



CODE OF FRATERNITY & SORORITY CONDUCT

Fraternity & Sorority Life

Center for Student Involvement & Leadership

Division of Student Development

ARTICLE I - AUTHORITY

1.01 Precedence of the Code of Fraternity and Sorority Conduct

The Code of Fraternity and Sorority Conduct is the primary policy statement governing fraternity/sorority organizational conduct and fraternity/sorority organizational discipline.

1.02 Violation of Law, University, Council or other Policies

Fraternity and sorority conduct proceedings may be instituted against an organization charged with a violation of law, university/council, or other policy that is also a violation of the Code of Fraternity and Sorority Conduct. The Fraternity and Sorority Conduct Board reserves the right to proceed under the Code of Fraternity and Sorority Conduct with a hearing and the possible imposition of a sanction prior to, concurrent with, or subsequent to, organizational standards processes, civil litigation and/or criminal prosecution.

1.03 Fraternity and Sorority Conduct Board

The Fraternity and Sorority Conduct Board is established to make determinations regarding alleged violations of this Code.

- A. The Fraternity and Sorority Conduct Board is established subject to the authority of this Code and the Vice Chancellor for Student Development.
- B. Membership of the Fraternity and Sorority Conduct Board will be composed of up to one (1) representative from each recognized Panhellenic women's fraternity/sorority, up to one (1) representative from each recognized Interfraternity Council fraternity, and up to one (1) representative from each recognized National Pan-Hellenic Council fraternity/sorority at Appalachian State University. No fraternity or sorority shall have more than one (1) member on the Fraternity and Sorority Conduct Board. The co-chairs of the Board will be the Vice President of Conduct from the Panhellenic Council, the Vice President of Standards from the Interfraternity Council and the Vice President of the National Pan-Hellenic Council. The term of office for the Co-Chairs will be one calendar (1) year or less in accordance with the defined election cycle of each respective Council. All members of the Fraternity and Sorority Conduct Board shall be full-time undergraduate students in good standing with the University and their organization with a grade point average of 3.0 or above. Membership on the Fraternity and Sorority Conduct Board will be for one (1) calendar year. Those members wishing to serve

another term must reapply for consideration of membership. No person shall serve more than two (2) consecutive calendar years on the Fraternity and Sorority Conduct Board.

- C. The composition of a Fraternity and Sorority Conduct Board shall be as follows:
1. Members of the Fraternity and Sorority Conduct Board, a Board Chairperson and a Board Secretary.
 2. The chairperson of the Board will be as follows:
 - a. If the accused organization is a recognized Panhellenic Association/Council Organization, the Chair shall be the Panhellenic Vice President of Conduct
 - b. If the accused organization is a recognized Interfraternity Association/Council Organization, the Chair shall be the Interfraternity Council Vice President of Standards.
 - c. If the accused organization is a recognized National Pan-Hellenic Council Organization, the Chair shall be the National Pan-Hellenic Council Vice President.
 3. The Board Secretary will be as follows:
 - a. If the accused organization is a recognized Panhellenic Association/Council Organization, the Secretary shall be the Interfraternity Council Vice President of Standards or the National Pan-Hellenic Council Vice President.
 - b. If the accused organization is a recognized Interfraternity Association/Council Organization, the Secretary shall be the Panhellenic Vice President of Conduct or the National Pan-Hellenic Council Vice President.
 - c. If the accused organization is a recognized National Pan-Hellenic Council Organization, the Secretary shall be the Interfraternity Council Vice President of Standards or the Panhellenic Vice President of Conduct.
- D. Quorum
1. A quorum for a hearing involving either an Interfraternity or Panhellenic Association organization shall consist of any seven (7) members of the Fraternity and Sorority Conduct Board excluding the chairperson and the secretary.
 2. A quorum for a hearing involving a National Pan-Hellenic organization shall consist of any five (5) members of the Fraternity and Sorority Conduct Board excluding the chairperson and the secretary
- E. The hearing procedures used by a Fraternity and Sorority Conduct Board to adjudicate alleged violations of this code are not formally part of this Code except as provided in Article V. Copies of the hearing procedures are available from the Assistant Director for Fraternity and Sorority Life.

1.04 Personnel Committee

- A. The authority of the Personnel Committee is to advertise, interview and select the members of the Fraternity and Sorority Conduct Board.
- B. The Personnel Committee shall consist of the Interfraternity Council President, Interfraternity Council Vice President of Standards, Panhellenic Council President, the Panhellenic Vice President of Conduct, the National Pan-Hellenic Council President and the National Pan-Hellenic Council Vice President. The Assistant Director for Fraternity and Sorority Life or designee shall serve as the chairperson of this committee.

