

ARTICLE VIII: Judicial Process

SECTION I.

Judicial Board Function:

The Judicial Board shall have the authority to hear and decide certain cases involving fraternities arising from the possible breach or violation(s) of the provisions of this constitution, its by-laws, the rules and regulations adopted by the council, the Oklahoma State University Student Rights and Responsibilities Governing Student Behavior, and the rules and regulations of Oklahoma State University. Student Conduct Education and Administration will make the determination of which cases are referred to the IFC Judicial Board or to the Student Conduct Committee. Consultation with the IFC Judicial Board Chairman will be made as appropriate.

SECTION II. Judicial Board Composition:

The following are the procedures and guidelines for composition of the Judicial Board:

I. The IFC Judicial Board shall be composed of seven members: 2 sophomores, 2 juniors, and 3 seniors. The two sophomores and one senior shall be elected by IFC popular vote. The two juniors and two of the senior positions will be filled by carrying over the two sophomore seats as well as the two junior positions. No chapter may have more than one representative on the Judicial Board, including the Chairman.

II. To be a representative on the Judicial Board, the individual:

- a. must be an initiated member in good standing;
- b. must have completed at least 30 credit hours;
- c. must maintain at least a 3.0 grade point average

III. Each Judicial Board representative must attend the IFC Judicial Board Training Workshop. The Internal Vice President, the IFC Advisor, and Student Conduct Education and Administration Graduate Assistant will conduct the workshop. This workshop should be completed as soon as possible in the spring semester. Failure to attend the workshop will prevent the representative and his chapter from eligibility to serve on a hearing board. Should a representative not be able to attend for uncontrollable circumstances the representative is responsible for contacting the Internal Vice President to reschedule the training. Under extenuating circumstances, a representative may be excused from training by the IFC Internal Vice President and the Manager of Fraternity & Sorority Affairs.

IV. The IFC Internal Vice President will serve as Chairman of the Judicial Board. Should the Internal Vice President's chapter be involved in the case to be heard, the IFC External Vice President will serve as Chairman in his place. Therefore, the IFC External Vice President shall also attend the Judicial Board training.

V. A Judicial Board member will excuse himself from any hearing involving his fraternity.

SECTION III.

Complaint Filing and Investigation Process:

- I. An individual or group may file formal complaints against any fraternity. Any complaint about a Greek group will be directed to the Office of Fraternity & Sorority Affairs for investigation and follow up. A complaint must be reported within 180 days of the date of the alleged violation. The time may be extended at the discretion of the Manager of Fraternity & Sorority Affairs and Office of Student Judicial Affairs. The following criteria must be satisfied to meet the standards of a formal complaint:
 - a. Complaint must be in writing and signed by the filing party.
 - b. Complaint must include fraternity involved, date, time, place, name(s) of person(s) involved, if possible, and the detailed circumstances of the alleged violations.
 - c. Complaint must include the name(s) of possible person(s) who may have witnessed the alleged violations.

- II. The Office of Fraternity & Sorority Affairs will gather the information and evidence, and in collaboration with Student Conduct Education and Administration, will decide whether or not further disposition is necessary. Further disposition may include prescribing corrective measures, which could include: an intervention or other requirement, mediating the complaint, or referring the case to either the IFC Judicial Board or to Student Conduct Education and Administration.
- III. Student Conduct Education and Administration may refer complaints either to the IFC Judicial Board or the Student Conduct Committee for a hearing. Student Conduct Education and Administration shall hear any case in which suspension or expulsion of a chapter may result. Hearings Conducted by Student Conduct Education and Administration shall follow the procedures for a formal hearing as outlined in Student Rights and Responsibilities Governing Student Behavior, Section IV (D).

SECTION IV.

Judicial Board Procedural Guidelines:

The following are established as the procedural guidelines that must be followed in all IFC Judicial Board proceedings:

- I. Judicial Hearing Process: Written notification shall be sent to the chapter president five working/school days prior to the judicial hearing. The notification will include:
 - a. A statement of the date, time, place, and nature of the hearing.
 - b. A list of possible violations with reference to specific IFC or University rules or regulations that will enable the referred party to prepare for defense.
 - c. A short plain statement explaining the alleged violation. The statement shall include a recitation of the date, time and place where the alleged violation occurred, the names, if known, of witnesses, and the acts or omissions alleged to constitute a violation. This statement will also include a brief explanation of the incident report or formal complaint filed with the Office of Fraternity & Sorority Affairs.
- II. Copies of the notification letter will also be sent to the Office of Fraternity & Sorority Affairs, Student Conduct Education and Administration, Chapter Advisor and the Chapter National Headquarters.
- III. Upon request, the chapter alleged to have committed a violation shall have the right to examine any documentary evidence to be presented at the hearing, up to three (3) days prior to the hearing during regular business hours in the Office of Fraternity & Sorority Affairs.
- IV. The chapter may submit any additional information about the specific incident that it wishes no later than three (3) days prior to the hearing to the Office of Fraternity & Sorority Affairs.
- V. The chapter alleged to have committed a violation shall be represented by a chapter executive, preferably the chapter president. The chapter may, however, have their chapter or faculty advisor, as registered with the Office of Fraternity & Sorority Affairs, present during the hearing process. The advisor is limited to advising the accused chapter and may not participate in presenting the case, questioning relevant parties, or making statements during the proceeding.
- VI. All parties shall have the privilege of presenting witnesses, subject to questioning by the Judicial Board.
- VII. The referred chapter may choose not to attend. In such a case, the Judicial Board hearing will be held without the chapter being present and the Judicial Board will judge without prejudice.
- VIII. The decisions of the Judicial Board will be based on the information available at the time of the hearing.
- IX. The Chairman will oversee the hearing procedures and deliberation in all IFC Judicial Board Hearings.
- X. The following will be the basic procedure for all IFC Judicial Board Hearings:
 - a. Chairman will call hearing to order
 - b. Explain the due process rights to the individual(s) involved
 - c. Letter of the alleged violation(s) and formal complaint will be read
 - d. Presentation of information from party or group filing the complaint and presentation of witnesses in support of complaining party
 - e. Presentation of information from referred chapter and presentation of witnesses in support of said chapter
 - f. Judicial Board members ask questions concerning available information
 - g. Filing party makes final comments

