

## **11. Training and Education**

Texas Tech's commitment to preventing and raising awareness of the harm resulting from the conduct prohibited in this policy includes providing primary prevention and awareness programs for all incoming students and new employees, ongoing education to both employees and students, and emailing information regarding this policy to students at the beginning of each academic semester. This policy is published on the university's website and information regarding this policy and related policies is included in orientation materials for new students, faculty, and staff. All incoming first year and transfer students must attend an in-person Orientation session, and must additionally complete an online education module. Failure to complete this required training may result in a hold being placed on the student's account. All employees must attend Equal Opportunity non-discrimination and sex/gender discrimination training including sexual assault, sexual harassment, and campus crime mandated reporter training within the first 30 days of employment and receive supplemental training every two years. Other appropriate compliance training sessions will also be conducted on an ongoing basis. Training sessions will include information on how and where to report incidents of prohibited conduct, resources available, as well as risk reduction and safe and positive options for bystander intervention. In addition, university employees and administrators responsible for implementing this policy, including the Title IX Administrator, Assistant Title IX Administrator, Title IX Deputy Administrators, Investigators, and Hearing Officers, receive annual training about offenses, investigatory procedures, due process requirements, and university policies related to or described in this policy.

## **SECTION E. CONDUCT PROCEDURES FOR STUDENT ORGANIZATIONS**

Upon notice of an alleged violation of the *Code of Student Conduct* by a student organization, the Managing Director or designee will appoint an Investigator to review allegations of misconduct. The Investigator will inquire, gather and review information about the reported student organization misconduct, and will evaluate the accuracy, credibility, and sufficiency of the information.

Incidents will be forwarded for Investigation when there is reasonable cause to believe a policy has been violated. If it is determined that the information reported does not warrant an allegation, a Policy Clarification Letter may be issued to involved parties to clarify the policy in question.

When an initial report of misconduct by a third party does not identify the involved parties or the involved parties are not available, the Investigator will investigate the reported incident to fullest extent of the information available.

When a Complainant is identified but is reluctant to participate in the investigative process and/or the student organization conduct process entirely, the University will make every attempt to follow the wishes of the Complainant while weighing the interests of the campus community and the possibility of a continuing threat. If the Complainant does not want to participate in the investigative process but has no aversion to the University pursuing conduct action with respect

to the named Respondent, the University will proceed with the student conduct process to the extent of the information available. If the Complainant does not want the University to pursue the report in any respect, the University will investigate further only if there is reason to believe that a significant continuing threat to the campus community exists.

#### **1. Remedies & Resources**

The University may take immediate interim actions to eliminate hostile environments, prevent recurrence, and address any effects on the Complainant and community prior to the initiation of formal Investigation and/or formal conduct processes. These interim immediate steps will be taken to minimize the burden on the Complainant while respecting due process rights of the Respondent. Remedies for students may include, but are not limited to counseling services, and modifications to on-campus housing, modifications to parking permissions, and modifications to academic schedule. Remedies will be evaluated on a case-by-case basis.

##### **a. Resources**

Texas Tech University has a variety of resources to assist students involved in conduct processes or experiencing concerns related to student and/or student organization conduct. Resources include, but are not limited to assistance in reporting criminal behavior to the Texas Tech Police Department or Lubbock Police Department, counseling services, medical assistance, academic support referrals, and other support services. The Office of the Dean of Students is also available to help students understand the student conduct process and identify resources.

##### **b. Interim Actions for Student Organizations**

Under the *Code of Student Conduct*, the Managing Director or designee may impose restrictions and/or impose an Interim Suspension of Student Organization Activities on a student organization pending the completion of the conduct process for alleged violation(s) of the *Code of Student Conduct* when a student organization represents a threat of serious harm to others that is deemed a continuous threat, is facing allegations of serious criminal activity, to preserve the integrity of an Investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University. Interim actions can include Interim Suspension of Organization Activities or restrictions pending the completion of the conduct process for alleged violation(s) of the *Code of Student Conduct*. A student organization that receives an interim action(s) or Interim Suspension of Student Organization Activities may request a meeting with the Managing Director to demonstrate why an interim action(s) or Interim Suspension of Student Organization Activities is not merited. Regardless of the outcome of this meeting, the University may still proceed with conducting an Investigation and the scheduling of a campus Hearing. Through an interim action or during an interim suspension, a student may be denied access to University facilities/events. As determined appropriate by the Managing Director, or designee this restriction may include University activities or privileges for which the student organization might otherwise be eligible. Student organizations are informed of interim actions or of an interim suspension by the official notice procedures outlined in Part I, section A.3 of the *Code of Student Conduct*. Interim action(s) or an Interim Suspension of Student Organization Activities are not sanctions.

