

Valdosta State University

Student Organization Conduct Process

INTRODUCTION

Valdosta State University, which will be referred to as “the University”, is committed to supporting student organizations that permit and foster student’s ability to freely associate and express themselves. Student organizations that are registered with, or non-registered organizations that exhibit behaviors that would be consistent with activities of a registered organization, accept the rights and responsibilities outlined in this policy. It is understood that Valdosta State University holds each organization responsible for the actions of its members and their guests at all times. Furthermore, it is understood that all student organizations will abide by the Valdosta State University Student Code of Conduct. It should also be noted that if disciplinary actions are taken against a student organization, the following disciplinary process, pursuant to the Student Code of Conduct, shall be followed.

A. CRITERIA USED TO DETERMINE WHETHER THE ALLEGATION IS AN ORGANIZATIONAL VIOLATION

Registered student organizations may be charged with violations of the Student Code of Conduct or University Policy when:

- a) One or more of its officers or authorized representatives acting in the scope of their organizational capacities commit(s) the violation;
- b) One or more of its members commit(s) the violation after the action that constitutes the violation was approved by majority vote of the organization present and voting members;
- c) One or more members of a committee of the organization commit(s) the violation while acting in the scope of the committee’s assignment. This means that student organizations shall be responsible for the conduct and actions of each member of the organization while acting in the capacity of a member(s) or while attending or participating in any activity of the organization;
- d) A member of an organization acting with apparent authority of the organization commits the violation;
- e) One or more members of an organization or its officers permit, encourage, aid, or assist any of its members in committing a violation;
- f) One or more members of an organization or its officers, under circumstances where such persons knew or should have known that an action constituting a violation was occurring or about to occur, fail(s) to prevent that action; or
- g) One or more members of an organization fail(s) to promptly report to appropriate University or other authorities their knowledge or any reasonable information about a violation.

B. DISCIPLINARY PROCEDURES

When the Office of Student Conduct receives a report that an organization has allegedly violated the Student Code of Conduct or university policy, the Office of Student Conduct shall follow the Disciplinary Procedures set forth by the Student Code of Conduct. An individual student may be disciplined for a violation under the Student Code of Conduct even if the organization of which the student is a member is penalized under these procedures for the same violation.

Organizations may also be responsible to their own investigative process outside of the Office of Student Conduct. However, University policies and procedures will take precedence. It is recommended that any disciplinary action taken by the Organization is reported to the Office of Student Conduct.

C. JURISDICTION

The University will take necessary and appropriate action to protect the safety and well-being of its community. Accordingly, organizational misconduct will be addressed when such acts occur on University property or at University-sponsored or affiliated events, or otherwise violate the VSU Student Code of Conduct at non-University sponsored events.

D. RIGHTS IN THE CONDUCT PROCESS

Registered Student Organizations have a right to expect that all disciplinary proceedings will be handled fairly. VSU grants registered student organizations the following rights in the conduct process:

- 1) Organizations have the right to have their complaint heard by unbiased individuals.
- 2) Organizations have the right to have one (1) advisor of the organization present at all disciplinary meetings or hearings. It is the responsibility of the organization to ensure attendance of the advisor at any proceeding, as meetings and hearings will not be rescheduled to accommodate advisors.
- 3) Organizations have the right to written notice of the charges placed against them and the time and place of any meeting or hearing. Notice will be sent through email to the president, vice president, organization's advisor on record and national official's established email account.
- 4) Organizations have the right to request a copy of information to be used against them at hearings. This information will be provided to the organization at least three business days prior to a hearing.
- 5) Organizations have the right to hear and respond to all information presented against them.

- 6) Organizations have the right to present information and witnesses on their behalf. Character statements and witness statements should be submitted in writing before the hearing. Character statements will not be considered when determining responsibility for a violation. Organizations will receive written notification of the results of the hearing within five business days after the hearing.
- 7) Organizations have the right to appeal the outcome of any hearing no later than five business days after notification of the decision. Holidays and University breaks will be the only exception.

E. REVIEW OF ORGANIZATIONAL MISCONDUCT REPORTS

When a report of organizational misconduct is received by the Student Conduct Office, the report will be reviewed to determine whether the allegation(s) describes conduct in violation of VSU policies and/or code of conduct. If the reported conduct would not be a violation of VSU policies and/or code of conduct then the report will be dismissed. Otherwise, a prompt, thorough, and impartial investigation and review will be conducted into each complaint received to determine whether charges against the organization should be brought.

If the organization accepts responsibility for the alleged Code of Conduct violations, the Office of Student Conduct will impose disciplinary action to the organization.

If the organization does not accept responsibility for the alleged Code of Conduct violations, or the facts of the case are in dispute, the case will be referred to a hearing, conducted by the Office of Student Conduct.

