POLICY TITLE: Residential Life's residency exclusions and considerations for Registered and Felony Offenders

POLICY PURPOSE: The purpose of this policy is to assist with the safety of residents and guests of the University's housing system by reducing potential exposure to persons listed on the State of Kansas Offenders List or who have committed certain felonies.

BACKGROUND: After reviewing cases involving crimes occurring in Residential Life facilities, it was determined that some of the most severe were committed by residents who were registered offenders or who had committed felonies prior to attending FHSU. During the Fall semester of 2012, it was discovered that a resident of Custer Hall was convicted of robbery and another, living in Wiest Hall, had a conviction of Involuntary Manslaughter.

APPLIES TO: All persons applying for acceptance into the Residential Life housing system starting with the 2013 fall semester application.

DEFINITIONS: Kansas Registered Offenders List: A regulated list of persons who have been convicted of certain sex, violent and drug offenses, as set forth in the Kansas Offender Registration Act (K.S.A. 22-4901 et seq.).

Felony Conviction: Any crime that a person has been convicted of by any state or federal court that is categorized as a felony by that court.

Non-Resident Occupant: A person who is not a student at Fort Hays State University and who is living in a residential life facility with the approval of Residential Life based on that person's relationship with the student occupant.

CONTENTS:

POLICY STATEMENT: All residency contracts within residential life facilities will require an applicant and "Non-Resident Occupant" to answer the following question: "Have you ever entered a guilty plea or a plea of no contest to a felony offense, been placed on probation for or entered into a diversion program for a felony offense, or been convicted of a felony?" Failure to disclose information relating to a felony will result in the immediate termination of their application and/or existing contract for nondisclosure at their costs.

In the event that an applicant discloses a conviction, the Residential Life Director or Designee will follow-up with the applicant to determine the validity of the disclosure. Based upon the disclosure, the applicant will be denied housing until the applicant complies with additional requests, as outlined in the subsequent paragraphs. In the event that the applicant confirms a felony

conviction, the Director of Resident Life or Designee will also check the Kansas Bureau of Investigation web site to determine whether the applicant is listed on the State of Kansas "Registered Offender List." http://www.kbi.ks.gov/registeredoffender/

Individuals who are listed on the State of Kansas "Registered Offender List" are prohibited from residing in residential life facilities.

All other felony convictions which are disclosed within the application, will be forwarded to the Behavioral Intervention Team (BIT) for assessment. The Director of Residential Life or designee will issue a written request to the applicant to provide documentation from the court of jurisdiction for consideration for admittance into a Residential Life Facility including the following: Copy of the criminal complaint; copy of the journal entry concerning disposition; orders from the court concerning conviction, sentencing and restitution; written reports issued to the court from Department Of Corrections; and written reports from the Community Corrections office that supervised the applicant's parole/probation. In the event that the applicant fails to comply with the written request or excludes any aspects of the arrest and conviction record, the request for residency will be denied.

For applicants who comply with the written request, BIT will determine whether the residency application should be granted based upon the totality of the circumstances, including the original charges as outlined in the charging document. A simple majority of inclusion or denial will be the determining factor of the vote.

The chair of the committee or designee shall issue a written response to the applicant (within seven days of the decision from the committee) stating the outcome of the assessment. If denied, the notification letter will include the process of appeal to the Vice President of Student Affairs. Applicant will have seven days to appeal from the date of the notification letter as set forth in the appeal process.

This policy does not extend or infer an obligation for the University to perform background checks on residents for compliance of the prohibition.

EXCLUSIONS OR SPECIAL CIRCUMSTANCES: N/A

RELATED DOCUMENTS: N/A

KEYWORDS: Registered Offender, Felony, Residential Life

RESPONSIBLE Residential Life, Behavior Intervention Team and Vice President of Student

OFFICE:	Affairs
RESPONSIBLE UNIVERSITY OFFICIAL:	Director of Residential Life, Chairperson of the Behavior Intervention Team and Vice President of Student Affairs.
ORIGINATION DATE:	04/01/2013
REVIEW CYCLE:	3 Year

POLICY ADDRESS:	
LAST APPROVED ON:	Adopted by President's Cabinet 06/12/13
REVIEW/CHANGE HISTORY:	
NEXT REVIEW DATE:	06/2016