

OFFICE OF COMPLIANCE SERVICES
UVM.EDU/POLICIES

UNIVERSITY OPERATING PROCEDURE

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University Operating Procedures

Definitions

Advisor

A member of the University community chosen by a Recognized Group or Organization, or an individual with respect to investigatory meetings, to provide personal support through the student conduct process. Advisors may have no other role, such as a witness or Respondent in an individual student conduct matter arising out of the same fact pattern, and may not speak on behalf of, or otherwise represent their advisees. Advisors may not be lawyers, although the Director of Student Life may permit a lawyer as an Advisor when related criminal charges are filed and pending. The Student Organization, or individual, as applicable, is responsible for any attorneys' fees incurred. Regardless of University affiliation, or professional license, Advisors may be present only to provide support to, or otherwise privately consult with, their advisee, but may not speak on behalf of their advisee or otherwise directly participate.

Complainant

The individual or individuals who have been the subject of alleged conduct prohibited by University policy. The University will serve as the Complainant in cases that do not involve a Complainant, where the subject of the alleged conduct is not a University community member, or is otherwise unwilling to proceed but the University has determined that the charge should be heard.

Organization RepresentativeThe individual, or individuals (no more than three), selected by the Recognized

Procedures

In an actual or emergency situation, contact UVM Police Services at (802) 656-3473 or 911.

Reports of Student Organization Misconduct should be referred to the Director of Student Life (the "Director"):

Director of Student Life
Dudley H. Davis Center – Room 310
(802) 656-2060
slife@uvm.edu

Review of Reports – Student Organization Misconduct Committee

When the Director receives a verbal or written report or otherwise becomes aware of a Student Organization's alleged misconduct, the Director or designee will consult with the Student Organization Misconduct Committee (the "Committee"), comprised of the Assistant Dean of Students, the Director of the Center for Student Conduct, and the Chief of UVM Police Services, or their respective designees, to determine whether sufficient information exists to warrant an administrative investigation, whether reporting to UVM Police is required for consideration of criminal or civil law consequences, or whether it would be prudent for the Director, or designee, to conduct an initial inquiry to inform that decision.

If the decision is made to move forward with an administrative investigation, the Director, or designee, shall notify the leadership of the Student Organization (typically the president and vice president, equivalent executive positions, or team captains), the Organization's University Advisor and/or Coach, and the Governing Group, if any, in writing of the general nature of the alleged misconduct and that an investigation will be conducted. The notification shall be by the U.S. Postal Service (USPS) or by hand delivery.

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Factors used in determining whether an alleged policy violation was committed by a Student Organization may include, but are not limited to:

1. The nature of the alleged misconduct or incident(s);
2. Executive Board/Leadership knowledge of or participation in the alleged misconduct, to include

information presented at the Panel Meeting by the Student Organization Representative relevant to sanctioning. If the case involves an individual complainant(s), the complainant(s) will be provided an opportunity to participate and provide relevant information. In all instances, such information may be presented in the form of personal statement(s) at the Panel Meeting. If the Student Organization wishes to have a third party address the Panel, in person or by written statement (which will be read aloud on their behalf by the Panel Chair), for the sole purpose of speaking to the existence of aggravating or mitigating circumstances, a summary of their expected statement(s), and their names, must be provided a minimum of two (2) business days prior to the scheduled Panel Meeting. Upon review of the summary of expected statement(s) by third-parties, the Panel may exclude third parties from the Panel Meeting to the extent their statements are deemed not relevant to a fair consideration of the appropriate sanction(s), and therefore the purpose of the Panel Meeting, as outlined above. Third-party character statements are generally not considered relevant.

The Panel, in their discretion, may ask questions of any individual making a statement. However, no individual addressing the Panel is required to answer any questions that the Panel poses. Participation in the sanctioning process is strictly voluntary. After the Panel is satisfied with its opportunity to ask questions, the Panel shall invite the Organization Representative to make any final statement(s) regarding sanctions.

At the conclusion of the Panel Meeting, the Panel Chair will advise the Organization Representative of the timeframe for issuance of the Panel's decision letter, and will provide information about the University's appeal process. The Panel Meeting will then be considered closed, and further information will not be considered by the Panel in rendering a sanctioning decision.

All proceedings are closed. The Student Organization Representative and their Advisor may be present throughout the Panel Meeting, as may Complainant(s).

2. Recognized Not In Good Standing

i. Restricted Activities:

About This Procedure

Responsible Official:	Vice Provost for Student Affairs	Approval Authority:	Vice Provost for Student Affairs
Affiliated Policy Number(s):	V. 2.8.9, V. 2.17.4, V. 4.30.1	Effective Date:	October 10, 2017
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