Section 7: Organizational Conduct Process & Sanctions

Philosophy
The organizational conduct process is designed to be a part of the educational mission of the University, one that focuses on upholding the commitments inherent in the Sewanee community. The organizational conduct process enforces the obligation of student organizations, registered and recognized, to act in an appropriate and acceptable manner within a community. The College of Arts & Sciences provides a conduct process in which members of the Sewanee community may resolve violations of University policy with fairness, education, and respect. Student organizations are held responsible for their actions with the ultimate goal of encouraging and fostering the personal growth in the community while protecting the safety of all community members.

Guiding Principles
When there are violations of the Student Organization Handbook and other policies by student groups, the conduct process will be governed by the following:

- **Fairness.** The process should strive to be consistent, clear, comprehensive and, when possible, efficient.
- **Education.** The process, including potential consequences should strive to be educational. Students are encouraged to consider responsibility for their actions and making wise choices.
- ** Respect.** The process should strive to be characterized by respect for all individuals as well as the community as a whole and the commitments outlined for our campus.

Good Samaritan and Medical Amnesty
For the full policy, please refer to the EQB Guide for Living in Community. Sewanee strives to offer students exemption from punishment for an intoxicated or impaired underage student who calls for emergency assistance for another student who is dangerously intoxicated or otherwise in danger. Although not necessarily in danger of alcohol poisoning him or herself, those who intervene for a dangerously intoxicated student may also be subject to a psychological evaluation for drug and/or alcohol use following an incident.

Jurisdiction
The University reserves the right to address student behavior or student organization activity on-campus, off-campus, and online when such behavior or activity is inconsistent with the Code of Conduct or has an adverse impact on the Sewanee community, its members, or the pursuit of its objectives. The University also has the authority to address behavior that occurs during sponsored off-campus events and programs (including the University’s international programs) when it is determined that the behavior conflicts with the University’s policies and/or educational mission. Any incident involving an individual student’s behavior or a student organization’s activity that is believed to be inconsistent with federal, state, and local laws may be referred to the appropriate authority. Pursuant to the EQB Guide, authority for student organization conduct ultimately rests with the Dean of Students or his/her designee(s).

Search and Entry
A search of a student, a student’s possessions or a student’s on-campus residence; a fraternity house or campus building may be authorized by Dean of Students Office or by the Sewanee
Police Department if there is reasonable cause to believe that prohibited or unlawful activity has occurred. Any items found that violate the Code of Conduct, Student Organization Handbook or any local, state or federal laws will be removed and reported to the appropriate authorities. Additional details about residence hall room searches are noted in the Room Contract.

**Interim Administrative Measures**
The University may impose interim administrative measures upon a student organization when there is reason to believe, based upon available information, that the student organization or a group of members of the student organization has engaged or threatened to engage in behavior that (a) poses a danger of imminent physical harm to the group or to individuals, (b) directly and substantially impedes the lawful activities of other members of the campus or (c) has or is likely to cause property damage. Following the imposition of interim administrative measures, the standard organizational conduct process shall be provided as expeditiously as possible. Interim Administrative Measures include, but are not limited to the following:

**Cease and Desist:** This action requires a student organization to immediately cease organization operations entirely, refrain from meeting, and/or comply with other stated conditions for a specified period. Student organizations who are issued a Cease and Desist Order should also refrain from communicating with other organization members outside of the organizational conduct process until the case is resolved.

**Temporary House Closure:** This action requires a student organization to relocate its members currently residing in the house to another space within the residence halls within 24 hours. If a student disregards this action, he or she shall be subject to further disciplinary action including but not limited to interim suspension. The organization must secure the house and no one will be permitted entry until the temporary closure is resolved.

**Notice of Interim Administrative Measures**
A student organization will receive written documentation of any interim administrative measures which will explain the nature and reason for the action, as well as any conditions that may apply sent to their University email address of the President on record, Organization Advisor and, if applicable the inter/national organization. Any student organization who is suspended on an interim basis (Cease and Desist) or whose house is temporarily closed; and a member violates other stated conditions shall be subject to separate discipline for violation of the Cease and Desist and may be treated as a trespasser.

**Group Responsibility**
Any student organization or student group can be held responsible for its actions or the actions of those affiliated with the organization, including but not limited to: one or more of its members (active or inactive), former members, alumni, guests, contractors, and agents. Every student organization or student group has the duty to take all reasonable steps to prevent violations of University regulations, policies and state laws growing out of or related to the activities of the organization. To this end, each organization is expected to educate its members regarding their own risk management policy and all applicable University policies, Student Organization Handbook guidelines and state laws.

