

# Group Conduct Review Process

The Johnson & Wales University (JWU) Group Conduct Review Process, like the Student Code of Conduct, is designed to help the university maintain a safe, healthy and positive environment for living, learning and working, where students act lawfully and in compliance with university codes, practices, policies, procedures or rules (collectively, "Rules"), and act with civility, honesty, integrity and respect for themselves and others and the university community and the communities in which we live. The Group Conduct Review Process is used to support and enforce the Student Code of Conduct by providing procedures for determining whether a student group is responsible or not responsible for a violation of the Student Code of Conduct.

Our students are held to high standards as defined in the Student Code of Conduct and other university Rules. Students remain subject to the provisions of the Student Code of Conduct and other university rules at all times, including while engaged in activities of university-recognized student organizations (each, a "group"), whether on or off campus.

In addition, groups are also held to the same high standards of conduct. The group's president/captain or the president's/captain's designee (or any other individuals authorized or permitted to represent themselves as connected to the group) ("group representatives") and members of the group should at all times be aware that the actions of the group and its representatives and members, reflect on both the university and the group. The same is true of guests of the group ("group guests"). As a result, a group may be held responsible for both the group's misconduct and misconduct of any one or more of its representatives, members and/or guests. Such misconduct includes any violation of the Student Code of Conduct or any other university Rule when:

- members of the group act in concert with respect to misconduct;
- the individual committing the misconduct was either acting on behalf of the group or engaged in a group-sponsored, -financed or -endorsed activity;
- the misconduct grows out of, occurs during, or is related to any group-sponsored, -financed or -endorsed activity, event or environment created by the group;
- the group's leaders have knowledge of the misconduct or incident before or while it occurred and failed to take corrective action; or
- a pattern of individual misconduct by group members is found to exist

The Group Conduct Review Process applies to all violations by student groups of any Rules, except that it is subject to JWU's policy governing Academic Integrity.

Johnson & Wales University reserves the right to make changes to the Rules and any provisions contained in the Student Handbook at any time at its sole discretion. Please be sure to check frequently, as the university will give notice only by JWU email, when substantial changes are made during the course of the academic year.

The university administers the Group Conduct Review Process in good faith, making every reasonable effort to be fair to all involved ("Fairness"); the concept of Fairness means the university will comply with the explicit provisions in the Group Conduct Review Process; the concept of Fairness does not give student groups any rights other than those in the explicit provisions of the Group Conduct Review Process. Further, the Group Conduct Review Process is not intended to, and does not, create a contractual agreement with any student group or other individual, and it does not grant any student group or other individual any contractual rights.

JWU may pursue any and all conduct charges against a student group irrespective of whether there is any complainant, and references herein to complainants herein shall not be construed to mean that there must be a complainant or complainant participation as a condition of the procedures at issue.

Community Standards and Conduct generally follows the procedures under JWU Communications with Students whenever contact with students is necessary.

The Group Conduct Review Process does not replace the Conduct Review Process with respect to individual students, nor does it serve as an extension of or replacement for the local, state, or federal civil or criminal court system. Generally, the outcome of civil or criminal proceedings concerning a violation

will not control or be binding on the outcome of the Group Conduct Review Process for the same violation.

There is an exception to that general rule in cases where students plead guilty to or are found guilty of crimes. The university has legitimate concerns if any of its students are convicted of crimes, even crimes that do not involve the university or other university students or personnel. In appropriate circumstances, the university may, in its sole discretion, impose sanctions, on the basis of the conviction alone, without following the Conduct Review Process, even in cases where the crime does not violate a specific provision of the Student Code of Conduct. Sanctions may include university suspension, dismissal, or the revocation of an earned degree. In the case of false or misleading statements on admissions applications, admissions personnel shall have full discretion to rescind the offer of admission and require dismissal of the student involved without a conduct review process.

All students should be aware that it is the policy of the university to cooperate with local, state and federal law enforcement authorities in the investigation of crime. The university will not provide a sanctuary against criminal prosecution.

