

Sample Judicial Process.

Step-by-step guide for handling member fraternity conduct.

The best way to assure this is to be certain that the sanction imposed on a member fraternity fits the violation. If the violation is serious, the sanction must also be serious. If a more severe violation does occur and the sanction is minimal, the member fraternity will believe that the Judicial Board did not feel that the violation was very important and may repeat the behavior without fear of another sanction.

FILING A COMPLAINT

- Any individual or group may file a complaint against a member fraternity, specifying in writing the particular alleged acts of the accused.
 - This must be done by submitting an IFC Judicial Complaint Form to the IFC Judicial Affairs office. The IFC Judicial Affairs officer shall promptly review and investigate the allegation.
- Upon determination that an allegation has merit, the IFC Judicial Affairs officer may charge a member fraternity with a violation.
- A simple process is to create an incident report from which provides enough information for the judicial committee to initiate a conduct sanction if the charge warrants action. A sample notification letter is included in the appendix.
- The incident report form should conclude:
 - Name of the person making the complaint
 - Name of the member fraternity being reported
 - Specific type of incident, such as alcohol, drugs, recruitment or noise
 - Date, time and location of the incident
 - Detailed chronological description of the event
 - Names of the witnesses or others involved
 - Signature of the person making the complaint
 - Date the form was completed

OFFICIAL COMPLAINT NOTIFICATION

Written notification is a very important part of the hearing procedure and should be guaranteed to all member fraternities as part of their due process rights. Once the IFC Judicial Affairs officer has determined the filed complaint has merit, the member fraternity shall be provided written notification of the charges at least one week in advance of the hearing. The notification letter should include:

- A description of the complaint
- Date, time, and location of judicial hearing
- Name of person making the complaint
- Due Process rights
- The specific violation being charged
- Date, time, and location the violation occurred

- Who should attend the judicial meeting
- Procedures if conflict with date or time of the hearing
- A brief description of judicial proceedings
- Who to contact for further information and/or questions

This letter shall be sent to the member fraternity involved in the violation with duplicate copies sent to the fraternity's advisor, IFC Advisor, inter/ national fraternity, and campus conduct coordinator.

INVESTIGATORY EVIDENCE

- **All evidence related to a complaint shall be compiled and presented to all parties prior to any Informal Judicial hearing or Formal Judicial Board Hearing.** All evidence shall be directly related to the complaint(s) alleged against the member fraternity and should be approved by the IFC Judicial Affairs officer prior to circulation.
- The judicial committee must be careful that educational sanctions are levied in a consistent and thorough manner and fit the violation. A serious violation requires that a serious sanction be levied by the judicial committee.
- Fines are appropriate if a member fraternity has caused damages to property or others, as they should then be expected to pay for repairs or replacement; or in conjunction with educational sanctions. Fines, used by themselves, rarely communicate the seriousness of a violation.
- **Recruitment and association privileges should never be revoked as an IFC Judicial Sanction.** As stated in the Joint Resolution of the NIC and the Association of Fraternity/Sorority Advisors (AFA), *"restrictions on rush when used for disciplinary purposes are neither educational nor developmental and therefore are not an acceptable sanction for men's fraternities."*
 - New members provide the growth that an organization with problems needs to redeem itself and should be a focal point in issuing educational sanctions.

INFORMAL JUDICIAL HEARING

- Upon a finding of the IFC Judicial Affairs officer that a filed complaint has merit, he shall offer the charged member fraternity the opportunity to participate in an Informal Judicial Hearing.
- In cases in which the charged member fraternity accepts an Informal Judicial Hearing, the IFC Judicial Affairs officer shall meet with a representative of the charged member fraternity to discuss the allegations of the complaint.
 - Within three (3) business days of the Informal Judicial Hearing, the IFC Judicial Affairs officer may dismiss the complaint with a finding of no violations or provide the charged member fraternity with his finding of violations and recommendation for a resolution through disciplinary sanctions.
- The charged member fraternity has three (3) business days to accept or reject the terms of resolution.

