PURPOSE OF THIS POLICY

The purpose of this policy is to protect students and the university community where admission of an applicant with a prior history of criminal behavior or disciplinary action for conduct may endanger the health, safety, welfare or property of others.

APPLICATION OF THIS POLICY

This policy applies to all persons enrolled or seeking admission to the University.

POLICY STATEMENT

To the extent permitted by law, Colorado State University reserves the right to deny or place conditions on enrollment, admission, continued enrollment, or re-enrollment of applicants, students or former students whose personal history and background, including their criminal record, indicates that their presence at Colorado State may endanger the health, safety, welfare or property of members of the academic community or interfere with the orderly and effective performance of the University’s functions.
Applicants for admission to the University will be required to disclose information concerning certain prior disciplinary and criminal history instances on the application for enrollment. Representatives of the University shall identify and review all matters pertaining to such applicants. As set forth below, fair procedure will be followed in determining whether or not to approve or admit the applicant based on the evidence.

All records, reports, and proceedings shall be considered private by University personnel and shared only as reasonably necessary for review of the applicant’s request for admission/enrollment, subject to any applicable state or federal laws that may compel disclosure of all or part of such records.

All proceedings and decisions will comply with all Federal and state nondiscrimination laws, fairly balancing the obligation of the University to promote the safety and welfare of students, employees, and property with the civil rights of the applicant or student. If the applicant is admitted and enrolls as a student, all records related to this policy will be governed by the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g) and regulations (34 C.F.R. Part 99), together with the University FERPA policy. If the applicant is not admitted or does not enroll as a student, all records may be subject to the Colorado Open Records Act (§24-72-201 et. seq.) and/or Colorado Criminal Justice Records Act (§24-72-301 et. seq.). Colorado Senate Bill SB19-170, effective May 1, 2020, limits the inquiry into a college applicant’s non-academic conduct prior to admission or enrollment. This bill also outlines parameters for the secondary screening of applicants who’ve been admitted or approved to enroll, use of criminal and disciplinary history information in admissions decisions. This policy conforms to the requirements and limitations of that bill.

POLICY PROVISIONS

1. The following questions, notes, and explanations will appear on all Colorado State University application forms for admission or enrollment.

   Have you ever been ☐ Yes ☐ No
   Have you ever been found responsible for any disciplinary violation at an educational institution you have attended from the 9th grade (or the international equivalent) forward, whether related to academic misconduct or behavioral misconduct that resulted in disciplinary action?
   _______Yes _______No

   Note: disciplinary actions could include, but are not limited to: probation, suspension, removal, dismissal, or expulsion from the institution.

   Disciplinary Violation Explanation: Please provide a concise explanation that details what happened, who was involved, what charges or sanctions (if any) were brought upon you as a result, what penalty/remedy was assessed (if applicable) and how the situation has resolved. It also will be important to address what you learned from the experience and
what changes, if any, have resulted. Your response will be reviewed by the Student Resolution Center (SRC), and additional information may be requested by SRC as needed.

Do you have any criminal charges pending against you or have you ever been convicted of a crime, made a plea of guilty, accepted a deferred judgment, been adjudicated, or been required to register as a sex offender? —

______Yes ______No

We’re CSU is committed to providing a safe and welcoming environment that fosters student success, and our review of non-academic conduct is one component (authorized by C.R.S. § 23-5-106.5). Applicants who answer “Yes” to one or more of the conduct questions below receive confidential review outside of the admission decision process. Past non-academic conduct incidents do not automatically disqualify an applicant from full consideration for admission and scholarships, and applicants have the right to appeal a decision made based on any information required to be disclosed here.

(a) Are there any criminal charges pending against you? Yes/No

(b) Do you have any prior convictions* OR prior disciplinary history at another academic institution (including pending disciplinary proceedings) for stalking, sexual assault or domestic violence? Yes/No

(c) Have you had any convictions* within the past 5 years for assault, kidnapping, voluntary manslaughter or murder? Yes/No

* This means a conviction by a jury verdict or by entry of a verdict or acceptance of a guilty plea or a plea of nolo contendere by a court. It does not include a plea to a deferred judgment and sentence until the deferred judgment and sentence is revoked. You are not required to disclose any information contained in sealed records.

(d) Explanation: Provide a concise explanation that includes the date(s) of the incident(s), details regarding what happened, when and where the incident(s) occurred, and who was involved. Note which charges, if any, are pending. In cases of conviction and/or disciplinary action, specify what convictions, charges or sanctions (if any) were brought upon you as a result, what penalty/remedy was assessed (if applicable) and how the situation was resolved.

It is also important to touch on what you’ve learned from your experience and what changes, if any, have resulted.

