

California Polytechnic State University - San Luis Obispo
IFC JUDICIAL POLICY & PROCEDURES

Judicial Procedure

A. Incident Report

Reports are to be submitted to the Fraternity and Sorority Life office (Building 28). If the Fraternity and Sorority Life Advisor deems the case meets the criteria for a violation that should be handled by the Judicial Board, and not through the Office of Student Rights and Responsibilities (OSRR), the case will be handed to the Vice President of Judicial Affairs, also known as the Chief Justice. The Vice President of Judicial Affairs will then select three members of the Judicial Board to vote on whether or not the case warrants a judicial investigation. The members will vote anonymously, and should a majority of them decide that further investigation is needed, the Vice President of Judicial Affairs will send a notification letter to the fraternity under investigation.

B. Notification Letter

The Vice President of Judicial Affairs will then email a letter of notification to the president(s) of the offending chapter(s) that states time and place of incident, policies violated, and the time and location of the hearing. The president shall have 48 hours to respond to the letter of notification. No response will result in the investigation moving forward, without the input of the fraternity under investigation.

C. Mediation

Mediation should be used as a beginning procedure to settle disputes among chapters or minor infractions violating College Panhellenic/IFC/USFC policy, as deemed fit by the Fraternity and Sorority Life Advisor and the appropriate Chief Justice. Mediation is an off-the-record attempt to settle a dispute, an informal, facilitated negotiation. An important component of mediation is confidentiality that also extends to the results. Normally all that is written at the conclusion of mediation is either an agreement that the parties (accused and accuser) sign, or a list of the issues, which need to be resolved in another forum.

If mediation is not successful, a judicial board hearing shall be held.

D. Judicial Hearing Process

Section I.

The Chief Justice may not appoint members to serve on the panel hearing a case in which his own chapter is either the aggrieved party or the chapter charged with misconduct, or in which there is an apparent conflict of interest (e.g. a case involving a charge similar to a charge currently pending against the board member's chapter). The Judicial Board summons will specifically name chapters excluded from the voting pool.

Section II.

A chapter charged with misconduct is presumed to be not responsible, and this presumption follows the chapter until responsibility is proved by "clear and convincing" evidence, while the main purpose of the hearing is on fact-finding, and is not meant to mimic a court of law.

Section III.

Judicial Board members, as fact finders, must consider all evidence properly before them. In doing so, it is their responsibility to weigh the evidence calmly and dispassionately. Judicial Board members are not allowed to permit bias, sympathy, or prejudice any place in their deliberations, for all chapters are equal before the Judicial Board. Judicial Board members are not to base their decisions on guesswork, conjecture, or speculation.

Section IV.

Any evidence relevant to a case is admissible at a hearing. This may include direct (eye-witness) evidence, circumstantial evidence, documentary evidence and hearsay. The Chief Justice should rule on the relevancy of the evidence. This does not imply that all testimony has some degree of bias or tends to lead the listener to a single interpretation of a fact or situation.

Section V.

Parties present: Fraternity & Sorority Life Advisor, Chief Justice, IFC Council President, Associate Justices, any relevant witnesses (only permitted in the room when presenting evidence), and the chapter president/representative under investigation. The agenda for a typical hearing includes:

- (1) Introductions;
- (2) Explanation of the judicial process;
- (3) Explanation of the charges;
- (4) Presentation of evidence and testimony of witnesses against the chapter;
- (5) Presentation of evidence and testimony of witnesses on behalf of the chapter;
- (6) Closing Statement on behalf of the chapter;
- (7) Closing Statement from the IFC with recommendations for sanctions while chapter is present;
- (8) Response by chapter to proposed sanctions (optional);
- (9) Deliberation with only the Judicial Board Members and the Chief Justice present; and
- (10) Announcement of the decision.

This agenda may be modified at the discretion of the Chief Justice, but if modified the chapter must be informed and approve all changes prior to the start of the hearing.

Section VI.

