

Interfraternity Council
Delta State University

JUDICIAL BOARD BYLAWS

Adopted: **February 2014**

TITLE I JUDICIAL CODE

Mission Statement: In an effort to keep fraternities in compliance with University rules and regulations, the IFC Judicial Board seeks to provide a system of controls within the fraternity system, help fraternities to resolve their own problems, and provide direction to fraternities through fair and impartial judgments. The board wishes to propose constructive solutions to the problems associated with fraternities at Delta State University.

Section A. JUDICIAL BOARD COMPOSITION

1. The IFC Judicial Board (hereafter referred to as the J-Board), shall be composed of 1 representative from each fraternity who are not currently sitting on the IFC.
2. The Board Members shall be appointed by each chapter and approved by three-fifths (3/5) majority of the IFC.
3. A quorum must be present in order to conduct official IFC business. A quorum shall be defined as three-fifths (3/5) of the members of the J-Board.
4. The IFC Vice-President shall act as a chairman of the J-Board and shall serve as a non-voting member.
 - A. If the J-Board Chairman is the witness, accused, or accuser of the case in question, the IFC President shall serve as the Chairman for said case.
5. The IFC Secretary shall act as the J-Board Secretary and shall serve as a non-voting member. He shall perform the following duties:
 - A. Record the detailed minutes of each meeting.
 - B. Keep files of minutes and decisions made.
 - C. Inform all involved parties of J-Board hearings as outlined in these by-laws.
 - D. Tape record, as well as hand record, all proceedings for accuracy.
 - E. Document the final decisions in each case and inform all involved parties of J-Board decisions as outlined in these by-laws.
 - F. If the J-Board Secretary is the witness, accused, or accuser of the case in question, the IFC President shall appoint another secretary for said case. This appointment must be approved by three-fifths (3/5) majority of the sitting J-Board.
6. In any proceedings, no off-the-record communications, threat, or offer of reward shall be made to any member of the J-Board. Board members are bound by honor to volunteer such information and such communication(s) shall be entered as official record(s) of the case.

Section B. JURISDICTION

1. The Interfraternity Council shall have jurisdiction over, but not limited to, the following areas.
 - A. Alcohol/drug violations (i.e. common supply).
 - B. Lewd conduct (i.e. public drunkenness, abusive language/behavior).

- C. Theft of any and all property.
 - D. Vandalism, or willful destruction of property.
 - E. Recruitment violations.
 - F. Minor hazing violations (personal servitude, work party infractions).
 - G. Harassment of any University official or DSU student.
 - H. Social violations (late nights, noise violations, lack of proper risk reduction at parties).
 - I. Violence / controversies between fraternities.
 - J. Violation of IFC rules or bylaws.
2. Nothing in this code shall preclude the University's right to original jurisdiction in all cases.
 - A. If determined to be necessary by a three-fifths (3/5) majority of the J-Board members, further judicial review and/or sanctions may be addressed by the J-Board.

Section C. INITIAL REPORT

1. The judicial process will begin when the Advisor of the IFC receives a written report. This report will take one of four (4) forms.
 - A. An incident report filed on behalf of the VP for the Student Affairs.
 - B. An incident report filed on behalf of a faculty/staff member or department on campus.
 - C. An incident report filed on behalf of an IFC chapter.
 - D. An incident report filed on behalf of a student / community member / NPC sorority / NPHC sorority or fraternity / student organization.
2. The Advisor of the IFC will next determine:
 - A. Whether or not the incident will be considered a fraternity or individual action. The following list represents some, but not all, of the criteria used in this determination:
 1. Mediation to solve the issue.
 2. IFC Judicial Code violations.
 3. Officers Present.
 4. Location.
 5. Quantity of members involved.
 6. Classification of members (Initiated or New Members).
3. The IFC Advisor will contact the accused chapter/member to inform them of the accusations levied against them. A preliminary written rebuttal may be submitted to the IFC Advisor within 48 hours of the 1st communication. This rebuttal shall be presented to the J-Board.

