

CONDUCT PROCESS FOR RECOGNIZED STUDENT ORGANIZATIONS

INTRODUCTION:

Stony Brook University embraces the value of a robust co-curricular experience for students. Involvement outside the classroom is an essential part of a holistic university experience, and the University formally recognizes many student organizations. The ability to be part of a registered club or organization on the Stony Brook University campus is a privilege and should be treated as such. Stony Brook University's Department of Student Engagement & Activities expects our recognized student organizations and their members to:

- a) maintain standards of personal integrity in alignment with the institution's educational goals;
- b) be responsible for their actions;
- c) observe national, state, local laws and University policy;
- d) respect the rights, privileges, and property of other people.

Situations arise in which formally recognized student organizations may be in violation of University policy and an appropriate level of action is warranted to address the concern. The intent of the Student Organization Conduct Process among other things, is to articulate the University's behavioral expectations for formally recognized student organizations, provide a consistent and equitable framework for addressing University policy violations, and ensure the long-term viability of formally recognized student organizations and at Stony Brook University. The organizational conduct process is a learning experience which can yield growth, behavioral changes, and personal understanding of one's responsibilities and privileges. This process balances the needs and rights of students and organizations with the needs and expectations of the University and the larger community. Students and organizations are treated with care, fairness, and respect. The interests of the complainant, the organization, and the community at large are equally important.

As a general rule, violations of policy and the sanctions that may be imposed will not be routinely reported to parents. However, in the case of serious violations of Federal, State, or Local law, including alcohol and other drugs violations, or when instances of medical emergencies come to the University's attention, the University may notify parents.

In addition to our departmental policies and procedures students and organizations must also follow applicable policies including but not limited to those in the Code of Student Responsibility¹, University Policy Manual², and the Rules of Public Order³. All students should become familiar with these important items. All University policies and related documents may be accessed through the Stony Brook University website.

PROCESS FOR VIOLATIONS REFERRED TO STUDENT ENGAGEMENT & ACTIVITIES:

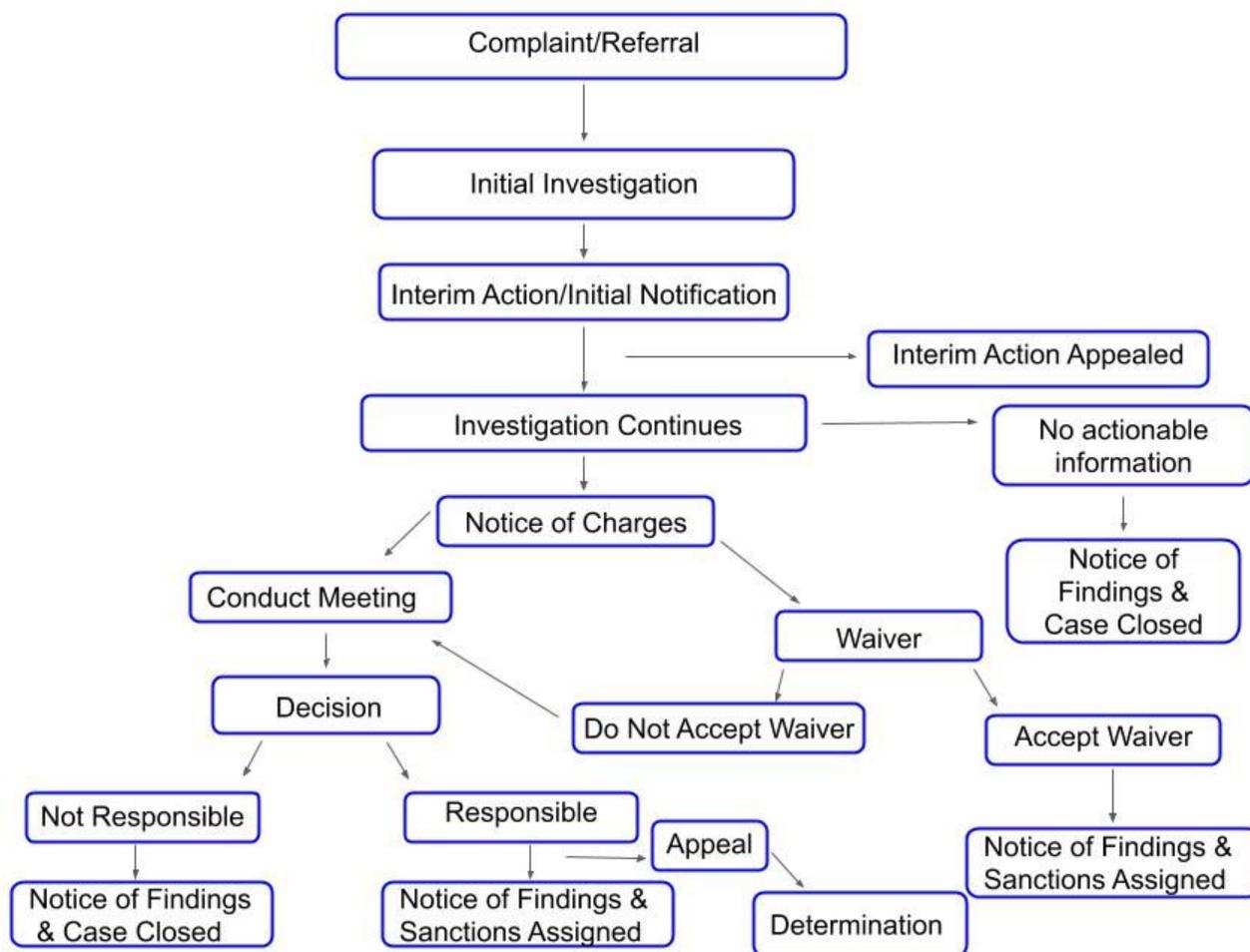
All recognized student organizations and groups are required to follow the Recognition Guidelines for Registered Student Organizations, and Fraternities and Sororities; general fraternity and sorority policies/procedures (i.e. Expansion, New Member, Risk Management, Recruitment/Intake), the Code of Student Responsibility and the University Policy Manual. All recognized student organizations and groups may be held responsible for violations of any such regulations by the Department of Student Engagement & Activities.

