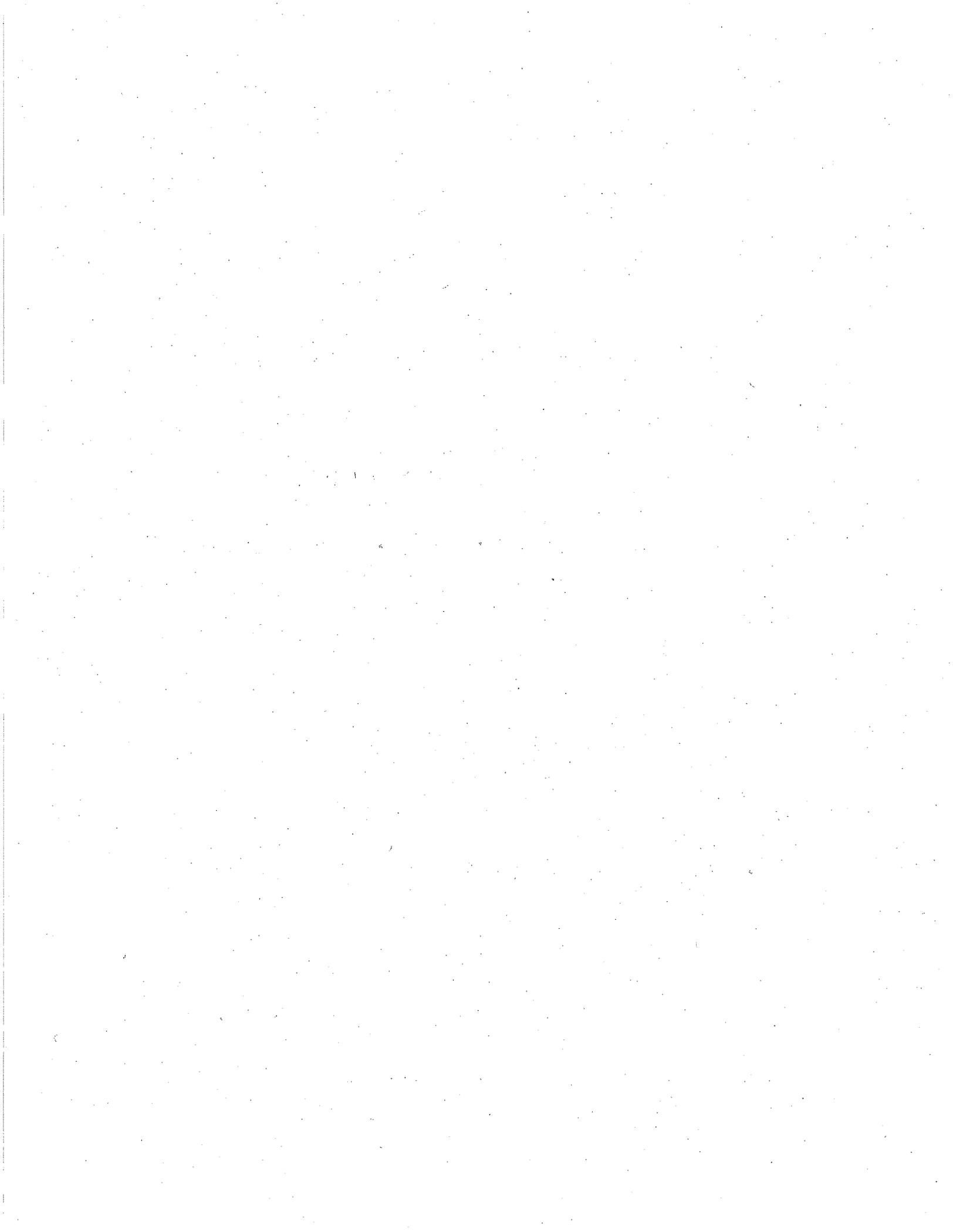
Applicants for admission into any University program are subject to appropriate sanctions for violations of the Student Conduct Code, including qualification, revocation or denial of admission or readmission. Qualified admission or denial of admission in such case shall be determined by a hearing held pursuant to Article IV.



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Charles B. Reed, Chancellor

Dated: April 6, 2012



THE CALIFORNIA STATE UNIVERSITY  
OFFICE OF THE CHANCELLOR

BAKERSFIELD

April 6, 2012

CHANNEL ISLANDS

MEMORANDUM

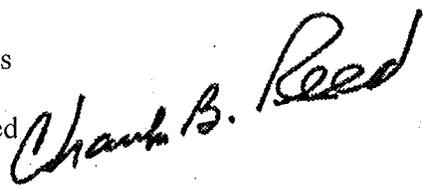
CHICO

DOMINGUEZ HILLS

TO: CSU Presidents

EAST BAY

FROM: Charles B. Reed  
Chancellor



FRESNO

FULLERTON

SUBJECT: Systemwide *Policy* Prohibiting Discrimination, Harassment and Retaliation Against Students and Systemwide *Procedure* for Handling Discrimination, Harassment and Retaliation Complaints by Students — Executive Order 1074

HUMBOLDT

LONG BEACH

LOS ANGELES

Attached is a copy of Executive Order 1074, which supersedes Executive Order 1045. Issued in response to the April 2011 "Dear Colleague" letter from the U.S. Department of Education Office of Civil Rights addressing Title IX of the Education Amendments of 1972, this policy and complaint procedure applies systemwide: any and all local campus student discrimination, harassment and retaliation policies and/or procedures are now superseded and should be rescinded.

MARITIME ACADEMY

MONTEREY BAY

NORTHRIDGE

POMONA

Complaints filed on or after the effective date of this executive order shall be processed in accordance with the policy and procedures outlined herein. Complaints filed before the effective date of this executive order shall be handled in accordance with Executive Order 1045.

SACRAMENTO

SAN BERNARDINO

In accordance with policy of the California State University, the campus president has the responsibility for implementing executive orders where applicable and for maintaining the campus repository and index for all executive orders.

SAN DIEGO

SAN FRANCISCO

If you have questions regarding this executive order, please contact the Equal Opportunity and Whistleblower Compliance Unit, Systemwide Human Resources at (562) 951-4425.

SAN JOSÉ

SAN LUIS OBISPO

CBR/gsb

SAN MARCOS

c: Executive Staff, Office of the Chancellor

SONOMA

STANISLAUS

THE CALIFORNIA STATE UNIVERSITY  
Office of the Chancellor  
401 Golden Shore  
Long Beach, California 90802-4210  
(562) 951-4425

**Executive Order:** 1074  
**Effective Date:** April 6, 2012  
**Supersedes:** Executive Order 1045  
**Title:** Systemwide *Policy* Prohibiting Discrimination, Harassment and Retaliation Against Students and Systemwide *Procedure* for Handling Discrimination, Harassment and Retaliation Complaints by Students

**Article I. Definitions**

For purposes of this executive order, the following definitions apply:

- A. **Accused** means the CSU, a CSU employee, another Student, or a Third Party against whom an allegation of Discrimination, Harassment or Retaliation has been made.
- B. **Age**, as defined in California Government Code §12926(b), refers to the chronological age of any individual who has reached his or her 40th birthday.
- C. **CSU** means the 23 campus system of the California State University, including the Office of the Chancellor (CO).
- D. **Campus or University** means any of the 23 campuses of the CSU.
- E. **Complaint** means a written communication that complies with Article VI. C alleging Discrimination, Harassment or Retaliation against the CSU, an employee, another Student, or a Third Party.
- F. **Complainant** means an individual who is eligible to, and does, file a Complaint to report Discrimination, Harassment or Retaliation.
- G. **Disability** means mental or physical disability as defined in California Education Code §66260.5.
- H. **Discrimination** means adverse action taken against a Student by the CSU, a CSU employee, another Student, or a Third Party based on any Protected Status.

- I. **Gender**, as defined in California Education Code §66260.7, means sex, and includes a person's gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.
- Sex, as defined in California Government Code §12926(p), includes but is not limited to pregnancy, childbirth or associated medical condition(s).
- J. **Genetic Information**, as defined in California Civil Code §51(2)(e), means:
- The Student's genetic tests.
  - The genetic tests of the Student's family members.
  - The manifestation of a disease or disorder in the Student's family members.
  - Any request for, or receipt of genetic services, or participation in clinical research that includes genetic services, by a Student or any Student's family member.
  - Genetic Information does not include information about any Student's sex or age.
- K. **Harassment** means unwelcome conduct engaged in because of a Protected Status that is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Student, and is in fact considered by the Student, as limiting the Student's ability to participate in or benefit from the services, activities or opportunities offered by the University.
1. **Sexual Harassment**, as defined in California Education Code §212.5, consists of both non-sexual conduct based on sex or sex-stereotyping and conduct that is sexual in nature, and includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature where:
    - a. Submission to, or rejection of, the conduct by the Student is explicitly or implicitly used as the basis for any decision affecting the Student's academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; or
    - b. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Student, and is in fact considered by the Student, as limiting the Student's ability to participate in or benefit from the services, activities or opportunities offered by the University.
  2. **Sexual Violence** is a form of Sexual Harassment. Sexual Violence means physical sexual acts (such as unwelcome sexual touching, sexual assault, sexual battery and rape) perpetrated against a Student without consent or against a Student who is incapable of giving consent due to Age, Disability, or use of drugs or alcohol.

- L. **Investigator** means the person tasked with investigating a Complaint at Level I. An investigator shall be an MPP Employee, an external consultant, or the Campus DHR Administrator or Title IX Coordinator. The investigator may not be within the administrative control or authority of any Accused CSU employee.
- M. **Management Personnel Plan (MPP) Employee**, as defined in §42720, Title 5, California Code of Regulations, means an employee (including a retired annuitant) who has been designated as "management" or "supervisory" in accordance with the provisions of the Higher Education Employer-Employee Relations Act.
1. **DHR Administrator** means the Campus MPP Employee appointed by the president to administer this executive order and coordinate compliance with the laws prohibiting Discrimination, Harassment and Retaliation against Students. The DHR Administrator may delegate tasks to one or more appropriate designees.
  2. **Title IX Coordinator** means the Campus MPP Employee appointed by the Campus president to coordinate compliance with Title IX of the Education Amendments of 1972. The Title IX Coordinator may delegate tasks to one or more appropriate designees.
  3. The president may assign the roles of DHR Administrator and Title IX Coordinator to the same person. The names of, and contact information for, the campus DHR Administrator and Title IX Coordinator shall be made readily available to the Campus community in accordance with Article III.
- N. **Nationality**, as defined in California Education Code §66261.5, includes citizenship, country of origin, and national origin.
- O. **Preponderance of the Evidence** means the greater weight of the evidence; *i.e.*, that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side. The Preponderance of the Evidence is the applicable standard for demonstrating facts in an investigation conducted pursuant to this executive order.
- P. **Protected Status** means Age, Disability, Gender, Genetic Information, Nationality, Race or Ethnicity, Religion, Sexual Orientation, as well as Veteran Status.
- Q. **Race or Ethnicity**, as defined in California Education Code §66261.7, includes ancestry, color, ethnic group identification, and ethnic background.
- R. **Religion**, as defined in California Education Code §66262, includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.
- S. **Remedies** mean action(s) taken for correcting a violation of this executive order. **Interim Remedies** are those that may be offered to a complainant prior to the conclusion of a formal investigation in order to immediately stop the alleged wrong doing and reduce or eliminate negative impact upon the complainant. Examples

include offering the complainant the option of psychological counseling services, changes to academic or living situations, completing a course and/or courses on-line, academic tutoring, arranging for the re-taking of a class or withdrawal from a class without penalty, and/or any measure as appropriate to stop further alleged discrimination or harassment.

- T. **Retaliation** means adverse action taken against a Student because he/she has or is believed to have:
1. Reported or opposed conduct which the Student reasonably and in good faith believes is Discrimination, Harassment or Retaliation; or
  2. Participated in a Discrimination, Harassment or Retaliation investigation/proceeding.
- U. **Sexual Orientation**, as defined in California Education Code §66262.7, means heterosexuality, homosexuality, or bisexuality.
- V. **Student** means an applicant for admission to the CSU, an admitted CSU student, an enrolled CSU student, a CSU extended education student, a CSU student between academic terms, a CSU graduate awaiting a degree, and a CSU student who withdraws from school while a disciplinary matter is pending.
- W. **Third Party** means an individual or entity other than the CSU, a Student, or a CSU employee. Examples include auxiliary organizations (as defined by §42406, Title 5 of the California Code of Regulations), independent contractors at the Campus, Campus vendors and their employees, and Campus visitors.
- X. **Veteran Status** means service in the uniformed services.
- Y. **Working Days** are defined as Monday through Friday, excluding all official holidays or Campus closures at the Campus where the Complaint originated.

## Article II. Statement of Policy

The CSU, through its chancellor and presidents, is committed to creating an atmosphere in which all Students have the right to participate fully in CSU programs and activities free from unlawful Discrimination, Harassment and Retaliation.

This policy is established in compliance with the California Equity in Higher Education Act (Education Code §66250 et seq.), Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975, among other applicable state and federal laws. It is CSU policy that no Student shall, on the basis of any Protected Status, be unlawfully excluded from participation in, or be denied the benefits of, any CSU program or activity. Nor shall a Student be otherwise

subjected to unlawful Discrimination, Harassment, or Retaliation for exercising any rights under this executive order.

Except in the case of a privilege recognized under California law (examples of which include Evidence Code §§1014 (psychotherapist-patient); 1035.8 (sexual assault counselor-victim); and 1037.5 (domestic violence counselor-victim)), any member of the University community who knows of, or has reason to know of, allegations or acts that violate this policy, shall promptly inform the DHR Administrator.

Employees and Students who violate this policy may be subject to discipline. If employee discipline is appropriate, it shall be administered in a manner consistent with applicable collective bargaining agreements, CSU policies, and legal requirements. Student discipline shall be administered in accordance with §41301 of Title 5, California Code of Regulations and Executive Order 1073, or any superseding executive order, if applicable.

### **Article III. Implementation and Communication of the Policy**

Each Campus president shall designate a DHR Administrator who shall be responsible for the implementation of, and compliance with, this policy.

This executive order shall be made readily available to all Students, CSU employees, and Third Parties, utilizing multiple media of communication, including Student orientations and catalogs, new employee orientations, Campus websites and publications, and the offices of Equity and Diversity, Student Affairs, Student Judicial Affairs, Disabled Student Services, Auxiliary Service Organizations, Academic Affairs, Extended Education and Human Resources.

### **Article IV. Complaints Regarding Violations of the Policy**

This executive order provides Students a procedure to address Discrimination, Harassment and Retaliation by the CSU, a CSU employee, another Student, or a Third Party. Whenever a Campus determines that a Complaint is outside the scope of this executive order, the Campus shall promptly so notify the Student in writing.

#### **A. Who May File Complaints**

Subject to the exceptions set forth below, any Student may file a complaint of Discrimination, Harassment or Retaliation under this executive order.

1. Complaints of Student employees whose Discrimination, Harassment or Retaliation complaints arise out of their employment. Such complaints shall be governed by Executive Order 928, or any superseding executive order, if applicable.
2. Complaints by a Student about his/her academic adjustments and/or accommodations to a University's educational program related to his/her

Disability. Such inquiries and complaints shall be directed to the Campus Director, Disabled Student Services (DSS), and shall be governed by the Campus DSS complaint procedure.

**B. Grade Appeals That Allege Discrimination, Harassment or Retaliation**

Grade appeals that allege Discrimination, Harassment or Retaliation shall proceed concurrently: (i) under Campus procedures per Executive Order 1037; and (ii) under this executive order. However, the Campus grade appeal procedure shall be placed in abeyance until such time as the Campus and any appeal processes under Article VI and/or Article VII have concluded. The final determination under this executive order regarding whether Discrimination, Harassment or Retaliation occurred will be provided to the Campus grade appeal committee. The committee shall be bound by such determination when considering the grade appeal request under Executive Order 1037.

Grade appeals that do not allege Discrimination, Harassment or Retaliation shall be filed under Campus procedures, per Executive Order 1037, or any superseding executive order, if applicable.

**Article V. Informal Resolution – Campus Level**

Students who believe they are or may have been victims of Discrimination, Harassment or Retaliation may initiate the Informal Resolution process prior to, or instead of, filing a Complaint. However, it is not appropriate in such cases for a Student to be required to “work out the problem” directly with the Accused; and in no event should any meeting between the Student and the Accused occur without appropriate involvement by the University (e.g., counselor or appropriate administrator). The Student must be notified of the right to end any such informal process at any time.

Upon receipt of a Student’s concern(s), the DHR Administrator shall promptly meet with the Student to discuss his or her concern(s) and Interim Remedies, as appropriate. During the pendency of the Informal Resolution process, the timeline to file a Complaint shall be extended for a period of no longer than **20 Working Days**. Thus, under Article VI. B, a Complaint may be filed no later than **40 Working Days** after the end of the academic term in which the most recent alleged act of Discrimination, Harassment or Retaliation occurred.

If the Student’s concern(s) alleges Sexual Discrimination (including but not limited to, Sexual Harassment or Sexual Violence), the Student shall promptly be referred to the Title IX Coordinator. The Title IX Coordinator shall meet with the Student and undertake any and all applicable steps described in Article VI. D. In cases alleging Sexual Violence, the Student shall also be advised to immediately file a Complaint under Article VI. Informal resolution is not appropriate when Sexual Violence is alleged.

The Campus will attempt to resolve the Student’s concern(s) quickly and effectively. The DHR Administrator shall meet with the Student, the Accused, and any other person(s) or

witness(es) determined by the DHR Administrator to be necessary for a resolution of the matter, to review the allegations and any responses. Informal Resolution may take the form of a negotiated resolution facilitated by the DHR Administrator.

The Student or the DHR Administrator may at any time elect to terminate the process. The DHR Administrator shall promptly notify the Student and the Accused in writing that the Informal Resolution process has terminated, and the effective date thereof.

Both the Student and the Accused shall keep the details of the Informal Resolution process confidential until the process is concluded.

If resolution is reached by these informal means, a record of the resolution shall be memorialized in a writing signed by the Student and maintained in accordance with applicable Campus recordkeeping policies. The matter shall be considered closed and the Student is precluded from filing a Complaint or appeal concerning the same incident, except where the terms of the informal resolution have been violated or have been ineffective in stopping the Discrimination, Harassment, or Retaliation.

Where the Accused is another Student, the DHR Administrator/Title IX Coordinator shall inform the student conduct administrator of the outcome of the Informal Resolution process, including any Remedies afforded to the Student.

If resolution is not reached, the Student shall be informed about how to file a Level I Complaint.

#### **Article VI. Level I - Campus Level**

The Campus may determine that circumstances warrant initiating an investigation even if a Complaint has not been filed and independent of the intent or wishes of the Student. In that event, any such investigation shall be subject to Article VI. D through I and Article VIII, A through F only. Such investigation shall not be subject to Article VII.

- A. **Filing a Complaint.** The Student shall submit a written Complaint to the DHR Administrator. The date of receipt shall be deemed to be the Complaint filing date. The DHR Administrator shall offer reasonable accommodations to Students who are unable to submit a written complaint because of Disability.
- B. **Timeline for filing a Complaint.** To be timely, a Complaint must be filed no later than 20 Working Days after the end of the academic term (semester/quarter) in which the most recent alleged act of Discrimination, Harassment or Retaliation occurred, unless extended pursuant to Article V above.
- C. **Requirements of a Complaint.** The Student should complete the attached "CSU Student Discrimination/Harassment/Retaliation Complaint Form" or, in the alternative, the Student shall submit a written signed statement containing the following information:

1. The Student's full name, address and telephone number(s);
2. The name of the Accused and job title, position or Student status, if known;
3. The Protected Status that is the basis for the alleged Discrimination, Harassment, or Retaliation;
4. A clear, concise statement of the facts that constitute the alleged Discrimination, Harassment, or Retaliation, including pertinent date(s) and sufficient information to identify any individuals who may provide relevant information during the course of any investigation;
5. A statement verifying that the information provided is true and accurate to the best of the Student's knowledge;
6. The term and year of the Student's most recent active academic status or the term and year in which he/she sought admission to the University;
7. The full name, address and telephone number of the Student's advisor, if any;
8. The specific harm resulting from the alleged Discrimination, Harassment or Retaliation;
9. The specific remedy sought;
10. The Student's signature; and
11. The date on which the Complaint is submitted.

D. **Intake interview.** The DHR Administrator or Title IX Coordinator (in cases alleging Sexual Discrimination, including Sexual Harassment and Sexual Violence) shall meet with the Student as soon as possible, but no later than **10 Working Days** after the Complaint was received. The Student shall make him/herself available for this meeting.

1. The meeting shall serve as the initial intake interview and will: (a) acquaint the Student with the investigation procedure and timelines; (b) inform the Student of his/her rights (including having an advisor); (c) provide the opportunity for the Student to complete and sign a Complaint form, if not already done; and (d) discuss Interim Remedies, as appropriate.
2. In cases alleging Sexual Violence, the Title IX Coordinator shall inform the Student of the right to file a criminal complaint and that such filing will not significantly delay the Campus investigation; advise the Student of available resources such as the Campus police, student health service center or

psychological counseling center; and discuss reasonable and appropriate interim arrangements to avoid contact with the Accused.

- E. **Advisor.** The Student and the Accused may elect to be accompanied by an advisor to any meeting(s) or interview(s) regarding the Complaint. The advisor may be an attorney. The advisor may not speak on behalf of the Student or Accused; his/her role is limited to observing and consulting with his/her client.
- F. **Confidentiality.** Information provided to University employees shall be shared with other University employees and law enforcement exclusively on a "need to know" basis. University employees shall endeavor to honor any Complainant's or victim's request for confidentiality; however, the University shall also weigh requests for confidentiality against its duty to provide a safe and nondiscriminatory environment for all members of the campus community. **Confidentiality, therefore, cannot be ensured.**
- G. **Investigation Procedure.** The DHR Administrator or Title IX Coordinator shall promptly investigate the Complaint or assign this task to another Investigator on a case-by-case basis. The Investigator shall have relevant experience or shall receive appropriate training regarding such issues as the investigatory process and the laws governing Discrimination, Harassment and Retaliation. If delegated, the responsible DHR Administrator or Title IX Coordinator shall oversee the investigation to ensure that it is conducted in accordance with the standards, procedures and timelines set forth herein.

The Student and the Accused shall have equal opportunities to present relevant witnesses and evidence in connection with the investigation.

The investigation shall be completed no later than 60 Working Days after the intake interview, unless the timeline has been extended pursuant to Article VIII. E or F. The timeline shall not be extended for a period longer than an additional 30 Working Days from the original due date.

The investigation shall not be delayed pending the outcome of any criminal investigation or proceeding. If the Campus delays the fact-finding portion of its investigation while law enforcement is gathering evidence, it shall notify the Complainant of this decision and promptly resume and complete its investigation after law enforcement has finished gathering facts.

Upon inquiry, the Complainant shall be advised of the status of the investigation.

- H. **Investigative Report.** Within the investigation period stated above, the Investigator shall prepare an investigative report. The report shall include a summary of the allegations, the investigative process, the Preponderance of the Evidence standard, the evidence considered, the findings of fact, and a determination as to whether this

executive order was violated. The report shall be promptly provided to the DHR Administrator or Title IX Coordinator (if applicable).

- I. **Notice of Investigation Outcome.** If the DHR Administrator or Title IX Coordinator performed the investigation, he or she shall notify the Student in writing of the investigation outcome within **10** Working Days of completing the report. Otherwise, within **10** Working Days of receiving the report, the DHR Administrator or Title IX Coordinator shall review the report and notify the Student in writing of the outcome of the investigation. Where a Complaint is made against another Student, the DHR Administrator or Title IX Coordinator shall also notify the Campus student conduct administrator of the investigation outcome.

Notice of the investigation outcome shall include a summary of the allegations, the investigative process, the Preponderance of the Evidence standard, the evidence considered, the findings of fact, a determination as to whether this executive order was violated, and if so, any Remedies to be afforded to the Complainant. If the outcome is that this executive order was not violated, the notice shall inform the Complainant of his/her right to file an appeal under Article VII.

A separate written notice shall be provided to the Accused(s) indicating whether or not the allegations at Level I were substantiated. If the investigation outcome is that this executive order was not violated, the Accused(s) shall also be informed of the Complainant's right to file an appeal.

#### **Article VII. Level II Appeal Review - Office of the Chancellor**

- A. **Timing for Appeal to CO.** Any Complainant who is not satisfied with a Level I determination that this executive order was not violated may file a Level II appeal with the Office of the Chancellor (CO) no later than **10** Working Days after receipt of the written notice of the Level I outcome.

Level II appeals shall be addressed to: CSU Office of the Chancellor, Equal Opportunity and Whistleblower Compliance Unit, Systemwide Human Resources, 401 Golden Shore 2<sup>nd</sup> Floor, Long Beach, California 90802.

The CO shall promptly notify the Campus DHR Administrator or Title IX Coordinator of any such appeal.

- B. **Appeal Request.** The appeal shall be in writing and shall: (1) specify the reasons why the determination reached at Level I was erroneous; and (2) identify the specific evidence that supports a finding the alleged Discrimination, Harassment or Retaliation by a Preponderance of the Evidence. The issues and evidence raised on appeal shall be limited to those raised and identified at Level I. The CO will offer reasonable accommodations to Complainants who are unable to submit a written appeal because of Disability.

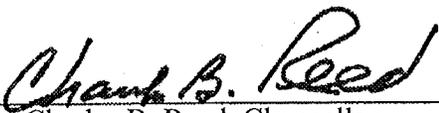
- C. **CO Review.** The CO review shall be limited in scope to determining (1) whether the Level I findings of fact are supported by a Preponderance of the Evidence; and (2) whether the findings of fact support the conclusion that this executive order was not violated. The review will not involve a new investigation and will not consider evidence that was in existence but not identified during the Campus investigation. If the CO review determines that evidence that would have affected the Level I determination was not considered, the Complaint shall be returned to the Campus so that the Level I investigation may be completed and the findings revised within a specified timeframe. Under these circumstances, the Student and Accused shall be informed that the investigation has been reopened and the timeline established in Article VII. D shall be extended pursuant to Article VIII. E and F.
- D. **CO Response.** The CO designee shall respond to the Student no later than 60 Working Days after receipt of the Level II appeal, unless the timeline has been extended pursuant to Article VIII. E or F. The response shall include a summary of the issues raised on appeal, a summary of the evidence considered, the Preponderance of the Evidence standard, a determination of the two issues listed in Section C above, and a final decision. A copy of the CO Response shall be forwarded to the Campus DHR Administrator or Title IX Coordinator, as appropriate, who shall determine whether any additional Remedies shall be afforded, and if so, provide prompt written notice to the Complainant. Where a Complaint is filed against another Student, a copy shall also be provided to the Campus student conduct administrator. A separate notification shall be provided to the Accused(s) indicating whether he/she has been determined to have violated this executive order by a Preponderance of the Evidence.
- E. **Closure.** The CO Response and decision are final and conclude the CSU Complaint process.

**Article VIII. General Provisions for Investigation/Review of Complaints**

- A. All investigations and reviews shall be conducted impartially and in good faith.
- B. Students and CSU employees are required to cooperate with the investigation and other processes set forth in this executive order, including but not limited to attending meetings, being forthright and honest during the process, and keeping confidential the existence and details of the investigation/review. If a Complainant and/or Accused refuse to cooperate, the CSU may draw all reasonable inferences and conclusions on the basis of all available evidence and conclude the investigation/review.
- C. A Student shall proceed with a Complaint in good faith. A Student who knowingly and intentionally files a false Complaint or gives false statements will be subject to discipline in accordance with §41301, Title 5, California Code of Regulations. Such disciplinary action shall not be deemed to be Retaliation.

- D. Both the Student and Accused shall have the right to identify witnesses and other evidence for consideration; however, the CSU shall decide what evidence (if any) is relevant and significant to the issues raised.
- E. If the Student, the Accused, a witness, the Investigator, CO designee, or other necessary person involved in the Complaint process is unavailable due to any reason deemed to be legitimate by the Investigator/CO designee, the timelines stated herein will be automatically adjusted for a reasonable time period not to exceed an additional 30 Working Days. The Student and Accused shall receive written notification of any period of extension.
- F. Timelines set forth herein may also be extended by mutual agreement. If the Student does not agree or does not respond to the CSU's request for an extension, the CSU shall respond to the Complaint or appeal within the timelines set forth herein. Any such response shall be interim in nature as it will be based upon the information available at the time. The interim response will note that the investigation or review is continuing until the CSU is satisfied that its duty to respond to the allegation(s) has been appropriately discharged. The interim response shall include a summary of the allegations, a description of the investigative and review process, and shall also provide the Student with an anticipated date of completion.
- G. When submitting a Complaint or issuing a Level I or II decision, personal delivery, overnight delivery service, or certified mail shall be used. If personal delivery is used, a signature acknowledging the calendar date of delivery shall be obtained which will establish the date of filing or response. If certified mail delivery is used, the postmark shall establish the date of filing or response.
- H. The CSU is not obligated under this executive order to investigate a complaint not timely filed under its provisions. Nevertheless, the CSU may in its discretion investigate the underlying allegations of any Discrimination, Harassment or Retaliation complaint if it determines the circumstances warrant investigation. In that event, any such investigation shall be subject to Article VI. D through I and Article VIII. A through F, but shall not be subject to Article VII. The CSU may also in its discretion waive the time limits for filing a Complaint and choose to process the Complaint under the process set forth herein.

Attachments: CSU Student Discrimination/Harassment/Retaliation Complaint Form  
CSU Student Discrimination/Harassment/Retaliation Complaint Timeline

  
\_\_\_\_\_  
Charles B. Reed, Chancellor

Dated: April 6, 2012



### STUDENT COMPLAINT FORM FOR DISCRIMINATION/HARASSMENT/RETALIATION COMPLAINTS

Executive Order 1074 provides students a systemwide *procedure* to file complaints alleging violations of the California State University (CSU) systemwide *policy* prohibiting discrimination, harassment and retaliation against students by the CSU, Employees, Other Students, or Third Parties. Students who file a complaint are required to cooperate with the investigation/review, including but not limited to, attending meetings, being forthright and honest during the process and keeping confidential the existence and details of the investigation/review.

**Instructions: Please fill in all of the information requested below as completely as possible.**

CSU Campus	<input type="text"/>	Work Phone	<input type="text"/>
Last Name	<input type="text"/>	Cell Phone	<input type="text"/>
First Name	<input type="text"/>	Home Phone	<input type="text"/>
MI	<input type="text"/>	Best time to call:	<input type="text"/> AM/PM <input type="text"/>
Mailing Address	<input type="text"/>		
City	<input type="text"/>		
State	Zip Code	Email	
<input type="text"/>	<input type="text"/>	<input type="text"/>	

Currently a CSU Student?     Yes     No    Last CSU Registration Date

Currently a CSU Applicant?     Yes     No    Last CSU Application Date

Was Informal Resolution sought?     Yes     No    If yes, with whom:     Date

Indicate the type(s) of complaint being filed:     Discrimination     Harassment     Retaliation

If you are filing a discrimination or harassment complaint, indicate the protected status(es) that was/were the basis(es) of the alleged discrimination or harassment (Please select all that apply):

Disability     Gender     Nationality     Race or Ethnicity     Religion

Sexual Orientation     Genetic Information     Age     Veteran Status

Date of Incident     Approximate Time of Incident  AM/PM

Location of Incident

Date of Incident     Approximate Time of Incident  AM/PM

Location of Incident

**STUDENT COMPLAINT FORM FOR  
DISCRIMINATION/HARASSMENT/RETALIATION COMPLAINTS**

Executive Order 1074  
Attachment No. 1

1. Identify the accused(s) against whom your allegations are made. For each accused(s) provide the identifying information requested below. Attach additional pages to this form if necessary.

Accused(s) name:	Relationship/Association with the campus:	Relationship/Association to you:

2. Describe the incident(s) or events(s), date(s), time(s), and location(s) giving rise to your complaint. Attach additional pages to this form if necessary.

3. If you are filing a harassment complaint, please explain why this conduct was offensive to you?

4. Describe the specific harm you have suffered resulting from the incident(s). Attach additional pages to this form if necessary.

5. What did you or others do to try to resolve the complaint? What was the outcome?

**STUDENT COMPLAINT FORM FOR  
DISCRIMINATION/HARASSMENT/RETALIATION COMPLAINTS**

Executive Order 1074  
Attachment No. 1

6. Identify individuals who may have observed or witnessed the incident(s) that you described.

Last Name	<input type="text"/>	First Name	<input type="text"/>	MI	<input type="text"/>	Telephone	<input type="text"/>
Position/ Job Title	<input type="text"/>					Cell Phone	<input type="text"/>
Email	<input type="text"/>						
Last Name	<input type="text"/>	First Name	<input type="text"/>	MI	<input type="text"/>	Telephone	<input type="text"/>
Position/ Job Title	<input type="text"/>					Cell Phone	<input type="text"/>
Email	<input type="text"/>						

7. Do you have any documents that support your allegation?     Yes     No    (Please list and attach a copy.)

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8. Describe how you would expect the complaint to be resolved. Be as specific as possible.

You may elect to have an advisor present at meetings/interview(s). If you indicate you will have an advisor, you are authorizing that individual to accompany you to any meetings and/or interview(s) regarding this complaint. The role of the advisor is limited to observing and consulting with you.

9. If you will be accompanied by an advisor, provide the name, address, and telephone number of your advisor.

Last Name	<input type="text"/>	First Name	<input type="text"/>	MI	<input type="text"/>	Telephone	<input type="text"/>
						Cell Phone	<input type="text"/>

**AUTHORIZATION**

I certify that the information given in this complaint is true and correct to the best of my knowledge or belief.

Print Name of Student \_\_\_\_\_

Signature of Student \_\_\_\_\_

Date

## **CSU Student Discrimination/Harassment/Retaliation Complaint Procedure Timeline**

Pursuant to Executive Order (EO) 1074 a "Student," defined as an applicant for admission to the CSU, an admitted CSU Student, an enrolled CSU Student, a CSU extended education Student, a CSU Student between academic terms, a CSU graduate awaiting a degree, and a CSU Student who withdraws from school while a disciplinary matter is pending, may file a complaint related to Discrimination, Harassment, or Retaliation on any one of the 23 CSU campuses.

- **Immediately following a discriminatory, harassing, or retaliatory act/action**, or as soon as possible thereafter, Students who believe they are or may have been victims of Discrimination, Harassment or Retaliation, may initiate the Informal Resolution process to receive information about the procedures that exist for resolving such matters.
- **For the purpose of this executive order, Working Days are defined** Monday through Friday, excluding all official holidays or Campus closures at the Campus where the Complaint originated.
- **Within twenty (20) Working Days after the end of the academic term (semester/quarter)**, in which the most recent alleged discriminatory/harassing/retaliatory act occurred, **or within up to forty (40) working days if informal resolution was sought**, a Student may file a formal Discrimination, Harassment, or Retaliation Complaint.
- **Within ten (10) Working Days of receipt of a Level I Complaint**, an intake interview shall be conducted with the Student.
- **Within sixty (60) Working Days after the intake interview of a Level I Complaint**, the Investigator shall complete his/her investigation, write and submit an investigative report to the campus designated Discrimination/Harassment/Retaliation (DHR) Administrator responsible for the implementation of, and compliance with, EO 1074. The timeline for the investigation shall not be extended pursuant to Article VIII. E or F for a period longer than an additional **thirty (30) Working Days** from the original due date.
- **Within ten (10) Working Days of receiving the investigative report**, the Campus designated DHR Administrator or Title IX Coordinator shall review the investigative report and notify the Student in writing of the investigation outcome. If the DHR Administrator or Title IX Coordinator performed the investigation, he or she shall notify the Student in writing of the investigation outcome within **ten (10) Working Days** of completing the investigative report. A separate notification shall be provided to the accused(s), indicating whether or not the allegations at Level I were substantiated and shall also be informed of the Complainant's right to file an appeal, if applicable.
- **Within ten (10) Working Days of receipt of the Level I determination**, the Student may file a written appeal with the Office of the Chancellor (CO).
- **Within sixty (60) Working Days of receipt of a written appeal**, the CO designee shall respond to the Complainant, unless the timeline has been extended pursuant to Article VIII. E or F. A separate notification shall be provided to the Accused(s), indicating whether or not the allegations at Level II were substantiated by a Preponderance of the Evidence.
- **Closure.** The CO Response and decision are final and conclude the CSU Complaint process.

### **Pursuant to EO 1074 Article VIII. E or F the timelines noted above may be extended as follows:**

- If the Student, the Accused, a witness, the Investigator, CO designee, or other necessary person involved in the Complaint process is unavailable due to any reason deemed to be legitimate by the Investigator/CO designee, the timelines stated herein will be automatically adjusted for a reasonable time period. The Student and Accused shall receive written notification of any period of extension.
- Timelines set forth herein may also be extended by mutual agreement. If the Student does not agree or does not respond to the CSU's request for an extension, the CSU shall respond to the Complaint or appeal within the timelines set forth herein. Any such response shall be interim in nature as it will be based upon the information available at the time. The interim response will note that the investigation or review is continuing until the CSU is satisfied that its duty to respond to the allegation(s) has been appropriately discharged. The interim response shall include a summary of the allegations, a description of the investigative and review process, and shall also provide the Complainant with an anticipated date of completion.



**San José State**  
UNIVERSITY

A campus of The California State University

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**S01-13**

At its meeting of May 14, 2001 the Academic Senate passed the following Policy Recommendation presented by Annette Nellen for the Professional Standards Committee.

**POLICY RECOMMENDATION**  
**SAN JOSÉ STATE UNIVERSITY'S POLICY OF COMMITMENT TO A CAMPUS CLIMATE THAT**  
**VALUES DIVERSITY AND EQUAL OPPORTUNITY**

- Whereas: San José State University is committed to maintaining an environment free from discrimination and harassment and that is in compliance with all laws on non-discrimination, equal employment opportunity and affirmative action; and
- Whereas: The university community has a responsibility to advocate inclusion, respect and understanding at a level above that which is minimally required by law. Exercise of such responsibility enriches the intellectual climate of the University and the educational experiences of our students; promotes personal growth and a healthy society; and is appropriate to the University's ethnically and culturally diverse campus community and fulfillment of the University's mission; and
- Whereas: The university currently has more than one Senate policy addressing campus climate, equal opportunity and non-discrimination, as well as various statements on the same topics posted to the Human Resources Division web site; and
- Whereas: A single comprehensive policy would more effectively state the University's policy and commitment to the principles of valuing diversity and equal opportunity; therefore be it
- Resolved: That the following Policy of Commitment to a Campus Climate that Values Diversity and Equal Opportunity be adopted to replace S91-1 Campus Climate, F67-9 Holding of Interviews and Recruitment on Campus, as well as the statement of the tenets of non-discrimination, equal employment opportunity and affirmative action currently included in S89-15 on affirmative action for faculty. In addition, S69-2, Hiring Minority Faculty, and S69-3, Minority Representation on College Decision-making Bodies, be repealed as obsolete, as well as unnecessary under the new attached policy; and be it
- Resolved: That the following policy be posted to the University's web page and the Human Resources Division web page; and be it
- Resolved: That all colleges and divisions be given copies of the policy and encouraged to distribute it widely (such as posting it to or linking it on their web site and sharing it with recruits and new hires).

