

A Model Code for Student Organization Misconduct

Changing Culture, Building Community, and Building Strong Partnerships

**Jonathan Sanders, Ph.D.
Louisiana State University**

**Scott Lewis, J.D.
Managing Partner TNG**



Group Discussion

What are your biggest challenges when it comes to managing organizational misconduct?

The Current Reality – Hazing Deaths



A year after death at fraternity, the shock still reverberates

Joe Hermit/PennLive.com via AP

The Current Reality – System Wide Shutdowns

WVU takes action against 16 fraternities; suggests end to Greek Life a possibility

SHARE ARTICLE

By Alex Wiederspiel in News | February 14, 2018 at 8:55PM

EMAIL

Like 768

Tweet

Share 30

MORGANTOWN, W.Va. — West Virginia University placed an immediate freeze Wednesday on all fraternity activities at the University.

The social and recruiting activities of the 16 social and social-professional fraternities comprising the Interfraternity Council are included in that freeze.

Only basic chapter operations, philanthropic or service activities, and brotherhood events are permitted to continue. There is no timeline for a lifting of the moratorium.



File
WVU President Gordon Gee

WHNT
NEWS 19

NEWS

SPORTS

TAKING ACTION

PHOTOS

ON-AIR

COMMUNITY

LEGAL

CONTESTS

WEATHER 31°

Clemson shuts down two dozen fraternities in one month

POSTED 9:54 PM, SEPTEMBER 23, 2014, BY CNN WIRE

FACEBOOK 40

TWITTER

REDDIT

PINTEREST

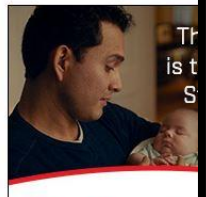
LINKEDIN

(CNN) — A month into the fall semester, Clemson University has pulled the plug on two dozen fraternities. The university opted to halt all social and new member activities on the South Carolina campus after the death of a student and a “high number” of reported incidents involving fraternities.



Image: Tillman Hall, Clemson University/WHNS/CNN

Student Affairs Vice President Gail DiSabatino



TaxSlayer.com

The Current Reality - Draconian Enforcement of Policy Leading to More Unrecognized Groups

12 Fraternities and Sororities Reject Agreement With University (Updated)

© January 23, 2019  ThisIsReno

147
SHARES



Love This



Share



Tweet This



Email



Subscribe

University of Nevada, Reno fraternities and sororities have refused to sign the university's 2019 agreement to maintain standing at the institution. An email sent today by UNR officials to the chancellor and board of regents announced that 12 Greek organizations refused to sign the agreement with UNR.

What is the Problem, Really???



The OTHER Problem



The OTHER Problem...

Fraternity/Sorority advising professionals often find themselves involved in organizational discipline, as offices of student conduct look to outsource student behavioral management in light of increasing case loads. This places F/S advisors in a difficult situation in which they must simultaneously play the role of both student advocate and disciplinarian.

Institutions must develop systems of organizational discipline which are respectful of the workload of offices of student conduct while also being respectful of the fact that F/S advisors are ill-suited to playing the role of campus disciplinarian.

BUT....FSL advisors still have a role to play in helping facilitate dialogue between stakeholders – specifically, undergraduate chapters, national headquarters, and alumni.

Top Five Goals of Organizational Misconduct Process

1. Behavior Change
2. Promote Healthier Campus Cultures
3. Encourage Self-Governance
4. Promote Peer-Governance
5. Build Trust/Goodwill



On a Scale of 1-10, how well are your current Org Conduct Systems promoting/achieving each of these goals?

An Analogy

Three types of “crime” in America:

1. Civil Infractions (speeding, parking tickets, etc.)
2. Misdemeanors (Public intoxication, simple battery, etc.)
3. Felonies (Aggravated assault, murder, etc.)

	Tier 1 – Low-Level Violations/Mid-Level Violations with Proscribed Outcomes	Tier 2 – Mid-Level Violations without Proscribed Outcomes	Tier 3 – High-Level Violations
Violation Examples	Unregistered Social Events Recruitment Infractions Minor Alcohol Infractions Housing Violations Noise Violations	Mid-Level Alcohol Violations (Common source, distribution to minors, etc.) Vandalism/Theft Fighting Minor Hazing??	Hazing Title IX High Level Alcohol/Drugs (Transports, etc)
Adjudication Process	Proscribed Penalty assessed by administrative unit or peers, appealed to council/peer judicial boards <u>(Peer Governance)</u>	Partnership Process – Chapter Self-Investigation and Development of Outcomes with FSL <u>(Self Governance)</u>	Cases investigated and adjudicated by Student Conduct Office