1.05 Organization Counselor and Organization Conduct Advocate

One or more full-time graduate or undergraduate students may be appointed by the Assistant Director for Fraternity and Sorority Life to fulfill the following roles:

- A. The Organization Conduct Counselor shall assist organizations who are charged with violating the Code of Fraternity and Sorority Conduct.
- B. The Conduct Advocate shall assist persons or organizations who are bringing allegations to the Fraternity and Sorority Conduct Board, as well as assisting the University in preparing and presenting cases for a Fraternity and Sorority Conduct Board.

1.06 Assistant Director for Fraternity and Sorority Life

The Vice Chancellor for Student Development shall appoint, as an employee of the University in the Division of Student Development, the Assistant Director for Fraternity and Sorority Life. The disciplinary authority of this person is subject to the supervision of the Vice Chancellor for Student Development and the Chancellor.

- A. The duties of the Assistant Director for Fraternity and Sorority Life shall include the following:
 - 1. To properly identify allegations against an organization pursuant to the Code of Fraternity and Sorority Conduct based on the evidence of the violation;
 - 2. To review the evidence supporting any alleged violation of this Code and determine if there is sufficient evidence to pursue allegations or formal charges under the Code;
 - 3. To discuss any allegation or charge of misconduct with an accused organization;
 - 4. To inform an organization of their rights under the Code;
 - 5. To render administrative decisions and assign educational sanctions under the provisions of Article III;
 - 6. To refer cases to a Fraternity and Sorority Conduct Board;
 - 7. Administer the provisions of the Code of Fraternity and Sorority Conduct and perform the responsibilities given this position by the Code;
 - 8. Act on behalf of the Vice Chancellor for Student Development as authorized by directive;
 - 9. Maintain all official organization conduct records;
 - 10. Advise the Fraternity and Sorority Conduct Board;
 - 11. Train and advise conduct board members and officers.
- B. The Assistant Director for Fraternity and Sorority Life may delegate any of the above-duties to an appropriate individual.
- C. The Vice Chancellor for Student Development reserves the right to alter the duties of the Assistant Director for Fraternity and Sorority Life or to temporarily reassign some or all of these duties to others.

1.07 Director of the Center for Student Involvement and Leadership

The Vice Chancellor for Student Development shall appoint, as an employee of the University in the Division of Student Development, the Director of the Center for Student Involvement and Leadership. The disciplinary authority of this person is subject to the supervision of the Vice Chancellor for Student Development and the Chancellor. All decisions made by a Fraternity and Sorority Conduct Board shall be recommendations to the Director of the Center for Student Involvement and Leadership, who shall have the authority to approve or modify these decisions. The decision by the Director shall constitute the official resolution of the hearing process; this decision shall be conveyed to the accused organization by the Assistant Director for Fraternity and Sorority Life.

ARTICLE II – PROHIBITED CONDUCT

2.01 Offenses that result in the physical, emotional and/or psychological harm, including but not limited to:

- A. Assault - the intentional infliction of injury to another by force or force directed to another person under such circumstances as to create a well-founded fear.
- B. Sexual misconduct - any sex act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.
 - 1. Non-forcible sex offenses are acts of unlawful non-forcible sexual intercourse (e.g. incest); sex acts include, but are not limited to, rape, fellatio, sodomy, or knowingly inserting an object or part of one's body into another's genital or anal opening.
 - 2. Non-consensual, intentional physical conduct of a sexual nature, such as unwelcome physical contact with a person's genitals, buttocks or breasts. Lack of consent may be inferred from the use of force, threat, physical intimidation, or advantage gained by an individual's mental or physical incapacity or impairment of which the perpetrator was aware or should have been aware.
- C. Hazing - the intentional commission of an act, by an organization(s), of physically abusing or harassing another person or creating a situation which produces physical harm or discomfort, severe emotional distress, embarrassment, or ridicule of another person.

2.02 Offenses that directly place persons in jeopardy or harm or fear of harm, including but not limited to:

- A. Assault – the intentional infliction of injury to another by force or force directed to another person under such circumstances as to create a well-founded fear.
- B. Sexual misconduct - any sex act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.
 - 1. Non-forcible sex offenses are acts of unlawful non-forcible sexual intercourse (e.g. incest); sex acts include, but are not limited to, rape, fellatio, sodomy, or knowingly inserting an object or part of one's body into another's genital or anal opening.
 - 2. Non-consensual, intentional physical conduct of a sexual nature, such as unwelcome physical contact with a person's genitals, buttocks or breasts. Lack of consent may be inferred from the use of force, threat, physical intimidation, or advantage gained by an individual's mental or physical incapacity or impairment of which the perpetrator was aware or should have been aware.
- C. Hazing - the intentional commission of an act, by an organization(s), of physically abusing or harassing another person or creating a situation which produces physical harm or discomfort, severe emotional distress, embarrassment, or ridicule of another person.

2.03 Offense that involve theft or damage to property, including but not limited:

- A. Vandalism - behavior likely to result in destruction, damage, misuse or abuse of public or private property.
- B. Unauthorized taking or possession of property.

