

SA/PPS No. 05.04 Student Organization Disciplinary Procedures

Office of the Vice President for Student Affairs - Revised: August 28, 2014

Effective Date: 06/15/94

01. POLICY STATEMENT

- 01.01** This SA/PPS provides the university's student disciplinary procedures for registered and chartered student organizations. The development and enforcement of standards of conduct for students is an educational endeavor which fosters students' personal and social development; students should assume a significant role in developing and enforcing such regulations in order that they and their members might be better prepared for the responsibilities of citizenship.
- 01.02** Standards of conduct form the basis for behavioral expectations in the academic community. The enforcement of such standards should protect the rights, health, and safety of members of that community in order that they may pursue their educational goals without undue interference.
- 01.03** Integrity, wisdom, and empathy are among the characteristics most important to the administration of student conduct standards; officials who have such responsibilities must exercise them impartially and fairly.
- 01.04** As a state-supported institution of higher education, Texas State has the authority to regulate the conduct of its students, both individually and in the context of student organizational activities. University officials have a duty to act in such a manner as to preserve the integrity of the educational mission of the university and to maintain a positive public image of the institution as a state agency.
- 01.05** The University encourages and expects its currently enrolled students to act responsibly at all times, whether on or off campus. As a minimum, students are expected to comply with all local, state and federal laws, and to engage in conduct which reflects a positive image of the University as an institution of higher education.
- 01.06** Student organizations may not co-sponsor any event, solicitation, posting, social or program with a suspended student organization or any of its affiliates (alumni, auxiliary, etc.).
- 01.07** Members of student organizations are expected to regulate the conduct of their members, guests, and alumni at all organizational activities. Organizations are expected to impose appropriate sanctions on an individual member or members for rule or policy violations when behavior is not consistent with the educational mission of the university set forth in Regents' Rules; university policies; state, federal and local law; and respective local, regional, or national affiliations rules, policies and procedures. Failure to do so may constitute organizational misconduct.

- 01.08** Independent of sanctions imposed by national governing bodies, student discipline boards, and/or other legal entities, the University may impose sanctions on organizations, which engage in misconduct.
- 01.09** Individual misconduct may also be associated with organizational misconduct when viewed in relation to the total facts of a case. Individual student misconduct will be adjudicated by Student Justice following procedures established in the Code of Conduct and organization misconduct will be adjudicated by Student Involvement @ LBJSC following this SA/PPS. Allegations of organization misconduct should be reported to Student Involvement @ LBJSC, herein referred to Student Involvement, located on the fourth floor of the LBJ Student Center.

02. DEFINITIONS

Administrative Review – a process where an appointed employee of Student Involvement conducts an investigation into an allegation or report and may recommend an appropriate sanction(s) if the organization is determined to be responsible for the allegation(s) during the course of the administrative review.

Chartered Student Organization – a chartered student organization, is also a registered student organization and represents a partnership between a university office or department and the chartered organization’s executive body (SAPPS 05.02). Chartered student organizations are held to a higher standard with higher expectations than other student organizations because they serve as an extension of the department and/or university entity that sponsors it and due to the privileges afforded to them because of this sponsorship.

Major Violations – include, but are not limited to conduct which injures or threatens the safety of others or property; violates local, state, or federal laws; or causes significant or prolonged disruptions to the functions of the university, the university community, or the public. Examples include sexual or physical assault; hazing; illicit drug use, distribution, or possession; alcohol violations; theft; property damage; providing false information; disruptive behavior; and any actions which violate local, state or federal laws.

Minor Violations – include, but are not limited to conduct which violates university policies regarding the administration of student organizations; violates organizational governing documents; or causes less than significant or prolonged disruption to the functions of the university, the university community, or the public. Examples include violations of solicitation; amplified sound; or posting policies or procedures.

Organization Conduct Review (OCR) – a Hearing Board comprised of a minimum of two currently enrolled Texas State students and one university employee. The board’s primary purpose is to investigate allegations of organizational misconduct assigned to it through Student Involvement.

- a. The Dean of Students will appoint all members who serve on OCR based on recommendations submitted by the Associate Director for Student Involvement.

- b. The Dean of Students, herein referred to as “Dean”, reserves the right to remove any member for just cause.
- c. Judicial training for all members will be coordinated through Student Involvement.
- d. If a vacancy occurs on the OCR and/or there is a conflict of interest, the Dean can replace member(s) as needed.
- e. Members selected for OCR have to be in good academic and disciplinary standing.

Organization Conduct Appeals Board (OCAB) – a Hearing Board comprised of a minimum two currently enrolled Texas State students and one university employee. The board’s primary purpose is to investigate appeals of decisions provided by the Organization Conduct Review.

- a. The Dean will appoint all members who serve on OCAB.
- b. The Dean reserves the right to remove any member for just cause.
- c. Judicial training for all members will be coordinated through the Dean of Students Office.
- d. If a vacancy occurs on the OCAB and/or there is a conflict of interest, the Dean can replace member(s) as needed.
- e. Members selected for OCAB have to be in good academic and disciplinary standing.