**Authority**
The University Ordinances give the Dean of Students responsibility for establishing and implementing a student disciplinary system. The system addresses student conduct matters not addressed by the Honor Council. Under the direction of the Dean of Students, professional staff members from the Division of Student Life and the Greek Conduct Board are responsible for implementing the conduct process for student organizations.

Confidentiality

I. Decisions regarding conduct matters are confidential and become a part of the student’s educational record, and are, therefore, subject to federal regulations set forth in the Family Educational Rights and Privacy Act (FERPA) of 1972. Those involved in inquiries should not comment on any aspect of the case or outcome with anyone other than the student unless allowed to do so in accordance with FERPA, Title IX, Clery Act, or other federal provision related to student privacy.

II. Should an employee of the University involved in the conduct process be asked for public comment, he or she should be aware of his or her duty to refuse comment and instead should refer the question to the Dean of Students or his or her designee for an official statement.

III. Persons found to be in violation of this confidentiality provision will be subject to University conduct action. Such disclosure of information is not only in violation of university policy but also of federal statutes.

IV. Upon request, the University will disclose the results of any conduct proceeding conducted by the institution against an organization who is the alleged perpetrator of any crime of violence or a non-forcible sex offense to the alleged victim or his/her next of kin if the alleged victim is deceased.

Parental Notification

The University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status, or conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. When a student is not dependent, the University will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The University also reserves the right to designate which college officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act.

Student Organization Code of Conduct

As illustrated below, the University has specific expectations of student organizations, or subsets of student organization members. The EQB Guide outlines expectations for individual student conduct, the Honor Code and other University policies outline other directives for conduct which should also be followed by student organizations. At any time, if a policy or rule pertaining to student organizations at Sewanee is more restrictive than another stand alone policy or individual student expectation, the more restrictive policy should be followed. This also pertains to differences in University policies and inter/national policies.

Alcohol

Where appropriate, alcoholic beverages may be consumed in a non-abusive manner by individuals of legal age, and social hosts may sponsor events at which alcoholic beverages are permitted with the understanding that hosts bear the responsibility for abiding by state laws, for
establishing reasonable guidelines for the behavior of their guests, and for taking measures to discourage alcohol abuse at their social functions. Refer to the Social Host Policy for stipulations. Please note that no glass bottle will be permitted in student organization houses or meeting spaces without the express permission of the Dean of Students.

Complicity
In our community, students have a responsibility to take action to preserve our community standards and values. Sewanee students routinely pride themselves for “looking out for each other.” Opposed to that spirit of shared responsibility is “complicity”—the conscious failure to take reasonable action in the face of a clear wrong. It is “approval by inaction.” Students who are demonstrably complicit in the conduct violations of others may face disciplinary consequences individually as well as the organization being held accountable for policy violations.

Damage to Property or Premises
The damage, destruction or abuse of personal or University property and/or premises is prohibited. Fraternity and sorority houses are situated on University property. Student organizations may be charged for any damage to University facilities and public areas that result from misconduct or misuse. This includes, but is not limited to trash remaining after a social event, damage to University property, unauthorized removal of University property, and/or destruction of organization property in a dangerous manner.

Deceptive Behavior
Students should engage in honest interactions and refrain from deceptive behavior. Any student or student organization that intentionally or knowingly deceives a University official and/or provides false information will be referred to the Honor Council.

Disorderly Conduct
Public intoxication, drunk and disorderly conduct in public or private locations (including residence halls and fraternity houses) is a violation of University policy. Conduct which causes disruption to the University operations and/or events. Student organizations should be mindful to address this conduct at any social or other event.

Drugs
The University of the South intends to send a “zero tolerance” message regarding illegal possession or misuse of drugs, or knowingly being in the presence of those who possess or misuse drugs. The presence of illegal drugs in any campus facility, at any student organization sponsored meeting or event, and/or as a part of any student organization off-campus gathering will not be tolerated.

Endangerment
Students are expected to protect the safety of themselves and others by making responsible choices to reduce the risk of danger. Physical abuse or force against one’s self, another individual, or group, or conduct that endangers the health, safety, or well-being of one’s self or another person or group will not be tolerated.

Failure to Comply
Students and student organizations are expected to be cooperative and respectful to University officials who are acting in the performance of their duties. This includes, but is not limited to,
University administrators, faculty and staff and Sewanee Police officers. Further, student organizations are expected to comply with instructions, requests or orders of a University official, a University official’s designee or University document. Note, failure to comply during the adjudication process may result in adjudication in the student organization’s absence. A failure to comply violation can result when a student knows or should have known of the instruction, request or order.

