



The University of Kansas Interfraternity Council Judicial Board Manual

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THOUGHTS ON OUR KU IFC JUDICIAL BOARD

The basic philosophy governing the Judicial Board and Appeals Board is one of prevention and education. In the event an incident requires action from one of our judicial bodies, our attitude should not be primarily punitive in nature. We must, however, restore as right, any wrong that has been done whenever possible. Of equal importance is to investigate why an incident occurred, the likelihood that the incident could be repeated by the same chapter or elsewhere in the community, and how to engage the chapter involved in an activity that will help remove the cause of the problem and not just simply respond to the specific incident. There is also an expectation that a chapter assume responsibility for the actions of the chapter and its members.

In all matters, we should investigate whether the incident or occurrence was perceived as wrong, if it is prevalent throughout the community, and if applicable, how we can educate the community of the inconsistency of such an incident with our fraternal ideals. The Judicial Board and Appeals Board's strength should lie in the ability to understand and relate to the issues brought before them. Finally, we should remember that our University is a place for education and the Fraternity & Sorority Community enhances and assists in that education.

The IFC Judicial Board does not adjudicate the actions of individual members; however we will hold individual chapters accountable for the actions of their members. We expect that our chapters have internal judicial processes to manage the poor decisions made by individual members.

Fraternal Values & Values Congruence:

As fraternal organizations, we have all willingly and freely joined our organizations and have each taken an oath to uphold various values and standards. It is when our actions are not in-line with those values, which we should expect to be held accountable by our chapters and our councils.

OPPORTUNITIES AFFORDED TO THE RESPONDENT

In any judicial hearing, the chapter being charged and appearing before the Judicial Board must be guaranteed certain rights and due process. These are as follows:

- I. The chapter must receive written notice indicating the date, time, and location of the hearing. This notice must be received at least five class days prior to the hearing. It should also contain a summary of the allegations of the case and a copy of these opportunities.
- II. The chapter must be given the opportunity to read the written report stating the circumstances and allegations of the case.
- III. The chapter is afforded the opportunity to a closed hearing.
- IV. The chapter is afforded the opportunity to have an advisor present at the hearing.
- V. The chapter is afforded the opportunity to hear all testimony presented against them.
- VI. The chapter is afforded the opportunity to present witness and/or statements in accordance with Judicial Board procedures.
- VII. The chapter is afforded the opportunity to remain silent.
- VIII. The chapter must be informed of the right to appeal and the procedures for making such an appeal.
- IX. The chapter is afforded the opportunity to an expedient hearing.
- X. In order to hold a hearing, three justices must be in attendance. The Chief Justice must be present at all hearings.
- XI. A chapter reserves the right to review its judicial record at any time.

Although these opportunities are guaranteed, everyone concerned should understand that Judicial Board proceedings differ from criminal or civil court proceedings. The purpose of these bodies is not primarily punitive in nature, and peers are expected to act in a constructive, educational manner whenever possible.

There may be times, for undetermined and unique reasons, that the guidelines in this manual will need to be suspended or adapted to meet a specific situation. Whether this need be a shortening or delay in the judicial process, or a change in the procedures for a hearing, these changes will be considered viable as long as they do not directly violate the rights of any chapter.

This manual is created for operational purposes only, and in no way is adjunct to the IFC Constitution. Therefore, it may be altered and/or adapted by the Judicial Board without the consent of the Interfraternity Councils Legislative Bodies. However, there is a constant maintenance for upholding due process, and it is the responsibility of the judicial bodies to follow this ideal.

OPPORTUNITIES AFFORDED TO THE WITNESS

Because many cases brought before the Judicial Board are contingent upon witness testimony, it is important that each witness appearing before the appropriate judicial body be accorded certain opportunities. Furthermore, because many of the witnesses may be peers of the chapter members involved being charged, it is necessary that the judicial members take the utmost care in protecting these opportunities.

- I. Any student, faculty member, administrator, or citizen of the community may choose to appear before and/or file a complaint with the Judicial Board or the Executive Councils of the Interfraternity Council or Panhellenic Council.
- II. All statements made before the Judicial Board will be kept in strict confidence by all individuals involved.
- III. Individuals may choose to remain silent when any testimony may be self-incriminating. The Chief Justice (or their designee) may direct the witness to answer any questions. If the witness refuses beyond self-incrimination, the Chief Justice (or their designee) may rule all of the prior testimony out of order on the grounds of contempt of the judicial hearing.
- IV. Any witness testimony presented on appeal will be taken from the record of the judicial hearing.
- V. No witness will be required to answer a leading question as determined by the Chief Justice (or their designee).
- VI. All opportunities afforded to the witness will be read prior to presenting any testimony.

ISSUES OF OBLIGATION

Chapter obligations do not preclude a single incident from being addressed by more than one judicial system (e.g., one of our IFC judicial bodies, an Inter/national fraternity, a civil or criminal court, and/or The University of Kansas could all hold hearings about an incident). Hearings within more than one of these systems may be appropriate in that a chapter owes a different kind of obligation to each of these publics, and that the Judicial Board has a separate and distinct interest in hearing the case.

