UNIVERSITY OF DENVER

POLICIES AND PROCEDURES GOVERNING ALLEGGED VIOLATIONS BY A REGISTERED STUDENT ORGANIZATION OF UNIVERSITY REGULATIONS

I. PURPOSE – The University will follow these procedures when a Registered Student Organization is alleged to have violated one or more University Regulations.

II. AUTHORITY – The Policies and Procedures Governing Registered Student Organizations at the University of Denver are applicable to any Registered Student Organization (RSO) at the University of Denver. This authority is articulated in the University of Denver Honor Code. The Director of Student Engagement is vested with the authority to investigate and adjudicate any violation of University policies as they relate to RSOs, including, but not limited to violations of policies contained in the Honor Code, the Student Organization Handbook, or any other applicable University policy. The Director of Student Engagement can delegate responsibility for investigation or adjudication of alleged policy violations at his or her discretion.

III. REVISIONS AND AMENDMENTS – The policies and procedures contained in this document have been developed through engagement and discussion among a broad range of constituencies throughout the University community including representatives from the Fraternity and Sorority Life Community, Undergraduate Student Government, fraternity and sorority chapter advisors, and Campus Life & Inclusive Excellence staff members.

The University of Denver maintains the right to amend the policies or procedures contained in this document as deemed necessary by appropriate representatives from Campus Life. Changes will be made through a committee that includes pertinent University administrators, who will then communicate any substantial changes to the University community in a timely manner. The Vice Chancellor for Campus Life and Inclusive Excellence holds the final authority to revise or amend this document.

IV. DEFINITIONS – (For the purposes of these procedures, the following definitions will apply)

“Campus Life” refers to the administrative department of the University known as the "Campus Life."

“Director of Student Engagement” refers to the person holding that position. The Director of Student Engagement may delegate to other University employees the authority to perform any of the duties assigned to the Director of Student Engagement.

"Executive Director of Campus Life" refers to both the person holding that position as well as to the administrative department of the University known as "Campus Life." The Executive Director of Campus Life may delegate to other University employees the authority to perform any of the duties assigned to the Executive Director of Campus Life.
“Honor Code” means all University Regulations adopted from time to time by the University to govern the behavior of University students.

“Letter of University Reprimand” which will not include forfeiture of privileges.

“Misconduct” means official or unofficial act or omission by a RSO or its members that is contrary to the provisions of a University Regulation.

“Rescission of University Recognition” is the most serious penalty that may be imposed on a RSO. It involves the revoking of the University's registration of the RSO for a stated or an indeterminate period of time. If the RSO also holds a charter from a national organization or association, the University may also request that the national organization or association revoke the charter of the RSO's charter. A RSOs that maintain a residence or meeting facility on University property may not occupy or utilize that facility unless and until the organization returns as a RSO in good standing.

“Registered Student Organization (RSO)” means any organization that has fulfilled all of the requirements established by the University, or its designee, to be considered as an official student organization of the University, and whose membership includes DU students.

“SAB” means the Student Accountability Board.

“Suspension” shall be for a stated period of time not to exceed one calendar year and prohibits the RSO from sponsoring, co-sponsoring, or participating in any and all social, intramural, athletic, or other similar activities on or off campus; the solicitation of any new prospective new members; and the initiation of any new members. Suspension may also include the forfeiture of other specifically listed privileges. Suspension may also require specific performance by the RSO during the period of probation.

“University” means the Colorado Seminary, which owns and operates the University of Denver, and any unit thereof, including, without limitation, the Board of Trustees, the faculty, the undergraduate student government, the graduate student government and any employee thereof.

“University Probation” means the forfeiture of specifically listed social and/or other privileges for a period of not less than three months, or more than three calendar years, and may also require specific performance during the probation period.

“University Regulations” means any and all regulations, rules, resolutions, policies, bylaws, practices, and procedures established and promulgated by the University, together with all local, state and federal laws.

“Working Days” means any day classes are in session during fall, winter and spring quarters, but does not include final examinations.
V. GENERAL POLICIES

A. Recognition. Groups wishing to be a RSO must submit to the University for approval the following:

1. A constitution, or equivalent document(s), which contains, at a minimum, the following information:
   a. the official name of the organization;
   b. a statement of purpose or purposes;
   c. requirements for membership;
   d. a list of officer positions with duties and responsibilities; and
   e. a list of standing committees, with duties and responsibilities.

B. Compliance. By applying to be an RSO, a group agrees to abide by all University Regulations.

C. Conduct Regulations for RSOs. Officers and members of RSOs are expected to know and abide by all University Regulations applicable to RSOs and to students in general.

