

**The James Madison University Student Organization Accountability Process is adapted from the Dyad Strategies Model Student Organization Conduct Process and is used here with permission.*

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Section 1 - Jurisdiction

The leadership of a Recognized Student Organization (herein referred as “RSO”) at James Madison University (JMU) are provided a copy of the *Student Organization Accountability Process* annually in the form of a link on JMU affiliated websites from the Organization’s Primary Oversight Office (OPOO):

- Center for Multicultural Student Services (CMSS)
- Fraternity & Sorority Life (FSL)
- Student Activities & Involvement (SAI)
- University Recreation (UREC)

Hard copies are available upon request from those offices. Students who are part of RSOs are responsible for reading and abiding by the provisions of the *Student Organization Accountability Process*.

The *Student Organization Accountability Process* and the individual Accountability Process through the Office of Student Accountability and Restorative Practices (OSARP) apply to the conduct of RSOs. RSOs that have lost JMU recognition may still be subject to provisions in this code as relevant to considering the organization for re-recognition. Individual students who are members of an RSO are still subject as individuals to the expectations in the JMU Student Handbook and Honor Council and may be held individually accountable for behaviors also attributed to the RSO. Individuals who are members of an RSO may, through their actions, subject the RSO to disciplinary action under this Code, whether or not those individuals also have alleged violations of university policy through OSARP.

The *Student Organization Accountability Process* applies to behaviors that take place on the campus, at JMU or RSO-sponsored events whether on or off-campus, and may also apply to other off-campus behaviors when the OPOO determines that the off-campus conduct affects a JMU interest (Addendum A). A JMU interest is defined to include:

- Any situation where it appears that the RSO’s conduct may present a danger or threat to the health or safety of individuals; and/or
- Any situation that significantly infringes upon the rights, property or achievements of others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of JMU.

The *Student Organization Accountability Process* may be applied to behavior conducted online, via email or other electronic mediums. RSO members should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject an RSO to allegations of organization conduct. JMU does not regularly search for this information but may take action if and when such information is brought to our attention.

The *Student Organization Accountability Process* applies to guests of the RSO and the RSO may be held accountable for the misconduct of their guests. Visitors to and guests of JMU may seek resolution of violations of the *Student Organization Accountability Process* committed against them by an RSO and/or members of an RSO.

There is no time limit on reporting alleged violations regarding the *Student Organization Accountability Process*; however, the longer someone waits to report an offense, the more difficult it may be for JMU officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous complaints are permitted, doing so may limit JMU's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible through [JMU's Organization Reporting Service](#).

An RSO facing an alleged violation of the *Student Organization Accountability Process* is permitted to dissolve/surrender recognition during the investigation/adjudication process. However, JMU may continue the investigation/adjudication process even after the RSO has been dissolved.

JMU email is the primary means of communication with RSO representatives. In accordance with [JMU Policy 1209](#), proper notification of an alleged policy violation(s) shall consist of an email to the RSO representative's official JMU e-mail address. The notice will be considered received the day after the notice is sent via email. In addition, JMU may notify the Adviser and/or any inter/national governing body associated with the RSO.

Section 2 - Terms and Definitions

The following definitions apply only to this policy.

- **Appeal Officer** – An appeal officer is the person(s) or bodies designated by the OPOO to hear appeals of findings associated with the Formal Resolution Process, or any assigned outcomes, or both, regardless of process. The appeal officer must not be the person who investigated the case and must not have been involved in the adjudication of the case. Appeal Officers will be the appropriate Director or designee as listed in Addendum B.
- **Exigent Circumstances** – Any situation that demands unusual or immediate action and thus allows for the circumvention of usual procedures. Examples include, but are not limited to, process delays due to parallel criminal proceedings, behaviors that present a threat to the health and safety of members of the campus community, or a break in the academic calendar.
- **Hearing Officer** – A hearing officer is the person(s) or bodies assigned by the OPOO to be the deciding body in a case that involves a Formal Resolution Process. The hearing officer will be a neutral and objective decision-maker. The hearing officer must not be the person(s) who investigated the case and must not be involved in the appellate process.
- **Inter/National Organizational Governing Body** – Any known or designated association or body affiliated with any RSO. Examples may include: national headquarters of Greek-letter organizations, national governing bodies of sports organizations, and national honor societies.
- **Investigative Report** – Official document produced during investigation of claim of misconduct by an RSO that could include, but is not limited to, information regarding the initial report of misconduct, summaries of emails and witness testimonies, and other relevant information regarding the report of misconduct.

