



A Developmental Framework for a Model Code of Student Organization Conduct

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Introduction of the Model Code of Student Organization Conduct

This project was undertaken as an organic response to a number increasingly clear trends in the higher education landscape. First, our team observed inconsistencies in the manner in which campuses investigated and adjudicated student organization misconduct. Few campuses have stand-alone organizational processes and either create them when the need arises or attempt to overlay individual student codes of conduct onto the organizational process. Neither of these approaches constitute sound professional practice. Second, our team observed heightened tension between campuses and inter/national fraternity and sorority headquarters regarding the manner in which cases of student organization misconduct were investigated and adjudicated. During the three years leading up to the publication of this model *Code of Student Organization Conduct*, we observed an increased number of inter/national fraternity headquarters continuing to recognize undergraduate chapters, even after those chapters lost University/College recognition. This proliferation of unrecognized groups occurred in part because inter/national fraternity headquarters perceived a fundamental lack of fairness and due process in the investigation and adjudication of alleged organizational misconduct.

This model code is presented against the backdrop of a series of student deaths related to their involvement in campus student organizations. More effective and consistent models of investigating and adjudicating student organization misconduct can help make campuses safer and allow us to more effectively address the dangerous behaviors being perpetrated by some campus student organizations.

We offer this model *Code of Student Organization Conduct* as an attempt to provide consistency in terms of how campuses investigate and adjudicate organizational misconduct, and as an attempt to limit the number of cases ending with decisions by students, their advisors and their inter/national governing bodies to continue underground, unrecognized operations because of their (often well-founded) concerns over due process and fundamental fairness.

In developing this model code, we were guided by our shared belief that a well-designed organizational conduct process could accomplish the following objectives:

1. **Promote Behavior Change** – the goal of any educational process is to promote learning, growth and development. This requires that the organizational misconduct process provides students with the opportunity to learn from their mistakes and to demonstrate a commitment to organizational changes that will ensure those mistakes will not be repeated. Promoting behavioral change at the organizational level requires that students who are part of these organizations, as well as their advisors and other stakeholders, are psychologically invested in the outcomes of any organizational misconduct proceeding. To that end, this model code moves away from a unilateral sanctions process in favor of an outcomes development process, through which organizational leaders, advisors, and other key stakeholders are involved in a collaborative process to determine the educational tools and environmental changes necessary to build lasting, meaningful change and to limit the recurrence of problematic behavior.
2. **Promote Safer Campus Cultures** – This model *Code of Student Organization Conduct* promotes student safety through a focus on increased student agency in the process. By giving student organizational leaders a more prominent role in the development of outcomes, and by engaging their advisors and other external constituents in the development of those outcomes,

we hope to create environments where high-risk behavior is less likely to be repeated. This model code promotes increased partnership and oversight that is designed to proactively promote student safety.

3. **Promote Self-Governance** – Research on the post-millennial generation (often referred to as Gen Z) suggests that as a result of hyper-involved parenting and a dearth of unsupervised, unstructured playtime, today’s college students lack basic conflict resolution skills. As a result, traditional systems of organizational self-governance and peer accountability processes have ceased to function as intended. Behaviors that would have been addressed through systems of peer accountability a decade ago now go unaddressed. This model code seeks to promote self-governance and internal accountability in a number of ways: First, the partnership process outlined allows organization leaders, in some instances, to self-investigate alleged misconduct and incentivizes organization leaders to hold individual members accountable for their behavior. Second, this model code incentivizes organizational leaders to self-report individual violations of policy and provides organizations with limited amnesty when they report these individual violations in good faith.

4. **Build Trust and Goodwill with Students, Advisors and Other Stakeholders** – With the proliferation of student groups being allowed to operate without university recognition because of perceived fairness and due process issues, there is a need for transparent, collaborative and inclusive systems of organizational misconduct. This model code promotes a straightforward process for adjudicating organizational misconduct, providing multiple opportunities for review and appeal. This code also involves students, advisors and stakeholders in developing and implementing outcomes associated with this process. For example, this code encourages written return agreements in those instances where loss of recognition is the best course of action. In a number of ways, this model *Code of Student Organization Conduct* is designed to build trust and goodwill between Universities/Colleges and their student organization leaders, advisors, and other external stakeholders.

To accomplish these four objectives, this model code features a number of elements designed specifically for the unique needs of the organizational misconduct process, including:

Three-Tier Resolution Process - The Three-Tier Resolution Process allows campuses flexibility in determining which types of cases require a formal investigation/resolution, and which types of cases can be resolved through alternative resolution processes. Using this model, each campus should develop a Violation Rubric (see Attachment A). The Violation Rubric provides a recommended adjudication model for various types of violations.

The first tier is designed for those low-level violations that are generally straightforward based on an incident report and can be handled in a prescribed manner (i.e. noise violation, unregistered social event, minor alcohol violations). For Tier 1 incidents, prescribed penalties (a menu of these penalties would need to be developed, published, and regularly reviewed by the College/University – i.e. an unregistered party is a \$250 fine and a period of social restriction) would be automatically assessed by the campus upon receiving report related to alleged misconduct, if the Dean of Students or designee believes the behavior is more likely than not to have occurred. Upon notification of the violation, the organization can either accept the penalty or choose to have a hearing as outlined in the formal adjudication process.

The second tier is designed for those intermediate offenses that are less straightforward but do not initially require a formal campus investigation. For Tier 2 incidents, organizations would be notified by the University/College that a report of a potential violation had been received, and a meeting between the organization's leadership and the Dean of Students/Designee would be scheduled. The organization would then be given the opportunity to conduct its own internal investigation and suggest outcomes related to addressing the incident in question. If the University/College is satisfied with the investigation, the outcomes development process can begin. If the University/College is not satisfied with either the investigation or report, then the case may be moved to the formal investigation/adjudication process.

The third tier is designed for serious offenses that require an official University/College investigation. For Tier 3 incidents, cases would be investigated by an independent investigator and adjudicated through an administrative or formal hearing process.

Option for Self-Reporting - To promote and encourage self-governance within organizations, this Model Code features a section related to self-reporting of policy violations. In those cases where RSO leadership reports policy violations of individual members to the University/College, the University/College will work with the RSO leadership to investigate and adjudicate the individuals implicated in the report and will NOT investigate or adjudicate the RSO unless the investigation of individuals makes clear that there is organizational culpability.

Independent Investigator Model - For those cases that require a University/College formal investigation, this process promotes an independent investigator model that has become widely used on college campuses for victim-based and other civil rights investigations. By separating the investigation from the adjudication process, this model alleviates concerns about bias and due process by ensuring that the person(s) investigating cases are not also responsible for adjudicating those cases. In order to ensure that investigations are timely, we encourage campuses to have a team of trained investigators. In other cases, it may be appropriate to use external investigators. While acknowledging that, in some jurisdictions, police investigations must begin prior to any campus disciplinary proceeding, an independent investigator model coupled with a team of trained investigators should allow campuses to quickly and thoroughly investigate cases of alleged misconduct.

Collaborative Outcomes Process - Organizational misconduct processes have long been associated with lengthy, punitive sanction letters that rarely result in lasting, meaningful change. This model code replaces a top-down, unilateral sanctioning process with a collaborative, deliberative outcomes development process designed to create ownership and buy-in of organizational leaders, advisors and stakeholders. This outcomes development process involves the solicitation of input and the collaborative development of outcomes designed to produce meaningful, lasting cultural change.

