The Dyad Model Code of Student Organization Conduct

Overview, best practices, and panel discussion

#dyadmodelcode

Model Code Development Team

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Learning Outcomes

As a result of participation in the webinar, participants will:

- Be able to articulate the need for a transparent Org Conduct process that builds trust and goodwill with students and stakeholders
- Be able to articulate Generation Z's developmental inability to manage conflict and self-govern and the need for Org Conduct processes that encourage and incentivize self-governance
- Be able to articulate the Three-Tier conduct process and identify the tiers in which various common violations on their own campus would fall
- Be able to articulate the advantages that a collaborative outcomes process has over a traditional, unilateral sanctioning model
- Be able to identify and implement best practices in the implementation of the Model Code

Context of Model Code

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National Context

- Inconsistent Processes

- Heightened Tension

- Focus on Health and Safety

Developmental Considerations

The OTHER Problem

GOOD COP — OFFERS YOU A GLASS OF WATER

BAD COP — TAKES YOU TO THE MELTING CHAMBER

The OTHER Problem…

Fraternity/Sorority advising professionals often find themselves involved in organizational discipline, as offices of student conduct look to outsource student behavioral management in light of increasing case loads. This places F/S advisors in a difficult situation in which they must simultaneously play the role of both student advocate and disciplinarian.

Institutions must develop systems of organizational discipline which are respective of the workload of offices of student conduct while also being respective of the fact that F/S advisors are ill-suited to playing the role of campus disciplinarian.

Top Four Goals of Organizational Misconduct Process

1. Behavior Change
2. Promote Healthier Campus Cultures
3. Encourage Self-Governance
4. Build Trust/Goodwill

On a Scale of 1-10, how well are your current Org Conduct Systems promoting/achieving each of these goals?

Overview of the Three-Tier Model

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An Analogy

Three types of "crime" in America:

1. Civil Infractions (speeding, parking tickets, etc.)
2. Misdemeanors (Public intoxication, simple battery, etc.)
3. Felonies (Aggravated assault, murder, etc.)

	Tier 1 – Low-Level Violations/Mid-Level Violations with Prescribed Outcomes	Tier 2 – Mid-Level Violations without Prescribed Outcomes	Tier 3 – High-Level Violations
Violation Examples	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)	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)	Abuse of Process Drugs or Other Controlled Substances Hazing (cases involving substantial threat to physical or emotional harm, included forced/coerced alcohol consumption) Title IX/Civil Rights/Harassment Significant Alcohol Violations
Adjudication Process	**Prescribed Process** – sanction assessed by College/University	**Partnership Process** – Chapter Self-Investigation and Development of Outcomes **(Self Governance)**	**Formal Investigation** - Cases investigated and adjudicated by Student Conduct Office

Jurisdiction

- Subject Matter
    - Policies
- Organizational
    - Recognized or not?
- Personal
- Geographic
    - On vs off campus
    - Registered vs non-registered events
- Statutes of Limitations?

Early Resolution

- For Information Only (FIO)
- The "Deanly Conversation"
- Record-Keeping

Tier One – Prescribed Outcomes

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Tier 1

Violation	First Offense	Second Offense
Unregistered Social Event	One-month social restriction $100 Fine	Two-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	$500 fine Two-month social restriction
Trademark Violation – Unauthorized Use of University Logo	Warning	$250 fine

- Prescribed Process:
  - Accept -> Close
  - Decline to Accept -> Move to Formal Investigation
- Level 1 Violations Only
  - Examples: Social Event Policies, Noise, Minor Alcohol Violations
  - Violations and Outcomes defined **by institution**
  - Example Rubric in PDF Code

Tier Two – Partnership Process

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Investigation

- Trust is important
- Education of RSO & stakeholders
- RSO conducts investigation
- Report is detailed and specific
- Dean or designee
  - Accepts report, moves to next step
  - Accepts report, but individual process
  - Report is insufficient or not complete
  - RSO has provided false info or is uncooperative, move to Formal Resolution Process

Resolution Meeting

- Meet with RSO, advisor, and other appropriate parties
- Determination
  - No Policy Violation- Education can still occur
  - Responsibility is fully accepted, then determine appropriate outcomes
  - Responsibility partially accepted or not accepted
    - DOS or Designee accept the partial responsibility or
    - DOS or Designee does not accept the determinations, process moves to Formal Investigation Process
- Individuals identified will move forward in Code process
- Determinations are **Final** and may not be appealed

Tier Three – Formal Investigation

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Tier 3: Formal Investigation

Key Recommendations:
- Notify appropriate RSO parties <u>when process is initiated</u>
- Review and follow/set specific time periods in Code
- Adopt a process with:
  - Investigator(s) separate from decision-makers
  - DOS/Designee Investigation Report review
  - RSO review & comment period
  - Final Investigative report -> Informal vs. Formal Resolution Options
    - Informal (Accept)
      - Move forward to Outcomes Process
    - Formal (Decline to Accept):
      - Administrative Hearing or Formal Hearing before Student Conduct Committee/appropriate Disciplinary Body

Outcomes Process

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Outcomes Process

- Input from RSO and Stakeholders
- Outcome letter is sent to RSO and stakeholders with details and dates
- If outcomes are not completed or followed, additional charges under the Code may occur
- Absent state law, recommended to keep records for at least 7 years
  - If loss of recognition, records will be maintained indefinitely

Outcomes

- Status Outcomes
  - Warning
  - Restriction of Privileges
  - Disciplinary Probation
  - Deferred Suspension
  - Suspension
- Educational Outcomes
- Structural Outcomes

Appeals

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Gatekeeping

- The Gatekeeper of the process determines the extent and development of the investigation, moving it from preliminary inquiry to a full investigation and identifying timing for Notice of Investigation and Allegation (NOIA).
  - Evidence should be able to be substantiated before dragging a person or organization through the entire process.
  - Gatekeeping is done throughout the process.
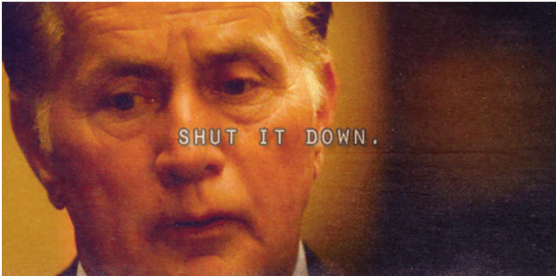- Who is your Gatekeeper?