## Recordings

To preserve the private nature of the Conduct Review Process, no participants may make their own recordings of any kind, at any stage of the process, which includes, but is not limited to: educational conversations, informational meetings, and hearings.

## Reports of Violations and Notification

Any individual who witnesses or becomes aware of an alleged violation of the Student Code of Conduct should report the violation to Campus Safety & Security, any professional staff member of the Residential Life staff, the vice president of student affairs/dean of students, Equity & Compliance, Community Standards and Conduct, or Student Engagement. Alleged violations may also be reported using one of the forms on the Report It page in [jwuLink](#). Once an alleged violation is reported, an incident report will be prepared describing the nature and circumstances of the incident and the parties involved. Campus Safety & Security and other appropriate departments may conduct further investigation if additional or supplemental information is needed. All incident reports are reviewed in Community Standards and Conduct, and those that warrant action are then referred for an informal warning letter, informal conflict resolution, an educational conversation or a hearing, depending upon the nature of the alleged concern or violation. The types of sanctions the university may impose are described on the Sanctions for Individuals page. The types of sanctions the university may impose on groups are described on the Sanctions for Groups page. Sanctions for groups include, but are in no way limited to, conduct probation, community service, suspension of group privileges, suspension or withdrawal of university recognition, and payment of fines/restitution.

## Types of Resolution Options

### Informal Warning Letter

An informal warning letter is an email communication from a designated Student Conduct Administrator identifying a concern or issue that can be remedied by informing or reminding the student group of the university's Rules. Student groups who receive an informal warning letter will not be charged with any violations of the Student Code of Conduct or receive any sanctions.

### Educational Conversation

When a student group is referred for an educational conversation, the student group will not be charged with any violations of the Student Code of Conduct or receive any sanctions. However, a designated Student Conduct Administrator will engage the student group in a conversation to ensure that the student group understands the behavioral expectations of Johnson & Wales University. Student groups who fail to attend an educational conversation will receive a hold on their account preventing future registration until they attend an educational conversation.

### Acknowledgement of Responsibility

Prior to a hearing, the student group may be asked whether they wish to waive the hearing by acknowledging responsibility. In these cases, the student group will receive an official notification describing the alleged violation(s), the associated charge(s), and the sanction(s) that will be imposed

if the student group acknowledges responsibility. Student groups who acknowledge responsibility will not be entitled to an appeal. If the student group acknowledges responsibility for the violation(s)/associated charge(s) but does not agree to the sanction(s), a sanctions-only administrative hearing will proceed, and the student group will not be entitled to an appeal, except as to the sanction(s) imposed. If the student group does not acknowledge responsibility for the violation(s)/associated charge(s), an administrative hearing will proceed.

### **Sanctions-Only Administrative Hearing**

Sanctions-only administrative hearings will be held before a single hearing officer, designated by Community Standards and Conduct.

Prior to the sanctions-only hearing, the student group will receive an official notification describing the alleged violation(s)/associated charge(s), the student group's acceptance thereof, the sanction(s) outlined in the student group's charge letter, and the time and place for the sanctions-only hearing. Enrolled students will receive this notification via their JWU email account. Remember that it is the student's responsibility to check their JWU email account regularly.

The role of the hearing officer will be to consider the proposed sanction(s), the student group's response thereto, the student group's past conduct history, and any other evidence the hearing officer deems appropriate. Character witnesses and character statements will not be considered.

There shall be no appeal from a sanctions-only administrative hearing.

### **Administrative Hearing**

A student group who is formally charged with violating the Student Code of Conduct will be entitled to an administrative hearing, unless the student group accepts responsibility for the violation(s)/associated charge(s). Administrative hearings are held before a single hearing officer, designated by Community Standards and Conduct.

The role of the hearing officer is to consider information provided from the investigation, complainant, group's representative and any witnesses, in order to make a finding of "responsible" or "not responsible."