Transparent, Straightforward Appeals Process – This Model Policy features an appeals process that is straightforward, giving RSO's the opportunity to appeal the result of any formal resolution process and/or any Outcome developed at the conclusion of the formal resolution process.

Delineation of Individual vs. Organizational Misconduct –In this model policy, we advocate for individual accountability as the primary means of addressing behavior. This model policy

reflects our view that student organizations should be held accountable only when the organization aids, abets, incites, organizes, approves or otherwise participates in any behaviors that would constitute policy violations. In determining whether an entire organization, rather than or in addition to individual members of that organization, are to be held accountable for misconduct, we recommend asking the following questions of the misconduct in question:

How many members of the organization were present when the misconduct occurred or had specific knowledge of the misconduct before it occurred or while it was occurring?

What knowledge did the appropriate organization officers and/or advisors have of the misconduct?

What action(s) did the appropriate organization officers and/or advisors take in addressing/preventing the misconduct from occurring?

Were members of the organization acting in concert, or did their membership in the organization serve as an impetus for the misconduct?

Did the violation arise out of an event that was sponsored, financed, planned, or otherwise endorsed by members of the organization?

Is there a pattern of individual violations that have occurred without proper remedial action by the organization?

This model code is written under the assumption that the vast majority of college campuses have a process by which student organizations are registered or recognized. Having such a recognition process represents a best practice, as the status and benefits provided through campus recognition represent the best mechanism to ensure that these groups operate in a manner consistent with campus policies.

We hope this model *Code of Student Organization Conduct* will be a helpful resource for campuses seeking to improve their student organization misconduct adjudication processes. With an emphasis on fairness, simplicity, transparency and partnership, we believe this model process represents a tremendous step forward in our collective work to promote safety and positive student development among campus student organizations.

To provide consistency between various campus codes of conduct, in particular those codes for individual students and those for RSO's, this Model Code makes use of a similar framework and similar language to that of the *NCHERM Model Code* developed by Daniel Swinton, Bill Fischer, Saunie Schuster, Scott Lewis, Brett Sokolow and John Lowery. We acknowledge their contributions to this Model Code and offer them our sincere gratitude for allowing us to borrow so liberally from their work. In addition, portions of this Model Code were adapted from the Partnership Model originally developed by Louisiana State University (LSU), and we thank LSU for their contributions.

We also thank the following individuals for reviewing this document and providing us with helpful feedback: Dr. Carrie Whittier, Dr. Anita Cory and Kara Miller-McCarty. Your thoughtful review and suggestions helped make this a better document.

We hope you and your campus find this Model Code helpful as you navigate the turbulent waters of student organization conduct, and we stand ready if we can be of any assistance in your implementation of this Model Code.

Sincerely,

The Model Code Project Team

About the Authors

Gentry McCreary, Ph.D. serves as the CEO and Managing Partner of Dyad Strategies, LLC, a consulting firm that supports fraternities and sororities, as well as colleges and universities, through applied research and assessment. He is also a consultant with TNG Consulting (formerly the National Center for Higher Education Risk Management). In that role, he trains college and university leaders in areas related to the prevention, investigation and adjudication of hazing. Prior to his work in consulting, Gentry's career in higher education spanned over a decade. Most recently, he served as the Associate Dean of Students at the University of West Florida. Previously, he served a combined seven years as the Director of Greek Affairs at the University of Alabama and at Middle Tennessee State University. His research examines the psychological roots of fraternity hazing, the moral development of college students, and the roots of fraternal brotherhood and sisterhood. He has twice been awarded the Charles Eberly Oracle Award from the Association of Fraternity/Sorority Advisors, an award recognizing the most outstanding scholarship in the fraternity/sorority industry. Gentry is a frequently sought-after expert on issues related to Greek Life, organizational misconduct, and hazing prevention. He has appeared on the Today Show, NBC Nightly News, CNN Headline News, and he is a regular contributor to the Chronicle of Higher Education. Gentry is a member of Alpha Gamma Rho fraternity.

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Jonathan Sanders, Ph.D. is the Associate Dean of Students and Director of Student Advocacy & Accountability at Louisiana State University, where he leads a staff to address behavioral and academic misconduct, to include organizational misconduct, along with working with students in crisis, distress or of concern. Jonathan has over thirteen years of experience working with organizational misconduct, to include fraternities and sororities, as he previously served as the Assistant Dean and Associate Director of Greek Life at LSU. While at LSU, Jonathan was part of a team whose work led to the development of a conduct process to address concerns within the Greek community. This work led him to his dissertation research as part of his doctoral degree in Higher Education Administration from LSU. His dissertation, entitled “Conduct Issues with Fraternities and Sororities: University Processes Evaluated at Four-Year Universities,” was subsequently awarded the Dissertation of the Year Award by the Association for Student Conduct Administration. Jonathan a member of AFA, NASPA, and ASCA. Jonathan has consulted with numerous campuses on developing a conduct process that appropriately address conduct issues with Greek communities and enjoys continued research on this topic in his spare time. Jonathan is a member of Sigma Alpha Epsilon fraternity, who awarded him the Order of the Lion in 2013,.

Isabelle Caputo, M.S. serves as the Associate Director of Student Rights & Responsibilities at the University of Denver. Isabelle has previously worked in fraternity/sorority life as the fraternity/sorority advisor at Colorado School of Mines. Her previous roles also include work in Housing and Residence Life. In her current role at Denver University, Isabelle oversees the operations of the Student Rights & Responsibilities process including organizational conduct cases. Isabelle has been instrumental in the development of a new organizational misconduct policy and procedure at Denver that was inspired by the framework of this Model Code. She is a member of AFA, ASCA and NASPA. Isabelle is a member of Pi Beta Phi fraternity.

Jeremiah Shinn, Ph.D. has served as the Vice President for Student Affairs at Louisiana State University (LSU) since June 2019, where he provides leadership for a division dedicated to ensuring the 153 hours LSU students spend *outside* the classroom each week are preparing them for success and achievement when they are *inside* the classroom. Prior to his tenure at LSU, he served in various capacities at Boise State University, Indiana University, and Eastern Michigan University. Jeremiah is an active researcher, author, teacher, facilitator, and volunteer who has dedicated his professional life to public higher education and to fostering vibrant and inclusive educational environments that prepare students for meaningful lives and meaningful work after college. Dr. Shinn is currently engaged in research related to perceptions senior student affairs officers have of student affairs graduate preparation programs. He is a member of NASPA and is a past-president of AFA. As a first-generation college student, higher education significantly altered Jeremiah’s trajectory, worldview, and his view of what was possible. 20+ years later, it continues to be his anchor, his passion, and his life’s work. Jeremiah is a member of Lambda Chi Alpha fraternity.

Table of Contents

Section 1 – Jurisdiction.....9

Section 2 – Terms and Definitions.....10

Section 3 – Prohibited Behaviors.....11

Section 4 – Procedures.....14

Section 5 – Outcomes.....21

Section 6 – Appeals.....24

Section 1 - Jurisdiction

The leadership of a Recognized Student Organization (herein referred as “RSO”) at the University/College are provided a copy of the *Code of Student Organization Conduct* annually in the form of a link on the University/College website **[insert hyperlink to website where policy is posted]**. Hard copies are available upon request from the Office of Student Conduct. Students who are part of recognized student organizations are responsible for having read and abiding by the provisions of the *Code of Student Organization Conduct*.

