

Kutztown University of Pennsylvania

<http://www.kutztown.edu/thekey>

Student Organization Conduct Review Process¹
2023-2024

Duly registered student clubs and organizations that are accused of violating conduct standards or university regulations, on or off campus, will have the opportunity to respond to any allegation of misconduct through a review process for student organizations. **Groups of students who are not registered with the Office of Student Involvement and are accused of organizational misconduct are not afforded the process outlined in this policy.** Conduct standards and jurisdictional parameters defined in the *Student Code of Conduct* shall be used in determining if a violation by a registered student organization has occurred. Individual students who violate standards of conduct or the law may also be subject to a separate disciplinary process under the *Student Code of Conduct*.

For purposes of this policy, a student organization is defined as follows: Any student organization who is currently registered or is actively in the process of registering with the Office of Student Involvement (OSI) as a student organization under *registered, maroon or gold* status.

For purposes of this policy, student organizations may be held responsible for violations when behaviors include but are not limited to:

- The conduct is endorsed by the student organization or any of its officers including, but not limited to, active or passive consent or support, and/or having prior knowledge that the conduct was likely to occur and not taking any substantive action to prevent it (e.g., canceling the event, notifying university or local police, etc.), or helping to plan, advertise or promote the conduct.
- The conduct is committed during an activity paid for by the student organization or paid for as a result of one or more members of the student organization contributing personal funds in lieu of organizational funds to support the activity or conduct in question.
- The conduct occurred on property owned, controlled, rented, leased, or used (on or off campus) by the student organization or any of its members for an organizational event.
- The purpose of the activity was related to initiation or admission into, affiliation with, or as a condition for continued membership in the student organization.
- Non-members of the student organization learned of the activity through members, advertisements, or communications associated with the student organization or otherwise formed a reasonable belief that the conduct or activity was affiliated with or endorsed by the student organization.
- Members of the student organization attempted to conceal the activity of other members who were involved.

¹ The official Student Organization Conduct Review Process Policy of the *Student Code of Conduct* is published in the KU student handbook, The Key. This standalone copy of the policy is made available as a reference. Please consult the official policy in the student handbook as needed.

- One or more officers of the student organization had prior knowledge or reasonably should have known that the conduct would take place.

A. Report of Student Organization Misconduct

Reports of alleged student organization misconduct must be filed online via the Student Conduct website (www.kutztown.edu/studentconduct) by submitting the following online form:

- https://cm.maxient.com/reportingform.php?KutztownUniv&layout_id=0

Upon receiving an allegation of student organization misconduct submitted to the Dean of Students Office, a review of the report will be completed to determine what action should be taken including additional reporting to other university offices and/or a referral to police, if warranted. If sufficient evidence exists, student conduct charges may be issued. If after the initial review of the incident it is determined that additional information is required, an investigation into the alleged misconduct will occur.

B. Interim Measures

In some instances, a student organization will be issued a cease & desist notice that places the organization on ***Interim Suspension*** temporarily restricting the group until further notice. An *Interim Suspension* of a registered student organization may include a conditional restriction in which the organization is limited in a specific capacity (e.g., prohibited from holding social functions, participating in specific activities, etc.) or it may include a temporary, comprehensive revocation of recognition as an active student organization. Under this status, the group is prohibited from conducting any activities, events, meetings, or social functions. *Interim Suspension* notices are issued by the Dean of Students or designee, Director of Student Involvement or designee, or Assistant Vice President for Recreational Services and Athletic Resources until the *Student Organization Conduct Review Process* has been completed.

In addition, other interim measures may be issued including a *No Contact Directive*, to members of a student organization towards other members of the university community in response to an adverse health and safety situation. This type of measure is enacted to help ensure a student affiliated with a student organization does not contact a particular person(s) in order to avoid any possible harassment, retaliation, or tampering with an active investigation. Failure to abide by a *No Contact Directive* may result in individual conduct charges filed against a student for retaliation, harassment and/or failure to comply.

C. Investigation

In cases requiring an investigation, an appropriate university official will conduct a prompt, impartial, good faith investigation concerning the allegations. Upon completion of the investigation, a written incident report or summary will be submitted detailing the alleged misconduct, supporting information and recommended charges, if applicable. If ***insufficient evidence*** exists to charge the student organization, the

group will be notified and any interim measures issued may be modified, reduced, or lifted, as appropriate. If **sufficient evidence** supports conduct charges, the organization will be sent a *Notice of Charges* referring the group to the *Student Organization Conduct Review Process* defined below (D).

