

Policy Statement Number: **PS-52**
Title/Topic: **Due Process (Student Organizations)**
Effective Date: 02/06/2003
Revision Number: **PS0052.R01**

REGISTERED STUDENT ORGANIZATIONS - DUE PROCESS PROTECTION

PURPOSE

To establish a procedure by which the University will consider an alleged violation of University regulations by registered student organizations.

DEFINITIONS

Registered Student Organizations

A registered student organization includes all organizations that have fulfilled all of the requirements established by the University for official registration and whose membership involves LSU students. In this document, when the term organization or student organization is used, it is to be interpreted to mean officially registered student organizations.

University Regulations

The term University regulation is used to include all regulations, rules, resolutions, policies, bylaws, practices, and procedures established and promulgated by the Board of Supervisors, the LSU System, and the administrative offices of this campus.

Dean of Students

The term "Dean of Students" or "the Dean" refers to both the person holding that position as well as to the department known as the "Office of the Dean of Students." The Dean may delegate the authority to perform any of the duties assigned to him or her in this policy statement.

Misconduct

The term misconduct is used to include any official or unofficial act or omission by a student organization or its members that is contrary to the provisions of a University regulation and/or a local, state, or federal law or regulation.

GENERAL POLICY

Groups wishing to register with the University must submit to the University for approval a constitution which, at a minimum, contains the following: the official name of the organization; a statement of purpose or purposes; requirements for membership; a list of officers with duties and responsibilities; and a list of standing committees, with duties and responsibilities. By becoming a registered organization a group agrees to abide by all University regulations as well as local, state, and federal laws.

Conduct Regulations for Student Organizations

Officers and members of student organizations are expected to know and abide by all regulations for students organizations and for students in general.

Some recognized student organizations are affiliated with state, regional, national, or international organizations. Many of these governing groups have developed position statements on hazing and other forms of misconduct. The University may report alleged violations of University regulations by student organizations to the organization's governing body or affiliated organizations.

Student Organizations and the Code of Student Conduct

The University's established procedure for considering alleged violations of University regulations by individual students is outlined in the *Code of Student Conduct*. The fact that alleged individual student misconduct grows out of participation in an activity sponsored or engaged in by a registered student organization does not eliminate the individual student's accountability under the provisions of the *Code of Student Conduct*. The fact that individual students are held accountable for actions taken while participating in an organization's activity, does not eliminate the accountability of the organization for its actions. Although the administrative procedure of the *Code* is not to be used to hear charges of misconduct against registered student organizations, the University does hold student organizations accountable for acts or omissions taken by the organization that violate the misconduct provisions of the *Code*.

OPERATING PROCEDURES

Filing a Complaint

Allegations of misconduct by registered student organizations should be made to the Office of the Dean of Students. Such allegations may be made orally, however, a written statement is preferred. The statement should contain all pertinent information available to the person or persons making the allegation.

Preliminary Investigation

Upon receipt of an allegation of misconduct by a registered student organization, the Office of the Dean of Students will conduct a preliminary investigation to determine if there is a reasonable basis for the filing of formal charges of misconduct against the student organization.

When feasible, the following steps should be taken:

1. A personal interview with the person or persons making the allegation of misconduct.
2. A personal interview with officers of the student organization deemed relevant to the inquiry by the Dean of Students.
3. A personal interview with other individuals, including members of the organization who might have pertinent information relating to the alleged misconduct.

Filing of Formal Charges

If the preliminary investigation indicates that there is reasonable cause to believe that misconduct has occurred on the part of a student organization, formal charges will be made on behalf of the University by the Office of the Dean of Students. These charges will be specifically stated in a letter addressed to the president of the organization. This letter shall also include a time, date and place for a prehearing conference with the Dean of Students, to be held no sooner than three working days from the date of the letter. Such a letter mailed to the president of the organization at the address of record maintained in the Office of the Dean of Students shall constitute official notice of the filing of formal charges.

Prehearing Conference

The purpose of the prehearing conference is to determine how the formal charges against the organization are to be considered. The prehearing conference provides an opportunity for the organization to discuss the charges with the Dean of Students. The organization must be represented at this conference by one or more of its officers. The faculty advisor and/or house corporation president, and other advisors may attend the prehearing conference in an advisory capacity only, however, one of the student officers must be designated as the official spokesperson for the organization.

The procedures available for formal consideration of the charges are:

1. An administrative action.
2. Referral to a hearing panel.

An Administrative Action

In the event the official spokesperson of the student organization wishes to waive the organization's right to a formal hearing, and is willing to accept the formal charges as being valid, the representative of the Office of the Dean of Students may act on the charge administratively. If an administrative action is desired, a form requesting that the charge against the organization be considered administratively, must be signed by the official spokesperson of the organization. After this form is signed, the Office of the Dean of Students shall have the authority to administratively impose a sanction consistent with the provisions of this policy statement.

Hearing Panel Procedure

If an organization does not choose to resolve a case with an administrative action, the Dean will refer the matter to a hearing panel for resolution.

