

The Inter-Fraternity Council

Judicial Board Manual



OFFICIAL COPY

**Embry-Riddle Aeronautical University,
Prescott**

Philosophy

The purpose of the Judicial Board is to provide fair and impartial decisions for all members of the Fraternity Community in regard to violations of Judicial or judicial policies affecting the Fraternity Community at Embry-Riddle Aeronautical University. The Judicial Board is meant to be an educational organization that provides the opportunity for the Fraternity Community to hold its members accountable for their actions and behaviors.

The fraternities and at Embry-Riddle Aeronautical University are values-based organizations and therefore all members are held to a higher level of accountability and ethical responsibility. Fraternity men are expected to act as responsible members of the Embry-Riddle Aeronautical University community as well as the local Prescott community both on and off campus. The expectations of fraternities are outlined in the Interfraternity Council and Judicial Board constitutions and bylaws and the IFC Risk Management guidelines. Chapters are responsible for any actions committed by members as these actions reflect on the chapter as a whole, and may also reflect upon the University community. Fraternities should provide their members a rich, worthwhile experience that enhances their educational experience at Embry-Riddle Aeronautical University.

The Inter-Fraternity Council Judicial Board is a group of current fraternity members responsible for hearing cases of alleged policy violations and educating chapters on Inter-Fraternity Council policies. The board listens to evidence regarding alleged violations against chapters whose members violate Inter-Fraternity Council policy, determines a chapter's responsibility for policy violations, and helps determine sanctions for chapters responsible for policy violations. Allegations may include chapter policy violations, actions committed by chapter members that represent the chapter, or chapters who fail to provide a positive enhancement to the Embry-Riddle Aeronautical University education. The Inter-Fraternity Council Judicial Board members are charged with ensuring fraternities remain committed to being values-based organizations, acting as responsible members of the Embry-Riddle Aeronautical University Community and local Prescott community, and providing a rich, worthwhile experience that enhances the educational experience at ERAU.

Should chapters be found responsible for violating any of the fraternity governing documents, the Inter-Fraternity Council Judicial Board will determine sanctions to educate chapters on proper policy and procedure and provide them the tools to avoid similar behaviors in the future. The Inter-Fraternity Council Judicial Board will consider a combination of both educational and preventative strategies as well as both active (programming, reflection paper, strategic planning, etc.) and passive (removal of privileges, probation, etc.) sanctions to be most effective; when sanctioning chapters, the Inter-Fraternity Council Judicial Board will take into consideration the nature of the offense, precedent for similar offenses, and the chapter's disciplinary history.

In addition to coming before the Inter-Fraternity Council Judicial Board, individuals and or organizations involved could still go through the University conduct system.

Board Structure

I. Board Structure

A. Chairperson

- A. Be from a recognized organization within the Inter-Fraternity Council Community
- B. Be its own standing position on the Inter-Fraternity Council Executive Board chosen by election of the Inter-Fraternity Council Community.
- C. Preside over all Judicial Board Cases.
- D. Serve a one (1) year term with no term limits.
- E. Cast a vote only in the case of a tie.
- F. Conduct training for all Judicial Boards Representatives.
- G. Ensure impartiality and confidentiality in all cases.
- H. Appoint replacement Chairperson in case of absences (if the Secretary is unable to step in).
- I. Set hearing dates and notifies all parties concerned.
- J. Maintain records of all trainings, hearings, and relevant Judicial Board documents.
- K. Approve all Judicial Board Representatives with the Judicial Board Advisor.
- L. Ensure that the board abides by Judicial Boards Bylaws.
- M. Protect the rights of fraternity members and to ensure due process in all conduct cases.
- N. Shall be responsible for determining if a hearing is necessary or warranted based upon the alleged violations by conducting a prehearing with the Judicial Board Advisor.
- O. Shall organize a mandatory training session at the beginning of each semester.
- P. Swear in all new Judicial Board Representatives.
- Q. May review meeting minutes in a confidential manor.

B. Secretary

- A. Be elected from the current members of the Judicial Board by the Judicial Board
- B. Record minutes during Hearing.
- C. Keep meeting minutes confidential with the Judicial Board, Judicial Board Chairperson, Judicial Board Advisor, and the Fraternity and Sorority Life Office.
- D. Count the votes during Hearing.
- E. Take attendance at each meeting.
- F. Keep a current roster of the membership. Serve as long as the current Judicial Board Chairperson.

C. Chapter Representative- One (1) representative member from every recognized chartered chapter within the Interfraternity Council.

- A. Be an Active Member, as defined in the IFC Constitution.
- B. Be in good academic, judicial, and social standing with their chapter or colony and the University.
- C. Be a member of a full member organization of the North American Interfraternity Council (NIC), or of an organization who has adopted the NIC Standards.

- D. Serve as long as the current Judicial Board Chairperson.
- E. Not be the President, hold a Judicial position, or be the IFC Delegate of any Fraternity or other Greek organization.
- F. Attend a mandatory training session at the beginning of each semester.
- G. Must be current full-time undergraduate or graduate student.
- H. Have one vote in all Judicial Board Case, unless Judicial Board member's organization is involved in the case.
- I. If the Judicial Board member's organization is involved in the case, the member may remain on the Judicial Board but shall not participate in any voting on the case in conflict.
- J. Ensure impartiality and confidentiality in all cases.
- K. Attend all Judicial Board training and cases. If unable to attend, they must find another trained member from the Judicial Board to serve as a replacement and a written excuse must be submitted to the Chairperson at least three (3) business days in advance. Must be approved by the Chairperson.
- L. Issue appropriate sanctions based on facts of the case.
- M. At request of the Chairperson, serve as the Chairperson of the Judicial Board in his absence.
- N. Educate their organization's new and initiated members on the Risk Management Guidelines each semester.
- O. Hold a minimum 2.5 CGPA.

