



Student Conduct Resource Guide

Association of Fraternity/Sorority Advisors Student Conduct Resource Guide

ACKNOWLEDGEMENTS

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PREFACE

The purpose of the Association of Fraternity/Sorority Advisors *Student Conduct Resource Guide* is to provide basic information regarding the structure, advisement, and training of fraternity/sorority community conduct boards. Please note the focus is not on conduct boards within individual chapters, but on conduct boards that serve the larger fraternity/sorority community. This guide includes examples of current models and trends in conduct board training and procedures.

This guide has been developed using a set of fundamental philosophies that are important for the user/reader to keep in mind:

- Increasing the education and awareness of students is one of the primary purposes of the student conduct process.
- Student conduct processes are not legal processes. As such they are intended to be educational in nature, not adversarial.
- Fraternity/sorority conduct boards should not hear cases of individual behavior issues, only chapter behavior issues.
- The fraternity/sorority conduct board can be advised out of the fraternity/sorority area, the student conduct area, or the student organization area of the host institution.
- Collaboration between the fraternity/sorority area and student conduct area is integral to success in the effective use of student conduct boards.

NOTE: It is also important to note that there are established expectations from some interfraternal umbrella organizations related to student conduct boards and the conduct process. Fraternity/sorority professionals should familiarize themselves with these expectations as they work with student organizations and student conduct.

THE ROLE OF THE CAMPUS-BASED FRATERNITY/SORORITY ADVISOR IN STUDENT CONDUCT INVESTIGATIONS AND PROCEEDINGS

Whether you are new to your institution or have been serving students at the same institution for years, occasionally you will have an experience where individual members or specific chapters within the fraternity/sorority community are in conflict with institutional and/or organizational standards of conduct. As the fraternity/sorority advisor, it is important that you understand your role in the investigation, adjudication, and follow-up of the alleged incident.

Individual Student Conduct

Institutional conduct structures vary, and individual student conduct issues may be handled through a student conduct office or be included in the cadre of responsibilities of the Dean of Students Office. In some cases, the fraternity/sorority advisor may have some responsibility related to administrative hearings of individual student conduct cases involving fraternity/sorority members, especially when fraternities/sororities are housed in facilities owned by the host institution. Regardless of the structure, it is incumbent upon you as the fraternity/sorority advisor to know how the system at your institution works and with whom you will be working should an incident occur involving an individual member of the fraternity/sorority community. The hours immediately following an incident are not the time for fraternity/sorority advisors to be introducing themselves to the student conduct officer. Additionally, this is not the time to be dusting off a copy of the student handbook to review student conduct policies for the first time.

Your knowledge of the student conduct policies and processes needs to be sound, and you have a responsibility to train student leaders and advisors to have working knowledge of the same. Training retreats for new chapter and council leaders are a great venue for teaching the fundamentals. This will also create a pool of educated resource people within each chapter or council who can provide guidance for peers who find themselves engaged in the institution's conduct processes. Fraternity/sorority advisors must be proponents of the institution's conduct processes, emphasizing the focus on honesty, fairness, respect, and responsibility. The individual accountability achieved through these processes can assist in shaping the character and culture of the fraternity/sorority community.

Organization Conduct

Clear delineation of responsibilities is necessary for guiding the fraternity/sorority advisor and the student conduct officer through the management of allegations of misconduct by a student organization. Guidelines should be written that clarify the following:

- Which professional staff member has the responsibility to investigate the alleged incident and determine charges?
- Which professional staff member has the responsibility to hear the case or refer the case to a conduct board?

- Which professional staff member serves as the advisor to a conduct board to ensure the hearing is conducted according to established procedures?
- Which professional staff member would hear an appeal?
- Who has the responsibility for serving as advisor to the accused organization through the process?

Recognizing the Limited Experience of New Professionals

Fraternity/sorority advisors are frequently new professionals and eager to please all constituents while demonstrating their ability to transform the fraternity/ sorority community. New professionals should be careful not to take on more than is reasonable within their role in resolving conduct issues. Written guidelines and procedures for student conduct establish protocol and provide a structure within which the fraternity/sorority advisor, whether a new professional or a seasoned professional, should work.

Balancing Advocacy and Accountability

The fraternity/sorority advisor needs to be careful in balancing the needs of the chapter with the needs of the institution. He/she must be clear in all communications that he/she is an advocate for students but not to the deficit of the institutional conduct process. No one is served well by an advisor who seeks to build rapport and/or establish credibility by manipulating the system for either the chapter's or the institution's benefit. The advisor should remember the responsibility to advocate for both students and the institution, and work to balance the concerns of both.

The institutional and or governing council conduct process should be trusted to run its course and produce a fair finding and resolution. It is important that the fraternity/sorority advisor not overreact to information during the investigation or during the hearing. It is also important that the advisor continue to be transparent with students about his/her professional responsibility to the institution in relation to all student and chapter conduct issues.

Given the difficult issues involved in balancing these seemingly competing roles, fraternity/sorority advisors are encouraged to seek mentoring from seasoned professionals in the field and look to networking opportunities provided by the Association of Fraternity/Sorority Advisors and other professional associations.

Student Conduct Resolution: A Learning Laboratory

The resolution of student conduct complaints is a learning opportunity for every individual involved, from the accused student to the individuals serving on the conduct board. Fraternity/sorority advisors should keep this in mind as yet another reason to be a proponent of the process. Maintaining a focus on the opportunity for learning can decrease the desire to rush to judgment and harshly punish offenders. Unlike criminal proceedings, student conduct processes are primarily focused on educational responses and seek to teach accused students the errors of their ways. The process attempts to provide tools for avoiding similarly destructive choices in the future while providing an opportunity for student learning. It

is imperative that the conduct board members understand this philosophy to ensure that the board's decisions are within their purview.

