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 while engaging in activities and events. Complaints involving a student organization, or its members, will be addressed using the procedures outlined in this handbook. Complaints against individual members of a student organization may also be addressed under the appropriate University policies and procedures.

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 and incidents of sexual misconduct. 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. 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 and following a final decision of responsibility. Interim and remedial measures may vary depending on the specific circumstances. These measures may include, but are not limited 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.
GENERAL PROCEDURES

Initiating Disciplinary Proceedings and Investigation

Upon receipt of a complaint or other information indicating potential misconduct by a student organization and/or its members, the Office of Student Ethics (OSE), Student Life and Learning (SLL), or other appropriate University office shall conduct a preliminary investigation and determine whether the complaint involves misconduct at the organizational level. If appropriate, more immediate action may be taken against the student organization during the investigation, including a notice to cease and desist organizational operations and activities.

If it is determined after the initial investigation that a complaint involves alleged misconduct by a student organization, a more thorough investigation will be conducted by the OSE. This investigation may include, but is not limited to, interviews with all individual parties and any witnesses, as well as the student organization’s members and leadership. SLL staff may assist in investigations when appropriate.

“Gleaned” Report and Conference Notification

Following an investigation, a “gleaned” report, stating the alleged Student Code violations and findings of the investigation, will be given to the leadership of the student organization. This report will not include any names or personally identifiable information of those who participated in the investigation.

At this time, the student organization will also receive notification of the date, time, and location of the ethics conference. Notice of the ethics conference will be given at least five (5) business days prior to the conference.

Ethics Conference Pre-Meeting

The student organization’s leadership must schedule a pre-conference meeting to discuss the ethics conference process by contacting SLL at 812-855-4311. After this meeting, the student organization will be required to write a report on the organization’s stance, claiming responsibility or not, and outlining the events of the incident. This report must be submitted to SLL prior to the ethics conference.

Ethics Conference

The ethics conference is conducted by the Student Organization Ethics Board (SOEB). There must be at least 8 members of the SOEB (over 50%) present in order to conduct the ethics conference. During the ethics conference, the SOEB will determine whether or not the student organization is responsible (full or partial) for the alleged violations using a preponderance of the evidence (more likely than not) standard of proof. The student organization may have one representative from the student organization’s leadership and one advisor present. Only the representative of the student organization may speak during the conference. The SOEB will have a copy of the Gleaned Report, the Pre-Meeting Report and be able to review the outcome of all Student Organizations Ethic Board meetings the group has been involved in over the past four years.

Process:
1. The OSE investigator may present investigative findings and respond to questions from the SOEB.
2. The student organization presents information responding to the allegations and gleaned report. The student organization may admit full or partial responsibility, or deny responsibility.
3. The SOEB asks questions, and the student organization responds.
4. The student organization’s representative and advisor leave while the SOEB deliberates the finding of responsibility.
5. The student organization’s representative and advisor return to hear the SOEB finding of responsibility and, if responsible, discuss the culture of the organization to determine SOEB recommended sanctions.

6. If the SOEB finds that the organization is not responsible for the misconduct, the case will be recommended for dismissal and sent to the Dean of Students for review and final decision.

7. If the SOEB finds that the organization is responsible for the misconduct, the SOEB will submit its findings and recommendation for appropriate sanctions to the Dean of Students. The Dean will review the findings and recommendations, and make a final decision. SLL, the student organization's Headquarters (if applicable), and/or governing council (if applicable) may provide additional recommendations of sanctions to the Dean.

8. The Dean of Students will send written notice of the outcome to the student organization including the determination of responsibility and any imposed sanctions, as well as the available appeals process.

**Administrative Conference**

In the event that the SOEB is booked for the remaining semester, or if an incident occurs prior to training, the organization will be given a choice to be heard under administrative conference. The conference will be heard by two professional staff from SLL or one from SLL and one from OSE (collectively “administrative board”). The following individuals may also be present during the administrative conference:

- Investigator from OSE and/or witnesses (these individuals will provide information that was discovered through any investigation of the incident that is 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.
- Other appropriate University officials.