D. Judicial Board Advisor

- A. The Judicial Board Advisor shall be appointed by Fraternity and Sorority Life Coordinator.
- B. The Judicial Board Advisor shall serve as an ex-officio, non-voting member of the Judicial Board.
- C. In the event the advisor cannot attend, an appropriate staff member from Student Engagement will serve as the substitute advisor.

Meetings:

- The Judicial Board will meet when called upon by the Chairperson.
- Meeting times will include hearings, policy reviews, planning educational sessions, or additional trainings.
- All Judicial Board members will attend all meetings.
- Training will occur each semester and Judicial Board Members will be notified at least 4 weeks in advance and attendance is mandatory.

Inter-Fraternity Council Judicial Board Procedures

II. Procedural Overview

A. Reporting of Violations Timeline

1. Anyone wishing to report a violation must do so in writing to the Judicial Board Advisor and the Fraternity and Sorority Life Coordinator, or the Judicial Board Chairperson.
2. When a violation report is made known to the Judicial Board Advisor it should be turned over to the Judicial Board Chairperson within one (1) business day.

B. Conduct Process Timeline after Receiving a Report

1. After reviewing the alleged violation, the Chairperson will meet with the Judicial Board Advisor to determine if the violation is substantiated. If the violation is found substantial the Chairperson will determine if a hearing is needed for the violation and notification of this decision will be sent to the charged chapter's president.
2. The Chapter President of the charged chapter will be notified within two (2) business days after the meeting between the Chairperson and Advisor has taken place and if the alleged violation has been substantiated. The Chapter President will also be provided information on the rights of a fraternity at ERAU along with their notification of a violation. At that time the Chapter President, or his designee, will be given the option to have a preliminary meeting with the Judicial Board Chairperson and Advisor.
3. If a preliminary meeting is scheduled it will occur within one (1) week of the initial contact by the Judicial Board Chairperson or before the designated date of the charged chapter's hearing. Should the Chapter President not request a preliminary meeting they must respond and confirm that they have received notification of the decision and the hearing within (2) business days of receiving the notification. After confirmation the Chairperson will immediately schedule the chapter to attend the next available hearing time and notify the chapter of the scheduled hearing. All hearing dates and deadlines will apply.

C. Deadlines for Evidence/Witnesses

1. Charged chapters will have two (2) business days prior to the hearing to submit evidence, names, and contact information for any witnesses they wish to call to the Judicial Board meeting. Evidence must be submitted electronically to the Judicial Board Secretary and Chairperson, who will then distribute amongst the board members.
2. No less than 48 hours prior to the hearing, the chapter must submit the questions for they intend to ask the witnesses they are presenting.
3. Charged and/or charging chapter(s) may request to review evidence that has been submitted by the opposing party. Arrangements must be made with the Judicial Board Advisor or Chairperson

D. Hearing and Sanctioning Timing

1. Hearings will be held weekly on the same day until all cases are heard.
2. No more than three (3) cases will be heard at one time, unless extenuating circumstances are presented. This will be determined by the Judicial Board Chairperson in conjunction with the Judicial Board Advisor
3. If a chapter is not present for their hearing, the hearing will be conducted in their absence.
4. A chapter will be offered the opportunity to wait outside for the Judicial Board's decision, or the decision will be emailed by the board Chairperson to the Chapter President within two (2) business days of their hearing.

E. Wrap Up and Appeals Timeline

1. Once a chapter receives their sanctions via email they have forty-eight (48) hours to confirm they have received the sanctions.
2. An organization has a right to appeal the process or outcome of a Judicial Board hearing. Once a chapter receives the email notifying them of the conclusion of their hearing (as verified by the sent email time stamp), a chapter will have two (2) business days to file an appeal with the Judicial Board Advisor. Appeals process is outlined in this manual.
3. After a chapter has confirmed the receipt of their sanctions and the two (2) business day timeline for an appeal has passed without an appeal submission, the Judicial Board Chairperson will inform them their event registration privileges are re-instated, if it is not in violation of the sanctions determined by the Judicial Board.

Inter-Fraternity Council Judicial Board Policies

III. Judicial Board Policies

Expectations of the Inter-Fraternity Council Judicial Board

1. Confidentiality

- a. The nature, facts, circumstances, participants, and/or deliberations of any Judicial Board case shall not be discussed with anyone outside of the Hearing session.
- b. A chapter's conduct history is not to be shown, disclosed, or discussed outside a Hearing session.
- c. No part of the conversation or proceedings of the Hearing or any phase of the Judicial Board process shall be discussed outside the Judicial Board meeting.
- d. Responsible chapters, their policy violation, and their sanctions will be announced, but the Judicial Board's rationale for reaching that decision shall only be discussed with that chapter and appropriate University personnel, unless appropriate written permission is received from the chapter.

- e. Violation of the confidentiality policy can result in removal from the Judicial Board through a review by the Chairperson, Secretary and Judicial Board Advisor.

2. Objectivity

- a. Judicial Board members will carefully and impartially review the information presented at the hearing and render a decision based on the weight and credibility of the evidence.
- b. Any Judicial Board member involved with one or more persons who are parties to a case, in such a way that may prejudice his objectivity, should abstain from participating in the hearing.
- c. A Judicial Board member will not serve a voting role on a hearing where his chapter is represented as the charged or charging party.

3. Judicial

- a. Judicial Board members agree to the enforcement of behavioral Judicial that the University and Fraternity Community have set for members of its community through appropriate University policies.
- b. Judicial Board members must support the integrity of their position by upholding, through personal example, the behavioral Judicial that the University and Fraternity Community expect of others.
- c. Judicial Board members will practice ethical decision making both within and outside Judicial Board meetings.