The composition of a hearing panel shall be as follows: one student chosen from among the student hearing panel pool or established student judicial bodies (e.g. University Court, IFC Judicial Board, Pan Hellenic Judicial Committee); one faculty member chosen from among the faculty hearing panel pool; and the Vice Chancellor for Student Life & Academic Services, who shall serve as chair. All three members of a hearing panel must be present to constitute a quorum. Hearing panels shall be closed to the public.

A representative from the Office of the Dean of Students will be responsible for presenting the University's reasons for bringing charges against the organization. Witnesses may be called by the University to testify in support of the charges.

An officer shall be chosen by the organization to serve as spokesperson for the organization in the hearing. An organization may have up to three members attend the hearing. With the exception of the spokesperson, organization members who are to be witnesses shall not be present during any other witnesses' testimony. The spokesperson may have the assistance of the faculty advisor and/or president of the house corporation, and/or one other advisor to assist him or her during the hearing. The spokesperson shall have the right to: be present during all phases of the hearing, except the panel's deliberation on procedural and evidentiary matters, findings of fact and potential sanctions; to present evidence and witnesses on behalf of the organization; and to have reasonable cross-examination of witnesses.

Decisions of the hearing panel on the issue of a violation of University regulations shall be based solely upon the evidence introduced during the hearing. Legal rules of evidence do not apply to hearings under this policy; the hearing panel may admit and give effect to evidence that possesses probative value and is commonly accepted by reasonable people in the conduct of their affairs. The hearing panel chair may exclude irrelevant, immaterial, and unduly repetitious evidence.

A vote that the charged violation was committed shall be rendered by a hearing panel member only if the member finds that the greater weight of the credible evidence supports a finding of violation. A majority vote of the members of the hearing panel present shall be required for a finding that a violation was committed.

If the organization is found in violation, the hearing panel shall, by majority vote, arrive at a sanction that the members consider commensurate with the seriousness of the violation. In arriving at an appropriate sanction, the panel may consider evidence of past violations by the organization as well as any recommendations from the Dean of Students.

Penalties

All sanctions imposed on student organizations by the University will be administered through the Office of the Dean of Students. The following penalties may be assessed singly or to follow consecutively (e.g. a group may have their registration rescinded and be allowed to return to the University on probation at the completion of the time of rescinded registration.) Sanctions assessed will list the length of the probation and/or rescission (unless indefinite), the specific privileges to be forfeited, and any and all other conditions established as a part of the sanction.

1. A Letter of University Reprimand - will not include forfeiture of privileges.
2. University Probation - may stipulate the forfeiture of specifically listed social and/or other privileges for a period of not less than three months, or more than three calendar years, and may also require specific performance during probation.
3. Total Probation - this is the most severe sanction that the University may impose upon a student organization, short of rescinding University recognition. Total Probation shall be for a stated period of time not to exceed one calendar year and prohibits the organization from: sponsoring, co-sponsoring, or participating in any and all social, intramural, athletic, or other similar activities on or off campus; the solicitation of any new members or pledges; and the initiation of any new members. Total probation may also include the forfeiture of other specifically listed privileges. It may also require specific performance by the organization during the period of probation.
4. Rescission of University Registration - this represents the most serious penalty that may be imposed on a registered student organization. It involves the revoking of the University's registration of the organization for a stated or an indeterminate period of time. If the organization also holds a charter from a national organization or association, the University may also request that the national organization or association revoke the organization's charter. Organizations that maintain a residence or meeting facility on University property may not occupy or utilize that facility unless and until the organization returns as a registered student organization in good standing.

Additional Administrative Procedures

There shall be a written record of the substance of the proceedings of all hearing panels and all other action taken administratively under the provisions of this policy statement. Penalties imposed by the Dean of Students, a hearing panel, or the Office of the Chancellor, shall be administered by the Office of the Dean of Students.

Appeal Procedures

The decision of hearing panels shall be final, subject only to the organization's right of appeal to the Chancellor or his/her designee. All appeals must be in writing and should contain the specific bases of the organization's appeal. Appeals may be requested for the following reasons:

- 1.) Procedural errors that substantially affected the outcome of the hearing;
- 2.) New information that was not available at the time of the hearing;
- 3.) Sanction is grossly disproportionate for the violation(s);
- 4.) It was wholly unreasonable for the hearing panel to have found that the greater weight of the credible evidence supported a finding of violation.

The organization must present their appeal to the Office of the Chancellor no later than seven days from the date of the hearing panel's decision. At the same time, the organization must provide a copy of their appeal to the Dean of Students who will have seven days from the date of the appeal to provide a response for the Chancellor's consideration. The Chancellor will render a decision after considering both the appeal and the response.

Interim Suspension of Activities

When in the sole discretion of the University, an allegation against a student organization gives reasonable cause to believe that the organization represents a threat to the safety, security or welfare of the University community and/or an obstruction to accomplishing the University's lawful mission, immediate action may be warranted. Under such circumstances, the Dean of Students has the authority to temporarily suspend all or some activities of the accused organization until the other provisions of this policy statement are implemented. In the case of Interim Suspension of Activities the University will make reasonable efforts to implement the procedures outlined above for considering a complaint as quickly as is feasible under the circumstances.