

**Interfraternity Judicial Board Constitution**

**Revised 11.17.2015**

**The Interfraternity Council Bylaws**

University of Northern Colorado

(Revised 11.17.2015)

**Article I Name**

Section 1. The name of the judicial body of the Interfraternity Council (IFC) shall be known as the Interfraternity Council Judicial Board.

**Article II Purpose**

Section 1. The University of Northern Colorado Interfraternity Council Judicial Board was established to field and investigate reports of IFC fraternity related conduct inconsistent with established IFC and University guidelines and policies, as well as local, state, and federal law. Initiating and conducting appropriate proceedings against fraternities where such cause exists, and to do so fairly, consistently, and competently.

Section 2. The Interfraternity Council Judicial Board will:

1. Interpret, uphold, and enforce the following:
	1. Applicable IFC Constitution and Bylaws
	2. Applicable University policies and guidelines
	3. Applicable local, state, and federal laws
2. Issue and render impartial judgment upon individual and group violations of the above policies and laws.
3. Alert chapter headquarters of any violations of the above listed policies and laws as deemed necessary by both the Chief Justice and Adviser.
4. Serve as a medium between the Interfraternity Council, member fraternities and the University of Northern Colorado involving the above listed policies and laws.

**Article III Structure**

Section 1. The Interfraternity Council Judicial Board shall be comprised of the following:

1. One (1) Chief Justice
2. Four (4) Fraternity Justices
3. One (1) Judicial Board Advisor
4. Plaintiff (S)
5. Defendant (S)
6. Fraternity Representatives

Section 2. The Interfraternity Council Judicial Board will meet at the discretion of the current Chief Justice, or upon the request of the Interfraternity Executive Council.

**Article IV Duties**

Section 1. The duties of the Chief Justice include:

1. Coordinate and schedule all formal and informal meetings of the Interfraternity Council Judicial Board within the appropriate timeline located in Article IX.
2. Investigating all alleged violations brought before the Interfraternity Council Judicial board.
3. Coordinate investigation proceedings with the following groups:
	* 1. The Council Director of Risk Management
		2. The Judicial Board adviser and/or University officials
		3. The other members of the Interfraternity Council Judicial Board
		4. Local, state, and federal authorities (if necessary)
		5. Chapter headquarters (if necessary)
4. Compile witness composites for either evidence or formal hearings.
5. Inform member fraternities of alleged violations in writing within the appropriate timeline located in Article IX.
6. Participate in all training and special meetings of the Interfraternity Council Judicial Board.
7. Meet weekly with the current Interfraternity Council Director of Risk Management.
8. Receive and review all cases brought to the Interfraternity Council Judicial Board.
9. Turn any investigation over to proper authorities if a necessity arises.
10. As needed, attend and prepare a weekly report at the Interfraternity Council. These reports may be delegated through the Director of Risk Management.

Section 2. The duties of the fraternity Justices include:

1. Read and be knowledgeable of the procedures of the Interfraternity Council Judicial Board
2. Render fair and reasonable sanctions.
3. Participate in all training and meetings of the Interfraternity Council Judicial Board.
4. Participate in discussion at the conclusion of all Interfraternity Council Judicial Board hearings.

**Article V Office Selections**

Section 1. Criteria for Holding Office

1. Maintain at least a 2.5 cumulative grade point average.
2. Be in good membership standing with their respective chapter.
3. Ideally, the candidate has served as a member of their chapter’s executive council or the Interfraternity executive council. However this qualification is not necessary to apply.
4. The Chief Justice will not be serving as their chapter’s president or on the IFC Executive Council while holding their position.
5. The Judicial Board is limited to no more than two members serving from the same fraternity.

Section 2. Office Selection

1. The Chief Justice position will be an individual selected at the beginning of the semester by the Chief Justice Search Committee.
	1. The Chief Justice Search Committee will comprise of the Interfraternity Council Director of Risk Management, Interfraternity Council President, and the judicial board advisor.
	2. The selection process can be found in more detail within Article VI.
2. The Fraternity Justices will be interviewed by the Chief Justice and Director of Risk Management. The Chief Justice will then select four (4) individuals that must also be approved by a two-thirds vote of the IFC Council.

Section 3. Term of Membership

1. The Chief Justice will serve a term of an academic year.
2. Two Fraternity Justices will serve a term of an academic year.
3. Two Fraternity Justices will serve a term of one calendar year.

