Jacksonville State University Code of Student Organization Conduct

2025-2026

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For the most up-to-date Student Code of Conduct, please visit the Office of Community Standards website at https://www.jsu.edu/community-standards/index.html.

PURPOSE

The Office of Community Standards supports the Jacksonville State University mission by remaining student-centered and educational in its disciplinary procedures. The Code of Student Organization Conduct publicly sets expectations of all Student Groups/Organizations to uphold standards and demonstrate respect within the University community.

The process outlined below is designed to support students and Student Groups/Organizations who may have engaged in misconduct through an educational and restorative approach. The Office of Community Standards upholds the institution's general mission and goals while recognizing and respecting the rights, privileges, and responsibilities of all students at Jacksonville State University.

The Office of Community Standards strives to ensure that the conduct process is procedurally sound, consistent, fair, transparent, and accessible to the community, providing a just result that holds students accountable for their behavior. The resolution procedures and outcomes are designed to address the behavior, repair any harm caused, prevent recurrence, and are educational and supportive when possible.

The mission of the Office of Community Standards and the Student Organization Conduct system at Jacksonville State University is to transform potential incidents of misconduct into opportunities for education and student development. Our goal is that as students and/or Student Groups/Organizations progress through the conduct process, they will emerge as better educated and more well-rounded members of the University's community and become more effective global citizens.

PHILOSOPHY

The philosophy of the Office of Community Standards is educational, aiming to facilitate reconciliation among students and/or Student Groups/Organizations. This restorative justice philosophy is best achieved through cooperation between the students and/or Student Groups/Organizations who engage in misconduct and the administrator who is holding them accountable. The hopeful benefit of this philosophy is a transformative learning experience for everyone involved.

STATEMENT OF VALUES

Professional Responsibility: Jacksonville State University must balance the developmental and educational needs of the student with its obligation to protect the safety and welfare of the Jax State community. In situations where a student's and/or Student Groups'/Organizations' behavior poses a risk to themselves or others, Jacksonville State University personnel must take action consistent with applicable laws, regulations, and policies.

Nondiscrimination: Protect human rights and promote appreciation of diversity and multicultural practice at Jacksonville State University.

Equal & Consistent Treatment: Treat all students with impartiality and accept all students as individuals with rights and responsibilities. Seek to create and maintain a campus climate that fosters learning, personal growth, and development. Follow the procedural guidelines outlined in Jacksonville State University's Code of Student Organization Conduct when enforcing the Code of Student Organization Conduct.

Confidentiality: Confidentiality is maintained with respect to all privileged communications and to educational and professional records considered confidential. Information is shared only in accordance with institutional policies and relevant statutes, where informed consent is given, or when required to prevent personal harm to oneself or others.

Respect: An opportunity for every student and university employee to be treated with respect and dignity, with freedom of speech and an open exchange of ideas.

SCOPE OF AUTHORITY

Jacksonville State University's conduct system has the authority to handle all non-academic disciplinary matters. The university reserves the right to discipline students, Student Groups/Organizations, and Recognized Student Organizations (RSOs) for acts of misconduct that occur on or off Jacksonville State University Premises. (Including at University or Organization-sponsored events)

The Code of Student Organization Conduct applies to all Student Groups/Organizations, regardless of whether they are recognized by the University. The conduct expectations outlined in this policy for Registered Student Organizations (RSOs) also apply to any Student Group/Organization as defined in this policy.

The Code of Student Organization Conduct may be applied to behavior conducted online, via email, or other electronic media. Organization members should also be aware that online postings such as blogs, web postings, chats, and social networking sites are in the public sphere and are not private. These postings can subject an organization to allegations of conduct violations if evidence of policy violations is posted online. The University does not regularly search for this information, but may take action if such information is brought to the attention of the Office of Community Standards.

At its discretion, the university may pursue disciplinary action against an organization, even if the organization's members are also subject to criminal proceedings. The university reserves this right, regardless of whether criminal charges are pending, reduced, or dismissed. The university's disciplinary procedures are administrative proceedings, not criminal or civil in nature. Therefore, formal rules of evidence and procedures akin to those of civil or criminal trials are not applicable.

As a Jacksonville State University community member, organization members are expected to uphold and abide by all local, state, federal, and international laws. Referrals received from any university or police authority, regardless of location, are subject to possible disciplinary proceedings for the accused and/or the organization.

Organizations are responsible for the conduct of members in relation to the organization from the time of application for recognition until the organization is no longer recognized by the university. Violations of the Code of Student Organization Conduct during the academic year, between academic terms, or during periods of suspension or dismissal will be addressed. This Code shall apply to an organization, even if the organization disbands while a disciplinary matter is pending.

The Code of Student Organization Conduct applies to guests of the organization, and the organization can be held accountable for the misconduct of their guests. Visitors to and guests of the University may seek resolution of violations of the Code of Student Organization Conduct committed against them by an organization and/or its members.

Individual students who are members of an organization are still subject as individuals to the Code of Student Conduct and may be held individually accountable for behaviors also attributed to the organization. Individuals who are members of an organization may, through their actions, subject the organization to disciplinary action under this Code, regardless of whether those individuals are also adjudicated under the Code of Student Conduct.

For additional information, please refer to the <u>Jacksonville State University Code of Student</u> <u>Conduct.</u>

REVISIONS TO THE CODE OF STUDENT ORGANIZATION CONDUCT

This Code shall take effect on June 23, 2025. It is the general duty of all persons affiliated with the Jacksonville State University Conduct System to advise the Office of Community Standards of modifications that should be considered to improve the fairness and effectiveness of the system. In consultation with University Administration, the Office of Community Standards will be responsible for identifying and considering any proposed revisions to the Code of Student Organization Conduct. The Code of Student Organization Conduct will be reviewed and updated annually by the Office of Community Standards. The updated policy will be published annually on June 1st.

JACKSONVILLE STATE UNIVERSITY HAS THE AUTHORITY TO MODIFY THE CODE OF STUDENT ORGANIZATION CONDUCT AS NECESSARY.

ACCESSIBILITY

The leadership of Recognized Student Organizations and all students at Jacksonville State University have access to a digital copy of the Code of Student Organization Conduct, which can be found on the Office of Community Standards website. Hard copies are available upon request from the Office of Community Standards. Students who are part of organizations are responsible for having read and abiding by the provisions of the Code of Student Organization Conduct.

REPORTING

Prohibited Conduct:

To report alleged prohibited conduct, individuals can use the <u>Incident Reporting Form</u> found on the Office of Community Standards <u>website</u> or contact the Office of Community Standards directly at 256-782-8080 or communitystandards@jsu.edu.

Hazing:

To report any suspicions or known activities or incidents of Hazing, individuals can use the <u>Hazing Reporting Form</u> found on the Office of Community Standards <u>website</u> or contact the Office of Community Standards directly at 256-782-8080 or <u>communitystandards@jsu.edu</u>.

Title IX Incident:

To report any incident or concern regarding sexual discrimination, sexual harassment, quid pro quo harassment, sexual assault, dating violence, dating violence, stalking, and/or retaliation, individuals can use the <u>Report a Title IX Concern or Title IX Incident Form</u> found on the Title IX <u>website</u> or contact the Title IX Office directly at 256-782-5769 or <u>titleix@jsu.edu</u>.

Please call 9-1-1 or the University Police at (256)782-5050 if you need emergency assistance.

Reporting Limitations:

There is no time limit for reporting violations of the Code of Student Organization Conduct; however, the longer someone waits to report an offense, the more challenging it may become for the Office of Community Standards to obtain information and witness statements, as well as to make determinations regarding alleged violations.

Anonymous Reporting:

Though anonymous complaints are permitted, doing so may limit the University's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Community Standards and/or to the Department of Public Safety/University Police Department.

STATEMENT OF FREEDOM OF EXPRESSION

All members of Jacksonville State University can enjoy the right to freedom of speech and expression. The right to free speech and expression does not include unlawful acts or activities that endanger or threaten to endanger the safety and/or well-being of any member of the Jax State community. In addition, it does not include any activity that materially and substantially interferes with the education or well-being of other students or the mission of Jacksonville State University. Jacksonville State University community members are encouraged to engage in opportunities of free speech and expression to be intellectually and culturally challenged and, therefore, better prepared to deal with the issues they encounter in a changing and diverse society. These encounters can occur with activities and discussions that embody courtesy, mutual respect, and charity.

For additional information, please refer to the University's <u>Campus Use and Protection of</u>
<u>Free Speech Policy.</u>

DEFINITIONS

Accused Individual or Student Group/Organization: A student or organization alleged to have violated the Code of Student Conduct and/or the Code of Student Organization Conduct.

All terms (Accused Individual/RSO, Alleged Student, or Respondent) are interchangeable, including any other term used to reference an individual or organization responding to a report of a violation and the subject of an investigation or disciplinary proceeding.

Administrative Hearing: A process in which the facts of an alleged violation of the Code of Student Organization Conduct are presented to the Hearing Officer(s) to determine if a violation(s) occurred and if Outcome(s) are appropriate.

Administrative Hearing Officer: A University Official, generally from the Office of Community Standards, trained to adjudicate violations, who determines whether a Student Group/Organization is responsible for violating the Code of Student Organization Conduct.

