



**VCU**

# **Student Organization at VCU Conduct Procedures Manual**



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**Policy Type:** Administrative

**Responsible Office:** University Student Commons and Activities

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## Policy Statement and Purpose

The Student Organization Conduct Process is in place to articulate the responsibilities associated with having University recognition, to outline the expectations of recognized student organizations and to describe the process by which organizations are held accountable for violations of University policy. The process outlined in this document covers all student organizations. Social fraternities and sororities, which fall under one of the four governing councils at Virginia Commonwealth University as well as sport clubs under the guidance of Recreational Sports, have additional conduct processes which govern their operations but does not exclude them from this policy or the procedures governed within the policy. The process covers conduct that represent violations of law, violations of University policies, and violations of established protocols and procedures related to student organizations.

As stated in the Student Organization Manual: All registered student organizations are subject to the provisions of the document as well as applicable university policies and local, state and federal law. Membership in student organizations entails a set of responsibilities for all students. A student group/organization and its officers may be held collectively or individually responsible for misconduct. Student groups/organizations may be charged with misconduct under this process whether or not individual members of such groups/organizations are individually charged under other university processes arising from the same misconduct.

A position of leadership in a student group/organization entails responsibility. Student officers or leaders may not knowingly permit or condone any violation of the Student Code of Conduct, the Student Organization Manual or other policy or law by the group/organization. Student leaders have a responsibility to take action to prevent misconduct, and at minimum to notify the appropriate university staff when aware of a potential violation.

University Student Commons & Activities (USC&A) communicates with the university offices responsible for addressing reports of individual student misconduct under other university policies, such as the following offices:

- Student Conduct & Academic Integrity (OSCAI) reviews and addresses reports concerning individual students of conduct prohibited by the Student Code of Conduct: <https://policy.vcu.edu/universitywide-policies/policies/student-code-of-conduct.html>;
- Equity and Access Services (EAS) reviews and addresses reports concerning individual students of conduct prohibited by either
  - the Sexual Misconduct/Violence and Sex/Gender Discrimination policy: <https://policy.vcu.edu/universitywide-policies/policies/sexual-misconductviolence-and-sexgender-discrimination.html>; and
  - Preventing or Responding to Discrimination: <https://policy.vcu.edu/universitywide-policies/policies/preventing-and-responding-to-discrimination.html>.

The process for reviewing and addressing a student organization's conduct is managed by the USC&A through the Student Organization Conduct Committee (SOCC). Students will have a decision-making role throughout this process.



## Definitions

- A. The “Student Organization Conduct Committee” (SOCC) consists of students and staff, responsible for facilitating the Student Organization conduct process.
  - 1. The full SOCC consists of approximately 15 members including the SOCC Student Chairperson and the SOCC Staff Chairperson, including nine students and six staff members.
- B. The “SOCC Student Chairperson” is the student who is responsible for reviewing the reported violation(s) with the SOCC Staff Chairperson and facilitating the disciplinary Conference. The SOCC Student Chairperson shall be appointed by the VCU Student Government Association.
- C. The “SOCC Staff Chairperson” is appointed by the Director of USC&A and is authorized to meet with student organizations regarding alleged misconduct, to determine appropriate charge(s), to make finding(s), to recommend sanction(s), to serve as University Presenter or Facilitator in Hearings, and to monitor and enforce the completion of assigned sanctions.
- D. “University Presenter” is a staff member from the SOCC who will present the case to the Hearing Board.
- E. The “Facilitator” is a staff member of the Hearing Board who leads the Hearing.
- F. The “Hearing Board” is a specific group of staff and students to determine, through a Hearing, whether a student organization is responsible for the charges and to assign sanctions as appropriate. [The types of hearing board and their make-up is located in Section E:2 of this document.](#)
- G. The “Student Organization Advisor” is the advisor that the organization has on file with USC&A, if the organization has one. The Student Organization Advisor may be one of the three individuals, allowed to represent the organization during a Conference and/or Hearing or may instead serve as a witness during a Hearing.
- H. The term “complainant” is any person reporting that they were adversely affected by a student organization’s misconduct.
- I. The “respondent organization” is a student organization charged with misconduct under this process.
- J. The term “Hearing Advisor” refers to any person selected by the respondent or complainant to assist and accompany them through this process (including any investigative meetings, Conferences, Hearings, Sanction Reviews, and Appeals). A respondent organization or complainant may choose to proceed without an advisor. A party shall not select a Hearing Advisor with the actual or effective purpose of disrupting the proceedings, causing emotional distress to any other party, or otherwise attempting to disrupt the process.

