

Procedures for Adjudicating Student Organization Conduct Violations

I. Scope of Authority

The scope of authority for this procedure is outlined within the [Student Organization Conduct Policy](#)

II. Preliminary Procedures

a. Reporting of Potential Violations

A person wishing to report information indicating a Student Organization and/or its members may potentially have violated a University policy should file a report with the AVP/DOS using the [Student Organization Conduct Violation Reporting Form](#), or may, either by providing their contact information or anonymously, make a report through the University's [Report It website](#).

It is possible that the AVP/DOS may become aware of a possible violation(s) of University policy by a Student Organization by other means, such as, but not limited to, an e-mail from a concerned party, a police report, or report from another University office. By whatever means the AVP/DOS becomes aware of a possible violation(s) of University policy by a Student Organization, such information will be considered an actionable report.

b. Initial Process Determinations

The AVP/DOS, and/or his/her designee, will evaluate the report by examining the allegations and other information as deemed appropriate by the AVP/DOS, and will make an initial determination whether the report should be addressed through the procedures outlined here, or through some other established University process (e.g., Student Activities' Student Organization Policy, the University's Student Conduct Code but not this process, or the University's Sexual and Interpersonal Misconduct Policy). It is also possible that the AVP/DOS may determine there is insufficient information available, or other mitigating factors present, such that a decision may be made not to initiate the procedures established in this policy. In such cases, any such report will be filed for future reference according to University record keeping policies. Such decisions are made at the discretion of the AVP/DOS, and/or as required by University policy in consultation with other University offices as deemed appropriate.

Additionally, during the initial determinations (or at any point) the AVP/DOS may at his/her discretion determine that interim measures are needed as outlined in Article X.

c. Appointment of Institutional Designee

In cases in which the AVP/DOS determines a report should be addressed through this policy, the next step under this policy is for the AVP/DOS to appoint a party or parties, which will, following the process established in this policy, oversee the Student Organization's case until any alleged violations of University Policy are determined to be substantiated or unsubstantiated. The party or parties appointed by the AVP/DOS will be known as the "Institutional Designee." The AVP/DOS may appoint himself/herself (or his/her previously identified designee(s)) as the Institutional Designee. Generally, the Institutional Designee of a given case will not change once appointed, however, in extenuating circumstances, such as the inability of the Institutional Designee to continue in that role, the AVP/DOS may appoint a new Institutional Designee. In this policy, whenever authority is designated to the Institutional Designee, it is to be assumed that the Institutional Designee may delegate individual responsibilities, such as sending out a notice, to relevant parties to which he/she deems it appropriate to delegate.

III. Investigation

a. Investigation of Allegations of Policy Violation

At the initiation of a Student Organization case, the Institutional Designee, will appoint one or more investigators (referred to in this policy as "Investigators"), who may be regular University employees or contractors. Investigators will determine the nature and scope of the investigation, who will be interviewed, and what and how information will be gathered, at their discretion.

Student Organization members are expected to cooperate with investigations fully and truthfully. Failure to do so could result in further disciplinary proceedings and sanctions, for the students personally and/or the Student Organization, within or in addition to the context of the pending investigation. All notices sent to students in connection with this process will be sent to the students' Baylor email address. As stated in University policy, each Baylor student is personally responsible for checking their Baylor email account on a regular and recurring basis for receipt of official University correspondence. The University reserves the right to use other forms of communication (e.g., local or home mailing address and/or text messaging) as deemed necessary. Students are to provide an updated mailing address to the Office of the Registrar. Failure to receive University notices because of an incorrect address provided by the student will not relieve the student of responsibility for responding to the notice.

At the discretion of the Investigators, they may request that leaders of the Student Organization provide an initial report regarding the allegations against the Student Organization. Investigators may also at their discretion decide that an initial student report is not appropriate to the situation and such a report is not required under this policy. Upon requesting that a Student Organization provide an initial report in regard to the allegation, the Investigators will share relevant information and evidence to the allegation. Should new relevant information and/or evidence regarding the allegation emerge during the organization's reporting process, the Investigators will notify the organization appropriately.

Student Organizations requested to give an initial report are to include the facts regarding what actually occurred (failure to disclose information can result in additional charges or more severe sanctions). If an initial report is requested, the procedure for such a report is as follows:

1. The Student Organization leader/s will conduct an internal investigation into the matter and submit a report to the Investigators indicating the findings of the investigation. The internal investigation will be given a timeline in which it must be submitted to the Investigators. For Student Organizations that have stated processes or procedures for investigations in their constitution, by-laws, or other governing documents, they must notify the Investigators of any such requirements in advance so that the Investigators may be aware of that context when setting expectations for internal investigations.
2. If the Student Organization finds that a violation occurred, the report should include a description of the violation and what action has been, or will be, taken within the organization to address the violation and prevent such an incident from being repeated in the future. Student Organizations should make certain to list the names of all individuals involved. If the Student Organization has a local or national affiliation, the Institutional Designee may, at his/her discretion, require that the Student Organization share their internal report with their local or national body and copy the Institutional Designee on any such communication. Any actions taken by a local or national body will be separate from this process. Further, the Student Organization must share any actions taken by any affiliated local or national body, as well as any reports, documents, or findings produced by the local or national body with the Investigators for consideration under this policy.
3. If it is determined by the Investigators that additional investigation is warranted, the Student Organization will be notified of this decision and provided with a request for additional evidence or witnesses. The Student Organization will then be given a timeline to submit the requested supplemental information to the Investigators.