Advisor: A person who attends the conduct procedure(s) to support a Student Group/Organization during the conduct process. Advisors may only confer with the organization's member(s) they are advising and cannot speak on behalf of the organization's member(s). An Advisor can be any person chosen by the student/member, and the financial responsibility for this Advisor shall rest with the student. A student/member may only have one advisor present during the conduct procedures. Advisors cannot serve as witnesses. If an organization needs assistance finding an advisor, the Office of Community Standards will provide this information upon request. An individual charged in the same fact pattern related to the accused Student Group/Organization may not serve as an advisor.

The "potted plant" rule applies to Advisors throughout the investigation and disciplinary process. While a FERPA release may allow university officials to answer general questions about a matter, university officials will not meet with Advisors separately or discuss particulars of the investigation with them. Any inquiries should come directly from the student or the organization. Further, Advisors may not speak on their party's behalf or otherwise interfere with meetings or proceedings. Advisors must be accompanied by their respective parties when viewing any evidence.

If the Hearing Officer determines that an Advisor's conduct undermines the integrity of this policy or interferes with meetings or proceedings, an Advisor may be prohibited from continuing to serve in their role. In cases of unreasonable delays caused by an Advisor, the Hearing Officer may elect to hold meetings or proceedings in their absence. The affected party will be permitted to obtain a substitute Advisor.

When employees are involved in an investigation, the selection and availability of an advisor may be influenced by applicable collective bargaining agreements, contractual requirements, legal obligations, and university policies.

Amnesty: A policy that protects students from formal disciplinary action for certain violations when seeking help for themselves or others, typically during emergencies.

Appeals Officer: The Associate Vice President for Student Affairs or their designee will serve as the Appeals Officer, ensuring that the Appeals Panel is properly trained and equipped with relevant information to adjudicate the appeals received.

Appeals Panel: The Appeals Panel will be comprised of three (3) university officials (staff or faculty) who have been trained to adjudicate violations of the Code of Student Organization Conduct.

Appeal Process: A process designed to review and ensure the integrity of the decisions made by the Hearing Officer(s) or Hearing Board.

Additional information on the appeals process, including grounds for appeal, can be reviewed in the "Appeals" section of the Code of Student Organization Conduct.

Bystander: A person who observes a crime, an impending crime, a conflict, misconduct, or unacceptable behavior.

Bystander Intervention: The safe and positive actions a bystander takes to prevent harm or intervene when a risk is posed to another person. Bystander intervention includes recognizing situations of potential harm, identifying safe and effective intervention options, and taking action to intervene.

Complainant/Reporting Individual: A person who makes a referral to the Office of Community Standards alleging that a violation of the Code of Student Organization Conduct has occurred. The university may make a report when there is evidence that this policy has been violated. The complainant does not have to be an Impacted Individual.

Complicit: Involved in or knowing about a crime, conduct, or activity that violates the Code of Student Conduct and/or Code of Student Organization Conduct, without intervening and/or reporting.

Confidentiality: Information that is not shared. A confidential reporter is prohibited from breaking confidentiality about information that is shared by an individual, unless there is an imminent threat of harm to self or others, without the individual's express permission, or as otherwise permitted or required by law. (Confidential Reporters: Include University Counselors and others identified as "confidential resources" in the Jacksonville State University Sex-Based Harassment and Misconduct Policy or on the Title IX website: Resources page)

Conversations with any University confidential resource do not constitute a report to the University and will not initiate any University response under this policy.

Faculty/Staff Advisor: A member of the University faculty or staff who provides guidance and support to a student organization, assisting with planning, operations, and leadership development. The Faculty/Staff Advisor can serve as the RSO's advisor during the conduct process.

Faculty Member: A person hired by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty.

FERPA: Family Education Rights and Privacy Act- protects all Jacksonville State University students' records. The Information allowed to be released is called directory information and is defined in the catalog under Student Regulations/Information-General Information (https://catalog.Jacksonville State University.edu/undergraduate/student-regulations-information)

Hazing: Any non-accidental, costly aspect(s) of group induction activities that: (a) do not appear to be group-relevant assessments/preparations, and/or (b) are excessive, dangerous, or degrading in their application or constitute violations of local, state or federal law or any other University policy regardless of the consent of the participants. Group induction activities refer to tasks that are formally or informally required to obtain or maintain membership and/or participatory

legitimacy for new, prospective, or current members, and/or to attain progressive membership status and/or leadership positions within the organization.

Please refer to the Jacksonville State University <u>Hazing Policy</u> for more information.

Hearing Board/Panel Hearing: A process in which the facts of an alleged violation of the Code of Student Organization Conduct are presented to a Hearing Board Panel to determine if a violation(s) occurred and make outcome/sanction recommendations when appropriate.

Hearing Board Members/Panel: A Hearing Panel will be comprised of three (3) trained university officials (staff or faculty) who determine whether a student is responsible for violating the Code of Student Organization Conduct.

Hearing Chair: A member of the Hearing Board who is responsible for facilitating and managing the Hearing Panel process.

Hearing Officer: A University Official, generally from the Office of Community Standards, who advises the Hearing Board and ensures proper procedures are followed during the Panel Hearing. The Hearing Officer oversees administrative hearings and ensures that proper procedures are followed. The Hearing Officer can participate in the hearing (i.e., asking questions). The Hearing Officer has final authority over determining responsibility and/or assigning outcomes/sanctions.

Hold: A temporary or permanent status applied to a student's educational records that prevents them from registering for classes, making registration changes, accessing enrollment, and other services.

Impacted Individual: a person who was directly impacted by the alleged prohibited conduct. The impacted individual is not always the same person as the complainant.

Interim Measures: Interim measures encompass support, accommodations, protective measures, and/or restrictive directives aimed at safeguarding the safety and well-being of the parties and/or the university community.

Additional information can be reviewed in the Interim Measures Section of the Code of Student Organization Conduct.

Inter/National Organizational Governing Body: Any known or designated association or body affiliated with any RSO. Examples include national headquarters of Greek-letter organizations, national governing bodies of sports organizations, and national honor societies.

Mid-Level Violation: In the University conduct process, a mid-level violation refers to a subsequent violation or a violation(s) of lesser severity, and the Prescribed Process resolution is not offered.

Minor Violation: In the University conduct process, a minor violation refers to a first-time or less severe violation of the Code of Student Organization Conduct, where the potential outcomes are less serious. These violations often involve unintentional or non-malicious actions that have a limited impact on individuals or the community.

No Contact Order: No Contact Orders are designed to prevent students involved in the conduct process from communicating with each other, thereby minimizing the likelihood of further altercations. A No Contact Order is a written directive prohibiting contact between individuals (directly, indirectly, or through a third party). It is intended to protect the safety and well-being of the parties involved.

Notice: A formal letter provided to a student or the student organization representative during the conduct process by the University (Office of Community Standards) that provides information about allegations, conduct procedures information, meeting/hearing information, interim measures, and/or decision and outcomes assigned when applicable.

Pre-Hearing Conference (or Meeting): A meeting with the Hearing Officer or designee where a student can learn more about the conduct process and ask any questions related to the hearing and/or conduct process. Pre-hearing meetings are for discussing procedures only. The meeting is not for reviewing the facts, evidence, or the substantive nature of a conduct referral.

Preponderance of Information/Evidence: A standard of proof that indicates that the information provided shows that "more likely than not" a violation did or did not occur. This is the standard of proof for all alleged violations of the Code of Student Organization Conduct. The preponderance standard is lower than the standard of "beyond a reasonable doubt," which is used in criminal court cases. If the evidence presented meets this preponderance standard, then the accused should be found responsible.

Prima Facie Evidence: Prima facie is Latin for "at first sight" or "on the face of it." Prima facie evidence is evidence that appears to be enough to support a claim at first glance. "Prima facie evidence of use" means there is enough initial evidence to suggest something was used, even if it's not conclusive.

Privacy: Information that is not kept confidential and can be shared. The information shared is limited, and measures are taken to protect sensitive information. Information related to a report of prohibited conduct will only be shared with those university officials or individuals who "need to know" in order to assist in the active review, investigation, or resolution of the report, including the issuance of interim measures. While not bound by confidentiality, these individuals will be discreet and will respect and safeguard the privacy of all individuals involved in the process. Any information shared will be in accordance with the Family Educational Rights and Privacy Act (FERPA). Jacksonville State University will limit the disclosure as much as possible and will maintain privacy to the greatest extent possible.

University Officials participating in the conduct process will not share information discussed or the documents presented outside the process to protect the privacy of all individuals involved.

Individuals involved are expected to practice discretion to minimize the sharing of information and respect the privacy of all parties. Providing materials (e.g., Investigative Report, Incident Report, evidence, etc.) to any other party not expressly participating in this process may be considered retaliatory and is not permitted.

Prohibited Conduct: Any alleged conduct or acts of misconduct, as defined in these policies, that may give rise to an investigation and a judicial or disciplinary proceeding.

Recognized Student Organization (RSO): A Registered Student Organization (RSO) is a Student Group/Organization, as defined in this policy, that has complied with the formal requirements for Jacksonville State University student organization recognition and registration.

For more information on RSOs, visit the Dean of Students Office website.

Retaliation: Adverse action(s) against a person for participation in any portion of the referral or student conduct process, which includes, but is not limited to, serving as a witness in conduct hearings. This includes making a referral for a student out of concern for their well-being.

Retaliation includes harassment, intimidation, coercion, or otherwise discriminating against an individual, including but not limited to, violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.