For instance, as a unit functioning within the local community, a chapter has a responsibility to follow local laws and ordinances. Failure in this responsibility rightly subjects the chapter to possible sanction by the judicial authority of the community. Likewise, a chapter functions within the KU Fraternity and Sorority Community and has a specialized set of responsibilities as a member of that community. Transgression of these responsibilities may require sanctions by the Judicial Board. It is entirely possible that a single act by chapter would run counter to their obligations to both the local community and the KU Fraternity and Sorority community. In such

cases, hearings by more than one judicial system are appropriate and should not be considered double jeopardy.

A hearing by more than one judicial system is also appropriate considering the different governing values underlying each system and the different sanctions these values generate. Civil law is essentially protective and punitive in nature; University discipline is intended to be adjunct to the education process and as such, attempts to correct the cause of an action.

For example, if a new member class destroyed the property of local citizen, the civil authorities would intervene with fines and other legal actions against the individuals involved for their transgressions against the laws of the community. This would also be a transgression against the values and ethics of the KU Fraternity and Sorority Community. The civil sanctions would not address this problem or even recognize it. The Judicial Board is a judicial body that can recognize the situation and respond with educational sanctions to confront this situation.

ETHICAL STANDARDS for JUDICIAL BOARD MEMBERS

Since the Interfraternity Council, delegate the authority for the Judicial Board, certain institutional guidelines regarding discipline must be observed by members of these judicial bodies. Violation of these standards could be cause for an individual's removal from the appropriate judicial body.

It is the responsibility of each Judicial Board member to observe the following ethical standards.

- I. Information regarding the disciplinary status of any individual or chapter is not to be discussed with ANYONE outside the judicial hearing. Likewise, any information presented in confidence at a hearing should not be discussed outside the hearing.
- II. The disciplinary record of any individual or chapter is not to be discussed with ANYONE outside the judicial hearing.
- III. Judicial Board members should refrain from making accusations or statements that cannot be substantiated or supported.
- IV. In cases involving discipline, the vote of each judicial member is kept confidential. The vote of the entire judicial body, however, can be shared with the chapter when the decision is announced. Information regarding majority and minority opinions should be recorded during deliberation and can be shared with the chapter.
- V. No Judicial Board or IFC Executive Board member will hear a judicial case when the member's own chapter is being charged.
- VI. In the event the charge is against the chapter of which the Chief Justice is a member, the Chief Justice will designate another Justice or the IFC Council President to stand in for them and run the hearing appropriately.

- VII. No Judicial Board or IFC Executive Board member will present a judicial case when the member's own chapter is being charged.
- VIII. All decisions of the Judicial Board must be upheld by the judicial members, although there may be dissenting opinions.

The confidentiality of the judicial proceedings under these standards must be stressed. The association of individuals within a chapter, the Fraternity & Sorority community, and on campus is a very close one.

When disciplinary proceedings are undertaken, strict confidentiality is the best means to insure that the chapter's right to privacy is maintained. This is the only manner in which we can preserve the integrity of the judicial system. It is particularly important to remember that judicial members become, in a sense, role models for the other members of the community. They are identified not only as members of their own chapter and the Fraternity & Sorority Community, but also as representatives of the judicial system. Therefore, it is especially important that judicial members both follow and uphold the regulations and policies of the Interfraternity Council, and The University of Kansas.

Judicial Board Composition (per the IFC constitution)

ARTICLE VIII: JUDICIAL BOARD

Section 1. It shall be the duty of the IFC Judicial Board to hear, judge and act on any written complaint regarding an infraction of the IFC Constitution and Bylaws, or any action detrimental to the Greek community by any member of the IFC.

Section 2. The Judicial Board shall be composed of one Chief Justice and four Associate Judges. The Chief Justice will be the IFC Director of Conduct.

Section 3. Those eligible to serve on the Judicial Board shall have served or currently be serving one of the following roles of the member fraternities at the University of Kansas: president, vice president, judicial standards chairmen, treasurer or risk management chairman. Past members of the IFC Executive Board are also eligible.

In addition, members of the IFC Judicial Board shall:

- A. Have at least a 2.7/ 4.0 cumulative GPA or a 3.0/ 4.0 GPA for the semester preceding his election.
- B. Have completed one year of academic course work, while attending a university. Coursework as a high school student does not fulfill this requirement.
- C. While in term, take a minimum of 12 credit hours per semester unless he does not need 12 hours to graduate in the same semester.
- D. Maintain at least a 2.7/4.0 GPA for the semesters in term.
- E. Be active members in good standing of fraternities holding regular membership in the University of Kansas IFC.
- F. Provide a letter of recommendation from the current chapter president.

Section 4. The term of a Judicial Board member shall be two consecutive semesters. The only exception to this rule is if a former justice wishes to run for Director of Conduct. Members shall be selected in the following manner:

- A. Elections for the next term shall be held at the last regular meeting of the General Assembly in both the Fall and Spring Semester. Two Justices will be elected at the end of each semester.
- B. The Director of Conduct will be elected along with the rest of the IFC Executive Council at a regular meeting no later than the first week of November.

Section 5. Members of the Judicial Board shall not be eligible to run for re-election to the Board each year.

Section 6. There shall be no more than one member from a chapter on the Judicial Board at any given time.

