Investigating hazing allegations poses significant challenges for campus administrators. Upon receiving notification, there are a series of steps to successfully and fairly conduct investigations in a timely manner. These steps may include: conducting meetings with all parties, seeking legal counsel, navigating university politics, and more. This program will provide a "how to guide" for administrators in processing hazing allegations.

Hazing adjudication guide
For colleges and universities

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HAZING ADJUDICATION GUIDE
For colleges and universities
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INTRODUCTION

Hazing allegations, injuries, and deaths are continuing unfortunate realities on college campuses. These allegations and injuries stem from students involved in Greek life, athletics, student leadership organizations, the band, and other student groups on campus. As campus administrators we have a duty and responsibility to create an environment that fosters education and leadership, while maintaining the safety of our students who decide to participate in co-curricular opportunities.

However, for many institutions and campus administrators processing and adjudicating such cases pose significant challenges. In reviewing the literature on hazing and recent news articles, there is an absence on the steps and processes to adjudicate hazing related incidents. This manual will assist administrators in responding, investigating, and adjudicating these allegations in a student conduct setting.

Hazing is a prevalent occurrence at schools across the United States beginning in junior high all the way to college, professional schools, and the military (Nuwer, 2004a). Hazing may be defined in a multitude of ways. However, for the purposes of our program we are defining hazing as “any activity expected of someone joining a group that humiliates, degrades, abuses or endangers, regardless of the person’s willingness to participate” (Hoover, 1999, p.8). Hazing ranges from simple tasks such as wearing a pin on a student’s clothing through the entirety of the pledging period to more endangering behaviors like paddling, branding, drinking copious amounts of alcohol, and other physical activities. Furthermore, psychological and economic hazing may take place where students are required to purchase a large amount of items in a short period of time while spending thousands of dollars.

Hazing is not new, in fact the earliest forms of hazing in the United States occurred when America was still a colony. In 1657, at Harvard University, two students were required to pay fines for hazing two of their peers John Cotton and John Whiting (Nuwer, n.d.). Less than 30 years later, a student was expelled for hazing while attending Harvard (Nuwer, n.d.). Forms of hazing continued to be an issue for universities into the 20th century. Finally in 1928, the National Interfraternity Conference (NIC) leaders issued a condemnation of hazing practices. Yet, clearly hazing has persisted since the vilification by the National Interfraternity Conference. Since 1928, hundreds of college students have lost their lives or have been severely injured due to hazing (Nuwer, 2004a).

There are a number of theories as to why groups haze. Some believe that in order to work effectively as a team it is necessary to go through an initiation process to develop some form of unity within the group (Johnson, 2011). Through hazing, groups have argued that it creates a sense of cohesion within the group (Johnson, 2011). Essentially, being hazed is a rite of passage to become “worthy” to join a group. The concept of groupthink exists and perpetuates hazing.
Groupthink is a “mode of thinking that people engage in when they are deeply involved in a cohesive ingroup, when the members’ striving for unanimity override their motivation to realistically appraise alternative courses of action” (Janis, 1972, p. 24).

Nuwer (2004b) argues that hazing within Greek organizations can be cult-like rituals, causing difficulty in ridding the problem altogether. In examining, African American attitudes on hazing, Jones (2000) asserts that the pledge ritual is perceived by many Black Greek fraternities as a preservation of Black fraternal orders. In sum, hazing is a process that some college students in group organizations believe it is necessary to receive group acceptance.

**Challenges of investigating alleged hazing acts**
The challenges that administrators face in adjudicating hazing allegations is plentiful. Four challenges are identified, first there is the prevailing concept that the organization comes first and a code of silence is committed amongst the members once a hazing allegation is revealed to university administrators. During investigations the students of an organization may fabricate and craft a similar story to protect what actually occurred. Second, the involvement of alumni in the pledge process is challenging. Even if the students of an organization may be upfront and honest that hazing transpired oftentimes it is the unknown alumni that were committing the acts alleged. Some alumni that experienced hazing during their college years return to their organizations to continue a “tradition” that they once suffered through by endangering the lives of the next generation.

Third, victims of hazing that may initially inform the institution of the hazing acts committed, may fear retaliation of the perpetrators and subsequently recant their story. Fourth, bureaucratic politics may arise pending on what organization is committing the acts alleged. For example, an athletic department may be against punishing a team for hazing because it means the team will not be able to play. While there are suggestions that campus administrators are apprehensive to tackle hazing because it could mean loss of financial donations by alumni, the ultimate goal of battling hazing is to save a life. These are just some challenges different institutions may face in adjudicating such cases.

Given the difficulties of processing hazing cases, our intention was to craft a manual on how to handle hazing cases in a timely manner and share this manual to our colleagues. By creating a manual that reviews the processes and procedures necessary to adjudicate organizations and individuals engaged in hazing, we are creatively addressing and improving the way campus investigations occur for hazing related cases. This manual encourages engaging campus leadership to assess and reflect on the processes currently in place, while challenging campus administrators to take a stand and be bold when handling these cases.

As with most areas in student conduct, creating a “one size fits all” instructional manual is difficult because each state has different hazing laws that dictate how universities respond to alleged acts. Subsequently, we hope to share with our colleagues ideas on how to address the
factors involved with hazing including: safety, academics, risk management, institutional liability and legal implications, campus politics, bullying, harassment, alcohol, finances, psychological well-being, and mental health.

Key Statistics

- 25% of coaches or organization advisors were aware of the group’s hazing behaviors (Madden & Allen, 2008)
- 25% of the behaviors occurred on-campus in a public space (Madden & Allen, 2008)
- 25% of hazing experiences, alumni were present; and students talk with peers (48%, 41%) or family (26%) about their hazing experiences (Madden & Allen, 2008)
- Student athletes often endure hazing practices with 80% of NCAA athletes reporting some form of initiation in exchange for membership affiliation (Johnson, 2011)
- 55% of college students involved in clubs, teams, and organizations experience hazing (Madden & Allen, 2008)
- In 95% of the cases where students identified their experience as hazing, they did not report the events to campus officials (Madden & Allen, n.d.)
- Students recognize hazing as part of the campus culture; 69% of students who belonged to a student activity reported they were aware of hazing activities occurring in student organizations other than their own (Madden & Allen, 2008)
- 47% of students come to college having experienced hazing (Madden & Allen, n.d.)
- Nine out of ten students who have experienced hazing behavior in college do not consider themselves to have been hazed (Madden & Allen, n.d.)

Works Cited


Madden, M., & Allan, E. (2008). *Hazing in view: College students at risk initial findings*


INTRODUCTION TO HAZING

✓ Definition
✓ Example of hazing acts
✓ Greek terminology
✓ Hazing laws

DEFINITION

Defining hazing can be difficult as many individuals have different perceptions of what constitutes hazing. For the purposes of our program we are defining hazing as “any activity expected of someone joining a group that humiliates, degrades, abuses or endangers, regardless of the person’s willingness to participate” (Hoover, 1999, p.8).

In crafting a university or college hazing policy, it is important to define hazing within your policy and provide examples of hazing acts. The University of Maryland is currently reviewing and potentially revising its hazing policy. See Appendix A for sample hazing policy.

EXAMPLE OF HAZING ACTS

Acts of hazing can include any of the items listed below and more.

Severe emotional distress
Punching
Kicking
Choking
Serious bodily injury
Compelling pledges to eat unknown substances
Killing animals
Locking pledges in a room and blaring loud music
Russian roulette
Forced consumption of alcohol
Alcohol Intoxication
Remote area drop offs
Abandonments
Psychological

Illegal Substances
Demeaning or degrading acts
Sleep deprivation
Paddling
Drinking games
Calisthenics
Swimming/Drowning
Dunking
Kidnapping
Hitting
Slapping
Financial
Calling a member at an appointed time
Forced neglect of personal hygiene
Prohibition of wearing certain colors
Prohibition of wearing make-up
Prohibition of talking to boyfriends and girlfriends
Disabling social media
Dressing alike
Required memorization for fear of punishment
Forced signature punishment for failures
Gifts for members
Personal Errands
Forced carry of items on campus
Clean up houses and rooms
Excessive amount of time spent at house or with group
Perform embarrassing acts in front of others
Mental hazing: Fake pledge tests
Fear of retaliation
Forced into a position for long periods of time
Incidents of a violent sexual nature
Sexual stimulations
Initiation activities – carrying heavy items, hitting, costumes
Raw egg exchange
Fake burials

GREEK TERMINOLOGY

The web links below will direct you to some websites that may be helpful if you are unfamiliar with Greek terminology or if you need to refresh your memory on some of the terms used.

UNLV:
http://getinvolved.unlv.edu/greeklife/greekdefinitions.html

University of Iowa:

George Mason University:
http://www.gmu.edu/org/ifc/faq_glossary.htm

University of California Davis:
http://greeklife.ucdavis.edu/why/glossary.html
Hazing Adjudication Guide

Greek Alphabet:

HAZING LAWS
Based upon the statistics and alarming frequency of hazing, states have attempted to combat hazing through the passage of state laws that prohibit such acts. However the frequency of a criminal conviction is low. This can be attributed to the fact that oftentimes criminal charges are not filed, hazing cases tend to lack evidence, moreover the judicial system has a higher standard of evidence (beyond a reasonable doubt), and reporting to the police is low. Subsequently, students that have allegedly hazed are oftentimes punished by a university judicial system rather than the criminal court system (Hosansky, 2013; Nuwer, 1999).

State Laws
Still yet, forty-four states with the exception of Alaska, Hawaii, Montana, New Mexico, South Dakota, and Wyoming have passed anti-hazing laws (Stophazing.org, 2013). The severity of these laws can range from minor penalties to a prison sentence for up to six years. For most states, even if death is involved, an individual may receive a misdemeanor or possible jail time for up to six months (Hosansky, 2013). A number of states have made hazing a felony crime. However, these state laws are difficult to enforce. This can also be attributed to the conflicting attitudes about hazing as a character builder versus a crime. Additionally, like domestic violence and sexual assault cases, jurors or judges may blame the victim for allowing the acts to continue on them rather than focusing on the culture or individuals that facilitated these acts (Hosansky, 2013).
Federal Law
Federal regulation of hazing is non-existent. While there have been efforts to combat hazing through federal legislation in Congress, there has not been a successful bill made into law. These federal bills that have been introduced typically threaten to cut off financial aid funding for students involved in hazing (Hosansky, 2013).

However, an organization that has received federal attention for hazing has been the military. In 2012, two U.S. servicemen that served in Afghanistan were reportedly hazed and subsequently committed suicide. The House Armed Services subcommittee held hearings on military hazing. As a result of those hearings, in December 2012 President Obama signed a bill requiring the armed services to file reports on hazing in the military (Hosansky, 2013).

Whether or not we ever see a federal law against hazing is difficult to say. Proponents for federal hazing legislation argue that it would “define hazing and provide a consistent method to investigate acts of hazing” (Lipkins, 2013, p. 149). This would result in clear consequences including felony charges. Additionally, statistics could be collected on hazing and publicized. Second, Lipkins (2013) argues that research centers could be developed that would focus on successful investigative techniques, train individuals, and develop creative education methods. Finally, with so many varied state laws, a federal law would create consistency in addressing hazing (Lipkins, 2013).

Opponents for a federal law argue that it would duplicate state law. Westol (2013) argues that state laws are relatively new (being passed within the past 25 years) so there has been a learning curve for police, prosecutors, and judges to effectively investigate, argue, and judge a hazing
case. Westol (2013) further argues that the loss of federal aid will likely not deter an individual from hazing, he states that going to prison is a higher sanction than losing federal aid therefore state laws are sufficient. Furthermore, determining when to apply state versus federal law on a hazing allegation may be a confusing and a convoluted process. Especially if the case involves high school students and not college students, or professional athletes (Westol, 2013). Westol (2013) argues that we should encourage the last six states to pass anti-hazing laws and develop what we have currently in place.

Finally, the Office of Civil Rights of the Department of Education issued a “Dear Colleague letter” in 2010 on bullying and harassment. As stated in the letter “the nature of the conduct itself must be assessed for civil rights implications. For example, if the identified misbehavior is based on race, color, national origin, sex or disability -- and has created a hostile environment -- a school must respond according to the civil rights statutes and regulations enforced by OCR” (Thompson Information Services, 2010). Subsequently, institutions that receive a report of alleged hazing should examine and consider whether the acts meet any of the identifiers listed such as race, national origin, sex, disability, or color. If this is the case compliance with Title IX is necessary and should be considered during the investigation.

Recognizing these limitations of hazing legislation monitoring, regulating, and disciplining students is oftentimes left to high schools, colleges, and universities to find appropriate measures to combat hazing.

**Works Cited**


ADJUDICATING ORGANIZATIONAL MISCONDUCT

✓ First actions
✓ Information gathering
✓ Fact finding
✓ Behind the scenes
✓ Hearing the case
✓ Appeals

FIRST ACTIONS

**Incident:** An anonymous report has been reported concerning acts of hazing

**Or**

**Incident:** A known individual has reported acts of hazing.

**Conduct Officer:** Try to elicit as much information as possible.

INFORMATION GATHERING

**Step 1:** Try to obtain as much information as possible.

- What occurred or will occur?
- Is there imminent harm? Does action need to be taken today?
- Does any student need medical attention?
- Is a student hospitalized?
- When did the hazing act take place?
- Where did it take place?
- Are you willing to share names with us?
Describe the nature or the specific
details of the activity?
What do you want to see happen
after reporting this incident?
Can you provide a written account?
Share where you can provide this
written account (WORD, on-line
report form, email, hand delivery)
Have the local or university police
been notified?
Who else has been notified of this
incident?
Will you share this information with
the police? You will need to
determine if there is a need for
immediate notification to the police.
Are any alumni members involved?
Are there any pictures? Video?
Blogs? Instagram?
How many others are interested in
coming forward?
Are you afraid they will do
something to you if you talk to us?
Are you afraid of retaliation?
Are you interested in talking with me
in person? Ensure the safety of your
office. Make sure other students in
the group will not cross paths if such
a meeting is requested. You may
need to conduct such meetings in
another location on campus.

Meeting with a victim
1. Show concern for the individual and the potential victims.
2. Discuss your role and the need for student safety.
3. Does your process allow for you to protect the student’s name throughout the hazing
   investigation?
4. Share your name, title, and where and how you can be reached.
5. Share how to file a report and discuss disciplinary/investigatory procedures.
6. If the identity of the person is known, follow up in writing regarding the allegation, how
   the investigation will be addressed, and the letter should contain a list of pertinent
campus resources. See Appendix B for a sample of victim letter and resources.

Incident Response Tips
1. Determine if cease and desist order needs to be issued.
2. Determine if an interim suspension needs to be imposed.
3. Track the caller ID
4. Does the email address from the anonymous report contain any clues of the sender?
5. Did the verbal or written report contain an upcoming event, program, or off campus
   activity? Make sure appropriate personnel are notified.
6. Make sure the caller knows how to get in contact with a staff member after your office hours.
7. Does the caller need to speak with the police immediately?
8. Try to establish a rapport with the caller so the caller is more inclined to step forward.
9. Make a referral to campus resources
10. Arrange for another time to speak with the caller as follow up.

**Step 2: Record the details of the email or the phone call on a log sheet.**

**See Appendix C for a sample for note taking.**

Share the information of the alleged misconduct with all appropriate university personnel. There is no specific order of notification. However the departments that may need notification are:

- **Police Department:**
  
  *Does this rise to a violation of law? Will the police be conducting their own investigation? When and how do your police want to be notified for incidents of this type?*

- **Vice President’s Office:**
  
  *Describe the nature of the allegations and the student conduct process*

- **Notify Respective Department of reported group**
  
  Notify Greek Life, Athletics, Band, ROTC, College.

- **Legal Affairs:**
  
  *Provide notice and seek advice.*

- **Chapter Advisor:**
  
  *Call and follow up in writing.*

- **Title IX Officer**
  
  Inform Title IX officer if the hazing is based on race, color, national origin, sex or disability.

- **Faculty Advisor:**
  
  *Call and follow up in writing.*

- **Local, state, and national notification:**
  
  *Call representatives directly and follow up in writing.*

- **Counseling Center:**
  
  *What resources are available to the student(s), what open times are available; what specific counselor can you refer the student to; how should appointments be arranged; is there a need for a facilitated group session, issues of secrecy, threats of retaliation, oppression, victimization, physical/psychological/emotional assault and trauma on the part of the victims and possibly pledges may be areas of discussion.*

- **Mental Health:**
Are there any urgent matters that need to be evaluated? Is there a threat of harm to self or others?

☐ **Student Activities:**
Notify a representative so organizational privileges are reviewed and potentially canceled. See Appendix D for notification to campus programs or student clubs and orgs.

☐ **Media Relations:**
You or a designated staff member should inform a staff member in university relations concerning the investigation so there is an adequate and sufficient response from the university.

☐ **Behavioral Intervention Team:**
What behavior was expressed that would be necessary to communicate to the team on your campus?

☐ **Registrar’s Office**
What policies and procedures are in place for Incompletes, Withdrawals, dropping a course, refunds?
If you have issued an interim suspension do you block registration and release of academic records?

☐ **Local notification to police in surrounding jurisdictions**

**Step 3: Collaborative hazing meeting**
Given the nature of the report determine the next course of action. Do you coordinate a meeting with all interested departments? This meeting must happen in a timely manner.

Below is a sample meeting agenda and discussion topics to have with key departments (Police, Conduct, Department that provides oversight over group, Student Activities, Legal Affairs).

If your campus already has a hazing investigative team in place, it may be in your team’s practice to schedule a meeting with the team to discuss what has occurred and the action steps that will be taken to address the allegation. This information may be helpful in crafting an agenda or questions to consider at the meeting.

**Sample agenda**

A. Welcome and Introductions
B. Purpose of the meeting
C. Description of Incidents
D. Discussion
E. Response Plan
F. Review Specific Duties and Timeline
G. Designate a “point person” to ensure continuity of the investigation to university personnel and participants in the investigation whether that be students, family, representation, advisors, and national representatives.
H. Identify check-in points and/or additional meetings for the group

I. Other Items
J. Adjournment

Questions to consider prior to investigation

☐ What conduct is specifically alleged?
☐ Does this misconduct fall under your Code of Student Conduct?
☐ Does the misconduct fall under rule violations in another department?
☐ Will the national office or the governing body conduct an investigation?
☐ What is the timeline for the investigation? Campus investigation? National investigation?
☐ Who is the primary contact for the overseer of the group?
   Name:____________________________
   Time and Date of call:________________________
   Nature of Call:______________________________
   See Appendix C for file notes.
☐ Do you issue a cease and desist order to the group? See Appendix E for sample Cease and Desist notification.
   Be sure the letter is sent to every single member of the group. Track messages within database if possible.
   You must copy the letter to respective departments, police, and national organization.
☐ Consider what course of action the university will take if the order is violated. Will the organization, executive officers, and/or students be charged?
☐ Do you issue an interim suspension for the student or students that posed a threat to the student or campus? See Appendix F for sample interim suspension notification.
☐ Do you call the president of the chapter for a meeting regarding the nature of the allegation? It is recommended that you call the president in to the office without much notice in order to receive initial reactions. Oftentimes the president or designated leader chooses to be accompanied by another executive level member at these meetings. Also, the president may want to have a local or national representative attend this meeting with them. Furthermore a student may want to be accompanied by an attorney. Does your process allow for such representation? If so permissible, allow their attendance.
☐ Do you call the entire group in? If so, how?
Oftentimes when you ask students to schedule a meeting with you this poses a scheduling challenge. Your schedule may not coincide with their schedule and students will delay meeting with you. They will delay because they do not want to get into trouble and they are trying to determine how to answer potential questions from the university or college. You want to obtain the information as quickly as possible in a short window of time to sort out the details. You can provide class excuses due to the seriousness of the offense.

See Appendix G for New Initiates Meeting letter request

☐ Do you ask the students to report at the same time and have them wait in an area to be called for a meeting?

Be cognizant of group dynamics. There may be a need to separate the groups by class year or position in the organization. You always want to make sure that the student who has reported the incident is called in along with the other students. Do not meet with any student for an extended period of time because it may raise the suspicion as to who in the group told the authorities. If necessary, simply schedule a follow up time to meet with such student.

☐ Do you send a specific time for each student to meet with you? Do you also invite the student’s parent or legal guardian? See sample letter.

We recently completed this type of meeting arrangement with a parent or legal guardian and while it did not confirm many years of hazing, it was an effective tool to bring parents and or legal guardians in the process as soon as possible. Parents may come to the meeting in person or they may be available via phone at the time of the meeting. See Appendix H for sample parent notifications.

☐ How do you coordinate the meetings with the students?

☐ Do you bring the new members in before the current members or vice versa?