The Hearing Advisor shall not perform any function in the process other than advising the party and may not make a presentation or represent the party. The parties are expected to ask and respond to questions on their own behalf, without representation by their Hearing Advisor. The Hearing Advisor may consult with the organization members quietly or in writing, or outside during breaks, but may



not speak on their behalf. The process may not be delayed due to scheduling conflicts with Hearing Advisors.

- K. The “Appeal Officer” is a USC&A staff member, designated by the Director of USC&A to conduct organizational appeals. The decision made by the appeal officer is final.
- L. The “Sanction Review Officer” is a USC&A staff member, designated by the Director of USC&A to conduct organizational sanction reviews. The decision made by the sanction review officer is final.
- M. The “impact statement” refers to a document the student organization may submit as part of the Hearing packet outlining how the Hearing Board’s finding and sanctions may affect individuals or the student organization as a whole. The Hearing Board will review the organizational impact statement as it considers appropriate sanctions in the event it has found the respondent organization responsible for the charged offense(s).
- N. The term “preponderance of the evidence” describes the standard of evidence that is used to make a determination of responsibility in a Hearing and is defined as a "more likely than not" standard.



## Jurisdiction, Policies and Rules

### A. Jurisdiction

Because the student organization program is designed to support student activities meant to enrich and influence the university community and because misconduct by a student organization is detrimental to the university's student activity programs, and may harm members of the university community, the requirements governing student organizations may apply to any event, activity, meetings, or functions planned or hosted by student organizations regardless of location, when any portion of allocated student activity fee or university dollars are used for the event.

### B. Prohibited Conduct

#### 1. Misuse of University Space or Equipment

Damage to University property or use of University space or equipment in violation of the University's policy on Reservation and Use of Space and all other applicable rules, such as the USC&A Events Services Guidelines and Procedures through EMS.

#### 2. Violation of Applicable Rule, Policy or Procedure

This conduct process may review and adjudicate a reported violation of any rule, policy or procedure applying to student organizations or their members. Such rules or policies include but are not limited to the following:

- a. Policies and Procedures for Student Organizations, published yearly and may be accessed through RamsConnect.
- b. Student Organization Manual
- c. Judicial board bylaws applicable to fraternities and sororities
- d. Recreational Sport Club procedures
- e. University policy on Reservation and Use of Space
- f. [David, list any commonly implicated rules/policies/procedures here]

#### 3. Hazing.

As set forth in the Code of Virginia section 18.2-56, "hazing" means to recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily injury on a student or students in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity.

#### 4. Federal, State, or Local Law Violation

Violations of any federal, state, or local law. When it is established that a student organization has



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violated federal, state, or local law, the student organization may be charged for a code violation under the Violation of Law category.



## Student Organization Conduct Process

### A. Reports, Investigations, Conferences, Advisors and Charges

1. Anyone may file a report alleging that a student organization violated a policy. A report should be submitted as soon as possible after the event takes place and will be directed to the SOCC Staff Chairperson who will inform the SOCC chairperson. Reporting forms may be found on the USC&A website or obtained from the Assistant Director for Student Governance.
2. USC&A staff report information they receive about conduct that implicates the university's policies to the university office with the authority for reviewing and adjudicating alleged violations of the policy. This includes reporting relevant information to Equity and Access Services, the office of Student Conduct and Academic Integrity, or other offices.
3. The SOCC Student Chairperson notifies the student organization president and advisor (if applicable) that an incident report has been submitted alleging that the organization committed a policy violation and will schedule a Conference.
4. The SOCC Staff Chairperson and the SOCC Student Chairperson review reports of alleged organizational misconduct to determine if the report describes a violation of applicable policy and what charge(s), if any, apply to the reported events.
5. The SOCC Staff Chairperson and the SOCC Student Chairperson may conduct a limited investigation to determine if charges are appropriate. If the acquired information describes a policy violation, the SOCC Staff Chairperson and the SOCC Student Chairperson will notify the respondent organization in writing of the applicable charge(s) and may recommend finding(s) and sanction(s). If the acquired information reasonably demonstrates that the report does not describe a violation, then the case will be closed without charges. All charges shall be presented to the respondent organization in written form. If a respondent organization agrees to the sanctions imposed by the SOCC Staff Chairperson and the Student Chairperson, the SOCC Staff Chairperson issues those sanctions and assigns the respondent organization with reporting successful adherence to and completion of assigned sanctions.
6. The SOCC Staff Chairperson and the SOCC Student Chairperson will meet with the respondent organization in a Conference. The Conference is a non-adversarial, closed meeting to explain the discipline process to the student organization representative(s), gather information about the alleged incident from the student organization, discuss the incident, and to determine what, if any, steps need to be taken to review and adjudicate the matter.
7. The respondent organization may be represented by no more than three active student members of the student organization and an Advisor, if desired.
8. If no representative of an organization appears for a scheduled Conference, the SOCC may proceed without the student organization representative(s) present.