Tier 1

*Peer Governance for
Minor Infractions*

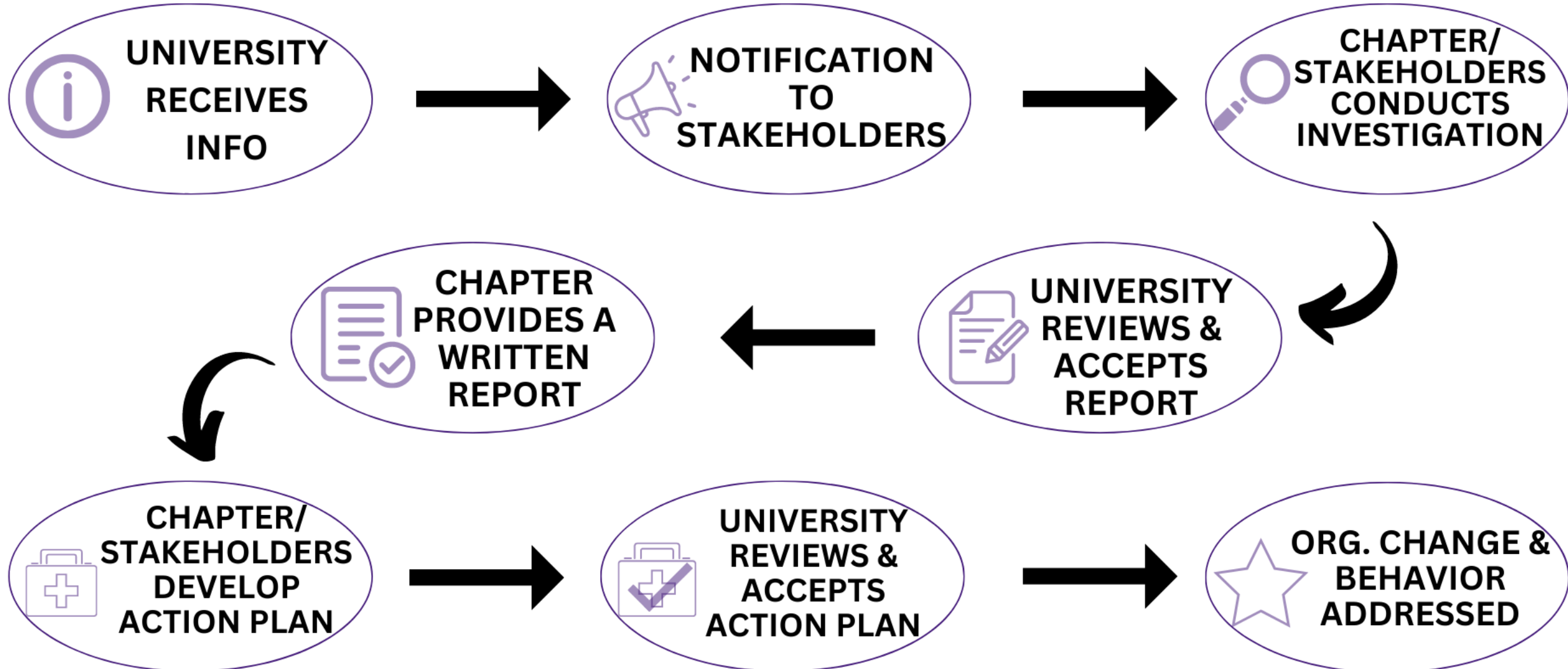
Things to Keep in Mind – Peer Governance

- Established policies in each administrative unit (campus rec, athletics department, FSL, etc.)
- Proscribed penalties for clear-cut infractions
- Progressive discipline
- Sanctions administered by administrative unit OR student conduct OR peer council and appealed to peer-governance board
- Peer-governance boards managed by administrative unit, trained by both administrative unit AND student conducts

