General Procedures for Organizational Hearings

1. Any academic or administrative official, faculty or staff member, or student may file a complaint against an organization. The organization’s president or designee and no more than 2 other organization members shall represent the organization charged throughout the conduct process.

2. Any organization representatives involved in the conduct proceedings may be accompanied by another individual whose role shall be advisory only.

3. A Hearing Board member who is unable to be impartial for whatever reason shall disqualify himself or herself.

4. All investigations will be initiated by the Director of Student Conduct and Community Standards or designee.

5. The Director of Student Conduct and Community Standards or designee may do a preliminary investigation to determine if the complaint may be disposed of informally or if formal charges are to be filed.

6. If charges are filed, the accused organization shall have the choice of an Administrative Agreement in Waiver of a Hearing with the Director of Student Conduct and Community Standards or designee or a Hearing Board, as directed by the organization conduct charge letter.

7. Upon the service of notice of investigation and/or charges, the Director of Student Conduct and Community Standards or designee may suspend an organization and/or activities of said organization for an interim period pending disciplinary proceedings. This will happen at the discretion of the Director of Student Conduct and Community Standards or designee.

8. The actual disciplinary hearing shall be scheduled in a manner that is both expeditious and fair to all parties. The President of the accused organization shall receive written notification of the date, time and place of the hearing; generally 3 days prior to the hearing.

9. If a violation of the Code of Conduct and/or Greek Policies Related to Alcohol and Drugs occurs when the College is not in session, or when the end of the semester precludes conformance to the established procedures and an Administrative Agreement/Waiver of a Hearing is not a viable option, a hearing will be held as soon as administratively possible at the beginning of the next semester. This determination shall be made by the Director of Student Conduct and Community Standards or designee.
10. All disciplinary hearings are presumptively closed to the College community in an effort to maintain confidentiality of conduct/education records.

11. There shall be a verbatim record (recording) of the hearing. Access to this record must be made available to either the victim or the accused for use in an appeal.

12. No recommendation for the imposition of sanctions may be based solely upon the failure of the accused organization to answer the charges or appear at the hearing. In such a case, the evidence in support of the charges shall be presented and considered.

13. Organization Conduct Hearing Process
   
   A. Pre-hearing discussion by board members. Board members discuss the case to ensure that all written material is understood, to develop questions that should be asked, and to ensure that any procedural questions are answered. The Director of Student Conduct and Community Standards will work with the board during this time to clarify any procedural questions.
   
   B. Everyone involved in the hearing is invited into the room. This includes all witnesses.
   
   C. Digital recorder is turned on.
   
   D. Introductions. Chair asks each person to introduce him/herself, giving name and what their role is in the hearing (Individual bringing forth charges, organization charged, advisor, witness, etc.) for the record.
   
   E. Explain use of the digital recording. A digital recording is made in order to be available for an appeal. An appeal may be made by either party within 4 working days of receiving notification of the outcome of a hearing. The digital recording will be kept only for the length of the appeal period, except in cases of any form of separation from the institution when it becomes part of the permanent record.
   
   F. Query group charged as to the appropriateness of board members. If the organization representatives objects to the participation of any member of the board, ask for an explanation. The chair will then call a brief recess so that the board can consider the objection. The chair will rule on the objection and may (1) continue the hearing with the same board (2) adjourn the hearing and take steps to have a new hearing scheduled. The organization will be asked to return to the room and the chair will announce the decision with the rationale recorded on record. If the objection is with the chair, the Director of
Student Conduct and Community Standards will request an explanation and work with parties involved to determine whether to proceed or adjourn.

G. Remind all parties of the following information:

- **Confidentiality of the hearing**: It is expected that all information (testimony and written material) given in the hearing will remain confidential. Sharing information presented during the hearing may result in disciplinary action.

  NOTE: An organization representative may share information with the members and/or alumni as it relates to the hearing.

  NOTE: The College may choose to share information with affiliated alumni, affiliated students and group advisor as it relates to the hearing.

- **Role of the advisor to either party**: Advisors are reminded that they may only speak with their advisee. If the advisor has a question, they must ask their advisee to address the board.

- **Presenting false information**: It is a violation of College policy to present false information in a conduct hearing. Such a violation may lead to further disciplinary action.

