Rutgers University  
Fraternity and Sorority Conduct Procedures  
Revised January 5, 2015

Preamble

Rutgers’ first fraternity opened its doors to students in 1845 and since that time the fraternity and sorority community has offered a unique opportunity to help students develop into the people they want to be. Members create lifelong friendships, strengthen academic skills in a small group, grow through leadership and service in a community with shared values, make valuable connections to the larger fraternity and sorority community and the University, and have fun.

When chapters decide to affiliate with Rutgers University, they accept the rights and responsibilities of membership in the University’s academic and social community. Fraternities and sororities are expected to uphold Rutgers University values by maintaining high standards of conduct. Because the University establishes high standards for membership, its standards of conduct may exceed federal, state, local requirements or inter/national bylaws.

When behavioral expectations are not met, fraternities and sororities are given an opportunity to address allegations through a process set up by the University. This document provides specific information for fraternities and sororities regarding the process for addressing allegations of University policy violations.

Definitions

1. Fraternity or Sorority: A fraternity or sorority at Rutgers University includes all organizations that have fulfilled all of the requirements established by the Rutgers University-New Brunswick campus for official registration and whose membership involves Rutgers University students. This definition does not include any fraternity or sorority that is no longer recognized by Rutgers University-New Brunswick or has never received official recognition by Rutgers University. For the purposes of this document, a fraternity or sorority is also referred to as an “organization”.

2. University Regulations: The term University regulation is used to include all regulations, rules, resolutions, policies, bylaws, practices, and procedures established and promulgated by the Board of Governors, the Rutgers System, and the administrative offices of the New Brunswick campus.

3. Violation: The term violation is used to include any official or unofficial act or omission by a fraternity or sorority or its members that is contrary to the provisions of a University regulation and/or a local, state, or federal law or regulation.

4. Office of Student Conduct Case Manager: The term conduct case manager is used to identify the person assigned by the Office of Student Conduct to adjudicate allegations of fraternity or sorority misconduct.

5. Confidential Source: the term confidential source refers to an individual identified and known by a conduct case manager and/or investigators but whose identity is not revealed to the hearing officer or the fraternity or sorority. Information from confidential sources can be used against fraternities and sororities but cannot be used in cases against individual students.
6. **Anonymous Source:** the term anonymous source refers to an individual reporting an incident with the University who does not identify himself or herself. Anonymous source information cannot be used alone as the basis to charge a fraternity or sorority with a University policy violation. Anonymous source information can be used to support other information collected by investigators or the conduct case manager.

**Jurisdiction and Authority**

1. The Office of Student Conduct (OSC) will oversee the process for addressing cases of fraternity and sorority misconduct that involve serious violations of University policy and where the impact of the incident may lead to the organization being removed from campus.
2. The Office of Fraternity and Sorority Affairs (OFSA) will maintain jurisdiction over fraternity and sorority cases involving minor policy infractions where there is no question of the organization being removed from campus recognition.
3. The decision regarding whether or the incident will be addressed by the Office of Student Conduct or the Office of Fraternity and Sorority Affairs will be made jointly by OSC and OFSA.
4. Governing Councils may address incidents with organizations affiliated with their respective council on matters where their governing documents state they can address the matter (i.e. recruiting violations). Fraternities and sororities may also be subject to action by their governing council, Inter/National Headquarters, and Rutgers University-New Brunswick.
5. Students whose actions in the alleged incident may violate University policy or federal, state, local or municipal laws may also be subject to individual disciplinary action under procedures set forth in the University Code of Student Conduct.

**Criteria Used in Determining Whether the Allegation is an Organizational Violation**

A. Generally, a fraternal organization may be held responsible for violations of University Policy when:

1. One or more officers, acting within the scope of their duties, commit a violation;
2. One or more members commit a violation as part of an activity or assignment voted on by the organization and/or approved by the local, regional, or national leadership;
3. The violation is committed at an activity funded by the organization or by an individual in the name of the organization;
4. The violation is committed by members attending a function as a representative of the University, including, but not limited to, competitions, conferences, and conventions.
5. The violation occurs as a result of an activity or event sponsored, cosponsored, or endorsed by the organization;
6. Members or officers permit, encourage, aid, or assist, in committing a violation;
7. Members or officers fail to report to appropriate University authorities knowledge or information about a violation;
8. Members or alumni commit a violation in the name of the organization;
Rights in the Conduct Process