Fire Hazards and Combustible Materials
The University is committed to the safety and welfare of our community, combustible materials including, but not limited to, gasoline, gunpowder, flammable chemicals, explosives, etc., are not permitted. Incendiary devices, including fireworks of any kind, are strictly prohibited in University facilities and on the premises of the Domain. Smoke detectors must remain plugged in (if not battery operated) and in good working order. This policy also applies to fraternity and sorority houses and theme housing granted to a student group.

Hazing
Hazing is any conduct that subjects another person to humiliation, degradation, abuse, intimidation, harassment, or endangerment of mental or physical health or safety as a condition of association with a group, regardless of the person’s willingness to participate and regardless of whether the organization or group is officially recognized. Acts of hazing by groups, individuals or alumni are prohibited. Apathy or acquiescence in the presence of hazing are not neutral acts but constitute complicity. Hazing cases involving groups and individual students may be conducted as combined cases through the University conduct process.

Noise
Loud music or an unacceptable level of noise is that which can be heard beyond the immediate premises. Student Organizations should observe the following guidelines regarding noise: No bands or other amplified music are permitted while classes or labs are in session on Reading Days or during Final Examination periods, no amplified music may be situated outside the building where the party is taking place, and no loud music or band parties are allowed from Sunday to Thursday nights.

Other Policy
All University policies and departmental guidelines are imposed to create a safe and productive learning environment. Students are responsible for knowing and following all policies and this charge would be accompanied by the particular policy at issue. Most University Policies can be found on the Provost’s page and should be reviewed annually with the entire student organization to ensure compliance.

Retaliation
Any person who brings a good faith report under the EQB Guide or the Student Organization Handbook, or has information about or is involved in a complaint resolution process is encouraged to do so without fear of adverse action. See the full policy at https://www.sewanee.edu/media/provost/Non-Discrimination-Policy.pdf.

Sexual Misconduct
The University of the South has a detailed policy regarding sexual misconduct and a process for resolving such cases that is complementary to the processes in this Code. See the full policy at http://life.sewanee.edu/dean-of-students-office/title-ix/.

Smoking
Smoking and the use of tobacco products is prohibited in all residence halls and on balconies, in academic buildings. Prohibited tobacco products include, but are not limited to, cigarettes, cigars, cigarillos, pipes, hookahs, all smokeless tobacco and e-cigarettes. Smoking is prohibited within 50 feet of all campus buildings, including fraternity and sorority houses, academic buildings, etc. Violators of this policy are subject to a minimum $25 fine and additional sanctions should issues persist; fraternity and sorority houses will be subject to significant fines should violations persist.

Theft
Students should respect the property of individuals, the University, and others. Student organizations are expected to not have another’s property without express permission.

Unauthorized Entry
In the interest of student safety as well as successful living and learning, students are expected to not physically enter non-public areas of the University without first receiving the appropriate permission(s) that grants access. Permission may provided in many forms and therefore students are expected to refrain from assisting others without permission to enter such areas. Non-public areas include, but are not limited to, residence halls, residence hall rooms, construction areas, athletic playing surfaces, staff or faculty offices, card-restricted rooms/areas, rooftops and balconies.

Weapons
Students may not possess, use or intend to use weapons on the Domain without express permission of the Dean of Students. No weapon or item that could reasonably be assumed to be a weapon is permitted on the premises of the Domain. Students are expected to follow procedures related to weapons and not make assumptions about what is permitted. The University prioritizes safety in situations involving weapons. The University’s Weapons Policy can be found on the Provost’s page at: http://www.sewanee.edu/media/provost/Weapons-Policy.pdf

Process
When the Dean of Students’ office is made aware of any alleged violation of policy and/or Student Organization Handbook the information will be reviewed by the Dean of Students or designee. Should enough information exist to support an alleged violation of policy, the incident report will be made into a case and the process will move forward. Should there not be enough information to move forward, the report will be maintained as information only. Once a case is created, the following steps are followed:

● Cases are assigned either assigned to the Greek Conduct Board or to the Director of Community Standards for adjudication:
  a. Lower level violations, including but not limited to recruitment violations, Student Organization operating policy violations, Council violations, noise, trash and
unregistered parties will be adjudicated by the Greek Conduct Board through a notification or formal hearing.

b. Mid-level violations, including but not limited to alcohol, drug possession or use under a felony amount, disorderly conduct, offensive behavior, theft and failure to comply will be handled by the procedures below.

c. High risk violations, including but not limited to hazing, sexual misconduct, harassment/retaliation, alcohol distribution, common source alcohol, drug distribution, organizations already on a probationary status who have a subsequent violation and/or lying will be handled by the procedures below.

