

## **Troy University InterFraternity Council Judicial Board**

### **ARTICLE I- PURPOSE**

- Sec. 1. To establish precedent and maintain continuity in regard to judicial action involving fraternities.
- Sec. 2. To implement the enforcement of the Interfraternity Council (IFC) Constitution, IFC Bylaws, and the Oracle.
- Sec. 3. To remove personal and judicial elements from the meetings of the regular IFC.
- Sec. 4. To offer the fraternities increased opportunity for self-government with the ultimate goal of improving interfraternity relations.

### **ARTICLE II- JURISDICTION AND GENERAL AUTHORITY**

- Sec. 1. The IFC Judicial Board shall have jurisdiction over all cases involving violations and/or interpretations of the IFC Constitution and Bylaws, and the Oracle. It shall be the responsibility of the IFC Judicial Board to inform appropriate University authorities, when necessary, of hearings to be held in regard to applicable member fraternities.
- Sec. 2. All member fraternities of IFC shall conform with the provisions of the Troy University regulations affecting the standards of conduct set for all student groups.
- Sec. 3. The Interfraternity Council will uphold all opinions and decisions of the Judicial Board.
- Sec. 4. Actions taken or pending by a chapter's internal judicial body, the national or international office of the fraternity, the Troy University Office of Student Involvement, or by the State of Alabama court system will not necessarily affect the determination of whether or not a case is referred to the IFC Judicial Board.

### **ARTICLE III- MEMBERSHIP**

- Sec. 1. Each IFC member fraternity has the opportunity to have its members serve on the Judicial Board.
- Sec. 2. Each Judicial Board representative must maintain a cumulative G.P.A. of 2.5 or better.
- Sec. 3. The representatives shall not be of freshman standing in the chapter. Furthermore, the representative shall not at the time of his service be a representative of IFC or serve on the Executive Council of IFC.
- Sec. 4. Potential Judicial Board representatives will be chosen by their individual chapter, or by the IFC Executive Council. The selection of the potential Judicial Board representatives shall be approved by their respective fraternity's chapter president.
- Sec. 5. The IFC Full Council reserves the right to decline nominations by a simple majority vote of chapters present if nominees are deemed inappropriate for the positions. Once ratified, the positions shall be held for the entire academic year.
- Sec. 7. Judicial Board representatives must attend judicial proceedings at the call of the Vice President of Administration and Risk Management.
- Sec. 8. The Greek Advisor shall serve as a non-voting member and advisor to the Judicial Board.
- Sec. 9. The Vice President of Administration and Risk Management shall act as Chairman of the Judicial Board. He will not have a vote. The Vice President of Publicity and Records shall keep record of the Judicial Board's transactions and the IFC President shall act as chairperson in case of the inability of the Vice President of Administration and Risk Management.

## ARTICLE IV- INVESTIGATION OF COMPLAINTS

- Sec. 1. Any violation of the IFC By-laws and/or the Oracle can warrant a complaint made against an IFC fraternity(ies).
- Sec. 2. All complaints must be submitted to the Vice President of Administration and Risk Management within 10 days of the violation.
- Sec. 3. All complaints must be submitted on the standard complaint form located in the Office of Student Involvement with the following: date of alleged infraction, location, names of persons involved, names of witnesses (when available), necessary signatures and description(s) of the specific infraction(s).
- Sec. 4. The investigation process will proceed as follows:
- a. The Vice President of Administration and Risk Management has 48 hours to contact chapter president of the chapter in question to inform him of the complaint and investigation.
  - b. The Vice President of Administration and Risk Management and/or members of the Judicial Board, chosen by the Chair of the Judicial board, will investigate the alleged infractions.
  - c. The Vice President of Administration and Risk Management will have 10 business days to conduct a thorough investigation.
  - d. After completing the investigation, the IFC Executive Council will either choose to conduct judicial hearing involving an individual or a fraternity(ies) or move the case to the Dean of Student Services.
  - e. The Vice President of Administration and Risk Management will then contact the chapter president to notify him of the chosen course of action.

