**Student Organization Disciplinary SS/PPS No. 07.06**

**Procedures Issue No. 6**

**Effective Date: 01/28/2020**

**Next Review Date: 04/01/2024 (E4Y)**

**Sr. Reviewer: Associate Vice President for Student Success and Dean of Students**

1. **POLICY STATEMENTS**

01.01 This document provides Texas States University’s student disciplinary procedures for registered and chartered student organizations. The development and enforcement of standards of conduct for students is an educational endeavor that fosters students’ personal and social development. Students should assume a significant role in developing and enforcing such regulations so that they and their members might be better prepared for the responsibilities of citizenship.

01.02 Standards of conduct form the basis for behavioral expectations in the academic community. The enforcement of such standards should protect the rights, health, and safety of members of that community so that they may pursue their educational goals without undue interference.

01.03 Integrity, wisdom, and empathy are among the characteristics most important to the administration of student conduct standards; officials who have such responsibilities must exercise them impartially and fairly.

01.04 As a state-supported institution of higher education, Texas State has the authority to regulate the conduct of its students, both individually and in the context of student organizational activities. University officials have a duty to act in such a manner as to preserve the integrity of the educational mission of the university and to maintain a positive public image of the institution as a state agency.

01.05 The university encourages and expects its currently enrolled students to act responsibly at all times, whether on or off campus. At a minimum, students are expected to comply with all local, state, and federal laws, and to engage in conduct that reflects a positive image of the university as an institution of higher education.

01.06 Student organizations may not co-sponsor any event, solicitation, posting, social, or program with a suspended student organization or any of its affiliates (alumni, auxiliary).

01.07 Members of student organizations are expected to regulate the conduct of their members, guests, and alumni at all organizational activities. Organizations are expected to impose appropriate sanctions on an individual member or members for rule or policy violations when behavior is not consistent with the educational mission of the university, set forth in [Texas State University System (TSUS) Rules and Regulations](https://www.tsus.edu/about-tsus/policies.html); university policies; state, federal, and local law; and respective local, regional, or national affiliations’ rules, policies, and procedures. Failure to do so may constitute organizational misconduct.

01.08 Independent of sanctions imposed by national governing bodies, student discipline boards, or other legal entities, the university may impose sanctions on organizations that engage in misconduct.

01.09 Individual misconduct may also be associated with organizational misconduct when viewed in relation to the total facts of a case. Individual student misconduct will be adjudicated by Student Justice following procedures established in the [Code of Student Conduct](https://studenthandbook.txstate.edu/rules-and-policies/code-of-student-conduct.html), and organizational misconduct will be adjudicated by Student Involvement @ LBJSC, hereafter referred to Student Involvement, following this policy. Allegations of organizational misconduct should be reported to Student Involvement, located on the fourth floor of the LBJ Student Center.

**02. DEFINITIONS**

02.01 Organizational Conduct Investigation – a process where an appointed designee of Student Involvement conducts an investigation into an allegation or report and may recommend appropriate sanctions if the organization is determined to be responsible for the allegations during the course of the investigation. Organizational conduct training for all investigators is coordinated through Student Involvement.

02.02 Charted Student Organization – also a registered student organization and represents a partnership between a university office or department and the chartered organization’s executive body (see [SS/PPS No. 07.04, Chartered Student Organizations](https://policies.txstate.edu/division-policies/student-affairs/07-04.html)). Chartered student organizations are held to a higher standard with higher expectations than other student organizations because they serve as an extension of the department and university entity that sponsors them and due to the privileges afforded to them because of this sponsorship.

02.03 Major Violations – include, but are not limited to, conduct that injures or threatens the safety of others or property; violates local, state, or federal laws; or causes significant or prolonged disruptions to the functions of the university, the university community, or the public. Examples include sexual or physical assault; hazing; illicit drug use, distribution, or possession; alcohol violations; theft; property damage; providing false information; disruptive behavior; and any actions that violate local, state, or federal laws.

02.04 Minor Violations – include, but are not limited to, conduct that violates university policies regarding the administration of student organizations; violates organizational governing documents; or causes less than significant or prolonged disruption to the functions of the university, the university community, or the public. Examples include violations of solicitation; amplified sound; or posting policies or procedures.

02.05 Organizational Conduct Appeals Board (OCAB) – a hearing board comprised of a minimum two currently enrolled Texas State students and one university employee. OCAB’s primary purpose is to investigate appeals of decisions provided by the organizational conduct investigation conducted by Student Involvement.