At any point prior to, during, or after a Student Organization's internal investigation, the Investigators maintain the right to continue their own investigation as outlined above. A Student Organization's initial report may, at the discretion of the Investigators, be considered as part of the investigation of the allegations against the Student Organization but does not supersede or take precedence over the investigation conducted by the Investigators.

Once the Investigators believe the initial investigation is optimally complete, they will submit an initial report outlining the facts found in the investigation to the Institutional Designee who will review the report and determine whether additional information should be collected. If so, Investigators will collect additional information as requested by the Institutional Designee. When the investigation is completed to the satisfaction of the Institutional Designee, Investigators will add to the report their recommendation as to whether or not they believe a violation of University policy may have occurred.

b. Notice of Investigative Report

When the initial investigative report is finalized, one or more Student Organization representative students and/or relevant University employees affiliated with the Student Organization (such as an advisor or staff member working with the group), as deemed appropriate by the Institutional Designee, will be given notice of the initial investigative report. The notice of the investigative report will include a description of the allegation of policy violation against the Student Organization (which the Student Organization may or may not have been made aware of previously). The Student Organization representatives will be given an opportunity to review the investigative report, and any attachments, at a location provided by the Institutional Designee, or, if deemed appropriate at the discretion of the Institutional Designee, a non-printable, non-downloadable copy will be made available to one student leader and/or one relevantly affiliated University employee (such as an advisor or staff member working with the group) through a secure file-sharing platform.

To ensure compliance with FERPA and any other relevant privacy laws, the Institutional Designee, at his/her discretion, may redact any personally identifiable information from the copy of the report and/or any attachments provided to the Student Organization. The Institutional Designee may also, at his/her discretion, redact any information from any attachments to the report that are immaterial to the case (since such attachments may have been created by external parties and may in some cases be only of tangential or partial relation to the case or to a specific student).

The Student Organization will then have a maximum of 7 calendar days to submit a written response to the investigative report. In addition to the Student Organization's written response, they may also at this time submit any documents (including documented electronic communications, video files, etc.), relevant witnesses, verbal or written facts and circumstances regarding the alleged violation(s) that are pertinent to the charge or that shed light on the facts and circumstances surrounding it, or any additional evidence, for consideration in their case. Student Organizations must submit all available evidence at this time. After reviewing the response from the Student Organization, the Institutional Designee reserves the right to have the Investigators conduct additional investigation. If the investigative report is substantively amended given any new information, the Student Organization will be given an additional 7 calendar days to review the amended investigative report.

Following the above process, once the report has been revised (if applicable) to reflect any further investigation and/or responses from the Student Organization, the finalized report and attachments, with a recommendation as to whether or not University policy may have been violated, will be submitted to the Institutional Designee for his/her final decision regarding whether or not there is sufficient evidence to proceed under this policy with a case to determine whether a violation of University policy may have occurred.

If the Institutional Designee, makes the decision there is not sufficient evidence to indicate a violation of University policy may have occurred, the case will be closed, and the allegation(s) will be considered unsubstantiated. Any documents, such as the

investigative report and any attachments, created as a result of the investigation will be filed for future reference according to University record keeping policies. The Institutional Designee will notify the previously identified Student Organization representatives, or appropriate Student Organization leadership (at the discretion of the Institutional Designee), of the decision.

If the Institutional Designee makes the decision there is sufficient evidence to indicate a violation of University policy may have occurred then the Institutional Designee will proceed to draft a notice of alleged violation to be sent to the Student Organization representatives who previously received the initial report, or appropriate Student Organization leadership (at the discretion of the Institutional Designee). If the Student Organization representatives who previously received the notice of allegation would like for additional Student Organization representatives to be notified (for example if there has been a change in student leadership), then they must submit such a request to the Institutional Designee for his/her approval. The Institutional Designee sending the notice of alleged violation to the Student Organization representatives who previously received the initial report and/or appropriate Student Organization leadership (at the discretion of the Institutional Designee) shall be considered adequate provision of notice to the Student Organization.

