

From the JSU Student Code of Conduct – Updated 2020

I. Recognized Student Groups and Organizations Policies

Student groups and organizations are expected to maintain appropriate standards of conduct that are commensurate with those expected of individual students. Student groups and organizations may be charged with violating the University's Code of Conduct without regard to whether members of such groups or organizations are individually charged with violations arising from the same occurrences. Noncompliance with the University Code of Conduct by a JSU student organization while participating in non-University sponsored activities off campus may be subject to the disciplinary process.

A. Risk Management Policy

Alcohol and Drugs*

In any activity or event sponsored or endorsed by the organization, including those that occur on or off organizational premises:

- A. 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 alcoholic beverages.
- B. The organization, members and guests must follow the federal law regarding illegal drugs and controlled substances. No person may possess, use, provide, distribute, sell, and/or manufacture illegal drugs or other controlled substances while on organizational premises or at any activity or event sponsored or endorsed by the organization.
- C. Alcoholic beverages must either be:
 - a. Provided and sold on a per-drink basis by a licensed and insured third-party vendor (e.g., restaurant, bar, caterer, etc.); or
 - b. 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 on any chapter/organization premises or at any event, except when served by a licensed and insured third-party vendor.

- D. Common sources of alcohol, including bulk quantities, which are not being served by an insured and licensed third party vendor, are prohibited (i.e., amounts of alcohol greater than what a reasonable person should consume over the duration of an event).
- E. 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.).
- F. 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.
- G. An organization must not co-host or co-sponsor an event with a bar, event promoter, or alcohol distributor; however, a chapter/organization may rent a bar, restaurant, or other licensed and insured third-party vendor to host a chapter/organization event.
- H. 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 local fire or building code capacity of the chapter/organizational premises or host venue.
- I. Any event or activity related to the new member joining process (e.g., recruitment, intake, rush, etc.) must be substance free. No alcohol or drugs may be present if the event or activity is related to new member activities, meetings, or initiation into an organization, including but not limited to “bid night,” “big/little” events or activities, “family” events or activities, and any ritual or ceremony.
- J. 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.

Assault/Battery

In any activity or event sponsored or endorsed by an organization, including those that occurs on or off organizational premises or JSU property, no member or guest shall engage in assault and battery, as defined by state law and JSU policy.

Firearms, Explosive and Incendiary Devices and Other Weapons

The organization and its members must comply with all federal, state, provincial, local law and JSU policy as it relates to firearms, explosives, incendiary devices, or other weapons.

Firearms, explosive or incendiary devices are generally prohibited from organizational property and JSU property and at all organizational activity and events. An organization may only use otherwise prohibited items at an organizational activity or event by getting prior approval from the Dean of Students or Assistant Dean of Students and by utilizing the services of a licensed and insured business or professional (i.e. licensed and insured gun range).

Hazing

The term “hazing” means any intentional, knowing, or reckless act committed by a person, whether individually or in concert with other persons, against any individual or group of individuals, regardless of affiliation, whether or not committed on organizational property or JSU property, for the purpose of recruiting, joining, initiating, admitting, affiliating, or for the purpose of retaining membership in an organization that causes an individual or group of individuals to do any of the following regardless of a person’s willingness to participate:

- a. Be coerced to violate federal, state, provincial, local law or JSU policy;
- b. Be coerced to consume any food, liquid, alcoholic liquid, drug, or other substance in any non-customary manner which subjects the individual or group of individual to a substantial risk of emotional or physical harm which includes but is not limited to sickness, vomiting, intoxication, or unconsciousness;
- c. Endure brutality of a physical nature, including but not limited to whipping, beating, paddling, branding, dangerous physical activity, or exposure to elements or endure threats of such conduct that results in mental or physical harm;
- d. Endure brutality of mental nature, including but not limited to activity adversely affecting the mental health or dignity of an individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment or endure threats of such conduct that results in mental or physical harm;
- e. Endure any other activity which adversely affects the health and safety of an individual, including but not limited to the disruption of academic performance or class attendance, required designated driving programs, line ups, calisthenics, or personal, physical, or financial servitude.

