

## Student Organization Conduct Process

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Student organization policies and procedures are contained in separate documents: *the Recognized Student Organization Handbook*, *the Sport Club Handbook*, *the Intramural Handbook*, *the Fraternity and Sorority Life Policy Handbook*, *the Student Code of Conduct* and *the Scheduling & Reservations Handbook* herein referred to as the Handbooks. All are available in hard copy in the administrative offices of Student Life or online at <http://ucsa.tamucc.edu> and <http://tamucc.orgsync.com>. The Handbooks contain information regarding policies and procedures that our student organizations are expected to follow. Should there be an alleged violation of said policies and procedures, the Student Organization Conduct Process may be initiated.

The handbooks are reviewed on an annual basis. Student Life reserves the right to publish revisions on <http://ucsa.tamucc.edu> and <http://tamucc.orgsync.com> and students will be held accountable for knowledge of these revisions. Student Life will attempt to keep students informed via OrgSync accounts, email, or governing council meetings and/or listservs of changes in rules and procedures which may affect them. The newest version of the *Student Organization Conduct Process* is the official document regarding student organization policies, procedures, rules and regulations and supersedes all previous conduct codes, policies, or procedures in regards to student organization conduct.

### ARTICLE I. JURISDICTION

The Student Organization Conduct Process defines a process for the efficient administration of justice regarding alleged misconduct by student organizations of Texas A&M University-Corpus Christi. Student organization policies and procedures are designed to help students be compliant with university rules procedures, state and federal laws. They also exist to help the student organization be successful and reduce the risk of accident or injury during various activities. The policies and procedures are applicable at both on campus and off campus events. The Student Organization Conduct Process and the Handbooks are the official documents regarding student organization conduct policies, procedures, rules and regulations.

Action taken under the Student Organization Conduct Process does not preclude prosecution in the criminal courts. Student Life, or its designee, handles cases of student organization misconduct. The Student Organization Conduct Process applies to the conduct of organizations and/or University sponsored events. In addition, the University may exercise jurisdiction for events or actions occurring off campus in those instances in which the University's community interest is affected. Additionally other offices may have jurisdiction over areas including violations of the *Student Code of Conduct*, including but not limited to Student Conduct & Community Standards, Employee Development Office and Compliance Services as deemed appropriate by the Assistant Vice Presidency, Student Life.

**Note: Sexual Misconduct Violations:** Alleged violations identified in the *Student Code of Conduct* as sexual misconduct and other alleged violations when gender based may be processed under the *Student Sexual Misconduct Process* in communication/conjunction with the Title IX coordinator, when appropriate.

## ARTICLE II. DEFINITIONS

1. **Alleged Violator** is a student organization who is charged with committing a violation of the *Student Organization Conduct Process*.
2. **Appellate Board** is any person or persons authorized by the Assistant Vice President, Student Life or designee to consider an appeal of the outcome of the *Student Organization Conduct Process*.
3. **Charge** is an allegation of a potential violation of the *Student Organization Conduct Process*. Charges are issued after a Hearing Officer has determined sufficient information exists to hold a hearing to determine whether or not a student organization has violated the *Student Organization Conduct Process*.
4. **Conduct Hearing** is a proceeding before a hearing body in which the reporting party, the alleged victim and/or the alleged violator may have the opportunity to present information relevant to the incident under review.
5. **Faculty Member** is any person employed by the University to provide academic instruction, educational supervision and/or engage in scholarly activities.
6. **Incident Report** is a written or electronic report indicating that an individual or group may have committed a violation.
7. **Investigation** is a process used to ascertain details and circumstances associated with an incident. Investigations may result in charges, mediation or dismissal.
8. **Failure to Comply Hold** is a restriction placed on a student's account or student organization's recognition status. Individual student holds may prevent registration, obtaining enrollment, withdrawing and/or receiving an official transcript.
9. **Good Conduct Standing** is when a student organization is not currently on conduct probation, suspension or expulsion resulting from academic and/or behavioral misconduct.
10. **Hearing Body** is any person or persons authorized to determine whether a student organization has violated the *Student Organization Conduct Process* and to impose sanctions. Hearing Bodies may include, but are not limited to, the Student Conduct Board, the Student Conduct Officer, and any other person or persons as deemed appropriate by the Assistant Vice President, Student Life or designee. The Student Conduct Board is a select group of students, staff and/or faculty appointed and specifically trained to administer conduct hearings.
11. The term **May** is used in the permissive sense.
12. **Member of the University Community** is any person who is a student, faculty member, resident, University official, guest of the University, person employed by the University or employed on University grounds or off- campus sites. A person's status in a particular situation shall be determined by the Vice President for Student Engagement and Success or designee.
13. **Notice/notification** is verbal communication, electronic mail, letter delivered in person or to on- campus property or correspondence sent by mail, addressed to the addressee at the location shown in University records. The University presumes that students are receiving all communication sent to their official University email address and/or other means of communication provided to OADS by the student.
14. **Notice of Charges** is a written or electronic statement identifying the alleged violator, the specific violations(s) of the *Student Organization Conduct Process* that has/have