4. Skills and Knowledge

- a. Judicial Board members will exercise critical thinking and reasoning skills when evaluating a case and determining outcomes.
- b. Judicial Board members must be able to interpret policy and apply policy in varying situations.
- c. Judicial Board members should be knowledgeable of inter/national fraternity governing policies.
- d. Judicial Board members will have excellent communication skills, both oral and written.

Charged Party Rights

1. Timely, Written Notification

- a. Chapter has the right to receive in writing the alleged violations and a request to set up a preliminary meeting with the Chairperson and Judicial Board Advisor or a date, time, and location of a hearing.
- b. Chapter has the right to receive written notification of their hearing date, time, and location in writing no later than two (2) business days prior to the hearing.

- c. Chapter has the right to receive in writing notification of the outcome of the hearing no later than two (2) business days following the hearing.
- 2. Advisors
 - a. The Charged Organization may be accompanied by their respective Advisor. Advisors are not permitted to speak directly to the board or to directly participate in the hearing, including serving as a witness. Advisors may only observe hearings.
 - b. Legal counsel (including without limitation; law students, law school graduates not licensed to practice law and licensed attorneys) is not permitted at a hearing, even as a personal adviser, except when criminal charges are concurrently pending against the Charged Organization, arising out of the same conduct that is the subject of the hearing.
- 3. Ability to remain silent
 - a. In any hearing or other related meeting, the Charged Organization may remain silent. Remaining silent is not viewed as an admission of guilt but instead is simply an organization exercising its rights.
- 4. Access to information
 - a. Chapter may request to see original information from the incident report.
 - b. Chapter can contact the Judicial Board Chairperson to set up a time to review evidence and witness list submitted by the charging party.
 - c. Chapter will have the opportunity to ask questions of the Charging Party and of witnesses presented by the Charging Party. Questions will be submitted in writing to the Judicial Board Chairperson.
- 5. Object a Board Member
 - a. During the hearing the chapter will be asked if they object to any Board members present.
 - b. If the chapter does object, they can state the name and the reason for the objection.
 - c. The Chairperson and Judicial Board Advisor will determine how to respond to the Board member objection.
- 6. Probation Without Judicial Conclusion
 - a. The Judicial Board and the IFC will not issue blanket sanctions for chapters that have not been found responsible for policy violations. An exception may be made for health and safety concerns with restrictions limited to events with alcohol, provided the exception is for a defined period of no more than 30 days, with a specific plan to lift the restriction, and in accordance with powers enumerated in the IFC Constitution and Bylaws.
 - i. The Judicial Board Advisor or the Judicial Board Chairperson may determine if reasonable concerns for Health and Safety exist that would warrant a suspension of alcoholic events.

Charging Party Rights

1. Timely, Written Notification

- a. Charging Party has the right to receive written (e-mail) notification of their hearing date, time, and location in writing no later than two (2) business days prior to the hearing.
- b. Charging Party has the right to receive in writing (email) notification of the outcome of the hearing no later than two (2) business days following the hearing.

2. Advisors

- a. The Charging Party may be accompanied by an Advisor. Advisors are not permitted to speak directly to the board or to directly participate in the hearing, including serving as a witness.
- b. Legal counsel (including without limitation, law students, law school graduates not licensed to practice law and licensed attorneys) is not permitted at a hearing, even as a personal adviser, except when criminal charges are concurrently pending against the Charged Organization, arising out of the same conduct that is the subject of the hearing.

3. Access to information

- a. The Charging Party may request to see original information from the incident report.
- b. The Charging Party can contact the Judicial Board Advisor to set up a time to review evidence and witness list submitted by the charged party.
- c. The Charging Party will have the opportunity to ask questions of the Charged Party and of witnesses presented by the Charged Party. Questions will be submitted in writing to the Judicial Board Chairperson.

4. Object a Board Member

- a. During the hearing the Charging Party will be asked if they object to any board members present.
- b. If the Charging Party does object, they can state the name and the reason for the objection.
- c. The Chairperson and Judicial Board Advisor will determine how to respond to the board member objection.

5. Confidentiality and Anonymity

- a. The Judicial Board Chairperson and Secretary will research and investigate all claims, including anonymous claims, but cannot hear cases without substantiated evidence.
- b. The Judicial Board will take confidential reporting. The Charging Party will provide the substantiated evidence, provide a statement and answer questions of

the Judicial Board Chairperson and/or Advisor and not have to appear before the Charged Party at the hearing.

Preliminary Meeting Script

IV. Preliminary Meeting Script

- A. The Chairperson will arrive in the room 15 minutes prior to the scheduled preliminary meeting. The Chairperson will have previously seen all of the information available from the Judicial Board Advisor. The Judicial Board Advisor and Chairperson will re-examine any documents thoroughly and discuss any questions they have to be prepared for the preliminary meeting.
- B. The Judicial Board (JB) Chairperson will escort all appropriate parties into the meeting room at the scheduled time.

Introductions:

JB Chairperson: “Welcome to your preliminary meeting. My name is [name] and I serve as the Inter-Fraternity Council Judicial Board Chairperson and will be your liaison to the Board throughout this process.”

JB Advisor: “My name is [name] and I serve as the Advisor to the Inter-Fraternity Council Judicial Board. My role is to help ensure a fair process is provided to you and your chapter, while upholding the policies of the Greek community.”

- C. The Judicial Board Chairperson will outline the Judicial Board process and the process and purpose of the preliminary meeting.
- D. The Judicial Board Chairperson should begin to gain information regarding the incident as the chapter sees the incident occurring.

Outline of Process and Preliminary Meeting:

JB Chairperson: “As reports of possible violations are brought to the attention of the InterFraternity Council Judicial Board, it is our responsibility to investigate the allegation. When a report is filed, we (the Chairperson and Advisor) review the report and determine the substantiality of it. The complaint will either be dismissed, or it will be determined that the incident must be sent before the Judicial Board. If the complaint goes before the Judicial Board, you will be offered the opportunity to accept or deny responsibility and present your case. A board of your peers will determine responsibility if you did not accept and if necessary determine outcomes.