Jacksonville State University has a zero tolerance for retaliation.

Rights and Responsibilities: The policies outlined in the Student Handbook are available for reference at any time. Students have a responsibility to know of and adhere to university policies to avoid violating any University policy. Additionally, students have a responsibility to Jacksonville State University to report any known violations of the Code of Student Conduct and/or the Code of Student Organization Conduct, thereby maintaining proper order and respect in the university community. With an allegation of violating the Code of Student Conduct and/or the Code of Student Organization Conduct, all students have rights as listed herein and are afforded to any accused student or any Student Group/organization upon first notification of an allegation.

Significant/Severe Violation: In the University conduct process, a Significant violation refers to violations that cause or potentially cause serious harm, serious, extreme, and/or life-threatening violation(s).

Special University Program: Any academic, student service-related, student life, athletic, or other university program where a student voluntarily submits to and can be held accountable for violation(s) of additional rules of conduct or program rules.

Sponsored Event: Sponsored events, whether on or off University Premises, include, but are not limited to:

- Any event that the RSO registers with the University or otherwise notifies the University that it is sponsoring/hosting
- Any event that meets the criteria of an event that should be registered with the University or that the RSO should have otherwise notified the University
- Any event that the University determines may qualify as a sponsored event, based on, but not limited to, the following factors: the nature of the event, the number of RSO members in attendance, and the level of organization and advertising undertaken by RSO members.

Staff Member: A staff member is an individual employed by the university in roles that support the university's mission but are not directly involved in teaching or research. They are typically engaged in administrative, operational, and support functions.

Student: Any individual who has applied to the university and/or is taking courses at Jacksonville State University on a full-time, part-time, or non-degree seeking basis. This definition encompasses all students enrolled, including those in remote locations (e.g., online, study abroad, etc.). Student status lasts until the conferral of a degree or certificate, or until the individual is permanently separated from the university for academic or non-academic reasons. Also included are those individuals who are not officially enrolled for a particular semester but have a continuing relationship with the university.

Student Group/Organization: An organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the University, whether or not the organization is established or recognized by the institution.

Student Group/Organization Representative: The University will generally direct communication to the student on file with the Dean of Students Office as the elected or appointed leader of the RSO (e.g., president or team captain). However, the Student Group/Organization may request that any student member serve as the official representative; the University has the authority to designate the Student Group/Organization Representative.

Witness: A person present at the time of an incident who sees parts or all of the activities that take place during the incident, or relevant information that leads to an incident. A witness may be requested to speak to the hearing officer(s) and provide information about the incident. An involved party or the University may also request a witness to attend a hearing to share information about the particular incident. Witnesses cannot serve as advisors.

Character witnesses are not allowed or taken into consideration when determining responsibility or outcome(s).

The Hearing Officer or Hearing Chair of a board hearing will evaluate the relevancy of witness information.

Witness statements can be accepted in lieu of attending the hearing. The statement must be emailed directly to the Hearing Officer from the witness using only their official Jacksonville State University email accounts.

University Official: Any individual who is employed, contracted with, or appointed and performs administrative or professional responsibilities within the scope of their authority by the university (e.g., Faculty, Staff, etc.).

University Premises: The premises of Jacksonville State University, including all land, buildings, facilities, and other property in the possession of, owned, leased, licensed, managed, or controlled by the university (including adjacent streets and sidewalks, online networks, and domains).

PROHIBITED CONDUCT

The behaviors listed below are specifically applied to the conduct of Registered Student Organizations (RSOs) by their members. As stated, individual students who are members of a Student Group/Organization are still subject as individuals to the Code of Student Conduct and may be held individually accountable for behaviors also attributed to the Student Group/Organization. Individuals who are members of a Student Group/Organization may, through their actions, subject the Student Group/Organization to disciplinary action under this Code, whether or not those individuals are also adjudicated under the Code of Student Conduct.

Please refer to the Jacksonville State University <u>Hazing Policy</u>, <u>Code of Student Conduct</u>, and <u>Sex-Based Harassment and Misconduct Policy</u> for information on misconduct subject to these policies.

Abuse of Process: The Student Group/Organization, or someone acting on behalf of a Student Group/Organization, violates this Code by directly or indirectly abusing, interfering with, or undermining the fairness, integrity, or proper functioning of the University's investigation/conduct process.

Including but not limited to:

- Failure to comply with official correspondence from a Hearing Officer or university official;
- Falsifying, distorting, or misrepresenting information or colluding to do the same in the investigation/adjudication process;
- Destroying or concealing information;
- Attempting to discourage an individual's proper participation in the investigation/adjudication process;
- Harassing or intimidating (verbally or physically) any person involved in the conduct processes before, during, and/or following proceedings (including up to, throughout, and after any outcome);
- Unauthorized disclosure of a reporting party's identifying information;
- Failing to comply with a temporary measure or other sanction;
- Distributing or otherwise publicizing materials created or produced during an investigation as a part of these policies or procedures, except as required by law or as expressly permitted by the University, Office of Community Standards, and/or a designee; or
- Influencing or attempting to influence another person to commit abuse of process.

Aiding in Academic Misconduct: The Student Group/Organization aids, abets, organizes, approves, or otherwise participates in behaviors that would constitute cheating, plagiarism, misrepresentation (e.g., having another Student Group/Organization member check into a class or take an exam), and/or other forms of Academic Misconduct as outlined in the <u>Jacksonville State University Scholars' Code</u>. Evidence of a violation of this policy must demonstrate systemic participation and/or knowledge of misconduct by more than 1-2 Student Group/Organization members participating in the violation.

Alcohol: The Student Group/Organization, in any activity or event sponsored or endorsed by the organization, including those that occur on or off University Premises, aids, abets, incites, organizes, approves, or otherwise participates in any behavior that would constitute a violation of

any applicable local, state, federal, or provincial laws or any university policies (e.g., <u>Alcohol</u> and Other Drug Policy, etc.) would constitute a violation of this policy.

It should be noted that the presence of empty alcoholic beverage containers in or about residence rooms, halls, and/or university premises is prima facie evidence of use, consumption, and/or transportation. Open containers of alcoholic beverages are generally not permitted in common areas and other public areas unless approval is granted by the Dean of Students.

Alcohol Related violations included, but are not limited to:

- The organization, members, and guests must comply with all federal, state, provincial, and local laws.
- No person under the legal drinking age may possess, consume, provide, or be provided with alcoholic beverages.
- Alcoholic beverages must either be: (1) provided and sold on a per-drink basis by a licensed and insured third-party vendor (e.g., restaurant, bar, caterer, etc.), or (2) brought by individual members and guests through a bring your own beverage ("BYOB") system
- The presence of alcohol products above 15% alcohol by volume ("ABV") is prohibited.
- Common sources of alcohol, including bulk quantities, which are not being served by an insured and licensed third-party vendor, are prohibited.
- Alcoholic beverages must not be purchased with organizational funds or funds pooled by members or guests (e.g., admission fees, cover fees, collecting funds through digital apps, etc.).
- An organization must not co-host or co-sponsor, or in any way participate in, an activity or event with another group or entity that purchases or provides alcohol.
- Attendance by non-members at any event where alcohol is present must be by invitation only, and the organization must utilize a guest list system. Attendance at events with alcohol must not exceed the local fire or building code capacity of the chapter's or organizational premises or the host venue.
- Any event or activity related to the new member joining process (e.g., recruitment, intake, rush, etc.) must be substance-free. No alcohol may be present if the event or activity is related to new member activities, meetings, or initiation into an organization.
- The organization, members, or guests must not permit, encourage, coerce, glorify, or participate in any activities involving the rapid consumption of alcohol, such as drinking games. Drinking games are prohibited on University Premises, in residential buildings, or at Sponsored Events.

Assault: No Student Group/Organization member(s) or guest shall engage in assault. Assault is a threat of bodily harm coupled with an apparent ability to cause harm.

Assault includes, but is not limited to:

- Inflicting bodily harm upon any person.
- Taking any action for the purpose of inflicting harm upon any person.
- Threatened use of force upon any person.
- Subjecting another person to unwanted physical contact.
- Slapping, kicking, shoving, or otherwise striking another person.

Attempt. The Student Group/Organization or members attempt to engage in conduct that, if completed, would violate any rule or policy applicable to the university. The Student Group/Organization may be charged with and found responsible for the prohibited conduct, which, if completed, would have violated a University policy.

Bribery. The Student Group/Organization offers or accepts anything of value in exchange for favorable treatment by a university official, UPD, or other official. Forms of bribery may include gifts, monetary payments, property, various goods, privileges, services, and favors. Evidence of a violation of this policy must demonstrate systemic participation and/or knowledge of misconduct by more than 1-2 Student Group/Organization members participating in the violation.

Bullying/Cyberbullying. The Student Group/Organization or member(s) aids, abets, incites, organizes, approves, or otherwise participates in any behavior that would constitute bullying and/or cyberbullying, which are defined as repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.

Including, but not limited to:

- Unwanted teasing
- Stalking or Cyberstalking
- Physical violence
- Public humiliation
- Social exclusion
- Rumors or the spreading of falsehoods

Damage/Destruction of Property. The Student Group/Organization or member(s) aids, abets, incites, organizes, approves, or otherwise participates in any action that causes damage or is intended to cause damage to the university's property, the property of a member of the university community, or other personal or public property.