- **Organization's Primary Oversight Office** – Office with primary responsibility of accountability, management, and general oversight of the RSO.
- **Preponderance of Evidence** – Standard of evidence used in organization misconduct cases; more likely than not based on the evidence (more than 50% sure).
- **Recognized Student Organization (RSO)** – Any group that has been recognized by JMU as a student organization or has applied for such recognition (but has not yet completed the formal process) through either Center for Multicultural Student Services, Fraternity & Sorority Life, Student Activities & Involvement, or University Recreation.
- **RSO Adviser** – Any individual designated by the RSO and the university as their adviser. If there is no RSO Adviser designated by the RSO, the institution may choose a designee.
- **RSO Representative** – JMU will generally direct communication to the student on file with JMU as the elected/appointed leader of the RSO (i.e. president or team captain). However, the RSO may choose any student member to serve as the official representative of the RSO at any time during this outlined accountability process. If the individual designated is no longer eligible to serve in that role (e.g. the student withdraws from JMU or is no longer a member of the RSO) or if the RSO dissolves prior to or during the investigation/adjudication process as outlined in this Code, JMU may designate a RSO representative of their choosing from the most recent executive officer list.
- **Sponsored event** – Sponsored events, whether on or off-campus, include, but are not limited to:
 - Any event that the RSO registers with JMU or otherwise notifies JMU that it is sponsoring/hosting
 - Any event that meets the criteria of an event that should be registered with JMU or that the RSO should have otherwise notified JMU as determined and expected by OPOO. This information would be found in the Student Organization Manual and communicated by the OPOO.
 - Any event that JMU determines may qualify as a sponsored event based on, but not limited to, the following factors: the nature of the event, the number of RSO members in attendance at the event, the level of organization/advertising undertaken by members of the RSO, and what a reasonable person would assume is an RSO sponsored event.

Section 3 - Prohibited Behaviors

The behaviors listed below are specifically applied to the behaviors of RSOs and the member(s) of the RSO. Individual students who are members of an RSO are still subject as individuals to the Standards of Conduct and Policies provided in the JMU Student Handbook and Honor Code and may be held individually accountable for behaviors also attributed to the RSO. Individuals who are members of an RSO may subject the RSO to disciplinary action under this Code, whether or not those individuals are also participating in the OSARP Accountability Process and Honor Council Process.

For the purposes of these policies, “approved or otherwise participates” would include observation of behaviors by individuals in a position to intervene but who fail to intervene,

including organization officers/leaders who are aware of behaviors and condone those behaviors from occurring, regardless of their participation.

Abuse of Process – An RSO, or someone acting on behalf of an RSO, violates this Code by directly or indirectly abusing or interfering with a JMU investigation or adjudication process by engaging in one or more of the following:

- falsifying, distorting, or misrepresenting information or colluding to do the same in the investigation or adjudication process
- destroying or concealing information
- attempting to discourage an individual's proper participation in the investigation/adjudication process
- harassing or intimidating (verbally or physically) any person involved in JMU processes before, during, and/or following proceedings (including up to, throughout, and after any outcome)
- failing to comply with a temporary measure or other outcome
- distributing or otherwise publicizing materials created or produced during an investigation as a part of these policies or procedures, except as permitted or required by law or as expressly permitted by JMU
- Influencing or attempting to influence another person to commit abuse of process.

Aiding in Academic Misconduct – The RSO aids, abets, organizes, approves or otherwise participates in behaviors that would constitute cheating, plagiarism, misrepresentation (e.g. having another RSO member check into a class or take an exam) and/or other forms of Academic Misconduct as described by the [JMU Honor Code](#). Evidence of a violation of this policy must demonstrate systemic participation and or knowledge of misconduct involving several RSO members.

Alcohol – The RSO aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of [JMU Alcohol Policy](#).

Alleged Violations of Law – Any alleged violations of federal, state and local laws may be investigated and adjudicated under the *Student Organization Accountability Process*. When an offense occurs, the OSARP Accountability Process will usually move forward notwithstanding any criminal complaint that may arise from the same incident.

Arrest Policy – RSO leadership fails to notify the appropriate JMU official as listed in Addendum C within 48 hours if a member of the RSO is arrested and detained as a result of any actions or behaviors taking place at or arising out of an RSO-sponsored event.

Bullying/Cyberbullying – The RSO aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute bullying and/or cyberbullying, which are defined as repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression and are otherwise not protected by First Amendment.

Civil Rights-Based Harassment/Discrimination – The RSO aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of [JMU's Equal Opportunity policy](#) would constitute a violation of this policy.

Damage/Destruction of Property – The RSO aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of [JMU's Damage, Attempted Damage, or Vandalism of Property](#) policy would constitute a violation of this policy.

Disruptive Activity/Disorderly Conduct – The RSO aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of [JMU's Disorderly Conduct policy](#) would constitute a violation of this policy.

Drugs or Other Controlled Substances – The RSO aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of [JMU Drug policy](#) would constitute a violation of this policy.

Endangerment – The RSO aids, abets, incites, organizes, approves or otherwise participates in any activity that would constitute physical abuse or would endanger the safety, health or well-being of other individuals or groups or would cause reasonable apprehension of such harm, constitutes a violation of [JMU's Dangerous Practices policy](#). For the purposes of this policy, Endangerment would include observation of activities that might endanger the safety, health, or well-being of individuals by RSO members in a position to intervene but who fail to intervene.

Failure to Comply – The RSO or its representatives fail to comply with the reasonable directives of JMU officials or designees or law enforcement officers during the performance of their duties as found in the [JMU Noncompliance policy](#). This would include failure to comply with any interim measures instituted during any investigation or adjudication process, or failure to comply with any outcomes assigned to a RSO at the completion of the conduct process.

Financial Obligations – Failure to promptly meet financial responsibilities to JMU or an outside entity, including, but not limited to; knowingly providing an insufficient form of payment, such as a worthless check or money order in payment or misusing funds obtained through the University (i.e. student activity fees).