- Section 7. All duties, guidelines, policies, and processes of the Judicial Board shall be contained in the IFC Judicial Board Manual. This manual shall be used and interpreted as a Bylaw to the IFC Constitution.
- Section 8. In order to hold a hearing, three justices must be in attendance.
- Section 9. The Chief Justice will call and preside over all Judicial Board meetings. The Board shall meet at least once a month and when deemed necessary by the Chief Justice.
- Section 10. After two unexcused absences by any Justice, he will be replaced.
- Section 11. If the status of any justice comes into question, the Director of Conduct will hold an investigation and the IFC executive council will vote for a final decision. If the status of the Director of Conduct comes into question, the IFC executive council will vote for a final decision, withholding the Director of Conduct's vote. For any measures to be taken, a two-thirds vote is required.

JUDICIAL MEMBERS' RESPONSIBILITIES

- I. It is the members' responsibility to attend all judicial hearings, unless the Chief Justices and Judicial Board Advisor agree that a hearing only requires the fraternity or sorority Chief Justices.
- II. Justices should treat chapters being charged with courtesy and have the utmost concern for the rights of the chapter and fairness during the proceedings.
- III. Justices should be ready to question those who appear before them in order to arrive at a full understanding of all the facts surrounding the case.
- IV. Members must uphold the confidentiality of each case, the proceedings, and the outcome.
- V. Members should consider themselves special representatives of the Fraternity and Sorority Community and judicial system. They should take special care to uphold their responsibilities and follow all rules and regulations of the Interfraternity Council, and The University of Kansas.

HEARING PROCEDURES

- I. A written complaint/infraction form must be filed with the Chief Justice of the appropriate judicial body. The Chief Justice has the authority to choose any one or more of three options:
 - A. Dismiss the complaint based in a lack of evidence;
 - B. Meet with the chapter being charged for an informal conference/mediation to resolve the situation or incident; or
 - C. Refer the complaint to the Judicial Board for a hearing.
- II. Prior to the Judicial Hearing:
 - A. The chapter will be notified of the hearing at least five (5) class days prior to the hearing. (See: Sample Notification Letter). If a chapter has a time conflict with the scheduled standards board hearing, they must contact the Chief Justice at least 48 hours in advance to reschedule. Chapters are allowed to reschedule only once.
 - B. The chapter will be informed of the charges filed and the violation(s) alleged against them.
 - C. The chapter will be informed of the opportunities afforded to them. A copy of this can be included in the Hearing Notification Letter, or the chapter can be provided an internet link to this document.
 - D. The chapter must inform the Chief Justice of any witnesses and testimony to be presented on their behalf, not less than 48 hours prior to the hearing.
 - E. If any member of the Judicial Board (including the Chief Justice) is a member of the chapter(s) being charged, they must remove themselves from the hearing process. In the case that it is the Chief Justice's chapter, the IFC President can step in to serve in this role for the hearing.
- III. Pre-Discussion at Hearing: (to occur at least 30 minutes prior to hearing)
 - A. At this time, the Judicial Board will discuss, in closed session, the following:
 1. Background evidence;
 2. Information in the complaint filed to determine vague areas and possible discrepancies;
 3. Timing and sequence of events; and
 4. Major areas for questioning.
 5. A judicial board member will volunteer to take minutes for the hearing; as well a tape recording can be used, with the consent of the respondent.
(See: Sample Hearing Minutes Form).
- IV. Hearing Procedures:
 - A. All members of the Judicial Board are introduced followed by the introductions of the complainant (if present), respondent, and any witnesses (if present).
 - B. All charges are stated for the record by the Chief Justice.
 - C. Opportunities of the Respondent are read, unless the reading of them is waived by the respondent.

- D. The chapter will enter a plea of either responsible or not responsible to any or all of the charges. Those charges for which a plea of responsible is entered will be held until the judicial body begins deliberations on a decision. At that time, penalties/sanctions will be assessed on those violations.
 - E. A chapter may challenge any Judicial Board member's presence for their hearing for just cause. A two-thirds (2/3) vote of the judicial body, in closed session, will be cause for the removal of that judicial member for that particular case. The alternate can be called in, if the total number of justices (including the Chief Justice) is below three (3)
 - F. All witnesses will be informed of their afforded opportunities.
- V. Because Judicial Board hearings are not court proceedings, all legal rituals will not be observed. The hearing procedures are intended to bring to light, as much as possible, the pertinent details surrounding the case. The judicial body will, however, adhere to the following procedures:
- A. If the case involves one chapter:
 1. The chapter being charged will make any opening statements.
 2. The Chief Justice will present all evidence and any witness testimony against the chapter.
 3. The chapter being charged will respond to such evidence and question any witness presented by the Chief Justice.
 4. The chapter being charged will then present any evidence or witness testimony on their behalf.
 5. The Chief Justice and judicial members will then question the chapter being charged or any witness presented.
 6. The chapter being charged will make any closing statements.
 7. The chapter will be told to expect the judicial decision no later than five (5) academic days from the day of the hearing, and that the letter will also include information about the appeals process, if they so choose to use that.
 8. The chapter will be dismissed and the judicial body will begin deliberations in closed session to reach a majority decision.
 - B. If the case involves two or more chapters:
 1. The complainant will make any opening statements, followed by the respondent.
 2. The complainant will present all evidence and/or witness testimony.
 3. The respondent will question the complainant and/or any witness of the complainant.
 4. The Judicial Board will question the complainant and/or any witness of the complainant.