9. If, during the Conference, the SOCC Staff Chairperson and SOCC Student Chairperson determine that a preponderance of the evidence supports a finding that the student organization is responsible for misconduct, they will notify the student organization of the charge(s), finding(s) and sanction(s).
10. If a respondent organization accepts the finding(s) and sanction(s), the SOCC will issue sanction(s) via written notice of the charge(s), finding(s) and sanction(s) to the organization's president and Student Organization Advisor (if any).
11. If no charge(s) are issued, the SOCC will send written notice to the respondent organization's president and Student Organization Advisor (if any) that no charge(s) were issued and the case is closed.
12. The written notice of the outcome of the Conference resolving the matter will be in the organization's record and reported to university officials, as needed.
13. If the respondent organization contests the findings(s), the SOCC Staff Chairperson will schedule a Hearing (see section G).
14. If the respondent organization accepts the finding(s) but contests sanction(s) that include suspension or loss of recognition, the SOCC Staff Chairperson will refer the matter to a Sanction Review Officer (see section I).

## **B. Respondent Organization's Expectations.**

**A student organization charged with misconduct under this process may expect to do the following:**

1. View all documents used by the university to determine whether the organization is responsible for the charged misconduct.
2. Choose who from their organizations will represent them throughout this process.
3. Present relevant information about the alleged policy violation(s).
4. Bring a Hearing Advisor to any Conference or a Hearing.
5. Choose to not participate in a Conference or Hearing. However, a Conference or Hearing may proceed without an organization's participation.
6. Request a review after a Conference of sanctions that include suspension or loss of recognition or seek review of a Hearing decision within the student organization discipline process (pursuant to section I).

## **C. Participation by Others.**

Any student who reports misconduct or otherwise participates in the student organization conduct process, for example, as a witness, may view records that directly relate to them.



#### **D. Responsibility of Organization versus Individual Students**

The university may find a student organization responsible for misconduct under this process, regardless of any application of other university conduct processes to individual students. In determining an organization's responsibility, the university will consider the following:

1. The conduct is endorsed by the student organization or any of its officers ("endorsed by" includes, but is not limited to, the following: active or passive consent or support, having prior knowledge that the conduct was likely to occur and not acting to stop or report it to appropriate authorities, or helping to plan, advertise, or promote the conduct);
2. The conduct is committed during the course of an activity paid for by the student organization, or paid for as a result of one or more members of the student organization contributing personal funds in lieu of organizational funds to support the activity or conduct in question;
3. The conduct occurred on property owned, controlled, rented, leased, or used by the student organization or any of its members for an organizational event;
4. The purpose of the activity was related to initiation, admission into, affiliation with, or as a condition for continued membership in the student organization;
5. Non-members of the student organization learned of the activity through members, advertisements, or communications by the student organization, or otherwise formed a reasonable belief that the conduct or activity organized, planned, supported or endorsed by the student organization; or
6. Members of the student organization attempted to conceal the activity or protect other members who were involved.

#### **E. Hearing**

1. If the organization contests the finding(s) issued following a Conference, a Hearing will be scheduled.
2. There are two types of Hearing Boards: minor or major

##### **Minor Hearing Board:**

A case is *minor* if the sanction is less than suspension or loss of recognition. Hearing Boards in such cases will consist of three SOCC Committee Members and a (non-voting) Facilitator.



## **Major Hearing Board:**

A case is *major* if the sanction is suspension or loss of recognition. Hearing boards in such cases will consist of six SOCC Committee Members: three students and three staff, one of whom will serve as the (non-voting) Facilitator.