**Process:**

1. The OSE investigator may present investigative findings and respond to questions from the administrative board.

2. The student organization presents information responding to the allegations and gleaned report. The student organization may admit full or partial responsibility, or deny responsibility.

3. The administrative board asks questions, and the student organization responds.

4. The student organization’s representative and advisor leave while the administrative board deliberates the finding of responsibility.

5. The student organization’s representative and advisor return to hear the administrative board finding of responsibility and, if responsible, discuss the culture of the organization to determine administrative board recommended sanctions.

6. If the administrative board finds that the organization is not responsible for the misconduct, the case will be recommended for dismissal and sent to the Dean of Students for review and final decision.

7. If the administrative board finds that the organization is responsible for the misconduct, the administrative board will submit its findings and recommendation for appropriate sanctions to the Dean of Students. The Dean will review the findings and recommendations, and make a final decision. SLL, the student organization's Headquarters (if applicable), and/or governing council (if applicable) may provide additional recommendations of sanctions to the Dean.

8. The Dean of Students will send written notice of the outcome to the student organization including the determination of responsibility and any imposed sanctions, as well as the available appeals process.
Appeals

The student organization’s leadership may appeal the decision of the Dean of Students to the review board 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 with the OSE no later than ten (10) calendar days after the date of the written decision from the Dean of Students. The notice of appeal must include a memorandum stating the basis for the appeal.

Appeals Conference

The review board consists of a faculty member, an administrative officer, and a student. See definition of Review Board in Appendix D of the Student Code.

The OSE will communicate the date, time, and place of the appeals conference to the student organization’s leadership. The student organization’s representative may bring an advisor to the appeals conference. The student organization’s representative and the Dean of Students may submit a written statement to the review board before the appeals conference. Any such statement must also be submitted to the other party before the appeals conference. The review board will only consider the record of the ethics conference and will not accept any new evidence. At the appeals conference, both the Dean of Students (or his/her designee) and the student organization’s representative may make oral arguments based on the record to the review board. 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. The review board will notify the Dean of Students and the student organization’s leadership of its decision. The decision of the review board is final.
PROCEDURES FOR CASES RELATING TO SEXUAL MISCONDUCT

Initiating Disciplinary Proceedings and Investigation

Upon receipt of a complaint or other information indicating that a student organization may have created or contributed to a hostile environment in connection with an incident(s) of sexual misconduct (including sexual harassment, stalking, domestic violence, dating violence, and sexual violence—rape, sexual assault, attempted sexual assault, sexual battery, sexual coercion), the Office of Student Ethics (OSE) will investigate the student organization’s involvement in the “Complaint Relating to Sexual Misconduct.” Following the investigation, OSE will send a report of investigative findings to SLL, and disciplinary proceedings may be initiated against the student organization. If appropriate, more immediate action may be taken against the student organization during the investigation, including a notice to cease and desist organizational operations and activities.

Notification of Conference and Pre-Conference Meeting

SLL will notify the student organization leadership 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 five (5) business days prior to the conference.

The student organization’s leadership must schedule a pre-conference meeting with the Assistant Dean of Students or an alternate designee to discuss the administrative conference process and review the alleged violations and investigative findings. Findings shall not include personally identifiable information of those involved in the investigation. The pre-conference meeting shall serve as the only opportunity for the student organization to review the findings of the investigation before the administrative conference, as no report will be sent to the student organization prior to the conference. To schedule this meeting, the student organization’s leadership must contact SLL at 812-855-4311. After this meeting you will be asked to write a report on the organization’s stance, claiming responsible or not responsible, and to outline the events of the incident. This report must be provided to the university official the pre-meeting was held with, the report will be provided to the Student Organization Ethics Board.