- allegedly occurred, and a short summary of information leading to the charges.
- 15. On-Campus** - Any grounds or building under University control, when relevant to the lawful mission, processes and functions of the University.
  - 16. Preponderance of Information** is a standard of proof that indicates that the information provided leads the hearing body to the conclusion that “more likely than not” a violation did or did not occur.
  - 17. Presenter** is a University official who was appointed to investigate and/or present the case to the hearing body on behalf of the University.
  - 18. Reporting Party** is any person who submits information indicating that a student organization may have violated the *Student Organization Conduct Process*. Information brought forth by the individual may result in an investigation.
  - 19. Rule/Regulation** is the written policy of the University as found in, but not limited to, the *Student Organization Conduct Process*, *Student Code of Conduct*, *Recognized Student Organization Handbook*, *Scheduling & Reservations Handbook*, Miramar Lease Contract, Graduate/Undergraduate Catalogs, University Rules and Procedures and Texas A&M University System Policies/Procedures.
  - 20. Sanction** is an outcome imposed for the violation of the *Student Organization Conduct Process*. Generally, sanctions are typically educational in nature and intended to modify the student organization’s behavior as well as build an awareness of personal responsibility and community standards.
  - 21.** The term **Shall** is used in the imperative sense.
  - 22. Student** is an individual who has accepted his/her offer of admission, and/or who is taking courses from the University, either full-time or part-time. Individuals who withdraw after allegedly violating the *Student Code of Conduct* are still considered to be students until the conduct matter is resolved. Individuals who are not officially enrolled for a particular term, but who have a continuing relationship with the University are considered students. In addition, persons who are living in University residence halls and apartments, although not enrolled in this institution, may also be considered students.
  - 23. Hearing Officer** is a University official and/or group who may be authorized to investigate alleged misconduct, initiate charge letters, articulate charges in hearings, present information to support charges, to conduct hearings, and to impose sanctions upon any student organization(s) found to have violated the *Student Organization Conduct Process*
  - 24. Student Organization** is a group comprised of any number of persons who have complied with the formal requirements for University recognition, registration, or is departmentally supported. Or any group who may be regarded as such based on their collective behavior
  - 25. University** means Texas A&M University-Corpus Christi.
  - 26. University Official** is any person employed or authorized by the University to perform assigned administrative or professional responsibilities.
  - 27. University Function** is any activity on or off-campus that is initiated, aided, authorized, or supervised by the University.
  - 28. Faculty/staff advisor** – a University employee who has agreed to provide guidance and resources to a student organization and assists in interpreting university policies for the organization. Advisors may be subject to an approval process in order to serve in the position.

- 29. Non-University advisor** – A volunteer, usually unconnected to the University, that may be appointed by a national/external entity to serve as an advisor to a student organization who receives training and guidance through the national/external organization. The Non-University advisor works in partnership with the campus but does not represent or interpret policies of the University; may not be eligible to serve as the required faculty/staff advisor.
- 30. Coach/Instructor** – A coach/instructor is an individual who serves in a volunteer capacity and assists a Sport Club in providing instruction and guidance with their activity. A coach/instructor is not an employee of Texas A&M University-Corpus Christi.
- 31. New Member** – Also referred to as an associate member or pledge, a student who has received a bid or invitation to go through a member education process of a fraternity/sorority or organization, and has not been initiated; Can also be a student who is perceived to be a new/associate/pledge member of the organization.
- 32. Sport Club** – a recognized student organization that is a separate entity of the university, whose membership includes students, faculty and staff. Sport clubs exist to promote and develop interest in a particular sport or recreational activity with or without competition against other institutions of higher education
- 33. Active Member** – A student who has been listed on the roster of an organization; can also be a student who is perceived to be an active member of the chapter.
- 34. Inactive Member** – A student who has been initiated into a fraternity/sorority, still maintains membership and has been designated as an “inactive” member. This student no longer involved in the day to day functions of the chapter and/or is unable to practice full privileges of membership.
- 35. Event** – any event on-campus or off-campus that is hosted by the organization through use of university facilities, university funding, or any other university privilege. Additionally any event that is perceived or identified by an outside spectator as an event hosted by said organization may be considered a student organization event.
- 36. Councils** – A governing body for a select group of student organizations categorized by similar missions, affiliations or characteristics, that provide rules, guidelines, expectations, development opportunities and programming for the organizations. Councils are responsible for keeping constituents informed of issues and changes and also may be responsible for issuing sanctions or consequences, in a formal or informal setting, for following rules and guidelines.

