

Student Organization Hearing Results
Black Student Alliance
April 29, 2004

The Student Judicial Board held a disciplinary hearing on April 16, 2004 regarding Student Code of Conduct charges against a chartered student organization, the Black Student Alliance. The charges were based upon a formal complaint alleging that a flyer produced, printed and posted by the Black Student Alliance (BSA) constituted discriminatory harassment and was distributed in violation of the posting policy. The complaint also alleged that the flyer provoked persons handing out the flyer into threatening the complainant with bodily harm, harassing him and otherwise disrupting the learning environment. More specifically, the student organization had been charged with allegedly violating seven sections of the Student Code of Conduct: (1) Section 2.2 Freedom of Expression, (2) Section 3.4 Abuse or Threat, (3) Section 3.10 Posting and Distribution of Publications and Printed Materials, (4) Section 5.2 Discriminatory Harassment, (5) Section 13.10a Additional Policies, (6) Section 15.1a University Affiliated Distribution, and (7) Section 19 Campus Posting Policy.

Based on the information presented during the hearing, and subsequent deliberations, the Student Judicial Board found the Black Student Alliance chartered student organization not responsible for violating the following sections of the Student Code of Conduct: (1) Section 3.4 - Abuse or Threat; (2) Section 3.10 - Posting and Distribution; (3) Section 15.1a - University Affiliated Distribution; and (4) Section 19 - Campus Posting Policy. Additionally, the Student Judicial Board recommended that the charge, Section 2.2 - Freedom of Expression, be dismissed. The Panel agreed that Section 2.2, as written in the Student Code of Conduct, describes a guarantee a student has and therefore cannot be violated.

The Student Judicial Board found the organization responsible for violating the following sections of the Student Code of Conduct: (1) Section 5.2 Discriminatory Harassment and (2) Section 13.10 Additional Policies. The Panel believed that the complainant was directly and personally harassed by members of the Black Student Alliance at the Community Dialogue on March 4, 2004 (e.g., the terms "Sambo" and "Uncle Tom" were specifically directed to the complainant). Additionally, the Panel believed that the flyer was in violation of Section 5.2 in that its posting and distribution incited an immediate reaction not only by the complainant, but by other members of the Pi Kappa Alpha fraternity. The Panel believed that while the BSA indicated that the intent of the flyer was educational, the BSA also indicated that they created the flyer to "push the issue." The panel believed this showed intent to incite others by intentionally making a misleading flyer.

The Dean of Students concurred with the Student Judicial Board's findings (as noted above), as well as with the Student Judicial Board's recommended sanctions as indicated below, adding relevant instructions and timelines related to each sanction:

1. Suspension of the Black Student Alliance Charter until the end of Fall 2004, ending on Monday, December 19, 2004. During this temporary severance of the student organization's relationship with the University, the Black Student Alliance may not exercise any of the privileges accorded to chartered student organizations including, but not limited to, use of University facilities. Arrangements are to be made with appropriate University officials to remove all belongings from the organization's assigned cubicle space as soon as possible, but no later than May 21, 2004. Upon the conclusion of the suspension, if the organization would like to renew its University charter, they must submit such a request in writing per the Student Code of Conduct, Section 13 Chartering Student Organizations.

2. Written Reprimand. The Black Student Alliance chartered student organization has been warned that continuation or repetition of Student Code of Conduct violations may result in more severe sanctions.

3. Educational Sanction #1: Participate in community service equaling a cumulative total of 200 hours, or no more than 10 hours per each individual member. This service must be completed within two months of the renewal of your student organization charter. The community service must be approved, in advance, by appropriate University officials as well as evidence provided of its completion within two weeks after the activity.

4. Educational Sanction #2: Diversity education program, specifically for the Black Student Alliance Executive Committee. Within one month of the renewal of the University student organization charter, the Black Student Alliance must submit a proposal for such a program to be approved by appropriate University officials as well as evidence of the completion of the program at the conclusion of the first semester of the renewal of the University student organization charter.

Per the chartered student organization's due process rights as set forth in the Student Code of Conduct, the Black Student Alliance may appeal this decision to the Vice President for Student Services on the following grounds: (1) presentation of new evidence that was not presented at the hearing; (2) procedural errors at the hearing stage; or (3) the sanction is disproportionately severe. Further appeal rights include the President of Georgia State University followed by the Board of Regents of the University System of Georgia.