

Rule R6-401B: Student Organization Violations of Law or Policy

Revision 0. Effective date: August 7, 2024

- I. Purpose and Scope** 1
- II. Definitions** 2
- III. Rule**..... 2
 - A. Recognized Student Organization Violations of University Regulations, Federal or State Law, or Local Ordinances 2
 - B. Additional Requirements for Sanctions of Suspension or Withdrawal of Recognition 4
 - C. Temporary Administrative Suspensions 6
 - D. Appeal of Withdrawal of Recognition..... 6
 - E. Petition for Recognition Following Withdrawal of Recognition..... 6
- IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources** 7
- V. References** 7
- VI. Contacts** 7
- VII. History** 7

I. Purpose and Scope

A. Purpose.

This rule describes the process for withdrawing recognition of a Recognized Student Organization that violates a University regulation, a state or federal law, or a local ordinance.

B. Scope.

This rule applies to all Recognized Student Organizations, including fraternal social organizations governed by Policy 6-402 and non-NCAA sports.

II. Definitions

The definitions provided in Policy 6-401 and in Rule R6-401A apply for this rule. In addition, the following definitions apply for this rule.

- A. "Hearing" means a proceeding described in this rule to determine whether a Responding Organization has committed a Violation that may result in suspension of the Responding Organization or withdrawal of recognition.
- B. "Preponderance of Evidence Standard" means the legal evidentiary standard of proof used to determine if an alleged Violation occurred. Preponderance of the evidence means that more likely than not, or more than 50 percent in favor, the Violation occurred.
- C. "Responding Student Organization" or "Responding Organization" means a Recognized Student Organization that may be suspended or have recognition withdrawn because the Recognized Student Organization is alleged to have committed a Violation.
- D. "Victim" means an individual whose rights are allegedly infringed on or who is otherwise allegedly harmed by a Responding Organization's Violation that may result in suspension or withdrawal of recognition.
- E. "Violation" means a Violation of a University policy or rule, state or federal law, or local ordinance.

III. Rule

- A. Recognized Student Organization Violations of University Regulations, Federal or State Law, or Local Ordinances
 - 1. An individual may report a Recognized Student Organization's alleged Violation to the Office of Student Leadership and Involvement.

2. If any members of a Recognized Student Organization, acting on behalf of the organization, are involved in a Violation in connection with that Recognized Student Organization's event or other activity, the Dean of Students or designee may determine that the Recognized Student Organization is involved in the Violation.
 - a. The individual students involved in the Violation may also face individual consequences. For example, a student who allegedly violates the student behavior standards described in Policy 6-400 in connection with a Recognized Student Organization activity, is subject to the procedures described in Policy 6-400.
3. The University determines whether a Responding Student engaged in a Violation using the Preponderance of Evidence Standard.
4. The Dean of Students or designee may impose a sanction on a Recognized Student Organization, for a Violation up to and including withdrawal of recognition as a Recognized Student Organization. Other sanctions may include a temporary or permanent restriction on access to benefits of Recognized Student Organization, a warning, a letter of reprimand, or any other sanction that the Dean of Students or designee and Student Leadership and Involvement deems appropriate.
 - a. If a Recognized Student Organization commits no other Violations within one year from the date of receiving a warning or letter of reprimand, the warning or letter of reprimand shall be erased from the Recognized Student Organization's records.
5. The Dean of Students or designee shall give the leaders of a Recognized Student Organization the opportunity to meet to respond to and discuss a proposed sanction before imposing a sanction. If the Recognized Student Organization does not respond to notification of a Violation within 10 business days, the University may proceed with a process and sanction described in this rule.