D. Hazing. Some RSOs are affiliated with state, regional, national, or international organizations who have developed position statements or regulations concerning hazing and other forms of misconduct. At its discretion, the University may report alleged violations of University Regulations by an RSO to that RSO’s governing body or affiliated organizations.

E. Honor Code. The University has established procedure for considering alleged violations of University Regulations by individual students in the Honor Code.

1. The fact that alleged individual student misconduct grows out of participation in an activity sponsored or engaged in by a RSO does not eliminate that individual student's accountability under the Honor Code.

2. The fact that individual students may be held accountable for actions taken while participating in a RSO's activity does not eliminate the accountability of the RSO for its actions.

3. Although the Honor Code is not to be used to hear charges of alleged misconduct by a RSO, the University will hold an RSO accountable for acts or omissions taken by that RSO that violate the Honor Code.
F. Title IX Investigations. The University has established procedures for reviewing and addressing alleged violations of University policy related to gender-based discrimination, harassment, and violence (including sexual violence, dating or domestic violence and stalking). The Office of Title IX is responsible for addressing those violations by processes outlined in The Office of Equal Opportunity and the Office of Title IX Procedures.

1. The fact that alleged individual student misconduct grows out of participation in an activity sponsored or engaged in by a RSO does not eliminate that individual student's accountability under the Title IX Policies and Procedures.

2. The fact that individual students may be held accountable for actions taken while participating in a RSO's activity does not eliminate the accountability of the RSO for its actions.

3. During a pending review, investigation or other action on a matter being addressed by the Office of Title IX, an RSO should not engage in any fact finding or decision-making processes that could be related to the matter being addressed by Title IX. This is to ensure the integrity of the Title IX process. Title IX will inform Campus Life of the outcome of any matter being addressed when it is complete and it may be appropriate for an RSO to take its own action regarding the matter.

G. Law Enforcement Investigations of Gender-Based Violence (sexual assault, dating and domestic violence and stalking).

1. When a matter is being investigated by local law enforcement and Title IX, Title IX will be responsible for communicating the status of the investigation as it is impacting the Title IX process to Campus Life, as the Office of Title IX coordinates with law enforcement on these investigations. An RSO should take no action regarding matters associated with the law enforcement investigation without express permission from Title IX.

2. When a matter is being investigated independently by law enforcement, either because the law enforcement investigation is ongoing after the resolution of the Title IX investigation or because the incident being investigated was reported to law enforcement not to Title IX, RSOs and their members are encouraged to cooperate with the law enforcement investigation.

IV. PROCEDURES FOR CONSIDERING AN ALLEGED VIOLATION OF A UNIVERSITY REGULATION BY A REGISTERED STUDENT ORGANIZATION.

A. Allegations. Allegations of Misconduct committed by an RSO shall be made to Campus Life. Although such allegations may be made orally, a written statement is preferred. At the discretion of the Director of Student Engagement, no action may be taken on an alleged Misconduct until the allegations are presented in writing. The
statement should contain all pertinent information available to the person or persons making the allegation.

B. **Preliminary Investigation.** Upon receipt of an allegation of Misconduct by an RSO, Campus Life will conduct, or cause to be conducted, a preliminary investigation to determine if there is a reasonable basis for the filing of formal charges of Misconduct against the RSO. When feasible, the following steps should be taken:

1. A personal interview with the person or persons making the allegation of Misconduct.
2. Personal interview(s) with any RSO officers deemed relevant to the inquiry by Campus Life.
3. A personal interview with such other individuals, including members of the RSO who might have pertinent information relating to the alleged misconduct deemed relevant to the inquiry by Campus Life.

C. **Filing of Formal Charges.** If the preliminary investigation indicates that there is reasonable basis to believe that Misconduct has occurred on the part of a RSO, formal charges will be made by Campus Life.

1. Charges will be identified in a letter addressed to the president of the RSO, which will be copied to the RSO’s advisor.

2. This letter shall also include a time, date and place for a prehearing conference with Campus Life, to be held no sooner than three Working Days from the date of the letter.

3. The letter, when emailed to the president of the RSO at the email address of record maintained by Campus Life, shall constitute official notice of the filing of formal charges.

D. **Working Days.** In the case of allegations of Misconduct that are too close to the end of a quarter to be handled in accordance with the terms of this policy or allegation of Misconduct which occur away from the University’s campus, the Director of Student Engagement has the discretion to: (i) defer the handling of the allegations to the next academic quarter or (ii) to proceed under this policy utilizing reasonable procedures and deadlines for the prompt handing the allegations with reasonable due process.

