PROCEDURES FOR REPORTS AGAINST STUDENT ORGANIZATIONS

1. Introduction...........................................................................................................................................................................1
2. Reporting................................................................................................................................................................................1
3. Scope....................................................................................................................................................................................1
4. Standard of Evidence..............................................................................................................................................................2
5. Definitions and Acronyms.........................................................................................................................................................2
6. Group Responsibility.................................................................................................................................................................4
7. Cease and Desist Procedures...................................................................................................................................................4
8. Student Code of Conduct Violations.....................................................................................................................................6
9. Hazing......................................................................................................................................................................................8
10. Responding Student Organizations Rights and Responsibilities.....................................................................................10
11. Process................................................................................................................................................................................11
12. Retaliation..............................................................................................................................................................................16
13. Sanctions..............................................................................................................................................................................16
14. Appeals.................................................................................................................................................................................17
15. Privacy and Confidentiality...................................................................................................................................................19
16. Records................................................................................................................................................................................19
17. Relevant Policies.................................................................................................................................................................19
INTRODUCTION:

East Carolina University (“the University” or ECU) is dedicated to providing an environment that supports recognized Student Organizations ability to freely associate and express themselves. It is through Student Organizations that students have opportunities for intellectual growth and development outside the classroom. All registered/recognized Student Organizations are expected to act consistently with the values of the University community. Student Organizations may be collectively responsible for any action(s) committed by members on behalf of the Organization that violates the ECU Student Code of Conduct.

Student Organizations that are recognized by the University are responsible for abiding by University policy, the ECU Student Code of Conduct, and all other agreements between the University and the Student Organization.

This appendix identifies the procedures (“the Procedures”) the University follows when it receives a report alleging Prohibited Conduct (a violation of the ECU Student Code of Conduct) by a Student Organization. The University uses these Procedures to investigate and adjudicate any such allegations and resolve cases through an Educational Resolution (ER), Enhancement Plan (EP), or Formal Sanctioning for Student Organizations found responsible for violating the ECU Student Code of Conduct.

REPORTING:

Complaints regarding Student Organizations can be reported to the Office of Student Rights and Responsibilities, a staff member in Greek Life, Club Sports, or staff member in Student Involvement and Leadership. Reports can be made online at http://www.ecu.edu/cs-studentaffairs/osrr/

SCOPE:

The University’s jurisdiction regarding Student Organization prohibited conduct is limited to the conduct of any recognized Student Organization at ECU. The University, will address conduct of a Student Organization and its members regardless of location.

In addition, the following stipulations are considered regarding scope:

1. The Office of Student Rights and Responsibilities (OSRR) will oversee the process for addressing complainants against a Student Organization. However, if the alleged misconduct by a student organization is governed by the University’s Regulation on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence, the procedures outlined in that regulation will operate in tandem with those outline in this regulation.

2. OSRR may work in conjunction with the University department which oversees such Student Organizations (UASO) to resolve complaints against Student Organizations.

3. Individual students who are members of Student Organizations and whose actions in the alleged incident(s) may have violated the Student Code of Conduct or federal law, state law, and or local ordinances may also be subject to individual disciplinary action under the University Student Code of Conduct.
4. The process for adjudicating violations of federal law, state law, and or local ordinance and violations of the Student Code of Conduct are separate and may be pursued independently and/or simultaneously.

5. The University reserves the right to implement interim measures, including but not limited to no contact directives, no trespass directives, loss of privileges, and Cease and Desist orders.

6. The University reserves the right to determine the how the timing and severity of the allegation impacts the completion of the investigation.

7. The University reserves the right to determine what University personnel have a need-to-know regarding the status and/or outcome of the conduct process and to provide notice to relevant University personnel as determined by the Associate Dean of Students/Director of OSRR.

STANDARD OF EVIDENCE:

The standard used throughout the conduct process to reach case resolution is preponderance of the evidence. This standard will be used to evaluate the evidence for purposes of making findings and drawing conclusions for an investigation conducted under this regulation; meeting the standard constitutes a conclusion that it is more likely than not that the alleged conduct occurred. Formal rules of evidence do not apply to student conduct cases.

DEFINITIONS AND ACRONYMS:

*Administrative Hearing:* A hearing with an OSRR staff member for Student Organization cases that do not involve possible sanctions of organization suspension or expulsion.

*Advisor:* The term “Advisor” means any one person chosen to assist an individual throughout the student conduct process, unless service in this capacity would unreasonably conflict with the fair administration of the student conduct process as determined by the appropriate student conduct authority. The University is not responsible for selecting an advisor for any individual navigating the student conduct process.

- A student organization has the right to be represented, at the student organization’s expense, by a licensed attorney or non-attorney advocate who may participate in accordance with UNC Policy Manual 700.4.1.1 [R]. A responding Student Organization represented by an attorney or non-attorney advocate is expected to participate in all scheduled meetings and hearings.
- In addition to a licensed attorney or non-attorney advocate, a Student Organization may have a faculty advisor, chapter advisor, and/or local or inter/national headquarter representative present.
- OSRR will limit the number of licensed attorney or non-attorney advocates to one.
- OSRR may request that a University Administrator (UASO) representing the Student Organization be present during meetings related to the investigation and adjudication of the complaint.