2.04 Offenses that involve the disruption of the Fraternity/Sorority Community, University Community, its programs or the community's efforts to accomplish its objectives, including but not limited to:

- A. Threats of violence directed toward groups on campus that disrupt University activities, whether communicated to one or more individuals.

- B. Noise complaints - Excessive or disruptive noise, or the public use of unapproved amplified sound, or the amplification of sound in a manner that disrupts or disturbs the normal functioning of the University.
- C. Trespassing – unauthorized entry onto the property of another person or group
- D. Harassment - No organization(s) shall threaten, coerce, harass or intimidate another person or identifiable group of persons, while on University premises or at University-sponsored activities based upon the person's race, color, religion, national origin, gender, sexual orientation, gender-identity, creed, disability, or veteran status.
 - 1. No student shall engage in prohibited harassment leading to a hostile environment. Prohibited harassment is conduct that creates a hostile environment.

2.05 Violation of the University Drug or Alcohol Policy

- A. Possession, use, manufacture, delivery, or sale of any controlled substance identified in Schedules I through VI, North Carolina General Statutes 89-94, or the intent to do any of the previously stated actions.
- B. Alcohol
 - 1. Violation of the University Alcohol Policy.
 - 2. Violation of the Fraternity and Sorority Social Policy
 - 3. Consuming, possessing, providing or having alcohol at or in the vicinity of a recruitment event.

2.06 Non-Compliance with the following policies, including but not limited to:

- A. Panhellenic Council Constitution and By-laws
- B. Interfraternity Council Constitution and By-laws
- C. National Pan-Hellenic Council Constitution and By-laws
- D. Fraternity/Sorority Risk Management Policy
- E. Fraternity/Sorority Social Events Policy
- F. Standards of Excellence
- G. University Alcohol Policy
- H. Any other University policy not specifically listed
- I. Any other Inter/National Fraternity/Sorority Policy not specifically listed

2.07 Violation of other policies not specifically covered by these guidelines.

ARTICLE III – SANCTIONS

- 3.01 Reprimand** – is an official notification by the conduct board that an organization’s behavior is unacceptable. This undesired behavior should then cease.
- 3.02 Letter of apology** – the board expects a written apology from the responsible organization within a specified time.
- 3.03 Educational Programs** – the board may assign any form of educational programming including but not limited to: organization wide attendance at campus sponsored outreach programs related to leadership, substance-abuse, diversity, etc, or creating an educational program for the Fraternity/Sorority community to attend.

- 3.04 Community Service** – The board may assign a specific number of hours to be completed within a specified time. In order to complete community hours the organization must turn in confirmation as specified by the board. The service may not be affiliated with the organization(s) philanthropy.
- 3.05 Restitution** – A payment for financial injury to an innocent party in cases involving theft, destruction of property or deception. The assessed costs to be paid may be in addition to receipt of any of the above sanctions. Compliance with the restitution sanction will be monitored by the Board. Documentation of payment must be submitted to the Board.
- 3.06 Social Restriction** – During the term of social restriction, the organization will hold no social functions of any nature. This includes but is not limited to: on-campus or off-campus parties, social activities with other fraternities/sororities, game day tailgating, date functions, formals/semi-formals, etc. Social Restriction can last up to two (2) semesters.
- 3.07 General Probation** - This is a period of probation that is intended to convey to the organization that their behavior was unacceptable to the University and that any further violations of the by-laws shall result in further disciplinary action.
- A. General probation is a minimum of 60 academic days.
 - B. If an organization is found in violation of the Code while currently on General Probation, the organization must be placed on Specific Probation, Suspended from the University or lose University Recognition.
 - C. Refusal or failure to comply with the terms of General Probation, including but not limited to failure to attend any special program or complete any service hours, shall result in an organization being placed on Specific Probation.
- 3.08 Specific Probation** - This is a period of close scrutiny of an organization by the University to determine if the organization should remain as a recognized student organization. Such a period of probation is intended to convey to the organization that their conduct is unacceptable by University standards and that any further violation of the Code shall result in a period of suspension or loss of recognition.
- A. Specific probation is a minimum of 60 academic days.
 - B. An organization that has been placed on specific probation shall be ineligible to have representatives involved in leadership positions within the Fraternity and Sorority Community (ex: Interfraternity Council, Panhellenic Council, National Pan-Hellenic Council, Rho Gamma, etc.) The Assistant Director for Fraternity and Sorority Life may remove this restriction after at least one regular semester.
 - C. An organization found to have violated the Code of Fraternity and Sorority Conduct while currently on specific probation shall, at a minimum, be suspended from the University unless there is a compelling reason not to take such action. Consideration will be given to the type of violation, the severity of the offense, and other factors that might be relevant to such special consideration. In such cases, the burden of proof shifts to the organization that violated the Code to offer compelling reasons for the organization to remain recognized.
 - D. Refusal or failure to comply with the terms of General Probation, including but not limited to failure to attend any special program or complete any service hours, shall result in an organization being placed on Specific Probation.
 - E. An organization who has previously been on specific probation within the past two (2) academic semesters, but who is not currently on specific probation, who violates the Code of Fraternity and Sorority Conduct shall generally, return to specific probation as a minimum sanction.