 **Article VI Search/Election Process**

Section 1: Search Process

1. The IFC Director of Risk Management will create and send out applications for the Chief Justice position by the first IFC meeting every semester.
2. The IFC Director of Risk Management, IFC President, and judicial board advisor will determine dates to hold interviews.
3. The IFC Director of Risk Management will announce the elected Chief Justice by the fourth IFC meeting.

Section 2. Fraternity Justices

1. The Judicial board Chief Justice will create and send out applications for the four (4) fraternity justice positions by the first IFC meeting after their election.
2. The Chief Justice, IFC Director of Risk Management, and the judicial board advisor will determine dates to hold interviews.
3. The Chief Justice will announce the elected Justices by the third meeting after the applications are sent out.
4. The election process for the justices will not last longer than four (4) formal IFC meetings.

 **Article VII Removal of Officers**

Section 1. The Judicial Board has the right to review the membership of all IFC executive council members.

Section 2. Any IFC Judicial Board member or Executive council member found in violation of the policies in Article II, section 2, sub article A of this document the Chief Justice will submit a recommendation for removal to the council. If the individual refuses to resign, they can be removed by a two-thirds (2/3) vote of the Interfraternity Council.

1. IFC Judicial Board may remove an Executive council member immediately for the following violations:
	1. Falling under the required 2.5 cumulative GPA.
	2. Three (3) unexcused absences from business and executive council meetings.
	3. Proven fraud.

Section 3. The judicial board shall review any IFC executive council or judicial board member found in violation of the applicable governing documents. The case may be escalated into a hearing if deemed necessary by the chief justice.

**Article VIII Jurisdiction**

Section 1. The Judicial Board has the right to interpret and enforce all policies, guidelines, and laws (stated in Article II Section 2).

Section 2. The Interfraternity Council Judicial Board shall have secondary jurisdiction to conduct cases that have not been successfully mediated by an Executive Council member, involving the following circumstances (member chapter defined as any fraternity recognized by the Interfraternity Council):

1. Interfraternity Council Judicial Board ‐vs‐ member chapter of the UNC fraternity community.
2. Member chapter ‐vs‐ member chapter
3. Interfraternity Council Judicial Board‐ vs‐ member of the IFC Executive board.
4. IFC Executive board -vs- member chapter
5. Community member (s) -vs- member chapter

Section 3. The Interfraternity Council Judicial Board has the right and responsibility to investigate all alleged violations.

Section 4. The Interfraternity Council Judicial Board has the right and responsibility to impose sanctions upon member chapters found guilty of a violation.

Section 5. The Interfraternity Council Judicial Board has the right and responsibility to submit recommendations to remove IFC Executive Board officers to the IFC Council in the event that one or more officers are found guilty of violating any of the policies (listed in the Interfraternity Council governing documents).

Section 6. The Interfraternity Council Judicial Board has the right and responsibility to review compliance with sanctions.

**Article IX General Procedures**

Section 1. Logistical Procedures

1. All hearings will be held in an appropriate space specified by the current Chief Justice.
2. All records of a hearing will be kept for four (4) years.
3. All violations will be immediately reported to the National Headquarters by the Chief Justice or judicial board Advisor as deemed necessary.
4. All hearings will be held at the discretion of the current Chief Justice.
5. All hearings will occur within a period not to exceed 3 weeks of the violation being filed, unless time frame is deemed insufficient by the Interfraternity Council Judicial Board (case of semester break, or extended absence of students from campus).
6. All hearings are closed sessions and are to remain confidential.
7. During any hearing, witnesses may be retained and recalled at the request of either the plaintiff or defendant.

Section 2. Handling a Formal Complaint

1. Complaint is filed with the Director of Risk Management or Chief Justice within five

(5) business days of violation.

a. A letter is sent to the accused within 48 hours of reporting alleged violation.

1. Accused responds within 48 hours via writing as to what form of hearing they prefer (formal or informal).
2. Hearing date and time are set.
3. Accused, Chief Justice, fraternity Justices, judicial board advisor, and the IFC Director of Risk Management are notified of the date and time of the hearing.
4. Witness lists presented to the Accused 24 hours prior to the hearing if necessary.
5. Witnesses receive Notice to Appear via writing and phone 48 hours prior to the scheduled hearing.
6. Hearing is held.
7. Written notification of sanctions given to the accused within 48 hours of the hearing.
8. Accused returns signed copy of sanction agreement, or requests an appeal, within five

(5) days.

