

STUDENT AFFAIRS, NEBRASKA STATE COLLEGE SYSTEM

**POLICY: 3300 Student Organizations;
Conduct & Discipline**

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BOARD POLICY

Students should be encouraged to participate in student government and other student organizations. A student organization is defined as a group of students joined together in pursuit of a common purpose, guided by a constitution or charter and officially recognized by the College pursuant to this policy. Student organizations are distinct and separate entities from the Colleges.

Each of the Colleges shall have structured student organizations, including an organized student government, which shall be the principal entity for student participation in the decision-making process of the College. The Vice President responsible for Student Affairs will exercise authority over the conduct of all student organizations, including fraternities and sororities.

All student organizations shall comply with all applicable state and federal laws and regulations, Board policies and College rules with respect to the operation, activities, and membership of the organizations.

Only student organizations officially recognized by the College shall have the opportunity to access student activities fees with the approval of the Student Senate, and at the College's discretion, access to College resources at a free or reduced rate as set forth herein. Student groups not recognized by the College as student organizations under this policy are subject to the same policies and procedures applicable to any other outside community member.

Each College shall have a written process for the recognition and discipline of student organizations consistent with this Policy.

In order for a student organization to be recognized by the College it shall have a minimum number of student members as established by the College; an advisor who is an employee of the College; and a charter agreement and/or constitution that is approved by the Vice President responsible for Student Affairs. The organization shall provide to the College a copy of the charter agreement and/or constitution; a list of student officers; and written acknowledgement that the student officers have read and understand Board Policies 3100 and 3300. The Student Senate shall have an opportunity to review charter agreements and constitutions of all student organizations seeking College recognition and make recommendations to the Vice President responsible for Student Affairs. In the event the decision of the Vice President responsible for Student Affairs regarding a student organization's charter agreement and/or constitution is contrary to the recommendation of the Student Senate, the Student Senate may appeal the decision to the President.

In order to remain in good standing, each recognized student organization shall submit to the Vice President responsible for Student Affairs or his/her designee an annual registration on or before October 15th containing information required by the College, including, but not limited to, the following information:

- 1) A list of current officers;
- 2) Total number of members as of October 1st;
- 3) Name(s) of advisor(s);
- 4) Name(s) and a description of duties of volunteer(s) providing assistance to student organizations on a routine and ongoing basis; acting in a capacity similar to those of an advisor and/or coach; intended to provide transportation for students; or are otherwise required to submit to a background check subject to this Policy; and
- 5) The current copy of its charter agreement and/or constitution or a certification that the copy on file is current.

A copy of the prior year's registration shall be provided to the Student Senate by the Vice President responsible for Student Affairs or his/her designee.

Annually the College shall provide the following to the officers and advisor for each recognized student organization:

- 1) A copy of Board Policies 3100, 3300 and any other relevant policies;
- 2) Applicable College rules, procedures, and forms; and
- 3) Recommended practices regarding cash handling, accountability, and record keeping.

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The Student Senate may establish requirements for student organizations as a condition of eligibility to receive student activity fees, so long as the requirements are consistent with Board Policies. The Student Senate may request that the College revoke recognition of a student organization for failing to comply with established requirements and/or Board Policies.

Constitution/Charter Agreement

All new charter agreements and/or constitutions and any revisions to existing charter agreements and/or constitutions must be approved by the Vice President responsible for Student Affairs. Charter agreements and/or constitutions for recognized student organizations must comply with all applicable state and federal laws and regulations, Board policies and College rules, including the College's non-discrimination policy. The charter agreement and/or constitution of an organization must affirmatively state that membership in the organization is open and the organization will not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, religion, or age. An organization exempt under Title IX may maintain its single-gender membership and may modify the non-discrimination statement in its charter and/or constitution to reflect its exempt status.

Advisors

Each recognized student organization shall have an advisor who is an employee of the College.

Advisors may be assigned by the College to assist a particular recognized student organization; or, advisors may work with the recognized student organization in a volunteer capacity as service to the College, community, and profession, if approved as a volunteer by the Vice President responsible for Student Affairs. Advisors are presumed to be working within the course and scope of their employment when performing the duties of an advisor, regardless of whether they are working in a volunteer capacity.

The role of an advisor is to communicate with, guide, and assist the organization; attend organization meetings, events, and fundraisers; be knowledgeable of all policies that may impact the organization; and monitor compliance with Board and College policies and budgetary/financial guidelines established by the College and student government.

An advisor is not required to accompany a student organization while traveling. However, a student organization may request that an advisor accompany the student organization when traveling. A student organization may also be required by the Vice President responsible for Student Affairs to be accompanied by an advisor when traveling, if warranted by individual circumstances. All travel by an advisor must be approved pursuant to established Board and College rules and procedures.

