

Cal Poly Interfraternity Council

Judicial Policy

Article I IFC Judicial Board

Section A Jurisdiction

- 1) The IFC shall be a self-governing organization with an independent Judicial Board, having jurisdiction over cases involving alleged Member Fraternity violations, including but not limited to:
 - The IFC Constitution, Bylaws, Code of Conduct, and other policies.
 - The rules and regulations of California Polytechnic State University.
 - The general values-based conduct of fraternity men.

Section B Composition

- 1) The IFC Judicial Board shall be composed of the following justices:
 - The IFC Director of Judicial Affairs, who shall serve as Chair.
 - The IFC President.
 - Three Presidents from IFC-recognized fraternities.
- 2) The justices of the Judicial Board should be devoted to the general ideals and principles of fraternity life and conduct themselves in a professional manner consistent with the mission of the IFC as defined by the Preamble and Article I of the IFC Bylaws.
- 3) Additionally, there will be two fraternity Presidents who serve as alternate justices to fill absences or temporary vacancies due to a conflict of interest.

Section C Term of Office

- 1) The three fraternity President justices and two alternate justices shall be elected by a plurality vote by the delegates at a Regular IFC meeting.
- 2) The term of office for all justices begins at the start of the terms for the new IFC Executive Board and last for the duration of the IFC Executive Board terms.
- 3) Should a fraternity President justice end his term as his house's President during his term as an IFC Justice, there shall be a new election for his seat at the next Regular IFC meeting.
- 4) Upon resignation of a justice or alternate justice, a new election to fill that position shall be held at the next Regular IFC meetings.

Section D Hearing Attendance

All IFC Judicial Board hearings shall be conducted in accordance with the following requirements:

- 1) All IFC Justices shall be present in order to conduct business on behalf of the IFC Judicial Committee.

- 2) Each IFC Justice is required to attend the hearing. Failure of an IFC Justice to attend an IFC Judicial Board hearing may result in his Member Fraternity being referred to the IFC Director of Judicial Affairs for potential judicial review or a fine of up to \$100.

Section E Voting Policies

All IFC Judicial Board hearings shall operate utilizing the following voting policies:

- 1) Each IFC Justice serving on the IFC Judicial Board shall have one vote.
- 2) A majority vote shall govern all actions of the IFC Judicial Board.

**Article II
IFC Judicial Procedures**

Section A Due Process

- 1) In appearing before the Judicial Board, each IFC-recognized Fraternity shall be granted certain rights termed “due process.” Those rights are:
 - Right to be notified, in writing, of all charges
 - Right to present a defense, including the calling of witnesses
 - Right to question witnesses
 - Right to be accompanied by an advisor for advisory purposes only, but not for representation
 - Right to be notified, in writing, of all findings and sanctions imposed
 - Right to appeal the decision to the IFC delegates at a Regular IFC meeting.
 - Right against double jeopardy

Section B Filing of Complaints

- 1) Any individual or group may file a complaint against an IFC-recognized Fraternity, specifying in writing the particular alleged acts of the accused. All complaints filed must be done so with the approval of the individual’s or group’s president or equivalent member of the organization. Before proceeding with any judicial hearing, the IFC Director of Judicial Affairs will contact the complaining organization’s president to verify the legitimacy of the complaint.
- 2) This must be done by submitting an IFC Judicial Report Form to the IFC Director of Judicial Affairs.
- 3) The IFC Director of Judicial Affairs shall promptly review and investigate the allegation.
- 4) Upon determination that an allegation has merit, the IFC Director of Judicial Affairs may charge an IFC-recognized Fraternity with a violation.

Section C Notification of Charges

Once the IFC Director of Judicial Affairs has determined the filed complaint has merit, the Fraternity shall be provided written notification of the charges at least one week in advance of the hearing. This written notification shall include the

following:

- Date, time and location of their judicial hearing;
- Description of the alleged violation; and
- Due Process Rights.

Section D Investigatory Evidence

All evidence related to a complaint shall be compiled and presented to all parties prior to any Judicial Board Hearing. All evidence shall be directly related to the complaint(s) alleged against the Fraternity and shall be approved by the IFC Director of Judicial Affairs prior to circulation.

Section E Hearing Proceedings

For all IFC Judicial Board hearings, the following procedures shall be followed:

- 1) Participants: Attendance at all IFC Judicial Board hearings shall be limited to the fraternities involved, any witnesses, and the IFC Justices. Additionally, the charged Fraternity may be accompanied by its chapter advisor during any Judicial Board hearing. The chapter advisor must be registered as the official chapter advisor of the IFC-recognized Fraternity.
- 2) Confidentiality: All individuals involved in a hearing are required to agree to a statement of confidentiality. Individuals shall not disclose information regarding the following:
 - A. Any individuals or fraternities.
 - B. Details of the proceedings
 - C. Witness testimony.
- 3) Initiation of the Hearing: The IFC Director of Judicial Affairs shall inform all individuals present 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 charged Fraternity of the formality of the hearing and the necessity of all parties to be truthful.
- 4) Overview of Judicial Hearing Process: The IFC Director of Judicial Affairs shall outline the process for the remainder of the hearing as follows:
 - A. Presentation of alleged charges, violations, and investigatory evidence against the charged IFC-recognized Fraternity shall be presented by the IFC Director of Judicial Affairs.
 1. Charged Fraternity may ask questions;
 2. IFC Justices may ask questions;
 - A. Presentation of charged Fraternity:
 1. IFC Justices may ask questions;
 - b. Calling of Witnesses
 1. Charged Member Fraternity may ask questions;
 2. IFC Justices may ask questions;
 - c. Charged Member Fraternity may give final statement;
 - d. IFC Justices deliberate in closed session to determine findings of responsibility and if necessary, appropriate sanction(s).