## ARTICLE V- OPERATING PROCEDURES OF THE JUDICIAL BOARD

- Sec. 1. The Judicial Board shall meet upon the call of the Chairman. The Chairman shall call a meeting as warranted.
- Sec. 2. There shall be an odd number of hearing board members adjudicating having a minimum of 5 hearing board members, not including the chairman. The chair will not vote.
- Sec. 3. Any justice whose fraternity is a party in a hearing, or who feels he cannot judge a case fairly, must disqualify himself.
- Sec. 4. Action on a case shall begin within 10 business days after receiving the case from the IFC Vice President of Administration and Risk Management. At least 5 business days before the date set for the hearing, the Vice President of Administration and Risk Management shall notify the respondent fraternity(ies) in writing of the list of violations(s), time, and location of the hearing, and information regarding the process. Non-appearance shall be considered by the Board as an admission of guilt to the specified violation(s).
- Sec. 5. The use of personal appearance witnesses is permitted. All witnesses must be notified 24 hours before a hearing. All witnesses will be heard at a hearing. The Board will not limit personal appearance witnesses.
- Sec. 6. The Board shall hear and/or view all evidence that pertains to the case.
- Sec. 7. A written copy of each and every decision made by the Board shall be filed with the Greek Advisor, the Chair of the Board, and one copy shall be kept in the Judicial Board file.
- Sec. 8. Decisions shall be made by a majority vote of the members of the Board sitting on the case by means of secret ballot. All members must vote and no abstentions will be allowed. A member must hear all witnesses and attend all meetings until a final decision is reached, unless prevented by an emergency or by extreme circumstances. In the event of such an occurrence, the Board shall determine if the member is to be seated.
- Sec. 9. For every case, once the adjudication process is complete, the IFC Judicial Board will not subject chapters to a repeated adjudication for the same case. Incidents may warrant a fraternity being addressed by more than one judicial system (i.e., IFC Judicial Board, a civil or criminal court, Inter/National Fraternity Headquarters, and Troy University).
- Sec. 10. The Board shall set up its own hearing procedure in all matters not covered herein.

## ARTICLE VI- HEARING PROCEDURES

### Sec. 1. Process

#### A. Introductions

- a. All persons, including any witnesses, are called into the room;
- b. The members of the Board shall introduce themselves, excluding their fraternal affiliation;
- c. The advisor shall introduce him/herself, and explain his/her role;
- d. The accused organization and any representatives shall introduce themselves, with title when appropriate.

#### B. Initiation of the Hearing

- a. The Chairman shall inform the accused, and any advisor, that the hearing will be conducted in an orderly manner and any person causing disruption will be asked to leave. Additionally, he shall advise the accused of the formality of the hearing, and the necessity of all parties to be completely truthful;
- b. The Parliamentarian shall outline process for the remainder of the hearing as follows:
  1. Case against the accused chapter shall be presented;
  2. Accused may ask questions;
  3. Board may ask questions;
  4. Accused shall present their case;
  5. Board may ask questions;
  6. Accused may give final statement;
  7. Private Board deliberations;
  8. Finding of responsibility and sanction(s), if necessary.
- c. The Chairman shall then ask all witnesses to exit the hearing room, until called.

#### C. Presentation of Case Against the Accused

- a. Review of Information: The Chairman shall inquire if the person representing the accused chapter has had the opportunity to review the file pertaining to the complaint. If not, they may do so at that time;
- b. The Chairman shall then cite each specific article and section of the IFC Constitution, Bylaws, Judicial Code, and/or the Oracle which have been violated. He shall then, after each specific infraction named, ask the accused:
  1. If he, as the official fraternity representative understands the charge(s). If not, the Chairman shall then explain;
  2. If he, as the official fraternity representative is "responsible" or "not responsible" for the charge(s).
- c. If there are no pleadings of "not responsible" by the accused, then proceed to Section 1, H. If any of the pleadings are "not responsible," then the Chairman shall proceed with presenting evidence and/or witnesses against the accused. If/when there are witnesses to the incident, the witnesses shall remain outside the hearing room until they are needed. Witnesses shall then be called one at a time to present their views.

D. The accused shall have the opportunity to ask any questions and/or cross-examine witnesses.

E. Any member of the Judicial Board may ask questions of witnesses.

F. The accused shall then present his evidence, and may call witnesses. The Judicial Board may cross-examine witnesses.

G. There shall then be a question and answer period, where any member of the Judicial Board may ask questions of the accused which concern the case.

H. The accused will then be allowed to give a brief final statement.

I. The Judicial Board shall go into a private deliberation session. All persons, other than the Board and the Coordinator of Student Involvement, shall leave the room while the Board discusses and votes on whether a violation has been committed, and if necessary, what sanction(s) shall be imposed. The Board must determine responsibility and sanction by a majority vote utilizing the standard of a preponderance of evidence.

J. After the completion of deliberations, the accused shall return to the hearing, and shall then be informed of the Board's finding of responsibility, as well as any sanction(s), if necessary. This shall not replace written formal notification by the Chairman or the Coordinator of Student Involvement.

