

University of St. Thomas
Student Club/Organization Conduct Violation Process

Charges

Violations of the Club/Organization Handbook will normally be addressed according to the following sequence:

The first step in the process is the submission of a written report of misconduct to the Chair of the Student Organizations Committee. Upon review of the written report by the Chair, in consultation with the Leadership Development Graduate Student Employee and Assistant Director of Campus Life for clubs and organizations, appropriate charges of misconduct will be issued. Any incident should be reported and submitted as soon as possible after the incident, preferably within three working days.

The written report on which the charges are based should include the following:

- a. The date, time and location of the incident;
- b. The name(s) of the individual(s) involved;
- c. Specific factual details of the incident.

Investigation

The Student Organizations Chair, Leadership Development Graduate Student Employee and Assistant Director of Campus Life for clubs and organizations will review the report and charges alleged and, if necessary, make further investigation into the circumstances surrounding the alleged violation of Club and Organization Handbook.

The Student Organizations Chair, Leadership Development Graduate Student Employee and Assistant Director of Campus Life for clubs and organizations will meet with the student(s) involved to inform them of their rights and the nature of the charges against them. The Student Organizations Chair, Leadership Development Graduate Student Employee and Assistant Director of Campus Life for clubs and organizations will also interview them to gather any further information regarding the incident.

The Student Organizations Chair, Leadership Development Graduate Student Employee and Assistant Director of Campus Life for clubs and organizations will also interview any other University students, staff or interested third parties necessary to make an accurate finding of fact and determination of responsibility. They may at this time determine that:

1. The information in the written report contains facts that rise to the level of a *Club and Organization Handbook* violation and will be adjudicated by the Student Organization Hearing Board.

2. The information in the written report does not contain facts that rise to the level of *Club and Organization Handbook* violation and are therefore dismissed.

If the information in the written report contains facts that rise to the level of an undergraduate handbook *Code of Conduct* violation, the report will be referred to the Dean of Students office for review. The Dean of Students Office and Office of Campus Life may address Code of Conduct violations and Club and Organization Handbook violations concurrently.

Notification of Charges

It is anticipated that in most cases involving a violation of Club and Organization Handbook, the club or organization executive board members on record with Campus Life will be contacted by and directed to meet with the Student Organizations Chair, Leadership Development Graduate Student Employee and Assistant Director of Campus Life for clubs and organizations reviewing the incident. During the initial meeting, the club or organization executive board members will be informed of the specifics of the charges as described above and contained in the written report. In those cases, a formal charge letter is unnecessary provided the Student Organizations Chair and Leadership Development Graduate Student Employee properly documents his or her efforts to contact the student. Appearing to review charges contained in an incident report with the Student Organizations Chair and/or Leadership Development Graduate Student Employee is evidence of satisfactory notice.

Either during or upon completion of the investigation, the Student Organizations Chair and Leadership Development Graduate Student Employee shall give the student formal notice of the charges contained in the *Indication of Plea* form. The executive board members will also receive a Notice of Rights form. *The Notice of Rights* form indicates that the student has received notice of the Club and Organization Handbook violations alleged and outlines their basic rights.

In cases where circumstances dictate and/or the club or organization executive board members cannot be reached through the normal channels as described above, a formal and detailed charge letter will be delivered to all members of the executive board on record with Campus Life by other means such as personal delivery or certified mail. Such a formal charge letter will outline with specificity the facts of the alleged violations and will direct the student(s) to appear before the Student Organizations Chair, Leadership Development Graduate Student Employee and Assistant Director of Campus Life for clubs and organizations at an appointed date and time.

Hearings Before a Student Organization Hearing Board

At the hearing, the club or organization executive board members will be given an *Indication of Plea* form and a *Notice of Rights* form. The club or organization executive board members will read and sign the *Notice of Rights* form at the hearing. The

Indication of Plea form will outline the Club and Organization Handbook violation(s) alleged and require the club or organization executive board members to either assume or deny responsibility for those violations. The club or organization executive board members may choose to wait the allotted three working days to return the signed and completed *Indication of Plea* form. Failure of all club or organization executive board members to return the completed and signed *Indication of Plea* form will result in a determination of responsibility for the club or organization and sanctions will ensue. Hearings before the Student Organization Hearing Board are meant to be non-adversarial. They are designed to inform students of alleged Club and Organization Handbook violations.

At the hearing, or after the student has completed and returned the *Indication of Plea*, the matter may take one of the following paths:

1. The charges against the club or organization are dismissed or the club or organization is found not responsible and the incident is removed from their University record.
2. The club or organization executive board members take responsibility for the code violation. If so, then the Student Organization Committee (SOC) will issue sanctions. They may issue the sanctions in that meeting or within the next five working days.
3. The Student Organization Hearing Board makes a determination of responsibility with which all the club or organization executive board members disagree. In this case the matter may be appealed in writing to the Director of Campus Life for clubs and organizations within three working days (*See section on Appeals*).
4. The club or organization executive board members takes responsibility for the code violation but disagrees with the sanctions issued. In such cases the club or organization executive board members may appeal the officer's decision to the Director of Campus Life for clubs and organizations within three working days within the next three working days. (*See section on Appeals*).

In all the above cases except #1, Student Organizations Chair, Leadership Development Graduate Student Employee and Assistant Director of Campus Life for clubs and organizations will write an official closing letter indicating the status of the charges and the sanctions. This letter will be placed in the club or organization's Campus Life file.