*Cease and Desist:* A temporary suspension of all or partial operations of a Student Organization. (See Cease and Desist process).
Complainant: An individual(s) or group of individuals who file a complaint or on whose behalf a complaint is filed.

Educational Resolution (ER): An ER is used for minor violations and when the Student Organization takes responsibility for violation. An ER is drafted by the Student Organization leadership with assistance from advisors and/or inter/national organization.

Enhancement Plan (EP): An EP is granted when an organization takes responsibility for the violation and when OSRR determines that an EP will sufficiently address the violation. An EP is developed by the Student Organization in partnership with advisors and their inter/national organization (when applicable). An EP is a step-by-step guide of how the Student Organization plans on addressing the behavior that violates ECU’s Student Code of Conduct, and how to implement and consistently enforce policies by the Student Organizations inter/national office (when applicable).

Gathering of information meeting/Initial meeting: A meeting with a Student Organization representative and OSRR. During this meeting the allegation and/or investigative report is shared with the Student Organization representative. The organization has the right to respond to the report during the meeting or at a later date determined by OSRR. During this meeting the Student Organization has the opportunity to take partial or full responsibility for the investigative findings. Based on the nature of the allegation and/or the investigative findings, and the Student Organization’s past conduct history, the Student Organization may receive an Educational Resolution, Enhancement Plan, or formal sanctions.

Hearing Advisor: An OSRR staff member assigned to administer the Student Conduct Board Hearing once an investigation has concluded. The Hearing Advisor works with the Responding Student Organization Representative to determine a hearing date and time.

Investigator: OSRR staff member assigned to investigate a reported allegation.

OSRR: Office of Student Rights and Responsibilities. OSRR administers the East Carolina University Student Code of Conduct, which governs students’ and Student Organizations on- and off-campus conduct.

Responding Student Organization: refers to a Student Organization who has been accused of an alleged violation of the Student Code of Conduct. A Responding Student Organization is often referred to as the “Respondent”

Student Conduct Board Hearing: Student Conduct Board hearings will be convened when the Student Organization’s case involves possible sanctions of suspension or expulsion. The hearing panel is composed of three students, one faculty member, and one staff member of the Student Conduct Board.

Student Organization Representative: A student designated by the Student Organization to serve as its representative through any student conduct organization proceedings. Typically, this individual serves as the role of the President for such Student Organization.

UASO: University Administrator for Student Organizations.
GROUP RESPONSIBILITY:

Every Student Organization has the duty to take all reasonable steps to prevent violations of University regulations and state laws growing out of or related to the activities of the organization. Each organization is expected to educate its members regarding their risk management policy and all applicable University policies and state laws.

In determining whether a Student Organization may be held collectively responsible for the individual actions of its members, guests, alumni, or agents, all of the available factors and circumstances surrounding the specific incident will be reviewed and evaluated. Any registered Student Organization can be held accountable for its actions or the actions of those affiliated with the organization, including but not limited to:

- One or more of its members (active or inactive), former members, alumni, guests, or any person acting as an agent of the organization violate the student code of conduct. There is no minimum number of group members who must be involved in an incident to determine group responsibility.
- A Student Organization may be subject to discipline for activities not sponsored by the Student Organization where the majority of the persons present or responsible for the activity are members or guests of members of the Student Organization.
- When one or more officers or members of an organization are present at a Student-Organization sponsored, Student Organization-financed, or otherwise supported activity or event, or has knowledge of the event, planned unlawful conduct and/or conduct in violation of the Student Code of Conduct before it occurs and fails to take preventative or corrective action or fails to stop unlawful behavior while it is occurring at such event.
- If a violation occurs on premises and/or transportation owned, operated, or rented exclusively by the Student Organization.
- If a pattern of individual violations has occurred and/or continues to occur without adequate control, response, or sanction on the part of the Student Organization or its leaders.
- If the Student Organization or related activities provides the context or environment for the violation(s); or if the Student Organization chooses to protect one or more individuals in violation who are members (active or inactive), alumni, former members, agents, or guests of the Student Organization from official actions.

CEASE AND DESIST PROCEDURES:

The cease and desist is limited to addressing alleged egregious conduct posing the potential for harm to an individual, organization, and/or third-parties. A cease and desist shall be imposed as reasonably deemed necessary to ensure the health or safety of members of the university community. A cease and desist shall not be regarded as a necessary precursor to or a substitute for any university inquiry or investigation that would otherwise follow allegations of misconduct on the part of the organization.

- An organization receiving a cease and desist is no longer eligible to receive benefits normally afforded to Student Organizations including but not limited to social functions, intramurals, new member meetings, and informal gatherings. Organizations will be expected to participate in umbrella group meetings, departmental educational activities, and regional or inter/national
programs. Organizations will be allowed to hold organizational business meetings only, as further outlined in their official cease and desist letter.

- A Student Organization that violates any condition imposed via the cease and desist policy will be regarded as a separate and independent violation. Irrespective of the final outcome regarding the original facts underlying the imposition of a cease and desist, the organization will be immediately suspended from the campus of East Carolina University, for a period of no less than 12 months, for any violation of the terms of a cease and desist.