☐ Do you prepare a script so all students are asked the same question?

See Appendix I for sample questions for new members and existing members.

☐ Class excuses will be given and it is necessary that the students meet with the conduct officer as soon as possible.

☐ What do you do in the event you know the student is providing conflicting information or simply is not telling the truth? Do you charge the students for lying? See Appendix J for a sample honesty statement.

☐ Sample responses from students:

“I wish to remain silent”
“I wanted to do everything. We were not forced.”
“They are my friends. I don’t want to see them get into trouble.”
“If you ask the right question I will tell you what you want to hear.”
“I don’t give additional information unless asked.”
“My parents know what I am doing. They don’t see anything wrong.”
“It is tradition.”

FACT FINDING

Step 4: The meeting with pledges/new members
See Appendix I for sample questions.

Sample Agenda

A. Introduction and Role at the University
B. Purpose of the Meeting
C. Describe the nature of the report
D. Ask for any procedural questions
E. Describe the Honesty Statement-See Appendix J for sample honesty statement.
F. Sign the Honesty Statement and make a copy for student.
G. Discuss consequences for providing false information during the interview
H. What do you do if a student remains silent throughout the entire interview or gives you “yes” or “no” answers? Record the answers and take their lack of cooperation into consideration when determining charges. How is the issue to remain silent addressed in your Code?
I. Questioning and Note taking
J. Describe the student conduct process. Describe potential consequences for the group and the individuals.
K. Discuss
L. Follow up and when a determination of charges may be made

Given the resources on your campus, attempt to conduct these meetings jointly with your conduct office and the overseeing department of the group. This ensures that details are not lost but also we have found this to be an effective tool. This practice is very helpful because the other department can provide overall insight as to the overall activities of the group.

It is necessary not to conduct adversarial meetings with the students. While you may have had prior history with the group or have known of the prior history, you must treat the students with dignity and respect. If a student is not forthright and uncooperative then you can try to continue the interview or conclude the interview. This may be their first time being confronted by an administrator or simply the student is being noncompliant. You certainly need to set the tone for the meeting. There should be an
acknowledgement of the severity of the offense(s) but your primary interest is to stop the behavior, ensure safety and wellness, and effectively adjudicate the matter.

It may be helpful to have multiple interview teams taking place at once. A meeting should follow with all teams to discuss the information obtained from the meetings whether that be with pledges or members. There should be a discussion of next steps in the investigation. Also, your conduct office will need to determine if there is enough information to move forward with disciplinary charges.

If there isn’t enough information to move forward with a disciplinary charge then send a letter reiterations the purpose of the meeting and the conduct alleged. The letter should include information that the university or college is concerned about the safety and welfare of all students. Additionally, the letter should include specific references to campus policies and how these policies are enforced. Reinforce the unacceptable nature of hazing and provide any necessary resources. See Appendix K for example of insufficient evidence notification and deferral of charges.

There are times when students elect to not meet with you. For example students who decide to drop out of the pledging process and tell you they do not have anything to do with the group. Obtaining their information is critical because it gives you a sense as to the extent of harm potentially levied by this group. Send a letter to these students outlining the resources on campus that are available if they do not want to speak with you. These students may not want the members or pledges to get in trouble but rather discuss their concerns with a counselor, social worker, doctor, advisor, or mentor. See Appendix B for victim resources letter.

It is certainly necessary to ask direct questions but sometimes these direct questions do not capture the totality of the activities. Some students will not offer any more information unless asked. It is necessary to ask open-ended questions as well. It is certainly fine to ask questions that are not on the script because as you conduct these meetings you will obtain more information as you proceed.

While there is an active investigation the conduct office should make a determination as to whether or not to flag records until the investigation is complete. This ensures compliance with the investigation. If there is the possibility of a transcript notation, the transcript should be blocked from release. Should the transcript need to be released, note there is a pending disciplinary action on the transcript. Students who are facing such harsh consequences may try to obtain their transcripts and attempt to enroll in another school without any type of notification on their transcript.

Degree clearance should not be given unless the investigation, disciplinary proceedings, and any form of appeal is completed.
Step 5: The meeting with current members
See Appendix I for sample questions.

A. Introduction and Role at the University
B. Purpose of the Meeting
C. Describe the nature of the report
D. Ask for any procedural questions
E. Describe the Honesty Statement—See Appendix J for sample honesty statement.
F. Sign the Honesty Statement and make a copy for the student.
G. Discuss consequences for providing false information during the interview
H. What do you do if a student remains silent through the entire interview or gives you “yes” or “no” answers? Record the answers and take their lack of cooperation into consideration when determining charges. How is the issue to remain silent addressed in your Code?
I. Questioning and Note taking
   a. Find out the names of the officers and unofficial leaders of the group
J. Describe the student conduct process. Describe potential consequences for the group and the individual.
K. Discuss follow up and when a determination of charges may be made

Step 6: The meeting with leadership

A. Introduction and Role at the University
B. Purpose of the Meeting
C. Describe the nature of the report
D. Ask for any procedural questions
E. Describe the Honesty Statement—See Appendix J for sample honesty statement.
F. Sign the Honesty Statement
G. Discuss consequences for providing false information during the interview
H. What do you do if a student remains silent through the entire interview or gives you “yes” or “no” answers? Record the answers and take their lack of cooperation into consideration when determining charges. How is the issue to remain silent addressed in your Code?
I. Questioning and Note taking
J. Obtain information on the organizational structure
K. Who is in charge of the group activities?
L. Describe the student conduct process
M. Discuss follow up and when a determination of charges may be made
Step 7: Notification to local, state, and national

If the group has some form of local, state, or national oversight, the information and the written report should be provided in a timely manner. If you lose time you lose critical pieces of the investigation. You may lose specific details of the incident(s). Students may have left for a break period, graduated, study abroad, or withdrew from the university. Will the overseeing organization conduct a joint or independent investigation? What is the timeline for the investigation? How will the results of the investigation be communicated to your office? Make sure your office is copied on all correspondence to ensure compliance. Who is the point of contact? Discuss a timeline for the investigation. Your role is to alert the organization of the pending allegation, its seriousness, and your desire to cooperatively bring resolution to the matter.

Step 8: Preliminary interviews

The purpose of Preliminary Interview is to review the specific allegation and to make a determination of charges. The Preliminary Interview may be similar to the initial meetings that were conducted, however mostly likely more information has been obtained at this point. You will probably have some form of a written allegation whether that is from the complainant, Campus Advocate, or a staff member.

It is essential that whatever information contained in the file that students have complete access to the file. Copies of any reports, correspondence, pictures, and video should be provided to the student in order to adequately prepare for a disciplinary proceeding.

You may not be able to make a determination of charges at this meeting until you have met with all students. If you do know the charge, send a charging notification letter as soon as possible even if you don’t know the specific date and time of the hearing. This charging notification provides the notice of the charge so a student can begin preparing. See Appendix L for sample preliminary interview letter and Appendix M for sample charging notification.

Behind the Scenes Actions

Step 9: Determination of charges

Once a determination of charges is completed, send the student notice of the charge and the specific day and time of the hearing. Follow the process as outlined in your Code of Conduct.

At the University of Maryland students or organizations facing suspension or expulsion may resolve the allegations in a disciplinary conference (administrator determines responsibility and sanctions accordingly) or a hearing (student board members determine responsibility and recommend sanctions accordingly). Once a student submits in writing their choice, then their disciplinary conference or hearing
is scheduled accordingly. See Appendix N for Disciplinary conference coordination form, Appendix O for disciplinary conference notice, and Appendix P for a hearing waiver form. See Appendix Q for hearing coordination form and Appendix R for hearing notification.

**Step 10: Working with stakeholders**

**Student Defenders:** be sure the material in the file is confidentially given to any representation prior to any scheduled proceeding

**Attorneys:** be sure the material in the file is confidentially given to any representation prior to any scheduled proceeding

1. How do you work with difficult representation?
   i. It is necessary to discuss the rules of conduct for the proceeding and any associated consequences for misconduct of representation.

**Parents/Legal Guardian:** Include them early in the process. Copy parents/legal guardian on any final notice letters that contain suspension or expulsion from the university.

**Staff:** Keep staff informed regarding the status of the investigation.

**Faculty:** If students do not attend classes inform instructors and assist the student to either drop, arrange for an incomplete, or withdraw from classes.

**HEARING THE CASE**

**Step 11: Scheduling the disciplinary proceeding**

**Issues to anticipate**

- Make sure the Campus Advocate prepares the case once a charging notification has been sent to the student. This is needed to ensure preparation and the collection of testimony from factual witnesses.
- Determine early if medical staff can provide factual testimony. HIPAA may prohibit factual testimony.
  - How will the board interpret medical information contained in a police report?
- Know in advance any scheduling conflicts with representation; however this process is primary and there is no need for unnecessary delays.
- Is there any reason to delay a campus proceeding during the pendency of a criminal proceeding?
- Secure a well trained presiding officer for the hearing.
Schedule a meeting with the presiding officer so the presiding officer is aware of any issues to anticipate.

Be sure the presiding officer and the advisor know how to reach university personnel in the event of a mental health concern.

Designate an advisor for the hearing.

Make any additional copies of hearing material.

If there is extensive documentary evidence be sure the Board convenes early enough to read the material.

Prepare any lunch or dinner breaks if necessary.

Determine if this is an open or closed hearing.

Ensure the confidentiality of students.

Will the hearing proceed if a student does not attend? How is the lack of attendance addressed in your hearing process?

Are the hearings recorded?

When will the written findings be completed?

Who has to sign off on any imposed disciplinary sanctions?

Do any meetings need to occur following the hearing to update staff and departments?

Will you schedule a debriefing to discuss what worked well and what could have been done differently?

What notification if any needs to be provided for the campus?

**Step 12: Preparing judicial boards—see next section for details on training a judicial board**

**Step 13: Hearing logistics—see next section for details on hearing logistics and coordination**

**Appeals**

**Step 14: Managing Appeals**

Be sure the appeals process is clearly communicated during your initial meetings with students. What is the basis for an appeal in your process? Was the decision arbitrary and capricious; unsupported by evidence? Were there any procedural errors in the case or in the interpretation of University regulations so severe to deny a fair hearing? Were the assigned sanctions grossly disproportionate to the offense? Is there new and significant information that was not available to the lower Board?
An appellate body may dismiss the case if it is determined that the lower Board made a decision that was unsupported by evidence. Secondly, the case could be remanded to a new Board if there were procedural errors or an error in interpretation of University policies. Thirdly, the sanction can be lessened but never increased if the sanction assigned was grossly disproportionate to the offense. Lastly, an appellate body may uphold all decisions made by the lower Board.

Once the appellate body has made a determination, send a sanction letter to the individual student or group. Seek approval from appropriate administrators per your Code of Student Conduct to suspend or expel a student or organization.
INTRODUCTION TO TRAINING JUDICIAL BOARDS

As we stated earlier, a criminal conviction for a hazing crime is rare and as a result university judicial boards are oftentimes the primary and sometimes only successful way to adjudicate an alleged hazing act. Therefore it is essential to provide training to your judicial board members on the culture of hazing, Greek terminology, types of clubs or organizations that may engage in hazing, the issue of secrecy, questioning, and providing case study examples on how a board may adjudicate an alleged hazing incident.

Hazing incidents typically are some of the most time consuming cases that require the most attention, as the case may be a “high stakes” case. Lawyers, parents, university counsel, police, and a variety of other departments on campus may be involved and interested in the outcome of a hazing incident. Having an already prepared judicial board to hear a case in the event that a respondent(s) decides to resolve an allegation in a hearing is important.

This section provides information on training a judicial board in preparation to hear a hazing allegation. We have included sections of the University of Maryland University Student Judiciary training manual that has general information that may be helpful for your student judicial board. Additionally, we provide information that may be useful in crafting a hazing specific training for your student judicial board.

This chapter will discuss procedures for fairness. Additionally it will cover types of evidence and how to “weigh” the information presented. There is a section on questioning and responses to lawyers (which is
helpful if your Code permits lawyers to address your conduct board). We’ll discuss board composition and hearing preparation.

**TRAINING GUIDE FOR JUDICIAL BOARDS**

**For Large Judicial Boards**

As these cases require a heightened awareness we recommend that the students and/or staff that are hearing these cases have an advanced level of training. For example, building a two track training in your judicial board training that would allow for a “beginner” track and an “advanced” track training. A track for beginners could include the philosophy of student conduct, the Code of Student Conduct, deliberation, fact-finding, questioning, sexual assault (as required by the April 2011 Dear Colleague Letter by the Department of Education Office of Civil Rights), and mock hearings.

An advanced track would be for your returning board members that have had previous experience serving on hearings. This would build on their pre-existing knowledge and could include topical areas such as hazing, sexual assault and harassment, drugs, cyberbullying, and other areas that may be important to your campus.

Example for a two-track training:

<table>
<thead>
<tr>
<th>Beginner Track</th>
<th>Advanced Track</th>
</tr>
</thead>
<tbody>
<tr>
<td>Philosophy</td>
<td>Hazing</td>
</tr>
<tr>
<td>Code of Student Conduct</td>
<td>Cyberbullying</td>
</tr>
<tr>
<td>Questioning &amp; Fact Finding</td>
<td>Drugs</td>
</tr>
<tr>
<td>Deliberation</td>
<td>Mental Health</td>
</tr>
<tr>
<td>Sexual Assault</td>
<td>Sexual Assault</td>
</tr>
<tr>
<td>Mock Hearings</td>
<td>Mock Hearings</td>
</tr>
</tbody>
</table>

**For Small Judicial Boards**

If your campus judicial boards are smaller and do not allow for two-track trainings, consider ongoing trainings throughout the academic year. See an example timeline below:

<table>
<thead>
<tr>
<th>Month</th>
<th>Training Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>September</td>
<td>Basic training (questioning, philosophy, deliberation, fact-finding, Code of Conduct)</td>
</tr>
<tr>
<td>October</td>
<td>Sexual Assault</td>
</tr>
<tr>
<td>November</td>
<td>Hazing</td>
</tr>
<tr>
<td>December</td>
<td>No trainings due to finals</td>
</tr>
<tr>
<td>January</td>
<td>Mid-year checkup (assess weaknesses through the fall semester)</td>
</tr>
<tr>
<td>February</td>
<td>Cyberbullying, texting, and bullying</td>
</tr>
</tbody>
</table>
March  | Skills building and résumé construction
April  | New member orientation (can serve as an opportunity to introduce your judicial board to a new group of board members, create opportunities for summer hearings, or have a session on ethical decision making)
May    | Celebration for completion of an academic year

**Sample Hazing Training Agenda**

In training your judicial board the topics below may be helpful in setting an agenda.

1. Introduction
   a. Test student/staff knowledge with a hazing quiz—See Appendix S for sample hazing quiz.

2. Examples of hazing and definition
   a. Definition and University policy
   b. Subtle hazing acts
   c. Violent hazing acts

3. Terminology

4. Organizations that may haze
   a. Fraternities and sororities
   b. Athletics
   c. ROTC
   d. Band
   e. Other clubs and organizations

5. Organizational culture
   a. Challenges of secrecy
   b. Military culture
   c. Greek culture
   d. Pledging, rushing, initiations

6. Video
   a. Play examples of hazing from YouTube
   b. Suggested documentaries to show
      i. *Haze*
      ii. *Betrayal* (Susan Lipkins website)
      iii. *Fratline*
      iv. *He Ain’t Heavy*

7. Hazing specific questioning

8. Hazing case studies

9. Discussion: personal reactions to hazing

10. Discussion: “blaming the victim” and how to avoid doing this in a hearing

11. Mock Hearings—See Appendix T for sample hearing script
**BOARD COMPOSITION**

In choosing your board members to hear a hazing case, it is important to have a diverse representation of board members. Recruiting student athletes, students from Greek life, ROTC students, and students that participate in other clubs and organizations is essential to provide a diversity of experiences on your hearing boards. These students are helpful to have on the board because they are aware of the cultures, terminologies used within organizations and have a strong knowledge base when it comes to questioning and fact finding.

However, it is important to have students without any of the listed affiliations on the board, as they may approach a hazing allegation with little background to the organization or students sitting before them. This also provides a fair process for the respondent(s)/organization as they may be less aware of the culture of the organization and may ask questions that would not typically be asked because of their different experiences.

Finally, for cases of serious hazing allegations it is recommended that a staff or graduate advisor to the board observe the hearing process. If board advisors are not permitted in your Code, your institution may want to consider adding board advisors to your hearing process for serious and significant cases. It is recommended that board advisors should not be permitted to vote to maintain the integrity of a student judicial hearing. The board advisors may be beneficial to the hearing process as they may speak on hearing procedures should any questions arise from the complainant, respondent or student board members. The board advisor is also helpful in providing logistical support to the board and serving as a liaison for large cases to the responding party. Additionally, having a staff member present for the hearing provides access for the board, responding party, and complaining party should any issues arise.

**PROCEDURES FOR FAIRNESS**

Any student charged with a violation of university regulations has the right to a fair and impartial review to determine the merits of those charges. Those rights are slightly different from those guaranteed in a court of law.

For any hearing at our institution, procedural "fairness" requires that:

1. A student be informed of the nature of the complaint against him or her and his/her procedural rights at least [utilize your Code requirements here] days before a hearing;
2. S/he has the right to respond to the allegations;
3. S/he be allowed an opportunity to question the complainant and present witnesses on his or her behalf; and
4. S/he has the option to appeal.
A student may waive any of these rights if s/he wishes. For example, a student may decide that s/he wants the hearing set up sooner than 5 or 10 days after the receipt of the letter outlining the allegations against him/her. Or a student may choose to resolve the allegations in a disciplinary conference and subsequently waives their right to an appeal.

**Credibility**
If you find yourself having to make a "credibility" decision, having to decide who you believe out of all the information you are hearing, you will be assessing several types of information. To help you separate relevant from irrelevant information, here is a list of the kinds of information that are useful in a hearing:

- **Motive:**
  Is this information telling you whether the student had any motivation to violate the policy? For example respondent had argument with victim minutes prior to physical assault.

- **Ability to commit the violation:**
  If someone can verify that the student had a broken leg at the time s/he is accused of having been out on a fire escape, it makes it less believable that this student was the one, if anyone was out there at all.

- **Malice:**
  This can work both ways. If the person writing the report has anything against the student being accused, first it must be proven to you, and second, it has something to do with whether the incident actually occurred. The harboring of malice must have some effect on the facts of the incident to be relevant. It may be very relevant to you as you try to decide whom to believe if you discover that the student accused particularly dislikes the person s/he is accused of having harassed.

- **Threats:**
  Expressions or earlier similar acts implying or denoting intent. For example, if a student threatens another student.

- **Other behavior that tends to shake your belief in a person’s testimony:**
  - Concealing one's identity
  - Fabricating or destroying facts/evidence
  - Resisting arrest, running away (although innocent people also do this because of fear or past bad experiences).
Ultimately, you have to use your best judgment. The types of evidence, as well as the information they give you, will vary as well:

- **Direct evidence:**
  Based on personal observation or experience. You either believe the person saw or did what s/he saw or did, or you don't believe it.

- **Circumstantial evidence:**
  Information which, although it does not include an eye witness to the actual event, does include information to lead a reasonable person to the conclusion that the student did what s/he is alleged to have done.

- **Documentary evidence:**
  Any supportive writings or documents including statements, reports, etc., that support or deny a fact at issue. Documents whose existence and contents are known generally or are known by any unbiased witness need not be physically produced during the hearing.

- **Second hand "hearsay" evidence:**
  While it is acceptable for the Board to hear second hand information, it is not intended that evidence given by unknown or unidentified persons be accepted, nor that evidence with no traceable origin be considered when weighing the facts of a case.

**Weighing the Information Presented**

All testimony and evidence is not equivalent in value. Much testimony has some degree of bias or tends to lead the listener toward a single interpretation of a fact or situation. The following are some general guidelines:

- **When you have to weigh one person’s word against another’s:**
  Barring other forms of evidence, the testimony of the unbiased person is given more weight. For example, more weight should be given to the testimony of the uninvolved bystander, or a police officer, than to a "significant other" of the person being accused.

- **When the student claims to have not known s/he was breaking a rule:**
  This is frequently an attempt to distract the listener so that the listener will accept the student’s failure to assume accountability for his/her role in the alleged violation. Only in exceptionally rare cases should this type of testimony be given any value.

- **When a student wishes to present evidence which requires investigation outside of the confines of the hearing:**
  This evidence may be in the form of damages for new witnesses. The Presiding Officer may recess the hearing and determine an additional meeting time so that the hearing may be reconvened.
Any new evidence must be presented at the reconvened hearing so that both parties have the opportunity to respond.

