JUDICIAL BOARD TRAINING

2017 IFC Judicial Board
OBJECTIVES

- For members of the IFC Judicial Board to...
  - clearly understand their role in the judicial process
  - understand and follow the procedures of conduct processes
  - understand the difference between conduct processes
TYPES OF PROCESSES

- IFC
  - Informal Warning
  - Informal Hearing
  - Formal Hearing

- ODS
  - Partnership Process
  - Panel Hearing
RIGHTS OF ACCUSED FRATERNITIES

- The right to a timely hearing
- The right to reasonable and complete notice of charges in writing
- The right to an explanation of charges
- The right to present a defense before the appropriate Board/hearing officer
- The right to a timely notification of the results of the hearing
- The right to a decision based solely on the facts presented in the reports and from the hearing
- The right to an appeal.
IN VIOLATION?

- Accepted Standard of Proof – Preponderance of Evidence
- 51% chance violation was committed, then must find **IN** violation

- NOT a Court of Law
  - Not Beyond a Reasonable Doubt
  - Not Clear and Convincing Evidence
IFC JURISDICTION

The IFC Judicial bodies do not have jurisdiction over individual Greek members.

- The Interfraternity Council shall have **sole** jurisdiction over, but not limited to, the following areas:
  - Violations of Recruitment Policies as found in the IFC Recruitment Bylaws
  - Exterior house maintenance (excessive trash in the yards)
  - Violations of the IFC Constitution and Bylaws

- The Interfraternity Council has **shared** jurisdiction with the College of Charleston Office of the Dean of Students over, but not limited to, the following areas:
  - Alcohol/drug violations (i.e. common supply)
  - Lewd conduct (i.e. public drunkenness, abusive language/behavior)
  - Theft of any and all property
  - Vandalism, or willful destruction of property
  - Hazing violations (personal servitude, work party infractions)
  - Harassment of any College of Charleston official or student
  - Social violations (late nights, noise violations, lack of proper risk reduction at parties)
  - Violence between fraternities
IFC INITIAL PROCEDURES

1. Initial Report
   - Police Report
   - Administrative Report
   - Notification to IFC or OFSL
   - Individual or Fraternity

2. Preliminary Investigation
   - Interviews
   - Individual Alleging Misconduct
   - Fraternity Officers
   - Other Individuals

3. Filing of Formal Charges
   - Charge Letter Sent to Chapter President
   - States Charges
   - Includes Date/Time for Prehearing Conference
Preliminary Investigation/Report

- Preliminary report is the time between the written report/accusation being made to when the judicial board may get involved.
- There may be a lag in communication between the Office of Fraternity & Sorority Life and the IFC Vice President and President of the accused chapter.
  - This is due to collecting information to determine if this is a factual allegation or not.
TYPES OF JUDICIAL HEARINGS

- Determination based on:
  - the nature and severity of the alleged violation(s),
  - the disciplinary history of the chapter, and
  - the attitude or response of the chapter and officers throughout the initial investigation
Cases where the alleged violation(s) is(are) deemed relatively minor in light, the IFC President and IFC Vice President may proceed with the informal warning process.

- Warnings will include a suggested method for correcting the alleged violation(s) and a way to stop them from happening again in the future.
INFORMAL JUDICIAL HEARING

- Cases where the alleged violation(s) is(are) deemed relatively moderate, the IFC Judicial Board may proceed with an Informal Judicial Board.
  - Informal Judicial Board (IJB) consists of the IFC Vice President, two random member fraternity presidents, and a representative from the Office of Fraternity & Sorority Life.
INFORMAL JUDICIAL BOARD PROCEDURES