¹ https://www.stonybrook.edu/commcms/studentaffairs/ucs/_pdf/2019-2020%20Code%20of%20Student%20Responsibility.pdf

² <http://www.stonybrook.edu/policy/>

³ <https://www.stonybrook.edu/commcms/studentaffairs/ucs/policies/order.php>

Student Organization Conduct Process Flow Chart



Alleged violations will be reviewed in accordance with the procedures outlined below. A finding of responsibility as to each of the charges must be supported by a preponderance of the evidence; whether it is “more likely than not” that the incident occurred. If the totality of all the information presented meets this standard, then the organization is found responsible. The burden of presenting such evidence rests with the Complainant(s).

PRE-CONDUCT MEETING PROCEDURES:

a. Complaint or Referral

Any member of the University community may make a complaint and/or referral or offer information concerning such complaint and/or referral to the appropriate office or person. The complaint and/or referral shall be directed to a University official. In an appropriate case, a University official may act as a Complainant on behalf of others in enforcing the Code, and other departmental and University policies. In order to facilitate a timely investigation and processing of complaints, it is recommended that referrals are made within thirty (30) calendar days following the date of the incident giving rise to the complaint.

i. Mediation (Dispute, Conflict Resolution)

In certain situations, mediation is a process available for resolving disputes between groups. Mediation is a voluntary, confidential and non-judgmental process providing an opportunity for parties in conflict to meet with a mediator to present the issues. Mediation can be an alternative to or supplement the formal student organizational conduct process for certain types of conflict. The mediator’s role is to facilitate a conversation between or among parties in conflict in an effort to reach an agreement. Mediation agreements are enforceable as Official Directives, and failure to comply with an agreement may be a violation of the Recognition

Guidelines. When a satisfactory agreement cannot be reached through mediation, the complaint may be referred for student organization conduct action, where appropriate.

b. Investigation

A designated University official shall investigate and determine whether further action is necessary within a reasonably prompt time frame and in an effective manner. The investigation may include interviews and requests for written statements from the parties (i.e. complainants, organization members, witnesses). In circumstances involving investigation of complaints when the Complainant does not choose to proceed, the University official reserves the right to continue its investigation regardless of Complainant cooperation or involvement.

c. Decision to Proceed

If in the judgment of the University official there is sufficient evidence to warrant further action, such official shall initiate one of the following procedures:

i. Directive to Appear/Notice of Charges - The organization charged with an alleged violation/s will be provided with written notice of charges and will be required to either meet with a University official for a conduct meeting on the date cited in the notice. The meeting shall be scheduled for no less than ten (10) calendar days from the date of the notice, unless extenuating circumstances prevent such a timeline.

ii. Organizational Conduct Meeting Waiver - The organization may choose to accept responsibility for and not contest the charges. If this election is made, leadership from the organization will sign a waiver of their right to a conduct meeting, and must accept the sanction(s) identified in the waiver. An organization's decision to waive their right to a conduct meeting and accept the sanction(s) is final and not appealable.

e. Case Preparation

If an organization receives a Notice of Charges, a University official will inform the Complainant(s) and Organization representatives of the rights and responsibilities they will have in the scheduled conduct meeting.