- **Multiple witnesses corroborating the same set of facts:**
  The number of such witnesses may be limited by the Presiding Officer in the interest of expediting the hearing. The testimony of a single, unbiased and disinterested witness is worth a number of biased testimonies. Only in a very rare situation should the number of witnesses be considered as a factor in deciding a contested fact.

- **When a person says, "Yes, I did it":**
  If a student takes responsibility for the violations, there is no need for the Board to ask questions about the facts unless the Board needs clarification on what happened. The board should concentrate on the student's perception of the seriousness of the violation for determining appropriate sanction(s).

- **When a person is attempting to identify the student responsible:**
  The testimony regarding the identification of a student is one of the least reliable and most difficult pieces of information to work with. Conflicting witness observations as to who actually did the violation often occur in a hearing.

It is the Board's responsibility to follow the unusual criteria for weighing testimony and decide who is more believable. Identification need not be absolute to be considered by the Board. A witness may be able to testify as to belief, opinion and judgment of identity, and this type of testimony is greatly reinforced if the witness has been able to pick out this individual from among others without any help. Identity testimony is strongest when the witness has been acquainted with or has had the opportunity to observe the student in prior occasions.

Obviously you are not a judge with a legal background, but with a little information, a great deal of common sense, and a firm sense of fairness, you will succeed. The following list of tips will assist you in keeping the process fair.

- **The case cannot be deliberated before the hearing begins.**
  Board members should NOT discuss the contents of the file with each other before the hearing begins (with the exception of clarifying questions and the identification of broad areas for questioning). Board members should read the file beforehand to get a sense of the allegations and evidence gathered that constitute "reasonable cause." Board members should NOT debate issues with other members because these discussions may lead members to begin to draw conclusions. All of the Board members must keep an open mind.

- **The respondent must understand the charge(s) against him/her.**

- **If the respondent is present at the hearing, he/she must also be present when the Board questions any witness.**
The respondent should have the opportunity to respond to any allegation made against him/her.

- **The respondent should have access to the charges and evidence before the hearing.**
  All respondents receive a copy of the contents of their file during the preliminary interview. Sometimes, however, a new piece of evidence will surface during testimony. Depending on the weight of the new evidence, you may wish to allow the respondent time to review it privately and prepare a defense. This may even (rarely) involve adjourning until another day.

- **Abusive language, undue defamation of character, and argumentation should not be allowed.**
  You are in control of the process. If anyone's behavior is inappropriate, you must take action to stop it, even if it means discharging that person from the room. In heated situations, you can always call a recess. Speak calmly and privately with the person involved and try to secure his or her voluntary compliance.

- **Privacy.**
  Only those directly involved should be present. The respondent may have an advisor, advocate, and/or family members present at your discretion. Some departments will also send an advisor with the instructor of the class.

- **The respondent has the right to all of the provisions stipulated in the Code.**
  If the respondent, for instance, received notice of the hearing late and the respondent requests a postponement, the Review should be postponed and rescheduled. In most cases, the appropriate staff member will advise the Presiding Officer of this issue prior to the hearing.

**QUESTIONING**

Questioning is the most important aspect of the conference and hearing process. As board members become more skillful at phrasing their questions, more useful information will be obtained from all participants. In depth questioning helps the board to ascertain the true facts of the case and clarify vague issues.

Here are some areas to remember while you are preparing to ask questions.

**Open-ended Questions**

Carefully phrase your questions as open-ended (Who? What? How?) rather than close-ended (Did you? Were you?). Closed-ended questions often result in a yes/no response which do not offer much additional information. Open-ended questions will allow the respondent to answer as long as she or he desires possibly yielding more information than requested.
For example:

**Closed-ended**

**Question:** "Were you angry when you broke the window?"

**Response:** "No."

**Open-ended**

**Question:** "What were your feelings when you broke the window?"

**Response:** "I guess I was pretty angry..."

On occasion it is very helpful to ask a *direct closed-ended question*. In order to establish an individual’s affirmation for the record is a good reason to ask a closed-ended question.

For example:

"You were in the library at the time of this incident. Is that correct?"

"Did you know the appropriate check-out procedures for library materials?"

"Were you in possession of this stolen computer?"

It is also important to ask the obvious questions on occasion.

For example:

"You knew that stealing the credit card was wrong, didn’t you?"

"You were intoxicated/under the influence of a substance at the time of this incident, right?"

**Multiple Choice**

Another pitfall board members run into is offering multiple choice questions for the respondent to answer. Basically the board member offers the respondent all of the choices she or he deems appropriate. Often this type of question also provides the respondent with the answer the board members wishes to hear.

**Sample Hazing Questions**

1. What effect did your actions (or behavior) have on others? On the community? On yourself?
2. Explain what you hoped to accomplish through your actions.
3. Who is responsible for the operation of your organization?
4. What other options were there for you in this situation?
5. How would you feel if others were engaged in comparable behavior?
6. What would be the consequences to the community if everyone engaged in comparable behavior?
7. How would you describe your relationship with your line brothers/sisters?
8. When were you initiated? How long was your new member program?
9. Please describe the pledging process the semester you joined.
10. What role did alcohol play in your pledge process?
11. What happened during Hell Week?
For example:

"What were your feelings when you broke the window; were you angry, elated, frustrated, or just letting off steam? This was right around mid-term exam time."

Response: "Oh, I was just letting off steam; exams weren't going well..."

The respondent will choose the one that she or he thinks is least incriminating! Ask the question and stop.

**Silence is Golden**

Do not be alarmed when a question is asked and the person does not respond immediately. It is natural to think about a response before responding. Allow the person ample time to think without undue pressure to respond quickly. If the person needs clarification, let him or her ask for it; do not assume that she or he does not understand the question.

As discussed earlier, there may be a culture of secrecy amongst a Greek organization or even a non-Greek organization that may cause challenges for the board in receiving the facts of the case. We recommend in these cases, to encourage the board to question as much as possible about the information they are presented. It is likely that some of the questions asked by the board may be unexpected, this may be a potential “in” for gaining new information. It is important to remind your board of your institution’s standard of evidence (preponderance, clear and convincing or beyond a reason of a doubt). For example, a report submitted by a victim or the police may have enough information to find an organization or individual(s) responsible with a preponderance of the evidence standard, but it may not have enough evidence to meet the “clear and convincing” standard. Thoughtful questions, critical thinking and analysis, and strong fact-finding will be important skills to build in your board members to meet your institution’s standard of evidence.

**TESTIMONY & EVIDENCE**

*Unduly repetitious material should be omitted.* Often, the item stated loudest and longest may unfairly outweigh other evidence. You are charged with making the process “timely and efficient,” so feel comfortable excusing a witness who keeps repeating himself or herself and has nothing more to add.

*Irrelevant information should be excluded.* If statements or documents have absolutely no bearing on the case, then put a stop to it. Allow latitude if the information is somehow relevant. Also, be sensitive to the human emotions involved. Sometimes, the parent of a respondent will give a long, irrelevant speech (“when my son was 12, he was the leader of his Boy Scout troop, and...”), that will make him/her feel better about the process. It is important to let the respondent and/or the parents have their say and
to let them know that they are being heard, as long as their comments are not abusive or constitute an improper effort to put faculty members on trial for being a "bad teacher," etc.

**Hearsay is permitted and occurs frequently.** But, a decision may not be based solely on hearsay (see Code of Student Conduct, Annotation 35). The Board may consider it "for what it is worth," which is generally much less than testimony given from the source. In criminal/civil proceedings, witnesses are restricted to testifying to only what they have actually seen, said, or done. This is not the case with administrative, investigatory judicial hearings.

**Adversarial-style questioning should not be permitted.** Allow some latitude here, but neither the respondent nor the faculty member should be subjected to abrasive examination. Personal vindictiveness, sarcasm, and insults should be stopped immediately. Call a recess and speak privately with the offending party.

**Clearly immaterial and prejudicial evidence should be omitted.** Be liberal if you think the evidence is relevant. Damaging allegations that have no basis in fact should be omitted.

**Mention of prior findings at an Honor Review or from the Office of Student Conduct should not be brought up until sanctioning.** If a respondent has been found responsible before, it is relevant only during sanctioning. That information may lead a Board to find the respondent responsible again, with less than "clear and convincing" evidence. Although certainly a board member could ask this question of the respondent during the questioning section of the hearing.

**Relevant opinion and speculation can be given by a witness.** Instruct the Board to consider it "for what it is worth."

There will inevitably be other issues not mentioned here with which you will be confronted. Hopefully, you will find the experience of being "on the spot" to be challenging. A thorough understanding of the Code will be the greatest help.

**Objections & Suggested Responses**

Rulings by the Presiding Officer on procedural objections are not subject to vote by the hearing panel. Contested rulings are referred to the Director of Student Conduct or the Associate/Assistant Director for Student Conduct. All Presiding Officers, Board Members, and Community Advocates should be aware of these potential objections. For this section, Code refers to the Code of Student Conduct (but parallel provisions are also found, in most instances, in the Code of Academic Integrity, as well). These objections are most likely to be encountered in cases where a respondent is represented by legal counsel.
Request to "voir dire" (i.e., question the Board Members about their background and/or bias)

Questioning of Board members is not permitted, although the respondent is entitled to know names of persons sitting on panel. Challenges for bias may be made in accordance with the Code, Part 34[g] and Note 33. The person raising this objection should be informed that Board members have been instructed to tell the Presiding Officer if they are unable to judge the case fairly and solely on the evidence presented.

"Double Jeopardy"

The Fifth Amendment prohibition against double jeopardy applies only in criminal cases. The state may impose a criminal and administrative penalty for the same offense. See Code, Part 8.

Found innocent in criminal case or charges dismissed

This result, based upon a higher standard of proof, has no bearing on the outcome of a college or university disciplinary case. See Code, Part 8.

"Beyond a reasonable doubt" standard of proof

The "beyond a reasonable doubt" standard does not apply in University Student Judiciary (USJ) proceedings; USJ uses the "clear and convincing standard," which is not as high or demanding of a standard of proof as the "reasonable doubt" standard.

Right to remain silent

The hearing board will draw a negative inference (not an automatic finding of responsibility) from such a refusal. Testimony given under these circumstances cannot be used in a criminal proceeding. See Code, Annotation 10. Refer counsel to Director of Student Conduct for case citations.

Leading questions

The Presiding Officer should remind the person conducting the questioning to avoid asking questions which suggest the answer. Leading questions may be asked on cross examination.

No "Miranda" warning given by Police

The Miranda rule has not been extended to college and university disciplinary cases.
"Best evidence" rule
A photocopy or other duplicate of the original may be admitted into evidence. Technical rules of evidence do not apply in these proceedings.

State Administrative Procedure Act (APA) applies
The University of Maryland system is specifically exempted by statute.

Exclude "illegal evidence" (exclusionary rule)
The courts have consistently held that the exclusionary rule does not apply in college and university disciplinary hearings. Refer counsel to Director of Student Conduct for case citations.

Evidence prejudicial or not relevant
We are liberal in admitting evidence in administrative proceedings and can consider it "for what it is worth." Only clearly immaterial, conjectural, or unduly repetitious evidence should be disallowed. Mention of prior disciplinary or residence hall violations should be withheld until sanction hearing. At sanction hearings, we do not accept "reports" of possible violations that were not admitted or resolved in accordance with University procedures.

Notice not timely or sufficiently specified
Allow hearing to proceed, unless you are convinced the respondent did not have five days' notice, or charges lacked sufficient detail to permit preparation of defense. Set new hearing date, and refer to the appropriate staff member.

Surprised by new evidence/no discovery
If evidence was unavailable to respondent, and is important, you may grant continuance and adjourn. However, as long as the respondent is granted a reasonable chance to review the information and prepare a response, the hearing can proceed after a brief recess.

Testimony is mere opinion or speculation
The rules of evidence are much more liberal in an administrative hearing. We will consider the testimony "for what it is worth."

Only "circumstantial evidence" is available
Circumstantial evidence can be sufficient to result in a conviction, even in a criminal case.
"It's only one person's word against another's"

It is possible to resolve a case even if two individuals give contradictory testimony about an issue in dispute. Members of the hearing panel should listen carefully, ask questions, consider the logical consistency of the testimony, evaluate the demeanor of the witnesses, and make a judgment.

Request for information and/or an open hearing

All proceedings within the Office of Student Conduct/Office of Rights and Responsibilities are protected by the various educational privacy acts which have been enacted at both the state and the federal level. As a result, you are not permitted to release any information about a particular case or any persons involved in a case to anyone, including parents. As a result, you are not permitted to “open” a hearing. All requests for an open hearing must be approved by the Director one day prior to the hearing date.

Requests for postponement

Try to avoid postponements at the outset of hearings, unless you think it would be fundamentally unfair to either side to proceed. You can be more flexible regarding requests to adjourn once key witnesses have testified.

Other objections

Rely on common sense and basic fairness. Be liberal in admitting all relevant evidence; inform counsel that the Board will consider the weight, if any, to give to it.

Hearing Logistics

Setting ground rules

It has been our experience that some Greek organizations were initially less than respectful to the hearing process. In fact, their attitude made it difficult to accomplish what was needed to properly adjudicate the case. To streamline the process and to improve this process, you may want to consider sending a list of ground rules and the hearing agenda in advance to the hearing to properly prepare the respondents of what may take place during the course of the hearing. These cases can be timely, therefore advance preparation and communication can resolve procedural questions respondents may have that can take up time during the hearing. See Appendix U for a sample of continued hearing notification and setting ground rules.

Pending on the space of your office or where hearing rooms are situated, they may be too small or less than ideal to accommodate multiple respondents, complainants, parents, attorneys or student defenders, and witnesses. It may be beneficial to send a notification in advance to the hearing requesting that the respondents limit their guests in attendance. Additionally, you may want to include in the message
requests from respondent(s) any technological needs to support their narrative accounts. See Appendix V for a sample of confirmation of individuals present.

**Coordinating the hearing**

Check with the complainant(s), board member(s), respondent(s), and witness(es)’ schedules to try to coordinate a time that meets everyone’s availability. However, if you may not find a time that fits everyone’s schedule it is recommended that you prioritize by first having a board. Second, prioritize the complainants’ schedule, as their schedule may be difficult to accommodate because they may be a staff member, or police officer. Third, accommodate the respondent(s). There may be multiple respondents therefore trying to accommodate class schedules, work, volunteer work, and other responsibilities is too challenging. Additionally, if they care about the hearing and the seriousness of the allegations they will make it a priority to attend. Finally, witnesses schedule should be the last schedule to accommodate. If they are unable to attend, at least you will have the main participants. Additionally, you may want to consider Skype or phone calling in witnesses that are unable to attend.

If you intend to have any expert witnesses testify such as a doctor to explain a hazing injury, you may want to provide that witness information on when to expect to attend or receive a phone call from the board. Sensitive medical information should be cleared by the affected student. Any photographs that display graphic images must be cleared by the affected student(s).

**Multiple Dates**

Pending on the seriousness of the allegations, number of respondents, and number of Having the foresight to know that a hearing will be lengthy is helpful in planning and coordinating the hearing.

**Victim Support**

Recognizing that a victim may feel uncomfortable, scared, or nervous during a hearing, it is important to provide support to this individual during the hearing process. Discussion with a victim about the hearing process and what to expect is highly recommended. Asking what their level of comfort in confronting the organization should be made as well. Providing the victim with the option to be present with a partition or Skyping in from another room should be considered to protect the victim. Additionally, permitting individuals to support the victim in the hearing room should be accommodated.

In the event that a victim or any respondent is clearly overwhelmed by the information being presented during a hearing, it may be necessary to take a brief break from the hearing. Prepare your presiding officer in advance to take necessary breaks. If it is clear that the student may need to stop the hearing altogether or needs immediate assistance, refer them to counseling or a mental health professional immediately.
Technology
Sometimes hearings require the use of technology to support a complainant or respondent with their
narrative accounts or for evidence they may be supporting. Prior to the hearing, confirm whether anyone
needs a computer or other technological items to support their account or evidence. Additionally,
preparing two recorders with batteries is important for the purposes of recording the hearing.

Below is a checklist of items that may be necessary for a hearing.

- Audio Recorders
- Batteries (AA and AAA)
- Computer
- Computer Charger
- Projector
- Speakers
- Extension Cord
- iPad
- iPad charger
- Video evidence

Copies
Like any case it is important to have enough copies of the original report and any supporting evidence
for the board members. It is helpful to have a couple of extra copies on hand in the event that it is
requested. Request that responding and complaining parties submit any pertinent documents to their
narrative accounts in advance to hearing should be requested to prepare copies in advance. If your office
has a policy of not making copies for the complaining or responding parties, then inform them of the
number of copies needed for your hearing board.

While it is not required, in an attempt to simplify the hearing process for your board consider creating a
worksheet for them to fill out while the hearing takes place. It may make it easier for them to keep track
of the multiple respondents, complainants, and witnesses that may provide narrative accounts during the
hearing process. See Appendix W for board notes.

Subpoenas
Some codes of conduct may allow for the use of a subpoena to campus or community witnesses. This
may add to the logistical “to do” list. For example, at the University of Maryland board members may
make a motion to the presiding officer to subpoena a witness if they believe they may gain new
information or may successfully corroborate a narrative account. Prior to a hearing taking place, whoever
is preparing the case (student or staff member) should make a list of witnesses that may be helpful to
providing accurate content for a hearing. The person responsible for contacting witnesses should do so
in advance of the hearing to prevent the need of a subpoena if possible. However, new information may be released thus requiring a subpoena to be issued. See Appendix X for subpoena requests.

**Board Deliberation**

These cases take time and allowing for plenty of deliberation time for the board is key. There may be multiple stories to decipher, pages of evidence to review, and discussion that is necessary to come to a determination of responsibility. It can be a difficult process for your board, therefore giving them the time to process the case with little interference will be essential.

To assure success, make the board members aware before they sit on the hearing that it will be long and lengthy. That way they can prepare their schedules accordingly. Inform them that they may take as much time as necessary and to not to feel pressured to come up with a determination immediately. Consider providing pizza or some other food during board deliberations as they may go late into the evening sometimes. Additionally, utilize technology when going through the fact finding process. We have provided our boards with a computer to type the facts rather than writing them which helped the officer responsible in writing the board opinion. Our graduate board advisor set up a google doc as well that the board could add information between hearings to a live document that could later be downloaded.

At the University of Maryland, the presiding officer for the board completes a case adjudication report and a board opinion that outlines what the respondents pled, the findings of fact, determination of responsibility, and the sanction recommendation. This sanction recommendation is made to the Office of Student Conduct and the office either confirms or amends the sanctions. A staff member of the Office of Student Conduct then informs the respondent of the administrative sanction that is being recommended (such as suspension or expulsion), an attachment of the board opinion, and a request to meet with them before a final sanction is imposed. See Appendix Y for case adjudication report and Appendix Z for hearing meeting request.

**Snapshot of issues**

1. What days of the week are best suited to hear the case?
2. Are all parties aware of the date and time of the hearing?
3. Has the date and time been confirmed?
4. Secure a location.
5. Has the Campus Advocate been briefed. Allow for extra time to prepare case. Case should be given to Campus Advocate even if a specific date and time has not been identified.
6. Is there documentary evidence?
7. Are there pictures? Does your campus have to consider if there are violations of Health Insurance Portability and Accountability Act (HIPAA)? FERPA if the images are shown?
8. Monitor parties. Take breaks if necessary.
9. Conduct the hearing in a secure location.
10. Hold transcripts during the pendency of the case
11. Provide in advance copies of all reports
12. Keep administration abreast of processing of the case.
HEARING FOLLOW UP

- Sanctioning
- Developmental indicators and sanction considerations
- Purposes of sanctioning
- Mitigating and aggravating circumstances
- Organizational sanction ideas
- Restorative justice
- Conditional Reinstatement
- Assessment

SANCTIONING

This section focuses on sanctioning as it relates to hazing. The first part is taken from the University of Maryland’s University Student Judiciary manual (2012) and it may be helpful for your own members of a judicial board to better understand a student’s development, consider sanctions based on their level of development, the purposes of sanctioning and mitigating and aggravating circumstances.

This section concludes with a number of sanctions catered towards hazing that may be helpful to you or your judicial boards. Some of the sanction ideas are the result of a survey we conducted. We sent an email request to members of the Association for Student Conduct Administration (ASCA) through the listserv to solicit requests. Additionally, while attending the ASCA conference we approached a number of conduct officers from different schools to inquire if they would be interested in completing our survey. While the response rate was rather low (18 responses), the information is rich and helpful. We have included the results of our survey and questions asked of campuses in preparation of creating this manual to better understand how campuses are addressing, adjudicating, and educating students about hazing.