Sexual Misconduct

The organization and its members must comply with all federal, state, provincial, local law, and JSU policy related to sexual misconduct. This includes, but is not limited to, definitions around consent, sexual misconduct, sexual harassment, domestic violence, dating violence, stalking, and sexual exploitation. Please refer the JSU’s Gender-based and Sexual Misconduct policy for additional guidance.

The employment or use of strippers, exotic dancers or similar, whether professional or amateur, at any organizational activity or event is prohibited.

Retaliation

The organization and JSU prohibits retaliation against any individual, members and non-members, for reporting, inquiring, or cooperating with a report around a violation of organizational or JSU policy.

Retaliation is any action, statement, or behavior that is designed to punish an individual for filing a report, cooperating with an investigation, seeking guidance regarding a concern, or to deter one from taking such action.

B. Medical Amnesty Policy

A bystander or a reporting individual acting in good faith that seeks **immediate and appropriate medical assistance** for a person in need related to the use or consumption of alcohol, drugs, or to another medical emergency, **may not be subject** to the Code of Student Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the incident in question.

Steps to Medical Amnesty.

- Call 9-11, so appropriate emergency personnel (police, fire, and ambulance) can respond.
- Remain with the individual needing treatment and cooperate with emergency officials, as long as it is safe to do so.

- Notify and meet with appropriate University officials after the incident and cooperate with any University investigation that may ensue.

An organization may be eligible for mitigation of charges related to organizational policies. To be eligible for this potential mitigation, the organization will be required to meet in person or by phone with University officials. An organization may benefit from this policy more than once, however, repeated use of the policy may receive stricter scrutiny. For additional guidance please refer to your organization's crisis management plan.

The policy does not protect repeated, flagrant, or serious violations of the Code of Student Conduct or other university policies (including physical or sexual assault, violence, hazing, harassment, theft, or vandalism or instances where multiple individuals need medical attention), nor does it preclude or prevent action by police or other legal authorities.

C. Good Samaritan Amnesty Policy

A bystander or a reporting individual acting in good faith that discloses any **incident of violence**, including hazing, domestic violence, dating violence, stalking, or sexual assault, to university officials or law enforcement **may not be subject** to the Code of Student Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the incident in question.

An organization may be eligible for mitigation of charges related to organizational policies. To be eligible for this potential mitigation, the organization will be required to meet in person or by phone with University officials. An organization may benefit from this policy more than once, however, repeated use of the policy may receive stricter scrutiny.

The policy does not protect repeated, flagrant, or serious violations of the Code of Student Conduct or other university policies (including physical or sexual assault, violence, hazing, harassment, theft, or vandalism or instances where multiple individuals need medical attention), nor does it preclude or prevent action by police or other legal authorities.

D. Social Activities Policy

Student Organizations can plan social activities throughout the calendar year as long as they are in compliance with the University's Alcohol and Drug Policy. Organizations should observe the period beginning 24 hours prior to the first final exam until the conclusion of the last final exam as "Exam Preparation Week." Organizations are prohibited from having any social activities during this time period.

E. On-Campus Social Policy for Non-Residential Facilities

Recognized student organizations may request use of on-campus non-residential facilities to host social functions. The following guidelines must be followed by each organization in order for the organization to remain in good standing with the university:

1. All on-campus social events must be non-alcoholic unless approval is granted by the Dean of Students or Associate Dean of Students*.
2. Social events include any parties, mixers, or events that run into hours after 10 p.m.
3. All organizations must either have an advisor present or have obtained security through the University Police Department for the duration of the event.
4. Should security be requested by the University Police Department, guest lists must be utilized at the entrance door of all social events. The guest list must at least be a sign-in sheet for all attendees if there is no alcohol present*. Attendees must have identification to verify their full name.
5. The guest list must be present when the event begins and must be available for submission to the University Police Department. The guest list is not required for submission to University Police Department prior to the social event.
6. At least one member of the organization must supervise the entrance during the entire social event.
7. At any time, the University Police Department has the authority to immediately close the social event.

8. Security through the University Police Department must be requested at least 10 working days prior to the social event.

*If alcohol has been approved for the event, organizations must follow requirements of the alcohol and drug policy.