IV. Allegation

a. Notice of Alleged Violation

If the Institutional Designee determines a notice of alleged violation should be sent to the Student Organization, then a written notice will be prepared. The notice will generally include:

- a. The University policy or policies implicated by the alleged violation;
- b. A summary of the behavior that allegedly violated University policy or policies;
and
- c. Notice that the Student Organization has the responsibility, within three business days, to respond in writing indicating that they:
 - i. Affirm that the violation occurred, and the notice of alleged violation is accurate; or
 - ii. To dispute the notice of alleged violation, on the grounds they believe all or part of the allegations against the Student Organization to be inaccurate.

If the Student Organization responds to the notice of alleged violation affirming the alleged violation occurred, then the violation of University policy will be considered to have occurred and the case will proceed to sanctioning as outlined in Article VII of this policy. If the Student Organization affirms, through the process outlined here, that the alleged violation of University policy did occur, they may not later appeal that the

affirmed violation occurred, however, they maintain the option to appeal any sanction(s) imposed through the process outlined in Article IX of this policy.

If the Student Organization disputes (all or part) of the notice of alleged violation, then the case will be brought before a Student Organization Review Board Hearing Panel for resolution.

b. Failure to Respond and Waiver of Hearing

A Student Organization that fails to respond to the Investigative Report, and/or the Notice of Alleged Violation, within the allotted time given to respond (as outlined in this policy or as given by a directive of the Institutional Designee), without just reason (as determined by the Institutional Designee) for failing to do so waives the opportunity for a Review Board Hearing. In such cases, the Institutional Designee may find the Student Organization responsible for the alleged violation of University policy and impose a sanction or sanctions as outlined in this policy.

V. Student Organization Review Board

a. Function of the Student Organization Review Board

The Student Organization Review Board (“Review Board”) is responsible for hearing cases brought before them relating to allegations against Student Organizations concerning violation of University policy and, based on the evidence presented, rendering a decision regarding whether the Review Board believes the Student Organization is responsible, or not, for the alleged violation. Panels to hear individual Student Organization cases will be drawn from the Review Board membership as provided in this policy.

b. Composition of Student Organization Review Board

The Review Board will be comprised of individuals approved by the AVP/DOS representing the following constituencies:

- A process facilitator and Chair appointed by the AVP/DOS
- One or more Vice Chairs, who will act in the Chair’s stead if the Chair is unavailable, also appointed by the AVP/DOS
- Representatives from the Division of Student Life, appointed by the AVP/DOS
- Academic administrators and/or faculty appointed by the Office of the Provost
- Students appointed by the AVP/DOS
- At-large University staff members, who may be appointed at the discretion of the AVP/DOS, who represent University offices not identified above

c. Hearing Panels and Role of the Chair

Once it is determined that the Review Board is necessary in the resolution of a case of alleged policy violation against a Student Organization, the Institutional Designee will

select a Hearing Panel, from the membership of the Review Board noted above, for each particular case. The size of the Review Board Hearing Panel (“Hearing Panel”) in each case will be determined by the Institutional Designee. The Hearing Panel will ordinarily be composed of at least four members: one of whom will be either the Chair or a Vice Chair of the Review Board (who will be referred to in this context as “the Chair” of a particular panel), serving as facilitator of the Hearing Panel; one of whom shall be faculty; one of whom shall be staff; and one of whom shall be a student. The University may compose the Hearing Panel differently, as necessary, given the relative availability of student, faculty, or staff Review Board members.

The Chair will preside over the hearing and will not vote except in the case of a tie. If a panel would be fewer than four members (including the Chair) because of recusals, scheduling conflicts, or other issues, the University will ordinarily re-schedule the hearing so a larger panel can hear the case, unless the Student Organization requests the hearing proceed on the originally-scheduled date with a panel of fewer than four members. As the presiding officer in charge of the hearing, the Chair has broad discretion. The Chair will exercise control over the conduct of all persons participating in the hearing and direct the initial questioning to the Investigators, the Student Organization representatives, and any witnesses. The Chair will facilitate the hearing in such a way as to enable the panel members to make a decision as to whether or not the Student Organization committed the alleged policy violation. In so doing, the Chair may exclude irrelevant, immaterial, and unduly repetitious information. Decisions of a Hearing Panel will be made by a majority vote of the voting members. The Chair is a non-voting facilitator, unless their vote is necessary to resolve a tie because another Hearing Panel member becomes unavailable due to recusal or other reason. Further details about the Hearing Panel and the Chair’s role are provided in Article VI.

d. Hearing Panel Additional Selection Eligibility and Recusal

In the selection of any Hearing Panel, the Institutional Designee, in accordance with the guidelines above, will select Review Board members whom the Institutional Designee believes will be able to hear the case fairly and impartially. In selecting such members, Review Board members must not have any formal association, past or present, with the Student Organization against whom the case has been brought. For example, faculty Review Board members may not be selected if they have any advisory relationship to the group, past or present, or if the faculty member’s academic department has a formal relationship or explicit affinity with the Student Organization (such as a musical group and the School of Music). Similarly, a student Review Board member may not be selected if they are, ever were, or ever sought to become a member of the Student Organization against whom the case has been brought. The Institutional Designee will, to the extent of his/her knowledge, use the above criteria in selecting Hearing Panel members, however if such a relationship exists, that should make a Review Board member ineligible for a Hearing Panel, but that the Institutional Designee is not aware of, the Review Board member should make the Institutional Designee aware of said relationship and recuse himself/herself from consideration for that Hearing Panel.