- Call to Order by the chair of the panel
- Introductions
- Charges stated by the IFC Vice President
- The accused chapter will have the opportunity to present the findings of its internal investigation, answer questions, plead its case and, if responsible for the charges, discuss any measures that have been or will be taken to avoid similar violations in the future.
- Accused chapter members respond to questions from Formal Judicial Board members
- Deliberations - The accused chapter representatives will be dismissed and the IJB will determine responsibility by anonymous majority vote; IFC Advisor does not vote.
- If chapter is found responsible, the appropriate sanction will be determined (by majority vote).
- Deliberation results will be presented to the accused chapter president no later than twenty four (24) hours after the accused chapter’s dismissal.
- Appeals may be submitted to the Office of Fraternity & Sorority Life.
Cases where the infraction is deemed relatively major, the IFC Judicial Board may proceed with a Formal Judicial Board.

- The Formal Judicial Board (FJB) consists of the IFC Vice President as chair, and 6 member fraternity presidents chosen at random.
FORMAL JUDICIAL BOARD PROCEDURES

- Call to order by the chair of the panel
- Introductions
- Swear in all who will testify
- Charges stated by IFC Vice President
- Accuser testifies and responds to questions from Formal Conduct Board members.
  - In cases where an individual is bringing a charge, their identity must be kept anonymous. In such cases, their statement or the investigation report will be read by IFC Vice President.
- The accused chapter will have the opportunity to present the findings of its internal investigation, answer any questions, plead its case and if responsible for the charges, discuss any measures that have been or will be taken to avoid similar violations in the future.
- Accused chapter members respond to questions from Formal Judicial Board members
- Closing statements
- Deliberations – The accused chapter representatives will be dismissed and the FJB will determine responsibility and, if necessary, the appropriate sanction or course of action. IFC Advisor does not actively participate in deliberations, but may provide historical context or insight pertaining to the fraternity and the feasibility of sanctions.
- Decision rendered by anonymous, majority vote; IFC Advisor does not vote
- If chapter is found responsible, the appropriate sanction will be determined (by majority vote).
- Deliberation results will be presented no later than twenty four (24) hours after the accused chapter’s dismissal.
- Appeals may be submitted to the Office of Fraternity & Sorority Life.
Situation

Relatively MINOR

Informal Warning

IFC VP, IFC President

Way to stop violation from occurring in the future

Relatively MODERATE

Informal Judicial Hearing

IFC VP, Two (2) Chapter Presidents, OFSL Staff Member

Suggested method to correct violation

Follows IJB Hearing Process

Relatively MAJOR

Formal Judicial Hearing

IFC VP, Six (6) Chapter Presidents, OFSL Staff Member

Follows FJB Hearing Process
ASKING QUESTIONS
IMPORTANT THINGS TO REMEMBER:

- Be careful not to convey, via body language or tone, personal prejudices about the case
- Concentrate on the facts
- Leave your prejudices at the door
- Be courteous at all times
- Don’t make assumptions
ASKING QUESTIONS TO DETERMINE...

- Facts of the case
- The credibility of the persons appearing before the Board
- Acceptance of responsibility and understanding of effects of actions
- Level of intent in committing the alleged violation
- Whether evidence supports a finding of IN violation, or NOT IN violation
ASKING QUESTIONS TO...

- Gather background information
- Assess the leadership’s understanding of the charges
- Cause the leadership to reflect on a particular perspective or issue
- Assist in determining appropriate sanctioning (should there be an admission to charge or finding of IN violation be forthcoming)
ASKING QUESTIONS
IT IS IMPORTANT TO:

- Prepare in advance
- Take notes during hearing on points of clarification or possible contradictions
- Pay attention to verbal and non-verbal cues
- Be patient – don’t rush responses
- Allow time for thoughtful consideration
ASKING QUESTIONS

Open-Ended Questions

- Typically elicit more information than required
- More information is always beneficial
- Who, What, When, Where, and Why
- “Describe,” “Explain,” etc.