Conclusion

It is often the case that the fraternity/sorority advisor would not be an active participant in the conduct process for individual students. However, it is vital that the fraternity/sorority advisor understand the process, as he or she may be the person receiving the information that results in the referral of the individual student to the student conduct officer. It is likely that the fraternity/sorority advisor is involved in the conduct process for student organizations/chapters, and it is important to ensure that the advisor understands his/her role and responsibility to the conduct process.

STRUCTURING A FRATERNITY/SORORITY CONDUCT BOARD

Introduction

Because there are so many types of colleges and universities and so many ways to structure a fraternity/sorority community, there are also many ways to structure a fraternity/sorority conduct board. When designing a model for your campus, it is important to keep in mind the structure of your institution and fraternity/sorority community and determine what will work best within the existing framework.

Models for Fraternity/Sorority Conduct Processes

1. Governing Council Conduct Boards

In this structure, the governing councils have responsibility and authority to adjudicate violations of governing council policies and, in some cases, some or all college/university rules and policies. These rules and policies may include, but are not limited to: recruitment infractions, chapter conflicts, hazing, social host and registration rules, etc. The scope of the conduct board's authority should be delineated clearly in both the conduct board's bylaws or structural document and in the college/university conduct procedural manual or handbook. The governing council conduct board should not have responsibility or authority to adjudicate matters related to individual student behavior. At the governing council conduct board level, available sanctions may or may not include the most severe, such as loss of recognition.

The governing council conduct board may be advised by a representative of the student conduct office or the fraternity/sorority advisor. The accused organization is responsible for presenting its own case and witnesses. Sanctions should be recommendations to the dean of students or student conduct officer, who has the authority to affirm or alter the sanction before it is communicated to the accused chapter.

2. College/University Conduct Board

In this structure, a college/university conduct board comprised of any combination of faculty, staff and/or students will hear cases involving fraternities and/or sororities. While some fraternities or sororities may advocate that the student(s) on the conduct board be members of a fraternity or sorority, a college/university conduct board is generally set up to hear cases of all kinds, not only those involving fraternities or sororities. The board is not designed to provide "like representation," as the unintended consequence will be that women want the student board members to be female; African American students will want the same; etc. It is likely that the college/university conduct board can levy any sanction stated in the college/university's code of student conduct without review.

3. Administrative Hearing/Disciplinary Conference

In this model, a single administrator, such as the dean of students, the director of stu-

dent conduct, or the fraternity/sorority advisor hears the case and levies sanctions against the organization. The accused organization has the right to bring witnesses and present any relevant information. The administrator will consider all of the information and then render his/her decision to the organization.

In any model, the fraternity/sorority chapter should be given the right to appeal the decision based on a stated set of appeal criteria. The appeal may be a paper review of the information presented in the original hearing or an oral appeal in front of an appellate body/officer. The grounds for appeal must be clearly articulated along with the timeframe for doing so, as should the policy regarding whether or not sanctions levied will be held in abeyance pending the outcome of the hearing.

Fundamental Components of a Conduct Process

Despite the different model options, there are some common goals and guidelines that are important in developing a fraternity/sorority conduct process on any campus.

1. Organizations Should Be Given Due Process

Due process is a term that comes from the Fifth and Fourteenth Amendments of the U.S. Constitution, which require federal and state agencies to provide a fair judicial process before depriving anyone of “life, liberty, or property” (U.S. Const. amend. V; U.S. Const. amend. XIV).

Public institutions are required by the Fourteenth Amendment to provide individual students with due process, because the institution is considered an agency of the State’s government. Private schools are only required to provide due process if the institution pledges to do so in its official literature. Both public and private institutions are expected to fairly and reasonably carry out their own policies and procedures. In other words, all institutions of higher education are required to follow their own rules, but only public institutions are legally required to provide due process to students.

Recent court cases have shown that registered or recognized student organizations are not required to have the same level of due process rights as individuals, due to the fact that disciplining an organization does not necessarily deprive an individual of liberty or property rights (*Pi Lambda Phi Fraternity v. University of Pittsburgh*, 2000; *Iota Xi Chapter Of Sigma Chi Fraternity v. Patterson*, 2008).

However, it is strongly recommended that institutions provide due process to all student organizations, including fraternities and sororities, not only to avoid potential lawsuits, but because fairness is a fundamental ingredient in the success of any conduct process. In relation to procedure for student conduct boards, due process includes the following:

- Written notice of charges
- Opportunity for organization to respond to charges
- Notice of the time and place of the meeting/hearing

- Right to be accompanied by an advisor
- Right to produce witnesses
- Right to confront and question witnesses
- Right to inspect their own records
- Right to appeal the decision if there are procedural errors in the hearing, if the associated sanctions are unduly harsh, or if new information is available that was not available at the time of the initial hearing that may change the finding and/or severity of sanction(s).

To avoid potential liability, the conduct board must follow its stated process. Whatever due process rights are stated must be provided. The only exception would be if an organization waives any of the rights either verbally or in writing. For example, a hearing could be scheduled with fewer days notice as long as the chapter agrees to waive its right to the standard notice. The conduct board chair should have the chapter president sign a statement indicating that the chapter is waiving this or any right.