Additionally, if for any reason not mentioned previously a Review Board member believes that, if they were selected for a specific Hearing Panel, in reaching a decision as

to whether or not a violation occurred, he/she would not be able to act on the weight of evidence without bias or prejudice then he/she should recuse himself/herself from consideration for that Hearing Panel.

VI. Hearing

a. Notice of Hearing

After receiving the Student Organization's official recorded dispute of the Notice of Alleged Violation, the Institutional Designee will send the Student Organization representatives previously identified in this policy, or appropriate Student Organization leadership (at the discretion of the Institutional Designee), a Notice of Hearing which initiates the proceedings for a Review Board hearing.

The Notice of Hearing will generally include:

- a. a summary of the alleged Student Organization violation of University policy,
- b. the names and/or descriptions of witnesses whom the Institutional Designee anticipates asking to testify at the hearing and a brief summary of the subject matter on which such witnesses are expected to testify, and
- c. a brief description of any other anticipated evidence that will be considered at the hearing.

Unless postponed in accordance with the procedures outlined below, the hearing will usually be conducted within 21 business days after the Student Organization's official recorded dispute of the Notice of Alleged Violation or within a reasonable amount of time if that 21-day period would fall during a University holiday, break between semesters, during the summer months, or during a period when the Institutional Designee or a Review Board Hearing Panel is not available.

b. Hearing Panel Composition

The composition of the Hearing Panel in a particular case will be determined at the discretion of the Institutional Designee, within the guidelines outlined in this policy in Article V.

c. Hearing Date

Except as provided previously in this policy, Review Board hearings will usually be conducted within 21 business days after the Student Organization's official recorded dispute of the alleged violation of University policy or within a reasonable amount of time if that 21-day period would fall during a University holiday, break between semesters, during the summer months, or finals or if another time period is determined to be appropriate by the University, with notice to the Student Organization.

The Institutional Designee will schedule a Hearing Panel at an appropriate date and time, and will give notice of the date, time and location to the Student Organization representatives previously identified under this policy, or appropriate Student Organization leadership (at the discretion of the Institutional Designee).

d. Material Available for Review Prior to the Hearing

The Institutional Designee will submit the finalized Investigative Report, the Student Organization's written response thereto (including any documents or electronic communications or files submitted by the Student Organization in response to the Investigative Report), and any attachments or supplemental materials, to the members of the Hearing Panel for their review in advance of a Hearing Panel. The Institutional Designee will also submit to the Hearing Panel, for their review in advance of a hearing, any additional evidence, witness lists, or any other relevant information and/or documents which will be presented for consideration during the hearing.

The Student Organization should have already submitted any witnesses and/or evidence they want to provide during the course of the proceedings of the Investigative Report, whereby they were given the opportunity to respond to the initial report and provide any additional witnesses and/or evidence at that time. The Hearing Panel will not consider additional evidence submitted for the first time at the hearing, absent a showing that it was not reasonably available before the expiration of the time period provided for the organization's response to the Investigative Report. If a Student Organization becomes aware of any additional potentially relevant information after a Notice of Hearing is issued but before a hearing is held, they must submit such information to the Institutional Designee as soon as is reasonably possible for his/her consideration. They must also provide explanation as to why the information was not available during the proceedings of the Investigative Report.

If the Institutional Designee receives additional potentially relevant information after a Notice of Hearing is issued but before a hearing is held, the Institutional Designee will determine if the Notice of Alleged Violation and/or the Notice of Hearing should be amended, and the case will proceed accordingly. Any new potentially relevant information will be submitted to the Hearing Panel for their consideration. If the Student Organization has not had an opportunity to review any such new evidence/information presented by the Institutional Designee, they will also be given an opportunity to review such new evidence/information before the hearing. Once the hearing has concluded additional evidence will not be considered.