### ARTICLE III. SCHOLASTIC ACHIEVEMENT

Student Organizations exist in order to support and compliment learning within the educational environment. Individual students and student organizations as a whole are expected to achieve a high standard of academic excellence. The following are minimum standards which must be maintained:

- 1. UCSO and Sport Clubs:** Officers of an organization falling under the governing council of UCSO or SCC are expected to maintain a 2.5 GPA in order to maintain their leadership position.
- 2. Greek Councils:** Organizations within the governing councils of the Interfraternity Council, Muticultural Greek Council, and Panhellenic Council must meet the following academic

requirements:

- a. Minimum New Member Semester GPA must be at least a 2.5
- b. Minimum Active Member Semester GPA must be at least a 2.5
- c. Chapter Cumulative GPA must be at least a 2.5

#### **ARTICLE IV: VIOLATIONS OF THE HANDBOOKS**

The following acts or omissions to act are violations of the Handbooks. These sections are not inclusive, and students are subject to additional rules and regulations of Texas A&M University-Corpus Christi.

**Prohibited Conduct:** The following actions, or the aiding, abetting, inciting of, or attempt to commit these actions, constitute violations of the Handbooks. Any student group found to have committed or to have attempted to commit the following prohibited conduct is subject to the sanction outlined in Article VII of the *Student Organization Conduct Process*.

The following violations may result in immediate sanctioning but may still be eligible for an appeal.

**1. Failure to follow published University guidelines including, but not limited to:**

- The recognition process
- Membership requirements
- Faculty/Staff Advisor
- Attendance at recognition retreat
- Travel policy
- Fundraising policy: (tax, forms, outreach, reservations, procedure)
- Building policies
- Involvement Center policies
- Food service policy (exemption, food handlers)
- Scheduling Policies
- Failure to meet Scholastic Achievement Standards

The following violations may result in a hearing, sanctions, and when applicable and possible, an appeal:

**2. Improper use of University Funds:**

- a. for the use of illegal activity,
- b. expenses for non-organization business, falsification, fabrication & misrepresentation of any university funding documentation.

**3. Endangerment:**

- a. Committing or threatening to commit any act of violence or bodily harm.
- b. Action(s) that endanger the health, safety, or well-being of one's self or others.

**4. Brawling:** Willfully participating in, or contributing to, an incident of physical harm

**5. Hazing:** Any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership

in an organization. The term includes, but is not limited to:

- a. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.
- b. Any type of physical activity, such as sleep deprivation, exposure to the elements, and confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
- c. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
- d. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institutions rather than submit to acts described in this subdivision.
- e. Any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Texas Education Code Sec. 37.152 and 37.153.

The intent of the act or the consent or cooperation of the hazing recipient will not constitute a defense. The University or the hazing recipient may charge an individual and/or the officers of a recognized organization with responsibility for the hazing act(s) both on or off-campus. Hazing is also a violation of Texas state law. See the Texas Education Code, sections 37.151 and 51.936 at [www.stophazing.org/laws/tx\\_law.htm](http://www.stophazing.org/laws/tx_law.htm). A person may be found guilty of criminal conduct for hazing, encouraging hazing, permitting hazing, or having knowledge of the planning of hazing incidents and failing to report in writing his/her knowledge to the Student Conduct Officer.