- Upon receipt of conduct information from the Office of Student Rights and Responsibilities which may warrant cease and desist measures, the Associate Vice Chancellor for Student Involvement & Leadership (or their designee) and the Director, OSRR will use the following factors when considering the use of the cease and desist action:
  - Whether the alleged misconduct can reasonably be associated with the organization.
  - Whether the conduct and surrounding circumstances reasonably indicate that the continued presence or activities of the Student Organization pose a substantial and immediate threat to the health or safety of the university community.
  - Whether lesser actions, short of placing the Student Organization on cease and desist, can sufficiently address the university’s concerns regarding the organization’s continued presence and/or activities on the campus.

- If after consideration of these factors, and in the consultation with the university’s legal counsel, the Associate Vice Chancellor for Student Involvement & Leadership (or their designee) and Director of OSRR may determine that a cease and desist is NOT APPROPRIATE. This decision has no bearing on the Office of Student Rights & Responsibilities investigation and/or conduct case.

- If a cease and desist IS WARRANTED, the Student Organization will be notified in writing by the Associate Vice Chancellor for Student Involvement & Leadership (or their designee) and the Director of OSRR. The cease and desist will remain in effect for an initial period of 30 days. At the end of that initial suspension period, the organization and their advisor will be afforded an opportunity to meet with the Associate Vice Chancellor for Student Involvement & Leadership (or their designee) and the Director of OSRR to discuss lifting, modifying, or extending the cease and desist. A formal charge by OSRR could result in an automatic extension until the case is fully resolved if the previously listed criteria is met.

- Within 72 business hours of a cease and desist being put place, a representative from OSRR will meet with the Student Organization representative and Advisor to review the cease and desist, explain next steps in the process, and provide information regarding the allegation, at the discretion of OSRR.

- Student Organizations can appeal the cease and desist decision to the Dean of Students (or their designee) within 10 business days of notification of the decision. The original decision will
remains in place until an appeal decision is made. All appeals to the Dean of Students or designee are final.

STUDENT CODE OF CONDUCT VIOLATIONS:

2.1. Alcohol: Illegally possessing, consuming, having consumed, and/or providing alcoholic beverages to those under the legal drinking age. Being intoxicated in public.

2.2. Drugs, Drug Paraphernalia, and Other Controlled Substances: Possessing, using, distributing, buying, selling, facilitating a sale, delivering, manufacturing, and/or abusing illicit or illegally obtained substances. Misusing prescription or counterfeit drugs. Consuming, including huffing or sniffing, any substance not intended for such use. Possessing or using drug paraphernalia.

2.3. Endangerment: Acting in a manner that could or did endanger or injure a person or the ECU community. Examples of endangerment include, but are not limited to, fighting, operating a vehicle while under the influence of alcohol or drugs.

2.4. Harassment, Threats, Bullying or Intimidation: Directing action toward a particular individual or group in a manner which is unwelcome and, under the totality of the circumstances, is so severe or pervasive, and objectively offensive that it undermines and/or detracts from the target's academic pursuits, participation in University-sponsored activities, or employment effectively denying equal access to University resources and opportunities.

2.4.1. Engaging in conduct directed at a specific person, group, or entity in a manner that would cause a reasonable person to fear for one's safety, the safety of others, or the loss of or damage to property or that is defamatory.

2.4.2. East Carolina University will also enforce the University of North Carolina Policy 700.4.2, which states:

2.4.2.1. No student shall threaten, coerce, harass or intimidate another person or identifiable group of persons, in a manner that is unlawful or in violation of a constitutionally valid University policy, while on University premises or at University-sponsored activities based upon the person's race, color, religion, national origin, gender, sexual orientation, gender-identity, creed, disability, or veteran status.

2.4.2.2. No student shall engage in unlawful harassment leading to a hostile environment. Unlawful harassment includes conduct that creates a hostile environment by meeting the following criteria. It is:

   a. directed toward a particular person or persons;
   b. based upon the person's race, color, religion, national origin, gender, sexual orientation, gender-identity, creed, disability, or veteran status;
   c. unwelcome;
   d. severe or pervasive;
   e. objectively offensive; and
   f. so unreasonably interferes with the target person's employment, academic pursuits, or participation in University-sponsored activities as to effectively deny equal access to the University's resources and opportunities.
2.4.2.3. In determining whether student conduct violates these provisions (2.4.2.1. or 2.4.2.2.), all relevant facts and circumstances shall be considered. Care must be exercised in order to preserve freedoms of speech and expression, as articulated in current legal standards.

2.4.2.4. When the alleged misconduct constitutes a potential violation of this paragraph and of the University’s Regulation on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence, that Regulation’s procedure shall operate in tandem with those outlined in this regulation.

2.5. Hazing: Acting in a manner that would subject another student to physical injury or mental or emotional harm as part of an initiation, or as a criterion of membership, into any organized University group, including any society, military groups, athletic teams, fraternity or sorority, or other similar group. Planning or preparing to engage in hazing activity is also a violation of the Code. The expressed or implied consent of participants will not prevent disciplinary action.

2.6. Weapons: Possessing, distributing, using, manufacturing, assembling, storing, transporting, selling, purchasing, or acquiring any weapons as defined in this policy on property owned or controlled by the University, including ECU vehicles is a violation of the Code, with the exception of a handgun possessed pursuant to a concealed handgun permit and stored according to law. Possessing any illegal weapons, including nuclear/biological/chemical weapons, or home-made weapons, either on- or off-campus. This provision also applies to students on the way to and present at any off-campus curricular and extracurricular activity sponsored by the University. Illegally concealing any weapon is a violation of the Code.