Section 3. Handling Non‐Documented Accusations

1. An evidence hearing/informal hearing will be utilized when any member of the IFC Executive Board, the Interfraternity Council Judicial Board or Adviser becomes aware of an alleged violation that is not documented via a Formal Complaint Form.
2. The purpose of the evidence hearing is to determine whether there is sufficient evidence to warrant a formal Interfraternity Council Judicial Board hearing.
3. The following procedure will be followed for all evidence hearings:
a. Evidence hearing consist of all participants of an informal hearing.

b. If sanctions can be reached and agreed upon, sanctions will be given and no further hearings are necessary.

c. If sufficient evidence is found of blatant violation and clear sanctions are not agreed upon, evidence hearing moves immediately into an informal hearing, or defendant may choose to schedule a formal hearing.

Section 4. Handling an Automatic Violation

1. In the event of an automatic violation the below listed procedures will be followed:
	1. A letter is sent to the accused within 48 hours of reporting of alleged violation.
	2. Hearing date and time are set by the Chief Justice.
	3. Hearing is held.
	4. Written notification of sanctions given to the accused within 48 hours of hearing.
	5. Accused returns signed copy of sanction agreement, or request an appeal, within five (5) days.
2. A process of an automatic violation must be set in place by the Chief Justice.

Section 5. Handling Appeals

1. If the accused wishes to appeal a ruling, a formal letter of appeal must be submitted to the Director of Risk Management of the IFC.
2. The IFC Director of Risk Management will follow the below listed Appeals Structure and notify the appropriate hearing body.
3. The Appeals Structure is as follows:
	* 1. Evidence Hearing appeals to Formal or Informal Hearing
		2. Informal Hearing appeals to a Formal Hearing
		3. Formal Hearing appeals to the Interfraternity Council
		4. The decision of the Interfraternity Council may be appealed to the Office of Rights and Responsibilities
			1. The decision of the Office of Rights and Responsibilities may not be appealed further.

Section 6. Ability to appeal due to:

1. Severity of sanction(s)
2. Ability to introduce new evidence
3. Improper hearing procedures

**Article X Hearing Procedures**

Section 1. Informal Hearings

1. The purpose of an informal hearing is to adjudicate and sanction those that have blatantly violated policies (i.e. violations that are not hearsay and/or do not require an investigation)
2. The following parties must be in attendance: Chief Justice, fraternity Justices, Accused Party, the IFC Director of Risk Management and the Judicial Board Advisor.
3. Representatives from the accused party must include the following: individual(s) being accused, Chapter President, and appropriate member(s) of the Chapter Executive Board.
4. The below listed procedure must be followed in conducting an Informal Hearing:
	* + 1. Call to Order Chief Justice
			2. Opening Statement Read - Chief Justice
			3. Accusations are Read - Chief Justice
			4. IFC Recommendation(s) are Read – IFC Director of Risk Management
			5. Testimony – Defendant
				1. Limitation to five (5) minutes, not extendable.
			6. Questioning – Justices
			7. Closing – Defendant
				1. Limitation to five (5) minutes, not extendable.
			8. Call to Recess - Chief Justice
			9. Closed Deliberation – Justices
			10. Reconvene
			11. Call to Order - Chief Justice
			12. Presentation of Sanctions - Chief Justice
			13. Explanation of Appeals - Chief Justice
			14. Closing Statement Read - Chief Justice
			15. Motion to adjourn – Chief Justice