***Note:** Texas law provides any person reporting a specific hazing incident to the Student Conduct Officer or other appropriate institutional official is immune from civil and criminal liability unless the report is in bad faith or malicious.*

***Note:** Within the Recognized Student Organization Handbook, there are additional examples, expectations and information about hazing and what can be considered hazing on this campus. Please see the Member Bill of Rights document for more information.*

- 6. Use of Force:** Using violence, the threat of violence, intimidation, implied threats, coercion or blackmail to obtain a desired outcome or behavior from another individual and/or group.
- 7. Retaliation:** Any behavior and/or adverse action taken against a person and/or group because of participation in a complaint or investigation
- 8. Equal Access and Opportunity:** Admission to and participation in the educational programs and activities of the University shall be open to all qualified individuals regardless of race, color, religion, sex, national origin or disability. Organizations are exempt from Title IX requirements only as they relate to their status as single-sex organizations, such as sport clubs and single gender fraternal organizations. Student organizations whose national organization is exempt from Title IX must furnish proof by letter from the national office.
- 9. Drugs:**
  - a. Any of the following: possession, purchase, use, manufacture, sale, distribution, being

- in the proximity or being under the influence of any illegal drug(s).
- b. Improper or illegal use, possession, distribution, sale, transfer, or manufacture of controlled substances; to include, but not limited to, prescription drugs.
- c. Possession or being in the proximity of any paraphernalia associated with the use and/or possession of any illegal drug(s).

*Note: The presence of any prohibited item in a location which is under your control, such as an apartment, residence hall space or vehicle is also defined as possession.*

#### **10. Alcohol:**

- a. Any of the following: possession, purchase, use, consumption, manufacture, sale, distribution, being in the proximity or being under the influence of alcohol and/or empty alcohol containers by anyone under 21 years of age.
- b. Providing alcoholic beverages to an individual who is under the age of 21.
- c. Unauthorized possession, use, consumption, manufacture, sale, or distribution of alcohol in any building, facility, or property under University control or in violation of any applicable law and/or University policy or procedure.
- d. Any use or possession of alcohol and/or empty alcohol containers in a common area of on-campus housing if the student, roommate, or any guests are under 21 years of age.
- e. Intoxicated behavior that causes a public or private disturbance. Indicators of this may include slurred speech, loud and/or inappropriate behavior, loss of coordination, and/or glassy or bloodshot eyes.
- f. Unauthorized possession of keg(s) in any building, facility or property under University control.

*Note: The presence of any prohibited item in a location which is under your control, such as an apartment, residence hall space or vehicle is also defined as possession.*

*Note: For information regarding the 911 Lifeline Law please see Article V.*

#### **11. Information and Identification:**

- a. Personal Misrepresentation: Representing oneself and/or another in person, verbally, in writing or through means of electronic communication, with intent to obtain a benefit, to injure, or defraud.
- b. Unauthorized Representation: Alleging to represent the University or any of its organizations without specific prior consent of the respective officials and with intent to obtain a benefit or to injure or defraud.
- c. Inaccuracy of Records and Information: Falsifying, tampering, altering, forging, or misusing any University record or official document or knowingly supplying false or misleading information to University officials.
- d. Registration Tampering: Tampering or attempts to tamper with the registration or records of another student or one's own including, but not limited to, dropping and/or adding courses.
- e. Election Tampering: Tampering with the election or referendum process of any University entity or recognized student organization.
- f. Dishonesty in Judicial and Administrative Matters: Dishonesty before hearing bodies, University boards or committees, or University officials; or knowingly misrepresenting the nature of events or the identification of persons coming before designated individuals or bodies.
- g. False reports: Falsely reporting a crime, a conduct violation, and/or safety threat.

## **12. Failure to Comply:**

- a. Failure to follow the reasonable instructions given by any properly identified University official including residence life personnel and other partners of the University.
- b. Failure to present personal photo identification to a University official upon request.

## **13. Accessory Responsibility:**

- a. Accessory to a Violation: Aiding or abetting another individual in the commission of an offense as defined by the *Student Organization Conduct Process and/or the Student Code of Conduct*. A person may be charged under this section even though the alleged perpetrator of the original offense may be found “not in violation.”
- b. Guest Responsibility: Failure to ensure that a student’s guest(s) know and behave consistently with this Code while on campus.