Section D. DETERMINATION OF HEARING

1. At the J-Board meetings, the board will discuss any reports submitted to them by the IFC Advisor. They will then determine if the action warrants a return to the mediation process or a hearing by the J-Board. Preliminary information such as time sequence of events, parties that are involved, and background material will be discussed. Major areas of questioning, a general idea of the order of questions, and who asks specific questions in the upcoming Judicial Hearing will be established.

2. The board will vote by simple majority whether or not to hold a hearing. The Board may also choose mediation as a method of resolve. If the vote for a hearing is in the affirmative, a date will be set for a Judicial Hearing, and a letter will be sent to the fraternity president(s) within 48 hours of the J-Board's decision. This Notification Letter provides a notice of the hearing, date, time, location, and a brief written explanation of the complaint and the incident behind the hearing.
3. If mediation is chosen as the means to settling a dispute, the IFC Advisor, the chairman of the Judicial Board, fraternity(s) president(s) and advisor(s) will meet at a convenient time to discuss the infraction. If all parties reach an amenable solution, the process is ended. If no solution can be agreed upon, the process automatically goes to a hearing by the J-Board.

Section E. OUTLINE OF EVENTS FOR THE IFC JUDICIAL BOARD HEARING

1. Fraternity vs. Fraternity Hearing (Recruitment violations, theft, vandalism, etc.)
 - A. All parties will be present for the introduction of the Board, explanation of J-Board and function.
 - B. Narrative account of incident report & other statements read aloud by the J-Board chairman.
 - C. The accused student/chapter will exit. The reporting student/chapter will present their side of the incident.
 - D. J-Board asks pertinent questions, followed by a closing statement from the reporting chapter.
 - E. The accused student/chapter will re-enter the room and the reporting student/chapter will exit.
 - F. The accused student/chapter presents their side.
 - G. J-Board asks pertinent questions, followed by a closing statement from the accused chapter.
 - H. The reporting student/chapter will re-enter the room. Any clarifying questions will be asked of both parties. All parties will be dismissed for J-Board deliberation (as outlined in Title I, Article F.1 of this code).
 - I. All parties will re-enter the room for the reading of the J-Board decision
2. University vs. Fraternity Hearing (common supply, lewd conduct, housing violations, etc.)
 - A. Introduction of the Board, explanation of J-Board philosophy and function
 - B. Narrative account of incident report & other statements read aloud by Judicial Chairman
 - C. The University official will give his/her statement/account of the incident.
 - D. The board will ask pertinent questions, followed by a closing statement from the accused chapter.
 - E. The accused chapter presents its side of the incident.
 - F. The board asks pertinent questions, followed by a closing statement from the accused chapter.
 - G. All parties will be dismissed for J-Board deliberation (as outlined in Title I, Article F.1 of this code).
 - H. All parties will re-enter the room for the reading of the J-Board decision.
3. Witness, Advisor, and Council Participation

- A. For both hearing structures, fraternities will be permitted to bring the chapter president, any accused members, and witnesses to support their side of the incident. Legal council may also attend the hearings, but will not be allowed to address the J-Board. The IFC Advisors will be present to serve in an advisory capacity or for clarification, but not allowed to vote.

Section F. POST HEARING DELIBERATION

1. Following the hearing, all parties are dismissed and a post hearing deliberation will begin. Led by the J-Board Chairman, the board will determine the facts presented. A decision will then be made by the board members regarding the guilt or innocence of the accused party. Each board member will have one vote as to guilt or innocence, with a simple majority ruling. The J-Board Chairman shall only vote in the case of a tie.
2. The deliberation will next focus on the severity of the infraction/violation. Based on the severity of the infraction/violation, the J-Board will classify it as a Level One, Level Two, or Level Three violation (as outlined in Title I, Section G of this code).
3. An appropriate, fair, and educational-in-nature sanction will be determined using the guidelines outlined in Title I, Section G of this code.