F. Student Group and Organization Procedures

Recognized Student Groups or Organizations are expected to abide by all the policies of the University and any local/state/federal/international laws. Alleged violation of University policy or law could result in disciplinary intervention to address the Student Organization behavior.

In situations where a National Organization exists to support the JSU chapter of a student group or organization, they will be contacted and may be engaged in University action; subject to National Headquarters determination. Because Student Organization misconduct is particularly unique, the Office of Community Standards & Student Ethics and Dean of Students Office has recognized various methods to adjudicate and/or address alleged misconduct, as listed below:

Dismissal/drop the case- this occurs when the University begins an investigation but determines the incident or alleged misconduct may be more appropriately addressed through the individual student conduct process,

Informal Resolution – this occurs when the student group or organization recognizes their responsibility in the misconduct initially and the alleged misconduct is not severe enough to warrant a group suspension or dismissal. Through this process, the university, Student Group Leadership and National Headquarters (when appropriate) will engage in a mediation to determine how the student group can correct or restore the behavior and/or harm done to the community.

University Recognized Governing Body- this occurs when the University determines the alleged misconduct may be more appropriately addressed through peer accountability. A University recognized governing council or board may have University approved internal disciplinary procedures that create an opportunity for peer accountability. In these cases, the procedures outlined by the University recognized governance will be followed as outlined in their bylaws.

Formal Hearing- this occurs when the investigation into the alleged misconduct reflects a more likely than not responsible finding that could result in student group suspension or dismissal. Another instance would permit this adjudication if the student group chooses to not move forward with an informal resolution adjudication when offered to them by the Office of Community Standards and Student Ethics and/or Dean of Students Office. When a Formal Hearing is the determined form of adjudication for alleged student group or organization misconduct, the following procedural assurances are afforded to the student group/organization:

1. Group/Organization President will receive notification of the alleged violation and the date, time, and place of any meeting or hearing on the alleged violation(s),
2. During the formal hearing, Group/Organization President may be accompanied by an advisor (one) of the student's choosing and at the student's own expense. Advisors may only consult with the student and are not permitted to speak on the student's behalf or address the hearing officer(s),
3. Where the alleged student organization is part of the IFC community, the V.P. of Judicial Affairs will function as a liaison for the Director of Community Standards and Student Ethics and the responding organization. If the VP of Judicial Affairs is a member of the responding organization, another IFC Officer from a different organization will act as the liaison. The Office of Community Standards and Student Ethics and/or Dean of Students Office aim to increase transparency and collaboration with the IFC community.
4. Group/Organization President may request access to any written information that may be used during the formal hearing as permitted under the Family Educational Rights and Privacy Act (FERPA). Access may be provided to materials in advance of a meeting/hearing upon written request to the Office of Community Standards & Student Ethics. Information may be redacted to protect the identities of individuals to protect the integrity of the reports made and investigation confidentiality promised,
5. Group/Organization President has the opportunity to introduce documents, call witnesses, and present information during their hearing. The opportunity to call witnesses is accompanied by the obligation to provide the name of and rationale for each witness in writing, at least two business days in advance of a meeting or hearing to the hearing officer(s). In cases where retaliation is a legitimate safety concern, the Office of

Community Standards and Student Ethics or Dean of Students Office may limit the President's opportunity to call or examine witnesses. The presentation of information by the President is not unlimited. The hearing officer may, at any time, direct the President to move on from irrelevant or redundant witnesses, documents, facts, or arguments,

6. Group/Organization President 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,
7. Group/Organization President may appeal the decision of a formal hearing in accordance with University Appeal procedures; which are outlined under section XV, Appeal Procedures of the Code of Conduct.

Duty to Cooperate

After a recognized student group/organization receives notification of allegations and/or investigation, any student with any association with the identified group/organization shall not discuss the investigation or any related incidents with the intent of impeding the investigation. Any student with association with the identified group/organization is expected to comply with the request of the Office of Community Standards or Dean of Students office to attend an interview/meeting and any reasonable request for information. For more information regarding this duty to cooperate, please refer to University Policy No: III:18 which can be located at the following link: http://www.jsu.edu/busaffairs/polprocman/pdf/III_18.pdf

Special Procedures for alleged Hazing Misconduct

The following is a list of procedures that are provided to any University recognized student organization immediately following the report of alleged hazing activity, as defined by the student Code of Conduct, section XI. Any reported hazing allegations are validated prior to moving forward with these procedures.