2. Chapter Leaders Should Understand the Conduct Process

No matter how the fraternity/sorority conduct board is structured, it is important for chapter leaders and advisors to understand how the process works. In order for the process to be successful, students should know what to expect and not feel that they are unable to defend themselves because they don't know the procedures. Students should not be blindsided by a conduct process, although some will always claim they "didn't know," regardless of the transparency of the process. The following are recommendations for ensuring chapter leaders know the conduct process:

- Publish the conduct board constitution and policies on the fraternity/sorority section of the institution's website and provide copies during all trainings for students and advisors.
- Work with council and chapter leaders to educate their respective members about the process.
- Include fraternity/sorority leaders in the crafting or review of the conduct board constitution and conduct procedures.
- Make policies clear and easy to understand.
- Remember that student conduct is an educational process and not a legal process.

3. Focus on Education and Prevention

When structuring a fraternity/sorority conduct board, remember that student affairs professionals are engaged in the business and pursuit of education, and most are not legally trained. In addition, because conduct processes involve students, they are the perfect opportunity to create an educational experience. For these reasons, the focus of a fraternity/sorority conduct board should be to hold students accountable for their actions while also educating them and attempting to prevent future incidents. A peer conduct board should not attempt to mimic the legal system, but should be designed as an educational process.

Getting Started

Once it is determined that the fraternity/sorority community is ready for a fraternity/sorority conduct board or it is determined that the current process needs to be reviewed and revised, and that the conduct board has the potential to be an effective way to resolve conduct issues, the next step is determining the general structure of your board. Use the following guidelines and questions as a starting point.

1. Conduct Board Configuration

The first step is to determine the configuration of the fraternity/sorority conduct board and for which organizations the board will hear cases. It is recommended that a conduct board be established for each governing council recognized by the college/university. This should be done to ensure that the students most knowledgeable about the specific council's policies and codes of conduct are hearing the cases of the accused chapters. For example, women belonging to chapters in the college/university Panhellenic Council would sit on the Panhellenic Conduct Board, members of the NPHC chapters would sit on the NPHC Conduct Board, and so forth. It is not recommended that students serve on a peer board for chapters with which they do not share the same rules and guidelines. However, institutions with a small number of chapters may find it necessary to have one joint conduct board. In this situation, training is even more critical to ensure that conduct board members understand the basic structure or expectations for chapters in each governing council represented.

2. Case Policies and Standards

What types of policies/guidelines will be upheld by the fraternity/sorority conduct board and what types of cases will the board hear?

A fraternity/sorority conduct board should only hear cases involving chapters, and should not hear cases involving individuals. If the behavior involved in an individual student case is deemed to be sanctioned/endorsed by the chapter or reflective of a larger chapter issue, then charges may be brought against the chapter with the expectation that the individual student be referred to the chapter or institution conduct process. An example of how these processes overlap could be found in a hazing case, where the fraternity/sorority conduct board may hear the case against the chapter, and the individuals involved may also be charged and go through the institution's student conduct system. It is important to work collaboratively with the institution's student conduct office in order to ensure a smooth partnership in these types of cases.

At some institutions, fraternity/sorority conduct boards only hear low-level cases that would not result in any sanction greater than probation. They do not hear cases of hazing, sexual assault, etc., as these serious cases would be dealt with by administrators or a college/university conduct board. Decisions about what types of cases a board will hear are usually based on what student conduct structures already exist, as well as how much trust the institution has in the ability of fraternities and sororities to adequately self-govern. When starting a fraternity/sorority conduct board for the first time, it may be a good idea to start out

with minor offenses, and gradually increase the level of offenses based on the board's ability to handle cases over time.

3. Conduct Board Members and Selection

The most popular method for selecting fraternity/sorority conduct board members is through an application process, with those applying being members of fraternities or sororities within the specific governing council. It is a good idea to have equal representation from the member chapters, but depending on the number of chapters on a campus, this may not be feasible. For a small fraternity/sorority community it makes sense to have a representative from each chapter, and the process might allow chapters to select their own representatives. However, the only way to ensure that the conduct board members possess certain qualities (e.g., maturity, ability to make fair decisions), or if it is not possible/reasonable to have a representative from every chapter, individuals should apply directly to the governing council executive board and have the board and the advisor select the most qualified candidates.

It is also important to determine how long conduct board members may serve (1 year, until they graduate, etc.). There is no single, best approach to this aspect of the conduct board structure, as campus norms will dictate what arrangement works best. There certainly is value in staggering the terms of board members to provide a degree of continuity from one academic term to the next and to give board members an opportunity to demonstrate a readiness to chair a conduct board. Multiple-year terms are not out of the question, but student willingness to commit to service beyond a year will differ from institution to institution. It is also good practice to develop guidelines for removing and replacing board members mid-stream. It stands to reason that students not in good disciplinary standing with the host institution be ineligible for service on a conduct board. The time to discuss these guidelines is in the board development phase, not when a board member's behavior comes into question.

There is evidence that a more democratic way of selecting conduct board members for each hearing can be beneficial. Some conduct boards have a large pool of students from which to choose, all of whom receive training, resulting in a different set of students from the pool serving on each hearing. Benefits of this approach are that more students will be familiar with and gain respect for the conduct process, a greater sense of community self-governance and ownership will be developed, and a learning experience will be provided for a greater number of students (Bambenek & Sifton, 2003). One noted detriment to this approach is the limited experience each member of the conduct board might have as a result of infrequent selection for service.

Once the conduct board members have been selected, training will be essential to developing an effective conduct board. A strong training process will be the best method to ensuring that those selected understand their role and responsibilities, and will also provide the advisor with information on additional areas for future trainings. Training recommendations are presented in the next section.