Tier 2

*Partnership Process for
Intermediate Infractions*

Partnership Process



Tier 3

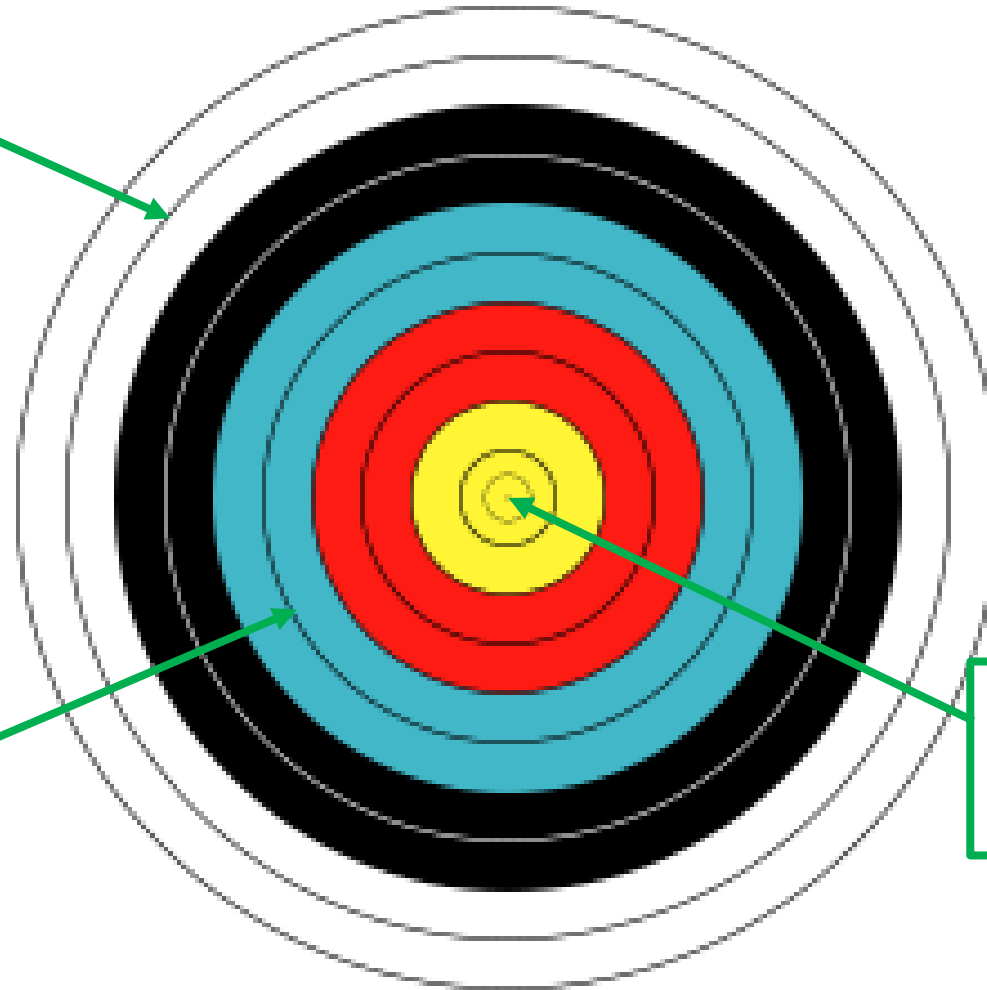
*Traditional Investigation for
High-Level Cases*

Investigation Tips

“Walk me through the typical week of what it’s like to be a new member in your organization”