Interim actions are taken in an effort to protect the safety and well-being of the Complainant, Respondent, and/or other members of the University Community. Interim action(s) is/are preliminary in nature; and are in effect only until the conduct process has been completed. However, violations of interim action may result in additional allegations of the *Code of Student Conduct*.

c. No Contact Order

When initial inquiry indicates persistent and potentially escalating conflict between members of the University community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Office of Student Conduct or designee via the student's official Texas Tech email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Office of Student Conduct. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the no contact order. Failure to comply with the no contact order is considered retaliation and will result in disciplinary action, including possible suspension or expulsion. Violations of no contact orders may also result in an Interim Suspension of Student Organization Activities during the completion of the conduct process. The term of a No Contact Order is one year from the date of issuance, or the graduation of one or both parties, whichever comes first.

d. Interim Suspension of Student Organization Activities

Under the *Code of Student Conduct*, the Managing Director or designee may, when the student organization represents a threat or serious harm to others that is deemed a continuous threat, or is facing allegations of criminal activity, impose restrictions, including, but not limited to temporarily suspending the activities of a student organization pending the outcome of the University's and/or Headquarters, sponsoring department or organization (where applicable) conduct process. The purpose of an interim suspension of activities is to protect students, preserve the integrity of an Investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operation of the University.

Examples of conduct or incidents that may result in an Interim Suspension of Student Organization Activities, include but are not limited to, hazing, organization events and activities resulting in allegations of sexual misconduct, criminal felony charges, severe disruption, retaliatory harassment; alcohol/drug policy violations occurring during recruitment or social events; and cease and desist directives from inter/national or regional organizations. A student organization who receives an Interim Suspension of Student Organization Activities may request a meeting with the Managing Director or designee to discuss the rationale for the action. During an Interim Suspension of Student Organization Activities, the student organization is limited to minimal functions in order to conduct the Investigation only. Failure or refusal to follow the Interim Suspension of Student Organization Activities may result in additional charges of misconduct. Student organizations will be informed of interim actions pursuant to the official notice procedures outlined in Part I, section A.3. of the *Code of Student Conduct*. An interim

action is not considered a sanction.

In the event an Immediate Suspension of Student Organization Activities is issued, a student organization may request a review of the Immediate Suspension of Student Organization Activities by the Managing Director or designee.

**2. Referral Meeting**

A University official may request a meeting with a student organization spokesperson (in most cases, the President of the Organization) in order to discuss a referral made to the Office of Student Conduct or other administrative department when the referral may not be deemed a violation of the *Code of Student Conduct*, but when the Investigator or designee determines the referral warrants a discussion. The purpose of the discussion is to clarify concerns of the involved parties, to offer assistance to all involved parties, and to explain to the student organization that repeated referrals may warrant an Investigation which may warrant adjudication.

**3. Voluntary Resolution**

In any matter governed by the *Code of Student Conduct*, the parties (usually the Complainant and Respondent) may mutually agree to attempt to resolve the matter prior to conclusion of the conduct process through a Voluntary Resolution process. The procedures utilized in the Voluntary Resolution process must be agreed upon by the parties with concurrence from the Managing Director. The parties must mutually agree in writing to all aspects of any resolution reached through the Voluntary Resolution process, including any restrictions, sanctions, or conditions as may be agreed upon by the parties with concurrence from the Managing Director, and any such resolution will be binding and final with no opportunity to appeal. Either party may withdraw from the Voluntary Resolution process at any time prior to final resolution, at which time the matter will proceed through the student conduct process as set forth in the *Code of Student Conduct*. Voluntary Resolution agreements will be maintained in accordance with University policies.

**4. The Conduct Process for Student Organizations**

**a. Notice of Investigation/Notice of Involvement**

A student organization will be given notice of the organization's involvement in a referral or report received by the University related to the *Code of Student Conduct* by receipt of a "Notice of Investigation/Notice of Involvement" letter which will include an invitation for the student organization spokesperson to meet with an Investigator. In a case of a student organization's dangerous misconduct, serious injury, and/or death, The Managing Director or designee may issue an interim suspension of all organizational activities. In the event that a student organization fails to respond to written notification, interim actions and/or restrictions may be implemented by the Managing Director or designee. Failure to comply with or respond to a notice issued as part of conduct procedure and/or failure to appear will not prevent an Investigator from proceeding with the conduct process. Likewise, failure of a student organization to respond to notification to appear may result in additional alleged violations and result in a charge of Failure to Comply.