This preliminary meeting is informational and designed to discuss what happened and gather additional information regarding the incident. The point of this meeting is to allow you, the charged chapter, an opportunity to ask any questions you have about the process, violations, or potential sanctions, and it also give you an opportunity to give me and the Advisor any more information you would like us or the board to have.”

Preliminary meeting questions for chapters, these questions are **not necessary** but act as way for the Chairperson to gather more information during the preliminary hearing if they feel more needs to be obtained:

JB Chairperson: “What can you tell us about the event [date, location, additional information on the event]?”

“It was reported [read the reported violation]. What do you know about that incident?”

“What are some ways your chapter has addressed that alleged issue, if you have done so?”
[Additional questions may be asked/added to gain insight and clarity on the situation to decide if a policy violation occurred.]

[If additional questions are asked, remember effective questioning techniques such as openended questions.]

E. Once the Judicial Board Chairperson feels he has enough information and the Charged Party has finished with their questions, the Judicial Board Chairperson can conclude the meeting.

Meeting Conclusion:

JB Chairperson: “We would like to thank you for coming in to discuss this situation with us. We will review the information presented and add any new information to the information being presented to the board.

Do you have any questions at this time?”

F. Judicial Board Chairperson will dismiss the parties present.

Dismissal:

JB Chairperson: “Thank you again for your participation and cooperation. You are dismissed at this time.”

Hearing Procedures Script

V. Hearing Procedures Script

- A. The Judicial Board members will arrive in the room **thirty (30) minutes** prior to a scheduled hearing. The Judicial Board Chairperson and Secretary will already have pertinent case information available and have the room prepared for the hearing. The Judicial Board members will read the report, examine all accompanying documents thoroughly, and discuss questions to ask so they will be prepared for the hearing.
- B. **Call to Order:** One of the Judicial Board Chairperson and Secretary will escort all appropriate parties into the hearing room at the scheduled time. The hearing will then be called to order by the Judicial Board Chairperson.

JB Chairperson: **“We will now call this hearing to order at [time] on [(current) month, day, year]. These members of the Inter-Fraternity Council Judicial Board are called here today to review allegations and information, and to reach an informed decision. The Judicial Board hearing process has been designed to allow self-governance within the Fraternity Community, while holding chapters accountable for their actions and attempting to prevent future incidents. The Judicial Board will work to ensure fraternities remain committed to being values-based organizations, acting as responsible members of the Embry-Riddle Aeronautical University Community and local Prescott community, and providing a rich, worthwhile experience that enhances the educational experience at ERAU.”**

“We are here today to determine whether or not there have been violations of Interfraternity Council constitution and bylaws by [chapter name (local chapter name as well as national organization name)]. This process is provided to fraternities in accordance with their rights established under the Code of Student Conduct. This is an educational hearing, and all procedures reflect the educational nature of the student disciplinary system.”

- C. Introduction of the Board: Judicial Board Chairperson will have Board members introduce themselves and determine if the Charged or Charging Party objects to a board member serving on the hearing.

JB Chairperson: **“At this time I would like each of the Judicial Board Members to introduce themselves to all parties by stating their name.”**

“Is there anyone on this board whom you feel should not serve on this hearing?”

If yes, ask who and why. Objections must be specific to an individual and for reasonable cause. The Judicial Board Chairperson will consult with the Judicial Board Advisor to determine how to respond to challenges of board members. Be sure to confer with both the Charged and Charging Party.

- D. Procedural Clarification: The Judicial Board Chairperson will verify the chapter is aware of their rights as fraternity at ERAU and they received a copy of the charges in advance.

JB Chairperson: **“Do you understand the rights you are entitled to as a fraternity at EmbryRiddle Aeronautical University?”**

[If no, please review any concerns the student has until understanding is established.]

“Did you receive a copy of the charges in writing prior to today’s hearing?”

[If no seek clarification if a notification was sent.]

- E. The Judicial Board Chairperson will then ask the responding fraternity/ representative(s) to respond to all allegations for the record.

Responses to Charges:

JB Chairperson: **“[Chapter], at this time we will ask you to enter a claim to each charge. Regardless of your claim, you will be presented with the opportunity to make statements on behalf of the complaint against your chapter.**

When responding to each charge, your choices are:

Responsible, which indicates your belief that your chapter violated the cited regulation. Not responsible, which indicates your belief that your chapter did not violate the cited regulation.”

“Your chapter is charged with violating [Governing document name, Article number, specific violation]. Please enter your statement of responsibility at this time.”

Judicial Board Secretary: should record chapter’s statement of responsibility. Reading of charges and entering a statement of responsibility should be repeated for each various charge.

Script for “Not Responsible” Claim

If the Chapter enters a claim of Not Responsible:

- A. **Opening Statements:** The Judicial Board will first hear opening statements from the charging party and then the charged party. If there is no charging party present, the Chairperson shall read the statement on behalf of the University or charging party.

JB Chairperson: **“At this time we will hear opening statements from the charging party and**

then the charged party. We will first hear from [name of the charging organization].”

If there is no charging party, then the Judicial Board Chairperson should read the statement or represent the material provided by the charging party or the University.

When the charging party has completed their opening statements the Judicial Board Chairperson should ask the charge party if they have any questions at this time, which must be presented in writing to the Judicial Board Chairperson. The Judicial Board Chairperson will review the questions and ask them on behalf of the charged party if deemed appropriate.

The board will then be asked if they have any questions at this time. Board members can direct questions to the charging party.

“At this time, we will hear opening statements from [name of the charged organization (local chapter name as well as national organization name)].”