Disorderly Conduct. The Student Group/Organization or member(s) aids, abets, incites, organizes, approves, or otherwise participates in any conduct that is disruptive, lewd, or indecent, with or without the intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, which breaches the peace of the community.

Disorderly Conduct includes, but is not limited to:

- Engages in fighting or violent, tumultuous, or threatening behavior.
- Makes unreasonable noise.
- In a public place, uses abusive or obscene language or makes an obscene gesture.
- Without lawful authority, disturbs any lawful assembly or meeting of individuals.
- Obstructs vehicular or pedestrian traffic or a transportation facility.
- Congregates with other people in a public place and refuses to comply with a lawful order of law enforcement to disperse.

Drugs. The Student Group/Organization or member(s) aids, abets, incites, organizes, approves, or otherwise participates in any behavior that would constitute a violation of any applicable local, state, federal, or provincial laws or any university policies (e.g., <u>Risk Management Policy</u>, <u>Alcohol and Other Drug Policy</u>, etc.) would constitute a violation of this policy.

"Drugs" are considered to be any mind-altering substances, regardless of legality, including but not limited to opiates, barbiturates, amphetamines, cannabis, hallucinogens,

Banned substances include, but are not limited to, the following:

- Controlled substances, as defined by state law, requiring a prescription but are obtained without a physician's order, such as methedrine (speed), amphetamines (Ritalin, Adderall, etc.), antidepressants (Prozac, etc.), sedatives and barbiturates, tranquilizers, and pain killers (Valium, Vicodin, etc.).
- Narcotics, such as morphine, heroin, codeine, ketamine, and cocaine in any form.
- Chemical substances and organic substances, such as LSD (Acid), cannabis, hashish, THC, Peyote buttons, mescaline, DMT, DOM, STP, psilocybin or psychedelic mushrooms, etc.
- Designer drugs, including but not limited to synthetic cannabis (K2, Spice, herbal potpourri).

"Designer Drugs" and illegal steroids, except for legally authorized doses for medical purposes.

It should be noted that the presence of empty containers with drug residue, roaches, buds/stems, paraphernalia, or items designed for the use of drugs in or about residence rooms, halls, and/or university grounds is prima facie evidence of use, consumption, and/or transportation of drugs.

Any student involved with drugs is encouraged to consult Health Services for help. Information provided to a university healthcare provider or Counselor is privileged and cannot be voluntarily disclosed to anyone, nor can they be compelled to testify in court or elsewhere. Other members of the staff or students may also assist with drug problems; however, students should be aware that they are not necessarily bound by confidentiality.

The university's actions in all cases of drug violations will be guided by a concern for the emotional and physical welfare of the student involved and for maintaining a suitable educational environment for all members of the university community.

Drug-related violations included, but are not limited to:

- The organization, members, and guests must comply with all federal, state, provincial, and local laws regarding illegal drugs and controlled substances.
- No person may possess, use, provide, distribute, sell,/or manufacture illegal drugs or other controlled substances at any time.
- Any event or activity related to the organization must be substance-free. No drugs may be present at any event, activity, meeting, or initiation into an organization. Including any activity related to the new member joining process.
- The organization, members, or guests must not permit, encourage, coerce, glorify, or participate in the use of any drug(s).

Endangerment. The Student Group/Organization or member(s) aids, abets, incites, organizes, approves, or otherwise participates in any activity that constitutes physical abuse or could endanger the safety, health, or well-being of other individuals or groups, or would cause a reasonable apprehension of such harm. For the purposes of this policy, Endangerment would include the observation of activities that might endanger the safety, health, or well-being of individuals by Student Group/Organization members in a position to intervene but who fail to do so.

Failure to Comply. The Student Group/Organization, member(s), or the representative fails to comply with the direction of any university official when that official has been identified and is acting expressly within their authority to uphold university rules, regulations, or policy.

Including, but not limited to:

- Failure to comply with a verbal or written directive given by a university official, including obligations associated with any disciplinary process or outcomes.
- Failure to comply with an Interim Protective/Restrictive Measure issued by a University Official.
- Failure to comply with reasonable and lawful requests or directives of university officials or law enforcement officers acting in the performance of their duties.
- Attempting to, or successfully evading, avoiding, or delaying questioning by a university official or UPD officer.
- Failure to show proper student identification or other identification to any university official or UPD officer performing their official duties.
- Interfering with the normal operation of the teaching and learning environment.

Fire Safety Equipment. A Student Group/Organization member is prohibited from tampering with, misusing, or damaging fire extinguishers, alarms, or other safety equipment on University Premises, at an event sponsored or endorsed by an organization, or within University-owned residences used solely by an RSO. Tampering with smoke detectors includes removing the batteries, covering the smoke detectors, removing the smoke detectors, or otherwise disabling them (e.g., using fog machines).

Harassment. The Student Group/Organization or member(s) aids, abets, incites, organizes, approves, or otherwise participates in any action(s) which recklessly and/or intentionally endanger the mental or physical health of any individual or group, based on perceived or actual identities, that is persistent, severe, pervasive, unwelcome, and/or inappropriate conduct that actually or potentially interferes with an individual's ability to work or learn, including harassment based on a legally protected status.

Jacksonville State University prohibits harassment of students on any basis.

The University reserves the right to take disciplinary action based on such conduct, regardless of whether it meets the legal standards of discrimination or harassment.

Hazing. The Student Group/Organization aids, abets, incites, organizes, approves, or otherwise participates in any behavior that would constitute a violation of the Jacksonville State University Hazing Policy would constitute a violation of this policy.

Hazing includes the observation of hazing activities by individuals in a position to intervene but who fail to do so, including organization officers or leaders who are aware of planned hazing activities and condone or fail to prevent the hazing from occurring, regardless of their own participation.

Hazing will not be tolerated at Jacksonville State University. Both student organizations and individual students are strictly prohibited from engaging in hazing. Hazing is strictly prohibited in all forms, both on and off University Premises.

Please refer to the Jacksonville State University Hazing Policy for more information.

Retaliation. The Student Group/Organization or member(s) aids, abets, incites, organizes, approves, or otherwise participates in any adverse action(s) against a person for participation in any portion of the referral or student conduct process, which includes, but is not limited to, serving as a witness in conduct hearings. This includes making a referral for a student out of concern for their well-being.

Retaliation includes but is not limited to:

- Harassment
- Intimidation
- Coercion
- Discrimination
- Violence
- Threats of violence
- Property destruction
- Adverse educational or employment consequences
- Bullying.

Sexual Misconduct. The Student Group/Organization aids, abets, incites, organizes, approves, or otherwise participates in any behavior that would constitute a violation of the Jacksonville State University <u>Sex-Based Harassment and Misconduct Policy</u> would constitute a violation of this policy.

Referrals for alleged violations of sexual misconduct will be resolved in accordance with specific policies and procedures outlined in the Jacksonville State University Sex-Based Harassment and Misconduct Policy. If the Sex-Based Harassment and Misconduct Policy does not apply, by definition or alleged conduct, the student conduct procedures outlined in this policy will be followed to address all other alleged sexual misconduct.

Please refer to the Jacksonville State University <u>Sex-Based Harassment and Misconduct</u>
<u>Policy for more information.</u>

Unauthorized Activity. Non-recognized student organizations are prohibited from participating in or attempting to participate in activities reserved for recognized student organizations. Student organizations that have been suspended or dismissed are considered unaffiliated with the university.

Unauthorized Use of Jacksonville State University's Name. Non-recognized student organizations are prohibited from using the university's name or attempting to use it without the university's express written consent.

Violation of the Student Code of Conduct: The Student Group/Organization or its member(s) (more than 1-2) aids, abets, incites, organizes, approves, or otherwise participates in any activity that violates, attempts to violate any prohibited conduct outlined in the policy that is not addressed by this policy.

Please refer to the Jacksonville State University <u>Code of Student Conduct</u> for more information.

Violation of University Policy. The Student Group/Organization or its member(s) (more than 1-2) aids, abets, incites, organizes, approves, or otherwise participates in any activity that violates, attempts to violate any Jacksonville State University Policy (e.g., Guide to Residence Living, etc.).

Violation of the Law. The Student Group/Organization or its member(s) (more than 1-2) aids, abets, incites, organizes, approves, or otherwise participates in any activity that violates, attempts to violate any local, state, federal, or international law.

STUDENT GROUP/ORGANIZATION GENERAL PROCEDURAL ASSURANCES

The following is a list of procedures generally provided to any student group or organization participating in the University disciplinary process. Each case presents a unique set of facts and circumstances. None of the procedures listed below is guaranteed, except for receiving notice and an opportunity to be heard. Additionally, procedures not listed below may be applicable or available to the student. The Hearing Officer determines what procedures are available on a case-by-case basis.

- 1. The Student Group/Organization Representative will receive notification of the alleged violation, as well as the date, time, and location of any procedural or resolution meeting regarding the alleged violation(s).
- 2. During all procedural/resolution meetings, the Student Group/Organization Representative may be accompanied by one (1) advisor of their choice, and at their own expense.
- 3. The Student Group/Organization Representative may request access to any information used during any resolution proceedings outlined below when appropriate and as permitted under the Family Educational Rights and Privacy Act (FERPA). In cases where retaliation is a legitimate safety concern, the information may be redacted or presented in a manner that prevents identification.
- 4. When appropriate, the Student Group/Organization Representative will have the opportunity to introduce documents, call witnesses, and present information during any resolution proceedings outlined below.
- 5. The Student Group/Organization will have other procedural options based on the type of resolution procedure used, as outlined below.

