Rules & Accountability

HAZING

Hazing (Student Rule 24.4.5)
Hazing State Law (Student Rule Appendix VI)

Consequences and Alternatives to Hazing:

- Both individuals and organizations are subjected to harsh legal and university penalties for engaging in hazing.
- Hazing is sometimes defended as a way to teach respect, develop discipline, and strengthen bonds between members. You must earn respect; it cannot be taught.
- Victims of hazing offenses rarely report having respect for those that caused them harm. Even if "nothing goes wrong," hazing will breed mistrust, apathy, and alienation instead of discipline or friendship.
- You should focus on developing orientation or initiation processes that are welcoming, goal-oriented, safe, and affirming to new members!
- To envision alternative practices for your organization, consider the ultimate goals of your orientation or initiation activity. Here are some examples:
  - Unity: Do a community service project or team-building activities
  - Problem-Solving Skills: Plan solutions or objectives for the upcoming year
  - Mentorship: Develop a peer mentorship program within your organization
  - Friendship: Plan special events for the entire organization to get to know each other
  - Organizational History: Invite an older member to speak about the foundation, special traditions, and prominent former members of the organization
  - Knowledge: Have leaders of affiliated organizations speak about the governance, expectations, and goals of the overall system

TITLE IX

Sexual Harassment and Related Retaliation (Student Rule 47)
Title IX at Texas A&M University

Student Organization Accountability Process: Resolution of Complaints, Incidents and Rule Violations involving Recognized Student Organizations

- Complaints or Incidents
  - All complaints and incidents reported about a TAMU recognized student organization will follow the Student Organization Accountability Process and Memorandum of Understanding (MOU) between the Department of Student Activities and Offices of the Dean of Student Life and defined student conduct process for individual students. The Student Organization Accountability process and MOU for student organizations
is intended to specify the jurisdictional body with primary responsibility for the handling of organizational disciplinary cases involving recognized student organizations at Texas A&M University (this includes national fraternity and sorority chapters affiliated with the Greek governing councils).

- Most complaints or incident reports involving student organizations are received by the Department of Student Activities directly or are forwarded from the University Police Department or other offices on campus. That said, any member of the University or larger community may report alleged misconduct involving a student club or organization. This process is initiated through the submission of a written account of the incident to the Department of Student Activities or the respective advising staff or student leaders (i.e. Student Organization Development and Administration, Fraternity & Sorority Life, Sports Club, SGA).

Initiating A Report

- Reports should be submitted as soon as possible after an incident or event occurs. In cases in which a University staff member is notified of an incident from an outside person or entity the staff member may document the call and prepare the incident report. In cases in which the reporting person fears retribution, the name may be withheld by the reporting staff member at the discretion of the Director of Student Activities and Student Conduct Services. Anonymous calls or reports may be submitted but will warrant additional investigation to substantiate the validity of the complaint.

- Upon receipt of a complaint or incident report, the Department of Student Activities has a responsibility to address these. This includes notifying the Offices of the Dean of Student Life in cases in which an individual has possibly violated a student rule. Normally, complex or serious cases such as sexual harassment, sexual assault/rape, sexual abuse, hazing, illegal drugs, or the involvement of a recognized fraternity or sorority, and cases in which the possibilities of both individual and organizational violations exist, will require investigation prior to charges being issued. Such investigations will be conducted expeditiously.

- In such cases, the Dean of Student Life working with the Director of the Student Activities or their designee(s) will determine the process and timing of the investigation. Hazing investigations will be reported to the University Police by the Dean of Student Life for their action as appropriate. A determination regarding the need for a joint investigation (with members of a parent organization or inter/national headquarters staff assisting) is made at this time with Student Activities coordinating their participation.

Investigations

- The Dean of Student Life will assign investigators (from a pool of trained investigators) to look into the situation and collect facts associated with the reported incident. Generally one of the investigators will be a staff member affiliated with the Department of Student Activities.
• Prior to the commencement of the investigation, the chief student leader and faculty advisor will be notified via email of the investigation and associated process. Time permitting, a meeting may be held with the chief student leader and faculty advisor(s) to discuss the investigation process.

• Investigators will begin the investigation and meet with selected members and/or associated others to collect information about incident or behavior in question. Statements from all relevant witnesses are collected at this time. Organization leaders are encouraged to collect and/or prepare statements related to the matter for addition to the report.

• A summary report is prepared and the investigation report is submitted to the Dean of Student Life for review. The report will then be shared with the Director of Student Activities and his/her designee.

• The Director of Student Activities or his/her designee will determine if the report contains information that warrants organizational conduct action.

Interim Suspension of Recognition

• Based upon a student organization’s alleged behavior, the Vice President for Student Affairs, the Director of Student Activities (or their designee(s)) may impose an interim disciplinary action prior to the initiation of formal charges under the Student Organization Accountability Process.

• When the student organization’s actions/behaviors affect the safety, health, or general welfare of a student organization and/or the University community, an interim disciplinary action may be issued. Some of the restrictions that may be placed on the student organization during the interim disciplinary action period include, but are not limited to barring or limiting some or all of the organization’s activities and/or privileges (including, but not limited to: social activities; intramural competition; organizational competition; eligibility to receive any University award or honorary recognition; privilege to occupy a position of leadership or responsibility in any University student organization governing body, publication, or activity; or ability to represent the University in an official capacity or position.); entrance into University residence halls or other areas of campus, or contact with another specified person(s).

While on interim disciplinary action, the student organization’s University recognition is suspended pending the outcome of an investigation or conduct. While an organization is suspended, it may not use University resources or participate as an organization in any University activities or events.