F. INTERIM MEASURES FOR REGISTERED STUDENT ORGANIZATIONS:

In some circumstances, it may become necessary to impose interim measure(s) against an organization while a conduct matter is being resolved. Interim measures will be imposed to ensure the continued safety and well-being of members of the University community or preservation of the University's interest.

Interim Measures

1. Temporary Cease and Desist: the organization must cease normal activity and desist any congregating of membership or organizational function. Specifically, the organization must immediately stop operating as organization, including holding meetings, sponsoring activities, wearing paraphernalia, or representing the organization in any way until further notice from the Office of Student Conduct.
2. Suspension of the New Member Intake process: All meetings and activities associated with New Member Intake process must cease. Chapter officers and all members are restricted from communicating with the New Members.

3. Restrictions: the organization may be restricted from participating in university or student life activities for a period of time (examples: intramurals, Homecoming).

**** Please Note:** Any violation of these directives will lead to more severe sanctioning. This is inclusive of violations from the organization's leadership outside of the University community (i.e local and national offices). ******

Interim Measure Procedures Are As Follows:

1. An official letter is sent to the organization president, vice president, organization advisor, and national official of the organization by the Office of Student Conduct. The letter details the interim action imposed and the process for appeal.
2. An organization may petition to the Vice President for Student Affairs and/or designee within three business days of receipt of the official interim action letter to appeal the imposition of the interim action. The Vice President will examine information provided by the Office of Student Conduct in order to make a decision.
 - a. If the Vice President of Student Affairs determines that there is no potential threat or danger to community members and/or interference with the Student Conduct process by the activity or organization, the interim action is lifted.
 - b. If the Vice President determines that there is a real or potential risk to the health, safety, or property of the VSU community or the organizations members, the interim action is upheld.

G. ORGANIZATIONAL SANCTIONS

This list is not exhaustive, and may be expanded as needed.

- Restriction of all or any privileges or benefits of registered student organizations.
- Monetary fines, withholding, or withdrawal of student activities monies.
- Restitution for damages.
- Probation and or suspension of registered group status for a defined period of time.
- Withdrawal of registration indefinitely.
- Any alternate sanction deemed necessary and appropriate to address the misconduct at issue.

H. APPEALS PROCEDURE FOR STUDENT ORGANIZATIONS

Appeals may be made in any case where sanctions are issued, even when such sanctions are held "in abeyance," such as probationary suspension or expulsion. The appeal must be made in writing, and must set forth one or more of the bases outlined below, and must be submitted within five business days of the date of the final written decision. The appeal should be made to the Vice President for Student Affairs or his/her designee. Where the sanction(s) imposed includes a suspension or expulsion (even for one held in abeyance), the following appellate procedures must

be provided.

The alleged offender (and in cases involving sexual misconduct or other forms of discrimination and/or harassment, including hazing, the alleged victim) shall have the right to appeal the outcome on any of the following grounds:

1. To consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing;
2. To allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by bias; or
3. To allege that the finding was inconsistent with the weight of the information.

The appeal shall be a review of the record only, and no new meeting with the respondent organization, witnesses, or any alleged victim is required. The Vice President for Student Affairs, or his or her designee, may affirm the original finding and sanction, affirm the original finding but issue a new sanction of lesser severity, remand the case back to the decision-maker to correct a procedural or factual defect, or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.

The Vice President or his or her designee shall then issue a decision in writing to the respondent within a reasonable time period. The decision of the Vice President of Student Affairs or his or her designee may be appealed in writing within five business days (as determined by the date of the decision letter) to the President of the institution solely on the three grounds set forth above. The President may affirm the original finding and sanction, affirm the original finding but issue a new sanction of greater or lesser severity, remand the case back to the decision maker to correct a procedural or factual defect, or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.

The President's decision shall be simultaneously issued in writing to the complainant, the respondent and the alleged victim (where applicable) within a reasonable time period. The President's decision shall be the final decision of the institution. Should the respondent or alleged victim, (where applicable) wish to appeal the President's decision, he or she may request review by the Board of Regents in accordance with the Board of Regents' Policy 8.6 on Discretionary Review.

I. RECUSAL / CHALLENGE FOR BIAS

Any party may challenge the participation of any University official, employee or student panel member in the disciplinary process on the grounds of personal bias by submitting a written statement to the Vice President of Student Affairs and Dean of Students or his/her designee, setting forth the basis for the challenge. The designee may not be the same individual responsible for investigating or adjudicating the conduct allegation. The written challenge should be submitted within a reasonable time after the individual reasonably should have known of the existence of the bias. The University designee will determine whether to sustain or deny the challenge, and if sustained, the replacement to be appointed.