

HAZING INVESTIGATION PROCESS

Effective Date: May 30, 2025

I. AUTHORITY

Fayetteville State University's Policy prohibits hazing and outlines unacceptable conduct. These Investigation and Resolution Procedures apply to all reported or suspected hazing incidents. The Office of Risk and Compliance (ORC) is authorized to oversee the conduct of internal investigations into potential violations of University policies, regulations, and applicable state or federal laws.

II. INITIAL REVIEW AND ANALYSIS

For every report of an alleged or suspected violation of the Policy, the Office of Risk and Compliance will review the circumstances of the reported conduct to determine the following:

- Whether the University has jurisdiction over the parties involved;
- If the Respondent is not a member of the University community or is no longer affiliated with the University at the time of the report or at the time an investigation or Resolution Process is initiated (including if the Respondent has graduated or otherwise left the University), the University may be unable to take disciplinary action or conduct an investigation.
- If the alleged behavior(s) could constitute hazing as defined by the Policy.

If the Office of Risk and Compliance determines that the conduct could constitute Hazing, as defined in the Policy, the Office of Risk and Compliance will proceed with the steps set forth in these Procedures.

III. NOTICE OF ALLEGATIONS AND INVESTIGATION

Following the initial analysis, the Office of Risk and Compliance (ORC) shall determine whether the matter warrants further investigation or should be closed. If

ORC concludes that the complaint does not merit further investigation, the Complainant will be notified accordingly.

If ORC determines that sufficient information exists to initiate an investigation, the Respondent(s) shall be provided with a formal written notice that includes the following:

1. Policy Documentation: A complete copy of the University's Hazing Policy and the applicable investigative procedures.
2. Summary of Allegations: Available details sufficient to enable the Respondent(s) to respond to the allegations, including the identities of involved parties, the nature of the alleged conduct, and the date and location of the incident, to the extent such information is known.
3. Anti-Retaliation Notice: A statement outlining the University's prohibition against retaliation.
4. Investigator Identification: The name and contact information of the assigned investigator(s).

In cases where there are substantiated safety concerns, the issuance of the written notice may be delayed. Such delays must be justified by an individualized safety and risk assessment. Regardless of any delay, the written notice must be provided to the Respondent(s) prior to their initial investigative interview to ensure adequate time for preparation.

IV. INVESTIGATION PROCEDURES

A. Standard of Proof

Fayetteville State University uses the preponderance of the evidence standard of proof when determining whether a Policy violation occurred. This means that the University will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent has violated University policy.

B. Timeframe

Following the issuance of the written notice to all parties, the Office of Risk and Compliance will oversee an investigation to collect all relevant evidence

pertaining to the alleged hazing. The duration of an investigation may vary based on the complexity and circumstances of the case.

C. Fair Notice and Equal Opportunity

During the investigation, the investigator will provide advance written notice to a party of the date, time, location, participants, and purpose of all meetings and investigative interviews pertaining to that party, with sufficient time for the party to prepare to participate. The investigator will provide an equal opportunity for the parties to be interviewed, to identify witnesses, and to present other evidence.

The investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, and/or, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

D. Documentation of Investigation

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses shall be documented by the investigator's notes. After the evidence-gathering phase of the investigation is completed, the investigator will prepare a written investigation report that summarizes the investigation and including all the potentially admissible evidence that is relevant to the allegations in the Complaint.

E. Determination of Responsibility

- 1. Employee Responsibility.** If there is no acceptance of responsibility by the Respondent(s), a determination of whether the Policy was violated will be made by the AVC of Risk and Compliance or other assigned Decisionmaker.

The Decisionmaker will objectively evaluate all relevant evidence and ensure that any credibility determinations made are not based on a

person's status as a Reporting Party, Respondent(s) or witness. The Decisionmaker will resolve disputed facts using the preponderance of the evidence standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the Policy.

After reaching a determination the Decisionmaker will prepare a written decision that will contain:

- A description of the alleged prohibited conduct.
- Information about the policies and procedures the University used to evaluate the allegations.
- The Decisionmaker's evaluation of all relevant evidence and determination of whether the prohibited conduct occurred.
- Transmittal of the written decision to the parties concludes the adjudication process, subject to any right of appeal as specified in "Appeal."

2. **Student or Student Group Responsibility.** Following completion of an investigation, the investigator shall submit a report to the Director of Student Conduct who will determine whether to proceed with issuing a formal charge following the procedures outlined in the Code of Student Conduct. A determination of whether the Policy was violated will be made by the appropriate hearing body as outlined in the Code of Student Conduct.

V. DISCIPLINARY ACTION

1. **Employee Discipline.** In the event the decisionmaker determines that the Respondent(s) is responsible for violating this Policy, the Decisionmaker will, issue a written decision, and forward the decision to the Respondent and an appropriate University official with disciplinary authority over the Respondent(s). The University official will determine any sanctions to be imposed.
2. **Student Discipline.** Student discipline shall be issued in accordance with the Code of Student Conduct.

VI. APPEAL

1. Employee Appeals.

Employment Action Covered by Employment Policy. The Respondent(s) may appeal the written decision of responsibility and sanction in accordance with the policy governing the employment action.

When No Policy Exists to Cover Employment Action. If no policy exists covering the employment or student group action, then the following procedure may be used on one or more of the following grounds:

- A procedural irregularity that would change the determination of whether a Policy violation occurred.
- There is new evidence that would change the outcome of the matter, and that was not reasonably available at the time the determination of whether the Policy was violated occurred or dismissal was made.
- The Investigator or Decisionmaker had a conflict of interest or bias that would change the outcome.

No other grounds for appeal are permitted.

A party must file an appeal within seven (7) business days of the date of the written decision. The appeal must be submitted in writing to the AVC of Risk and Compliance. The appeal must specifically identify the written decision and/or dismissal appealed, the grounds for appeal, and explain in detail why the appealing party believes the appeal should be granted.

Upon receiving an appeal, the AVC of Risk and Compliance will first review it to ensure it was submitted within the required timeframe and that it meets at least one of the allowable grounds for appeal. If the appeal is untimely or does not cite a permitted ground, the AVC will dismiss the appeal and notify all parties in writing of this decision.

The AVC of Risk and Compliance will transmit the appeal and any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal to the University designated appeals officer for the division as determined by the University cabinet-member overseeing the division. The appeals officer will promptly review the appeal and transmit a written decision to the parties. The AVC of Risk and Compliance will provide a written notice of the appeal and the rationale.

The determination of a Complaint, including any disciplinary action, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

2. Student and Student Group Appeals.

Student and student group appeals may be made in accordance with the Code of Student Conduct.