The *Code of Student Organization Conduct* and the student conduct process apply to the conduct of RSOs. RSO’s that have lost University/College recognition may still be subject to provisions in this code. Individual students who are members of a RSO are still subject as individuals to the Code of Student Conduct and may be held individually accountable for behaviors also attributed to the RSO. Individuals who are members of a RSO may, through their actions, subject the RSO to disciplinary action under this Code, whether or not those individuals are also adjudicated under the Code of Student Conduct.

The *Code of Student Organization Conduct* applies to behaviors that take place on the campus, at University/College or RSO-sponsored events whether on or off-campus, and may also apply to other off-campus behaviors when the Dean of Students or designee determines that the off-campus conduct affects a University/College interest. A University/College interest is defined to include:

- Any situation where it appears that the RSO’s conduct may present a danger or threat to the health or safety of individuals; and/or
- Any situation that significantly impinges upon the rights, property or achievements of others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of the University/College.

The *Code of Student Organization Conduct* may be applied to behavior conducted online, via email or other electronic medium. RSO members should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a RSO to allegations of conduct violations if evidence of policy violations is posted online. The University/College does not regularly search for this information but may take action if and when such information is brought to the attention of University/College officials.

The *Code of Student Organization Conduct* applies to guests of the RSO and the RSO may be held accountable for the misconduct of their guests. Visitors to and guests of University/College may seek resolution of violations of the *Code of Student Organization Conduct* committed against them by a RSO and/or members of a RSO.

There is no time limit on reporting violations of the *Code of Student Organization Conduct*, however, the longer someone waits to report an offense, the more difficult it may become for University/College officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous complaints are permitted, doing so may limit the University/College's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Dean of Students and/or to Campus Police [**Public Safety, etc.**]

A RSO facing an alleged violation of the *Code of Student Organization Conduct* is permitted to dissolve/surrender recognition during the investigation/adjudication process. However, the College/University may continue the investigation/adjudication process even after the RSO has been dissolved.

University/College email is the University/College's primary means of communication with RSO representatives. Official University/College correspondence related to this Code of Student Organization Conduct will be transmitted to the official University/College email address of the RSO representative. RSO representatives are responsible for all communication delivered to their University/College email address. In addition, the University/College may notify the RSO Advisor and/or any inter/national governing body associated with the RSO.

Section 2 - Terms and Definitions

- **Appeal Officer** – An appeal officer is the person(s) or bodies designated by the Dean of Students or designee to hear appeals of findings associated with the Formal Resolution Process, or any assigned outcomes, or both, regardless of process. The appeal officer must not be the person who investigated the case and must not have been involved in the adjudication of the case. [**University/College may choose to specify a particular individual as the appeal officer, i.e. “Vice President of Student Affairs or designee.”**]
- **Exigent Circumstances** – Any situation that demands unusual or immediate action and thus allows for the circumvention of usual procedures. Examples include, but are not limited to, process delays due to parallel criminal proceedings, behaviors that present a threat to the health and safety of members of the campus community, a request to delay proceedings in order to obtain outside counsel, a break in the academic calendar, etc.
- **Hearing Officer** – A hearing officer is the person(s) or bodies assigned by the Dean of Students or designee to be the deciding body in a case that involves a Formal Resolution Process. The hearing officer will be a neutral and objective decision-maker properly trained in due process, student development theory and restorative justice practices. The hearing officer must not be the person(s) who investigated the case and must not be involved in the appellate process.
- **Inter/National Organizational Governing Body** – Any known or designated association or body affiliated with any RSO. Examples may include: national headquarters of Greek-letter organizations, national governing bodies of sports organizations, national honor societies, etc.
- **Recognized Student Organization (RSO)** – Any group that has been recognized by the University/College as a student organization or has applied for such recognition. This would include, but is not limited to, unchartered provisional chapters/interest groups. [**Some institutions may refer to these as Registered Student Organizations**].
- **RSO Advisor** – Any individual designated by the RSO as their advisor. If there is no RSO Advisor designated by the RSO, the institution may choose a designee.
- **RSO Representative** – The University/College will generally direct communication to the student on file with the University/College as the elected/appointed leader of the

RSO (i.e. president or team captain). However, the RSO may choose any student member to serve as the official representative of the RSO at any time during the process as outlined in this Code. If the individual designated is no longer eligible to serve in that role (e.g. the student withdraws from the University/College or is no longer a member of the RSO) or if the RSO dissolves prior to or during the investigation/adjudication process as outlined in this Code, the University/College may designate a RSO representative of their choosing.

- **Responsible Employee** – A Responsible Employee is any person employed by the University/College (in a full or part-time capacity) who:
 - Has the authority to take action to address any violation of policy; or
 - Has the duty to report any type of misconduct to appropriate officials; or
 - Is someone a student could reasonably believe has this authority or responsibility.
- **Sponsored event** – Sponsored events, whether on or off-campus, include, but are not limited to:
 - Any event that the RSO registers with the University/College or otherwise notifies the University/College that it is sponsoring/hosting
 - Any event that meets the criteria of an event that should be registered with the University/College or that the RSO should have otherwise notified the University/College
 - Any event that the University/College determines may qualify as a sponsored event based on, but not limited to, the following factors: the nature of the event, the number of RSO members in attendance at the event, the level of organization/advertising undertaken by members of the RSO, etc.

Section 3 - Prohibited Behaviors

The behaviors listed below are specifically applied to the behaviors of RSOs by virtue of the conduct of the members of the RSO. As stated, individual students who are members of a RSO are still subject as individuals to the Code of Student Conduct and may be held individually accountable for behaviors also attributed to the RSO. Individuals who are members of a RSO may, through their actions, subject the RSO to disciplinary action under this Code, whether or not those individuals are also adjudicated under the Code of Student Conduct.

Abuse of Process – A RSO, or someone acting on behalf of a RSO, violates this Code by directly or indirectly abusing or interfering with the University/College investigation/adjudication process by engaging in one or more of the following: falsifying, distorting, or misrepresenting information or colluding to do the same in the investigation/adjudication process; destroying or concealing information; attempting to discourage an individual's proper participation in the investigation/adjudication process; harassing or intimidating (verbally or physically) any person involved in the University/College processes before, during, and/or following proceedings (including up to, throughout, and after any outcome); unauthorized disclosure of a reporting party's identifying information; failing to comply with a temporary measure or other sanction; distributing or otherwise publicizing materials created or produced during an investigation as a part of these policies or procedures, except as required by law or as expressly permitted by University/College; or influencing or attempting to influence another person to commit abuse of process.

Aiding in Academic Misconduct - The RSO aids, abets, organizes, approves or otherwise participates in behaviors that would constitute cheating, plagiarism, misrepresentation (e.g. having another RSO member check into a class or take an exam) and/or other forms of Academic Misconduct **[insert link to Academic Integrity Policy]**. Evidence of a violation of this policy must demonstrate systemic participation and or knowledge of misconduct beyond 1-2 RSO members participating in the violation.

Alcohol - The RSO aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of the University/College alcohol policy **[insert hyperlink here]** would constitute a violation of this policy.

Alleged Violations of Law – Any alleged violations of federal, state and local laws may be investigated and adjudicated under the *Code of Student Organization Conduct*. When an offense occurs over which the University/College has jurisdiction, the University/College conduct process will usually move forward notwithstanding any criminal complaint that may arise from the same incident.