Section F Conflicts of Interest

In the event that an IFC Justice's Fraternity is involved in the alleged violation, an IFC Alternate Justice shall serve in his stead.

Article III Sanctions

Section A Prohibition on Recruitment Restrictions

The IFC Judicial Board may impose educational and punitive sanctions, but under no circumstances may it prohibit an IFC-recognized Fraternity's ability to recruit unless that Fraternity has been suspended or disaffiliated.

Section B Non-Status Sanctions

The following are sanctions that may be imposed by the IFC Judicial Board and/or IFC Director of Judicial Affairs (including, but not limited to):

- A. Letter of apology
- B. Fines
- C. Restitution
- D. Educational programming
- E. Public service to the campus or community
- F. Meetings with campus office/departments
- G. Loss of social event and/or campus event privileges
- H. Loss of eligibility for IFC Awards
- I. Censure

Section C Status Sanctions

- 1) In the event of an egregious violation, the following are sanctions that may be imposed by the IFC Judicial Board for a specified period of time:
 - A. Suspension: Loss of IFC voting rights, removal from Good Standing status, and any additional sanctions listed in Non-Status Sanctions.
 - B. Loss of IFC Recognition and Disaffiliation: Loss of IFC recognition and its rights and privileges.
- 2) Imposing either of the above listed status sanctions shall require a vote of the IFC delegates as prescribed in Article IV of the Bylaws. The delegates and any other members of the Fraternity present at the meeting of this vote shall leave the room during the deliberation of the sanctions, but shall still be allowed to vote on the charges.
- 3) Voting shall be done by secret ballot.

Section D Duration of Sanctions

- 1) Judicial action shall specify the duration and deadlines of any sanctions imposed.
- 2) After such specified time, if the IFC-recognized Fraternity has fulfilled the requirements of the sanctions imposed, the Fraternity shall return to good standing.

- 3) In the event the Fraternity does not fulfill all of the requirements of the sanctions imposed, the IFC Director of Judicial Affairs shall convene an additional IFC Judicial Board Hearing to determine future course of action.

Section E Notification of Findings

- 1) Within three (3) business days of any Judicial Hearing, the IFC Director of Judicial Affairs shall communicate in writing to the charged IFC-recognized Fraternity, its inter/national headquarters, and its chapter advisor, as well as any relevant Cal Poly administrators, the alleged violation, the findings of the hearing, and any sanction(s) imposed.
- 2) The IFC Director of Judicial Affairs shall notify the IFC General Body of any sanctions imposed upon an IFC-recognized Fraternity through any Judicial Hearing.

**Article IV
Appeals**

Section A Reasoning

- 1) The IFC Judicial Board's decision is subject to appeal by a Fraternity within two weeks of receiving written notification of the decision.
- 2) Appeals shall be made in writing to the IFC Director of Judicial Affairs and IFC President and shall be made solely on the following grounds:
 - A. Error in the charge and/or Judicial Board Hearing process that materially affected the outcome.
 - B. The severity of the sanction did not match the severity of the violation.
 - C. New information that could not have been discovered prior to the IFC Judicial Board Hearing through the exercise of reasonable diligence.
- 3) Sanctions imposed through the Judicial Process shall stand until an appeal is heard.

Section B Process

- 1) The IFC Advisor and the Director of Student Life and Leadership, if necessary, shall hear appeals.
- 2) The IFC Director of Judicial Affairs and IFC President, if necessary, shall first present the IFC Judicial Board's decision and rationale for its actions. The appealing Fraternity shall then be afforded the opportunity to present its reasoning for seeking a reconsideration of the IFC Judicial Board's actions.
- 3) Any individual from the appealing Fraternity serving as the IFC Director of Judicial Affairs or IFC President shall not participate in the appeal proceedings.
- 4) The IFC Advisor and the Director of Student Life and Leadership, if necessary, may either dismiss the charge(s) with no sanctions or to alter the sanctions imposed. This decision shall be final.

Article V Amendments

Section A Process

- 1) A proposed amendment must first be presented in written or digital form to the IFC President and IFC Director of Judicial Affairs.
- 2) Amendments may be added or amended with a two-thirds vote of the delegates present at a regular IFC meeting.
- 3) The IFC must be informed at a regular IFC meeting or an IFC Presidents Roundtable of a proposed amendment through a first reading before the amendment shall be voted upon. Its meaning and effect should be explained if necessary.
- 4) At the following regular IFC meeting, a second reading shall take place and the amendment will then be voted upon.