Intro to Sanctioning

Students found responsible for disciplinary offenses are subject to sanctions. The aims of sanctioning are to protect the campus community, deter future offenses, promote individual accountability, and enhance ethical development.
As you listen to, question, and interact with students referred for potential violations of the *Code* (and ultimately make decisions about responsibility), it is important to understand and think about the students’ levels of moral and ethical, personal, and cognitive development. Understanding a student’s developmental level will be helpful in the sanctioning process as you think about what sanctions will be the most developmental for a particular student and what areas a student may need helping in developing.

When thinking about student development, think about it in terms of how a person changes while in college – what guides decisions or how a person makes judgments about right and wrong, how a person thinks about knowledge, what is important to a person, how someone interacts with others, and how a person feels about himself or herself and identifies himself or herself. Think about yourself and how you might have changed in these areas since you started college and what might have contributed to these changes (this might be difficult to name).

Why and how development happens:
- Often 18-19 year olds come to college with narrow worldview, limited sets of knowledge, and limited experiences.
- College offers many new and challenging experiences, people, and ideas.
- Experiences, people, ideas provide new ways of thinking about something, new information, opportunities to interact with people very different from self or friends from high school.
- Change comes from challenge, uncertainty, new ideas, and cognitive dissonance (i.e., thought one thing, met someone who thinks another thing, that makes sense, so now I don’t know what to think)
- Levels of confidence change (often go down before they go back up), changes occur in how you think, how you interact with others, how you make decisions, and your own identity.
- The college environment is intentional in fostering development by challenging students and providing support for the uncertainty that comes from these challenges.

Our mission is to provide educational and developmental opportunities (i.e., opportunities to challenge current ways of thinking and being) for students through the conduct process – much of this comes in during sanctioning.

Our aim in providing the information below is to help you understand the developmental issues students face and to provide the foundation for recommending an appropriate sanction. You should not try to place students into one category, level, or stage within a theory. Although people may tend to think more in one way than another or are working on competence in one area more than others, people
rarely fit neatly into one particular category and typically exhibit some aspects of a few categories/levels/stages depending on the situation.

**DEVELOPMENT INDICATORS & SANCTIONING CONSIDERATIONS**

The next section describes some of the indicators of a student’s development and sanctions that you may want to consider assigning to a student. Remember that the goal of sanctioning is to challenge the student to reflect on their behavior and deter them from violating future university policies.

**Lower Levels of Development**

**Indicators**

- Low/little self-esteem and self-efficacy
- Not knowing how to do something or where to get information (“Nobody told me . . .”)
- Inability to manage emotions; is combative or overly defensive (“You tell me. You made the policy.”)
- Expresses need for approval/recognition from peers, faculty, family, etc.
- Needs a FIRM definition; dislikes ambiguity, unable to understand nuance in rule (e.g., “I thought plagiarism was just copying and pasting large portions, so what I did isn’t plagiarism because I put in my own words and changed around the sentences)
- Goes along with the crowd
- Thinks punishment would be unfair because others do the same thing and do not get in trouble
- Sees actions as fulfilling need for survival
- Sees actions as fulfilling own needs with little or no concern for others’ needs
- Does not see how action affects the community
- Action not seen as serious or hurting anyone ("It’s no big deal")
- Sees breaking rules/regulations as reciprocity for some perceived unfair act
- Appears self-oriented
- Does not connect current behavior with future life

**Sanctioning Considerations**

- Provide means for clarification of rules/regulations and reasons for existence
- Provide means for students to formulate and express own understanding/opinions using and exploring various types of evidence
- Provide means for supporting or increasing self-esteem; be careful not to damage self-confidence
- Ensure that sanctions do not cause student to be or feel like a failure; temper sanctions with care for student
• Provide opportunities for students to understand full range of consequences (potential and actual) to themselves
• Provide opportunities for students to interact with peers and staff who are at higher levels of development (Role Modeling)
• Provide opportunities for student to understand his/her role in the community (service-oriented)
• Discuss notions of fairness, reciprocity, community standards, and effect of action on community as a whole
• Provide specific rationale for sanctions that addresses developmental needs (different for every student)
• Engage students in dialogues/activities about their sense of themselves as individuals
• Make sure that sanctions are structured and are followed-up upon

**Mid-Range Levels of Development**

**Indicators**

• Questioning interpretation of rule/regulation and reason for it
• Expresses own opinion on rule/regulation (not evidence based)
• Disagrees with rule but provides scant reasons why
• Sees act as way to help others
• Sees act as way to avoid hurting others (sacrifice)
• Admits act/decision was “stupid”
• Knows act is wrong and takes some responsibility, but . . . (might provide some excuse)
• Sees act as helping or not hurting the group
• Confused over definitions
• Other people gave alternative definitions or reasons why something was okay
• Unable to answer questions about why committed act or made decision (“I just don’t know”)
• Didn’t think/know that others would be bothered or offended
• Action tied to self-discovery or exploration of identity

**Sanctioning Considerations**

• Strictly enforce rules and sanctions
• Provide means for students to formulate and express own understanding/opinions using and exploring various types of evidence around the issues associated with the act
• Provide opportunities for students to interact with peers and staff who are at higher levels of development (Role Modeling)
• Provide opportunities for student to understand his/her role in the community (service-oriented)
• Engage students in dialogues/activities about their sense of themselves as individuals
Discuss notions of fairness, reciprocity, community standards, and effect of action on community as a whole
- Provide specific rationale for sanctions that addresses developmental needs (different for every student)
- Engage students in activities where they interact across difference (people, ideas, & values)
- Have ethical dilemma discussions with students, allow for personal reflection
- Provide opportunities to explore interconnectedness of all people
- Provide opportunities to explore issues of fairness and care for others
- Engage students in discussions/reflective activities about consequences and stakeholders in their decisions (community-centered)

Higher Levels of Development

Indicators
- Readily admits knowingly violating rule but chose to do so out of several options
- Participated in action for the greater good
- Saw action as the lesser of two (or more) hurts or bad options
- Action as a reasoned form of protest
- Sees action/decision as personal right that does not infringe on others’ rights
- Disagrees with or has differing opinion on rule/regulation that is evidence-based
- Sees connections between current actions and future life
- Action in accordance with personal values and understands that these values are different from institution
- Does not provide excuses
- Willing to accept consequences

Sanctioning Considerations
- Provide opportunities for in-depth, reflective exploration of rule/regulation and affect on community
- Praise lack of excuses and ask student to provide own ideas for sanctions
- Provide opportunity to be individually responsible for some task/project
- Provide opportunities for discussions about global society and interconnectedness of all
- Provide opportunity to discuss the ethical implications and values present in the action and in the rules/regulations
- Provide opportunities for reflection on how action affects future decision-making and life
- Provide opportunities for reflection on own decision-making and developing alternative options for the act and future actions
PURPOSES OF SANCTIONING

The sanctioning process entails four basic elements - deterrence, education and development, assistance, and punishment. It can be argued that any response is punishment, but to help you in deciding appropriate sanctions we have identified these areas for you to consider. For any violation of community standards, one should be punished, but he or she should also learn from the experience. Punishment serves the purpose of providing notice to the respondent that he or she violated community standards and hopefully deters him/her from engaging in similar behavior in the future. The educative process allows us to "educate" violators about the effects of their behavior for themselves and others and help in their personal and cognitive/moral development. It also is important for us to address the cause of the behavior - what issues are the student struggling with that may have contributed to the behavior.

During the sanctioning portion of a hearing, board members are encouraged to engage the respondent in a conversation that leads to a better understanding of the person’s moral and ethical, cognitive, and personal development. One way in which to structure this conversation is to use the Expanded Ethical Decision-Making Model as a guide for asking students how they are thinking about the situation for which they are in a hearing. Using the Model as a guide for questioning will allow board members to ascertain how well a student understands the affect of his or her action on others, how the action compares to ones’ own values or the community standards, and how well the student understands the complex ethical nature of his or her violation and decision.

Each of these elements should be carefully considered when deliberating sanctions. As you question the respondent throughout the hearing you should keep these factors in mind. In essence you should ask yourself, “what will have the greatest impact in each of these areas without unduly punishing the student?”

1. **Deterrence**
   The disciplinary response should be serious enough to deter the student from engaging in the behavior again. We would hope the mere fact that the student has to go through the process would serve as a deterrent, yet that is not always the case. By serving notice to the student through administrative action, the student understands that further violations may result in suspension or expulsion. Obviously, the imposition of a separation from the University serves as the most severe form of deterrence.
2. **Education and Development**

By the conclusion of the process we hope the student will have been educated about the consequences of his or her behavior, both personal and for others. This may be accomplished during the hearing itself as evidenced by the student saying, "I hadn't thought of the impact on other people." The hearing panel has succeeded in engaging the student in a discussion that challenged his or her thinking. In other cases, however, a more thought-provoking project may be assigned so the student can reflect on his or her actions and grow. Be careful in applying "educational" projects to students who may be at lower levels of moral development. A community service project may just be viewed in a punitive manner, but this may still be educational (but not developmental). Sanctions that involve time and space for students to reflect on their behaviors are both educational and developmental. For some students, a paper works, others will need to take the e-thos seminar, and for others, suspension might be the best way to afford a student time and space to reflect.

3. **Assistance**

Throughout the hearing the student presents to you factors which caused him or her to violate standards. In some instances alcohol may have contributed to the behavior. In others, personal crises may have been contributing factors. While you should not allow these factors to excuse the behavior, they may need to be addressed in the sanctioning. Alcohol education may be appropriate to assist a student with alcohol use and abuse. Stress, the most recent phenomenon among discipline cases, may necessitate the imposition of a stress reduction workshop. A word of caution, however, must be added: You are not experts in the field of psychology and should not be in the position of diagnosing emotional problems.

4. **Punishment**

Punishment is an appropriate response to violations of community standards. Most cases will require less strict punitive sanctions; however, others will demand the most punitive sanction - expulsion. When considering punishment, you should carefully weigh out any mitigating and aggravating factors. The punishment should take into account not only the respondent but also the campus community as well. You should decide what standard of behavior students should be held to at the University. A light penalty may result in the respondent believing he or she "got away with it" resulting in more violations. A severe penalty may be unduly harsh to the respondent.

The challenges are many! The key here is your assessment of the respondent's level of development. While we won't engage in a lengthy discussion of the theories, it is imperative for you as a panel member to understand that each of us are at a level of development that is characterized by the decisions we make when confronted with moral dilemmas. Assigning sanctions for the appropriate developmental levels may be able to challenge students to move to higher levels of development. For instance, asking...
the respondent why he or she did not consider the consequences to others may challenge him or her to do so in the future.

Below are some additional questions to ask the student and to consider when deciding on appropriate sanctions.

- What was the **intent of the student**? What was the student’s motivation for behaving inappropriately and in violation of the *Code*? Did s/he intentionally violate a policy? Was s/he aware of the possible consequences or was there some plausible explanation?
- What were the **actual consequences of the behavior**? Was there physical damage or personal harm (physical, emotional)? What were the effects of the behavior?
- What were the **potential consequences of the behavior**? If not caught, would physical damage or personal harm have occurred? What potential harm could the student have suffered?
- Were **alcohol or drugs a part of the incident**? Did the student demonstrate that s/he is not a responsible drinker or a habitual drug user? Is s/he under the legal drinking age? Does the student show a pattern of abusing alcohol or drugs?
- What is the **attitude of the student**? Is s/he willing to accept responsibility for the behavior? Does s/he refuse to cooperate and not willing to accept responsibility? Does s/he display any sense of empathy for others?
- What is the student's **past record**? Is there a trend of this type of behavior or other violations?

Here are some additional questions you and the hearing panel should attempt to answer when deciding what type of sanction is appropriate.

- What does the *Code of Student Conduct* require for the violations? Are there standard sanctions for violations?
- What **significant aggravating or mitigating** factors would warrant a lesser or more severe penalty? (see next section)
- What action would act as an appropriate **punishment** for violating community standards?
- If suspension or expulsions are not imposed, what action by the board would help the student learn and grow from this experience?
- What action would help the student take the process seriously and to think about her/his behavior?
- What action would serve to **deter** others from similar behavior and to maintain community standards?
- Is the sanction in any way demeaning? Is it a realistic sanction to expect the student to carry out?
- Does the sanction fit the incident?
By no means does this discussion of development theory and sanctioning suggest that suspension or expulsion should not be imposed. Certainly your role as judicial board members is to carefully consider the impact on the community as a whole and the type of standard you wish to set. Often the most painful punishment is necessary. Regardless of the mitigating factors or the level of development, a severe physical assault may require a suspension if only to serve notice that such behavior is not tolerated! Each of us should understand this is a civilized community - what type of community do you want of create within the University?

MITIGATING & AGGRAVATING CIRCUMSTANCES

Mitigating and aggravating circumstances should be considered when the board is determining a sanction. A mitigating circumstance is one that occurs at the time the alleged violation occurs. This mitigating circumstance is one that would have affected the respondent’s thinking or state of mind at the time of the violation. While the Code of Student Conduct states that present demeanor and remorse of the respondent may be considered by the board as mitigating circumstances, board members should exercise caution and use deep questioning to determine whether a respondent is remorseful that he/she violated the Code in the first place or whether they are simply remorseful that they were “caught” violating the Code.

An aggravating circumstance is present either at the time of the action or is a result of the alleged violation. The presence of an aggravating circumstance should instruct the board to consider a more severe sanction. Section 23 of the Code of Academic Integrity offers guidance as to what some aggravating circumstances might be: “Generally, acts involving advance planning, falsification of papers, conspiring with others, or some actual or potential harm to other students will merit a severe sanction, i.e. suspension or expulsion, even for a first offense. An attempt to commit an act shall be punished to the same extent as the consummated act.”

Although the Code of Student Conduct includes different definitions of aggravating and mitigating circumstances, the details are presented here so that all board members may use these guidelines to determine aggravating and mitigating circumstances – regardless of which Code they are defined in. Remember that all students will be affected from the result of any sanction; after all that is the purpose, in part, of imposing a penalty. Moreover, the exact consequences will vary from student to student. The Board should refrain from placing itself in the position of judging the severity of the consequences. Try to
BUT I FEEL BAD SUSPENDING/EXPELLING A STUDENT

It is completely normal to feel emphatic to a respondent’s situation. That is part of being human and being a caring individual. It is possible you may have been in a similar scenario and can relate to a respondent’s situation. However, in the end you have a responsibility to the campus community. When making a difficult situation about a student’s sanction consider the following:

- How did their actions impact the campus community? The respondent? The complaining party?
- Were their actions in violation of the academic or non-academic Codes?
- If the student is found responsible for this act, why should they receive a lesser sanction?
- By giving this student a lesser sanction, what message are you sending to other students that act in a related manner? To the campus community?

Remember, it is important to separate empathy from the facts of the case and the standard sanctions on campus. Many times by sanctioning a student to dismissal it is the best thing for them in the long term. And if there are mitigating circumstances that are significant consider sanctioning accordingly.

Mitigating Circumstances

In general, mitigating circumstances need to be addressed on a case-by-case basis. Students should be expected to be remorseful, to be honest with the Board, and, if they are responsible, to admit responsibility for their actions. Therefore, the presence of these characteristics are not mitigating elements. Their absence, however, may be taken as aggravating factors.

The Code of Student Conduct states that the “present demeanor and past disciplinary record of the offender...” shall be considered in mitigation. The Code of Student Conduct goes on to say that “the language concerning mitigating factors is broad enough to give decision-makers considerable leeway to do justice depending upon the facts in each case. The burden on establishing facts in mitigation should, of course, be upon the respondent.”

The result has been that respondents have maintained that all sorts of things are mitigating. After Board members sit on a few cases, they generally have a good idea of a "standard" case. But until that point, here is a list of "circumstances" with which Board members are often confronted. Board members have debated and will likely continue to debate the degree to which these issues should be factored into the sanction determination. This list is meant to promote discussion of these issues and not necessarily to dictate what is and is not acceptable judgment on your part.

Aggravating Circumstances

The following acts may merit a more severe sanction.
**Advance planning**
Premeditation is often a factor. How far in advance did the student decide to be dishonest? What steps did the student have to take to commit the act?

**Falsification of information**
Extensive invention of information in a written assignment.

**Actual or potential harm to other students**
Did the student’s actions have an adverse effect on one or more students?

**Evidence showing a cover up after the initial act**
A pattern of behavior designed to conceal the original act of dishonesty.

The Board may also consider other acts to be aggravating, on a case by case basis. For example, a student who has a prior record of violating the Code may be sanctioned more heavily the second (or third) time. Also, a student who repeatedly lies to the Board and frustrates every attempt to come to a truthful conclusion may merit a more severe sanction. A majority of the Board must find the act to be aggravating to implement a sanction more severe than the standard sanction.

**Organizational Sanctions**
In evaluating the efficacy and greatest impact to a student organization or student found responsible for hazing there are a couple of important items to keep in mind. First, you will want to make sure that the sanction is capable of enforcement. For example, you do not want to sanction an organization with 40+ students to an alcohol program at your health center as it may inundate your health center’s operations. However, if you have found an organization responsible with just 10 students, sending them to an alcohol program may be less cumbersome to your health center.

Second, administrative sanctions are important as it regulates or holds an organization accountable to their actions. However, it is important to keep in mind that despite the atrocities that may result from hazing, education and learning from this experience is important for the student.

Finally, just like any student conduct case the sanction should fit the violation. Pending on your campus culture and tolerance for hazing will of course dictate the sanctions you may impose on an organization. Progressive sanctioning may be helpful for an organization that may violate the hazing policy for a minor violation. For example, expelling a sorority that requires all new members to wear a pin during the pledge process may be slightly extreme. What may be a positive alternative is either warning the group or placing them on behavioral probation for a
set period of time with an educational sanction requiring that they present on hazing or group think.

We have supplied some sample sanction notifications that may be helpful in crafting your notifications to students. Additionally, below you will find a list of administrative and educational sanctions that may be helpful. See Appendix AA for sample sanction notifications to the students and state chapter.

**Administrative Sanctions:**
- Behavioral probation
- Loss of social privileges
- Removal from housing
- Loss of recognition
- Probation (disciplinary or social)
- Expulsion
- Suspension
- Suspension of social privileges
- Warnings
- Removal of recruitment privileges for one year
- Revoke charter privileges
- Monitoring with national organizations

**Educational Sanctions:**
- Learn about “Group Think” research and present on the topic
- Recruitment educational planning
- Alternative team development programs
- Risk management education
- New member rewrites
- Organizational culture assessment
- Restorative sanctions
- Reflection papers
- Alcohol education classes
- Anti-hazing workshops, seminars, or presentations
- Creation of new governing documents (focus on new member intake and educational process)
- Present to peers on topics
- Greek Life Edu
- Ethical decision making seminar or module
- Restitution
**RESTORATIVE JUSTICE**

Restorative justice is becoming a prominent alternative to the classic student disciplinary process for student conduct offices. Utilizing restorative justice in a conduct setting can be transformative for the offender and may strengthen the campus community. Restorative justice theory “emphasizes repairing the harm caused or revealed by criminal behavior. It is best accomplished through cooperative processes that include all stakeholders” (Restorative Justice Online, 2013).

Some research has been produced on the use of restorative justice for hazing related incidents. DeWitt and DeWitt (2012) investigated a case study in a high school where hazing was deep rooted within the community between entering freshmen and upperclassmen. Parents and community members were well aware of the “tradition” of hazing the incoming class, so much so that one mother even had her daughter driven in a limousine to be hazed. The school was unaware of these hazing activities until someone the hazing acts to the high school.

The high school subsequently addressed hazing as a community issue. The restorative justice plan included students having to attend speakers on hazing, a personal action plan for the students that included presenting to high school and junior high school students on the disciplinary consequences of hazing, and they had to complete community service to pay back the community for using taxpayer resources. As a result of the school’s restorative justice intervention, hazing diminished severely from the campus culture after just a few years.

Allena and Rogers (2004) provide another look and usage of restorative justice for hazing cases, however it is set within a college setting with a sorority. Their article investigated the incident and consequences, and how university officials used restorative justice in addressing the sorority’s behavior.

Restorative justice may not be applicable in all hazing cases, especially severe cases where death or severe impairment may take place. However, it may be a healthy alternative for your campus community to utilize to demonstrate the effects of hazing on students, faculty, and staff. Oftentimes students do not have the foresight to comprehend how their actions impact a school or organization and restorative justice may be the intervention necessary for them to grasp the severity of their actions.

**CONDITIONAL REINSTATEMENTS**

When an organization has been suspended from campus there should be in place conditions for the organization or group’s return. These conditions should be in the sanction notice. What follows are samples of conditions that can addressed throughout the initial years of an organization’s return to campus.
ORGANIZATION is eligible for return to the University of Maryland campus this YEAR with the approval of the GOVERNING BODY. ORGANIZATION must submit an appropriate request for approval in order to re-colonize.