When a student group is referred for a hearing, the student group's president/captain will receive an official notification describing the alleged violation, the associated charge(s), and the time and place for the hearing. In cases in which a finding of "responsible" may result in withdrawal or suspension of university recognition, a Community Standards and Conduct staff member will notify the group representative of the possible outcome and offer them the opportunity to participate in an informational meeting, ahead of the formal notice of an administrative hearing by the hearing officer. Enrolled students will receive this notification via their JWU email account. Remember that it is the student's responsibility to check their JWU email account regularly.

### **Generally Applicable Procedures**

Community Standards and Conduct and/or the appropriate student conduct administrator will consult the group representative's academic schedule prior to scheduling any meetings or hearings. If there is a legitimate need to reschedule an educational conversation, informational meeting, or hearing, the group's conduct representative must contact Community Standards and Conduct as early as possible before the scheduled date to request rescheduling. Community Standards and Conduct will determine whether the request to reschedule is reasonable. Depending on the circumstances, meetings and hearings may be held in person or via telephone/video conferencing.

Students requesting an accommodation to fully participate in the Group Conduct Review Process must contact Accessibility Services on their respective campus. A representative from Accessibility Services will make a determination regarding the request.

### **Protective or Interim Measures for all Matters**

Protective or interim measures (such as No Contact Orders, room relocations, classroom relocations, interim suspensions, etc.) may be available at any point during the course of the investigation and hearing and will remain in effect until the conclusion of the Conduct Review Process, including any appeals process. The university will complete the Conduct Review Process within a reasonably prompt time frame, usually within 60 days, but this time frame may be extended in certain cases, in which case written notice will be provided to all parties describing the reason for extension.

If a student or student group violates any protective or interim measures or the directions of a university representative to avoid another person or student group, the student or student group will be charged with a violation of the Student Code of Conduct for failure to comply.

### **Administrative Hearing Procedures**

Student groups have the right to participate in the Group Conduct Review Process without having past conduct violations discussed or used when a decision of responsibility is being made concerning a current alleged violation; however, past violations may be considered when determining a sanction for a student group found to be responsible for a violation of the Student Code of Conduct. Student groups have the obligation to participate in the Group Conduct Review Process, as a witness, when asked by a university representative. Complainants are permitted to participate in the Group Conduct Review Process insofar as Community Standards and Conduct determines in its sole discretion that such participation is appropriate (e.g., in cases where it would be helpful to the Conduct Review Process). Community Standards and Conduct may disclose the outcome of the Group Conduct Review Process to the complainant as required or permitted by applicable laws.

*Complainants and student groups shall:*

- Be advised of the hearing process. For cases that may result in a suspension or withdrawal of university recognition, the student group will be offered an opportunity to have an informational meeting with a Community Standards and Conduct and a Student Engagement staff member prior to the hearing. Student groups have the right to acknowledge responsibility — thus waiving their right to a hearing and appeal — during an informational meeting.
- Be permitted to review the incident report and/or allegations and any supplemental information. In cases that may result in permanent or temporary withdrawal of university recognition, if requested, the university will provide the group's representative with a redacted copy of the unusual incident report related to the complaint; however, the group's representative will be required to agree, in writing, to keep the report confidential.
- Be permitted to submit a written statement, responding to the incident report and/or allegations ahead of the hearing. If a student group wishes to submit a statement, it must be sent directly to the hearing officer no less than one business day (and not less than 24 hours) before the hearing.
- Be accompanied by an advisor of their choice during the hearing and any related meetings. An advisor may not be any person who was involved in the investigation as a reporting party or who is a witness. If Community Standards and Conduct determines there is a conflict of interest related to the advisor, Community Standards and Conduct reserves the right to disqualify an advisor. The student group would then be required to obtain a new advisor. Advisors may attend the hearing with the group representative but cannot participate in any manner. This means, among other things, an advisor may not speak on the student group's behalf, nor ask questions of others; the advisor may observe. If the group representative would like to consult their advisor during the course of the hearing, they may request a brief recess to speak with their advisor privately outside the hearing room. It is in the hearing officer's discretion whether to grant the request. When possible, the hearing officer will make reasonable adjustments in order to accommodate an advisor's schedule. However, the hearing officer is not obligated to reschedule meetings and/or hearings to accommodate the advisor. A student group may select a new advisor in the event of a scheduling conflict. It is the student group's responsibility to correspond with their advisor about the logistics of any meetings or hearings.
- Be permitted to present witnesses with personal, relevant knowledge of the incident; however, the statements of other witnesses, such as character witnesses, will not be considered. Personal knowledge means knowledge gained through firsthand observation or experience. Student groups must provide to the hearing officer the names, contact information, and a brief summary of the information that any witness will present during the hearing no less than 48 hours before the hearing date/time. The hearing officer may choose not to hear from the witness if the information is not relevant, is expressly addressed in the incident report or is redundant. The hearing officer has discretion to decide whether to hear from a witness directly or whether to consider only a written statement of the witness, if the witness is unable to participate in