- The Director of Community Standards or Greek Conduct Board will reach out to the organization president (advisor and inter/national organization representative as appropriate) to communicate the concern and request information via email.
  - Description of the incident or issue will be included in this initial contact.
  - A guide for student leaders on investigating misconduct in their group and how to write reports for this process is attached to the message.
- Student Organization leaders must submit a report to the Director of Community Standards within 5 class days detailing the results of the internal investigation and/or explaining what happened.
  - A report of what steps were taken by the student leaders including: who was involved and in what capacity, detailed account of what happened and if needed steps taken to discipline members individually or action taken organizationally to ensure University trust is restored will be submitted.
  - This report may also include any immediate next steps that will be taken by the organization and any individual student sanctions that have been assigned by the organization.
- The report will be reviewed with either the Greek Conduct Board in a hearing or by the Director of Community Standards and Coordinator for Fraternity and Sorority Life in a meeting depending on the severity of the violation. Members of the organization’s executive board, the advisor of record and inter/national organization representatives may attend the hearing/meeting. Sewanee will include inter/national organization representatives at each stage of this process.
  - In a hearing conducted by the Greek Conduct Board, the outcome and sanction are submitted to the Director of Community Standards for review if the sanction is outside of the standard sanction guidelines. No further action is typically needed following a hearing until a sanction is issued.
  - In a meeting with University officials, it is possible that a formal investigation will be needed to further understand what happened. This investigation may be completed by the inter/national organization staff or University staff or both.
- Following an investigation, charges will be assigned or the case will be closed. Charges and a summary of the investigation will be communicated to the organization president via email and copied to the advisor and inter/national organization.
- A formal hearing will be scheduled to review the charges and investigation report. Should the organization wish to be accountable for all charges, the hearing may be
waived and sanctions will be issued. This must be done in writing within 3 class days of receipt of the charge letter.

a. A hearing will be chaired by the Director of Community Standards and the panel will consist of the Coordinator of Fraternity/Sorority Life and one other Dean of Students office staff member. The hearing will only be recorded by the University, no other recordings may be made.

b. The organization will provide a statement and the spokesperson will receive questions. Only the spokesperson will have a speaking role and advisors may attend for support purposes only. Inter/national organization representatives may listen in via phone but have no speaking role.

c. The organization may call witnesses who have first-hand knowledge of the incident or issue and those witnesses will need to provide a statement and received questions from the panel. If the witnesses share repeated information, the hearing chair reserves the right to discontinue hearing from witnesses.

d. Once information has been shared, the panel will deliberate on an outcome and if appropriate sanctions will be assigned. The outcome will be shared in a similar format as the charges with all relevant parties receiving a copy.

- Sanctions may be both punitive and educational in nature, and often include educational action steps that are decided on by both the chapter and University.

Any student(s) who provide false information, lie or obstruct the conduct process will be charged individually and where applicable sent to the Honor Council. Student Organization advisors, inter/national organization staff and/or alumni who provide false information, lie or obstruct the conduct process may be limited from participation in the future and the organization may be held accountable.

Sanctions
Sanctions issued to student organizations are intended to first address community impact, education and personal growth of members and to reduce risk on campus. The following are organizational conduct status’ that will be posted on the Sewanee Greek Life website:

Organizational Warning: official disciplinary action conveying to the organization that their behavior was unacceptable and that any further violations of policy (regardless of the semester) may result in more severe consequences. Notification of this warning will be shared with national or regional organization affiliates but will not be posted on the Sewanee website.

Organizational Probation: pre-suspension period in which the organization’s behavior is under University review, conveying that the behavior is unacceptable and that actions steps are needed to remedy the behavior. Further violations of policy while on probation may result in immediate suspension or removal of registration. Probation will be shared with national or regional affiliates and will be listed on the Sewanee website. Probation will usually include limitations, such as:
1. Social restrictions that include but are not limited to a period of “dark” activities no less than the remainder of the current semester.
2. Limits on the recruitment of new members and/or the initiation of members.
3. Reduction of approved activities while action steps are being focused on and completed.