When the charged party has completed their opening statements the Judicial Board Chairperson should ask the charging party if they have any questions at this time, which must be presented in writing to the Judicial Board Chairperson. The Judicial Board Chairperson will review the questions and ask them on behalf of the charged party if deemed appropriate.

The board will then be asked if they have any questions at this time. Board members can direct questions to the charging party.

- B. Evidence from Charging Party:** The Charging Party must submit all evidence 48 hours prior to a hearing. The Judicial Board and Charged Party will be provided copies of all evidence at the hearing.

JB Chairperson: “[Charged Party] have you had an opportunity to review the evidence presented by the Charging Party?”

Provide up to 5 minutes for the Charged Party to review evidence then proceed to witness, if witnesses are present.

- C. Witnesses from Charging Party:** The Charging Party must submit a list of all witness names and contact information 48 hours prior to a hearing. All questions for the witness submitted by the Charging Party must be submitted 48 hours prior to the hearing. Questioning will begin with the Charging Party, followed by the Charged Party, and finally opened to the Board.

JB Chairperson: The Judicial Board Chairperson will read the following statement to each new witness.

“Welcome to the Judicial Board. As a witness, you will be asked a variety of questions to assist the Board in determining whether violations of the [Governing Board document] have occurred. We ask you to provide information that is both truthful and complete. We will begin with questions from the Charging Party, then the Charged Party, then the Judicial Board.

All questions from the Charged Party must be presented in writing to the Judicial Board Chairperson. The Judicial Board Chairperson will have final discretion regarding relevancy of questions asked by the charged party. Should the Charging Party wish to add any additional questions to the list submitted 48 hours in advance, they must be submitted in writing and approved by the Judicial Board Chairperson prior to the start of questioning.

After each witness has been questioned the Judicial Board Chairperson will ask the board if the witness should be retained.

JB Chairperson: “Does any member of the Board feel there is a reason to retain this witness for further questioning?”

If the board does not feel the witness should be retained the witness is dismissed.

- D. Evidence from Charged Party:** The Charged Party must submit all evidence by 5:00 pm on the Thursday prior to a hearing. The Judicial Board and Charging Party will be provided copies of all evidence at the hearing.

JB Chairperson: “[Charging Party] have you had an opportunity to review the evidence presented by the Charged Party?”

Provide up to 5 minutes for the Charging Party to review evidence then proceed to witness, if witnesses are present.

- E. Witnesses from Charged Party:** The Charged Party must submit a list of all witness names and contact information 48 hours prior to a hearing. All questions for the witness submitted by the Charged Party must be submitted 48 hours prior to the hearing. Questioning will begin with the Charged Party, followed by the Charged Party, and finally opened to the Board.

Witness Introduction:

JB Chairperson: When a Witness is presented the Judicial Board Chairperson will read the following statement to each new witness.

“Welcome to the Judicial Board. As a witness, you will be asked a variety of question to assist the Board in determining whether violations of the [Governing Board document] have occurred. We ask you to provide information that is both truthful and complete. We will begin with questions from the Charged Party, then the Charging Party, then the Judicial Board.

All questions from the Charging Party must be presented in writing to the Judicial Board Chairperson. The Judicial Board Chairperson will have final discretion regarding relevancy of questions asked by the charged party. Should the Charged Party wish to add any additional questions to the list submitted 48 hours in advance, they must be submitted in writing and approved by the Judicial Board Chairperson prior to the start of questioning.

After each witness has been questioned the Judicial Board Chairperson will ask the board if they feel if the witness should be retained.

JB Chairperson: “Does any member of the Board feel there is a reason to retain this witness for further questioning?”

- F. Closing Statements:** The Board will first hear a closing statement from the Charging Party and then the Charged Party. The Judicial Board will be allowed to ask any final questions at this time before heading into deliberations.

JB Chairperson: “At this time, we will allow closing statements. Closing statements will be limited to five minutes in length. We will begin with the Charging Party and then moved to the Charged Party.”

Following the Charging Party’s closing statement ask the Board if they have questions.

“Does the Judicial Board have questions for [Charging Party] at this time?”

“We will now hear from [Charged Party].”

Following the Charged Party’s closing statement ask the Board if they have questions.

“Does the Judicial Board have questions for [Charged Party] at this time?”

- G. Move to Deliberations:** The hearing is concluded, and the parties are dismissed while the Judicial Board deliberates. The parties will be notified via phone call of the decision of the board and the official notification and any appeal information will come via email within 2 business days.

JB Chairperson: “The Judicial Board will now move to closed session for the purpose of reaching a decision. You will be notified within two business days via email regarding the

Board’s decision. The letter will provide the outcome of the hearing, any sanctions imposed, and information regarding the appeals process.

Thank you for your participation in this hearing. This hearing is now concluded.”

Script for “Responsible” Claim

If the Chapter enters a claim of Responsible:

- A. Rationale Statements:** When a chapter enters a claim of Responsible the Charging and Charged Party will be able to provide a rationale statement. The Charging Party will first present their statement followed by the Charged Party. The Board will be able to question both parties following their rationale statements.

JB Chairperson: “Since the chapter has entered a claim of Responsible we will forgo the formal hearing process. The Charging Party will be provided the opportunity to read their narrative and account of the incident, followed by the Charged Party. The board will be able to question both parties following their statements to gain a better understanding of the issues at hand to assist in providing the most appropriate sanction.”

“At this time, we will hear from the Charging Party.”

If there is no charging party, then the Judicial Board Chairperson should read the statement provided by the charging party or the University. The board will then be asked if they have any questions at this time. Board members can direct questions to the charging party.

JB Chairperson: “At this time we will hear the rationale statement from [charged organization (local chapter name as well as national organization name)].”

The Board will be asked if they have any questions at this time. Board members can direct questions to the charged party.

- B. Review of Evidence:** Both parties must submit all evidence by 5:00 pm two (2) business days before the meeting. Following the Charging and Charged Parties Rationale statements, the Board will review all evidence and ask questions beginning with the Charging Party and followed by the Charged Party.