Members of student organizations are expected to cooperate in any fact finding investigation. While students are not obligated to answer questions in an investigation, students are required to appear for any scheduled meeting, hearing, or interview. Failure to participate, obstruct, intentionally mislead, or interfere with an investigation will result in the organization being issued an *Interim Suspension* and individual *Student Code of Conduct* charges may also be issued as result of a student's failure to comply.

D. Student Organization Conduct Review Process

Upon completion of an investigation, if sufficient evidence was presented, the case will move through the *Student Organization Conduct Review Process*. The organization's president or senior officer and university advisor will be sent a *Notice of Charges*, in writing (via email), of the alleged *Student Code of Conduct* violation(s) and with a specific date and time for an initial meeting with an assigned case officer. During this process the following procedure will be followed:

1. An initial meeting involving the president of the organization and case officer to review the charges and investigation report is scheduled. At this meeting representatives of the student organization may choose to **accept** or **deny** responsibility for the violation(s) in question. If additional time is needed, student organization representatives may be given three (3) to five (5) business days to enter a response.
 - a. If accepting responsibility, the student organization will be provided the opportunity to make a statement about the incident for consideration by the case officer prior to issuance of sanction.
 - b. If denying responsibility, a Student Organization Conduct Review hearing will be scheduled.
2. Student Organization Conduct Review hearings are conducted by a reviewing authority comprised of approximately 1-3 university representatives which may include the following officials: Associate Dean of Students or designee, Associate Director of Student Conduct, University Conduct Board Hearing Officer(s), Senior Director of Student Involvement and/or Assistant Vice President for Recreational Services and Athletic Resources.
3. A Student Organization Conduct Review hearing may be attended only by the following:
 - a. The designated case officer(s) or university complainant.
 - b. The investigator, if other than the case officer or university complainant.
 - c. Two (2) representatives of the student organization one of whom must be an officer of the registered student organization such as the President or Vice President. Other members of the student organization, unless specifically called to the review as a witness, may not attend the proceeding. Student organizations that do not have representatives appear for their

- review will have their case heard without the benefit of their participation and a decision made based on the presented evidence.
- d. The official university advisor of the registered student group. It is the student organization's responsibility to request the presence of their advisor and to notify the advisor of the date and time of the review. Advisors are not direct participants in the review meeting but can advise their organization, in private, as reasonably necessary.
4. The case officer, university complainant, or investigator will review the investigation report.
 5. The student organization's representatives are invited to present a response to the investigation report and/or present any new evidence or information regarding the allegations contained in the report or introduced at the review meeting.
 6. The reviewing authority may ask questions to the parties in attendance regarding the incident, investigation report or new information presented during the review.
 7. After the review process is completed, the reviewing authority may: rule on the decision immediately, further deliberate on the case, or decide additional investigation is warranted.
 8. Upon examination of the available evidence including any follow up or supplemental investigation, the reviewing authority will make one of the following decisions, for each charge:
 - a. The student organization is found not responsible.
 - b. The student organization is found responsible, and a sanction is imposed.
 - c. The case is dismissed.
 9. Any sanction levied against a student organization, if necessary, is done so organizationally. Individual student behavior and sanctions may be referred to the student conduct system separately consistent with the *Student Code of Conduct*.
 10. The standard of proof used in all student conduct proceedings is a preponderance of the evidence; therefore, a decision of responsibility will be based upon presented evidence sufficient to make a reasonable person believe that it was more likely than not a student is in violation of university policy.
 11. A report of the decision will be made, in writing, within a reasonable period of time, approximately 5 to 10 business days, by the hearing authority to the President or designee of the student organization. A copy may be sent to university officials who have a legitimate educational interest to know the outcome of the hearing or sanction imposed including the Office of Student Involvement and/or Office of Recreational Services as the designated oversight authority of registered student organizations.

E. Sanctioning

1. Sanctions

The appropriate reviewing authority, upon determining a duly recognized student organization, club or group has, in fact, been found to be responsible for violating a University conduct standard, shall impose one or more of the following sanctions. These sanctions are not progressive in nature and may be applied as warranted.