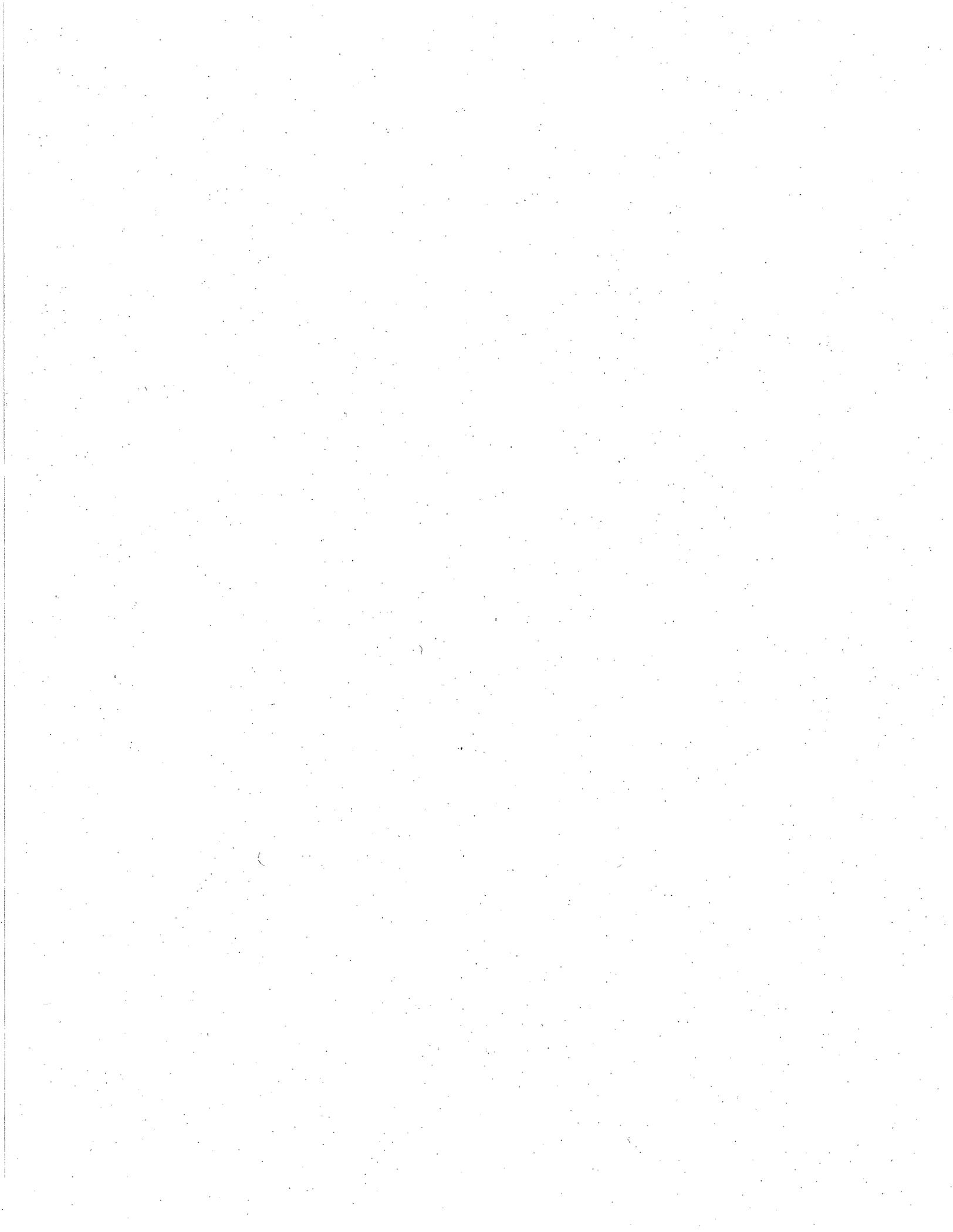
**SAN JOSÉ STATE UNIVERSITY'S POLICY OF COMMITMENT TO  
A CAMPUS CLIMATE THAT VALUES DIVERSITY AND EQUAL OPPORTUNITY**

San José State University is committed to creating a diverse community guided by core values of inclusion, civility, and respect for each individual. Such a community enriches the intellectual climate of the University and the educational experiences of its students, promotes personal growth and a healthy society, and supports a positive work environment.

As a community that values and respects diversity, inclusion, civility and individual uniqueness, San José State University is committed to:

- maintaining a climate where individuals feel welcome;
- encouraging students to act, listen and speak with open minds; to value individual experiences and perspectives, and to appreciate differing viewpoints, for the purpose of promoting the free exchange of ideas that fosters a healthy and productive society;
- encouraging faculty and staff to act with civility towards co-workers and colleagues while respecting differences and defending free inquiry;
- providing an environment where diversity is viewed broadly to include but not be limited to: accent, age, ancestry, citizenship status, color, creed, disability, ethnicity, gender, marital status, medical condition, national origin, race, religion or lack thereof, sex, sexual orientation, transgender, and veteran's status;
- actively recruiting, retaining and promoting a diverse workforce;
- ensuring that federal and state laws pertaining to affirmative action, non-discrimination, equal opportunity and prohibition of harassment are fully enforced;
- making reasonable accommodations for persons with disabilities;
- ensuring that employers using the services of the SJSU Career Planning & Placement Center are equal opportunity employers;
- ensuring that students and employees have ready access to information on procedures for filing complaints for non-compliance with laws or university policies, with safeguards to ensure that reports can be filed without intimidation or retaliation;
- helping members of the SJSU community sustain and continually strengthen the University's commitment to diversity and equal opportunity;
- promoting this policy through seminars, discourse and discussions.

**ACTION BY UNIVERSITY PRESIDENT: Approved and signed by President  
Robert L. Caret on 7/19/2001**





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**SS-S05-7**

At its meeting of April 25, 2005, the Academic Senate passed the following Sense of the Senate Resolution presented by Senator Thames for the Instruction and Student Affairs Committee.

**SENSE OF THE SENATE RESOLUTION**

**SJSU SHARED VALUES**

Whereas: Enriching the lives of our students and transmitting knowledge to our students along with the necessary skills for applying it in the service of our society is an important part of SJSU's mission; and

Whereas: Identifying shared values of faculty, staff, and students at SJSU supports our mission; and

Whereas: Campus-wide forums were held by the President's Office and Academic Senate to solicit input from faculty, staff, and students as part of the current institutional planning process; and

Whereas: Shared values emerged across those group discussions; and

Whereas: A campus-wide survey was held asking the university community to endorse the shared values with a resulting acceptance rating of 96% for Student Success, 94% for Excellence, 96% for Integrity, 97% for Diversity, 97% for Community, and through commentary, a consistent recommendation to add another value related to Learning; and

Whereas: The Instruction and Student Affairs Committee, working closely with the Office of Institutional Planning, has devoted time to discussions related to student values pursuant to a 2002 referral from the Provost; and

Whereas: Values would be better institutionalized with deliberate promotion across the whole campus with endorsement and support from campus leadership; and

Whereas: The Spartan Creed disappeared from the student handbook sometime after 1962 for unknown reasons and read as follows:

- To make learning a lifetime pursuit
  - This is the goal of a Spartan;
- To defend truth, wherever it may reside
  - This is the loyalty of a Spartan;
- To understand fully before making judgments
  - This is the way of a Spartan;
- To know what could be and what should be done

- This is the burden of a Spartan;  
To be able to do what must be done
- This is the promise of a Spartan;  
To live in harmony with law, both human and divine
- This is the promise of a Spartan;  
To become the most that my talents and efforts can make me
- This is the reward of a Spartan.

And

- Whereas: The President's Office, the Goals Advisory Council, the Executive Committee, and the Instruction and Student Affairs Committee have endorsed the attached document; therefore be it
- Resolved: That the attached document "SJSU Shared Values" be recommended as a guiding document along with the SJSU Mission Statement and the SJSU Vision Statement; and be it further
- Resolved: That the document be widely published in various forms, including but not limited to the Schedule of Classes, the University catalog, recruiting materials, orientation materials for incoming students (new and transfer students), orientation materials for new faculty and staff, the University web site; and be it further
- Resolved: That the University Planning Council and the Goals Advisory Council and any committees, task forces, or work groups formed by the UPC or GAC, consider their decisions with the "SJSU Shared Values" in mind; and be it further
- Resolved: That a program of activities sponsored by the President's Office and the Academic Senate be instituted to reinforce and promote the values (e.g. values recognition program, campus banners, posters for offices and buildings, etc.); and be it further
- Resolved: That the Senate appreciate any sponsorship Associated Students might provide to reinforce and promote the values; and be it further
- Resolved: That one such activity be having one of the values be the campus "theme" each academic year with each of the six shared values serving as the university's annual theme on a rotational basis; and be it further
- Resolved: That for the academic year 2005 –2006, the university value theme be "Student Success" and that all campus divisions, colleges, departments, units and organizations be encouraged to consider the value theme for the year when planning existing activities and that the value theme be considered in any campus-wide activities, such as Commencement, Honors Convocation, Campus Reading Program, Educated Person Dialogue, Orientation, etc.
- Approved: April 11, 2005
- Present: Willey, Greathouse, Moran, Kelly, Gonzales, Campsey, Thames, McClory, Peck, Thompson, Propas, (Evans, non-voting)
- Absent: Southerland, Hansen, Bjerkek, Nguyen, Dresser, Pour, Brada-Williams
- Vote: 11-0-0
- Financial Impact: None



## **Mission**

In collaboration with nearby industries and communities, San José State University faculty and staff are dedicated to achieving the university's mission as a responsive institution of the State of California: To enrich the lives of its students, to transmit knowledge to its students along with the necessary skills for applying it in the service of our society, and to expand the base of knowledge through research and scholarship.

For both undergraduate and graduate students, the university emphasizes the following goals:

- In-depth knowledge of a major field of study.
- Broad understanding of the sciences, social sciences, humanities, and the arts.
- Skills in communication and in critical inquiry.
- Multi-cultural and global perspectives gained through intellectual and social exchange with people of diverse economic and ethnic backgrounds.
- Active participation in professional, artistic and ethnic communities.
- Responsible citizenship and an understanding of ethical choices inherent in human development.

## **Vision 2010**

San José State University will be a prominent student-centered campus. By creating a vibrant educational institution focused on academic rigor, social responsibility and mutual respect, San José State University will be a university of choice – a desirable place for study and work. The University will be known for the value it places on the integration of liberal and professional education and theoretical and applied knowledge. The University will also be known for providing a welcoming, inclusive environment and exemplary student support services from application to graduation. Through the high quality of its graduates and the scholarship, research and service of its faculty and staff, San José State University will be viewed as a crucial resource for Silicon Valley and an important contributor to the region, the state and the world.

## **Shared Values**

These shared values enable us to serve our mission and achieve our vision.

### **Learning**

We value education above all. The academic freedom of faculty and students is vital to our role of promoting life-long learning through intellectual inquiry, scholarship, and the pursuit of knowledge.

### **Student Success**

We place our highest priority on ensuring the academic success and personal growth of San José State University students.

### **Excellence**

We hold ourselves to the highest standards and support continual improvement and innovation in all we do.

### **Integrity**

We are accountable for our actions and expect honesty and fairness in all our work and interactions.

### **Diversity**

We value and respect diversity, inclusion, civility and individual uniqueness and recognize the strength these factors bring to our community and learning environment. All of our interactions should reflect trust, caring and mutual respect.

### **Community**

We value collaborative relationships within and beyond the campus in order to best serve our mission.



**5 CA ADC § 41301**  
§ 41301. Standards for Student Conduct.

5 CCR § 41301

Cal. Admin. Code tit. 5, § 41301

Barclays Official California Code of Regulations Currentness  
Title 5. Education  
Division 5. Board of Trustees of the California State Universities  
Chapter 1. California State University  
Subchapter 4. Student Affairs  
Article 2. Student Conduct

**§ 41301. Standards for Student Conduct.**

(a) Campus Community Values

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

(b) Grounds for Student Discipline

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.

The following are the grounds upon which student discipline can be based:

(1) Dishonesty, including:

(A) Cheating, plagiarism, or other forms of academic dishonesty that are intended to gain unfair academic advantage.

(B) Furnishing false information to a University official, faculty member, or campus office.

(C) Forgery, alteration, or misuse of a University document, key, or identification instrument.

(D) Misrepresenting one's self 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. Hazing is defined as any method of initiation or pre-initiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university or other educational institution in this state (Penal Code 245.6), and in addition, any act likely to cause physical harm, personal degradation or disgrace resulting in physical or mental harm, to any former, current, or prospective student of any school, community college, college, university or other educational institution. The term "hazing" does not include customary athletic events or school sanctioned events.

Neither the express or implied consent of a victim of hazing, nor the lack of active participation in a particular hazing incident 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.

Note: Authority cited: Sections 66017, 66452, 66600, 69810, 89030, 89030.1 and 89035, Education Code. Reference: Sections 66450, 69813 et seq. and 89030, Education Code; and Section 245.6, Penal Code.

#### HISTORY

1. Amendment of section and NOTE filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18). For prior history, see Register 73, No. 15.

2. Renumbering of Article 1.1 (Sections 41301-41304) to Article 2 and amendment of NOTE filed 3-19-82; effective thirtieth day thereafter (Register 82, No. 12).

3. Amendment of subsection (l), new subsections (n)-(n)(3), subsection relettering, amendment of newly designated subsections (o)(1) and (o)(2)(A) and amendment of Note filed 2-2-2004; operative 2-2-2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 8).

4. Amendment of subsection (d), new subsection (o)(6) and amendment of Note filed 7-19-2004; operative 7-19-2004. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2004, No. 36).

5. Amendment of article 2 heading and repealer and new section filed 11-17-2005; operative 11-17-2005. Submitted to OAL for printing only pursuant to Education Code section 89030.1 (Register 2005, No. 52).

6. Amendment of subsection (b)(8) filed 3-19-2007; operative 3-19-2007 pursuant to Education Code section 89030.1. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 2007, No. 12).

7. Amendment of Note filed 4-6-2007; operative 4-6-2007 pursuant to Education Code section 89030.1. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 2007, No. 14).

8. Repealer of first paragraph, repealer and new subsection (a) and amendment of subsection (b) and Note filed 2-25-2008; operative 2-25-2008 pursuant to Education Code section 89030.1. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 2008, No. 9).

5 CCR § 41301, 5 CA ADC § 41301

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TITLE 20, EDUCATION  
CHAPTER 31. GENERAL PROVISIONS CONCERNING EDUCATION  
GENERAL REQUIREMENTS AND CONDITIONS CONCERNING OPERATION AND ADMINISTRATION OF  
EDUCATION PROGRAMS: GENERAL AUTHORITY OF SECRETARY  
RECORDS; PRIVACY; LIMITATION ON WITHHOLDING FEDERAL FUNDS

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20 USCS § 1232g

§ 1232g. Family educational and privacy rights.

(a) Conditions for availability of funds to educational agencies or institutions; inspection and review of education records; specific information to be made available; procedure for access to education records; reasonableness of time for such access; hearings; written explanations by parents; definitions.

(1) (A) No funds shall be made available under any applicable program to any educational agency or institution which has a policy of denying, or which effectively prevents, the parents of students who are or have been in attendance at a school of such agency or at such institution, as the case may be, the right to inspect and review the education records of their children. If any material or document in the education record of a student includes information on more than one student, the parents of one of such students shall have the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material. Each educational agency or institution shall establish appropriate procedures for the granting of a request by parents for access to the education records of their children within a reasonable period of time, but in no case more than forty-five days after the request has been made.

(B) No funds under any applicable program shall be made available to any State educational agency (whether or not that agency is an educational agency or institution under this section) that has a policy of denying, or effectively prevents, the parents of students the right to inspect and review the education records maintained by the State educational agency on their children who are or have been in attendance at any school of an educational agency or institution that is subject to the provisions of this section.

(C) The first sentence of subparagraph (A) shall not operate to make available to students in institutions of post-secondary education the following materials:

(i) financial records of the parents of the student or any information contained therein;  
(ii) confidential letters and statements of recommendation, which were placed in the education records prior to January 1, 1975, if such letters or statements are not used for purposes other than those for which they were specifically intended;

(iii) if the student has signed a waiver of the student's right of access under this subsection in accordance with subparagraph (D), confidential recommendations--

- (I) respecting admission to any educational agency or institution,
- (II) respecting an application for employment, and
- (III) respecting the receipt of an honor or honorary recognition.

(D) A student or a person applying for admission may waive his right of access to confidential statements described in clause (iii) of subparagraph (C), except that such waiver shall apply to recommendations only if (i) the student is, upon request, notified of the names of all persons making confidential recommendations and (ii) such recommendations are used solely for the purpose for which they were specifically intended. Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from such agency or institution.

(2) No funds shall be made available under any applicable program to any educational agency or institution unless the parents of students who are or have been in attendance at a school of such agency or at such institution are provided an opportunity for a hearing by such agency or institution, in accordance with regulations of the Secretary, to challenge the content of such student's education records, in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein and to insert into such records a written explanation of the parents respecting the content of such records.

(3) For the purposes of this section the term "educational agency or institution" means any public or private agency or institution which is the recipient of funds under any applicable program.

(4) (A) For the purposes of this section, the term "education records" means, except as may be provided otherwise in subparagraph (B), those records, files, documents, and other materials which--

(i) contain information directly related to a student; and

(ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

(B) The term "education records" does not include--

(i) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

(ii) records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement;

(iii) in the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose; or

(iv) records on a student who is eighteen years of age or older, or is attending an institution of postsecondary education, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

(5) (A) For the purposes of this section the term "directory information" relating to a student includes the following: the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(B) Any educational agency or institution making public directory information shall give public notice of the categories of information which it has designated as such information with respect to each student attending the institution or agency and shall allow a reasonable period of time after such notice has been given for a parent to inform the institution or agency that any or all of the information designated should not be released without the parent's prior consent.

(6) For the purposes of this section, the term "student" includes any person with respect to whom an educational agency or institution maintains education records or personally identifiable information, but does not include a person who has not been in attendance at such agency or institution.

(b) Release of education records; parental consent requirement; exceptions; compliance with judicial orders and subpoenas; audit and evaluation of Federally-supported education programs; recordkeeping.

(1) No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of educational records (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a)) of students without the written consent of their parents to any individual, agency, or organization, other than to the following--

(A) other school officials, including teachers within the educational institution or local educational agency, who have been determined by such agency or institution to have legitimate educational interests, including the educational interests of the child for whom consent would otherwise be required;

(B) officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;

(C) (i) authorized representatives of (I) the Comptroller General of the United States, (II) the Secretary, or (III) State educational authorities, under the conditions set forth in paragraph (3), or (ii) authorized representatives of the

Attorney General for law enforcement purposes under the same conditions as apply to the Secretary under paragraph (3);

(D) in connection with a student's application for, or receipt of, financial aid;

(E) State and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to State statute adopted--

(i) before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released, or

(ii) after November 19, 1974, if--

(I) the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve, prior to adjudication, the student whose records are released; and

(II) the officials and authorities to whom such information is disclosed certify in writing to the educational agency or institution that the information will not be disclosed to any other party except as provided under State law without the prior written consent of the parent of the student.[:]

(F) organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted;

(G) accrediting organizations in order to carry out their accrediting functions;

(H) parents of a dependent student of such parents, as defined in *section 152 of the Internal Revenue Code of 1986 [26 USCS § 152]*;

(I) subject to regulations of the Secretary, in connection with an emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons;

(J)

(i) the entity or persons designated in a Federal grand jury subpoena, in which case the court shall order, for good cause shown, the educational agency or institution (and any officer, director, employee, agent, or attorney for such agency or institution) on which the subpoena is served, to not disclose to any person the existence or contents of the subpoena or any information furnished to the grand jury in response to the subpoena; and

(ii) the entity or persons designated in any other subpoena issued for a law enforcement purpose, in which case the court or other issuing agency may order, for good cause shown, the educational agency or institution (and any officer, director, employee, agent, or attorney for such agency or institution) on which the subpoena is served, to not disclose to any person the existence or contents of the subpoena or any information furnished in response to the subpoena;

(K) the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of State and local educational and other agencies and institutions receiving funding or providing benefits of 1 or more programs authorized under the Richard B. Russell National School Lunch Act (*42 U.S.C. 1751 et seq.*) or the Child Nutrition Act of 1966 (*42 U.S.C. 1771 et seq.*) for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that--

(i) any data collected under this subparagraph shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and

(ii) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements; and

(L) an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (*25 U.S.C. 450b*)), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.

Nothing in subparagraph (E) of this paragraph shall prevent a State from further limiting the number or type of State or local officials who will continue to have access thereunder.

(2) No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of releasing, or providing access to, any personally identifiable information in education records other than directory information, or as is permitted under paragraph (1) of this subsection unless--

(A) there is written consent from the student's parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents and the student if desired by the parents, or

(B) except as provided in paragraph (1)(J), such information is furnished in compliance with judicial order, or pursuant to any lawfully issued subpoena, upon condition that parents and the students are notified of all such orders or subpoenas in advance of the compliance therewith by the educational institution or agency, except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note)) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required.

(3) Nothing contained in this section shall preclude authorized representatives of (A) the Comptroller General of the United States, (B) the Secretary, or (C) State educational authorities from having access to student or other records which may be necessary in connection with the audit and evaluation of Federally-supported education programs, or in connection with the enforcement of the Federal legal requirements which relate to such programs: *Provided*, That except when collection of personally identifiable information is specifically authorized by Federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students and their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of Federal legal requirements.

(4) (A) Each educational agency or institution shall maintain a record, kept with the education records of each student, which will indicate all individuals (other than those specified in paragraph (1)(A) of this subsection), agencies, or organizations which have requested or obtained access to a student's education records maintained by such educational agency or institution, and which will indicate specifically the legitimate interest that each such person, agency, or organization has in obtaining this information. Such record of access shall be available only to parents, to the school official and his assistants who are responsible for the custody of such records, and to persons or organizations authorized in, and under the conditions of, clauses (A) and (C) of paragraph (1) as a means of auditing the operation of the system.

(B) With respect to this subsection, personal information shall only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student. If a third party outside the educational agency or institution permits access to information in violation of paragraph (2)(A), or fails to destroy information in violation of paragraph (1)(F), the educational agency or institution shall be prohibited from permitting access to information from education records to that third party for a period of not less than five years.

(5) Nothing in this section shall be construed to prohibit State and local educational officials from having access to student or other records which may be necessary in connection with the audit and evaluation of any federally or State supported education program or in connection with the enforcement of the Federal legal requirements which relate to any such program, subject to the conditions specified in the proviso in paragraph (3).

(6) (A) Nothing in this section shall be construed to prohibit an institution of postsecondary education from disclosing, to an alleged victim of any crime of violence (as that term is defined in section 16 of title 18, United States Code [18 U.S.C. § 16]), or a nonforcible sex offense, the final results of any disciplinary proceeding conducted by such institution against the alleged perpetrator of such crime or offense with respect to such crime or offense.

(B) Nothing in this section shall be construed to prohibit an institution of postsecondary education from disclosing the final results of any disciplinary proceeding conducted by such institution against a student who is an alleged perpetrator of any crime of violence (as that term is defined in section 16 of title 18 [18 U.S.C. § 16], United States Code), or a nonforcible sex offense, if the institution determines as a result of that disciplinary proceeding that the student committed a violation of the institution's rules or policies with respect to such crime or offense.

(C) For the purpose of this paragraph, the final results of any disciplinary proceeding--

(i) shall include only the name of the student, the violation committed, and any sanction imposed by the institution on that student; and

(ii) may include the name of any other student, such as a victim or witness, only with the written consent of that other student.

(7) (A) Nothing in this section may be construed to prohibit an educational institution from disclosing information provided to the institution under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) concerning registered sex offenders who are required to register under such section.

(B) The Secretary shall take appropriate steps to notify educational institutions that disclosure of information described in subparagraph (A) is permitted.

(c) Surveys or data-gathering activities; regulations. Not later than 240 days after the date of enactment of the Improving America's Schools Act of 1994 [enacted Oct. 20, 1994], the Secretary shall adopt appropriate regulations or procedures, or identify existing regulations or procedures, which protect the rights of privacy of students and their families in connection with any surveys or data-gathering activities conducted, assisted, or authorized by the Secretary or an administrative head of an education agency. Regulations established under this subsection shall include provisions controlling the use, dissemination, and protection of such data. No survey or data-gathering activities shall be conducted by the Secretary, or an administrative head of an education agency under an applicable program, unless such activities are authorized by law.

(d) Students' rather than parents' permission or consent. For the purposes of this section, whenever a student has attained eighteen years of age, or is attending an institution of postsecondary education, the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student.

(e) Informing parents or students of rights under this section. No funds shall be made available under any applicable program to any educational agency or institution unless such agency or institution effectively informs the parents of students, or the students, if they are eighteen years of age or older, or are attending an institution of postsecondary education, of the rights accorded them by this section.

(f) Enforcement; termination of assistance. The Secretary shall take appropriate actions to enforce this section and to deal with violations of this section, in accordance with this Act, except that action to terminate assistance may be taken only if the Secretary finds there has been a failure to comply with this section, and he has determined that compliance cannot be secured by voluntary means.

(g) Office and review board; creation; functions. The Secretary shall establish or designate an office and review board within the Department for the purpose of investigating, processing, reviewing, and adjudicating violations of this section and complaints which may be filed concerning alleged violations of this section. Except for the conduct of hearings, none of the functions of the Secretary under this section shall be carried out in any of the regional offices of such Department.

(h) Certain disciplinary action information allowable. Nothing in this section shall prohibit an educational agency or institution from--

(1) including appropriate information in the education record of any student concerning disciplinary action taken against such student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community; or

(2) disclosing such information to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

(i) Drug and alcohol violation disclosures.

(1) In general. Nothing in this Act or the Higher Education Act of 1965 shall be construed to prohibit an institution of higher education from disclosing, to a parent or legal guardian of a student, information regarding any violation of any Federal, State, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the student's education records, if--

(A) the student is under the age of 21; and

(B) the institution determines that the student has committed a disciplinary violation with respect to such use or possession.

(2) State law regarding disclosure. Nothing in paragraph (1) shall be construed to supersede any provision of State law that prohibits an institution of higher education from making the disclosure described in subsection (a).

(j) Investigation and prosecution of terrorism.

(1) In general. Notwithstanding subsections (a) through (i) or any provision of State law, the Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) may submit a written application to a court of competent jurisdiction for an ex parte order requiring an educational agency or institution to permit the Attorney General (or his designee) to--

(A) collect education records in the possession of the educational agency or institution that are relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B) of title 18 United States Code [18 USCS § 232b(g)(5)(B)], or an act of domestic or international terrorism as defined in section 2331 of that *title* [18 USCS § 2331]; and

(B) for official purposes related to the investigation or prosecution of an offense described in paragraph (1)(A), retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such records, consistent with such guidelines as the Attorney General, after consultation with the Secretary, shall issue to protect confidentiality.

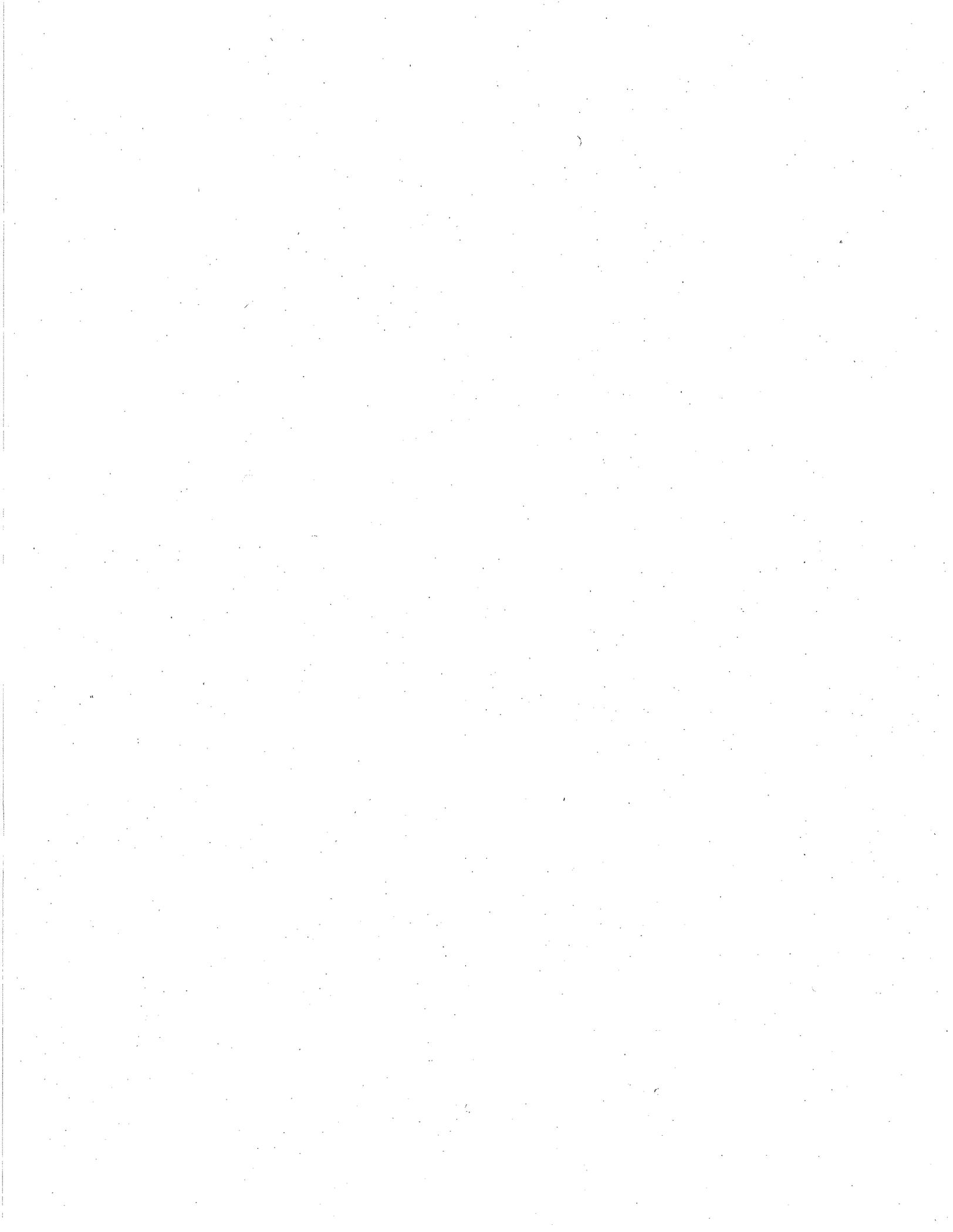
(2) Application and approval.

(A) In general. An application under paragraph (1) shall certify that there are specific and articulable facts giving reason to believe that the education records are likely to contain information described in paragraph (1)(A).

(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

(3) Protection of educational agency or institution. An educational agency or institution that, in good faith, produces education records in accordance with an order issued under this subsection shall not be liable to any person for that production.

(4) Record-keeping. Subsection (b)(4) does not apply to education records subject to a court order under this subsection.





## What is FERPA?

### Informational Guidelines

The *Family Educational Rights and Privacy Act of 1974* helps protect the privacy of student education records. The *Act* provides for the right to inspect and review education records, the right to seek to amend those records, and the right to limit disclosure of information from the records. The intent of the legislation is to protect the rights of students and to ensure the privacy and accuracy of education records. The *Act* applies to all institutions that are the recipients of federal aid administered by the Secretary of Education.

### What rights does FERPA afford students with respect to their education records?

- The right to inspect and review their education records within 45 days from the day the university receives a request for access. Students should submit written requests to identify the record(s) they wish to inspect. The staff of the office will make arrangements for access and notify the student of the time and place where the records may be inspected. If the requested records are not maintained in the Office of the Registrar, the student will be notified of the correct official to whom the request should be addressed.
- The right to request an amendment to the student's education records that the student believes is inaccurate or misleading. Students may ask the university to amend a record that they believe is inaccurate or misleading. They should write clearly to identify the part of the record they want

changed, and specify why it is inaccurate or misleading.

regardless of their age or status with regard to parental dependency. Students who have applied (but have not attended an institution) and deceased students are not protected under FERPA.

If the university decides not to amend the record, as requested by the student, the university will notify the student of the decision, and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing will be provided to the student when notified of the hearing.

- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the university in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the university has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

- The right to file a complaint, with the U.S. Department of Education, concerning alleged failures by the college to comply with the requirements of FERPA.

### Who is protected under FERPA?

Students currently enrolled or formerly enrolled

A student may provide consent to have the parent(s) or legal guardian access to the student's academic record by completing the FERPA Release form that can be downloaded from the Registrar's website.

[http://www.sisu.edu/registrar/docs/FERPA\\_Release\\_form.pdf](http://www.sisu.edu/registrar/docs/FERPA_Release_form.pdf)

### What are education records?

With certain exceptions, an education record is any record (1) from which a student can be personally identified and (2) maintained by the university. A student has the right of access to these records. Education records include any records in whatever medium (handwritten, print, magnetic tape, film, diskette, etc.) that is in the possession of any school official. This includes transcripts or other records obtained from a school in which a student was previously enrolled.

### What is not included in an education record?

- sole possession records or private notes held by school officials that are not accessible or released to other personnel,
- law enforcement or campus security records that are solely for law enforcement purposes and maintained solely by the law enforcement unit,
- records relating to individuals who are employed by the institution (unless contingent upon attendance),
- records relating to treatment provided by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional and disclosed only to individuals providing treatment,

- records of an institution that contain only information about an individual obtained after that person is no longer a student at that institution, i.e., alumni records.

#### **What is directory information?**

Institutions may disclose information on a student without violating FERPA if it has designated that information as "directory information. However, SJSU's policy on student directory information disclosure is more restrictive and will only allow disclosure of dates of enrollment and degrees.

#### **How does a student authorize release of their education record in the form of an academic transcript?**

Students must authorize the release of their transcript by submitting a request for an official copy of their transcript using the online ordering service through Credentials, Inc. <http://www.sjsu.edu/registrar/students/transcripts/index.html>

Mail request may be submitted by following the steps indicated on the transcript page in the Registrar's website.

#### **Who may have access to student information?**

- The student and any outside party who has the student's written request.
- School officials (as defined by the University) who have "legitimate educational interests."
- Parents of a dependent student as defined by the Internal Revenue Code.
- A person in response to a lawfully issued subpoena or court order, as long as the University makes a reasonable attempt to notify the student first. Normally, the University will comply with a subpoena after two weeks have elapsed from the day the subpoena was received.

#### **When is the student's consent not required to disclose information?**

When the disclosure is:

- to school officials (defined in policy) who have a legitimate educational interest,
- to federal, state, and local authorities involving an audit or evaluation of compliance with educational programs,
- in connection with financial aid; this includes Veterans' benefits,
- to organizations conducting studies for or on behalf of educational institutions,
- to accrediting organizations,
- to comply with a judicial order or subpoena
- in a health or safety emergency,
- releasing directory information but SJSU provides only for enrollment and degrees earned.
- releasing the results from disciplinary hearing to an alleged victim of a crime of violence.

#### **How will increasing technology impact FERPA on our campus?**

The use of computerized record-keeping systems is increasing at a fast pace. We can anticipate that the distribution of electronic data will eventually replace most paper documents, and provide much information about students to school officials through desktop media. It is the responsibility of each school official to understand their legal responsibilities under FERPA. The same principles of confidentiality that apply to paper records also apply to electronic data.

#### **Does FERPA allow educational agencies and institutions to use cloud computing solutions?**

FERPA does not prohibit the use of cloud computing solutions for the purpose of hosting education records; rather, FERPA requires States to use reasonable methods to ensure the security of their information technology (IT) solutions. As noted in the preamble to the December 2, 2011, amendments to the FERPA regulations, "the Federal Government itself is moving towards a model for secure cloud computing. Regardless of whether cloud computing is contemplated, States should take care that their security plans adequately protect student data, including PII (personally identifiable information) from education records, regardless of where the data are hosted.

Does SJSU prohibit the use of cloud computing solutions to host education records?

Below is the link to SJSU's guidelines on the use of cloud computing solutions such as Dropbox services.

<http://www.sjsu.edu/registrar/students/ferpa/index.html>

#### **FERPA CONTACT INFO:**

Family Policy Compliance Office

U.S. Department of Education  
400 Maryland Ave., SW  
Washington, D.C. 20202-5920



**SAN JOSÉ STATE**  
UNIVERSITY

Office of the Registrar  
One Washington Square  
San Jose, CA 95192-0009

[www.sjsu.edu/registrar](http://www.sjsu.edu/registrar)

## APPENDIX 6

MIKE MOYE  
Partner  
DIRECT DIAL 415 995 5092  
REPLY TO SAN FRANCISCO  
E-MAIL mmoye@hansonbridgett.com



January 21, 2014

VIA OVERNIGHT MAIL

Victim's Parents

Re: San Jose State University Factfinding

Victim's Parents

I write to follow-up on my telephone conversation with Victim's Mother last week. As I mentioned when we spoke, the University has established a special task force to review the allegations concerning incidents in the freshman dormitory and I have been tasked with developing a report of the facts for use by the task force.

The scope of my inquiry has been defined to include:

1. Determine, to the extent possible, what happened, when it happened, and who the alleged perpetrators are.
2. Determine when and how the campus knew of the alleged incident, or should have known of it.
3. Determine how and when the campus administration responded to the alleged incident.
4. Determine whether the campus or any of its employees violated any existing campus or systemwide policies in responding to the alleged incident. Determine the extent to which such policies, procedures and practices were followed.

More information on the task force and my inquiry is available in the following link:  
<http://blogs.sisu.edu/today/2013/presidents-update-an-independent-review-of-the-facts/>

I would appreciate the opportunity to speak with your son to get a better sense of the timing of the incidents and to clarify a couple of items from the University Police Department statements. As a separate matter, I would also like the opportunity to speak with each of you regarding the events on the afternoon/evening of October 13, 2013 and your interaction with the residents in the suite.

Please let me know if there is a time this week or early next week that would be convenient for your schedules. I am flexible in terms of a location for the meeting and would be happy to accommodate anything that would be most comfortable for you. Please let me know if you have any questions.

Very truly yours,

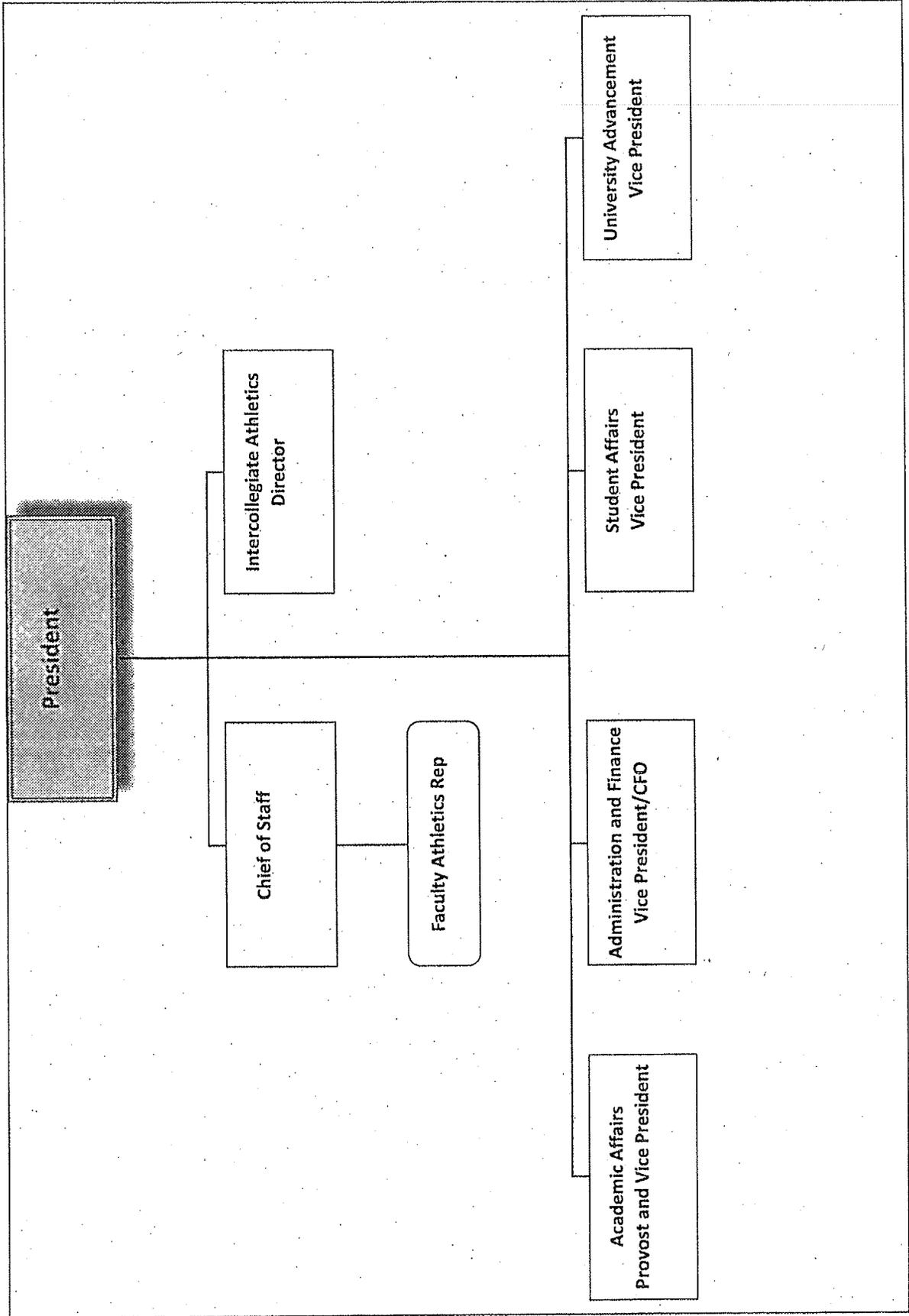
A handwritten signature in blue ink, appearing to read "Mike Moyer".