**JB Chairperson: “The Judicial Board has been presented with evidence on behalf of the Charging Party and provided the opportunity to review the evidence”
“Does the Judicial Board have any further questions at this time?”**

If no evidence was presented:

JB Chairperson: **“Since neither party presented evidence the Board will move into deliberations based upon your rational statements.”**

- C. **Move to Deliberations:** The hearing is concluded, and the parties are dismissed while the Conduct Board deliberates. The parties will be notified via phone call of the decision of the board and the official notification and any appeal information will come via email within 2 business days.

JB Chairperson: **“The Judicial Board will now move to closed session for the purpose of reaching a decision. You will be notified within two business days via email regarding the Board’s decision. The letter will provide the outcome of the hearing, any sanctions imposed, and information regarding the appeals process.”**

Thank you for your participation in this hearing. This hearing is now concluded.”

Determining Outcomes

VI. Determining Outcomes

A. Determining Responsibility

1. The Judicial Board will use a standard of **was it more likely than not** to determine if the Charged Party is responsible for violating Greek Life policy or not.
2. A simple majority vote is necessary to determine if a chapter is or is not responsible.
3. Each alleged violation requires a separate and formal vote.

B. Determining Outcomes

1. If the board finds a chapter responsible or a chapter enters a statement of responsible based upon the allegations, the Judicial Board will need to determine sanctions for the chapter(s).
2. At this time the Judicial Board Advisor will supply the Judicial Board members with a list of the chapter’s Conduct history, including violations and outcomes.
3. Board members are responsible for proposing appropriate sanctions based upon the chapter’s violations.

4. Time for discussion and debate on each of the proposed sanctions will be provided.
5. Each outcome must be voted on independently and receive a majority vote.
6. If an outcome has been voted upon and later revised, an amendment to the outcome must be proposed and the new outcome must be re-voted upon and receive a majority vote to pass.
7. For sanctioning to be effective, it is important to consider a combination of both educational and preventative strategies as well as both active (programming, reflection paper, strategic planning, etc.) and passive strategies (removal of privileges, probation, etc.).
8. The goal of the Judicial Board sanctions are to educate the chapter and/or community, assist the chapter in aligning action with values, and work to prevent the behavior from occurring in the future.
9. All outcomes will be specific and include due date, contact information, etc.

C. Sanctions to Consider

1. Probation
 - a. Disciplinary Probation is a serious restriction on the fraternity/'s good standing with the University. Disciplinary Probation can last anywhere from one semester to two years.
 - b. Any subsequent violations during the probationary period will be viewed as both a violation of University regulations and a violation of the probation and may result in additional and more severe sanctions.
 - c. A fraternity/ on Disciplinary Probation will be required to fulfill specific conditions and/or refrain from certain actions or activities. At the end of the disciplinary probation period, all lost privileges shall be restored.
 - d. While on Disciplinary Probation the chapter will forfeit their right to vote in their respective governing council on any business but are still expected to attend.
 - e. Further, any member of the chapter will be unable to hold any leadership role/position within the Greek community, whether elected or appointed, including, but not limited to, the Interfraternity Council, Order of Omega, Judicial Board, and Greek Week.
2. Substance Restriction
 - a. Substance Restriction allows the chapter to have only substance free (alcoholfree and drug-free) events (including member education events, formals, date parties, philanthropy, etc.) through the date specified.
 - b. All on and off events must be pre-approved by the Judicial Board Advisor no later than 2 weeks prior to the date of the event.
 - c. Any events in which alcohol is not necessarily provided, but may be present, are also prohibited.
 - d. The Judicial Board Advisor reserves the right to deny any event that in some way may not be in accordance with substance restriction status.

3. Educational Programming

- a. Educational programming is a requirement that the chapter hold an educational workshop on a topic related to their violation (alcohol, hazing, etc.).
- b. Program suggestions could include the following:
 - i. Online educational programming such as Alcohol.edu, GreekLife.Edu, Mystudentbody.com or an approved program by the National office (this program must be approved by the Judicial Board Advisor). You can require a percentage of the chapter or leadership within the chapter to complete the task and ask for verification in the form of printed completion/certificates.
 - ii. Utilize campus programs offered to students. These may include programs on ethical decision-making, alcohol/drug education, etc. iii.
Require the chapter to host an educational workshop open to other chapters. These are effective if they are planned in conjunction with the Judicial Board Advisor and/or require the approval of the Judicial Board Advisor to ensure presenters/facilitators are trained and qualified. iv.
Require the chapter to present a workshop related to the violation. The chapter should present a preview of the workshop to the governing council executive board and the Judicial Board Advisor in advance to ensure that the content is accurate, appropriate, and informational. This is good for helping chapters take ownership of their challenges, provide public acknowledgement of errors, and provide education on a topic that other chapters could be facing.
 - v. Utilize national resources for programming, trainings, or educational opportunities such as RISE Partnerships, the Novak Institute for Hazing Prevention, or Response Ability Project.
 - vi. Partnership with the Inter/national organization for a membership review, review of new member education process, review of membership education process, recruitment process review, or various trainings on organizational policies, history, and values. Through partnership with the inter/national organization, the students can hear a consistent message regarding improvement and working to achieve sanctions.

4. Restitution

- a. A monetary fine when a violation involved damage to property
- b. The Judicial Board can obtain the repair costs of the damage and require the chapter to be responsible for the re-payment.

5. Warning

- a. A warning allows the board to respond to a specific violation and document the incident in the official chapter file

- b. If a chapter is later found responsible for a similar violation, the warning would allow the board to move to a stronger sanction recommendation
- 6. Punitive Sanctions
 - a. If the Judicial Board determines a loss of privilege they may remove certain rights of the chapter.
 - b. This includes but is not limited to, access and use of on campus facilities, participation in Greek Week or other all-Greek events, etc.