RESOLUTIONS PROCEDURES

Notice to the University/Office of Community Standards

The institution may receive notice of an allegation or potential violation of this or other related policies in several ways, including, but not limited to:

- The filing of an incident report with the Office of Community Standards, including self-reporting.
- Any Responsible University Official is made aware of any potential violation of this or other related policies.
- Any Responsible University Official observes any potential violation of this or other related policies.
- Any Responsible University Official is aware of a student group/organization's
 climate or culture that may indicate a probability of violations of this or any other
 related policies.

Self-Reporting of Individual Misconduct and Amnesty

Student Group/Organization leadership is encouraged to immediately report any violations committed by members of their Student Group/Organization of this or other University policies to the Office of Community Standards. This report should provide a detailed description of the events that transpired, the names of all individuals involved, and a description of any internal disciplinary actions taken by the Student Group/Organization. If Student Group/Organization chooses to self-report behavior in this manner, the Office of Community Standards or designee will only investigate the individual(s) implicated in the report. Unless information discovered during the investigation suggests that the incident was aided, abetted, sanctioned, or organized by the Student Group/Organization, the investigation will be limited to the individuals implicated in the self-report, rather than the Student Group/Organization. However, if information is uncovered during the investigation that suggests the Student Group/Organization aided, abetted, sanctioned, or organized the event, the Office of Community Standards or its designee may launch a formal investigation of the Student Group/Organization.

Students who make a complaint under this policy or who participate in an investigation related to this policy will not be charged with other minor University policy violations that are brought to light in the course of the investigation that arose out of, or were committed as a direct result of, the incident(s) under investigation (i.e. students forced to consume alcohol as part of a hazing incident will not be charged with violations of the University's alcohol policy) as long as those behaviors do not represent a threat to the health, safety or well-being of others. The University reserves the right to follow up with students related to those issues as appropriate in a non-disciplinary setting.

Amnesty may not be given to a student for serious/severe violations like violence, sexual assault, or repeated misconduct. Amnesty is made on a case-by-case basis by a University Official who will consider the specific circumstances of the situation.

The student must cooperate with the University Official(s) during the entire conduct process.

Preliminary Inquiry

Upon receiving notice of an alleged violation of this or other University Policies involving a Student Group/Organization, the Office of Community Standards (or designee), in consultation with the appropriate University departments, will conduct a preliminary assessment to determine if there is a reasonable basis for conducting an investigation into the alleged violations of University Policies. This initial assessment will include a review of the information reported.

This may include, but is not limited to:

- Interview(s) with the person(s) who made the report.
- Interview(s) with Student Group/Organization member(s) and/or the Student Group/Organization Representative.
- Review the prior conduct history of the Student Group/Organization and relevant members.
- Gather information that would validate or invalidate elements of the report.
- Review of any materials related to the report.

If a determination is made that the alleged violation(s) warrant a more comprehensive investigation or response, the Office of Community Standards or designee will notify the Student Group/Organization in writing to outline the alleged violations, the resolution options based on the alleged violations, and to schedule an educational conference (if applicable). This notification will also be sent to other individuals (e.g., Advisor), departments, and/or the Inter/National Organizational Governing Body when applicable.

The report is documented and administratively closed if the Office of Community Standards or designee determines that no investigation is necessary. The Office of Community Standards or designee may, at their discretion, notify the Student Group/Organization of the information received and that the matter is closed. In these cases, the Office of Community Standards or designee may choose, at their discretion, to maintain the confidentiality of any reporting party(ies).

Resolution Options

Upon notice of a potential violation, the Office of Community Standards or designee will conduct an assessment of the allegations to determine the applicable resolution options available to address the alleged policy violations.

The determination of the resolution model will include consideration of the following:

- the severity of the alleged violations
- the risk of harm to other persons
- the conduct history of the Student Group/Organization
- current status of the Student Group/Organization
- any other relevant factors.

There are three levels of Resolution Producers associated with resolving alleged violations of this Code: Prescribed Resolution (Level 1), Partnership Process Resolution (Level 2), and Formal Resolution (Level 3) as outlined in the Violations Rubric. An Educational Conference may be used when the Partnership Process Resolution or Formal Resolution options are utilized. The Office of Community Standards or designee may, at any time, determine that a case should be moved from a lower tier to a Formal Resolution.

Early Resolution

In certain cases, the Office of Community Standards or its designee may determine that there is insufficient evidence to proceed with an investigation, and/or that the information collected, even if true, would not constitute a policy violation. Early resolution is not a determination of responsibility, and is not recorded as a prior determination of such. However, if the behavior may constitute a violation of policies of inter/national governing bodies with which the Student Group/Organization is affiliated, and the Office of Community Standards or designee is aware of this affiliation, the Office of Community Standards or designee may, at their discretion, forward the information to the appropriate body.

In these cases, the Office of Community Standards or its designee may meet with the Student Group/Organization representative and other relevant parties to discuss behavioral expectations and/or suggest proactive educational and/or developmental measures to support the Student Group/Organization.

However, if the University receives additional information related to the matter that was resolved by early resolution, the University reserves the right to reopen the matter and proceed with investigation and adjudication.

Prescribed Resolution Process

In certain cases, the Office of Community Standards or its designee, upon reviewing the allegations, may determine that they constitute a policy violation, which falls under Level 1 of the Violations Rubric. Violations that fall under Level 1 of the Violations Rubric have prescribed outcomes associated with them [e.g., a noise violation would result in a fine of \$150]. In these cases, the Office of Community Standards or designee will send a decision and outcome notice letter to the Student Group/Organization representative and any other appropriate parties outlining the determination, the outcomes, and the rationale for both.

Upon receipt of this letter, the Student Group/Organization may do one of the following:

- Accept the determinations and outcomes in this case, the Student Group/Organization will follow the directives outlined in the outcomes letter, and the case will be considered closed once the outcomes are completed. Failure to complete the outcome(s) may result in additional disciplinary action; or
- **Decline to accept the determinations and outcomes** in this case, the matter will be addressed using the Formal Resolution process.

The Student Group/Organization must notify the Office of Community Standards of their choice from the options above within five (5) business days of receipt of the notice letter.

If no response is received, a second outcome notice letter will be sent. If the Student Group/Organization fails to notify the Office of Community Standards of their choice a second time, the determinations and outcomes will be recorded as accepted, and notice of such will be sent to the organization and other relevant parties. The Student Group/Organization will be responsible for following the outcomes as outlined in the notice letter. Failure to complete the outcome(s) may result in additional disciplinary action.

In certain cases that might otherwise constitute a Level 1 violation, the Office of Community Standards or designee may determine that a different resolution option is warranted.

The Educational Conference

In cases where the Violation Rubric suggests a Partnership or Formal Resolution Process, in cases that began with a Prescribed Outcomes Process but the Student Group/Organization declines to accept the determinations and outcomes, or in cases an Informal Resolution is an option based on the totality of the circumstances, the Office of Community Standards or designee will schedule an Educational Conference with the Student Group/Organization representative and other relevant parties.

The Educational Conference provides an opportunity for the Student Group/Organization Representative's and other appropriate parties (if applicable) to discuss the nature of the allegations, the rights and responsibilities of the Student Group/Organization, the resolution options available to the Student Group/Organization based on the nature of the allegations, and the specific steps involved in the different resolution options. The Student Group/Organization will have the opportunity to select their preferred resolution option during the meeting.

In the event that the Student Group/Organization requires additional time to select the preferred resolution option, they will be given three (3) business days following the Educational Conference to notify the Office of Community Standards or its designee of the preferred resolution option.

The Resolution options available to the Student Group/Organization to select as their preferred resolution are an Informal Resolution Process (when deemed appropriate), the Partnership Resolution Process, or a Formal Resolution Process. Each process is described below.

Participation in the Educational Conference is voluntary; however, the Office of Community Standards or designee may proceed with the process in the absence of participation from the Student Group/Organization.

The Office of Community Standards or designee will make the final determination on the resolution option to be used in investigating and adjudicating the alleged violations.

Informal Resolutions Process

If deemed practical based on the totality of the circumstances, the Office of Community Standards or designee may propose an informal resolution. Before pursuing the Partnership Resolution Process or Formal Resolution Process, the Office of Community Standards will meet with the Student Group/Organization Representative(s) and any involved individuals, either together or separately, to discuss the problem or grievance. The student(s) may be accompanied by one (1) advisor of their choice at any meeting with the Office of Community Standards or a designee.

If deemed practical and safe, the Office of Community Standards or its designee, the Student Group/Organization Representative(s), and any involved individual(s) may voluntarily agree upon an informal resolution that constructively resolves the issues. By accepting the terms of the informal resolution, the parties waive their right to a formal hearing and their right to appeal. Should any party violate the terms of the informal resolution, the formal complaint process may be initiated.

If a satisfactory resolution is not reached after discussion with the Student Group/Organization Representative(s) and any involved individual(s), If the university or the parties(s) believes that the conduct cannot be effectively addressed through the Informal Resolution Process, if the efforts are unsuccessful, or at any time deemed impractical by the Office of Community Standards or designee the Partnership Resolution Process or Formal Resolution Process may be initiated.