Mike Moyer

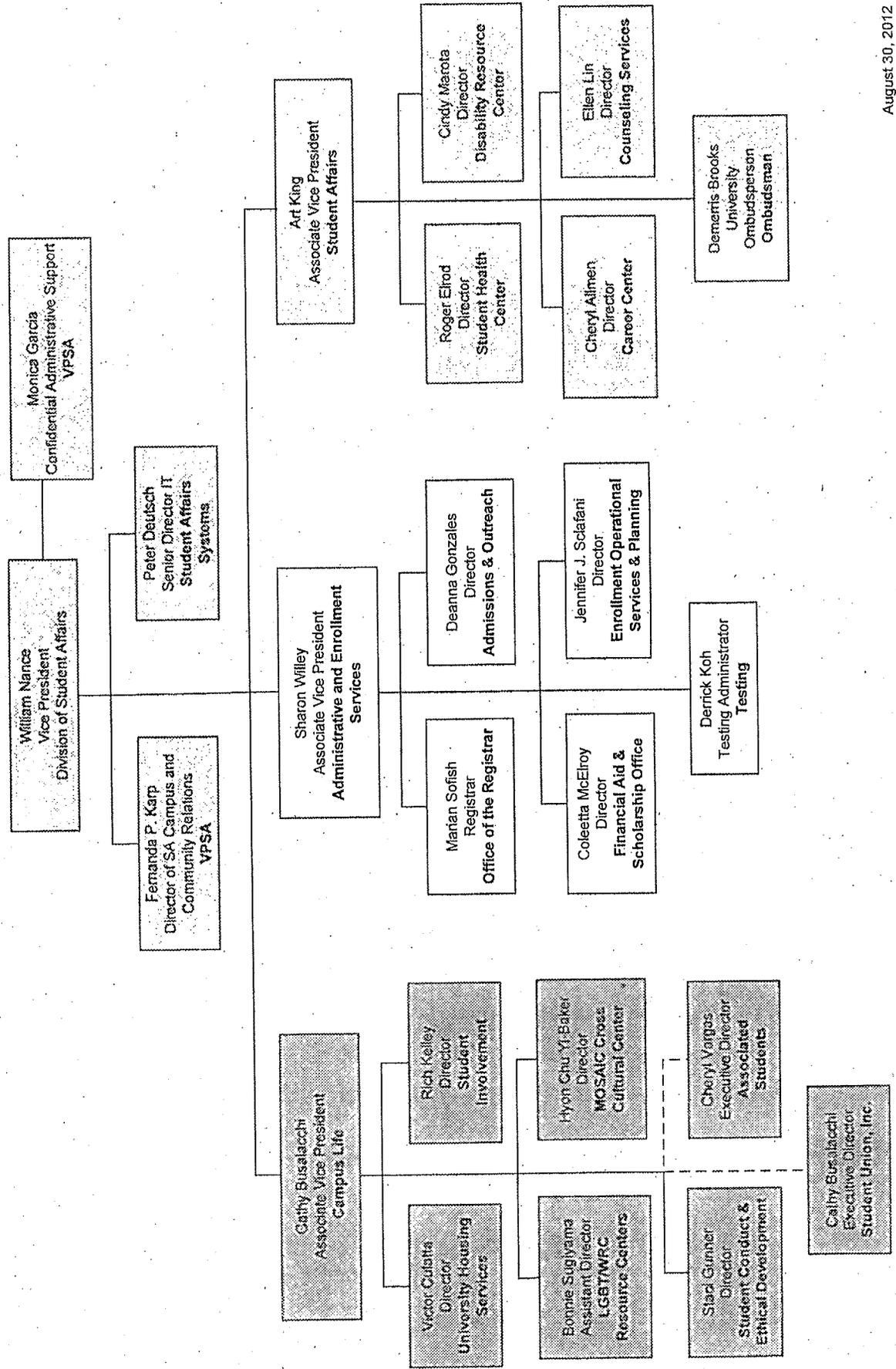
Hanson Bridgett LLP  
425 Market Street, 26th Floor, San Francisco, CA 94105 [hansonbridgett.com](http://hansonbridgett.com)

6070404.1

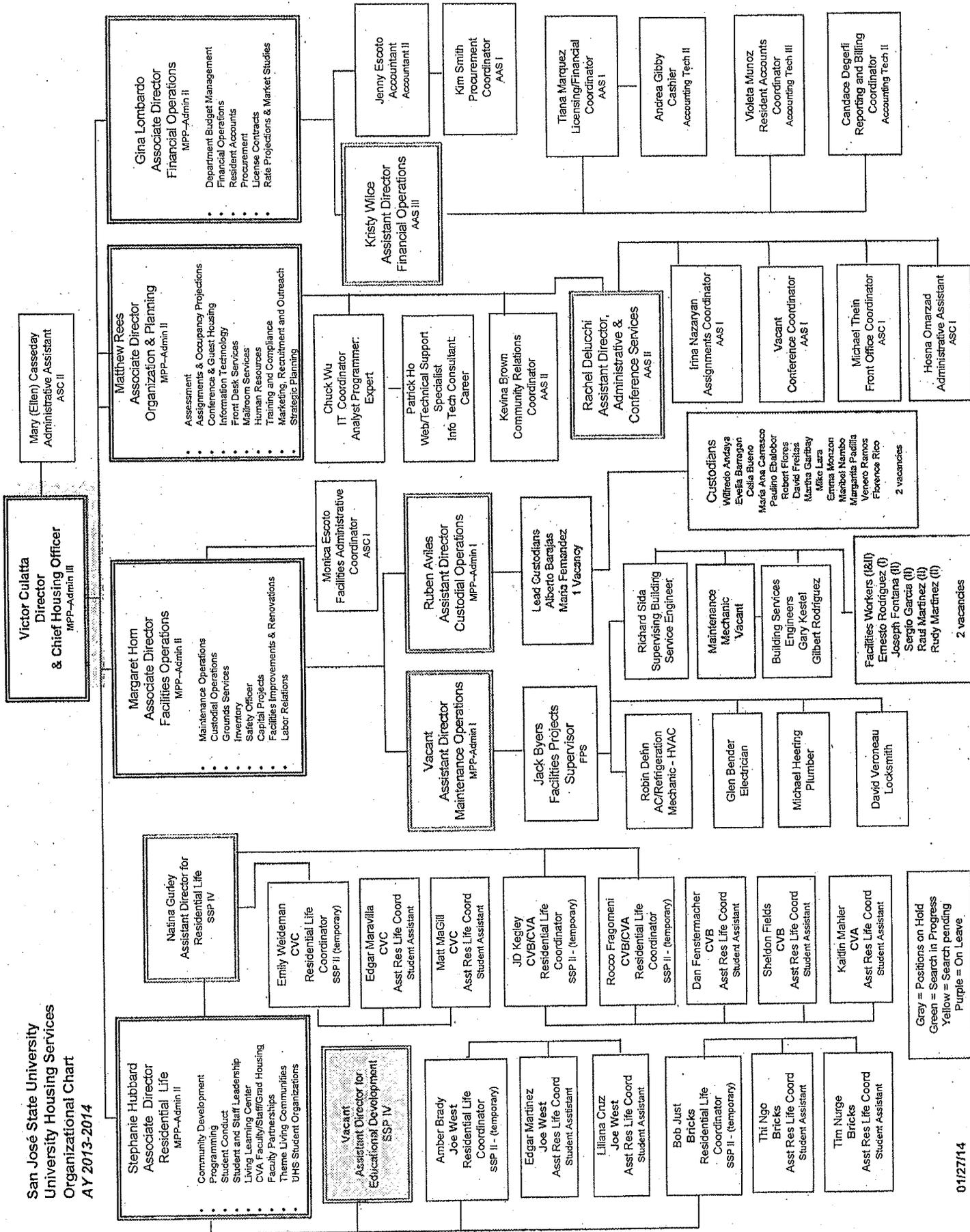
## APPENDIX 7



# Division of Student Affairs



San José State University  
 University Housing Services  
 Organizational Chart  
 AY 2013-2014



Gray = Positions on Hold  
 Green = Search in Progress  
 Yellow = Search pending  
 Purple = On Leave

# EXHIBIT A



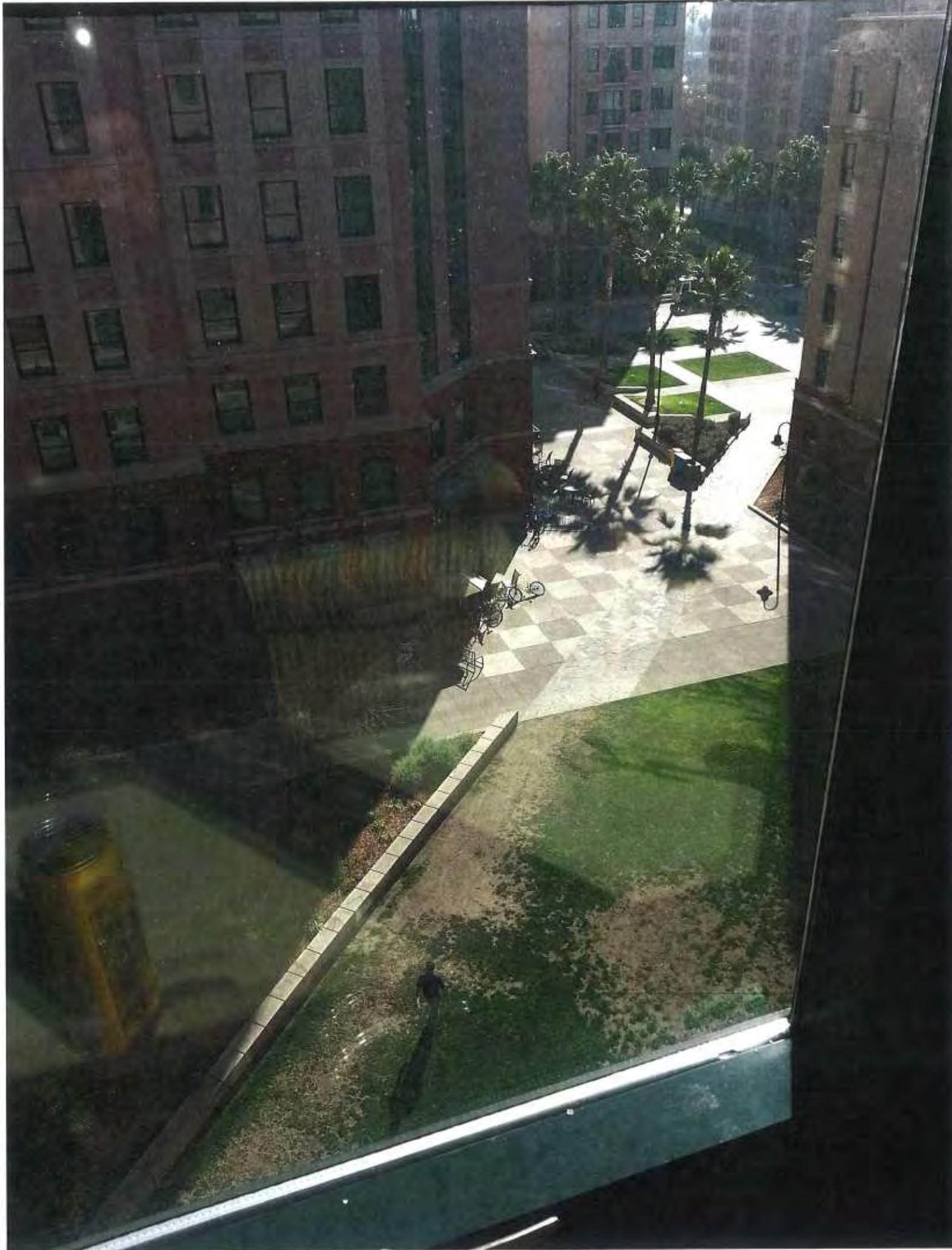


K2  
CHEE  
CHEE



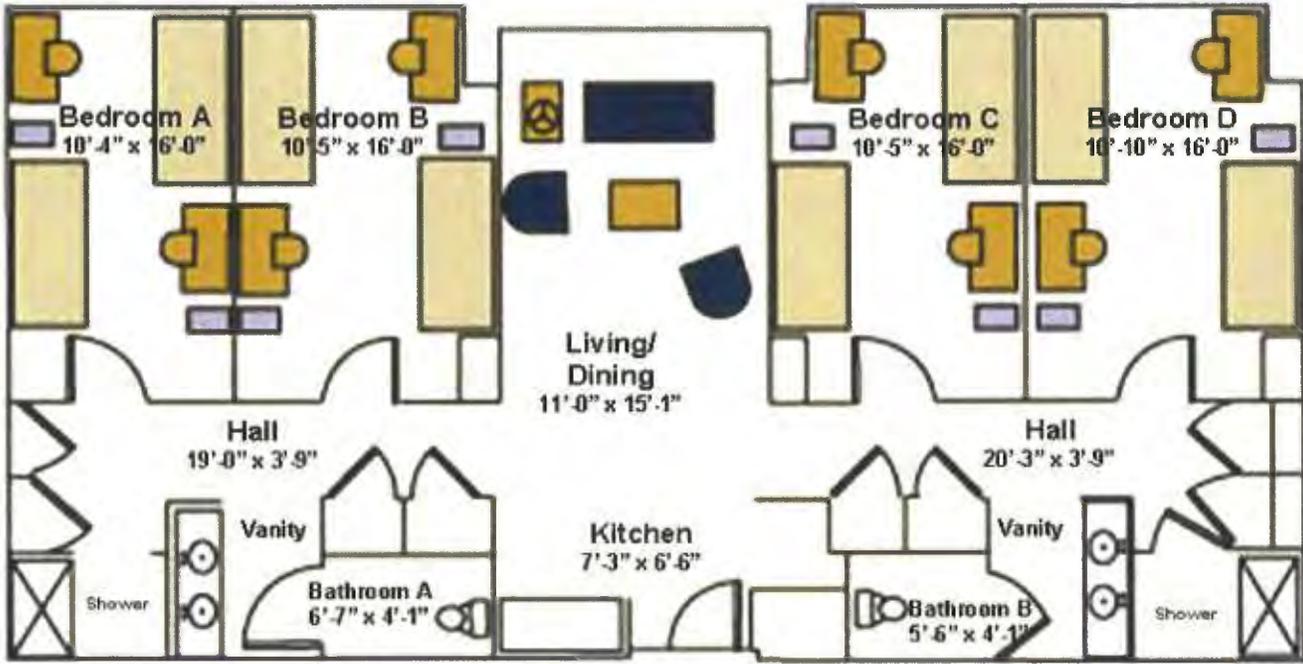












# EXHIBIT B

704 Suite

Please use specifics for your agreement. Stating "we're cool" is not acceptable. Expect that a Residential Life staff member will go through this agreement with all parties involved within one week of receipt of this form.

**Sleeping:**

sleep on couch at own discretion.  
Quiet down at 12 midnight.

**Study Habits:**

study in common area at any time  
↳ watching TV / playing music ok

**Cleaning up:**

Clean up after yourself  
label dishes  
Clean up when mess is very noticeable.

**Room Décor:**

Nothing goes  
- must be appropriate  
bamboo is always a go.  
Nothing that interferes w/ daily activities

**Phone/TV/Cable/Computer:**

everyone is ok to use tv.  
ask permission before using xbox

**Visitors:**

- visitors must be accompanied by resident or suite.
- if have 2+ ~~vis~~ guests, check w/ whoever is in the suite.
- you are responsible for guests  
↳ clean up after them.

**Personal Activities/Issues:**

- no excessive whistling EVER
- Make sure the fish is fed

**Communication:**

- text is best way
- phone call if matter is urgent.
- face to face if there is a problem in suite

**Drugs, Alcohol, and Tobacco:**

- NO Drugs or Alcohol
- no tobacco.

**Other Issues (personal items, noise level, etc.):**

- open windows before using toaster  
↳ turn on fan too.
- ask permission before eating each others food.
- no "brickblock of shame"

Suitemate A

Date

9/23/13

Resident Signature

Date

Victim Roommate

9/23/13

Resident Signature  
Victim

Date

9/23/13

Resident Signature

Date

Suspect 3

9/23/13

Resident Signature  
Suspect 4

Date

9/23/13

Resident Signature

Date

Suspect 2

9/23/13

Resident Signature  
Suitemate B

Date

9/23/13

Resident Signature

Date

Suspect 1

9/23/13

Services policies as they pertain to us, and as described in the Community Living Handbook located on [www.housing.sjsu.edu](http://www.housing.sjsu.edu).

704A

Please use specifics for your agreement. Stating "we're cool" is not acceptable. Expect that a Residential Life staff member will go through this agreement with all parties involved within one week of receipt of this form.

**Sleeping:**

Be mindful of roommates needing sleep

**Visitors:**

Only allowed if cleared by both roommates

**Study Habits:**

Respect whoever has to do homework

**Personal Activities/Issues:**

Don't do anything bothersome to others

**Cleaning up:**

Keep room relatively tidy

**Communication:**

English  
Occasionally Spanish

**Room Décor:**

Both parties must agree as to what decorates the room

**Drugs, Alcohol, and Tobacco:**

None shall be permitted in to the room

**Phone/TV/Cable/Computer:**

Don't use roommates' items without asking for permission first

**Other Issues (personal items, noise level, etc.):**

Resident Signature  
Suitemate A

Date

9/20/13

Resident Signature

Date

Resident Signature  
Suspect 3

Date

9/20/13

Resident Signature

Date

services policies as they pertain to us, and as described in the Community Living Handbook located on [www.housing.sjsu.edu](http://www.housing.sjsu.edu). Please use specifics for your agreement. Stating "we're cool" is not acceptable. Expect that a Residential Life staff member will go through this agreement with all parties involved within one week of receipt of this form.

704 B

**Sleeping:**  
When one person is sleeping, make effort to not make noise.

**Visitors:**  
No more than one person at a time and also none in room if someone is studying.

**Study Habits:**  
Make studying a priority

**Personal Activities/Issues:**  
No Whistling.

**Cleaning up:**  
Tidy and empty trash and vacuum weekly

**Communication:**  
Communicate with roommate about issues

**Room Décor:**  
Nothing that presents a fire/escape hazard

**Drugs, Alcohol, and Tobacco:**  
None in the room

**Phone/TV/Cable/Computer:**  
Respect other roommate when they are sleeping

**Other Issues (personal items, noise level, etc.):**

Res Suspect 4  
Date 9/16  
Resident Signature \_\_\_\_\_ Date \_\_\_\_\_  
Resident Signature \_\_\_\_\_ Date \_\_\_\_\_  
Resident Signature \_\_\_\_\_ Date \_\_\_\_\_  
Resident Signature \_\_\_\_\_ Date \_\_\_\_\_

Resident Signature Suspect 4  
Date 9/16/13  
Resident Signature \_\_\_\_\_ Date \_\_\_\_\_  
Resident Signature \_\_\_\_\_ Date \_\_\_\_\_  
Resident Signature \_\_\_\_\_ Date \_\_\_\_\_

Services policies as they pertain to us, and as described in the Community Living Handbook located on [www.housing.sjsu.edu](http://www.housing.sjsu.edu).

704C

Please use specifics for your agreement. Stating "we're cool" is not acceptable. Expect that a Residential Life staff member will go through this agreement with all parties involved within one week of receipt of this form.

**Sleeping:**

- Be respectful if the other roommate is trying to sleep.
- Be quiet if you come in late.

**Visitors:**

- No unaccompanied visitors
- One overnight visitor per week on the weekends.

**Study Habits:**

- Be mindful/wary

**Personal Activities/Issues:**

- Don't choke the chicken in the room.

**Cleaning up:**

- Don't leave open food lying around
- Don't leave items in the DMZ

**Communication:**

- Respond to communication within a reasonable amount of time.

**Room Décor:**

- Anything goes, at the discretion of both roommates.

**Drugs, Alcohol, and Tobacco:**

- Don't smoke in the room.
- Be respectful
- Don't puke in the room.

**Phone/TV/Cable/Computer:**

- Be mindful of light and noise during the night.

**Other Issues (personal items, noise level, etc.):**

- Respect each other's private space.
- Noise is at the discretion of the person in the suite or both roommates if they are there.

Resident Signature  
Suspect 1

Date

9/12/13

Resident Signature  
Suspect 2

Date

9/12/13

Resident Signature

Date

Services policies as they pertain to us, and as described in the Community Living Handbook located on [www.housing.sjsu.edu](http://www.housing.sjsu.edu).

7041

Please use specifics for your agreement. Stating "we're cool" is not acceptable. Expect that a Residential Life staff member will go through this agreement with all parties involved within one week of receipt of this form.

**Sleeping:** Lights out at 12:00  
but tv can still be on  
silent

**Visitors:** are welcome, but be considerate  
of roommate's belongings if they  
are not present.

**Study Habits:**

Study after 6pm, till 12:30 a.m.

**Personal Activities/Issues:**

None at the moment

**Cleaning up:**

give a good clean  
once a week  
also try to keep iso open

**Communication:**

Open floor, speak your  
mind.  
Secrets don't make friends

**Room Décor:**

Only put decorations on your  
side of room and the  
window is a collaboration

**Drugs, Alcohol, and Tobacco:**

Don't use in room

**Phone/TV/Cable/Computer:**

Tv volume at 1 at 11:00

**Other Issues (personal items, noise level, etc.):**

Do not allow others to take  
stuff from roommate when  
roommate is absent.

Resident Signature  
Victim Roomate

Date

9/23/13

Resident Signature  
Victim

Date

9/23/13

Resident Signature

Date

# EXHIBIT C

Suspect 1 , Attended Session #3- June 25-26, Engineering, OL was Annie Blaylock

Suspect 3 ; Attended Session #1- June 11-12, Engineering, OL was Felix Navarro

Suspect 2 ; Attended Session #7- July 23-24, Engineering, OL was Raven Williams

Suspect 4 , Attended Session #1, June 11-12, Engineering, OL was Rigo Flores

Attendance was taken by OLs before University Life 101 (Skits) as well as in the Spartan to Spartan small group. All were present. If they had been marked missing we would have noted this, and searched for them immediately. They would also have had holds placed on their registration. No holds were placed on these 4. The hold list is attached.

# San Jose State University

## Student Involvement

(/getinvolved/)

### Sample Schedule-at-a-Glance

#### Day One

9:00–10:15 a.m.	Check-In
9:15–10:45 a.m.	ID/Bookstore/Resource Fair/Library Tours
11:00 a.m.–12:00 p.m.	Orientation Kick-Off
12:00–1:00 p.m.	Lunch
1:00–2:25 p.m.	<b>Students:</b> Get Connected
1:00–2:00 p.m.	<b>Parents:</b> Parent Advising Overview
2:25–4:50 p.m.	<b>Students:</b> Advising Overview
2:15–3:45 p.m.	<b>Parents:</b> Understanding SJSU Resources
4:00–4:50 p.m.	<b>Parents:</b> Students Question and Answer Panel
5:00–5:30 p.m.	Special Interest Session I
5:45–6:15 p.m.	Special Interest Session II
6:15–7:15 p.m.	Dinner
7:15–9:00 p.m.	<b>Students:</b> University Life 101
9:00–9:30 p.m.	<b>Students:</b> Spartan to Spartan
9:45–10:30 p.m.	<b>Students:</b> Reflection, Relaxation and Advising Prep

#### Day Two

7:30–8:45 a.m.	Breakfast and Small Group Meeting
8:45–9:00 a.m.	Escort to Advising and Registraton
9:00 a.m.–12:00 p.m.	Advising and Registration
12:00 p.m.	Program Check-Out
various	Optional Day Two Opportunities

\*Your orientation session schedule may differ. This is a sample schedule. All event days, times, and location are subject to change. Please refer to your session materials for exact details.

SJSU000399

# San Jose State University

## Student Involvement

[\(/getinvolved/\)](#)

## Frosh Orientation Handouts for Incoming Students

Here is a collection of handouts and links that are important for incoming students.

### Links

- Utilize the [Spartan Success Portal \(/getinvolved/leadsuccess/spartansuccess/index.html\)](#)! Full of good resources and interactive workshops
- Please visit the [Advising Hub \(/advising\)](#) for more information about Academic Advising
- Please review the [Course Catalog \(http://info.sjsu.edu/home/catalog.html\)](http://info.sjsu.edu/home/catalog.html) for more information about course requirements
- [Spartan Guide \(/getinvolved/docs/Spartan%20Guide%20for%20Incoming%20Frosh%20Students%202013.pdf\)](#) for incoming frosh students
- Please review this handout for more information about [Sexual Violence Awareness Training Resources \(PDF\) \(/getinvolved/docs/EO%201074-Sexual%20Violence%20Awareness%20Training%20Resources.pdf\)](#)
- Information on how to file internal campus complaints for [discrimination and harassment \(/getinvolved/orientation/resources/discriminationandharassment/\)](#)

### Handouts

#### Student Services

- Air Force ROTC
  - [Fact Sheet \(PDF\) \(/getinvolved/docs/AFROTCFactSheetAug11.pdf\)](#)
  - [Informational Flyer \(PDF\) \(/getinvolved/docs/ICSPMar2013.pdf\)](#)
  - [Pilot and Combat Systems Officer Opportunities \(PDF\) \(/getinvolved/docs/PilotCSOFactSheet2011.pdf\)](#)
  - [Detachment 045 Fact Sheet \(PDF\) \(/getinvolved/docs/SJSU%20AFROTC%20Fact%20Sheet\\_1%20May%202013.pdf\)](#)
- Associated Students—[Student Association Fee Benefits Information \(PDF\) \(/getinvolved/docs/Associated%20Students%20handout.pdf\)](#)
- Bursar's Office—[M \(/getinvolved/docs/Orientation%20Handout%20Fall%202013.doc\)anaging Your Student Account Information \(DOC\) \(/getinvolved/docs/Orientation%20Handout%20Fall%202013.doc\)](#)
- Career Center
  - [Welcome to the Career Center \(PDF\) \(/getinvolved/docs/FYE\\_Handouts\\_2013\\_508.pdf\)](#)
  - [SpartaTrack for Students \(PDF\) \(/getinvolved/docs/spartaTrackForStudents\\_2013\\_508.pdf\)](#)
- Counseling Services

**SJSU000400**

- [Bookmarks \(PDF\) \(/getinvolved/docs/PRINT%20revised%20Book%20MARK.pdf\)](#)
- [Spartan Success Workshops \(PDF\) \(/getinvolved/docs/Fall%202013%20Spartan%20Success%20Workshops.pdf\)](#)
- [Disability Resource Center—Department Brochure \(PDF\) \(/getinvolved/docs/Disability%20Resource%20Center%20handout.pdf\)](#)
- [Financial Aid and Scholarship Office—Financial Aid Instructions 2013–14 \(PDF\) \(/getinvolved/docs/FASO%202013.pdf\)](#)
- [International House—Informational Flyer \(PDF\) \(/getinvolved/docs/I-HouseOrientationFlyer\\_SocialMedia\\_NoApplication.pdf\)](#)
- [Parking Services—D \(/getinvolved/docs/Student%20Parking%20Brochure%2006-05-12.pdf\)epartment Brochure \(PDF\) \(/getinvolved/docs/Student%20Parking%20Brochure%2006-05-12.pdf\)](#)
- [Spartan Bookstore—I \(/getinvolved/docs/General%20Brochure-Combo.pdf\)nformation and Fact Sheet \(PDF\) \(/getinvolved/docs/General%20Brochure-Combo.pdf\)](#)
- [Spartan Shops](#)
  - [Gold Points \(PDF\) \(/getinvolved/docs/Gold\\_Points\\_AccessibleR.pdf\)](#)
  - [Food Options on Campus \(PDF\) \(/getinvolved/docs/Shops\\_Map\\_Accessible.pdf\)](#)
- [Student Conduct and Ethical Development—Department Brochure \(PDF\) \(/getinvolved/docs/Student%20Conduct.pdf\)](#)
- [Student Health Center](#)
  - [Department Brochure \(PDF\) \(/getinvolved/docs/SHCbrochure6\\_09.pdf\)](#)
  - [Party With A Plan Handout \(PDF\) \(/getinvolved/docs/SJSU\\_PartyWithAPlan.pdf\)](#)
- [Student Involvement](#)
  - [Department Brochure \(PDF\) \(/getinvolved/docs/2013-14%20Student%20Involvement%20Department%20Brochure.pdf\)](#)
  - [Greeks in the Community / Greek Achievement and Recognition \(PDF\) \(/getinvolved/docs/2012%20FASL%20Service%20Philanthropy%20and%20Achievement%20Report.pdf\)](#)
  - [Fraternity and Sorority Life: The Experience of a Lifetime Brochure \(PDF\) \(/getinvolved/docs/2013-14%20Fraternity%20and%20Sorority%20Life%20Brochure.pdf\)](#)
  - [Student Organization Directory \(PDF\) \(/getinvolved/docs/2013%20Student%20Org.%20Directory.pdf\)](#)
  - [Understanding and Take a Stand Against Hazing Brochure \(PDF\) \(/getinvolved/docs/2013%20Hazing%20Pamphlet.pdf\)](#)
- [Transportation Solutions—\(Associated Students\)](#)
  - [Department Brochure \(inside\) \(PDF\) \(/getinvolved/docs/SJSU\\_TransBrochure\\_Inside\\_Spr2012\\_bleed.pdf\)](#)
  - [Department Brochure \(outside\) \(PDF\) \(/getinvolved/docs/SJSU\\_TransBrochure\\_Outside\\_Spr2012\\_bleed.pdf\)](#)
- [University Police Department—Annual Security and Fire Safety Report: 2009–2011 Crime Statistics \(PDF\) \(/police/docs/asr/annual\\_safety\\_report\\_2012.pdf\)](#)

## Academic Services

- [Peer Connections—D \(/getinvolved/docs/Peer%20Connections%20-%20Full%20Brochure.pdf\)epartment Brochure \(PDF\) \(/getinvolved/docs/Peer%20Connections%20-%20Full%20Brochure.pdf\)](#)
- [Dr. Martin Luther King, Jr. Library—I \(/getinvolved/docs/accessible\\_Getting%20Started%20at%20SJSU%20Library%20MAR%202013.pdf\)nformation \(PDF\) \(/getinvolved/docs/accessible\\_Getting%20Started%20at%20SJSU%20Library%20MAR%202013.pdf\)](#)

SJSU000401

- [Writing Center—Informational Flyer \(DOC\) \(/getinvolved/docs/Writing%20Center%20flier%20-%202013.docx\)](#)

## Colleges

- College of Applied Sciences and the Arts
  - [CASA Student Success Center Information \(PDF\) \(/getinvolved/docs/CASA%20handout%201.pdf\)](#)
  - [Nursing Program Fact Sheet \(DOC\) \(/getinvolved/docs/Nursing%20FactSheet\\_2013.doc\)](#)
  - [Opportunities for Nursing Students \(PDF\) \(/getinvolved/docs/NursingStudentsAug11.pdf\)](#)
  - [Health Science Program Fact Sheet \(PDF\) \(/getinvolved/docs/Health%20Science%20Fact%20Sheet%202012.pdf\)](#)
  - [Hospitality Management Fact Sheet \(PDF\) \(/getinvolved/docs/HSPM%202013%20fact%20sheet%20prt.pdf\)](#)
  - [Kinesiology Fact Sheet \(DOC\) \(/getinvolved/docs/Kinesiology%20Fact%20Sheet13.doc\)](#)
  - [Journalism & Mass Communications Fact Sheet \(PDF\) \(/getinvolved/docs/JOURNALISM%20fact%20sheet%202013.pdf\)](#)
  - [Journalism & Mass Communications—Advertising \(DOC\) \(/getinvolved/docs/JMC%20-%20Advertising%20-%20Updated%20for%20FROSH%20Orientation%202010.docx\)](#)
  - [Journalism & Mass Communications—Public Relations \(DOC\) \(/getinvolved/docs/JMC%20-%20Public%20Relations%20-%20FACT%20SHEET.docx\)](#)
  - [Justice Studies Fact Sheet \(PDF\) \(/getinvolved/docs/Justice%20Studies%20Fact\\_Sheet\\_Justice\\_07-2012.pdf\)](#)
  - [Justice Studies Forensic Science Fact Sheet \(PDF\) \(/getinvolved/docs/Justice%20Studies%20Fact\\_Sheet\\_Forensics\\_07-2012.pdf\)](#)
  - [Justice Studies Human Rights Fact Sheet \(PDF\) \(/getinvolved/docs/Justice%20Studies%20-%20HR%20Fact%20Sheet%202013.pdf\)](#)
  - [Nutrition, Food Science & Packaging Fact Sheet \(DOC\) \(/getinvolved/docs/Nutrition%20Fact%20Sheet%20-%202013.docx\)](#)
  - [Recreation Management & Recreation Therapy Fact Sheet \(DOC\) \(/getinvolved/docs/Recreation%20Mgt%20REC%20Therapy%20Fact%20Sheet.docx\)](#)
  - [Social Work Fact Sheet \(DOC\) \(/getinvolved/docs/SocialWork%20FactSheet\\_%202012.docx\)](#)
  - [Occupational Therapy Fact Sheet \(PDF\) \(/getinvolved/docs/OccuTherapy\\_factsheet%20March%202013.pdf\)](#)
- [College of Business—R \(/getinvolved/docs/CoBResourcesSuccessParentsStudentsFrosh.pdf\)esource Page \(PDF\) \(/getinvolved/docs/CoBResourcesSuccessParentsStudentsFrosh.pdf\)](#)
- [College of International and Extended Studies—Summer and Winter Options \(PDF\) \(/getinvolved/docs/Summer%20and%20Winter%20Options%20Extended%20Studies.pdf\)](#)
- [College of Science—Open House Invitation \(PDF\) \(/getinvolved/docs/Fall%202013%20Welcome%20back%20flyer.v.2.pdf\)](#)
- [College of Social Sciences—Student Success Center Information \(PDF\) \(/getinvolved/docs/COSScience%20handout.pdf\)](#)



**SAN JOSÉ STATE  
UNIVERSITY**

**Frosh Orientation 2013  
Participation Agreement**

Dear Frosh Orientation Participant,

The primary goal of Frosh Orientation is to introduce you to the University, register you for your classes, and prepare you for life at San José State. Therefore, all programs are mandatory unless you are otherwise informed by the Orientation Staff. Failure to attend scheduled meetings may jeopardize your ability to register for classes.

You are expected to remain on campus throughout the scheduled program. You are required to stay in the summer orientation residence hall overnight.

While participating in the orientation program, you are considered a San Jose State Student. You are therefore expected to abide by all University policies and the code of the student conduct as set forth in the *Student Conduct Standards* section of the *SJSU Catalog*, which can be found online at [info.sjsu.edu](http://info.sjsu.edu).

Students who engage in violations of the code of student conduct during the orientation program will be required to leave the program and resolve disciplinary charges for such violations with Orientation & Transition and/or the Office of Student Conduct and Ethical Development prior to being able to register for courses for the Fall 2013 semester.

The University reserves the right to impose sanctions, up to and including separation from the University, for violations of the code of student conduct.

Your anticipated cooperation with these provisions is appreciated.

**Your signature below signifies that you have read, understand, and agree to the above statements.**

---

Signature

Date

---

Print Name

Orientation Group Number

# 2012 Frosh Orientation

## Day One

### Get Connected

#### (Small Group Meeting)

1:00-2:25 PM: Student Group Meeting #1

- **Introduce yourself**
  - Where are you from
  - Major
  - Year
  - **Explain your role**
    - The reason why they have an Orientation Leader
    - Expectations of you and your students towards each other
- **Quick Ice breaker**
  - Purpose
    - Get to know the people in the group
    - Everyone's Majors
    - And where they are from
- **Settle Everyone Down**
  - Agreements
  - T-shirt Sizes
  - Raffle tickets
- **Explain your role**
  - The reason why they have an Orientation Leader
  - Expectations of you and your students towards each other
- **Share your Story**
  - What was it like for you transitioning from high school to college?
  - Why SJSU?
  - What is your favorite Memory or Memories about your time here?
    - Campus Involvement
    - Difficulties during your first year
    - Lived on Campus or Commuted
      - Explain Both Sides
  - What do you wish you had available to you as an incoming freshman?

- Your favorite campus traditions
  - Target Night
  - Convocation & Fall Welcome Days
  - Student Organization Fair
  - Greek Life
  - Sparta Camp
  - Spartan Squad
  - Division 1 Sporting Events
  - Homecoming
  - Philanthropy Events
  - Trashion Fashion Show
  - Concerts

- Transition discussion into...

- **Discussion Points :** At this point you can begin passing out question cards if students are not engaging in discussion points
  - We Are Sparta pillars
  - Importance of Diversity in SJSU
  - Campus resources
  - Things students are looking forward to
    - Collect Cards if you passed them out
  - Talk about a few of the questions or comments you got in the cards
    - END DISCUSSION
  
- **Rest of the DAY!!** This could be covered at the beginning or the end of the meeting
  - Go over the rest of the schedule
  - Remind them about the survey they could begin filling out throughout the day
  - Explain the next place you will take them and where you will meet them next
  - **Finish With a Fun Icebreaker!**
  
- Escort your group onto the next session, Student Group Meeting #2, Academic Advising & SJSU Requirements. **If you are an advisor this session, you have five (5) less minutes with your group.** Explain to your group that you have another role and the group leader next to your group will escort them to the BBC for advising. Arrange this ahead of time with fellow staff.

# **2013 Frosh Orientation Day One Spartan to Spartan (Small Group Meeting)**

## **Overview**

**Discuss Skit Topics and Explain Spartan Values**

### **Remind students of ground rules**

- Safe space
- Important to be respectful of others
- Keep an open mind
- Remind them that they signed a contract
- Refer up to core staff or pro staff if you have problem students

### **Quick check in**

- How is your group feeling?
- Your student's mood will give you an idea of what direction to take
- Tips
  - Ask each student to say how he or she is feeling in 3 words or less.
  - Choose a low-key icebreaker like... A Mini Alliance Circle, Magic Wand, etc
  - Ask questions: Did you find the skits realistic? Which skits stood out to you?

### **Summary of Topics**

- Go over each skit
  - Plagiarism
  - Alcohol Abuse & Awareness
  - Sexual Harassment
  - Sexual Assault
  - Student Conduct
- Share your own experiences or those of others who have given approval.
- Tips: Use a speaking stick/object
- Mention resources (yourself included)

### **Lighten the mood me**

- Ask students to put questions on notecards and you answer them
- Optional: Icebreaker, this one can be more high energy versus the low-key one during the initial check in

### **Welcome to the Spartan Family!**

- Go over precedents/expectations of SJSU students
- Welcome to Spartan Family w/ Spartan Pin

- Give out your business card and encourage exchanging contact information with each other

### Spartan to Spartan (Detailed)

8:45PM-9:45PM

First, facilitate a quick and somewhat quiet ice breaker to re-introduce yourself and the others in the group. This will help make the group members feel comfortable sharing their thoughts and ideas.

Begin the debriefing by asking the students what they thought of the skit in general.

- Over the past couple of hours, you were exposed to many different topics that many Frosh face while at college.
- What topics stood out to you?
- Do you they think the skits were realistic?
- Do they think these issues are a possibility on San José State's campus?
- **At what point in the day did you begin to feel connected and/or comfortable with your peers?**

Explain that these are issues and situations that many will encounter while at school and that it is important to know about resources and consequences. These situations may or may not happen to them, but statistics show that they will know at least one person dealing with these issues during college.

Proceed by discussing each skit separately. Although the students have just seen the skits, you may need to remind them what these skits are. Ask the group, "What were the main ideas in the \_\_\_\_\_ skit?" Discuss the main ideas of each skit that are provided for you and then use the sample questions to facilitate discussions on the issues.

### We Are Sparta Commitment

- Main Ideas
  - Refers to 5 ideals to uphold as an individual to help maintain a supportive and enriching community with which to learn and live in.
  - Pin the students with the "We Are Sparta" pin after reading the ideals aloud in the group

### Discussion Questions

- What are some things you can do personally to uphold some of these values?
- Which of the values resonates the most with you?

- OLs can talk about one or two values that they think matter the most to the campus

### Academic Integrity/Ethical Decision Making

- Main Ideas
  - Computer misuse is a crime
  - Plagiarism/cheating is not tolerated and punishment for these things in college is much more severe than in high school (for example suspension or expulsion)
- Discussion Questions
  - Besides the ones portrayed in the skit, what are some other examples of cheating? (Looking on someone's paper, copying sections of text and including them in your paper as your own)
  - Do you think turning in your own paper for another class is cheating?
  - (It is, unless permission is granted from both professors)
  - **Refer to the Academic Integrity Brochure in the folder**

### Campus Diversity

- Main Ideas
  - San Jose State is very diverse campus
  - There are a lot of resources that cater to diverse groups such as the DRC, MOSAIC, Women's Resource Center, LGBT (Lesbian, Gay, Bi-sexual, and Transgender) Center and many more
  - There are also lots of student organizations that cater to diverse student interests. SJSU has over 300 student organizations on campus
- Discussion Questions
  - How important is it to be open minded on a diverse campus?
  - What is your individual background and what are your experiences with diversity thus far?
  - (good opportunity to share some of your own personal "first" experiences if you feel comfortable)
  - Keep in mind that some orientees are coming from small towns and SJSU/Bay Area will seem extremely diverse, but other orientees will be coming from bigger cities like LA, and San Jose may seem like a "smaller town". Different Perspectives!
  - **Refer to the list of over 300 Student Orgs in the folder**

### Alcohol and Drug Use/Abuse

- Main Ideas
  - You can get in trouble for alcohol on and off campus unless you are 21 and even if you are, there are still alcohol polices that you must abide by in the residence halls.