6. A Responding Organization or Victim may decline to participate; however, the University may continue with the process described in this rule without the Responding Organization or Victim participation.
- B. Additional Requirements for Sanctions of Suspension or Withdrawal of Recognition
1. For a sanction of suspension or withdrawal of recognition, the following due process requirements apply:
 - a. The Vice President for Student Affairs or designee shall provide a Responding Organization written notice of the Responding Organization's rights under this rule, including that:
 - i. the Responding Organization is entitled to a Hearing to contest the charges against the Responding Organization; and
 - ii. the Responding Organization is entitled to a presumption of innocence that remains until either the Responding Organization acknowledges responsibility for the alleged Violation, or the University has established every element of the alleged Violation at a Hearing.
 - b. If the alleged Violation has a known Victim, the Vice President for Student Affairs or designee shall provide a written notice to the Victim describing their rights, including the right to participate in a Hearing and the right to have an advisor during the process who may be an attorney. If the Victim elects not to participate in the process, no further notices or opportunities need to be afforded to the Victim.
 - c. Unless exigent circumstances reasonably justify proceeding without providing notice, the Vice President for Student Affairs or designee shall provide the notices to the Responding Student Organization and the Victim, if applicable, as soon as practicable and at least seven days before a Hearing.
 - d. The Vice President for Student Affairs or designee shall provide a Responding Organization and participating Victim access to all material evidence that is in the institution's possession, including both inculpatory

and exculpatory evidence, unless the material is subject to a legal privilege, at least one week before the day the Hearing begins.

- e. Any evidence presented in a Hearing is confidential and may not be used as evidence in a subsequent proceeding or used or disclosed to a third-party for any other purpose other than for the Hearing.
- f. A Responding Organization and participating Victim may be represented, at the Responding Organization's or Victim's expense, by legal representation or a non-attorney advocate at a Hearing. The representative is allowed full participation in the Hearing, including giving opening and closing statements; participating in examination or cross examination by submitting questions for a witness through the Dean of Students or designee; introducing relevant evidence; and providing support, guidance, or advice to the Responding Organization or participating Victim.
- g. Neither the Rules of Civil Procedure nor the Rules of Evidence govern a Hearing. Nothing in this rule provides for formal or informal discovery beyond the exchange of evidence described in this rule.
- h. A Responding Organization and/or Victim may waive any rights described in this rule.
- i. The University shall conduct a Hearing in an impartial manner free from conflicts of interest, including by:
 - i. prohibiting an individual from serving as the decision-maker for a Hearing if the individual has also served as an advocate or counselor for the Responding Organization or Victim, an investigator, an institutional prosecutor, or an advisor to one of those roles;
 - ii. prohibiting an individual from serving as an investigator or institutional prosecutor and an advocate for a Responding Organization or Victim; and

iii. before beginning an investigation, advising a Responding Organization or Victim if the person who investigates an allegation will also represent the University at a Hearing.

j. A Responding Organization or participating Victim may raise objections to issues that could potentially compromise the impartiality of a Hearing, including any potential conflicts of interest.

C. Temporary Administrative Suspensions

1. The Dean of Students or designee may temporarily suspend a Responding Organization prior to the final outcome described in this process if necessary to protect the campus community or prevent serious disruption of the academic process. If the University issues a temporary administrative suspension, the Dean of Students shall conduct the adjudicatory process following the temporary suspension as expeditiously as possible.

D. Appeal of Withdrawal of Recognition

1. If the Dean of Students or designee withdraws an organization's recognition as a Recognized Student Organization, the organization may appeal the determination to the Vice President for Student Affairs or the Vice President for Student Affairs' designee.

2. The Vice President for Student Affairs (or designee) shall decide the appeal, and the determination is final.

E. Petition for Recognition Following Withdrawal of Recognition

1. After withdrawal of recognition, a student organization may petition for recognition after 6 months.

Sections IV- VII are for user information and are not subject to the approval of the Academic Senate or the Board of Trustees. The Institutional Policy Committee, the Policy Owner, or the Policy Officer may update these sections at any time.

IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources

A. Policies/ Rules.

1. Policy 6-401: Students of the University
2. Rule R6-401A: Recognized Student Organizations

B. Procedures, Guidelines, and Forms. [*reserved*]

C. Other Related Resources. [*reserved*]

V. References

A. Policy 6-400: Student Rights and Responsibilities

B. Policy 6-402: Fraternal Social Organizations

C. Utah Code Title 53B, Chapter 27, Part 6, Student Legal Representation

VI. Contacts

The designated contact officials for this Regulation are:

A. Policy Owner(s) (primary contact person for questions and advice): Dean of Students

B. Policy Officer(s): Vice President for Student Affairs

VII. History

Revision History.

A. Current version. Revision 0.

1. Initially approved by President Randall as an interim rule with an effective date of August 7, 2024. Approved by the Academic Senate August 26, 2024 to take effect September 10, 2024 with no changes.