5. The respondent will then present all evidence and/or witness testimony.
6. The complainant will then question the respondent or any witness of the respondent.
7. The Judicial Board will question the respondent and/or any witness of the respondent.
8. The complainant will make any closing statements, followed by the respondent.
9. The respondent, complainant, and all witnesses will be dismissed and the judicial body will begin deliberations in closed session to reach a decision.

VI. Deliberations:

- A. Deliberations will be conducted in an orderly manner and as directed by Judicial Board Chief Justice.
- B. The judicial body will discuss the case until a decision of either responsible or not responsible is reached by a majority of all the judicial members.
- C. If a decision of responsible is reached:
 1. The judicial body will discuss any sanctions to be levied. The Chief Justice will send copies of the complaint filed, the decision rendered, and sanctions levied (if applicable) to the Chapter President, Chapter Advisor, Corporation Board President (if applicable), Center for Student Involvement & Leadership, and the Inter/national Headquarters of that chapter. (See Sample Findings Letter)
- D. Any violations committed under similar circumstances within the past two academic years, or any penalties the chapter may currently be under, will be identified.
- E. The Chief Justice will issue a letter of findings and disposition to all parties within five (5) class days. At this time, the chapter will be notified of the right to appeal and the appeal procedures.
- F. The findings and the sanctions will be announced at an IFC or PHC Presidents Meeting and/or General Council Meeting, as well as placed on the IFC or PHC website for no longer than one (1) academic year.

APPEALS BOARD

The Appeals Board will be comprised of the Interfraternity Executive Board members, excluding the Chief Justices.

The Interfraternity Council President will preside during the Appeals Hearing, depending on the case to be heard.

The Chief Justice will present a recap of the case, as was first heard and adjudicated by the Judicial Board. Following this recap and questions from the Appeals Board, the Chief Justice will be dismissed.

The IFC Council Advisor will serve as the advisor to the Appeals Board and must be present for the appeal.

No Executive Board member will hear an appeal when the member's own chapter is appealing.

If a chapter chooses to appeal a judicial board verdict, said verdict and any subsequent sanctions delivered in that verdict will be enforced until the appeals process is completed and a decision from the Appeals Board is reached.

- I. Appeals will only be considered on one or more of the following grounds:
 - A. A substantial procedural error occurred.
 - B. New evidence of a substantial nature is now available that was not previously available at the initial hearing.
 - C. Substantial bias on the part of any judicial member was displayed.
 - D. The sanction imposed is too severe or not consistent with the findings of fact established during the initial hearing.
 - E. All appeals must be made in writing to the Interfraternity President within five (5) class days of receipt of the decision of the Judicial Board. Appeal letters must include the following information:
 1. The reason for the appeal. This should be a thoroughly documented statement substantiated, when possible, by attached evidence or statements.
 2. The decision, including a statement of the findings and the sanction(s) levied, of the judicial body.
 - F. The appeal is then presented to the IFC Executive Boards within five (5) class days of President receiving the appeal.
 - G. Only new evidence of a substantial nature not available at the initial hearing may be introduced at this time, and the Executive Board reserves the right to call any representatives of the chapter for questioning.
 - H. The Chief Justice must be present at all appeals to testify to the Executive Boards on the methods used by the Judicial Board in making its decision.
 - I. The Executive Board (minus the Chief Justice) will review the case and, with two-thirds (2/3) vote of the Board, have the opportunity to either:
 1. Affirm the initial decision;

2. Affirm the initial decision and reduce sanctions;
 3. Affirm the initial decision and increase sanctions; or
 4. Reverse the initial decision and refer the case back to the Judicial Board for further review.
 5. Reverse the initial decision and dismiss the case completely.
- J. The chapter will then be informed, in writing, by the IFC President of the decision of the Board within five (5) class days.
- K. A final appeal may be made to the Interfraternity Council Legislative Body, within thirty (30) class days of the decision of the Executive Board. A three-fourths (3/4) vote of all delegates present at Legislative Meeting may overturn the decision and/or determine different sanctions.

EVIDENTIARY MATTERS

- I. Evidentiary Classification: Evidence may be either direct or circumstantial.

For example, an eyewitness's identification is direct evidence, whereas, circumstantial evidence requires an inference or presumption to establish the fact to be proven. Circumstantial evidence may be used to prove a fact so long as it is relevant.

In other words, if Joe Smith saw Fred Jones enter Tom Floyd's room with a gun shortly before Floyd was found shot in his room, there is relevant circumstantial evidence, and this information would be admissible at the judicial hearing.

Specific definitions are as follows:

- A. Direct: Direct evidence is when those who have actual knowledge by means of their senses communicate the very facts in dispute.
 - B. Circumstantial: Circumstantial evidence is indirect and relies on inference. It is evidence of a subsidiary of collateral facts from which, alone or in conjunction with a cluster of other facts, the existence of the material issue can be implied.
- II. Admissibility of Evidence: A shorthand rule on the admissibility of evidence is as follows:

All material and relevant evidence is admissible, if competent. Whenever a chapter makes an objection to the admission of evidence on the grounds that it is irrelevant, judicial members should adhere to the following process in evaluating whether the evidence should be admitted for the judicial body's consideration:

- A. Material: If the evidence offered by an chapter relates to one of the issues in question at the hearing, then the evidence is material.