- Even if you are not drinking but you are in the presence of alcohol, you can still get in trouble
- Providing alcohol to underage students is illegal
- If an RA suspects that you are smoking marijuana, their first step is to call UPD and they handle it from there.
- Discussion questions
  - Is San Jose a “dry” campus?
  - What other things are there to do on campuses that don’t involve alcohol? (Bowling Center, Sports Club, Organizations, Event Center Events)
  - **Refer to the “Let’s see ID” brochure in the folder**

### Personal Wellness

- Main Ideas
  - College is the first time that students are on their own. It is important to take care of yourself and know your own limits.
  - If you or someone you know is feeling way too overwhelmed, showing signs of depressions, or is practicing unhealthy behaviors such as compulsive exercising, under or over eating, etc.-it is important to seek help.
  - Resources on campus are the University Health Center and Counseling Services
- Discussion Questions
  - What have you heard about freshmen 15? What about anorexia or bulimia? What do you think are the major factors that contribute to student’s experiencing these situations in college? (change of diet, change in activity level, lack of supervision from parents)
  - What was high school like for you in terms of problems with body image or weight issues? Do you think issues at college will be somewhat the same or different? (better/worse)
  - How many of you went to the Special Interest Session called “Fuel Your Life”? What topics were mentioned in that session
  - **Refer to Health Center and Counseling Services brochures in folder**

### Sexual Responsibility/Sexual Assault

- Main Ideas
  - You never really know someone’s sexual history.
  - It is important to be safe with sexual partners.
  - Even acquaintances or friends can commit sexual harassment or assault.
  - If something like this happens to you, it is important to talk to someone.
  - Resources on campus are UPD, University Health and Counseling, ResLife, friends, etc.
- Discussion Questions

- How would you help a friend who just found out they have a sexually transmitted disease?
- Have you ever (thought about setting personal limits for yourself before you go out for the night?
- Did you know that any person who is under the influence of alcohol cannot legally consent to sex? Knowing this, what are things you can do to avoid a situation like this?
- **Refer to the intimate violence brochure in folder.**
- **Refer to the Counseling Services brochures in folder.**

### Personal Safety On and Off Campus

- Main ideas
  - We have a safe campus, but still need to be careful because we are in an urban area.
  - Be careful! Stay in well-lit areas, carry your cell phone if possible and always have enough money to get home.
  - Call UPD if you are ever feeling suspicious or uncomfortable
    - Mention the blue light poles.
      - What are they?
      - How do they work?
      - 2 minute response time in an emergency.
  - UPD will escort you home to campus if you are within 2 blocks of campus.
  - UPD will also drive you home if you are on campus and live within 2 blocks of campus.
- Discussion Questions
  - When you and your friends are at a party, how aware are you of our surroundings and the status of your friends?
  - What are some signs you can look for once at a party?
  - What kind of plan can you set-up ahead of time with friends prior to going to a party?
    - Decide who is the designated driver.
    - Decide to call each other every hour if you get separated
  - **Use the Transportation Solutions flier and the VTA sticker as a good way to talk about planning ahead and knowing the bus schedule.**

### Roommate Conflict

- Main Ideas

- Many students come from different areas of California, the US, and other countries. It is inevitable that people will be different than you. This may include your room.
- Use your RA for any difficult roommate issues.
- There are campus resources to help you deal with conflict. This includes mediation.
- Discussion Questions
  - How do you deal with conflict? Do you share your feelings or do you keep things bottle up inside you?
  - How many of you have lived with a roommate before?
  - How many of you will be living on campus this year?
  - How many of you plan on moving out to your place while at SJSU?
  - What concerns do you have about having a roommate(s)?

\*\*Invite students to ask questions. Start a conversation about campus life and in the in's and out's of life at SJSU

WITH 5 MINUTES TO GO TAKE ATTENDANCE FOR THE LAST TIME THIS DAY. Give the attendance list to Adrienne once you are dismissed for Rest, Relaxation and Advising Prep.

# EXHIBIT D



See something. **Say something.**

**EMPOWERED BYSTANDER**

Someone who witnesses potentially harmful behavior and takes action that has the potential to lead to a positive outcome.

**APPROACH TOOLS**

**Proactive-** Stepping in/intervening

Ex: You see your classmate crying and you walk over to ask what's wrong.

**Partner-** Getting someone else involved (University Police, faculty, etc.)

Ex: You see your classmate crying and you privately inform your professor.

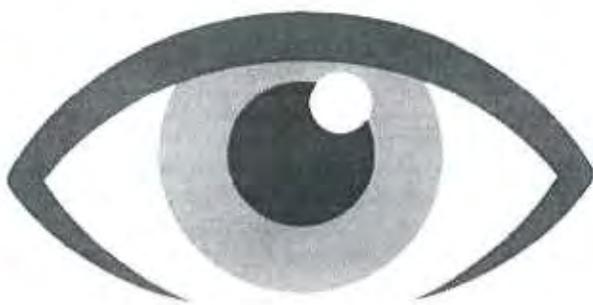
**Divert-** Distracting/alleviating situation

Ex: You see your classmate crying and you ask them if they would like to join a group of you for lunch.

**FOR MORE INFO:**

[www.sjsu.edu/spartansforsafety](http://www.sjsu.edu/spartansforsafety)

**SPARTANS**



**for SAFETY**

# EXHIBIT E



San José State  
UNIVERSITY

## University Housing Services Student's To Do List

### Steps to apply:

- Complete the online application and submit the Application fee of \$50.00 at [www.housing.sjsu.edu](http://www.housing.sjsu.edu)
- Submit the 2013/2014 License Agreement Form
- Submit the Meningococcal Form (Freshman only)
- Submit the Campus Village Parking Permit Request Form (optional)
- Submit the Living Learning Community Agreement Form (if living learning preference selected)
- Submit the Telephone Activation Form (optional)
- Submit the Fall 2013 Initial Housing Payment of \$600.00

- Submit the Application fee of \$50.00 (Cash or Check Only) if unable to pay online

- The Fall 2013 \$600.00 Initial Housing Payment may be made with MasterCard, American Express, Discover, E-Check, or Check in the computer lab.
- Cash payments may be remitted to the UHS Cashier on the 2nd floor of the CVB Apartments in the Main UHS Office.
- SJSU cannot accept VISA or Debit card payments.



SAN JOSÉ STATE UNIVERSITY

# University Housing Services

One Washington Square San Jose, CA 95192-0133

## 2013-2014 Annual License Agreement Form

Please Print

\_\_\_\_\_  
Last First MI

\_\_\_\_\_  
SJSU Identification Number

\_\_\_\_\_  
Permanent Address of Licensee

\_\_\_\_\_  
Permanent Telephone Number/ Cellular Phone Number

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Birth Date (MM/DD/YY) Driver's License

\_\_\_\_\_  
Student Classification (Frosh, Soph, Jr, Sr, Grad)

\_\_\_\_\_  
Faculty or Staff ? Yes No (circle one)

This License Agreement is entered into between the Trustees of the California State University by San José State University, hereinafter called "University" and the individual whose name appears on the above, hereinafter called "Licensee". In consideration for the right to occupy an assigned bed space/unit within the housing facility at the University, Licensee hereby agrees to make payments to the University in accordance with the plans selected and the established due dates in the Annual Housing Agreement.

Licensee and University agree to adhere to the terms and conditions set forth in the 2013-2014 Annual Housing License Agreement. This contract is valid during the time period indicated below and legally obligates the Licensee to full payment of fees for the licensed period. License will remain valid for moves between Suites or Classics and vice versa. If this debt is referred to collections, then the Licensee is responsible for paying any reasonable collection costs for materials and staffing.

**Select and initial one contract period only:**

- \_\_\_\_\_ (initial if selecting) Classics—(available to Freshmen only) 8-16-13 to 5-22-14
- \_\_\_\_\_ (initial if selecting) CVC Suites— (available to Freshmen only) 8-16-13 to 5-22-14
- \_\_\_\_\_ (initial if selecting) CVB Apartments—(available to Non-Frosh only) 8-16-13 to 5-31-14
- \_\_\_\_\_ (initial if selecting) CVA Apartments—Bedspace(available to Graduate, Senior, or Junior students only) 8-16-13 to 5-31-14
- \_\_\_\_\_ (initial if selecting) CVA Apartments—Unit (available to Faculty, Staff or Graduate students only) 8-16-13 to 5-31-14

I (we) have read the entire 2013-2014 Annual Housing License Agreement (which can be found online at [www.housing.sjsu.edu](http://www.housing.sjsu.edu)) This includes all policies and regulations of the SJSU on-campus housing services and I (we) acknowledge by signing below, I (we) agree to the terms. By signing below, I authorize University Housing Services to import my Tower Card picture into their database for internal use only. I also give my permission to use my image on the housing publications, documents, and websites to promote the housing services on campus. I understand by signing this document I give up my rights to my image unless I circle and initial decline here.

\_\_\_\_\_  
Signature of Licensee Date

\_\_\_\_\_  
Signature of Licensee (if additional resident) Date

Is Licensee a minor (under 18 years of age)?  Yes  No  
If "Yes", parent or guardian must ALSO sign (guaranteeing payment for student):

\_\_\_\_\_  
Signature of Parent/Guardian Guaranteeing Payment Date

\_\_\_\_\_  
Full Name of Parent/Guardian above

\_\_\_\_\_  
Permanent Address of Parent/Guardian above

\_\_\_\_\_  
City State Zip

THIS BOX FOR OFFICE USE ONLY

**This License Agreement will not be enforceable until signed below by the University.**

This Annual Student Housing License Agreement is hereby accepted by the University.

\_\_\_\_\_  
University Housing Services Authorization Date

**THIS IS A LEGAL DOCUMENT, DO NOT ALTER IN ANY WAY. DO NOT FAX, ONLY ORIGINALS WILL BE ACCEPTED.**



Do you know about meningococcal disease?

- Meningococcal disease is a serious illness caused by bacteria that infect the blood or membranes surrounding the brain and spinal cord. It can lead to brain damage, disability, and death.
It is most common in infants and in people with certain medical conditions. College freshmen, particularly those who live in dorms, have a modestly increased risk of getting the disease. About 100 cases occur on college campuses in the U.S. each year, with 5-15 deaths.
Common symptoms of meningitis include stiff neck, headache, fever, sensitivity to light, sleepiness, confusion, and seizures.
It can be treated with antibiotics, but treatment must be started early. Despite treatment, 10-15% of people who get the disease die from it. Another 10-20% suffer long-term consequences.
A meningococcal vaccine is available from your doctor or college health center. It protects against four of the five most common types of this disease. Vaccine protection lasts 3-5 years and can prevent 50%-70% of cases on college campuses.
Meningococcal vaccine may cause reactions such as pain or fever. Discuss contraindications and rare but serious side effects with your health care provider.

Before you start college, make sure you are up-to-date on all your immunizations: measles, mumps, rubella; tetanus, diphtheria; varicella; and hepatitis B. Colleges and universities may require them for admission. For more information ask your health care provider or student health center, or check the following websites:

- www.cdc.gov/ncidod/dbmd/diseaseinfo/meningococcal\_g.htm
www.cdc.gov/nip/publications/VIS/default.htm
www.acha.org/info\_resources

What Is Meningococcal Disease?

Meningococcal disease is caused by Neisseria meningitidis bacteria. The two most common forms of meningococcal disease are meningitis, a bacterial infection of the fluid and covering of the spinal cord and brain; or septicemia, an infection of the bloodstream. Meningitis has other causes as well, the most common being viral infection.

How Common Is Meningococcal Disease?

Meningococcal disease is uncommon. In the US, each year there are about 2500 cases (1-2 cases for every 100,000 people), with 300 to 400 occurring in California. Of 14 million students enrolled in colleges nationwide, approximately 100 acquire meningococcal disease each year.

How Is It Diagnosed?

A diagnosis is commonly made by growing the bacteria from the spinal fluid or blood. Identifying the bacteria is important for selecting the best antibiotics.

Are College Students At Increased Risk?

Overall, undergraduate students have lower risk than a non-student population (1.4 cases per 100,000 people per year). However, college freshmen living in dormitories have a modestly increased rate (4.6 cases per 100,000 people per year). Reasons for this increase are not fully understood. Living in close proximity to each other may be a factor, but there isn't enough evidence that changing living conditions would decrease risk for college students.

How Are Meningococcal Bacteria Spread?

The bacteria are transmitted from person-to-person in secretions from the nose and throat. They are not spread by casual contact or by simply breathing the air near an infected person, but require close contact. The bacteria can live outside the body for only a few minutes; so if the germs contaminate a desk or book, they soon die and won't infect a person who touches it later.

As many as 2 in 10 people carry the bacteria in the back of the nose and throat at any given time, especially in winter. Why only a very small number of those who have the bacteria in their nose and throat develop disease, while others remain healthy, is not understood.

How Can I Avoid Getting Meningococcal Disease?

You can protect yourself by maintaining good health and hygiene. As a general recommendation, you should wash your hands frequently. Avoid sharing materials that make mouth contact, such as eating utensils, bottles, cigarettes, or lip balm. Contact a healthcare provider immediately if you are in close contact with someone who is known or suspected to have meningococcal infection.

Is The Vaccine Recommended For College Students?

Currently, the Centers for Disease Control and Prevention (CDC) Advisory Committee on Immunization Practices and the American Academy of Pediatrics do not recommend routine meningococcal vaccination for college students (even in dormitories). Meningococcal vaccination is recommended for persons at above-average risk for meningococcal disease, including persons with certain immune system problems, those lacking a spleen, and travelers to countries where meningococcal disease is common. It should be considered for college freshmen who will live in dormitories.

The vaccine is comprised of 4 strains of the bacteria, but does not include type B and other strains that account for nearly 50% of meningococcal cases in California. Protection lasts 3-5 years; boosters may not be as effective as the primary vaccination. Discuss the risks and benefits of vaccination with your health care provider.

In accordance with Assembly Bill 1452, Chapter 1.7, Section 120395, please acknowledge receipt of this information by completing the box below and returning with your San Jose State University Housing Forms

Student Name: \_\_\_\_\_ (please print) Student ID #: \_\_\_\_\_

I [ ] HAVE or [ ] HAVE NOT chosen to receive the vaccination from a medical provider prior to enrollment. (check one box)

Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The Meningococcal vaccination is available at the San Jose State University Student Health Center for a fee. If you have any questions, contact the San Jose State University Student Health Center at (408) 924-6120

White copy -- Student Health Center File

Yellow copy -- Student



### Campus Village Parking Permit Request Form

By signing this agreement, I agree to accept this permit parking space and must submit payment to University Housing Services. Information regarding your request form status will sent via MySJSU. If the permit is issued after the payment due date(s) noted below, then payment is due when the permit is issued. Please refer to the "Parking" section located in the Annual Student Housing License Agreement for additional information.

Upon assignment of a parking permit, resident accounts will be billed and all payments will be due on the same dates as other housing charges (rent and board). The first Fall payment is due July 15, 2013. CVA residents will remit payments monthly and will be due on the 1st of the month.

Permits are issued upon check in. Spaces are limited. When all spaces are full, applicants will be placed on a waiting list. Residents who are not current with payments will not be issued a permit. Residents who become delinquent will have parking garage access denied and their permit may be revoked. No refunds will be issued for denial of access.

Residents who are assigned a Campus Village permit however fail to pick up their permit within 30 days of being issued, will have their parking permit automatically cancelled and no refunds will be issued.

Residents of the Suites and Classics (Joe West, Washburn, Royce, Hoover Halls) are granted access to the Campus Village parking garage for the terms of their license, No access is permitted during the Winter Break and vehicles must be removed or Licensee will be charged for the break period.

Automobile Insurance. Licensee agrees to accept financial responsibility for any loss or damage to personal property or personal vehicle belonging to Licensee and their guests and invitees that may be parked in the Campus Village parking garage, caused by theft, fire, vandalism or any other cause. University Housing Services assumes no liability for any such loss. It is suggested that Licensee obtain and maintain throughout the term of the license a policy of automobile insurance from a recognized insurance firm, covering Licensee's liability and personal property damage (if Licensee utilizes the Campus Village parking garage.)

- I am submitting my request for a permit parking space located in the Campus Village Garage. The cost of the permit parking space is **\$100.00 per month** (students will be billed a semester at a time). I understand that parking permits are issued on a first-paid, first-served basis, and that this request does not guarantee me a permit. I am also aware that parking spaces in the Campus Village Garage are not assigned.
- I am submitting my request for a motorcycle space located in the Campus Village Garage. The cost of a motorcycle space is **\$20.00 per month** (students will be billed a semester at a time).

Please select if applicable:

- I require disabled parking. I understand that to utilize a disabled space, I must have disabled plates on my vehicle in addition to a valid Campus Village Parking Permit.
- I am a Resident Advisor or an Assistant/Residentail Life Coordinator.

**ALL VEHICLE INFORMATION MUST BE COMPLETED. INCOMPLETE FORMS WILL NOT BE PROCESSED.**

Please Print

\_\_\_\_\_  
Last Name, First Name

\_\_\_\_\_  
SJSU Identification

\_\_\_\_\_  
Car Make    Car Model    Car Year    Car Color

\_\_\_\_\_  
License Plate #

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

THIS BOX IS FOR OFFICE USE ONLY

Received date: \_\_\_\_\_

Date offered/accepted: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ or N/A

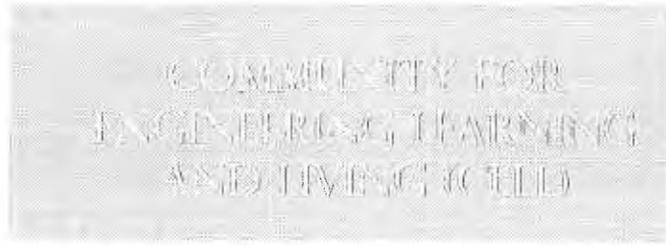
CVA            CVB            CVC            CL

AY            or            SPRING            or

Pro-rate start date: \_\_\_\_\_

Date access added: \_\_\_\_\_

# EXHIBIT F



CAMPUS WILLAGE (SUITE)  
711 1111

## Attention Incoming Engineering Students!

CELL is a residential experience program that makes building a support network easier for students studying Engineering. Here they will be encouraged to immerse themselves in all aspects of engineering life and get to know their peers. Throughout the semester there are facilitated study groups, tutoring, academic support services and social events. They will have the opportunity to work collaboratively with the Engineering Department.

### CELL COMMUNITY GOALS:

- Gain knowledge and experience of the engineering profession and related topics through outside-of-the-classroom activities.
- Strengthen peer relationships with others interested in the engineering topics.
- Have a connection with the Engineering academic program.



## COMMUNITY FEATURES:

- Participate in facilitated study groups focusing on Algebra/Trig, Pre-Calculus, and Calculus by trained facilitators.
- Participate in workshops facilitated by industry or faculty covering various topics in engineering such as latest technologies, research and development, job opportunities and networking with other students and professionals.
- Learn how to enhance their overall well being to correspond with a lifestyle of being an engineer (e.g. team building activities, ice breakers, time management, study skills, etc.)
- Have the opportunity to experience living on campus with colleagues majoring in all aspects of engineering.
- Live and work closely with a Resident Advisor who will put on beneficial programs to support their academic and social well-being.
- Participate in design contests and projects with fellow residents.
- Live in a close knit and empowering community to help you achieve your academic goals
- Receive information about graduate school.

YOU MUST APPLY FOR THE CELL  
PROGRAM WITH THE ENGINEERING  
DEPARTMENT

\*\*\*Contact Jared Tuberty at [jared.tuberty@sjsu.edu](mailto:jared.tuberty@sjsu.edu)  
if you want more information regarding this  
community or would like an application.\*\*\*



San José State  
UNIVERSITY  
Housing Services

<https://www.housing.sjsu.edu>

One Washington Square, San José, CA 95192-0133  
Voice: 408-795-5600 • Fax: 408-795-5678

# EXHIBIT G

# Room Change Process

*Due to high occupancy, room changes and swaps will be limited by availability.*

*All room changes must be approved and we may not be able to grant your requests.*

*\*\*Approved room changes that occur outside this process will result in a \$50 fee\*\**

1. Pick up a room/hall change request forms at the hall office of your current hall. These will be available from **August 16th through September 10th at 4pm.**
2. Return your room/hall change request to the hall office of your current hall by **September 10th at 4pm.** You will be notified of the status of your request by **September 13th.**
3. If approved, you will receive direction as when to move between **September 13th and 22nd between the hours of 7pm-10pm. All moves must be completed by 10pm on September 22nd.**
4. Room changes may NOT take place without prior approval from your Residential Life Coordinator.

## Questions?

*Bricks (Hoover/Royce/Washburn)*  
*Bob Just*  
*Bob.Just@sjsu.edu*  
*#795-5684*

*West Hall*  
*Amber Brady*  
*Amber.Brady@sjsu.edu*  
*#795-5626*



*CVC Suites*  
*Emily Weideman*  
*Emily.Weideman@sjsu.edu*  
*#795-5676*

*CVA & CVB Apartments*  
*JD Kegley*  
*JD.Kegley@sjsu.edu*  
*#795-5665*

## Room Change Process Information

# KEEP THIS PAGE

This is a request and does not guarantee a room change into a specifically requested space. Request forms are due to the student's building Front Desk by 4pm on Tuesday, September 10<sup>th</sup>. If the request is granted, students have 48 hours from notification to make the change and complete a checkout and walkthrough of their old space with an RA between the hours of 7:00 and 10:00 PM. \*\* Please note that approved room changes made outside this Room Change Process will result in a \$50 administrative fee.

During the Room Change Process students are given an opportunity to make a change no questions asked. This is facilitated by the Residential Life staff, if a student requests a change and a change is granted the student MUST make that change. If a student decides that they do not want to make a change after filling out forms prior to assignment, a cancellation must be received in writing to the RLC before assignments are complete.

New assignments will be distributed by Friday, September 13<sup>th</sup> via the email address listed on the form.

For any questions contact the appointed staff member for the building in which you currently reside:

**Bricks (Hoover/Royce/Washburn)**

*Bob Just*

*Bob.Just@sjsu.edu*

#795-5684

**West Hall**

*Amber Brady*

*Amber.Brady@sjsu.edu*

#795-5626

**CVC Suites**

*Emily Weideman*

*Emily.Weideman@sjsu.edu*

#795-5676

**CVA & CVB Apartments**

*JD Kegley*

*JD.Kegley@sjsu.edu*

#795-5665



PLEASE COMPLETE THE BACK SIDE AS WELL

DO NOT FILL OUT SHADED AREAS



University Housing Services

Room Change/ New Assignment Authorization

YOU MUST COMPLETE ALL AREAS MARKED WITH \*\*

Last \*\*

First \*\*

MI \*\*

SJSU Identification Number \*\*

Room Change       New Assignment

From:		To:	Effective Date & Time:
**			
Building	Room/Apt #	Building	Room/Apt #
<input type="checkbox"/> Single	**	<input type="checkbox"/> Single	When a rate change occurs, the room rate is calculated on a daily basis. If a rate change results in a higher rate, you will be responsible for the difference in your room charge.
<input type="checkbox"/> Double		<input type="checkbox"/> Double	
<input type="checkbox"/> Junior Double		<input type="checkbox"/> Junior Double	
<input type="checkbox"/> Triple		<input type="checkbox"/> Triple	
<input type="checkbox"/> Studio	**	<input type="checkbox"/> Studio	New rates for room changes that result in a higher rate for the new room are effective and any charges that include the result of the room apartment change. If you have an unpaid balance, it will be due and it may take up to 48 business hours for the upgraded services to be connected in your new room.
<input type="checkbox"/> Efficiency		<input type="checkbox"/> Efficiency	
<input type="checkbox"/> 2 Bedroom		<input type="checkbox"/> 2 Bedroom	
<input type="checkbox"/> 3 Bedroom		<input type="checkbox"/> 3 Bedroom	
<input type="checkbox"/> 4 Bedroom		<input type="checkbox"/> 4 Bedroom	
<input type="checkbox"/> 5 Bedroom		<input type="checkbox"/> 5 Bedroom	

UHS Authorization

Date

Student Signature \*\*

Date \*\*

# EXHIBIT H

# SENIOR RESIDENT ADVISOR, RESIDENT ADVISOR & THEME COMMUNITY RESIDENT ADVISOR JOB DESCRIPTION - 2013-2014 RESIDENTIAL LIFE - UNIVERSITY HOUSING SERVICES

## Employee Name:

Under the direction of the Residential Life Coordinator (RLC) and/or the Assistant Residential Life Coordinator (ARLC), the Resident Advisor (RA), Themed Community Resident Advisor (TCRA), and Senior Resident Advisor (SRA) are responsible for working closely with other University Housing Services (UHS) staff members to develop and maintain an atmosphere that promotes residential communities through excellence in academics and personal development opportunities for students. RAs, TCRAs, and SRAs are charged with developing communities and presenting programs that involve students, faculty and staff. Developing the holistic student is an intentional goal of this position. As an employee of UHS, each RA will adhere to, administer, and enforce policies and procedures as outlined in the Residential Life Staff Manual, the UHS Community Living Handbook and the university Code of Conduct.

The RA, TCRA, and SRA's roles encompass programming, administrative, and staff responsibilities, and as such, requires flexibility from the individual in this position. They are to serve as a resource to both residents and staff and shall uphold the goals and policies of UHS. The responsibilities listed will be carried out under the supervision of the RLC and ARLC in conjunction with the Associate Director of Residential Life, the Assistant Director of Staff and Leadership Development and the Assistant Director for Educational Development. These positions are considered a Student Assistant position and as such are at-will employees and can choose to leave the position at any time and can be released from the position at any time.

We invite TCRA applicants to work, live, and belong to one of our Themed Communities that are centered on developing skills and attitudes within our residents that enhance academic and creative achievement. Learn to unite academic and social aspects of the Themed Communities specific to your passion and to make that integral to your collegiate career and beyond! Applicants will be expected to have an impact on their community through modeling leadership while developing new traditions. We are looking for individuals with clearly established goals aligned with our Themed Communities.

The SRA role also includes the expectation of mentoring new and returning staff and has a higher expectation of administrative ability. This staff member will be responsible for overseeing the daily management of the Courtesy Desk in the Area including hiring and evaluating of student staff members. Applicants will be expected to have an impact on their floor and staff communities through positive role modeling and professional development opportunities. We are looking for individuals with goals in line with University Housing Services and an ability to provide leadership to fellow staff members and students.

Candidates are encouraged to visit <http://www.housing.sjsu.edu/> to find more information about housing.

## **Qualifications**

1. Undergraduate or graduate students in good standing with the university and possessing a minimum **2.500 cumulative GPA** at the time of application. A semester and cumulative GPA of 2.500 must be maintained throughout the period of employment. A GPA check will occur each semester that you are to enter into the position to verify that you have met this requirement. Please note that **GPA does not round up**; any GPA below a 2.500 (2.499 or below) may make you ineligible to apply for the position. Release from position and/or academic notice may be required for staff members that do not maintain the 2.500 GPA requirement.
2. Candidate must be in good judicial standing. Good judicial standing is determined by number of previous incidents, severity of charges, and status of findings and sanctions. Release from position may be required for students who do not maintain this standing. No candidate or candidate can have an OPEN judicial file during the interview and/or employment period.
3. Candidate must have a matriculated student status with SJSU (i.e. accepted, enrolled and/or currently a student) during time of application.
4. Minimum of one year residence in a college or university residence hall, or a similar group living experience such as a Greek house, co-op, or theme program prior to term of employment is preferred but not required.
5. Previous leadership experience is strongly desired.
6. **TCRA:** Familiarity with the Community, whether that be a related major/minor or intense interest is highly recommended.
7. **TCRA:** Completed application for the specific Themed Community of interest.
8. **SRA:** Candidate must have served at least one year in the role of a Resident Advisor, preferably at SJSU.

## Terms Of Employment

- All candidates that have been **offered and have accepted** the position MUST read through the Terms of Employment, the Basic Functions and Responsibilities of the position and initial each item. **Initials signify a clear understanding of these expectations.** Additionally, each staff member must sign and date the overall job description as an understanding that they have read through and agree to all terms. **Again, only candidates that have been HIRED should initial and sign this contract.** The due date will be conveyed in the offer letter. \_\_\_\_\_
- The RA/TCRA/SRA is expected to serve as a role model for all residence hall policies and procedures through day to day interaction with students and staff as well as through on-line sources (i.e. Facebook, MySpace, Twitter, e-mail, etc.). **Failure to serve as a positive role model may result in personnel action up to and including release from position.** \_\_\_\_\_
- Maintain the required 2.500 semester and cumulative G.P.A. throughout the term of employment. The Assistant Director for Staff and Leadership Development will complete grade checks in June (to confirm eligibility for Fall semester) and in January (to confirm eligibility for Spring semester) in order to ensure compliance with the academic requirements of the position. Release from the position may be required for staff members that drop below the 2.500 GPA requirement. \_\_\_\_\_
- Maintain full-time academic status (**12 units per semester-undergraduate and 9 units for graduate**) throughout the term of employment. Exceptions must have **prior** approval of the Associate Director of Residential Life. No staff member should be enrolled in more than 18 units a semester. \_\_\_\_\_
- The period of employment for this position is as follows: \_\_\_\_\_

	<u>Fall Start Day</u>	<u>Spring End Day</u>
All RAs:	Sunday, August 5, 2012	Sunday, June 2, 2013 (subject to change/depends on building)

**\*Note: Spring end dates subject to change based on supervisor's need. End date will be communicated in advance.**

**Fall end/Spring start dates will be shared during Fall semester. You may be required to serve duty during this period. It is STRONGLY RECOMMENDED that you do not make travel plans during this period until you have spoken to a supervisor. Housing is not guaranteed for all staff members during semester breaks and is dependant on building assignment.**
- RAs are required to attend both Fall and Spring training. Training will typically occur from 9AM-6PM daily. On some days, the schedule may go outside these times or may be overnight for a staff retreat. Weekend sessions may also be scheduled. All parts of training are mandatory. If an RA cannot attend all sessions, that staff member may have their offer rescinded. The training schedule will be communicated and staff will be expected to attend all parts of training. \_\_\_\_\_

	<u>Fall Training Days</u>	<u>Spring Training Days</u>
All Buildings:	Sunday, August 4-Sunday, August 18, 2013	Sunday, January 12-Sunday, January 19, 2014
- Spring Orientation will occur **Thursday, April 21, 2013 (6-7pm)** immediately following RA Selection. Mandatory attendance in these events may result in a time commitment of 1-3 hours. RLCs will contact staff members to coordinate a day/time. Note, these meetings will occur prior to the official start of your position and there will be no payment for this time. \_\_\_\_\_
- Active participation in staff training which occurs prior to the beginning of the fall semester and prior to the beginning of the spring semester; as well as on-going system wide and area staff in-service training programs and meetings. While CVB does not close throughout the year, staff members in CVB will still be required to complete opening and closing tasks at the end of Fall semester and the beginning of Spring semester. RAs in all buildings will assist in additional student check ins/outs throughout the year. \_\_\_\_\_
- Participation in the opening and closing (all days) of the halls prior to the beginning of both semesters and throughout the academic year. CVB Opening Dates are: begins August 17-18 (Fall 2013) and January 1-23 (Spring 2014); All Other Building Opening Dates are: August 17-18 (Fall 2013) and begins on January 20 (Spring 2014). CVB Closing Date is: May 31, 2014; All Other Building Closing Dates are: December 17 (Fall 2013) and May 24 (Spring 2014). \_\_\_\_\_
- The RA must be available to residents and staff during evening hours and weekends and must be willing to commit a significant amount of time (**approximately 20 hours/week in addition to scheduled duty shifts**) to the position. This includes providing hall coverage during some vacation and holiday periods, which includes, but is not limited to, Thanksgiving, Winter Break and Spring Break, when the halls remain open. \_\_\_\_\_
- RAs are required to be present during major campus or UHS event weekends (i.e. Homecoming, Spartan Preview Day; Admitted Spartan Day, etc.) Specific dates will be shared during training. **Note – these are subject to change.**
- Any major time commitments (i.e. running for Associate Students Directors or Executives, additional employment or other responsibilities outside of the RA position) may occur but cannot exceed a total of **10 hours a week**. Exceptions to this **must** be discussed and approved in advance by the RLC. SRAs are not allowed to take on any other additional time commitments (i.e. running for Associate Students Directors or Executives, additional employment or other responsibilities outside of the SRA position). \_\_\_\_\_

**NOTE: THE ABOVE HIGHLIGHTED DATES ARE LISTED TO PROVIDE CANDIDATES WITH AN IDEA OF THE TIME FRAME. THE DATES ARE NOT YET FINALIZED BUT WILL BE FINALIZED UPON TIME OF POSITION OFFER.**

13. Each staff member will receive a performance evaluation at the end of each semester. Employment is contingent upon on-going satisfactory job performance evaluation by the supervisor. Satisfactory job performance evaluation is defined as **meeting expectations** as defined by the job evaluation **in all areas of the job description.** \_\_\_\_\_
  14. UHS provides phone service and a phone so that RAs are easily accessible to staff and students. RAs must record a greeting message and check regularly. RAs must make their room phone numbers available to residents. \_\_\_\_\_
  15. Compensation: RA/TCRA/SRAs will receive room (single room occupancy) and board during the live-in period of employment as compensation for their work.
    - Each RA will receive a monthly stipend of \$80. Apartment RAs will receive an additional monthly food allowance of \$100.
    - Each TCRA will receive a monthly stipend of \$120.
    - Each SRA will receive a monthly stipend of \$300. Apartment SRAs will receive an additional monthly food allowance of \$100
- \*Meal plans and monthly allotment is determined by the Dining Commons on an annual basis. UHS reserves the right to rescind an RA's stipend and/or charge rent if it is determined that the RA has not fulfilled any responsibility related to their position. \_\_\_\_\_
16. During specific holiday duty (designated university weekday holidays and when the UHS main office is closed) RAs on primary duty will receive a \$50 stipend per day. RAs in Joe West, CVC and the Bricks that are on primary duty during specific holiday duty (when the Dining Commons is closed) will also receive a \$20 per day food allowance (unused portions must be returned to UHS). UHS professional staff will determine duty days and hours as needed. It is an expectation that a RA will serve on duty. If necessary, supervisors will assign duty accordingly. \_\_\_\_\_
  17. If applicable, all First Year RAs may be required to attend the day long Northern RAP RA conference that is held during the last Saturday of October or the 1<sup>st</sup> or 2<sup>nd</sup> Saturday in November. Transportation, registration, and most meals are covered by UHS. \_\_\_\_\_
  - 18a. All First Year RAs may be required to attend the RA Class in Fall Semester. (Mid-year hires will be required to attend the RA Class during the next Fall Semester if they return to staff). Successfully completing the course will earn the RA 3 units. Should the RA not earn a passing grade, they may be placed on performance notice and/or be required to complete additional tasks and/or subject to release. The Fall RA Class is scheduled for twice a week (Tuesday and Thursday from 3:00-4:15pm). Candidates offered an "alternate" status will have an option to attend the Fall RA Class. While the class is optional for alternates, it is strongly encouraged and selection of candidates upon vacancies may be subject to class completion. \_\_\_\_\_
  - 18b. The purpose of the RA class is to provide residence life student staff members the necessary background, tools, and training for a position within University Housing Services. Through in-class discussion and activities and out of class reading, reflection and exercises, students will be provided a basic foundation to build and enhance their leadership skills that will allow them to provide the highest level of personal development and service to their residential community. \_\_\_\_\_
  19. All candidates must be able to attend Staff meetings every Wednesday from 7PM-10PM. RAs wishing to take a **required** classes during the staff meeting time must receive prior approval from their direct supervisor. **You must provide proof that the class is a requirement for your major.** RAs that are not able to attend the staff meeting for any reason may be released from the position. \_\_\_\_\_

## **Basic Functions And Responsibilities**

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The RA supports UHS in the development of a student life program within the residence halls. The specific responsibilities of the RA position are divided into the following categories:

### **A. COMMUNITY DEVELOPMENT**

- A-1. Encourage personal, social, and academic development of students. This responsibility involves spending a significant amount of time on the floor or building area and getting to know students on an individual basis. "Significant amount of time" could include, but is not limited to the following: being available to assist students, implementing on-going spontaneous and planned activities, floor/building meetings, Hall Government, Residence Hall Association (RHA), National Residence Hall Honorary (NRHH) meetings, visibility in your community. This responsibility also includes working collaboratively with residents to develop communities that they feel they belong in, have a say in the development and success of. \_\_\_\_\_
- A-2. Assist your living group in establishing various programs that aid in the development of a positive living/learning environment. Assess, initiate, plan and implement community development activities with the community to address the needs and concerns of the residents. \_\_\_\_\_
- A-3. Support and encourage students in the development of an effective Hall Government. Attend Hall Government meetings as assigned by the RLC/ARLC. Work with floor or area representatives to establish a positive community. \_\_\_\_\_
- A-4. Demonstrate a working knowledge of campus agencies, their services and functions, in order to provide academic and personal support. Serve as a resource for information and a referral source as needed. \_\_\_\_\_
- A-5. Act as a mediator in conflict situations (i.e. roommate conflicts, noise disruptions, floor disputes, etc.). \_\_\_\_\_

- A-6. Work cooperatively with students to ensure an environment on the floor or building area which displays respect for the rights and privacy of others and promotes consideration of individual needs in a group living environment. \_\_\_\_\_
- A-7. Respond to student behavior that is inappropriate and/or in violation of campus/housing policies and procedures; as well as state and/or federal laws. This responsibility involves confronting the action that is in question, documenting the incident(s) as directed by a Residence Life Staff member, and utilizing residence hall and University conduct procedures. \_\_\_\_\_
- A-8. Relate student concerns relating to residential life (i.e. policies, procedures, dining services, maintenance) to the appropriate units of UHS (i.e. RLC/ARLC, Associate Director, Assistant Directors, Dining Commons Manager, Facilities Manager, etc.). \_\_\_\_\_
- A-9. Plan a welcome event during opening and a closing event during closing, dependent on area, building, and supervisor. \_\_\_\_\_
- A-10. Serve as a constructive and positive role model for personal behavior and academic pursuits and adhere to all campus policies. Role-model appreciation of differences and assist students in developing an understanding of diverse cultures and lifestyles. Respect and treat all individuals fairly and equitably by being open and understanding of sexual orientation, and cultural and ethnic diversity issues. \_\_\_\_\_
- A-11. In collaboration with residents, create community standards that are appropriate for their needs and space. \_\_\_\_\_
- A-12. Educate yourself about the unique needs of your living learning community. \_\_\_\_\_
- A-13. Work with RLC and Living and Learning Center (LLC) staff to promote services and programs of the LLC. \_\_\_\_\_
- A-14. Work with RLC and faculty liaison, if applicable, to communicate with residents prior to their move-in date. \_\_\_\_\_
- A-15. Collaborate with the faculty/staff liaison, if applicable, and help create the academic course component of the Themed Community. \_\_\_\_\_
- A-16. **TCRA:** Assist with the marketing aspects of the Themed Community. This includes but is not limited to advertising the Community Mentor volunteer position, creating marketing tools during Preview Day and Admitted Spartan Day. \_\_\_\_\_
- A-17. **TCRA:** Attend a monthly meeting with the members of the Living Learning Communities Committee. \_\_\_\_\_
- A-18. **TCRA:** Present your Themed Community during spring training. Inform other RAs and professional staff members on your Themed Community's progress and plans for the upcoming semester. \_\_\_\_\_
- A-19. **TCRA:** Informal mentoring of the Community Mentor: Meet with Community Mentor once every other week. \_\_\_\_\_

**B. COMMUNITY/EDUCATIONAL PROGRAMMING**

- B-1. Fulfill programming requirements as set forth by the Residential Life professional staff. Complete all program planning and evaluation materials. Assess, initiate, plan and implement programs each semester from floor/suite/apartment scale to building scale (amount determined by your RLC). Work collaboratively with the ARLC, RLC, Associate/Assistant Director and other UHS staff to organize and implement educational programs consistent with department's programming model: Multicultural Competence, Values and Identity, Communication, Civic Engagement and Lifelong Learning. \_\_\_\_\_
- B-2. Fulfill programming requirements by presenting programs including but not limited to the areas of Alcohol and other Drug Education, Sexual Assault/Intimate Partner Violence and Social Justice/Diversity. \_\_\_\_\_
- B-3. Assist in orienting students to the residence hall during opening day and throughout Welcome Week during the fall and spring semesters. \_\_\_\_\_
- B-4. During opening night/week (dependent on area, building, and supervisor) conduct a program and/or meeting for new residents which outlines residential services and resources, addresses residential policies, and assists in the transition of new students using the outline provided by UHS. \_\_\_\_\_
- B-5. Present a program in the fall semester within the first month of class which fosters positive roommate relationships and complete roommate agreements for each room in your community. \_\_\_\_\_
- B-6. Participate in major hall or UHS functions by encouraging residents to participate in campus and community events (i.e. events sponsored by Hall Government, RHA, Judicial Board, Associated Students and campus wide events). \_\_\_\_\_
- B-7. Address community issues and generate discussions at regularly scheduled floor/area meetings. \_\_\_\_\_
- B-8. Support and help publicize university and UHS resources including but not limited to Living Learning Center, Career Center, Counseling Services, MOSAIC, etc. \_\_\_\_\_

**C. STAFF/ADMINISTRATIVE RESPONSIBILITIES**

- C-1. Attend and participate in Spring, Fall, and January training programs, as well as in on-going system-wide staff in-service training programs and meetings. See #6 in Terms of Employment for specific training dates. \_\_\_\_\_

- C-2. Participate in all individual, staff and group evaluations and surveys as planned by UHS. \_\_\_\_\_
- C-3. Complete administrative tasks as needed (i.e. incident reports, maintenance requests, room inventory sheets, health and safety checks, check-in and check-out procedures, all programming materials, etc.) in a timely and efficient manner. \_\_\_\_\_
- C-4. Perform regularly scheduled duty shifts. Night duty begins at: Primary RA: Weekday-begins at 7:00pm and ends the following day at 8:00am; Weekend-begins at 7:00pm and ends the following day at 7:00pm. Secondary: Begins at 9:30pm and ends at 8:00am daily (shifts may vary per building). During university observed holidays, duty will occur from 7:00pm and end the following day at 7:00pm. Duty includes, but is not limited to, performing rounds at least twice each night (as needed and/or determined by RLC for area), responding to emergencies and lockouts, carrying a duty phone, and facilitating room check-ins and check-outs. RAs may also be expected to maintain the cleanliness of the facilities in extreme situations including sweeping glass or vomit with appropriate supplies. While on duty RAs are the first responders and are expected to be in their respective building at all times (additional expectations set by supervisors). RAs are also expected to act as back-up for other areas of campus in the event of an emergency and provide additional support to the CVA Community Assistants. \_\_\_\_\_
- C-5. CVC, Joe West, and Bricks RAs may be required to perform Dining Commons Duty once a week. \_\_\_\_\_
- C-6. Provide specific Courtesy Desk coverage as determined by RLC/ARLC and or by UHS managers.
- C-7. Ensure that your RLC/ARLC is informed and updated on all aspects of your work. This responsibility will entail meeting regularly with your RLC/ARLC to share job-related information, receive feedback, and develop job-related skills. \_\_\_\_\_
- C-8. Actively participate in the selection process for hall staff for the next academic year as well as other important UHS processes (i.e. Opening, Closing, Survey Administration, Returning Resident Process, etc). \_\_\_\_\_
- C-9. Disseminate campus information and create regularly updated bulletin boards as directed by the RLC/ARLC. \_\_\_\_\_
- C-10. Fulfill committee responsibilities, collaterals or special projects agreed upon with the RLC/ARLC. \_\_\_\_\_

**D. RELATED DUTIES**

- D-1. Maintain positive working relationships with other UHS, Dining Commons and university staff. \_\_\_\_\_
- D-2. Report maintenance problems in a timely manner (within 24 hours) in order to maintain the physical condition of the residence halls. Provide immediate follow-up on reported problems. \_\_\_\_\_
- D-3. Do not duplicate or loan keys to unauthorized persons. Official job related keys are to be kept in their and/or a designated, secure location at all times when not in use, and are not to leave the building or area without authorization. \_\_\_\_\_
- D-4. Be responsible with special staff privileges (i.e. use of offices, phones, keys, office equipment, supplies etc.). \_\_\_\_\_
- D-5. Maintain confidentiality and objectivity **in all matters** related to students and staff. \_\_\_\_\_
- D-6. Be able to give and accept feedback to be incorporated into personal and professional skill development. \_\_\_\_\_
- D-7. Perform additional positional expectations and other duties as assigned by the RLC/ARLC and other UHS staff including collateral assignments, which may include creating newsletters & e-communities or websites. \_\_\_\_\_

**Additional SRA Functions And Responsibilities**

The SRA supports UHS in the development of a student life program within the residence halls. In addition to the expectations listed above, the specific responsibilities of the SRA position are divided into the following categories:

**E. OFFICE MANAGEMENT**

- E-1. Provide and promote quality customer service for all residents and guests at the Courtesy Desk. \_\_\_\_\_
- E-2. Coordinate regular inventory of supplies/games/equipment/keys at the Courtesy Desk. \_\_\_\_\_
- E-3. Provide OAs with information and support to encourage high-quality functioning of the Courtesy Desk. \_\_\_\_\_
- E-4. Perform general office work (e.g. responding to student inquiries, answering phones, typing, filing, making posters/flyers, and various other office tasks). \_\_\_\_\_
- E-5. Maintain general cleanliness and organization of the Courtesy Desk and storage areas. \_\_\_\_\_
- E-6. Do not duplicate or loan keys to unauthorized persons. Official job related keys are to be kept in their designated, secure location at all times when not in use, and are not to leave the building or area without authorization. *Misuse of Master Keys for any purpose can result in immediate release from the position.* \_\_\_\_\_
- E-7. Be responsible with special staff privileges (i.e. use of office, phones, key, office equipment, supplies, etc.).