If written or other documentary evidence will be relied upon in whole or in part to establish a violation, the Student Organization will be given an opportunity to examine such evidence prior to the hearing. The Student Organization should contact the Institutional Designee with a request to review such evidence not less than three business days in advance of the hearing so a time can be scheduled for the review. Such evidence will be made available at the Student Conduct Administration office, unless an alternate location is determined by the Institutional Designee.

e. Witnesses to be Presented at the Hearing

The Student Organization must attempt to bring to the hearing to testify in person their witnesses who have firsthand knowledge of the facts and circumstances surrounding the alleged violation of University policy. When a witness cannot be present at the hearing, the Student Organization may present to the Institutional Designee a signed, notarized written statement from the absent witness. Reports and statements submitted by University personnel are not required to be notarized when the information is created, gathered, and/or shared within the official scope of their responsibilities. Because the absent witness cannot be questioned, this type of evidence will generally be given less weight. The Student Organization is to give the Institutional Designee five business days' notice (or less if deemed acceptable in the discretion of the Institutional Designee) of those witnesses they anticipate having at the hearing. At the discretion of the Institutional Designee, witnesses may be sequestered prior to giving testimony at the hearing.

f. Review Board Hearing Panel Procedural Guidelines

Hearing Panels are presided over by the Chair or designee (referred to here as “the Chair”). The Chair is responsible for the hearing and has broad discretion. The Chair will exercise control over the conduct of all persons participating in the hearing. The Chair shall act as a hearing examiner by asking questions to develop the facts and evidence necessary to enable the Hearing Panel to make a decision as to whether or not a Student Organization policy violation occurred. In so doing, the Chair may exclude irrelevant, immaterial, and unduly repetitious evidence, and may make other decisions about what information will be heard and considered by the Hearing Panel. Hearing Panel members may also ask questions of any person appearing before the Hearing Panel. In general, the Chair will conduct the hearing so as to allow a representative or representatives of the Student Organization to hear the evidence, and to allow a representative or representatives of the Student Organization to provide an explanation of the conduct at issue.

The Hearing Panel will, acting through the Chair, make such procedural decisions as are, in the Hearing Panel’s discretion, necessary for the efficient and fair gathering of information relevant to the case before the Board. The Chair may decide to recess a hearing if the Chair feels a break is needed due to the length of time the hearing has proceeded or due to some other reason at the discretion of the Chair.

g. Who May Attend the Hearing

Only members of the Review Board assigned to the Hearing Panel, the previously identified Student Organization representatives, or appropriate Student Organization leadership (at the discretion of the Institutional Designee), the Investigators, and the Institutional Designee may attend the full hearing, unless the Institutional Designee determines that it would be helpful to have another University staff member present. Witnesses may be present only while giving testimony. No other individuals, including attorneys for students, attorneys for the Student Organization, or character witnesses, will be allowed to attend any portion of the hearing.

Due to the varied nature of Student Organizations on campus, determining who may represent a Student Organization may look different in different cases. However, at the discretion of the Institutional Designee, generally such representation will include an invitation, pending that person's availability and willingness, for a trusted non-student affiliated with Baylor and with the Student Organization, such as, but not limited to, an advisor, coach, or affiliated faculty member, to attend the hearing with the student representatives of the Student Organization. In addition to any such non-student representatives the Institutional Designee invites to attend the hearing, the Student Organization may, if they wish, petition in writing the Institutional Designee for a trusted non-student affiliated with Baylor, and with an established pre-existing affiliation to the Student Organization, to be able to attend the hearing. Any such request should be submitted at least three business days prior to the scheduled hearing and must be approved by the Institutional Designee prior to that person being able to attend the hearing. Any scheduled hearing will not be rescheduled to accommodate the availability of any such person invited at the request of the Student Organization, accordingly the Student Organization may wish to make such a request prior to the hearing being scheduled. Any non-students attending the hearing should only observe the proceedings of the hearing and not participate, unless invited to do so by either the Institutional Designee or the Chair.

The Chair, at his/her discretion, may invite to the hearing witnesses, other involved students, Student Organization representatives, or other individuals who the Hearing Panel determines might have helpful information. Witnesses or other individuals not mentioned in the previous paragraphs who are asked to appear before the Hearing Panel may only be present during times determined by the Chair.

h. The Hearing Process

The Chair will direct the initial questioning to the Investigators and/or the Institutional Designee who will inform the Hearing Panel about the verbal or written facts and circumstances regarding the alleged violation of University policy. The Student Organization will then have the opportunity to provide verbal or written facts and circumstances regarding the alleged violation. The Chair will then provide the opportunity for witnesses, as defined below, to be heard.

In order to clarify issues, resolve inconsistencies or conflicts in testimony, or to ascertain facts, each member of the Hearing Panel may ask questions of any person appearing before the Hearing Panel.

It is important for the Investigators/the Institutional Designee and the Student Organization to offer all of the evidence and/or witness testimony pertinent to the alleged violation they wish to be considered by the Hearing Panel at the time of the hearing. Once the hearing is concluded, the Hearing Panel will not consider additional evidence or testimony regarding the alleged violation, unless the Chair determines it is necessary to reopen the hearing.

The Investigators/Institutional Designee may present, as permitted by the Chair, information about past adjudicated Student Organization violations of University policy

cases involving the Student Organization, if such information may show a pattern of behavior that has bearing on the case being heard.