*Note: Students are also responsible for the activities that occur in their rooms and the shared living space in their on-campus housing. Students are expected to properly secure their living area(s) at all time. All assigned occupants of a room or suite may be subject to the same sanctions under this Code as the actual violators.*

## **14. Abuse of Student Organization Conduct Proceedings:**

- a. Falsification, distortion and/or misrepresentation of information before a Hearing Body.
- b. Disruption or interference with the orderly conduct of any student organization conduct proceeding.
- c. Attempting to discourage or influence an individual or group’s proper participation in, or use of, reporting options and/or student organization conduct proceedings.
- d. Attempting to influence the impartiality of a member of a Hearing Body.
- e. Harassment and/or intimidation of a member of a Hearing Body.
- f. Breaching the FERPA rights of any person involved in a conduct proceeding.

## **15. Other violations:**

- a. Violation of published University rules not otherwise addressed in the *Student Code of Conduct and/or Student Organization Conduct Process*.
- b. Arrest or citation for violation of federal, state or local law, occurring on or off campus.

## **Article V. Amnesty**

1. 911 Lifeline Law: In 2011 the Texas Legislature passed a law providing a partial amnesty program for individuals who are under the age of 21 and call 911 or 361-825-4444 on campus because someone might have alcohol poisoning. Texas A&M University-Corpus Christi holds student safety as the number one priority. In order to ensure that students are able to call for help when needed, the Student Conduct & Community Standards may not issue charges under the *Student Code of Conduct* for alcohol possession or consumption by a minor in certain circumstances. This amnesty may be applied when a student is the first person to contact emergency personnel (911 or 361-825-4444 on campus), remains on the scene until medical personnel arrives and fully cooperates with Emergency Medical Services (EMS) and law enforcement. Charges may still be filed if other code allegations and/or violations of law



occurred. For more information on the 911 Lifeline Law and the signs of alcohol poisoning, please visit our website at [studentconduct.tamucc.edu](http://studentconduct.tamucc.edu).

2. **Amnesty For Students Reporting Sexual Misconduct:** In 2017 the Texas Legislature passed a law providing an amnesty program for students who report incidents of sexual misconduct. Students who, in good faith, report to the institution being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking may be provided amnesty regarding other potential code violations, including, but not limited to, underage alcohol consumption and use of illegal drugs. Amnesty does not apply to a student who reports their own commission or assistance in the commission of sexual misconduct. For additional information please review the *Student Sexual Misconduct Process* at [studentconduct.tamucc.edu](http://studentconduct.tamucc.edu).

## **ARTICLE VI. AUTHORITY**

The Office of the Associate Dean of Students shall determine the composition of the Hearing Bodies and determine which Hearing Body and Appellate Board shall be authorized to hear each case. The Student Life administrative staff shall develop policies for the administration of the student organization conduct program and procedural rules for the conduct of hearings which are consistent with the provisions of the Student Organization Conduct Process. Decisions made by a Hearing Body shall be final, pending the appeal process. A Hearing Body may be designated as mediator of disputes within the student community in cases which do not involve a violation of the Student Organization Conduct Process. All parties must agree to mediation and to be bound by the decision with no right of appeal.

## **Article VII. STUDENT ORGANIZATION CONDUCT PROCEEDINGS**

These proceeding guidelines will be followed for the majority of alleged violations within the *Student Organization Conduct Process*. In the circumstance, however, that the incident may have included prohibited behavior that was based on gender, then the *Student Sexual Misconduct Process* may be utilized in place of the proceedings described in this section. The *Student Sexual Misconduct Process* can be found online at [judicialaffairs.tamucc.edu](http://judicialaffairs.tamucc.edu).

### **1. Process:**

Alleged incident occurs -> Report is submitted to Student Activities/Rec Sports Administrative Offices -> Investigation -> Charges may be issued and case transferred to the Office of the Associate Dean of Students -> Formal hearing -> Notification of finding and if applicable sanctions are assigned -> Student organizations may choose to appeal formal outcome -> Notification of appeal finding and if applicable sanctions

### **2. Charges:**

- a. Any individual may submit an incident report in writing (hard copy or electronic format) against any student organization for alleged misconduct and submit to the Assistant Vice President, Student Life or designee. Incident reports should be submitted as soon as the reporter is aware of the alleged violation. For incidents which may be adjudicated under the *Student Sexual Misconduct Process* or the Procedure for *Student Academic Misconduct Cases*, additional information on specific timelines can be found online at [studentconduct.tamucc.edu](http://studentconduct.tamucc.edu).
- b. Assistant Vice President, Student Life or designee may assign cases to a hearing officer to conduct an investigation. The hearing officer will determine if the incident report has merit and will determine which entity will hear the case based on the

nature of the incidents. The hearing officer will determine if it can be resolved administratively by mutual consent of the parties involved in a manner acceptable to the hearing officer. Such resolution shall be final with no subsequent proceedings. If the incident report cannot be resolved by mutual consent, the hearing officer may later serve in the same matter as the Hearing Body or member thereof.