During the Informal Resolution Process, neither party will have a determination of responsibility for any alleged misconduct. The Informal Resolution Process will be initiated with an Informal Resolution Process Agreement that lists the requirements of all parties and is signed by the Student Group/Organization Representative(s), any involved individual(s), and the Office of Community Standards or designee. Upon completion of the requirements, the case will be closed.

The Informal Resolution Process is typically used when more than one Student Group/Organization is involved or a Student Group/Organization and other parties are involved and the Informal Resolution Process agreement can achieve the goals of addressing the prohibited behavior, repair any harm caused, prevent reoccurrence of the prohibited behavior, and/or educates and supports all involved parties.

Partnership Resolution Process

For this resolution process, the Student Group/Organization is given the opportunity to conduct an internal investigation.

The Partnership Process will include the following:

- The Office of Community Standards or designee will, in consultation with the Student Group/Organization representative and other appropriate parties, develop an investigation scope and timeline based on the nature of the allegations.
- The Student Group/Organization must conduct an investigation and submit a written investigative report within the agreed-upon timeline, barring exigent circumstances as determined by the Office of Community Standards or designee, or as otherwise specified in writing by the University.

- The report should be detailed and specific, including the names of specific individuals involved in the alleged violation and any internal disciplinary actions the Student Group/Organization has implemented relative to those individuals.
- The report should be submitted in typed form electronically or in person to the Office of Community Standards.

The Office of Community Standards or designee will review the investigative report and will make one of the following determinations:

- Complete Report The Office of Community Standards or designee agrees that the report is complete and will schedule a resolution meeting to discuss the report and findings and review next steps; or
- Complete Report Individual Violations Only The Office of Community Standards or designee agrees that the report is complete, that the behavior in question is individual in nature, and the individuals implicated in the chapter report are forwarded for adjudication under the Code of Student Conduct and the case involving the Student Group/Organization is closed; or
- Insufficient/Incomplete Report The Office of Community Standards or designee determines that the report is insufficient or incomplete, and provides feedback to the Student Group/Organization and provides instruction for further investigation; or
- Inaccurate/Incomplete Report The Office of Community Standards or designee determines that the Student Group/Organization has intentionally provided inaccurate or incomplete information, obstructed the process, or is otherwise non-compliant or uncooperative. The matter will then be addressed using the Formal Resolution process.

Partnership Process: Resolution Meeting

Once the Office of Community Standards or designee has determined that the report is complete, the Office of Community Standards will make one of the following determinations:

- **No Policy Violation** If the Student Group/Organization report determines that no policies were violated by the Student Group/Organization, and the Office of Community Standards or designee accepts this determination, the process concludes for the Student Group/Organization.
- Responsible—Fully Accepted If the Student Group/Organization report determines that the Student Group/Organization was responsible for all the alleged policy violation(s) and the Office of Community Standards or its designee accepts this determination, the Office of Community Standards or its designee will initiate the Outcomes process.
- Responsible—Partially or Not Accepted If the Student Group/Organization report determines that the Student Group/Organization was responsible for some but not all, or for none of the policy violation(s) that were alleged, the Office of Community Standards or designee will make one of the following determinations:
 - The Office of Community Standards or designee may accept the determinations from the report and will move forward to the outcomes process solely on the allegations for which the Student Group/Organization accepted responsibility, if applicable; or

 The Office of Community Standards or its designee may not accept the determinations from the report and will proceed with investigating and adjudicating the matter under the Formal Resolution Process.

If individual students are identified at any point in the partnership process as potentially violating any University policies, they may be referred to the Office of Community Standards or designee for individual adjudication as outlined in the Code of Student Conduct.

Determinations of responsibility made through the Partnership Process are final and cannot be appealed.

Formal Resolution Process

The Office of Community Standards or designee can determine that a formal resolution process is necessary at any point during the resolution process. The Office of Community Standards or designee will notify the Student Group/Organization representative and other relevant parties that a Formal Resolution Process is being initiated.

The Office of Community Standards or designee and at least one (1) University official (e.g., Assistant Dean of Students) will serve as the Hearing Officers/Investigators. The Hearing Officers will complete the initial investigation within a period of no more than thirty (30) business days, unless exigent circumstances arise.

In the event that exigent circumstances arise that will require a delay beyond thirty (30) business days, the University will notify the Student Group/Organization representative and relevant parties of the delay, including the reasons for the delay and the anticipated timeline for completing the investigation.

Upon completion of the investigation, the Hearing Officers will prepare a written draft of the investigation report. The Hearing Officers will share the draft of the report (with necessary redactions) with the Student Group/Organization representative and any other relevant parties (possibly including any impacted individuals) for review and comment.

The Student Group/Organization and any relevant parties must provide any comments related to the investigative report in writing to the Office of Community Standards or designee within three (3) business days of the receipt of the report, barring exigent circumstances as determined by the Office of Community Standards or designee.

Upon receipt of these comments (if applicable), the Hearing Officers will generate the final Investigation report and share it with the Student Group/Organization representative and any other appropriate parties at least three (3) business days in advance of any Formal Resolution hearing.

The Hearing Officers will make the final determination of the relevance of any information gathered during the investigation. They can exclude any information found during the investigation or provided if deemed irrelevant and/or redundant.

The Office of Community Standards or its designee will send notice (including the time, date, and location of the hearing) to the Student Group/Organization representative and any other relevant parties at least five (5) business days before any Formal Resolution hearing.

The Hearing Officers will determine whether to proceed with an Administrative Hearing or Panel Hearing on a case-by-case basis.

The Student Group/Organization may request an Administrative Hearing or Panel Hearing in writing to the Office of Community Standards. If a hearing is scheduled and the Student Group/Organization requests an alternative hearing type, they must submit a written request to the Office of Community Standards at least two (2) business days before the scheduled hearing.

- Administrative Hearing—Administrative hearings are coordinated and held by Hearing Officers, who determine whether the Student Group/Organization is responsible for violating the Code of Student Organization Conduct and assign outcomes as appropriate. The Hearing Officers make their determination based on the preponderance of the evidence standard.
- Panel Hearing—The Hearing Officers coordinate the Panel Hearing, advise the Hearing Board, and ensure that proper procedures are followed during the Panel Hearing. The Hearing Officer can participate in the hearing (i.e., asking questions). The Hearing Board (three (3) trained university officials, one acting as the Hearing Chair) determines whether the Student Group/Organization is responsible for violating the Code of Student Organization Conduct and recommends outcomes when appropriate. The Hearing Board members make their independent determination based on the preponderance of the evidence standard. The Hearing Officer has final authority to determine responsibility and/or assign outcomes; however, the Hearing Board's majority determinations and outcome recommendations are typically upheld.

Formal Resolution: Decision and Outcomes

Notice will be sent to the Student Group/Organization Representative and relevant parties, via a Decision Letter outlining the determination and rationale, within ten (10) business days of the hearing.

A determination is independently made for each alleged prohibited conduct violation; the possible finding(s) are "Responsible," "Not Responsible," or "No Finding" based on the preponderance of the information.

The Outcomes Notice Letter will provide information (including date, time, and location) of an Outcomes Meeting. The purpose of this meeting shall be to determine the outcomes necessary to effectively address the behavior and repair any harm caused by the Student Group/Organization related to the violation(s). It will include soliciting input from the Student Group/Organization Representative and other parties as applicable.

Participation in the Outcomes Meeting is voluntary; however, if the Student Group/Organization Representative fails to attend the Outcomes Meetings, Outcomes will be assigned without their input.

At the conclusion of the outcomes meeting, the Office of Community Standards or its designee will determine the outcomes, taking into account the Hearing Board's recommendations and input from the Student Group/Organization.

The Office of Community Standards will communicate outcomes in writing via an Outcomes Letter, within ten (10) business days, to the Student Group/Organization Representative and other parties as applicable. The letter will list the assigned Outcomes, including the length of any active status, the details for completing the Outcome(s), and the due date.

The Student Group/Organization will follow the directives outlined in the outcomes notice letter, and the case will be considered closed once the outcomes are completed. Failure to complete the outcome(s) may result in additional disciplinary action.

The Office of Community Standards or designee will oversee the completion of Outcomes. If the Student Group/Organization misses any deadlines, fails to complete any Outcomes, and/or has a subsequent violation(s), the Student Group/Organization may be subject to additional Outcomes and/or disciplinary actions at the discretion of the Office of Community Standards or designee.

The Outcomes implemented at the conclusion of the disciplinary process may include Status, Educational, or Structural Outcomes.

Formal Resolution: General Procedural Assurances

The following is a list of procedures generally provided to any student group or organization participating in the University disciplinary process. Each case presents a unique set of facts and circumstances. None of the procedures listed below is guaranteed, except for receiving notice and an opportunity to be heard. Additionally, procedures not listed below may be applicable or available to the student. The Hearing Officer determines what procedures are available on a case-by-case basis.