4. Complaint and Violation Notification

When a member of the college/university community (student, staff, faculty, alumni, etc.) or a member of the larger community (neighbor, community resident, town police, etc.) witnesses a potential violation, a report of the incident should be filed. This report could take many forms, including a phone call, an e-mail, submission of an on-line report form, a police report, or other manner of communicating the information about the alleged incident. One important conversation for community members to have surrounds the potential for anonymous complaints. It is a best practice for the college/university community to determine in what situation, if any, an anonymous complaint would be pursued.

Once a report is received, the information is reviewed by the advisor and the chair of the conduct board, and additional information may be sought. Once it is determined that there is the potential a violation has occurred, a charge letter needs to be developed.

A chapter must be notified in writing of any charges against it to ensure that proper notification has been provided. It is recommended that the fraternity/sorority advisor meet with the chapter president prior to or soon after the charge letter has been delivered to the chapter. The advantage of meeting with the chapter president prior to or as the charge letter is being delivered is that the chapter president may ask questions and come to a clearer understanding of the conduct process. This meeting will allow the chapter president to get an idea of whether the chapter will admit to the alleged violations or not.

5. Investigations/Courses of Action

There are many considerations when creating guidelines for investigations and possible courses of action. The following questions will require focused conversations between the host institution and the fraternity/sorority community.

- Who will investigate the complaint?
A good practice is for the investigator of the complaint NOT to be making decisions regarding whether or not the accused is responsible. The investigator should not be a member or advisor of the board, but someone who can come to present his/her findings during the hearing. It is not recommended to have students serve in the role of investigator.

- Who will determine the course of action to be taken (e.g., hearing, mediation, informal resolution)?
The primary investigator should make a recommendation to the advisor and chair of the conduct board based on the findings of the investigation and the nature of the alleged violation. Informal resolution requires a willingness on the part of the accused to accept at least partial responsibility for the alleged violation. Mediation should only be conducted by a properly trained individual and is clearly not appropriate for all situations. A hearing is a more formal setting that allows for the presentation of information to be considered by an individual hearing officer or a board in determining whether or not the accused is responsible for the violation(s) and, if so, what sanctions are recommended. In

some cases, a course of action might be pre-determined for low-level violations. For example, if a social event registration form is late, the automatic sanction is a warning for the first instance, a week of social probation for the second instance, and referral to the conduct board for subsequent instances. Some institutions also provide accused chapters with the option to select the resolution process. However, this is generally not available for the most egregious of alleged violations that are likely to result in a removal of the chapter's recognition.

- Who will decide the final outcome of a case?

This should be outlined in the conduct procedures. For example, if the case is referred to the conduct board, it will make recommendations for sanctions. If it is determined that mediation is appropriate, the guidelines provided for mediations will be followed. If informal resolution is pursued, protocol must exist to define who is authorized to represent the community in this conversation. Given that potential sanctions are offered to accused chapters in this setting, this role should be reserved for staff members of the host institution.

6. Sanctions and Appeals

In order to ensure that the decisions made by the fraternity/sorority conduct board are consistent with institutional policies and with previous decisions in similar cases, a good practice is to have the board make a sanction recommendation to the student conduct officer. This would result in the final sanction letter being delivered under the signature of the institution's conduct officer.

Using this process establishes the credibility of the conduct board's decisions and findings. This process provides the board authority to complete the hearing and sanction recommendations while allowing the institution to validate the board's decisions and ensure that they are consistent with institutional expectations. If it is determined that the board's recommendation needs to be amended, the reasons can be communicated, so that the board can have the opportunity to learn for the future. This arrangement has proven to be successful at many campuses and ensures the credibility of student conduct boards. Setting students up for success through effective training limits the need for the conduct officer to amend conduct board decisions.

Sanctions for chapters may range from a warning to a recommendation for removal of institutional recognition or registration. It is imperative that the range of possible sanctions be outlined in the conduct procedures. Consideration should be given to including the following: restitution and fines, educational programming, community service, warning, probation, suspension, and removal of institutional recognition.

The appeal process should also be developed when the conduct procedures are written. Establishing the grounds for an appeal is the central element to the process. A chapter should not be able to appeal just because members do not like the results of the hearing. Appeals should be based on a documented violation of the stated conduct process, the ability

to present new information not available at the time of the hearing, or if the sanction recommendations of the conduct board are aggressive or egregious in comparison to similar cases.

The appeal process should then be outlined, including to whom and within what time frame the appeal should be filed, and what the process will be once the appeal has been received. Generally speaking, the appeal must be in writing and directed to the conduct officer or other official noted in the letter of finding. The letter should come from the president of the organization and address the specific reason for appeal. A copy should be officially directed to the chapter advisor, and, when applicable, the inter/national organization should also be officially copied.

7. Record Keeping

Proper documentation of each step of the conduct process is important for both the host institution and the accused organization. Consider the information below and consult with your institution's legal counsel regarding any specific procedures you will establish and follow. .

- What should be kept?
Consider keeping the following:
 - Documentation of the initial report (police report, email, complaint form) of alleged misconduct.
 - Copies of correspondence between the host institution and the accused organization, including the notice of charges, scheduling of hearings or other procedures, and the notice of finding.
 - Contact information for others engaged in the process with the organization and the institution (e.g., advisors, volunteers and staff with the inter/national organization, etc.).
 - Information gleaned through the investigation used to establish the nature and level of the organization's involvement in the alleged violation

- Who should keep it?
Consult with your institution's legal counsel on this matter. In many cases, the documents are kept by the individual responsible for overseeing the adjudication of the alleged misconduct on behalf of the host institution.

