POLICY STATEMENT

Subject: Student Organization Review Policy		
Date Established: February 2004	**Revision Date**: April 28, 2020	
Originating Office: Division of Student Affairs Office of Student Support and Community Standards	**Distribution Code:** A	**Presidential Approval:** Michael A. Driscoll

Office of Student Support and Community Standards (OSSCS)
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A. Introduction

This policy and the procedures herein are established by Indiana University of Pennsylvania to adjudicate allegations of misconduct against student organizations.

All allegations of sexual misconduct are investigated under the Equal Opportunity, Harassment, and Nondiscrimination Policy and may result in adjudication as outlined in this policy.

All allegations of organizational hazing are investigated under the Anti-Hazing Policy and may result in adjudication as outlined in this policy.

Allegations against an organization for behavior that involves individual students do not preclude the University from adjudicating the individual student as outlined in the Code of Student Conduct. Such a process may run concurrent with the Student Organization Review process.

The standard of evidence used to determine whether an alleged misconduct occurred is the preponderance of the evidence. Preponderance is defined as evidence to suggest it is more likely than not that alleged misconduct did occur.

B. Definitions

1. Anti-Hazing Policy – The policy which outlines the University's response to allegations of hazing. A copy of the Anti-Hazing Policy may be obtained by contacting the Office of Student Support and Community Standards.

2. Board – a panel consisting of trained staff, faculty, and/or students who review allegations of violations and adjudicate organizations.

3. Charge – any alleged violation of the Student Organization Review Policy, Code of Student Conduct, Equal Opportunity, Harassment, and Nondiscrimination Policy, Anti-Hazing Policy, or any other policy, law, ordinance, or regulation.

4. Code of Student Conduct– The policy which outlines the University's response to allegations of student misconduct. A copy of the Code of Student Conduct may be obtained by contacting the Office of Student Support and Community Standards.

5. Contempt – disorderly or disrespectful conduct or intentional misrepresentation of facts.

6. Formal Recognition – the process outlined by the Student Government Association by which an organization may access specific benefits.

7. Hearing Officer – any University staff or faculty who has been appointed by the Vice President for Student Affairs to adjudicate any allegation against an organization.

8. Organization – organizations that include, but are not limited to, any of the following: a fraternity, sorority, association, corporation, order, society, corps, team, club, or service, social/academic or similar group, whose members are students of the University. University employees or volunteers who act as sponsors, counselors, advocates, or advisors of any organization, as defined, are also members.

9. Referral – the process by which the Office of Student Support and Community Standards is made aware of allegations.

10. Responding Organization – any organization accused of misconduct through this policy.

11. Sanction – requirements set forth upon a finding or an organization accepting responsibility for a violation of rules, regulations, or policies through the student organization review process.

12. Equal Opportunity, Harassment, and Nondiscrimination Policy – The policy which outlines the University's response to allegations of sexual misconduct. A copy of the Equal Opportunity, Harassment, and Nondiscrimination Policy may be obtained by contacting the Office of Social Equity.

13. Statement of Relationship – The guiding document which outlines the relationship between general Fraternities and Sororities and the University.

14. Student – a person who is enrolled in a course of study at Indiana University of Pennsylvania which is subject to the provisions hereof.

15. Student Government Association – the representative body of all IUP students.

C. Referral Process

Any Indiana University of Pennsylvania student, staff, faculty, or community member may file a referral against an organization. Any allegation of misconduct by an organization should be referred to the Office of Student Support and Community Standards. The Office of Student Support and Community Standards may determine whether an allegation shall be adjudicated through the arbitration process or the board process.

D. Charges

Any alleged violation of the Code of Student Conduct, Equal Opportunity, Harassment, and Nondiscrimination Policy, Anti-Hazing Policy, or any other policy, law, ordinance, or regulation may be charged through the Student Organization Review Policy. Processes to adjudicate these charges may run concurrent with the processes to adjudicate the charges listed below.

1. Non-Compliance: Failure of an organization to comply with a reasonable request from a University, Student Cooperative Association, or law enforcement official or an official University or organizational governing body.

2. Statement of Relationship: Failure to meet expectations outlined in the Statement of Relationship between a general fraternity or sorority and the University.

3. Misuse of Student Organization or University Funds: The improper use of any funds as determined by PASSHE, the University, Student Cooperative Association policy, organizational guidelines, and/or local, state, or federal laws.

4. Organizational Complicity: Active association with or active encouragement of another person or organization whose conduct is in violation of any of the Student Organization Review Policy, Anti-Hazing Policy, University Policy, or applicable laws.

5. Other: Any alleged violation of federal, state, or local laws, regulations, or ordinances and other University policies and regulations.