Section 2. Formal Hearings

1. The purpose of a formal hearing is to introduce evidence and/or witnesses and for the Justices to determine guilt or innocence.
2. The Justice that shares the same affiliation with the accused must resign his position for the duration of the trial.
3. The role of the Chief Justice during deliberation will be to facilitate the deliberation. The Chief Justice will not offer his opinion or comment on the findings.
4. The role of the Chief Justice during deliberation will be to clarify any information by using the meeting minutes.
5. The role of the judicial board Advisor during deliberation is to ensure that the discussion is fair and reasonable and that sanctions are just and consistent. The judicial board Advisor will not offer his/her opinion or comment on the findings.
6. Determination of guilt or innocence and sanctions must be decided upon by consensus.
7. The following parties must be in attendance: Chief Justice, Accused Party, Witnesses, Justices, the IFC Director of Risk Management, and the judicial board Advisor.
8. Representatives from the Defense must include one or more of the following people: individual being accused, Chapter President, or appropriate chapter executive member.
9. The below listed procedure must be followed in conducting a formal hearing:
	* + 1. Call to Order - Chief Justice
			2. Opening Statement Read - Chief Justice
			3. Accusations are Read - Chief Justice
			4. Formal Complaint or Evidence Hearing Findings - Chief Justice
			5. IFC recommendation(s) Read – IFC Director of Risk Management
			6. Plaintiff Opening Statement - Chief Justice
				1. Limitation to five (5) minutes, not extendable.
			7. Defendant Opening Statement – Defendant
				1. Limitation to five (5) minutes, not extendable.
			8. Witnesses Questioning – Justices
			9. Cross Examination – Defendant
			10. Witness Questioning – Defendant
			11. Cross Examination – Justices
			12. Plaintiff Closing Statement - Chief Justice
				1. Limitation to five (5) minutes, not extendable.
			13. Defendant Closing Statement – Defendant
				1. Limitation to five (5) minutes, not extendable.
			14. Call to Recess - Chief Justice
			15. Closed Deliberation - Chief Justice, Fraternity Justices, Judicial Board Advisor
			16. Reconvene - Chief Justice
			17. Call to Order - Chief Justice
			18. Presentation of Findings - Chief Justice
			19. Presentation of Sanctions - Chief Justice (if accused is found guilty)
			20. Explanation of Appeals - Chief Justice
			21. Closing Statement Read - Chief Justice
			22. Motion to adjourn - Chief Justice

Section 3. Evidence Hearings

1. The purpose of an evidence hearing is to determine the validity of allegations brought before the defendant.
2. At the conclusion of the hearing, if sufficient evidence is found, the Chief Justice will recommend fair and reasonable sanctions for review by the accused. If the sanctions are not agreed upon by the accused, an informal hearing begins immediately or a formal hearing will be scheduled immediately.
3. The following parties must be in attendance: Chief Justice, Accused, the IFC Director of Risk Management, and the judicial board Advisor.
4. Representatives from the accused party must include one or more of the following: individual being accused, Chapter President, and appropriate member(s) of the Chapter Executive Board.
5. The below listed procedures must be followed when conducting an evidence hearing:
	* 1. Call to Order - Chief Justice
		2. Opening Statement Read- Chief Justice
		3. Accusations are Read - Chief Justice
		4. IFC recommendation Read – IFC Director of Risk Management
		5. Witnesses Questioning – Justices
		6. Cross Examination – Defendant
		7. Witness Questioning – Defendant
		8. Cross Examination – Justices
		9. Closing – Defendant
		10. Closing Statement - Chief Justice
		11. Motion to adjourn - Chief Justice

**Article XI Sanctions**

Section 1. Guidelines

1. Sanctions handed down by the Interfraternity Council Judicial Board are intended to be educational and act as a deterrent of future violations.
2. Repeated violations of minor infractions, which suggest a pattern, shall be considered when determining appropriate sanctions.
3. Sanctions can include any combination of the following guidelines or any other sanctions deemed necessary by the Interfraternity Council Judicial Board.
4. Sanctions for major infractions can include those for minor sanctions.
5. The Interfraternity Council Judicial Board reserves the right to monitor and act on the fulfillment of sanctions.
6. National/International Headquarters will be notified of all decisions of the Interfraternity Council Judicial Board, if deemed necessary.
7. The following will result in an accused chapter being put on immediate social suspension until a Formal Hearing can be conducted:
	* 1. Failure to return the Official Notification of Sanctions, or other appropriate paperwork by the designated time.
		2. Failure to appear before the Interfraternity Council Judicial Board for a scheduled hearing.