1. The dean of Students will appoint all members who serve on OCAB.
2. The dean of Students reserves the right to remove any member for just cause.
3. Judicial training for all members will be coordinated through the Dean of Students Office.
4. If a vacancy occurs on the OCAB or there is a conflict of interest, the dean of Students can replace members as needed.
5. Members selected for OCAB must be in good academic and disciplinary standing.

02.06 Preponderance of Evidence – the greater weight of credible evidence. It means the strongest evidence, however slight the difference might be. Preponderance of evidence is satisfied if the action is more likely to have occurred than not.

02.07 Probation – when the organization is found in violation of allegations; the organization may continue to be recognized as a registered student organization by the university, but must remain in good disciplinary standing, or complete additional sanctions, during a determined time frame.

02.08 Registered Student Organization – a student organization that has met the university’s organization registration requirements and whose purpose and activities enhance the social, cultural, recreational, and educational opportunities or development of currently-enrolled students.

02.09 Student Judicial Review Board – respective student judicial body to include Interfraternity Council, Panhellenic Association, National Pan-Hellenic Council, Multicultural Greek Council, the Sport Club Advisory Council, and the Student Organizations Council.

02.10 Suspension – the withdrawal of the university’s recognition of an organization for a definite term.

1. **PROCEDURES**

03.01 All cases involving alleged disciplinary violations by student organizations or their members should be reported to the associate director for Student Involvement. The associate director, or designee, will conduct an initial review within seven business days of receipt of the allegation to determine an appropriate course of action to include one of the following:

a. for minor violations, refer the allegation or report to the appropriate student judicial board, as applicable; for major violations, the associate director will assign the allegation or report to the coordinator for Organization Conduct, or designee, for an organizational conduct investigation;

1. forward individuals to Student Justice, if appropriate; or
2. determine no action is to be taken at that time. Determination must be based on lack of credible or verifiable information. The report should be placed in an information file and maintained according to appropriate record maintenance and retention rules. If new or additional information is brought forward at a later date, the case may be reviewed further.

03.02 Student Judicial Review Board

1. Each respective student judicial body must have their own established judicial rules, including appeals, on file with Student Involvement. The procedures should be adhered to as outlined by appropriate judicial boards, including the Interfraternity Council, Panhellenic Association, National Pan-Hellenic Council, Multi-Cultural Greek Council, the Sports Club Advisory Council, and the Student Organizations Council.

b. Cases forwarded to a student judicial body may also be investigated by Student Involvement’s organizational conduct investigation process.

03.03 Organizational Conduct Investigation Process

1. Conduct investigations include:

1) summoning authorized representatives and members of the accused registered student organization; requesting documents from the registered student organization; reviewing organizational records; reviewing information received by off-campus persons or organizations, including law enforcement; reviewing information received by an academic or administrative unit; and calling witnesses. Registered student organizations that fail to respond to meeting requests from Student Involvement may be subject to interim disciplinary actions. The student organization may be accompanied by an advisor. Student Involvement must have 24-hour written notice that the advisor will attend the meeting.

b. Based on the investigation, the designated investigator will either:

1) dismiss the allegation due to lack of credibility or sufficient information;

2) determine that based on a preponderance of evidence, the violations occurred. The organization will be found responsible and appropriate sanctions will be imposed;

3) determine that the organization is found not responsible; or

4) not agree with the findings.

c. The associate director, or designee, will provide the decision and sanctions in writing to the student organization president, or designee, of the organization, including any other individuals who have a legitimate need to know. The written decision will be provided no later than seven business days after the close of the investigation.

1. If the organization disagrees with the decision, it has the right to appeal the decision to OCAB. Sanctions are imposed after all appeals are exhausted, but depending on the severity of the case, the president of the university, the vice president for Student Success (VPSS), or the dean of Students, or designee, has the discretion to continue interim suspension between appeals.

A written appeal must be received by Student Involvement and the Dean of Students Office located in the LBJ Student Center 5-9.1, within seven business days of notification of the sanctions. The organization may appeal based on the following reasons:

1) a substantial procedural error that impacted the hearing;

2) the sanctions are considered too extensive for violations; or

3) new information of a substantive nature not available during the original investigation was provided, prior to a decision being rendered.

03.04 Organizational Conduct Appeals Board

1. An organization sanctioned under the provision herein, may appeal the decision of the organizational conduct investigation findings or decision to the OCAB, within seven business days to the Dean of Students Office.
2. OCAB investigation procedures include:

1) summoning authorized representatives and members of the accused registered student organization; requesting documents from the registered student organization; reviewing organizational records; reviewing information received by off-campus persons or organizations, including law enforcement; reviewing information received by an academic or administrative unit; and calling witnesses;

2) allowing the organization the right to present witnesses or testimony in defense of the allegations. A written list of witnesses must be received by the Dean of Student Office no later than three business days before the date of the committee hearing; and

3) the OCAB may conduct a hearing and make a determination in the absence of a student if the student does not respond within the time period specified in the notice provided.

