

Communication and Collaboration Guidance for Inter/National Fraternal Organizations and Campus Student Conduct Professionals

Association for Student Conduct Administration &
Fraternity Executives Association

Fraternity Executives Association, Inc.
Developing fraternal leaders since 1930

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Background



Background

The Fraternity Executives Association (FEA) and its members seek to form an open and collaborative partnership with host institutions and student conduct staff members to fairly and appropriately adjudicate fraternity and sorority organizational conduct matters. The Association for Student Conduct Administration (ASCA), in support of this effort, has collaborated with the FEA Student Conduct Committee to produce this guide for the purpose of aiding campus professionals and inter/national fraternal organization leaders in their aims of working together to address such matters. When considering the guidance offered in this document and its application among various institutions and fraternal organizations with differing processes, it is important to be cognizant of the following:

- This guide is to function as a resource for both institutions and inter/national fraternal organizations. This document should not, in any way, be interpreted as an official directive for either institutions or fraternal organizations. Neither the Fraternity Executives Association, nor the Association for Student Conduct Administration, mandates that any institution or fraternal organization follow the procedure included in this guide, verbatim.
- There is not a singular, standard investigation or adjudication model that all institutions follow for fraternal organizations. Similarly, there is no such model that all fraternal organizations follow. Rather, there are various models that exist, including formalized structures, restorative practices, partnered processes, and models that rely on self-governance. Some fraternal organizations conduct formal investigations while others do not directly involve themselves in any fact-finding process. Additionally, the nature of an allegation may necessitate the handling of one matter differently from another in the past, even at the same institution or with the same organization, as both campus professionals and inter/national organization representatives have the ability to apply discretion in order to best respond to a particular matter. For example, an individual student's conduct case may have a unique impact on the campus conduct process for the chapter, and vice versa. Or, the campus process for responding to an allegation of sexual misconduct might not allow for a joint investigation with the inter/national organization. Therefore, the suggestions within this guide may not be appropriate for all circumstances. As such, this guide is not intended to serve as a model conduct process for the handling of fraternal organizational conduct matters; it is intended to offer suggestions for enhancing the potential to partner together in an effort to best address such matters, regardless of the model being used.
- The potential is very likely that, as a result of one incident, a local chapter may be subject to various adjudicative processes. The suggestion that is offered to institutions and inter/national fraternal organizations within this guide is to, as much as possible, jointly address such matters together. This guide is intended to encourage a process that should be designed to be minimally intrusive to students, so as to not unduly interfere with their academic studies and other commitments.

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BACKGROUND (CONTINUED...)

- There may be limitations on the information that an institution is able to share with an inter/national organization (Department of Education, 2004)¹. For example, information of alleged misconduct that identifies an individual student, cases with an ongoing criminal investigation, incidents involving elements related to gender-based misconduct, and those involving mental health matters of a student might delay or otherwise prohibit full disclosures. Investigation strategies and compliance with the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99), also referred to as "FERPA", may also limit the sharing of information.
- There may be limitations on the information that an inter/national organization is able to share with an institution, in particular, to the extent that information involves ritual-based information or an investigation in anticipation of litigation.
- The organizational structure of fraternal organizations varies. Many inter/national organizations employ full-time staff members at a central office, others rely on volunteer leaders, and some depend on the support offered by a local alumni chapter. For the purpose of this document, the term "inter/national organization" and "inter/national organization representative" is used in this sense.
- The administration of a campus conduct process might be administered by any number of people at an institution. Some campus processes involve the adjudication by a single hearing officer, others utilize a committee, and some involve students in the decision-making process. Institutions may have one or more full-time professional conduct staff, and others delegate this responsibility to a staff member such as the Dean of Students or, in cases involving fraternal organizations or the fraternity/sorority life staff. For the purpose of this document, the term "conduct staff" and "conduct professional" are used to identify the person(s) responsible for administering the conduct process at hand for the institution.
- The role of the campus-based fraternity/sorority life professional is also key to the successful collaboration between the inter/national organization and the campus student conduct professional, since that individual often initiates the connection between both parties. With that in mind, however, the purpose of this document is to further aid in the successful collaboration between the inter/national organization and the campus student conduct staff, to the extent that the fraternity/sorority life professional does not either administer the institution's conduct code for fraternities and sororities or otherwise advise a student board that administers the code. As the title of the individual serving in this role varies among institutions, for the purpose of this document, that individual is being referred to as the "fraternity/sorority life professional."
- The suggestions offered within this guide are limited to conduct matters involving fraternal organizations at an institution, and are not intended to address individual student conduct matters or conduct matters involving other student organizations.

1. The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) prohibits the disclosure of information from an individual student's educational record, which includes information related to individual conduct cases, without the student's written consent. While FERPA permits the disclosure of educational records without written consent if all "personally identifiable information" is removed from the records, the statute does not permit the release of such information if the student's identity would be easily traceable.

Purpose



Purpose

The adjudication of fraternity and sorority cases involves further considerations that may not be applicable to all other student organizations. It is helpful to understand the general nuances that make these organizations different so that conduct professionals can best manage these cases, regardless of the processes on their campuses. The Association for Student Conduct Administration has, for years, been providing resources in the form of trainings, presentations, webinars, and communities to assist members with this area of the profession. This guide, with the suggestions offered herein, should serve as an additional resource for conduct professionals in their approach to these cases.