E. Preliminary Review

Upon receipt of a referral, the Office of Student Support and Community Standards may conduct a preliminary review of the allegation. The preliminary review may result in a decision to proceed to the Allegation Review or Board procedure.

F. Allegation Review Procedure

Allegations against an organization may be resolved through the allegation review process according to the following conditions:

1. The Responding Organization will be presented an opportunity to review all evidence and the allegation which has been submitted to the Office of Student Support and Community Standards.

2. The Responding Organization will have an opportunity to respond to the allegation and the evidence provided.

3. Following the completion of the examination of evidence and sharing of information, the allegation review procedure may result in the following outcomes:
    a. A resolution of the allegation is agreed upon by the Hearing Officer and Responding Organization. This resolution is documented and distributed to the appropriate parties. These resolutions may not result in the withdrawal of University recognition. These resolutions are final and binding.

b. The Office of Student Support and Community Standards may refer the allegation for other forms of appropriate conflict resolution. All parties involved in the conflict resolution must agree to and be bound by the agreed upon outcomes.
c. If the Hearing Officer and the Responding Organization do not come to agreement on the outcomes or sanctions, the allegation may be adjudicated by a Board.

4. The outcome of the allegation review will be documented and distributed to the appropriate parties.

G. Board Procedure

The Office of Student Support and Community Standards may initiate the Board procedure upon receipt of a referral alleging organizational misconduct.

1. Composition of the Board
   The Office of Student Support and Community Standards is responsible for assembling the Board according to the following guidelines:

   a. The membership of the board is selected from a pool of students, faculty, and staff appointed by the Vice President for Student Affairs and trained through the Office of Student Support and Community Standards.

   b. A board may proceed with as few as three members and no more than six. A board will be chosen from the available pool and may be comprised of at least one member of the Student Government Association, one faculty member, and one staff member. In the instance that no member of the Student Government Association is available, a board may proceed with a student from the general student body.

   c. A Hearing Officer from the Office of Student Support and Community Standards will serve as a non-voting facilitator of the Board who will assure that Indiana University of Pennsylvania procedures and due process are followed throughout the proceeding.

2. Notice of Hearing
   Once a determination is made that the Board procedure shall commence, formal notice will be given to the responding organization.

3. Board Hearing Procedure
   The responding organization shall have their case adjudicated by an impartial Board. Once membership of the board is selected, they may not publicly or privately discuss the merits of the complaint with anyone not involved in the proceedings, the responding organization, or anyone acting on behalf of the responding organization.

   All Board hearings are closed except to participants designated and approved by the Office of Student Support and Community Standards. Board hearings are digitally recorded and made available to the referring party and the responding organization upon written request to the Office of Student Support and Community Standards.

   A responding organization shall have a fair and reasonable opportunity to answer, explain, and defend themselves against charges presented at the hearing. Further, they will have an opportunity to question the referring party and any witnesses brought before them. They will maintain the right to provide witnesses on their behalf. Should an organization or referring party

seek witnesses at the hearing, the Office of Student Support and Community Standards must be notified at least one business day prior to the hearing.

The responding organization may challenge the presence of any member of the Board. Upon hearing the details of the challenge, the Board will, by majority vote (the challenged member not voting), either uphold or deny the challenge.

A board member will withdraw from participating in any case in which they are unable to be impartial and reach a fair and objective decision.

If the responding organization chooses not to appear before the Board, the charges against them will be adjudicated in their absence based upon the available information and balanced against the standard of evidence.

The hearing officer shall have the authority during the Board proceedings to hold an individual in contempt. Individuals found to be in contempt may be removed from the hearing and may face further referral to the Office of Student Support and Community Standards.

After hearing all information and evidence presented, the Board will privately deliberate to make a finding for each alleged violation and, if necessary, sanction appropriately.

If the responding organization is found to be in violation of any of the alleged misconduct, all materials within the organization's past and present file may be used to determine appropriate sanctions.

The responding organization will receive a written account of the decision of the Board. This decision is subject to appeal as outlined in *Section J* of this policy.

H. Sanctions

The arbitration or board processes may result in any one or more of the following sanctions:

1. Disciplinary Warning: a written warning may be given to an organization indicating they have been found to be in violation of a University policy, regulation, law, or ordinance.

2. Disciplinary Probation: an indication that an organization's status at the University is seriously jeopardized. During the probationary period, if the organization fails to complete other assigned sanctions or is found to be in violation of any new allegations of misconduct, a more serious sanction may be levied.

3. Mandatory Activity: the required participation by the organization in specified activities, community reparations projects, educational programs, or other assignments.