- E-8. Assist with all scheduling functions of the OA Staff, including break and exam schedules.
- E-9. Participate in consistent 1-1 meetings with the A/RLC regarding Desk issues. \_\_\_\_\_
- E-10. For SRA's in certain areas - Track and record passive programming requirements of the OA Staff. \_\_\_\_\_
- E-11. If applicable, maintain knowledge of conference program and serve as back-up for OA questions about conferences and overnight guests. \_\_\_\_\_
- E-12. Attend all OA Staff meetings and/or Resident Advisor (RA) Staff meetings as needed (Wednesdays 7pm-10pm), as well as help plan these events and other staff development activities. \_\_\_\_\_
- E-13. Conduct self in an honest, conscientious, and courteous manner at all times; showing respect for persons of all backgrounds, races, genders, interests, and abilities. \_\_\_\_\_
- E-14. Support the Mission, goals and philosophies of University Housing Services. \_\_\_\_\_
- E-15. Work cooperatively with all UHS Staff members, including OAs, RAs, RLCs, ARLCs, and all other UHS Staff. \_\_\_\_\_
- E-16. Complete other projects and administrative duties as assigned. \_\_\_\_\_
- E-17. Prior to employment, complete all necessary SJSU student employment paperwork, including Work Study authorization for qualified students. \_\_\_\_\_
- E-18. Help plan a centralized OA training/orientation in the fall. \_\_\_\_\_

**F. MENTORING/STAFF DEVELOPMENT**

- F-1. Serve as a mentor and a role model to the RA staff by supporting and living within the guidelines established by San Jose State University and University Housing Services whether in the hall, on campus, or in an off-campus social setting, and by following the appropriate channels of communication. \_\_\_\_\_
- F-2. Assist RLC and ARLCs in training Resident Advisors during Fall and Spring Training. \_\_\_\_\_
- F-3. Educate the RAs about the rationales behind University Housing Services policies. \_\_\_\_\_
- F-4. Assist the RLC and ARLCs in opening and closing the hall(s) and in the day-to-day operations for the hall(s) throughout the year (inclusive of break periods). \_\_\_\_\_
- F-5. Work with RLC and ARLCs in the formulation of staff development and in-service training activities with the RAs. Attend all staff development activities. \_\_\_\_\_
- F-6. Serve as a resource person to the RAs in community development, student conduct, crisis management, academic development, and program planning. \_\_\_\_\_
- F-7. Assist RLC and ARLCs in the evaluation of the Resident Advisors. \_\_\_\_\_

This position works in a safe and responsible manner while not putting self or others at risk. This includes complying with applicable policies and regulations; using personal safety gear; observing warning signs; learning about potential hazards; and reporting unsafe conditions. All RAs are required to sign the RA expectations. This position is subject to criminal and background check.

**My signature on this job description certifies that I have reviewed and fully understand the expectations outlined. Further, I agree to perform the duties of the Resident Advisor position to the best of my ability. If, at any time, I do not feel that I can uphold the terms of this position, I will speak with my supervising Residential Life Coordinator or Assistant Residential Life Coordinator immediately. I understand that as a Student Assistant, I am subject to release from the position at any time.**

Name (Print): \_\_\_\_\_ SJSU ID# \_\_\_\_\_

Position:     Senior Resident Advisor             Resident Advisor  
 Themed Community Resident Advisor \_\_\_\_\_ (list community)

Signature: \_\_\_\_\_ Building: \_\_\_\_\_



**Position Title:** Residential Life Coordinator  
**Position Number:**  
**Position Classification:** Student Services Professional II – 12 month (Temporary Assignment 36-months)  
**Job Code:** 3082  
**Status (Exempt/Nonexempt):** Exempt  
**Reporting Unit:** Office of Residential Life, University Housing Services  
**Reports To:** Stephanie Hubbard, Associate Director, Office of Residential Life  
**Prepared By:** Kenrick Ali, Staff Development and Conduct Coordinator and Stephanie Hubbard, Associate Director, Office of Residential Life  
**Date:** 03/17/05  
**Revision Dates:** 6/18/03, 03/17/05, 10/30/06, 2/20/07  
**Approved By:** s/ Lucille M Surdi, Mgr, Classification/Compensation Unit **Date:** 03/17/05  
 Lucille M Surdi, Mgr, Classification/Compensation Unit, HRSG (Name and Signature)  
**Approved By:** s/ Susan Hansen, Director, University Housing Services **Date:** 03/17/05  
 Susan Hansen, Director, University Housing Services (Name and Signature)

**A. POSITION PURPOSE**

As an integral component of San José State University and the Division of Student Affairs, the mission of University Housing Services (UHS) is to provide vibrant student-centered living communities designed to promote academic success, personal development, university involvement and civic engagement.

The Residential Life Coordinator is a live in position that works independently, under general supervision, to oversee 600 to 1400 co-educational students in a UHS complex and assists in the development and provision of all Residential Life activities.

**B. ESSENTIAL DUTIES AND RESPONSIBILITIES** include but are not limited to the following:

- |   | <u>Priority Weight</u><br><u>Management Assigned</u> |
|---|--|
| <b>1. Paraprofessional Staff Oversight and Development</b>  | <b>25%</b>   |
| <ul style="list-style-type: none"> <li>a. Supervises the overall direction and development of 1-2 Assistant Residential Living Coordinator (ARLCs), 8-22 Resident Advisors (RAs), 1 Office Manager (OM) and 5-30 Office Assistants (OAs).</li> <li>b. Works with Residential Life team overseeing, selecting, training, and evaluating student staff in meeting UHS mission and values; connecting student growth and development to specific learning outcomes.</li> <li>c. Serves as a mentor for all student staff members providing guidance and perspective to foster paraprofessional growth and development.</li> <li>d. Provides individual student staff direction and development by conducting weekly one-to-one meetings,</li> <li>e. Facilitates team building at weekly staff meetings and coordinates staff retreats and ongoing development.</li> <li>f. Works with staff to respond to day to day student issues.</li> </ul> |  |
| <b>2. Administration</b>  | <b>20%</b>   |
| <ul style="list-style-type: none"> <li>a. Works with University staff to appropriately administer UHS, University, and CSU policies and procedures.</li> </ul>  |  |

- b. Develops a working knowledge of UHS operations and coordinates paper flow to other areas within UHS.
- c. Works with maintenance, custodial, and other services to support high quality of UHS operations.
- d. Utilizes effective communicating, planning, scheduling and organizing skills as they relate to job responsibilities.
- e. Assists in the collection of evaluation and other assessment measures that contribute to the overall development of the UHS and university vision, goals and objectives
- f. Prepares semi-annual/annual reports on services and programs provided by community staff.
- g. Works with Associate Director and /or designee in planning future programs, establishing goals and objectives and reviewing quality of life concerns within residential community.
- h. Assists in management of residential facilities in conjunction with summer conference program.
- i. Monitors program and administrative budgets for individual community.
- j. Establishes effective systems for recording key inventories for community.
- k. Monitors payroll and desk services for students.
- l. Oversees daily operation of front desk spaces and community lounge/recreation areas.

**3. Crisis Management, Counseling & Conduct**

**20%**

- a. Assumes daily, evening, weekend and vacation duty coverage that include both community and campus-wide responsibilities.
- b. Responds as first on-campus contact for crisis intervention and management for residential community via 24-hour duty and notifies department/campus staff members regarding crisis situations.
- c. Adjudicates conduct cases, working with the Education Development Coordinator and the Office of Student Conduct and Ethical Development to provide appropriate response and educational sanctions for violations to UHS and campus policies.
- d. Coordinates emergency evacuations and conducts fire drills with residents on a semester basis.
- e. Creates an atmosphere that supports appropriate behavior in residential community.
- f. Assesses and responds to residential students' physical, emotional and intellectual needs.
- g. Works with students and staff to respond to counseling, mediation and policy violation concerns.
- h. Role models appropriate behavior and response to students and staff, adhering to departmental and university policies and ethical statements.
- i. May advise UHS Student Judicial Board.

**4. Programming and Student Development**

**15%**

- a. Assists, advises and encourages students and staff in implementing the department's programming model.
- b. Assesses, develops, implements and evaluates programs as part of the Residential Life team.
- c. Provides leadership in developing sense of community in all residential communities.
- d. Supports issues of diversity and serves as an educator on understanding these issues.
- e. Meets regularly with Associate Director and /or designee to establish professional goals and objectives for residential community.
- f. Maintains work schedules designed for maximum accessibility and involvement with students.

- g. Approves and tracks staff programs in conjunction with the Education Development Coordinator .
- h. Works with the Education Development Coordinator in conjunction with student staff in developing programming initiatives specific to the needs of the residents in specific communities.

**5. Advising Student Groups 5%**

- a. Counsels and advises individuals and student groups and serve as a resource and referral agent.
- b. Advises one or more student leadership groups to be determined by Residential Life team.
- c. Serves as a resource person and supportive role model for Judicial Board, Hall Government, Community Housing Association for Leadership Councils (CHALC) and members of National Residence Hall Honorary (NRHH).

**6. Collateral Assignments, Research and Special Projects 10%**

- a. Chairs and/or serves on working committees that coordinate major Residential Life projects and assignments.
- b. Works with Associate Director, the Staff and Leadership Development Coordinator and the Education Development Coordinator to develop a professional development plan.
- c. Participates in professional development opportunities that may include development and implementation of workshops, facilitating presentations, and attending professional conferences.
- d. Promotes and coordinates the facilitation of University Housing Services research projects as directed by the Associate Director for Organization and Planning.
- e. Participates in collateral assignments, which may include committee work, special interest programs or internships within University Housing and Student Affairs Division.
- f. Assists in developing department policies and procedures and trains department staff in their implementation.

**7. Performs Other Duties As Assigned 5%**

**C. WORK LEAD RESPONSIBILITIES (if applicable)**

Priority Weight  
Management Assigned

There are no work lead responsibilities assigned to this position

**D. GENERAL GUIDELINES**

1. Recommends initiatives and changes to improve quality and services.
2. Identifies and determines cause of problems; develops and presents recommendations for improvement of established processes and practices.
3. Maintains contact with customers and solicits feedback for improved services. Responds to voice and email in a timely manner.
4. Maximizes productivity through use of appropriate tools, safety measures and planned training and performance initiatives. Researches and develops resources that create timely and efficient workflow. Develops and recommends budget.
5. Prepares progress reports, informs supervisor of project status and deviation from goals. Ensures completeness, accuracy and timeliness of all operational functions.

6. Prepares and submits reports as requested and required.
7. Implements guidelines to support functions of unit.
8. Develops and sustains cooperative working relationships in a diverse environment.
9. Works independently and as part of a team as required.
10. Functions effectively in a student-centered environment.

## **E. QUALIFICATIONS**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

This position requires the ability to effectively establish and maintain cooperative working relationships within a diverse multicultural environment.

### **1. KNOWLEDGE, SKILLS AND ABILITIES**

- a. Thorough knowledge of English grammar, business writing, punctuation and spelling. Ability to compose and appropriately format correspondence and reports.
- b. Working knowledge of practices, procedures and activities related to student Residential Life programs.
- c. General knowledge of interviewing and counseling techniques, and ability to listen and reason logically.
- d. General knowledge of group facilitation, oral presentation and public speaking skills.
- e. General knowledge of research methods, and ability to interpret program policies applicable to student residential programs.
- f. Ability to rapidly acquire a general knowledge of overall operation, functions and programs of campus to which assigned.
- g. Ability to use initiative and resourcefulness in planning work assignments and in implementing long-range program improvements.
- h. Ability to collect, compile, analyze, and evaluate factual data and make oral or written presentations based on these data.
- i. Ability to advise students individually or in groups on routine matters, and general knowledge of principles of individual and group behavior.
- j. Ability to maintain dignity and self-control in stressful situations; and ability to respond to emergency and crisis situations.
- k. Ability to establish and maintain cooperative working relationships with students, staff, faculty, administrators, and private and public agencies.
- l. Working knowledge of software applications such as word processing, spreadsheet, and database management.
- m. Ability to perform accurately in a detail-oriented environment, and to handle multiple work priorities, organize and plan work and projects.
- n. Ability to maintain confidentiality and appropriately handle sensitive communications with employees and external agencies.
- o. Ability to quickly learn and apply a variety of state, federal, CSU, and SJSU policies and procedures.
- p. Strong oral communication skills. Must possess excellent customer service and public relations skills.

**2. EDUCATION AND/OR EXPERIENCE**

Bachelor's degree and two years of progressively responsible professional student services work experience, or an equivalent combination of education and experience that provides the required knowledge and skills. Two years group living experience and group leadership experience at the university level preferred. Master's degree in job-related field preferred, and may be substituted for one year of professional experience.

**F. PHYSICAL DEMANDS**

The physical demands described are representative of those that must be met by an employee to successfully perform the essential functions of the job. Reasonable accommodations may be made to enable an individual with disabilities to perform the essential functions. May be required to work at a computer terminal for extended periods of time. Position may require travel throughout and work in multi-story buildings that do not have elevators.

**G. WORK ENVIRONMENT**

Typical residential life environment, interacting with students and staff on individual basis and in group settings. The position requires the individual to live on campus in a residential complex that houses students. It is expected that the Residential Life Coordinator will be available to students and for activities during some evening and weekend hours.

Employee Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **A. Position Purpose**

As an integral component of San José State University and the Division of Student Affairs, the mission of University Housing Services (UHS) is to provide vibrant student-centered living communities designed to promote academic success, personal development, university involvement and civic engagement. The Residential Life Coordinator is a live in position that works independently, under general supervision, to oversee 600 to 1400 co-educational students in a UHS complex and assists in the development and provision of all Residential Life activities.

### **B. Type of Supervision Received**

Select the option that best describes the type of direction received for the position (Direct Supervision, General Supervision, Limited Supervision, General Direction or Administrative Direction).

### **C. Position Responsibilities**

#### **Responsibilities and Tasks**

- Responsibility: A responsibility should be the general description of the work this position is required to accomplish.
- Task: A task should be the specific description of the day-to-day work required to meet the associated responsibility.

#### **Percent (%)**

The percentage of time should be the proportion of the incumbent's annual work time (2080 hours) spent on a responsibility or task. The percentages associated with Responsibilities should add to 100%. The percentages associated with individual Tasks under each Responsibility should equal the percentage for the Responsibility. Percentages are used to classify the position. Actual amount of time spent on each Responsibility/Task may vary based on department cycles and priorities.

#### **Knowledge, Skills and Abilities**

- a. Thorough knowledge of English grammar, business writing, punctuation and spelling. Ability to compose and appropriately format correspondence and reports.
- b. Working knowledge of practices, procedures and activities related to student Residential Life programs.
- c. General knowledge of interviewing and counseling techniques, and ability to listen and reason logically.
- d. General knowledge of group facilitation, oral presentation and public speaking skills.
- e. General knowledge of research methods, and ability to interpret program policies applicable to student residential programs.
- f. Ability to rapidly acquire a general knowledge of overall operation, functions and programs of San Jose State University.
- g. Ability to use initiative and resourcefulness in planning work assignments and in implementing long-range program improvements.
- h. Ability to collect, compile, analyze, and evaluate factual data and make oral or written presentations based on these data.
- i. Ability to advise students individually or in groups on routine matters, and general knowledge of principles of individual and group behavior.

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- j. Ability to maintain dignity and self-control in stressful situations; and ability to respond to emergency and crisis situations.
- k. Ability to establish and maintain cooperative working relationships with students, staff, faculty, administrators, and private and public agencies.
- l. Working knowledge of software applications such as word processing, spreadsheet, and database management.
- m. Ability to perform accurately in a detail-oriented environment, and to handle multiple work priorities, organize and plan work and projects.
- n. Ability to maintain confidentiality and appropriately handle sensitive communications with employees and external agencies.
- o. Ability to quickly learn and apply a variety of state, federal, CSU, and SJSU policies and procedures.
- p. Strong oral communication skills. Must possess excellent customer service and public relations skills.

**Example:**

Responsibility/Task	%	Knowledge, Skills and Abilities needed to perform this responsibility/task
Data Analysis and Reporting Responsible for the design and modification of HR data reports, analyzing the results for accuracy, distributing the output and coordinating corrections and problems. Makes recommendations and coordinates improvements to HR processes, procedures and corrections based on analysis of the data.	50%	
Provide support and maintenance for various HR FileMaker and MS Access databases, such as changes needed for Payroll Attendance Sheets or general database support and maintenance.	20%	Basic knowledge of PeopleSoft Query and SQL. Ability to maintain confidentiality and appropriately handle sensitive communications with employee, students, applicants and external agencies.

**D. Positions Managed/Led By Incumbent**

Enter the Position Number and the Working Title of the positions that will be managed. Do not list individual students, casual workers or temporary employees. *To insert additional rows in the Positions Managed/Led by Incumbent table, click Tab after filling out the last row and a new row will be inserted.*

<b>Working Title:</b>	Residential Life Coordinator- Temporary 3 years
<b>Position Number:</b>	00006678
<b>Classification Title:</b>	Student Services Professional II
<b>Job Code:</b>	3082
<b>Department Name:</b>	University Housing Services
<b>Title of Direct Supervisor:</b>	Stephanie Hubbard, Associate Director, Residential Life

**A. POSITION PURPOSE (Enter Purpose Below)**

As an integral component of San José State University and the Division of Student Affairs, the mission of University Housing Services (UHS) is to provide vibrant student-centered living communities designed to promote academic success, personal development, university involvement and civic engagement. The Residential Life Coordinator is a live in position that works independently, under general supervision, to oversee 600 to 1400 co-educational students in a UHS complex and assists in the development and provision of all Residential Life activities.

**B. TYPE OF SUPERVISION RECEIVED (Select One)**

- Direct Supervision: Work is performed according to detailed instructions and the supervision is available on short notice. The methods of work are well established and outlined. (Typical supervision for entry, level non-exempt positions.)
- General Supervision: Objectives are set for position, but incumbent works independently referring to policies, practices and procedures. (Typical supervision for mid-level exempt or non-exempt positions.)
- Limited Supervision: Incumbent proceeds on own initiative while complying with policies, practices and procedures described by the Supervisor. Incumbent seldom refers matters to supervisor except for clarification of policy. (Typical supervision for professional or advanced-level exempt positions.)
- General Direction: Incumbent has broad responsibility for planning, organizing and prioritizing work. Active control by the manager is only exercised on longer term goals and policy issues. (Typical supervision for middle managers and high level professionals.)
- Administrative Direction: Management decisions are comprehensive and the work function is broad. (Typical supervision for high level or executive management positions.)

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**C. RESPONSIBILITIES AND TASKS**

Responsibility/Task	%	Knowledge, Skills and Abilities needed to perform this responsibility/task (To insert additional rows, click Tab in the last row.)
<p><b>Paraprofessional Staff Oversight and Development</b></p> <ol style="list-style-type: none"> <li>Supervises the overall direction and development of 1-2 Assistant Residential Living Coordinator (ARLCs), 8-22 Resident Advisors (RAs), 1 Office Manager (OM) and 5-30 Office Assistants (OAs).</li> <li>Works with Residential Life team overseeing, selecting, training, and evaluating student staff in meeting UHS mission and values; connecting student growth and development to specific learning outcomes.</li> <li>Serves as a mentor for all student staff members providing guidance and perspective to foster paraprofessional growth and development.</li> <li>Provides individual student staff direction and development by conducting weekly one-to-one meetings.</li> <li>Facilitates team building at weekly staff meetings and coordinates staff retreats and ongoing development.</li> <li>Works with staff to respond to day to day student issues.</li> </ol>	<p>%25</p>	<ul style="list-style-type: none"> <li>Thorough knowledge of English grammar, business writing, punctuation and spelling; Ability to compose and appropriately format correspondence and reports.</li> <li>Working knowledge of practices, procedures and activities related to student Residential Life programs.</li> <li>General knowledge of interviewing and counseling techniques, and ability to listen and reason logically.</li> <li>General knowledge of group facilitation, oral presentation and public speaking skills.</li> <li>Ability to rapidly acquire a general knowledge of overall operation, functions and programs of San Jose State University.</li> <li>Ability to use initiative and resourcefulness in planning work assignments and in implementing long-range program improvements.</li> <li>Ability to collect, compile, analyze, and evaluate factual data and make oral or written presentations based on these data.</li> <li>Ability to advise students individually or in groups on routine matters, and general knowledge of principles of individual and group behavior.</li> <li>Ability to maintain dignity and self-control in stressful situations; and ability to respond to emergency and crisis situations.</li> <li>Ability to establish and maintain cooperative working relationships with students, staff, faculty, administrators, and private and public agencies.</li> <li>Ability to perform accurately in a detail-oriented environment, and to handle multiple work priorities, organize and plan work and projects.</li> <li>Ability to maintain confidentiality and appropriately handle sensitive communications with employees and external agencies.</li> <li>Ability to quickly learn and apply a variety of state, federal, CSU, and SJSU policies and procedures.</li> <li>Strong oral communication skills. Must possess excellent customer service and public relations skills.</li> </ul>
<p><b>Administration</b></p> <ol style="list-style-type: none"> <li>Works with University staff to appropriately administer UHS, University, and CSU policies and procedures.</li> <li>Develops a working knowledge of UHS operations and coordinates paper flow to other areas within UHS.</li> <li>Works with maintenance, custodial, and other services to support high quality of UHS operations.</li> </ol>	<p>%20</p>	<ul style="list-style-type: none"> <li>Thorough knowledge of English grammar, business writing, punctuation and spelling; Ability to compose and appropriately format correspondence and reports.</li> <li>Working knowledge of practices, procedures and activities related to student Residential Life programs.</li> <li>General knowledge of research methods, and ability to interpret program policies applicable to student residential programs.</li> <li>Ability to rapidly acquire a general knowledge of overall operation, functions</li> </ul>

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Responsibility/Task	%	Knowledge, Skills and Abilities needed to perform this responsibility/task (To insert additional rows, click Tab in the last row.)
<p>d. Utilizes effective communicating, planning, scheduling and organizing skills as they relate to job responsibilities.</p> <p>e. Assists in the collection of evaluation and other assessment measures that contribute to the overall development of the UHS and university vision, goals and objectives</p> <p>f. Prepares semi-annual/annual reports on services and programs provided by community staff.</p> <p>g. Works with Associate Director and /or designee in planning future programs, establishing goals and objectives and reviewing quality of life concerns within residential community.</p> <p>h. Assists in management of residential facilities in conjunction with summer conference program.</p> <p>i. Monitors program and administrative budgets for individual community.</p> <p>j. Establishes effective systems for recording key inventories for community.</p> <p>k. Monitors payroll and desk services for students.</p> <p>l. Oversees daily operation of front desk spaces and community lounge/recreation areas.</p>	<p>%</p>	<p>and programs of San Jose State University.</p> <ul style="list-style-type: none"> <li>• Ability to use initiative and resourcefulness in planning work assignments and in implementing long-range program improvements.</li> <li>• Ability to collect, compile, analyze, and evaluate factual data and make oral or written presentations based on these data.</li> <li>• Ability to establish and maintain cooperative working relationships with students, staff, faculty, administrators, and private and public agencies.</li> <li>• Working knowledge of software applications such as word processing, spreadsheet, and database management.</li> <li>• Ability to perform accurately in a detail-oriented environment, and to handle multiple work priorities, organize and plan work and projects.</li> <li>• Ability to maintain confidentiality and appropriately handle sensitive communications with employees and external agencies.</li> <li>• Ability to quickly learn and apply a variety of state, federal, CSU, and SJSU policies and procedures.</li> <li>• Strong oral communication skills. Must possess excellent customer service and public relations skills.</li> </ul>
<p><b>Crisis Management, Counseling &amp; Conduct</b></p> <p>a. Assumes daily, evening, weekend and vacation on-call coverage that include both community and campus-wide responsibilities.</p> <p>b. Responds as first on-campus contact for crisis intervention and management for residential community via 24-hour on-call and notifies department/campus staff members regarding crisis situations.</p> <p>c. Adjudicates conduct cases, working with the Education Development Coordinator and the Office of Student Conduct and Ethical Development to provide appropriate response and educational sanctions for violations to UHS and campus policies.</p> <p>d. Coordinates emergency evacuations and conducts fire drills with residents on a semester basis.</p> <p>e. Creates an atmosphere that supports appropriate behavior in residential community.</p> <p>f. Assesses and responds to residential students' physical,</p>	<p>%20</p>	<ul style="list-style-type: none"> <li>• Thorough knowledge of English grammar, business writing, punctuation and spelling. Ability to compose and appropriately format correspondence and reports.</li> <li>• Working knowledge of practices, procedures and activities related to student Residential Life programs.</li> <li>• General knowledge of interviewing and counseling techniques, and ability to listen and reason logically.</li> <li>• General knowledge of group facilitation, oral presentation and public speaking skills.</li> <li>• Ability to rapidly acquire a general knowledge of overall operation, functions and programs of San Jose State University.</li> <li>• Ability to use initiative and resourcefulness in planning work assignments and in implementing long-range program improvements.</li> <li>• Ability to advise students individually or in groups on routine matters, and general knowledge of principles of individual and group behavior.</li> <li>• Ability to maintain dignity and self-control in stressful situations; and ability to respond to emergency and crisis situations.</li> <li>• Ability to establish and maintain cooperative working relationships with</li> </ul>

Responsibility/Task	%	Knowledge, Skills and Abilities needed to perform this responsibility/task( To Insert additional rows, click Tab in the last row.)
emotional and intellectual needs. g. Works with students and staff to respond to counseling, mediation and policy violation concerns. h. Role models appropriate behavior and response to students and staff; adhering to departmental and university policies and ethical statements. i. May advise UHS Student Judicial Board.	%	<ul style="list-style-type: none"> <li>• students, staff, faculty, administrators, and private and public agencies.</li> <li>• Working knowledge of software applications such as word processing, spreadsheet, and database management.</li> <li>• Ability to perform accurately in a detail-oriented environment, and to handle multiple work priorities, organize and plan work and projects.</li> <li>• Ability to maintain confidentiality and appropriately handle sensitive communications with employees and external agencies.</li> <li>• Ability to quickly learn and apply a variety of state, federal, CSU, and SJSU policies and procedures.</li> <li>• Strong oral communication skills. Must possess excellent customer service and public relations skills.</li> </ul>
<p><b>Programming and Student Development</b></p> a. Assists, advises and encourages students and staff in implementing the department's programming model. b. Assesses, develops, implements and evaluates programs as part of the Residential Life team. c. Provides leadership in developing sense of community in all residential communities. d. Supports issues of diversity and serves as an educator on understanding these issues. e. Meets regularly with Associate Director and /or designee to establish professional goals and objectives for residential community. f. Maintains work schedules designed for maximum accessibility and involvement with students. g. Approves and tracks staff programs. h. Works in conjunction with student staff in developing programming initiatives specific to the needs of the residents in specific communities.	%15	<ul style="list-style-type: none"> <li>• Thorough knowledge of English grammar, business writing, punctuation and spelling. Ability to compose and appropriately format correspondence and reports.</li> <li>• Working knowledge of practices, procedures and activities related to student Residential Life programs.</li> <li>• General knowledge of interviewing and counseling techniques, and ability to listen and reason logically.</li> <li>• General knowledge of group facilitation, oral presentation and public speaking skills.</li> <li>• Ability to rapidly acquire a general knowledge of overall operation, functions and programs of San Jose State University.</li> <li>• Ability to use initiative and resourcefulness in planning work assignments and in implementing long-range program improvements.</li> <li>• Ability to collect, compile, analyze, and evaluate factual data and make oral or written presentations based on these data.</li> <li>• Ability to advise students individually or in groups on routine matters, and general knowledge of principles of individual and group behavior.</li> <li>• Ability to establish and maintain cooperative working relationships with students, staff, faculty, administrators, and private and public agencies.</li> <li>• Working knowledge of software applications such as word processing, spreadsheet, and database management.</li> <li>• Ability to perform accurately in a detail-oriented environment, and to handle multiple work priorities, organize and plan work and projects.</li> <li>• Ability to maintain confidentiality and appropriately handle sensitive communications with employees and external agencies.</li> <li>• Ability to quickly learn and apply a variety of state, federal, CSU, and SJSU</li> </ul>

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Responsibility/Task	%	Knowledge, Skills and Abilities needed to perform this responsibility/task (To insert additional rows, click Tab in the last row.)
<p><b>Advising Student Groups</b></p> <ol style="list-style-type: none"> <li>Counsels and advises individuals and student groups and serve as a resource and referral agent.</li> <li>Advises one or more student leadership groups to be determined by Residential Life team.</li> <li>Serves as a resource person and supportive role model for Judicial Board, Hall Government, Residence Hall Association (RHA) and members of National Residence Hall Honorary (NRHH).</li> </ol>	<p>%5</p>	<p>policies and procedures.</p> <ul style="list-style-type: none"> <li>Strong oral communication skills. Must possess excellent customer service and public relations skills.</li> <li>Thorough knowledge of English grammar, business writing, punctuation and spelling. Ability to compose and appropriately format correspondence and reports.</li> <li>Working knowledge of practices, procedures and activities related to student Residential Life programs.</li> <li>General knowledge of interviewing and counseling techniques, and ability to listen and reason logically.</li> <li>General knowledge of group facilitation, oral presentation and public speaking skills.</li> <li>General knowledge of research methods, and ability to interpret program policies applicable to student residential programs.</li> <li>Ability to rapidly acquire a general knowledge of overall operation, functions and programs of San Jose State University.</li> <li>Ability to use initiative and resourcefulness in planning work assignments and in implementing long-range program improvements.</li> <li>Ability to collect, compile, analyze, and evaluate factual data and make oral or written presentations based on these data.</li> <li>Ability to advise students individually or in groups on routine matters, and general knowledge of principles of individual and group behavior.</li> <li>Ability to maintain dignity and self-control in stressful situations; and ability to respond to emergency and crisis situations.</li> <li>Ability to establish and maintain cooperative working relationships with students, staff, faculty, administrators, and private and public agencies.</li> <li>Working knowledge of software applications such as word processing, spreadsheet, and database management.</li> <li>Ability to perform accurately in a detail-oriented environment, and to handle multiple work priorities, organize and plan work and projects.</li> <li>Ability to maintain confidentiality and appropriately handle sensitive communications with employees and external agencies.</li> <li>Ability to quickly learn and apply a variety of state, federal, CSU, and SJSU policies and procedures.</li> <li>Strong oral communication skills. Must possess excellent customer service and public relations skills.</li> </ul>

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Responsibility/Task	%	Knowledge, Skills and Abilities needed to perform this responsibility/task (To insert additional rows, click Tab in the last row.)
<p><b>Collateral Assignments, Research and Special Projects</b></p> <ol style="list-style-type: none"> <li>Chairs and/or serves on working committees that coordinate major Residential Life projects and assignments.</li> <li>Works with Associate Director and Assistant Director for Residential Life to develop a professional development plan.</li> <li>Participates in professional development opportunities that may include development and implementation of workshops, facilitating presentations, and attending professional conferences.</li> <li>Promotes and coordinates the facilitation of University Housing Services research projects as directed by the Associate Director for Organization and Planning.</li> <li>Participates in collateral assignments, which may include committee work, special interest programs or internships within University Housing and Student Affairs Division.</li> <li>Assists in developing department policies and procedures and trains department staff in their implementation.</li> </ol>	<p>10%</p>	<ul style="list-style-type: none"> <li>Thorough knowledge of English grammar, business writing, punctuation and spelling. Ability to compose and appropriately format correspondence and reports.</li> <li>Working knowledge of practices, procedures and activities related to student Residential Life programs.</li> <li>General knowledge of interviewing and counseling techniques, and ability to listen and reason logically.</li> <li>General knowledge of group facilitation, oral presentation and public speaking skills.</li> <li>General knowledge of research methods, and ability to interpret program policies applicable to student residential programs.</li> <li>Ability to rapidly acquire a general knowledge of overall operation, functions and programs of San Jose State University.</li> <li>Ability to use initiative and resourcefulness in planning work assignments and in implementing long-range program improvements.</li> <li>Ability to collect, compile, analyze, and evaluate factual data and make oral or written presentations based on these data.</li> <li>Ability to advise students individually or in groups on routine matters, and general knowledge of principles of individual and group behavior.</li> <li>Ability to maintain dignity and self-control in stressful situations; and ability to respond to emergency and crisis situations.</li> <li>Ability to establish and maintain cooperative working relationships with students, staff, faculty, administrators, and private and public agencies.</li> <li>Working knowledge of software applications such as word processing, spreadsheet, and database management.</li> <li>Ability to perform accurately in a detail-oriented environment, and to handle multiple work priorities, organize and plan work and projects.</li> <li>Ability to maintain confidentiality and appropriately handle sensitive communications with employees and external agencies.</li> <li>Ability to quickly learn and apply a variety of state, federal, CSU, and SJSU policies and procedures.</li> <li>Strong oral communication skills. Must possess excellent customer service and public relations skills.</li> </ul>
<p><b>Performs Other Duties As Assigned</b></p>	<p>5%</p>	<ul style="list-style-type: none"> <li>Thorough knowledge of English grammar, business writing, punctuation and spelling. Ability to compose and appropriately format correspondence and reports.</li> <li>Working knowledge of practices, procedures and activities related to student Residential Life programs.</li> </ul>

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Responsibility/Task	%	<p><b>Knowledge, Skills and Abilities needed to perform this responsibility/task</b>(To insert additional rows, click Tab in the last row.)</p> <ul style="list-style-type: none"> <li>• General knowledge of interviewing and counseling techniques, and ability to listen and reason logically.</li> <li>• General knowledge of group facilitation, oral presentation and public speaking skills.</li> <li>• General knowledge of research methods, and ability to interpret program policies applicable to student residential programs.</li> <li>• Ability to rapidly acquire a general knowledge of overall operation, functions and programs of San Jose State University.</li> <li>• Ability to use initiative and resourcefulness in planning work assignments and in implementing long-range program improvements.</li> <li>• Ability to collect, compile, analyze, and evaluate factual data and make oral or written presentations based on these data.</li> <li>• Ability to advise students individually or in groups on routine matters, and general knowledge of principles of individual and group behavior.</li> <li>• Ability to maintain dignity and self-control in stressful situations; and ability to respond to emergency and crisis situations.</li> <li>• Ability to establish and maintain cooperative working relationships with students, staff, faculty, administrators, and private and public agencies.</li> <li>• Working knowledge of software applications such as word processing, spreadsheet, and database management.</li> <li>• Ability to perform accurately in a detail-oriented environment, and to handle multiple work priorities, organize and plan work and projects.</li> <li>• Ability to maintain confidentiality and appropriately handle sensitive communications with employees and external agencies.</li> <li>• Ability to quickly learn and apply a variety of state, federal, CSU, and SJSU policies and procedures.</li> <li>• Strong oral communication skills. Must possess excellent customer service and public relations skills.</li> </ul>

The incumbent is considered a mandated reporter under the California Child Abuse and Neglect Reporting Act and is required to comply with the requirements set forth in CSU Executive Order 1083 as a condition of employment.

Percentages are used to classify the position. Actual amount of time spent on each Responsibility/Task may vary based on department cycles and priorities. Other duties may be assigned by manager.

**D. POSITIONS MANAGED/LED BY INCUMBENT (If Applicable)**

**POSITION DESCRIPTION INSTRUCTIONS & FORM**  
 Workforce Planning | 408-924-2250 | [classcomp@sjsu.edu](mailto:classcomp@sjsu.edu)

Position Number	Working Title of Position (To insert additional rows, click Tab in the last row.)	Date(MM/DD/YYYY):	
Employee Name/Signature:		Date(MM/DD/YYYY):	
Supervisor Name/Signature:		Date(MM/DD/YYYY):	
Administrator Name/Signature:		Date(MM/DD/YYYY):	
Class/Comp Analyst Name/Signature		Date(MM/DD/YYYY):	

# EXHIBIT I

## **INTRODUCTION**

Behind Closed Doors is the “high impact” counterpart to Through Open Doors training (Fall 2013). Student Staff members are first responders to many situations while on duty, in addition to other contact throughout the day. These instances almost always end with a documentation and formal follow up via the student conduct process. Through confrontation, there are opportunities to interpret policy, explain the student conduct resolution process and have educational conversations about community living.

## **LEARNING OUTCOMES**

As a result of participating in Behind Closed Doors, Student Staff will:

- ✓ ...be exposed to incidents that they may have anxiety or uncertainty confronting in a controlled environment.
- ✓ ...critically analyze and assess incidents and display appropriate confrontation responses per trained procedure/protocol.
- ✓ ...accurately identify the resources they should call in various duty situations to include: ARLC on Duty, RLC on Duty, UPD etc.
- ✓ ...develop an understanding of their limits during incident confrontations, the importance of taking care of monitoring their ability to respond and seeking assistance when needed.
- ✓ ...develop, analyze and critique their confrontation skills, as well as the skills of their peers.