No undergraduate members of the BLANK CHAPTER as of DATE may be involved in any effort to gain university recognition.

For the next three years, provide the Office of Fraternity and Sorority Life (OFSL) a review of colony and chapter activities at the beginning of each Fall and Spring semesters. This review should include a detailed timeline that outlines all new member class meetings and outside activities.

For a period of three years, an annual review process will be conducted with BLANK students. Representatives from the Office of Student Conduct, Office of Fraternity and Sorority Life, and the Office of the Vice President for Student Affairs will be impaneled to review the activities of the ORGANIZATION. The President should choose between 3-4 BLANK to attend the review process. For example, BLANK may be asked to show evidence of substantial team building activities and how do these activities develop a brotherhood/sisterhood.

During the three year period, an annual evaluation will be conducted by the Office of Fraternity and Sorority Life and the Office of Student Conduct. Representatives from the Fraternity Headquarters will meet with such campus representatives twice a year in order to provide a full and comprehensive report of specific learning activities. Failure to comply with the conditions will result in a rejection of reinstatement.

**ASSESSMENT**

Evaluative measures have been revamped in our office and we are partnering with Campus Labs so every student is able to provide feedback on the student conduct process. The non-academic process will be examining ways to receive feedback from complainants.

Learning outcomes are assessed for students that petition to void their disciplinary record, interpersonal and intrapersonal competence, humanitarianism, ethical and principled reasoning, and decision making.

**Works Cited**


EDUCATIONAL OUTREACH, RESOURCES, & LITERATURE

- Educational practices by other colleges and universities
- Articles, Research, & Literature
- Websites
- Books
- Webinars

EDUCATIONAL PRACTICES BY OTHER COLLEGES & UNIVERSITIES

- IFC/PHC Recruitment
- Hazing Awareness Week
- Specialized speaker series
- Role playing
- Leadership institute for Greek leaders
- Hazing coalition
- Hazing website
- Anonymous reporting
- Speaking to Greek 101 classes
- Orientation outreach
- Workshops
- Trainings
- Hazing Institute

ARTICLES, RESEARCH & LITERATURE


**WEBSITES**

The following websites are helpful resources that we came across throughout our research. Some of the sites are from colleges and universities while others come from nonprofits, researchers, and associations. These sites may be helpful to you.
**Colleges & Universities**

Bowling Green State University:
http://www.bgsu.edu/offices/sa/studentconduct/page26212.html

Cornell
www.hazing.cornell.edu

Drexel University:
http://drexel.edu/studentaffairs/programs_events/programs/dragonsagainsthazinginitiative/hazingeducationinitiative/

FAMU:
http://www.famu.edu/hazing/index.php#prettyPhoto[ajax]/5/

Florida State:
http://hazing.fsu.edu/

**Nonprofits, Researchers & Associations**

Association for Student Conduct Administration
http://www.theasca.org/

Association of Fraternity & Sorority Advisors, Student Conduct Research Guide:
http://web.centre.edu/schutts/Hazing_on_Campus.pdf

Hazing Prevention.org
http://www.hazingprevention.org/

Hank Nuwer
www.hanknuwer.com

Inside Hazing

National Hazing Prevention Week. (2011). Connect the dots: Unite to prevent hazing:
National Collaborative for Hazing Research & Prevention
http://www.hazingstudy.org/

National Collegiate Athletic Association
http://caps.sdes.ucf.edu/docs/hazinghandbook0108%5B1%5D.pdf

National Hazing Symposium, University of Maine (2009)
www.hazingstudy.org/reports/day1.pdf

Stop Hazing.org
http://www.stophazing.org/

**Law**
School Violence Law, Doug Fierberg:
http://www.schoolviolencelawyer.com/school-violence-resources

Title IX & OCR Compliance

**Other sites**
Gordie’s Call:
http://gordiescall.org/

In Memory of Jack:
http://inmemoryofjack.com/

We miss you Matt:
http://wemissyoumatt.com/

**BOOKS**


**WEBINARS**


CONCLUSION & SPECIAL ACKNOWLEDGEMENTS

This manual was designed to equip a student affairs administrator in the adjudication of hazing cases on their campus. A survey was sent to the Association of Student Conduct listserv and individual emails were sent to conduct officers requesting how hazing was addressed on their respective campuses. The sample represents a cross section of small, medium, and large colleges/universities and public/private institutions. We hope the various institutions represented will help you enhance your hazing adjudication efforts on your campus. While the emphasis in this manual was on adjudication, there is still in an ever pressing need to enhance awareness of hazing acts within the college and university communities. Many schools have initiated hazing task forces on their campus to review policies, culture of organizations, and outreach efforts. Engage all members on your campus on these committees. Given the complexity of the investigations remember your responsibility is to ensure the safety of students, enhance their overall development, and protect the campus community.

SPECIAL ACKNOWLEDGEMENTS

Chelsee M. Benté and Tamara M. Saunders would like to thank current and past University of Maryland staff (see list below) and our fellow colleagues that took the survey (see list below), and friends and families for their support with this project. We appreciate the tireless work, historical context, and support of these individuals with this project. Personal and professional experiences have helped to shape an ever increasing need to continue to address a culture of hazing that persists within our communities and society at large. We encourage our colleagues to not only critically examine, evaluate, and refine their current adjudication processes but also to identify concrete outreach efforts to end the cycle of hazing our students.

Dr. John Zacker, University of Maryland
Mr. Matthew Supple, University of Maryland
Dr. Andrea Goodwin, University of Maryland
Ms. Laura Anderson Wright, University of Maryland
Mr. Kevin Pitt, University of Maryland
North Dakota State University
The George Washington University
University of Southern Maine
University California, Riverside
College of Charleston
University of Kentucky
University of Nevada Las Vegas
The Ohio State University
George Mason University
Rutgers University
The Florida State University
University of Delaware
Salisbury University
West Virginia University
Massachusetts Institute of Technology
Boston College
University of Michigan
The following pages contain information on the questions and responses we received from a selection of colleges and universities. We sent requests via the Association for Student Conduct Administration listserv and through personal communication. We received a total of 18 responses from a wide range of institutions across the country. The response rate was lower than we expected however the information provided was rich with resources and ideas on adjudicating hazing cases.

Approximately how many hazing allegations does your conduct office adjudicate per year?

<table>
<thead>
<tr>
<th>Category</th>
<th>Of the cases investigated, how many investigations found the organization or student(s) responsible for hazing related activities?</th>
<th>Of the cases investigated, how many investigations found the organization or student(s) not responsible for hazing related activities?</th>
<th>Of the hazing investigations conducted, how many cases resulted in a criminal conviction for the student(s)/alumni/organization?</th>
</tr>
</thead>
<tbody>
<tr>
<td>usually none or 1 if investigated, usually found responsible</td>
<td>none</td>
<td>usually none</td>
<td></td>
</tr>
<tr>
<td>0-5</td>
<td>We have some type of follow-up for each reported incident, which varies from Warning to Disciplinary Adjudication for each case. Of the reported cases, maybe 1-2 will lead to formal adjudication in a given year based upon the investigation and type of hazing</td>
<td>We have some type of follow-up for each reported incident, which varies from Warning to Disciplinary Adjudication for each case. Of the reported cases, maybe 1 lead to a not in violation finding, however I can’t think of one in recent years</td>
<td>None of the hazing cases in the past seven years have had a criminal conviction that I am aware of</td>
</tr>
<tr>
<td>2 cases in 13</td>
<td>1 plus 1 pending</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2-5</td>
<td>2-4</td>
<td>1-3</td>
<td>0</td>
</tr>
<tr>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4</td>
<td>2</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>15-20</td>
<td>0.75</td>
<td>0.25</td>
<td>0</td>
</tr>
<tr>
<td>6</td>
<td>4</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>5-10</td>
<td>7-8</td>
<td>1-2</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>It depends on the year but typically more are found responsible than not responsible</td>
<td>Again, it depends on the year</td>
<td>None that I am aware of but we don’t keep track of the criminal cases</td>
</tr>
<tr>
<td>zero to two</td>
<td>Sometimes only 1</td>
<td>Sometimes all alleged cases were not responsible</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>one-two</td>
<td>0.5</td>
<td>0.5</td>
<td>None recently</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>two or less</td>
<td>depends on the year</td>
<td>Our office does not manage student org behavior. That gets routed through either Greek Life or the Center for Campus Involvement</td>
<td></td>
</tr>
</tbody>
</table>
**What type of student organizations were involved in the alleged hazing acts?**

<table>
<thead>
<tr>
<th>Organization Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fraternity/Sorority/Greek Life</td>
</tr>
<tr>
<td>Fraternity/Sorority/Greek Life, Other student organizations, club sports, etc</td>
</tr>
<tr>
<td>Fraternity/Sorority/Greek Life</td>
</tr>
<tr>
<td>Fraternity/Sorority/Greek Life, Business Fraternity</td>
</tr>
<tr>
<td>Fraternity/Sorority/Greek Life, Band/Dance</td>
</tr>
<tr>
<td>Fraternity/Sorority/Greek Life</td>
</tr>
<tr>
<td>Fraternity/Sorority/Greek Life, Athletics</td>
</tr>
<tr>
<td>Fraternity/Sorority/Greek Life</td>
</tr>
<tr>
<td>Fraternity/Sorority/Greek Life, Athletics</td>
</tr>
<tr>
<td>Fraternity/Sorority/Greek Life</td>
</tr>
<tr>
<td>ROTC/Military related, Fraternity/Sorority/Greek Life, Band/Dance</td>
</tr>
<tr>
<td>Fraternity/Sorority/Greek Life</td>
</tr>
<tr>
<td>Fraternity/Sorority/Greek Life, Athletics</td>
</tr>
<tr>
<td>Fraternity/Sorority/Greek Life</td>
</tr>
<tr>
<td>Band/Dance, Athletics</td>
</tr>
</tbody>
</table>

*Not Applicable, Our office does not manage student org behavior. That gets routed through either Greek Life or the Center for Campus Involvement*
What type of hazing related incidents has your office processed?

<p>| Alcohol-related, Paddling/Physical Abuse, Psychological, duct taping |
| Alcohol-related, Paddling/Physical Abuse, Psychological, &quot;Joke like&quot; (perceived as innocent such as wearing certain items, reciting poems on demand etc.), Calisthenics |
| Alcohol-related, Paddling/Physical Abuse, Psychological, &quot;Joke like&quot; (perceived as innocent such as wearing certain items, reciting poems on demand etc.), ditching |
| Alcohol-related, Paddling/Physical Abuse, Psychological, &quot;Joke like&quot; (perceived as innocent such as wearing certain items, reciting poems on demand etc.), Calisthenics |
| Alcohol-related, &quot;Joke like&quot; (perceived as innocent such as wearing certain items, reciting poems on demand etc.) |
| Paddling/Physical Abuse, &quot;Joke like&quot; (perceived as innocent such as wearing certain items, reciting poems on demand etc.) |
| Alcohol-related, Psychological |
| Alcohol-related, Paddling/Physical Abuse, Psychological, Economic, &quot;Joke like&quot; (perceived as innocent such as wearing certain items, reciting poems on demand etc.), Calisthenics |
| Alcohol-related, Paddling/Physical Abuse, Psychological, &quot;Joke like&quot; (perceived as innocent such as wearing certain items, reciting poems on demand etc.) |
| Alcohol-related, Paddling/Physical Abuse, Economic, &quot;Joke like&quot; (perceived as innocent such as wearing certain items, reciting poems on demand etc.), Calisthenics |
| Alcohol-related, Paddling/Physical Abuse, Psychological, &quot;Joke like&quot; (perceived as innocent such as wearing certain items, reciting poems on demand etc.), Calisthenics, &quot;fake&quot; kidnappings, late night events that impact sleep/school work |
| Alcohol-related, Psychological, &quot;Joke like&quot; (perceived as innocent such as wearing certain items, reciting poems on demand etc.) |
| Alcohol-related, Paddling/Physical Abuse, Psychological, &quot;Joke like&quot; (perceived as innocent such as wearing certain items, reciting poems on demand etc.), Calisthenics, Cleaning Houses |
| Alcohol-related, Paddling/Physical Abuse |
| Alcohol-related |
| Alcohol-related, &quot;Joke like&quot; (perceived as innocent such as wearing certain items, reciting poems on demand etc.) |</p>
<table>
<thead>
<tr>
<th>What other departments or areas do you usually consult when handling hazing allegations?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greek Life Department, Vice President of Student Affairs/Dean of Students, Legal Affairs, Campus Police or External Police</td>
</tr>
<tr>
<td>Greek Life Department, Athletics Department, Vice President of Student Affairs/Dean of Students, Legal Affairs, Campus Police or External Police</td>
</tr>
<tr>
<td>Greek Life Department, Vice President of Student Affairs/Dean of Students, Campus Police or External Police</td>
</tr>
<tr>
<td>Greek Life Department, Athletics Department, Counseling/Mental Health Services, Medical/Health Center, Faculty, Vice President of Student Affairs/Dean of Students, Legal Affairs, Campus Police or External Police, Group Advisors, National Offices</td>
</tr>
<tr>
<td>Greek Life Department, Athletics Department, Legal Affairs</td>
</tr>
<tr>
<td>Greek Life Department, Campus Police or External Police</td>
</tr>
<tr>
<td>Greek Life Department, Counseling/Mental Health Services, Vice President of Student Affairs/Dean of Students, Campus Police or External Police</td>
</tr>
<tr>
<td>Greek Life Department, Athletics Department, Counseling/Mental Health Services, Medical/Health Center, Vice President of Student Affairs/Dean of Students, Legal Affairs, Campus Police or External Police</td>
</tr>
<tr>
<td>Greek Life Department, Vice President of Student Affairs/Dean of Students, Legal Affairs, Campus Police or External Police</td>
</tr>
<tr>
<td>Greek Life Department, Vice President of Student Affairs/Dean of Students, Campus Police or External Police, Violence Prevention/Victim Assistance</td>
</tr>
<tr>
<td>Greek Life Department, Legal Affairs, Campus Police or External Police, The area the report came from and the Dean of Students staff (leadership team)</td>
</tr>
<tr>
<td>Greek Life Department, Athletics Department, Campus Police or External Police</td>
</tr>
<tr>
<td>Vice President of Student Affairs/Dean of Students, Legal Affairs, Campus Police or External Police</td>
</tr>
<tr>
<td>Greek Life Department, Vice President of Student Affairs/Dean of Students, Campus Police or External Police</td>
</tr>
<tr>
<td>Greek Life Department, Athletics Department, Vice President of Student Affairs/Dean of Students, Legal Affairs</td>
</tr>
<tr>
<td>Athletics Department, Vice President of Student Affairs/Dean of Students, Legal Affairs, Campus Police or External Police, Office of Student Programs</td>
</tr>
<tr>
<td>Greek Life Department, Athletics Department, Vice President of Student Affairs/Dean of Students, Legal Affairs, Campus Police or External Police</td>
</tr>
</tbody>
</table>
Upon receiving information that hazing may have taken place, what are your first steps as a conduct officer in addressing allegations?

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Contacting Greek Life coordinator and working on joint investigations. GL works on organizational issues; this office works with individual students charged with Code violations.</td>
</tr>
<tr>
<td>2.</td>
<td>Informing applicable departments of allegation, determine course of investigation, contact a National organization, if applicable.</td>
</tr>
<tr>
<td>3.</td>
<td>An interview with the source that is reporting the hazing is done. Once that interview takes place a determination is made of whether further investigation is needed.</td>
</tr>
<tr>
<td>4.</td>
<td>We try to get as much information as possible from the reporting party as possible, including names of those that were involved and/or have information.</td>
</tr>
<tr>
<td>5.</td>
<td>Interim actions - no contacts, mandatory moves.</td>
</tr>
<tr>
<td>6.</td>
<td>Contact nationals.</td>
</tr>
<tr>
<td>7.</td>
<td>Investigate.</td>
</tr>
<tr>
<td>8.</td>
<td>Notification of Fraternity and Sorority Life, if the information was not provided by that office. Then to notify the chapter and begin an immediate investigation. In some circumstances, the chapter would be told they were on an interim suspension.</td>
</tr>
<tr>
<td>9.</td>
<td>Follow up with reporter of the hazing allegation (if possible), report allegations to the University’s Hazing Consultation Team, contact the appropriate functional area (Sorority and Fraternity Life, Student Activities, Athletics, etc.) for background about the specific students or organizations that are alleged to have hazed, being the Formal or Partnership investigation process.</td>
</tr>
<tr>
<td>10.</td>
<td>Consult with Greek Life and discuss cease and desist orders, depending on severity.</td>
</tr>
<tr>
<td>11.</td>
<td>Meet with my contact in Student Life (Fraternity and Sorority Affairs for Greek Org), contact police, discuss how we should proceed.</td>
</tr>
</tbody>
</table>

I listed these in order - but the order of how we proceed changes based on the particular case -

1. Check to see if the person reporting is willing to submit a signed statement and/or work with police on an investigation.
2. Check to see if there is an open police investigation.
3. Connect complainant/s with the Victim Advocate Program.
4. Review closed reports with the appropriate parties (if it is a Greek Case, the Greek Student Chiefs review reports for possible charges and recommend to the Director (myself).
5. Review to see if the report merits conduct code charges or other actions (such as meeting with the org exec member/s).
6. Work with the org adviser and/or national contacts.

The Office of Student Conduct will share the information with Greek Life and our campus police department (if they were not already informed). Student Conduct Staff will interview the individuals who are making the allegation and involve Campus Police if necessary. Based on information gathered through interviews/investigation, charges are then filed against the group and the conduct process is followed.

Conduct interviews with complainant to gain further information and to begin to verify information.

Discuss specifics with student organizations and police; student orgs initially investigates and takes group action; our office follows up with individual action.

To work with those providing information to see if a report can be documented:

1. Inform the Dean of Students.
2. Consult with the program area under which the group belongs (Office of Student Programs, Athletics, at a previous institution - Fraternity & Sorority Life).
3. If possible, identify who is the potential “victim(s)” and reach out to them for additional information.
4. Determine whether or not the hazing activity is a threat, and consider an interim suspension measure.
5. Communicate with group president/leadership that an investigation will be conducted for alleged behavior.
6. Communicate with national headquarters (if applicable) that investigative action is being taken - and any interim suspension measures. Attempt to coordinate cooperation with HQ regarding investigation and fact finding.

If the behavior relates to a student organization (as it often does) we refer the matter to the appropriate campus entity (e.g. Greek Life, Center for Campus Involvement, or Athletics). Our office deals exclusively with misconduct of individual students - although we are often consulted on student group hazing cases.
What are the effective techniques you have employed in adjudicating hazing allegations on your campus?

| Questioning all parties concerned on an individual basis. |
| Collaboration with Police Department for investigation, random investigation meetings, collaborations with National Offices to conduct investigations |
| Having only done one case, I did not have "effective techniques." |
| We have found mass, simultaneous, individual interviews to be most effective. |
| Surprise interviews |
| Primarily we utilize quick interviews amongst our staff with the students. We may have two investigators at a time or only one. Similar to a hazing task force. |
| The new Partnership Process here at Ohio State has had some early successes in bringing students into the adjudication process and providing a better agency and buy-in to our students. So far many of the organizations that have participated in the Partnership Process have come away with a positive experience as they worked with Student Conduct. |
| maintain collaboration with Greek Life staff |
| Having some idea on how we will be proceeding before meeting with any student or adviser. |
| -Providing strong training to student board members to hear these cases |
| -Providing information and resources to complainants about their rights in the process and outside of the process (such as VAP, counseling) |
| -Adjusting language in the Code of Conduct that clearly articulates the definition of hazing - including different types and levels |
| Starting an investigation as soon as allegation is made. Involving appropriate offices (Greek Life, Athletics, University Police etc.). Protecting identify of reporting individuals. |
| “Surprise” interviews, i.e. showing up at a regularly scheduled meeting and interviewing everyone on the spot. |
| One on one meetings with alleged perpetrators and victim(s); then process through student conduct process for possible suspension or expulsion of individuals responsible. |
### What are the essential components to drafting a comprehensive hazing policy?