- If the charged member fraternity accepts the resolution, the charged member fraternity waives all rights of appeal and the outcome is final.
- If the charged member fraternity rejects the resolution, a Formal IFC Judicial Board hearing will be convened to hear the case.

PROHIBITED SANCTIONS FOR INFORMAL JUDICIAL HEARINGS

- The IFC Judicial Affairs officer should not recommend suspension or loss of IFC recognition through an Informal Judicial Hearing.
- Should the IFC Judicial Affairs officer believe suspension or loss of IFC recognition is warranted, the case should automatically be referred to a Formal IFC Judicial Board hearing.

FORMAL JUDICIAL HEARING

Formal Judicial Board Hearings will occur if:

- the charged member fraternity rejects having an Informal Judicial Hearing;
- the charged member fraternity rejects the Informal Judicial hearing recommendation for resolution; or
- The IFC Judicial Affairs officer determines the allegation is egregious enough to warrant potential suspension or loss of IFC recognition; the IFC Judicial Affairs officer shall convene a Formal IFC Judicial Board Hearing.

Once convened:

- The IFC Judicial Affairs officer should select (5) Judicial Committee justices, as predetermined by an alphabetical rotation of the Member Fraternities, to hear the case.
 - In the event the IFC Judicial Committee rotation for service on a Judicial Board hearing falls upon an IFC Justice whose member fraternity is involved in the alleged violation, the rotation will skip to the next member fraternity in the alphabetical rotation.
- The IFC Vice President of Judicial Affairs shall serve as a non-voting Chief Justice and the procedural officer for all Judicial Board hearings.

FORMAL IFC JUDICIAL BOARD HEARING PROCEEDINGS

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

- **Participants:** Attendance at all IFC Judicial Board hearings shall be limited to the member fraternities involved, any witnesses, the IFC Justices assigned to serve on the Judicial Board for the hearing, and the IFC Judicial Affairs officer.
 - Additionally, the charged member 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 member fraternity.
- **Confidentiality:** All individuals involved in a hearing are required to agree to a statement of confidentiality. Individuals shall not disclose information regarding the following:
 - Any individuals, member fraternities, or IFC Justices involved
 - Details of the proceedings
 - Witness testimony

HEARING PROCESS

- Initiation of the Hearing: The IFC Judicial Affairs officer 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 member fraternity of the formality of the hearing and the necessity of all parties to be truthful.
- Overview of Judicial Hearing Process: The IFC Judicial Affairs officer shall outline the process for the remainder of the hearing as follows:
 - Presentation of alleged charges, violations, and investigatory evidence against the charged member fraternity shall be presented by the IFC Judicial Affairs officer:
 - Charged member fraternity may ask questions;
 - IFC Justices may ask questions;
 - Presentation of charged member fraternity:
 - IFC Justices may ask questions;
 - Calling of Witnesses:
 - Charged member fraternity may ask questions;
 - IFC Justices may ask questions
 - Charged member fraternity may give final statement;
 - IFC Justices deliberate in a closed session to determine findings of responsibility if necessary, appropriate sanction(s).

OFFICIAL DECISION NOTIFICATION

- A written letter of notification regarding the judicial committee's decision is a vital part of the hearing procedure and should be guaranteed to all individuals and chapters as part of their due process rights.
- Notification letters should include:
 - Date of the hearing
 - Sanction
 - Description of the initial complaint
 - Timeline and conditions of the sanction
 - Specific violation charged
 - Appeal process procedures
 - Decision of the judicial committee
- The **decision letter** should be sent to the member fraternity involved in the violation with duplicate copies sent to the chapter advisor, IFC Advisor, inter/national fraternity, and campus conduct administrator.

APPEAL PROCEDURES

- No judicial board will always make perfect decisions or please everyone all of the time.
- An appeal procedure must be created that allows individuals or chapters to question the judicial decision when they feel an unfair outcome has resulted. This appeal procedure should be outlined in the IFC judicial procedures and reviewed with new fraternity presidents upon their installation.
- The appeal process should be clearly explained at the end of each hearing, and the individual or chapter should be allowed to ask questions about the procedure. A written statement on the appeal process should also be mailed along with the decision letter.