2.6.1. Weapons include, but are not limited to, objects defined in the “Regulation Concerning Weapons on Campus”. Examples of weapons are: guns, rifles, pistols, bb guns, air rifles, air pistols, paintball guns, crossbows, arrows, fireworks, dynamite, bombs, grenades, mines, powerful explosives, bullets or ammunition cartridges, nunchucks, slingshots, leaded canes, blackjacks, metallic knuckles, martial arts weapons, throwing stars, Kamas, axes, razor blades, ice picks, dirks, daggers, swords, bowie knives, switchblade knives, butterfly knives, other knives with blades three or more inches in length, tasers, and stun guns.

2.6.2. Any item used or possessed for purposes of use as a weapon will be considered a weapon under this policy.

2.7. Disruptive Conduct: Being disruptive or disorderly in a manner that interferes with the function of the University or interferes with conduct of others, including law enforcement officers, who are on-campus or off-campus. Refusing or failing to submit appropriate identification or refusing to comply with a request from an identifiable University official acting on behalf of the University.

2.8. Theft: Stealing or attempting to steal property, including intellectual property, or services of any person or entity. Receiving, possessing, or selling/giving away such property when the student recognizes, or should have recognized, that the property was stolen. Selling books or helping sell books without the owner's permission is an example of theft.
2.9. Vandalism, Defacement, or Misuse of Property: Defacing, destroying, damaging, or misusing private, University, or other public properties.

2.10. Trespassing and Unauthorized Use of Property: Entering or using university facilities and/or the personal property of others without explicit permission. This includes but is not limited to, unauthorized access to residence halls, vehicles, stadiums and fields, as well as unauthorized possession, duplication, or use of the property of others or the University.

2.11. False Information, Forgery, and Fraud: Publishing and/or circulating false information that is harmful to others. Providing false information to the University, including on an application required to participate in a University activity.

2.11.1. Altering, forging, or misusing documents or property which might include, but is not limited to, money, charge cards, checks, personal information, ECU One Cards, grade reports, transcripts, and parking tags. Possessing altered or forged documents or property, such as a fictitious driver's license. Deceitfully using the personal information of others.

2.12. Having Knowledge of or Assisting with a Violation: Having knowledge of, being present during, instigating, encouraging, or facilitating a violation of the Student Code of Conduct.

2.13. Gambling: Placing a bet or wager on an uncertain outcome for money or other items of value unless permitted by law.

2.14. Hindering the University Conduct Process: Coaching, intimidating, retaliating against, or otherwise influencing witnesses, Conduct Board members, conduct administrators, and other participants in the conduct process. Failing to provide the University with relevant information regarding a conduct case as a witness, except in instances where such failure would require a student to identify his/her own violation of the Code. Failing to abide by sanctions, including bans.

2.15. Violation of University Policies: Violating University policies including, but not limited to those listed in the related policy section of this regulations and the University Policy Manual. Violations of campus or University policies, rules or regulations, or federal, state, or local law may result in a violation of the Student Code of Conduct and imposition of sanctions.

For allegations related to Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence, please refer to the Regulation on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence.

HAZING:

Hazing will not be tolerated at the University and is prohibited in any form both on-campus and off-campus. Intentional or reckless hazing that results in a substantial risk of physical injury or death or which results in serious bodily injury or death is a crime in the State of North Carolina.

North Carolina State Law on Hazing (N.C.G.S.§ 14-35):
It is unlawful for any student in attendance at any university, college, or school in this State to engage in hazing, or to aid or abet any other student in the commission of this offense. For the purposes of this section hazing is defined as follows: “to subject another student to physical injury as part of an initiation, or as a prerequisite to membership, into any organized school group, including any society, athletic
New Member/Intake Process:

Any recognized Student Organization wishing to implement a new member intake process must submit its plan to the respective University department responsible for the organization, such as, Greek Life, Campus Recreation and Wellness, or Student Activities and Organizations. Once the plan is approved by the department, the organization cannot deviate from it without prior authorization from the department. A deviation from the approved plan may constitute a violation of the Code. Conducting a new member intake process without an approved plan is a violation of the Code.

In addition to North Carolina state law on hazing, below are some examples of behaviors that the University considers to be acts of hazing. This is not an exhaustive list and does not represent every action that could be considered hazing:

- Acting in a manner that would subject another student to physical injury or mental or emotional harm as part of an initiation, or as a criterion of membership, into any organized University group, including any society, military groups, athletic team, fraternity or sorority, or other similar group. Planning or preparing to engage in hazing activity is also a violation of the Code. The expressed or implied consent of participants will not prevent disciplinary action.
- An environment that creates unnecessary fatigue, including but not limited to acts that stem from forced physical activity, such as calisthenics, and deprivation of sleep
- Forced consumption of any solids or liquids, including drugs
- Deprivation of food
- Any activity that would be viewed by a reasonable person as subjecting any person to embarrassment, degradation, or humiliation. This may include forced or coerced wearing of apparel or caring items which are conspicuous
- Physical assault (e.g. paddling, beating, hitting or whipping)
- Verbal and Emotional abuse (e.g. line-ups, excessive yelling and berating)
- Personal servitude
- Kidnapping or abandonment
- Unreasonable exposure to weather, temperature, and/or environmental conditions
- Forced or coerced completion of an individual or group task that a reasonable person would find unreasonable
- Forced or coerced participation in activities that are unlawful, lewd, or in violation of University policy such as underage drinking, drug usage, or destruction of property
- Forced or coerced exclusion from social contact, parental contact, medical or psychological care
- Involuntary or coerced Branding
- Unreasonable interference with a student’s academic performance, such as the behaviors listed above