1. Leadership of the recognized student organization will be notified of the following:
 - a. Alleged charges of hazing and any other misconduct, if applicable. These initial charges are based on the narrative of the referral received.
 - b. Investigation is being pursued and all members of the organization are expected to cooperate.
 - c. Interim suspension of the recognized student organization; pending investigation of the allegations. Interim suspension generally refers to any and all organizational operations and will stand throughout the university's investigation unless otherwise notified by the Director of Community Standards & Student Ethics, or designees.
 - d. Notice of communication shared with National Organization, if a national affiliation exists.
2. Interviews with all alleged involved parties (ie: witnesses, victims, alleged violators, etc) will take place and be determined based on initial incident referral. Additional alleged involved parties may be identified throughout the interview process and will therefore, be added to the interview list. If a national affiliation exists, a representative from that national organization may be present in all interviews.
3. At the conclusion of the investigation, leadership of the organization will be notified of the updated alleged charges based on additional information discovered through the investigation, and when the organization's hearing will be scheduled. The organization's hearing is an opportunity for the organization's representative to share any information they may have that relates to the charges and share a claim of responsibility on behalf of the organization.
4. Leadership of the organization will be notified of a decision determined by the University, based on the same threshold as all non-academic conduct cases, the preponderance of information (ie: more likely than not). This decision will include a comprehensive list of the alleged charges and whether the organization is found responsible or not responsible for each violation. If there are any responsible findings, sanctions will be listed and required of the organization. The organization must meet all the sanction requirements in order to continue to be recognized by the University.
5. The organization has the right to appeal the decision made by the University by following the appeal procedures outlined in section XV of the student code of conduct. Appeals must be submitted through an online submission form located on the Office of Community Standards website: jsu.edu/community-standards. All appeals must be submitted within five (5) business days of the decision date.
6. A letter of good standing may be issued to the organization at the conclusion of all the completed sanctions.

This disciplinary process is designed to follow the same philosophy of all non-academic disciplinary procedures outlined in the student code of conduct, section XI; Student Group and Organization Procedures. Sanctions that accompany responsible findings are typically educationally minded and focused with the intention of those found in

violation to better understand the impact of their choices and learn from any mistakes or misunderstandings that may have taken place. A more comprehensive but not exclusive list of sanctions can be found in the student code of conduct, section XIV.

Unusual Circumstances

Interim Measures

Regardless of the adjudication method, University-issued interim measures may be necessary. In recognized student group/organization alleged misconduct circumstances, where the health, safety, or well-being of any individual student, group of students, or University community in question, interim action may be issued to a student group/organization. Interim action will typically be communicated with a notice of investigation. Interim action may be revoked if the initial concern for health, safety or well-being of individuals, groups, or University community are determined to no longer be a concern. For more information regarding possible interim measures, refer to section XIX, Interim Measures, of the Code of Conduct.

Return after Suspension

If a recognized student group/organization was suspended for any period of time, the following procedures are followed for that group/organization to be permitted to return to JSU recognized status:

1. The group/organization must submit a written request to return to campus which includes their intent of returning to recognition with corrected action.
2. The group/organization may be required to meet with the Director of Community Standards and Student Ethics and the Dean of Students Office to discuss the submitted request and any terms and conditions associated with an approved request. The University is dedicated to transparency and collaboration in order to ensure the successful return of a student group/ organization to campus.
3. Approval or Denial of the request generally will be provided within thirty (30) days from the Dean of Students Office. If approval is granted, the group/organization may return to recognized status at the time determined in their notification of approval.

Special Adjudication Procedures

In unique or severe circumstances, there may be one investigation conducted to serve two adjudication methods and allow for student involvement parallel to University administrator involvement. Student group/organization leadership will be notified if these special adjudication procedures are being utilized.