Harassment – The RSO aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of [JMU's Harassment, Bullying, and/or Stalking policy](#).

Hazing – The RSO aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of [JMU's Hazing policy](#).

Retaliation – The RSO aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of [JMU's Interference with or Retaliation in a University Process policy](#). Retaliation is defined as any adverse action towards any person for reporting an alleged violation of this policy or for cooperating with or otherwise participating in any University investigation. Retaliation includes, but is not limited to, verbal or implied threats, physical or psychological abuse, intimidation, harassment (verbal or written), or any other action intended to create a hostile environment for the intended target of the retaliation. In addition, isolation may constitute retaliation under this policy if the target of the isolation is deprived of an educational opportunity or benefit as a result of that isolation.

Sexual Misconduct – The RSO aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of the [JMU Sexual Misconduct policy](#) or [Title IX Sexual Harassment Policy](#).

Trademark/Copyright Violations – The RSO engages in unauthorized use (including misuse) of JMU or organizational names and images.

Violations of JMU Policies – Violating, attempting to violate, or assisting in the violation of any other JMU policy, contract, rule, bylaw and/or regulation of JMU may constitute a violation of the Student Organization Accountability Process. Examples include, but are not limited to: [JMU Student Handbook](#), [Title IX Policy](#), [Academic Integrity Policies](#), [Office of Residence Life Policies](#), [Technology and Computing Policy](#), FSL Social Event Policy and Procedures, and ICGC Policies.

Section 4 - Procedures

About Reporting to JMU

The institution may receive a report of an allegation or potential violation of this or other related policies in a number of ways, including, but not limited to:

- The filing of an incident report with the appropriate JMU department or official, including self-reporting.
- Any individual is made aware of and/or observes a potential violation of this or other related policies and submits a report to JMU.
- Any individual is aware of an RSO's climate or culture that may indicate a probability of violations of this or any other related policies and submits a report to JMU.

Any member of the university community may submit a written report giving details of the alleged harm or incident to Organization's Primary Oversight Office (Addendum A) or through the [University Reporting Form](#). The report should include the following information:

- Detailed description of the alleged harm or incident.
- Date, time, and place of incident(s).
- Name of the organization(s) involved.
- Name of the individual(s) involved.
- Name, address and phone number of the person(s) filing the report (unless the person filing the report chooses to remain anonymous, only available through the [University Reporting Form](#)).

Self-Reporting of Individual Misconduct and Amnesty

RSO leadership are encouraged to immediately report any violations committed by members of the RSO of JMU policies to OPOO or through the [University Reporting Form](#). This report should provide a detailed description of the events that transpired, the names of any individuals involved, and a description of any internal disciplinary actions taken by the RSO. If the RSO chooses to self-report behavior in this manner, the OPOO will only investigate the individual(s) implicated in the report. Unless information discovered in the investigation suggests that the incident was aided, abetted, sanctioned or organized by the RSO, the investigation will be limited to the individuals implicated in the self-report and not the RSO. However, if information is

uncovered in the investigation that suggests that the RSO aided, abetted, sanctioned or organized the event, the OPOO may launch a formal investigation of the RSO.

If information is uncovered in the investigation that suggests that the RSO aided, abetted, sanctioned or organized the event, individual students may qualify for amnesty concerning other minor University policy violations that are brought to light in the course of the investigation that arose out of, or were committed as a direct result of, the incident(s) under investigation (i.e. students forced to consume alcohol as part of a hazing incident will not have an alleged violation placed for the University alcohol policy). Amnesty is decided by the OPOO during the investigation and is only valid concerning the OPOO's investigation. Other University offices may place policy violations against students during the course of their independent investigations and/or conduct process.

Minor policies are defined as behaviors that do not represent an immediate threat to the health, safety, or well-being of the individual or others as determined by the OPOO. The University reserves the right to follow up with students related to those issues as appropriate in a non-disciplinary setting and to alert any Inter/National organization of these violations

Preliminary Inquiry

Upon receiving notice of an alleged violation of this or other University Policies involving a RSO, the OPOO, in consultation with the appropriate JMU departments, will conduct a preliminary assessment to determine if there is a reasonable basis for conducting an investigation into the alleged violations of University Policies. This initial assessment will include a review of the information reported. This may include, but is not limited to:

- interview(s) with the person(s) who made the report.
- review prior conduct history of the RSO and relevant members.
- gather information that would corroborate elements of the report.
- review of any materials related to the report.

Once a determination has been made that the alleged violations warrant a more comprehensive investigation or response, the OPOO will notify the RSO in writing to outline the alleged violations, the resolution options based on alleged violations, and to schedule an educational conference (if applicable). This notification will also be sent to RSO Adviser(s), any relevant JMU departments, and if applicable, the RSO inter/national governing body.

If the OPOO determines that no investigation is necessary, the report is filed, saved, and administratively closed. The OPOO may, at their discretion, notify the RSO of the information received and that the matter is closed. In these cases, the OPOO may choose, at their discretion, to maintain the confidentiality of any reporting party(ies).

Interim Measures

In cases where it is determined that certain continued operations of an RSO constitute a reasonable threat of harm to individuals, damage to University premises, or disruption to the educational mission of JMU, the OPOO may issue interim measures, up to and including an interim suspension of all RSO activities. Upon issuance of an interim measure, the OPOO will notify the RSO representative and other appropriate parties in writing.