- a. **Disciplinary Reprimand:** Issued when a student organization has violated university policy and its conduct is deemed to be unsatisfactory to the degree that the university makes a record of the incident and warns the student organization against repetition of similar behavior.
- b. **Educational Activities:** The required participation in a specified activity, service project, community service, educational/training program, event, assignment or other educational and/or restorative assignment or activity.
- c. **Restitution:** The student organization is required to make payment for replacement or repair for damages to public or private property.
- d. **Disciplinary Probation:** A serious form of reprimand issued for a specified period of time not to exceed two (2) years which indicates to a student organization that future violations of university regulations will result in deferred suspension, suspension, or loss of recognition. Under this sanction the hearing authority may further limit the student organization as deemed appropriate including but not limited to the restricting of their ability to recruit, initiate, or accept new members into the organization while on probation.
- e. **Deferred Suspension:** The most serious level of disciplinary sanction short of loss of recognition for a student organization issued for a specified period of time not to exceed two (2) years. The student organization's continued status on campus depends upon the successful maintenance of satisfactory behavior and completion of other required sanctions as applicable. Deferred suspension may include denial of campus privileges as specified by the reviewing authority.
- f. **Suspension of Recognition:** University recognition of a student organization is suspended for a specified length of time not exceeding four (4) years. During this period of time, the organization will cease to function at the university and is denied all benefits of university recognition including but not limited to new member recruitment, use of campus facilities, participation in university events, sponsorship of activities or events (on or off campus) and funding. Student organizations returning from a Suspension of Recognition will return under Disciplinary Probation status for 6 months from the time the organization returns to recognized status with the Office of Student Involvement.
- g. **Revocation of Recognition:** University recognition status of the student organization is indefinitely revoked. During this period of time, the organization will cease to function at the university and is denied all benefits of university recognition including but not limited to new

- member recruitment, use of campus facilities, participation in university events, sponsorship of activities or events (on or off campus) and funding. The student organization may petition the university through the Dean of Students or designee for reinstatement after seven (7) years from the date recognition was lost. If a student organization returns from a Revocation of Recognition it will be placed on Disciplinary probation status for a minimum of 1 year from the time the organization returns to recognized status with Office of Student Involvement.
- h. Return Agreement: All student organizations that have their recognition suspended or revoked are required to complete a Return Agreement defining **remediation** and periodic **review plans** as set forth by the Office of Student Involvement. Organizations that do not comply with their Return Agreement will have their recognition temporarily revoked until in compliance and may face additional disciplinary action for failure to comply.

2. Application and Maintenance of Sanctions

All sanctions imposed upon a student organization will be kept on file in the Dean of Students Office as an indication of an organization's conduct and to determine future sanctions, if necessary. Records related to previous incidents will not be considered by reviewing authorities before a finding of responsibility has been determined in the current proceeding unless the past behavior is directly related to current case in question. Sanctions are not progressive in nature and may be applied as warranted.

3. Jurisdiction

- a. All authorized hearing authorities may impose all sanctions defined within this policy.

F. Appeals

1. All registered student organizations, after having their case reviewed and decided by the appropriate hearing authority, may appeal the decision to the Dean of Students. In cases where the Dean of Students adjudicates or is directly involved with case in question, an alternate appeal authority will be assigned.
 - a. Appeal Guidelines
 - i. Within five (5) business days, after being officially informed in writing of the decision, a written appeal from the a student organization officer shall be submitted to the Dean of Students Office using a [Request for Appeal Form](https://cm.maxient.com/reportingform.php?KutztownUniv&layout_id=5) found here: https://cm.maxient.com/reportingform.php?KutztownUniv&layout_id=5
 - ii. The submitted appeal must contain specific citation that shows the basis for the appeal consistent with one for more of following reasons for appeal:
 - a. A procedural irregularity under the University policy or procedures that affected the hearing outcome.

- b. New evidence that was not reasonably available through the exercise of reasonable diligence at the time of the hearing that could affect the outcome of the matter.
 - c. The hearing authority member(s)/hearing officer had a conflict of interest or bias for or against an individual party that affected the outcome of the matter.
 - d. The disciplinary sanction imposed was grossly disproportionate based on the charged violation and past conduct record.
- iii. Substantial credible evidence citing new evidence or the specific procedural or substantive error claimed in the initial process must be presented.

b. Appeal Process

- i. The Dean of Students will review the appeal to determine the merits of the stated basis for appeal.
- ii. If the stated reasons are insufficient to warrant further review, the appeal will not be accepted.
- iii. If the appeal is accepted, the Dean of Students will review the appeal. If necessary, representatives from the student group may be called to meet with the Dean of Students about the appeal.
- iv. A student organization will remain under sanction until their appeal is fully heard.

c. Decisions of Appeal

After hearing and reviewing all evidence presented in the appeal, the reviewing authority shall decide to do one or more of the following and inform the appellant, in writing, within five (5) university business days:

- i. Uphold the previous decision.
- ii. Overrule the previous decision and modify the outcome or dismiss the case.
- iii. Overrule the previous decision and send the case back to the board or hearing officer of original jurisdiction for rehearing.
- iv. Affirm or modify the imposed sanction.

d. Final Determination

All decisions regarding student organization appeals of the Dean of Students or designee are final and may not be further appealed.

G. Records

- 1. Student organization conduct records are retained on a permanent basis. Records of individual students contained with such records will be maintained consistent with the university's policy on the disclosure of educational records.