

PROCEDURES FOR RESPONDING TO ORGANIZATIONAL MISCONDUCT

The University seeks to promote maximum flexibility and autonomy for all student governments, student associations and recognized student organizations and seeks to promote and encourage self-governance and internal accountability. RSOs are expected to recruit and orient potential and new members with dignity and respect, so that adherence to the policies, regulations and requirements set forth in this Code is expected at all stages of student participation in the organization.

Jurisdiction and Scope

The University, working in cooperation with respective University Recognizing Agents, may take appropriate legal, administrative or disciplinary action against offending groups concurrently. #Members of a recognized student organization may be held individually accountable for behaviors also attributed to the RSO.

Application of the Code's jurisdiction is intended to be a summary of certain matters of interest to student organizations and may extend to organizations who have temporarily lost official identification and privileges normally accorded to an affiliated group. Generally, the Code applies to the behavior of an RSO that takes place on or off campus or when conduct adversely affects a university interest including:

- Any situation where it appears that the RSO's conduct may present a danger or threat to the safety or wellbeing of individuals, or when actions significantly breach the peace or causes social disorder.
- Any situation that significantly impinges upon the rights, property or achievements of others.
- Any situation on premises owned, leased, or licensed by an organization granting a charter or housing corporation of that organization by a resident, an invitee or guest.

Jurisdiction may also cover behavior during or in connection with sponsored events. A sponsored event is any event that the RSO registers or otherwise notifies the appropriate University Recognizing Agent that it is sponsoring or hosting. An event may meet the minimum criteria to qualify as a sponsored event based on a number of factors, including the nature of the event, the number of members in attendance at the event, or the level of organization and advertising undertaken by members of the RSO.

Oversight and Authority

Because the authority to grant university recognition is an administrative process, the authority to investigate and adjudicate allegations of prohibited group conduct that may affect the status of a recognized student organization is also an administrative process.

These procedures govern the investigation and resolution processes for recognized student organizations on the Durham and Manchester campuses and excludes unregistered student groups and student organizations at the Franklin Pierce School of Law who will follow the policies and procedures established by the Student Bar Association.

Group misconduct processes are primarily managed by the organization's respective University Recognizing Agent or governing bodies subject to its appropriate by-laws and procedures.

The Office of Off-Campus Engagement and Fraternity & Sorority Life is the official University Recognizing Agent for nationally chartered Fraternities and Sororities.

- Alleged misconduct or rule violations involving Fraternities will be managed by the Interfraternity Council.
- Alleged misconduct or rule violations involving Sororities will be managed by the Panhellenic Council.

Campus Recreation is the official University Recognizing Agent for Sport Clubs.

- Alleged misconduct or rule violations involving Sport Clubs will be managed by the Assistant Director of Sport Clubs, Intramural Sports, Outdoor Adventures, and Special Events#or their designee.

The Memorial Union and Student Activities is the official University Recognizing Agent for educational, social, recreational, and service special interest student groups.

- Alleged misconduct or rule violations involving all other student organizations will be managed by the Director of the Memorial Union Building and Student Activities#or their designee.

The Office of Student Engagement is the official University Recognizing Agent for student organizations at the College of Professional Studies.

- Alleged misconduct or rule violations involving student organizations at CPS will be managed by The Director of Student Engagement or their designee.

Preliminary Review and Analysis

When situations arise that may violate the student organization policy or another institutional regulation, the University encourages members and officers of the RSO to self-report. To the extent possible, the University may provide individuals with limited amnesty when good faith reports make clear that there is organizational culpability.

Referral to Community Standards to commence a university investigation is dependent upon an analysis of severity and reliability of information discovered prior to or during the interview process. Delineation of individual versus organizational misconduct is based on a number of factors, including:

- One or more officers or authorized representatives acting in the scope of their capacities, commit the violation.
- One or more members commit the violation after the action that constitutes the violation was approved by a vote of the organization or was part of a committee assignment of the organization.
- The violation was committed at an activity funded by the organization.
- The violation occurs during or as a result of an event sponsored by the organization.
- One or more members of an organization or its officers permit, encourage, aid or assist in committing a violation.
- Members with knowledge or information about a violation fail to report to the appropriate university authority or law enforcement agency.

Initiation of Formal Investigation and Resolution Procedures

With an emphasis on fairness, simplicity, transparency and partnership, the Office of Community Standards will work collaboratively with the University Recognizing Agent or the inter/national organizational governing body to inform active members, officers and organization advisors of their responsibilities during an investigation, help student organizations under investigation understand and follow the procedures outlined in this policy, and communicate as needed with appropriate stakeholders throughout the process.