the live hearing. The hearing officer may ask questions of the witness if hearing the witness live. If hearing the witness live, the complainant and respondent may submit questions of the witness for the hearing officer to consider. The hearing officer will decide whether to ask the submitted question(s). The group representative will not have the opportunity to directly question witnesses or other parties. It is the responsibility of the complainant and the student group to arrange for the witness to attend the hearing or to have the witness submit a written statement. All written statements must be submitted directly from the witness to the hearing officer no less than one business day (and not less than 24 hours) before the hearing date/time. Failure of a witness to participate in the hearing does not invalidate the hearing or outcome. The hearing officer may request the attendance of witnesses not proposed by the parties.

- Be permitted to offer relevant evidence. While most relevant evidence should be presented during the investigation, students may submit additional relevant evidence that supports or rebuts the allegations about whether or not there was a violation of the Student Code of Conduct for the hearing officer's consideration; students must submit such relevant evidence to the hearing officer at least 48 hours prior to the hearing date/time. Evidence is relevant if it has any tendency to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining a matter in dispute. Relevant evidence may include, for example, documents, e-mails, photographs, receipts, social media posts, texts, timelines, videos, etc. When applicable, any documents provided will be shared with the other parties. Evidence of character, habits, personality, or reputation are not generally relevant to whether a violation of the Student Code of Conduct occurred. The hearing officer has discretion to decide whether the submitted evidence is relevant.
- Be permitted to hear and provide a response to evidence presented during the hearing.
- Be permitted to request a reasonable delay to a hearing. This request will be reviewed by Community Standards and Conduct, which will make a decision in its discretion as to whether the request can be granted or denied.

#### *During the Administrative Hearing:*

- A recording of the hearing shall be made, but only if a finding of responsibility could result in withdrawal or suspension of university recognition. The recording may be made available to the appellate officer but only if relevant to the appeal.
- Rules of evidence and/or procedures that are used in criminal or civil court proceedings will not apply.
- Complainants and the group representative may, if they choose, provide opening statements, present any witnesses that have been identified and verified to have relevant knowledge, as outlined above, and provide closing statements. The hearing officer may ask questions of complainants, group representative, and their witnesses.
- Any unexcused failure to attend a hearing will result in the hearing being held in the group's absence. The hearing officer will then make a decision based on the available information, without the benefit of the student group's participation in the hearing.

#### **Outcome**

*Upon the conclusion of the Administrative Hearing (in which the outcome would NOT result in withdrawal or suspension of university recognition):*

- The hearing officer will determine responsibility for the alleged violation(s) using a "more likely than not" standard.
- If the student group is found responsible for one or more violations of the Student Code of Conduct, the hearing officer will determine the most appropriate sanction(s) based on the circumstances of the incidents and the student group's past conduct history.
- The hearing officer or Community Standards and Conduct staff member will prepare the appropriate outcome notification that will outline the findings, sanctions and information regarding the appeal process. This notice will be sent to the group representative's JWU email account.