When a chapter is under review by campus conduct staff for an alleged violation, the inter/national organization has a vested interest in the outcome of the process. Additionally, working towards education, prevention, and repair of harm are shared goals. In support of enhancing the collaboration between an inter/national fraternal organization and the campus conduct staff, this guide addresses the unique shared interests that exists when a collegiate fraternity or sorority chapter is subject to disciplinary action through their institution's conduct process. As there are also times during which an inter/national organization will address a chapter issue that does not apply to the institution's own policies, they will often do so without informing the campus to the extent that this guide suggests (e.g. delinquent membership dues, failure to meet academic standards, etc.). However, this guide is intended to specifically address those situations that do concern an institution's policies. Therefore, in those circumstances, the following are proposed in support of this approach:

- Communication that facilitates the building of trust among both campus conduct professionals and fraternal partners, including proactive communication and outreach throughout the response to an incident and prior to the resolution of the reported incident.
- Timely notification when a determination is made to address an incident involving a fraternity or sorority chapter through the campus conduct process.
- When an incident occurs, reciprocal information sharing to the extent possible, along with an opportunity to clarify any limitations to the sharing of information.
- A collaborative approach to addressing alleged organizational violations and resulting outcomes, including sanctioning in a way that prevents reoccurrence and enforces holistic education, when appropriate.

In its current form, this guide should be used as a starting point for professionals, and adapted to work within the policies and procedures of a professional's institution or inter/national organization, in conjunction with other resources that are available. As both associations remain committed to supporting their members and one another and, as the nature of this work evolves through the years, future revisions of this guide and supporting materials are expected.

Suggested Methods for Communication and Collaboration

INITIAL NOTIFICATION

INVESTIGATION

CAMPUS DISCIPLINARY ACTION/FORMAL CHARGES

CAMPUS RESOLUTION/HEARING

DECISION AND SANCTION CONSIDERATIONS



Suggested Methods for Communication and Collaboration

It is essential to acknowledge the value and benefit in partnering throughout the process, and that communication is the primary component when working toward a collaborative resolution. With that in mind, communication should be on-going throughout the various steps of the conduct process.

INITIAL NOTIFICATION

If a report is made regarding a collegiate chapter engaging in actions that may be in violation of the institution's policy, notification should be made to an inter/national fraternal organization representative (staff member or designated leader), either by phone or in writing. This notification should be made within a reasonable timeframe of receiving notice of the allegation against the chapter, particularly if the campus will be taking interim action, pursuing an investigation, proceeding with formal conduct charges, or otherwise intends to meet with a chapter representative/leader for the purpose of information-gathering.

This initial notice may be through phone or email and, if by email, a follow-up phone conversation can be scheduled. It is suggested that this notification be made by the conduct professional, although on some campuses the fraternity/sorority life professional will be the one to initiate communication on the matter, and then offer to connect the inter/national representative with the conduct professional. It is recommended that each campus establish this internal protocol amongst themselves in advance so that neither professional assumes the other has already made the notification to the inter/national organization.

Similarly, if a report is made to an inter/national fraternal organization regarding behavior that may fall within the realm of the institution's policy or code of conduct, the complaint should be shared with the institution within a reasonable timeframe and that a reciprocal exchange, to the extent provided in this document, will follow. In addition to providing information regarding the report of alleged misconduct, the conduct staff member should also share the proposed next steps for gathering additional information related to the allegation and notifying the chapter president and/or local advisors. In order to create collaboration, both the institution and the inter/national organization should operate with the expectation that trust and confidence will be maintained, and without interference of the institution's process.

Specifically, the following information is important to share:²

- a. Nature of the alleged misconduct
- b. Source of the report (if reasonable to provide given the scope of the investigation)
- c. Notice of interim measures, if applicable, including specific conditions of any interim action

2. See Appendix B for example email template

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INITIAL NOTIFICATION *(CONTINUED...)*

1. Institutions may utilize interim measures in instances where student organizations pose a continuing danger or threat to the campus community. The specific interim measures implemented will vary depending on the facts of the case. Interim measures do not, however, require the suspension of all chapter activities. For example, a student conduct administrator may determine that a chapter's ability to host events with alcohol should be suspended on an interim basis following allegations of violations of the institution's alcohol policy at a recent event resulting in medical transports.³ Conduct professionals should ensure that interim measures are timely and are not used as sanctions in lieu of conduct proceedings.
2. In the event that interim restrictions are placed on a chapter, the institution should make a concerted effort to inform the inter/national organization as soon as possible, even prior to the chapter's notification, but as close to simultaneously as possible. Doing so may even aid in the enforcement of such restrictions, as the inter/national organization is likely to reinforce to the chapter the need to comply, and might help to ensure the entire chapter membership is informed of the restriction(s).
- d. Copies of any notification sent to a representative/leader of the chapter (e.g. chapter president) and local advisors. (Alternatively, the inter/national representative and advisors may prefer to be copied on any such notifications.)
- e. The campus point person for the conduct matter (and if it is the same or a different person for an investigation), and the expectations regarding communication (frequency, method, etc.).
- f. The role of the campus' fraternity/sorority life professional during the process.
- g. A review of the campus' conduct procedures, including any written factors (such as in a student handbook or conduct code) that the campus considers when determining if an incident will be addressed as an organizational violation. Furthermore, if there are also operative student self-governance bodies (i.e. Interfraternity Council or College Panhellenic Association) in place that address the type of violation under review and potentially hold their peers accountable for violations of established standards, it is important to address if, when, and how that process might impact the others. This may be a subject to defer to the campus fraternity/sorority life professional that advises those councils.
- h. The next steps (and the proposed investigation process, if there will be one).
- i. The extent to which the institution can and cannot collaborate with the inter/national organization during the process (and investigation, if applicable) while recognizing that this decision may not yet have been made.