- c. If the incident report is substantiated, written charges shall be presented to the accused student organization (electronic).

**3. Formal Hearing:** A formal hearing will be scheduled no less than three, but not more than fifteen business days after the hearing notification has been sent to the student organization. The hearing will be administered by the Office of the Associate Dean of Students. All notices will be sent to the organization's President, with a carbon copy provided to the organization's vice-president, risk management chair and, if applicable, the advisor. Student organizations may request to waive the three day waiting period for a formal hearing, when available, at the discretion of the Office of the Associate Dean of Students. Maximum time limits for scheduling a hearing may be extended at the discretion of the Office of the Associate Dean of Students. Hearings shall be conducted by a Hearing Body according to the following guidelines:

- a. If a formal hearing is needed, the case will be transferred to the Office of the Associate Dean of Students to complete the adjudication. Cases resulting in charges under Prohibited Conduct, '1. Failure to follow published University guidelines' will not result in a hearing. Any case resulting in charges under Prohibited Conduct numbers 2-15 may result in a hearing.
- b. Hearings are conducted in a closed setting and admission of any person to the hearing shall be at the discretion of the Hearing Officer.
- c. In hearings involving more than one accused student organizations, all student organizations may participate in one hearing together. In special circumstances, the Hearing Officer may schedule the hearings concerning each student organization separately.
- d. The accused student organization is responsible for responding to the investigation report. A limited number of representatives from the student organization shall be selected to participate in the hearing. However, accused students, reporting parties, witnesses and victims all have the right to be assisted by an advisor of their choice, at their own expense. The advisor:
  - i. May be an attorney, friend, parent, faculty member, etc.
  - ii. Is restricted to an advisory role and is not permitted to participate directly in any hearing. Advisors may speak ONLY to the student organization they are assisting.
  - iii. Is required to maintain privacy regarding information provided at the conduct proceedings.
  - iv. Cannot be involved in the incident resulting in the charges.
- e. The victim, the accused student organization and the Hearing Body shall have the privilege of requesting witnesses and have the right to communicate questions to one another via the Chair of the Hearing Body. It is the responsibility of the individual requesting the witness(es) to notify the individual(s) of the hearing date, location and time. The names of any witnesses being requested are to be provided to the Office of the Associate Dean of Students in writing, no less than 3 business days prior to the

- hearing.
- f. Relevant documentary information may be accepted as evidence for consideration by a Hearing Body at the discretion of the Hearing Officer. This must be new evidence that is not already a part of the investigation report.
  - g. All procedural questions are subject to the final decision of the Hearing Officer.
  - h. When a possible sanction of a case includes suspension or expulsion, a notice will be sent (electronic) to the hearing board members, accused and victim(s) notifying them of when they are able to review information that will be presented at the hearing. The hearing package will include the original incident report and will be available at least three business days prior to the hearing. Additional relevant information, not known and/or not available at the time the hearing package was prepared, may be presented at the hearing. In cases that are unlikely to result in suspension or expulsion, the student organization may request a packet to review. This request should be made to the Hearing Officer no less than five business days prior to the scheduled hearing.
  - i. After the hearing, the Hearing Body shall determine (by majority vote if the Hearing Body consists of more than one person) whether the student organization has violated the *Student Organization Conduct Process*. The accused student organization will usually be sent notification outlining the outcome of the hearing within 5 business days.
  - j. The Hearing Body's determination shall be made on the basis of "preponderance of information". A determination as to "in violation" or "not in violation" of the alleged offense will be based upon the information presented at the hearing (including the investigation report), and if the alleged violator is found "in violation", appropriate sanctions may be assigned.
  - k. A confidential record will be kept of all hearings adjudicated by the Office of the Associate Dean of Students. Hearings may be recorded by the University, at the discretion of the Student Conduct Officer. Any and all recordings are the property of Texas A&M University-Corpus Christi.
  - l. If a student organization fails to appear, information regarding the charges shall be presented, considered and a decision may be rendered in the student organization's absence.

