

Sorority/Fraternity Organizational Misconduct Procedures

I. Overview and Effective Date.

Allegations of serious misconduct by recognized sororities and fraternities will be investigated and adjudicated pursuant to these Sorority/Fraternity Organizational Misconduct (SFOM) procedures. These procedures will apply in all cases where the university is first made aware of the allegation(s) of misconduct on or after October 1, 2019, regardless of when the alleged misconduct actually took place.

II. Interim Measures.

As a general rule, the status of an accused chapter will not change while a case is pending against it. However, the Assistant Vice President for Student & Campus Life (AVP for SCL) may temporarily suspend any or all of an accused organization's activities, including but not limited to new member and social activities, whenever the alleged conduct poses a threat to the health or safety of University community members or is necessary to promote the best interest of the accused chapter and the University. The AVP for SCL may impose such interim measures at any time, including before allegation(s) of misconduct are referred to the SFOM process or at any point in the SFOM process. The AVP for SCL will notify the chapter president, chapter advisor, and inter/national organization if any such interim measures are necessary.

III. Notice of Allegations.

- A. Recipients of notice.** The SFOM investigator will notify the undergraduate president of the accused chapter (or "organization"), its chapter advisor and its inter/national organization of allegations against the organization.
- B. Content.** The initial notice will provide:
 - 1. a brief summary of the allegations (that is, the alleged policy violation(s) and the date, time and location, to the extent known);
 - 2. a link to these procedures.
- C. Updates.** The investigator will periodically update each of the individuals/entities listed above of the general progress of the investigation (e.g. expected timeframe to complete the investigation, anticipated hearing date).
- D. Method.** Notice may be by email.

IV. Participation and Process Privacy.

- A. Expectation to participate and obligation to provide truthful information.** All members of the University community, including members of the organization, are expected to cooperate and participate in investigations and resolutions of allegations under these procedures. At all stages of the process, all Cornell University community members including members of the organization, are expected to provide truthful information. “Furnishing false information to the University with the intent to deceive” is prohibited and subject to disciplinary sanctions under Cornell University’s Campus Code of Conduct (Title III, Article II, Section A, subsection e). This provision does not apply to reports made or information provided in good faith, even if the facts alleged are not later substantiated.
- B. Process privacy.** To preserve the integrity of these procedures and the investigative and adjudicative process, and to encourage participation of Cornell University community members, the university encourages the organization, its chapter advisor and its inter/national organization not to reveal any information they learn in the course of their participation in a process under these procedures, other than for the purpose of consulting with advisors and support persons (including family). Those parties are also encouraged to request that any advisors and support persons they consult with keep information related to matters under these procedures private. The university prohibits students from distributing documents obtained in the course of their participation in matters under these procedures, other than for the purpose of consulting with an advisor, incidental to seeking support, or as part of a civil, criminal, or administrative legal proceeding. The university will take reasonable measures to protect the privacy of proceedings and records; however the university cannot and does not guarantee that privacy will be maintained. Privacy does not mean that the university is constrained from divulging facts of proceedings in appropriate circumstances, including but not limited to in connection with public hazing statements or if the matter is involved in litigation.

V. Investigation.

- A. Overview of Investigation.** A timely, thorough, and impartial investigation that provides for a fair and reliable gathering of the facts will be conducted by the university, led by the SFOM investigator.
- B. Scope of Investigation.** The investigation will generally include interviews with members of the organization and other relevant witnesses. The investigator will gather relevant available evidentiary materials, including physical evidence, documents, communications, and electronic media as appropriate. The organization may request in writing what witnesses they would like the investigator to interview and/or what evidence they would like the investigator to

seek to obtain; however, the investigator has the discretion to determine the relevancy of any suggested witnesses or evidence and, accordingly, will determine what witnesses to interview and what evidence to seek to obtain. If the investigator discovers information of potential misconduct beyond the scope of the allegations the investigator will consult with the AVP for SCL and refer the additional matter to an appropriate campus partner when necessary.

- C. Investigative Report.** The investigator will write an investigative report explaining the scope of the investigation and summarizing the information gathered during the investigation and submit it to the chair of the SFOM Board. The report need not include the raw information compiled during the investigation, and the identity of reporters and witnesses may be withheld if the investigator, in their sole discretion, determines it necessary to protect against retaliation. The report will include a robust summary of all relevant information learned by the investigator(s), regardless of whether the information supports or contradicts the allegations.