## **FACILITATOR EXPECTATIONS**

- ✓ Provide real-life scenarios (no ‘RA’ hazing)
- ✓ Make the confrontation experience one in which student staff will learn/develop/practice/improve skills
- ✓ Take notes of everything!
- ✓ Praise positive confrontations; highlight where student staff confronted the scenario with good skills
- ✓ Provide feedback to ARLC/RLC for those that might need follow up
- ✓ Interpret UHS/SJSU policies and procedures as they connect to specific scenarios

## **“BEHIND CLOSED DOORS” INTERACTIONS**

1. Alcohol, Party, Transport
2. Self-Harm, Suicide Ideation
3. Marijuana
4. Physiological Concerns, “5150”
5. Roommate Conflict (educational conversation)
6. Roommate Conflict (argument/dispute)
7. Domestic Conflict (intimate partner concern)
8. Health & Safety Inspection/Follow Up

### **Alcohol Party, Potential Medical Transport, JW 4<sup>th</sup> floor**

**ACTORS:** Hyon Chu Yi-Baker, Liz Romero, Sheldon Fields, Matt McGill, Rigo Flores, Moji Oladimeji, Josh Cruz

**READ TO RA(s):** You received a duty call indicating that there was loud noise coming from one of the rooms down the hall...

**ACTORS:** Your friend just turned 21. You've decided to host a party in your room since you and your roommates are all 21. However, some of your invited friends aren't 21, and others are from other universities. There's alcohol, music, and lots of fun happening!

#### **DEBRIEFING QUESTIONS**

1. To the Confronting RA(s): How did you feel? What do you think went well? What would you have done differently?
2. To the Group: What did you observe about the interaction? What do you think went well? What would you have done differently?
3. What policies are involved in this type of incident? How is that the same/different from your residential community?
4. How would you follow up with the residents?

### **Self Harm, Suicide Ideation, JW 5<sup>th</sup> floor**

**ACTORS:** Cassie Alvarado

**READ TO RA(s):** You received a call from University Police Department that a resident on your floor may be intending to harm themselves...

**ACTOR:** You were online chatting with a friend about how depressed you have been lately. You didn't go into details but you found out you didn't get into your major, your relationship with your significant other isn't going well, and you haven't been getting along with your parents. You cut the conversation short stating, "I'll just take all these pills and see what happens..." You didn't answer the phone when your friend & parents called to talk to you.

#### **DEBRIEFING QUESTIONS**

1. To the Confronting RA(s): How did you feel? What do you think went well? What would you have done differently?
2. To the Group: What did you observe about the interaction? What do you think went well? What would you have done differently?
3. What campus resources would you considering using in this type of incident?
4. How would you follow up with the residents?

### **Marijuana, JW 6<sup>th</sup> floor**

**ACTORS:** Hosna Omazard, Elspeth Mills, Nick Bell

**READ TO RA(s):** While on rounds, you hear loud noise coming from a room. Your intention is to ask the residents to keep it down. [PAUSE...allow RA(s) to approach and knock on the door, then continue] Upon knocking on the door, you smell what you believe to be marijuana...

**ACTOR(s):** You and your friends have just returned to campus from a party. At the party you were smoking marijuana. Everyone is still excited from all the fun; you are all talking about the things you did off campus. When you returned you started watching a show on TV, with the volume fairly high. You still have some of the marijuana paraphernalia on you.

#### DEBRIEFING QUESTIONS

1. To the Confronting RA(s): How did you feel? What do you think went well? What would you have done differently?
2. To the Group: What did you observe about the interaction? What do you think went well? What would you have done differently?
3. What policies are involved in this type of incident? How is that the same/different from your residential community?
4. How would you follow up with the residents?

#### **Physiological Concerns (5150), JW 7<sup>th</sup> floor**

**ACTORS:** Alicia Moore & Tova Feldmanstern

**READ TO RA(s):** You received a duty call indicating that one of the residents in the room is acting strange...

**ACTOR (5150):** You have been having a hard time adjusting to SJSU. You're from Southern California and moved on campus after the start of the year, so you haven't gotten connected to everyone or the campus. You've been exhibiting some erratic behaviors and your roommates have been concerned about you. However, you don't really talk to them.

**ACTOR (roommate):** You are concerned about your roommate. They have been responding to simple questions with weird, unintelligible statements. You've observed a change in their appearance, dress, and behaviors. You all do not interact with them much, mostly because you don't know them very well yet. You called the RA(s) on Duty because your roommate seems agitated about something...has been pacing around the room, and speaking strangely.

#### DEBRIEFING QUESTIONS

1. To the Confronting RA(s): How did you feel? What do you think went well? What would you have done differently?
2. To the Group: What did you observe about the interaction? What do you think went well? What would you have done differently?
3. What policies are involved in this type of incident? How is that the same/different from your residential community?
4. How would you follow up with the residents involved/impacted?

#### **Roommate Conflict (educational conversation), JW 8<sup>th</sup> floor**

**ACTORS:** Edgar (CVC), Bill Nance

**READ TO RA(s):** While on rounds, you hear what sounds like an argument down the hall. You stop in to see what is happening...

**ACTOR 1:** You just got this awesome flag representing your family's religious heritage. You've put it up in the common area of your suite because it's a bit too big for your room...and you and your roommate agreed not to put big stuff up because your room is so small. But the suite common room has more open space, and everyone has stuff up.

**ACTOR 2:** You noticed the new flag up in the room. You impacted by this; you are offended by what you believe it represents. You don't believe in any one particular faith, and feel like the flag doesn't respect you. As such, you don't think it should be in the common room. You asked your suitemate to take it down, but they refused.

#### DEBRIEFING QUESTIONS

1. To the Confronting RA(s): How did you feel? What do you think went well? What would you have done differently?
2. To the Group: What did you observe about the interaction? What do you think went well? What would you have done differently?
3. What policies are involved in this type of incident? How is that the same/different from your residential community?
4. How would you follow up with the residents?

#### **The Roommate Contract/Conflict, JW 9<sup>th</sup> floor**

**ACTORS:** Stephanie Preston, Colleen Johnson, Adam Remelman

**READ TO RA(s):** You are passing by your resident's room and you overhear them arguing...

**ACTORS:** You all completed your roommate agreement in the Fall, but really have not reviewed or revisiting that since you had the discussion with your RA. People haven't been taking the trash out, keeping the room clean, or really adhering to what's been agreed upon. You haven't said anything because you wanted to keep the peace, but you just can't take anymore!

#### DEBRIEFING QUESTIONS

1. To the Confronting RA(s): How did you feel? What do you think went well? What would you have done differently?
2. To the Group: What did you observe about the interaction?
3. What are some challenges with facilitating conversations about roommate contracts? How is this similar/different in your residential community?
4. What are some strategies you would employ to assist residents in making compromises?
5. How would you follow up?

#### **Domestic Concern (intimate partners), JW 10<sup>th</sup> floor**

**ACTORS:** Lili Cruz & Thi Ngo

**READ TO RA(s):** You hear a heated argument happening down the hall. It sounds like the people involved in the argument are fighting.

**ACTOR(s):** You and your significant other have not been on the same page for weeks. Now is the final straw. You've both returned to the residence hall where your argument about the issues in your relationship has continued. The argument has gotten physical...your partner attempted to leave out of the room and you prevented them from going because you want to get to the bottom of there. There is lots of yelling and name calling happening.

#### DEBRIEFING QUESTIONS

1. To the Confronting RA(s): How did you feel? What do you think went well? What would you have done differently?
2. To the Group: What did you observe about the interaction? What do you think went well? What would you have done differently?
3. How is that the same/different from your residential community?
4. How would you follow up with the residents involved/impacted?
5. What campus resources would you considering using in this type of incident?

## Health & Safety Inspection/Follow Up, JW 3<sup>rd</sup> floor

**ACTORS:** Edgar (JW) & Dan Fenstermacher

**READ TO RA(s):** You have warned your residents about the prohibited items in their room. You have been instructed to check in with this particular room to follow up on the health & safety inspection from the previous week so they are clear about the policies.

**ACTOR(s):** You remembered getting the note about the health & safety inspection. However, you just feel like the RAs are picking on your room because you all are the "life" of the floor. You didn't get a chance to remove the candle from the common room, and there were some other things they mentioned, but you were not paying much attention.

### DEBRIEFING QUESTIONS

1. To the Confronting RA(s): How did you feel? What do you think went well? What would you have done differently?
2. To the Group: What did you observe about the interaction? What do you think went well? What would you have done differently?
3. What policies are involved in this type of incident? How is that the same/different from your residential community?
4. How would you follow up with the residents involved/impacted?

RA Groups							
Group 1 ROCCO	Group 2 AMBER	Group 3 JD	Group 4 EMILY	Group 5 BOB	Group 6 TIM	Group 7 KAIT	Group 8 STEPHANIE
Heather Vreeland	Sarah Zuelke	David Lyday	Joshua Romero	Karla Flores	Stephanie Meloy	Megan Gilmore	Shelby Ye
Lauren Ohira	Alyssa Orozco-Bravo	Nicole Bundy	Gaurangi Malekar	Ava Cunningham	Afshin Najafi	Lauren Sederberg	Veronica Rivera
Haley Bowers	Christine Raco	Breana Grant	Melissa Flores	Charles May	LaPorche Tenner	Sean Connor	Jackie Kylo
Rachel Burns	Shannon Snelgrove	Evelyn Stankiewicz	Matthew Diwata	Stella Nwoye	Kyle Linayo	Adam del Castillo	Jabari Hasan
Alessandra Rodriguez	Joel Newlyn	Kylie Lai	Alex Matthews	Sara Rubenstien	Danny Villalobos	Emily Pierce	Jordan Avila
Wynter Hale	Sebastian Correa	William Cormier	Alex Sanchez	Diana Busaka	Morgan McIlwain	Mathew Stowe	Lilly Nguyen
Arton Falahati	Jacob Lambert	Joshua Rebello	Amarissa Mathews	Juan Herrejon	Chris Qualls	Susi Rodriguez	Alexander Koumis
Gia Canindin	Christine Balalis						

	Health & Safety 3 <sup>rd</sup> Floor	Alcohol 4 <sup>th</sup> Floor	Self Harm 5 <sup>th</sup> Floor	Marijuana 6 <sup>th</sup> Floor	"5150" 7 <sup>th</sup> Floor	Roommate Issue 1 8 <sup>th</sup> Floor	Roommate Issue 2 9 <sup>th</sup> Floor	Domestic Conflict 10 <sup>th</sup> Floor
3:00pm - 3:10pm	1	2	3	4	5	6	7	8
3:15pm - 3:25pm	8	1	2	3	4	5	6	7
3:30pm - 3:40pm	7	8	1	2	3	4	5	6
3:45pm - 3:55pm	6	7	8	1	2	3	4	5
4:00pm - 4:10pm	5	6	7	8	1	2	3	4
4:15pm - 4:25pm	4	5	6	7	8	1	2	3
4:30pm - 4:40pm	3	4	5	6	7	8	1	2
4:45pm - 4:55pm	2	3	4	5	6	7	8	1

# Through Open Doors | Facilitation Guide

## INTRODUCTION

Through Open Doors is the “low impact” counterpart to Behind Closed Doors training. Student Staff members are not only confronting situations while on duty, but at many other points throughout the day. These instances do not always end with a documentation or formal follow up. Sometimes these are opportunities to interpret policy, have an educational conversation about a particular matter, or help resident's develop important interpersonal skills – through a resident's already open door.

## LEARNING OUTCOMES

As a result of participating in Through Open Doors, New RAs will:

- ✓ ...practice confronting “low impact” scenarios mirroring their experiences in their residential communities.
- ✓ ...develop, analyze and critique their confrontation skills, as well as the skills of their peers.

As a result of participating in Through Open Doors, Returning RAs will:

- ✓ ...simulate “low impact” scenarios mirroring the types of experiences RAs might confront in their residential communities.
- ✓ ...analyze and critique the confrontation skills of their peers.

## FACILITATOR EXPECTATIONS

- ✓ Provide real-life scenarios (no ‘new RA’ hazing)
- ✓ Make the confrontation experience one in which New RA will learn/develop/practice skills
- ✓ Take notes of everything!
- ✓ Praise positive confrontations; highlight where New RAs confronted the scenario with good skills
- ✓ Provide feedback to ARLC/RLC for those that might need follow up
- ✓ Interpret UHS/SJSU policies and procedures as they connect to specific scenarios

## “THROUGH OPEN DOORS” INTERACTIONS

1. Roommate Contract
2. Noise (after quiet hours)
3. Homesick resident
4. Academic Concern
5. The Day After (being documented in an incident)
6. Inappropriate Language (jokingly)
7. Excluded Resident (doesn't feel comfortable in the community)
8. Alcohol Transport

## Prompts

### The Roommate Contract

**READ TO NEW RA:** You are passing by your resident's room and you overhear them having some difficulty completing their roommate contract. Someone mentions that they don't like taking out trash. You approach their open door...

**ACTORS:** You are having trouble coming to a compromise in various areas of your roommate contract. In this interaction, you are having a mild disagreement, not an argument – however, you haven't been able to come to some resolution about how you will live together in the room.

#### DEBRIEFING QUESTIONS

1. To the New RA: How did you feel? What do you think went well? What would you have done differently?
2. To the Group: What did you observe about the interaction?
3. What are some challenges with facilitating conversations about roommate contracts?
4. What are some strategies you would employ to assist residents in making compromises?
5. How would you follow up?

### Noise (after quiet hours)

**READ TO NEW RA:** You are completing your final "community walk" of the building. You hear loud noise (talking mostly, but there is music/TV on as well) coming from the end of the hall. This are your residents that typically hang out at the desk/eat lunch with you in the DC/attend floor programs regularly.

**ACTORS:** You just got back from a concert at the Event Center. You had a GREAT time and don't want the night to end. You all went back to a friend on the floor's room to hang out. The door isn't closed all the way because you're expecting other friends from the floor to stop by.

#### DEBRIEFING QUESTIONS

1. To the New RA: How did you feel? What do you think went well? What would you have done differently?
2. To the Group: What did you observe about the interaction?
3. What are some challenges with confronting/documenting "good" residents?
4. What are some strategies you would employ in these types of instances?
5. How would you follow up?

### Homesick Resident

**READ TO NEW RA:** You notice one of your residents sitting in their room watching TV. Nothing appears to be "wrong" with them, but they do seem sadder than usual. The resident doesn't attend many programs, and you haven't had a conversation with them in a while.

**ACTOR:** You were very excited to move to San José State University all the way from Tennessee. However, after a couple of months, you are missing home. The time difference makes it difficult to stay connected to family & friends. You're not sure if you'll be able to afford to go home for Thanksgiving (you've never missed a holiday with the family). You haven't really been able to build some strong connections to the people in your community.

#### DEBRIEFING QUESTIONS

1. To the New RA: How did you feel? What do you think went well? What would you have done differently?
2. To the Group: What did you observe about the interaction?
3. What are some (other) resources at SJSU you could provide/refer for students who feel homesick/not connected to their community?
4. What are some strategies you would employ for residents who do not feel included (for whatever reasons)?
5. How would you follow up?

#### Academic Concern

READ TO NEW RA: You were told by one of your residents that another resident on the floor just failed their midterm exam. That resident did not seem too worried, but joked to the effect that they weren't sure if said resident even studied or attends class. You happen to walk by the room while the resident is there playing video games.

ACTOR: You hate your major. However, you love video games. You're only in your major because your family thinks it's going to turn into a lucrative career for you. As such, you haven't been doing well in your classes. You want to do well in school, but you haven't found the academic area that really speaks to your interests.

#### DEBRIEFING QUESTIONS

1. To the New RA: How did you feel? What do you think went well? What would you have done differently?
2. To the Group: What did you observe about the interaction?
3. What academic resources do we have as a department? What other departments at SJSU can provide support for this student?
4. How would you follow up?

#### The Day After (being documented in an incident)

READ TO NEW RA: You notice your residents in their room (with the door open) very upset. They seem to be discussing something that went on last night. You were away from the building, so you are not sure what happened on your floor.

ACTORS: You all had a birthday party for a friend in your room last night that got out of hand. You didn't intend for it to go that far, but when people heard about the party, they wanted to come and have fun with all of you. There was alcohol. Everyone was not 21. There was loud music. The RAs on duty documented you all, even though you tried to comply with their instructions. You apologized, told them it wouldn't happen again, and asked them not to document you. However, they documented you anyway.

#### DEBRIEFING QUESTIONS

1. To the New RA: How did you feel? What do you think went well? What would you have done differently?
2. To the Group: What did you observe about the interaction?
3. How do you support your fellow student staff members in instances like these?
4. How would you follow up? Who do you follow up with?

## **Inappropriate Language (used jokingly)**

**READ TO NEW RA:** Two of your residents are replaying comedy clips from YouTube. The comedian they are listening to are making inappropriate jokes. The sound is very loud – it can be heard a few doors down from their room. They are laughing hysterically.

**ACTORS:** You're the "life" of the floor! Everyone comes by your room to hang out. You've got an awesome TV, sound system, and all kinds of entertainment. Most of your floor mates hang out with you both. You & your roommate are watching your clips from your favorite comedian. You think it's hilarious, and the volume is high. You are both repeating the jokes you hear.

### **DEBRIEFING QUESTIONS**

1. To the New RA: How did you feel? What do you think went well? What would you have done differently?
2. To the Group: What did you observe about the interaction?
3. What other ways can we approach/challenge language?
4. How would you follow up?

## **Excluded Resident**

**READ TO NEW RA:** It's mid-semester. Two weeks ago, you got a new resident. You have a pretty active and vibrant community. Everyone knows everyone and typically hangs out together. Your new resident is in their room alone. The door is open and you notice that they don't seem to be happy.

**ACTOR:** You've just moved into this new community. Everyone already knows everyone and has their "group" of friends. You've made attempts to get connected to people on the floor, but they don't seem to be receptive. You typically eat alone in the DC or get food from the Student Union. Most nights, your roommate is hanging out with other people from the floor, so you're at the room alone.

### **DEBRIEFING QUESTIONS**

1. To the New RA: How did you feel? What do you think went well? What would you have done differently?
2. To the Group: What did you observe about the interaction?
3. What are some intentional ways you can integrate new residents into the community?
4. How would you follow up?

## **Alcohol Transport**

**READ TO NEW RA:** Last night one of your residents was transported to the hospital for alcohol. The RAs on Duty last night came to speak with you about it because they were concerned for your resident. The resident was belligerent, uncooperative, and passed out – all during the incident. You're walking by their room and notice that they are there lying down.

**ACTOR:** Last night you broke up with your significant other. You were very upset and went out to have a drink. A drink turned into a drinking party with friends at local bars near campus. You remember coming back to your room, but the details are fuzzy after that.

### **DEBRIEFING QUESTIONS**

1. To the New RA: How did you feel? What do you think went well? What would you have done differently?
2. To the Group: What did you observe about the interaction?
3. What resources do we have as a department? What other departments at SJSU can provide support for this student?

#### 4. How would you follow up?

## Behind Closed Doors | Facilitation Guide

### INTRODUCTION

Behind Closed Doors is the “high impact” counterpart to Through Open Doors training. Student Staff members are first responders to many situations while on duty, in addition to other contact throughout the day. These instances almost always end with a documentation and formal follow up via the student conduct process. Through confrontation, there are opportunities to interpret policy, explain the student conduct resolution process and have educational conversations about community living.

### LEARNING OUTCOMES

As a result of participating in Behind Closed Doors, Student Staff will:

- ✓ ...be exposed to incidents that they may have anxiety or uncertainty confronting in a controlled environment.
- ✓ ...critically analyze and assess incidents and display appropriate confrontation responses per trained procedure/protocol.
- ✓ ...accurately identify the resources they should call in various duty situations to include: ARLC on Duty, RLC on Duty, UPD etc.
- ✓ ...develop an understanding of their limits during incident confrontations, the importance of taking care of monitoring their ability to respond and seeking assistance when needed.
- ✓ ...develop, analyze and critique their confrontation skills, as well as the skills of their peers.

### FACILITATOR EXPECTATIONS

- ✓ Provide real-life scenarios (no ‘RA’ hazing)
- ✓ Make the confrontation experience one in which student staff will learn/develop/practice/improve skills
- ✓ Take notes of everything!
- ✓ Praise positive confrontations; highlight where student staff confronted the scenario with good skills
- ✓ Provide feedback to ARLC/RLC for those that might need follow up
- ✓ Interpret UHS/SJSU policies and procedures as they connect to specific scenarios

### “BEHIND CLOSED DOORS” INTERACTIONS

1. Alcohol
2. Self-Harm
3. Sexual Assault
4. Physical Altercation
5. Marijuana
6. Injury
7. Body Image Issues
8. Medical Transport

## Alcohol Party

READ RAs: It is a Saturday night and you are on call. A resident calls you to pass along a complaint about a party going on, on the second floor...

ACTORS: It is about 10:30pm on Saturday. A group of friends have gathered in one resident's room. You are talking loudly and listening to music. Everyone is drinking and all but one resident are under 21. There are empty beer bottles in the room. You do not immediately let the RAs in, do not open the door all the way, nor really allow the RA to see too far into the room. After a short period of time, allow the RA to look in the room if they ask to do so. Someone has no ID. Someone provides a false name and incorrect information and is being extremely obnoxious. Someone can try to convince the RAs to "let it go." One person is hiding under the bed. Be compliant to a point - keep it real. If given a direction - follow it. If the RA is unsure - push further.

### DEBRIEFING QUESTIONS

1. What went well with this confrontation? What could be improved upon?
2. What are the issues in this scenario? What looked suspicious?
3. What resources do you have available to you?

### STUDENT STAFF PROCESSING

1. The RAs must identify themselves as staff members when starting to address the situation
2. RAs should always ask to see an ID if there is a question about identity
3. Ask resident to show you all of their alcohol. Record amounts, brands, full/empty, etc. ask residents to pour out all of the alcohol
4. Discuss RA safety precautions (should the RA enter the room, etc.)
5. Discuss any possibilities where UPD may need to be called
6. Discuss the alcohol policy

## Self Harm

READ RAs: You are walking around your wing one night just to say hello to your residents. You approach this room to see how the residents are doing after not seeing them around for the past couple of weeks...

ACTORS: You and your roommate are good friends, and one is protecting the other's secret that s/he has been cutting. The RA comes by one day to chat informally and sees blood on the carpet. The RA begins asking questions, but neither roommate is willing to divulge information about the cutting habits. After some prompting by the RA the resident who is cutting admits that s/he has been cutting for several years in response to stress. The resident also discloses that s/he is currently working with a counselor on the cutting and seems to be open and okay with his/her cutting. The roommate does not seem as comfortable.

### DEBRIEFING QUESTIONS

1. What went well with this confrontation? What could be improved upon?
2. What were the central issues?
3. How do you utilize the friends/roommates in this situation? Or, do you?
4. What resources would you take advantage of in this situation?

#### STUDENT STAFF PROCESSING

1. Assess the situation. Check for your safety and any medical emergency
2. Ask suicidal resident if s/he wants the roommate to remain in the room for the discussion
3. Ask him/her if s/he has a plan and if s/he has already harmed him/herself or has taken any medicine
4. Inform the resident that not everything is 100% confidential; you will have to inform your RD/RD on duty (the information will go up the chain not out)
5. Don't be afraid to use silence to encourage the person to talk
6. Provide the number to Counseling Center
7. Make sure you document everything in an IR
8. Make sure to take care of yourself and know your own comfort level

### Sexual Assault

**READ RAs:** You have not seen one of your residents around the hall lately. You were approached by your RLC to do a wellness check on this resident because the campus CIAT (Critical Incident Action Team) received a report that the student was sexually assaulted...

**ACTORS:** You believe that you have been sexually assaulted, but are also trying to ignore it and move on because you are not sure of everything that happened – you blacked out at your friend's house after s/he picked you up from a party where you drank excessively. People have noted changes in your behavior and you try to explain those changes away without revealing too much about your feelings. If RA asks appropriate and probing questions, start to reveal parts of your story.

#### DEBRIEFING QUESTIONS

1. What went well? What could have been improved upon?
2. What level of confidentiality can you promise the resident?
3. What resources are available to the resident?

#### STUDENT STAFF PROCESSING

1. Offer assistance to the victim, let him/her know that there are choices to be made
2. Be aware that the victim may react negatively in some situations
3. Be careful not to jump to conclusions – all is alleged because you cannot completely believe one side or the other
4. Explain the confidentiality piece – this is major – you report up, but never out
5. Contact UPD if necessary
6. Provide the victim with the Counseling Center's number
7. Know your own comfort level and biases – you need to ask for help if you don't feel like you can handle it
8. Take care of yourself

### Physical Altercation

**READ RAs:** You hear yelling coming from down the hallway.

**ACTORS:** You are both roommates. You both have been talking to the same girl/guy in your building and have found out that you are both simultaneously dating that person. One of you finds out that the other has been dating that girl/guy and tells the other roommate that they have to back off because you liked this person first. You get into a yelling match about it and one of you throws a punch at the other.

#### DEBRIEFING QUESTIONS

1. What went well? What could have been improved upon?

2. How did the RA feel approaching this situation? Did you think about your physical safety?
3. What resources do you have available to you?

#### STUDENT STAFF PROCESSING

1. Assess the situation and see if you can handle it or need to call for help
2. Call for help if necessary before stepping into the situation
3. Ask for the crowd to clear or at least back up
4. Once the two are separated, gather what information you can separately
5. Inform the ARLC on duty of the situation
6. Document with an IR
7. Be aware of your personal safety

### Marijuana

READ RAs: You are coming back from class and hear a smoke detector going off in a room. You wait and hear the students in the room opening the windows, so you determine it is safe to knock to see what is going on.

ACTORS: You and your roommate have had a stressful few weeks as you took your midterms. You both decide that it would be a good idea to "relax" and so you decide to smoke marijuana. You look outside and see that it is raining, so you decide to just smoke in your room. You only have a hookah pipe (which is allowed in housing – as stated in the policies) so you decide to use that. You are almost done smoking when you set off the alarm in your room. You open your window and then you hear a knock on the door...it is the RA.

#### DEBRIEFING QUESTIONS

1. What went well? What could have been improved upon?
2. What looked suspicious?
3. What resources do you have available to you?

#### STUDENT STAFF PROCESSING

1. Approach the situation cautiously, as you do not know what is causing the alarm to sound
2. Once you knock, close the door behind, as you do not want the smoke to get into the hallway and set off the building alarm, and then determine what is going on in the room
3. Discuss effects on community, roommate, and personal (shared ventilation system, is this a positive way to distress, etc)
4. Once marijuana is found, contact UPD and the ARLC on duty – DO NOT TOUCH ANYTHING
5. Discuss smoking policy and hookah policy with residents
6. Document incident in an IR
7. Follow up with room at a later date

### Injury

READ RAs: You are in your room studying, when all of the sudden you hear a very loud scream coming from the hallway. You go out to see what is going on.

ACTORS: You and your roommate are playing football in the hallway. You are tossing the ball back and forth when one of your mutual friends gets off the elevator and intercepts the pass. You jokingly "tackle" your friend, but it ends up being more aggressive than you intended. You and your friend both then fall to the floor, you landing on top of your friend. You get up and try to help your friend up. When you try to help your friend, your friend starts screaming and is in major pain. Your friend's arm is broken. The RA then arrives from the floor, as they hear the screaming in the hallway.

#### DEBRIEFING QUESTIONS

1. What went well? What could have been improved upon?
2. What resources do you have available to you in this situation?

#### STUDENT STAFF PROCESSING

1. First focus = student with broken arm
2. Contact ARLC on call and UPD for ambulance
3. Once broken arm is handled, get information on what happened, IDs, etc from all involved
4. Discuss "sports in the hall" policy
5. Follow up with residents upon return of the resident with a broken arm

### Body Image Issues

READ RAs: You have previously been approached by a resident who is concerned with their roommate. You are going down the hall to talk to the roommate and check in.

ACTORS: You are concerned about gaining the "freshman 15" and want to be sure to be in good shape. You have stopped eating normal meals and are constantly worried about the food you eat. You work out at least twice a day for about 2 hours each session and also whenever you get stressed you stay in the gym for hours. As the RA works with you on this issue, continually say that you "just like to work out" and "what is wrong with being in shape." Additionally you want to know why the RA wants to know so much about your personal life.

#### DEBRIEFING QUESTIONS

1. What went well? What could have been improved upon?
2. In this situation, share some of what your concerns may be.
3. What resources do you have available to you?

#### STUDENT STAFF PROCESSING

1. Involve your supervisor
2. Discuss possible follow up
3. Documentation
4. Talking to the roommates individually about concerns/needs and follow up with them
5. Offer Counseling and the Nutritionist on campus as resources

### Medical Transport

READ RAs: You are on rounds in your building when a resident comes screaming out of a restroom that they need your help.

ACTORS: One resident is passed out next to the toilet. Liquid is all over his/her body. The other resident is hysterical and difficult to calm down.

#### DEBRIEFING QUESTIONS

1. What went well? What could have been improved upon?
2. How do you calm the screaming resident and deal with the passed out resident at the same time?
3. What resources do you have available to you?

#### STUDENT STAFF PROCESSING

1. Gather information, as much as you can from the friend, and calm them down

2. Call 911 from campus phone or (408) 794-2222, then the ARLC on call
3. Document the situation
4. Remain calm yourself
5. Follow up with residents, upon return from hospital and in the morning for roommate

# EXHIBIT J

# RA/TCRA EVALUATION

(To Be Completed by RLC/ARLCs and RAs for Self Evaluation)

RESIDENTIAL LIFE - UNIVERSITY HOUSING SERVICES

**RA/TCRAs should complete all items that are HIGHLIGHTED in YELLOW.**

Name: \_\_\_\_\_ Building: \_\_\_\_\_

Date of Evaluation: \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

Name of Supervisor: \_\_\_\_\_ Name of Supervisor: \_\_\_\_\_ Name of Supervisor: \_\_\_\_\_

*The supervisor will rate the RA on each of the key job elements. Supporting comments are provided in the narrative at the end of each section with references to the corresponding section number if appropriate.*

- |   |  |                               |  |                             |                                 |
|---|--|-------------------------------|--|-----------------------------|---------------------------------|
| 1 = Unsatisfactory<br>Performance,<br>Consistently Does<br>Not Meet<br>Expectations | 2 = Needs<br>Improvement<br>Occasionally<br>Does Not<br>Meet<br>Expectations | 3 = Meets<br>Expecta<br>tions | 4 = Above<br>Averag<br>e<br>Expecta<br>tions | 5 = Exceeds<br>Expectations | NB = No Basis<br>for<br>Comment |
|---|--|-------------------------------|--|-----------------------------|---------------------------------|

## COMMUNITY DEVELOPMENT

Self Eval	1 <sup>st</sup>	Self Eval	2 <sup>nd</sup>	← (semester of evaluation)
				1. Encourages personal, social, and academic development of students. (A-1)
				2. Is available and visible on the floor and in the hall. (A-1)
				3. Interacts with residents regularly in the dining hall. (A-1)
				4. Initiates, plans and implements a Community Development Activities with the floor/suite/apt or building which address the needs and concerns of the residents. (A-1, B-2)
				5. Changes Bulletin Boards on a monthly basis replacing with materials that are conducive to the positive development of community; replaces posters and fliers when outdated. (A-1, B-2)
				6. Supports and encourages students in the development of an effective Hall Government including attending and participating in Hall Government as required by the RLC/ARLC.

		(A-1, B-4)
		7. Works with floor/area representatives to establish a positive community. (B-4)
		8. Is knowledgeable of campus agencies, services and functions. (A-2)
		9. Provides residents with academic and personal support by serving as a resource for information and through referrals. (A-2)
		10. Is an effective mediator in conflict situations. (A-3)
		11. Responds appropriately to behaviors that violate community/campus standards and expectations; responds to problem conduct or behavior of individuals or groups using appropriate interventions and refers violations through the appropriate judicial channels when necessary.(A-6)
		12. Follows prescribed procedures for documentation of conduct issues. Follows up with residents to have developmental conversations about the conduct process and decision making. (A-6)
		13. Promotes an environment which encourages tolerance and understanding. (A-5)
		14. Is a positive role model for personal behavior and academic pursuits and adheres to all residence hall policies and procedures. (A-4, A-8)
		15. Encourages residents to explore and understand the diversity of the community. (A-8)
		16. Responds to student concerns and relays those concerns to the RLC/ARLC, Facilities, UHS, or other departments in a timely manner. (A-7)
		17. TCRA Only: Educated about specific needs related to Theme Community and works with RLC, LLC, Faculty Liaison and Theme Community Committee in overall development of community. (A-12, A-13, A-17)
		18. TCRA Only: Successfully managed creating and leading Fall and Spring retreat.
		19. TCRA Only: Successfully works to advertise and market the Theme Community to perspective residents (through Open Houses, Preview Day, Returning Resident Process, etc). (A-14, A-15)
		20. TCRA Only: Successfully works to create and provide an academic component to the overall success of community. (A-18)
		21. TCRA Only: Responds appropriately to student needs related to community by conducting floor meetings, bi-weekly meetings, meetings with faculty/staff liaisons, etc. (A-16, A-19)

1<sup>st</sup> Semester Summary of RA/TCRA Self Feedback (completed by RA/TCRA): \_\_\_\_\_

1<sup>st</sup> Semester RLC/ARLC Overall Evaluation for Community Development (Average Score) (Completed by RLC/ARLC): \_\_\_\_\_

2<sup>nd</sup> Semester RLC/ARLC Overall Evaluation for Community Development (Average Score) (Completed by RLC/ARLC): \_\_\_\_\_

COMMUNITY/EDUCATIONAL PROGRAMMING

Self Eval	1 <sup>st</sup>	Self Eval	2 <sup>nd</sup>	← (semester of evaluation)
				1. Works collaboratively with RLC/ARLC to organize and implement educational programs that are consistent with the department's values and mission: Academic Success, Community Development, Student Transitions, Service to a Diverse Student Body. (B-1)
				2. Works collaboratively with RLC/ARLC to organize educational programs each semester that are consistent with the department's programming model: Multicultural Competence, Values & Identity, Communication, Civic Engagement and Lifelong Learning. (B-1)
				3. Initiates, plans and implements eight programs per semester for floor/suite/apt or building. Additional programs may be required at the discretion of RLC/ARLC. (B-1)
				4. Implements specific programs (roommate, opening program, safety and security, special needs) as required by the job description and supervisor. (B-3, B-6)
				5. Completes all administrative program planning and evaluation materials in a timely manner. (B-1)
				6. Addresses community issues and generates discussions at regularly scheduled floor/area meetings. (A-1, B-9)
				7. Participates in major hall or area functions (e.g. events sponsored by Hall Government, RHA, NRHH, and other Hall Staff members). (B-4)
				8. Encourages residents to participate in hall and campus community events (e.g. events sponsored by AS, campus departments and organizations). (B-8)
				9. Supports and publicizes campus academic services. (B-5)
				10. Works with the RLC/ARLC/Residents to integrate academic success into their community. (B-5)

1<sup>st</sup> Semester Summary of RA/TCRA Self Feedback (Completed by RA/TCRA): \_\_\_\_\_

1<sup>st</sup> Semester RLC/ARLC Overall Evaluation for Community/Educational Programming (Average Score)  
 (Completed by ARLC/RLC): \_\_\_\_\_

2<sup>nd</sup> Semester RLC/ARLC Overall Evaluation for Community/Educational Programming (Average Score)  
 (Completed by RLC/ARLC): \_\_\_\_\_

STAFF/ADMINISTRATIVE RESPONSIBILITIES

Self Eval	1 <sup>st</sup>	Self Eval	2 <sup>nd</sup>	← (semester of evaluation)
				1. Attends and participates in system wide and in-service training sessions including completing the RA Course. (C-1)
				2. Attends and participates in staff meetings. (C-2)
				3. Performs duties in preparation for the opening and closing of the residence halls; assists students to occupy and vacate rooms by following established check-in and check-out procedures. (Terms of Employment)
				4. Consistently fulfills duty shifts and requirements according to the expectations outlined by the staff manual and RLC. (C-5)
				5. Consistently fulfills DC duty shifts and expectations associated with. (C-5)
				6. Consistently follows prescribed procedures for reporting policy violations, including contacting ARLC, RLC, UPD and other needed campus resources. (C-5)
				7. Regularly attends individual meetings with RLC/ARLC and comes prepared to discuss issues and concerns. (C-6)
				8. Communicates regularly and in a timely manner with RLC/ARLC about all aspects of job. Responds to e-mail and phone calls in a timely manner. (C-6)
				9. Completes paperwork and administrative tasks in a timely and competent manner. (C-3, C-4)
				10. Disseminates campus and department information to residents in a timely and effective manner, including effective use of community bulletin boards. (C-8)
				11. Fulfills special project responsibilities or other programs/projects assigned (i.e. surveys, committee meetings, staff projects, new RA/TCRA selection, Returning Resident Room Selection etc). (B-7)
				12. TCRA Only: Successfully created newsletters and managed information flow through the development of successful e-communities. (C-10)
				13. TCRA Only: Successfully interacted with appropriate Faculty/Staff. (C-11)
				14. TCRA Only: Attends additional training and meetings as needed. (C-12).

1<sup>st</sup> Semester Summary of RA/TCRA Self Feedback (Completed by RA/TCRA): \_\_\_\_\_

2<sup>nd</sup> Semester Summary of RA/TCRA Self Feedback (Completed by RA/TCRA)

1<sup>st</sup> Semester RLC/ARLC Overall Evaluation for Staff/Administrative Responsibilities (Average Score)  
(Completed by RLC/ARLC): \_\_\_\_\_

2<sup>nd</sup> Semester RLC/ARLC Overall Evaluation for Staff/Administrative Responsibilities (Average Score)  
(Completed by RLC/ARLC): \_\_\_\_\_

D. RELATED DUTIES

Self Eval	1st	Self Eval	2nd	← (semester of evaluation)
				1. Reports maintenance problems in a timely manner and provides follow up when necessary; Investigates and follows up on all damage to resident rooms, hallways, and public areas. (D-1)
				2. Informs residents of fire evacuation procedures and general safety and security policies and procedures. (D-1)
				3. Is responsible with staff keys and other supplies. (D-3)
				4. Is responsible with staff privileges (i.e. use of office, use of phones, office equipment). (D-4)
				5. Maintains confidentiality and objectivity in matters related to students and staff. (D-5)
				6. Maintains positive working relationships with other Hall Staff, UHS and Dining Services Staff. (D-2)

1<sup>st</sup> Semester Summary of RA/TCRA Self Feedback (Completed by RA/TCRA): \_\_\_\_\_

1<sup>st</sup> Semester Summary of RA/TCRA Self Feedback (Completed by RA/TCRA)

1<sup>st</sup> Semester RLC/ARLC Overall Evaluation for Related Duties (Average Score) (Completed by RLC/ARLC): \_\_\_\_\_

2<sup>nd</sup> Semester RLC/ARLC Overall Evaluation for Related Duties (Average Score) (Completed by RLC/ARLC): \_\_\_\_\_

SUMMARY OF STRENGTHS AND AREAS FOR IMPROVEMENTS

**TO BE COMPLETED BY SUPERVISOR:**

**1<sup>st</sup> Semester (Fall):**

**Strengths:**

**Areas for Improvement:**

**2<sup>nd</sup> Semester (Spring):**

**Strengths:**

**Areas for Improvement:**

**1<sup>st</sup> Semester (Fall) Overall Evaluation Score (Average of All Sections) (To Be Completed by RLC/ARLC):** \_\_\_\_\_

**1<sup>st</sup> Semester (Fall) Overall Comments (Completed by RA/TCRA):** \_\_\_\_\_

**1<sup>st</sup> Semester (Fall) Overall Comments (Completed by RLC/ARLC):** \_\_\_\_\_

**2<sup>nd</sup> Semester (Spring) Overall Evaluation Score (Average of All Sections) (To Be Completed by RLC/ARLC):** \_\_\_\_\_

**2<sup>nd</sup> Semester (Spring) Overall Comments (Completed by RA/TCRA):** \_\_\_\_\_

**2<sup>nd</sup> Semester (Spring) Overall Comments (Completed by RLC/ARLC):** \_\_\_\_\_

**Signatures**

**1<sup>st</sup> Semester (Fall) Signatures:**

\_\_\_\_\_  
Signature of RA/TCRA

\_\_\_\_\_  
date

*(signature indicates that you have read the evaluation, not necessarily that you agree with it)*

**Staff Member Comments regarding Evaluation (to be completed after evaluation meeting):**

\_\_\_\_\_  
Signature of Residential Life Coordinator/Assistant Residential Life Coordinator

\_\_\_\_\_  
date

**2<sup>nd</sup> Semester (Spring) Signatures:**

Signature of RA/TCRA

date

*(signature indicates that you have read the evaluation, not necessarily that you agree with it)*

Staff Member Comments regarding evaluation (to be completed after evaluation meeting):

Signature of Residential Life Coordinator/Assistant Residential Life Coordinator

date

### Intent to Return

#### To be completed by Resident Advisor/Themed Community Resident Advisor

I do wish to return to staff for the 2010-2011 academic year.

**Or**

I do not wish to return to staff for the 2010-2011 academic year.

#### Recommendation for 2010-2011 Re-Appointment (To Be Completed by RLC/ARLC)

**The following applies for this RA/TCRA in regards to returning to staff for 2010-2011:**

Based on this evaluation, is recommended for re-appointment **without reservation**

**Or**

Based on this evaluation, is recommended for re-appointment **with reservation.**

Re-appointment is contingent upon meeting the goals outlined in the "Areas for Improvement" sections and successful re-evaluation to take place before new staff placement in the spring of 2010.

Should you check this, please provide comments below as to what your reservations consist of:

**Or**

Based on this evaluation, is NOT recommended for re-appointment.