- Where should it be kept?
The documents should be kept in a locked cabinet, inaccessible to individuals without a legitimate need to know the contents of the files.

- Who should have access to it?
Individual institutions will have their own policies and procedures as to who has access to different kinds of records.

- While information regarding the case may be shared with the media and/or reported publicly through fraternity/sorority community reports, reporters do not need to be granted full access to the contents of the file.
- For how long should it be kept?
The length of time an institution maintains student organization conduct records is dependent on the nature of the finding and the institution’s policies, which can be impacted by state law, insurance policies, and many other things. Consult with your institution’s legal counsel as you establish policies and procedures related to document retention.

In setting up a fraternity/sorority conduct board, use the following step-by-step summary to create an effective and efficient board process:

- A. Receive the complaint.
- B. Determine if the complaint warrants a formal charge and investigation.
- C. Notify the chapter of charges and subsequent investigation (if warranted).
- D. Conduct the investigation.
- E. Determine what method of resolution is appropriate (mediation, formal hearing, etc.).
- F. Set the date of hearing/mediation.
- G. Notify the chapter of date/location of the hearing/mediation.
- H. Notify witnesses of the date/location of the hearing.
- I. Complete the hearing/mediation.
- J. Determine responsibility for the charge.
- K. Recommend a sanction(s) (if warranted).
- L. Notify the chapter of the board’s decision and any resulting sanction(s).
- M. Implement the sanction(s) (unless the chapter appeals).
- N. If chapter appeals, the appellate body makes a decision to uphold or amend the decision and/or sanction(s).

Frequently Asked Questions

Q: What if the fraternity/sorority advisor is also the advisor to the governing council conduct board?

A: While not the optimal situation, when faced with serving in both roles the advisor must maintain his/her focus on being fair and balanced in addressing the task at hand, which is ensuring that the board follows the procedures as written. If the fraternity/sorority advisor is the investigator, another member of the fraternity/sorority life staff or the direct supervisor should then serve as the advisor to the governing council conduct board.

Q: What should a fraternity/sorority advisor remember if given the responsibility to investigate or adjudicate an alleged incident within the fraternity/sorority community?

A: The advisor should remember to not jump to immediate conclusions and should work to remain objective through the process. The advisor should develop a relevant set of facts and information regarding witnesses who may be able to shed light on the situation. Additionally, the advisor may

want to ensure that another staff member is available to direct students in case a conflict of interest may arise. It is very difficult to serve as a student resource and advocate one minute and turn to being the enforcer or fact finder the next.

Q: What is the role of the fraternity/sorority advisor when another professional is responsible for investigation, adjudication, and sanctioning?

A: The advisor may offer to assist in the process, but understand that the best assistance of all may be to stay out of the way. The advisor should determine if he/she can play the role of advocate and pre-hearing advisor to the chapter to ensure understanding of the institution's or governing council's conduct process. The advisor should also serve as the primary communicator with the inter/national fraternity/sorority staff, if applicable.

Q: What is the role of the fraternity/sorority advisor when he/she is called as a witness for either or both organizations involved in the conduct hearing?

A: In this case, the advisor cannot serve as the advisor to the conduct board. The advisor should prepare all relevant information and attend the hearing. The advisor should answer all questions for which they have relevant information.

Q: Is it appropriate for the investigator to be a student?

A: Given the weight of responsibility and the amount of power, whether perceived or real, associated with the role of investigator, it is not recommended to have students serving as the investigator.

TRAINING FRATERNITY/SORORITY CONDUCT BOARDS

A comprehensive training program is fundamental to the success of any conduct board. Facilitating a training session for new board members is standard practice and the most effective way to prepare a conduct board. Scheduling recurring training sessions throughout the year proves to be the most comprehensive means of developing a fully functional and responsible fraternity/sorosity conduct board.

Before outlining a training process for the conduct board, it is important to develop learning objectives. Typically, conduct board training programs aim to ensure that board members:

1. Become familiar with the institution's conduct code
2. Understand the philosophy and purpose of a college/university conduct process
3. Become familiar with the institution and governing council policies and guidelines adjudicated by the conduct board
4. Understand the ability for the fraternity/sorosity community to self-govern
5. Learn strategies for effective questioning
6. Understand standard procedures related to how decisions are made and sanctions recommended
7. Understand the importance of confidentiality

The conduct board training agenda should include the following:

1. Team development activities
 - Introductory activities will allow board members to know one another.
2. Discussion of the philosophy and purpose of the conduct process
 - This section focuses on the educational nature of the institution's conduct process, and it is recommended that the student conduct officer be invited to facilitate this section. Information should be shared about the role of self-governance and the privilege to self-govern that is granted to the conduct board by the institution. Goals of the conduct process should be discussed.
3. Review of the conduct board manual
 - The procedural manual should consist of all information that will be covered in training as well as contact information about various offices on campus that come into play during the conduct process.
4. Review of the institution's code of conduct
5. Review of fraternity/sorosity related policies and guidelines
6. Review of conduct board member responsibilities
 - Address appropriate attire for hearings, timeliness, and the importance of/necessity for confidentiality.
7. Review of expectations of conduct board members
 - It is helpful to share expectations of conduct board members as well as specific expectations for the chair. It is also important to discuss board members'

expectations of the conduct board advisor in terms of providing knowledge and support for the board’s success.