The Investigator may notify a student organization's advisor, Headquarters, sponsoring department or organization (that a referral was received by the University).

The Managing Director or designee may proceed with the conduct process (even if the complainant chooses not to participate) on a case by case basis if the alleged behavior involves pattern, predation, threat, or violence that may significantly impact the campus community and others.

b. Rights & Responsibilities

Prior to the formal Investigation process, the student organization spokesperson will be provided a Student Organization Rights & Responsibilities document to review and sign prior to an interview with the Investigator. Additionally, each individual student involved in any capacity with a student organization Investigation will be provided the Student Rights and Responsibilities document detailed in Part I, Section

C.3.b. The Rights & Responsibilities document informs the student organization of rights to be exercised before and during the conduct process. Information gathered during the course of the Investigation and student conduct process may be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

A student organization has the right to:

1. A prompt, fair, and equitable process;
2. Be accompanied by one advisor at any conduct or related proceeding. An "advisor" can be any one of the following: a member of the Texas Tech community (faculty, staff, or student), a parent or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney. An advisor's role is that of support – he or she may not speak on behalf of the organization and does not have an active, participatory role in the conduct process. If an advisor for the organization is an attorney, an attorney from TTU Office of General Counsel may attend on behalf of the University. Student organizations should select an advisor whose schedule allows attendance at the meeting, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the Investigator and with advanced notice. Student organizations are reminded that the organization's advisor of choice is only permitted to accompany a student in a conduct or related proceeding if they are chosen by that student as that student's advisor of choice.

The Managing Director or designee has the discretion to remove an advisor at any point during the conduct process. A witness, anyone who may have a conflict of interest or anyone who may have any participatory role in the process may not be allowed to serve as an Advisor. Students who have been suspended may not serve as an advisor during their suspension and students who have been expelled may not serve as an advisor.

3. Refrain from making any statement relevant to the Investigation. Student organizations are expected to cooperate with the University conduct process, but may



elect not to participate in the Investigation process, either in part or entirely. However, a student organization's refusal to participate in the Investigation, in whole or in part, lasts for the duration of the conduct process. In other words, if a student organization chooses not to provide information during the Investigation, they will not be allowed to present new information during the Hearing; similarly, if a student organization provides only limited information during the Investigation (i.e., answering some of the Investigator's questions but not others), then during the Hearing, the student organization will only be permitted to speak to the information provided, with no additional commentary. The rationale for this policy is to prevent parties from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other party.

NOTE: See Pre-Hearing Process, below, for details of inclusion on new, previously unavailable information after conclusion of the investigative process.

4. Provide information and evidence in support of the case;
5. Know if they have been issued any allegations of misconduct;
6. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;
7. Know the Texas Tech University conduct policies and procedures, and where to find them;
8. Know that any information provided by the student organization may be used in a conduct proceeding;
9. Know that if the student organization spokesperson, or members of the organization, makes any false or misleading statements on behalf of the organization during the student conduct process, the student organization could be subject to further disciplinary action.

It is the Student Organization's Responsibility to:

1. Appoint one organizational spokesperson. In most cases, the organization's spokesperson is the President of the organization. However, organizations may appoint an alternate spokesperson to formally represent the organization. A student organization spokesperson must be a currently Texas Tech University student who is a member of the responding organization. The spokesperson may not be an alumni advisor, chapter advisor, faculty/staff advisor, national or international Headquarters volunteer or staff member, or coach. Student organizations may only appoint one spokesperson for each case and must inform the University in the event that the appointed spokesperson is not the President of the organization. The student organization spokesperson is responsible for making all official responses on behalf of the organization during any student organization conduct proceeding. In the event that the student organization spokesperson is not be able to speak on behalf of the local advisory board to the student organization, a representative from the local advisory board may speak on behalf of the local advisory board. Be responsive to all communications from the University;
2. Provide information relevant to the incident or situation;
3. Be honest and provide true and accurate information during the Investigation;

4. Review the *Code of Student Conduct* in order to fully understand all aspects of the student conduct process.
- c. Investigation
- The Managing Director or designee will appoint an Investigator to conduct a thorough, reliable, and impartial Investigation of the reported concern. Reported allegations of misconduct under the *Code of Student Conduct* have varying degrees of complexity and severity.

Therefore, the Investigation procedures described below may vary.

1. Partnership Process

At all times, the Managing Director or designee retains the discretion to investigate a referrals of student organization misconduct. However, in the initial meeting with the Investigator, a student organization may indicate their preference to conduct an internal Investigation as a part of a Partnership Process with the Office of Student Conduct and/or Center for Campus Life.