If an RSO wishes to seek a review of these interim measures, the RSO must submit a written request for an administrative review meeting to the OPOO within one (1) business day. This administrative review, conducted by a designee of the OPOO, should happen within five (5) business days of JMU's receipt of the request. This administrative review is not a hearing on the merits of the underlying allegations, but is merely a review to determine what, if any, interim measures are appropriate. The review may lead to a continuance, revocation, and/or modification of the interim measures, including modifications that may be more restrictive than the initial measures. JMU will notify RSO leadership of the outcome of the review in writing within three (3) business days of the review meeting. This notification will include JMU's decision and the rationale for that decision.

If the investigation lasts beyond 30 days (as outlined below, beginning from the date of the Educational Conference), the RSO may request another review of the interim measures, which will be handled in the same manner as the initial request for review as outlined above.

Resolution Options

Upon notice of a potential violation, the OPOO will conduct an assessment of the allegations to determine the applicable resolution options available to address the alleged policy violations. In so doing, the OPOO may make use of a Violation Rubric (Addendum E). This Violation Rubric provides recommended adjudication models for various types of violations of this Code. The determination of resolution model will include consideration of the following:

- the severity of the alleged violations
- the risk of harm to other persons
- the conduct history of the RSO
- current status of the RSO
- any other relevant factors.

JMU will review, update, and publish any revisions to this Violation Rubric on an annual basis and provide copies of the rubric to RSO leadership and RSO Advisers.

The Violation Rubric provides three levels of process associated with resolving alleged violations of this Code: Prescribed Resolution, Partnership Process Resolution, and Formal Investigation. An Educational Conference will be used when the Partnership Process Resolution or Formal Investigation options are utilized. The OPOO may, at any time, determine that a case should be moved from a lower tier to a formal investigation.

Early Resolution

In certain cases there may be a determination by the OPOO that there is insufficient evidence to proceed with an investigation, and/or the information collected would not constitute a violation of policy. Early resolution is not a determination of responsibility, and is not recorded as a prior determination of such. However, if the behavior may constitute a violation of policies of inter/national governing bodies with which the RSO is affiliated, and the OPOO is aware of this affiliation, the OPOO may, at their discretion, forward the information to the appropriate body.

In these cases, the OPOO may choose to meet with the RSO representative and any other appropriate parties to discuss behavioral expectations. The OPOO may suggest proactive educational and/or developmental measures designed to assist the RSO.

However, if JMU receives additional information related to the matter that was resolved by early resolution, JMU reserves the right to reopen the matter and proceed with investigation and adjudication.

Prescribed Resolution Process

In certain cases, the OPOO may determine that the allegations constitute a violation of policy(ies), and these violations fall under Level 1 of the Violations Rubric. Violations that fall under Level 1 of the Violations Rubric have prescribed outcomes associated with them. In these cases, the OPOO may send an outcomes letter to the RSO representative and any other appropriate parties outlining the determination, the outcomes, and the rationale for both.

Upon receipt of this letter, the RSO may do one of the following:

- Accept the determinations and outcomes – in this case, the RSO will follow the directives outlined in the outcomes letter and the matter will be considered closed once the outcomes are completed. Failure to complete the outcomes may result in additional disciplinary action; or
- Decline to accept the determinations and outcomes – in this case, the matter will be forwarded for formal investigation and adjudication.

The RSO must notify the OPOO of their choice from the above within two (2) business days of receipt of the letter.

In certain cases that might otherwise constitute a Level 1 violation, the OPOO may determine that a different resolution option is warranted. This determination may be based upon the prior history of the RSO or its members, the RSO's current status, any patterns of behavior, or other factors as deemed relevant.

The Educational Conference

In those cases where the Violation Rubric would suggest a Partnership or Formal Adjudication Process, or in those cases that began with a Prescribed Outcomes Process but the RSO elects to have the case adjudicated through the Formal Adjudication Process, the OPOO will schedule an Educational Conference with the RSO representative and RSO Adviser and other appropriate parties. The OPOO will provide, in writing, the summary of the allegations, rights and responsibilities of the RSO, resolution options available to the RSO based on the nature of the allegations, and the specific steps involved in the different resolution options.

This meeting provides an opportunity for the leadership of the RSO, the RSO adviser(s) and the RSO inter/national governing body (if applicable) to discuss the nature of the allegations, the rights and responsibilities of the RSO, resolution options available to the RSO based on the nature of the allegations, and the specific steps involved in the different resolution options. Participation in the Educational Conference is voluntary; however, the OPOO may proceed with the process in the absence of participation from the RSO.

In the event that the RSO needs additional time to select the preferred resolution option, the RSO will be given one business day following the Educational Conference to notify the OPOO of the preferred resolution option. The OPOO will make the final determination on the resolution option to be used in investigating and adjudicating the alleged violations.

Partnership Process

For this resolution process, the RSO is given the opportunity to conduct an internal investigation. The Partnership Process will include the following:

- The OPOO will, in consultation with the RSO representative and RSO adviser and other appropriate parties, develop an investigation scope and timeline based on the nature of the allegations.
- The RSO must conduct an investigation and submit a written investigative report within the agreed-upon timeline, barring exigent circumstances as determined by the OPOO, or as otherwise specified in writing by JMU. A template for this investigation, including required information, will be provided by OPOO.
 - Report should be detailed and specific, including the names of specific individuals involved in the alleged violation(s) and any internal disciplinary action(s) the RSO has implemented relative to those individuals.