Nothing in this provision is intended to prohibit (1) customary public athletic events, contests or competitions that are sponsored by the University, or the organized and supervised practices associated with such customary events; (2) activities and conduct that furthers the goals of a military training program; (3) a legitimate educational curriculum; or (4) extracurricular activity defined and approved by the University.
RESPONDING STUDENT ORGANIZATIONS RIGHTS AND RESPONSIBILITIES:

A Student Organizations whose conduct is under review is a Responding Student Organization and has the following rights and responsibilities:

A Student Organization whose conduct is under review is entitled to the rights listed below and its President or designee will represent the Student Organization throughout the conduct process.

The Responding Student Organization might forfeit any of these rights if, after being given appropriate notice and opportunity to exercise these rights, they fail to do so.

- Responding Student Organizations have the right to an objective and impartial evaluation of the complaint.
- The right to be present during the meeting with a conduct administrator or during the Student Conduct Board hearing.
- The right to reasonable access to all information gathered throughout the evaluation pertinent to the alleged violation once OSRR has concluded the investigation and the
- The right to present information relevant to the alleged violation, including inviting witnesses.
- The right to respond to information presented against the Student Organization.
- The right to a separate meeting with a conduct administrator or Student Conduct Board hearing in cases involving multiple Responding Student Organizations
- The right not to provide information with the understanding that the University will make a determination without the Responding Student Organization’s information.
- The right, after receiving written notice of the outcome, to review the decision, including to appeal as described in in these Procedures.
- The right to be represented, at the Student Organization’s expense, by a licensed attorney or non-attorney advocate who may participate in accordance with UNC Policy Manual 700.4.1[R]. A Responding Student Organization represented by an attorney or non-attorney advocate is expected to attend all scheduled meetings and hearings.
- The right to be informed of pertinent University-based support services.

Responding Student Organization’s Responsibilities:

- The responsibility to be honest and direct in communicating with individuals involved in the conduct process.
- The responsibility to review pertinent conduct process policies and procedures and to seek clarification if necessary.
- The responsibility to respond in a timely manner to University requests for information, to promptly schedule meetings when requested, and to arrive on time for scheduled meetings.
- The responsibility to provide the decision-maker with pertinent information that the Respondent would like considered in the review of the alleged violation.
- The responsibility to participate in the conduct process in a manner that is civil and respectful.

PROCESS:
Communication: Notification and written communication will be sent to the Student Organization representative’s official University email.

- OSRR may include the appropriate UASO on all correspondence and in meetings regarding the Complaint, when appropriate.

Educational Resolution and Enhancement Plan:

Based on the allegation, and Student Organizations prior conduct history, the Student Organization may be eligible for an Educational Resolution (ER) or Enhancement Plan (EP). In order for an ER or EP to be assigned, the Student Organization representative must take responsibility on behalf of the Student Organization for the violation(s). There is not an appeal process for an ER or EP.

1. A Complaint (report) is received by the Office of student Rights and Responsibilities (OSRR) and/or a UASO. OSRR may review the report in consultation with the appropriate UASO.
2. OSRR may conduct an initial inquiry to determine if the report has merit prior to any notice to the Student Organization representative regarding the allegation.
3. After the conclusion of an inquiry and/or investigation, OSRR will send notification to the Student Organization representative notifying them of the potential violations and whether the Student Organization is eligible for an ER or EP. Notification will outline potential ECU policy violations and will include a date, time and location for a meeting.

If the Student Organization does not take responsibility for the violation(s), obstructs the process, provides false or inaccurate information, or omits information they will not be eligible for an ER or EP and the following process will take place:

1. In such cases, OSRR will schedule a gathering of information/initial meeting with the Student Organization representative to discuss the findings of the investigation report and make recommendations.
2. OSRR will take into consideration information and/or the response from the Student Organization.
3. Following the gathering of information/initial meeting with the Student Organization representative an administrative hearing or student conduct board hearing will be scheduled.
4. If the Student Organization is found responsible, administrative sanctions may be assigned with an Educational Plan for Success, which may include educational and restorative sanctions.
5. Sanctions are often assigned in consultation with local advisors, inter/national headquarters and the appropriate UASO administrator, when applicable.
6. If the Student Organization representative does not accept the decision of the administrative hearing or student conduct board hearing, they have the right to an appeal.

Investigation Process:

1. Based on the nature of the allegation, the Director of OSRR may determine that the most appropriate means for addressing the complaint is through an investigation. In cases involving
Title IX allegations, the Title IX Coordinator will identify and appoint an investigator; in all other cases the Director of OSRR will identify and appoint an investigator.