Student organizations participating in a Partnership Process must commit to the deadlines and formatting requirements provided by the Managing Director or designee Upon the conclusion of the internal Investigation, the student organization spokesperson shall present a written report of its internal Investigation findings to the Managing Director or designee If the Managing Director or designee determines that no further action is necessary, he/she may conclude the investigative process, and consider the matter closed.

Upon completion of the internal Investigation, the Managing Director or designee has the discretion to approve and/or adopt the internal investigative report, in whole or in part, as the Final Investigation Report. An internal Investigation may be rejected, in whole, or in part for reasons including, but not limited to, the following:

- The student organization obstructed the process, or provided false, incomplete, or inaccurate information;
- The student organization did not conduct its Investigation or provide a report in a timely manner;
- The student organization violated Interim Actions imposed by the Managing Director or designee; or
- The Office of Student Conduct receives additional referrals of misconduct against the student organization during the pendency of the internal Investigation.

If the internal Investigation Report is accepted by the Managing Director or designee the assigned Investigator may proceed to assign allegations of the *Code of Student Conduct* to the student organization. If information contained in the internal Investigation Report indicates that there is insufficient evidence to support

organizational allegations, but that individual organization members may be responsible, the Investigator may proceed with the conduct process for individual students. In order to proceed with the conduct process for individual students, the names of individuals involved must be provided in the internal Investigation Report.

In the event the internal Investigation Report is rejected, in whole or in part, the Managing Director or designee may proceed with a University Investigation (Part I, Section D.3.c.2).

*Note: Student organizations conducting any internal Investigation may be subject to Interim Actions that may be imposed upon the student organization by the Managing Director or designee.*

## 2. University Investigation Process

Should a student organization not complete the Partnership Process, the Managing Director or designee may proceed with the University Investigation Process.

Investigations of student organization conduct may include the requirement for student organization members to attend an Investigation meeting as a group or as individuals. Students may be asked to complete written questionnaires related to the Investigation. Regardless of the nature of the Investigation, students and student organizations should be aware of their rights and Responsibilities in the conduct process and recognize that any information shared during the course of the student conduct Investigation may be used in formal conduct processes against the student organization or the individual student. Students can always decline to participate in a collaborative Investigation meeting and meet only with the Investigator instead of meeting together with other Investigators. The identities of individuals who issue statements in organizational conduct Investigations, may be withheld from Investigation Reports at the discretion of the Managing Director or designee.

During the investigative process, the student organization spokesperson is responsible for providing all information or evidence that they believe should be considered.

Once the investigative process is complete, the Investigator will compile the relevant information and evidence into an Investigation Report, which will include the allegations of the *Code of Student Conduct* and may include a timeline of the event(s), statements from the interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Investigator will document any physical or electronic evidence in a manner that is conducive and does not obstruct concurrent or forthcoming police Investigations. The student organization spokesperson will



have access to review the completed Investigation Report and/or investigative materials relevant to the Investigation after the Investigative Process has concluded. In order to protect confidentiality, the student organization spokesperson may be given an electronic password protected copy of the investigation report which may be redacted. Allegations of potential violations of the *Code of Student Conduct*, if appropriate, are assigned at the conclusion of the Investigation at which point the Investigator explains the options for resolution to the involved parties. Should a student organization not participate in the Investigative Process, the conduct process may continue without their participation. The Investigator may assign allegation(s) to the Respondent based on the information that the Investigator collected without the student organization's participation, if appropriate.

The university will attempt to facilitate questioning of involved parties throughout the investigation and conduct process.

An In Absentia decision may be rendered by the appointed hearing body after proper notice has been given to the student organization representative, and the student organization representative has failed to respond within the allotted time frame to meet with an investigator.

d. Informal Resolution (Partnership Process)

If after the Investigation, the responding student organization accepts responsibility for the allegation(s) of *The Code of Student Conduct* outlined in the Final Investigation Report, the student organization may be eligible to resolve the issue informally. Student organizations participating in the Informal Resolution process must commit to the deadlines and formatting requirements of requested documentation and as provided by the "Managing Director" or designee. The student organization spokesperson is responsible for preparing the Informal Resolution, which will include proposed sanction(s), corrective actions, and educational enhancement plans for the student organization. The student organization spokesperson is encouraged to consult appropriate University staff in the Center for Campus Life, the Office of Student Conduct, the appointed Investigator, the Office of Student Conduct sanction grid, the student organization's officers, advisor, Headquarters, sponsoring department or organization, and/or governing council representative to develop an Informal Resolution that is appropriate, effective, and is proportionate to the severity of the incident and the cumulative conduct history of the student organization.

