



Student Organization Conduct Process Summary:

Stage 1: Information reported

Information alleging a potential violation by a student organization is received by the Office of Student Conduct & Community Standards (SCCS) and a staff member is appointed to conduct an investigation.

Information is reported to SCCS via Housing reports, police reports, students, staff/ faculty members, or from individuals outside the UTK community. Anonymous reports can also be submitted, however, it is often more difficult to investigate an incident when an individual opts to remain anonymous. When the identity of the reporting party is known but the individual wishes to remain anonymous, all efforts are made by SCCS to refrain from sharing any identify information with the organization.

Stage 2: Preliminary Investigation

Preliminary investigation begins to determine the accuracy of information and if a violation of the Code of Conduct is present. The investigator also reviews the information and determines whether the incident is individual misconduct and/ or student organization misconduct. If there is not enough evidence to support the allegations of misconduct or SCCS determines that the conduct does not constitute a violation of the Standards of Conduct, no charges are issued and the case is closed.

Stage 3: Written Notice & Educational Conference

Once it is determined that there is a potential violation of the Standards of Conduct and there is at least some information to support the allegation, the Student Representative is provided written notice of an Educational Conference by SCCS. An educational conference is scheduled for the Student Representative and an Administrative Liaison (AL) to discuss the information received by SCCS. Student Representatives may also have an Advisor present during the Educational Conference or any other stage of the conduct process. In the Educational Conference, SCCS will orally inform the Student Representative of the organization about the allegations and provides the Student Representative with an opportunity to respond to the allegations, present information to SCCS concerning the allegations, and identify witnesses whom the Student Representative believes SCCS should interview to obtain additional information. Both SCCS and the Student Representative may ask questions to each other and seek clarifying information about the allegations, the possible sanction(s), and the student conduct process. Based on information provided during the Educational Conference, SCCS may issue a no-action determination or continue its investigation in order to determine whether it is more likely than not that the Student Organization violated the Standards of Conduct. The Educational Conference is also a time for the Student Representative to ask questions and seek clarification about the process. The timeline for the first contact with the organization by SCCS varies based upon the nature of the allegation and the circumstances surrounding the misconduct.

Stage 4: Investigation

SCCS may continue to investigate the information received. SCCS may also reach out to the Student Representative for additional follow up meetings or request additional information from them. It is a university expectation that the organization Student Representative & all organization members cooperate with the requests made by SCCS.

When organization leaders are prompt, cooperative and forthcoming with information to assist in the inquiry, it helps expedite the conduct process and typically benefits the group. Organizations that ignore requests for information, misrepresent information, or conceal information may face additional allegations of misconduct and harsher sanctions. The Student Representative may request time to discuss information with their organization and/ or advisors during the different stages of the conduct process.

The investigator assigned to the case prepares the investigation report, if applicable, at the conclusion of the investigation.

Stage 5: Notice of Allegations & Sanction Recommendations

If there is sufficient evidence to support the alleged misconduct, Notice of Allegations are issued to the student organization.

A meeting to discuss the Notice of Allegations and possible sanctions is scheduled for the Student Representative and their AL. At this meeting, Fundamental Rights is provided and Notice of Allegations are issued. Notice of Allegations includes the student rule(s) the organization is alleged to have violated, as well as a summary regarding the findings of the investigation. SCCS goes over the Notice of Allegations and allows the Student Representative to review the document. Signing Fundamental Rights and Notice of Allegations is not indicative of accepting responsibility. It is acknowledgement that the organization has received notice of the charges and fundamental rights. If new or previously unavailable information is shared, SCCS will make a determination regarding relevancy about the inclusion of the information in the report.

After Fundamental Rights and Notice of Allegations have been reviewed and signed by organization Student Representative, SCCS will share the sanction recommendations. SCCS can recommend any sanction deemed appropriate for the organization, up to revocation/ suspension of University registration. The sanctions imposed will be proportional to the organization's misconduct and appropriateness will be based on the gravity of the offense and how the violation affected or reasonably could have affected other members of the University community. Consideration may also be given to the organization's conduct record, if applicable. SCCS strives to issue sanctions that are educational in nature and supportive of the University and office's overall mission, while helping ensure accountability.