Arrest Policy – RSO leadership fails to notify the appropriate University/College official **[e.g. Dean of students or designee]** within 48 hours if a member of the RSO is arrested and detained as a result of any actions or behaviors taking place at or arising out of a RSO-sponsored event.

Bullying/Cyberbullying. The RSO aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute bullying and/or cyberbullying, which are defined as repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.

Civil Rights-Based Harassment/Discrimination - The RSO aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of the University/College harassment/discrimination policy **[insert hyperlink to civil rights harassment/discrimination policies here]** would constitute a violation of this policy.

Damage/Destruction of Property - The RSO aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of the University/College damage/destruction of property policy **[insert hyperlink here]** would constitute a violation of this policy.

Disruptive Activity/Disorderly Conduct - The RSO aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of the University/College disruptive activity/disorderly conduct policy **[insert hyperlink here]** would constitute a violation of this policy.

Drugs or Other Controlled Substances - The RSO aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of the University/College drug policy **[insert hyperlink here]** would constitute a violation of this policy.

Endangerment – The RSO aids, abets, incites, organizes, approves or otherwise participates in any activity that would constitute physical abuse or would endanger the safety, health or well-being of other individuals or groups or would cause reasonable apprehension of such harm, constitutes a violation of this policy. **[If institution has general endangerment policy, insert**

hyperlink here). For the purposes of this policy, Endangerment would include observation of activities that might endanger the safety, health, or well-being of individuals by RSO members in a position to intervene but who fail to intervene.

Failure to Comply – The RSO or its representatives fail to comply with the reasonable directives of University/College officials or designees or law enforcement officers during the performance of their duties. This would include failure to comply with any interim measures instituted during any investigation/adjudication process, or failure to comply with any outcomes assigned to a RSO at the completion of the conduct process.

Financial Obligations - Failure to promptly meet financial responsibilities to the University/College, including, but not limited to; knowingly passing a worthless check or money order in payment to the University/College or to an official of the University/College acting in an official capacity or misusing funds obtained through the University (i.e. student activity fees).

Harassment - The RSO aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of the University/College general harassment policy **[insert hyperlink to general harassment policy here]** would constitute a violation of this policy.

Hazing – The RSO aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of the University/College hazing policy **[insert hyperlink here]** would constitute a violation of this policy. ¹ For the purposes of this policy, “approved or otherwise participates” would include observation of hazing activities by individuals in a position to intervene but who fail to intervene, including organization officers/leaders who are aware of planned hazing activities and condone or fail to prevent that hazing from occurring, regardless of their participation.

Retaliation -The RSO aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute retaliation **[insert hyperlink here IF the institution has a generalized retaliation policy that is NOT strictly associated with Title IX]** under this policy. Retaliation is defined as any adverse action towards any person for reporting an alleged violation of this policy or for cooperating with or otherwise participating in any University investigation. Retaliation includes, but is not limited to, verbal or implied threats, physical or psychological abuse, intimidation, harassment (verbal or written), or any other action intended to create a hostile environment for the intended target of the retaliation. In addition, isolation may

¹ It is the position of some leading hazing researchers that hazing be defined as: “any non-accidental, costly aspect(s) of group induction activities that: a) do not appear to be group-relevant assessments/preparations, and/or b) are excessive, dangerous, or degrading in their application or constitute violations of local, state or federal law or any other UNIVERSITY/COLLEGE policy regardless of the consent of the participants. Group induction activities are those tasks formally or informally required to obtain or maintain membership and/or participatory legitimacy for new, prospective or current members and/or to attain progressive membership status and/or leadership positions within the organization” (Adapted from Cimino, 2017). Others have chosen to have multiple tiers of hazing definitions depending on the severity of the alleged activity. Still others choose to utilize definitions as outlined in state law. We suggest a comprehensive review of state law and policy to determine your University/College’s definition of hazing.

constitute retaliation under this policy if the target of the isolation is deprived of an educational opportunity or benefit as a result of that isolation.

Sexual Misconduct - The RSO aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of the University/College sexual misconduct policy **[insert hyperlink to sexual misconduct/Title IX policies here]** would constitute a violation of this policy.

Trademark/Copyright Violations – The RSO engages in unauthorized use (including misuse) of University/College or organizational names and images.

Violations of University/College Policies – Violating, attempting to violate, or assisting in the violation of any other University/College policy, contract, rule, bylaw and/or regulation of the University/College may constitute a violation of the Code of Student Organization Conduct. Examples include, but are not limited to: the Code of Student Conduct, Title IX Policy, Academic Integrity Policies, Residence Life/Housing Policies, Technology Policy, Social Event Registration Policy, etc. **[Schools with stand-alone policies e.g. Tobacco, Hazing, Fundraising/Solicitation, Space Reservation/Use, Travel, Financial Responsibility, Academic Schedule, etc. may choose to reference them here.]**

Section 4 - Procedures

Notice to the University/College

The institution may receive notice of an allegation or potential violation of this or other related policies in a number of ways, including, but not limited to:

- The filing of an incident report with the appropriate University/College department or official, including self-reporting.
- Any Responsible Employee is made aware of any potential violation of this or other related policies.
- Any Responsible Employee observes any potential violation of this or other related policies.
- Any Responsible Employee is aware of an RSO's climate or culture that may indicate a probability of violations of this or any other related policies.

Self-Reporting of Individual Misconduct and Amnesty

RSO leadership are encouraged to immediately report any violations committed by members of the RSO of this or other University/College policies to the Dean of Students **[or other appropriate]** Office. This report should provide a detailed description of the events that transpired, the names of any individuals involved, and a description of any internal disciplinary actions taken by the RSO. If RSO chooses to self-report behavior in this manner, the Dean of Students or designee will only investigate the individual(s) implicated in the report. Unless information discovered in the investigation suggests that the incident was aided, abetted, sanctioned or organized by the RSO, the investigation will be limited to the individuals implicated in the self-report and not the RSO. However, if information is uncovered in the investigation that suggests that the RSO aided, abetted, sanctioned or organized the event, the Dean of Students or designee may launch a formal investigation of the RSO.

Students who make a complaint under this policy or who participate in an investigation related to this policy will not be charged with other minor University policy violations that are brought to light in the course of the investigation that arose out of, or were committed as a direct result of, the incident(s) under investigation (i.e. students forced to consume alcohol as part of a hazing incident will not be charged with violations of the University's alcohol policy) as long as those behaviors do not represent a threat to the health, safety or well-being of others. The University reserves the right to follow up with students related to those issues as appropriate in a non-disciplinary setting.

Preliminary Inquiry

Upon receiving notice of an alleged violation of this or other University Policies involving a RSO, the Dean of Students (or designee), in consultation with the appropriate University/College departments, will conduct a preliminary assessment to determine if there is a reasonable basis for conducting an investigation into the alleged violations of University Policies. This initial assessment will include a review of the information reported. This may include, but is not limited to:

- interview(s) with the person(s) who made the report.
- review prior conduct history of the RSO and relevant members.
- gather information that would corroborate elements of the report.
- review of any materials related to the report.

Once a determination has been made that the alleged violations warrant a more comprehensive investigation or response, the Dean of Students or designee will notify the RSO in writing to outline the alleged violations, the resolution options based on alleged violations, and to schedule an educational conference (if applicable). This notification will also be sent to RSO Advisor(s), any relevant University/College departments, and if applicable, the RSO inter/national governing body.