Upon timely receipt of the Informal Resolution, the Managing Director or designee may adopt, reject, or supplement, in whole or in part, the sanction(s) proposed in the Informal Resolution presented by the student organization. In the event the proposed Informal Resolution is rejected, in whole or in part, the student organization's alleged violations of the *Code of Student Conduct* may be resolved pursuant to the Pre-Hearing process outlined in Part I, Section D.3.e and the Formal Hearing process as outlined in Part I,

#### Section D.4.

There is no appeal of signed informal resolutions. Once completed, the informal resolution completes the conduct process for student organizations. The case will only be reopened if new materials, previously unavailable are presented.

Written notification of the outcomes and sanctions, if applicable, of the Informal Resolution will be provided to the student organization and appropriate University Administrators within five (5) University working days of the effectuation of the Informal Resolution.

Findings and sanctions agreed upon through the Informal Resolution Partnership Sanctioning Process, are final and cannot be appealed.

#### e. Pre-Hearing Process

In cases involving an Administrative or Panel Hearing, the Pre-Hearing Process will be followed. Once the investigative process is complete, the student organization will be given notice of a Pre-Hearing Meeting. Should student organizations not participate in the Pre-Hearing, the conduct process may continue without their participation, including the assignment of allegations and the completion of an Administrative or Panel Hearing. During this meeting, student organizations will be given the opportunity to review the Investigation Report, relevant evidence, and other documents to be used in the Administrative or Panel Hearing. Other documents include notification of Respondent's allegations, Hearing Panel composition, and Hearing script. Following the Pre- Hearing, student organizations will be notified, via the notification procedures, outlined in Part I, Section A.3 of a date, time, and location of the Hearing.

While students may identify errors in their own statements during the Pre- Hearing, they are not able to add additional information to the Investigation Report unless that information, in the judgment of the Investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre-Hearing but before the Administrative or Panel Hearing, the student should inform the Investigator immediately. If the new information is pertinent to the consideration of the case, the Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Administrative or Panel Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Administrative or Panel Hearing.

The conduct process is designed to be non-adversarial. Student organization representatives will be permitted to question the statements and evidence presented by the other involved parties, but may not do so directly. After reviewing the Investigation Report, during the Pre-Hearing, Complainants and Respondents will have the

opportunity to question the statements and evidence presented by the other involved parties, via the Investigator, who will pose the questions and supplement the Investigation Report.

Questions that are deemed objectionable, inappropriate, and/or irrelevant by the Investigator may be rejected.

The university will attempt to facilitate questioning of involved parties throughout the investigation and conduct process.

Student organizations may indicate whether an Administrative Hearing or Panel Hearing is preferred. However, the Investigator has the sole discretion in all cases to designate whether an Administrative Hearing or Panel Hearing will be held notwithstanding the student's preference.

In cases requiring a Hearing Panel, the Investigator will share the pool of faculty, staff, and students trained for Hearing Panels. Student organization representatives will be given the opportunity to request to strike any member of the Hearing Panel whose impartiality may be in question. In order to strike a member of the Hearing Panel, the student organization representative must provide the Investigator with a reasonable and substantiated rationale for the request. Once the composition of the Hearing Panel is set, the Investigator will schedule the Panel Hearing.

At the discretion of the Managing Director or designee, a review of the conduct case may occur at any point during the investigation or conduct process for clarification of procedural processes and may remand back to investigation if deemed necessary.

## **5. Hearings**

Upon completion of the initial inquiry/Investigation, after the allegation(s) have been assigned, and proper notice has been given to the student organization, the University may proceed to conduct either an Administrative or a Panel Hearing and issue a finding and accompanying sanctions, if applicable. The Administrative Hearing or Panel Hearing may be held and a decision made, regardless of whether the student organization responds, fails to respond, attends the Hearing, or fails to attend the Hearing. Should the student organization fail to attend the Administrative or Panel Hearing, the Investigator or the Hearing Panel may consider the information contained in the Investigation Report and render a decision. Student organization conduct processes are typically adjudicated by a Hearing Panel.

Hearings are closed to the public. Complainants and Respondents have the right to be present at the formal Hearing; however, they do not have the right to be present during deliberations. Arrangements will be made so that complaining and responding students are not present in the Hearing room at the same time.