Preponderance of Evidence – means the greater weight of credible evidence. It means the strongest evidence, however slight the difference might be. Preponderance of evidence is satisfied if the action is more likely to have occurred than not.

Probation – the organization is found in violation of allegation(s) and the organization may continue to be recognized as a registered student organization by the University but must remain in good disciplinary standing, and/or complete additional sanctions, during a determined time frame.

Registered Student Organization – a student organization which has met the university’s organization registration requirements and whose purpose and activities enhance the social, cultural, recreational, educational opportunities and/or development of currently enrolled students.

Student Judicial Review Board – Respective student judicial body to include Interfraternity Council, Panhellenic Association, National Pan-Hellenic Council, Multicultural Greek Council, the Sport Club Advisory Council, and the Student Organizations Council.

Suspension – means the withdrawal of the University’s recognition of an organization for a definite term.

03. PROCEDURES

03.01 All cases involving alleged disciplinary violations by student organizations or its members should be reported to the Associate Director for Student Involvement. The Associate Director, or designee, will conduct an initial review within 7 business days of receipt of the allegation to determine an appropriate course of action to include one of the following:

- a. For Minor Violations, refer the allegation/report to the appropriate student judicial board.
- b. For Major Violations, Associate Director meets with student organization representative(s) to determine the next course of action:
 1. Administrative Review conducted by the Associate Director (in some cases the Associate Director may refer a case directly to the OCR based on the allegation(s) received).
 2. Allegation/report forwarded to OCR for adjudication.
- c. Forward individual(s) to Student Justice, if appropriate.
- d. Determine no action is to be taken at that time. Determination must be based on lack of credible or verifiable information. The report should be placed in an information file and maintained according to appropriate record maintenance and retention rules. If new or additional information is brought forward at a later date, the case may be reviewed further.

03.02 Student Judicial Review Board

- a. Each respective student judicial body must have their own established judicial rules, including appeals, on file with Student Involvement. The procedures should be adhered to as outlined by appropriate Judicial Boards including the Interfraternity Council, Panhellenic Association, National Pan-Hellenic Council, Multi-Cultural Greek Council, the Sports Club Advisory Council, and the Student Organizations Council.
- b. Cases forwarded to a student judicial body may also be investigated through an Administrative Review or OCR.

03.03 Administrative Review

- a. Conduct investigation including;
 1. Summoning authorized representatives and members of the accused registered student organization; requesting documents from the registered student organization; reviewing organizational records; reviewing information received by off-campus persons or organizations, including law enforcement; reviewing information received by an academic or administrative unit; and calling witnesses. Registered

student organizations that fail to respond to meeting request(s) from Student Involvement may be subject to interim disciplinary actions. The student organization may be accompanied by an advisor. Student Involvement must have 24-hour written notice that the advisor will attend the meeting.

- b. Based on investigation the Associate Director will either:
 - 1. Dismiss the allegation due to lack of credibility or information.
 - 2. Determine that based on a preponderance of evidence the violation(s) occurred. The organization will be found responsible and appropriate sanction(s) will be imposed.
 - 3. Determine that the organization is found not responsible.
- c. The Associate Director, or designee, will provide the decision and sanctions in writing to the student organization President, or designee of the organization, including any other individuals who have a legitimate need to know. The written decision will be provided no later than seven business days after the close of the investigation.
- d. If the organization disagrees with the decision, it has the right to appeal the decision to the Organization Conduct Appeals Board (OCAB). Sanctions are imposed after all appeals are exhausted but depending on the severity of the case the President of the University, the VPSA, or the Dean of Students, or designee, has the discretion to continue interim suspension between appeals.

A written appeal must be received in Student Involvement and to the Dean of Students Office located in the LBJ Student Center 5-9.1, within seven business days of notification of the sanction(s). The organization may appeal based on the following reasons:

 - 1. A substantial procedural error that impacted the hearing.
 - 2. The sanction(s) considered too extensive for violation(s).
 - 3. New information of a substantive nature not available during the original investigation was provided, prior to a decision being rendered.

03.04 Organization Conduct Review

- a. OCR will initiate an investigation within seven days of receiving the following:
 - 1. The organization representative(s) request an OCR investigation, rather than Administrative Review.
 - 2. Per request of the Student Involvement staff administrative reviewer of the case.
- b. OCR investigation procedures include:

1. Summoning authorized representatives and members of the accused registered student organization; requesting documents from the registered student organization; reviewing organizational records; reviewing information received by off-campus persons or organizations, including law enforcement; reviewing information received by an academic or administrative unit; and calling witnesses.
 2. Allowing the organization the right to present witnesses or testimony in defense of the allegations. A written list of witnesses must be received in Student Involvement no later than three business days before the date of the committee hearing.
 3. The OCR may conduct a hearing and make a determination in the absence of a student if the student does not respond within the time period specified in notice provided.
- c. Based on investigation the OCR may:
1. Dismiss the allegation.
 2. Determine that based on a preponderance of evidence the violation occurred. The organization will be found responsible and appropriate sanction(s) will be imposed.
 3. Determine that the organization is found not responsible.
 4. Written notification will be submitted to the organization's President, or designee, within seven days of completion of the investigation.