Appeals

- Really a Request for an Appeal.
- Defined window of time to request appeal.
- One level of appeal.
- Clear grounds for appeal.
- Committee versus individual determination preferred.
- Deference to original hearing authority.
- Remand vs. Change.

Best Practices in Implementing Model Code

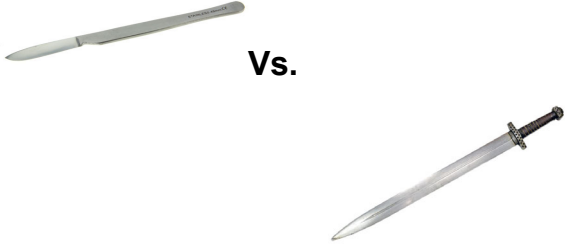Dyad Model Code of Student Organization Conduct

Best Practices - System Wide Shutdowns

SHUT IT DOWN.

Best Practices - Self-Reporting

• Designed to Promote Self-Governance
• OPTIONAL – Designed to promote individual accountability
• College/University still conducts preliminary inquiry with individuals named to ensure full transparency
• State Law Considerations

Best Practices - Interim Restrictions

Vs.

Best Practices - Interim Restrictions

- Rationale for restrictions clearly stated
- Opportunity for Review Meeting
  - NOT a hearing on the merits
- RSO may request additional review if process extends beyond 30 days

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Best Practices – Independent Investigator Model

- Team of Cross-Functional Independent Investigators
- TRAINING
  - Psychology of Hazing
  - Understanding Group Culture
  - Questioning Strategy
  - Writing Investigative Reports
  - Case Studies/Role Playing
- Investigators are NOT involved in adjudication, gatekeeping, or appeals process

Best Practices - Individual vs. Organizational

Philosophy

- Individual behavior is primary focus
- RSO should be held accountable when it aids, abets, incites, organizes, approves or otherwise participates in any behaviors that would constitute policy violations
- A thorough investigation will assist in determining the appropriate process to utilize, whether it is individual, RSO, or both

Questions to Consider

- 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?

Questions to Consider Cont'd

- 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?

Best Practices - Suspensions & Written Return Agreements

Best Practices - Suspensions

- Should be for a specific period of time
- May include, but not limited to
    - Revocation of registration
    - Cessation of University/College funding
    - Restriction of all operations
    - Restriction of university resources
    - Removal from University housing or property based on lease language
- Ask RSO National Org or Governing Body to remove charter/recognition

Best Practices - Return Agreements

- Outline specific conditions upon return
  - Partner with International Org or Governing Body
  - Don't punish future members
- Include language regarding continued operation consequences-additional charges under the Code- Failure to Comply, etc.
- If organization members attempt to restart under a different organization, recognition would be denied
- Once RSO has completed a period of suspension and has met conditions upon return, may seek reinstatement by complying with appropriate registration requirements

Best Practices - Working with Stakeholders in Outcomes Development

This Model Code should: Promote Self-Governance & Build Trust and Goodwill with Students, Advisors and Other & Stakeholders

- When possible, allow RSOs to **first suggest outcomes themselves.**
  - Provide appropriate University/College specific guidance
  - Provide your contact information and encouragement to consult/ask questions as needed
- Build relationships with your key campus partners before incidents occur
  - Train students and partners on your Code (Think strategically about campus partners able to serve as administrative hearing officers)
- Build rapport with students before and through the process to show them trust, partnership, and perspective
  - Involve yourself in trainings with RSOs (FSL, Student Organizations, Athletics, etc.)

Best Practices - Working with Stakeholders in Outcomes Development

- Be open and honest with Inter/National, University partners and Chapter Advisors. Give them the information they need to know and communicate often.
  - Make sure Stakeholders support outcomes prior to approving (i.e. Orgs participating in National Events)
- Allow time to review RSO-provided Outcomes and provide suggestions to the RSO
  - When possible, meet with the RSO AND Stakeholders to finalize outcomes to make sure everyone is on the same page
- Think outside the box: How can we really change behavior?
  - Environmental factors?
  - Can Stakeholders implement things the University cannot? (I.e. Requiring a new org Advisor, removing individual from a housing space)

Best Practices – Cases Involving Title IX

- While some organizations are exempt from Title IX for membership, the individuals who are students (and faculty and staff) are not exempt from the policies. Depending on your gender discrimination and sexual misconduct policies – organizations would not be either.
- If there is an incident that involves your Title IX (or Civil Rights) based policies, these are some of the considerations:
  - Will the Title IX or OIE Office lead the investigation into the organization as well as the individuals?
  - Who has authority to implement organizational interim measures and/or, in the event it is determined the organization played a role (aka systemic), eventual sanctions?

Q&A with Model Code Development Team

Please type questions into Q&A box

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Thank You for Joining Us Today!

A copy of this slide deck, and a recording of this webinar will be available in 24-48 hours at:

www.dyadstrategies.com/model-policy

Additional Questions?

Reach out to members of the Model Policy Development Team:

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