Judicial Board Authority

VII. Greek Conduct Board Authority

A. Jurisdiction of Judicial Board

1. The Judicial Board has the responsibility and authority to adjudicate violations of governing council policies and the Risk Management Policy.
2. In some cases, the other University departments can refer a violation of the Student Code of Conduct by a chapter to the Judicial Board.
3. The Board does not hear matters regarding individual student behavior; unless it affects the entire chapter. The Judicial Board will not hear violation of Panhellenic Recruitment policy.

B. Due Process

1. Fairness is the fundamental element to a successful conduct process and therefore the board will follow the stated process outlined in the Judicial Board manual.
2. Due process includes the following:
 - a. Written notice of charges
 - b. Opportunity to respond to charges
 - c. Notice of time and place of the hearing/meeting
 - d. Right to an Advisor
 - e. Right to produce witnesses
 - f. Right to question witnesses
 - g. Right to inspect their record
 - h. Right to appeal the decision if the chapter follows the appeals process.
3. The Judicial Board procedures may be waived by the chapter if the chapter president signs a statement indicating the reasoning for a speedier process.

C. Legal Process versus Governing Council

1. Fraternity conduct processes are not legal processes. They are intended to be educational in nature, not adversarial.
2. As a result, legal language is not used in the Judicial Board Process. Please remember the following language throughout the Judicial Board process:

Legal Language

Trial

Defendant

Judicial Board Language

Hearing

Charged Chapter

Plaintiff	Charging Party
Plea	Statement of responsibility
Guilty	Responsible
Not guilty	Not responsible
Beyond a reasonable doubt	More likely than not
Chief Justice	Conduct Board Chairperson
Closing arguments	Closing statements
Verdict	Outcome
Penalty/sentence	Sanction

Effective Questioning and Common Problems

VIII. Effective Questioning Techniques

A. Open-ended questions

1. Open-ended questions are designed to encourage a full, meaningful answer versus a short or single-word answer from a closed-ended question.
2. Open-ended questions should be utilized as they tend to be more objective.
3. Open-ended questions typically begin with words like “why”, “how”, or phrases like “tell me about...”
4. Open-ended questions can also be more of a statement that elicits a response.

B. Factual questions

1. Factual questions are used to get information from the chapter.
2. Often beginning with “what”, this type of question can confirm information the Judicial Board received.

C. Perception questions

1. Perception questions allow the Board to determine what the charging or charged party observed, felt, or experienced.
2. Perception questions focus on what was seen, heard, felt, detected, noticed, observed, etc.

IX. Common Problems for Board Members

A. I just don’t feel right about holding this group responsible.

1. Oftentimes the actions of a few mandate the need to hold the group accountable.
2. As a board member you agreed to enforce the behavioral Judicial set forth by the community and ensure the chapters were contributing to the educational experience of ERAU.
3. You must be consistent in how you handle similar violations of the fraternity policies.

4. If you never hold a group accountable, the Judicial Board will not be a wellrespected self-governing body.
- B. The organization seems so remorseful, I know they'll never do this again; do I have to sanction them?
1. You do not have to sanction any group, but you must consider the severity, precedent, and the chapter's history.
 2. You also must consider what precedent you set if you do not sanction a chapter.
 3. There are a variety of outcomes you could choose from and they should provide a balance between educational and punitive.
 4. The board should also remember that a chapter may have already taken steps to rectify the situation and you do not have to "beat them while they're down" but ensure they learn from their mistakes and ensure it will be prevented in the future.
- C. The organization representative contacted/approached me after our meeting...what do I do?
1. You cannot speak about hearings to anyone outside of the hearing proceedings.
 2. Inform them they should consult with the Judicial Board Chairperson and/or Advisor.
 3. Report it to the Judicial Board Chairperson and/or Advisor.
- D. The organization representative was really emotional: crying, yelling, etc....
1. If you feel the chapter representative, witness, or charging party needs a break, invite them to take a short breather.
 2. If the Judicial Board needs a break, adjourn the hearing until you're ready to resume.
- E. I don't know the process for a hearing.
1. The hearing process is spelled out in your manual and on the Judicial Board Connection site.
- F. I can't decide who to believe.
1. The Judicial Board uses the standard of proof of **more likely than not** in determining responsibility. This does not require 100% belief in one side or another.
 2. Use common sense and critical thinking to help you decide if it is more likely than not the incident occurred.
 3. After hearing both stories and perspectives, ask yourself "is it likely that this occurred the way it was told?"
- G. I don't want this to get turned over on appeal. Will our decision be supported?
1. The best way to avoid your decision getting overturned is to follow your policies and remain consistent from case to case.

2. Making thoughtful, clear decisions and including the board's rationale when disclosing sanctions to the chapter will help them see that a fair process was followed.
3. The University takes seriously their commitment to fraternity self-governance and recognizes that the most impactful way for our community to be the best we can be is to hold ourselves accountable.