Student organizations are represented by the student organization spokesperson. In situations where the organization no longer has a current student representing the organization, the conduct process will continue with the information available at the time. Organizations with inter/national, regional, or local advisory staff or volunteers with a long-term interest in the organization's recognition at the University may be allowed to participate in the resolution of conduct processes when a current student is no longer able to represent the organization.

a. Administrative Hearing

An Administrative Hearing is the process of adjudicating allegations of violations of the *Code of Student Conduct* by an Administrative Hearing Officer. The Administrative Hearing Officer in an Administrative Hearing may be the Investigator that completed the Investigation Report, or Administrative Hearing Officer assigned by the Managing Director or designee. The Administrative Hearing Officer makes the decision of responsibility and assigns a sanctions, as appropriate. Written notification of the outcomes of the Administrative Hearing will be provided to the student within five (5) University working days of the conclusion of the Administrative Hearing. Decisions made through the Administrative Hearing may be appealed by students by utilizing the Disciplinary

Appeal Procedures outlined in Part I, Section D.14.

b. Panel Hearing

For each Panel Hearing, a Panel of three (3) members will be chosen from the available pool by the Managing Director or designee. The Panel will usually be comprised of one student, one faculty member, and one staff member or Administrative Hearing Officer. Availability may determine a different composition for the Panel. In cases involving Part I, section B.1 (Academic Misconduct), the Panel will be comprised only of students and faculty. In cases involving Part I, section

B.2 (Actions against Members of the University Community and Others), or other sensitive issues, the Managing Director or designee will appoint three Administrative Hearing Officers for the Panel.

Administrative Hearing Officers who served as Investigators for the case being heard by a Hearing Panel may not serve as either a member of the Panel as a voting participant or as the non-voting Resource Person, and will participate only as the Investigator in the Panel Hearing.

All Hearing proceedings, excluding the deliberations of the Hearing Panel, will be recorded by the University.

The Director of the Office of Student Conduct, or designee, appoints a Resource Person in each Panel Hearing who facilitates the Hearing. The Resource Person is a non-voting participant in the Hearing and is selected from the pool of Administrative Hearing Officers. The Resource Person assures that University/College procedures are followed throughout the Hearing. The Panel Resource Person may:

- Prepare the Administrative Panel Hearing materials;
- Record the Administrative Panel Hearing proceedings;
- Escort participants into the Hearing room, grant breaks for participants, and distribute evidentiary materials;
- Ensure proper decorum throughout the Administrative Panel Hearing;
- Ensure the procedural soundness of the Administrative Panel Hearing;
- Provide student conduct history of the Respondent, during the sanctioning phase, if necessary;
- Transcribe the findings of the Administrative Panel Hearing;
- Compile the post-Hearing documentation,
- Deliver notification to student parties.

The Investigator presents the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. The Complainant and Respondent have the right to make an opening statement about key points of the case. During the opening statement phase of the conduct process, the Complainant and the Respondent do not have the right to make character statements about themselves or others and do not have the right to make impact statements. Likewise, the Complainant and Respondent have the right to add or make additional comments about the facts of the case. The Panel may ask questions of the Investigator, Complainant, Respondent, and any witnesses. The Complainant and Respondent may not question each other or witnesses directly, but may pose questions through the Investigator. Should new evidence be presented without prior discussion with the Investigator, the Hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the Hearing. In the event the Resource Person of the Hearing removes a student due to misconduct (Complainant, Respondent, or witnesses), the alleged misconduct will be forwarded to the Office of Student Conduct for additional processing, as appropriate.

Following the Hearing, the Hearing Panel will deliberate and render a decision regarding the alleged misconduct, as well as decide any sanctions, if applicable. The Investigator would provide information during sanctioning related to any previous conduct history, self-sanctioning occurring with the organization, and general information about the organization's activities and participation at TTU to help inform sanctioning.

Should the Hearing Panel have any questions for the Investigator, the Complainant, and/or the Respondent during deliberations, the Hearing will reconvene so that all parties have the opportunity to hear and respond to other parties' responses.

Outcomes of the Panel Hearing will be provided to the student(s) in writing within five (5) University working days of the Panel Hearing. Decisions made through the Panel Hearing may be appealed by students utilizing the Conduct Appeal Procedures outlined in Part I, section C.5.