f. Information in Support/Defense of Allegations

Information in support/defense of allegations (including statements, documentary and/or physical material) to be presented by the Complainant(s) and the Organization during a conduct meeting are typically shared with the opposing party at least two (2) business days in advance of the scheduled conduct meeting. Sensitive and/or confidential information may be redacted and/or shared only at the time of the conduct meeting. The University official presiding at the conduct meeting will make the final decision relating to the admissibility of all information in support/defense of allegations. The designated University official may exclude information in support/defense of allegations, or adjourn the meeting to afford all parties the opportunity to review information in support/defense of allegations to be presented during the meeting. Hearsay information in support/defense of allegations, including written statements, may be considered. First hand oral statements subject to cross examination will be given greater weight than hearsay statements. Written statements from character witnesses are permitted into the hearing.

g. Advisors

The Complainant and Organization representatives may appear at the conduct meeting with an advisor of their choice. The role of the advisor is to assist each party, but not to engage in any verbal presentation or questioning. Attorneys may serve as advisors to the parties subject to the same conditions and restrictions.

h. Attendance at Conduct Meeting

Those in attendance at the meeting may include the Complainant(s), Organization representatives, their advisor(s), witness(es) (while giving statements), and the presiding Conduct Meeting Officer. A University observer may be present. The presiding University official shall determine whether additional persons may be present.

i. Confidentiality

In order to protect confidentiality, organizational conduct meetings shall be closed to members of the campus community and to the public.

CONDUCT MEETING PROCEDURES:

Organizational Conduct Meetings provide the forum where parties to an allegation are afforded the opportunity to present information for review by a Conduct Meeting Officer. In the event that an Organization has received notice of a conduct meeting and elects not to appear, the meeting shall proceed in their absence. When requested, the University will provide options for a room divider, use separate rooms, or other reasonable mechanisms to prevent interactions between the parties. Organizational Conduct Meeting procedures generally include the following basic steps:

a. Opening

The presiding Conduct Meeting Officer states the alleged violations and identifies the individuals present.

b. Challenge

Conflicts of interest must be disclosed. Any party may request and cite cause for the removal of any member of the meeting. The Conduct Meeting Officer will determine whether the cited cause warrants removal.

c. Organizational Response

The Organization will be asked to state their response (i.e., responsible or not responsible) to each of the alleged violations.

d. Complainant Presentation

The Complainant should begin with an opening statement describing the alleged violation(s). Information in support/defense of allegations will be presented by the Complainant and by witnesses offered by the Complainant. The Organization may question the Complainant/witnesses regarding the opening statement and information supporting the allegation.

e. Organization Presentation

The Organization's presentation should begin with an opening statement of its position regarding the alleged conduct. Information in support/defense of allegations will be presented by the Organization and by witnesses offered by the Organization. The Complainant may question the Organization/witnesses regarding the opening statement and information presented in defense of the allegation.

f. Closing Statements

After all witnesses have presented statements and all questioning has been completed, closing statements are made first by the Complainant(s)/Meeting Officer, then by the Organization. No questioning is allowed during or after closing statements.

g. Deliberation

After closing statements have been presented, a review of information in support/defense of allegations is conducted by the Conduct Meeting Officer to determine the Organization's responsibility as to each of the charges.

h. Decision

Upon a review of the totality of the information discussed, a decision regarding the Organization's responsibility as to each of the charges shall be made by the Conduct Meeting Officer. A decision of responsibility shall be made only if the allegations contained in each charge have been established by a preponderance of the evidence (more likely than not standard).

i. Recommendation/Determination of Sanctions

The presiding Conduct Meeting Officer shall determine sanction(s) based upon the severity of the conduct as well as any prior conduct history.

POST CONDUCT MEETING PROCEDURES:

After the conduct meeting procedures have taken place, the following will occur:

a. Notification/Conduct Meeting Disposition

The decision of the proceeding will be communicated in writing to the Organization and the Complainant by the presiding Conduct Meeting Officer (or designee). Written notification (also called a disposition) will include the date and time of the conduct meeting, the findings, and the sanctions to be imposed, if any. If the Organization charged is found responsible and a sanction is to be imposed, the notification/disposition shall inform the Organization of the right to appeal and the method for submitting the appeal.

b. Hearing Documents

A written notification/disposition summarizing the main points of the proceedings and information in support/defense of allegations presented during the conduct meeting become part of the proceeding's official record. Any recordings made during the conduct meeting also become part of the official record. These materials are confidential. However, these materials may be made available, in cases of appeal and upon request, to the designated University official hearing the appeal and to the student(s) requesting the appeal.

c. Enforcement

The presiding University official/Conduct Meeting Officer and other designated University officials will ensure that any sanctions imposed are carried out on behalf of the University.

