Student Organization Policy

Violations Process

I. Scope of Authority

The Department of Student Activities typically handles minor student organization violations or conflicts; however, certain violations may be handled by the Student Organization Judicial Board due to the nature of the violation. For example, incidents that involve hazing or alcohol related allegations are referred to the Student Organization Judicial Board (SOJB). The SOJB is responsible for hearing serious allegations of student organization violations after the Dean for Student Learning & Engagement (SL&E), or his/her designee, has reviewed and accepted the case. The SOJB then receives evidence of alleged violations from the Dean for SL&E.

What Constitutes Student Organizational Misconduct?

The following criteria, taken individually or as a whole, suggest grounds on which to proceed with an organizational conduct case:

1. Would a reasonable person understand the behavior to fall within the scope of the organization’s activity?
2. The behavior is committed by one or more members of an organization and more than one member of the organization is aware of it.
3. The behavior is committed by one or more members of an organization during the course of an activity financed by the organization and/or approved by the organization.
4. The officers of the organization had prior knowledge that the incident would take place or were not forthcoming to the University about the behaviors that occurred.
II. Membership

The Student Organization Judicial Board is composed of:

a. Nine student representatives on the Board:
   
   1. One Student Court Justice
   2. Four members from the Greek Councils, each student representing a different Council:
      
      1. Interfraternity Council (IFC) organization
      2. Panhellenic Council (PHC) organization
      3. National Pan-Hellenic Council (NPHC) organization
      4. Multicultural Greek Council (MGC) organization
   
   3. Four students who are members of student organizations not represented by the Greek Councils

b. Four faculty and staff representatives on the Board including the Dean for Student Learning & Engagement and two or three student organization advisors. The Dean for Student Learning & Engagement, or his/her designee, will serve as Chair; and a student serves as the SOJB Vice-Chair.

III. Preliminary Procedures

a. Report of Charge

A person wishing to report an allegation shall notify the Department of Student Activities. Student Activities shall evaluate the report by examining the facts regarding the alleged violation. If the initial evidence suggests that a serious violation may have occurred, the Department of Student Activities will either request that the student organization provide an initial report in regards to the allegation or send the allegation directly to the Dean for Student Learning & Engagement.

b. Organization’s Investigation and Report

Organizations are advised to include the facts regarding what actually occurred (failure to disclose information can result in additional charges or more severe sanctions).

1. The student organization leader will conduct an internal investigation into the matter and submit a report indicating the findings of the investigation to the entity
who requested the report. The internal investigation will be conducted within ten business days.

2. If a violation occurred, the organization will discuss what action has been, or will be, taken within the organization to prevent such an incident from being repeated in the future. Organizations should make certain to list the names of all individuals involved.

3. If it is determined that additional investigation is warranted, the student organization leader will be notified what additional evidence or witnesses are requested.

c. Charge Letter

The Director of Student Activities and Dean for Student Learning & Engagement reserve the right to make inquiries of a student organization prior to official charges being levied or formally addressed. An activity (official or unofficial) where a serious violation may have occurred, a hearing letter will be sent to the student leader of the organization, the advisor, and the national organization, if applicable. In the hearing letter, the student organization leader may be asked to conduct further internal investigation into the matter and report those findings to the Chair within a specified period of time.

d. Review and Decision by the Judicial Board

The Chair of the Student Organization Judicial Board will call a meeting of the Board. The Board will review information regarding the alleged charge(s) and the evidence that has been collected by, or provided to, Student Activities or the Chair and his/her designee, and the investigative report submitted by the organization. The Board will determine one of the following:

1. The alleged violation is unsubstantiated and no further action is necessary. If the alleged violation is determined to be unsubstantiated, the Board will deliver a letter to the student organization leader, the advisor, and the national organization, if applicable; indicating the charge(s) has been dismissed.

2. The alleged violation is substantiated, and the action taken by the organization is deemed to be sufficient by the Board. The Board will deliver a letter to the student organization leader, the advisor, and the national organization, if applicable, stating that the Board believes that the student organization has taken sufficient action to address the issue (assuming sufficient follow through).

3. The alleged violation is substantiated by the Board, and the internal actions appear insufficient and the Board believes that additional specific sanctions are necessary. The Board will set sanctions and deliver the sanction letter to the student organization leader, the advisor, and the national organization, if applicable. Ideally, sanctions will be educational or developmental for the organization.
IV. Core Principles:

This is an educational endeavor where we protect student health and safety and administer the hearing impartially and fairly. Everyone involved in the hearing should be objective, professional, and courteous.

V. Procedures for the Student Organization Judicial Board

a. Recusal/Disqualification

A member of the Student Organization Judicial Board shall recuse himself/herself if he/she feels that, in reaching a decision as to whether or not a violation occurred, he/she cannot act on the weight of the evidence without bias or prejudice. If the student organization is aware of some fact that would disqualify a member of the SOJB, its representative should notify the Chair of the Board prior to the start of the proceeding. If the Chair determines that the member should be disqualified, the Chair shall appoint a replacement with the same or similar membership qualifications as the disqualified member.

b. Student Organization Judicial Board Rules

The SOJB may adopt specific procedural rules for hearings, provided such rules include 1) making sure that the officers are not biased, 2) providing notice of the charges to the accused organization, 3) allowing the accused parties to hear the evidence, 4) allowing accused parties to provide an explanation of the conduct, and 5) providing notice of the decision and a brief explanation of the basis for the decision. The Board reserves the right to remove from reports identifying information such as the names of reporting parties, witnesses, or other students. These rules may provide for the recess of a hearing if the Chair feels that a break is needed, due to the length of time the hearing has proceeded.

