

# Complaints Pertaining to the Conduct of Registered Student Organizations

2009

## I. Preamble

The experiences in which the student participates outside the classroom are highly significant to his/her education. It is through these experiences that he/she learns of democratic group procedure, learns tolerance and respect for fellow human beings, develops and maintains a concern for social, political, scientific, technological, and economic issues of the day, gains an appreciation of the aesthetic aspects of life, and participates in recreational activity. These experiences can provide a lasting enrichment of the student's education. The University encourages members of the student body to participate in existing activities and organizations and to establish new organizations.

## II. Introduction

Student organizations must comply with all Federal and State laws as well as all University rules, regulations, policies and procedures.

Some sources of relevant law and policy include, but are not limited to:

- Student organization constitution and bylaws
- Student non-discrimination policy
- University affirmative action policy/procedure relating to student organizations
- Student conduct code
- University sexual harassment policy
- University alcohol policies
- Policies and procedures for the use of university vehicles
- University purchasing and accounting/cash handling procedures
- Wisconsin state statutes pertaining to the legal drinking age and the provision of alcoholic beverages to minors; as well as the statutes pertaining to illegal drugs, sexual harassment, hazing, etc.
- Federal and state laws

This document provides a framework for review of complaints pertaining to the conduct of registered student organizations. Any organization in violation of these standards is subject to disciplinary action.

**Note:** Complaints regarding individual behavior can be processed through other appropriate processes. This information can be obtained from the Dean of Students Office.

### **III. Procedures for Filing Complaints**

Anyone may report a complaint and/or file a written complaint against a student organization with the Chair of the OST. Complaints should be handled through the informal, then the formal processes.

**A. Informal** -- Anyone who believes that his or her rights have been violated by a student organization or that he or she has witnessed a violation of Federal or State laws or University policies and procedures may attempt to resolve the matter informally by discussing the matter with the person involved and the organization's advisor. A written complaint may be filed whether or not the informal process was used.

1. In the case of fraternities and sororities, the informal process should consider the IFC and Panhellenic Council.

**B. Formal** -- If an individual is unable to resolve the matter on an informal basis, he or she may then file a written complaint. All possible care should be taken at this stage to protect the complainant's identity and to assure information that could potentially damage an organization's reputation be kept and held in confidence.

**C. Written Complaints** -- must include the following information as is known:

1. Description of the alleged violation.
2. Date, time and place of the alleged violation.
3. Name of the organization(s) involved in the alleged violation.
4. Name of the individual(s) involved in the alleged violation.
5. Name of witness(es) to the alleged violation.
6. Name and address of the complainant(s).

**D. Received Written Complaints** -- The Student Tribunal must review all received written complaints within five (5) calendar days. All members of the Student Tribunal must be present at the hearing of the complaint. A 2/3 simple majority vote is required for the Student Tribunal to accept the complaint and conduct a hearing.

**E. Decision of OST** -- The Chair of the Student Tribunal must either submit reasonable and fair reasons for denying acceptance of a complaint to the complainant or inform all parties dealing with the complaint of acceptance and initiate the disciplinary process.

**F. Notice to Students** -- No constitutional rights of the individual and of the organization in question will be compromised. Unduly repetitious accusations could result in charges of harassment and warrant proceedings through the Dean of Students Office.

#### **IV. Disciplinary Procedure**

All registered student organizations shall be afforded procedural fairness. The following guidelines are to be followed regarding hearings:

**A. Schedule of Hearing** -- The Chair of the OST will schedule a hearing within ten (10) calendar days of accepting a written complaint.

**B. Required Written Information** – The Student Tribunal must provide parties with:

1. Written notification of the time and place of the hearing.
2. A statement of the charges against the organization.
3. A copy of the complaints pertaining to the conduct of student organizations.

**C. Responding Organization** -- The responding organization may submit a written statement of their response to the complaint to the Chair of the OST prior to or at the hearing.

**D. Failure to Attend** -- If the responding organization fails to attend or participate in the hearing, OST may continue to conduct proceedings and render a decision without the organization's presence.

#### **V. OST**

**A. Membership of the OST (OST)** – Membership shall be selected from the presidentially appointed Student Conduct Panel members. Upon submission of a formal written complaint, OST members shall be chosen using a simple random sampling method from the pool of twenty-five (25) Student Conduct members that have been approved by both Oshkosh Student Association Assembly and Senate.

**B. Structure of OST** -- There will be a total of five voting members including the Chair. Two alternate members will be selected in the same fashion as the other five and will act in place of members when needed.

**C. Eligibility of Membership in OST** – An application obtained through OSA office or Dean of Students office must be completed and approved for student membership on the Student Conduct Panel and OST. Any student interested in applying must complete an 'Application for Student Conduct Panel and Student Tribunal Participation' form. Forms can be returned to the OSA office or Dean of Students office. Approved applicants will be appointed by

the OSA President and approved by OSA Assembly and Senate. Any student who fails the application process of the Dean of Students is disqualified from OST membership. The five chosen members and the two alternates for each hearing must participate in a training session prior to service on a hearing.

- D. Disqualified members from OST** – No student may sit on a hearing involving a complaint against an organization of which he/she is a member or involving a complaint in which he/she has a direct interest with the accused organization or the complainant. Any member who falls out of good-standing during his or her term on the Student Conduct Panel and OST will become ineligible for membership and disqualified from participating in hearings. New applicants will be considered to take the place of any disqualified members.
- E. Executive Positions within OST** -- OST will have an advisor to advise and consult OST. The advisor will be appointed by the Dean of Students. The Chair will be chosen by OST from a simple majority vote of OST's members.