1. The respondent organization will be given at least five business days' notice of the Hearing date, unless it agrees to a shorter notice period.
2. Submission of materials to be reviewed by the board on the day of the hearing e.g. written statement, documentary evidence, impact statement (if applicable) should occur 24 hours in advance of the hearing date.
3. Hearings are generally closed. If a student organization requests permission to invite additional observers, the Director of USC&A, or their designee, will consider the request and extend invitations as appropriate. The university will require any person who disrupts the proceedings to leave, and the hearing may be closed or suspended pending resolution of the disruption.
4. The respondent organization and their advisor may attend the entire portion of the Hearing at which information is presented. This does not include deliberations of the board.
5. The respondent organization may submit to the Facilitator a list of potential witnesses and any questions it would like to be directed to such witnesses. The Facilitator will review the questions and relay questions that are reasonably related to the matter under review.
  - a. The Facilitator will create a witness list and may include names provided by the respondent organization and others who are reasonably connected to the case.
  - b. Prior to the Hearing, it is important that the Facilitator have an understanding of the role of each witness in the case. To assist this process, those who have not met with the Facilitator will be requested to provide a brief statement outlining the relevant information they will share at least two business days in advance of the Hearing.
  - c. All witnesses must be available for questioning by the Facilitator (on behalf of the respondent organization) and by members of the Hearing board. The board will not consider the testimony of unknown or unidentified witnesses.
  - d. The Facilitator may exclude witnesses after determining that their testimony is duplicative or irrelevant.
6. The Hearing Board may consider pertinent records, exhibits and written statements at the discretion of the Facilitator.
7. After the Hearing Board has received the information presented by the respondent organization and any other hearing participants, it shall adjourn for confidential deliberations to determine whether the respondent organization is responsible for each charge of misconduct, using a preponderance of the evidence standard.
8. Following any finding(s) of responsibility for misconduct, the Hearing Board will review any impact statement submitted by the respondent organization as well as other documentation



- relevant to sanctioning, including prior conduct of the respondent organization, and will determine sanction(s), as appropriate.
9. The Facilitator will record the outcome of the Hearing within five business days, or as soon as reasonably practical thereafter, and the SOCC Staff Chairperson will notify the respondent organization.
  10. The Hearing Board decision will not go into effect until the final outcome of the disciplinary process, but any temporary action, including suspension or activity-specific cease and desist, will remain in effect throughout the process.
  11. If a respondent organization does not appear before a Hearing board, the Hearing will take place in their absence, and the Hearing Board will review all available evidence without the benefit of the organization's participation. The organization will be informed of the decision.

## F. Sanctions

If a student organization is found responsible for misconduct under this process, the university may issue any one or more of the following sanctions. Sanctions may alter an organization's status as a registered student organization and/or its ability to conduct its operations supported by university resources. Sanctions may require a student organization to participate in one or a series of educational activities. Descriptions of the sanctions are as follows.

### **Primary Administrative Sanctions:**

Warning: A warning is a letter acknowledging that the organization has committed misconduct under this process. Warnings are typically assigned for minor, first-time violations that do not have a significant impact on the organization or the University.

Probation: Probation is typically assigned for misconduct of a more serious nature or repeated misconduct. Probation is for a specified period of time and increases the severity of sanctions assigned to further misconduct while on probation.

Suspended privilege(s): Suspended privilege(s) means that an organization loses one or more privileges of being a recognized student organization for a specified period of time. Examples of privileges that may be lost include, but are not limited to, suspension of the student organization's allocated funds, suspension of access to the organization's web space, suspension of the ability to reserve rooms/event space on campus, suspension of the ability to apply for Student Activity Fee funding, suspension of fund-raising activities, suspension of access to office space, and others.

Suspension: Suspension means that a student organization is deactivated for a specified period of time. This sanction is assigned for major misconduct, such as misconduct that has a significant impact on the organization, the University, or other persons. Suspension time frames may span multiple academic years, but are generally not issued for more than four academic years.

Loss of recognition: This sanction is typically assigned for the most serious misconduct, such as that with significant impact on the University, the organization, and others or for repeated misconduct. A loss of



recognition means that an organization may not function as a student organization for a period of no less than four years.

#### **Active Sanctions:**

Educational Workshops: Educational workshops will most likely be assigned for failure to follow university administrative processes or procedures. Examples include, but are not limited to: a workshop about reserving space, a workshop about how to appropriately use Student Activity funds, and others.

Document/Policy Development: The creation of a new internal process or amendment to an organization's constitution may be assigned to address continued issues a student organization may be facing on a regular basis.

Sanctioned Service: Service projects or service hours may be assigned to a student organization if it is deemed that such an assignment would have the most impact on the organization. The service will be related to the nature of the misconduct.

Restitution: Financial restitution may be assigned for a number of reasons, including but not limited to if an organization damages an office, a room/event space it reserved, or other University property.

#### **Other Sanctions:**

The University may assign other sanctions in addition to those listed above in response to specific circumstances of a case and consistent with the educational objectives of the USC&A.

#### **G. Temporary Restrictions**

When the university receives a report alleging misconduct by a student organization that may have a serious or ongoing effect on the university or any member(s) of the university community, it may impose temporary restrictions on the organization's operations and activities pending review and resolution of the matter through this process. Such serious or ongoing effect may include improper spending of student activity fees, damage or abuse of university resources, including equipment, supplies and facilities, and physical harm to any person or property. The Director of USC&A will impose such temporary restriction as is reasonable to protect the university's resources and members of the university community pending resolution of the matter. Temporary restriction may affect all operations and activities of an organization or be limited to particular operations or activities, such as recruiting or using university facilities.

