



Student Representative Important Information during the Conduct Process:

COMMUNICATION TIPS FOR STUDENT REPRESENTATIVE:

- Discuss how and what to communicate to membership with local advisory boards, inter/national or regional headquarters, and UTK staff.
- If interim action has occurred and the organization's activities are limited/should cease completely, communicate this to members with clear instructions about what activities may or may not occur.
- Help members understand that their response and cooperation during conduct processes can impact the overall outcome for both the organization and the individual student. Additional violations may be issued if there is a pattern of withholding, lying, or distorting information during an investigation.
- Do not coach members on what to say or how to answer potential investigation questions.
- Encourage members to be open and honest about their own specific experience. When investigations occur, members should share their own perspectives and accounts.
- Remind members not to seek information about where the complaint or report came from – any communication to reporting parties or changes in behavior toward reporting may result in a violation of the Standards of Conduct for Retaliation. Retaliation is strictly prohibited and is cause for severe conduct sanctions. Describe retaliation to your members and remind them not to participate in behaviors that could be considered retaliation.
- If members are removed from the chapter via internal organization or inter/national/ regional organization processes, help remaining members understand the expectations regarding their interactions with the members who have been removed.
- Share information related to the conduct process with members. An Administrative Liaison can address your membership and answer questions about processes if this is helpful.

Factors considered when determining if incident is an organizational violation:

- Whether the misconduct was endorsed by one or more officers of the student organization. (Endorsed by means having prior knowledge that the misconduct was reasonably likely to occur and failing to take reasonable preventative or corrective action; failing to attempt to stop known misconduct while it is occurring; and/or helping to plan, promote, or carry out the misconduct.)
- Whether the misconduct occurred in connection with an activity:
- Financed by the student organization and/or one (1) or more members or alumni of the student organization who contributed personal funds in lieu of organizational funds
- Related to initiation into, admission into, affiliation with, or as a condition for continued membership in the student organization; and/or
- Advertised, promoted, or publicized in such a way that a reasonable student viewing or hearing the advertisement, promotion, or publication would believe that the activity was affiliated with the student organization.
- Whether the misconduct occurred on property owned, controlled, rented, leased, and/or used by the student organization and/or any of its members/alumni acting on the student organization's behalf; and/or
- Whether a member of the student organization attempted to conceal the activity connected with the misconduct or conceal the misconduct of another member of the student organization.

SIMULTANEOUS INVESTIGATIONS: There are many potential interested entities during an organizational investigation. In some cases, these investigations may occur simultaneously. When another concurrent investigation is occurring alongside a SCCS investigation, SCCS will collaborate with the other entities conducting investigations if possible. Elements of a collaborative investigation may include coordinated or joint interviews, evidence sharing, and investigation report sharing, but within the limits of student records policies.

ORGANIZATION PARTICIPATION: Student organizations may choose not to participate in any aspect of the conduct process, but the process will continue with or without participation by the organization. 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.

NOTIFICATION TO INTER/NATIONAL or REGIONAL ORGANIZATION (if applicable): In most cases, SCCS or the Administrative Liaison will notify representatives of the Inter/National or regional headquarters of the complaint received after the initial Educational Conference. SCCS believes in an active partnership with Inter/National and regional organization staff to resolve concerns. These Inter/National and regional staff and volunteers are often able to assist in identifying opportunities to address concerns. When the nature of the allegations are more severe, will reach out sooner to respective entities.

INDIVIDUAL CHARGES: In some incidents, organizational charges and individual charges may be issued. If individual charges are issued, they will typically occur after the student organization conduct process is complete.

FERPA: Education records protected by Family Educational Rights and Privacy Act (FERPA) shall not be released to third parties without the express consent of the student unless it is done so in accordance with FERPA guidelines established by the Department of Education and this policy document. In general, parents, spouses, and other family members do not have a right to access student records without the express written consent of the student. FERPA does **not** apply to student organizations, but rather to individual students. To obtain a FERPA waiver, please click here: <http://studentconduct.utk.edu/wp-content/uploads/2016/02/FERPA-Student-Conduct-9-2015.pdf>.

ENGAGING IN RETALIATION: Retaliation is an act or omission committed by a student because of another person's participation in a protected activity that would discourage a reasonable person from engaging in protected activity. Retaliation violates the Standards of Conduct regardless of whether the underlying allegation of a violation of the Standards of Conduct is ultimately found to have merit. Retaliation can include, without limitation: (1) an act or omission committed against a person's family, friends, advisors, and/or other persons reasonably expected to provide information in connection with a University investigation or hearing; and (2) an act or omission committed by a student through a third party.

MEDICAL AMNESTY: The health, safety, and welfare of students is of the utmost importance to the University. Therefore, all University students are expected to alert appropriate officials in the event of a health, safety, or welfare emergency including, without limitation, a situation involving the abuse of alcohol or other drugs. When individual students know or reasonably should have known that other individual students are in need of emergency medical attention, the individual students are expected to: (1) contact appropriate people to report the incident and request assistance (e.g., University staff members, law enforcement), and provide those people with the names and contact information for the individual students reporting the incident and the impaired individual students; and (2) demonstrate cooperation and care by remaining with the impaired individual students and providing reasonable assistance during and after the incident. Individual students who take all of these steps are referred to as a "Good Samaritan" under the Code. The individual students in need of emergency medical attention are referred to as an "impaired individual student".

Unless individual Good Samaritans have engaged in a repeated or serious violation of the Standards of Conduct, individual Good Samaritans will not be subject to formal University disciplinary action for misconduct discovered by the University as a result of the Good Samaritan's report. While no formal University disciplinary action may be taken, the individual students who acted as a Good Samaritan may be required to meet with a University staff member to discuss the individual Good Samaritan's misconduct and adhere to appropriate remedial and/or educational recommendations.

Unless individual impaired students have engaged in a repeated or serious violation of the Standards of Conduct, individual impaired students will not be subject to formal University disciplinary action for misconduct discovered by the University as a result of the Good Samaritan's report. While no formal University disciplinary action may be taken, the individual impaired students may be required to meet with a University staff member, participate in educational activities, and/or establish that the individual students have addressed issues that contributed to the misconduct.

Student organizations, through their officers and members, are also expected to take responsible action in emergency situations. While the Policy on Amnesty for Individual Good Samaritans and Students in Need of Emergency Medical Attention may not fully apply, adherence to steps outlined above by a student organization's officers and/or members will be considered a mitigating factor when determining the outcome of or sanction for misconduct. Additionally, the University will consider a failure of officers and/or members to adhere to steps described to be an aggravating factor when determining the outcome of or sanction for misconduct.

INTERIM RESTRICTIONS: The Vice Chancellor for Student Life may impose interim restrictions prior to the conclusion of the student conduct process related to the alleged misconduct when the Vice Chancellor for Student Life has reasonable cause to believe that a student organization's (1) continued presence on University-controlled property or at University-affiliated activities poses a significant risk of substantial harm to the health, safety, or welfare of others or to property or (2) poses an imminent or ongoing threat to the disruption of, or interference with, the normal operations of the University. Interim restrictions shall be confirmed by notice to the organization that explains the basis for the interim restrictions and will remain in effect until the conclusion of the student conduct process.