

GENERAL

Student organizations are responsible for abiding by University policy, the IU Code of Student Rights, Responsibilities, and Conduct (“Student Code”), and all other agreements between the University and the student organization. Complaints involving a registered student organization will be addressed using the procedures described below. Complaints against individual members of a student organization may also be addressed under the appropriate University policies and procedures.

The standard of proof used when determining whether a student organization was responsible for a violation of the Student Code will be the preponderance of evidence, or a ‘more likely than not’ standard. If it is determined that a violation of the Student Code was more likely than not to have occurred, Educational and Administrative Sanctions (as defined below and herein referred to as “sanctions”) will be assigned. If it is determined that it is more likely than not that no violation of the Student Code occurred, the case will be dismissed.

The Office of Student Ethics (“OSE”) investigates, hears, and makes the decisions for all allegations of misconduct regardless of group involvement or affiliation. The determination of whether a case concerns individual or organizational misconduct will be determined on a case by case basis by OSE. Allegations of organizational misconduct may be adjudicated before, at the same time as, or following related cases of individual misconduct.

Allegations of organizational misconduct involving sexual misconduct, dating or domestic violence, or stalking will be heard by Administrative Board (as defined below) members trained in hearing matters of sexual misconduct.

Student Organization conduct records will be maintained and managed by OSE. The record for a particular matter will include at least a gleaned report, a notification of charges, and a decision letter regarding the charges.

Factors used in determining whether an alleged policy violation was committed by an organization may include, but are not limited to:

- The nature of the alleged misconduct or incident(s);
- Executive Board/Leadership knowledge of the alleged misconduct or incident(s);
- Number of members from the student organization present;
- Whether the alleged misconduct or incident(s) occurred at organization-sponsored events or within organization-related affairs, including whether it occurred at a housed organization’s facilities;
- Failure of the student organization to implement preventative measures where it is reasonably foreseeable that a violation would occur;
- Funding used for the event; and,
- Self-reporting by the organization of the event.

PROCEDURES FOR ORGANIZATIONAL MISCONDUCT

Initiating Investigation and Disciplinary Proceedings

Upon receipt of a complaint or other information indicating that a student organization may have engaged in misconduct, OSE will investigate the student organization's involvement in the alleged misconduct, with consultation from Student Life and Learning ("SLL") as needed. If appropriate, interim and remedial protective measures may be put in place during the investigation process, including a notice to cease and desist organizational operations and activities (see ***Interim and Remedial Measures*** below).

The investigation may include, but is not limited to, interviews with any complainants and other witnesses identified as having information relevant to the allegations made, as well as the examination of relevant documents and other information. Information for the investigation may be provided by complainants, the student organization, witnesses identified by any party, or the University. Any person believed to have information relevant to an investigation may be contacted and requested to make an appointment to discuss the matter.

Following the investigation, the investigator will prepare a report of investigative findings, which OSE and SLL will then review. OSE will then determine if the allegation(s) of misconduct, if true, indicate a violation of the Student Code and if so, will move forward to an administrative conference.

Notification of Conference and Pre-Conference Meeting

If an allegation of misconduct moves forward to an administrative conference, a case file will be created. The representative(s) of the student organization ("organization representative(s)") will be notified of the alleged violations, as well as the date, time, and location of the administrative conference. Notice of the administrative conference will be given at least seven (7) calendar days prior to the conference, unless the organization representative(s) elect to meet earlier.

The organization representative(s) (no more than 3 members) must schedule a pre-conference meeting to discuss the administrative conference process and review the alleged violations and investigative findings. To schedule this meeting, the organization representative(s) must contact OSE at 812-855-5419. After this meeting, the organization representative(s) will be asked to provide a written response to the alleged violations and investigative findings. This response must be provided to OSE no more than seven (7) calendar days following the pre-conference meeting.

Acceptance of Responsibility

If a student organization accepts responsibility for the alleged misconduct charge, either as the initial reporting party, during the course of the investigation, or following the pre-conference meeting, the matter will be addressed in a separate administrative meeting. In accordance with the "Process Regarding Acceptance of Responsibility" that follows, the meeting will be conducted by representatives of OSE and SLL, who will consider what sanctions are appropriate (see ***Educational and Administrative Sanctions*** below). Organizations that accept responsibility will have an opportunity to present their suggested/recommended sanctions to the representatives of OSE and SLL. Final decisions on the sanctions will be made by OSE.

The outcome of responsibility is not appealable following this administrative meeting. However, the student organization may appeal the sanctions determined by OSE on the basis that the sanctions are grossly disproportionate to the violation(s) using the appeal process described below.