Fraternity and sororities have a right to expect that all disciplinary proceedings will be handled fairly. Rutgers University grants recognized organizations the following rights in the conduct process:

1. Organizations have the right to have their complaint heard by unbiased individuals. Organizations can object to a conduct case manager, hearing officer or hearing board member with cause. The validity of the objection will be determined by the Director of Student Conduct or his/her designee.
2. Organizations have the right to have an adviser present at all disciplinary meetings or hearings. The advisor may not actively participate in any proceedings. It is the responsibility of the organization to insure attendance of the advisor at any proceeding, as meetings and hearings will not be rescheduled to accommodate advisers.
3. Organizations have the right to written notice of the charges placed against them and the time and place of any meeting or hearing. Proper notification is defined as delivery of mail to the organization’s address or mailbox. Notice will also be sent through email to the president’s established email account.
4. Organizations have the right to receive a copy of all information to be used against them at hearings. This information will be provided to the organization at least five business days prior to a hearing.
5. Organizations have the right to hear and respond to all information presented against them. This includes the right to question witnesses at the hearing.
6. Organizations have the right to present information and witnesses on their behalf. Character statements and witness statements should be submitted in writing before the hearing. Character statements will not be considered when determining a violation.
7. Organizations have the right to written notification of the results of the hearing no later than five business days after the hearing.
8. Organizations have the right to appeal the outcome of the hearing no later than ten days after notification of the decision.

Interim Disciplinary Action for Fraternal Organizations

1. In certain circumstances, it may become necessary to impose interim action(s) against a fraternity or sorority while a conduct matter is being addressed. Interim action will be imposed; 1) to ensure the continued safety and well-being of members of the University community or preservation of University or 2) if the fraternity or sorority’s continued presence posed a threat to the safety and well-being on members of the University community.
2. Types of Interim Action:
   1. Suspension of Organization Activity: the organization is prohibited from participating in any University activity and promoting University programs without express permission from the Vice Chancellor of Student Affairs or his or her designee.
   2. Suspension of the New Member Program: All meetings and activities of the New Member program must cease. Chapter officers and members are restricted from communicating with the New Members.
3. Interim Action Procedures

1. An official letter is sent to a representative of the fraternity or sorority by the Office of Student Conduct. The letter details the type of interim action imposed and the process for appeal.

2. A Fraternity or sorority may petition to the Vice Chancellor of Student Affairs or his or her designee within 48 hours of receipt of official interim action letter to appeal the imposition of the interim action. The Vice Chancellor of Student Affairs or his or her designee will meet with an official representative of the organization and will examine information provided by the conduct case manager in order to make a decision.

   1. If the Vice Chancellor of Student Affairs or his or her designee determines that there is no potential threat or danger to community members by the activity or organization, the interim action is lifted. Conduct charges will still need to be addressed by the organization.

   2. If the Vice Chancellor of Student Affairs or his or her designee determines that there is a real or potential risk to the health, safety, or property of Rutgers University community members, the interim action is upheld. The Office of Student Conduct is then asked to proceed with the conduct process.

Operating Procedures- Preliminary Review

Allegations of misconduct by fraternities and sororities should be made in writing to the Office of Fraternity and Sorority Affairs or Office of Student Conduct. Complaints can be made online using the Rutgers University online reporting form found on the Office of Student Conduct website: http://studentconduct.rutgers.edu.

1. If possible, a personal interview with the person or persons making the allegation of misconduct should occur as soon as possible in order to answer any questions about information in the report and to gather information about any other possible witnesses to the incident. This interview could take place with a staff member in the Office of Student Conduct or the Office of Fraternity and Sorority Affairs.

2. If the person making the allegation wants to remain confidential, as much information should be gathered as possible from that person. The person wishing confidentiality should be told that his or her information will need to be shared with Rutgers University Police if it is determined that the allegation includes a possible crime.

3. Information from an Anonymous Source should be checked to see if any of the information in the report can be verified (police report, text messages, etc.).