<table>
<thead>
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<th>Component</th>
<th>Details</th>
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<tbody>
<tr>
<td><strong>Essential Components</strong></td>
<td><strong>Details</strong></td>
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<tr>
<td>Trying to be both general enough and inclusive enough to help students understand what acts might constitute hazing.</td>
<td>Flexibility in definition, to include other aspects, such as electronic communication.</td>
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<tr>
<td>Clearly defining what is considered hazing without locking in to only those elements. Using words such as &quot;includes, but is not limited to&quot;.</td>
<td>Define who gets held accountable (e.g. the group, group plus pledge master, group plus all leadership).</td>
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<tr>
<td>Examples</td>
<td>To be broad and inclusive of different aspects of hazing. I have seen two different types of hazing policies. One included a specific list of types of hazing and the other gave a more broad list.</td>
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<tr>
<td>An understanding of campus organizational and hazing cultural, strong collaboration and cohesion across a variety of functional areas (Student Conduct, Athletics, Sorority and Fraternity Life, Student Activities, Police, etc.), buy-in and support from high live administration and leadership, willingness to commit to new policies and procedures, even if they are challenging to adopt or may result in short-term dissatisfaction (in exchange for long-term success)</td>
<td>Be in accord with state law, be sure that the phrase 'participants consent is notwithstanding' is in your code so that new members can state that they were OK with it.</td>
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<tr>
<td>Having a protocol in place</td>
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<tr>
<td>Consult with legal council, greek life, athletics, SGA and administration to create policy.</td>
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<tr>
<td>Offering students resources for changing their initiation processes.</td>
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</tr>
<tr>
<td>Clear sanctioning outcomes for organizations who choose not to cooperate with improvements to their process.</td>
<td>1. Buy-in from other campus partners in the policy, especially surrounding investigation and adjudication.</td>
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<td></td>
<td>2. Financial backing from the institution to provide training to a pool of investigators.</td>
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<tr>
<td></td>
<td>3. Knowledge of state laws surrounding hazing activities.</td>
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<td></td>
<td>4. Buy-in and feedback from student groups.</td>
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</tbody>
</table>
**What were the greatest challenge(s) you experienced in investigating hazing related activities?**

<table>
<thead>
<tr>
<th>Challenge</th>
<th>Details</th>
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<tbody>
<tr>
<td>Helping student understand that even when they consent, certain activities may still constitute hazing.</td>
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<tr>
<td>1. Coordination with National Offices (in recent years this has been much better, however it is time consuming)</td>
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<tr>
<td>2. Staff Resources to conduct a high number of interviews in a short amount of time</td>
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<tr>
<td>3. Parent Communication</td>
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</table>

The two cases we have had involved students who were pledges breaking the code of silence to report the hazing. A current case needs some supporting evidence.

Once word gets out that a hazing investigation is occurring, the group develops/coordinates a "story" to explain possible issues.

**Concurrent investigation by national reps**

**Secrecy/non cooperation**

The chaters have a tendency to "circle the wagons" making it difficult to get to the information provided in the allegation.

Two major challenges: First, time. The longer an investigation takes, the harder it seems to be to collect accurate information from students. Some forget, others take this time to "circle the wagons" and concoct a cover-story for their behavior, and as time goes by, this story can be reinforced and spread throughout the entire organization with a surprising degree of depth and detail. Second, frustration with dishonesty, borne out of an overwhelming devotion to the organization. I have seen students lie to the very last moment of an investigation, even placing their own academic careers on the line, in order not to be a "snitch" or a "traitor" to their fellow members or the larger organization.

**Finding out what 'really happened'**

People wanting to report anonymously or not giving us any details so we can uncover the organization or bring the organization/individuals through the system.

- The police conduct actual investigations
- Dean of Students Assoc Dean works with the students reporting hazing cases to explain the reporting process and importance of coming forward

Reporting individuals unwilling to participate in the conduct process. Reporting individuals later changing their stories...going back on what they said.

**Alumni and National interference.**

**Students not being truthful; concocting a group story; denying knowing anything about what happened;**

**Working with a student organization who resolves those cases. Not having a clear process for other student groups.**

1. Who should "own" the investigation and the adjudication? For instance, if there is an allegation of hazing within an athletic team, should Athletic staff be conducting the investigation, or Student Conduct?
2. The Office of Student Programs has a separate set of expectations and consequences for student organizations that do not follow their rules, so if hazing is found, who should be the adjudicating party - Student Programs or Student Conduct?
3. While we do not have University-recognized fraternity/sorority groups, we do have students who affiliate with city-wide chapters. If we hear rumors of a city-wide chapter that is participating in hazing activities, what should our institutional response be?
4. What role should the University police department have in hazing investigations - especially if the alleged hazing activity does not meet state standards for criminal prosecution?
5. What is the best method to conduct an investigation of a group - pull them all out of class and "sequester" them in one space to avoid calling, texting, etc to "get their stories straight"; calling them in one by one at different times?
### What resources would assist you in conducting hazing investigations?

<table>
<thead>
<tr>
<th>Resource</th>
<th>Description</th>
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<tbody>
<tr>
<td>Talking with peers who have had similar experiences.</td>
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<tr>
<td>Assistance from other Univ. Departments to assist in the interviews</td>
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<tr>
<td>None</td>
<td>More research around multicultural groups - why, how hazing occurs in some groups versus others, there seems to be little on the topic and we have a very diverse campus</td>
</tr>
<tr>
<td>More investigators</td>
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<tr>
<td>Victim cooperation</td>
<td>Recording devices. This would allow us to more accurately hold students accountable for what they say in case they attempt to change their story.</td>
</tr>
<tr>
<td>Social capital within the Greek community, a strong understanding of each organization's (or individual's) history when it comes to hazing, a strong understanding of the hazing culture at my home institution, the assistance and support of a national organization (in cases involving sororities and fraternities), honest participation from students</td>
<td></td>
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<tr>
<td>All available reports, as many non-colluded student statements as possible, try to call in all students involved at once and use multiple interviewers</td>
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<tr>
<td>The police conduct investigations</td>
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<tr>
<td>Training Student Conduct staff as investigators.</td>
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<tr>
<td>Best practices for all institutions</td>
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<tr>
<td>Break down for institutions with similar looking greek life (no university housing), athletics etc.</td>
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<tr>
<td>Student Organizations; police; legal affairs (on occasion)</td>
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<tr>
<td>We are in the process of hiring a student life staff member who will do full-time work on investigating sexual assault and hazing allegations.</td>
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<tr>
<td>1. A pool of staff that have been appropriately trained in investigation techniques from which we could pull a team of investigators to assign to a case.</td>
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</tr>
<tr>
<td>A more streamlined campus policy that permits our office to look into matters involving student groups.</td>
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</tbody>
</table>
**What sanctions has your office imposed against a group or individuals who have been found responsible for acts of hazing?**

| Behavioral Probation, loss of social privileges, educational activities learning about "group think" |
| - Up to loss of Recognition   |
| - Removal from Housing       |
| - Probation (Disciplinary or Social) |
| - Educational Programming, for individual chapter members or larger community |

When sanctioning students, up to expulsion/suspension, etc

- Board of Trustees policy mandates that any organization found in violation of hazing will be minimally suspended from campus for a period of time with the usual sanction being dismissal.

- Probations, Dismissals, Suspensions, Recruitment education planning, alternative team development programs, risk management education, org culture reassessment, monitoring with national orgs, among others

<table>
<thead>
<tr>
<th>Suspension</th>
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<tbody>
<tr>
<td>Restorative sanctions if appropriate</td>
</tr>
<tr>
<td>suspension of social priviledges, suspension, along with hazing education, review of membership, etc. Creates a focus on brotherhood/sisterhood.</td>
</tr>
</tbody>
</table>

- Probation and Suspension are two of the most common sanctions. From an educational standpoint, we have asked students to complete reflection papers, alcohol education classes, participate in anti-hazing workshops, seminars, or presentations, and create new governing documents (especially new member intake and education process plans) for their organizations in an attempt to boost accountability and create concrete plans to avoid hazing in the future.

- education for students as well as group, all the way up to suspension of individual students and at least on org in the past year (for period of five years)

- groups - range from probation or removal, programs on hazing, new member program rewrites.

- individuals - warning or suspension, educational programs

- Probation with educational sanctions (such as providing an educational program for the organization and creating risk management plans to avoid future issues)

- Suspension (up to 2 years)

- Dismissal (up to 7 years)

**Deferred Suspension from the University for a period of time up to Suspension from the Univ. for a year or more.**

- Suspension, probation and warnings. Educational- present to peers on topics, submit recruitment plans for approval, supervised recruitment.

- Student orgs has pulled their charter; we have expelled some also.

- Removal of recruitment privileges for one year.
<table>
<thead>
<tr>
<th>What type of educational outreach programs does your College or University provide on hazing?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very little, as this type of activity rarely is reported on our campus.</td>
</tr>
<tr>
<td>- Our Office of Greek Life would probably be better suited to answer this question in relation to fraternity/sorority life, however hazing is a topic for conversations within each new member education plan submitted, as well as a larger topic within our Greek community</td>
</tr>
<tr>
<td>- I am not aware of much outreach to our larger student organizations, athletics, or club sports related to hazing</td>
</tr>
<tr>
<td>Not known</td>
</tr>
<tr>
<td>IFC/PHC recruitment</td>
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<tr>
<td>Hazing Awareness week</td>
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<tr>
<td>large scale program for fraternity/sorority/athletic populations a couple times a year</td>
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<td>Specialized speaker series</td>
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<td>Role playing</td>
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<td>Leadership institute for Greek leaders</td>
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<tr>
<td>Hazing coalition</td>
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<tr>
<td>Website</td>
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<td>Anonymous reporting</td>
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<tr>
<td>We speak at a Greek 101 class that takes place after students accept their bid and during Greek Leadership day, which takes place in the Spring semester.</td>
</tr>
<tr>
<td>Different organizations put on anti-hazing programs and workshops, our office of Sorority and Fraternity Life has orientations for potential new members that discuss hazing, an annual conference for fraternity and sorority leadership that touches on hazing, and a new Hazing Prevention Workgroup</td>
</tr>
<tr>
<td>Greek Life has a series of recruitment information to share, new member education and inform them of their rights, collaborate with other units on campus to utilize knowledge and resources of staff outside of Greek Life</td>
</tr>
<tr>
<td>All Presidents and New Member educators have to go through a program before recruitment begins.</td>
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<tr>
<td>-Workshops</td>
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<tr>
<td>-Trainings</td>
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<tr>
<td>-Participation in the Hazing Institute (by students and staff)</td>
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<tr>
<td>-Website: <a href="http://hazing.fsu.edu/">http://hazing.fsu.edu/</a></td>
</tr>
<tr>
<td>Greek life requires all members to participate in trainings around hazing and risk management. Greek leaders get additional training.</td>
</tr>
<tr>
<td>Presentations to what we consider high-risk groups.</td>
</tr>
</tbody>
</table>
All Greek organizations are mandated to participate in anti-hazing training and educations..not all student orgs to my knowledge.

Very basic. Sometimes a speaker. Annually students sign-off indicating they understand what hazing is and how to report it. Some dialogs on hazing are beginning on campus.

None that I can tell at this point!

There are various outreach components driven by our colleagues in other units, including a website that is currently being revised.
APPENDICES

APPENDIX A: HAZING POLICY

Hazing is Strictly Prohibited
Hazing is a fundamental violation of human dignity. It is strictly prohibited at the University of Maryland, College Park. The University defines hazing as intentionally or recklessly subjecting any person to the risk of bodily harm, or severe emotional distress, or causing or encouraging any person to commit an act that would be a violation of law or university regulations, for the purpose of initiating, promoting, fostering, or confirming any form of affiliation with a student group or organization, as defined by the Code of Student Conduct. The express or implied consent of the victim will not be a defense.

Examples of Hazing
Examples of hazing include, but are not limited to: forced consumption of alcohol or other substances; sleep deprivation; use of alcohol in drinking games or contests; paddling; forced tattooing or branding; creation of excessive fatigue; severe psychological shocks or humiliation (as defined by a reasonable person under all the circumstances); compulsory servitude; theft or misuse of property belonging to others.

Penalties for Hazing
Aggravated violations of this policy, as defined in Part 2 (a) of the Code of Student Conduct, normally result in suspension or expulsion from the University, or revocation of registration for a student group or denial of recognition or registration for a student group or organization, even for a first offense. Individuals who participate in acts of hazing are personally accountable under this policy, and the Code of Student Conduct, regardless of the outcome of any related case brought against a student group or organization.

Responsibilities to Challenge and Report Hazing
All members of the university community share the responsibility to challenge and make known to the Office of Student Conduct acts of apparent hazing.

Apathy in the presence of hazing, or acquiescence to hazing, are not neutral acts. Individuals who participate in acts of hazing as perpetrators or victims are personally accountable under this policy, and the Code of Student Conduct.
APPENDIX B: VICTIM LETTER & RESOURCES

DATE

Student Name
VIA: POSTAL MAIL and EMAIL

Dear Student Sample,

This letter serves as a follow up to the Department of Fraternity & Sorority Life’s request to speak with you regarding your knowledge of hazing allegations perpetrated by ORGANIZATION. As of today the Department of Fraternity and Sorority Life has not received a response from you as to your willingness or unwillingness to participate in our investigation into this matter.

Although you have not clearly expressed to us that you are not in immediate harm or experiencing any emotional or physical pain that directly relates to these allegations, we are still very concerned about the well-being of all victims of the alleged misconduct in our community. Please know that we are here to serve as a resource for all involved parties.

To that end, the Department of Fraternity & Sorority Life recommends that if you are experiencing any distress, duress or just need to talk to someone who will listen, that you make an appointment with the University Counseling Center to speak with a staff member regarding these incidents.

The University’s Counseling Center located on the 4th Floor of Susquehanna Hall and can be contacted at 1-301-314-7651 and their hours are: Monday - Thursday, 8:30am - 9:00pm; Friday, 8:30am - 4:30pm.

The University Health Center Mental Health Services is available to all registered University of Maryland, College Park students. The Mental Health Service is open Monday through Friday, 8:30 am to 5:00 pm and is located on the second floor of the University Health Center. For appointments, please call (301) 314-8106. There is a fee for all mental health sessions. If this poses a hardship for you, please discuss this with the clinician.

If you have any concerns regarding the please contact me at the Department of Fraternity & Sorority Life at 1-301-314-7313 or STAFF MEMBER NAME in the Office of Student Conduct at 1-301-314-8204 and we can attempt to address any questions or concerns you may have regarding this case.

Sincerely,

Staff Member Name
Title

cc: Director of Fraternity and Sorority Life
    Associate Director of Student Conduct
APPENDIX C: FILE NOTES

<table>
<thead>
<tr>
<th>Date</th>
<th>Notes</th>
<th>Initial</th>
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APPENDIX D: NOTIFICATION TO CAMPUS PROGRAMS

DATE

Staff Name
Staff Title
Sent via email to <name@univ.edu>

Dear Staff Member:

The Office of Student Conduct and the Department of Fraternity and Sorority Life have received information alleging that new candidates for membership into GROUP have been hazed. We are conducting an investigation with the national organization to determine the nature of the activities. Given the serious nature of these allegations, it is our recommendation that the organization cease and desist all activities effective immediately.

Sincerely,

Staff Name
Staff Title

cc. File
APPENDIX E: CEASE AND DESIST NOTIFICATION 1

Date

Sample Student
Chapter President
ORGANIZATION

Dear Sample Student:

The purpose of this letter is to issue an immediate cease and desist order for all chapter activities and events associated with being a recognized fraternity/sorority at the University of Maryland.

Staff in the Department of Fraternity and Sorority Life have received information that the chapter was in violation of the intake guidelines and procedures and provided false information to university officials during the course of their investigation into the chapter’s activities. Until the conclusion of our investigation, the chapter’s recognition is suspended.

Once the investigation is complete, a decision will be made to either revoke recognition or reinstate recognition with specific conditions. This suspension includes all privileges associated with being a registered student organization on campus, including space reservations.

All chapter-sponsored events, including community service activities and educational programs, should be cancelled until further notice, including any programs that may be planned for today. Failure to comply with these expectations will result in further disciplinary action.

Please contact me directly if you have any questions regarding this matter. I can be reached by phone at XXX or by email at test@umd.edu.

Sincerely,

Staff Name
Staff Title

cc: Fraternity and Sorority Life
Advisor
Office of Student Conduct
Student Activities
Chapter Advisor
Faculty Advisor
President
APPENDIX E: CEASE AND DESIST NOTIFICATION 2

DATE

STUDENT SAMPLE
CHAPTER PRESIDENT
ORGANIZATION/TEAM

Dear STUDENT SAMPLE:

The purpose of this letter is to issue an immediate cease and desist order for all chapter activities and events associated with being a recognized fraternity at the University of Maryland. I have just been informed by the University of Maryland Police of an ongoing investigation into hazing allegations regarding ORGANIZATION. Until the conclusion of that investigation, the chapter’s recognition is suspended. Once the investigation is complete, a decision will be made regarding the status of the chapter.

This suspension includes all privileges associated with being a registered student organization on campus, including space reservations. All chapter-sponsored events should be cancelled until further notice. The wo/me chapters should have absolutely no contact with any of the recently initiated wo/men, specifically XXX NAMES. Failure to comply with these expectations will result in further disciplinary action.

Please contact me directly if you have any questions regarding this matter.

Sincerely,

STAFF NAME
STAFF TITLE

cc: Assistant Vice President
    Fraternity and Sorority Life
    Advisor
    Coordinator of Student Organization Services
    Executive Director
    Chapter Advisor
    Faculty Advisor
    Governing Body President
APPENDIX F: INTERIM SUSPENSION NOTIFICATION

DATE

Sample Student
Sent via email <samplestudent@umd.edu>

Dear Sample Student:

The Office of Student Conduct has received a report from XXX alleging your involvement in serious misconduct. Effective immediately, you are prohibited from contacting XXX through any means. This means you are to have no contact via in person, telephone, postal mail, any electronic means, or third party communication with XXX. Failure to abide by this order may result in further disciplinary action.

It is clear upon receiving this report that you pose a substantial threat to the stability and continuance of normal University functions. Consequently, I am authorizing an immediate interim suspension, in accordance with University policy (see Code of Student Conduct, Part 17-18). Effective immediately, you are not permitted on University premises without written permission from my office. If you enter onto University premises without written permission, the Department of Public Safety may issue you a Denial of Access and/or an Advisement of Trespass, as provided for under Section 26-102 of the Education Article of the Annotated Code of Maryland."

You may contact my office to arrange a personal interview with me to discuss the reliability of the information provided and whether the conduct indicates that your continued presence poses a substantial threat. Should such appointment be desired, contact my office at 301.314.8204 within five days from the date of this letter.

Sincerely,

Staff Name
Staff Title

CC: Department of Public Safety
File
Appendix G: New Initiates Meeting Letter Request

Date

Student Sample
Sent via email<sample@umd.edu>

Dear New Initiates of Organization:

The Office of Student Conduct and the Department of Fraternity and Sorority Life have received information alleging that new candidates for membership into the **ORGANIZATION** have been hazed. We are conducting an extensive investigation with the pledge class to determine the nature of the activities within the organization. You are directed to report to the Office of Student Conduct **DAY, MONTH DATE, 2013** at 11:00am in 2118 Mitchell Building. Please be advised this notice is enforceable through Part 9 (o) of the Code of Student Conduct. Failure to respond may result in disciplinary action. If you have any questions regarding this action specified in this correspondence you should contact me directly.

Sincerely,

Staff Name
Title

CC. Director of Student Conduct
   Director of Fraternity and Sorority Life
   Campus Programs
APPENDIX H: SAMPLE PARENT NOTIFICATION & SAMPLE REQUEST TO MEET WITH STUDENT AND PARENT

DATE

Parents of ORGANIZATION
HOME ADDRESS
City, State zip

Dear XXXXXX:

We write to inform you that the Office of Fraternity and Sorority Life recently received information that led us to believe that your son/daughter may have been or is being hazed by ORGANIZATION on the University of Maryland’s campus. As you may know, your son/daughter is pledging this sorority/fraternity this semester. The information received was of a serious enough nature that the university immediately suspended the sorority/fraternity’s new member activities until the information could be fully investigated.

Hazing is strictly prohibited on campus. The University defines hazing as “intentionally or recklessly subjecting any person to the risk of bodily harm, or severe emotional distress, or causing or encouraging any person to commit an act that would be a violation of law or university regulations, for the purpose of initiating, promoting, fostering, or confirming any form of affiliation with a student group or organization,” as defined by the Code of Student Conduct. The express or implied consent of the victim will not be a defense.

Last week staff from the Office of Student Conduct and the Office of Fraternity and Sorority Life interviewed all of the pledges, including your SON/DAUGHTER, concerning their participation in the new member program. Each denied knowledge of any hazing related activities. We have concluded there is insufficient evidence to corroborate a report of alleged hazing that would be a violation of the Code of Student Conduct. Therefore, effective today, suspension of the new member program has been lifted and students are permitted to resume new member activities.