Process Regarding Acceptance of Responsibility

1. The OSE and SLL representatives will hold an administrative meeting with the organization representatives to review findings from the investigation and confirm the written acceptance of responsibility. This meeting will be audio recorded for the purpose of being available for an appeal.
2. The OSE and SLL representatives may ask questions of the organization representative(s).
3. If the case involves an individual complainant(s), they will be provided an opportunity to participate, and may give a statement to the OSE and SLL representatives.
4. The organization representative(s) will be given an opportunity to present their own recommendations for sanctions.
5. The organization representative(s) and individual complainant(s), if in attendance, will be asked to leave the room during deliberations.
6. OSE and SLL representatives will deliberate and determine appropriate sanctions. OSE may consider aggravating and/or mitigating factors in determining sanctions, including the organization's past record of misconduct. The power to determine the final sanctions rests with the OSE representative.
7. The organization representative(s) will be called back in following deliberations and will be informed of the outcome and of any imposed sanctions.
8. A written decision describing the acceptance of responsibility, sanctions to be imposed, and available appeals process will be sent to the following:
 - a. Student Organization president;
 - b. Student Organization advisor;
 - c. SLL;
 - d. OSE;
 - e. Headquarters staff members (if applicable); and,
 - f. Complainant(s) (if applicable).

Administrative Conference

Complaints against a student organization for which there is not an acceptance of responsibility will be addressed in an administrative conference conducted by an OSE representative, an SLL representative, and a representative appointed by the Vice Provost and Dean of Students (collectively "Administrative Board"). Representatives serving on this Administrative Board will be appropriately trained in reviewing allegations of misconduct per the Student Code and have special training regarding sexual misconduct and hostile environments, if applicable. The following individuals may also be present during the administrative conference:

- Investigator from OSE;
- Individual complainant(s), if applicable;
- Witnesses, if called by the Administrative Board (these individuals will provide information that the Administrative Board deems pertinent to determining the responsibility of the student organization);
- No more than three representatives for the organization. This may include any combination of student organization members, advisors, and headquarter representatives, so long as one member of the student organization's leadership is present. Only members of the student organization may speak during the conference; and/or,
- Other appropriate University officials.

Process for Administrative Conference

1. The OSE representative on the Administrative Board will present findings from the investigation.

Office of Student Ethics Student Organization Accountability Procedures

2. The organization representative(s) will be able to make a statement regarding the alleged violations. The student organization may also admit full or partial responsibility, or deny responsibility during this time. The Administrative Board may also ask questions of the student organization.
3. If the case involves an individual complainant(s), they will be provided an opportunity to participate, and may give a statement or present questions to the organization representative(s) in writing through the Administrative Board.
4. The Administrative Board may call witnesses at its discretion to ask questions about the alleged misconduct. The student organization may also ask questions to such witnesses.
5. Organization representative(s) and individual complainant(s), if in attendance, will be asked to leave while the Administrative Board deliberates the finding of responsibility using a preponderance of the evidence (more likely than not) standard of proof.
6. Organization representative(s) will return to hear whether there has been a finding of responsibility.
7. If the administrative board finds that the organization is *not* responsible for a conduct violation, the matter will be dismissed.
8. If the Administrative Board finds that the organization is responsible for a conduct violation, the Administrative Board will determine appropriate sanctions. The Administrative Board may consider aggravating and/or mitigating factors in determining sanctions, including the organization's past record of misconduct.
9. The organization representative(s) will also be told of any imposed sanctions by the Administrative Board.
10. The administrative conference will be audio recorded for the purpose of being available for an appeal.
11. A written decision describing the findings of responsibility, sanctions to be imposed, and available appeals process will be sent to the following:
 - a. Student Organization president;
 - b. Student Organization advisor;
 - c. SLL;
 - d. OSE;
 - e. Headquarters staff members (if applicable); and,
 - f. Complainant(s) (if applicable).

Appeal

The student organization's leadership may appeal the outcome of the administrative conference or the sanctions assigned following an acceptance of responsibility to the Vice Provost and Dean of Students based on two standards:

1. There was significant procedural error that reasonably would have affected the outcome of the administrative conference; or
2. The sanction(s) imposed is grossly disproportionate to the violation(s) committed.

An appeal may be initiated by filing a notice of appeal directly to the Vice Provost for Student Affairs ("VPSA") no later than ten (10) calendar days after the date of the written decision. The notice of appeal must include a memorandum stating the basis for the appeal.

The Vice Provost for Student Affairs will only consider the record from the administrative conference or Administrative Meeting and will not accept additional evidence. The student organization requesting the appeal shall have the burden of proving that there was significant procedural error, or that the sanction imposed was grossly disproportionate to the violation committed.

Should the standard for an appeal be met, the Vice Provost for Student Affairs may uphold, reverse, refer back for further investigation and/or rehearing, or modify the determination of responsibility and/or

sanctions as determined appropriate by the VPSA. The Office of the VPSA will notify the student organization of the final decision and effectuate the decision. The decision of the Vice Provost for Student Affairs is final.

Retaliation

Retaliation against anyone who makes a complaint or participates in an investigation or proceeding against a student organization is prohibited by University policy. Instances of retaliation will be investigated and may result in penalties and sanctions against an individual under the Student Code and/or against a student organization under these procedures.