## **Article VIII. SANCTIONS**

Sanction(s) may be assigned to a student organization after the group either has admitted to being in violation or has been found in violation by a Hearing Body of having committed a violation of the Handbooks. The following considerations will be made in determining appropriate sanctions:

- The nature of the violation
- The student organization's role in the incident
- The impact on the University community
- Past misconduct
- The student organization's current conduct status
- Previous decisions in similar cases

The sanctions below are not exhaustive, but merely serve as guidelines and may be levied in any combination. Sanctions will typically be imposed in an active and educational manner.

Any student organization may be subject to action, up to and including, sanctions by the University, affiliated national organization, criminal charges or other appropriate governing bodies concurrently. Failure to take action by any of these entities does not prohibit the University from taking action. Any sanction issued by a national organization affiliated with a local student organization may be automatically honored by the University along with other appropriate sanctions.

Failure to comply with sanction given may result in more severe sanctions and restrictions may be placed on the student organization's status. These restrictions could include a requirement that no activities or recruitment may take place. The restrictions will remain until sanction(s) is completed. Student organizations may face additional conduct actions from their national organizations.

1. **Education:** involvement in educational activities designed to increase self-awareness such as self-directed research, on-line courses, referrals to campus resources and any other assignments deemed appropriate.
2. **Conduct Warning:** A letter of reprimand stating the student organization violated the Handbooks, And indicating that any future violation of the *Student Organization Conduct Process* will subject the student organization to further judicial proceedings, in which the original violation will be considered when determining the sanctions to be imposed.
3. **Community Service:** Service determined by the Hearing Officer and given to a student organization to fulfill the requirements of an available work assignment. C.
4. **Restitution:** Payment for damage to the University's property. The dollar amount is determined by the cost of materials to repair the item damaged, including any labor needed to replace or restore the item.
5. **Restricted Access:** Restricting or banning from entering certain designated areas and use of specific equipment as defined by the Hearing Officer for a specified period of time. Restricting or banning may include, but is not limited to, access to a University facility and services, academic related programs and/or opportunities, participation in recruitment, access to on campus housing, participation in University-sponsored activities, Homecoming, etc., or conducting activities with a specified University community member(s).
6. **Notification:** Notification of advisors, regional or national officers of the action taken by the University and entry into the record of the student organization.
7. **Fine:** Fees imposed for a variety of purposes including but not limited to providing educational programming, repairing relationships and/or providing compensation for disrupted programs or events.
8. **Expulsion/Loss of Charter:** Permanent severance of the student organization's relationship with the University.
9. **Suspension of Recognition/Privileges:** Temporary loss of the student organization's recognition and/or privileges by the University.
10. **Deferred Suspension of Recognition:** The temporary or permanent delay of a sanction for a definite or indefinite period. If further violation(s) of the *Student Organization Conduct Process* occur the deferred sanction may be imposed immediately. In determining whether to impose the deferred sanction, the student's judicial record, as well as the nature and circumstances of the subsequent offense, will be considered.
11. **Conduct Probation:** A written reprimand that defines a student organization as "not in good

conductstanding” for a specific period of time as a result of violations of the *Student Organization Conduct Process*. If a student organization violates any other rules and regulations within the jurisdiction of the judicial system while under University Conduct Probation, that student organization will be subject to further conduct proceedings and possibly more severe sanctions than would normally be imposed for the new offense alone.

**12. Interim Suspension:** Refer to Article IX for definition and procedural guidelines.

## **ARTICLE IX. INTERIM CONDUCT ACTION**

Based upon a student organization’s alleged behavior, the Vice President of Student Engagement & Success, Associate Dean of Students (or their designee(s)) may impose an interim conduct action prior to the initiation of formal charges under the *Student Organization Conduct Process* or a student organization’s hearing on the facts of the case.

1. When the student organization’s actions/behaviors affect the safety, health, or general welfare of a student organization and/or the University community, an interim conduct action may be issued. Some of the restrictions that may be placed on the student organization during the interim conduct action period include, but are not limited to barring or limiting some or all of the organization’s activities and/or privileges (including, but not limited to: social activities; intramural competition; organizational competition; Homecoming; eligibility to receive any University award or honorary recognition; privilege to occupy a position of leadership or responsibility in any University student organization governing body, publication, or activity; or ability to represent the University in an official capacity or position.); entrance into University residence halls or other areas of campus, or contact with another specified person(s). While on interim conduct action, the student organization loses its University recognition and/or registration for the suspension period. While an organization is suspended, it may not use the University resources or participate as an organization in any University activities or events.
2. The interim conduct action may include notification of appropriate faculty and staff, and restrictions including but not limited to, suspensionuse of University facilities, participation in student organization activities, representation of the University on athletic teams or in other leadership positions, or other areas controlled, leased or used by the University, or contact with specified person(s).
3. An interim conduct action requires that the student organization be notified in writing (electronic).