It is relevant to note, again, the role of the campus fraternity/sorority life professional in this notification process. The campus conduct professionals do not always have access to inter/national representative information, and rely instead on the fraternity/sorority life professional. In addition, for many campuses, the fraternity/sorority life professional is expected to be the one to initiate notification to the inter/national representative when a chapter is facing conduct action – not the conduct professional.

3. *Goss v. Lopez (1975)* establishes the ability of an institution to suspend "students who presence pose a continuing danger to persons or property or an ongoing threat of disrupting the academic process," on an interim basis provided notice and a hearing follow as soon as practically possible.

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INITIAL NOTIFICATION *(CONTINUED...)*

While it is up to the institution to decide who to designate the role of initiating this contact, the purpose of this document is to express the benefit of the conduct professional and the inter/national organization communicating directly early on in the process, and throughout, and the importance of identifying that point-person to the inter/national organization. However, if the institution has not yet identified a point-person for the inter/national organization to contact in the event of an investigation or other conduct-related matter, it is suggested that the initial outreach be directed to the institution's fraternity/sorority life professional or dean of students. If the inter/national organization has not yet identified a point-person for the institution to contact, it is suggested that the initial outreach be directed to the Director of Chapter Services/Chapter Support or to the Executive Director.

While chapter advisors also have an interest in this process, their involvement varies from institution to institution, as it does from one organization to the next. Moreover, campus conduct professionals may rely on the fraternity/sorority life professional to inform chapter advisors, house directors, alumni, etc. Therefore, it is recommended that each campus establish internal protocol on the notification of chapter advisors.

Likewise, as the inter/national organization moves forward with their process, they should keep the campus informed by sharing the following information:

- a. Notice of interim measures, if applicable, including specific conditions of any interim action
 1. Inter/national organizations may utilize interim measures in instances where chapters pose a continuing danger or threat to the campus community or reputation of the inter/national organization. Interim measures do not, however, require the suspension of all chapter activities. The specific interim measures implemented will vary depending on the facts of the case. For example, the inter/national organization representative may determine that a chapter's ability to initiate members should be suspended on an interim basis following allegations of recent and/or ongoing hazing activities. Inter/national organization representatives should ensure that interim measures are timely and are not used as sanctions in lieu of conduct proceedings.
 2. In the event that interim restrictions are placed on a chapter, the inter/national organization should make a concerted effort to inform the institution as soon as possible, even prior to the chapter's notification, but as close to simultaneously as possible. Doing so may even aid in the enforcement of such restrictions, as the institution may inform the inter/national organization in the event that the chapter does not comply with these mandates.
- b. Copies of any notification sent to a representative/leader of the chapter (e.g. chapter president) and local advisors. (Alternatively, the conduct professional and the fraternity/sorority life professional may be copied on any such notifications.)
- c. The role that the chapter advisor (or the designated individual serving in that capacity) may have during a campus conduct process.
- d. The inter/national organization's point person for the conduct matter (and if it is the same or a different person for an investigation or membership review), the expectations regarding communication (frequency, method, etc.), and the individual's role during the process (e.g. advising the chapter, conducting investigation only, determining findings for the chapter, etc.).
- e. The next steps of the process, inclusive of the proposed investigation process or membership review process, if there will be one.

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INITIAL NOTIFICATION *(CONTINUED...)*

- f. Whether or not a representative of the inter/national organization is preparing to visit the chapter. If so, it is recommended that the campus conduct professional and that representative meet.
- g. The extent to which the inter/national organization can collaborate with the institution during the process (and investigation, if applicable), while recognizing that this decision may not have been made yet.
- h. When applicable, whether a city-based chapter with members that attend other institutions may remain operational during the pendency of the investigation or conduct process involving the members of one institution.
- i. If the institution has not yet identified a point-person for the inter/national organization to contact in the event of an investigation or other conduct-related matter, it is suggested that the inter/national organization representative initiate communication by reaching out to the institution's fraternity/sorority life professional, dean of students, student conduct officer, and/or vice president of student affairs/student life.

INVESTIGATION

In the event that a campus decides to proceed with an investigation, it is preferred that a thorough discussion take place that addresses if and how the inter/national organization and the campus can work together with the chapter to investigate and adjudicate the charges. With respect to allegations that warrant further investigation by the campus conduct staff, if the inter/national organization also intends to conduct an investigation, a joint investigation between the campus and the inter/national organization may be favored over independent investigations. However, a joint investigation might not be preferred by the inter/national organization if the content of the investigation would involve direct discussion of ritual or other private information. Likewise, the institution might not prefer a joint investigation if there are confidentiality expectations with the information being shared, such as in a case that involves sexual misconduct allegations.