- B. Relevance: The evidence is relevant if it tends to prove the issue in question.
 - C. Competency: The requirement that the material and relevant evidence offered by a chapter be competent is simply that the evidence be a reliable source (e.g., eyewitness, a person with general knowledge about the particular allegations, a factual report, etc.).
 - D. Unduly Repetitive: Evidence offered by one witness does not need to be corroborated by several others, (e.g. Member X was in Chicago with brothers when a composite was stolen. The entire group does not need to verify Member X was in Chicago.)
- III. Hearsay Evidence: Another evidentiary objection that may be made by a chapter is that the evidence is hearsay. Objection to the admission of hearsay evidence stems from the fact that it cannot be cross-examined since the original source of the evidence is not present at the hearing.

As a general rule, however, hearsay evidence is admissible in our judicial hearings, but it cannot be the only evidence used to find chapter responsible for a violation(s).

- A. Hearsay Defined: Hearsay evidence is an assertion made orally or in writing by one who is not present during the hearing, but is offered during the hearing as evidence to prove the truth of the matter asserted. Consequently, the Chief Justice, in admitting and considering hearsay evidence, needs to carefully examine the evidence for reliability, as some forms of hearsay evidence are more reliable than others.
- B. A Hearsay Exception: Admission of Written Statements: Written statements will not be presented as evidence unless circumstances make such a presentation necessary or unavoidable.

Unsigned/anonymous statements will not be admitted as evidence.

The Judicial Board does reserve the right to protect the identity of a witness when the issue is of an extremely sensitive matter. The Judicial Board may request a questioning period of the witness on a separate occasion.

- C. Character Evidence: Character is generally defined as evidence of one's moral standing in the community based on reputation. Character evidence refers to the traits of a person for honesty or dishonesty, peacefulness or combativeness, morality or immorality, carefulness or negligence, and the like. While a chapter disciplinary record is not relevant to whether a chapter is guilty or not of a particular charge, it is relevant to determine the proper penalty.
- D. Statute of Limitations: No complaint may be filed with the KU IFC or PHC Judicial Boards after sixty (60) class days of an incident.

- E. Burden of Proof: The burden of proof in any judicial hearing rests with the chapter, and is to be by a preponderance of the evidence. A preponderance of the evidence is defined as evidence which is of greater weight or more convincing and which as a whole shows that the fact to be proven is more probable than not.

SAMPLE SANCTIONS

Since no two cases are identical, the Judicial Board does not necessarily establish precedence for individual cases. However, standard sanctions may be developed to ensure fair, equal, and impartial treatment in similar cases. Further sanctions will be considered for each case if necessary. Various types of sanctions may include:

- I. Reprimand or Warning: This is a warning that the chapter's actions were inappropriate, and that these actions were inconsistent with our fraternal ideas and cast a negative light on the KU Sorority & Fraternity Community.
- II. Public apology – to who will be determined by the Judicial Board.
- III. Letter of Apology - the Board expects a written apology from the responsible organization within a specific time frame. A copy of the letter must be submitted to the Board.
- IV. Conduct Probation – this may include:
 - A. Loss of voting privileges for Legislative Meetings for a period of time determined by the Judicial or Appeals Board
 - B. Loss of Recruitment privileges
 - C. Loss of intramurals privileges
 - D. Eligibility for awards may be suspended for a period of time, as determined by the Judicial or Appeals Board.
- V. Social Probation - Social Probation includes suspension or loss of specific events and privileges, which may include but are not limited to socials with or without alcohol, Homecoming, Rock Chalk Revue, etc. When a Chapter is assigned social probation the specific events in which privileges are lost must be specified to the chapter in the Verdict Letter. During the term of the probation, should the fraternity or sorority violate any of the social policies, action will be taken appropriate to the level of the new violation.
- VI. Social Suspension - Social Suspension is effective immediately and remains in effect through the date specified by the Board. During the term of the social suspension, the chapter will hold no social functions of any nature. Social functions shall be further defined and include, but is not limited to: on-campus or off-campus parties, social activities with other fraternities/sororities, game day tailgating, date functions, formals/semi-formals, etc.
- VII. Show Cause Hearing - A call for a chapter to "show cause" to the rest of the KU Fraternity and Sorority Community. A call to show cause will require the chapter in violation to demonstrate to the Fraternity and Sorority Community the positive attributes

of their chapter. They will explain what positive qualities their chapter contributes to the KU Fraternity and Sorority community as a whole. This sanction is generally applied when chapters have acted in a fashion which has brought discredit to the Fraternity & Sorority Community.