- 3.09 Suspension** – is a disciplinary action by the University that severs the organizations relationship with the university for a period of time not to exceed four (4) semesters. This action may be either immediate or delayed. During this term the organization is no longer recognized by the University as an organization, and may not actively participate in council related activities and events including but not limited to: Association meetings, formal recruitment activities, etc. Following the completion of suspension an organization may request to be recognized by the University and appropriate governing council without completing the full expansion/extension process.
- 3.10 Revocation of Recognition** – is a statement to the organization that they are no longer qualified to maintain recognition with the University and the relationship with the University is severed for a period of time of no less than five (5) semesters. During this term the organization is no longer recognized by the University as an organization, and may not actively participate in council related activities and events including but not limited to: Association meetings, formal recruitment activities, etc. To be eligible for recognition, the organization must go through the appropriate council expansion/extension process.

ARTICLE IV – GUIDELINES FOR DETERMINING APPROPRIATE SANCTIONS

To maintain fairness and consistency, the following guidelines are used in determining appropriate sanctions for violations of the Code of Fraternity and Sorority Conduct. There is a presumption that at least the minimum sanction will be imposed. A conduct board may recommend to the Director of the Center for Student Involvement and Leadership that a sanction less that or greater than the minimum be imposed only when there is a compelling reason to take such action. The Assistant Director for Fraternity and Sorority Life may impose a sanction less than the minimum or greater than the maximum when there is a compelling reason to do so. Consideration will be given to the type of violation, the severity of the offense, and other factors that might be relevant to such special consideration. In cases where a sanction less than the minimum is considered, the burden of proof shifts to the organization that violated the Code to offer compelling reasons for a lesser sanction to be assigned.

- 4.01 Offenses that result in physical, emotional, and psychological harm (assault, hazing, and sexual misconduct)**
 Minimum: Specific Probation
 Maximum: Revocation of Recognition
- 4.02 Offenses that directly place persons in jeopardy or harm or fear of harm (assault, hazing, and sexual misconduct)**
 Minimum: General Probation
 Maximum: Revocation of Recognition
- 4.03 Offenses that involve theft or damage to property**
 Minimum: Letter of Apology
 Maximum: Suspension
- 4.04 Offenses that involve disruption of the Fraternity/Sorority Community, University Community, its programs, or the community’s efforts to accomplish its objectives (threats of violence, noise complaints, trespassing, and harassing)**
 Minimum: Reprimand
 Maximum: Revocation of Recognition

4.05 Violation of the University Drug or Alcohol Policy

Minimum: Social Restriction

Maximum: Revocation of Recognition

4.06 Non-Compliance with policies (FIPG Risk Management, IFC and PHC Constitutions, Standards of Excellence, University alcohol and/or social function policy)

Minimum: Educational Program

Maximum: Revocation of Recognition

4.07 Violation of other policies not specifically covered by these guidelines

Minimum: Reprimand

Maximum: Revocation of Recognition

ARTICLE V – POLICIES AND PROCEDURES

5.01 General Process for Addressing Allegations and Charges of Misconduct

- A. Any member of the University may make an allegation of misconduct against an organization. To be considered by the Fraternity and Sorority Conduct Board, an allegation must be in writing and must include factual information supporting the allegation. Official charges of organizational misconduct under the Code of Fraternity and Sorority Conduct are brought by the Assistant Director for Fraternity and Sorority Life or designee.
- B. The Assistant Director for Fraternity and Sorority Life may choose not to proceed with an allegation or charge when, in their judgment; there is not sufficient information with which to proceed.
- C. All allegations of charges of misconduct will be presented to the organization in writing. Organizations will be notified of the requirements to schedule an administrative review meeting. Notice of any hearing before a Fraternity and Sorority Conduct Board in compliance with the timeframes set forth in section 5.04. Official notice of charges may be either verbal or written, provided that written charges are also given within the required timeframes prior to a conduct board hearing regarding the charges.
- D. In certain instances, an organization accused of violating the Code of Fraternity and Sorority Conduct may have the option of mediation, and administrative hearing with the Assistant Director of Fraternity and Sorority Life or a hearing before a Fraternity and Sorority Conduct Board (see 5.02., 5.03 & 5.04)
- E. Information provided through public electronic sources may be used in bringing allegations and determining responsibility for charges of misconduct and may be introduced as information during the hearing process.

5.02 Mediation

Mediation is another form of dispute resolution; it is a voluntary process that includes a neutral third party who assists the disputing parties in reaching a mutually acceptable agreement.