- h. Referred chapter makes final comments and will present optional Independent Sanction Recommendation
 - i. Chairman will dismiss non-members of the Judicial Board. Judicial Board members enter into confidential deliberation to determine an outcome.
- XI. Judicial Board hearing proceedings will be recorded in summary, excluding the deliberation process.
- XII. The Chairman will reserve the right to remove any disruptive parties from the hearing.
- XIII. The information presented in the Judicial Board Hearing must support a determination that it is "more likely than not" that a violation has occurred, for hearings in which the potential penalty is less than expulsion from the University. In hearings where expulsion has been determined to be a sanction, "clear and convincing evidence" must provide the basis for expulsion. Hearsay evidence and personal testimony may be considered.
- XIV. The Judicial Board Hearing will be closed unless the accused chapter requests otherwise. It will be the Chairman's decision to uphold or deny the request and determine the facility to be used for open hearings.
- XV. The Judicial Board will determine whether or not a violation has occurred by a majority vote.
 - a. The Judicial Board will render a decision of "no violations" if the information established was not enough to determine a violation occurred.
 - b. The Judicial Board will render a decision of "in violation" if the information established was enough to determine a violation occurred. The Judicial Board will then impose appropriate sanctions.
- XVI. A majority vote will consist of a majority of the quorum of the Judicial Board present. Quorum will consist of at least five of the seven Judicial Board members. The Chairman of the IFC Judicial Board will vote only in the event of a tie.
- XVII. Independent Sanction Recommendation
 - a. An Independent Sanction Recommendation (ISR) will have the option of being presented by the referred chapter along with the final comments section.
 - b. The ISR will be a recommendation made by the chapter on the sanctions that said chapter believes are both appropriate and beneficial to the chapter's future success. In addition, the chapter's ISR may recommend that the chapter believes the board should find the chapter not responsible.
 - c. The ISR is merely a proposal. The Judicial Board will take the proposal into account but will ultimately have the final say in deciding responsibility and sanctions for a chapter.

SECTION V.

Possible Penalties:

Possible penalties for the violation of the provisions of this constitution, its by-laws, the rules and regulations adopted by the council, Oklahoma State University Student Code of Conduct, policies, rules and regulations of Oklahoma State University include but not limited to:

- I. Reprimand – oral or written warning.
- II. Community Service.
- III. Monetary Fines – not to exceed five hundred dollars per infraction/violation.
- IV. Restrictions – imposing limitations on activities or participation in campus and/or IFC events.
- V. Requirements – i.e. attendance at a specific University or IFC event, speaker, etc. and/or producing, sponsoring, etc. a speaker or program for educational purposes.
- VI. Intramural probation – loss of privileges to earn intramural points as a chapter.
- VII. Social probation – loss of chapter privileges to hold activities that would constitute registration with the Office of Fraternity & Sorority Affairs under the Social Function Registration Policy (including date parties, functions, etc.).
- VIII. Conduct probation – specified period of time during which the group is warned that it is not in good standing with the University and that further violations of IFC and/or University regulations will subject the group to suspension or expulsion from the University. Probation may include additional conditions or sanctions.
- IX. Interim suspension – see Section 8 for definition.
- X. Suspension - loss of recognition from Oklahoma State University Interfraternity Council. Petition may be made to the council to reinstate given fraternity to IFC.

- XI. .Expulsion - loss of recognition from Oklahoma State University Interfraternity Council for a period of no less than one year. Petition may be made to the council to reinstate given fraternity to IFC.

In compliance with NIC, the IFC Judicial Board will not issue blanket sanctions for chapters not found responsible for violations (i.e. a system-wide ban on activities).

SECTION VI.

Hearing Results:

The result of mediation or any hearing will be communicated in writing to the parties involved as well as to the Office of Fraternity & Sorority Affairs and Student Conduct Education and Administration for implementation. Copies of the results will also be sent to the Chapter, Chapter Advisor, and the Chapter National Headquarters. Compliance with the results of any discipline process will be monitored primarily by the Office of Fraternity & Sorority Affairs in collaboration with Student Conduct Education and Administration

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Appeals:

An appeal of a decision from either the Interfraternity Council Judicial Board or Student Conduct Education and Administration will be heard by the University Conduct Appeal Panel, following the procedures established in Section V of Student Rights and Responsibilities Governing Student Behavior.

SECTION VIII.

Implementation of Sanction(s):

The disciplinary penalty ordinarily shall not begin until either the time for appeal has been exhausted, until the entire appeal process has been completed, or until the organization has voluntarily waived their further right to appeal in writing. Exceptions are made only in cases for which, in the judgment of the Office of the Vice President for Student Affairs, the physical or emotional well-being of the members of the organization, other students, or other members of the University community might be endangered.

SECTION IX.

Reporting the Outcome:

Once a final decision is rendered and all appeals are exhausted, the outcome will be available to IFC.