## **ARTICLE X. APPEALS**

1. A request for appeal must be made within ten business days of the dated, written notification (hard copy or electronic) of the decision rendered during the student organization conduct proceeding. Any decision that does not receive a request for appeal within the designated timeline will be considered final and binding upon all involved.
2. Request for appeals must be in writing, addressed and delivered to the Office of the Associate Dean of Students. Individuals who represented the organization during the informal hearing process and/or an officer of the student organization will be authorized to submit an appeal.
3. Except as required to explain the basis of new information, an appeal shall be limited to

a review of the verbatim record of the hearing and supporting documents for one or more of the following purposes:

- a. Procedure:** To determine whether the hearing was conducted in conformity with the prescribed process. Deviations from the designated procedure will not be a basis for sustaining an appeal unless substantial prejudice to the alleged violator or victim was the result.
  - b. New Information:** To consider new information sufficient to alter a decision, not brought out in the original hearing because such information could not have been known to the alleged violator and/or victim at the time of the original hearing.
4. Once a request for appeal is received, the student organization and other relevant parties will be notified, and the validity of the request will be verified. Any request for appeal will be sent to the Appellate Board along with all relevant materials regarding the case.
5. If an appeal is upheld by the Appellate Board, the matter shall be returned to the original Hearing Body for re-opening of the hearing to allow reconsideration of the original determination. Upon rehearing, the outcome of the case may be overturned and/or if applicable, the same, a lesser, or a greater sanction may be assigned. If an appeal is not upheld, the matter shall be considered final and binding upon all involved.

## **Article XI. CONDUCT RECORDS**

Conduct records are maintained by offices of Student Life in the following manner:

1. Records included in the federally required Campus Safety Report may be purged seven (7) years after the student organization's last incident date.
2. Other records may be purged five (5) years following the student organization's last incident date.

*Note: Records resulting in suspension or expulsion may be maintained permanently.*

*Note: These retention periods will be adjusted as needed based on the Texas A&M University System, federal and/or state mandated requirements.*

*Note: Access to conduct records is provided in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974, as amended and the Confidentiality of Student Records policy. A student may request verification of conduct records by providing written authorization to release the records through completion of the proper paperwork at the Public Information Office. Students are able to file an addendum to their record to further explain, clarify or refute information obtained within the record. Expunged records may be retained by the University for two additional years solely to comply with federal law.*

## **Article XII. HEARING BODIES**

1. **Student Organization Hearing Officer:** The Student Organization Hearing Officer or designee(s) shall have responsibility for the administration, implementation, investigation and efficient coordination of the *Student Organization Conduct Process* and will determine, on an individual basis, which appointee or group will hear the case.
2. **Student Organization Conduct Board (SOCB)**
  - a. Chair:** From the Student Organization Conduct Board a chair is appointed by the Student Organization Hearing Officer or designee to preside over the hearing and ensure that the prescribed procedures are followed.
  - b. Scope of Authority:** The SOCB will be utilized, at the discretion of the Office of the Associate Dean of Students, in hearing *Student Organization Conduct Process*

cases. The SOCB provides a decision and a recommendation for sanction(s) to the Office of the Associate Dean of Students who then notifies the accused student organization of the final outcome, pending appeal.

3. The Chief Student Conduct Officer or designee has total responsibility for the adjudication of student organization conduct cases and has the authority to appoint other bodies to adjudicate formal hearings when deemed appropriate.

#### **Article XIII. INTERPRETATION & REVISION**

1. Any questions of interpretation regarding the *Student Organization Conduct Process* shall be referred to the administrative offices of Student Life and to the Office of the Associate Dean of Students for final determination.
2. The *Student Organization Conduct Process* shall be reviewed annually under the direction of Student Life and the Office of the Associate Dean of Students. In keeping with normal University policy approval processes, the *Student Organization Conduct Process* may, at the sole discretion of the University, be amended at any time.