- a. A joint investigation⁴ is beneficial as it involves the campus investigator and the fraternal organization's investigator interviewing the involved parties at the same time, either in person or with the inter/national organization representative over the phone if unable to be in person. This way, the burden on the students is lessened by only attending one investigative interview, fewer resources are utilized than would be with separate interviews (time, meeting space, etc.), the process moves more quickly on both ends, and there is assurance that both the campus and the inter/national organization have the same information to move forward with. Gaining this level of coordination for a joint investigation will require partnership on timelines, facilities, methods, and access to information. If needed, a memorandum of understanding may be created to ensure that all parties remain aligned.

4. Given the import of preventing too deep an intermingling between the educational institution and the private and independent fraternity or sorority, campus-based professionals are encouraged to establish, in advance of any investigation, the institution's comfort level with a co-investigation process versus a concurrent or parallel investigation, and consult with legal counsel when appropriate.

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INVESTIGATION *(CONTINUED...)*

- b. If a joint investigation is not appropriate, the campus conduct professional and the inter/national organization representative should discuss the independent investigation(s), and what those would entail.
1. If the campus will be conducting an investigation of its own, as will the inter/national organization, both entities should discuss whether or not they will share their full investigative reports or only summaries with one another and how that information will be used. It is possible that an inter/national organization's report could be reviewed before an institution determines its next step, or it could be simply added to the case file as supplemental information. In addition, it is of added benefit if the inter/national organization and institution share information that they have gleaned from the investigative interviews with one another along the way. This would aid in the crafting of questions for any remaining investigative interviews and triangulate the accuracy of information.
 2. An agreement might instead be made that one party (either the campus or the inter/national organization) will lead the investigation and provide the full report to the other, so that they both operate off of the same information and avoid duplicating efforts. Please note, even if one party defers to the other to lead the investigation, the conclusions and possible sanctions that the two parties reach might differ.
 3. In some cases, an inter/national organization will not conduct a full investigation but, instead, will require the chapter to answer a series of written questions about the allegation. In this situation, the inter/national organization might choose to provide that information to the campus.
 4. While the guidance offered in this document encourages collaboration and the sharing of information as much as possible, it is vital to know that there will be circumstances in which doing so is not possible. Therefore, it might be decided that either one or both parties will need to investigate on their own and will maintain their own investigative report without sharing it with the other.
 5. In any event, if an investigation is conducted by either party, the other should be informed of such. Also, if a campus investigation changes jurisdiction (e.g. to the Title IX office, a behavioral intervention team, the local police, etc.) the institution should notify the inter/national organization as soon as reasonably possible, so long as no privacy restrictions or investigational integrity are compromised by doing so. In addition, any information that is obtained during an investigation and shared by the inter/national organization to the institution, or vice versa, might also be introduced into any individual student's conduct case, if relevant.

CAMPUS DISCIPLINARY ACTION / FORMAL CHARGES

After reviewing the report (and investigation findings, if applicable), a determination will be made by the institution whether or not to proceed with organizational conduct charges against the chapter (or other action, depending on the campus process). Lancaster and Waryold (2008) suggest that the following criteria should be considered, either individually or wholly, when determining whether to proceed with organizational conduct charges (the term "organization" may be substituted with the term "chapter"):

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CAMPUS DISCIPLINARY ACTION / FORMAL CHARGES (CONTINUED...)

- a. Would a reasonable person understand the behavior to fall within the scope of the organization's activity?
- b. Was the behavior committed by one or more members and sanctioned by the organization and/or its officers?
- c. Was the behavior committed by one or more members during the course of an activity financed by the organization and/or on property owned or leased by the organization?
- d. Was the behavior committed by one or more members of an organization and supported by its members?
- e. Did the officers of the organization have prior knowledge that the behavior would take place?
- f. Did members of the organization lie about the incident?

If the conduct professional moves forward with a charge letter, notice of charged violations, or other form of notification to the chapter's leadership of the alleged conduct violations, it is preferred that the inter/national organization representative, the chapter advisor, and the fraternity/sorority life staff member be copied on this communication. In an effort to provide fundamental fairness, a charge letter should outline both the conduct in which the chapter is accused of engaging and the rule and policy that the conduct is alleged to have violated. The charges should be given in sufficient detail to fairly enable the chapter to present a response, and the letter should offer the timeline and means to do so. This way, the inter/national organization is fully aware of the specific violations being alleged, as well as the meeting during which the chapter's leader will be provided the opportunity to review the report and respond to the allegations. Additional information to consider in this notification that can assist the chapter includes, but is not limited to, an overview of the campus conduct process, resources available to the chapter, next steps, and applicable timelines.