8. Review of the role of the fraternity/sorority advisor in the conduct process
9. Review of the jurisdiction and authority of the conduct board
10. Discussion of due process
 - Discuss the history of due process (St. John Dixon vs. Alabama, 1961), and emphasize the elements of fundamental fairness (Footer, 1996). Explain the right to know time, place, date, and charges; the right to be heard; and the right to appeal.
11. Discussion of legal concepts vs. institution/governing council process
 - It is beneficial to discuss the differences between the legal process and the institution/governing council process. Be sure to include the different language used as indicated below (legal language vs. educational language):

Legal Language	Educational Language
trial	hearing
defendant	accused organization/chapter
plaintiff	accusing person/organization
plea	statement regarding responsibility
guilty	responsible
not guilty	not responsible
beyond a reasonable doubt	more likely than not (or clear and convincing information)
chief justice	conduct board chair
closing argument	closing statement
verdict	decision or outcome
penalty/sentence	sanction

12. Discussion of rights and responsibilities of the offending chapter
13. Discussion of rights and responsibilities of the offended person/organization
14. Review of effective questioning techniques
 - Discuss various types of questioning and when to use each in a hearing. Questioning examples include:
 - Open-ended vs. closed-ended
 - Factual
 - Perception questions
15. Review of standards of proof and review of information
 - Most conduct boards determine responsibility based on preponderance of the information rather than “beyond reasonable doubt.” Types of information that could be considered during the hearing include: oral presentation, written documents, physical objects (photos, facebook posts, etc.), or other items obtained during the investigation.
16. Review of sanctioning process
17. Implementation of several mock hearings based on different kinds of situations

INTER/NATIONAL ORGANIZATION POLICIES VS. INSTITUTIONAL POLICIES AND THE CONCEPT OF DOUBLE JEOPARDY

Double Jeopardy

A common misconception of individuals or chapters accused of policy violations is that they can only be subject to one hearing and finding of facts relating to the alleged behavior. This defense usually rests on their misunderstanding of the concept of double jeopardy.

Double jeopardy is a legal term generally defined as “the putting of a person on trial for an offense for which he or she has previously been put on trial under a valid charge: two adjudications for one offense” (Miriam-Webster Online, 2009). Since college/university conduct processes are not criminal proceedings, the double jeopardy defense is irrelevant.

Students and organizations may face multiple investigations and hearings for a single incident. When students accept admission to an institution and consequently enroll, they agree to abide by the rules and regulations set forth by the institution. Students accept additional responsibility when they accept membership in a fraternity/sorority and agree to abide by the organization’s policies. On many campuses, this membership acceptance also subjects the individual to adhere to conduct expectations set forth by the fraternity/sorority community. Lease agreements in college/university or chapter housing typically add yet another layer of policy to which the student is accountable. If an incident involves allegations of a criminal nature, law enforcement and the courts may also be involved.

Policy Issues

Policies written to allow fraternity/sorority communities to adjudicate allegations of misconduct by member chapters should be very clear about how the governing council process interfaces with the host institution’s code of student conduct. Fraternity/sorority communities should work to establish a level of trust with the host institution so that the responsibility for adjudicating fraternity/sorority community issues resides within the community.

While fraternity/sorority community conduct boards can be very effective in dealing with conduct issues, there is a possibility of a student conduct board overstepping its bounds when it comes to sanctioning. A general rule of thumb for fraternity/sorority conduct boards to follow is to remember that the board cannot take away that which it lacks the power to grant. For example, the conduct board cannot revoke a chapter’s charter from its inter/national organization, as the council or institution is not the granter of the charter. Only the inter/national organization has the power to revoke or remove a charter. The conduct board may have the authority to recommend the removal of the recognition or registration of the student organization to the institution.

An effective method for sharing conduct resolution responsibility between the fraternity/sorority community and the host institution is for the conduct board’s process to determine whether or

not the accused is responsible for the alleged violation(s) and to make sanction recommendations to the institution.

Fairness must be a fundamental principle when considering the application of both institutional and fraternity/sorority conduct processes. Effective communication between the student conduct office and the fraternity/sorority conduct board is critical for achieving optimal resolution of the alleged misconduct. Fraternity/sorority leaders must understand that the institution is constantly evaluating the community's ability to appropriately address conduct issues. Failures on the part of the governing council conduct boards will erode the institution's trust in the community's process and likely result in heavier involvement in the conduct matters of the fraternity/sorority community.

DEVELOPING CREATIVE AND EFFECTIVE SANCTION RECOMMENDATIONS

Once the conduct board has determined that a fraternity or sorority chapter is responsible for a policy violation, it is important for the board to recommend an appropriate sanction. As previously presented, the primary goal of student affairs professionals is to provide learning opportunities for students. Sanctioning can be an excellent way to foster student development while also preventing the behavior from occurring again. Recent studies have shown that educational or “active” sanctions actually are more effective at reducing recidivism among individual students going through a campus conduct process (Olshak, 1999), and it is believed that this is also the case for group behavior.

Providing the opportunity for the fraternity/sorority conduct board to recommend sanctions can be beneficial in many ways. The members of the board will understand which types of sanctions are most likely to be carried out effectively, which will benefit the community as a whole, and which will have the most impact on the chapter members. As members of the fraternity/sorority community themselves, conduct board members have a unique perspective that is impossible to have as an advisor. Some institutions have a concern that a peer board will not assign sanctions strong enough for the violation or that the board will let chapters off easy because they are their peers. Institutions are often surprised at how strongly students feel about holding each other accountable. Students want to keep their chapters in good standing with the host institution. Comprehensive training will allow conduct board members to understand their responsibility to ensure an appropriate response to all violations, and they will take that responsibility seriously. Conduct board members may even assign sanctions that are stronger than an advisor would assign.