- A. After being informed of the allegations and/or charges and the organization's rights under the Code, including the right to an administrative or conduct board hearing, the organization may voluntarily waive the right to a hearing and request mediation.
- B. The Assistant Director for Fraternity and Sorority Life may decline the organization's request for mediation. If the organization's request is declined, the organization will be referred to the

appropriate hearing process (i.e. Administrative Hearing or Fraternity and Sorority Conduct Board).

- C. The mediation process is as follows:
 - 1. Opening statement: Educates the parties on the mediation process, and states the goals and objectives.
 - 2. Story-telling: Enables the parties to understand one another, understand the facts, and to identify the issues causing the disagreement. Each party gets the chance to explain their version of the dispute.
 - 3. Problem Solving: The mediator will guide the parties involved to generate possible solutions. During this part of the process, both parties must come to a mutually acceptable agreement.
 - 4. Agreement: The parties and mediators review the agreement, to see that it is clear, realistic, balanced, and specific, in terms of both what will be done and when it will be done. Both parties sign the final written agreement, and each party receives a copy.
- D. If mediation is unsuccessful, the organization may be referred to either an Administrative Hearing or a Fraternity and Sorority Conduct Board for resolution.

5.03 Administrative Decision

- A. After being informed of the allegations and/or charges and the organization's rights under the Code, including the right to a conduct board hearing, the organization may voluntarily waive the right to a hearing and request an administrative decision by the Assistant Director for Fraternity and Sorority Life.
- B. The Assistant Director for Fraternity and Sorority Life may decline the organization's request for an Administrative Decision. If the organization's request is declined, the organization shall be referred to the Fraternity and Sorority Conduct Board.
- C. For an administrative decision to be made, the organization shall do the following:
 - 1. Waive the organization's right to have the charge(s) considered by the Fraternity and Sorority Conduct Board;
 - 2. Accept responsibility for violation(s) of the Code;
 - 3. Agree to accept the sanction to be imposed.
- D. The Assistant Director of Fraternity and Sorority Life may recommend any sanction specified in the Code of Fraternity and Sorority Conduct. The sanction will be governed by the Guidelines for Determining Appropriate Sanctions set forth in Article IV.

5.04 Referral to a Fraternity and Sorority Conduct Board

- A. After informing the organization of the charge(s) and the organization's rights under the Code, the Assistant Director of Fraternity and Sorority Life shall refer the organization to a Fraternity and Sorority Conduct Board unless the organization requests that the charges be considered in mediation pursuant to Section 5.02 or administratively pursuant to Section 5.03. The Assistant Director of Fraternity and Sorority Life may also refer any case directly to a Fraternity and Sorority Conduct Board without the option of mediation or administrative decision.
- B. Written notice of a hearing before a Fraternity and Sorority Conduct Board shall be provided to the organization at least five (5) calendar days prior to the hearing date.
- C. The Assistant Director of Fraternity and Sorority Life may postpone a conduct board hearing, provided that any organization whose hearing is postponed shall be given written notice of the new hearing date pursuant to section 5.04 (C).

5.05 Conduct Board Hearing Procedures

- A. In all cases where a conduct board considers if an organization's conduct has violated the Code, a quorum of five (5) members must be present. To find an organization in violation of the Code, a vote will be taken in closed executive session of the members of the conduct board present. A vote of "in violation" by a simple majority of the members present, excluding the chairperson, shall be required to find an organization in violation of the Code.
- B. The chairperson of a Fraternity and Sorority Conduct Board is delegated the authority to conduct hearings in a manner designed to effectively and efficiently elicit information needed for the board to make its decisions. This authority includes the right to limit the length of testimony of any witness or participant in the hearing if the testimony appears to be repetitious or irrelevant, and the right to remove any witness or participant who is unruly or disruptive to the hearing. The chairperson is charged with the responsibility to conduct the hearing in a manner that will:
 - 1. Protect the rights of the charged organization(s) to a fundamentally fair process;
 - 2. Protect the rights of the organization(s) bringing the allegations;
 - 3. Ensure that the process set forth in this Code is followed and that all participants are treated with respect.
- C. Prior to considering the charges against the organization(s), the chairperson of the conduct board shall:
 - 1. Outline the procedures that the board will follow;
 - 2. Announce that the conduct board is closed to the public;
 - 3. Stress the importance of confidentiality of the proceedings;
 - 4. Formally announce that the University is committed to the principle of fundamental fairness;
 - 5. Announce that each organization is presumed to be not in violation of any charge until proven otherwise;
 - 6. Request that any board members with knowledge of the situation recuse themselves.
- D. A decision by the conduct board to find the organization in violation of this Code shall be based solely on the information presented at the hearing. Information of any past violation(s) may not be introduced or considered in the deliberations regarding whether an organization is in violation of the Code. If the organization is found in violation of the charge(s), records of past violations will be introduced by the Assistant Director for Fraternity and Sorority Life and will be considered by the conduct board in recommending a sanction.
- E. All hearings will be recorded. The University retains the sole right to record hearings. No other recordings may be made of the hearings. Recordings of hearings may be destroyed three years after the final administrative decision has been made.
- F. All conduct board recommendations are recommendations through the Assistant Director for Fraternity and Sorority Life to the Director of the Center for Student Involvement and Leadership, who may approve or modify the decision.
- G. All conduct board hearings are closed to the public. An accused organization may invite up to three persons to be present as provided for in Article 5.07.
- H. A final administrative decision must be made within 45 days after the date of the hearing and must be transmitted to the organization in writing within ten days of the decision being made. The written decision shall include a brief summary of the evidence upon which the decision is based and shall specify the organization's right to appeal.