Report Review by OPOO

The OPOO will review the RSO's investigative report and will make one of the following determinations:

- The OPOO agrees that the report is complete and will schedule a resolution meeting to discuss the report and findings and review next steps; or
- The OPOO agrees that the report is complete, that the behavior in question is individual in nature and that the RSO did not aid, abet, sanction or organize the event, and the individuals implicated in the RSO report are forwarded for adjudication under the student code of conduct and the case involving the RSO is closed; or
- The OPOO determines that the report is insufficient or incomplete, and provides feedback to the RSO and provides instruction for further investigation; or
- The OPOO determines that the RSO has intentionally provided inaccurate or incomplete information, obstructed the process, or is otherwise non-compliant or uncooperative. The OPOO will then determine whether to move forward with investigation and adjudication of the allegations under the Formal Resolution Process.

Partnership Process Resolution Meeting

Once the OPOO has determined that the report is complete, the OPOO will meet with the RSO representative and/or adviser (and other parties as appropriate i.e. inter/national governing body) and one of the following determinations will be made:

- **No Policy Violation:** If the RSO report determines that no policies were violated by the RSO, and the OPOO accepts this determination, the process concludes for the RSO. Individuals implicated in the report may be forwarded for individual adjudication as outlined in the OSARP Accountability Process.
- **Responsibility Fully Accepted:** If the RSO report determines that the RSO was responsible for all policy violation(s) that were alleged, and the OPOO accepts this determination, the OPOO will initiate the Determination of Outcomes process.
- **Responsibility Partially or Not Accepted:** If the RSO report determines that the RSO was responsible for some but not all, or for none of the policy violation(s) that were alleged, the OPOO will make one of the following determinations:

- the OPOO may accept the determinations from the report and will move forward to the outcomes process solely on the allegations for which the RSO accepted responsibility if applicable; or
- The OPOO may not accept the determinations from the report and will move forward in investigating and adjudicating the matter under the Formal Investigation Process.

If individual students are identified at any point in the partnership process to have potentially violated any JMU policies and that the RSO did not aid, abet, sanction or organize the event, they may be individually referred to OSARP's Accountability Process for adjudication.

Determinations of responsibility through the Partnership Process are final and may not be appealed.

Formal Investigation Procedures

If the OPOO determines at any point that a formal investigation is necessary, the OPOO may assign the case to an investigator(s) for a formal investigation (see Addendum D for list of potential investigators). The OPOO will notify the RSO, the RSO adviser, and other appropriate parties that a formal investigation is being initiated.

During the course of the investigation, up to and including the five (5) day review period, the RSO may request to enter information into the record and may recommend specific witnesses to the investigator. Ultimately, determinations of relevance of information or witnesses will be determined by the investigator.

In completing the investigation, the investigator(s) may:

- Make contact (if possible) with the individual(s) who submitted the initial information.
- Interview any individuals with relevant information.
- Request relevant information from RSO members (i.e. screenshots of text messages or pictures/videos) and note whether or not RSO members were compliant in sharing requested information.
- Provide relevant information at any point during the investigation to the OPOO related to interim measures.
- Require RSO members, or a select group of RSO members (i.e. all new members of the RSO) to participate in an interview and may restrict communication between RSO members during the interview (for example, sequestering RSO members in a room and prohibiting interview participants from using their cell phone or other devices during the interview/sequestration).
- Consider a voluntary release of personal medical and/or health information that a student believes is relevant to the investigation and would be provided by a campus health center staff member or other appropriate medical professional. A waiver will be required allowing for medical professionals to share relevant documents and information and/or results of an examination (e.g., physical abuse, BAC, drug usage, etc.).
- If other offices are investigating the same incident for other policy violations, the investigator may share any part of the investigation, outcomes, or other relevant information with that office

Students will be offered the ability to participate in a formal investigation process. Students choosing to participate do so in good faith and participate in an active, cooperative and truthful manner. Failing to comply with a reasonable request may constitute an alleged violation of university policy as provided in the JMU Student Handbook. Additionally, the investigators will document communication with individuals and responses, including opting not to participate, in the final report submitted to the OPOO.

JMU will complete the initial investigation in a period of no more than 30 days, barring any exigent circumstances. In the event that exigent circumstances arise that will require a delay beyond 30 days, JMU will notify the RSO representative of the delay, including the reasons for the delay and the anticipated timeline for completing the investigation.

At the completion of the investigation, the investigator(s) will provide a completed Case Investigation Report to the OPOO. The OPOO will review that report for accuracy or thoroughness and, once complete, will share the draft of the report (with necessary redactions, such as personal medical information) with the RSO representative, RSO adviser, and any other appropriate parties for review and comment. The RSO must provide any comments related to the investigative report in writing to the OPOO within five (5) business days of the receipt of the report, barring exigent circumstances as determined by the OPOO. Upon receipt of these comments (if applicable) the OPOO will generate the final report and share it with the RSO representative, adviser and any other appropriate parties at least five (5) days in advance of any formal resolution. The OPOO will make the final determination of the relevance of any information gathered during the investigation.