*Upon the conclusion of the Administrative Hearing (in which the outcome MAY result in withdrawal or suspension of university recognition):*

- The hearing officer will determine responsibility for the alleged violation(s) using a "more likely than not" standard. If the hearing officer is not a Community Standards and Conduct staff member, the hearing

officer will refer the case back to Community Standards and Conduct for sanction consideration.

- If the student group is found responsible for one or more violations of the Student Code of Conduct, Community Standards and Conduct will determine the most appropriate sanction(s) based on, but not limited to, the circumstances of the incidents and the student group's past conduct history.
- A Community Standards and Conduct staff member will prepare the appropriate outcome notification that will outline the findings, sanctions and information regarding the appeal process. This notice will be sent to the student's JWU email account.

#### **Appeal**

Except as expressly indicated elsewhere herein, the decision of the hearing officer is final unless it can be demonstrated that one of the following has occurred:

- There is relevant, new information that was not available at the time of the hearing and that reasonably could have altered the outcome of responsibility.
- The Group Conduct Review Process, as outlined, was not followed.

To request an appeal, a student group must submit a request in writing to Community Standards and Conduct. Written appeals must be submitted using the Appeal Request Form. **Only appeals submitted using the online form will be considered.** The request must be submitted within five business days after the date of notification of the outcome of the hearing. The appeal must state clearly the basis for the appeal, and explain how any of these grounds would have reasonably altered the outcome of responsibility. Student groups should include any supporting information or documentation that is relevant to their appeal request. Disagreement with the sanctions imposed shall not constitute grounds for appeal.

For cases in which the hearing officer was a Residential Life staff member, the director of community standards and conduct or their designee will serve as the appellate officer. For cases heard by Community Standards and Conduct staff, the vice president of student affairs/dean of students or their designee will serve as the appellate officer (or, if there is no dean of students, the designee of the campus president). For all Academic Integrity cases, the provost or the provost's designee will serve as the appellate officer.

Upon receipt of the appeal, the appellate officer will review the appeal and case file. There is no option to meet with or present information to the appellate officer. For this reason, it is important that student groups submit sufficient information and documentation along with their appeal. A decision concerning the appeal generally will be available within 10 business days after the appeal has been received. When the appeal review is unable to be completed within the 10-business day time frame, the parties will be notified of the delay and reason for the delay.

The sanction(s) outlined in the outcome notice will not go into effect until the conclusion of the appeal process. If interim measures were placed, those conditions will remain in effect until the conclusion of the appeal process. The appeal will either

- Be denied or
- Be granted, remanding the case back for a new hearing

The decision of the appellate officer will be final. The student group will receive a final written decision from the appeal officer, which will set forth the outcome of the appeal.

#### **Sanctions Approval**

Notwithstanding anything to the contrary herein, after the appeal process, if any, is completed or expires, any sanction shall be approved as follows: (1) for a sanction of withdrawal or suspension of university recognition, by the applicable campus vice president of student affairs/dean of students, or such person's designee, and (2) for any other sanction, by the director of community standards and conduct or that person's designee. If the applicable campus vice president of student affairs/dean of students, or director of community standards and conduct, or any such person's designee does not approve the sanction, they have full authority to modify it in any fashion they see fit. It is expected that the sanctions decision will rarely be modified, and the presumption shall be that no modification shall be made. The decision of the applicable campus vice president of student affairs/dean of students, or the director of community standards and conduct, or any such person's

designee shall be made in no more than fifteen (15) days and need not be accompanied by any reasoned decision.

**At any time in the Conduct Review Process, Community Standards and Conduct or any other university employee involved in this process, may consult with other appropriate university personnel, including a university dean, an associate dean, or some other appropriate personnel.**

**No Retaliation for All Matters**

Retaliation, including intimidation, threats, coercion or discrimination, against any individual who has made a good faith complaint, or who has participated in the Group Conduct Review Process, is unlawful and in violation of university policy. Anyone found to have engaged in retaliation will be subject to disciplinary action up to and including dismissal or termination from the university.