We take this extraordinary step of communicating with you as parents due to our concern for the safety and welfare of your daughter/son and the other pledges. We encourage you to have a conversation with your daughter/son about his involvement with ORGANIZATION and to reiterate the University’s position against activities that may be deemed hazing. Please feel free to contact one of us directly if you would like to discuss this correspondence.

Sincerely,

Staff Name
Staff Title
APPENDIX H: SAMPLE PARENT NOTIFICATION & SAMPLE REQUEST TO MEET WITH STUDENT AND PARENT

DATE

Sample Student
Sent via email <sample@umd.edu>

Dear Sample Student:

The Office of Student Conduct and the Department of Fraternity and Sorority Life have received information that alleges hazing acts. In the interest of the safety of the community, we are requesting to meet with you to determine the reliability of the information. You are directed to report to the Office of Student Conduct at TIME a.m. on DAY, MONTH, DATE, YEAR in 2118 Mitchell Building. Your parent and/or guardian are expected to attend this meeting with you. If your parent and/or guardian is unavailable to report to the Mitchell Building, you will be asked to provide a number where they can be reached for a conference call. Should your parent and/or guardian be unavailable to discuss this matter during your appointment time, I will arrange an alternate time to contact your parent and/or guardian during our meeting.

Please be advised this notice is enforceable through Part 9 (o) of the Code of Student Conduct. Failure to report may result in disciplinary action.

If you have any questions or concerns, please do not hesitate to contact me directly.

Sincerely,

Staff Member Name
Title

CC: Director of Student Conduct
Director of Fraternity and Sorority Life
File
APPENDIX I: SAMPLE QUESTIONS FOR NEW & EXISTING MEMBERS

Name of Student:_____________________________
Date & Time:_____________
Student email & mobile:_____________________________
Staff Names:__________

We are here today because we have received detailed information related to acts of hazing that went on in the ORGANIZATION over NOTE TIME. We believe these or similar activities have been going on for several years, and we believe these activities have in the past and continue presently to place the health and safety of the pledges/newly initiated members at risk. We want to speak with you today to find out about those activities. We will not share the reports we have received with you, but we expect you to be honest and truthful with us about the activities that have occurred this semester, last semester, and in past semesters that you have either participated in or been aware of. It is in your best interest to be open and honest from the beginning. If we would discover that you are not truthful and or withhold information about activities, you could personally face judicial charges for providing false information to a University official as well as any other relevant hazing charges.

Before we begin, please read and sign the honesty statement and the hazing policy in front of you.

1. Do you have any questions before we begin?
2. When were you initiated?
3. How long was your new member program?
4. How many men were in your new member class?
5. Tell me about the pledging process the semester you joined.
6. How often did you meet?
   a. Where?
7. What was the nature of the activities?
8. Who coordinated these events?
9. Were you forced to participate in events during the new member program or once you were initiated?
10. Were you ever lined up and yelled at or verbally assaulted?
11. How often did line ups happen?
12. Where did they happen?
13. Who ran them?
14. Did brother/sisters’ consume alcohol before/during them?
15. Were pledges forced to participate in menial tasks such as cleaning brothers’ rooms, driving people to class, carrying objects such as chewing tobacco and cigarettes, etc.? If so, how often?
16. Were you ever abused physically?
17. Punched, kicked, slapped, or pushed?
18. Made to do push-ups, sit-ups, wall sits, “bows and toes,” or other calisthenics?
19. Did pledges ever have objects thrown at them or poured on them? Food, beer, soda, PowerAde, water, etc.?
20. Were you or any of your pledge brothers ever forced to consume certain things (i.e. syrup, a raw onion, cat food in chili, etc.)? Why?
21. Was alcohol a part of any activity?
22. Were you ever forced to chug alcohol?
23. Were you ever encouraged to keep drinking to the point of passing out?
24. Were you deprived of sleep as a part of pledging?
25. Were you deprived of food as a part of pledging?
26. Were you deprived of bathing as a part of pledging?
27. Were you or any of your pledge brothers ever “kidnapped”? For what? (being caught alone without any of their pledge brothers?)
28. What would happen to the pledge if he was kidnapped?
29. Was he forced to consume alcohol until his pledge brothers arrived?
30. Were the pledge brothers forced to buy things for the brothers during these kidnappings?
   a. What type of things?
   b. Who paid for the items?
   c. Were the pledges ever expected to buy drugs for brothers/sisters? Marijuana?
31. Were drugs a part of any activity?
32. What about at events held at the satellite house(s)?
33. What happened on Bid Night?
34. Did brothers or pledges consume alcohol before/during the activity?
35. What happened during Hell Week?
36. How long did it last?
37. Who ran it?
38. What happened on the night of initiation?
39. How did pledging affect your grades when you pledging?
40. Did any of the pledges who began the pledge process last fall or spring quit the program? If so, why?
41. Tell me about your experiences once you were initiated.
42. What types of activities did the brothers expect of you as a newly initiated brother (NIB)?
43. Was there any hazing/harassment once you were initiated?
44. Was your bed or any other belonging ever peed on by brothers?
45. Did the leadership of the chapter ever instruct you not to speak with university officials?
46. Did anyone talk to you in advance of this meeting today? If so, what did they say?
47. Is there anything else you would like us to know before we conclude this interview?

Thank you for your honesty today. Do to our concerns, the new member program has been suspended indefinitely until the University can gain further insight into the chapter’s new member programming.
If you missed a class today in order to attend this interview, we will provide you with a University excuse.

You are free to leave the interview. Thank you.
APPENDIX J: HONESTY STATEMENT

The following statement pertains to all persons who will be providing information in today's investigation:

*It is expected that all the information presented here will be true and correct. Please be advised that students who willfully provide false information will be in violation of Section 9(i) of the Code of Student Conduct and may face disciplinary action.*

I have read and understand the above statement, and agree to prove true and correct information in this investigation.

Date:________________________________________

Name:________________________________________

Signature:____________________________________

UID:________________________________________

Email:_______________________________________

Phone #:_____________________________________

Witness Signatures & Date:

__________________________________________

__________________________________________

__________________________________________
APPENDIX K: INSUFFICIENT EVIDENCE & DEFERRAL

DATE

Student Sample
Sent via email sample@umd.edu

Dear Student Sample:

The purpose of this letter is to follow-up on the investigation concerning the XXX new member program and to provide clarification on the University of Maryland’s Hazing Policy. After interviewing the XX new members, we have concluded there is insufficient evidence to corroborate a report of alleged hazing that would be a violation of the Code of Student Conduct.

The University defines hazing as “intentionally or recklessly subjecting any person to the risk of bodily harm, or severe emotional distress, or causing or encouraging any person to commit an act that would be a violation of law or university regulations, for the purpose of initiating, promoting, fostering, or confirming any form of affiliation with a student group or organization”, as defined by the Code of Student Conduct. The express or implied consent of the victim will not be a defense. The new members provided no indication that any violation of the Hazing Policy occurred. We do, however, remain concerned about some of the activities that the chapter had planned this semester, including XXX and activities where alcohol is present. These activities must be eliminated from your new member program.

It is our expectation that you will comply with the policies and procedures of the university including, but not limited to, the Code of Student Conduct, Fraternity and Sorority Life Recognition Policy, and all local and Maryland State Laws as well as the policies of NATIONAL ORANIZATION. Please be advised that violations of this kind could result in disciplinary action.

Upon the failure to confirm the allegations, effective today suspension of the new member program has been lifted. Please contact our offices should you have any questions regarding this matter.

Sincerely,

Staff Name
Staff Title

CC. Governing Advisor Advisor
Chapter Advisor
Organization
APPENDIX K: INSUFFICIENT EVIDENCE & DEFERRAL

DATE

Student Sample
Sent via email <samplestudent@umd.edu>

Dear Sample Student:

A preliminary interview was conducted recently to review an incident that may violate University regulations. It is alleged that ORGANIZATION engaged in hazing acts towards prospective members.

On the basis of our discussion, it was decided to defer disciplinary proceedings for 90 days, in accordance with Part 29 of the Code of Student Conduct. The charges will be withdrawn on DATE pending upon the organization’s continued good behavior.

Should you have any questions or concerns regarding this decision, please contact me at the Office of Student Conduct.

Sincerely,

Staff Name
Staff Title

CC: File
APPENDIX L: SAMPLE PRELIMINARY INTERVIEW LETTER & PRELIMINARY INTERVIEW INFORMATION LIST

DATE

Sample Student
Sent via email <sample@umd.edu>

Dear Sample Student:

The Office of Student Conduct has received a report from STAFF MEMBER NAME of the University of Maryland, DEPARTMENT. The report alleges that you were involved in an incident that may violate the University Code of Student Conduct.

You are expected to contact the Office of Student Conduct (301-314-8204) within three business days from the date of this letter to schedule a preliminary interview. The purpose of this meeting is to review the pending allegations, discuss pertinent procedures, and determine appropriate disciplinary charges, if necessary. Prior to the meeting, it is recommended that you review the enclosed documents as well as the Code of Student Conduct. The Code can be found on the web at the following address: http://www.studentconduct.umd.edu/conduct. A record of this meeting may become part of any case file pertaining to this matter.

Prior to your preliminary interview, you may request a copy of the report be sent to your local or permanent address as listed with the University or you may request a copy to be picked up at our office. The Undergraduate Student Legal Aid Office offers student assistance. You may view legal aid services by visiting http://www.studentorg.umd.edu/legalaid.

If you have any questions or concerns regarding the student conduct process, please feel free to contact our office.

Sincerely,

Staff Title
Staff Name

CC: File
APPENDIX L: SAMPLE PRELIMINARY INTERVIEW LETTER & PRELIMINARY INTERVIEW INFORMATION LIST

Name (print): __________________________ UID: __________________
Preferred email (print): __________________ Preferred Phone #: __________
Preferred Address (print): __________________________

During my preliminary meeting on ______________ with ________________________,

Date __________________ Name of OSC Staff Member

I was afforded the opportunity to (please place your initials after each statement):

- Review the referral regarding my alleged misconduct____
- Respond to the allegations or remain silent regarding my case____
- Ask questions pertaining to the case and process____

As a result of my preliminary meeting (please place your initials after each statement):

- I received a copy of the referral____
- I understand the charge(s) that have been brought forward as a result of the alleged incident____
- I understand that I will be notified of the final charges following this meeting in writing____
- I was informed of my right to a Central Board hearing (if facing dismissal from the University) and I understand that I am afforded the right to an appeal____
- I was informed of my right to a disciplinary conference and I understand that decisions are considered to be final____
- I understand the potential sanctions related to my case if I am found responsible for the charge(s)____
- I understand that if found responsible for the charge(s), I will have a disciplinary record with the University of Maryland____
- I understand I may seek Student Legal Aid or an attorney to represent me in my hearing/conference____
- I understand how to get in contact with the OSC staff member or the office in the event I have further questions____

To prepare for your case it is recommended that you review the Code of Student Conduct. The Code can be found on the internet at the following address: http://www.president.umd.edu/policies/docs/v100b.pdf. This document should provide you with relevant information necessary to prepare for the disciplinary proceedings.
Please complete this section if facing dismissal from the University of Maryland.

- I understand that I am facing dismissal from the University of Maryland. I must have a parent/guardian contact the Office of Student Conduct at 301-314-8204 or studentconduct@umd.edu by ________________.

- Parent/Guardian Name:_________________________ Parent/Guardian Phone number:_____________________

- I understand that I am required to provide, in writing, my intention to have a disciplinary conference or a Central Board hearing to resolve the allegations by _________________. If the Office of Student Conduct does not receive written confirmation of my intentions within the agreed upon date, my case will be resolved in a Central Board hearing.

Please submit your written intent to studentconduct@umd.edu or 2118 Mitchell Building (open 8:00am-5:00pm, M-F with the exception of University holidays)
APPENDIX M: HEARING CHARGE NOTIFICATION

DATE

STUDENT NAME
ADDRESS
CITY, STATE ZIP
Sent via e-mail to STUDENT E-MAIL ADDRESS

Dear STUDENT:

Based upon the complaint filed with our office by REFERRING PARTY, you are charged with violating Part 9 of the Code of Student Conduct, Section(s):

CODE CHARGES Below is an example
(p) Violation of published University regulation or policies, as approved and compiled by the Vice President for Student Affairs; specifically hazing.

You have been provided with a copy of the specific allegations against you and afforded an opportunity to discuss them in a preliminary meeting. It has been determined that these charges will be heard before members of the Central Board, in accordance with procedures outlined in Part 33 of the Code of Student Conduct. You will receive separate notice regarding the date, time, and location of the hearing.

It may help to become familiar with the Code of Student Conduct (see http://www.studentconduct.umd.edu). This document should provide you with relevant information necessary to prepare for the hearing. If you have any questions or concerns regarding the student conduct system or your case, please feel free to contact our office.

Sincerely,

STAFF
TITLE

cc: File
APPENDIX N: DISCIPLINARY COORDINATION FORM

Date of Request: ___________  Requested By: __________________________

Respondent’s Name: __________________________________________________

Complainant’s Name: ___________________________________________________

Attorney/Legal Aid: _____________________________________________________

Code Charges: a b c d i d ii e f g h i j k l m n o p q r

_____ Schedule Disciplinary Conference with _____________________________

_____ Schedule by: ___________________________________________________

_____ Conference Date Scheduled: [Date___/___/____] at____ am or pm

_____ Written Notification of Conference Sent: [Date___/___/____]

_____ Post on Corporate Calendar  cc: ______________________

____________________________
____________________________
____________________________

_____ Update calendar in Advocate and enter charging information

Special Instructions: _________________________________________________

____________________________
____________________________
____________________________
APPENDIX O: DISCIPLINARY COORDINATION NOTIFICATION

DATE

Sample Student
Sent via email <samplestudent@umd.edu>

Dear Student:

As per your preliminary interview on MONTH DATE, 2013, you are aware of the allegations made against you by the Department of Public Safety. Consequently, you are being charged with violating Part 9 of the Code of Student Conduct, specifically Section(s):

(a) Intentionally or recklessly causing physical harm to any person on University premises or at University-sponsored activities, or intentionally or recklessly causing reasonable apprehension of such harm.

(p) Violation of published University regulations or policies, as approved and compiled by the Vice President for Student Affairs; specifically hazing

A disciplinary conference has been scheduled for:

Day, Month Date, 2013

Please report to the Office of Student Conduct, 2118 Mitchell Building, at that time.

Postponements are not normally granted, and will be considered only when compliance would result in significant and unavoidable hardship for the respondent. If you do not attend the scheduled conference, a decision may be made without your participation. Disciplinary sanctions will be determined at that time as well, even if you do not attend. Requests for postponement must be submitted in writing to the Office of Student Conduct at least forty-eight hours before the specified proceeding.

It may help to become familiar with the Code of Student Conduct (see: http://president.umd.edu/policies/v100b.html). If you have any questions or concerns regarding the student conduct system or your case, please feel free to contact the Office of Student Conduct.

Sincerely,

Staff Name
Staff Title

cc: Complainant
File
APPENDIX P: HEARING WAIVER FORM

Name:_________________________________________ UID#:________________

E-Mail:________________________________________

Code of Student Conduct Charge(s), Part 9, Section(s):

a b c d i d i i e f g h i j k l m n o p q r

PLEASE READ THE FOLLOWING MATERIAL CAREFULLY:

1. I understand that I have a right to a hearing before the Central Board, however, I would like to have my case resolved in a disciplinary conference (either today or within three days) in accordance with Parts 32-33 of the Code of Student Conduct.

2. All the charges against me have been explained and I understand that I will not have the right to appeal the findings or sanctions of the disciplinary conference.

3. I understand that disciplinary sanctions, including suspension or expulsion may be imposed as a result of the disciplinary conference.

Signed: ____________________ Date: _________________

Witness:_______________________ Date:___________________
APPENDIX Q: HEARING COORDINATION FORM

Respondent’s Name: ______________________________________________
Complainant’s Name: ______________________________________________
Attorney/Legal Aid/Faculty/University Official/Police Attendees:
__________________________________________________________________

Code Charges: a b c d e f g h i j k l m n o p q r

General Description: ________________________________________________
__________________________________________________________________

___ Be sure that Community Advocates are available & not double booked
___ Hearing Date Scheduled _________________________
___ Hearing Room Secured [2112 Mitchell or 2113 Mitchell]
___ Campus Advocate Notified _________________________
___ Copies complete
___ Written Notification of Hearing Sent [Date_____/_____/_____]

cc: __________________________  __________________________
__________________________________________________________________

___ Witnesses Contacted _________________________

___ Notify PO

___ Post to outlook calendars of STAFF _________________________
___ Post as task for: STAFF _________________________
___ Update dry erase board _________________________

___ Send preparing for hearing

Notes: ____________________________________________________________
__________________________________________________________________
APPENDIX R: HEARING NOTIFICATION

DATE

Sample Student
Sent via email <sample@umd.edu>

Dear Sample Student:

Per your charging notification sent on MONTH DATE, YEAR, a hearing with members of the Central Judicial Board has been scheduled to review your alleged involvement in an incident that may violate University regulations. You are charged with violating Part 9 of the Code of Student Conduct, Section(s):

Part 9, Section(s): (i) Intentionally furnishing false information to the University,

Part 9, Section(s): (o) Failure to comply with the directions of University officials, including campus police officers, acting in performance of their duties,

Part 9, Section(s): (p) Violation of published University regulations or policies, as approved and compiled by the Vice President for Student Affairs; hazing

You have been provided with a copy of the specific allegations against you and afforded an opportunity to discuss them in a preliminary meeting. You are required to report at all of the following dates and times listed:

DATE 1
DATE 2
DATE 3

Please report to the Office of Student Conduct, 2118 Mitchell Building, at that time.

Postponements are not normally granted, and will be considered only when compliance would result in significant and unavoidable hardship for the respondent. If you do not attend the scheduled hearing, a decision may be made without your participation. Disciplinary sanctions will be determined at that time as well, even if you do not attend. Requests for postponement must be submitted in writing to the Office of Student Conduct at least forty-eight hours before the specified proceeding.

It may help to become familiar with the Code of Student Conduct (see http://www.president.umd.edu/
policies/docs/V-100B.pdf). This document should provide you with relevant information necessary to prepare for the hearing.

If you have any questions or concerns regarding the student conduct system or your case, please feel free to contact the Office of Student Conduct.

Sincerely,

Staff Name
Staff Title

CC. File
Campus Advocate
Department of Public Safety
Complainant
**APPENDIX S: HAZING QUIZ ANSWERS**

**Test Your Knowledge of Hazing: ANSWER KEY**

1. Every state in the United States has an anti-hazing law? (TRUE or FALSE)

2. In the state of Maryland ‘hazing’ is classified as a:
   a. Misdemeanor
   b. Felony

3. In the state of Maryland’s “hazing law” “severe emotional distress” is included in the state’s basic definition of “hazing”. (TRUE or FALSE)

4. In UMD’s Hazing Policy “severe emotional distress” is included in the University’s basic definition of “hazing”. (TRUE or FALSE)

5. In the state of Maryland if you are convicted of hazing what sanctions could you receive?
   a. Fine of not more than $500 Dollars and/or no more than 6 months imprisonment
   b. 1-2 years in prison and/or $5,000 fine
   c. $700 fine and no more than 1 year of probation

6. In the state of Maryland, is the “implied or expressed consent” of a student to hazing, a defense for the act of hazing? (YES or NO)

7. What percentage of college students involved in clubs, teams, and other extra-curricular organizations are hazed?
   a. 75%
   b. 32%
   c. 55%
   d. 15%

8. What percentage of college students experienced hazing in high school?
   a. 47%
   b. 25%
   c. 85%
   d. 75%
9. Nationally, what percentage of hazing occurs “off-campus”?
   a. 25%
   b. 46%
   c. 16%
   d. 60%

10. According to the Department of Fraternity and Sorority Life the “membership intake process/pledging” for ALL recognized Fraternities and Sororities must last NO LONGER than:
   a. Two Weekends of staff monitored team builders
   b. 2 Weeks (in addition to 48 hours for initiation rituals & ceremonies)
   c. DFSL expects all fraternities and sororities to abide by their national organizations membership intake policies regarding the length of their membership intake/pledge program.
   d. Six Weeks

11. The Department of Fraternity and Sorority Life mandates that any student seeking to join a fraternity or sorority and begin a “membership intake program/pledging process” must have at least what GPA?
   a. 3.00
   b. 2.75
   c. 2.50
APPENDIX T: HEARING SCRIPT

Review File
- Board members review case file (except any prior disciplinary records)
- Members acquainted with any party, or familiar with the incident, should be excused

Recording
- Check recording quality of tape recorder
- Appoint board member to complete Case Adjudication Report form

1. Convene Hearing
   a. Invite the respondent and complainant, and their respective advisors and witnesses into the hearing room
   b. Any family members present should also be admitted.