A representative from the Office of Fraternity and Sorority Affairs and the Office of Student Conduct will meet to determine the validity of the allegation, to determine if there is enough information provided in the complaint to file charges against the organization or whether or not a formal investigation of the complaint needs to take place.

1. If there is enough information in the complaint to substantiate charges, an investigation does not need to take place. An OFSA staff member will contact an official representative of the organization (typically the President) for a meeting. At that meeting, the OFSA staff member will go over the conduct process and
will discuss the incident and the charges with him or her. If there is an opportunity to informally resolve the incident without charges, OFSA will work with the organization on an agreement and the case is closed. If informal resolution is not an option (based on the incident or the response by the organization) an official charge letter is sent to the organization by the Office of Student Conduct, listing the charges being filed against the organization and the recommendations for sanctions should the fraternity or sorority accept responsibility for the violation(s).

If the organization accepts responsibility for the violation, sanctions are imposed and the case is closed. If the organization does not accept responsibility for the violation(s), the Office of Student Conduct will send the case to either an administrative hearing or a hearing before the Fraternity and Sorority Conduct Board. Cases in which the recommended sanction would include removal of official University recognition must be resolved by an administrative hearing officer; cases in which the recommended sanction would not result in loss of University recognition may be resolved by either an administrative hearing officer or the Fraternity and Sorority Conduct Board.

2. If there is not enough information in the complaint to substantiate charges but the allegations are serious, the case is sent for an investigation. A staff member from the Office of Fraternity and Sorority Affairs will meet with a representative of the organization to explain the investigation process and answer questions.

Two investigators not affiliated with the Office of Fraternity and Sorority Affairs are chosen to meet with individuals involved in the alleged incident. Those investigators complete a report of their findings and turn that report over to the Office of Student Conduct and the Office of Fraternity and Sorority Affairs for review.

i. If there is not enough information to charge the fraternity or sorority, an official representative of the organization (typically the President) is sent a letter, letting him or her know that no charges will be filed.

ii. If there is enough information in the report to charge the fraternity or sorority with University violation(s), the Office of Student Conduct sends an official charge letter to the official organization representative, listing the outcome of the investigation, University charges, and sanction recommendations. A representative from the Office of Fraternity and Sorority Affairs will set up a meeting with the organization’s representative to go over the charge letter from the Office of Student Conduct, discuss the process, and talk over options for resolution. The organization is asked to respond to the charges in writing.

1. If the organization accepts responsibility for the violation, the sanction is imposed and the case is closed.

2. If the organization does not accept responsibility for the violation, the Office of Student Conduct will send the case for either an administrative hearing or a hearing before the Fraternity and Sorority Conduct Board.
3. If there is not enough information to warrant an investigation or charges, the fraternity or sorority is notified of the allegation and the possible consequences of that behavior should they be found responsible for the allegation. Information regarding the incident is kept on file in case additional information about the alleged incident is uncovered at a later time.

Operating Procedures

There are two options for resolution if organizations do not believe they violated University policy: administrative hearings and Fraternity and Sorority Conduct Board Hearings. Cases that may include removal of official University recognition must be addressed in an administrative hearing. Cases in which the sanction will not include removal of official University recognition can be addressed in either an administrative hearing or a hearing before the Fraternity and Sorority Conduct Board; the organization chooses how they want their case addressed.

A. Operating Procedures – Administrative Hearing

An administrative hearing officer will be chosen by the Director of Student Conduct and will typically be a staff member in the Division of Student Affairs with no affiliation with the fraternity or sorority being charged. Administrative hearings shall operate under the following procedures:

1. The organization shall be notified in writing at least ten (10) business days prior to the hearing. This notification will include the charges against the organization, the names of all witnesses being called in support of the charges, and the name of the administrative hearing officer.
2. Hearings are closed to the public. Admission of any person to the hearing will be at the discretion of the hearing officer.
3. The organization has the right to object to the hearing officer for cause. The final determination will be made by the Director of Student Conduct. If the objection is granted, another hearing officer will be assigned by the Director of Student Conduct.
4. At the beginning of the hearing, an opening statement is read that will outline hearing procedures. The organization will then be asked to respond to each charge by stating one of the following:
   1. Responsible for violating the University regulation
   2. Not responsible for violating the University regulation
5. If no one from the organization attends the hearing, a claim of not responsible will be entered on behalf of the organization and the hearing will continue. The organization then forfeits all opportunity to present information on its behalf.
6. The Office of Student Conduct is responsible for presenting the University's reasons for bringing charges against the organization. Witnesses may be called by the Office of Student Conduct to testify in support of the charges.
7. Someone from the organization is asked to serve as spokesperson during the hearing. The spokesperson shall have the right to: be present during all phases of the hearing, except deliberation on procedural and evidentiary matters, findings of fact and potential sanctions; to present evidence and witnesses on behalf of the organization; and to have reasonable cross-examination of witnesses.
8. An organization may also have up to three members attend the hearing. Organization members who are to be witnesses cannot attend the hearing and may only come into the hearing during his or her time to provide testimony.
9. The organization and its spokesperson may have the assistance of an adviser during the hearing. The adviser's role is to assist and he or she may not participate in the hearing.
10. Records, exhibits, and written statements should be submitted to the Office of Student Conduct at least three (3) business days before the hearing. Information submitted at the hearing may be accepted by the hearing officer at his or her discretion.
11. All procedural questions are referred to the hearing officer.
12. Upon the conclusion of presentation of information, the hearing officer shall go into closed proceedings to make a determination regarding violations and sanctions (if organization is found in violation). Organizations shall be found either responsible or not responsible for each University policy charge. The determination shall be made on the basis of whether or not there is a preponderance of evidence to support the finding of a violation, indicating that it is more likely than not that the organization committed the violation.
13. A written decision letter shall be provided to the organization within five (5) business days of the hearing, including the finding of fact, sanction rationale (if found in violation), and appeals process (if found in violation).
14. Hearings are recorded. The recording becomes a part of the official file for each organization conduct case. This record shall be the exclusive property of the Office of Student Conduct. A copy of the hearing shall be provided to the organization if one is needed for appeal of the decision.

B. Conduct Hearing Board Hearings

If charges cannot be resolved informally and the recommended sanction does not include removal of official University recognition an organization can choose to have their case addressed by the Fraternity and Sorority Conduct Board. Fraternity and sorority organization hearings shall operate under the following procedures:

1. The organization shall be notified in writing at least ten (10) business days prior to the hearing. This notification will include the charges against the organization, the date and time of the hearing, the names of all witnesses being called in support of the charges, and the names of the hearing board members.
2. Hearings are closed to the public. Admission of any person to the hearing will be at the discretion of the hearing board and its disciplinary advisor.
3. The composition of the hearing board will consist of the following types of individuals randomly assigned from the pool of available board members: one student representing an IFC organization, one student representing a Panhellenic organization, one student representing professional fraternal organization, and one faculty or staff member serving as the hearing board adviser.
4. At the beginning of each hearing, an opening statement will outline hearing procedures. The organization will then be asked to respond to each charge by stating one of the following:
   i. Responsible for violating the University regulation
   ii. Not responsible for violating the University regulation
5. If no one from the organization attends the hearing, a claim of not responsible will be entered on behalf of the organization and the hearing will continue. The organization then forfeits all opportunity to present information on its behalf.
6. The Office of Student Conduct is responsible for presenting the University’s reasons for bringing charges against the organization. Witnesses may be called by the Office of Student Conduct to testify in support of the charges.

7. Someone from the organization is asked to serve as spokesperson during the hearing. The spokesperson shall have the right to: be present during all phases of the hearing, except the panel’s deliberation on procedural and evidentiary matters, findings of fact and potential sanctions; to present evidence and witnesses on behalf of the organization; and to have reasonable cross-examination of witnesses.

8. An organization may also have up to three members attend the hearing. Organization members who are to be witnesses cannot attend the hearing and may only come into the hearing during his or her time to provide testimony.

9. The organization and its spokesperson may have the assistance of an adviser during the hearing. The adviser’s role is to assist and he or she may not participate in the hearing.

10. Records, exhibits, and written statements should be submitted to the Office of Student Conduct at least three (3) business days before the hearing. Information submitted at the hearing may be accepted by the board at their discretion.

11. All procedural questions are referred to the hearing board advisor.

12. Upon the conclusion of presentation of information, the hearing board and its advisor shall go into closed proceedings to make a determination regarding violations. If the board has any questions that need to be answered, all parties will reconvene for questions.