The president of the chapter charged with misconduct, or another active member who has been designated as spokesman for the chapter (usually the risk manager), has the right to be present to hear and question all witnesses and to examine all evidence, including all written documentation presented to the Judicial Board. Each chapter is entitled to one spokesman, who must be an active. If the spokesman is someone other than the chapter's president then the chapter president may still attend as an observer.

Section VII.

The chapter charged with misconduct has the right to call its own witnesses. The fraternity charged with misconduct has the right to have an advisor present during the hearings. An advisor, even if he is an attorney, may not present evidence or make motions; his role is simply to advise the chapter.

Section VIII.

A. Judicial hearings shall be closed to everyone other than the Chief Justice, President, Chief of Staff, Judicial Board, Fraternity & Sorority advisor, the president of the fraternity charged with misconduct or his designated representative, an advisor to the fraternity charged, and a representative of the AIFC.

B. If the aggrieved party is a fraternity or sorority, the president and or the designee of the fraternity or sorority may also be present, along with an advisor.

C. Witnesses normally are permitted to be present only while they are presenting evidence. The Chief Justice has the authority to sequester witnesses during hearings.

Section IX.

If a chapter fails to appear at a hearing, after being given proper written notice, the evidence in support of the charges shall be presented, considered, and adjudicated.

E. Resolution:

Notification to National Headquarters—only for suspensions or probations

§ Done after sanctions are given unless it's a serious or re-occurring violation

§ Chapter is notified before letters are sent

Remedial Sanction Program

§ Bi-weekly meetings with the Fraternity and Sorority life advisor, IFC President, and VP of Judicial Affairs to ensure the chapter is making positive progress towards the goal of their sanctions

§ When completed, a Notification of Completion is sent to chapter and headquarters

F. Appeals

The appeal of any Judicial Board decision shall be made within five working days to the Fraternity & Sorority office after receiving written notification of the decision of the Judicial Board decision; the appeal should include a copy of the charges, a copy of the decision, and a statement indicating the grounds on which the decision is being appealed.

An appeal may only be requested on one or more of the following *procedural* grounds:

- I. The accused party has been deprived of due process.
- II. The facts appear insufficient to establish guilt or innocence.
- III. The recommended sanction is inappropriate for the violation, as according to established governing board policy.

Judicial Policy

I. Ethics

- a. All information concerning judicial proceedings is to be kept strictly confidential. Failure to uphold this may result in the impeachment of Judicial Board members.
- b. The judicial record of any fraternity under investigation is not to be shared with anyone outside of the judicial process.
- c. Statements or questions not pertaining to the case at hand are not to be asked or discussed.
- d. Justices must remain impartial throughout the judicial process, especially in regard to personal feelings, prejudices, and any preconceived notions.
- e. You will listen to all proceedings before making a decision.

II. Expectations

- a. In order to be eligible to participate on the Judicial Board, applicants must:
 - i. Have a cumulative 2.5 GPA before, and during, their entire term as justice.
 - ii. Remain in good standing with both their chapter and the university.
 - iii. Not currently serve on their chapter or IFC's executive/governing board.
 - iv. Be affiliated with their chapter for at least three quarters, including the time they spent as associate members.
 - v. You may not serve as an associate justice for two consecutive terms.
- b. Justices will dress in business casual attire (shirt, slacks, and a tie is optional) at hearings.
- c. Have a working knowledge of the IFC constitution and bylaws, college/university policies, NIC standards, and FIPG risk management policies
- d. Must complete formal judicial policies and procedures training prior to serving on an IFC Judicial Board hearing
- e. Be devoted to the general ideals and principles of fraternity life and conduct himself in a professional manner consistent with the Mission and Purpose of the IFC

III. Jurisdiction

- a. The Judicial Board has the power to adjudicate violations involving the governing councils, and all recognized IFC member fraternities, but not over individuals.