If any report indicates that an individual or organization poses a threat to the health or safety of any member of the university community, to university property, or to university operations, including the educational process, then USC&A staff will notify the university's Threat Assessment Team and any other authorities responsible for protecting the university community.

The Director of USC&A will send written notification to the respondent organization president and Student Organization Advisor (if any). The notification will describe the reported misconduct that is the basis for temporary restriction as well as the specifically restricted operations or activities. A respondent student organizations may request a modification of any temporary restriction by submitting a written



letter to the Director of USC&A demonstrating that the organization will not have any serious or ongoing effect on the university or any member of the university community pending resolution of the matter under this process.

The Director of USC&A or designee will notify the respondent organization of the decision to modify or uphold the temporary restriction within five business days of receipt of the request. The temporary suspension will remain in effect while any review is pending. There will be no further appeals to this decision.

The university may modify the temporary restrictions based on information gathered during the investigation and review of the report. Any temporary restriction does not replace the regular conduct process, which shall proceed on the normal schedule.

## **H. Sanction Reviews and Appeals**

### **1. Sanction Reviews**

- a. The university will review a sanction reviews if a student organization accepts the finding(s) following a Conference, receives a sanction that includes suspension or loss of recognition, and submits a written request for modification of the sanction to the SOCC Staff Chairperson or designee.
- b. Upon receiving a written request for sanction review, the Sanction Review Officer generally reviews only the written record of the case to determine whether the sanction was reasonably proportionate to the misconduct and may consider other information as needed.
- c. The Sanction Review Officer may sustain the sanction(s) assigned or modify any disproportionate sanctions. Such modification may lead to an increase or decrease in the severity of the sanction(s) assigned.
- d. The Sanction Review Officer will send a written decision and rationale to the SOCC Staff Chairperson or designee within five business days of receiving the sanction review request. There are no other opportunities for appeal.
- e. The SOCC Staff Chairperson will notify the respondent organization of the final sanctions.

### **2. Appeals**

- a. A respondent organization may appeal any sanction of suspension or loss of recognition after a Hearing within five business days of receiving official notification of the sanction. Such appeals shall be submitted in writing to the Director of USC&A.
- b. The Director of USC&A will determine if the appeal is based on the grounds for an appeal listed below and, if so, will forward to the Appeal Officer.
- c. An appeal may be on one or more of the following grounds:
  - i. the university did not follow its conduct process and procedural error affected the outcome;



- ii. new evidence is presented, that was not available at the time of the decision and is relevant to establishing whether the respondent organization is responsible for misconduct; and/or
    - iii. the sanction(s) was (were) disproportionate to the misconduct.
- d. The Appeal Officer will review the case records and any additional information they deem relevant.
- e. If the Appeal Officer grants an appeal is granted, one of the following processes will take place:
  - i. If an appeal is for procedural error, a new Hearing Board will hear the matter.
  - ii. If an appeal is for new evidence, the original Hearing Board will hear the new evidence.
  - iii. If an appeal is for disproportionate sanction(s), the Appeal Officer shall modify the sanction(s) according to the criteria for a Sanction Review.
- f. On appeal, the finding(s) and sanction(s) may be sustained, modified or reversed.
- g. The Appeals Officer will forward the decision and rationale in writing (the “Appeal Report”) to the SOCC Staff Chairperson within five business days of receiving the appeal request.
- h. The SOCC Staff Chairperson will provide a copy of the Appeal Report to the respondent organization. It will be available to any other student to whom it is directly related.
- i. If an appeal is denied, no further review will occur.



## Record Keeping

- A. The SOCC Staff Chairperson will maintain records related to student organization conduct process according to university records policy and the Library of Virginia's record retention schedule.
- B. The release of records relating to the Student Organization Discipline Process will be managed by the SOCC Staff Chairperson in consultation with appropriate staff within the Division of Student Affairs and the University. There may be times when it is appropriate or necessary to release the outcome of a particular Conference/ Hearing to those both within and outside of the University. The university protects records identifying individual students from disclosure, consistent with the requirements of the Family Educational Rights and Privacy Act (FERPA). The university discloses student records to any university official who needs to have the information in the record in order to fulfill their university duties. For example, organizational conduct records may be disclosed to officials in the Division of Student Affairs and Equity and Access Services. Any student may access records that directly relate to them. Records that do not concern identifiable students are generally subject to mandatory disclosure under the Virginia Freedom of Information Act (FOIA).