Fraternal organizations are unique in that there is the existence of the broader inter/national governing body that often has a shared interest in accountability, as well as in ensuring that the chapter is properly abiding by the expectations of the institution. While it is reasonable for an institution to set a limit on the number of individuals that may participate in such a meeting, it is beneficial for an inter/national organization to be offered an opportunity to have a representative (such as their designated full-time staff member or volunteer leader)⁵ join conduct-related meetings or participate via phone or video. Providing transparency in this manner as permitted by the campus's policy and procedures, and as long as that individual is not disruptive to the process, can be valuable to both the institution and the inter/national organization. If an institution's policy provides for a chapter to select only one person to serve as their advisor during the campus conduct process, the inter/national organization representative may wish to serve as that advisor or allow someone else to serve as the advisor. If the inter/national organization representative is allowed to join in addition to an advisor, a discussion at the start of any meeting should occur in order to clarify the representative's role and expectations.

If the inter/national organization has not yet been fully informed at this point of the details of the report or accusation against the chapter, or the outcome of an investigation, or of any additional information collected regarding an allegation, then it may be appropriate to share that information with the inter/national organization.

5. As stated in the "Background" section of this document, some fraternal organizations employ full-time staff members at a central office, others rely on volunteer leaders, and some depend on the support offered by a local alumni chapter. The term "inter/national organization representative" is used throughout this document to identify that designated individual; it is not used in the sense that anyone other than the chapter leader him/herself would be expected to speak on behalf of the student organization or otherwise actually "represent" them.

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CAMPUS DISCIPLINARY ACTION / FORMAL CHARGES (CONTINUED...)

While there may be restrictions on how much information can be shared externally by an institution, and the manner in which it is provided, it is worth noting again the vested interest inter/national organizations have in one of their chapter's disciplinary status at an institution.

At a minimum, it is recommended that the information shared with the chapter also be shared with the inter/national organization. This can include any facts gathered through the investigation process - both those that have been consistently reported and those where no information has been collected to corroborate. If applicable, this information can be redacted consistent with FERPA restrictions by removing students' personally identifiable information before being released externally. If non-redacted versions of this information are accessible elsewhere, such as videos posted on social media and public police reports, it is useful for the campus to direct the inter/national organization to those sources. Depending on the nature of the allegation and the institution's practices, if it is not permitted to provide a copy of the report, the institution may choose to instead send a summary of the complaint to the inter/national organization.

CAMPUS RESOLUTION / HEARING

If there will be a formal hearing or other meeting during which the chapter has an opportunity to respond to the charges and, subsequently, a finding will be made with possible sanctions, it is recommended that the inter/national organization, chapter advisor, and fraternity/sorority life professional be copied on any notice to the chapter regarding that step. While student organizations may not be afforded formal due process rights, in the spirit of providing the fundamental fairness that is to be expected in a campus disciplinary proceeding, it is recommended that the following be offered:

- a. Written notification of the allegation(s)/charge(s);
- b. Access to review the report and information relevant to the allegation(s), redacted if necessary;
- c. An opportunity to respond to the allegation(s);
- d. Adequate notice of the time, place, and manner in which the allegation(s) will be reviewed (e.g. a hearing);
- e. The right to have an advisor;
- f. The right to request witnesses, and to submit relevant questions to be asked of any witnesses that participate in a hearing; and,
- g. Any appellate rights, if granted to the chapter, if provided in the campus policy and procedures.

Whether included in the formal written notice, discussed in a pre-hearing meeting, sent directly via email, or discussed in a phone call, the following information is also helpful to share with both the chapter leader and the inter/national representative if a formal hearing occurs:

- a. A summary of the evidence that will be reviewed in the hearing regarding the allegation;
- b. Information regarding the hearing procedures;
- c. If there is an opportunity for the chapter to bring an advisor, and the advisor's role/limitations;
- d. Any other individuals that may be present at the hearing, if permissible by policy; and,
- e. Any restrictions on the inter/national representative during the hearing, provided they are either allowed to participate, to attend and observe, or to listen in.

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DECISION AND SANCTION CONSIDERATIONS

It is recommended that the inter/national organization, if it wishes to do so, be provided an opportunity to develop a sanctioning proposal to submit for consideration in the event that the chapter is found responsible or accepts responsibility, so long as it causes no delay in the proceeding and the autonomy of the ultimate decision maker is not infringed upon. Minimally, chapter leaders should be given the opportunity to work with their inter/national organization to develop an action plan that can be considered when crafting sanctions – this is particularly helpful if it is done before a hearing and the chapter intends to accept responsibility for the violation(s). This recommendation does not imply that the inter/national organization and the campus will necessarily agree to the same sanctions or that there will be a unified letter sent. Rather, it provides an opportunity to craft sanctions collaboratively and coordinate the logistics of those sanctions together if the chapter is found responsible for one or more policy violations. In some cases, a decision will be made and sanctions issued by one party before the other. In that event, it is recommended that any educational or restorative sanctions be shared so the other party may consider replicating the same if they are within the authority to do so.

It is imperative that campuses and the inter/national organizations do not issue sanctions that are outside their ability to enforce or monitor. For example, a campus does not have the authority to revoke a chapter's charter, sanction a membership review, or require that a member of the inter/national organization travel to the chapter to conduct a weekend retreat. Likewise, an inter/national organization cannot sanction a chapter to monthly meetings with the campus conduct professional. However, with collaborative sanctioning and open communication, it is entirely possible that the inter/national organization might agree to conduct a membership review, and the conduct professional might agree to monthly meetings with the chapter president, and both agree to inform one another of the completion of such.