Administrative Conference

Complaints Relating to Sexual Misconduct against a student organization will be addressed in an administrative conference conducted by an SLL Representative and an OSE Representative (collectively “administrative board”). Representatives serving on this administrative board will be appropriately trained in reviewing allegations of sexual misconduct and hostile environments. The following individuals may also be present during the administrative conference:

- Investigator from OSE and/or witnesses (these individuals will provide information that was discovered through any investigation of the incident that is 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.
- Other appropriate University officials.

Process:

1. Investigator from OSE presents findings from any investigations. Student organization and administrative board may ask questions.
2. The student organization presents information regarding the alleged violations. The student organization may admit full or partial responsibility, or deny responsibility.
3. The administrative board asks questions, and the student organization responds.
4. If the individual complainant(s) is available and desires to participate in the administrative conference, they may choose to present testimony.
   a. Questions by the student organization must be submitted to the administrative board for the board to ask the complainant, if deemed appropriate.
5. Student organization representative(s) 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. Student organization representative(s) will return to hear the administrative board's finding of responsibility and discuss the culture of the organization.
7. If the administrative board finds that the organization is *not* responsible for creating or contributing to a hostile environment and/or engaging in sexual misconduct, the case will be dismissed.
8. If the administrative board finds that the organization is responsible for creating or contributing to a hostile environment and/or engaging in sexual misconduct, the administrative board will determine the appropriate sanctions.
9. A written decision including 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 (Assistant Dean of Students, Assistant Director if applicable)
   d. OSE
   e. Headquarters staff members (if applicable)
   f. Complainant

**Appeals**

The student organization’s leadership may appeal the decision of the administrative board to the 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 Dean of Students no later than ten (10) calendar days after the date of the written decision of the administrative board. The notice of appeal must include a memorandum stating the basis for the appeal.

The Dean of Students will only consider the record from the administrative conference 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. The Dean of Students will notify the student organization of the final decision and effectuate the decision. The decision of the Dean of Students is final.
EDUCATIONAL AND ADMINISTRATIVE SANCTIONS

If the student organization is found responsible for any violation(s), administrative and educational sanctions may be imposed on the student organization, which may include the following. Organizations that are creating Enhancement Plans (see Definitions) may also use the following as a framework for developing an Enhancement Plan.

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 guest, 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 by the Dean of Students and/or SLL. Probation includes a warning that any violation of the conditions, or any further acts of misconduct, may result in additional educational and administrative sanctions, including suspension or expulsion from the University.

Social Restrictions
Social restrictions prohibit the student organization from participating in or hosting parties and other formal or informal social events with other student organizations and individual students, both on or off campus for a period of time.

Campus Restrictions
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, 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 within that period of time. If the lesser sanction(s) is not completed in the time period assigned, 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.
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 ethics or administrative conference.

A student with a disability affecting communication or a student who cannot effectively communicate in the English language may seek a reasonable accommodation from the office of the Dean of Students to allow an advisor or interpreter to present or translate the proceedings.

Enhancement Plans
An enhancement plan is a series of educational sanctions to address specific student organization learning needs.

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, including sexual misconduct.

Student Organization Ethics Board (SOEB):
The SOEB has a maximum of 15 members. All members are students in good standing who have memberships in student organizations. SOEB members are selected through an application process that includes a written application, an assessment of problem solving techniques (example: essays), and interviews.

Members are expected to uphold the standards of Indiana University as stated in the Student Code. Throughout the year, SOEB members are continuously provided with intensive training and guidance. With this training, board members are able to identify in-depth problems in a student organization’s behavior and culture, utilize problem solving techniques, and assist in determining educational and administrative sanctions for student organizations found in violation of the Student Code.

SOEB members with real or apparent conflicts of interest will not participate in an ethics conference when such conflicts have been identified.

Student Organization Leadership
The President of the student organization as listed through MyInvolvement, or an appropriate designee.