- VIII. Special Projects – This would include the assignment of special projects or services to the chapter, to be completed within an allotted time.
- IX. Loss of Officer Privileges - Ineligibility for members to hold an officer role on the IFC/PHC Executive Council and/or any Director/appointed position.
- X. Educational - Provide educational programming to the KU Fraternity & Sorority Community and/or chapter. In an effort to help the chapter learn more about the issue of the case/policy violation the chapter must provide its members and the community with speakers, programs and/or workshops to educate the members on a specific issue. The Board must state the details of the program/project and provide a deadline for completion.
- XI. Fines - Monetary fine not to exceed \$1,000.00. These funds are to be used for educational programming. This can include bringing in a speaker, covering expenses for a community service event. If the expenses for the educational experience do not meet the required amount a donation may be made to cover the difference.
- XII. Full Payment or Restitution - The Board requires full payment or restitution from the responsible organization to cover damages or the loss of chapter property. A deadline for payment must be established. Documentation of payment must be submitted to the Board.
- XIII. Loss of Recognition - Suspension of university recognition by the council.
- XIV. Community Service - This sanction is generally applied when chapters have acted in a fashion which has brought discredit to the KU Fraternity & Sorority Community. It is recommended that these projects involve at least two-thirds (2/3) of the chapter's total membership. The Board must detail the type and number of hours in their decision letter. A deadline for completion of community service must be included.
- XV. Expulsion - This action would involve the immediate removal of all membership privileges within the council for an indefinite period of time. The would notify SILC of the expulsion of this chapter.

Other sanctions, which are applicable to the offense, may be devised and implemented. These are, however, subject to appeal if felt unreasonable, extravagant, or capricious by the chapter found to be responsible for a violation.

All findings and dispositions of the Judicial Board or Appeals Board will be forwarded to the Chapter Advisor, Corporation Board President, the Inter/National Headquarters and Center for Student Involvement & Leadership. Copies of all findings and dispositions will be kept in the chapter's permanent file with Interfraternity Council, , and the Student Involvement and Leadership Center.

FORMS

Appendix A

NOTICE OF JUDICIAL BOARD HEARING

(NOTICE OF APPEALS BOARD HEARING)

Case No.:

A complaint has been filed against your chapter or members of your chapter. Based on the information contained in the complaint, your chapter or members of your chapter are being charged with the alleged violation(s) listed below:

Alleged Violation(s):
Date and Location of Alleged Violation(s):
Summary of Alleged Violation(s):
Source of Report:

A hearing has been scheduled for you to appear before the Judicial Board (Appeal Board) on (*d a t e*), at (*t i m e*), in the (*r o o m*) of the Iowa Memorial Union.

Enclosed you will find a copy of the charges filed and information alleged against your chapter. During the hearing you will again be informed of the charges and given the opportunity to respond and present any witnesses. If you wish, an advisor of your choice may attend the hearing. Prior to the hearing, you are advised to review the enclosed statement of procedures and Opportunities afforded to your chapter. Additionally, you should consult the KU IFC judicial Manual for more information.

It is important that you attend this hearing. Failure to do so will result in information and testimony being presented in your absence. Deliberation to reach a decision will follow based on available information.

Should you have any questions, please contact me at (_ _ - _ _) or via e-mail at: _____.

Sincerely,

Judicial Board Chief Justice (*Appeal Board Chair*)

cc: _____, Chapter Advisor
Enclosure – Opportunities Afforded the Respondent

Appendix B

JUDICIAL CASE SUMMARY

(To be completed each semester by each Chief Justice)

Case No.: *Year and case log number* *(Ex.: 2013-001)*

Chapter: *Name of chapter charged with violation*

Violation(s): *Article, by-law, or code violated and a brief description*

Date of Violation(s):

Date of Hearing:

Finding: *Actual vote and a brief description*

Appeal: *Current status or final outcome*

Status: *Sanction Completed? Case Closed?*

(These summaries/reports should be kept in one master judicial file, as well as the Chapter's permanent file, in order to reference standard sanctions for similar cases and to quickly review the recent history of a particular chapter. A copy of these reports should be made available to all Standard's Board members and the Student Involvement and Leadership Center)

SUMMARY OF PROCEDURES

- I. Complaint is filed with the Chief Justice, Interfraternity Council, Panhellenic Council, or Center for Student Involvement & Leadership.
- II. Chapter is notified of hearing no less than five (5) class days prior to the hearing.
- III. Judicial Board hearing is held.
- IV. Letter of findings and dispositions is issued to the chapter within five (5) class days of the decision by the board.

- V. Chapter files appeal with the IFC President within five (5) class days of receiving the decision.
- VI. IFC President holds appeals hearing, along with their Executive Board within five (5) class days of receiving the appeal.
- VII. IFC President informs the chapter of the decision within five (5) class days of the finding.
- VIII. Appeal is made to the IFC Legislative Body within thirty (30) days of the finding of the Executive Board.
- IX. Appeals exhausted.

MEDIATION PROCEDURE BETWEEN CHAPTERS

- I. A mediation board can be formed when a grievance or complaint occurs between two chapters that cannot be resolved through other means.
- II. The mediation board shall be appointed by a staff member of the Student Involvement & Leadership Center/Fraternity & Sorority Life in conjunction with the Chief Justices and be comprised of 2 men who are non-biased and well established in the Fraternity & Sorority Community. Preferably, the individuals will be previous chapter Presidents or Interfraternity or Panhellenic Executive Officers. Once selected, the Chief Justice shall be appointed as the chairperson and preside over the meeting, depending on the incident

(i.e., Chief Justice for the Interfraternity Council will preside over fraternity mediations, etc.).