## ARTICLE VII-SANCTIONING

Sec. 1. Suspension: The Board can recommend suspension of the accused, for a specified or indefinite period of time, from the Interfraternity Council. Additionally, the group shall be prohibited from participation in all IFC and University activities. This includes application for recognition as a student organization and use of University facilities. Any suspension shall last until the Chapter is reinstated in accordance with the procedures enumerated in the IFC Bylaws.

Sec. 2. Probation: This sanction puts the fraternity under review of the Judicial Board for a specific period of time. Although no restrictions are automatically attached, the Board may impose restrictions in addition to probation. If no additional violations are reported during this time, the Board shall lift this sanction. However, if the fraternity commits additional violations during their probationary period, their probationary status may be reviewed by the Board.

Sec. 3. Letter of Reprimand: This is a warning indicating that the actions of the accused were inappropriate and that subsequent violations may result in more serious disciplinary action.

Sec. 4. Restrictions include but are not limited to:

- A. Social privileges;
- B. Intramural privileges;
- C. Greek events;
- D. IFC offices;
- E. IFC voting rights;
- F. Campus activities;
- G. Fines not to exceed \$10 per member;
- H. Requirements to pay for damages, letters of apology, etc.

Sec.5. The IFC Judicial Board may not prohibit recruitment, as a sanction, unless the chapter has been suspended from IFC.

Sec. 6. The inter/national headquarters of the fraternity, chapter advisor, and faculty/staff advisor will be notified of all formal sanctions required by the Board.

## ARTICLE VIII-APPEALS

Sec. 1. After the decision of the Judicial Board has been reached, it may be appealed to the Coordinator of Student Involvement under the following conditions:

- i. The appeal must be made in writing within five (5) working days of the date of the letter notifying the organization of the decision of the Board.
- ii. The appeal must be based on the issue of substantive or procedural errors which are prejudicial and which were committed during the disciplinary process or on the basis that the penalty is too extreme for

the violation.

Sec. 2. Notice of appeal will suspend the imposition of the sanction until the appeal has been ruled on.

Sec. 3. The Coordinator of Student Involvement shall review all necessary information and recommend one of the following actions:

- A. That the case stand as originally heard.
- B. That the case be reheard because of procedural error.
- C. That the sanction be reduced.
- D. That the sanction be increased.

Sec.4. They Fraternity has the right to appeal the decision of the Coordinator of Student Involvement to of the Dean of Students. The fraternity must follow the appeal process as outlined in Sec. 1. through Sec. 3. in Article VIII, except with the Dean of Students.

## **ARTICLE IX – ETHICAL STANDARDS**

Sec. 1. All information concerning cases tried by the Judicial Board shall be released by the Judicial Board itself.

Sec. 2. The Judicial Board Chairman shall be responsible for releasing information regarding outcomes of sanctions. Information will be conveyed in a typed written letter hand delivered by the Judicial Board Chairman to all parties impacted.

Sec. 3. The disciplinary status and record of a chapter shall not be discussed with anyone outside of the Judicial Board hearing.

Sec. 4. All Judicial Board members are bound by silence concerning any and all information presented during the hearing.

Sec. 5. The vote of each Judicial Board member is kept confidential.

Sec. 6. The vote of the entire Judicial Board will be shared with the chapter when the decision is announced. Also, information regarding majority and minority opinions during deliberation should be recorded and shared with the fraternity.

## **ARTICLE X- SUMMER JUDICIAL HEARING**

Sec. 1. If a complaint is filed during the period of summer recruitment, the IFC President, Vice President of Administration and Risk Management, and the Vice President of Recruitment and Academics shall oversee the case.

Sec. 2. The same procedure shall be followed to file a complaint as stated in Article VI of the Judicial Board.

Sec. 3. The Vice President of Administration and Risk Management will preside over the hearing and act as a voting member. The IFC President and Vice President of Recruitment and Academics shall act as the remaining voting members of the Board.

Sec. 4. The Judicial Board holds the right to restrict the number of bids a chapter is allowed to give if the fraternity fails to follow the guidelines set forth by the IFC Constitution and Bylaws or the IMPACT rules for summer orientation.

Sec. 5. All other procedures and standards shall follow those set forth by the Judicial Board, including Sanctioning and Appeals.

## **ARTICLE XI – AMENDMENTS**

Sec. 1. This code or any part thereof may be amended or repealed by two thirds vote of the membership of IFC.

## **ARTICLE XII – REVISION**

Sec. 1. The Executive Board of IFC and/or the IFC Full Council shall review this code annually and recommend revisions as needed.