

## The University of Tampa Organizational Conduct Policies

### A. Introduction and Jurisdiction

Please refer to pages 1-3 of The University of Tampa Student Rights and Responsibilities handbook (2009-2010)

### B. Charges and Hearing

1. Any member, student organization, or department of the University community may file an incident report form against any student organization for misconduct to the Office of Student Conduct. Charges shall be prepared in writing and directed to the Dean of Students and/or designee, who is responsible for the administration of the conduct system. Incident report forms must be submitted in a timely manner.
  - a. In the event that the OSLE or the Student Conduct Office receives information from a third party (e.g., from someone off campus, an anonymous report, etc.) that an organization may have violated the Student Code of Conduct and/or other University policies, this information will be forwarded to the Associate Dean of Students and Director of the OSLE and/or designee to determine whether the information has merit.
  - b. The Coordinator of Student Organizations may not serve as a designee to the OSLE or to the Office of Student Conduct, as this individual is an advocate for all student organizations.
  - c. If the Associate Dean of Students and Director of the OSLE and/or designee do not have enough information to be submitted to the Office of Student Conduct, but believes the information to be credible, they will conduct an investigation appropriate to the context of the information provided. In cases where a large number of individuals need to be interviewed, the Associate Dean of Students and Director of the OSLE and/or designee may appoint other staff members to assist with the investigation.
  - d. All individuals called in for an informational interview must be made aware that any information provided may be used in the writing of an investigative report.
  - e. If the Associate Dean of Students and Director of the OSLE and/or designee find the information holds no merit, an incident report will not be filed. If it is determined that the report has merit, an incident report will be filed with the Office of Student Conduct.
2. Incident reports are reviewed by the Dean of Students and/or designee. The Dean of Students and/or designee will determine whether the complaint is relevant as an organizational charge and/or an individual charge. In some cases the Dean of Students and/or designee can summarily suspend an organization pending the outcome of any conduct proceedings.
3. Any student organization president receiving notice of charges should have a mandatory pre-hearing session with the Judicial Coordinator and/or designee no later than three school days following the receipt of notification:
  - a. The president, faculty/staff advisor, and up to three other student organization members may attend the pre-hearing where they will be advised of the hearing procedures.
  - b. The student organization president may, if s/he is admitting responsibility of the organization, request the pre-hearing counselor to hear the case; however, the pre-hearing counselor may elect not to do so if s/he deems a Student Organization Conduct Board

- hearing to be more appropriate. Organizations may also request to refer the sanctions to a sanctions only hearing by the Student Organization Conduct Board.
- c. Sanctions received during pre-hearings may not be appealed.
  - d. If the organization pleads not responsible, a hearing is scheduled with the Student Organization Conduct Board. The Student Organization Conduct Board is comprised of three students in good standing with the Office of Student Conduct (SG Judicial Chief, the Chairperson of the Student Conduct Board, and one student-at-large to be selected and agreed up by the Judicial Coordinator and Student Government President), one administrator and one faculty member (both to be selected and agreed upon by the Judicial Coordinator and Student Government President). If any of the students designated to sit on the board are not in good standing with the Office of Student Conduct, s/he will need to be replaced by another student agreed upon by the Judicial Coordinator and Student Government President. The Judicial Coordinator will serve as the Chairperson of the hearing. All charges shall be presented to the accused student organization in written form. A time shall be set for a hearing, no more than 15 days after the student organization's prehearing meeting (with the exception of summarily suspension situations).
  - e. The pre-hearing counselor will explain fully the article(s) the organization is being charged with and possible sanction(s) involved in the case.
  - f. The pre-hearing counselor will counsel the student representing the organization about what subsequent steps should be taken. The pre-hearing counselor will encourage the student organization president to raise any questions or problems related to the case.
  - g. The pre-hearing counselor will notify the student organization that they can choose to submit a written response to the Incident Report Form for the Student Organization Conduct Board to read at the time they read the materials distributed by the Chairperson. This response must be delivered to the Judicial Coordinator a minimum of 24 hours prior to the hearing.
  - h. The pre-hearing counselor will provide the student representing the organization with a list of student organization liaisons. No more than five student liaisons are identified and trained by Student Government and the Office of Student Conduct on the student organization conduct policies and procedures who can answer questions and provide guidance prior to the hearing. It is at the discretion of the student organization on whether or not to contact a liaison. The student organization representative must be made aware that incorrect information given by a liaison is not the responsibility of the Office of Student Conduct and is not a viable reason for an appeal. Therefore, it is the responsibility of the student organization to verify all information with the Office of Student Conduct.
  - i. The pre-hearing counselor will encourage the student organization president to notify the organization's faculty/staff advisor and (inter)national headquarters/office, if applicable, of possible disciplinary action, especially if the student organization's recognition at the University may be in jeopardy.
  - j. If a student organization president does not schedule or attend a pre-hearing session, the organization will automatically be found responsible for all charges.
4. Hearings shall be conducted by The Student Organization Conduct Board according to the following guidelines:

- a. The president of the student organization and up to three other student organization members may attend and participate (i.e., interact with the conduct board) in the hearing.
- b. The faculty/staff advisor may be present at the hearing (this means a full-time university staff member not a chapter or alumni advisor), but shall not have the privilege of answering questions posed by the chairperson or board members. However, s/he may communicate with the accused and may direct any questions/concerns regarding the process of the hearing directly to the chairperson by asking for a recess in which concerns will be addressed.
- c. In hearings involving more than one student organization, the Judicial Coordinator at his or her discretion, may permit the hearing concerning each organization to be conducted separately.
- d. If the Student Organization Conduct Board fails to meet quorum (all members listed in section 3.d), the accused organization and the party bringing the charges before the board may agree to continue with the hearing if and only if both parties agree to proceed with the hearing. The continuation of the hearing process without quorum cannot be a criterion for appeal.
- e. The complainant and the accused shall have the privilege of presenting witnesses, which may be questioned by the conduct board. In addition, accused student organizations who are found responsible for conduct violations may present character witnesses during the sanctioning phase of the hearing.
- f. Pertinent records, exhibits and written statements may be accepted as information for consideration by a conduct board at the discretion of the chairperson.
- g. All procedural questions are subject to the final decision of the chairperson.
- h. After the presentations of all parties, the conduct board shall determine by simple majority vote whether the student organization has violated each article of the student organization code of conduct that the student organization is charged with violating. The conduct board's determination shall be made on the basis of whether it is more likely than not that the accused student organization violated the student organization code of conduct.
- i. There shall be a single verbatim record, such as a tape recording, of all hearings before a conduct board. The record shall be the property of the University. This record may be destroyed at the conclusion of all appeal options.
- j. If the accused organization is not present for the hearing, the board has the right to postpone the hearing or hear the case in the organization's absence.
- k. A written statement of the conduct board's decision shall be mailed to the accused not less than ten days after the hearing.

### **C. Appeals**

1. A decision reached by the conduct board may be appealed by the accused student organization to an appellate board within five school days of the decision. Such appeals shall be in writing and shall be delivered to the Judicial Coordinator.
2. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:
  - a. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed

- procedures, giving the party bringing charges a reasonable opportunity to prepare and present evidence that the student organization code of conduct was violated, and giving the accused student organization a reasonable opportunity to prepare and present a rebuttal of those allegations.
- b. To determine whether the sanctions imposed were appropriate for the violation of the student organization code of conduct, which the organization was found to have committed.
  - c. To consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the organization appealing at the time of the original hearing.
3. The appellate board shall be chaired by the Associate Dean of Students, and comprised of the Student Government President, a University faculty member, a University staff member and an OSLE staff member (except for the Coordinator of Student Organizations). The Judicial Coordinator will be present as an ex officio member. Any member of the appellate board can appoint a designee if s/he is unable to serve in this capacity. If any member on the appellate board has a conflict of interest, s/he may be replaced by the Judicial Coordinator.
  4. The appellate body has the authority to: (a) mitigate the sanctions delivered by the board of original jurisdiction, (b) hold a new hearing on all issues, (c) refer a case for a rehearing to the board of original jurisdiction or (d) affirm the decision of the original board.
  5. All decisions of appellate boards are final, with the exception of cases that affect a student organizations continuance at the University, which may be appealed to the Dean of Students.
  6. The student organization is to be notified, in writing, of the results of the appeal hearing by mail within five working days after the hearing.

#### **D. End of Year Cases**

Modification of procedures for cases which cannot be heard in a fall/spring semester:

1. Any incidents that are reported within ten days before the end of classes may be referred to the summer conduct board. This board will have the same make-up as the appeals board (see section C, number 3) and operate according to the established conduct board format and procedures. The accused student organization will be asked to submit a statement in writing regarding the incident that may include statements by any witnesses by a prescribed date. The board, in conjunction with the incident report form, will consider this statement. The accused student organization will be notified of the board's decision in the mail. This board will also handle incidents that occur during summer sessions conducted at the University. If the accused student organization wishes to appeal the decision of this board, they must do so within five days of the start of the following term. The Judicial Coordinator has the prerogative to suspend the hearing of any cases until the following term.