Your response will be reviewed by our Student Resolution Center (SRC) before your application is reviewed for an admission decision, and additional information may be requested by SRC as needed.

* This means a conviction by a jury verdict or by entry of a verdict or acceptance of a guilty plea or a plea of nolo contendere by a court. It does not include a plea to a deferred judgment and sentence.
until the deferred judgment and sentence is revoked. You are not required to disclose any information contained in sealed records.

Note: moving violations, such as speeding tickets, are exempt, but DUI/DWAI must be included. To be employed as a student employee at CSU (through an assistantship, fellowship, etc.), you must pass a complete criminal background check.

Criminal Charges Explanation: Please provide a concise explanation that details what happened, who was involved, what charges or sanctions (if any) were brought upon you as a result, what penalty/remedy was assessed (if applicable) and how the situation has resolved. It also will be important to address what you learned from the experience and what changes, if any, have resulted. Your response will be reviewed by the Student Resolution Center (SRC), and additional information may be requested by SRC as needed.

2. For applicants who have pending criminal charges, have been convicted of a crime described above, are presently incarcerated or on probation, or have been suspended or expelled from another institution for acts of domestic violence, threatened violence, sexual assault, or stalking misconduct or related behaviors the procedures outlined below will be followed:

A copy of the application for admission or enrollment will be forwarded to SRC by the Office of Admissions. SRC will have a hearing officer from Student Conduct Services review the criminal history and subsequent documentation. If the staff person determines that the criminal history does not rise to a safety concern for the institution, the hearing officer will approve of discipline clearance for the applicant. If the hearing officer reviews the documentation provided by the applicant and believes this individual may pose a risk to campus safety, the hearing officer will forward the materials to the Pre-Admission Application Review Committee. The committee may require that the applicant sign a release of information as it relates to alcohol/drug treatment recommendations, treatment verification, etc. Members of the Pre-Admissions Application Review Committee will consist of a representative from each of the groups listed below. When unique situations arise requiring expertise from other areas of campus (i.e. Back on Trac), the committee will include those individuals on a case by case basis. These representatives will be appointed by their respective groups.

a. For undergraduate applications, one representative from each of the following:
   - The Office of Admissions
   - Student Resolution Center
   - CSU Police Department
   - CSU Health Network Counseling Services
   - Associated Students of Colorado State University

b. For graduate applications, one representative from each of the following:
   - The Graduate School
3. The Pre-Admissions Application Review Committee shall have access to all relevant information pertaining to the applicant, such as police reports, court documents and treatment provider recommendations. In addition, the committee shall have the right to communicate with any person, including experts, who can supply relevant information. A meeting of the committee will be convened by the Director of SRC once all relevant information is received. The applicant is encouraged to participate either in person or on the phone on the date/time designated for the meeting with the committee.

Applicants identified for a Pre-Admission hearing will be given notice of all issues and will be afforded the opportunity to submit a written statement and/or to appear in person (or from a distance using audio and/or visual technology). The applicant may bring an advisor or support person to the hearing, at their own expense. The advisor may be an attorney. The advisor is limited to counseling the applicant, but and may not represent the applicant and or speak on the applicant’s behalf, or participate directly in the hearing. Advisors may not serve in a dual role as a witness in the hearing. The Pre-Admissions Application Review Committee may also consult with or include University Counsel as an advisor at the hearing.

4. The Pre-Admissions Application Review Committee will forward to the Office of Admissions and/or Office of the Graduate Dean, as appropriate, a recommendation regarding the admission clearance of the applicant. The committee will set forth in writing the factual basis of its decision. A recommendation for admission clearance to the University may be upon such conditions as the committee deems necessary to protect all members of the University community. This may include such items as continued counseling, the denial of the right to participate in certain programs such as extracurricular activities, and the denial of access to University-operated residence halls or other facilities. If the applicant is not cleared by the committee for reasons listed above, the Office of Admissions or the Graduate School, as appropriate, will withdraw the application from the review process.

5. The SRC will then inform the applicant and the appropriate department in writing of the decision, the reasons for the decision and that the applicant has the right to appeal the decision within ten (10) business days of the date of the letter. All appeals will be based on the record only; no new evidence or testimony will be taken. The applicant can direct an appeal to the office of the Provost/Executive Vice President at:
6. Appeals will be reviewed by the Office of the Provost/Executive Vice President. The decision of this office will be final.

APPROVALS

Approved by the State Board of Agriculture, June, 1993

Version 2.0 Revision approved by Lynn Johnson, Vice President for University Operations, September 22, 2015

Version 3.0 Revision approved by Lynn Johnson, Vice President for University Operations, November 10, 2017