VI. Pre-Hearing.

- A. Hearing Advisor.** The organization will promptly inform the investigator if it chooses to have a hearing advisor separate from its chapter advisor or the inter/national organization. The hearing advisor chosen by the organization may be the chapter advisor or may be a university employee, alumnus/a, or attorney, but may not be a parent or a student.
- B. Information sharing.** The investigator will provide the investigative report to the organization, hearing advisor, chapter advisor, and inter/national organization. Generally, the report will be provided 10 business days prior to the hearing, but a different timeframe may apply at the sole discretion of the chair of the SFOM Board.
- C. Response by organization.** The organization may choose, but is not required, to respond in writing to the report. As a part of this response, the organization may submit written questions about the report and mitigation statements. This response will be provided 3 business days prior to the hearing, but a different timeframe may apply at the sole discretion of the chair. The investigator will provide the response and report to the SFOM Board prior to the hearing.
- D. Notice of hearing.** The investigator will notify the organization, hearing advisor (if known), chapter advisor, inter/national organization and investigator of the hearing a minimum of 10 business days prior to the hearing. The notice shall include:
1. Date, time and location of hearing; and
 2. A copy of these procedures.

VII. Hearing before the SFOM Board.

A. Principles. SFOM Board hearings are student-centered, administrative proceedings, rather than criminal or civil, in nature. The organization may not be found responsible unless and until the SFOM Board determines by a preponderance of the evidence that the organization violated Sorority Fraternity Policies (Recognition Policy, Event Management Guidelines, Expectations of Membership or Anti-Hazing Policy). In addition to making the determination about responsibility, the SFOM Board has the authority to recommend sanctions including withdrawal of chapter recognition or that a chapter be placed on probationary recognition status consistent with the Recognition Policy.¹

B. Participants and Roles.

1. Organization.

- a.** A maximum of five undergraduate members of the organization may attend the hearing.
- b.** The organization will provide an opening statement, answer questions posed by the SFOM Board, and provide a closing statement.
- c.** If the organization has accepted responsibility or partial responsibility, it will provide ideas to the SFOM Board regarding possible responses/sanctions.

2. Hearing Advisor to Organization. The hearing advisor chosen by the organization may provide guidance to the chapter leaders during the hearing but may not speak on the chapter's behalf or otherwise interfere with the proceedings. The SFOM Chair may remove a hearing advisor from the hearing if they, in the chair's sole discretion, fail to abide by these procedures.

3. Chapter Advisor and Inter/National Organization. The chapter advisor and one representative of the inter/national organization may attend the hearing to listen to the proceedings. At the discretion of the chair, the chapter advisor may make a statement in support of the organization at the close of the hearing, but otherwise the chapter advisor and inter/national organization may not actively represent or speak on the organization's behalf or otherwise interfere with proceedings. The SFOM Chair may remove a chapter advisor or a representative of the inter/national organization from the hearing if they, in the chair's sole discretion, fail to abide by these procedures.

¹ SFOM, OSFL or others will refer information about individual misconduct to the Office of the Judicial Administrator or the Office of the Title IX Coordinator, consistent with university policy and practice.
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4. **Chair of SFOM.** The Assistant Vice President for Student and Campus Life will appoint the SFOM Chair. The chair will:

- a. Facilitate the meeting;
- b. Maintain decorum of the meeting, including removing any individual(s) causing disruption or otherwise interfering with proceedings;
- c. Determine which questions for the investigator, submitted in advance by the organization as discussed above, are appropriate, based on relevance and fairness;
- d. Convene board members to continue deliberations after the conclusion of the hearing;
- e. Write the determination of the board and a rationale.

5. **SFOM Board.**

- a. **Membership.** A three-person panel consisting of one student and two administrators will serve as the SFOM Board. The panel will be selected by the AVP for SCL through an appropriate process established by the university.
- b. **Qualifications.** Each member of the board must have received training coordinated by the AVP for SCL. No one who served as an investigator for the current matter or who the chair has determined has a conflict of interest may serve as a board member.

C. **Agenda.** The typical agenda, which may be modified in the sole discretion of the chair, will be:

1. Introductions.
2. Review of the process by chair.
3. Recitation by the chair of the allegation(s) as stated in the notice.
4. Investigation summary presented by investigator. Questions to investigator and organization by chair and SFOM Board members (including any they wish to pursue that were submitted in advance by the organization).
5. Concluding statements by the organization.
6. In the discretion of the chair, supporting statements (not arguments) by organization's chapter advisor (but not the hearing advisor and not the inter/national representative).
7. Adjournment of hearing.
8. Deliberations in closed session by board and chair.

D. **Determination.** The SFOM Board will make its determination whether the organization violated the Expectations for Membership, the Recognition Policy for Sororities and Fraternities, the Fraternity and Sorority Event Management Guidelines, or the Anti-Hazing Policy based on the investigative report, the organization's response and the information presented at the hearing itself.

- a. **Recommendation regarding responsibility.** The SFOM Board will recommend whether the organization is responsible by a majority vote

using a preponderance of the evidence standard. This means that to find the organization responsible for any prohibited conduct, a majority of the SFOM Board must be satisfied that it is more likely than not that the organization committed the misconduct alleged in the notice. If a majority of the SFOM Board is not satisfied that there is enough evidence to support finding the organization responsible for the misconduct alleged in the notice, it will dismiss the case. If the SFOM Board finds that the organization is responsible for misconduct alleged in the notice, it will consider appropriate sanctions and remedies.