E. **Interim Suspension of Activities.** When, in the sole discretion of the University, an allegation against a RSO gives the University reasonable cause to believe that; (a) the ongoing activities of the RSO represent a threat to the safety, security or welfare of the University community and/or (b) an unreasonable obstruction to accomplishing the University's lawful mission, immediate action may be warranted pending the completion of the processes contained in this policy statement. Under such circumstances, the Director of Student Engagement has the authority to temporarily suspend all or some activities of the RSO until the other provisions of this policy

statement are implemented. In the case of Interim Suspension of Activities the University will make reasonable efforts to implement the procedures contained in this policy statement as quickly as is feasible under the circumstances.

F. Prehearing Conference. The purpose of the prehearing conference is to determine how the formal charges against the RSO are to be considered. The prehearing conference provides an opportunity for the RSO to discuss the charges with Campus Life.

1. The RSO must be represented at the prehearing conference by one or more of its officers.

2. The advisor to the RSO and, in the case of fraternity chapters or sorority chapters that are RSOs, a housing board or corporation officer, and other advisors may attend the prehearing conference in an advisory capacity only.

3. A student officer must be designated as the official spokesperson for the RSO.

4. The procedures available for formal consideration of the charges are:
   a. Partnership Process
   b. Administrative Action; or
   c. Referral to a Hearing Panel.

G. Partnership Process.

1. The decision to offer the Partnership Process to an RSO will be based on a variety of criteria, including but not limited to:
   a. The nature and severity of an incident;
   b. The history of the RSO relative to its past compliance vs. noncompliance with policies;
   c. The current status of the RSO; and
   d. Any other factors deemed appropriate and reasonable by the Director of Student Engagement.

2. If the Director of Student Engagement elects to make the Partnership Process available to the RSO:
a. The RSO will meet with a Campus Life representative. At this meeting, RSO will discuss the alleged violations with a Campus Life representative.

b. The RSO will also receive information on how to conduct an internal investigation, and will be directed to draft a report of their findings using the Student Organization Report & Enhancement Plan Template.

c. Campus Life will provide a template for the Student Organization Report and the Enhancement Plan template.

d. The RSO must supply a written report within seven working class days of this meeting.

e. Representatives of the RSO and Campus Life meet a second time to discuss the Student Organization Report.

f. A representative from Student Conduct will participate if the investigation indicates violations of the DU Honor Code.

g. If the RSO accepts responsibility at this second meeting, the RSO must submit a draft of the Enhancement Plan within 7 Working Days of the meeting.

h. If the RSO does not accept responsibility and/or provides inaccurate/false information Campus Life will schedule a pre-hearing conference per this Student Organization Conduct Policy to determine whether a hearing panel or administrative action is appropriate moving forward.

i. The RSO and Campus Life will continue to work toward a mutually agreed upon Enhancement Plan.

j. The approved Enhancement Plan must be presented to the membership of RSO membership at the next scheduled meeting of that membership. At this meeting, the goal is to gain organizational support for the plan from the membership.

k. If the RSO is found responsible, the RSO will be issued an Outcome Letter that identifies the Misconduct committed and the agreed upon sanctions agreed upon in the Enhancement Plan. Both the Executive Director of Campus Life and the RSO will execute the Outcome Letter.

l. Once signed, the Outcome Letter will be maintained in the RSO’s record within Campus Life. A copy of the Outcome Letter will be sent to the inter/national organization if applicable.
m. Campus Life will:

i. oversee the completion of sanctions included in the Enhancement Plan if the Outcome letter contains an Enhancement Plan; and

ii. track the completion of sanctions if organizations are placed on disciplinary probation or higher.

n. If the RSO misses any deadlines, fails to complete any sanction and/or has a subsequent violation, the RSO may face additional sanctions.

H. Administrative Action. If the RSO wishes to waive the RSO's right to a formal hearing, and is willing to acknowledge the formal charges as valid, Campus Life may act on the charge administratively. If an Administrative Action is desired, a form requesting that the charges against the RSO be considered administratively must be signed by the RSO. After this form is signed, Campus Life shall have the authority to administratively impose a sanction consistent with the provisions of this policy statement. The Executive Director of Campus Life may elect to not accept jurisdiction for an administrative action, and refer the matter to a Hearing Panel.

I. Hearing Panel Procedure. If an RSO does not wish to proceed with an administrative action, the Director of Student Engagement will refer the matter to a Hearing Panel for resolution.