Section 2. Minor Infractions: The following shall serve as guidelines for sanctions for minor infractions:

1. University Restrictions: The withdrawal of specified privileges for a definite period of time, but without the additional stipulations contained in the imposition of conduct probation. The mechanics of the restriction should be clearly specified, as well as how long it is in effect (i.e. mixer restriction, date party restriction, alcohol or intramural restriction).
2. Community/University service: A student organization may be offered an opportunity to complete a specified number of hours of Community/University Service in lieu of other sanction(s). The deadline for completion is set by the Board and is normally set to end at the conclusion of the current or some future semester. The Chair of the University Interfraternity Council Judicial Board must approve the type of Community/University Service. Organizations may not count community service time done by individuals assigned community service hours as part of court ordered directives. Completion of service projects will be monitored by the Student Activities Office and will be confirmed by the Directors of Risk Management.
3. Educational Requirements: A provision to complete a specific educational requirement directly related to the violation committed. The provision will be clearly defined. Such educational requirements may include, but are not limited to, completion of an alcohol education workshop, a diversity awareness workshop, essays, reports, etc. The deadline for completion is set by the Board and is normally set to end at the conclusion of the current or some future semester. Completion of service projects will be monitored by the Student Activities Office and will be confirmed by the Directors of Risk Management.
4. Restitution: A payment for financial injury to an innocent party in cases involving theft, destruction of property or deception. The assessed costs to be paid may be in addition to receipt of any of the above sanctions. Compliance with the restitution sanction will be monitored by the Student Activities Office and will be confirmed by the Directors of Risk Management.
5. Letter of Apology: A letter written to those impacted by the behavior of the organization. The letter indicates that the organization accepts responsibility for the incident and has remorse for their actions.
6. Other Penalties: The University Interfraternity Council Judicial Board may impose other restrictions requirements or sanctions in addition to, or in conjunction with those listed, when deemed appropriate.

Section 3. Severe Infractions: The following shall serve as guidelines for sanctions for major infractions:

1. Expulsion: A recommendation will be made to the Interfraternity Council who may in turn recommend such action to the Dean of Students for loss of recognition by the University of Northern Colorado.
2. Suspension: This action consists of the removal, for a specified or indefinite period of time, from the applicable Greek Council and automatic loss of Council recognition and all rights and privileges associated with recognition. In addition, it prohibits the group's participation in all Council. The student organization is NOT guaranteed re-recognition at the end of such period of time, but is guaranteed a review of the case and a decision regarding eligibility for readmission. A recommendation may be made to the National/International Organization to suspend or revoke the charter.
3. Deferred Suspension: An official notice that the student organization's conduct was in violation of University of Northern Colorado’s Student Rules, Bylaws of the Greek Councils, and/or the Penal Code of the State of Colorado, but not sufficiently serious to immediate suspension of the organizations' Council recognition. If the student organization is found in violation of any university rule during the time of Deferred Suspension, the Suspension takes effect immediately without further review. Additional student organization conduct sanctions appropriate to the new violation also may be taken. It also possible that more stringent disciplinary action, including restriction from participation in Greek Life events, may result if future violations occur during the deferred suspension period. The length of the deferred suspension sanction is set by the Board and is normally set to end at the conclusion of the current or some future semester. The national headquarters of the organization placed on probation, deferred suspension, or suspended will be notified of this action.
4. Organizational Conduct Probation: An official notice that the student organization's conduct in violation of University of Northern Colorado’s Student Rules, Greek Council Bylaws, and/or the Penal Code of the State of Colorado, but not sufficiently serious to warrant suspension of the organizations' University recognition. It also possible that more stringent disciplinary action, including restriction from participation in Greek Life events may result if violations occur during the probationary period. The length of the probation is set by the Board and is normally set to end at the conclusion of the current or some future semester. This sanction is generally accompanied by a secondary sanction. Unless restricted by the Board, this status does not restrict an organizations ability to hold social functions. A student organization on probation is deemed "not in good standing" with the Council. A violation of the terms of conduct probation may result in suspension, dismissal, or expulsion from campus. The national headquarters of the organization placed on probation will be notified of this action.
5. Social Probation: Restriction of the organizations ability to host or participate in any social activity outside of chapter meetings, and community service projects. The length of the probation is set by the Board and is normally set to end at the conclusion of the current or some future semester. It also possible that more stringent disciplinary action, including restriction from participation in Greek Life events may result if violations occur during the probationary period. This sanction may be accompanied by a secondary sanction.
6. Letter of Reprimand: A letter that makes a matter of record any incident that reflects unfavorably on the student organization or the University. It specifies that more severe disciplinary action may result should the organization be involved in future violations. This sanction may be accompanied by a secondary sanction.

**Article XII Amendments**

Section 1. This Constitution may be amended by a two-thirds (2/3) vote of the member chapters of the Interfraternity Council.