While both campuses and inter/national fraternal organizations believe in the educational aspects of the sanctioning process, the punitive aspect is equally noteworthy. When considering the range of punitive and restrictive outcomes, however, it should be noted that restrictions on recruitment as a sanction are not supported by the Association of Fraternity/Sorority Advisors (AFA), North-American Interfraternity Conference (NIC)⁶. Before unilaterally imposing such a restriction, it is critical for conduct professionals to consider the consequences of that restriction. Factors to consider include, but are not limited to: size of the chapter, the financial and housing status, the time of year, whether the restriction will be during the primary recruitment semester rather than a secondary recruitment semester, and other factors. A prohibition on the ability to intake a new membership class could inadvertently impact the chapter's ability to thrive, as well as the rest of the council's community. It is recommended campus conduct professionals converse with the inter/national organization representative when considering this sanction to better understand the impact of a recruitment restriction on the chapter. If this is a sanction that could ultimately be imposed, the conduct professional should instead discuss with the inter/national organization representative the feasibility of the subsequent recruitment and new member education process being facilitated under the direction and in-person influence of the inter/national organization.

If a possible sanction is the removal of a chapter's recognition from campus, regardless of the length of time, it is important for the institution to consider informing the inter/national organization of this likelihood in advance so

6. Joint Resolution of the Association of Fraternity Advisors and the North-American Interfraternity Conference Regarding Rush Restrictions as a Disciplinary Sanction. [Adopted December 8, 1987] [Re-affirmed December 4, 1999]. Retrieved from http://cymcdn.com/sites/www.afa1976.org/resource/collection/006F657C-A266-42C0-AA1B-623153CE7308/Joint_Resolution_Regarding_Rush_Restrictions.pdf

DECISION AND SANCTION CONSIDERATIONS *(CONTINUED...)*

that they can prepare. This courtesy aides the inter/national organization in their internal and external response to such an event and honors the primary relationship that the inter/national organization has with the institution. Once a decision is reached regarding findings and sanctions, if applicable, the inter/national organization, chapter advisor, and fraternity/sorority life professional should also be copied on the campus's decision letter to the chapter. It is recommended the decision letter outline the findings, any restrictions, sanctions, and any appeal options. Likewise, the inter/national organization should copy the campus conduct professional and fraternity/sorority life professional on any decision letter sent to the chapter, barring any limitations that would prohibit doing so due to ritual practices or other private chapter information.

Commitments

COMMITMENTS OF INTER/NATIONAL ORGANIZATIONS

COMMITMENTS OF INSTITUTIONS



Commitments

It is helpful to remember that while people change roles and positions, and students come and go, the ongoing relationship that exists through the years is that of the inter/national organization and the institution, and preserving that relationship should be important to those that play a role in these matters. In the spirit of forging and maintaining a collaborative partnership between inter/national organizations and campus conduct professionals, the following commitments are recommended in practice:

COMMITMENTS OF INTER/NATIONAL ORGANIZATIONS

- a. Be honest and forthright in all interactions.
- b. Return phone calls and emails from institutions within a reasonable timeframe.
- c. Maintain privacy (including from the chapter) when requested, required, and/or engage in discussions regarding appropriate sanctions.
- d. Clearly identify a point of contact with the inter/national organization throughout the conduct process, and explain their role (particularly whether they will be investigating, issuing sanctions, or serving as the chapter's advisor).
- e. Encourage the chapter leaders and members to comply, participate, and exhibit honesty throughout the process. If there is a compelling reason to not do so (e.g. a personal conflict of interest or compromising position), students should be encouraged to seek outside advice.
- f. Review the institution's conduct process when a chapter is facing disciplinary action.
- g. Collaborate with the chapter and advisor(s) on streamlining any of their communication with the campus conduct professional.
- h. Communicate with the chapter advisor to clarify what his/her role should be during the campus conduct process.
- i. Commit to an on-campus presence when appropriate or necessary as dictated by circumstances (such as when a major injury, death, or significant property damage has occurred).
- j. Be proactive and transparent with the campus if a charter revocation/chapter removal is a possibility.
- k. Operate in congruence with the Fraternity Executives Association Code of Ethics.
- l. Respect the professional relationships of campus colleagues, even if in disagreement with the process or the outcome.
- m. Maintain a commitment to uphold agreements made with the campus.

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COMMITMENTS OF INSTITUTIONS

- a. Be honest and forthright in all interactions.
- b. Return phone calls and emails from the inter/national organization within a reasonable time-frame.
- c. Maintain privacy when requested of the inter/national organization, when possible (exceptions include mandated reporting expectations).
- d. Engage in discussions regarding appropriate sanctions.
- e. Clearly identify a point of contact at the institution for any investigation and throughout the conduct process, and explain their role.
- f. Clearly identify a point of contact for other institutional responses (e.g. interim measures, media releases, etc.).
- g. Assist the inter/national representatives with navigating the campus conduct process.
- h. If at any point in the process the chapter members, advisors, or alumni become uncooperative, the institution will notify the inter/national organization as soon as possible.
- i. Be proactive and transparent with the inter/national organization if the removal of chapter recognition is a possibility.
- j. Operate in congruence with the ASCA Ethical Principles and Practices in Student Conduct Administration.
- k. Respect the professional relationships of inter/national organization colleagues, even if in disagreement with the process or the outcome.
- l. Maintain a commitment to uphold agreements made with the inter/national organization.