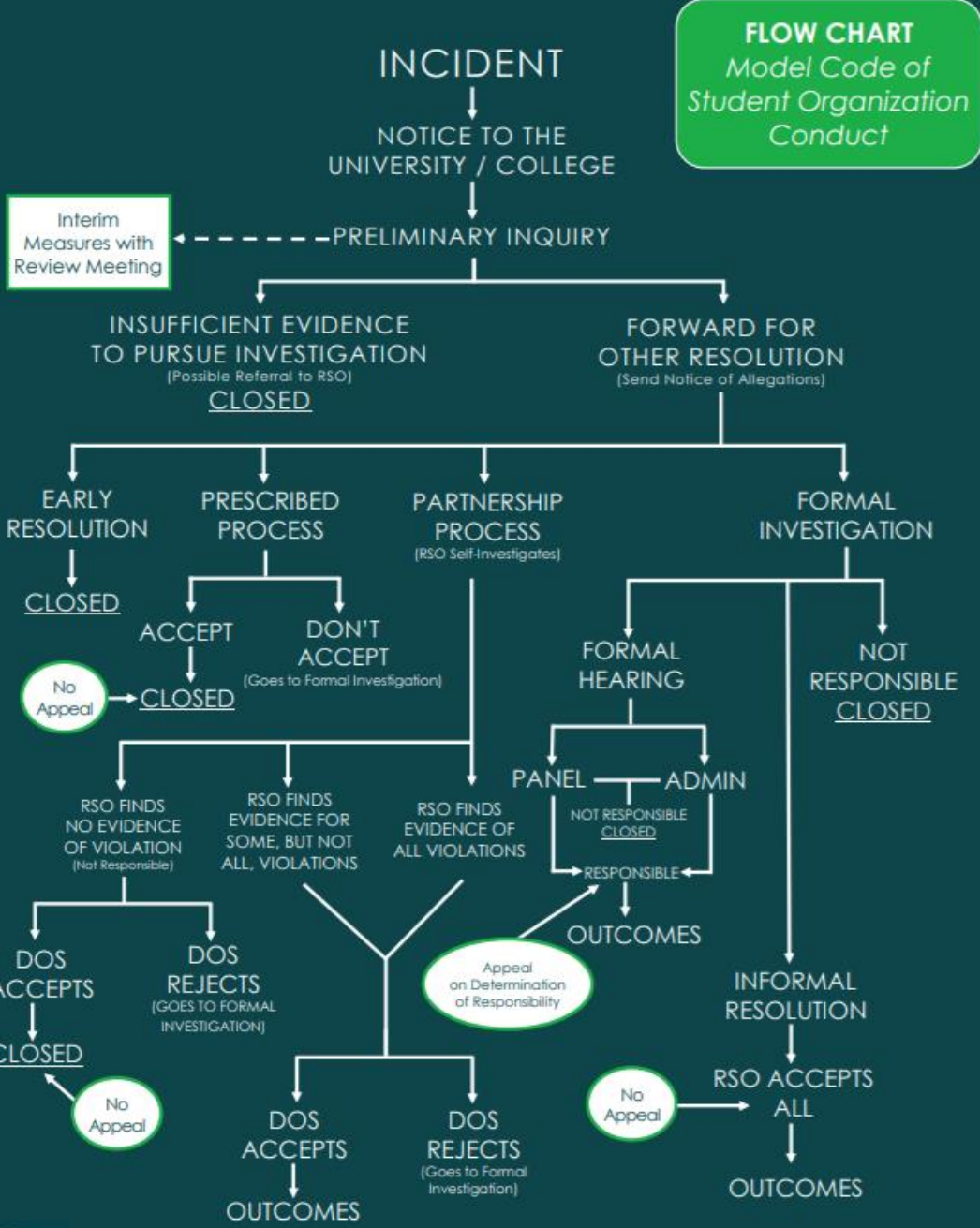
“Tell me more about these new member education tests.”

“I need you to tell me about the river.”



FLOW CHART
Model Code of Student Organization Conduct

Interim Measures with Review Meeting



OUTCOMES → INPUT FROM STAKEHOLDERS → APPEAL



Interim Restrictions





VS



Interim Restrictions

- Rationale for restrictions clearly stated
- Opportunity for Review Meeting
 - NOT a hearing on the merits
- RSO may request additional review if process extends beyond 30 days

Suspensions and Written Return Agreements



Suspensions

- Should be for a specific period of time
- May include, but not limited to
 - Revocation of registration
 - Cessation of University/College funding
 - Restriction of all operations
 - Restriction of university resources
 - Removal from University housing or property based on lease language
- Ask RSO National Org or Governing Body to remove charter/recognition

Return Agreements

- Outline specific conditions upon return
 - Partner with International Org or Governing Body
 - Don't punish future members
- Include language regarding continued operation consequences- additional charges under the Code- Failure to Comply, etc.
- If organization members attempt to restart under a different organization, recognition would be denied
- Once RSO has completed a period of suspension and has met conditions upon return, may seek reinstatement by complying with appropriate registration requirements

Self-Reporting and Amnesty



Self-Reporting Clause

- RSO Leadership is encouraged to immediately report any awareness of violations to the appropriate office
 - Detailed with names, concerns, etc.
 - Should also include any internal disciplinary action taken
- If the RSO reports in this manner, only individuals involved will be investigated
- If information is discovered that an RSO **aided, abetted, sanctioned, or organized the event or situation which resulted in violations**, an investigation may be launched

Amnesty Clause

- Students who submit a complaint or who participate in an investigation will **not** be charged with other minor policy violations, **if the following criteria are met:**
 - The violation was identified in the course of the investigation
 - Behaviors resulting in the violation must not represent a threat to health, safety, or well-being of others
- Educational follow-up may occur with students when amnesty is applied.

Jonathan Sanders, Ph.D.
jsanders@lsu.edu

W. Scott Lewis, J.D.
scott.lewis@tngconsulting.com

www.dyadstrategies.com
Under Resources Tab