Volunteers

A "volunteer" is any individual who chooses to perform services without compensation or expectation of compensation at the direction of, and on behalf of, a student organization. A member of the student organization is not considered a volunteer. Advisors who are volunteers are governed by Board Policy 5025.

Student organizations are responsible for the training and supervision of their volunteers. A volunteer who provides assistance in person to student organizations on a routine and ongoing basis; and acts in a capacity similar to those of an advisor and/or coach shall be subject to a criminal background check at the expense of the student organization.

A student organization may submit a request to the College that a volunteer driver be authorized to operate a state owned vehicle pursuant to Board Policy 7020. The volunteer cannot be a student. The College is not responsible for finding a volunteer on behalf of the student organization. The volunteer would be a volunteer on behalf of the College subject to Board Policy 5025 for purposes of operating a state vehicle and required to satisfy all requirements set forth in Board Policy 7020. Approval of the volunteer is entirely within the discretion of the College.

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Funding

Student organizations may receive funds from the following sources:

- Student activity fees in an amount to be determined by the Student Senate of the College; and
- Donations from individuals, businesses, or other entities and proceeds from fundraising activities conducted in compliance with this policy.

Student organizations shall not receive any College or Foundation funds.

Nothing herein shall prohibit the College from working with student organizations to co-fund activities or events for students. Any activities, or events co-funded by the College and one or more student organization shall be open to any qualified student and not limited to members of the student organization. An event or activity attended solely by members of the student organization(s) involved, cannot be co-funded by the College. Plans to co-fund an activity or event, must be in writing and specifically identify the costs to be paid by the College and by the student organization(s). If a contract requires payment from both the College and the student organization, the portion to be paid by the student organization must be paid from student activity fees.

To the extent the College and the student organization(s) are co-funding transportation costs associated with a co-funded activity or event, any portion of the costs allocated to the student organization(s) must be paid from student activity fees.

Travel expenses for advisors traveling with student organizations may be paid by the College or by the student organization. Reimbursement of expenses cannot be made directly to the advisor from the student organization. All travel expenses for advisors must be done through normal College procedures.

College Resources

College resources may be available to recognized student organizations at a free or reduced rate at the discretion of the College including, but not limited to, copiers, computers, mail, email, postal services, building use, and state cars. College resources shall only be made available to the recognized student organization, if the organization has available allocations to cover the applicable resource cost from the student activity fees, which are in the College accounts, or outside bank accounts. Use of any College resources must be in accordance with College policies. Such College resources shall not include the use of College or Foundation funds.

Contracts

All student organizations wishing to enter into agreements or contracts with persons, corporations or organizations, external to the College community, must have approval by the College Vice President for Administration and Finance, or his or her designee, prior to entering into such an agreement or contract in order to ensure that (a) the contract does not create inappropriate or unanticipated liability for the College and the Board of Trustees; (b) if the student organization intends to utilize its student activity fees, the use of the fees is appropriate and sufficient funds exist to cover the cost of the contract, and (c) if the contract includes the utilization of College facilities and/or resources, that the student organization has complied with all requirements for the use of such facilities and/or resources. The appropriate student organization officer shall sign contracts on behalf of the student organization. The College shall not sign contracts on behalf of student organizations. However, contracts that include the utilization of College facilities and/or other resources of the College for an event must be approved in advance and also be signed by the College President or Vice President for Administration and Finance.

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Finances

All student organizations are responsible for maintaining their own bank accounts outside of the College and College Foundation for funds from student organization fundraising or other activities. No College or Foundation tax identification numbers shall be used on these accounts. Student organization funds held in such accounts do not belong to the College or Foundation and an accounting for those funds will not be included as part of the College's or Foundation's audit. Student organizations are financially and legally responsible for deposits to and expenditures from their accounts.

College employees including, but not limited to, student organization advisors may not be signatories on student organization bank accounts.

Fundraising Activities

Student organizations may wish to collect money through fundraising activities to support their activities and functions. For purposes of this policy, fundraising is defined as collecting money through donations, sales, and/or event programming for the purposes of budget enhancement.

Only recognized student organizations may conduct fundraising on campus. Permission for conducting fundraising activities must be obtained in advance by completing the required College form and obtaining necessary College approvals.

The purpose of the funds that will be raised must be consistent with the Code of Conduct and other applicable policies of the College and all activities associated with the fundraising must be in compliance with applicable federal, state, and local rules and regulations.

The Board acknowledges that this policy may not anticipate every possible issue that may arise with respect to fundraising activities. As a result, the Colleges have the right to impose reasonable restrictions and/or requirements with respect to the time, place and manner of fundraising activities.

Insurance

The Board of Trustees' insurance coverage for each College does not extend to student organizations. Student organizations should conduct business with that understanding and must accurately represent their insurance status to organization members and outside entities. However, all co-funded activities and events, are to be considered College activities and events for insurance purposes unless otherwise agreed to in writing by the College and the student organization(s) involved.