Closed Questions

- Typically result in yes/no response
- Clarify previous statements
- Determine factual information
- Begin with words like: Do, Don’t, Are, Aren’t, Is, Isn’t…
SANCTIONING:
3 PRINCIPLE FACTORS DETERMINE

1. The severity of the offense
   - Flagrancy, premeditation, scope in relation to the chapter, and extent of the harm done to the chapter or community

2. The chapter’s prior record
   - The attitude of the accused chapter

3. Internal response of the chapter
   - Truthfulness and demeanor during the investigation
   - Responsibility for a violation must be proven by a “preponderance of the evidence”
SANCTIONING: ASK YOURSELF

- Was the behavior intentional?
- What were the direct and indirect actual consequences of the behavior?
- What were the potential consequences?
- What actions have already been taken to correct the situation? What sanctions have been imposed by other disciplinary bodies?
- Has the fraternity previously engaged in similar behavior? Is this fraternity currently on probation?
- What is the educational significance of the sanction? Will it discourage similar behavior by other fraternities in the future?
- Is the sanction consistent with sanctions imposed on other fraternities?
- Is the sanction consistent with the expectations of the College Administration and the IFC?
SANCTIONING

- Expulsion
- Suspension
- Probation
- Fines
- Community Service
- Restitution
- Educational Programming
- National Notification
SANCTIONING: EXPULSION

- The offending chapter will have no voice in IFC and will not participate in any IFC sponsored activity. The Chapter will lose IFC recognition and will be excluded from membership.
  - This includes the ability for the chapter to conduct Recruitment.
SANCTIONING: SUSPENSION

- This is suspension from IFC for a period no longer than **one year**. The chapter loses all privileges associated with IFC membership including but not limited to:
  - right to vote on IFC matters.
  - right to have members on the IFC Executive Board.
  - participation in intramural sport leagues.
  - the privilege of posting on campus.
  - participation in Recruitment events.
  - participation in Greek Week activities.
SANCTIONING: PROBATION

- Probation not to exceed one year, in which a fraternity is ordered to conform to established policies and regulations or adhere to certain conditions with the consequences of failure to comply resulting in suspension or expulsion.
Fines may be levied at a level which the Judicial Committee or Judicial Chair deems appropriate with respect to the violation. Fines should be paid to the IFC. The minimum fine is $50 per chapter and the maximum $1500 per chapter.
SANCTIONING: COMMUNITY SERVICE

- Community Service projects are to be constructive in nature, which the Judicial Committee and/or the Judicial Chair deems appropriate.
SANCTIONING: RESTITUTION

- Financial or other restitution for property damage or physical injury.
  - Examples:
    - Paying for the damages occurred in a house
    - Paying for medical expenses
SANCTIONING: EDUCATIONAL PROGRAMMING

- Workshops or speakers may be required with mandatory chapter attendance either for the chapter itself and/or for the College of Charleston Community.
SANCTIONING: NATIONAL NOTIFICATION

- Letter from the Judicial Chair to the national or international office of the fraternity shall be sent when the Judicial Committee and/or the Judicial Chair deems appropriate
Appeals will be heard by the Office of Fraternity & Sorority Life. In the event that the Director of Fraternity & Sorority Life is also the IFC advisor, appeals will go directly to the Assistant Vice President for Student Affairs.

- Appeals must be submitted no later than five (5) business days following the hearing.
- Requests for extensions must be submitted to the Office of Fraternity & Sorority Life prior to the expiration of the five-day period.

The grounds for appeal are as follows:

- Procedural irregularities
- Insufficient evidence to support the decision
- Harshness of the penalty imposed wish show an abuse of discretion
- New evidence that was not reasonably which may reasonably be expected to affect the decision of the original hearing authority.
ORGANIZATION ACCOUNTABILITY

- Through the Office of the Dean of Students
- Items that are violations of the Student Code of Conduct
- For ALL Student Organizations registered with the College
ORGANIZATIONAL ACCOUNTABILITY ABBREVIATIONS