Appendix A: Example Timeline



Appendix A: Example Timeline

The following timeline provides one example of how an institution and inter/national organization can partner together in response to a chapter's alleged violation, utilizing the suggestions contained within this guide. The titles are used to represent the respective parties, though the positions of the individuals acting in such a capacity will vary among institutions and inter/national organizations. In addition, the timeline for campus resolution at a will vary depending on a number of factors, including but not limited to staff availability, caseload, holiday breaks, resources, need for further investigation, law enforcement involvement, and complexity of the allegation. While a reasonable timeframe for the provided example may be two weeks at one institution, for the reasons stated above, it may more likely take at least one month, or longer, to resolve a case of this nature.

INCIDENT REPORTED (Step 1)

A report is received by the Assistant Director of Student Conduct that describes an alleged violation committed by a campus fraternity/sorority.

INITIAL NOTIFICATION (Step 2)

After reviewing the report, the Assistant Director of Student Conduct informs the campus Director of Fraternity & Sorority Life of the report. The Director of Fraternity & Sorority Life emails the Chapter Services Coordinator of the inter/national fraternity, as he knows that individual manages the chapter conduct process for the organization. In the email, the Director of Fraternity & Sorority Life informs the Chapter Services Coordinator that an incident report has been received by the campus conduct staff and that the Assistant Director of Student Conduct (copied on the email) will be the staff member meeting with the chapter leadership and investigating the alleged incident.

The Director of Fraternity & Sorority Life indicates that his role in the campus conduct process is to serve as a resource for the chapter, but that he will not be directly involved in the investigation or adjudication process. Instead, the Director of Fraternity & Sorority Life indicates that the Assistant Director of Student Conduct will contact the Chapter Services Coordinator to provide additional details about the alleged incident.

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The Assistant Director of Student Conduct replies to the introduction email and informs the Chapter Services Coordinator that an incident report was filed specifically identifying the chapter and outlining behavior that may violate the institution's conduct code. The Assistant Director of Student Conduct shares the relevant sections of the narrative from the incident report and indicates that she will be emailing the chapter president to schedule a meeting to discuss the alleged incident. The Assistant Director of Student Conduct also includes a link to the institution's conduct code and offers to set up a time to discuss the allegations with the Chapter Services Coordinator prior to the meeting with the chapter president. She also indicates that the Chapter Services Coordinator member is permitted to join the initial meeting with the chapter president by phone for the limited purpose of listening in and asking procedural questions, in the event that the chapter president brings someone else to serve as an advisor.

The Assistant Director of Student Conduct emails the chapter president, informing him that an incident report has been received that specifically identifies the fraternity chapter and includes behavior that may violate the conduct code, and the email directs him to schedule a meeting before the end of the week. The Director of Fraternity & Sorority Life, the local chapter advisor, and the Chapter Services Coordinator are copied on the email.

The Assistant Director of Student Conduct and chapter president meet two days later. The chapter advisor accompanies the chapter president to the meeting and serves as the advisor in the campus conduct process. The Chapter Services Coordinator listens in on the meeting via telephone.

INVESTIGATION
(Step 3)

Following the meeting, the Assistant Director of Student Conduct and the Chapter Services Coordinator discuss via telephone the information shared during the meeting. It is determined that additional inquiry and investigation will be required, but they agree that the nature of the alleged misconduct does not necessitate a campus visit from the Chapter Services Coordinator. Both parties agree that the Assistant Director will conduct a series of individual meetings over the following week to gather additional details from the other students identified in the incident report. Separately, the Chapter Services Coordinator agrees to follow up with the chapter officers to gather additional details about the events and activities that preceded the filing of the incident report. Both agree to share with one another via telephone call any relevant facts that they discover during their follow-up, so as to better tailor the questions in their subsequent inquiries.

A meeting is scheduled for the following week to discuss the findings of both staff members' meetings and inquiry.

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**CAMPUS DISCIPLINARY
ACTION / FORMAL
CHARGES
(Step 4)**

After reviewing the information collected during the investigation process, the Assistant Director of Student Conduct informs the Chapter Services Coordinator during their follow-up call that there is sufficient information to suggest that the chapter may have violated the institution's conduct code. The Assistant Director indicates that a charge letter will be send to the chapter president the next day.

**CAMPUS RESOLUTION /
HEARING
(Step 5)**

On the following day, the chapter president receives a charge letter from the Assistant Director of Student Conduct. The charge letter outlines the specific sections of the institution's conduct code that are alleged to have been violated by the fraternity chapter. The letter also provides the date of the alleged misconduct, as well as a paragraph describing the behavior that would substantiate the allegations (if true). The charge letter indicates that the chapter president should schedule a meeting with the Assistant Director of Student Conduct to review the allegations and discuss the two resolution options available to the chapter: (1) an administrative hearing with a conduct staff member, or (2) a hearing before a panel of students, faculty, and administrators. The letter also includes a link to the institution's conduct code. The Director of Fraternity & Sorority Life, the local chapter advisor, and the Chapter Services Coordinator are copied on the email.