5.06 Proof

- A. The burden of proof in a Fraternity and Sorority Conduct Board hearing rests with the University to provide sufficient witnesses and documentary evidence to establish the violation.

- B. The standard of proof used in a conduct board hearing for alleged violations under this Code is “a preponderance of evidence.” This standard is defined as the weight of the evidence that leads the conduct board to believe that the alleged misconduct is more probable to have been committed than not.

5.07 Rights of an Accused Organization During a Hearing

Organizations charged with misconduct that appear before a conduct board shall have the following rights:

- A. Organizations have the right to appear alone, with the Organization Counselor or another person of their choice to assist and advise them. The person chosen to advise or assist an organization may be an organization advisor, faculty/staff member or alumnus of the organization. In addition to the “advisor”, an organization may be accompanied by not more than two other persons.
- B. An organization may request that a member of a conduct board be excluded from the hearing. Such challenges shall be made immediately after the introduction of the members of the conduct board and shall require justification. These requests shall be made to the chairperson of the conduct board privately by asking for a conference for this purpose. The chairperson’s decision is final and cannot be appealed.
- C. Accused organizations are entitled to present information on their behalf.
- D. Accused organizations shall have the opportunity to ask reasonable questions of any witnesses appearing at a hearing and giving testimony against them. This is not intended to preclude the introduction of written material. When practical, the opportunity for questioning should be afforded. However, other evidence may be introduced at a hearing even though the writer is not present for questioning. Members of the conduct board shall attach whatever weight or significance to these documents or statements as they deem appropriate.
- E. Accused organizations are entitled to have the evidence of a prior formal charge or record of violating the Code of Fraternity and Sorority Conduct excluded as evidence during the conduct board’s deliberation concerning the determination of violating or not violating the Code.

5.08 Rights During a Hearing of a Person or Organization Bringing an Allegation

- A. The right to have the same opportunity as the organization charged with the offense to have others present at the hearing, including a person to advise as defined in Section 5.07 (a).
- B. The right to request that a member of the Conduct Board be excluded from a hearing.
- C. The right to present information of his/her/their behalf.
- D. In the case of an offense under 4.01 or 4.02, the right to be present during the fact-finding phase of the hearing and the right to ask reasonable questions of any witness, including the accused, appearing during the fact-finding phase of the hearing.
- E. The right to provide a written or oral impact statement describing how the event impacted his/her/their life, including recommendations for the type of disciplinary action(s) he/she/they would like to see taken. The statement shall only be made available to a Conduct Board when an accused organization has been found responsible for violating the Code of Fraternity and Sorority Conduct. This statement is not binding on a Conduct Board, but will be given such weight as the Board deems appropriate under the circumstances in determining a sanction that complies with the guidelines set forth in Article IV of the Code.

5.09 Rights of an Organization Found in Violation of the Code of Fraternity and Sorority Conduct

- A. To have a sanction imposed that is based on the guidelines set forth in this Code;
- B. To have supervised access to a recording of the hearing proceedings.

5.10 In Absentia Consideration of Charges

- A. An organization that is notified in writing of allegations of misconduct under the Code at their ASU Post Office Box or by special delivery and that fails to respond within seven (7) working days shall have waived their right to a hearing and will be considered to have entered a plea of being in violation of the charge(s) specified.
- B. If the Assistant Director for Fraternity and Sorority Life determines that the organization's failure to appear was not for the purpose of defeating the process of this Code, he or she may rescind the disciplinary action and alter the sanction imposed, or refer the organization to a conduct board to have the allegation heard on its merits.
- C. Any organization that fails to attend their scheduled hearing with the Fraternity and Sorority Conduct Board shall have the case adjudicated by the board in the organization's absence.