1. An appeal may be resolved in one of the following ways:

1) the original decision may be upheld;

2) modified sanctions, either greater or lesser, may be imposed;

3) the case may be remanded back to the previous level for a new review; or

4) all allegations may be dismissed.

1. Written notification will be submitted to the organization’s president, or designee, within seven days of completion of the investigation.

03.05 Vice President for Student Success Review

1. An organization sanctioned under the provision in Section 03.03 d. may appeal the decision of the OCAB to the VPSS. Sanctions are imposed after all appeals are exhausted, but depending on the severity of the case, the president of the university, the VPSS, or the dean of Students, or designee, has the discretion to continue interim suspension between appeals. Written appeals must be submitted within seven business days to the VPSS’s office, located in the JC Kellam building, room 980.
2. The appeal will be based on the information and material in the case file; a summary of the evidence submitted; findings and recommendations; and the student organization’s written request for an appeal.
3. An appeal may be resolved in one of the following ways:

1) the original decision may be upheld;

2) modified sanctions, either greater or lesser, may be imposed;

3) the case may be remanded back to the previous level for a new review; or

4) all allegations may be dismissed.

1. Written notification will be submitted to the organization’s president, or designee, within seven days of completion of the appeal review.
2. The decision of the VPSS is final.

03.06 Interim Disciplinary Action

1. The president of the university, the VPSS, or the dean of Students, or designee, may take immediate interim disciplinary action, including suspension, pending an organizational conduct investigation when the organization’s operation is reasonably believed to pose a danger to persons or property or an ongoing threat of disrupting the university process.
2. The university official involved shall notify the student organization of the interim disciplinary action by the most expeditious means available. Thereafter, the dean of Students, or designee, will begin an organizational conduct investigation.

03.07 Individual misconduct may be investigated by the assistant dean of Students responsible for Student Justice, or designee, in accordance with disciplinary procedures outlined in the [Code of Student Conduct](https://studenthandbook.txstate.edu/rules-and-policies/code-of-student-conduct.html) located in the Texas State Student Handbook.

1. **PROCEDURES FOR IMPOSING SANCTIONS**

04.01 Sanctions imposed upon organizations may be cumulative and in addition to disciplinary penalties imposed upon individual students. The number, frequency, and recentness of prior violations and prior sanctions may be considered when assessing a sanction for a new violation or for a violation occurring while an organization is already on probation or suspension. Organizational sanctions may include, but are not limited to, the following:

1. restriction of participation in university activities, such as Greek Week, Homecoming, or intramurals;
2. special projects, such as community service or written reports;
3. attendance at a special class or lecture;
4. restriction of an organization’s privilege to use university facilities;
5. withdrawal of financial support;
6. restitution (payment for property damage or loss);
7. prohibition of the use of alcoholic beverages at one or more organization activities;
8. social probation or suspension;
9. probation;
10. interim suspension (see Section 03.07);
11. deferred suspension (a determined time frame which allows the organization to complete or adhere to written conditions or requirements in lieu of immediate suspension);
12. suspension; and
13. other incident appropriate sanctions.

04.02 Other than interim disciplinary action taken by the president, VPSS, or the dean of Students, or designee, sanctions may not be imposed upon an organization until an appropriate judicial investigation or organizational conduct investigation has been conducted.

04.03 Student Involvement should be made aware of all reported hazing, minor, and major allegations.

1. **PROCEDURE FOR RELEASE OF DISCIPLINARY RECORDS**

05.01 Release of disciplinary records will be made in accordance with applicable federal and state statutes and after consultation by the Dean of Student’s Office with the TSUS general counsel. Individual students found in violation of the [Code of Student Conduct](https://studenthandbook.txstate.edu/rules-and-policies/code-of-student-conduct.html) during an organizational conduct investigation, will be referred to Student Justice. The disciplinary record of such students adjudicated through Student Justice is protected under [Family Educational Rights and Privacy Act (FERPA)](https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html) and are not released to the general public.

1. **REVIEWERS OF THIS PPS**

06.01 Reviewers of this PPS include the following:

Position Date

Associate Vice President for Student April 1 E4Y

Success and Dean of Students

Associate Director, LBJ Student Center April 1 E4Y

1. **CERTIFICATION STATEMENT**

This PPS has been approved by following individuals in their official capacities and represents Texas State Student Success policy and procedure from the date of this document until superseded.

Associate Vice President for Student Success and Dean of Students; senior reviewer of this PPS

Vice President for Student Success