The following sanctions may be imposed on a student organization found to have violated the Code of Conduct:

- Educational Activities
- Restitution
- Supervised Work/Service
- Loss or Restriction of Privileges
- University Housing Reassignment or Removal
- Mandatory Education
- Disciplinary Probation
- Social Probation
- Revocation or Suspension of University Registration

Stage 6: Resolution

At any time during the student conduct process, a student organization may resolve allegations of misconduct by the Student Representative signing a Resolution Agreement on behalf of the organization. By signing a Resolution Agreement, the student organization: (1) accepts responsibility for violating the Standards of Conduct, as alleged by SCCS; (2) agrees to the imposition of the sanction(s) proposed by SCCS; and (3) waives all rights the student organization may have to resolve the allegations through a Formal Hearing. A Resolution Agreement is not valid until it is signed by both the Respondent and SCCS. The student conduct process may also conclude if SCCS makes a final determination at any point in the process that no action will be taken.

Once the Resolution Agreement is signed, the organization will begin working to complete their sanctions. At any time during the student conduct process, SCCS may propose an alternative resolution process such as mediation, facilitated dialogue, conflict coaching, and/ or restorative justice. An Alternative Resolution Agreement is then drafted and signed by both parties.

If the organization does not accept responsibility and/ or the sanctions, the Student Representative may elect to have their student organization's case heard through a Formal Hearing.

A Formal Hearing is a process through which a student organization has a right to contest allegations of misconduct and/or the sanctions proposed by SCCS by presenting information to a decision maker other than the University employee(s) who conducted the investigation and/or Educational Conference. The Code provides for three types of Formal Hearings, depending on the gravity of the disciplinary sanctions that have been proposed by SCCS: (1) A hearing before a Student Life Hearing Officer; (2) A hearing before the Student Conduct Board (SCB Hearing); (3) A contested case hearing under the Uniform Administrative Procedures Act ("UAPA Hearing"), which is conducted in accordance with the University's procedures for conducting contested case proceedings under the UAPA, Chapter 1720-01-05.

In every case, the student organization has the right to resolve allegations of misconduct and/or proposed sanctions through a hearing before a Student Life Hearing Officer. A student organization also has the right to resolve allegations of misconduct and/or the proposed sanctions through a SCB Hearing or a UAPA Hearing when SCCS proposes one (1) or more of the following sanctions: (1) deferred suspension; (2) suspension; (3) expulsion; (4) University housing removal; (5) revocation or suspension of the student organization's University registration.

A Formal Hearing may be requested by the Student Representative only in writing using the form(s) approved by SCCS. Orally requesting a Formal Hearing shall not constitute a valid request for a Formal Hearing.

Definitions:

Administrative Liaison (AL): An AL is a staff member from the office the organization reports to at the University. They serve as a resource to the organization during the conduct process. Groups are classified as either general student organizations, Greek organizations, or Rec Sports organizations. For general student organizations, SCCS reaches out to the Center for Student Engagement (CSE) and invites them to participate in the conduct process as an Administrative Liaison. For Greek organizations, the Office of Sorority & Fraternity Life (OSFL) serves as the liaison. For sports clubs, a staff member from Rec Sports is the Administrative Liaison. Advisors of organizations are also welcome to take part in any phase of the conduct process. The Student Representative is responsible for informing advisors of the status of the case and inviting them to attend any meetings.

Advisors: Advisors of organizations are also welcome to participate in any phase of the conduct process. The Student Representative is responsible for informing advisors of the status of the case and inviting them to attend meetings. The role of the Advisor is limited to assisting, advising, or supporting a student through the process. An Advisor is not permitted to participate directly during the student conduct process unless the Advisor is an attorney and a hearing is conducted under the University Administrative Procedures Act UAPA 1720-01-05. To read more information about your opportunity for an Advisor, please see the Student Conduct of Conduct.

Student Representative: A Student Representative is the student member representing the organization during the conduct process. It is typically the organization president, but other individuals may serve in the role if needed. It is the organizations responsibility to notify SCCS if the current president will not be the Student Representative.