Upon completion of the final report, the OPOO will schedule a meeting with the appropriate RSO representatives to determine the appropriate adjudication process. At this meeting, the RSO may choose one of the following options for adjudication:

- **Informal Resolution** – the RSO may accept the determinations of the OPOO based on the investigation report. If this occurs, the process will move forward to the outcomes process.
- **Formal Resolution** – the RSO may not accept the determinations made by the OPOO. If this occurs, the RSO may choose to have the matter resolved through an Administrative Hearing. The RSO will be given a notice of the time, date and location of the hearing at least seven (7) days in advance of the hearing.
 - **Administrative Hearing** – the RSO may select to have the case adjudicated by a single administrator designated by JMU from the list of Administrative Hearing Officers or designee listed in Addendum D. Hearing officers will not be staff of the OPOO.
 - The procedural order of an Administrative Hearing is as follows:
 1. Introduction of all who are present.
 2. The statement of charges presented by the Administrative Hearing Officer
 3. Reporting evidence presented by OPOO; each witness is called individually.
 4. Responding evidence presented by RSO representative; each witness is called individually.
 5. The Administrative Hearing Officer may question the witnesses as they are called.
 6. A representative from the accused organization may present concluding remarks.

7. The Administrative Hearing Officer only considers information introduced in the hearing and presented in the formal report.
 8. The decision is communicated to the organization representative(s) and the adviser within 24 hours.
- During the Hearing:
 - If a representative or representatives of the organization fail to appear at a hearing after being properly notified, the Administrative Hearing Officer shall hear the case on the basis of the evidence presented and testimony of witnesses present at the hearing and notify the organization of the decision. It is the right of the student organization and representatives not to participate in the hearing.
 - The Administrative Hearing Officer shall have the right to limit the length of testimony of any witness or participant in the hearing if it appears to be repetitious or does not contribute positively to the fair and efficient adjudication of the case currently being considered.
 - The hearing officer may elect to call and question witnesses as necessary, including the investigator(s) who compiled the investigative report.
 - RSO representative(s) may not directly question witnesses. The RSO will be given the opportunity, in person or in writing, to submit or give a statement to the hearing officer and to respond to any information provided by witnesses.
 - The hearing officer may question the RSO representative(s).
 - The RSO may bring an adviser of their choosing to the hearing. This adviser is not required to be their formal RSO Faculty/Staff Adviser. The adviser of their choosing may not speak on behalf of the RSO, question witnesses, or actively participate in the hearing other than to advise the RSO representative.
 - The hearing officer will make a determination of responsibility using a preponderance of evidence standard.

Section 5 - Outcomes

At the conclusion of the resolution process (including the conclusion of any appeals process), if an organization accepts responsibility for violation(s) through the partnership or formal resolution process, or if the organization is found responsible for violation(s) through the formal resolution process, the OPOO will schedule an outcomes meeting with the RSO representative, adviser of their choosing, and other parties as applicable. The purpose of this meeting shall be to determine the outcomes necessary to effectively address the behavior of the RSO related to the violation(s) and will include the solicitation of input from the RSO representative, advisers, and all other interested parties. Previous violations are to be considered in the assigning of appropriate outcomes.

At the completion of the outcomes meeting, the OPOO will administer all Outcomes assigned to the RSO through the Partnership or Formal Resolution Process to the RSO representative and the RSO adviser in writing via an Outcomes Letter. The Outcomes may be assessed singly, in

combination, or to follow consecutively (e.g., an RSO may have its recognition rescinded and be allowed to return as an RSO on probation at the completion of the time of rescinded recognition). Outcomes will be communicated in writing by the OPOO to the RSO and will list Outcomes assigned, including the length of any active status and/or rescission periods, the specific privileges impacted, and any and all other opportunities established as a part of the educational Outcomes.

The OPOO will maintain the Outcome Letter in the RSO's record for a period of no less than seven (7) years. If an RSO loses campus recognition, the OPOO will maintain the Outcome Letter indefinitely. If applicable, a copy of the Outcome Letter may be sent to their Inter/National Organizational Governing Body or other appropriate parties.

The OPOO and/or the appropriate JMU department will oversee the completion of Outcomes. If the RSO misses any deadlines, fails to complete any Outcomes, and/or has a subsequent violation(s), the RSO may be subject to additional Outcomes and/or disciplinary actions at the discretion of the OPOO.

The Outcomes implemented at the conclusion of the disciplinary process may include Status Outcomes, Educational Outcomes, or Structural Outcomes.