If the Dean of Students or designee determines that no investigation is necessary, the report is documented and administratively closed. The Dean of Students or designee may, at their discretion, notify the RSO of the information received and that the matter is closed. In these cases, the Dean of Students or designee may choose, at their discretion, to maintain the confidentiality of any reporting party(ies).

Interim Measures

In cases where it is determined that certain continued operations of a RSO constitute a reasonable threat of harm to individuals, damage of University premises, or disruption to the educational mission of the University/College, the Dean of Students or designee may issue interim measures, up to and including an interim suspension of all RSO activities, pending final disposition of the matter. Upon issuance of an interim measure, the Dean of Students or designee will notify the RSO representative and other appropriate parties in writing.

If a RSO wishes to seek a review of these interim measures, the RSO must submit a written request for an administrative review to the Dean of Students or designee. This administrative review should happen within five (5) business days of the University/College's receipt of the request. This administrative review is not a hearing on the merits of the underlying allegations, but is merely a review to determine what, if any, interim measures are appropriate. The review

may lead to a continuance, revocation, and/or modification of the interim measures, including modifications that may be more restrictive than the initial measures. The University/College will notify RSO leadership of the outcome of the review in writing within three (3) business days of the review meeting. This notification will include the University/College's decision and the rationale for that decision.

If the University/College investigation lasts beyond 30 days (as outlined below, beginning from the date of the Educational Conference), the RSO may request another review of the interim measures, which will be handled similarly to the initial request for review as outlined above.

[Interim measures should be narrowly tailored using the least restrictive means necessary to address the specific concerns. The rationale for any interim measures should be included in the notification to the RSO. Interim measures should be reviewed throughout the investigation and adjudication process for any potential modifications based on new information received.]

Resolution Options

Upon notice of a potential violation, the Dean of Students or designee will conduct an assessment of the allegations to determine the applicable resolution options available to address the alleged policy violations. In so doing, the Dean of Students or designee may make use of a Violation Rubric **[See Attachment A]**. This Violation Rubric provides recommended adjudication models for various types of violations of this Code. The determination of resolution model will include consideration of the following:

- the severity of the alleged violations
- the risk of harm to other persons
- the conduct history of the RSO
- current status of the RSO
- any other relevant factors.

[The University/College should review, update, and publish any revisions to this Violation Rubric on an annual basis and provide copies of the rubric to RSO leadership and RSO Advisors.]

The Violation Rubric provides three levels of process associated with resolving alleged violations of this Code: Prescribed Resolution, Partnership Process Resolution, and Formal Investigation. An Educational Conference will be used when the Partnership Process Resolution or Formal Investigation options are utilized. The Dean of Students or designee may, at any time, determine that a case should be moved from a lower tier to a formal investigation.

Early Resolution

In certain cases there may be a determination by the Dean of Students or designee that there is insufficient evidence to proceed with an investigation, and/or the information collected, even if true, would not constitute a violation of policy. Early resolution is not a determination of responsibility, and is not recorded as a prior determination of such. However, if the behavior may constitute a violation of policies of inter/national governing bodies with which the RSO is affiliated, and the Dean or designee is aware of this affiliation, the Dean or designee may, at their discretion, forward the information to the appropriate body.

In these cases, the dean or designee may choose to meet with the RSO representative and any other appropriate parties to discuss behavioral expectations. The Dean of Students or designee may suggest proactive educational and/or developmental measures designed to assist the RSO.

However, if University/College receives additional information related to the matter that was resolved by early resolution, the University/College reserves the right to reopen the matter and proceed with investigation and adjudication.

Prescribed Resolution Process

In certain cases, the Dean of Students or designee, in reviewing the allegations, may determine that the allegations constitute a violation of policy(ies), and these violations fall under Level 1 of the Violations Rubric. Violations that fall under Level 1 of the Violations Rubric have prescribed outcomes associated with them **[example – a noise violation would constitute a fine of \$200]**. In these cases, the Dean of Students or designee may send an outcomes letter to the RSO representative and any other appropriate parties outlining the determination, the outcomes, and the rationale for both.

Upon receipt of this letter, the RSO may do one of the following:

- Accept the determinations and outcomes – in this case, the RSO will follow the directives outlined in the outcomes letter and the matter will be considered closed once the outcomes are completed. Failure to complete the outcomes may result in additional disciplinary action; or
- Decline to accept the determinations and outcomes – in this case, the matter will be forwarded for formal investigation and adjudication.

The RSO must notify the Dean of Students or designee of their choice from the above within two (2) business days of receipt of the letter.

In certain cases that might otherwise constitute a Level 1 violation, the Dean of Students or designee may determine that a different resolution option is warranted. This determination may be based upon the prior history of the RSO or its members, the RSO's current status, any patterns of behavior, or other factors as deemed relevant.

The Educational Conference

In those cases where the Violation Rubric would suggest a Partnership or Formal Adjudication Process, or in those cases that began with a Prescribed Outcomes Process but the RSO elects to have the case adjudicated through the Formal Adjudication Process, the Dean of Students or designee will schedule an Educational Conference with the RSO representative and RSO Advisor and other appropriate parties.

This meeting provides an opportunity for the leadership of the RSO, the RSO advisor(s) and the RSO inter/national governing body (if applicable) to discuss the nature of the allegations, the rights and responsibilities of the RSO, the resolution options available to the RSO based on the nature of the allegations, and the specific steps involved in the different resolution options. Participation in the Educational Conference is voluntary; however, the Dean of Students or designee, may proceed with the process in the absence of participation from the RSO.

In the event that the RSO needs additional time to select the preferred resolution option, the RSO will be given one business day following the Educational Conference to notify the Dean of Students or designee of the preferred resolution option. The Dean of Students or designee will make the final determination on the resolution option to be used in investigating and adjudicating the alleged violations.

Partnership Process

For this resolution process, the RSO is given the opportunity to conduct an internal investigation. The Partnership Process will include the following:

- The Dean of Students or designee will, in consultation with the RSO representative and RSO advisor and other appropriate parties, develop an investigation scope and timeline based on the nature of the allegations.
- The RSO must conduct an investigation and submit a written investigative report within the agreed-upon timeline, barring exigent circumstances as determined by the Dean of Students or designee, or as otherwise specified in writing by the University/College.
 - Report should be detailed and specific, including the names of specific individuals involved in the alleged violation and any internal disciplinary action the RSO has implemented relative to those individuals.

Report Review by Dean of Students or Designee (note – the report should be submitted in writing electronically to the Dean or Designee. The review process does not typically require an in-person meeting).

The Dean of Students or designee will review the RSO's investigative report and will make one of the following determinations:

- The Dean or Designee agrees that the report is complete and will schedule a resolution meeting to discuss the report and findings and review next steps; or
- The Dean or Designee agrees that the report is complete, that the behavior in question is individual in nature, and the individuals implicated in the chapter report are forwarded for adjudication under the student code of conduct and the case involving the RSO is closed; or
- The Dean or Designee determines that the report is insufficient or incomplete, and provides feedback to the RSO and provides instruction for further investigation; or
- The Dean or Designee determines that the RSO has intentionally provided inaccurate or incomplete information, obstructed the process, or is otherwise non-compliant or uncooperative. The Dean of Students or designee will then determine whether to move forward with investigation and adjudication of the allegations under the Formal Resolution Process.