- b. Recommendation regarding sanctions.** If the board recommends the organization is responsible for a policy violation, it will then make a recommendation regarding sanctions. In doing so, it will consider the chapter's history of misconduct, including the current allegations and any mitigation statement, the overall health of the organization, and the organization's ability to comply with Cornell University and fraternity and sorority policies. Sanctions may include, but are not limited to, one or any combination of the following:
- i. Withdrawal of Recognition.** Substantiated acts of hazing will result in a chapter's suspension and loss of recognition. The withdrawal of recognition is permanent. The SFOM Board may recommend the organization be permitted to petition to return after a stated period of time. A minimum of a three-year withdrawal of recognition will be applied for those cases that include coerced alcohol or other drug consumption, sexual and related misconduct or other forms of violence or mental abusive behavior that poses a threat to health and safety.
 - ii. Deferred Withdrawal of Recognition.** Deferred withdrawal of recognition or suspension may be appropriate in certain cases of substantiated acts of hazing. Withdrawal of recognition is deferred for a specified period of time during which the organization will be placed on probationary recognition (if not already on that status) and required to complete educational and/or remedial sanctions during that period. Failure to comply with the terms of the probationary recognition or to complete any of the educational/developmental sanctions by specified deadlines will result in the immediate, automatic withdrawal of recognition for a specified period of time.
 - iii. Change status to Probationary Recognition.** Probationary recognition may include the temporary withdrawal of any or all of the benefits of full recognition (as described in the Recognition Policy) or the application of such other specific sanctions or limitations as may be deemed appropriate (including, but not limited to, those listed below).
 - iv. Educational/Remedial.** The board may design sanctions that are specific to an individual case when it determines that educational

or remedial value may result and the interests of the University community are maintained. Such sanctions should include due dates.

- v. **Warning.** In instances of less serious deviations from the University norms of conduct, the organization may be formally warned of the possible consequences of continuing such behavior. A “Warning” will remain active in an organization’s disciplinary file for one calendar year.
- vi. **Social Probation.** This status is applied as a result of a breach of specific social regulations. Its primary effect is to suspend a privilege related to the nature of the offense and/or restrict access to specific campus facilities or programs for a minimum of four (4) weeks.
- vii. **Disciplinary Reprimand.** This action is a formal admonition on behalf of the fraternity and sorority community and is intended to clearly document in an organization’s disciplinary file that its behavior has been deemed unacceptable.

E. Post-hearing process.

- a. The Chair will convey the SFOM Board’s written recommendation to the Dean of Students (DOS) (or their designee). The DOS will review the determination and recommendations of the board and accept, modify or reject them. The DOS’s decision will be written.
- b. The investigator will distribute the written determination and recommendations of the SFOM Board and the DOS’s written decision to the organization, hearing advisor (if any), chapter advisor and inter/national organization within 15 business days of the SFOM Hearing.
- c. The DOS’s decision is effective as of the date of the written decision, unless otherwise specified.

VIII. Appeal.

A. Right to appeal. The organization may appeal all or part of a decision of the DOS.

B. Timing. A statement of appeal must be submitted to SFOM no later than 10 business days after receipt of the written decision.

C. Basis. Deference shall be afforded to the SFOM Board and DOS, and harmless errors will be ignored. Appeals may be based on any of the following grounds:

- 1. New evidence not reasonably available at the time of the original investigation or hearing, the absence of which can be shown to have produced a fundamentally unfair result;
- 2. Procedural error that can be shown to have produced a fundamentally unfair result;

3. Errors in the interpretation of University policy so substantial as to deny the organization a fair hearing; or
4. Grossly inappropriate sanction having no reasonable relationship to the charges or factual findings.

D. Statement of Appeal. The statement of appeal must set forth in 2500 words or less:

1. The determination(s) being appealed;
2. The specific basis for the appeal;
3. The facts supporting the basis for the appeal; and
4. What the organization seeks from the appeal.

E. Appeal Panel. The appeal will be considered by the Vice President for Student & Campus Life (or designee), the Dean of the Faculty (or designee), and a third rotating staff member of the hearing panel pool (that did not serve on the same case).

The Appeal Panel will review the written materials submitted, consult the hearing record or seek out additional information as it deems necessary (in its sole discretion), and deliberate to determine whether to:

1. Affirm the DOS decision in whole or in part;
2. Modify the DOS decision; or
3. Reverse the DOS decision in whole or in part.

F. Written decision. The Appeal Panel will endeavor to reach its decision quickly and provide a written decision typically within 30 business days of receipt of the last submission to it. All decisions of the Appeal Panel are final.

- IX. Maintenance of Information.** Results of referrals will be maintained in ways consistent with university policies, including posted on its website.
- X. Follow-through on Sanctions.** SFOM will determine through consultation with OSFL, in its sole discretion, whether the organization has complied with any sanctions imposed by the university. Organizations that do not comply with sanctions in a timely manner may be subject to further action.