Status Outcomes

Status Outcomes may include, but are not limited to:

- **Warning:** A Warning is given to notify a RSO that the behavior and conduct has been inconsistent with the expectations of JMU. A warning has no immediate effect upon an RSO's status at the University and may be specified for a period of time. However, once given a warning, a RSO should expect different Outcomes to result from any subsequent violations, especially while on a current warning status when/if similar behaviors occur.
- **Restriction of Privileges:** Restriction of Privileges precludes an RSO from participating in certain activities or may require an RSO to forfeit specific privileges. A RSO under a status of Restriction of Privileges is not in good standing with JMU. Restriction of Privileges may include, but is not limited to, loss or limitation of social events or limitation of ability to participate in JMU events or activities.
- **Disciplinary Probation:** Disciplinary Probation serves to notify a RSO that it must avoid any further violations for a specified period of time in order to avoid additional disciplinary action. RSOs on probation are not in good standing with the University. An RSO may be prohibited from participating in certain activities or forfeit specific privileges while on probation. If a RSO on probation is found responsible for any subsequent violations, the outcomes may escalate. Disciplinary Probation may include Restriction of Privileges.
- **Deferred Suspension:** Deferred Suspension is a status for a specified period of time during which any subsequent finding of Responsibility for a violation of the Student Organization Accountability Process or any other JMU policy shall result in the Outcome of Suspension for the RSO. Deferred Suspension may include Restriction of Privileges.
- **Suspension:** Suspension is a status for a specified period of time that includes, but is not limited to, the revocation of JMU's registration of the RSO for a stated or an indeterminate period of time, cessation of JMU funding, restriction of all operations at the University, and restriction of use of JMU resources. If the RSO also holds a charter from a inter/national organizational governing body, JMU may also request that the inter/national organizational

governing body revoke the charter of the RSO. The Office of Residence Life, in consultation with the Fraternity & Sorority Life Office, have the right, if necessary, to relocate or revoke on campus housing to any residents on The Row as a result of an RSO suspension.

A RSO placed on Suspension is prohibited from sponsoring, co-sponsoring, or participating in any and all social, intramural, athletic, or other similar activities on or off campus. A suspended RSO may not solicit or initiate any new members. Suspension may also include the forfeiture of other specifically listed privileges. Suspension will be for a specific and determined period of time, and will include a written return agreement outlining specific conditions for return. The Suspension may be delayed at the discretion of the OPOO.

If the RSO dissolves or loses recognition, as a result of organizational conduct, and then attempts to seek recognition under the guise of a different organizational name, JMU reserves the right to deny the request for recognition or withdraw the recognition. This conclusion may be based on any of multiple factors, including but not limited to, overlapping membership, similarity of purpose, and the timing of the dissolution or prior loss of recognition and the request for new recognition.

Continued operation of the RSO after suspension or loss of recognition will result in a violation of Failure to Comply and may result in additional outcomes or restrictions, up to and including an extension of the Suspension beyond the terms originally outlined in the initial Outcomes Letter/return agreement.

A RSO that has completed a period of suspension and has met conditions for return as outlined in the return agreement may seek reinstatement by complying with the registration requirements of the appropriate JMU department.

Educational Outcomes

Educational Outcomes may include, but are not limited to, educational programming, community service, interventions, restrictions, workshops, restorative process, or other outcomes determined to help develop the culture and community of the RSO. The OPOO will determine Educational Outcomes after consultation with the appropriate JMU Office(s), the governing body and/or affiliated organization of the RSO, organizational leadership, advisers, and/or other appropriate stakeholders as necessary.

Structural Outcomes

Structural Outcomes are related to the structure, membership or governance of the organization. Structural outcomes, developed in collaboration with the inter/national organizational governing body (if applicable), may include, but are not limited to, changes to RSO operating procedures, a review of RSO membership/leadership, an external RSO review, and changes to RSO adviser support. Structural Outcomes may be included alongside any Status and Educational Outcomes, but only after consultation with the appropriate JMU department(s), the RSO inter/national governing body (if applicable), the RSO representative, RSO advisers, and/or other appropriate stakeholders as necessary.

Section 6 - Appeals

Requests for Appeal

Requests for appeals must be submitted in writing to the OPOO within ten (10) business days, barring exigent circumstances as determined by the OPOO, of the delivery of the written determination from the Adjudication and Resolution or the Outcomes Letter. No person involved as an original hearing officer or investigator may serve in this review capacity and will be a member of the appropriate OPOO for the organization. All outcomes imposed at the Outcomes Meeting will be implemented during the appellate process. The OPOO may consider, upon request in writing, to stay or modify an outcome during the appellate process. Any stay or modification should be exercised only under exigent circumstances.

The OPOO will review all requests to determine if the requests adequately meet the grounds for appeal (below).

The Appellant must meet one or more of the grounds below in order for the request to be passed on to the appellate body for consideration on the merits. The burden is on the Appellant to show they meet the grounds for appeal using the preponderance of evidence standard.

If there is a challenge to any member of the process (e.g. a challenge of bias by an investigator or hearing officer), the OPOO may share all or part of the appeal with party in question to allow them to respond. They will be required to respond within five (5) business days, barring exigent circumstances as determined by the OPOO, of notice of the request for appeal. If any new grounds for appeal are raised in any response, the OPOO will determine whether to allow a short time for the RSO to submit a response.

The OPOO serving in the reviewer role will issue their decision to allow the appeal to proceed in whole or in part or to deny the appeal within five (5) days of receipt of all information and responses, barring exigent circumstances.

Once forwarded, the Appeals Officer(s) will issue their decision within five (5) days of receipt of all information and responses, barring exigent circumstances. In instances where the appeal officer(s) needs additional time, the appeal officer shall notify the RSO representative, within the allotted time for issuing a decision.