5.11 Records

- A. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by a conduct board or in an administrative decision at the discretion of the conduct board or the Assistant Director for Fraternity and Sorority Life, and shall be considered the property of the University upon such submission.
- B. There shall be made at every conduct board hearing a recording of all hearings. The recording shall be the property of the University and may be destroyed three years after the final administrative decision is made.
- C. All disciplinary records are the property of the University. They are maintained by the Assistant Director for Fraternity and Sorority Life in the Division of Student Development. Disciplinary records include both file copies and computer records. Both are maintained for a minimum of seven years. The University reserves the right to maintain disciplinary records for any length of time in excess of seven years, or to destroy all or some of these records after seven years.

ARTICLE VI – APPELLATE PROCEDURES

6.01 Purpose of an Appeal

The purpose of the appeal procedure is to provide the opportunity for questioning the appropriateness of actions or recommendations growing out of a conduct board hearing. Appeals are not available to the complainant unless the alleged violation concerns an offense as outlined in 2.01 or 2.02. It is not the purpose of the appeal procedure to provide for a new hearing at a higher administrative level.

6.02 Guidelines for Making an Appeal

The following guidelines for making an appeal are established:

- A. Appeals are delivered to the Assistant Director for Fraternity and Sorority Life for processing in the form of a memorandum addressed to the Associate Vice Chancellor for Student Development.
- B. The memorandum shall clearly state the specific actions or recommendations that are being appealed (e.g. the findings of a conduct board, the recommended sanctions recommended by the conduct board, and both the findings and the recommendations of the conduct board.)
- C. The memorandum should clearly present specific reasons, grounds, or justifications to support the appeal.
- D. The Memorandum shall be prepared and signed by the president of the organization that is seeking a change in the decision. No appeals will be accepted by another person on behalf of the organization.

6.03 Appellate Process

- A. Written appeals are to be delivered to the Center for Student Involvement and Leadership within five (5) business days after written notice of the conduct board decision has been transmitted to the organization. In unusual circumstances, an extension of time may be granted by the Assistant Director for Fraternity and Sorority Life. Such a request should be made in writing and approved by the Assistant Director for Fraternity and Sorority Life.
- B. Appeals of actions in an Administrative Hearing by the Assistant Director of Fraternity and Sorority Life shall be limited to those based on an assertion of failure to follow the provisions established in Article 5.03 or other procedural errors. Appeals shall be in writing and shall follow the guidelines set forth in Section 6.02 and the timeframe set forth in Section 6.03(a) with the appeal time being counted from the date which the case is resolved administratively.
- C. The Assistant Director of Fraternity and Sorority Life shall deliver all appeals to the Associate Vice Chancellor for Student Development.
- D. The Associate Vice Chancellor may rule on the appeal upon receipt, or he or she may appoint a committee to recommend to him or her action to take on the appeal.
- E. There is no provision for the person or organization bringing the charge (complaint) to file an appeal, except in the case of an allegation that a student violated Articles 2.01 or 2.02. In these circumstances, the person bringing the allegation may file an appeal with the Associate Vice Chancellor for Student Development when there is clear and convincing new evidence or a gross procedural error.

6.04 Guidelines for Ruling on Appeals

- A. Normally, an appeal concerning a decision of “in violation” or “not in violation” by a conduct board will be successful only if clear and convincing new evidence is presented in the appeal. A successful appeal based on new evidence may result in the case being referred to a conduct board for a re-hearing. The Associate Vice Chancellor for Student Development also may accept the appeal and dismiss the charge.
- B. An appeal seeking to modify a sanction recommended by a conduct board will be successful only if clear and convincing evidence is advanced to show that the sanction does not meet the test of reasonableness and fairness, it is demonstrated that there was a gross procedural error that prevented a fair hearing, or there is new information concerning the alleged misconduct. A successful appeal will normally result in the Associate Vice Chancellor for Student Development modifying or rescinding the sanction. In modifying the sanctions, the Associate Vice Chancellor for Student Development will utilize the guidelines set forth in Article IV; however, he or she may modify the sanction in any form, including increasing the sanction, or dismissing the charge altogether.
- C. A successful appeal of a case that considered administratively by the Assistant Director for Fraternity and Sorority Life will usually result in the case being referred to a conduct board to be considered on its merits.

ARTICLE VII – SUMMARY SUSPENSION

7.01 Summary Suspension

In special circumstances, the Assistant Director of Fraternity and Sorority Life in consultation with the Vice Chancellor for Student Development may summarily suspend an organization charged with violating any rule, policy or procedure covered in this document. Summary suspension is defined as the temporary loss of university recognition, pending the outcome of an investigation or conduct proceeding.

7.02 Circumstances in Which Summary Suspension May Apply

Summary suspension shall be exercised only in those situations in which there is reasonable cause to believe that the organization's alleged act of misconduct is of such nature that their continued presence at the University is potentially dangerous to the health, safety and/or welfare of the University community, its property, or its educational mission. Such acts of misconduct include, but are not limited to, all acts of assault and/or battery with any type of weapon or instrument; hazing; gross sexual misconduct; rape; manufacture or sale of controlled substances; and other acts which might endanger persons or property.