IV. Roles

- a. IFC VP of Judicial Affairs
 - i. Shall serve as chair of the the IFC Judicial Committee and serve as the non-voting (except in the case of ties) chief justice of all judicial committee hearings.
 - ii. Investigate and refer to the IFC Judicial Board, any alleged violations of IFC policy, including but not limited to:
 1. The IFC Constitution, Bylaws, and Policies;
 2. Federal, state, and local laws;
 3. The rules and regulations of the university; and
 4. The general values-based conduct of IFC fraternity men
 - iii. Conduct judicial policy and procedure training for new IFC Judicial Committee members
 - iv. Educate member fraternities on the IFC Constitution and Bylaws, judicial processes, and risk management policies
 - v. Ensure proper filing and preparation for all judicial actions
 - vi. Ensure compliance with all IFC judicial action imposed upon a member fraternity
 - vii. Adhere to due process and confidentiality for all judicial cases
 - viii. Is given independent authority over some disciplinary matters
 - ix. Assist in conflict mediation between member fraternities
 - x. Review all IFC governance documents, at least annually
 - xi. Communicates with the campus judicial officials when appropriate
- b. Judicial Committee
 - i. Process for initiating complaints and referring or reporting incidents to the judicial committee
 - ii. Process for notification of chapter, advisors, inter/national office
 - iii. Logistics of the hearing
 - iv. Process for notification of outcome to the chapter, advisors, and inter/national office
 - v. Ethical expectations of the judicial committee -
 1. Expectations of confidentiality
 2. Fairness and consistency among all chapters

Violation Levels and Sanctions

a. **Level One Violation:** Includes, but is not limited to, vandalism, theft, fights between fraternities, failing to meet IFC grade policy for two consecutive quarters, failure to meet IFC community service hour requirements for two consecutive quarters, failure to meet the minimum attendance requirements for mandatory Fraternity and Sorority Life or IFC events, missing FSL or IFC mandated deadlines, and violation of any rules, regulations, or laws set forth by the State of California, City of San Luis Obispo, IFC or international policies.

i. Possible Sanctions

1. Warning
2. Fine not in excess of \$20 per member
3. Letter of apology
4. Community service not in excess of 3 hours per member
5. Replacing/repairing lost or damaged property
6. Required to create or update Scholarship/Risk Management program

b. **Level Two violation:** Includes, but is not limited to, harassment, a repeated or extreme level one violation, violation of recruitment policy, failure to follow FIPG policy, unregistered parties/events not involving alcohol, and violation of any rules, regulations, or laws set forth by the State of California, City of San Luis Obispo, IFC or international policies.

i. Possible Sanctions

1. Any combination of Level One sanctions
2. Fine not in excess of \$35 per member
3. Loss of a party or social function
4. Letter to national office
5. Educational programming
6. Leadership conference
7. Social probation for a maximum of one quarter
8. IM sports sanctions including but not limited to, probation from playoffs and restriction of participation

c. **Level Three Violation:** Includes, but is not limited to, FIGP policies involving alcohol, a common supply of alcohol, serving alcohol to minors, alcohol at rush events, use or distribution of illegal drugs, hazing violations, failure to complete previous sanctions, violation of multiple policies, repeat or extreme offenders in all categories, violation of existing sanctions, and violation of any rules, regulations, or laws set forth by the State of California, City of San Luis Obispo, IFC or international policies.

i. Possible Sanctions

1. Any combination of Level One and Two sanctions
2. Fine not in excess of \$50 per member
3. Social probation for a maximum of one academic year

4. Membership review from the fraternity's National Office
5. Community service not in excess of ten hours per member
6. IFC probation for a maximum of one year, which may include any combination of the following:
 - a. Social probation
 - b. Intramural probation from fraternity league
 - c. Recruitment limitations in accordance with IFC recruitment events such as incoming freshmen list and rush orientation
 - d. Restricted participation in IFC events
 - e. Refusal to recognize fraternity achievements, awards, and trophies
7. Recommend to the Vice President of Student Affairs that the fraternity be put on University Suspension

Please note that all of the sanctions discussed above are subject to the complete discretion of the IFC Judicial Board