Organizational Suspension: suspension of official University registered and recognition no less than the remainder of the current semester. Notification will be shared with national or regional affiliates and will be listed on the Sewanee website along with return date. Suspension may be effective immediately or deferred until the end of the current semester. The following terms of suspension may be included:

1. The organization shall cease all operations effective immediately. Only action steps as outlined specifically in the outcome letter may cause the organization to assemble.
2. During the period of suspension, the organization will not have any benefits of University recognition and may not participate in University sponsored activities, participate in events and activities as an organization, use or schedule University facilities, and cannot use Sewanee’s name or marks in any manner for any purpose; unless approved to do so by the Dean of Students.
3. The suspension and all associated documentation shall be maintained by the Dean of Students Office.
4. A petition to re-register will be submitted to the Dean of Students for review no earlier than specified in the outcome letter. All action steps must be completed in order for the petition to be considered.
5. Members of the organization may not meet, assemble, or represent in any way the formerly registered organization during the period of time that University recognition is revoked. Any students or other persons doing so by forming “underground” or affiliate groups, within The University of the South community in any way, shape or form, will be held accountable individually and the organization may be delayed in, or prohibited from, petitioning for permission to reorganize and to receive University recognition.
6. With regard to individual members of the organization living in residence or asking to utilize a facility in which the organization has ownership, stipulations may apply including vacating of the facility during the suspension period.

Removal of University Registration and Recognition: permanent revocation of University registration subject to the right to petition for reinstatement shall be immediate. Notification will be shared with national or regional affiliates and will be listed on the Sewanee website. The following terms will apply:

1. The organization shall disband and cease all operations effective immediately. By a designated date and time all facilities owned by the organization may not be occupied or utilized unless and until the organization returns as a University recognized fraternity in good standing.
2. The period of removal shall be no less than 2 years.
3. During the period of removal, the organization will not have any benefits of University recognition and may not participate in University sponsored activities, participate in
events and activities as an organization, use or schedule University facilities, and cannot use Sewanee's name or marks in any manner for any purpose.

4. The suspension and all associated documentation shall be maintained by the Dean of Students Office.

5. At the earliest, a petition to reorganize may be submitted during a designated semester requesting to return to good organizational standing as a fraternity at The University of the South. This petition should be submitted to the Dean of Students for review.

6. Members of the organization may not meet, assemble, or represent in any way the formerly registered organization during the period of time that University recognition is revoked. Any students or other persons doing so by forming "underground" or affiliate groups, within The University of the South community in any way, shape or form, will be held accountable individually and the organization may be delayed in, or prohibited from, petitioning for permission to reorganize and to receive University recognition.

7. With regard to individual members of the organization, all are required to attend a meeting facilitated by the Dean of Students’ office to discuss vacating any facilities owned or managed by the organization and a member of the CAPS staff to discuss impact of the organization removal.

Educational Action Steps

The action steps assigned as a part of a probation or in an effort to remedy an organization’s impact on the Sewanee community shall be issued with clear deadlines and criteria for completion. It is the student leader’s responsibility to ask questions and seek guidance from the Coordinator for Fraternity and Sorority Life as needed. All action steps are aimed to remedy the issues causing the violation and rebuild University trust. The following are examples of educational action steps that can be effective in changing behavior within a student organization:

- Educational speakers: the organization will invite a speaker or presenter on an educational topic related to the violation and will discuss the information shared in a meaningful way.
- Revision of constitution or bylaws: the organization will review and update the Constitution & By-laws to reflect areas of self-governance that could be enhanced to reduce risks within the operating of the organization. Nationally affiliated groups should consult their Headquarters when making updates to ensure they are in line with expectations.
- Revise new member education programming: the organization will review and update the plans for New Member Education to reflect areas of concern with regards to risk, alcohol/drug use and hazing behaviors. Nationally affiliated groups should consult their Headquarters when making updates to ensure they are in line with expectations.
- Organizational training or skill-building: complete training or and educational workshop on a particular topic of relevance where a certain percentage of members and new members must attend.
**Appeals**
Cooperation and partnership is expected between student organization leaders and the University. Even so, there may be times when an organization wishes to appeal a decision of this process on the basis of:

- Procedural error, which had a bearing on the original decision.
- New information that was not available at the time of the hearing which would affect the original decision.
- Information demonstrating that there is no way a reasonable person could have arrived at decisions similar to the original decision absent bias.

The right to appeal does not entitle a student organization to a full rehearing of the entire case. The Appeals Board reviews the appeal only if sufficient and appropriate grounds for appeal exist. The functions of the Appeals Board are outlined in full in the EQB Guide. All appellate decisions are final and end the process.