Partnership Process Resolution Meeting

Once the Dean of Students or designee has determined that the report is complete, the Dean or designee will meet with the RSO representative and/or advisor (and other parties as appropriate i.e. inter/national governing body) and one of the following determinations will be made:

- **No Policy Violation** – If the RSO report determines that no policies were violated by the RSO, and the Dean of Students or designee accepts this determination, the process

concludes for the RSO. Individuals implicated in the report may be forwarded for individual adjudication as outlined in the Student Code of Conduct.

- **Responsibility Fully Accepted:** If the RSO report determines that the RSO was responsible for all policy violation(s) that were alleged, and the Dean of Students or designee accepts this determination, the Dean of Students or designee will initiate the Determination of Outcomes process.
- **Responsibility Partially or Not Accepted:** If the RSO report determines that the RSO was responsible for some but not all, or for none of the policy violation(s) that were alleged, the Dean of Students or designee will make one of the following determinations:
 - the Dean of Students or designee may accept the determinations from the report and will move forward to the outcomes process solely on the allegations for which the RSO accepted responsibility if applicable; or
 - The Dean of Students or designee may not accept the determinations from the report and will move forward in investigating and adjudicating the matter under the Formal Investigation Process.

If individual students are identified at any point in the partnership process to have potentially violated any University/College policies, they may be individually referred to the Dean of Students or designee for investigation and adjudication.

Determinations of responsibility through the Partnership Process are final and may not be appealed.

Formal Investigation Procedures

If the Dean of Students or Designee determines at any point that a formal investigation is necessary, the Dean of Students or Designee may assign the case to an investigator(s) **[The Dean of Students/Designee may serve as the investigator; however, this would preclude them from serving as a hearing or appeal officer.]** for a formal investigation. The Dean of Students or designee will notify the RSO, the RSO advisor, and other appropriate parties that a formal investigation is being initiated.

During the course of the investigation, up to and including the five (5) day review period, the RSO may request to enter information into the record and may recommend specific witnesses to the investigator. Ultimately, determinations of relevance of information or witnesses will be determined by the investigator.

In completing the investigation, the investigator(s) may:

- Make contact (if possible) with the individual(s) who submitted the initial information.
- Interview any individuals with relevant information.
- Request relevant information from RSO members (i.e. screenshots of text messages or pictures/videos) and note whether or not RSO members were compliant in sharing requested information.
- Provide relevant information at any point during the investigation to the Dean of Students or designee related to interim measures.
- Require RSO members, or a select group of RSO members (i.e. all new members of the RSO) to participate in an interview and may restrict communication between RSO members during the interview (for example, sequestering RSO members in a room and

prohibiting interview participants from using their cell phone or other devices during the interview/sequestration).

- Request students to undergo a physical examination by a campus health center staff member or other appropriate medical professional of the University's choosing and to sign a waiver allowing that medical professional to share a summary of the relevant results of that examination (e.g., physical abuse, BAC, drug usage, etc.). When possible, personally identifying information will be limited or redacted.

Students participating in a formal investigation process are expected to participate in an active, cooperative and truthful manner. Failing to participate in any fashion, including failure to provide requested information or testimony, may constitute a violation(s) of the *Code of Student Conduct*. Additionally, the investigators will document these failures and the Hearing Officer(s) may make any inferences based on these failures.

The University/College will complete the initial investigation in a period of no more than 30 days, barring any exigent circumstances. In the event that exigent circumstances arise that will require a delay beyond 30 days, the University/College will notify the RSO representative of the delay, including the reasons for the delay and the anticipated timeline for completing the investigation.

At the completion of the investigation, the investigator(s) will provide a written draft of the investigation report to the Dean of Students or designee. The Dean of Students or designee will review that report for accuracy or thoroughness and, once complete, will share the draft of the report (with necessary redactions) with the RSO representative, RSO advisor, and any other appropriate parties for review and comment. The RSO must provide any comments related to the investigative report in writing to the Dean of Students or designee within five (5) business days of the receipt of the report, barring exigent circumstances as determined by the Dean of Students or designee. Upon receipt of these comments (if applicable) the Dean of Students or designee will generate the final report and share it with the RSO representative, advisor and any other appropriate parties at least five (5) days in advance of any formal resolution. The Dean of Students or designee will make the final determination of the relevance of any information gathered during the investigation.

Upon completion of the final report, the Dean of Students or designee will schedule a meeting with the appropriate RSO representatives to determine the appropriate adjudication process. At this meeting, the RSO may choose one of the following options for adjudication:

- **Informal Resolution** – the RSO may accept the findings of the investigation and determinations of the Dean of Students or designee based on the investigation report. If this occurs, the process will move forward to the outcomes process.
- **Formal Resolution** – the RSO may not accept the findings of the investigation and/or determinations made by the Dean of Students or designee. If this occurs, the RSO may choose to have the matter resolved through either an Administrative or Formal Hearing. Regardless of the hearing body selected, the RSO will be given a notice of the time, date and location of the hearing at least seven (7) days in advance of the hearing.
 - **Administrative Hearing** – the RSO may select to have the case adjudicated by a single administrator designated by the University/College. **[The administrator in this case should be from the pool of candidates for any hearing body, and should not have been previously involved in the investigation or any other aspects of the case. The person appointed to hear the case should**

not be a subordinate to the person who made determinations in the case or who investigated the case.]

- The hearing officer may elect to call and question witnesses as necessary, including the investigator(s) who compiled the investigative report. The RSO may question any witnesses called by submitting written questions to the hearing officer.
- The RSO will be given the opportunity, in person or in writing, to submit or give a statement to the hearing officer and to respond to any information provided by witnesses.
- The hearing officer may question the RSO representative.
- The RSO may bring an advisor of their choosing to the hearing. The RSO advisor may not speak on behalf of the RSO, question witnesses, or actively participate in the hearing other than to advise the RSO representative.
- The hearing officer will make determination of responsibility using a preponderance of evidence (more likely than not) standard of evidence.
- **Formal Hearing Before Student Conduct Committee [or other appropriate UNIVERSITY/COLLEGE disciplinary body] –** the RSO may request to have the case adjudicated by the University/College Student Conduct Committee.
 - The hearing officer may elect to call and question witnesses as necessary, including the investigator(s) who compiled the investigative report. The RSO may question any witnesses called by submitting written questions to the hearing officer.
 - The RSO will be given the opportunity, in person or in writing, to submit or give a statement to the hearing officer and to respond to any information provided by witnesses.
 - The hearing officer may question the RSO representative.
 - The RSO may bring an advisor of their choosing to the hearing. The RSO advisor may not speak on behalf of the RSO, question witnesses, or actively participate in the hearing other than to advise the RSO representative.
 - The hearing officer will make determination of responsibility using a preponderance of evidence (more likely than not) standard of evidence.

Section 5 - Outcomes

At the conclusion of the resolution process (including the conclusion of any appeals process), if an organization accepts responsibility for violation(s) through the partnership or formal resolution process, or if the organization is found responsible for violation(s) through the formal resolution process, the Dean of Students or designee will schedule an outcomes meeting with the RSO representative, advisor, and other parties as applicable. The purpose of this meeting shall be to determine the outcomes necessary to effectively address the behavior of the RSO related to the violation(s) and will include the solicitation of input from the RSO representative, advisors, and all other interested parties.