2. The role of the Investigator is to gather information and impartially review the alleged incident by interviewing involved parties and witnesses in order to provide a comprehensive review of the incident. The investigation may include a review of written statements, audio recordings, pictures, social media information, text messages, groupme, class schedules, police investigation reports, and other relevant information.

3. During an investigation, and before charges are issued, the responding Student Organization will have the opportunity to present relevant information. This may occur prior, during or following the gathering of information meeting.

4. If the Student Organization representative does not schedule a meeting by the date specified in communication from OSRR or fails to appear for a scheduled meeting, the Investigator may complete the investigation on the basis of other information obtained throughout the investigation.

5. At the conclusion of the investigation, the Investigator will prepare a written report that includes a synopsis of all relevant information, including a finding. The Student Organization representative will have an opportunity to respond to the report. The response from the Student Organization representative can be submitted in writing or verbally. The Student Organization representative can take responsibility, partial responsibility, or no responsibility. Based on the Student Organization’s response, the Investigator may change or modify their original finding. If a finding of responsibility has been determined on any of the charges, the Investigator will work with the Student Organization representative, local and inter/national advisors, the UASO, and Director of OSRR to determine appropriate administrative, educational and restorative sanctions.

6. After an investigation has concluded, in some instances based on the findings, the Student Organization’s prior 3-year conduct record, and if the Student Organization takes responsibility, the Investigator may conclude that the Student Organization is eligible to receive an enhancement plan.

7. Once the Student Organization representative has the opportunity to respond to the report and the final report has been drafted, a copy of the report will be forwarded on to the UASO, inter/national headquarters when appropriate, and any other relevant parties determined by OSRR.

8. If the findings of the investigation warrants a suspension or expulsion, the report will be forwarded on to the Student Conduct Board.

Additional information related to Investigations:

- If necessary, interim and remedial protective measures may be put in place during the investigation process, including a notice to cease and desist organizational operations and activities. The Associate Vice Chancellor for Student Involvement & Leadership (or their designee) and the Director of OSRR (or their designee) may determine it necessary to issue a cease and desist. See cease and desist procedures outlined.
Investigative reports will not include names or identifying information when possible. Complainant(s) and witness names will not be provided to the responding Student Organization or agents.

In some cases, OSRR may determine it necessary to conduct an investigation the same day or days for all members of a Student Organization. In such case, individuals will receive notice via email for a meeting time and place. All requested members of the Student Organization shall appear at the designated location during the time requested and may be asked to limit their communication with one another. For example, members might be asked to turn off their cell phone and other electronic devices, it may be requested that communication cease, members may be asked to leave the location once their individual interview had concluded.

Investigations are normally concluded, including submission of the investigative report within 30 business days. If additional time is needed, all parties will be notified of the reason for delay and a projected timeline for completion.

In some instances, OSRR may make a determination to do a joint investigation with a Student Organization’s inter/national headquarters (when applicable).
PROCEDURES FOR REPORTS AGAINST STUDENT ORGANIZATIONS

Student Organization Conduct Process

Report is received by Office of Student Rights and Responsibilities (OSRR) and/or University Administrator for Student Organizations (UASO). OSRR/UASO will review the report. OSRR may conduct an initial inquiry to determine if report has merit prior to any notice of allegation.

Notification letter of allegation(s), outline of potential ECU policy violation(s), and request to meet with OSRR/UASO is sent to Org. President. In cases of dangerous misconduct and/or death/injury, a temporary suspension of all organizational activities and/or notify the inter/national organization will be sent by the UASO (or designee)/Director OSRR (or designee).

Educational Resolution (ER)
OSRR/UASO meet with Org. President and discuss the investigation report and gathers additional information.

If Organization does not accept responsibility, obstructs the process, provides false or inaccurate information, or omits information,

Org. President accepts responsibility
OSRR/UASO discusses an ER with Org. President. Org. President prepares an initial draft of the ER with assistance from advisor, and/or national organization within 5 business days.

Org. President will submit a final draft of the ER to OSRR/UASO for review. A final ER will be sent to the Org. President for their signature.

Enhancement Plan (EP)
OSRR/UASO meet with Org. President and discuss the investigation report and gathers additional information.

Org. President accepts responsibility
OSRR/UASO discusses an Enhancement Plan with Org. President. Org. President prepares an initial draft of the EP with assistance from advisor, and/or national organization within 5 business days. Only one EP is permitted in 3 years.

Org. President will submit a final draft of the EP to OSRR/UASO for review. A final EP will be sent to the Org. President for their signature.

Conduct Process
OSRR meets with potential witnesses involved or who may have knowledge of the incident (no formal charges at this point).

OSRR schedules an initial meeting with Org. President to discuss the findings of the internal investigation report and make recommendations. The Org. President may provide additional information and/or respond to the findings.

OSRR schedules a Hearing (administrative or Student Conduct Board) with Org. President and if found Responsible will issue an Administrative Sanction with Educational Plan for Success.

Org. President accepts the decision.

Org. President declines the decision.

If the case is suspension worthy, then the appeal is heard by the Vice Chancellor (or designee). If the case is non-suspension worthy, then the appeal is heard by the Director of OSRR (or designee).

*If the allegation involves the Org. President or they are unable to represent the Organization, then another officer should be designated to serve in this capacity.*
EAST CAROLINA UNIVERSITY
Student Organization Conduct Process

ECU STUDENT CODE OF CONDUCT

Section 5.2 states allegations may also be addressed with education and through referrals to on and off campus, if appropriate. If the Organization fails to complete violates any sanctions, the Organization will be subject to the conduct process and may incur further charges.