In addition to members of the Hearing Panel, under the facilitation and discretion of the Chair, the Investigators/Institutional Designee and the Student Organization may ask questions of any witness. In the event the Student Organization and/or the Investigators/Institutional Designee have questions of one another, questioning may be permitted and facilitated at the discretion of the Chair.

i. Failure to Appear

If the Student Organization representative(s) fails to appear at the hearing on the date and at the time and place specified in the notice, the Chair of the Hearing Panel may make a decision based on the evidence available and presented during the hearing. If either the Investigators/Institutional Designee or the Student Organization representative(s) is unable to appear before the Hearing Panel on the date specified in the notice, he or she should notify the Chair of the Hearing Panel of the reasons that prevent his or her attendance as scheduled (this notification should be given at least 24 hours in advance of when the hearing is scheduled to occur). If the Chair of the Hearing Panel determines that good cause exists for the individual not appearing at the scheduled hearing, the Institutional Designee will set a new date and time for the hearing.

j. Deliberation by the Hearing Panel

After the hearing, the Chair will excuse the Student Organization and the Investigators/Institutional Designee from the hearing. The Hearing Panel will then discuss the information, and the Chair will facilitate the deliberation. If the panel determines additional information is needed, the Chair may decide to reopen the hearing. The Hearing Panel will deliberate in private and consider: the Investigative Report and any attachments; the Student Organization's written response thereto and any related evidence submitted by the Student Organization; the information, evidence, and/or witness testimony presented at the hearing; and any other information the Chair deems appropriate for consideration.

k. Decision by the Hearing Panel

The preponderance of evidence standard of proof will be used to reach a decision by majority vote of the panel. Options for decision that may be utilized by the Hearing Panel may include but are not limited to the following:

1. Decide the Student Organization is not responsible for the alleged violation, and no further action is necessary.
2. Decide the Student Organization is responsible for the alleged violation of University policy and determine the case should proceed to sanctioning.

3. Deem further investigation is warranted and remand matter back to the AVP/DOS (and/or his/her delegate(s)) to undertake additional investigation and then re-submit the case for further consideration by the Hearing Panel.

If the Student Organization has been alleged to have committed multiple violations of University policy, then the Hearing Panel will decide upon the merit of each alleged violation individually.

Once a decision(s) has been made, the Chair of the Hearing Panel will prepare a written summary that describes the information that supported the finding(s). The summary will be reviewed by the Hearing Panel members and signed by the Chair. The Chair will deliver their written summary to the Institutional Designee.

If the Hearing Panel determines the Student Organization is not responsible for any violation of University policy, the allegation(s) of violation of University policy will be considered unsubstantiated and the Institutional Designee will notify the previously identified Student Organization representatives, or appropriate Student Organization leadership (at the discretion of the Institutional Designee), of the findings of the Hearing Panel.

If the Hearing Panel determines the Student Organization is responsible for one or more violations of University policy, then the case will proceed to sanctioning. Any alleged violations the Student Organization was found not responsible for will be considered unsubstantiated and will not be considered during the sanctioning process. The Institutional Designee will notify the previously identified Student Organization representatives, or appropriate Student Organization leadership (at the discretion of the Institutional Designee), of the findings of the Hearing Panel, although, at the discretion of the Institutional Designee, he/she may delay such notice until after sanctioning has occurred so as to be able to deliver all relevant case information together (such as sending the hearing outcome and sanctions in one notice).

As outlined in Article VII, the Hearing Panel does not oversee the sanctioning process. However, at the discretion of the Chair, the Hearing Panel may submit suggestions concerning possible sanctions or considerations they believe to be salient in determining appropriate sanctions. Such suggestions or considerations will be compiled by the Chair and submitted to the Institutional Designee who will work with the relevant party or parties to ensure such suggestions are submitted for review during the sanctioning process. Any suggestions or considerations concerning sanctions provided by the Hearing Panel are advisory only and may or may not influence the sanctioning process.

I. Documentation

Regardless of the decision of the Hearing Panel, any documents submitted for, presented during, or created as a result of the hearing process, such as the Hearing Panel's written summary, will be filed for future reference according to University record keeping policies.

VII. Sanctioning

a. Sanctioning Authority

Regardless of the process by which it was determined that the Student Organization violated University policy (by the Student Organization's admission of responsibility or by finding of a Hearing Panel), sanctioning will be overseen by the AVP/DOS. The AVP/DOS will appoint a party or parties, which will, following the process established in this policy, determine appropriate sanctions for the Student Organization. The party or parties appointed by the AVP/DOS will be known as the "Sanctioning Authority." The AVP/DOS may appoint himself/herself (or his/her previously identified designee(s)) as the Sanctioning Authority. The AVP/DOS may also, at his/her discretion, appoint the previously identified Institutional Designee and/or the Chair of the Student Organizational Review Board. Final sanctioning decisions are made solely by the Sanctioning Authority, although they may consult with other entities as outlined in this process. The Student Organization will not be present during sanctioning.