13. The conduct board shall determine by a majority vote whether the organization has violated specified University regulations. Organizations shall be found either responsible or not responsible for each University policy charge. The determination shall be made on the basis of whether or not there is a preponderance of evidence to support the finding of a violation, indicating that it is more likely than not that the organization committed the violation.

14. If the organization is found responsible for any violation, the board will then determine the organization’s sanction. The board will hear recommendations from the Office of Student Conduct. The organization can also present information regarding sanctions and provide character witnesses. The conduct board will also be provided with information regarding the organization’s previous disciplinary history (any information regarding violations that have occurred within the last four years, if any exists).

15. The board will return to closed proceedings to determine sanction. Sanctions are determined by majority vote. Once a sanction has been determined, the hearing is reconvened and the organization is provided the board’s decision and the process for appealing the sanction.

16. A written decision letter shall be provided to the organization within five (5) business days of the hearing, including the finding of fact, sanction rationale, and appeal information.

17. Hearings are recorded. The recording becomes a part of the official file for each organization conduct case. This record shall be the exclusive property of the Office of Student Conduct. A copy of the hearing shall be provided to the organization if one is needed for appeal of the decision.

**Operating Procedures - Appeals**

The decision of the hearing board or administrative hearing officer shall be final, subject only to the organization’s right to appeal to the Vice Chancellor for Student Affairs or his/her designee.
1. Appeals are due to the Office of the Vice Chancellor within ten (10) business days of the organization’s receipt of the written decision.

2. All appeals must be in writing and should contain the specific bases of the organization’s appeal. Appeals may be requested for the following reasons:

   1. Procedural errors that substantially affected the outcome of the hearing;
   2. New information that was not available at the time of the hearing;
   3. The sanction is grossly disproportionate to the violation(s);
   4. The conclusion of the hearing board or hearing officer was wholly unreasonable based on the evidence provided at the hearing.

Appeal decisions are made based on the written appeal provided by the organization, the review of the record from the original hearing, and any supporting documentation provided.

The Vice Chancellor or his/her designee may, after reviewing all available and relevant information, elect to:

   1. Affirm the finding and sanction.
   2. Affirm the finding and modify the sanction.
   3. Remand the case for a new hearing.

5. The Vice Chancellor or his/her designee shall not supplant his or her judgment over the decision of the original hearing body. He or she should only review the original process to determine if the organization was given a fair hearing and to determine if the outcome of the hearing was consistent with the information provided to the conduct board or hearing officer.

   1. Sanctions should only be reduced if found to be clearly disproportionate to the gravity of the violation, precedent for similar offenses, and/or the organization's prior disciplinary record.
   2. Cases should be remanded to a new hearing if specified procedural errors were so substantial as to effectively deny the organization a fair hearing.

6. The Vice Chancellor or his/her designee will provide his or her decision to the organization within ten (10) business days of receipt of the appeal.

**Sanctions**

Sanctions shall be imposed when organizations are found responsible for violating University policy. The purpose of sanctioning is to educate an organization as to why the behavior in question is inappropriate, as well as to impose consequences for the behavior in question. Sanctions assessed will list the length of the probation and/or suspension (unless indefinite), the specific privileges to be forfeited, and any and all other conditions established as a part of the sanction.

A. The following sanctions may be imposed upon any organization found to have violated University policy:

   1. Warning— A warning is an official statement that the organization has violated a University regulation. A warning also indicates that future violations (within four year period) will result in more serious level of sanctioning.
3. Probation - Probation is a serious encumbrance on the organization’s good standing in the University community. Probation establishes a fixed period of time during which the organization is expected to remediate the causes of their violations. Probation terms will be established based on severity and nature of the offense (including past discipline history).

4. Withdrawal of University Recognition - University registration is withdrawn for a fixed period of time, during which the organization may no longer operate on the campus. At the end of the fixed period, the organization may re-apply for university registration. Failure to comply with this status will jeopardize the organization’s ability to re-apply for university registration.

5. Conduct boards and hearing officers are encouraged to also issue educational sanctions to organizations found responsible for University policy violations. Educational sanctions should promote learning and understanding and provide opportunities to repair harm to the greater community.

6. More than one sanction may be imposed for any violation.