1. The composition of a Hearing Panel shall be as follows:

a. In cases involving allegations of Misconduct against:

i. an Interfraternity Council chapter, two Interfraternity Council judicial board members;

ii. a Panhellenic Association chapter, two members from the Panhellenic Association judicial board members;

iii. a Multicultural Greek Council chapter, two members from the Multicultural Greek Council judicial board or

iv. any other RSO, two students selected by the Executive Director of Campus Life which two students who are not members of the RSO at issue, together with

b. One additional student chosen from among the SAB pool;

c. Two members total representing faculty and staff from among the SAB panel pool;

d. One staff member from Campus Life who shall serve as chair of the Hearing Panel.
e. The hearing panel process shall be as follows:

i. The hearing panel may conduct a hearing with less than five total members present provided no participating party objects.

ii. Hearing Panels shall be closed to the public.

iii. The Chair will read the University's reasons for bringing allegations against the RSO.

iv. Witnesses may be called by the Executive Director of Campus Life to testify in support of the charges. Witnesses shall not be present during any other witnesses’ testimony.

vi. The RSO shall choose an officer to serve as spokesperson, who shall not be a witness before the Hearing Panel.

vii. The RSO may have up to two members attend the hearing, who shall not be witnesses before the hearing panel.

viii. The RSO/spokesperson may have the assistance of the advisor to the RSO and, in the case of fraternity chapters or sorority chapters that are RSOs, a housing board or corporation officer, and/or one other advisor to assist the spokesperson during the hearing, but may not address the hearing panel.

ix. The RSO spokesperson shall have the rights to:

(A) be present during all phases of the hearing, except the hearing panel's deliberations on procedural and evidentiary matters, findings of fact and potential sanctions; and

(B) to present evidence and witnesses on behalf of the RSO.

f. Decisions of the Hearing Panel on the issue of alleged Misconduct shall be based solely upon the evidence introduced during the hearing. Legal rules of evidence do not apply to these Hearing Panels. Statements and information provided to the Hearing Panel must be directly relevant to the case. Witness statements are restricted to statements of fact. The Hearing Panel chair may exclude irrelevant, immaterial, and unduly repetitious evidence.
g. A determination that an RSO is responsible for a violation of a University policy if a preponderance of the evidence supports such a finding.

h. A unanimous decision among the board members is desirable for determining responsibility, however a majority vote is acceptable if, in the opinion of the Chairperson, unanimity is not reasonably achievable.

i. If the Hearing Panel reaches a responsible finding, the Hearing Panel will determine an appropriate sanction that is commensurate with the severity of the violation, which considers the organization’s past misconduct, as well as considers recommendations from Campus Life administration.

J. **Penalties.** All sanctions imposed on RSOs will be administered through Director of Student Engagement. The following penalties may be assessed singly, in combination or to follow consecutively (e.g. a RSO have its recognition rescinded and be allowed to return as a RSO on probation at the completion of the time of rescinded recognition.) Sanctions assessed will list the length of the probation and/or rescission periods (unless the determination specifies that the period is indefinite), the specific privileges to be forfeited, and any and all other conditions established as a part of the sanction. Available penalties are:

1. Letter of University Reprimand;
2. University Probation;
3. Suspension; and
4. Rescission of University Recognition

K. **Additional Administrative Procedures.**

1. Campus Life shall maintain a written record of the substance of the proceedings of all Partnership Processes, Administrative Actions and Hearing Panels for a minimum of seven (7) years.

2. All Penalties shall be administered by Campus Life.

L. **Appeal Procedures.** Registered Student Organizations have the right to appeal decisions made by a Hearing Panel based on specific appeal criteria. An appeal will only be considered when an Appeal Form, available through the Office of Student Engagement, is submitted to the Executive Director of Campus Life no later than 7 calendar days. If an RSO submits an appeal, sanctions will be considered “on hold” pending a final decision unless otherwise determined or in cases in which an RSO
was previously issued Interim Actions. Decisions made through the Partnership Process or the Administrative Process cannot be appealed.

M. **Appeal Criteria.** The appeal must include information to support the Appeal Criteria under which an appeal is being submitted. Disagreement with the decision is not grounds for appeal. Appeals will only be considered in the following circumstances:

1. The existence of procedural errors so substantial that it greatly impacts the findings, responsibility determination, and/or the ultimate sanctions.
2. Presentation of new and significant evidence which was not reasonably available at the time of the hearing, and would likely alter the findings, responsibility determination and/or ultimate sanctions; and/or
3. The Sanctions imposed are substantially disproportionate to the severity of the violation.

N. **Appeals Procedure.** Appeals will be reviewed by the Executive Director of Campus Life.

1. The Executive Director of Campus Life will review the appeal form, organizational conduct records, and any other applicable information to determine a decision on the appeal.
2. Then, the Executive Director of Campus Life is limited to taking one of the following actions:
   a. Deny the appeal and uphold the original decision based on not satisfying the appeal criteria.
   b. Accept the appeal in whole or in part based on satisfying the appeal criteria and send the case back to a Hearing Panel for a new Hearing.
3. The Executive Director of Campus Life will not replace the judgment of the original Hearing Panel, the appellate process exists solely to review the procedures used in Student Organization Hearings.
4. The Executive Director of Campus Life will transmit a final decision on the appeal within 5 business days after receipt of the appeal.