Section G. VIOLATION LEVELS

1. Level One Violation: Examples include but are not limited to, common supply of alcohol, recruitment violation, etc.
 - A. Minimum Sanction: loss of party (not referring to Formal Recruitment events), or community service, or fine, not in excess of \$250.00.
 - B. Maximum Sanction: administrative probation added to minimum sanction imposed.
2. Level Two Violation: Examples include, but are not limited to, common supply of alcohol, vandalism, theft of property, harassment.
 - A. Minimum Sanction: loss of party (not referring to Formal Recruitment events) and/or community service for responsible parties, not in excess of 3 hours/individual.
 - B. Maximum Sanction: social probation, the loss of multiple parties (not referring to Formal Recruitment events), a warning letter to national organization, community service requirement, educational programming requirement, and a fine, not in excess of \$500.00
3. Level Three Violation: Examples include, but are not limited to, hazing violations, common supply of alcohol, repeat offenders in all violation categories, etc.
 - A. Minimum Sanction: letter to nationals, education programming, community service, and social probation for at least one semester.
 - B. Maximum Sanction: minimum sanctions imposed & an extensive letter to the national organization requesting assistance.
4. Any single sanction or combination of sanctions can be imposed for a particular case. The three levels of violations are intended simply to assist the Judicial Board in determining an appropriate sanction to impose.

Section H. SANCTIONS

1. Sanctions that may be imposed as a result of the hearing may include, but are not limited to the following:
 - A. Social Penalties: loss of social event(s), social probation that relates to off-campus activity. It is at the discretion of the Judicial Council as to what encompasses the social probation.
 - B. Administrative Probation: probationary status for fraternity, this will place the fraternity in a closely monitored position so that if the situation does not improve or terms of probation are not met, the fraternity in question will have further action taken against them by the Judicial Board.
 - C. Community Service: may be levied to individual chapter members or to chapter(s) as a whole.
 - D. Intramural Penalties: loss of intramural privileges for Chapter(s)
 - E. Fines.
 - F. Educational Programming: speakers on hazing, alcohol abuse, etc.
 - G. Warning letter copied to national organization.

Section I. DECISION

1. Within 24 hours of the hearing, the J-Board secretary shall send a decision letter to the accused party/parties outlining the Board's decision and listing sanction(s) to be completed.
2. Within 24 hours of the hearing, the J-Board secretary shall send a decision letter to the accused party's/parties' chapter president(s) (if different from above), outlining the Board's decision and listing sanction(s) to be completed.
3. Within 24 hours of the hearing, the J-Board secretary shall send a decision letter to the IFC Advisor, outlining the Board's decision and listing sanction(s) to be completed.
4. The J-Board secretary shall place a phone call to the parties listed to ensure receipt of J-Board notification.

Section J. APPEALS PROCEDURE

1. Appeals of J-Board sanctions may be heard by the IFC Advisor. They should be delivered, in writing, to the IFC Advisor's office within 48 hours of notification of the decision. The IFC Advisor will decide to uphold, amend, or strike the J-Board's decision.
2. Appeals of the IFC Advisor's sanctions may be heard by the Vice President for Student Affairs (VPSA). They should be delivered in writing, to the VPSA's office within 48 hours of notification of the IFC Advisor's decision. The VPSA will decide to uphold, amend, or strike the J-Board's decision. The final decision shall rest in with the VPSA.

Section K. ENFORCEMENT

1. The Interfraternity Council, the IFC Advisor, and the Office of the Vice President for Student Affairs will complete the enforcement of sanctions jointly. The Board will inform the Interfraternity Council at their regular IFC meetings that a hearing has been held, guilt or innocence determined, and if necessary, sanctions imposed, accepted, and enforced.

Section L. AMENDMENT

1. These By-Laws shall be amended only by a four-fifths ($4/5$) vote and shall be brought forth for consideration at one meeting and voted on at the following meeting.