- ODOS – Office of the Dean of Students
- FASM – Functional Area Staff Member
- FA – Functional Area
- OEP – Organizational Enhancement Plan
College of Charleston Student Organization Accountability Process
(Adapted from Louisiana State University’s Greek Organization Accountability Process)

**Partnership Process**

**Incident report is received by CoC ODOS, FSL, Public Safety, Informant, self-report, or other source**

- Organization officers & advisor meet with ODOS & FASM within 3 days of receipt of notification letter; Group discusses internal investigation process/strategy. Written report of internal findings due to ODOS & FASM within 5 days of meeting. Report should be detailed and specify/relating names of individuals to be held accountable.

- Org officers & Advisor meet with ODOS, FASM, and TA student may be applicable to discuss information observed through internal investigation through written report. Organization accepts responsibility and proposes an initial draft of Organizational Enhancement Plan (OEP) where appropriate; organization may be subject to additional sanctions by ODOS and/or FASM process.

- Enhancement plan further developed by org officers with assistance from advisor, ODOS, FASM, & TA student may be applicable. Org officers must confer acceptance of plan by all members within 2-4 wks. Signed final draft of OEP is sent to ODOS and FASM for final review. Final outcome may include a fine which is mutually agreed upon in the OEP.

**Within 5 days, ODOS formalizes institutional accountability outcome (sanctions) with org leadership in a signed final OEP.**

- If organization misses any deadlines or violates the OEP, or is charged with any further violations (including failure to comply), the organization will participate in the EHS process and may incur additional charges.

- Organization has the right to appeal to the Executive Vice-President for Student Affairs within 5 days of outcome.

**Honor Board Process**

**Incident report is received by CoC ODOS, FSL, Public Safety, Informant, self-report, or other source**

- Notification letter of allegation(s) and invitation to meet with ODOS & Functional area staff member of FASM is sent within 7 days of receipt of information. In cases involving dangerous misconduct and/or hazing, ODOS may issue a cease and desist of all organizational activities, local/regional/national advisor(s) receive same notification. Notification letter may outline the potential violation(s) of CoC Code of Conduct, as well as cease and desist for all activities.

- Investigation process begins when organization is notified of alleged violations of the CoC Code of Conduct.

- Organization does not accept responsibility, obstructs the process, provides inaccurate information, omits information, or misses deadlines. Process may be held concurrently with campus-based investigation.

- Information points to an individual or group of individuals and is not actionable to support organizational charges. Organizational charges are set aside and ODOS proceeds with individual charges. Names of individuals must be provided to proceed with this step.

- Organization does not accept responsibility and/or accountability outcome.

- ODOS sends charge letter/petition to organization of alleged violation(s); letter will include offer to meet with ODOS, but meeting is not required.

- Organization responds to charge letter within 5 business days. Honor Board may schedule Honor Board hearing.

- Organization appears before Honor Board to determine responsibility and/or sanctions.

- Organization found In Violation by Honor Board

- Organization found In Violation by Honor Board

- Outcome letter sent by Honor Board chair to organization outlining findings and sanctions.

- ODOS PROCESS ENDS*
Notification letter of allegation(s) and invitation to meet with ODOS & functional area staff member (FASM) is sent within 3 days of receipt of information.

In cases involving dangerous misconduct and/or death/injury, ODOS may issue a cease and desist of all organizational activities; local/regional/national advisor(s) receive same notification. Notification letter may outline the potential violation(s) of CofC policy and/or the CofC Code of Conduct.