H. Chair reviews the format of the hearing.

1. Both parties have the opportunity to make an opening statement.
2. After both opening statements, witnesses will be asked to participate.
3. At the appropriate time during the hearing, each party will have the chance to question the other and all witnesses.
4. Board members may ask questions throughout the hearing.
5. Both parties may make closing statements.
6. Finally, there will be a time for the board and either party to ask final questions to help everyone understand the incident.

I. Witnesses are asked to leave the room. In most cases, witnesses are asked to wait outside the hearing room. They are called in individually to explain whatever information they might have regarding the incident.
J. Response of the accused organization to each charge. Read each charge, completely, as presented on the charge letter. Have the organization state verbally into the recorder whether they are RESPONSIBLE or NOT RESPONSIBLE for the charge(s). For more than one charge, ask the organization to respond to each charge individually. In the unlikely event that a organization will not respond, record not responsible on the summary form.

K. Opening statement made by Individual bringing forth charges. The statement should be relevant to the charges; then

1. The board will ask questions.
2. The organization charged will ask questions.
3. Additional questions may be asked.

L. Opening statement made by organization accused. The statement should be relevant to the charges.

1. The board will ask questions.
2. The organization charged will ask questions.
3. Additional questions may be asked.

M. Witnesses for the Individual bringing forth charges, make statements. Each witness comes in individually.

1. The board will ask questions.
2. The organization charged will ask questions.
3. Additional questions may be asked.

N. Witnesses for the organization charged make statements. Each witness comes in individually.

1. The board will ask questions.
2. The organization charged will ask questions.
3. Additional questions may be asked.

O. Final comments made by Individual bringing forth charges.

P. Final comments made by organization charged.

Q. Final questions and discussion. This is a chance for everyone in the hearing to ask any final questions, which will add to everyone’s understanding of what happened in the incident and help the board to understand the organization’s perspective about the incident.
R. Explain that the board will move into closed session to deliberate. At this point, the board will go into closed session to determine whether or not the organization charged is responsible or not responsible for each of the charges and will determine sanctions if appropriate. The Hearing Board or Hearing Officer may request the Director of Student Conduct and Community Standards remain in the hearing area in case there are questions of clarification. Should there be a need for sanctioning, the Director of Student Conduct and Community Standards and the Director or Assistant Director of Campus Life will work with the hearing board to ensure the sanctions are appropriate and educational in order for the organization to continue positive growth in the campus community. These decisions will be given to the Director of Student Conduct and Community Standards or designee, who will notify the organization charged, in writing, of the board’s decision. If the organization is found responsible, they may appeal the board’s decision based on specific criteria that is defined later in this document.

14. Past History

A. The past history of an organization will not be admissible in a hearing except in the following cases:
   1. A representative for the organization presents false information during the hearing about the organization’s past judicial and/or other history.

   2. If, in the past, the organization charged was found to have violated a similar policy (“Past Violation”), the information related to the Past Violation may be considered by the Hearing Board if:

      a. The previous violation was substantially similar to the present complaint; and
      b. The previous violation indicates a pattern of behavior and substantial conformity with that pattern by the organization charged.

15. Appeals

An appeal of a decision from the initial hearing may be made by Director of Student Conduct and Community Standards or designee, or the accused organization within four (4) school days of the decision except as the period may be extended by the Appellate Board. A victim, if dissatisfied with the sanction(s) imposed, may request the Director of
Student Conduct and Community Standards or designee to file an appeal, and such request shall not be unreasonably refused.

- Appeals may be filed by the Director of Student Conduct and Community Standards or designee, on the following grounds only:
  
  a. that the initial hearing body failed to observe the procedural requirements established by this Code;
  
  b. that the sanction imposed by the initial hearing body was clearly unreasonable in light of the known circumstances.

- An appeal may be filed by the accused organization on the following grounds only:
  
  a. that the initial hearing body failed to observe the procedural requirements established by this Code;
  
  b. that the sanction imposed by the initial hearing body was clearly unreasonable in light of the known circumstances;
  
  c. that new evidence has appeared, that was not available at the time of the hearing, which could have substantially affected the initial decision.

NOTE: In cases of Greek affiliated Hearings and Appeal Processes, every effort will be made to ensure at least one member of each board is/was affiliated with a Greek community either at SUNY Potsdam or at his/her past college/university. While we work to ensure this occurrence, it is NOT an absolute and the hearing will proceed if there are no hearing officers or appellate board members with Greek affiliation available at the scheduled time.