General Guidelines

It is a good idea to provide conduct board members general guidelines to follow in determining sanctions and then allow the board appropriate autonomy to make sanction recommendations. The following are recommended guidelines for the conduct board:

1. Only recommend sanctions that the board/institution is capable of enforcing and willing to enforce
If the conduct board assigns a chapter the sanction of a Saturday morning trash pick-up, how will the board verify that the chapter completed the task? If the board restricts a chapter from participating in certain activities, will the board be able to ensure that the chapter in fact did not participate?
2. Emphasize education
The conduct board should look for educational opportunities in the sanctioning process. Encourage the board to ask the following questions: What will help chapter members understand why the violation is a problem? What will prevent future

problems? Is there a way to assist the chapter leaders in addressing the members at the core of the issue? Is there a way for the chapter to share what it has learned in a way that will benefit other chapters in the community?

3. Ensure that the sanction fits the violation

To ensure the viability of a governing council conduct board, it is imperative that the sanctions recommended fit the violation in question. Consideration of past offenses should not be given during the determination of responsibility for the violation; however information regarding past offenses must come into play during the sanctioning process. If the violation is a second offense, the board should take into consideration the prior sanctions when establishing the next response.

Sanctions should also be consistent across all hearings. During training, develop an activity based on precedent at the institution where the board members match sanction options with policy violations. The advisor may also wish to bring copies of prior sanction decisions for similar violations as a guide for the board during the sanctioning process.

Some governing council conduct boards choose to establish standard sanctions for specific violations such as social event registration paperwork violations or other smaller offenses. This is not recommended for more complex situations, as the violations are often in combination and not similar in scope on a consistent basis.

When considering sanction options, a combination of both educational and preventative sanctions may be most effective for chapters. Probation, during which chapters are not allowed to have any or certain types of events, usually has a significant impact on a chapter, and members are likely to recognize the seriousness of the offense. However, probation alone does not provide an opportunity for learning; therefore, a combination of some type of probation and a more creative educational sanction is often a better option.

Sanction Options

1. Educational Programming

Educational programming is a requirement that the chapter hold an educational workshop on a topic related to their violation (alcohol, hazing, etc.). Possible programs include the following:

- Require chapter officers or a certain percentage of chapter members to complete an online educational program such as Alcohol.edu, GreekLife.Edu, or Mystudentbody.com. Many of these programs will provide a certificate upon completion, which students can be required to submit.
- Utilize campus programs offered to students. These may include programs on ethical decision making, alcohol/drug education, etc. Often, departments are willing to work with either the entire chapter or the executive board members.

- Require the chapter to host an educational workshop open to other chapters. This is a good idea if your campus has an expectation that all chapters attend an educational program on a specific topic.
 - Require the chapter to present a workshop related to the violation. The chapter should present a preview of the workshop to the governing council executive board and the advisor in advance to ensure that the content is accurate, appropriate, and informational.
2. Restitution
Restitution is relevant when the violation has involved damage to property. The conduct board could obtain the repair costs of the damage and require the chapter to be responsible for the re-payment.
 3. Warning
A formal warning allows the board to respond to a specific violation and document the incident in the official chapter file. If the chapter is later found responsible for a similar violation, then the warning would allow the board to move to a stronger sanction recommendation.
 4. Probation
Probation entails the restriction of some form of normal chapter operation. This could include social events, intramural participation, or other special event participation. Probations should have a specific term length and a specific set of restrictions.
 5. Suspension
Suspension is a defined period during which all chapter operations cease. Conditions may be set for a chapter to regain its standing in the fraternity/sorority community.
 6. Removal of Recognition or Registration of the Student Organization
Recommending removal of the recognition or registration of the student organization is the most severe sanction response and should only be used when the conduct board believes that there is no opportunity for rehabilitation of the chapter member behaviors or chapter operations. It is imperative that the fraternity/sorority advisor be in communication with the inter/national organization if it is believed that a recommendation for removal of the student organization is a possibility.

Restorative Justice

Restorative justice is a practice that emphasizes repairing the harm caused by individual or group misconduct. It involves identifying stakeholders and developing collaborative solutions that repair the harm done to individuals and/or communities. It can be a good alternative to traditional hearings when the situation is appropriate and can have a greater educational and emotional impact for the parties involved than traditional punitive discipline (Warters, Sebok, & Goldblum, 2000).

One key component of restorative justice is that it is generally only effective if the student organization admits to the offense. This may be a major obstacle, as members may not want to admit wrongdoing (Baker-Zwerenz, Lopez-Phillips, Rogers, & Strohming, 2004).

Restorative justice involves a conference of all stakeholders – representatives of the offending group as well as anybody affected by the violation. Stakeholders may include law enforcement, neighbors, members of other fraternities/sororities, non-affiliated students, campus administrators, faculty or other staff, and business owners.

The process of restorative justice usually involves setting up a meeting in which every participant gets a chance to talk about how he/she was affected by the incident. The group determines collaboratively how the harm can be repaired and agrees on a resolution. The discussion in the meeting should not be about whether or not a policy was violated, but what can be done to make things right in the community.

It is a good idea to have a trained facilitator who is knowledgeable about restorative justice methods if you want to utilize this practice in the fraternity/sorority conduct process.

For more detailed information about restorative justice, visit:

- <http://www.restorativejustice.org/>
- <http://www.sfu.ca/crj/>

DEFINING RELATIONSHIPS AMONG THE INSTITUTION, CHAPTERS, ALUMNI/AE, AND INTER/NATIONAL ORGANIZATIONS DURING CONDUCT PROCEDURES

When there is a need to discipline a chapter for violation of institution, governing council, and/or inter/national organization policies, all constituents invested in the health of the chapter should be included in the discussions. In the ideal scenario, there would be an established and effective relationship between the institution, the inter/national organization, and the local alumni/ae advisors long before there is an incident involving the chapter. Strong working relationships are seldom formed out of the crisis situation. If there is no prior working relationship, all parties need to establish open lines of communication on the issue at hand and determine what role each entity will play in the investigation and sanctioning of the chapter.