7.03 Procedures

- A. To invoke summary suspension, the Assistant Director of Fraternity and Sorority Life will conduct a preliminary investigation. If appropriate and feasible, the investigation will include an interview with the accused organization. The organization will be informed of the alleged violation(s) and the accused organization will be given an opportunity to explain the circumstances of the behavior that has become the source of the alleged misconduct.
- B. The Assistant Director of Fraternity and Sorority Life, in consultation with the Vice Chancellor for Student Development or his/her designee, shall determine from the preliminary investigation if the accused organization shall be summarily suspended; if so, suspension shall be invoked immediately. This decision can be appealed to the Associate Vice Chancellor for Student Development or his/her designee. Appeals should be made in writing and must be delivered to the Office of the Vice Chancellor for Student Development within five (5) academic days of the organization being notified, in writing, of the summary suspension.
- C. An organization suspended on a summary basis shall be provided with a written notice containing the reasons for the suspension, the duration, and any conditions that apply. The notice shall also include information regarding appeal of the summary suspension and the process for requesting a hearing. Reasonable efforts shall be made to convey the notice to the organization being hand delivered to the president of the organization. An organization that has been summarily suspended may request a hearing on the merits of their case before a Fraternity/Sorority Conduct Board within ten (10) academic days of being given the written notice. If requested, a hearing will be held within twelve (12) academic days of the request. A organization who is suspended on a summary basis may also request within ten (10) days to resolve their case administratively. The University reserves the right to refer cases for a Conduct Board hearing regardless of whether one has been requested by an organization.
- D. An organization that has been suspended on a summary basis shall be ineligible to hold meetings or to be present on property owned or controlled by the University while the summary suspension remains in effect, except by authority of the Assistant Director of Fraternity and Sorority Life for purposes of participating in a hearing or other process or carrying out other business on University property. The Assistant Director of Fraternity and Sorority Life shall notify relevant faculty, staff, and Inter/National Headquarters that the organization is unable to function as a recognized student organization. Presence on the campus by the organization during the summary suspension shall be considered a violation of this Code. The organization's summary suspension shall not be used as evidence in any hearing.
- E. If an organization that has been summarily suspended does not request a hearing before a Conduct Board or an administrative decision within ten (10) academic days of the summary suspension, the summary suspension shall automatically become a term of suspension that shall remain in effect pursuant to the resolution of charges against the organization and/or pursuant to such terms as shall be set out in writing by the Assistant Director of Fraternity and Sorority Life.

APPENDIX A – GROUP ACCOUNTABILITY STATEMENT

Appalachian State University emphasizes the importance of individual responsibility and accountability in the lives of its students. Additionally, the rights and duties of recognized student organizations also carry with them an obligation on the part of their members, collectively, to uphold the Appalachian State University Code of Student Conduct.

This statement of group accountability acknowledges that unacceptable behaviors by individuals functioning as members or officers of a student organization may have consequences for those individuals as well as for the organization. Also, the privilege of being an officer of a student organization carries with it particular responsibility for the reasonable anticipation and prevention of foreseeable violations of University policies, resulting from either deliberate or negligent behavior of the organization's members or guests.

In general, a recognized student organization may be held accountable for the behavior of its members and guests on its premises, at events sponsored (or co-sponsored) by the organization, or when a group including significant numbers of members or guests violates University policies. Organizations that violate University policies and the Code of Student Conduct are subject to sanctions. It is the responsibility of organizational officers or those in charge of an event to identify foreseeable problems that may arise and to take timely corrective action. Sometimes it is appropriate for an organization's officers or members to ask for assistance from University offices (ASU Police, Center for Student Involvement & Leadership, Office of Student Conduct, etc.) or outside agencies (police, fire, ambulance).

The conditions under which an organization maintains responsibility for violations of University policies, the Code of Fraternity and Sorority Conduct and/or the Code of Student Conduct include (but are not limited to):

- the actions constituting the violation were tacitly or overtly condoned by the organization or its officers;
- the organization or its officers should have foreseen yet failed to take reasonable precautions against such actions;
- a policy or practice of the organization was responsible for a violation; or
- the behavior in question was committed by, condoned by or involved organization officers or a significant number of organization members or guests.

In determining whether an organization or its officers failed to take reasonable precautions, the University may take into account the repeated occurrence of relevant other incidents involving the organization.

In general, reported organizational violations of Departmental policies and standards should be addressed and appropriate sanctions imposed by the University office with administrative oversight of the organization. Possible violations of University Code of Student Conduct should be reported to the Office of Student Conduct for disciplinary action.

THIS CODE OF FRATERNITY AND SORORITY CONDUCT WAS ADOPTED IN ITS ENTIRETY BY THE:

College Panhellenic Council on November 2, 2011
Interfraternity Council on November 2, 2011
National Pan-Hellenic Council on November 7, 2011