03.05 Organization Conduct Appeals Board (OCAB)

- a. An organization sanctioned under the provision herein, may appeal the decision of the Administrative Review or OCR to the OCAB within seven business days to the Dean of Students Office.
- b. OCAB investigation procedures include:
 1. Summoning authorized representatives and members of the accused registered student organization; requesting documents from the registered student organization; reviewing organizational records; reviewing information received by off-campus persons or organizations, including law enforcement; reviewing information received by an academic or administrative unit; and calling witnesses.
 2. Allowing the organization the right to present witnesses or testimony in defense of the allegations. A written list of witnesses must be received by the Dean of Student Office no later than three business days before the date of the committee hearing.

3. The OCAB may conduct a hearing and make a determination in the absence of a student if the student does not respond within the time period specified in notice provided.
- d. An appeal may be resolved in one of the following ways:
 1. The original decision may be upheld.
 2. Modified sanctions, either greater or lesser, may be imposed.
 3. The case may be remanded back to the previous level for a new review.
 4. All allegations may be dismissed.
- e. Written notification will be submitted to the organization's President, or designee, within seven days of completion of the investigation.

03.06 Vice President for Student Affairs Review

- a. An organization sanctioned under the provision under 3.03 d., may appeal the decision of the OCAB to the Vice President for Student Affairs (VPSA). Sanctions are imposed after all appeals are exhausted but depending on the severity of the case the President of the University, the VPSA, or the Dean of Students, or designee, has the discretion to continue interim suspension between appeals. Written appeals must be submitted, within seven business days to the VPSA's office located in the JC Kellam building, room 980.
- b. The appeal will be based on the information and material in the case file; a summary of the evidence submitted; findings and recommendations; and the student organization's written request for an appeal;
- c. An appeal may be resolved in one of the following ways:
 1. The original decision may be upheld.
 2. Modified sanctions, either greater or lesser, may be imposed.
 3. The case may be remanded back to the previous level for a new review.
 4. All allegations may be dismissed.
- d. Written notification will be submitted to the organization's President, or designee, within seven days of completion of the appeal review.
- e. The decision of the VPSA is final.

03.07 Interim Disciplinary Action

- a. The President of the University, the VPSA or the Dean of Students, or designee may take immediate interim disciplinary action, including suspension pending an administrative review or hearing against an organization when the

organization's operation is reasonably believed to pose a danger to persons or property or an ongoing threat of disrupting the university process.

- b. The university official involved shall notify the student organization of the interim disciplinary action by the most expeditious means available. Thereafter, the Dean, or designee may offer the student organization an opportunity to have an administrative review or to immediately initiate the OCR hearing procedures.

03.08 Individual misconduct may be investigated by the Assistant Dean of Students responsible for Student Justice, or designee, in accordance with disciplinary procedures outlined in the Code of Student Conduct located in the Texas State Student Handbook.

04. SANCTIONS

04.01 Sanctions imposed upon organizations may be cumulative and in addition to disciplinary penalties imposed upon individual students. The number, frequency, and recentness of prior violations and prior sanctions may be considered when assessing a sanction for a new violation or for a violation occurring while an organization is already on probation or suspension. Organizational sanctions may include, but are not limited to, the following:

- a. Restriction of participation in university activities (such as Greek Week, Homecoming, or Intramurals);
- b. Special Projects (such as community service or written reports);
- c. Attendance at a special class or lecture;
- d. Restriction of an organization's privilege to use university facilities;
- e. Withdrawal of financial support;
- f. Restitution (payment for property damage or loss);
- g. Prohibition of the use of alcohol beverages at one or more organization activities;
- h. Social probation or suspension;
- i. Probation;
- j. Interim Suspension (see 03.07);
- k. Deferred suspension (a determined time frame which allows the organization to complete or adhere to written conditions or requirements in lieu of immediate suspension);
- l. Suspension; and
- m. Other incident appropriate sanction(s)

04.02 Other than interim disciplinary action taken by the President, VPSA, or the Dean, or designee, sanctions may not be imposed upon an organization until an appropriate judicial investigation or administrative review has been conducted.

04.03 Student Involvement should be made aware of all reported hazing and major allegations.

05. RELEASE OF DISCIPLINARY RECORD

05.01 The Dean of Students' Office, in coordination with the Office of the General Counsel, will release the disciplinary record of any organization upon request to persons and organizations that make the request in writing. Individual students found in violation of the Code of Student Conduct during an OCR investigation, will be referred to Student Justice. The disciplinary record of such student(s) adjudicated through Student Justice is protected under the Family Educational Rights and Privacy Act (FERPA) and are not released to the general public.

06. MAJOR RESPONSIBILITIES ASSOCIATED WITH THIS SA/PPS 9

Associate Vice President and Dean of Students

Associate Director, LBJ Student Center

07. CERTIFICATION STATEMENT

This SA/PPS has been approved by following individuals in their official capacities, and represents Texas State policy and procedure from the date of this document until superseded.

Associate Vice President for Student Affairs/Dean of Students; Senior Reviewer of this SA/PPS

Vice President for Student Affairs

Director, LBJ Student Center