When there is a violation, both the institution and the inter/national organization have the right to conduct an investigation and to sanction the chapter when appropriate. Both organizations should have an established set of procedures in place for the investigation and the subsequent hearing related to the allegations, and these processes should be shared. The local alumni/ae should be informed of both processes and how they may assist in collecting information or communicating to the chapter membership. It is important to allow both processes to move forward at the same time so that the chapter does not complete one investigation and then go through a separate process a few weeks later. It is imperative that the professionals and volunteers involved are in communication with one another and have an established plan.

Processes may vary if the accused chapter is a local organization. Local chapters and the host institution are well served when conversations regarding adjudication of alleged misconduct are discussed before issues arise. If the local chapter has an established alumni/ae group, they will likely be interested in building a solid working relationship with the host institution to ensure their involvement in discussions about alleged chapter misconduct.

The first step is to establish which organization will take the lead on the investigation. The primary investigator should be established along with a secondary investigator to ensure a clear line of communication between the chapter leadership and the primary investigator. An agreement must be established whereby all findings of the primary investigator will be shared with the other invested constituents. If this cannot be established for any reason, then two separate investigations will be required.

- If the initial report is taken by the institution, it is recommended that the institution serve as the primary investigator. If the initial report is taken by the inter/national organization, it is recommended that the inter/national organization serve as the primary investigator.
- A written report of the incident and all subsequent investigation notes are to be shared between the primary investigator and the other entities.

Once the initial investigation is complete, the institution and the inter/national organization should review the investigation report and determine if it is likely that the chapter has committed a violation of either or both entities' policies. If the results of the investigation warrant a hearing for an alleged violation of only one entity's policies, then the remaining hearing and sanctioning would be left solely to that entity. It is important to recognize the sovereignty of each organization and its policies. The campus-based professional cannot expect the inter/national organization to sanction the chapter for a behavior that is not a violation of the inter/national organization's policies, and vice versa. However, it is important for both entities to know that a violation has taken place, the results of the investigation, and the results of the hearing, as this information may be relevant in future behavior issues with the chapter.

If it is determined that both the institution's and the inter/national organization's policies have likely been violated, then a second plan needs to be established. The two organizations should recognize that it is not in the best interest of the chapter to have two separate sets of sanctions related to the same event. The institution and the inter/national organization should make every effort to be in cooperation related to the sanctions levied against the chapter and to whom the chapter is to report its progress on the sanctions.

- If the institution has taken the lead and will refer the chapter to the conduct process, the inter/national organization could hold to see the results and the sanctions before responding.
 - Once the results of the institution's hearing and sanctions are received, the inter/national organization could send a letter endorsing the sanctions to ensure the chapter is aware that both the institution and the inter/national organization are in cooperation in response to the incident.

- If the inter/national organization has taken the lead and will sanction the chapter through the stated process, the institution could hold to see the results of the sanction before responding.
 - When the results of the inter/national organization's sanctions are received, the institution could hold a conduct hearing that finds the chapter responsible for the violation and endorse the sanctions already prescribed by the inter/national organization.
 - If the conduct board does not find the chapter responsible for the same violations, the chapter's only sanction responsibility is to the inter/national organization.

When assigning sanctions to a chapter in a conduct response, consideration should be given to assigning any sanction that involves a financial investment by the institution and/or the inter/national organization. The institution cannot mandate that the inter/national organization send a staff member or pay for the members to attend an inter/national training or convention. Likewise, the inter/national organization cannot sanction the chapter to host a community-wide educational program where there is a requirement that all of the other chapters attend the program. The sanction can recommend the chapter develop an action plan to do either of the above items, and work in cooperation with the professional staff at the institution and/or inter/national organization to put the plan into place.

Once the conduct processes are completed, the local alumni/ae advisors are vital to the communication with the chapter leadership and membership about the next steps. The alumni/ae advisors, in cooperation with the campus-based professional, can assist the chapter in establishing an action plan to complete the sanctions. Once an action plan is in place, the plan should be communicated to the

institution and the inter/national organization, so that all entities are on the same page about the anticipated progress of the chapter.

Working in cooperation will communicate to the chapter that all entities are working together to ensure the health of the chapter, and it also ensures that the chapter is not playing one organization off of the other during the investigation.

The relationship among the institution, inter/national organization, and local alumni/ae advisory board is crucial to the health of any chapter. All entities should work to establish open lines of communication long before any incident occurs. When these relationships are in place, the process of conducting an investigation will prove to be seamless and more straightforward for all involved.

SAMPLE CONDUCT BOARD POLICIES

The following institutions have been noted through various awards programs and by professionals in the field (at the time of publication) for having well-established and effective conduct policies and procedures for the fraternity/sorority community:

[Ball State University](#)
[Bowling Green State University](#)
[Case Western Reserve University](#)
[Colorado State University](#)
[Culver-Stockton College](#)
[Elon University](#)
[Grand Valley State University](#)
[Iowa State University](#)
[Missouri State University](#)
[Missouri University of Science & Technology](#)
[Oklahoma State University](#)
[The Ohio State University](#)
[University of Arkansas](#)
[University of Kansas](#)
[University of Washington](#)
[Virginia Commonwealth University](#)
[Washington State University](#)

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