c. Student Organization Judicial Board Hearing Date

The Student Organization Judicial Board will make a reasonable effort to meet to hear the case within ten business days after the student organization has submitted its investigative report or within a reasonable amount of time if the hearing timeframe would fall during a University holiday, break in the semester(s), during the summer months, or until a quorum of the Board is available.
d. Quorum

A quorum for a hearing is two faculty and/or staff members and four student members. All decisions must be by a majority vote.

e. Confidentiality

All members of the Student Organization Judicial Board must sign a confidentiality agreement at the beginning of each academic year in order to serve on the Board. All proceedings conducted before the Board must be kept confidential. At the conclusion of all proceedings regarding a specific matter, the Chair of the Board is the sole spokesperson and is permitted to communicate regarding any findings, conclusions and sanctions, or any other matter as he/she deems appropriate within the scope of his/her role and in accordance with University and federal standards related to the privacy of educational records.

f. Who May Attend

Only members of the Board may attend the hearing unless witnesses or other involved parties are asked to appear. Witnesses or other involved parties who are asked to appear before the Board may only be present during times determined by the Chair. Student organization advisors are typically allowed to be present when the students they advise are also present. Lawyers representing the student organization and individual students are prohibited from attending any portion of the hearing.

g. The Hearing

The SOJB is presided over by the Chair. The Chair is in charge of the hearing and has broad discretion. The Chair shall exercise control over the conduct of all persons participating in the hearing. The Chair shall act as a hearing examiner by developing the facts and evidence necessary to enable the Board to make a decision as to whether or not a student organization violation occurred. In so doing, the Chair may exclude irrelevant, immaterial, and unduly repetitious evidence. In order to clarify issues, resolve inconsistencies or conflicts in information, or to ascertain facts, each member of the Board may ask questions of any person appearing before the Student Organization Judicial Board.

h. Often, the University will only take action against the organization as a whole; however, depending on the violation(s) the University reserves the right to proceed with an individual disciplinary action by referring individual students for processing under the Student Conduct Code.
VI. Appeal Process

a. If the student organization believes that there is substantial evidence that the decision rendered was arbitrary or capricious or that the sanctions imposed are inappropriate, the student organization leader may appeal to the Vice President for Student Life. The Vice President, or his/her designee, shall consider the request. The request shall be made in writing within three business days of the organization receiving the decision and shall contain specific information supporting the request for an appeal.

b. The Vice President for Student Life shall review the appeal and may confer with the Chair of the Student Organization Judicial Board and with any party or witness he/she deems necessary. If the Vice President finds substantial evidence exists that the decision rendered regarding whether a violation occurred was arbitrary or capricious, he/she may reverse the decision. Otherwise, the Vice President shall affirm the decision. In reviewing the appeal of sanctions, the Vice President shall, based upon the review with the Chair of the Board, decide to 1) affirm the sanctions; 2) modify the sanctions or impose different sanctions; or 3) suspend the sanctions. The decision of the Vice President for Student Life is final.

Probation, Suspension, & Revocation of Charter of Student Organizations

The following information outlines the definition, status, expectations, and procedures for student organizations sanctioned by the Student Organization Judicial Board or Department of Student Activities. Sanctions by the Department of Student Activities may be appealed to the Dean for Student Learning & Engagement. Sanctions given by the Student Organizations Judicial Board may be appealed to the Vice President for Student Life.

Probation Status: Written notice explaining the serious nature of misconduct and outlining the terms of probation. It is possible for the terms of probation to include other requirements or restrictions including, but not limited to, community service, fines, educational classes or initiatives, and/or prohibition from participation in social and co-curricular activities (Student Organization Policy & Procedure Guide).

Suspension: Termination of the student organization's status at the University for a specified period of time (Student Organization Policy & Procedure Guide). This will allow the
organization time away from campus to conduct a systematic reorganization in an effort to address its deficiencies.

**Revocation of Charter:** Termination of the student organization’s status with Baylor on a permanent or for a specific period of time as sanctioned by the Student Organizations Judicial Board. This sanction may be appealed to the Vice President for Student Life.

**Expectations for Suspension and Revocation of Charter:** Behavior of individuals previously associated with or acting on behalf of the organization within this period will be noted and considered as a part of the decision to allow the organization to reorganize and return to campus. The public image of the organization during this time will also be noted and used in the decision process. When placed in this status, all activities of the organization, both formal and informal unless otherwise specified, must cease. Attempts to operate the organization whether overtly or covertly, such as selecting officers, conducting socials, etc. will negatively affect the decision to allow the organization to reorganize and return to campus.

**Process for Reorganization:** If an organization is eligible for reorganization, a plan outlining the organization’s intentions must be submitted to the Director of Student Activities. The plan should include the following:

1. Composition of the steering committee coordinating the reorganization process. Details regarding the frequency and locations of the steering committee meetings will also be provided.
2. Steps that will be taken to insure the problems causing the suspension/revocation of charter will be eliminated. If the problems are individuals in the organization, how will this be addressed?
3. Timeline for the reorganization process.
4. Use of alumni/alumnae and alumni/alumnae advisory Boards. The composition of any advisory Boards must be submitted.
5. Utilization of other University governing organizations (Interfraternity, Panhellenic, National Pan-Hellenic, or Multicultural Greek Council).

**Alumni/alumnae Communication:** During the period of probation, suspension, and revocation of charter status, all correspondence with alumni/alumnae must be approved by the Baylor administration prior to distribution.

The reorganization plan must be submitted to the Director of Student Activities, reviewed by the Dean for Student Learning & Engagement, and approved by the Vice President for Student Life before implementation. If approved, the steering committee may request that meetings in campus facilities be scheduled to disseminate information to members and to garner support for the reorganization plan. Request for meetings must be forwarded to the Director of Student Activities in accordance with University calendar guidelines. These meetings must
be business-related only and may not include social events.