- 1. The Student Group/Organization Representative will receive notification of the alleged violation, including the date, time, and place of any meeting or hearing regarding the alleged violation(s).
- 2. During the formal hearing, the Student Group/Organization Representative may be accompanied by one (1) advisor of their choice, and at their own expense.
- 3. The Student Group/Organization Representative may request access to any information that may be used during any administrative proceeding as permitted under the Family Educational Rights and Privacy Act (FERPA).
 - Access to materials will be provided before a hearing upon written request to the Office of Community Standards.
 - In cases where retaliation is a legitimate safety concern, the information may be redacted or presented in a manner that prevents identification.
- 4. The Student Group/Organization Representative has the opportunity to introduce documents, call witnesses, and present information during their hearing. This opportunity is accompanied by the obligation to provide the name of and rationale for each witness in writing to the Hearing Officer at least three (3) business days in advance of a meeting or hearing.
 - In cases where retaliation is a legitimate safety concern, the Office of Community Standards may limit the opportunity to call or examine witnesses.
 - In cases where retaliation is a legitimate safety concern, evidence may be redacted to protect the identity of witnesses.
 - The presentation of information is not unlimited. The Hearing Officer may at any time direct the student to move on from irrelevant or redundant witnesses, documents, facts, or arguments.
 - All parties have the right not to have irrelevant prior sexual history or sexual character admitted as evidence in a conduct hearing.
 - Moral character evidence is generally not considered relevant evidence.

- 5. The Student Group/Organization Representative will receive a finding of "Responsible," "Not Responsible," or "No Finding" based on the preponderance of the information, and to be notified of such decision in writing. The burden of proof is a "more likely than not" standard.
- 6. The Student Group/Organization Representative may appeal the decision of a disciplinary proceeding in accordance with University Appeal procedures, which are outlined in the "Appeals" section of the Code of Student Organization Conduct.

The Office of Community Standards may elect to consolidate multiple reports or complaints due to the underlying nature of the complaints and to increase efficiency.

INTERIM MEASURES

Regardless of the Resolution method, university-issued interim measures may be necessary. In cases where it is determined that certain continued operations of a Student Group/Organization constitute a reasonable threat of harm to individuals or the campus community, damage of University Premises, or disruption to the educational mission of the University, the Office of Community Standards or designee may issue interim measures, up to and including an interim suspension of all Student Group/Organization activities, pending final disposition of the matter. Upon issuance of an interim measure, the Office of Community Standards or designee will notify the Student Group/Organization representative and other appropriate parties in writing.

Below are some of the Interim Measures the Office of Community Standards or designees may implement. *This list is not exhaustive*.

Interim Social Suspension—The Student Group/Organization is not permitted to host any social events or programs, including, but not limited to, socials, mixers, bands, DJs, or any other activity that may appear to violate the guidelines.

Interim Suspension—A Student Group/Organization may be placed on an interim suspension pending investigation of the allegations. Interim suspension generally refers to all organizational operations or activities and will remain in effect throughout the university's investigation, unless otherwise notified by the Office of Community Standards.

REVIEWING INTERIM MEASURES

The Student Group/Organization may submit a written request for an administrative review within five (5) business days of receiving the notice of the interim measure to the Office of Community Standards for a review of the decision to impose the interim measure.

The Student Group/Organization must include an explanation of the reason for the review request, supporting information, and/or documentation.

Requests without a basis or sufficient information, or those considered frivolous in nature, will not be reviewed.

This procedure only addresses interim measures issued in the context of a disciplinary proceeding, as defined by the Code of Student Organization Conduct.

The administrative review is not a hearing on the merits of the underlying allegations but merely a review to determine what, if any, interim measures are appropriate. The review may result in the continuance, removal, and/or modification of the interim measures, including modifications that may be more restrictive than the initial measures.

The University will notify the Student Group/Organization Representative in writing of the review outcome within ten (10) business days of receiving the written request. This notification will include the University's decision and the rationale for that decision.

OUTCOMES

At the conclusion of the resolution process (including the conclusion of any appeals process), if an organization accepts responsibility for violation(s) through the Partnership Resolution process, the Office of Community Standards or designee will schedule an outcomes meeting with the Student Group/Organization representative and other parties as applicable. The purpose of this meeting shall be to determine the outcomes necessary to effectively address the behavior of the Student Group/Organization related to the violation(s). It will include soliciting input from the Student Group/Organization representative and other parties as applicable.

At the conclusion of the outcomes meeting, the Office of Community Standards or its designee will determine the outcomes, taking into account the Hearing Board's recommendations and input from the Student Group/Organization.

Participation in the Outcomes Meeting is voluntary; however, if the Student Group/Organization Representative fails to attend the Outcomes Meetings, Outcomes will be assigned without their input.

The Office of Community Standards will communicate outcomes in writing via an Outcomes Letter, within ten (10) business days, to the Student Group/Organization Representative and other parties as applicable. The letter will list the assigned Outcomes, including the length of any active status and/or the details for completing the Outcome(s) and their due date.

The Office of Community Standards or designee will oversee the completion of Outcomes. If the Student Group/Organization misses any deadlines, fails to complete any Outcomes, and/or has a subsequent violation(s), the Student Group/Organization may be subject to additional Outcomes and/or disciplinary actions at the discretion of the Office of Community Standards or designee.

The Outcomes implemented at the conclusion of the disciplinary process may include Status, Educational, or Structural Outcomes.

Status Outcomes

Status Outcomes may include, but are not limited to:

- Restriction of Privileges: Restriction of Privileges precludes a Student Group/Organization from participating in certain activities or may require a Student Group/Organization to forfeit specific privileges. A Student Group/Organization under a status of Restriction of Privileges is not in good standing with the University (e.g., Social Suspension).
- Additional Requirements: A measure or stipulation assigned to the Student Group/Organization that is implemented to monitor progress and/or a prevention measure of further similar behaviors from occurring. (e.g., follow-up meetings).
- Warning: A Warning is given to notify a Student Group/Organization that their behavior and conduct have been inconsistent with the University's expectations. A warning has no immediate effect upon a Student Group/Organization's status. Once given a warning, a Student Group/Organization should expect different Outcomes to result from subsequent violations, when/if similar behaviors occur.
- **Disciplinary Probation:** Disciplinary Probation serves to notify a Student Group/Organization that it must avoid any further violations for a specified period of time to avoid additional disciplinary action. Disciplinary Probation may include restrictions on privileges and/or additional requirements. Student

Groups/Organizations on probation are not in good standing with the University. If a Student Group/Organization on probation is found responsible for any subsequent violations, the outcomes may escalate.

- **Deferred Suspension:** Deferred Suspension is a status for a specified period of time. If the deferred suspension is revoked due to any subsequent violation that results in a responsible finding for violating the Code of Student Organization Conduct, the suspension for the Student Group/Organization can take effect immediately, without the right to appeal. Deferred Suspension may include Restriction of Privileges and/or additional requirements. Student Groups/Organizations on deferred suspension are not in good standing with the University.
- Suspension: Suspension is a status for a specified period of time that includes, but is not limited to, the revocation of the University's registration of the Student Group/Organization for a stated or an indeterminate period of time, cessation of University funding, restriction of all operations at the University, and restriction of use of University resources. If the Student Group/Organization also holds a charter from a inter/national organizational governing body, the University may also request that the inter/national organizational governing body revoke the charter of the Student Group/Organization.

A Student Group/Organization placed on Suspension is prohibited from sponsoring, cosponsoring, or participating in any and all social, intramural, athletic, or other similar activities on or off University Premises. A suspended Student Group/Organization may not solicit or initiate the recruitment of any new members. Suspension may also include the forfeiture of other specifically listed privileges. Suspension should be for a specific and determined period of time, and will include a written return agreement outlining specific conditions for return. The Suspension may be delayed at the discretion of the Office of Community Standards or designee.

If the Student Group/Organization dissolves or loses recognition, as a result of organizational conduct, and then attempts to seek recognition under the guise of a different organizational name, the University reserves the right to deny the request for recognition or withdraw the recognition. This conclusion may be based on any of multiple factors, including but not limited to, overlapping membership, similarity of purpose, and the timing of the dissolution or prior loss of recognition, and the request for new recognition.

Continued operation of the Student Group/Organization after suspension or loss of recognition will result in a violation of Failure to Comply and may result in additional outcomes or restrictions, up to and including an extension of the Suspension beyond the terms originally outlined in the initial Outcomes Letter and/or Return Agreement.

A Student Group/Organization that has completed a period of suspension and has met conditions for return as outlined in the Return Agreement may seek reinstatement by complying with the registration requirements of the Dean of Students Office.

Dean of Students Office – Student Organizations Website

Educational Outcomes

Educational Outcomes may include, but are not limited to, educational programming, community service, interventions, restrictions, workshops, or other Outcomes determined to help develop the culture and community of the Student Group/Organization.

The Office of Community Standards or designee will determine Educational Outcomes after consultation with the appropriate University Office(s) and/or other appropriate stakeholders as necessary.

Structural Outcomes

Structural Outcomes are related to the structure, membership, or governance of the organization. Structural outcomes, developed in collaboration with the inter/national organizational governing body (if applicable), may include, but are not limited to, changes to Student Group/Organization operating procedures, a review of Student Group/Organization membership and leadership, an external review of the Student Group/Organization, and adjustments to Student Group/Organization advisor support.

Structural Outcomes may be included alongside any Status and Educational Outcomes, but only after consultation with the appropriate University department(s), the Student Group/Organization inter/national governing body (if applicable), the Student Group/Organization representative, Student Group/Organization advisors, and/or other appropriate stakeholders as necessary.

VIOLATION RUBRIC

The purpose of this rubric is to establish the preferred resolution process for various types of organizational misconduct. Not all violations may be listed, and the Resolution Procedures are determined on a case-by-case basis and at the discretion of the Office of Community Standards or its designee.