Student organizations are allowed to independently seek insurance coverage for the benefit for their members.

Student Organization Misconduct

Student organization misconduct which may rise to sanctions includes:

- 1) Failure to comply with applicable state laws and regulations, federal laws and regulations, Board policies and/or College rules;
- 2) Engaging in conduct which constitutes student misconduct as outlined in Board Policy 3100; or
- 3) Creating, supporting, or fostering an environment which allows, encourages, or otherwise contributes to student misconduct as outlined in Board Policy 3100.

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Reports of any student organization misconduct should be referred to the Vice President responsible for Student Affairs. When the Vice President responsible for Student Affairs receives a verbal or written report or otherwise becomes aware of a student organization's alleged misconduct, the Vice President responsible for Student Affairs or his/her designee will conduct an investigation. Student organizations are encouraged to self-report misconduct and take affirmative steps to address misconduct. Nothing herein shall prevent the Vice President responsible for Student Affairs from conducting an initial inquiry to determine whether sufficient information exists to warrant an investigation. Allegations of sex harassment or sexual violence shall be addressed as described in Board Policy 3200; Sexual Violence or Sexual Harassment, Reporting, Policies and Procedures.

Investigation and Discipline

In conducting the investigation, the Vice President responsible for Student Affairs or his/her designee shall:

- 1) Notify the College President of the allegations;
- 2) Notify the leadership of the student organization and the national organization, if any, in writing of the general nature of the alleged misconduct and that an investigation will be conducted;
- 3) Interview student organization leadership, witnesses, and any individuals involved in the conduct at issue; and
- 4) Collect any physical evidence available, including, but not limited to, photos, video or documents.

The student organization leadership may admit the alleged misconduct and voluntarily subject itself to the discipline of the Vice President responsible for Student Affairs.

Upon completion of the investigation, the Vice President responsible for Student Affairs will review the information regarding the alleged misconduct. In determining whether or not misconduct has occurred, the Vice President responsible for Student Affairs will use the preponderance of evidence standard of proof. A preponderance of evidence means that it is more likely than not that misconduct occurred.

Upon completion of his or her review, the Vice President responsible for Student Affairs shall issue a finding that:

- 1) The alleged misconduct is not substantiated and no further action is necessary; or
- 2) The alleged misconduct is substantiated and sanctions will be levied against the student organization.

If the misconduct is found to be substantiated, the Vice President responsible for Student Affairs shall determine the appropriate sanction to be levied against the organization. In determining the appropriate sanction, the Vice President responsible for Student Affairs should consider the nature and severity of the misconduct; whether the student organization self-reported the misconduct; the willingness of the student organization to take responsibility for the misconduct; the level of cooperation received from the student organization in the investigation; and any other relevant facts.

The Vice President responsible for Student Affairs shall notify the College President, the leadership of the student organization, and the national organization, if any, of his or her findings in writing. If the misconduct is found to be substantiated, the notice shall include the sanctions to be levied against the organization and the student organization's right to appeal the decision to the College President.

If it is determined that the organization's recognition is revoked, the notice shall state a specific period of time that must lapse before the organization can reapply for recognition and what actions must be taken prior to its application.

Action taken against the student organization does not preclude the College from taking disciplinary action against individual students pursuant to Board Policy 3100.

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Appeal

A student organization may appeal a finding of misconduct and/or the sanctions imposed by the Vice President responsible for Student Affairs by submitting a written request for review including the grounds for the request to the College President within ten (10) days of the date of the decision. The request for review must be based upon one or more of the following grounds:

- 1) The Vice President responsible for Student Affairs did not follow proper policy and procedure in conducting the investigation and rendering his or her decision;
- 2) The sanction is excessive;
- 3) The evidence does not support the decision; or
- 4) Substantive new information is available that was not available to the Vice President responsible for Student Affairs at the time of the investigation.

Should the leadership of the student organization appeal, the decision of the Vice President responsible for Student Affairs will remain in effect until the appeal is acted upon by the College President. The decision of the College President is final.

Reinstatement from Probation or Suspension and/or Loss of Recognition

An organization may apply to the Vice President responsible for Student Affairs for reinstatement from probation or suspension and/or loss of recognition after the organization has taken steps to correct any action(s) that contributed to the probation, suspension and/or loss of recognition. The organization must demonstrate that it has satisfied all terms of the disciplinary sanctions imposed upon it.

The Vice President responsible for Student Affairs may grant full reinstatement or recognition, deny reinstatement or recognition, or grant conditional reinstatement or recognition. The Vice President responsible for Student Affairs shall notify the leadership of the student organization, the College advisor, the College President, and the national organization, if any, in writing of his or her decision and the basis for any denial.

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