Grounds for Appeal

The RSO may file an appeal, as may an aggrieved party in the matter as determined by the OPOO (e.g., a Sexual Misconduct matter covered under Title IX), to either the finding issued in the Formal Resolution Process, or the Outcomes of either the Partnership or Formal Resolution Process, or both, but all appeals are limited to the following grounds:

- **Procedural Error:** A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.). Any challenge for bias must include: a) what the bias was, b) how the bias manifested itself, and c) how the bias significantly impacted the outcome. A mere allegation or determination of bias will not be sufficient to meet this ground for appeal.

- **New Evidence:** New evidence is information that was unknown or unavailable during the original hearing or investigation that could substantially impact the original finding or outcome. A summary of this new evidence, how it was previously unknown or unavailable, and its potential impact must be included.
 - If a person or RSO representative refused to testify or participate in the investigation and now wishes to submit their testimony as new evidence at the appellate level, that testimony will not be considered “new evidence” under this ground. The OPOO serving as the reviewer of requests for appeal may determine if the matter will be sent back for further investigation based on this request for appeal.
- **Appeal of the Outcome(s):** The Outcome(s) imposed is disproportionate for the violation(s) or are of such nature that the RSO could not reasonably complete them within the allotted timeframe.

General Appellate Considerations

The original finding and Outcome(s) are presumed to have been decided reasonably and appropriately.

Appeals are not intended to be full re-hearings of the original allegation(s). In most cases, appeals are confined to a review strictly limited to the matters being appealed.

Appeal Conclusions

An appeal that affirms the finding of the Formal Resolution process is final. An appeal that affirms the Outcomes is final.

An appeal that is granted for the appellant based on new evidence may be remanded to the OPOO or Hearing Officer for reconsideration, for rehearing, or for further investigation. The appeal officer may find that the new evidence does not substantially impact the original finding or outcome and will uphold the original findings. Such Outcome determination shall be final.

An appeal granted for the appellant based on procedural error may either be remanded to the Investigator, OPOO, or the original hearing officer(s), with instructions to further investigate, clarify findings, or remedy errors. The appeal officer may find that there were no procedural errors, or that the error(s) did not significantly impact the outcome of the hearing and will uphold the original findings. Such Outcome determination shall be final.

When an appeal is granted for the appellant based on disproportionate Outcome(s), the appeal officer may uphold the Outcome, may alter the Outcome or remand with recommendations to the OPOO to modify the Outcome(s). Such Outcome determination shall be final.

Once an appeal is decided, the decision is final; further appeals are not permitted.

Addendum A – Organization Primary Oversight Offices

Center for Multicultural Student Services

multicultural@jmu.edu

540-568-6636

Fraternity & Sorority Life

fsl@jmu.edu

540-568-4195

Student Activities & Involvement

Beinvolved@jmu.edu

560-568-8157

University Recreation

urec@jmu.edu

540-568-8732

Addendum B – Primary Appeals Officers

Note: A designee may be assigned in exigent circumstances

Center for Multicultural Student Services

Valerie Ghant, Director for Center for Multicultural Student Services

Fraternity and Sorority Life, Student Activities & Involvement

Jen Grossman Leopard, Director for Student Life

University Recreation

Eric Nickel, Director of University Recreation

Addendum C – Arrest Policy Contacts

Center for Multicultural Student Services

DeAndrae Powell, powel3dd@jmu.edu

Fraternity & Sorority Life

FSL Duty Phone, 540-421-1177

Student Activities & Involvement

Kaitlin Griffith, griff3kx@jmu.edu

University Recreation

Chris Jones, jones2cm@jmu.edu

Addendum D – Primary Investigators & Administrative Hearing Officers

Note: Designees may be assigned in exigent circumstances

Center for Multicultural Student Services

DeAndrae Powell, Associate Director of Student Leadership and Cultural Experience

Fraternity & Sorority Life

Anna Chappell, Coordinator for Panhellenic Council

Callie Nees, Coordinator for Interfraternity Council

Pam Steele, Associate Director for Fraternity & Sorority Life

Student Activities & Involvement

Kaitlin Griffith, Associate Director for Student Activities & Involvement

University Recreation

Chris Jones, Assistant Director for Sport Clubs and Youth Programs

Addendum E – Violation Rubric

Tier Violations are determined at the discretion of the organization’s primary oversight office based on the context and/or severity of the policy violation.

Tier Violations examples are given below and include, but are not limited to:

| Tier 1 Violations – Prescribed Process | Tier 2 Violations – Partnership Process | Tier 3 Violations – Formal Investigation |
|---|---|---|
| Facility/Space Use Policy | Aiding in Academic Misconduct | Abuse of process |
| Technology Policy | Damage/Destruction of Property on or off campus | Bullying/Cyberbullying |
| Trademark/Copyright Violations | Disruptive/Disorderly Conduct | Drugs or Other Controlled Substances |
| Posting Policy | Violation of a Law | Endangerment |
| Departmental Policies (CoB, SMAD, etc.) | Violations of Other university policies deemed to fall within this Tier | Hazing |
| Violations of Other university policies deemed to fall within this Tier | | Title IX/Civil Rights/Harassment |
| | | Significant Alcohol Violations |
| | | Violations of Other university policies deemed to fall within this Tier |

Tier One Violations

First Offense: Written warning sent to president and adviser

Second Offense: Loss of associated privilege up to the remainder of the semester

Multiple Tier 1 Violations in one semester will be sent to a Formal Investigation at the discretion of the organization’s primary oversight office.