	Tier 1 – Prescribed Process	Tier 2 – Partnership Process	Tier 3 - Formal Resolution Process
Violation/ Prohibited	Minor Alcohol Violations	Minor Abuse of Process	Abuse of Process
	Minor Alcohol	Minor Abuse of Process Aiding in Academic Misconduct Mid-Level Alcohol Violations Mid-Level Assault Attempt Bribery Damage/Destruction of Property Disorderly Conduct Mid-Level Drug Violation Mid-Level Endangerment Harassment Hazing (cases not involving substantial threat to physical or emotional harm, i.e., errand running, cleaning) Violation of	
		University Policy Mid-Level Violation of the Law	

APPEALS

The following appeal procedures are outlined and considered following the outcome of a case, after a decision regarding responsibility has been determined. The purpose of an appeal is to ensure that the original findings of fact, the reasoned integration of them, and the imposition of the Outcomes are consistent with University policies and procedures.

Requests for Appeal

The appeal will be submitted in writing to the Office of Community Standards using the <u>Appeal Submission Form</u> found on the Office of Community Standards website.

The appeal must be submitted within five (5) business days (or, for the New Evidence grounds for appeal, 30 days) from the delivery of the Outcomes Letter.

The Appeal should include a written statement outlining the specific issues and rationale for the appeal. It is the sole responsibility of the appealing Student Group/Organization to provide information to support the grounds for an appeal.

All appeals must be based on the grounds for appeal as outlined in this policy. An appeal will not be considered unless it is submitted on the Appeal Submission Form and received within the allotted time.

The appeals process allows for only one appeal per Student Group/Organization. The Student Group/Organization can not submit multiple appeals.

If another party is involved in the matter (e.g., Impacted Individual), the involved party will receive a copy of the submitted appeal and will have five (5) business days to submit a response to the Appeals Officer.

If the appeal involves any member of the conduct process (e.g., a challenge of bias by an investigator or hearing officer), the Appeals Officer may share all or part of the appeal with the party in question to allow them to respond. They will be required to respond within five (5) business days.

Grounds for Appeal

The Student Group/Organization may file an appeal, as may an Impacted Individual in the matter as determined by the Office of Community Standards or designee (e.g., a Sexual Misconduct matter covered under Title IX), to either the Finding/Determination of Responsibility issued in the Resolution Process, or the Outcomes, or both, but all requests for an appeal will only be considered for one or more of the following:

- 1. **New Evidence**: New evidence is information that was unknown or unavailable during the original hearing or investigation that could substantially impact the original finding or sanction. A summary of this new evidence, how it was previously unknown or unavailable, and its potential impact should be included.
 - o If a witness was not requested, refused to testify, or participate in the investigation, and now the appealing party or person wishes to have their testimony submitted as new evidence, that testimony will not be considered "new evidence" under this ground. The Office of Community Standards and/or Appeals Officer may determine whether the matter will be sent back for further investigation based on this request for appeal.

- 2. **Procedural Error:** A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.).
 - O Any challenge for bias should include: a) what the bias was, b) how the bias manifested itself, and c) how the bias significantly impacted the outcome.
 - o A mere allegation of bias may not be sufficient to meet this ground for appeal.
- 3. **Appeal of the Outcome(s):** The Outcome(s) imposed are inconsistent with the violation(s). The Outcome(s) are either too lenient or too severe and do not adequately fit the nature of the violation and/or the totality of the circumstances, and/or the Outcome(s) are of such nature that the Student Group/Organization could not reasonably complete them within the allotted timeframe.

Discontentment with a particular finding is not a valid reason for appeal.

Appeals Officer & Appeals Panel

No person involved as an original hearing officer(s) and/or hearing board can serve as the Appeals Officer or on the Appeals Panel.

The Associate Vice President for Student Affairs or designee will function as the Appeals Officer. The Appeals Officer will ensure that appropriately trained university officials are appointed to the Appeals Panel. The Appeals Panel will consist of three (3) University Officials. Decisions will be made by a simple majority vote, and no member may abstain from voting.

Appeals Procedures

The Appeals Panel will first review and determine if the requests adequately meet the grounds for appeal. It is the sole responsibility of the appealing party or Student Group/Organization to provide information to support the grounds for an appeal. The appeal must include a full statement of asserted information to support one or more grounds of the appeal.

If there is insufficient information to support one or more of the listed grounds for the appeal, the appeal must be denied.

Appeals are not intended to be full re-hearings of the original allegation(s). In most cases, appeals are confined to a review strictly limited to the matters being appealed. The Appeals Panel may review any relevant material.

Including but not limited to:

- The Determination and/or Outcome(s) documentation
- Investigative Report
- All pertinent evidence
- Any audio/video recording(s)
- Witness statements
- Incident reports
- Prior violations and/or Outcomes against the Student Group/Organization

Appeals that have sufficient information to support one or more of the listed grounds for the appeal will be reviewed.

The Appeals Panel may:

1. Affirm the original finding(s) and Outcome(s)

2. Affirm the original finding(s) but grant an appeal of the Outcome(s) – Determine the Outcome(s) are inconsistent and/or inappropriate. The Outcome(s) will be modified as outlined below.

Such Outcome(s) determinations are final.

- o The Appeals Panel and/or Appeals Officer may modify the Outcome(s) or
- o The Appeal Panel will remand with recommendations to the Office of Community Standards and/or Hearing Officer(s) to modify the Outcome(s).
- 3. Grant the appeal and remand the case to the Office of Community Standards and/or Hearing Officer(s) for reconsideration and/or with instructions to further investigate, clarify findings, conduct a new hearing, and/or remedy errors.
- 4. Grant the appeal and make the recommendation to dismiss the original findings to the Appeals Office. Dismissal will only occur when there is insufficient information to support a finding of responsibility.

Appeal Conclusions

The Appeals Officer will notify the Student Group/Organization in writing of the determination within fifteen (15) business days of receiving the appeal request or, if applicable, from receiving any response(s) to the appeal. In instances where the Appeals Officer requires additional time, they will notify the Student Group/Organization Representative.

The appeals process only affords one level of appeal. Once an appeal is decided, further appeals are not permitted.

The Appeals Panel's decision is final.

JACKSONVILLE STATE UNIVERSITY HAS THE AUTHORITY TO MODIFY THE CODE OF STUDENT ORGANIZATION CONDUCT AS NECESSARY.

The Jacksonville State University Code of Student Organization Conduct is adapted from The Dyad Strategies Model Code of Student Organization Conduct and is used here with permission.

RELATED JACKSONVILLE STATE UNIVERSITY POLICIES, RULES, AND REGULATIONS

- STUDENT HANDBOOK
- CODE OF STUDENT CONDUCT
- ALCOHOL AND OTHER DRUG POLICY

Assistance for Alcohol and/or Drug Abuse The university offers an array of services for students who require help with alcohol and/or drug use issues. Students needing confidential assistance responding to alcohol and/or drug abuse problems are encouraged to speak with a counselor from Counseling Services, 147 Trustee Circle, 256-782-5475. Another confidential resource is the RMC/JSU Health Center, 256-782-5310. Besides individual sessions, Counseling Services provides educational programming through New Pathways, a psycho-educational program that includes both individual assessments and group participation, as well as the Collegiate Recovery Community (CRC) and Alcoholics Anonymous and Narcotics Anonymous.

- STUDENT SELF-REPORTING
- DUTY TO COOPERATE STUDENTS
- SEX-BASED HARASSMENT AND MISCONDUCT POLICY
- DISCIPLINARY MEDICAL AMNESTY POLICY
- DANGEROUS WEAPONS AND FIREARMS POLICY
- CAMPUS USE AND PROTECTION OF FREE SPEECH
- HAZING POLICY
- TOBACCO USE
- ACADEMIC GRIEVANCE POLICY
- SCHOLARS CODE
- STUDENT POLICIES AND RIGHTS
- RECOGNIZED STUDENT GROUP AND ORGANIZATION POLICIES

RESOURCES

Jacksonville State University and the Office of Community Standards are dedicated to fostering a safe, inclusive, and supportive environment. We are committed to supporting our students in every aspect of their academic and personal journeys. A wide range of on and off-university premises resources and support services are available to students. We encourage all students to take advantage of these resources. The well-being and success of students are our top priorities, and we are here to support you on your journey at Jax State.

For more information on available resources, please visit the Office of Community Standards website's Resources Page or contact the Office of Community Standards via email, phone, or in person.

Office of Community Standards 301-A Angle Hall 256.782.8080

communitystandards@jsu.edu

https://www.jsu.edu/community-standards/index.html

Title IX
319 Angle Hall
256.782.5769
titleix@jsu.edu

https://www.jsu.edu/titleix/index.html

<u>Dean of Students Office</u> 402 Theron Montgomery Building 256.782.5491

https://www.jsu.edu/studentlife/index.html

Counseling Services 147 Trustee Circle 256.782.5475

https://www.jsu.edu/counseling/index.html

Department of Public Safety/University Police Salls Hall 601 Forney Ave 256.782.5050 https://www.jsu.edu/police/

RMC/JSU Health Center
1701 Pelham Rd S
256.782.5310
https://www.jsu.edu/studenthealth/index.html

The Office of Community Standards





communitystandards@jsu.edu Suite 301-A, Angle Hall 256-782-8080