NIC Judicial Agreements

X. North-American Interfraternity Conference Resolutions

- A. The following include a few of the NIC Resolutions Judicial Board members should keep in mind when considering sanctioning. For a full listing of the NIC's Resolutions, please visit nicindy.org.
- B. Statement of Position Supporting the Constitutional Rights of Students
 1. The NIC has a strong record of supporting legislative efforts to protect the rights of freedom of association and freedom of speech at all college and university campuses.
 2. The Conference acknowledges that colleges and universities have the right to establish fair and reasonable rules and regulations applicable to all student organizations seeking to receive and maintain recognition.
 3. The Conference asserts, however, that colleges and universities do not have the right to infringe on an organization's right to recruit members, or on a student's right to associate with an organization, if selected by the organization, on such terms and conditions as the student and the organization exclusively may agree
- C. Statement of Position on Fostering Academic Achievement
 1. Two Judicial of the NIC call for member fraternities to have a chapter annual cumulative GPA at 2.5 or higher, and a new-member GPA of 2.3 or higher.
 2. Additional Judicial state that member organizations are to communicate to undergraduate members the importance of participating in educational programming, campus, inter/national fraternity, or independently led, covering academic achievement, alcohol consumption, career preparation, civic engagement, hazing, leadership development, sexual assault awareness/prevention, and values and ethics.
- D. Statement of Position on Recruitment

1. NIC-member fraternities pursue a recruitment model based on an unrestricted, year-round commitment to actively seek prospective members who share a commitment to the fraternal values of scholarship, leadership and service.
2. Recruitment is the lifeblood of every chapter, and in addition to year-round opportunities to seek new members the Judicial of the NIC state that host institutions and campus IFCs will not prohibit NIC member fraternities from recruiting. To prohibit a group from recruiting is communicating to the organization that there is no support for the group to improve, grow, or even continue to survive. The NIC is opposed to this prohibition in ANY and ALL situations.

E. Statement of Position on Hazing and Behavior

1. The Judicial of the NIC oblige every member fraternity to have wellcommunicated risk management policies that address alcohol use, fire safety, hazing and sexual assault/abuse.
2. The Judicial call for each member organization to communicate the importance for its undergraduate members to participate in educational programming - campus, inter/national fraternity, or independently led - covering academic achievement, alcohol consumption, career preparation, civic engagement, hazing, leadership development, sexual assault awareness/prevention, and values and ethics.

F. Statement of Position on Alcohol Education, Partnerships and Increased Dialogue

1. The North-American Interfraternity Conference strongly encourages member fraternities to communicate their values through ritual at least annually and to pursue alcohol-free chapter facilities, as well as other programs designed to address the misuse of alcohol.
2. NIC-member Judicial call for alcohol-free recruitment events and alcohol-free new member/pledge/associate member programs.
3. The Judicial of the NIC call for host institutions to provide campus programming for all students designed to inhibit/prevent problem behaviors.

Appeals

XI. Appeals

A. Filing an Appeal

1. Any organization has the right to appeal the process or outcome of a conduct hearing.
2. All chapters who receive sanctions from the Judicial Board will receive the appeal information from the Judicial Board and the Code of Student Conduct within their outcome notification.
3. If a chapter chooses to appeal they have two (2) business days to submit their appeal from the date their outcome letter was emailed, or hand delivered. The due date of the appeal will be listed on the outcome notification.

4. Appeals must be directed **IN WRITING** to the Judicial Board Advisor or the Fraternity and Sorority Life Coordinator. An appeal should be typed, signed, and submitted via email or in person.

B. Grounds for Appeals

1. When a chapter receives sanctions for a violation of a Greek policy or governing document, they can appeal for the following reasons:
 - a. They believe that the process was unfair.
 - i. The process must be conducted fairly considering the charges and information presented.
 - ii. The Hearing Process Procedures, outlined in the Judicial Board manual, must be performed as stated.
 - iii. The charged party must have reasonable opportunity to prepare and present information as outlined in the Judicial Board manual, meaning no less than two (2) business days to prepare for the hearing.
 - b. They believe the sanctions imposed were excessive or not appropriate based upon the violation(s) of the Greek governing document or policy they were found to have violated.
 - c. They believe the decision reached by the Judicial Board was based on insubstantial information or the facts were insufficient to establish that the violation(s) of Greek governing document or policy occurred.
 - d. To consider new information, that was not known to the charged organization at the time of the hearing but is sufficient to alter the decision by the Judicial Board.

Fraternity Notification

Effective *EFFECTIVE DATE*, the Judicial Board will announce the outcomes of any fraternity or hearings in which a chapter is found responsible for a policy violation. The Judicial Board Chairperson or Secretary will send an e-mail to all chapter presidents and Advisors with the following information:

- ☐ Chapter(s) found in violation
- ☐ Description of policy violation
- ☐ Sanctions given to the chapter by the Judicial Board
- ☐ Results (If Applicable)

Rationale

As a Fraternity Community, we have agreed to hold ourselves to a higher standard and we have taken on the responsibility of self-governance. In order to do so effectively, it is important that our conduct processes be transparent to all members of the fraternity and ERAU community. When the Judicial Board presents the results of their hearings, it demonstrates to all members that we are holding our chapters accountable for the policies, which they have decided on together. This also helps dispel rumors by providing accurate information directly from the board.

It is our reality that choices made by one chapter affect all of our chapters. If a chapter loses social privileges or recognition, other chapters that may choose to mix with that chapter may be considered in violation. By providing information regarding conduct violations, chapter presidents will be able to have an informed conversation with their members to assist in decision-making and to prevent their chapter from a potentially compromising position.

The Judicial Board will not share conduct information regarding individual members' conduct, which is protected under the Family Educational Rights and Privacy Act (FERPA). The only information provided would relate to conduct for which the chapter has been found responsible.

The Board encourages all chapters to have an informed conversation regarding this policy. It is our hope that this may encourage members to consider future choices and how they may impact the chapter, whether on campus, or off campus in the greater Prescott community.

THIS IS AN OFFICIAL IFC DOCUMENT CURRENTLY IN EFFECT. IT SHALL BE USED TO ENFORCE STANDARDS, APPLY SANCTIONS, OR ANY OTHER OF THE CONSEQUENCES TO VIOLATIONS MENTIONED IN THIS DOCUMENT.

**Last IFC edit: Sean Crowley December 6th, 2021
-Sean M. Crowley Judicial Board Chief Justice 2021**

IFC Executive Council Approved this Document Unanimously on October 30th, 2019.

IFC General Council Approved this Document Unanimously on November 18th, 2019.

IFC General Council Approved this Document Unanimously on December 6th, 2021