Privacy and Confidentiality

Privacy

The University is committed to safeguarding the privacy of the individuals involved in a complaint in a manner consistent with the University's objective to effectively investigate and prevent violations of the Student Code. In all cases, the University will share the individual's information and details of the allegation only with University officials, law enforcement personnel, and other individuals who have a legitimate administrative or legal reason to be so informed. The University may publish and/or post information about student organizations regarding violations and sanctions.

Confidentiality

If a person makes a complaint against a student organization and/or one of its members but indicates a desire for confidentiality (i.e., a request that no investigation into the particular incident be conducted, a request that no disciplinary action be taken, a request that the alleged perpetrator not be notified, or similar requests), the University will weigh such requests against its obligation to provide a safe, non-discriminatory environment for all students and the University community. At times, the University may not be able to honor a request for confidentiality in order to provide a safe, non-discriminatory environment, and will continue with an investigation and resolution in accordance with these procedures. If the University determines that it is able to honor a request for confidentiality, the person(s) making the request must understand that the University's ability to meaningfully investigate the incident and respond appropriately may be limited.

Interim and Remedial Measures

Interim and remedial measures may be appropriate while the University is in the process of determining student organizational responsibility. Interim and remedial measures may vary depending on the specific circumstances. These measures may include, but are not limited to: an order to cease and desist of organizational operations and activities; no contact orders; assistance in changing academic, living, transportation, and/or work situations; counseling services; victim advocacy services; and assistance in obtaining protective orders.

EDUCATIONAL AND ADMINISTRATIVE SANCTIONS

If the student organization is found responsible for any violation(s), sanctions may be imposed on the student organization, which may include the following:

Educational Sanctions

These sanctions are meant to assist the student organization's leadership in creating organizational change. Many Educational Sanctions are aimed at preventing the reoccurrence of the behavior and misconduct. These sanctions may take many forms, including but not limited to, workshops and community service. Program costs may be associated with Educational Sanctions.

Administrative Sanctions

The purpose of Administrative Sanctions is to provide a safer environment for members of the student organization, its guests, and the University community, while also providing an opportunity for student organizational leadership to create sustainable change of behaviors and activities. Administrative Sanctions may include, but are not limited to, the following:

- ***Reprimand and Warning***

If the incident does not raise a severe concern for the safety of its guests and the University community, and the student organization has little or no prior history of misconduct, the organization may receive a reprimand and warning. This Sanction indicates that the organization is taking the appropriate measures to create a culture of care and concern.

- ***Disciplinary Probation***

A student organization may be placed on disciplinary probation for a specified period of time under conditions stated in writing. Probation includes a warning that any violation of the conditions, or any further acts of misconduct, will result in additional sanctions, which may include suspension or expulsion from the University.

- ***Limit or Ban on Social Activity***

Student organizations may be limited or entirely banned from engaging in or hosting parties and other formal or informal social events with other student organizations, individual students, and/or third parties both on or off campus for a period of time.

- ***Attainment of Standards***

Student organizations may be required to attain specific standard(s), including, but not limited to: academic organizational grade point average, decrease in organizational personal misconduct recidivism, decrease in organizational arrest and citation rate, and organizational certifications/trainings.

- ***Limit or Ban on Participation in Campus Activities***

Campus restrictions prohibit student organizations from participating in some, or all, University events and privileges for a period of time. Events may include, but are not limited to, Homecoming and Little 500. University privileges may include, but are not limited to, use of space, access to university resources, removal of check listing benefits and academic reporting.

- ***Deferred Suspension***

Organizational suspension from Indiana University may be deferred for a period of time, on the condition that a lesser sanction(s) be completed or is otherwise implemented within that period of time. If the lesser Sanction(s) is not completed in the time period assigned, or if not upheld, the deferred suspension will automatically go into effect, and the student organization will have no further opportunity to appeal the deferred suspension.

- ***Suspension***

Organizational suspension from Indiana University means the student organization will cease all activities and disband for a period of time. Suspended organizations cannot utilize university space for gathering purposes or participate in University activities.

- ***Expulsion***

Organizational expulsion from Indiana University means the student organization will cease all activities and will be permanently banned from IU Bloomington. Expelled organizations cannot utilize university space for gathering purposes or participate in University activities.

DEFINITIONS

Advisor

The student organization may, at its own expense, be accompanied by an advisor or support person of its choice during the disciplinary process. An advisor or support person is limited to the role of advising. The advisor or support person may not speak for the student organization, participate in the proceeding, may not question witnesses, and may not make any statements during the proceeding. The unavailability or unwillingness of any specific individual to serve as an advisor is not normally grounds for postponing an administrative conference.

Hostile Environment

When conduct is sufficiently severe, pervasive, or persistent to limit or deny a person's ability to participate in or benefit from the University's educational programs or affects employment.

Retaliation

Retaliation includes intimidation, threats, harassment, adverse changes in work or academic environments or other adverse actions threatened or taken against the complainant or a third party, including witnesses, in an attempt to retaliate against, prevent or otherwise obstruct the reporting of violations of the Student Code or incidents of misconduct.

Student Organization Leadership

The President of the student organization as identified on the student organization's beInvolved site or an appropriate designee.