EDUCATIONAL RESOLUTION

After the review of the incident and previous organization conduct history, OSRR and UASO will meet with the Organization President and identify one area of improvement for the organization. A program may be required to address the behavior to reduce the chance of a subsequent reports regarding behavioral concerns.

ENHANCEMENT PLAN

After the review of the incident and previous organization conduct history, OSRR and UASO may require the organization to develop an enhancement plan. This enhancement plan is for the organization to develop a step-by-step guide of how the organization plans on addressing the reported behavior of concern that is governed by ECU's Student Code of Conduct, and how to implement and consistently enforce policies by the organization's inter/national office, UASO office, and campus standards.

CONDUCT PROCESS

Following an investigation, OSRR schedules an initial meeting with Org. President to discuss the findings of the internal investigation report and make recommendations. The Org. President may provide additional information and/or respond to the findings. Then a Hearing will be scheduled (administrative or Student Conduct Board) with Org. President and if found Responsible will issue an Administrative Sanction with Educational Plan for Success. **The complexity of an investigation, the number of individuals involved, the participation of individuals, all contribute to the length of an investigation. **

252.328.6024 Office of Student Rights and Responsibilities ecu.edu/osrr
PROCEDURES FOR REPORTS AGAINST STUDENT ORGANIZATIONS

RETAILATION:

Retaliation against anyone who makes a complaint or participates in an investigation or proceeding against a Student Organization is prohibited by University policy. Instances of retaliation will be investigated and may result in sanctions against individual(s) and or Student Organizations.

SANCTIONS:

The University takes an educational approach to sanctioning. Sanctions are meant to facilitate a dialogue, create educational opportunities, and facilitate behavior change. The goal of sanctions is to balance accountability with providing tools and resources to recognized Student Organizations so members make better decisions in the future. The hearing administrator assigning sanctions and the Student Conduct Board are encouraged to consider educational sanctions which address the violation(s), and information shared by the Student Organization representative. Sanctions should encourage critical thinking, and address risk management and safety concerns for the entire University community.

Certain sanctions may result in a financial cost to the Student Organization. If a Student Organization does not complete a sanction by the required deadline, OSRR, working in conjunction with the UASO administrator may place restrictions on the organization. This includes but is not limited to a loss of recognition by the University until all sanctions are complete.

Administrative Sanctions:

The purpose of Administrative Sanctions is to provide a safer environment for members of the Student Organization, its guests, and the University community, while also providing an opportunity for Student Organizational leadership to create sustainable change of behaviors and activities.

Administrative Sanctions may include, but are not limited to, the following:

Warning

If the incident does not raise a severe concern for the safety of its guests and the University community, and the Student Organization has little or no prior history of misconduct, the organization may receive a warning. This Sanction indicates that the organization is taking the appropriate measures to address the incident.

Disciplinary Probation

A Student Organization may be placed on disciplinary probation for a specified period of time under conditions stated in writing. Probation includes a warning that any violation of the conditions, or any further acts of misconduct, will result in additional sanctions, which may include suspension or expulsion from the University.

Limit or Ban on Social Activity

Student Organizations may be limited or entirely banned from engaging in or hosting parties and other formal or informal social events with other Student Organizations, individual students, and/or third parties both on-campus or off-campus for a period of time.
Attainment of Standards

Student Organizations may be required to attain specific standard(s), including, but not limited to: academic organizational grade point average, decrease in organizational personal misconduct recidivism, decrease in organizational arrest and citation rate, and organizational certifications/trainings.

Limit or Ban on Participation in Campus Activities

Campus restrictions prohibit Student Organizations from participating in some, or all, University events and privileges for a period of time. Events may include, but are not limited to, Homecoming, Greek Week, Intermural Sports, or Club Sports. University privileges may include, but are not limited to, use of space, and access to university resources.

Deferred Suspension

Organizational suspension from East Carolina University may be deferred for a period of time, on the condition that a lesser sanction(s) be completed or is otherwise implemented within that period of time. If the lesser Sanction(s) is not completed in the time period assigned, or if not upheld, the deferred suspension will automatically go into effect, and the Student Organization will have no further opportunity to appeal the deferred suspension.

Suspension

Organizational suspension from East Carolina University means the Student Organization will cease all activities and disband for a period of time. Suspended organizations cannot utilize university space for gathering purposes or participate in University activities.

Expulsion

Organizational expulsion from East Carolina University means the Student Organization will cease all activities and will be permanently banned from East Carolina University. Expelled organizations cannot utilize university space for gathering purposes or participate in University activities.

APPEALS:

In cases of suspension or expulsion, the Vice Chancellor for Student Affairs (or designee) will hear the appeal. During an appeal, the appealing party has the burden of showing either (1) a violation of due process; or (2) a material deviation from Substantive and Procedural Standards adopted by the Board of Governors.