Updated 8/12/09

# San Jose State University

## Residential Life – University Housing Services

Resident Advisor/Conference Assistant

Peer Evaluation

Staff Member's Name: \_\_\_\_\_

Please rate the following questions according to this scale:

	(NB)	(1)	(2)	(3)	(4)	
	No Basis for Comment	Strongly Disagree	Disagree	Agree	Strongly Agree	
1. This person has made an effort to get to know me.	1	2	3	4	NB	
2. I have made an effort to get to know this person.	1	2	3	4	NB	
3. I have seen this person interact positively with residents.	1	2	3	4	NB	
4. I feel supported by this person.	1	2	3	4	NB	
5. This person is someone I would feel comfortable going to with a question.	1	2	3	4	NB	
6. I feel comfortable referring a resident to this person.	1	2	3	4	NB	
7. In an emergency, I trust that this person would know what to do.	1	2	3	4	NB	
8. I feel that this staff member is an appropriate role model for staff and students.	1	2	3	4	NB	
9. I feel that this staff member handles conflict and duty issues well.	1	2	3	4	NB	
10. I feel that this staff member has a good understanding of the needs and/or issues of his/her community.	1	2	3	4	NB	
11. When/If I have collaborated with this staff member on programs/projects, I feel that this staff member fulfilled their responsibilities.	1	2	3	4	NB	
12. This staff member excels in:						
13. This staff member needs to improve in:						
14. Overall, I think that this staff member's performance is:						

# EXHIBIT K

First Set of Rounds [10:05PM - 10:20PM] [2]  
- Stopped by Room 704 regarding a Confederate Flag hanging outside 704C's window at 10:12PM. Confederate Flag was offending people from outside. Suite was cooperative. [2]

10/11/2013 1:22

RA 2

10/8/2013

*CVC DUTY LOG*

Call from a resident's parent at 10:06PM. Parents of a resident in Room #704 discussed how there's a "potential hate crime" occurring in the room involving their resident and the suitemates. Shall be following up with this, and I already emailed Emily about this as well.

2

2

2

10/14/2013 7:43

RA 3

10/13/2013

SJSU000168

# EXHIBIT L

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**From:** Emily Weideman  
**Sent:** Monday, October 14, 2013 3:17 PM  
**To:** Stephanie Hubbard; Natina Gurley  
**Subject:** \*CONFIDENTIAL\* Incident Report

Please find below an Incident Report I submitted on October 14, 2013 regarding an alleged series of harassment with racial overtones in Campus Village C.

All the best,  
Emily

Start Report:

On Monday, October 14, 2013, Residential Life Coordinator (RLC) Emily Weideman received the following email from Campus Village C (CVC) Resident Advisers (RA) RA 1 and RARA 3 regarding an interaction with the Parents of Resident Victim on Sunday, October 13, 2013.

The email reads:

Emily,

Prior to having our first set of rounds at 10:00PM, RA 3 and I were informed by parents that their son is potentially "a victim of hate crime being committed within his suite." I was called by the father at 10:05PM on the RA on Duty phone, and we discussed this situation outside of the CVC entrance for about 20 minutes.

They kept reiterating how their son, Victim, in Room #704D, is in a room that has an "Elvis cutout with a Confederate Flag covering him" and "hoes...nigga" written on the white board. The parents felt impacted by this, and wanted to bring this to our attention. The parents, specifically the father, wanted to mediate the situation and talked to all the residents within the suite. The father believes they will resolve the "offensiveness" but wants us, RA 3 and I, to follow up on the situation.

We wanted to inform you about this because they will be contacting you to ensure that we followed up.

What are your thoughts?

Sincerest regards,  
RA 1

RLC Weideman checked in with RA RA 3 and Assistant ALRC, who had overheard some of the conversation and spoken with RAs RA 1 and RA 3 immediately after. Both stated that Resident Victim's Parents had said that their son did not tell them he was uncomfortable in the room but they could tell that he was. RLC Weideman called Victim at approximately 11:45 am and asked him to come to her office to have a conversation regarding the incident. Victim agreed and arrived at RLC Weideman's office at approximately 12:45 pm.

RLC Weideman asked Victim regarding the situation that had occurred the night before. Victim stated that the words on the white board, specifically "niggas" did offend him as did the confederate

flag. Victim stated that a few weeks ago, women in CVC 707 had "kidnapped" CVC 704's suite fish as a prank. Once the fish was returned to CVC 704, Residents in the room (no one would take responsibility) placed a note next to the fish bowl with Victim and two of CVC 707's names on it and a message to the effect that corporal punishment would ensue if anyone touched the fish again. Victim asked suitemates to remove the note multiple times. The first time was ignored. The second time, they crossed his name out with an "X" but it could still be seen, and the third time they changed the "D" of his first name to a "B" with a marker; Victim notified RA 4 who went in and had the Residents remove the note. After that incident, a confederate flag appeared in the suite, initially hung in the window of 704C, facing out of the building toward CVB. (RA 2 had informed RLC Weideman a week prior to this situation that an entry on the Facebook Page San Jose State University Confessions stated that there was a confederate flag hanging in a window of CVC that had stated discontent with the symbol and that many people had responded negatively to it. RA 1 and 2 had gone up to Suite 704 and asked Suspect 1 to remove the flag from the window so that it could not be seen by the general public and Suspect 1 had removed the flag at that time.)

When Victim arrived in CVC 704 at approximately 9:00 pm on Sunday night with his parents, the flag was draped around the shoulders of a cardboard cut out of Elvis and the words "niggas" and "hoes" were written on the whiteboard. Further, Victim Mother informed RLC Weideman in a phone conversation (Victim's Mother phoned RLC Weideman at approximately 2:15pm on Monday afternoon after her conversation with Victim) that there was a handwritten note on her son's bed when they got into his bedroom that referred to the "beloved Reverend Dr. Martin Luther King", made references to the suite members coming together as a "brotherhood" and contained a post script that stated "We don't advise you to ignore us". The three situations caused Victim Parents concern and so they asked all the individuals in the suite to come into the common area and Victim Father, a professor and former preceptor at U.C. Santa Cruz, led the suitemates in a conversation regarding identity, community living, and positive living environments (i.e. the importance of working together and being respectful). Victim stated that his suitemates seemed receptive to the conversation and afterwards, Suspects 2 and 4 had approached him to apologize for the what Victim termed "a situation that had grown out of control". Victim stated that he felt the atmosphere in the suite was much better since the conversation the night before and he was hopeful that relations in the suite would get better as days went on. RLC Weideman informed Victim that she would be following up with everyone in the suite to determine not just what was going on, but also to ensure that no one had been negatively impacted by the conversation that occurred the night before. RLC Weideman stated that she hoped Victim and his Parents would understand that everyone in the suite may not appreciate the insistence of Victim parents to have that conversation and she wanted to ensure that everyone, including Victim, was comfortable and did not require any further conversation regarding resources around the values and identity based conversation his Father had started the night before. Victim agreed and stated that he understood.

As the conversation was coming to a close, RLC Weideman asked Victim if there is anything further that she should be aware of in addition to what had already been discussed. Victim hesitated before informing her of the following situations that had occurred in his suite:

- 1) During the first few weeks of school, Residents in CVC 704 had sat down to make a list of nicknames for everyone in the suite. One person was given the nickname "Boat shoes" because he always wears Sperrys. When it came to discuss Victim nickname, someone (Victim could not remember who) stated that his nickname should be "Three-Fifths" in reference to the three-fifths compromise determined by the writers of the US Constitution in conversations on how to count slaves in the official population count. Victim objected to the nickname but it was used for several days before other Residents stopped using it.

2) In two separate incidents, a U-Lock bike lock was attempted to be locked around Victim neck. The first time, he was unaware of what was happening and the lock was locked around his neck. The key for the lock was then hidden and he had to search for the lock in order to remove the U-Lock. The second time, suspects 1, 2 and 4 had forcibly tried to place the lock around his neck by physically restraining Victim i. Victim stated that he had fought back but received no assistance from others who were in the room at the time. He stated that the others watched and some of them laughed at the situation. When RLC Weideman asked Victim why he thought his suitemates might do that, Victim shrugged and stated, "You know, putting the chains on the black Man".

3) At some point in the last few weeks, Victim stated that Suspect 1 had worked with Suspects 2 and 4 on two separate occasions to remove a door handle from a door in an attempt to trap him in a space. The first time, a handle was removed from a closet door and Victim refused to enter the closet due to the handle being removed. The second time, Victim was in his room and overheard whispers outside his bedroom (Room D) door. When he went to the door he overheard Suspect 1 and one of the other Residents mentioned whispering his name; Suspect 1 had a screwdriver in his hand and they were looking at the handle of the shower room door. Resident Victim assumed it was another attempt to entrap him in a space. RLC Weideman asked Victim if he knew why they might want to do that and he stated he did not know.

4) Once, when Victim returned to his suite he found several pairs of shoes missing from his room and post-it notes with clues leading him on a "treasure hunt" to find his shoes. He followed for a few post its before getting frustrated and leaving. When he returned, his shoes were back in his room.

The conversation between RLC Weideman and Victim ended with RLC Weideman asking Victim if he was frightened living in his suite or if he wanted to move. Victim said no to both questions. After providing Victim with resources he could utilize on campus, Victim left RLC Weideman's office. RLC Weideman followed up with MOSAIC Assistant Director Caz Salamanca to determine if there were any upcoming programs that she could refer Residents to and notified Associate Director Stephanie Hubbard and Assistant Director Natina Gurley of the information she had received.

--  
*Emily C. Weideman*  
*Residential Life Coordinator - Campus Village C*  
*University Housing Services*  
*San Jose State University*  
*One Washington Square*  
*San Jose, CA 95192*  
*(408) 795-5676*  
*[emily.weideman@sjsu.edu](mailto:emily.weideman@sjsu.edu)*

**Fall 2013 Office Hours:**  
**Monday 10:00-12:00**  
**Tuesday 1:00-3:00**  
**Wednesday 3:00-4:30**  
**Thursday 1:00-2:00**  
**Or by appointment.**

SJSU Housing Website

*"If nothing ever changed, there'd be no butterflies." ~Unknown*

*Input. Strategic. Learner. Communication. Achiever.*

# EXHIBIT M



## San José State UNIVERSITY

### University Housing Services

One Washington Square  
San José, CA 95192-0133  
Voice: 408-795-5600  
FAX: 408-795-5678  
E-mail: [info@housing.sjsu.edu](mailto:info@housing.sjsu.edu)  
<http://housing.sjsu.edu>

Administrative & Financial  
Operations  
Conference Housing  
Facilities Operations  
Residential Life

*Mission Statement*  
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Bakersfield, Chico, Dominguez Hills,  
Fresno, Fullerton, Hayward, Humboldt,  
Long Beach, Los Angeles, Maritime Academy,  
Monterey Bay, Northridge, Pomona,  
Sacramento, San Bernardino, San Diego,  
San Francisco, San José, San Luis Obispo,  
San Marcos, Sonoma, Stanislaus

October 17, 2013

Suspect 2

Joe West Hall, Room 1115A  
San José State University

Suspect 2

On Monday, October 14, 2013 you were documented in an incident involving residents in your suite in Campus Village C 704, initially reported to the staff Sunday evening October 13, 2013. This documentation has been forwarded to University Housing Services, the Office of Student Conduct and Ethical Development and the SJSU Police Department.

Please be informed of the following policies as they relate to your actions in the aforementioned incident:

#### **San Jose State University Student Code of Conduct**

(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.

#### **University Housing Services Policy: Harassment and/or Assault**

UHS is a diverse community comprised of a myriad of cultures, lifestyles, thoughts, and perspectives. In order to maintain a comfortable environment that both respects and celebrates this diversity, harassment of any kind will not be tolerated. Any form of activity, whether covert or overt, that creates a threatening or harassing environment for any UHS resident, guest, or staff member will be handled judicially and may be grounds for immediate disciplinary action, revocation of the Housing License Agreement, and criminal prosecution.

Physical Harassment/Assault – According to the University Police Department's Safety 101 Handbook, physical harassment/assault is "any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons." This may include, but is not limited to: unnecessary and/or inappropriate touching, pinching, using suggestive gestures or body language, or blocking someone's path.

Verbal Harassment/Assault – Verbal harassment is verbal behavior, either in words or gestures, which dominates, controls, or does another person harm. Verbal harassment occurs when unwelcome speech or conduct is so severe, persistent, or pervasive that it interferes with an employee's work performance or a resident's ability to participate in or benefit from an educational activity or program, or creates an intimidating, hostile or offensive working, living, or educational environment.

#### **University Housing Services Policy: Posting Policy**

According to the Presidential Directive 01-01 Time, Place, and Manner, posting of material is permissible only on approved kiosks and bulletin boards and is subject to regulations. Posting on trees, lampposts, phones, benches, buildings, or any other permanent structure not specifically designated for posting is prohibited. Self-standing signs, etc., are prohibited, as is the distribution of any materials by placing on unoccupied automobiles. The complete Time, Place, and Manner document may be found at the San José State University Police Department.

SJSU000233

The Director of University Housing Services or his/her designee(s) must approve any postings found within University Housing facilities. Postings must adhere to the UHS Posting and Distribution Policy. Postings should respect the mission and values of the university residence halls, which include providing all residents with a comfortable living environment and sense of community. Posters should not engage in gratuitously offensive expression that might be destructive of the desired community. Only University Housing staff, hall government, or the RHA may post on the floors of UHS facilities. Any posting violations will be removed, and people found posting illegally may be sanctioned.

**Administrative Relocation:** Given the nature of this incident, on Tuesday, October 15, 2013 you were administratively relocated to **Joe West Hall, Room 1115A**. Your new Residence Life Coordinator (RLC) is Mrs. Amber Brady. Your RLC can be reached at (408) 795-5626 or [amber.brady@sjsu.edu](mailto:amber.brady@sjsu.edu), Monday – Friday, 9:00am – 5:00pm should you have any questions about living in Joe West Residence Hall.

**Residential Ban (CVC):** Due to the nature of the incident, you are banned from Campus Village C. As such, you are not permitted in the building in any capacity. Failure to meet this expectation will result in University Police contact, removal from the facility and potentially the revocation of your license agreement with University Housing Services.

To obtain your items still located in your assigned space in Campus Village C, Room 704 you will need to contact the RLC Emily Weideman. She can be reached at (408) 795-5676 or [emily.weideman@sjsu.edu](mailto:emily.weideman@sjsu.edu). In the event that RLC Weideman is not available, you are welcome to contact me directly and I will contact a staff member to escort you to your space to obtain any items you need.

**Cease & Desist Contact:** You are expected to have no contact with Suspect 1, Suspect 4 or Victim. No contact includes any communication (using any form of media) or in-person contact on University Housing Services property.

Finally, this administrative relocation, residential building ban and cease and desist contact order are University Housing Services actions. This incident will be adjudicated through the Office of Student Conduct and Ethical Development (OSCED) and SJSU Police Department (UPD) as they deem appropriate. Any outcomes from the adjudication of this incident are in addition to the conditions outlined in this correspondence.

If you have any questions about this correspondence, please feel free to contact me.

Respectfully,

Natina

Natina R. Gurley, M.S.  
Assistant Director for Residential Life  
University Housing Services

cc: Residential Life Coordinator  
On-Call Binders  
Office of Student Conduct and Ethical Development  
Student File

SJSU000234



## San José State UNIVERSITY

### University Housing Services

One Washington Square  
San José, CA 95192-0133  
Voice: 408-795-5600  
FAX: 408-795-5678  
E-mail: [info@housing.sjsu.edu](mailto:info@housing.sjsu.edu)  
<http://housing.sjsu.edu>

Administrative & Financial  
Operations  
Conference Housing  
Facilities Operations  
Residential Life

#### *Mission Statement*

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Long Beach, Los Angeles, Maritime Academy,  
Monterey Bay, Northridge, Pomona,  
Sacramento, San Bernardino, San Diego,  
San Francisco, San José, San Luis Obispo,  
San Marcos, Sonoma, Stanislaus

October 17, 2013

Campus Village C, Room 704  
San José State University

On Monday, October 14, 2013 you were documented in an incident involving residents in your suite in Campus Village C 704, initially reported to the staff Sunday evening October 13, 2013. This documentation has been forwarded to University Housing Services, the Office of Student Conduct and Ethical Development and the SJSU Police Department.

Please be informed of the following policies as they relate to your actions in the aforementioned incident:

#### ***San Jose State University Student Code of Conduct***

(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.

#### ***University Housing Services Policy: Harassment and/or Assault***

UHS is a diverse community comprised of a myriad of cultures, lifestyles, thoughts, and perspectives. In order to maintain a comfortable environment that both respects and celebrates this diversity, harassment of any kind will not be tolerated. Any form of activity, whether covert or overt, that creates a threatening or harassing environment for any UHS resident, guest, or staff member will be handled judicially and may be grounds for immediate disciplinary action, revocation of the Housing License Agreement, and criminal prosecution.

Physical Harassment/Assault – According to the University Police Department's Safety 101 Handbook, physical harassment/assault is "any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons." This may include, but is not limited to: unnecessary and/or inappropriate touching, pinching, using suggestive gestures or body language, or blocking someone's path.

Verbal Harassment/Assault – Verbal harassment is verbal behavior, either in words or gestures, which dominates, controls, or does another person harm. Verbal harassment occurs when unwelcome speech or conduct is so severe, persistent, or pervasive that it interferes with an employee's work performance or a resident's ability to participate in or benefit from an educational activity or program, or creates an intimidating, hostile or offensive working, living, or educational environment.

#### ***University Housing Services Policy: Posting Policy***

According to the Presidential Directive 01-01 Time, Place, and Manner, posting of material is permissible only on approved kiosks and bulletin boards and is subject to regulations. Posting on trees, lampposts, phones, benches, buildings, or any other permanent structure not specifically designated for posting is prohibited. Self-standing signs, etc., are prohibited, as is the distribution of any materials by placing on unoccupied automobiles. The complete Time, Place, and Manner document may be found at the San José State University Police Department.

SJSU000230

The Director of University Housing Services or his/her designee(s) must approve any postings found within University Housing facilities. Postings must adhere to the UHS Posting and Distribution Policy. Postings should respect the mission and values of the university residence halls, which include providing all residents with a comfortable living environment and sense of community. Posters should not engage in gratuitously offensive expression that might be destructive of the desired community. Only University Housing staff, hall government, or the RHA may post on the floors of UHS facilities. Any posting violations will be removed, and people found posting illegally may be sanctioned.

**Cease & Desist Contact:** You are expected to have no contact with \_\_\_\_\_ or \_\_\_\_\_. No contact includes any communication (using any form of media) or in-person contact on University Housing Services property. As you currently remain in the residential suite with the \_\_\_\_\_ any contact with him should in no way violate our University Housing Services policies or the Code of Student Conduct. Failure to meet these expectations may result in University Police contact, removal from the facility and potentially the revocation of your license agreement with University Housing Services.

Finally, this cease and desist contact order is a University Housing Services action. This incident will be adjudicated through the Office of Student Conduct and Ethical Development (OSCED) and SJSU Police Department (UPD) as they deem appropriate. Any outcomes from the adjudication of this incident are in addition to the conditions outlined in this correspondence.

If you have any questions about this correspondence, please feel free to contact me.

Respectfully,

Natina

Natina R. Gurley, M.S.  
Assistant Director for Residential Life  
University Housing Services

cc: Residential Life Coordinator  
On-Call Binders  
Office of Student Conduct and Ethical Development  
Student File

SJSU000231



**San José State  
UNIVERSITY**

**University Housing Services**

One Washington Square  
San José, CA 95192-0133  
Voice: 408-795-5600  
FAX: 408-795-5678  
E-mail: info@housing.sjsu.edu  
http://housing.sjsu.edu

Administrative & Financial  
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San Francisco, San José, San Luis Obispo,  
San Marcos, Sonoma, Stanislaus

October 17, 2013

Suspect 1

Royce Hall, Room 223  
San José State University

Suspect 1

On Monday, October 14, 2013 you were documented in an incident involving residents in your suite in Campus Village C 704, initially reported to the staff Sunday evening October 13, 2013. This documentation has been forwarded to University Housing Services, the Office of Student Conduct and Ethical Development and the SJSU Police Department.

Please be informed of the following policies as they relate to your actions in the aforementioned incident:

**San Jose State University Student Code of Conduct**

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Physical Harassment/Assault – According to the University Police Department's Safety 101 Handbook, physical harassment/assault is "any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons." This may include, but is not limited to: unnecessary and/or inappropriate touching, pinching, using suggestive gestures or body language, or blocking someone's path.

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**Administrative Relocation:** Given the nature of this incident, on Tuesday, October 15, 2013 you were administratively relocated to **Royce Hall, Room 223**. Your new Residence Life Coordinator (RLC) is Mr. Bob Just. Your RLC can be reached at (408) 795-5684 or bob.just@sjsu.edu, Monday – Friday, 9:00am – 5:00pm should you have any questions about living in The Bricks or specifically Royce Hall.

**Residential Ban (CVC):** Due to the nature of the incident, you are banned from Campus Village C. As such, you are not permitted in the building in any capacity. Failure to meet this expectation will result in University Police contact, removal from the facility and potentially the revocation of your license agreement with University Housing Services.

To obtain your items still located in your assigned space in Campus Village C, Room 704 you will need to contact the RLC Emily Weideman. She can be reached at (408) 795-5676 or emily.weideman@sjsu.edu. In the event that RLC Weideman is not available, you are welcome to contact me directly and I will contact a staff member to escort you to your space to obtain any items you need.

**Cease & Desist Contact:** You are expected to have no contact with Suspect 2 ; Suspect 4 or Victim . No contact includes any communication (using any form of media) or in-person contact on University Housing Services property.

Finally, this administrative relocation, residential building ban and cease and desist contact order are University Housing Services actions. This incident will be adjudicated through the Office of Student Conduct and Ethical Development (OSCED) and SJSU Police Department (UPD) as they deem appropriate. Any outcomes from the adjudication of this incident are in addition to the conditions outlined in this correspondence.

If you have any questions about this correspondence, please feel free to contact me.

Respectfully,

Natina

Natina R. Gurley, M.S.  
Assistant Director for Residential Life  
University Housing Services

cc: Residential Life Coordinator  
On-Call Binders  
Office of Student Conduct and Ethical Development  
Student File

SJSU000237



**San José State**  
UNIVERSITY

**University Housing Services**

One Washington Square  
San José, CA 95192-0133  
Voice: 408-795-5600  
FAX: 408-795-5678  
E-mail: info@housing.sjsu.edu  
http://housing.sjsu.edu

Administrative & Financial  
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Monterey Bay, Northridge, Pomona,  
Sacramento, San Bernardino, San Diego,  
San Francisco, San José, San Luis Obispo,  
San Marcos, Sonoma, Stanislaus

October 17, 2013

Victim

Campus Village C, Room 704  
San José State University

Victim

On Monday, October 14, 2013 you reported an incident involving residents in your suite in Campus Village C 704, initially reported to the staff Sunday evening October 13, 2013. This documentation has been forwarded to University Housing Services, the Office of Student Conduct and Ethical Development and the SJSU Police Department.

Please be informed of the following policies as they relate to the actions in the aforementioned incident reported to staff:

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found within University Housing facilities. Postings must adhere to the UHS Posting and Distribution Policy. Postings should respect the mission and values of the university residence halls, which include providing all residents with a comfortable living environment and sense of community. Posters should not engage in gratuitously offensive expression that might be destructive of the desired community. Only University Housing staff, hall government, or the RHA may post on the floors of UHS facilities. Any posting violations will be removed, and people found posting illegally may be sanctioned.

**Cease & Desist Contact:** You are expected to have no contact with Suspect 2 or Suspect 1. No contact includes any communication (using any form of media) or in-person contact on University Housing Services property. As you currently remain in the residential suite with the Suspect 4 any contact with him should in no way violate our University Housing Services policies or the Code of Student Conduct. Failure to meet these expectations may result in University Police contact, removal from the facility and potentially the revocation of your license agreement with University Housing Services.

Finally, this cease and desist contact order is a University Housing Services action. This incident will be adjudicated through the Office of Student Conduct and Ethical Development (OSCED) and SJSU Police Department (UPD) as they deem appropriate. Any outcomes from the adjudication of this incident are in addition to the conditions outlined in this correspondence.

If you have any questions about this correspondence, please feel free to contact me.

Respectfully,

Natina

Natina R. Gurley, M.S.  
Assistant Director for Residential Life  
University Housing Services

cc: Residential Life Coordinator  
On-Call Binders  
Office of Student Conduct and Ethical Development  
Student File

# EXHIBIT N



Natina Gurley <natina.gurley@sjsu.edu>

**Follow UP/UHS Notification**

1 message

**Natina Gurley** <natina.gurley@sjsu.edu> Fri, Oct 18, 2013 at 4:07 PM

To: Suspect 2  
Bcc: Staci Gunner <staci.gunner@sjsu.edu>, Stephanie Hubbard <stephanie.hubbard@sjsu.edu>, Victor Culatta <victor.culatta@sjsu.edu>

Suspect 2

Thank you for speaking with me this afternoon about the documentation received concerning incidents occurring in your residence hall room.

The attached letter details the expectations I shared with you for continued living in UHS facilities, and your behavior throughout the adjudication of this incident.

If you have questions, please let me know.

Best Regards,  
Natina

--

*Natina R. Gurley*

Natina R. Gurley, M.S.  
Assistant Director for Residential Life  
University Housing Services

San Jose State University  
One Washington Square  
San Jose, California 95192-0133  
p: 408.795.5622  
f: 408.795.5678  
e: natina.gurley@sjsu.edu

achiever || restorative || communication || deliberative || learner

"...see you wouldn't ask why the rose that grew from the crack in the concrete had damaged petals...on the contrary, we would all celebrate it's tenacity, we would all love it's will to reach the sun...well, we are the rose, this is the concrete, and these are my damaged petals...don't ask me why...thank God...ask me how."

~Tupac Shakur~

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Suspect 2 ..pdf  
86K



Natina Gurley <natina.gurley@sjsu.edu>

**Follow Up/UHS Notification**

1 message

**Natina Gurley** <natina.gurley@sjsu.edu>

Fri, Oct 18, 2013 at 2:46 PM

To: Suspect 4

Bcc: Staci Gunner <staci.gunner@sjsu.edu>, Stephanie Hubbard <stephanie.hubbard@sjsu.edu>, Victor Culatta <victor.culatta@sjsu.edu>

Suspect 4

Thank you for speaking with me this afternoon via telephone about the documentation received concerning incidents occurring in your residence hall room.

The attached letter details the expectations I shared with you for continued living in UHS facilities, and your behavior throughout the adjudication of this incident.

If you have questions, please let me know. I look forward to seeing you next week.

Best Regards,  
Natina

*Natina R. Gurley*

Natina R. Gurley, M.S.  
Assistant Director for Residential Life  
University Housing Services

San Jose State University  
One Washington Square  
San Jose, California 95192-0133  
p: 408.795.5622  
f: 408.795.5678  
e: natina.gurley@sjsu.edu

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"...see you wouldn't ask why the rose that grew from the crack in the concrete had damaged petals...on the contrary, we would all celebrate it's tenacity, we would all love it's will to reach the sun...well, we are the rose, this is the concrete, and these are my damaged petals...don't ask me why...thank God...ask me how."

~Tupac Shakur~

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Suspect 4 pdf  
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SAN JOSE STATE UNIVERSITY

Natina Gurley <natina.gurley@sjsu.edu>

**Follow Up/UHS Notification**

1 message

**Natina Gurley** <natina.gurley@sjsu.edu>

Fri, Oct 18, 2013 at 3:58 PM

To: Suspect 1

Bcc: Staci Gunner <staci.gunner@sjsu.edu>, Victor Culatta <victor.culatta@sjsu.edu>, Stephanie Hubbard <stephanie.hubbard@sjsu.edu>

Suspect 1

Thank you for speaking with me this afternoon about the documentation received concerning incidents occurring in your residence hall room.

The attached letter details the expectations I shared with you for continued living in UHS facilities, and your behavior throughout the adjudication of this incident.

If you have questions, please let me know.

Best Regards,  
Natina

*Natina R. Gurley*

Natina R. Gurley, M.S.  
Assistant Director for Residential Life  
University Housing Services

San Jose State University  
One Washington Square  
San Jose, California 95192-0133  
p: 408.795.5622  
f: 408.795.5678  
e: natina.gurley@sjsu.edu

**achiever || restorative || communication || deliberative || learner**

"...see you wouldn't ask why the rose that grew from the crack in the concrete had damaged petals...on the contrary, we would all celebrate it's tenacity, we would all love it's will to reach the sun...well, we are the rose, this is the concrete, and these are my damaged petals...don't ask me why...thank God...ask me how."

~Tupac Shakur~

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Suspect 1 pdf  
85K



Natina Gurley <natina.gurley@sjsu.edu>

---

## Follow Up/UHS Notification

2 messages

Natina Gurley <natina.gurley@sjsu.edu>

Fri, Oct 18, 2013 at 4:23 PM

To: Victim

Bcc: Staci Gunner <staci.gunner@sjsu.edu>, Stephanie Hubbard <stephanie.hubbard@sjsu.edu>, Victor Culatta <victor.culatta@sjsu.edu>

Victim

Thank you so much for meeting with me today concerning the incident you reported to your RLC Emily Weideman. Per our conversation, I have attached the following:

**1. University Housing Services (UHS) Notification** - these are the expectations for your continued living in UHS facilities and behavior throughout the adjudication of this incident.

**2. UHS Waiver of Confidentiality\*** - should you have the desire to include your parent(s)/guardian(s) in this incident as it relates to UHS resolution, this waiver must be completed. You will need to sign it and return it to our office before we are permitted to discuss specific details of this incident with your parent(s)/guardian(s).

\*to note - the waiver form does state "respondent" where you would place your name, however, for the purposes of UHS, you are the reporting party and not the respondent in the incident\*

**3. Office of Student Conduct and Ethical Development - OSCED (link to waiver):** [http://www.sjsu.edu/studentconduct/docs/Waiver\\_of\\_Confidentiality.pdf](http://www.sjsu.edu/studentconduct/docs/Waiver_of_Confidentiality.pdf)

Much like UHS, you will need to complete a waiver to allow OSCED to share information about the adjudication of this incident as it relates to your specific involvement. This waiver does not grant your parent(s)/guardian(s) permission to attend meetings, but rather for the office to share information with them. Please make sure you check with OSCED about the ways your parent(s)/guardian(s) can be involved in this process as it is very important to you and your family.

Again, thank you so much for stopping by. Remember to check in with me next week!

Best Regards!  
Natina

---

*Natina R. Gurley*

Natina R. Gurley, M.S.  
Assistant Director for Residential Life  
University Housing Services

San Jose State University  
One Washington Square  
San Jose, California 95192-0133  
p: 408.795.5622  
f: 408.795.5678  
e: [natina.gurley@sjsu.edu](mailto:natina.gurley@sjsu.edu)

**achiever || restorative || communication || deliberative || learner**

"...see you wouldn't ask why the rose that grew from the crack in the concrete had damaged petals...on the contrary, we would all celebrate it's tenacity, we would all love it's will to reach the sun...well, we are the rose, this is the concrete, and these are my damaged petals...don't ask me why...thank God...ask me how."

~Tupac Shakur~

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---

**2 attachments**

 Victim.pdf  
81K

 UHS Waiver of Confidentiality.pdf  
137K

---

**Natina Gurley** <natina.gurley@sjsu.edu>  
To: Victim  
Bcc: Victor Culatta <victor.culatta@sjsu.edu>

Thu, Oct 24, 2013 at 6:09 PM

Victim

I hope this email finds you doing well! It's Thursday evening and I haven't heard back from you by way of check in. Do you have some time tomorrow afternoon that you can stop by my office? I imagine much like our last meeting I won't need more than 10/15 minutes or so!

Thanks so much!  
Natina  
[Quoted text hidden]

# EXHIBIT O



SAN JOSÉ STATE  
UNIVERSITY

Natina Gurley <natina.gurley@sjsu.edu>

---

## Follow Up: Media Communication

1 message

---

**Natina Gurley** <natina.gurley@sjsu.edu>

Wed, Nov 20, 2013 at 3:23 PM

To: Suspect 2

Bcc: Victor Culatta <victor.culatta@sjsu.edu>, Stephanie Hubbard <stephanie.hubbard@sjsu.edu>, Staci Gunner <staci.gunner@sjsu.edu>, Patricia Harris <pat.harris@sjsu.edu>, Cathy Busalacchi <cathy.busalacchi@sjsu.edu>

Suspect 2

Thanks so much for speaking with me. Just wanted to send a follow up note about our phone conversation. Again, media are not permitted in the Residence Halls and we (UHS/OSCED) are in no way communicating the details of this incident with anyone.

Should you see media in the Residence Halls, please do not feel compelled to speak with them. You can contact the Hall Staff in your building, or SJSU PD (408) 924 - 2222 and they will address their presence immediately.

If there is anything I can do for you, please let me know!

Stay Dry!  
Natina

--

*Natina R. Gurley*

Natina R. Gurley, M.S.  
Assistant Director for Residential Life  
University Housing Services

San Jose State University  
One Washington Square  
San Jose, California 95192-0133  
p: 408.795.5600  
f: 408.795.5678  
e: natina.gurley@sjsu.edu

achiever || restorative || communication || deliberative || learner

"...see you wouldn't ask why the rose that grew from the crack in the concrete had damaged petals...on the contrary, we would all celebrate it's tenacity, we would all love it's will to reach the sun...well, we are the rose, this is the concrete, and these are my damaged petals...don't ask me why...thank God...ask me how."

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SAN JOSÉ STATE  
UNIVERSITY

Natina Gurley <natina.gurley@sjsu.edu>

---

## Follow Up: Media Communication

1 message

---

Natina Gurley <natina.gurley@sjsu.edu>

Wed, Nov 20, 2013 at 3:23 PM

To: Suspect 4

Bcc: Victor Culatta <victor.culatta@sjsu.edu>, Stephanie Hubbard <stephanie.hubbard@sjsu.edu>, Staci Gunner <staci.gunner@sjsu.edu>, Patricia Harris <pat.harris@sjsu.edu>, Cathy Busalacchi <cathy.busalacchi@sjsu.edu>

Suspect 4

Thanks so much for speaking with me. Just wanted to send a follow up note about our phone conversation. Again, media are not permitted in the Residence Halls and we (UHS/OSCED) are in no way communicating the details of this incident with anyone.

Should you see media in the Residence Halls, please do not feel compelled to speak with them. You can contact the Hall Staff in your building, or SJSU PD (408) 924 - 2222 and they will address their presence immediately.

If there is anything I can do for you, please let me know!

Stay Dry!  
Natina

*Natina R. Gurley*

Natina R. Gurley, M.S.  
Assistant Director for Residential Life  
University Housing Services

San Jose State University  
One Washington Square  
San Jose, California 95192-0133  
p: 408.795.5600  
f: 408.795.5678  
e: natina.gurley@sjsu.edu

achiever || restorative || communication || deliberative || learner

"...see you wouldn't ask why the rose that grew from the crack in the concrete had damaged petals...on the contrary, we would all celebrate it's tenacity, we would all love it's will to reach the sun...well, we are the rose, this is the concrete, and these are my damaged petals...don't ask me why...thank God...ask me how."

~Tupac Shakur~

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SAN JOSÉ STATE  
UNIVERSITY

Natina Gurley <natina.gurley@sjsu.edu>

---

## Follow Up: Media Communication

1 message

---

Natina Gurley <natina.gurley@sjsu.edu>

Wed, Nov 20, 2013 at 3:23 PM

To: Suspect 1

Bcc: Victor Culatta <victor.culatta@sjsu.edu>, Stephanie Hubbard <stephanie.hubbard@sjsu.edu>, Staci Gunner <staci.gunner@sjsu.edu>, Patricia Harris <pat.harris@sjsu.edu>, Cathy Busalacchi <cathy.busalacchi@sjsu.edu>

Suspect 1

Thanks so much for speaking with me. Just wanted to send a follow up note about our phone conversation. Again, media are not permitted in the Residence Halls and we (UHS/OSCED) are in no way communicating the details of this incident with anyone.

Should you see media in the Residence Halls, please do not feel compelled to speak with them. You can contact the Hall Staff in your building, or SJSU PD (408) 924 - 2222 and they will address their presence immediately.

If there is anything I can do for you, please let me know!

Stay Dry!  
Natina

--  
*Natina R. Gurley*

Natina R. Gurley, M.S.  
Assistant Director for Residential Life  
University Housing Services

San Jose State University  
One Washington Square  
San Jose, California 95192-0133  
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"...see you wouldn't ask why the rose that grew from the crack in the concrete had damaged petals...on the contrary, we would all celebrate it's tenacity, we would all love it's will to reach the sun...well, we are the rose, this is the concrete, and these are my damaged petals...don't ask me why...thank God...ask me how."

~Tupac Shakur~

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SAN JOSÉ STATE  
UNIVERSITY

Natina Gurley <natina.gurley@sjsu.edu>

---

## Follow Up: Media Communication

1 message

---

Natina Gurley <natina.gurley@sjsu.edu>

Wed, Nov 20, 2013 at 3:23 PM

To: Victim

Bcc: Victor Culatta <victor.culatta@sjsu.edu>, Stephanie Hubbard <stephanie.hubbard@sjsu.edu>, Staci Gunner <staci.gunner@sjsu.edu>, Patricia Harris <pat.harris@sjsu.edu>, Cathy Busalacchi <cathy.busalacchi@sjsu.edu>

Victim

Thanks so much for speaking with me. Just wanted to send a follow up note about our phone conversation. Again, media are not permitted in the Residence Halls and we (UHS/OSCED) are in no way communicating the details of this incident with anyone.

Should you see media in the Residence Halls, please do not feel compelled to speak with them. You can contact the Hall Staff in your building, or SJSU PD (408) 924 - 2222 and they will address their presence immediately.

If there is anything I can do for you, please let me know!

Stay Dry!  
Natina

*Natina R. Gurley*

Natina R. Gurley, M.S.  
Assistant Director for Residential Life  
University Housing Services

San Jose State University  
One Washington Square  
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~Tupac Shakur~

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# EXHIBIT P



Monica Garcia <monica.garcia@sjsu.edu>

---

## Important Letter from Dr. William Nance, VP for Student Affairs

1 message

---

**Monica Garcia** <monica.garcia@sjsu.edu>

Thu, Nov 21, 2013 at 11:49 AM

To:

Cc: Mo Qayoumi <Mo.Qayoumi@sjsu.edu>, Peter Decena <peter.decena@sjsu.edu>, Staci Gunner <staci.gunner@sjsu.edu>, Bill Nance <bill.nance@sjsu.edu>, Victor Culatta <victor.culatta@sjsu.edu>

Bcc: Dorothy Poole <dorothy.poole@sjsu.edu>, Alan Cavallo <alan.cavallo@sjsu.edu>, Robert Noriega <robert.noriega@sjsu.edu>, Cathy Busalacchi <cathy.busalacchi@sjsu.edu>, Patricia Harris <pat.harris@sjsu.edu>

Good Morning

Attached is a notice of Interim Suspension.

Please call or email Dr. Nance should you have any questions or concerns.

---

**Monica Garcia**

Assistant to the VP for Student Affairs, HR Confidential & CAIT Coordinator

Office of the VPSA

San José State University

Phone: 408-924-6973 (direct) | Fax: 408-924-5978 | Email: [monica.garcia@sjsu.edu](mailto:monica.garcia@sjsu.edu)

"Education is not the learning of facts but the training of the mind to think." Albert Einstein

*StrengthsFinder: Developer - Empathy - Communication - Arranger - Positivity*



11.21.13  
152K

**Interim Suspension.pdf**





SAN JOSÉ STATE  
UNIVERSITY

November 21, 2013

Division of Student Affairs

Office of the Vice President

One Washington Square  
San José, California 95192-0031  
Main: (408) 924-5900  
Fax: (408) 924-5978  
Email: vpsa@sjsu.edu

www.sjsu.edu

**NOTICE OF INTERIM SUSPENSION**

Dear

As President Qayoumi's designee in my role as Vice President for Student Affairs, this letter serves as notice to you of an **Interim Suspension, effective immediately**. There is reasonable cause to believe that this action is necessary to protect the personal safety of persons within the university community and to ensure the maintenance of order. This is based on the conclusion of the Title IX investigation involving you, which occurred during the Fall 2013 semester in University Housing Services.

This interim suspension, which is issued in accordance with Executive Order 1073 and Title 5 of the California Code of Regulations, Section 41301, **continues until the conclusion of your student conduct process**, unless you are issued, to the above mailing address, written notification of an earlier or later date from the Vice President for Student Affairs.

You may request a hearing to determine whether continued suspension, pending a disciplinary hearing, is required to protect the personal safety of persons within the university community or to ensure the maintenance of order. This hearing will also serve as a disciplinary hearing as stated in Article 4 of Executive Order 1073. In order to request such a hearing, please notify my office in writing by **December 5, 2013**. Notice by facsimile is acceptable. Furnish information about how to contact you for the hearing, preferably including telephone number, email address, and mailing address.

During the period of this suspension, you are not permitted to enter the San José State University campus, nor any campus of the California State University, including University Housing, for any reason without written

authorization from the Vice President of Student Affairs. You are not permitted to attend any classes during the period of the Interim Suspension.