The chapter president schedules his meeting for the following day with the Assistant Director of Student Conduct. The Chapter Services Coordinator separately schedules a call with the chapter president to discuss the upcoming meeting with the Assistant Director of Student Conduct.

During the call with the chapter president, the Chapter Services Coordinator provides an overview of the institution's two resolution options, as well as the information he learned in the investigation process. The Chapter Services Coordinator indicates that he believes the chapter is responsible for violating each of the sections of the conduct code outlined in the charge letter. The chapter president agrees. The Chapter Services Coordinator also recommends the chapter choose the administrative process; the president concurs.

As planned, the chapter president attends the meeting with the Assistant Director of Student Conduct, along with his chapter advisor. The Chapter Services Coordinator joins the meeting by telephone. The Assistant Director of Student Conduct reviews the purpose of the meeting and reminds the chapter advisor of his limited role as an advisor during the meeting, and also reminds the Chapter Services Coordinator of his limited role to only listen in on the meeting.

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The Assistant Director of Student Conduct reviews the information gathered during the investigation process with the chapter president and provides him the opportunity to ask questions about the information or clarify any parts he would like. The Assistant Director of Student Conduct also reviews the two resolution options available to the chapter under the institution's conduct code. The Assistant Director of Student Conduct indicates that the chapter president will have three days to choose a resolution option. The chapter president indicates right then that he would like to choose the administrative hearing option and to move forward with the administrative hearing as a part of the current meeting.

After completing the required paperwork, the Assistant Director of Student Conduct provides the chapter president with an opportunity to respond to each of the charges. The chapter accepts responsibility for each of the charges and the Assistant Director of Student Conduct and chapter president discuss how and why the violations occurred. At the end of the meeting, the Assistant Director of Student Conduct asks the Chapter Services Coordinator if there is any additional information he would like to add. The Assistant Director of Student Conduct then indicates that she will be working with the Chapter Services Coordinator to develop a set of sanctions for the chapter. She offers the chapter president the opportunity to submit any suggestions he may have regarding possible sanctions by the end of the week. The Assistant Director of Student Conduct indicates that a final outcome letter should be available by next week.

**DECISION AND
SANCTIONS
(Step 6)**

Following the administrative hearing, the Chapter Services Coordinator emails the Assistant Director of Student Conduct and indicates that he will email her his thoughts on sanctions, as well. The Chapter Services Coordinator copies the Director of Fraternity & Sorority Life on his sanction proposal when he sends it to the Assistant Director of Student Conduct.

The Assistant Director emails a copy of the outcome letter to the chapter president. The Director of Fraternity & Sorority Life, the local chapter advisor, and the Chapter Services Coordinator are copied on the email.

The Chapter Services Coordinator separately follows up to document the conclusion of the fraternity's conduct process and reinforce the inter/national organization's expectation that the chapter complete the sanctions outlined in the Assistant Director of Student Conduct's outcome letter. The Chapter Services Coordinator copies the Assistant Director of Student Conduct, the Director of Fraternity & Sorority Life, and the chapter advisor on this letter to the chapter president.

Appendix B: Example of an Intitial Notification From Campus to Inter/National Organization



Appendix B: Example of an Initial Notification From Campus to Inter/National Organization

Dear **[INSERT NAME OF HQ INTER/NATIONAL ORGANIZATION REPRESENTATIVE]**,

My name is **[INSERT NAME]**, and I serve as the **[INSERT TITLE]**, at **[INSERT NAME OF THE INSTITUTION]**. I am contacting you to share that I have received a report from **[INSERT CONSTITUENCY IF IN THE BEST INTEREST TO DO SO]** regarding the behavior of the **[INSERT CHAPTER NAME, IF KNOWN]** chapter of **[INSERT ORGANIZATION]**. The report concerns allegations of **[PROVIDE BASIC ALLEGATIONS, or LIKELY CHARGES]**. At this time, the following interim measures have been made: **[EXPLAIN, IF APPLIED]**.

- or -

While at this time interim measures have not been made, I will notify you if this changes.

As a brief summary, the next steps of this process will consist of: **[ADD A BRIEF OUTLINE OF THE PROCESS]**.

However, the process and standards that I will be using can be found at: **[PROVIDE LINK TO CODE or RELEVANT WEBSITE]**. **IF APPLICABLE:** Please note that this conduct process is separate from any Greek Council proceeding, and information about that process can be found at: **[PROVIDE LINK TO COUNCIL or RELEVANT WEBSITE]**. Finally, I have included the Director of FSA; the FSA **[WILL/WILL NOT]** be directly involved in the investigation, so please direct any questions about the process or investigation to me, as I will serve as the point person during this process. I will also include you on **[ALL]** communication to the chapter **[or, AT PIVOTAL STAGES OF THE PROCESS]**, but if you would like to talk about coordinating a parallel investigation or a co-investigation, I invite you to contact me so that we can discuss expectations and timeline, as well as any other questions that you may have about the process.

Sincerely,

[INSERT NAME AND TITLE OF CONDUCT PROFESSIONAL]

Cc: Director of Fraternity and Sorority Life

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