Student Organization Hearing Board Membership

The hearing board shall consist of the following members.

- Student Organizations Chair
- 3 students from the Student Organizations Committee to be appointed by the Student Organizations Chair.
- Leadership Development Graduate Student Employee
- Assistant Director of Campus Life for clubs and organizations

Hearing Procedures

The following procedures shall apply to all formal hearings the Student Organization Hearing Board.

1. During the hearing all information shall be presented as fully as possible. Except as otherwise expressly provided herein, all hearings shall be closed to the University community, the general public, and the press.
2. Only executive members of the club or organization, as registered with Campus Life, shall have the right to be present during the presentation of all testimony. Executive members shall not have the right to directly cross-examine witnesses, but may direct questions through the chairperson of the hearing body.
3. The executive members of the club or organization may, but need not, make verbal responses to the charges brought against the club or organization and to the testimony of witnesses during the hearing process. This does not indicate acceptance of responsibility for the charges on the part of the club or organization.
4. The executive members of the club or organization shall have the right to present witnesses, documentation, or other evidence on the club or organization's behalf. Such rights shall be subject to reasonable limitation in order to avoid unduly prolonged hearings.
5. The University may call witnesses to the incident, present documentation, and be advised by counsel (where appropriate).
6. The executive members of the club or organization may have present with them parents, relatives, attorney, club advisor, or a judicial advisor from the school (i.e., a student or member of the faculty or administration). Such person or persons shall not participate in any manner in the proceedings.
7. All hearings by the Student Organization Hearing Board shall be audio recorded. Copies will not be made available to parties involved in the hearing, but will be available to appeal bodies.
8. The deliberations of the Student Organization Hearing Board will be closed to all persons except members of the hearing body and those persons requested to be present for deliberations by the unanimous approval of the hearing body.
9. The Student Organization Hearing board reserves the right to establish their own rules and guidelines for the review of any case provided they do not violate the fundamental fairness of the hearing.

Decisions made by a University Hearing Board

In cases heard by a University Hearing Board, decisions will be rendered by a majority vote of all voting members of the hearing board.

If, based on the preponderance of evidence, the hearing board is satisfied that the violation occurred as alleged, a proper response shall be considered. If a club or organization is found responsible for the Club and Organization Handbook violations alleged, the hearing board will then review the club or organization's file to consider

prior violations of the Club and Organization Handbook, and will take evidence of prior violations into consideration in determining an appropriate sanction.

The decision of the hearing board shall be put in writing as a sanction letter, and shall be signed by the Student Organization Committee chair. The Student Organization Committee chair, the Leadership Development Graduate Student Employee and Assistant Director of Campus Life for clubs and organizations will meet with the executive board members of the club or organization to present the decision of the board as documented in the sanction letter. At meeting, the executive board members will be encouraged to discuss the board's reasoning.

In addition to receiving the board's decision, the club or organization executive board members will be provided with information regarding appeals. The Student Organization Committee chair, Leadership Development Graduate Student Employee and Assistant Director of Campus Life for clubs and organizations will answer any questions regarding the appeals process, and the executive board members will be offered the choice of either accepting to the board's determination and the proposed sanction or of requesting an appeal.

The results of any hearings cannot be reported to the general public and/or the media. Only the accused club or organization's executive board members and necessary administrative personnel/offices will be notified of decisions.

Appeals

If all members of the executive board of the club or organization disagree with the determination of responsibility by the Student Organization Hearing Board, or the level of sanctions imposed, the club or organization may appeal the decision. In all cases, appeals must be made in writing and must outline the grounds for appeal as described below. The appeal must be received in the Office of Campus Life within three working days of the decision.

Appeal of the Student Organization Hearing board determination is to the Director of Campus Life.

Grounds for Appeal of a Decision by the Student Organization Hearing Board:

1. That the decision was made contrary to existing University policy.
2. That information used to reach a decision was incomplete and/or inaccurate.
3. That circumstances beyond the control of the student kept the student from responding to the allegations in a timely manner.
4. That there was substantial evidence that a violation of the appropriate disciplinary procedures occurred.
5. That the decision of the Student Organization Hearing Board was not based on a preponderance of the evidence.

6. That the sanctions imposed are manifestly unfair and bear no rational relation to the conduct alleged, based on the incident at hand and the club or organization's prior record, if any.

Sanctions

Club or Organization Probation: This action constitutes a specified time period during which a club or organization must conduct itself in an exemplary manner. Any club or organization found responsible for violations of the Club and Organization Handbook while on probation will normally lose their recognition and be ineligible to use the University of St. Thomas name, its resources or apply for funding through the All College Council.

Formal Reprimand: This action constitutes an official written reprimand concerning violation of the Club and Organization Handbook. As a general rule, a club or organization receiving a formal reprimand can expect that any future violation of the Club and Organization Handbook will result in a minimum sanction of club or organization probation.

Written Warning: This action constitutes an official written warning placed in a club or organization file. Written warnings will result in more severe consequences for any future misconduct as a result of such warning being placed in a club or organization's file.

Confidentiality

The Student Organization Hearing board process is confidential subject to University policy, Federal and State Law. Confidentiality covers the records of hearings and the decisions rendered. Third parties normally will not have access to a student's file unless the student provides written permission. The University's policy statement concerning the implementation of the Family Education Rights and Privacy Act of 1974 (FERPA) describes the circumstances under which the contents of such records may be disclosed without the consent of the student. For more information on FERPA please access the University Registrar's Office Website.