b. Sanctioning Timeline

Due to the varied natures, relationships, obligations, responsibilities, etc., of different Student Organizations, determining appropriate sanctions may, in some circumstances, be a time-intensive process. Unless delayed by the logistics and timing of procedures outlined below, the Sanctioning Authority will attempt to determine sanctions and notify the Student Organization within 21 business days after the Student Organization has officially been determined under this policy to have violated University policy, or within a reasonable amount of time if that 21-day period would fall during a University holiday, break between semesters, during the summer months, or during a period when the Sanctioning Authority, or other relevant parties, are not available.

c. Sanctioning Considerations

In determining what sanctions to impose, the Sanctioning Authority may review and consider the Student Organization's disciplinary records. Other factors that may be considered include, but are not limited to, the Student Organization's collective attitude and response regarding the policy violation, the nature and gravity of the policy violation, and any mitigating or aggravating circumstances.

At the discretion of the Sanctioning Authority, they may also consider, if applicable, any actions already taken, or proposed to be taken, by the Student Organization to address the policy violation (i.e., self-imposed sanctions), but the Sanctioning Authority retains full discretion and authority over sanctioning regardless of any actions taken by the Student Organization. Further, if applicable, the Sanctioning Authority may also consider any actions taken, or proposed to be taken, by any relevantly affiliated parties to the Student Organization, such as if they are affiliated with a national organization, or if their supervising entity at the University took action in response to the policy violation.

d. Coordination with the AVP/DOS, and/or Other University Entities

At the discretion of the AVP/DOS, and dependent upon the nature of the Student Organization, the AVP/DOS may deem it appropriate, prior to a final sanctioning decision, for the Sanctioning Authority to consult with other University entities or relevant external entities that may be of relevance to the Student Organization. For example, if the Student Organization is an athletic team that participates in National Collegiate Athletics Association competition, then the AVP/DOS may determine it is appropriate for a representative from the Athletics Department to consult with the Sanctioning Authority. Such consultation is for the purpose of providing the Sanctioning Authority with greater context and awareness of the Student Organization and how any proposed sanctions may affect the Student Organization, the University, and/or other entities (internal or external) with which the Student Organization interacts. Any such consultation is only advisory, and the Sanctioning Authority still retains full authority and discretion in their final sanctioning decision.

The Sanctioning Authority will make reasonable efforts to ensure such meetings are conducted in a timely manner, but the timing and logistics of such meetings are dependent upon the availability and circumstances of the other University and/or external entities. If the logistics and/or timing of such meetings would delay the ability of the Sanctioning Authority to make a final decision past the previously identified 21 business days, the AVP/DOS may, at his/her discretion, notify the Student Organization of the delay.

e. Deliberation and Decision

After the Sanctioning Authority has considered all relevant information and consulted with any appropriate parties, they will deliberate upon sanctions. During this final deliberation, only the Sanctioning Authority will be present.

Once a sanctioning decision has been made, the Sanctioning Authority will prepare a written summary describing the sanctions. If the Sanctioning Authority is not the AVP/DOS, the Sanctioning Authority will deliver their written decision to the AVP/DOS. Upon review of the written sanctioning summary, the AVP/DOS, or his/her designee, will finalize the written summary and then notify in writing the Student Organization of the sanctioning decision.

f. Finality of Sanctions

Unless otherwise determined at the University's discretion, sanctions are effective immediately, even if an appeal is filed.

g. Possible Sanctions

Sanctions may include one or more of the following, or other sanctions as deemed appropriate by the Sanctioning Authority:

- A. **Warning:** A formal admonition, which appears in a Student Organization's record at the University.
- B. **Probation:** A written notice explaining the serious nature of policy violation and outlining the length and terms of probation. Findings of Student Organization policy violation that resulted in probation may be considered in determining subsequent sanctions, even if the probation period has ended.
- C. **Community Service:** Requirement for the Student Organization to complete an assigned number of community service hours for the Baylor community or Waco community at a service location specified by the Sanctioning Authority.
- D. **Fine:** Requirement to pay a monetary fine. The fine would go towards funding educational initiatives on campus (e.g., Student Organization training on hazing, alcohol awareness, civil discourse).
- E. **Restitution:** Requirement to reimburse or otherwise compensate another party and/or the University for damage or loss of property resulting from a Student Organization's policy violation.
- F. **Educational Programs:** Education either provided for or required of the Student Organization in regard to addressing the conduct that resulted in the violation.
- G. **Restriction of Access to Facilities, Space, Resources, and/or Activities:** When appropriate, restrictions may be placed on the Student Organization's access to facilities, spaces, resources, or activities as deemed appropriate based on the specific violation being addressed or in order to prevent contact between certain parties.
- H. **Suspension of Activities:** Suspension of the Student Organization's status at the University for a specified period of time
- I. **Termination of Status/Revocation of Charter:** Permanent or indefinite termination of the Student Organization's status with Baylor.