At the completion of the outcomes meeting, the Dean of Students or designee² will administer all Outcomes assigned to the RSO through the Partnership or Formal Resolution Process to the RSO representative and the RSO advisor in writing via an Outcomes Letter. The Outcomes may be assessed singly, in combination, or to follow consecutively **[e.g., an RSO may have its recognition rescinded and be allowed to return as an RSO on probation at the completion of the time of rescinded recognition]**. Outcomes will be communicated in writing by the Dean of Students or designee to the RSO and will list Outcomes assigned, including the length of any active status and/or rescission periods, the specific privileges impacted, and any and all other opportunities established as a part of the educational Outcomes.

The Dean of Students or designee will maintain the Outcome Letter in the RSO's record for a period of no less than seven (7) years **[States have various laws regarding the maintenance of records. Your policy regarding student organization records should be consistent with state law and consistent with how you handle the student conduct records of individual students. Absent clear guidance from state law, we recommend that these records be maintained for seven years.]** If a RSO loses campus recognition, the Dean of Students or designee will maintain the Outcome Letter indefinitely. If applicable, a copy of the Outcome Letter may be sent to their Inter/National Organizational Governing Body or other appropriate parties.

The Dean of Students or designee and/or the appropriate University/College department will oversee the completion of Outcomes. If the RSO misses any deadlines, fails to complete any Outcomes, and/or has a subsequent violation(s), the RSO may be subject to additional Outcomes and/or disciplinary actions at the discretion of the Dean of Students/designee.

The Outcomes implemented at the conclusion of the disciplinary process may include Status Outcomes, Educational Outcomes, or Structural Outcomes.

Status Outcomes

Status Outcomes may include, but are not limited to: **[Campuses should use this framework but adjust specific language for continuity with their Code for individual processes]**

- **Warning:** A Warning is given to notify a RSO that the behavior and conduct has been inconsistent with the expectations of the University/College. A warning has no immediate effect upon an RSO's status at the University and may be specified for a period of time. However, once given a warning, a RSO should expect different Outcomes to result from any subsequent violations, especially while on a current warning status when/if similar behaviors occur.
- **Restriction of Privileges:** Restriction of Privileges precludes an RSO from participating in certain activities or may require an RSO to forfeit specific privileges. A RSO under a status of Restriction of Privileges is not in good standing with the University/College. Restriction of

² Peer Accountability Boards should also be considered when referencing the Dean of Students or designee throughout this section. Peer Accountability Boards are defined as self-governing organizations or bodies of Students who shall have jurisdiction over cases involving certain groups or RSOs or levels of violation. Peer Accountability Boards should have set selection or nomination processes, training, advisement from University/College staff, and jurisdiction.

Privileges may include, but is not limited to, loss or limitation of social events or limitation of ability to participate in University/College events or activities.

- **Disciplinary Probation:** Disciplinary Probation serves to notify a RSO that it must avoid any further violations for a specified period of time in order to avoid additional disciplinary action. RSOs on probation are not in good standing with the University. An RSO may be prohibited from participating in certain activities or forfeit specific privileges while on probation. If a RSO on probation is found responsible for any subsequent violations, the outcomes may escalate. Disciplinary Probation may include Restriction of Privileges.
- **Deferred Suspension:** Deferred Suspension is a status for a specified period of time during which any subsequent finding of Responsibility for a violation of the Code of Student Organization Conduct or any other University/College policy shall result in the Outcome of Suspension for the RSO. Deferred Suspension may include Restriction of Privileges.
- **Suspension:** Suspension is a status for a specified period of time that includes, but is not limited to, the revocation of the University's/College's registration of the RSO for a stated or an indeterminate period of time, cessation of University/College funding, restriction of all operations at the University, and restriction of use of University/College resources. If the RSO also holds a charter from a inter/national organizational governing body, the University/College may also request that the inter/national organizational governing body, revoke the charter of the RSO. **[Based on specifics in lease language, University/College should insert language regarding occupation of University/College owned housing, if applicable).**

A RSO placed on Suspension is prohibited from sponsoring, co-sponsoring, or participating in any and all social, intramural, athletic, or other similar activities on or off campus. A suspended RSO may not solicit or initiate any new members. Suspension may also include the forfeiture of other specifically listed privileges. Suspension should be for a specific and determined period of time, and will include a written return agreement outlining specific conditions for return. The Suspension may be delayed at the discretion of the Dean of Students or designee.

If the RSO dissolves or loses recognition, as a result of organizational conduct, and then attempts to seek recognition under the guise of a different organizational name, the University/College reserves the right to deny the request for recognition or withdraw the recognition. This conclusion may be based on any of multiple factors, including but not limited to, overlapping membership, similarity of purpose, and the timing of the dissolution or prior loss of recognition and the request for new recognition.

Continued operation of the RSO after suspension or loss of recognition will result in a violation of Failure to Comply and may result in additional outcomes or restrictions, up to and including an extension of the Suspension beyond the terms originally outlined in the initial Outcomes Letter/return agreement.

A RSO that has completed a period of suspension and has met conditions for return as outlined in the return agreement may seek reinstatement by complying with the registration requirements of the appropriate University/College department.

Educational Outcomes

Educational Outcomes may include, but are not limited to, educational programming, community service, interventions, restrictions, workshops, or other Outcomes determined to help develop the culture and community of the RSO. The Dean of Students or designee will determine Educational Outcomes after consultation with the appropriate University/College Office(s), the governing body and/or affiliated organization of the RSO, organizational leadership, advisors, and/or other appropriate stakeholders as necessary.

Structural Outcomes

Structural Outcomes are related to the structure, membership or governance of the organization. Structural outcomes, developed in collaboration with the inter/national organizational governing body (if applicable), may include, but are not limited to, changes to RSO operating procedures, a review of RSO membership/leadership, an external RSO review, and changes to RSO advisor support. Structural Outcomes may be included alongside any Status and Educational Outcomes, but only after consultation with the appropriate University/College department(s), the RSO inter/national governing body (if applicable), the RSO representative, RSO advisors, and/or other appropriate stakeholders as necessary.

Section 6 - Appeals

Requests for Appeal

Requests for appeals must be submitted in writing to the Dean of Students or designee within ten (10) business days, barring exigent circumstances as determined by the Dean of Students or designee, of the delivery of the written determination from the Adjudication and Resolution or the Outcomes Letter. No person involved as an original hearing officer or investigator may serve in this review capacity. The College/University's presumed position is that all sanctions will be implemented during the appellate process. The Dean of Students or designee may consider, upon request in writing, to stay or modify a sanction during the appellate process. Any stay or modification should be exercised only under exigent circumstances.

The Dean of Students or designee will review all requests to determine if the requests adequately meet the grounds for appeal (below).

The Appellant must meet one or more of the grounds below in order for the request to be passed on to the appellate body for consideration on the merits. The burden is on the Appellant to show the grounds are met using the preponderance of the evidence standard.

If there is another party involved in the matter (e.g., in matters where the incident involves Title IX or other civil rights discrimination), the Dean of Students or designee may share all or part of the appeal with the party to allow them to respond or submit their own request for appellate consideration. They will be required to respond within five (5) business days, barring exigent circumstances as determined by the Dean of Students or designee, of notice of the request for appeal.

If there is a challenge to any member of the process (e.g. a challenge of bias by an investigator or hearing officer), the Dean of Students or designee may share all or part of the appeal with party in question to allow them to respond. They will be required to respond within five (5) business days, barring exigent circumstances as determined by the Dean of Students or

designee, of notice of the request for appeal. If any new grounds for appeal are raised in any response, the Dean of Students or designee will determine whether to allow a short time for the RSO to submit a response.