2. Introductions
   a. State the date and time for the record
   b. All panel members and participants introduce themselves
      i. My name is ........... and I will be the presiding officer of today’s proceedings. We are in room XXXX, the date is XXXX and the time is XXXX. I would like all participants to state their name for the record beginning with the members of the Central Board... now the complaining party and any witnesses... and the responding party and witnesses ....

3. Purpose
   a. Explain the purpose of the hearing
   b. Remind all participants to treat each other with courtesy
      i. Today’s hearing of the Central Board has been convened to consider the case of (respondent’s name). This is an informal proceeding not comparable to a criminal trial. The hearing panel’s objective is to determine the facts of this case, to make a determination regarding the alleged violations of University regulations, and to recommend appropriate disciplinary sanctions, if necessary. All participants are encouraged to treat each other with respect and courtesy.

4. Complaint & Charges
   a. Read allegation
   b. Identify charges and read into the record
   c. Request a response for each charge: responsible or not responsible
i. I am now going to read the charges against you for the record (Mr. or Ms. You have been charged with violating section of the Code of Student Conduct)...
(Respondent’s name)

Do you understand the charges against you? I am now going to read each charge and ask you to enter a plea of responsible or not responsible.

5. **If the Plea is RESPONSIBLE:**
   a. Read honesty statement (see below)
   b. Proceed with all remaining items in sequence.
   c. Questioning should be restricted since the respondent has admitted responsibility. The complainant’s narrative is important only to understand the incident.

6. **If the Plea is NOT RESPONSIBLE:**
   a. Read honesty statement (see below)
   b. Proceed with all remaining items in sequence
   c. **HONESTY STATEMENT**
      i. The following statement pertains to all persons who will be providing information in today’s proceeding:

      *It is expected that all information presented at this hearing will be true and correct. Be advised that students who willfully provide false information will be in violation of Part 9, section (i) of the Code of Student Conduct and may face disciplinary action. Other members of the University community who willfully provide false information will be referred to the appropriate University official. Furthermore, the Board may consider a pattern of lying or fabrication by the respondent when deciding upon disciplinary sanctions in the case.*

      If anyone is unable to comply with this request, you should so inform the board at this point.

7. **All witnesses will be excused**
   a. Remove witnesses from the hearing until called
   b. Character witnesses for the respondent will not be called until a determination is rendered and if sanctioning is necessary

8. **Procedural Questions**
   a. Ask both parties if there are any procedural questions that need to be resolved before commencing the hearing
b. Ask each party if they are prepared to proceed, for the record

9. Opening Statements
   a. Ask the complainant and the respondent, or their respective advisor or advocate, to offer an opening statement

10. Complainant’s Account
    a. Ask the complainant to give a narrative account of the incident
    b. The Campus Advocate may direct questions to the complainant

11. Questioning
    a. Board members direct questions to either complainant
    b. Respondent may ask questions of the complainant
    c. Advisor for the respondent may ask relevant questions of the complainant and the respondent, provided the questions are not redundant

12. Respondent’s Account
    a. Ask the respondent to provide a narrative account of the incident
    b. The Respondent’s advisor may direct questions to the respondent

13. Questioning
    a. Board members direct questions to either respondent
    b. Complainant may ask questions of the respondent
    c. Campus advocate for the complainant may ask relevant questions of the complainant and the respondent, provided the questions are not redundant

14. Identify Witness(es)
    a. Ask the complainant to identify the witnesses to be called, and the relevancy of their testimony; be liberal in allowing relevant witnesses
    b. Ask the respondent to identify the witnesses to be called, and the relevancy of their testimony; be liberal in allowing relevant witnesses

15. Complainant’s Witness(es)
    a. Witnesses are called one at a time
    b. Ask each to affirm that the testimony they are about to offer is truthful. Sign honesty statement if a campus community member.
    c. Ask each witness to provide a narrative account of what they know about the allegations
    d. Board members ask questions of the witness
    e. Respondent or respondent’s representative may ask relevant questions
    f. Complainant or complainant’s advocate may ask any relevant questions
16. **Respondent’s Witness(es)**  
   a. Witnesses are called one at a time  
   b. Ask each to affirm that the testimony they are about to offer is truthful. Sign honesty statement if a campus community member.  
   c. Ask each witness to provide a **narrative account** of what they know  
   d. **Board members** ask questions of the witness  
   e. **Complainant or campus advocate** may ask any relevant questions  
   f. **Respondent or respondent’s advisor** may ask relevant questions  

17. **Closing Statements**  
   a. Ask the **respondent** and **complainant**, or their respective representative or advocate, to offer a closing statement  
   b. **Complainant** has the burden of proof and goes last  

18. **ADJOURNMENT FOR DELIBERATION**  
   a. Announce adjournment to determine responsibility  
   b. Remind participants that they will be expected to return  
   c. Witnesses may be excused  

19. **Determination**  
   a. Recall both parties and announce the board’s determination and the facts upon which it was based  
   b. If not responsible, thank participants and dismiss all parties  

20. **SANCTIONING - if responsible**  
   a. Explain the sanctions available to the board and the process for rendering a final decision  
   b. Call no more than two character witnesses for the respondent; written references may be substituted  
   c. Allow **board members** to ask questions related to character or any other questions that may assist in determining sanctions ask the **complainant** or **campus advocate** for a recommendation ask the **respondent** or his/her **advisor** for a recommendation  

21. **Sanction Deliberation**  
   a. Explain to both parties that they will be notified of the final outcome by mail in approximately two weeks  
   b. Dismiss all parties
**Wrap-Up**

- Sign this checklist and place in case file
- Place Case Adjudication Report and hearing notes in case file
- Return the case file to the office if still open (organize documents into “shredded” and “keep” categories. If closed, leave in conference room telephone stand drawer.
- If office is closed, leave digital recorder in the conference room (in stand near telephone) and lock door
DATE

Dear STUDENT:

The continued hearing will take place on DATE. Please arrive at least 15 minutes before the start time. The hearing will proceed at TIME sharp. We will continue the hearing proceedings where they ended on FIRST HEARING DATE. Please anticipate being on campus all day to assure that we hear the conclusion of the complaining party’s account, respondent narrative accounts, questioning, any witness testimony, and Board deliberations.

I want to provide some additional guidelines for hearing proceedings, please review the list below:

1. It is recommended that you review the Code of Student Conduct specifically the hearing procedures under SECTION of the Code.

2. The hearing is an informal proceeding not comparable to a criminal trial. The hearing panel’s objective is to determine the facts of the case, make a determination regarding the alleged violations of University regulations, and to recommend appropriate disciplinary sanctions, if necessary. The purpose of the hearing is not to question why you are charged, but rather to review the allegations and make a determination. All respondents will have the opportunity to provide their own narrative account of the acts alleged.

3. As stated in Part 35, section (e):
   
   The presiding officer of each board shall exercise control over the proceedings to avoid needless consumption of time and to achieve the orderly completion of the hearing. Except as provided in section (o) of this Part, any person, including the respondent, who disrupts a hearing may be excluded by the presiding officer or by the board advisor.

   Therefore, any disruptive behavior, questions irrelevant to the narrative accounts, speaking out of turn, side comments, or disrespectful actions may result in you being asked to leave the hearing. If you have a question during the hearing proceedings, please raise your hand until you have been acknowledged by the presiding officer and speak one at a time. You are encouraged to treat all participants with respect and courtesy.

4. Please limit your opening and closing statements to five minutes or less. You will have more time to expand on the alleged behavior during your own narrative account.

5. In the interest of time, if you intend to submit any documents for review, please have at least NUMBER (#) copies made for the Board to review. The documents that you received on DATE will not be copied again.
6. If you have representation, upon receipt of this notification you are advised to forward this message on to your representative.

7. If you have any questions or concerns regarding hearing proceedings or the student conduct process please direct them to myself or the Office of Student Conduct at PHONE NUMBER.

Sincerely,

STAFF
APPENDIX V: CONFIRMATION OF INDIVIDUALS PRESENT AT HEARING EXAMPLE

DATE

Dear STUDENT,

Due to space limitations for your upcoming hearings on DATE, please confirm the total number of individuals (representatives, family, witnesses, character witnesses etc.) you intend to bring to campus in support of your pending allegation. Please note due to space limitations within the hearing room, you will only be permitted to bring in one representative (attorney/Student Legal Aid) and one person to provide moral support (family member/friend/religious leader etc.). All other individuals will be called in to present information to the Board when the time is appropriate for the hearing.

Please confirm how many individuals you intend to bring to your hearing by DATE at TIME and please note their affiliation to the hearing.

Thank you,

STAFF
APPENDIX W: BOARD NOTES
(CONDENSED FOR PURPOSES OF THIS MANUAL)

Date:_______________________________________________________________________________________

Presiding Officer:___________________________________________________________

Board Members:_______________________________________________________________________________________

Community Advocate:_________________________________________________________________________

Advisor:_______________________________________________________________________________________

Respondent 1:_________________________________ Representative:______________________________

Charge:______________ Plea:______________

Charge:______________ Plea:______________

Charge:______________ Plea:______________

Respondent 2:_________________________________ Representative:______________________________

Charge:______________ Plea:______________

Charge:______________ Plea:______________

Charge:______________ Plea:______________

Respondent 3:_________________________________ Representative:______________________________

Charge:______________ Plea:______________

Charge:______________ Plea:______________

Charge:______________ Plea:______________

Complainant 1:______________________________________________________________

Complainant 1’s Narrative Account:

Complainant 2:______________________________________________________________

Complainant 2’s Narrative Account:

Respondent 1:______________________________________________________________

Respondent 1 Opening Statement:

Respondent 1’s Narrative Account:

Respondent 2:______________________________________________________________

Respondent 2 Opening Statement:

Respondent 2’s Narrative Account:

Respondent 3:______________________________________________________________

Respondent 3’s Narrative Account:
Respondent 3 Opening Statement:
Respondent 3’s Narrative Account:

Witness: ________________________________________________________________
Witness Testimony:

Witness: ________________________________________________________________
Witness Testimony:

Witness: ________________________________________________________________
Witness Testimony:

Witness: ________________________________________________________________
Witness Testimony:

Witness: ________________________________________________________________
Witness Testimony:

Complainant Closing Statement:

Respondent 1 Closing Statement:

Respondent 2 Closing Statement:

Respondent 3 Closing Statement:

Additional Notes:
APPENDIX X: SUBPOENA REQUEST & SUBPOENA INFORMATION FOR THE RESPONDENT

Subpoena Request

DATE

Dear DIRECTOR,

There was a motion from the Board to the Presiding Officer, STUDENT NAME, on DATE requesting to subpoena witnesses for the hearing of LIST OF RESPONDENTS. The witnesses the Board is requesting to be present on DATE are:

LIST OF WITNESSES

Part 35, Section b of the Code of Student Conduct states that subpoenas must be approved by the Director of Student Conduct. As the board advisor and on behalf of the presiding officer, I am seeking approval to subpoena these listed witnesses.

Please contact me if you have any questions.

Thank you,

STAFF

Subpoena Information for the Respondent

DATE

Dear STUDENT RESPONDENT,

There was a motion from the Board to the Presiding Officer, STUDENT NAME, on DATE requesting to subpoena witnesses for your hearing. The witnesses the Board is requesting to be present on DATE at TIME are:

LIST OF WITNESSES

The request has been approved by the Presiding Officer and the Director of Student Conduct (per Part 35, Section b of the Code of Student Conduct). Per your DATE notice the hearing will resume on DATE at TIME at LOCATION.

Sincerely,

STAFF
**APPENDIX Y: CASE ADJUDICATION REPORT**  
*(CONDENSED FOR THE PURPOSES OF THIS MANUAL)*

Hearing Date:______________________  Time:______________________________
Complainant:__________________  Respondent(s):__________
Presiding Officer:______________________
Recorder:______________________

**A. CHARGES**

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<th>Response</th>
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**B. NAMES OF WITNESSES**

For Complainant  
For Respondent

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*DETAILED NOTES OF TESTIMONY MUST BE RECORDED ON SEPARATE SHEETS*

**C. FINDINGS OF FACT:**

**D. CONCLUSION:**

_____________________________________________________________________________________________

_____________________________________________________________________________________________
E. BOARD RECOMMENDATIONS (Majority vote of board)

Expulsion: ______
Suspension: ______ Length of suspension: ______
Suspension Withheld: ______ Length of Suspension withheld: ______
Probation: ______ Length of probation period: ______
Reprimand: ______ Restitution: ______
Community Service: ______ # of hours: ______

Other Sanctions/Restrictions: ________________________________________________
____________________________________________________________________________
____________________________________________________________________________

Rationale: ________________________________________________________________
____________________________________________________________________________

F. Names of Board Members Participating and Voting:

________________________________________
________________________________________
________________________________________
________________________________________
________________________________________

Board Advisor: __________________________________________________________

G. Other Comments:

Dissenting views? If so, what about and by whom
Any problems, issues, concerns requiring attention:
Anything else the Assistant Director needs to know:
APPENDIX Z: REQUEST TO MEET AFTER HEARING

DATE

SAMPLE STUDENT
Sent via email <samplestudent@umd.edu>

Dear SAMPLE STUDENT:

A hearing was convened with members of the Central Board to hear allegations of misconduct filed against you. It was alleged that you engaged in misconduct as president of ORGANIZATION. As a result of the hearing (see attached opinion). Consequently, you were found responsible for engaging in conduct considered prohibited under the Code of Student Conduct, Part 9, Section(s):

(h) intentionally furnishing false information to the University.

(n) failure to comply with the directions of University officials, including campus police officers, acting in performance of their duties.

(o) violation of published University regulations or policies, as approved and compiled by the Vice President for Student Affairs, specifically hazing

In response to your involvement in this incident, the hearing panel has recommended to my office that expulsion be imposed. In considering this sanction recommendation I would like to offer you the opportunity to meet with me personally to discuss your case. Your family may also be invited to attend. Contact this office to arrange an appointment by DAY, MONTH DATE, 2013. If you have not scheduled an appointment within the specified time, a final sanction determination will be made.

If you have any questions or concerns regarding this correspondence, or the student conduct system at the University of Maryland, please contact the Office of Student Conduct.

Sincerely,

STAFF NAME
STAFF TITLE

CC: File
Encl: Hearing Opinion
APPENDIX AA: SAMPLE SANCTION LETTERS AND SANCTION LETTER TO NATIONAL ORGANIZATION

DATE
NAME
MARYLAND STATE DIRECTOR, FRATERNITY/SORORITY, INC.
Sent via email to email@director.com

Dear NAME:

Notice dated NAME was sent to STUDENT NAME, former president of the CHAPTER of FRATERNITY/SORORITY, Incorporated to cease and desist all chapter activities as a result of alleged hazing violations on campus and a criminal investigation. Subsequently, you attempted to conduct your own investigation with the wo/men listed in COMPLAINANT’S NAME referral to our office. You subsequently issued a cease and desist order to the undergraduate chapter on campus.

You and I met to discuss the pending university disciplinary charges. Since the national fraternity/sorority removed the chapter from the campus, I requested that you represent the fraternity/sorority in the campus case. You agreed to that request, entering a plea of “no contest” to the pending charge.

On the basis of this plea and a waiver of a hearing on this matter, the CHAPTER of SORORITY/FRATERNITY, Inc. is determined to be responsible for engaging in conduct prohibited under Part 9 of the University of Maryland Code of Student Conduct, Sections:

(o) violating published university regulations – specifically the university’s hazing policy.

In response to these violations, University recognition of the CHAPTER of FRATERNITY/SORORITY, Inc. is hereby revoked. University recognition shall not be granted to any group of students or organization affiliated with FRATERNITY/SORORITY, Inc.

FRATERNITY/SORORITY, Inc. will be permitted to petition the Office of Student Conduct for review of this revocation of recognition no earlier than FUTURE DATE in accordance with procedures outlined by the Office of Campus Programs and the Department of Fraternity and Sorority Life. Reinstatement will not be assured. The following conditions are set forth to guide a decision should a petition for reinstatement be submitted:

a. The Office of Student Conduct must approve clearance for recognition. Such clearance will be determined after a review and discussion of prior (dating back three academic years) and
pending hazing cases against FRATERNITY/SORORITY, Inc. at other institutions of higher education. Additionally, a review of national programs and initiatives intended to prevent hazing will be conducted.

b. All undergraduate members and pledges of the Maryland Chapter as of DATE must have graduated or no longer attend the University and will be prohibited from being involved in any effort to gain University recognition.

c. Efforts to gain University recognition must be strictly supervised and supported by FRATERNITY/SORORITY INC. state and national representatives.

d. National and/or state representatives must present a plan for the close supervision of any membership intake program for a period of four years. Such plan must also specifically articulate how hazing activities have been eliminated.

e. Should recognition be denied, a full calendar year must expire before another petition will be accepted.

f. No current or past members of the CHAPTER may be involved in any effort to gain University recognition.

g. In order for the chapter to start anew, new advisors and the faculty advisor, must be identified and approved to work with the chapter.

h. Please be advised should the CHAPTER be reinstated, additional terms may apply to the CHAPTER that will involve campus, local, state, and national oversight of the chapter by our office.

i. Active members of the chapter at the time of the incident are not permitted to reconstitute the group under a different name and seek registered student organization status;

j. Additional terms and conditions related to reactivation/recolonization that must be met prior to return of the chapter may apply.

I appreciate your attention to this matter and look forward to your continued cooperation in the future. I look forward to receiving a response from the national organization regarding their imposed sanctions. Should you or any representative from the sorority have any questions or concerns, please feel free to contact me.

Sincerely,

STAFF NAME
TITLE

cc: Director of Fraternity and Sorority Life
Assistant Director of Student Activities
File
APPENDIX AA: SAMPLE SANCTION LETTERS AND SANCTION LETTER TO NATIONAL ORGANIZATION

DATE

STUDENT NAME
EMAIL
Sent via email to student@univ.edu

Dear STUDENT NAME:

After carefully considering your case and the recommended sanctions, it is determined that you are suspended from the University of Maryland for one year through the conclusion of the Spring 2013 semester. This action will be permanently noted on your academic transcript. During this period, you are prohibited from participating in any University-sponsored activity and are barred from University premises unless written permission from the Office of Student Conduct is granted. Courses taken at other institutions may not be applied toward a University of Maryland degree without prior approval from the academic dean of the college in which you are enrolled.

Students who want to return to the University after a judicial absence must apply for reenrollment. Information on reenrollment and the application can be found at www.studentsuccess.umd.edu. Please pay special attention to deadlines. For questions on reenrollment you may email rr-admit@umd.edu.

You will be eligible for sanction reconsideration after one-semester. The remaining semester may be withheld on the following conditions:

a) You must complete e-thos, an on-line ethics seminar. The e-thos seminar is an on-line seminar about integrity, character, and ethics. To begin the seminar, you must contact Staff Name and Title at test@umd.edu. The course-like seminar will take you several months to complete. You are advised to begin the seminar as soon as possible in order to allow yourself enough time to complete the seminar. Once you contact Staff Name, you will receive all instructions and materials for the seminar.

b) You must show satisfactory evidence that you completed 60 hours of community service with a local charitable organization. A written statement from your site supervisor must be submitted to our office on agency letterhead. This statement should include: * How many hours were completed; * The date the hours were completed; and * A description of your specific assigned duties * A phone number where the site supervisor can be contacted * A
signature from the site supervisor. Our office contact information is below: 2118 Mitchell Building College Park, MD 20742 301.314.8204 tel. 301.314.9533 fax

c) You are instructed to complete a 20 page typewritten double-spaced research paper on the role of Greek Life on college campuses in the United States and its implications for student leadership. You are to reflect upon your research of this topic and related incident. You must use a minimum of 10 resources for your paper. APA or MLA are acceptable forms of citation. Please use Times New Roman font and 1" inch margins. Additionally, please place last name and UID on each page.

**Group Organization Suspension Sample:**

In response to these violations, **University recognition of the XXX Chapter of ORGANIZATION is hereby revoked.** University recognition shall not be granted to any group of students or organization affiliated with ORGANIZATION. ORGANIZATION will be permitted to petition the Office of Student Conduct for review of this revocation of recognition no earlier than MONTH DATE, YEAR in accordance with procedures outlined by the Office of Campus Programs and the Department of Fraternity and Sorority Life. Reinstatement will not be assured.

**Sample Conditional Sanctions:**

a. In order for the chapter to start anew, new chapter advisors and the faculty advisor, must be identified and approved to work with the chapter. These positions must be jointly approved by the University and name representative.

b. If recognition is reinstated, periodic reviews will be conducted jointly with various offices on campus.

c. Submission of a report in advance of any new member intake activities.

d. Sponsorship of an annual educational program relating to membership intake and recruitment activities.