- III. A mutual meeting time and place will be decided upon. At the meeting, all parties involved with the incident should be present in addition to the President of each member chapter.
- IV. Each party shall present their case in a proper manner. At the end of the meeting, the Mediations Board shall propose a joint agreement to resolve the issue. This agreement shall be a signed, non-negotiable, legally binding contract agreed upon by both parties.
- V. If no agreement can be reached, the chapters involved will then have the right to seek other legal means in order to resolve the dispute.

Appendix C

Hearing Procedure Addendum

The Judicial Board shall be committed to being unbiased and to helping the chapter succeed in the future. Each case will be reviewed and the following questions will be reviewed in order to gauge the seriousness of the violation and the appropriateness of possible sanctions:

- I. Did the violation occur because of poor chapter management or was it due to the poor decisions of a few individuals?

- II. Did the chapter take appropriate steps in order to prevent the violation from occurring?
- III. Did the chapter handle the situation appropriately during and following the violation?
- IV. Will the chapter take measurable steps to ensure that the violation does not occur in the future?

SAMPLES
Appendix D

Chapter Notification Letter Sample

September 15, 2013

Dave Smith, President
Alpha Alpha Alpha Fraternity

100 University Ave.
Lawrence KS, 66045

Dave,

This letter is to formally notify Alpha Alpha Alpha chapter that they are in violation of the IFC Joint Social Policy.

The specific alleged violations are the following:

I. Event Management Guidelines

- a. No one under the legal drinking age is to consume or purchase alcohol.
- b. No chapter funds shall be used for the purchase of alcohol.

“It was reported that the chapter had an unregistered social event where common source alcohol was available at a recruitment event. Underage non-KU students accessed and consumed the alcohol, which was purchased by members.”

A Judicial Board hearing will be held to determine responsibility, and if a sanction will be issued. The hearing will be held on a date to be determined. **Your hearing has been scheduled for September 25, 2012 at 2pm in the Wheat Room inside of the Student Involvement and Leadership Center**

Enclosed you will find a copy of the charges filed and information alleged against your chapter. During the hearing you will again be informed of the charges and given the opportunity to respond and present any witnesses. Prior to the hearing, you are advised to review the enclosed statement of procedures and Opportunities afforded to your chapter. Additionally, you should consult the KU Interfraternity Council Judicial Manual for more information, located at www.kuifc.org.

Your attendance at this hearing is crucial. A failure to attend the hearing will result in information and testimony being presented in your absence. Deliberation to reach a decision will follow based on available information. Please remember that you are welcome to bring your advisor to any Judicial Board hearings.

In the event of a scheduling conflict, you may contact me at least 48 hours prior to the scheduled hearing to reschedule. You may only reschedule your hearing once. If you have any questions or need any other information, please feel free to call or e-mail me.

Thank you,

XXX Chief Justice
Interfraternity Council
XX343@ku.edu

(555) 555-5555

cc: Andy Andrews, Alpha Alpha Alpha Chapter Advisor
 Bob Bates, Alpha Alpha Alpha House Corporation Board President

Enclosure – Opportunities Afforded the Respondent

Appendix E
Judicial Hearing Minutes Form

Date:

Chapter:

Justices:

Parties Present:

Charge:

Plea (circle one): Responsible Not Responsible

Opening Statement:

Discussion:

Closing Statement:

Finding (circle one): Responsible Not Responsible

Sanction:

Appendix F

Hearing Findings Sample Letter

September 30, 2013

Dave Smith, President
Alpha Alpha Alpha Sorority

100 University Ave.
Lawrence KS, 66045

Dear Dave,

This letter is to formally notify the Alpha Alpha Alpha chapter of the judicial findings from your hearing regarding providing alcohol purchased by chapter members to potential recruits, who are under the legal drinking age. Based on the information presented, Alpha Alpha Alpha Sorority is determined to be found **responsible** for violating the IFC Joint Social policy Event Management guidelines # 1-2.

The Judicial Board has determined that Alpha Alpha Alpha's sanction to be: **an In-Chapter Educational regarding the IFC Social policy and recruitment guidelines.** This educational is to be presented by whomever you consider part of your recruitment team.

The Director of Recruitment, Director of Risk Management and I will attend this presentation to ensure that all of the information presented is accurate.

This sanction is to be completed by October 20, 2012 in an effort to educate your members about the rules regarding recruitment. Please contact me no later than 48 hours before the in-chapter educational with the time and date that it will be presented.

If you wish to appeal the decision of this judicial board, a written letter must be delivered to the IFC President, XXX in the IFC office within SILC, within five (5) class days of receiving this letter. Please consult the IFC Judicial Board Manual at: www.kuifc.org to see the process and reasons for appeals and what should be included in your appeals letter.

If you have any questions or need any further information, please feel free to call or e-mail me.

Thank you,

XXX Chief Justice
Interfraternity Council
XX343@ku.edu

(555) 555-5555

cc: Andy Andrews, Alpha Alpha Alpha Chapter Advisor
Bob Bates, Alpha Alpha Alpha House Corporation Board President
Don Draper, Alpha Alpha Alpha National Executive Director

Appendix G

Sample Script for Hearing

Chief Justice: Welcome and thank you for coming.

