



Kutztown University Policy STU-037

Housing Review Process for Applicants with Prior Criminal Convictions and/or Disciplinary Separations

A. Purpose

To afford procedural due process to Kutztown University housing applicants who indicate a prior criminal conviction and/or separation from another institution of higher education for disciplinary reasons.

B. Applicability and Scope

The policy applies to all incoming and current students seeking on-campus housing.

C. Definitions

Criminal Conviction: a criminal conviction of a felony or any criminal conviction resulting in probation or parole.

Separation: a suspension, dismissal and/or expulsion from an institution of higher education for disciplinary reasons.

D. Policy

Kutztown University is committed to ensuring a safe learning environment for all students, faculty, and staff. As such, policy and procedures have been developed to protect all members of the University Community.

When Kutztown University receives a housing application or is notified by a prospective residential student as directed in the Admissions application process and/or My College Roomie profile, in which the applicant indicates a prior felony criminal conviction, is currently being prosecuted for a felony criminal offense, is currently on probation or parole for

any criminal conviction, or has been separated from another institution of higher education for disciplinary reasons, the application will be forwarded to the *Executive Director of Housing, Dining & Residence Life (Executive Director)*.

The *Executive Director* and *Associate Dean of Students* will conduct a preliminary review/investigation and make **one** of the following recommendations:

1. Move forward and process the housing application, or:
2. Convene the Housing Review Committee for additional review and recommendation.

Prior criminal conviction, in and of itself, does not automatically result in denial of university housing. The Housing Review Committee will base the determination on granting on-campus housing on the criteria listed in the procedure below.

Members of the Housing Review Committee include:

- *Executive Director of Housing, Dining & Residence Life*
- *University Chief of Police*
- *Associate Dean of Students*

E. Procedure

- The applicant provides the required notice or responds “yes” to the criminal conviction question(s) and/or “yes” to the question about a prior dismissal or suspension from another higher education institution on a Kutztown University housing application.
- The applicant is notified by the Housing Office and sent a form requesting additional information and documentation regarding circumstances related to any past behavior in question. The applicant’s housing application is considered incomplete until the required paperwork is completed in full.
- Omitting and/or providing false, inaccurate, incomplete and/or misleading information may result in the denial and/or revocation of housing and may subject a student to disciplinary action.
- If a criminal conviction is involved, criminal history may be collected via a background check or through Public Safety & Police Services.
- The application, along with the background information, is collected and forwarded to the Housing Review Committee. Ad hoc members may be added, as appropriate, and may include but are not limited to: *Vice President of Enrollment Management and Student Affairs, Vice President for Equity & Compliance, Dean of Students, Director of Disability Services, and/or Executive Director of Health and Wellness Center.*
- All records collected as part of this review process will be considered Housing Office records and are maintained accordingly.
- A phone, online or in-person interview with the Housing Review Committee will

occur to discuss the applicant's housing application and prior history.

- The Housing Review Committee will consider the following factors in its evaluation of the applicant's record:
 - Offense Committed / Nature of the Incident
 - Date Committed
 - Aggravating / Mitigating Circumstances
 - Penalty Imposed
 - Current Standing with Courts (probation, parole, etc.)
 - Severity of Harm
 - Responsibility Assumed by the Applicant
 - Likelihood for Recidivism / Harm to the Community
 - Direct impact to any currently enrolled Kutztown University student(s) and/or employee(s)
- The Housing Review Committee may request additional information from the applicant or other appropriate sources (references, former institutions, probation officers, etc.) as needed to aid in their evaluation process.
- The Housing Review Committee will examine the applicant's record and make a recommendation to the *Executive Director* for a final decision.
- PASSHE legal counsel and the *University President* or the President's designee will be consulted of any decision or recommendation to deny housing based on prior criminal or disciplinary history.

F. Effective Date:

April 22, 2022

G. Approved By:

Administrative Council, April 22, 2022

H. Last Review