4. Formal Recognition: an organization that has not gone through the formal recognition process as outlined by the Student Government Association may be required to do so.

5. Financial Restitution: if any property damage, loss, or personal injury occurs as a result of an organization's misconduct, that organization may be required to make restitution to the party.

6. Social Limitations or Suspension: the denial of formal or informal sponsorship of, or participation in, any event for a specified period of time.

7. Suspension of Recognition Benefits: a specific length of time in which the organization maintains university recognition but is denied one or more benefits of recognition which may include, but is not limited to, access to Student Cooperative Association funding, use of Student Cooperative or university space, ability to advertise on campus, and/or other specified benefits of University recognition.

8. Withdrawal of University Recognition: a specified or indefinite length of time in which University recognition is withdrawn in whole, part, or conditionally. The organization and any semblance of its membership ceases to function at the University and is denied all benefits of University recognition.

9. Other: any additional sanction may be imposed through the Student Organization Review process.

I. Interim Measures

In a situation where it is determined that a continuation of the present circumstances presents a potential danger to the health, safety, or welfare of the University community, the Vice President for Student Affairs or designee may implement interim measures. An interim measure will remain in effect pending the final disposition of the case.

After an interim measure is implemented, the following process will commence:

1. Within ten (10) calendar days of issuance of the interim measure, a Board will be convened to adjudicate the allegation unless circumstances warrant an extension as approved by the Vice President for Student Affairs or designee.

    a. If there is an extension warranted, an Interim Suspension Review will take place within ten (10) calendar days to determine whether or not to uphold the Interim Suspension.

2. If the board does not uphold the interim measure upon adjudication, the interim measure will no longer be in effect and the organization will be allowed to operate as prior to the implementation of the interim measure.

3. When an interim measure has been implemented, upheld by a board, and appealed by the organization, the interim measure will remain in effect until the final disposition of the appeal.

Indiana University of Pennsylvania reserves the right to exercise its authority of interim measures upon notification that an organization is facing criminal investigation and/or complaint.

J. Appeal

An organization may appeal the outcome of a board for one or more of the following reasons:

1. Procedural Error – an error in due process or procedure which likely impacted the outcome of the hearing.

2. New Information – new information for which there is a legitimate reason to explain why the information could not be presented at the original hearing.

3. Unreasonable Sanction – sanctions for which there is demonstration of a clear error in judgment. The appellant must show the decision was not based upon consideration of relevant factors, reason, or judgment and was an abuse of discretion or otherwise not in accordance with the Student Organization Review Policy.

The individual submitting the appeal must present a written request that specifically articulated one or more reasons for appeal from the grounds listed above to the Office of Student Support and Community Standards within five (5) calendar days of notification of the hearing decision. The five (5) day requirement may be waived where extenuating circumstances prevail and only if the grounds for appeal are met. The individual submitting the appeal must include in the written appeal the reason for the appeal and all supporting facts and documentation. An appeal is not a rehearing of the matter and will not have merit simply because the person submitting the appeal disagrees with the outcome.

Once the appeal has been received and is determined by the Office of Student Support and Community Standards to be timely and to have merit based on the above listed grounds for appeal, it will be referred to the Vice President for Student Affairs or designee for review. If an appeal is determined to not be timely or not have merit, the original finding and sanctions will stand, and the decision is final.

In cases that do not involve interim measures, once an appeal is filed, all sanctions may be placed on hold.

Upon consideration of the appeal, the Vice President for Student Affairs or designee may uphold the original finding and sanctioning of the board, amend the sanctioning of the board, determine that the original board should rehear the case, or determine that the case should be reheard by a new board.

All appeal decisions are final.

K. Interpretation and Revision

Interpretation of the Student Organization Review Policy is at the discretion of the Office of Student Support and Community Standards. Any question of interpretation of the Student Organization Review Policy may be referred to the Vice President for Student Affairs, whose interpretation is final.

The Student Organization Review Policy shall be reviewed at least every three years. The Student Organization Review Policy shall be updated as necessary to comply with applicable law, policy, or regulation. The review process shall be coordinated by the Vice President for Student Affairs or designee.

L. Publications Statement

The ban shall be advertised and promoted on the IUP Campus, through the policy section of The Source (student handbook) and through IUP's official social media and other media channels in order to inform the IUP community and the public of this ban and the associated sanctions.

M. Distribution

Distribution Code	Description
A	All Employees
B	All Budget Coordinators
C	All Non-instructional Employees
D	Department Chairpersons
E	All Managers
F	All Faculty
G	Senior Policy Executives (Deans & Vice Provost Admin & Tech)
H	President's Cabinet
I	Vice Presidents (President's Executive Council)