c. **Sanction Only Hearing**

If the student organization accepts responsibility for the allegations issued in the Investigation Report, the student organization may request a Sanction Only Hearing, by either a Hearing officer or a Hearing Panel. During a Sanction Only Hearing, the Investigation Report and finding are presented to the Hearing body by the Investigator. During presentation of the Investigation Report and finding, the Respondent and the Complainant are not allowed to dispute the facts or details of the case. Both the Respondent and the Complainant may be present and both the Respondent and the Complainant may provide impact statements prior to sanctioning. Mitigating factors as well as a character statement may also be presented by the student organization spokesperson and may be considered by the Hearing body. Written notification of the outcome of the Sanction Only Hearing will be provided to the student organization within five (5) University working days of the conclusion of the Sanction Only Hearing. Decisions made through the Sanction Only Hearing may be appealed by student organizations by utilizing the Conduct Appeal Procedures outlined in Part II, section C.5. In Sanction Only Hearings, students may appeal the sanction(s), and can only appeal on the following grounds, “the sanction imposed substantially varies from the range of sanctions normally imposed for similar infractions.” A student organization may only choose a Hearing Panel for Sanction Only Hearings for potentially separable offenses. Prior to the sanctioning phase of a hearing, the complainant and/or respondent are allowed to give an impact statement. The investigator may assist the Resource Person or Committee Chairperson during the hearing

**6. Sanctions**

An Investigator, Administrative Hearing Officer, or a Hearing Panel may impose sanctions as a result of an Informal Resolution, Administrative Hearing, or Panel Hearing, when a student organization is found responsible. The potential sanctions are listed in the Student Organization Sanction Grid in the Student Handbook Appendix. The grid is provided only as a guideline for administering sanctions by the Investigator, Administrative Hearing Officer or the Hearing Panel.

The cooperation of an organization during the Investigation and conduct process as well as any self-sanctioning or other required sanctioning will also be considered in the determination of sanctions.

Implementation of the sanctions will not begin until either the time for a conduct appeal has expired or until the conduct appeal process is exhausted. Upon the judgment of the Managing Director or designee, some cases resulting in sanctioning of suspension and



expulsion may begin prior to the completion of the conduct appeal process.

If a student organization is found responsible for violating the Code of Student Conduct, sanctions may be imposed and can include, but is not limited to the following:

a. Disciplinary Reprimand

The Disciplinary Reprimand is an official written notification that the action in question was misconduct. The disciplinary status of the organization is still good standing.

b. Disciplinary Probation

Disciplinary Probation is a period of time during which the organization's conduct will be observed and reviewed. The organization must demonstrate the ability to comply with University policies and any other conditions / requirements stipulated for the period of probation. Further instance of misconduct during this time period may result in additional sanctions, conditions, and/or restrictions.

c. Time-Limited Disciplinary Suspension

Time-Limited Disciplinary Suspension is a specific period of time in which a student organization's registration with the University is suspended, including the privileges and benefits of registration. All organizational activity, whether on or off campus, official or unofficial, must immediately cease until the conclusion of the suspension. Suspended student organizations may not hold events or activities on campus, may not solicit or utilize University grounds or services to promote organizations or events or to recruit members, and may not utilize any other benefits or services provided to registered student organizations. The suspension will not commence for purposes of calculating the end date of such suspension until all activity of the organization has completely ceased, and such end date will be extended for any time in which such activities resume and/or continue during the suspension. If an inter/national or regional organization suspends the charter of an organization, the time-limited suspension for the student organization will be the time period of the suspended charter. Notification of disciplinary suspension of a student organization will indicate the date on which it begins and the earliest date the student organization's application for registration will be considered. The Managing Director or designee may deny an application for registration if the organization's misconduct during suspension would have warranted additional disciplinary action. If the student organization has failed to satisfy any sanction that was imposed prior to application for registration, the Managing Director or designee may deny registration to the student organization. On a denial of student organization registration, the Investigator or Managing Director or designee will set a date when another application for registration may again be made.

d. Disciplinary Expulsion

Disciplinary Expulsion occurs when the student organization is permanently separated from the University with no opportunity for future registration as a student organization.

e. Conditions

A condition is an additional component of a disciplinary sanction, usually an educational element assigned to occur in conjunction with a period of probation or deferred suspension or assigned to occur prior to returning from time-limited suspension. Examples include, but are not limited to

- Hosting educational programs or initiatives for the organization or community related to the misconduct
- Requirements for additional training or advisement from TTU staff, advisory boards, or other appropriate parties
- Requirements for membership to complete online education programs or other activities
- Requirements for community service or other activities beneficial to the membership and associated with remedying the impact of behavior on the community
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement
- Requirements for completion of membership reviews and providing updated rosters
- Requirements to submit information about updated and improved organizational processes such as new member education plans, or social event plans

f. Restrictions

A restriction is an additional component of a disciplinary sanction, usually an educational restriction on organization activities that occurs during a time period of probation or deferred suspension or upon return from time-limited suspension. Examples include, but are not limited to

- Revocation of organization benefits such as eligibility for SGA funding, eligibility to reserve rooms, eligibility to solicit or hold events on campus
- Denial of participation or restrictions associated with participation in University activities as a student organization such as homecoming, intramurals, recruitment activities

g. Required Notifications

Some organization misconduct requires additional notifications. Texas Education Code, Chapter 51.936 indicates that institutions of higher education shall distribute to each student enrolled at the institution no later than the 14<sup>th</sup> class day of each fall and spring semester a copy of, or an electronic link to a copy of, a report on hazing committed on or off campus by an organization registered with or recognized by the institution.