VIII. Coordination of the AVP/DOS, Review Board, and Other University Entities and Processes

Depending on the circumstances, the University may take action only against the Student Organization as a whole, or it may pursue an investigation and decision-making process against the Student Organization through the process outlined in this policy and, separately, may address the conduct at issue against individual students for related alleged policy violation through the University's Student Conduct Code, Honor Code, the University's Sexual and Interpersonal Misconduct Policy, and/or other University policies and procedures.

At the discretion of the AVP/DOS and/or other offices that administer other potentially applicable policies and procedures: information gathered during investigations and proceedings conducted under this policy may be shared with such other offices and considered in proceedings administered by such other offices; and information gathered by investigations and proceedings administered by such other offices may be shared with the AVP/DOS and considered in proceedings conducted under this policy.

When applicable, the AVP/DOS and/or other offices that administer other potentially applicable policies and procedures may also, at their discretion and in accordance with relevant University policy, disclose relevant information gathered or decisions made under this policy with relevant local, state, or national organizations to which the University or the Student Organization has an established preexisting relationship with, or to law enforcement agencies if violation(s) of law allegedly occurred. Examples of such relevant relationships include the national chapter of a Greek organization or the National Collegiate Athletics Association. Such disclosures will only be made in accordance with University policy, as well as relevant local, state, or national privacy laws (such as FERPA or HIPAA).

IX. Appeal Process

If the Student Organization believes the decision rendered by the Hearing Panel was arbitrary or capricious, that a substantial deviation from the procedures outlined in this policy materially affected the Hearing Panel's decision, or that the sanctions imposed are inappropriate, the Student Organization representative(s) may appeal to the Vice President for Student Life or his/her designee. To ensure processing and tracking of an appeal, Student Organizations are required to use the [Appeal Form](#) when submitting an appeal so that all necessary elements for the appeal are included. A request for appeal must be submitted within five business days of delivery of notice of a hearing outcome or notice of sanctions imposed. Student Organizations may appeal Hearing Panel findings, sanctions, or both. However, a Student Organization who previously, under the proceedings of Article IV, affirmed a violation(s) of University policy occurred, may not later appeal their affirmation the policy violation(s) occurred (for any such cases a Student Organization would only be able to appeal the sanction(s) and/or any alleged violation(s) of University policy they had not previously affirmed).

The Vice President for Student Life, or his/her designee, will review the appeal and may confer with any person he/she deems necessary. If the Vice President finds the decision rendered regarding whether a violation occurred was arbitrary or capricious and/or a substantial deviation from the procedures outlined in this policy materially affected the Hearing Panel's decision, he/she may reverse the decision, remand the matter for further investigation, re-hearing, or other steps as deemed appropriate at the discretion of the Vice President, or his/her designee. Otherwise, the Vice President, or his/her designee, will affirm the decision. In reviewing an appeal of the appropriateness of sanctions, the Vice President, or his/her designee, will decide to: 1) affirm the sanctions; 2) modify the sanctions or impose different sanctions; or 3) suspend the sanctions. The decision of the Vice President for Student Life, or his/her designee, is final.

If in a given case the AVP/DOS did not serve as the Institutional Designee and/or the Sanctioning Authority then he/she would be available to serve as the Vice President for Student Life's designee to hear an appeal.

X. Interim Measures

Upon receipt of a report that a Student Organization has allegedly violated University policy, the AVP/DOS, in consultation with other University offices as deemed appropriate, will determine whether interim measures are needed to preserve the educational experience of one or more other community members, protect any individual during an investigation, address safety concerns for the broader University community or members of the Student Organization, maintain the integrity of the investigative and/or resolution process, deter retaliation, and/or further other interests of the University. Examples of interim measures may include, but are not limited to, the temporary suspension of some or all Student Organization activities; reassignment of class schedules; reassignment of University housing; restriction on a student's access to classrooms, space, and/or resources; and no contact directives. The decision to impose an interim measure may be made at any point in an investigation or hearing-related process. Violation of conditions imposed as interim measures may result in the initiation of additional disciplinary proceedings. The AVP/DOS will prepare and send to the Student Organization a written notice of any interim measures and the basis for the interim measures. There is no appeal of an interim measure.

In this context, any interim measures imposed are considered provisional because they are subject to being changed and/or vacated, if such action is deemed appropriate following a hearing and any appeal of the finding and/or sanction.

The University is confident that the AVP/DOS can fairly and justly separate his/her decisions regarding the exigencies of matters in which interim measures are deemed necessary and the merits of a case after a more full record is developed through a hearing, and therefore the fact that the AVP/DOS may decide both the question of interim measures and any post-hearing appeal as the Vice President for Student Life's designee will not be considered a material procedural error or grounds for objecting to the decision-making or appeal process