Whether conducted independently or jointly, investigations of organizational misconduct seek a reasonably expedient conclusion under the Code's specified timeline of sixty (60) days. Delays for exigent circumstances may require that the investigation undertake reasonable procedural alterations with respect to the complexity of the matter at issue, cooperation of the organization and its members, number of involved parties, parallel criminal proceedings, requests for postponement, curtailed university operations or breaks in the academic calendar.

While not exhaustive, some circumstances and conduct which are caused the matter to advance the investigation to a University Hearing for a change in recognition status or revocation, either as an isolated incident or pattern of behavior may involve:

- Aiding in the violation of policy or encouraging unlawful action
- Destruction of property
- Disorderly conduct
- Endangerment or Harassment
- Hazing (i.e., involving substantial threat to physical or emotional harm)
- Retaliation
- Significant alcohol or drug violations (i.e., emergency medical transports, service to minors, forced consumption)

Interim Restrictions and Exclusionary Actions

During the pendency of an investigation, the Director may implement interim actions to mitigate or prevent further continuance of an identified health or safety threat. Interim actions may partially limit or fully suspend the organization's activities. The precise parameters of the restrictions may vary depending on the conditions, circumstances, and context of the alleged misconduct, prior similar conduct and institutional precedent in response to the same or similar allegations. Any interim restrictions will be specified to the group at the time of issuance.

Cease and Desist – A cease-and-desist notice may be issued to temporarily suspend all organizational operation and business. Organizations issued a cease-and-desist may be prohibited from conducting formal or informal business, recruiting potential new members, sponsoring, co-sponsoring, or participating in any and all social, intramural, athletic, or other similar activities on or off campus, hosting any social or philanthropic events, utilizing campus facilities, or continued eligibility to receive any university award, honorary recognition or institutional funding.

Organization Sanctions and Effects

Organization Probation – A specified period of time for observation and review during which continued relationship with the University is conditional and dependent upon demonstrated and sustained compliance with university policy, and the development of a plan for modified behavior. Probation includes the probability of graduated levels of discipline if the responding organization is found to violate any institutional regulations during the probationary period.

Organization Suspension – Loss of university-wide recognition for a fixed period of time. During such time the organization is prohibited from conducting formal or informal business, recruiting potential new members, sponsoring, co-sponsoring, or participating in any and all social events or activities, on or off campus, hosting any social or philanthropic events, representing the University in any way, maintaining membership or representation on any governing councils, utilizing campus facilities, and is ineligible to receive any university award, honorary recognition or institutional funding. If the RSO is a nationally chartered fraternity or sorority, the University may also request that the inter/national organizational governing body revoke the chapter's charter.

Organization Dismissal – Indefinite loss of university recognition and official identification as a student organization at the University of New Hampshire.

Loss of Privileges – Precludes the organization from participating in certain activities or may require an organization to forfeit specific privileges. Temporary or permanent loss of recognition may also result in a loss of external privileges such as living in a property that is zoned specifically for recognized organizations.

Social Restriction – The organization is barred from or limited in engaging in, participating in, hosting, or sponsoring social events or other activities for a specific period of time.

Remediation and Group Development

Remediation serves to allow organizations and their members an opportunity to reflect on creating and sustaining socially responsible environments and to demonstrate the ability to abide by community standards and university expectations.

When the organization is associated with an inter/national organizational governing body, the University may collaborate to remedy structural deficits which may include, changes to the organization's operating procedures, a membership or leadership review, an external review, or changes to the organization's advisor support.

Leadership Development – Student organization leaders may be required to participate in additional leadership development or educational opportunities intended to build leaders capable of guiding culture change and providing overall leadership to their organization or enhance specific knowledge on policy or related issues.

Reconstruction Plan – A formalized action plan designed in consultation with the University Recognizing Agent or inter/national organizational governing body to assist in the organization's rehabilitation through mandated training, educational activities, policy review and creation or restorative practices.

Petition for Restoration of Recognition Status

An organization that has completed the suspension period and has met conditions for return as outlined in the return agreement or hearing results may seek reinstatement by complying with the registration requirements of the University Recognizing Agent.

If the organization dissolves or loses recognition as a result of organizational misconduct, the University reserves the right to deny a future request for recognition. This conclusion may be based on any of multiple factors, including but not limited to, continued operation of the organization during an active suspension period, overlapping membership, similarity of purpose, and the timing of the dissolution or prior loss of recognition and the request to reinstate recognition.