The Dean of Students or designee serving in the reviewer role will issue their decision to allow the appeal to proceed in whole or in part or to deny the appeal within five (5) days of receipt of all information and responses, barring exigent circumstances.

Once forwarded, the Appeals Officer(s) will issue their decision within five (5) days of receipt of all information and responses, barring exigent circumstances. In instances where the appeal officer(s) needs additional time, the appeal officer shall notify the RSO representative, within the allotted time for issuing a decision.

Grounds for Appeal

The RSO may file an appeal, as may an aggrieved party in the matter as determined by the Dean of Students or designee (e.g., a Sexual Misconduct matter covered under Title IX), to either the Finding issued in the Formal Resolution Process, or the Outcomes of either the Partnership or Formal Resolution Process, or both, but all appeals are limited to the following grounds:

- **Procedural Error:** A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.). Any challenge for bias must include: a) what the bias was, b) how the bias manifested itself, and c) how the bias significantly impacted the outcome. A mere allegation or determination of bias will not be sufficient to meet this ground for appeal.
- **New Evidence:** New evidence is information that was unknown or unavailable during the original hearing or investigation that could substantially impact the original finding or sanction. A summary of this new evidence, how it was previously unknown or unavailable, and its potential impact must be included.
 - If a person or RSO representative refused to testify or participate in the investigation and now wishes to submit their testimony as new evidence at the appellate level, that testimony will not be considered “new evidence” under this ground. The Dean of Students or designee serving as the reviewer of requests for appeal may determine if the matter will be sent back for further investigation based on this request for appeal.
- **Appeal of the Outcome(s):** The Outcome(s) imposed is clearly outside the parameters for the violation(s) or are of such nature that the RSO could not reasonably complete them within the allotted timeframe.

General Appellate Considerations

The original finding and Outcome(s) are presumed to have been decided reasonably and appropriately.

In cases where there are other parties involved, if the Dean of Students or designee during the review phase or the Appeal Officer during the appellate phase, wishes to meet with a party or RSO representative, the other party will be notified and granted the same opportunity.

Appeals are not intended to be full re-hearings of the original allegation(s). In most cases, appeals are confined to a review strictly limited to the matters being appealed.

Appeal Conclusions

An appeal that affirms the finding of the Formal Resolution process is final. An appeal that affirms the Outcomes is final.

An appeal that is granted for the appellant (or other party, when appropriate) based on new evidence should be remanded to the Dean of Students or designee or Hearing Officer for reconsideration, for rehearing, or for further investigation.

An appeal granted for the appellant (or other party, when appropriate) based on other grounds may either be remanded to the Investigator, Dean of Students or designee, or the original hearing officer(s), with instructions to further investigate, clarify findings, or remedy errors.

When an appeal is granted for the appellant (or other party, when appropriate) based on inappropriate Outcome(s), the appeal officer may alter the Outcome or remand with recommendations, to the Dean of Students or designee or the original Hearing Officer(s), as appropriate, to modify the Outcome(s). Such Outcome determination shall be final.

Once an appeal is decided, the decision is final; further appeals are not permitted.



Attachment A – Sample Violation Rubric

Within the *Model Policy for Student Organization Conduct*, we make reference to a Violation Rubric. The purpose of the rubric is for the campus to publish the preferred resolution process for various types of organizational misconduct. We offer this Sample Violation Rubric merely as an example of what this rubric might look like. Each campus should develop, in consultation with a variety of stakeholders, their own rubric that reflections institutional values, staffing realities, and community culture.

| | <i>Tier 1 – Prescribed Process</i> | <i>Tier 2 – Partnership Process</i> | <i>Tier 3 – Formal Investigation</i> |
|----------------------------------|---|---|---|
| <i>Violation Examples</i> | Violation of other University Policies, including: -Social event policy (i.e. Unregistered Social Events, noise violations, etc.) -Departmental Policies -Housing/Facility Use Policies -Technology Policy Minor Alcohol Violations (possession) Trademark/Copyright Violations | Aiding in Academic Misconduct Mid-Level Alcohol Violations (Common source, distribution to minors, etc.) Damage/Destruction of Property Disruptive/Disorderly Conduct Hazing (cases not involving substantial threat to physical or emotional harm i.e. errand running, cleaning) Violation of Law | Abuse of Process Bullying/Cyberbullying Drugs or Other Controlled Substances Endangerment Hazing (cases involving substantial threat to physical or emotional harm, included forced/coerced alcohol consumption) Title IX/Civil Rights/Harassment Significant Alcohol Violations (Transports, etc.) |



In addition to the Violation Rubric, each University/College should develop a menu of outcomes associated with Tier 1 (Prescribed Process) Violations. Some of these will be institutional in nature (i.e. low-level alcohol violations or social event registration policies, for example), while others may be departmental in nature (violations of intramural sports policies, for example). This menu should contain a listing of common violations, prescribed penalties associated with each policy, and should also incorporate progressive discipline (i.e. increasing penalties for multiple offenses within an academic year, or offenses while on probation, etc.). Table 2 contains an example of what this Tier 1 Outcomes Menu might look like (Note – we are not suggesting these specific outcomes – this is only an example of what this outcomes menu should look like).

Table 2. Example Tier 1 Violation Outcomes Menu

| Violation | First Offense | Second Offense |
|---|---|---|
| Unregistered Social Event | Warning | One-month social restriction \$250 fine |
| Presence of Alcohol at Registered Social Event | One-month social restriction | Two-month social restriction ASTP Class with 90 percent of members in attendance |
| Fire Code Violation – Exceeding Capacity at Registered Social Event | \$250 Fine Educational workshop with 90 percent of members in attendance | \$500 fine Two-month social restriction |
| Trademark Violation – Unauthorized Use of University Logo | Warning | \$250 fine |

FLOW CHART
Model Code of Student Organization Conduct

INCIDENT

NOTICE TO THE UNIVERSITY / COLLEGE

PRELIMINARY INQUIRY

Interim Measures with Review Meeting

INSUFFICIENT EVIDENCE TO PURSUE INVESTIGATION
 (Possible Referral to RSO)

CLOSED

FORWARD FOR OTHER RESOLUTION
 (Send Notice of Allegations)

EARLY RESOLUTION

CLOSED

No Appeal

PRESCRIBED PROCESS

ACCEPT
CLOSED

DON'T ACCEPT
 (Goes to Formal Investigation)

PARTNERSHIP PROCESS
 (RSO Self-Investigates)

RSO FINDS NO EVIDENCE OF VIOLATION
 (Not Responsible)

RSO FINDS EVIDENCE FOR SOME, BUT NOT ALL, VIOLATIONS

RSO FINDS EVIDENCE OF ALL VIOLATIONS

FORMAL HEARING

PANEL

ADMIN

NOT RESPONSIBLE
CLOSED

RESPONSIBLE

OUTCOMES

NOT RESPONSIBLE
CLOSED

DOS ACCEPTS

CLOSED

No Appeal

DOS REJECTS
 (GOES TO FORMAL INVESTIGATION)

DOS ACCEPTS

OUTCOMES

Appeal on Determination of Responsibility

DOS REJECTS
 (Goes to Formal Investigation)

No Appeal

INFORMAL RESOLUTION

RSO ACCEPTS ALL

OUTCOMES

OUTCOMES → INPUT FROM STAKEHOLDERS → APPEAL