SANCTIONS AND ORGANIZATIONAL STATUS CHANGES:

Failure to meet the criteria for recognition and/or organizational conduct violations may result in the imposition of sanctions and/or a change in organizational status and standing. In determining the appropriate response for a student organization and/or individual, the Department of Student Engagement & Activities will consider the severity of the violation, the impact the violation had on the community, and the disciplinary record of the organization. Continued violations of policy/failure to complete a sanction may result in further conduct action/sanctions/change in status. Examples of sanctions and organizational status changes that may be imposed upon a student organization/individual may include, but are not limited to:

a. Informal Warning

An informal warning advises an organization to be more mindful of their behavior and encourages them to review policies and procedures in order to ensure future compliance. Informal warnings are not routinely reported as organizational conduct action unless subsequent violations occur.

b. Written Warning

A written warning indicates that an organization has violated a University policy and that continued or repeated violations of University policy will result in further organizational conduct action.

c. Restitution

Restitution for violations against University property may include restoration or replacement of the property.

d. Special Restrictions or Loss of Privileges

An organization or individuals privileges may be limited or suspended for a specific period of time. Privileges that may be suspended include, but are not limited to, the ability to:

- Recruit members
- Engage in social functions of any type
- Use specific University buildings, facilities, properties, equipment, resources, services, and/or funds
- Participate or attempt to participate as an organization in any University event, or
- Co-sponsor or participate as an organization in another recognized organization's activities

- **Participate in Leadership Positions:** In situations where specific Individuals are found responsible for improper actions or violations of policy they may be removed from their leadership position by the Department of Student Engagement & Activities.

h. University Service, Educational Projects, and Programs

Student organizations may be assigned projects, programs and/or service determined appropriate to the offense. Such assignments will be designed to provide the organization with a better understanding of the behavior and its impact on others.

i. Administrative Warning

Organizations may be placed on Administrative Warning for a period of time. Administrative Warning will require corrective action and/or educational sanctions and a schedule for completion. Upon successful completion of the warning period, the organization may be required to attend periodic meetings with a University official.

j. Probation

Organizations may be placed on probation for a period of time. Probation will involve suspension of specific privileges and the imposition of a schedule of corrective action and/or educational sanctions. The terms of the probation will be tailored to fit the individual circumstances. Upon successful completion of the probation period, the organization may be required to attend periodic meetings with a University official.

k. Suspension

Organizations may be placed on suspension for a period of time. During this time all organizational activities are suspended and all privileges are revoked.

j. Withdrawal of Recognition

Upon Withdrawal of Recognition, all organizational operations must cease. All University privileges and permission for the organization to function are revoked. The organization shall be ineligible to apply for recognition for five years, unless the Dean of Students, or their designee, waives this requirement.

APPEALS:

1. Grounds for Appeal

Organizations found responsible for University and/or departmental policy violations, and/or to whom sanctions/status changes have been levied against may appeal such findings on the following limited grounds:

- a. Significant violation of organizational conduct procedures;
- b. New information, unavailable at the time of the hearing, has become available and could have substantially impacted the decision; and/or
- c. The sanction(s) issued is/are disproportionate in relation to the organization's conduct record and/or nature of the violation.

2. Application for Appeal

Organizations wishing to appeal a disposition must submit a written application to the designated office/University Official within seven (7) calendar days of receipt of the disposition. The application for appeal must identify which of the three grounds forms the basis of the appeal. Organizations must be in compliance with the disposition at the time of their appeal request and until a final decision on their appeal is rendered.

3. Appeal Procedure

If the appeal has been submitted within the specified time frame and has identified at least one of the permissible grounds for appeal, the designated University official will review the complete record of the case, the statements of any parties, or any other information in defense of allegations, and where necessary, may require interviews with the parties involved. The designated University official will be a neutral decision maker who will conduct the appeal in an impartial manner. The organization shall be notified in writing of the decision. The decision of the University official will be final.

PROCESS FOR VIOLATIONS REFERRED TO UNIVERSITY COMMUNITY STANDARDS:

Alleged violations of the University Code of Student Responsibility may be referred to University Community Standards for an investigation. A formally recognized student organization acts through its members, but the University understands that an individual can violate a University policy independent of the individual's affiliation with the student organization. Therefore, if a complaint is filed against a student organization, the University will review the underlying allegation/s and make a threshold determination as to whether the allegation/s, if proven true, should proceed against the student organization or whether the underlying conduct is independent of the individual(s)' affiliation with the student organization. A charge that is based on conduct that is independent of the individual(s)' affiliation with the student organization will not be pursued against the student organization but may still be pursued against the individual(s) through other University policies.

Should University Community Standards determine whether there is sufficient evidence to proceed, the individual conduct process will be initiated. The threshold determination will be viewed on the totality of the circumstances. Any pertinent student organizational conduct proceedings on behalf of Student Engagement & Activities may be delayed in these instances to allow for University Community Standards to complete their proceedings. For additional information regarding this process, please refer to the [Code of Student Responsibility](#).