Opportunity to participate in Partnership Process may be revoked based on egregiousness of offense.
In cases where the accused fraternity elects to participate in the Partnership Process, the IFC Vice President shall serve as the Functional Area Student Representative.
**PARTNERSHIP PROCESS**

- Organization officers & advisor meet with ODOS & FASM within 3 days of receipt of notification letter. Group discusses internal investigation process/strategy. Written report of internal findings due to ODOS & FASM within 5 days of meeting. Report should be detailed and specific; including names of individuals to be held accountable.
**PARTNERSHIP PROCESS**

- Org officers & Advisor meet with ODOS, FASM, and FA student rep (where applicable) to discuss information discovered through internal investigation through written report. Organization accepts responsibility and prepares an initial draft of Organizational Enhancement Plan (OEP) where appropriate; organization may be subject to additional sanctions by ODOS and/or FASM process

- Organization does not accept responsibility, obstructs the process, provides false/inaccurate information, omits information, or misses deadline/meeting. Process moved to Conduct Panel process automatically with campus based investigation
PARTNERSHIP PROCESS

- Enhancement plan further developed by org officers with assistance from advisor, ODOS, FASM, & FA student rep (where applicable). Org officers must confirm acceptance of plan by all members within 5 days. Signed final draft of OEP is sent to ODOS and FASM for final review. Final outcome may include a status which is mutually agreed upon in the OEP.

- Information points to an individual or group of individuals and is not adequate to support organizational charge(s). Org is found Not Responsible and ODOS proceeds with individual charges. Names of individuals must be provided to proceed with this step.
PARTNERSHIP PROCESS

- Within 5 days, ODOS formalizes institutional accountability outcome (sanctions) with Org leadership/rep in a signed final OEP.

- Organization does not accept responsibility and/or accountability outcome
  - Organization moves to a Conduct Panel Process
PARTNERSHIP PROCESS

- If organization misses any deadlines or violates the OEP, or is charged with any further violations (including failure to comply), the organization will participate in the Conduct Panel process and may incur additional charges.
The IFC FJB shall accept the findings of a College of Charleston Honor Board Process.

The FJB shall meet within five (5) business days of a final outcome, to review sanctions provided to a fraternity that has been found in violation.
- A final outcome is defined as the conclusion of all Honor Board Processes or official appeals.
- The review shall follow all guidelines detailed in Article VI.
- The Honor Board sanctions can be accepted or the FJB can add additional sanctions when deemed necessary.

The appeal process outlined in Article VII shall be followed for any additional sanctioning received by the FJB.
ODOS assembles investigation team to conduct member interviews for all members as necessary. Interviews take place within 5 days of receipt of notification of alleged violations of the Code of Conduct. May include a cease and desist for all org activities.
Investigation provides information that supports charge(s) being brought against organization

Investigation provides information that does not support charge(s) being brought against organization

ODOS PROCESS ENDS
Panel Hearing Process

- ODOS sends charge letter/packet to organization of alleged violation(s); letter will include offer to meet with ODOS, but meeting is not required
Panel Hearing Process

- Organization returns response form within 3 business days. Honor Board chair schedules Panel hearing
Panel Hearing Process

- Organization appears before the conduct panel to determine responsibility and/or sanctions
Panel Hearing Process

- Organization found In Violation by Conduct Panel
  - Outcome letter sent by Honor Board chair to Organization detailing findings and sanctions

- Organization found Not In Violation by Conduct Panel
  - ODOS PROCESS ENDS
Panel Hearing Process

- Organization has the right to appeal to the Executive Vice-President for Student Affairs within 5 days of outcome
AFTER RECEIVING SANCTIONS: TUCKER HIPPS TRANSPARENCY ACT

- Violations of Alcohol, Drugs, Hazing, Physical Assault, Sexual Assault are required to be posted 45 days prior to the start of each semester
  - This page is required to be referred to in recruitment phases (i.e. orientation, publicity, recruitment convocation)

- Information Included in Posting:
  - Incident Date
  - Investigation Initiated
  - Resolution Date
  - Description
  - Sanctions

- Once Sanctions are Complete it is noted on the Organizational Conduct Page.
AFTER RECEIVING SANCTIONS

- Reporting Back
  - Record ALL Dates and Provide Documentation Related to Sanctions
  - Updates provided to IFC advisor and IFC VP

- **Provide information in Transition**