Violation of this Interim Suspension or the conditions imposed above shall be grounds for expulsion from the University (Section 41302 of title 5 of the California Code of Regulations).

Sincerely,

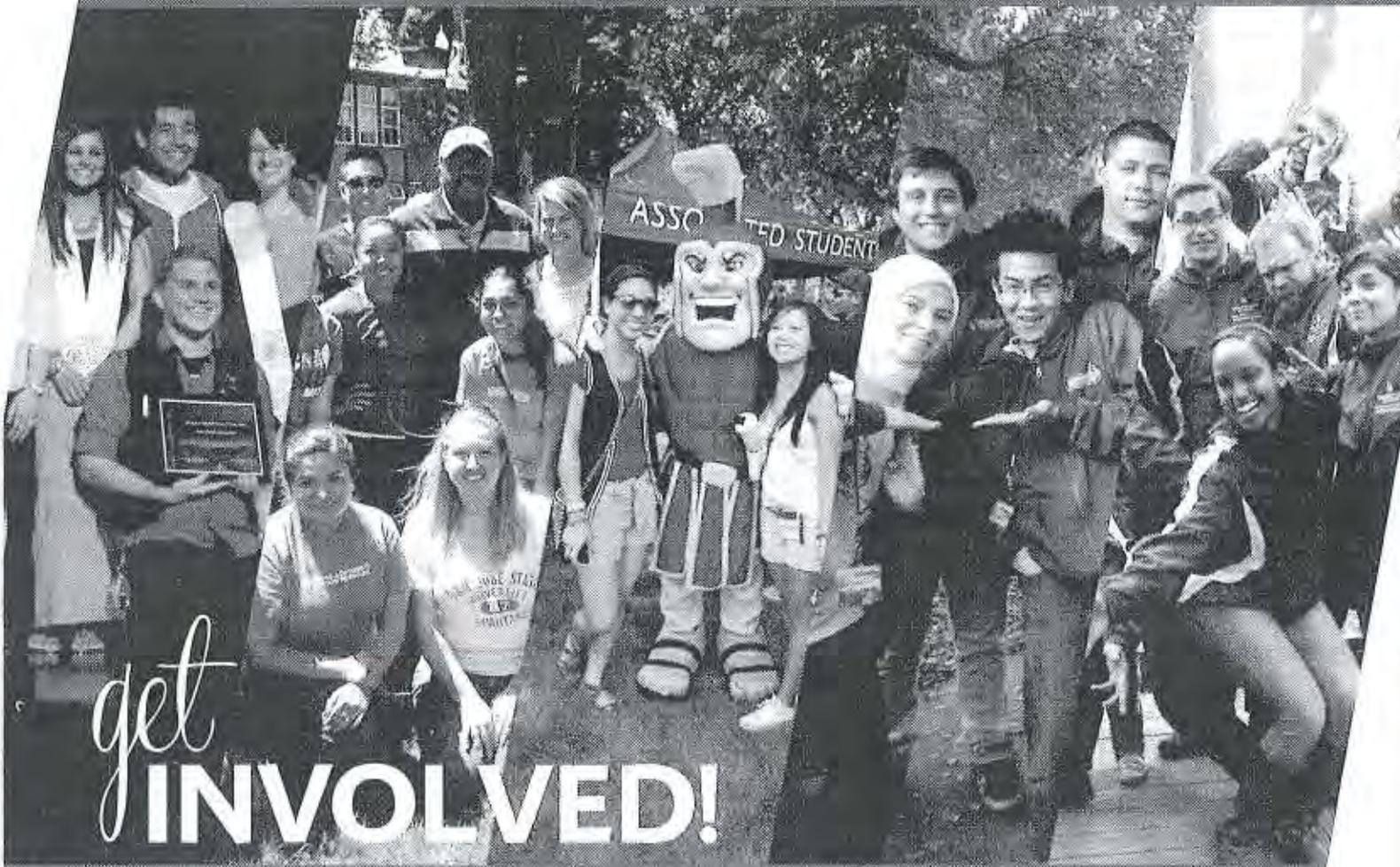
A handwritten signature in black ink, appearing to read "W. Nance". The signature is fluid and cursive, with the first name "William" and last name "Nance" clearly distinguishable.

Dr. William Nance  
Vice President for Student Affairs

c:     Mohammad Qayoumi, President  
       Peter Decena, Chief, University Police Department  
       Victor Culatta, Director of University Housing  
       Staci D. Gunner, Director, Student Conduct & Ethical Development

# EXHIBIT Q

# STUDENT *involvement* 2013-2014



*get*  
**INVOLVED!**

*Transforming student experiences into learning opportunities*

# STUDENT ORGANIZATIONS & ENGAGEMENT

Student Involvement supports a community of nearly 400 Recognized Student Organizations, including the 43 chapters within the fraternity and sorority community at SJSU. The staff provides various programs and services, active oversight of fraternity and sorority chapter events, maintains communications with faculty, staff, advisors and parents, organizes developmental retreats and workshops, monitors academic performance of organization leaders and fraternity and sorority members, and recognizes positive achievements of the student organization community.



The **STUDENT ORGANIZATION FAIRS** are scheduled at the beginning of each semester, and give students the opportunity to learn more about campus organizations.



A broad and diverse community of nearly 400 **RECOGNIZED STUDENT ORGANIZATIONS** are supported each year, through an expansive array of programs and services.



The **STUDENT LEADERSHIP GALA** is an annual awards ceremony, co-sponsored with A.S. and the Solidarity Network, that celebrates individual and group achievement.



# FRATERNITY & SORORITY LIFE

Do you want to enhance your leadership, scholarship, and social skills? Then fraternities and sororities may be for you. Since 1898, fraternities and sororities at SJSU have offered a fun atmosphere filled with friendship, community service, and personal development that makes college life a memorable experience. Chapter members at San José State University are very involved on campus and in the community, serving as Associated Students officers, Orientation Leaders, Resident Advisors, Peer Mentors, and are supporters of Spartan Athletics, to name a few.



**ORDER OF OMEGA** recognizes the top 3% of juniors and seniors who exemplify high standards in the areas of scholarship, leadership, and campus involvement.



**FRATERNAL VALUES SUMMIT** unites the community in leading effective change through understanding and acknowledgement of shared fraternal values and ideals.



The **NEW MEMBER EXPERIENCE** introduces new members to the foundations of fraternal life and equips them with needed knowledge and connections to be successful.



**G.A.M.M.A.H.** is a peer education organization that promotes healthy decision-making regarding college issues like health, sex, drugs, and alcohol.



**GREAT WORKSHOPS** help to prepare chapter members for leadership and membership roles within the chapter and beyond.



**OFFICER COLLABORATIVES** are a series of dialogues that promote idea-sharing and best practices amongst chapter members and officers with similar positions.



# ORIENTATION & TRANSITION PROGRAMS

Whether you're nervous or excited, there are many things to consider when starting college for the first time, or transferring to a new campus. Some of these include registering for classes, obtaining parking and housing, and learning your way around. We know that these are big adjustments and offer several programs and activities to get you off to a great start. Our programs will provide you with important information and a chance to meet fellow students, faculty, and staff who want to get to know you and help in your career as a Spartan!



**FALL WELCOME DAYS** is a series of programs that welcome students to SJSU, and provide opportunities to make peer connections and become familiar with campus resources.



**FRESH ORIENTATION** is a two-day, mandatory, overnight program designed to make the transition from high school to college easier for incoming frosh and their families.



**PARENT AND FAMILY** support systems play a key role with student success. Getting involved makes it easier and more convenient to keep in touch with how your student's doing.



# LEADERSHIP & STUDENT SUCCESS

The out-of-the-classroom experience plays a vital role in students' development. Scholarly research indicates that participation in these activities supports the retention and graduation rates of the students involved. However, we strongly believe that leadership isn't always about holding a position, nor do you have to be on the executive council of some group to be able to practice your leadership skills. Student Involvement offers a variety of leadership development programs that may be right for you.



**ASSOCIATED STUDENTS**

**ADVISING** is provided to the A.S. leadership, enhancing their leadership and skill development, while exploring how to be the best possible student government leaders.



**ENGAGE**

**ENGAGE** is a four-hour, three week seminar that introduces Robert Greenleaf's servant leadership theory as applied to the current college student experience.



**STUDENT LEADERSHIP CONFERENCE**

The **STUDENT LEADERSHIP CONFERENCE** is designed for students to learn leadership and organizational skills, and to team-build, through a series of seminars.



**LEADERSHIP DIALOGUES** are an eight week series of topical seminars focused on what it truly means to lead and how to be a good follower.



**LEADERSHIP TODAY** is a 3-day social justice immersion leadership retreat designed for advanced student leaders to effect change and positively build community.



The **SPARTAN SUCCESS PORTAL** is a confidential online workshop series aimed at helping students find the tools they need and to succeed at San José State University.



**LEADERSHIP CONSULTATIONS** support students at every stage, from those interested in exploring leadership to experienced leaders looking for more.



# ABOUT US

**GETTING INVOLVED** is more important than you may realize! At San José State University you don't have to limit your education to the classroom. Often it's the co-curricular experiences that students remember for a lifetime and say best prepared them for the future. Our advice is to make the most of your time at SJSU by focusing not only on academics, but getting involved in other aspects of college life as well.

**GETTING INVOLVED** is easy and fun! You will find countless opportunities for involvement at SJSU, but taking the first step can be difficult. Take a chance and explore new opportunities. Before you know it you will find yourself exploring other new areas of interest — once you join one group, you will quickly find out about others.

**STUDENT INVOLVEMENT** facilitates a variety of campus life programs and services. They include *campus activities and traditions, associated students advising, fraternity and sorority life programs and support, recognized student organization services, programs, and administration, leadership and skill development programs, student success initiatives, and transition programs.*



## STUDENT INVOLVEMENT *Division of Student Affairs*

Suite 140, Clark Hall  
One Washington Square  
San José State University  
San José, CA 95192-0038

[Phone] 408.924.5950  
[Fax] 408.924.5953  
[Website] <http://getinvolved.sjsu.edu>  
[Email] [getinvolved@sjsu.edu](mailto:getinvolved@sjsu.edu)

[Hours] M-Th, 9 a.m. - 6 p.m. & F, 9 a.m. - 5 p.m.  
Summer/Breaks, M-F, 9 a.m. - 5 p.m.  
[Twitter] @getinvolvedSJSU  
[Facebook] SJSU Student Involvement  
[Tumblr] [unboredatsjsu.tumblr.com](http://unboredatsjsu.tumblr.com)



**Blake Balajadia**  
Senior Assistant Director  
for Student Engagement  
[blake.balajadia@sjsu.edu](mailto:blake.balajadia@sjsu.edu)



**Emily Bauer**  
Associate Director of  
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[emily.bauer@sjsu.edu](mailto:emily.bauer@sjsu.edu)



**Justin Beauchamp**  
2013 NODA Graduate Intern  
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**Karla Castillo**  
Transition and Success  
Coordinator  
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**Michael Crump**  
Student Engagement  
Coordinator  
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**Kelly De Leon-Lopez**  
Student Engagement  
Coordinator  
[kelly.deleon-lopez@sjsu.edu](mailto:kelly.deleon-lopez@sjsu.edu)



**Rich Dillon**  
Assistant Director for  
Leadership Development  
[richard.dillon@sjsu.edu](mailto:richard.dillon@sjsu.edu)



**Adrienne Hypolite**  
Transition and Success  
Coordinator  
[adrienne.hypolite@sjsu.edu](mailto:adrienne.hypolite@sjsu.edu)



**Richard C. Kelley**  
Director of  
Student Involvement  
[richard.kelley@sjsu.edu](mailto:richard.kelley@sjsu.edu)



**Qiana London**  
Senior Operations Specialist  
[qiana.london@sjsu.edu](mailto:qiana.london@sjsu.edu)



**Sadie Molinet**  
2013 NODA Graduate Intern  
[sadie.molinet@sjsu.edu](mailto:sadie.molinet@sjsu.edu)



**Priscilla Moreno**  
Customer Service and  
Program Assistant  
[priscilla.moreno@sjsu.edu](mailto:priscilla.moreno@sjsu.edu)



**Benjamin Pérez**  
Assistant Coordinator for  
Student Engagement  
[benjamin.perez@sjsu.edu](mailto:benjamin.perez@sjsu.edu)



**Diana Rubio**  
Student Engagement  
Coordinator  
[diana.rubio@sjsu.edu](mailto:diana.rubio@sjsu.edu)



**TBA**  
Assistant Coordinator for  
Student Engagement  
[tba@sjsu.edu](mailto:tba@sjsu.edu)

## What Students Need to Know about Sexual Assault <sup>2</sup>

- 1 out of 6 women report experiencing an attempted or completed rape at some point in their lifetime <sup>3</sup>
- Most college students who are sexually assaulted are victimized by someone they know. National research shows that 80% of girls and women who were raped were assaulted by someone they knew.
- A majority of sexual assaults experienced by college students occur in situations where the perpetrator and/or victim are drinking.
- The definitions of rape and sexual assault include having sex with someone who is unable to consent because he or she is intoxicated, drugged, or unconscious.
- A victim is never responsible for a sexual assault.
- Even if the person who committed assault had been drinking and/or using drugs, he/she is still responsible for his/her behavior. Being drunk is not an excuse for committing sexual assault.
- 10 to 20% of all males will be sexually assaulted at some point during their lifetime, and 86% of them are sexually assaulted by other males.
- Rapes are more likely to occur in everyday environments (e.g., parties, home), than in dark alleys or streets.
- While gay men and lesbian women can be raped, a person getting raped says nothing about their sexual orientation. Rape is primarily prompted by anger or a desire to harm, intimidate or dominate, rather than by sexual attraction.

## For more information

**Santa Clara Valley Medical Center**  
Sexual Assault Response Team  
751 S. Bascom Ave. San Jose, CA 95112  
Scheduling SART medical exams:  
(408) 885-5000  
[www.sccgov.org/portal/site/vmc](http://www.sccgov.org/portal/site/vmc)

**YWCA Rape Crisis Center**  
375 S. 3rd Street  
San Jose, CA 95112  
(408) 287-3000 (24 hr hotline)  
[www.ywca-scv.org/programs\\_rape\\_crisis.html](http://www.ywca-scv.org/programs_rape_crisis.html)

**SJSU Counseling Services**  
Administration Building Room 201  
(408) 924-5910  
[www.sa.sjsu.edu/counseling](http://www.sa.sjsu.edu/counseling)

**SJSU Student Health Center**  
Health Building Room 106  
(408) 924-6120  
[www.sa.sjsu.edu/student\\_health](http://www.sa.sjsu.edu/student_health)

**University Police Department**  
(408) 924-2222

**Hate or Bias Incidents Campus Civility**  
(408) 924-6973

**My Safe Campus**  
24 Hr. Confidential/Anonymous Reporting  
1-800-716-9007  
[www.mysafecampus.com](http://www.mysafecampus.com)

**National Organization on Male Sexual Victimization** [www.malesurvivor.org](http://www.malesurvivor.org)

**CALCASA California Coalition Against Sexual Assault** [www.calcasa.org](http://www.calcasa.org)

**To join SJSU SAVE**  
**Advisor: Dr. Elena Klaw**  
**Elena.klaw@sjsu.edu**

<sup>1</sup> Definition adapted from California Penal Code Sections 220, 243.4, 261, 264.1, 286, 288, 289.  
<sup>2</sup> Adapted from Rape Treatment Center Santa Monica, UCLA Medical Center [www.girltrape.org](http://www.girltrape.org)  
<sup>3</sup> Adapted from the 2007 CDC Understanding Sexual Violence Fact Sheet  
<http://www.cdc.gov/ncipc/factsheets/svfact.htm>



# WHAT STUDENTS NEED TO KNOW ABOUT SEXUAL ASSAULT

## The Dating Bill of Rights

- I have the right to be respected as a person.
- I have the right to be treated with respect.
- I have the right to refuse to date anyone.
- I have the right to be safe on a date.
- I have the right to a close, affectionate, relationship that does not necessarily involve sex.
- I have the right to refuse to have sex.
- I have the right to be assertive on a date.
- I have the right to be listened to and to have my opinions valued.
- I have the right to disagree.
- I have the right to say no.
- I have the right to say yes.
- I have the right to get angry.
- I have the right to determine the criteria concerning who I will date.
- I have the right to leave any dating situation my instincts tell me to.
- I have the right to emotional support and understanding from I have the right to control my own destiny.
- I have the right to get the good things I want from a relationship.

## Legal Definition of Sexual Assault<sup>1</sup>

An unwanted sexual act, by an acquaintance or by a stranger, that occurs without consent, or that occurs under threat or coercion. A person is **legally incapable** of giving consent if they are, under the age of 18, intoxicated by drugs and/or alcohol, developmentally disabled, or temporarily or permanently mentally or physically unable to do so. Under federal and state law, sexual assault includes, but is not limited to, rape, forcible fondling (e.g., unwanted touching or kissing for the purpose of sexual gratification), forcible sodomy, forcible oral copulation, sexual assault with an object, sexual battery, and threat of sexual assault.

**Consent:** Consent is active, not passive, and is only possible when there is equal power. Giving in because of fear or power is not consent. Consent is based on choice.

\* Pamphlet developed by Angela Hickenbottom & SJSU SAVE:

*Students Against Violence Everywhere*

▪ I have the right to be cared about.

▪ I have the right to be loved.

▪ I have the right to intimacy.

▪ I have the right to high self-esteem.

▪ \*I have the right to trust myself above all others. \*

Adapted from Georgia Tech. Sexual Violence Prevention and Advocacy Initiative  
[www.voice.gatech.edu](http://www.voice.gatech.edu)

We will develop living and learning environments that applaud the diversity we reflect and build unity from that heterogeneity. We are a campus that is a model for the nation in its diversity, with no majority population, but in contrast, we must continue to serve as a model.

We are reflective of what this nation will look like in the decades ahead. In many ways we are serving as the laboratory for that future. We need to continue to embrace that role and through it seek the answer that will make our society successful."

**Dream No Small Dream**

**Robert L. Caret**  
(Past SJSU President)



Community

Education

Racism

Sexism

Religious Differences

Sexism

Classism

Sizeism

Ageism

Ableism

**MOSAIC**

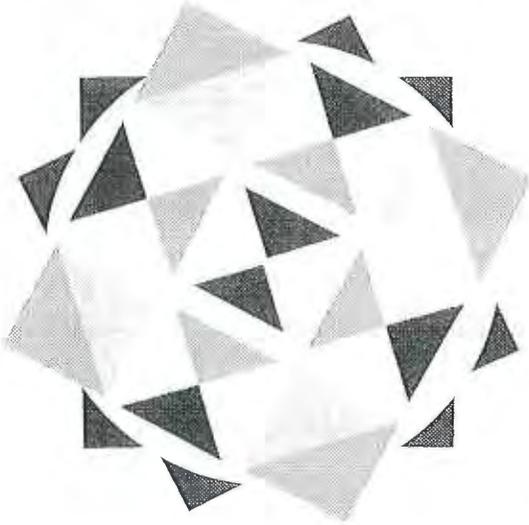
Division of Student Affairs

**Hyon Chu Yi-Baker**  
Director 408.924.6245  
hyonchu.yi@sjsu.edu

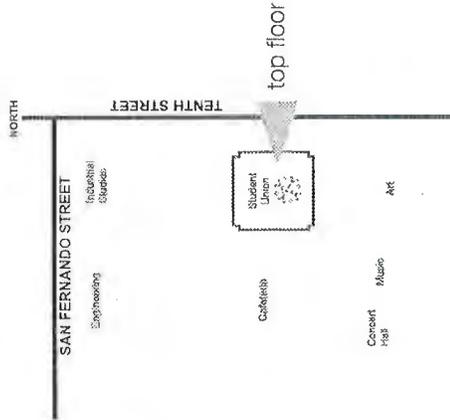
**Caz Salamanca**  
Assistant Director 408.924.6562  
caz.salamanca@sjsu.edu

**Maribel Gomez**  
Graduate Intern 408.924.5669  
maribel.gomez@sjsu.edu

We also have Student Assistants, Graphic Designers, and Diversity Advocate Interns



**MOSAIC**  
Cross Cultural Center  
Diversity & Social Justice Awareness



Monday - Friday  
9:00am - 5:00pm  
Student Union, 3rd Floor

408.924.6255 main  
408.924.6153 fax  
mosaicccc@gmail.com  
www.sjsu.edu/mosaic



**SAN JOSÉ STATE**  
UNIVERSITY



## PHILOSOPHY

The programs offered by MOSAIC seek to achieve social justice by promoting and fostering understanding, interaction, and communication in an inclusive environment amongst the students of SJSU. By social justice, we mean that our programming seeks for full and equal participation of all groups in society. MOSAIC is a center that facilitates an evolutionary journey for students' personal growth by learning about cultural and social differences. Our programs seek to acknowledge the importance of difference, while at the same time embrace these differences as characteristics of the larger community that we all reside in.



## MISSION STATEMENT

MOSAIC provides a safe and welcoming environment which honors and celebrates diversity. We offer support, advocacy for historically under-represented groups, leadership opportunities, and intentional programming that focus on critical thought, social justice, and cultural empowerment for the SJSU community.

### Provided Resources

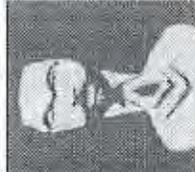
- A safe place to gather, study, and rest
- Programs and events that relate to diversity and social justice issues
- Leadership training and development for students
- Small resource library with books, videos and magazines
- Prayer space
- A staff with a wealth of knowledge
- Work opportunities for students

We are dedicated to enhancing and advocating for the academic and cultural empowerment of historically under-represented students. MOSAIC shall be a vehicle for promoting an environment that fosters intellectual exchange, civility, and the responsible exercise of individual expression. MOSAIC is dedicated to building a university environment that is truly inclusive by valuing the rich diversity of our campus community.

Our programming focuses on issues that not only concern race and ethnicity but also ability, sexual orientation, religion, age difference, etc. because of the rich experiences these groups can contribute in our attempt to appreciate difference.

*"Social justice includes a vision of society that is equitable and all members are physically and psychologically safe and secure."*

**Adams, Bell, & Griffin**  
(1997)



### Signature Programs

- New Student Welcome Receptions
- Tunnel of Oppression
- Leadership Today
- Hip Hop Conference
- Diversity Advocate Intern Programs
- WORD! Open Mic Series

## YOUTH SERVICES

The Youth Services Department provides an after-school enrichment program through Project Inspire for high school students.

Project Inspire is a program that improves academic achievement and course credit recovery in an after-school setting, providing a wide range of services and activities to students enrolled in the East Side Union High School District. Services include, but are not limited to,

- Academic tutoring support
- Life skills enrichment classes
- Mentorship
- Self-expression via the arts
- Leadership development
- Service-learning opportunities

TechGYRLS® is a nation-wide YWCA after-school empowerment program. The goal is to provide technology education in a supportive, all-girl environment so girls feel confident taking risks and opening up to new learning opportunities.

The program incorporates the STEM curriculum (Science, Technology, Engineering and Math) and engages girls in activities to stimulate a deeper interest in technology. These activities incorporate opportunities to enhance the girls' skills in leadership, critical thinking, time management, teamwork, problem-solving and presentation.

## CHILD CARE SERVICES

Serving families for over 60 years, the YWCA operates licensed child care centers for almost 400 children each year, ranging in age from 6 weeks to 12 years. Each center is staffed with enthusiastic, dedicated individuals that are trained in cultural proficiency.

The YWCA child care centers provide a safe, supervised, supportive setting that encourages growth and learning. The child care services also provide:

- Developmentally appropriate engaging activities
- Balanced enrichment in academics, nutrition, physical fitness, and creativity
- Developmental assets
- Healthy lifestyle curriculum
- Education curriculum aligned with state standards



SINCE 1905, THE YWCA SILICON VALLEY HAS SERVED THE ECONOMIC AND SOCIAL NEEDS OF SANTA CLARA COUNTY WOMEN AND THEIR FAMILIES.

The mission of the YWCA Silicon Valley is to empower women, children and families, and to eliminate racism, hatred and prejudice.



## CONTACT US

**YWCA Rape Crisis Department**  
408-295-4011 x208

**YWCA Domestic Violence Department**  
408-295-4011 x373

**YWCA Counseling Department**  
408-295-4011 x259

**YWCA Youth Services Department**  
408-295-4011 x210

**YWCA Child Care Department**  
408-295-4011 x215

**YWCA Human Trafficking Department**  
408-295-4011 x218

### HOTLINES

Domestic Violence  
800-572-2782

Rape Crisis  
Silicon Valley: 408-287-3000  
North County: 650-493-7273  
Counseling Crisis  
855-278-4204

# Empowering Women, Eliminating Racism



through 31 person services.

empowering women  
eliminating racism

**ywca**  
of Silicon Valley

375 South Third Street • San Jose, CA 95112  
(408) 295-4011

[www.ywca-sv.org](http://www.ywca-sv.org)

empowering women  
eliminating racism

**ywca**  
of Silicon Valley

## YWCA Silicon Valley Departments:



- Rape Crisis
- Domestic Violence
- Counseling
- Youth Services
- Child Care

## SOCIAL AND RACIAL JUSTICE (SARJ)

The YWCA of Silicon Valley is committed to social and racial justice. We are currently working on several projects to address the needs of our diverse community. We are currently working on several projects to address the needs of our diverse community. We are currently working on several projects to address the needs of our diverse community.

## COUNSELING

Counseling Services strive to improve the emotional, mental, and behavioral wellness of our community. At our Counseling Center, we offer therapeutic counseling services to individuals of all ages, couples, families, and groups on a sliding payment scale, depending on household income. Through our School-Based Counseling Program, we provide on-campus counseling to students at local elementary, middle, and high schools.

In both programs, our counselors address a wide range of needs using a collaborative, client-centered approach. We help clients to:

- Cope with difficult and painful situations
- Heal emotional scars
- Better understand themselves and the people around them
- Link to resources in the community
- Develop the skills to thrive in day-to-day life

We help our clients gain the confidence, stability, and practical knowledge to have greater control over their lives so they can become happier, healthier, more productive community members.

## DOMESTIC VIOLENCE

One in four women (25%) has experienced domestic violence in her lifetime. The Domestic Violence Department of the YWCA Silicon Valley responds to that sobering statistic with many vital services that assist adults and children struggling with violence in their lives. Those services include:

- Toll free, 24-7 crisis line (English & Spanish) 1-800-572-2782
- Confidential Emergency Shelter providing women and children with support, safety planning, and case management
- Legal advocacy providing assistance with restraining orders, immigration, court accompaniment and referrals to pro bono legal and housing resources
- Clinical counseling helping adults and children address the long term effects of abuse through individual and group sessions
- La Familia Program, addressing specific needs of Latino clients

The Domestic Violence Department strives to empower our diverse community to live free of domestic violence. All services are confidential, free or low-cost, culturally competent and offered in both English and Spanish.

## HUMAN TRAFFICKING AWARENESS CAMPAIGN

Through the support of Congressman Honda's office, the YWCA is bringing awareness to the issue of human trafficking through the Silicon Valley Community Center by providing the community with information regarding what human trafficking is, how to identify it, where to report it and also where to seek assistance.

## RAPE CRISIS

The YWCA Rape Crisis Center was established in 1973 to combat the devastating impact of sexual assault. We are providing the Silicon Valley community with information by raising awareness, providing support, and offering education with a focus on bystander intervention strategies. The YWCA Rape Crisis Center serves as both a survivor's advocacy support group and a forum for positive change through prevention and intervention services for women, men, children and families.

**INTERVENTION SERVICES** (no cost, confidential services)  
**24 HR CRISIS HOTLINE:** Provides immediate crisis counseling and assistance, information and referrals (408) 287-3000 or (650) 473-7273

**ADVOCACY & ACCOMPANIMENT:** Services for survivors of sexual assault through the reporting process, forensic/medical exam and criminal justice system process.

**INDIVIDUAL COUNSELING:** Available for survivors of sexual assault and/or childhood sexual abuse, as well as their loved ones.

**GROUP COUNSELING:** Available for survivors of sexual assault and/or childhood sexual abuse.

## PREVENTION SERVICES

**CHILD ABUSE PREVENTION PROGRAM (CAPP):** Teaches children to recognize, resist, and report various forms of child abuse, and works to end the cycle of abuse.

**TEEN EMPOWERMENT PROGRAM (TEP):** Empowers adolescents by providing information in an interactive manner on the realities of sexual abuse and dating violence, gender socialization, healthy communication skills and proactive, positive bystander behavior.

**PROFESSIONAL & COMMUNITY TRAINING:** Presentations to groups and organizations on issues of sexual violence.

For more information about the YWCA Silicon Valley, please complete and return this form and mail to:

Chief Development Officer  
 YWCA of Silicon Valley  
 375 S. Third Street  
 San Jose, CA 95112

Telephone: (408) 295-4011 x217  
 email address: funddev@ywca-sv.org

Your information is confidential.

Please send me additional information on the number of ways I can contribute to the YWCA of Silicon Valley

- Cash
- Life Insurance
- Trust
- IRA
- Stock
- Retirement
- Endowment Fund
- Other

Please schedule me to meet with the YWCA of Silicon Valley Board or staff member regarding my interest in Estate Planning.

Name(s) \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Telephone \_\_\_\_\_

Email \_\_\_\_\_



## EQUAL OPPORTUNITY IS OUR MISSION

The Office for Equal Opportunity is committed to promoting a learning and working environment free of discrimination based on the following protected classes:

- Race
- Color
- National Origin
- Ancestry
- Citizenship Status
- Religion
- Sex
- Gender Identity
- Sexual Orientation
- Marital Status
- Age
- Disability/Medical Condition
- Veteran Status
- Genetic Information

San José State is an Equal Opportunity/Affirmative Action employer, committed to creating a community in which a diverse population can learn and work in an atmosphere of inclusion and respect for each individual.

[www.sjsu.edu](http://www.sjsu.edu)



SAN JOSÉ STATE  
UNIVERSITY

HUMAN RESOURCES

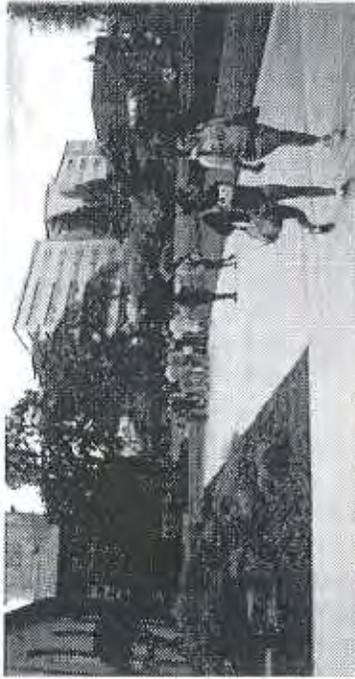
UPD Building, 3rd Floor  
One Washington Square  
San José, CA 95192-0046  
408-924-2255 phone  
408-924-3784 fax

SAN JOSÉ STATE UNIVERSITY



# Unity in Diversity

The Office for Equal Opportunity



## SEXUAL HARASSMENT IS PROHIBITED

You have a right to learn and work in an environment free from unwanted harassment. For assistance in dealing with possible sexual harassment contact the Office for Equal Opportunity at 408-924-2255.

## WHAT DOES THE OFFICE FOR EQUAL OPPORTUNITY DO?

- We define and publish** SJSU nondiscrimination policies and procedures.
- We investigate and resolve** complaints alleging violations of state, federal and university nondiscrimination/harassment policies.
- We prepare** the university's response in governmental agency investigations.
- We create and implement** SJSU's Affirmative Action Plan.
- We provide** diversity training and compliance strategies to the campus community.
- We work** with university departments to ensure accessibility to facilities, programs, services and benefits for people with disabilities.
- We monitor** SJSU recruitment.

## WHAT IS SEXUAL HARASSMENT?

Sexual harassment includes behavior such as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature directed toward an employee, student or applicant, when one or more of the following circumstances are present:

**Submission** to or toleration of the conduct is an explicit or implicit term or condition of appointment, employment, admission or academic evaluation.

**Submission** to or rejection of such conduct is used as a basis for a personnel decision or an academic evaluation affecting an individual.

**The conduct** has the purpose or effect of interfering with an employee's work performance, or creating an intimidating, hostile, offensive or otherwise adverse working environment.

**The conduct** has the purpose or effect of interfering with a student's academic performance, creating an intimidating, hostile, offensive or otherwise adverse learning environment, or adversely affecting any student.

## HOW DO I REPORT A COMPLAINT OF DISCRIMINATION?

All SJSU employees, prospective employees, students or recipients of services who believe they have been discriminated against or harassed on the basis of a protected category should contact the **Office for Equal Opportunity (OEO)** at 408-924-2255 to discuss their complaint.

## INTERNAL COMPLAINT PROCEDURE

Non-bargaining unit employees may use Executive Order 928:  
[www.calstate.edu/Eo/Eo-928.html](http://www.calstate.edu/Eo/Eo-928.html)

Bargaining unit employees must use the complaint procedures in their collective bargaining agreements.

Students and applicants may use Executive Order 1074:  
[www.calstate.edu/Eo/Eo-1074.html](http://www.calstate.edu/Eo/Eo-1074.html)

### Title IX complaint procedure

SJSU students who believe they have been a victim of sexual harassment or discrimination should contact the Title IX coordinator at the Office of the Associate Vice President of Human Resources 408-924-1136 to discuss their complaint.

## NOTE: RETALIATION IS PROHIBITED

SJSU is committed to protecting the campus community from unlawful retaliation related to filing a complaint or participating in an investigation, and treats retaliation as a form of unlawful discrimination.

The Office encourages academic integrity, accountability for one's actions, respect for oneself and one's community, and personal development.

# Know

Your Role  
Your Rights  
The Code

working together to build a better community

SAN JOSE STATE UNIVERSITY | STUDENT CONDUCT & ETHICAL DECISIONS

[sju.edu/studentconduct](http://sju.edu/studentconduct)

*What We Stand For*

**fairness** {in accordance with the rules or standards of fairness}

**honesty** {free of deceit and untruthfulness}

**integrity** {the quality of being honest and having strong moral principles; moral uprightness}

### The University Ombudsperson

is an advocate for procedural fairness who supports the integrity of the campus policies and procedures and ensures the equity of their application.

The Ombudsperson provides a neutral, confidential, and informal place to discuss a concern with the assurance that no action will be taken, nor will the visit be disclosed to anyone, without consent.

### The Ombudsperson

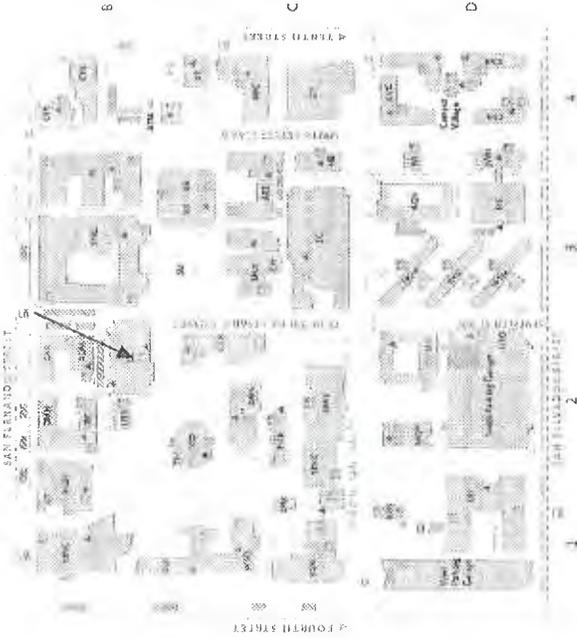
- Provides impartial and confidential consultation to members of the campus community who are concerned about a situation or issue.
- Assists in interpreting SJSU policies and procedures.
- Provides assistance by clarifying issues and generating options for resolution.
- Recommends actions to be taken to reduce reoccurrence.
- Conducts informal fact-finding in order to better understand an issue from all perspectives
- Makes referrals to existing SJSU problem resolution channels.
- Works for fairness but does not set policy.

**NEUTRAL** – The Ombudsperson is an advocate of procedural fairness who maintains impartiality.

**CONFIDENTIAL** – Communications with the Ombudsperson will not be shared without permission unless there is an imminent risk of serious harm.

**INFORMAL** – The Ombudsperson does not conduct investigations or replace formal processes.

### Located in the Administration Building



# UNIVERSITY OMBUDSPERSON

NEUTRAL ♦ CONFIDENTIAL ♦ INFORMAL



**Contact the  
University Ombudsperson**  
Administration Building 2118  
One Washington Square  
San Jose, CA 95129-0031  
(408)924-5995  
ombuds@sjsu.edu

# UNIVERSITY OMBUDSPERSON

## The Student Fairness Committee:

The charge of the SFC is to hear and investigate disputes between a student and one or more university employees that may either be:

- a) alleged violations of student rights in instructional and curricular matters, including grade appeals; or
- b) non-instructional student grievances concerning individual members of the faculty, administration or staff.

When appropriate, the SFC will make recommendations for redress (S07-6).

Students interested in serving on the Student Fairness Committee may find more information under "Join a Committee" at <http://as.sjsu.edu/>

## Grade Appeals:

There is a presumption that grades assigned are correct. It is the responsibility of anyone appealing an assigned grade to demonstrate otherwise (EO 1037).

## Grievances:

A grievance is an allegation of an unauthorized or unjustified act or decision by a member of the faculty or staff that in any way adversely affects the status, rights or privileges of a student.

Complaints may be filed no later than the end of the semester following that in which the alleged cause of the dispute occurred.

## **GRIEVANCE/GRADE DISPUTE PROCESS**

### Informal Resolution Process

1. Student must first attempt to resolve the matter with the other party. *Student may consult with the Ombudsperson prior to this step.*
2. Student should attempt to resolve the issue with the Chair or supervisor. *Student may consult with the Ombudsperson prior to this step.*

**If this informal process fails to resolve the matter, the student may initiate a formal grievance.**

### Formal Resolution Process

1. Student meets with the Ombudsperson to discuss the formal complaint process.
2. Petition is submitted to the University Ombudsperson's office no later than the end of the semester following that in which the alleged cause of the dispute occurred.
3. Petition is forwarded to the Student Fairness Committee (SFC) by the Ombudsperson.
4. A subcommittee of the SFC investigates the claim and submits its findings to the full SFC for consideration.
5. The SFC offers a recommendation/judgment in the matter.

The Student Fairness Committee (SFC) will hear grade appeals when petitions are deemed to be appropriate and include evidence related to one of the following conditions:

1. When there is evaluation of students that differs from announced requirements.
2. When there are belated impositions of requirements.
3. When grades are based on criteria other than academic performance in the course.
4. When grading criteria do not provide a clear and consistent method of evaluating students' work or performance.
5. When students' requests for information during the semester regarding their academic progress in the course are not responded to in a reasonable time (two weeks after the request is made).
6. When students' requests for an explanation of how the posted course grades for a term were determined are not responded to in a reasonable time (the later of two weeks after the request is made or one week before the add deadline for the fall or spring semester following the term in question).
7. When students are penalized for expressing opinions.
8. When students are removed from a course without due process of a hearing.

# EXHIBIT R

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**From:** Dorothy Poole  
**Sent:** Friday, November 22, 2013 7:42 AM  
**To:**  
**Subject:** Fwd: Racial intolerance

Hi,

I'm dealing with a hate crime on campus, and the administration's lack of timely and proper response. I learned about it 2 days ago and made them suspend the students. It is awful, that we didn't value the life of a black student. Driving while black; shopping while black; now studying while black.

[http://www.mercurynews.com/crime-courts/ci\\_24573840/sj-state-reacts-angrily-torment-black-student](http://www.mercurynews.com/crime-courts/ci_24573840/sj-state-reacts-angrily-torment-black-student)

----- Forwarded message -----

**From:** **President Mohammad Qayoumi** <[sjsupres@sjsu.edu](mailto:sjsupres@sjsu.edu)>  
**Date:** Thu, Nov 21, 2013 at 3:20 PM  
**Subject:** Racial intolerance  
**To:** [dorothy.poole@sjsu.edu](mailto:dorothy.poole@sjsu.edu)

Dear Spartans,

As many of you know, the Santa Clara County district attorney's office has filed criminal charges against three San Jose State students accused of recurrent abusive behavior toward a fellow student in their residence hall suite this fall.

Let me be clear: I am outraged and saddened by these allegations. They are utterly inconsistent with our long cherished history of tolerance, respect for diversity and personal civility. The three students suspected of this conduct have been suspended, effective today.

The misdemeanor battery charges include a hate-crime enhancement based on indications that the victim, an African-American freshman, was targeted based on race. I want you to know how San Jose State has responded thus far, and our intentions moving forward.

Our paramount initial concern was the safety of the victimized student. The day our housing staff learned of the situation, the University Police Department launched an investigation. Also that day, two of the accused students were relocated to separate residence halls and not placed with roommates.

A third suite-mate, originally believed to be a bystander, was identified yesterday as an offender. We regret he was not removed from the victim's suite before today.

Parallel internal inquiries, one based on university student conduct policies and another focused on federal anti-discrimination regulations, are ongoing.

We speak very directly to all freshmen about discrimination and harassment during orientation and at hall meetings. We will re-examine our diversity programs and safety measures within campus housing and throughout the university.