## **VI. Procedure of Hearings**

### **A. Duties of the Chair**

1. Call the hearing to order.
2. Recognize the attendance of respondent, complainants and witnesses present.
3. The hearing shall be public unless the respondent requests a closed hearing. The committee may close the hearing for a just and reasonable cause.
4. Explain the procedures to be followed at the hearing.
5. Read the charges.
6. Ask the respondent if they understand the charges.

### **B. Presentation of Information**

1. Only information having reasonable probative value shall be admitted.
2. Any irrelevant, immaterial and unduly repetitious information may be excluded from the hearing under the decision of OST.
3. The hearing is not a court of law. The Chair and OST are not bound by any common law or statutory rules of information.
4. The decision of OST shall be based on the presentation of credible information.

### **C. Hearing on the Charges**

All proceedings of hearings will be on the record and recorded for possible future review.

- 1. Representatives of Involved Parties** – The complainant and responding student organization shall have the right to question adverse witnesses, the right to present information and witnesses, the right to be heard on his or her own behalf, and the right to be advised by an individual of the student organization's choice, at the personal expense of the organization. Student Allocations funds cannot be used for this type of expense.
- 2. Opening Statements** – The complainants and the responding organization may make an opening statement.
- 3. Information and Witnesses** -- The complainant may call witnesses and/or present information. The responding organization and the members of OST may ask questions to witnesses or ask questions on any information provided by the complainant. Once all questions are answered, the responding organization may call witnesses and/or present information. The complainant and the members of OST may ask questions to witnesses or ask questions on any information provided by the responding organization.
- 4. Closing Statements** -- The complainant and the responding organization may make closing statements.
- 5. Tribunal Action** -- After the presentation of information and testimony has been concluded, all persons other than OST will be excused. OST, meeting in closed session, will discuss the case and vote on the allegations against the respondent(s).

#### **D. Procedure of the Decision**

- 1. Vote Requirement for Decision** -- The vote required to find substantiation for the complaint will be three out of the five Tribunal members.
- 2. Procedure if found responsible** -- If the responding organization is found responsible, OST, under the advice and consultation of the Dean of Students and the OST Advisor, will agree upon appropriate sanctions.
- 3. Receipt of the Decision** -- OST's decision of any agreed upon sanctions shall be rendered in writing to the Dean of Students within five to ten (5-10) calendar days after the consultation meeting.
- 4. Dean of Student's Action** -- The Dean of Students may then make further changes to the prescribed sanctions and notify the OST of changes within ten (10) calendar days of receipt of OST's decision and sanctions.
- 5. Notification of Decision** -- The Dean of Students Office shall notify the responding organization of the decision and the prescribed sanction(s). A period of ten (10) calendar days shall be allowed for the organization to request further review by the Dean of Students. The Chair of the OST will be invited to be present. The appeal may include the decision and/or sanctions.
- 6. Final Decision** -- The Dean of Students will render the final decision within ten (10) calendar days of the review. The decision is final and

sanctions become effective and implementation will be monitored through the Dean of Students Office.

**7. Referral of Students --** OST may decide to refer individual students to the Dean of Students Office for possible disciplinary action.

**8. Confidentiality --** Confidentiality by all parties is encouraged throughout the process.

## **VII. Possible Sanctions**

Possible sanctions which the committee may recommend include, but are not limited to:

### **A. Sanctions Involving Registration Status**

**1. Loss of Privileges --** Loss of all or a combination of the following University privileges/services related to registration status:

- a.** Use of University facilities (including meeting rooms, grounds, and/or equipment).
- b.** Use of space and/or services in the Student Leadership and Involvement Center.
- c.** Requesting of funds from the Allocations Committee.

**2. Loss of Recognition --** Loss of University registration is a withdrawal of registration and corresponding privileges for a specific period of time. After this period, if the student organization has fulfilled the conditions related to their loss of registration, the student organization may apply for registration. Loss of registration will normally be for at least the minimum of the semester in which the sanction is imposed.

### **B. Sanctions Not Involving Registration Status**

- 1. Written Reprimand --** A written reprimand is an official warning that a student organization's conduct is a violation of rules, regulations, policies and/or procedures of the campus community, respect for property, or consideration of others.
- 2. Disciplinary Probation --** Further violations of regulations will result in more severe disciplinary action, which could include loss of registration. Probation shall be imposed for a period of not more than one year. The student organization shall be removed automatically from probation when the imposed period expires, unless conditions of probation have not been met as determined by the Dean of Students Office.
- 3. Loss of Privileges Not Pertaining to Recognition --** Loss of all or a combination of the following University privileges/services not related to registration status:
  - a.** Recruitment of members on campus.
  - b.** Use of bulletin boards/display cases.

- c. Use of University services (duplicating, food service, fleet vehicles, campus mail, etc.).
- d. Solicitation of funds on campus for the support of organized activities.

**4. Restitution for Damages.**

**VIII. Appeal to the Dean of Students**

**A. Appeal Process** – The accused organization may appeal to the Dean of Students within fourteen (14) days of the date of the written decision to review the decision of OST hearing, based upon the record. In such a case, the Dean of Students has thirty (30) calendar days from receipt of the accused organization's appeal to respond and sustain the decision of OST unless the Dean of Students finds:

- 1. The information on the record does not support the findings or recommendations of OST; or
- 2. Established procedures were not followed by OST and material prejudice to the accused student organization resulted.

**B. Decision of Dean of Students** – If the Dean of Student's makes a finding under sub. (1) It may remand the matter for reconsideration by a new selection of Tribunal members to be heard on the record, or may invoke an appropriate remedy of its own.