Each postsecondary educational institution shall develop and post in a prominent location on the institution's Internet website a report on hazing committed on or off

campus by an organization registered with or recognized by the institution. The report must include:

1. Information regarding each disciplinary action taken by the institution against an organization for hazing, and each finding of responsible of hazing by an organization, during the three years preceding the date on which the report is issued or updated, including:
  - A. The name of the organization disciplined or found responsible;
  - B. The date on which the incident occurred or the citation was issued, if applicable;
  - C. The date on which the institution's investigation into the incident, if any, was initiated;
  - D. A general description of:
    - i. The incident;
    - ii. The violations of the institution's Code of Student Conduct;
    - iii. The findings of the institution;
    - iv. Any sanctions imposed by the institution on the organization;
  - E. The date on which the institution's disciplinary process was resolved;
2. The report must be updated to include information regarding each disciplinary process not later than the 30<sup>th</sup> day after the date on which the disciplinary process is resolved; and
3. The report may not include personally identifiable student information and must comply with the Family Educational Rights and Privacy Act of 1974 (FERPA).

Each postsecondary educational institution shall provide to each student who attends the institution's student orientation a notice regarding the nature and availability of the report required under Texas Education Code, Chapter 51.936 and include the Internet website address to access the report.

A student organization spokesperson may, at any time request a review of the sanctions in place in writing to the Managing Director or designee.

#### **7. Conduct Appeal Procedures**

- a. A student organization may appeal the decision of a formal Hearing or the sanction(s), condition(s), and restriction(s) imposed following a formal Hearing by submitting a written petition for appeal to the to the Managing Director or designee within three (3) University working days of receiving the written decision.
- b. The Managing Director, or designee, will select an appeal officer in each case. The designated officer will be a trained University staff or faculty member who was wholly uninvolved in the original Conduct Process and will render a neutral, impartial, and unbiased decision.
- c. Petitions for appeal must clearly identify the grounds for the appeal, together

with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal.

- d. The only proper grounds for appeal are as follows
  - Procedural or substantive error that significantly impacted the outcome of the Hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
  - Discovery of new evidence, unavailable during the original Hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and
  - The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.
- e. In cases involving alleged misconduct involving Part I, section B.2 (Actions against Members of the University Community and Others), either the Complainant or Respondent may appeal the decision of the Office of Student Conduct. In such cases, the Office of Student Conduct will provide the request for appeal to the other party and provide opportunity for one response. Responses must be provided within three (3) university working days.
- f. The designated appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final. The Hearing Body and/or a representative of the Hearing Body may provide a response to the appeal upon request of the appellate officer within three (3) university working days
- g. If the designated appeal officer determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the appeal identifies a procedural/substantive error or new evidence that was unavailable at the original Hearing, the appeal officer will then determine whether the error or new evidence would have substantially impacted the decision of the Administrative Hearing Officer or Hearing Panel. If the designated appeal officer determines that the error or new evidence would have substantially impacted the decision, they may:
  - Modify the finding and/or increase, decrease, or otherwise modify the sanctions;
  - Remand the case to the original Hearing Body;
  - Remand the case to a new Hearing Body.
- h. The Office of Student Conduct or designee shall make all reasonable efforts to notify the student organization of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student organization of the result of their appeal using the written notification procedures outlined in Part I, section A.3 within ten (10) University working days of receipt of all responses.

If necessary, the Designated Appeal Officer will notify the student organization should they need additional time to determine the outcome of the appeal. The decision of the designated appeal officer is final and cannot be appealed.

- i. If the designated appeal officer remands the decision to a new Hearing Body, the decision of that Hearing Body is final and may not be appealed.

#### **8. Student Organization Records**

- a. All records concerning a student organization related to conduct processes will remain on file with the University for a minimum of seven (7) years from the date of the completion of the case via informal resolution, formal Hearing, and/or conduct appeal processes.
- b. Student organization records do not impact the content of individual student records for student organization members. Findings of responsibility of misconduct for student organizations does not indicate a finding of responsibility for individual students. Individual students are subject to their own conduct processes separate from the student organization process.
- c. Student organization conduct decisions and finding are shared with the student organization's Headquarters, sponsoring department, or organizations as appropriate.