- Violation of Due Process. Due Process requires notice and an opportunity to be heard. A violation of due process means that the appealing party was not provided the required notice or an opportunity to be heard due to specified procedural errors, or errors in interpretation of University policies or regulations, that were so substantial as to effectively deny the Respondent a fair hearing. Reasonable deviations from the procedures set out in this regulation will not invalidate a decision or proceeding unless the Respondent can show that, but for the deviation or error, there likely would have been a different outcome in the case.
Material Deviation from Substantive and Procedural Standards. Material Deviation from Substantive and Procedural Standards require that the decision reached be neither arbitrary nor capricious. A material deviation from substantive standards means that there is a lack of information in the record that could support the decision or sanction(s). This does not mean the information presented at the hearing can be re-argued on appeal; rather, it requires a showing that no reasonable person could have determined the Respondent was responsible or could have imposed the sanction that was issued, based on the information in the record. A material deviation from procedural standards means that a lack of information in the record that could support the decision is due to a procedural error that resulted in the proffered evidence or testimony being excluded.

The Student Organization must specify in writing (“appeal letter”) which grounds form the basis for their appeal. The Student Organization must provide factual information to support their claim and explain what outcome they are seeking. The Student Organization has a right to be assisted in preparing their written challenge by a licensed attorney or non-attorney advocate.

The appeal letter must be dated, signed by the Student Organization Representative, and received by OSRR within five calendar days from the date that the written decision on sanctions is provided to the Student Organization, either by hand delivery or by delivery or attempted delivery through e-mail or postal mail. Appeals should be directed to osrr@ecu.edu; or 364 Wright Building. Failure to deliver the written notice of appeal within this time limit will render the decision of the conduct administrator/board final and conclusive. An extension of time may be requested within the five day limit, but it is within the discretion of OSRR to grant or deny such requests.

OSRR will review the appeal within five calendar days of receipt. Appeals will be limited to the record of the hearing, including the supporting documents provided by the Student Organization and available records (“written record”) within the Office of Student Rights and Responsibilities.

In appeals from a hearing with the conduct administrator, the Director of OSRR or designee will review the written record and make a determination as to whether a decision should be altered. If the Director of OSRR or designee determines that an appeal is not granted, the decision of the conduct administrator and any assigned sanctions will go into effect and the Student Organization will have no further appeal opportunities. The Director of OSRR or designee’s decision is final.

In appeals from a hearing before the Student Conduct Board where organization suspension or organization expulsion is assigned, the Director of OSRR will compile the written record and provide it to the Vice Chancellor for Student Affairs or designee who will make the final determination.

The final decision in cases where organizational suspension or expulsion is the sanction will be made within 45 calendar days after the hearing and will be shared with the Responding Student Organization in writing within ten calendar days of the date the decision was made. The letter
will include a brief summary of the information upon which the decision was based and any appeal rights.

- New Information: Requests for reconsideration based on new information, sufficient to alter a decision and not reasonably available at the time of the decision, should be directed to the original decision-maker. A Complainant or Responding Student Organization has one calendar year after the final imposition of sanctions by the University to present new information.

PRIVACY AND CONFIDENTIALITY:

The University is committed to safeguarding the privacy of the individuals involved in a complaint in a manner consistent with the University's objective to effectively investigate and prevent violations of the Student Code. In all cases, the University will share the individual’s information and details of the allegation only with University officials, law enforcement personnel, and other individuals who have a legitimate administrative or legal reason to be so informed. The University may publish and/or post information about Student Organizations regarding violations and sanctions. Confidentiality: If a person makes a complaint against a Student Organization and/or one of its members but indicates a desire for confidentiality (i.e., a request that no investigation into the particular incident be conducted, a request that no disciplinary action be taken, a request that the alleged perpetrator not be notified, or similar requests), the University will weigh such requests against its obligation to provide a safe, nondiscriminatory environment for all students and the University community. At times, the University may not be able to honor a request for confidentiality in order to provide a safe, non-discriminatory environment, and will continue with an investigation and resolution in accordance with these procedures. If the University determines that it is able to honor a request for confidentiality, the person(s) making the request must understand that the University’s ability to meaningfully investigate the incident and respond appropriately may be limited.

RECORDS:

All recognized Student Organization disciplinary records are the property of the University and are maintained by OSRR. Disciplinary records may include, but are not limited to, complaints, police reports, correspondence, written information, audio and video recordings, and investigative reports. Individual records related to a Student Organization investigation are confidential personnel record in accordance with N.C. General Statute Chapter 126 and/or a confidential student record in accordance with the Family Educational Rights and Privacy Act (FERPA). The information contained in the investigation record generally will not be released without written and dated consent of the employee or student identified in the record. However, investigation records may be shared with third parties to the extent allowed under the law.

RELEVANT POLICIES

The Code of the Board of Governors of the University of North Carolina:
PROCEDURES FOR REPORTS AGAINST STUDENT ORGANIZATIONS

- UNC Policy Manual 700.4.1.1[R] – Regulation Applicable to Student Disciplinary or Conduct Procedures: Right to an Attorney or Non-Attorney Advocate for Students and Student Organizations
- UNC Policy Manual 700.9.1-Recognition of Student Organizations

East Carolina University:
- East Carolina University Student Conduct Process – Interim REG11.30.01
- Regulation on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence – Interim REG06.40.03
- Any policy governing a student Organization

Applicable Federal Laws and State General Statutes:
- U.S. Department of Education Information about the Family Educational Rights and Privacy Act of 1974
- Department of Education Information about the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act