• An interim disciplinary action requires that the student organization be notified in writing delivered via email to the contact addresses for the chief student leader and faculty advisor on file with Student Activities.

• The student organization may request a meeting to discuss the restrictions imposed by the interim disciplinary action. The student organization’s request must be in writing to the Director of Activities.
• If a meeting is requested on the interim disciplinary action, a meeting will be scheduled within three (3) class days of the receipt of a written request. The Director of Student Activities (or designee) will conduct the meeting. The student organization will be notified of the outcome of the meeting in writing. The written notification of the outcome is final as to the interim disciplinary action, pending the final results of the Student Organization Accountability Process.

• Formal charges under the TAMU Student Rules may be filed at the completion of a University investigation or as soon as practicable, even if law enforcement investigations or criminal proceedings are ongoing.

Student Organization Accountability Process

• Assessment of Charges: Upon the receipt of a written incident report or complaint, the Director of Student Activities or his/her designee may determine that there is sufficient reason to charge the student organization with a violation of the TAMU Student Rules and Student Organization Manual protocol and if a hearing is warranted. If it is determined that there is not enough evidence to warrant organizational conduct action the organization president will be notified in writing of that determination and the report will be archived for one year. If it is determined that there is sufficient evidence to warrant an organizational accountability hearing, the Associate Director of Student Activities/ Chair Student Organization Accountability Board will assesses charges applicable to the incident and initiate the process.

• Hearing Notification: All charges shall be sent via email to the chief student leader of the student organization in written form. This letter of notice will provide details of the alleged violations and set a time for the hearing. Hearings will be arranged as expeditiously as possible but depending on the academic calendar, may be extended until the Student Organization Accountability Board reconvenes following scheduled breaks.

   ◆ The written notice given to any charged student organization will include the following:

   ◆ Sufficient detail to prepare a defense (including source of information, alleged violation, and specific Student Organization Conduct Code charges).

   ◆ An invitation to attend an information session, during which the student organization’s representative may view all materials related to the case, receive instruction regarding the student conduct process and the student organization’s rights, and confirm the forum in which the case will be heard.

   ◆ Notice of a formal hearing will occur at least five (5) class days prior to the hearing of the case.
The Department of Student Activities working in conjunction with University offices and/or organization advisors may place restrictions on the student organization if the representative fails to address the Student Organization Conduct Code charges in a timely manner.

The address on file with the Department of Student Activities StuAct Online recognition database will be used for all notices sent to the organization regarding the conduct process.

**Hearing Bodies and Jurisdictional Authority**

- Student organization conduct cases which may result in the suspension of University recognition shall be conducted by the Student Organization Accountability Board.

- **Student Organization Accountability Board (SOAB)**
  - The Student Organization Accountability Board will be convened by the Associate Director of Student Activities (or their designee). This Board will be made up of two TAMU faculty or staff members and three trained student board members. Student representatives from the general student body will make up the pool from which student board members will be selected.

- **Administrative Resolution of Organizational Charges**
  - In cases where the organization is not subject to the loss of University recognition AND if the charges are not disputed, alternative resolution such as Restorative Justice or mediation may be offered by mutual consent of the parties involved and on a basis acceptable to the Director of Student Activities.

  - Following notification of the charges, the chief student leader and faculty/staff advisor of the Student Organization will meet with the Associate Director of Student Activities or his/her designee to discuss the charges and accountability options. A written summary of these agreements are provided to all parties. These agreements are binding and once entered are not subject to appeal. Failure to abide by the agreements could result in the situation being returned for resolution through the Student Organization Accountability process.

  - If the charges are disputed by the organization, or if the chair believes that sanctioning is best determined by a board, the case will move forward to the Student Organization Accountability Board for a formal hearing.

- **SOAB Hearing Guidelines**
  - All hearings will be fair and impartial and will use a reasonable person standard when assessing whether the information presented constitutes
a preponderance of the evidence. A charged student organization may submit a challenge to the impartiality of any member of a hearing body to the Chair of the Student Organization Accountability Board or the Director of Student Activities. Decisions on challenges shall be final and not subject to appeal.

◆ A charged student organization will have the opportunity to present evidence on its behalf, including presenting witnesses and/or signed, written statements from witnesses, and other documentary evidence. Witness testimony is not required and the inability of the charged student organization to question a witness who has provided a witness statement is not a violation of the due process rights of the charged student organization, as the charged student organization has the opportunity to review the written statement and may offer evidence to rebut the witness statement and other evidence presented at the hearing. Witness statements are entitled to be given the same weight by the hearing body as live witness testimony. Witness statements need not be sworn or in affidavit form.

◆ The charged student organization and any witnesses may be accompanied during the hearing by an advisor. A faculty advisor, national representative or student may serve as an advisor to the charged student organization. A student representative of the student organization is required to address the hearing body in person, although the representative may consult with the advisor and other members of the student organization during the hearing. This consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of the student organization unless expressly authorized to do so by the chair of the Board. The charged student organization and any witnesses shall provide the advisor’s name in writing to the chair of the Student Organization Accountability Board two (2) class days prior to the hearing. The advisor may not serve as a witness.

◆ Protection from self-incrimination does not extend to student organizations.

◆ The burden of proof in an SOAB hearing always rests with the University. The standard of proof will be the preponderance of the evidence, meaning that the evidence, as a whole, shows that the fact sought to be proved is more probable than not.

◆ The formal rules of evidence do not apply to Student Organization Accountability Board proceedings.

◆ Appropriate witnesses will be called by the University to all formal hearings. Those witnesses who appear may also be questioned by the charged student organization. If called witnesses do not appear, their written or taped statements may be considered by the hearing body. Appropriate witnesses may also be called by the charged student organization to all hearings, provided they are reasonably available and