Chief Justice: (OPTIONAL) In order to have accurate judicial records, we would like to tape record this hearing. As the respondent, are you comfortable with this hearing being taped?

Chief Justice: At this time, I would like to ask everyone to introduce themselves and their role within this hearing.

Justices: (Introduce NAME)

Respondents: (Names and roles of those present)

Witness(s): (Names and roles, if applicable)

Chief Justice: I know that you received a letter with the charges being filed against your chapter, but I would once again like to read all of the charges.

(Insert list of charges here)

Chief Justice: I want to ensure that you know and understand all of the Opportunities Afforded to you, the Respondents. I provided you a copy of those in the Hearing Notification Letter. I am going to read those now, unless you would like to waive hearing those again?

Chapter: (yes or no)

Chief Justice: The Opportunities Afforded the Respondent:

- I. The chapter must receive written notice indicating the date, time, and location of the hearing. This notice must be received at least five class days prior to the hearing. It should also contain a summary of the allegations of the case and a copy of these opportunities.

- II. The chapter must be given the opportunity to read the written report stating the circumstances and allegations of the case.
- III. The chapter is afforded the opportunity to a closed hearing.
- IV. The chapter is afforded the opportunity to have an advisor present at the hearing.
- V. The chapter is afforded the opportunity to hear all testimony presented against them.
- VI. The chapter is afforded the opportunity to present witness and/or statements in accordance with Judicial Board procedures.
- VII. The chapter is afforded the opportunity to remain silent.
- VIII. The chapter must be informed of the right to appeal and the procedures for making such an appeal.
- IX. The chapter is afforded the opportunity to an expedient hearing.
- X. A quorum of at least two-thirds (2/3) of the justices must be present for all hearings. Since each Judicial Board contains one (1) Chief Justice and three (3) Justices, for a total of four (4) members, this would require three (3) out of four (4) members of the Fraternity or Sorority Judicial Board to be present for all their respective hearings.
- XI. A chapter reserves the right to review its judicial record at any time.

Chief Justice: Do you understand all of these rights?

Chief Justice: Any chapter has the right to challenge any Judicial Board member for cause. A two-thirds (2/3) vote of the judicial body, in closed session, will be cause for the removal of that judicial board member for this particular case. Would you like to challenge any Judicial Board members at this time?

Chief Justice: At this time, I would like to ask the chapter to enter a plea of either responsible or not responsible to any or all of the charges that I have read.

Chief Justice: At this time, I would like to ask the chapter to make any opening statements about the circumstances surrounding these charges. We would ask that you please provide us your understanding of the incidents leading to your presence here today.

Chapter: (Provide Opening Statement and information about the case)

Chief Justice: Justices, what questions do you have for the chapter?

Justices: (ask questions now)

Chief Justice: Do you have any witnesses to call to provide testimony for your chapter or any evidence to provide to the Judicial Board?

Chapter: (Provide testimony or evidence now)

Chief Justice: Justices, what questions do you have for this witness or for the chapter about their evidence?

Justices: (ask questions now)

Chief Justice: At this time, I would like to ask you to make any closing statements about the charges brought against your chapter.

Chapter: (Provides closing statement)

Chief Justice: Do you have any additional questions or comments for this Judicial Board?

Chapter: (comments or questions)

Chief Justice: At this time, I will explain what is going to happen next. This board will move into deliberation and will determine our decision. If the chapter is found responsible, the board will also determine appropriate sanctions for the chapter to complete. The chapter will expect the judicial decision no later than five (5) academic days from today. This will come in the form of an e-mail letter, and this letter will also include information about the appeals process, if you so choose to use that. You can also find information on-line at: www.kuifc.org

Please know that we will be copying your chapter advisor, house corporation board president (if applicable) and Inter/national headquarters on the findings letter.

We also make to make sure that you understand that we announce all judicial findings at legislative meetings, as well as post them on our website for one academic year.

Chief Justice: If you have any additional questions, please do not hesitate to contact me directly.

Appendix H

Sample Violation Form

To be filled out and submitted to the Interfraternity Council, or Fraternity & Sorority Life Advisors (400 Kansas Union).

Violation Reported By (Check One):

Chapter Potential Member Chapter Member
 Recruitment Guide Advisor Campus Administrator
 Community Member Other: _____

Against: _____

Name of Fraternity/Sorority

For having violated:

(Please specify rule in the IFC/PHC Constitution & Bylaws with section, number, etc., if known. Constitutions can be found at www.kuifc.org)

Statement of Alleged Infraction:

Date: _____ Time of Incident: _____

Location of Incident: _____

Name(s) of Person(s) Reporting Incident: _____

Witness(s) to Incident: _____

Description of Incident: _____

Names and Affiliations of cited individual(s) and chapter(s) involved:

Name(s), Address(s), Phone Number(s), and E-mail(s) of individual(s) or chapter(s) reporting incident: _____

Date submitted: _____ Time: _____

Signed: _____
(Name & Title of person filing)

Signed: _____
(Name & Title of person filing)

For Staff Use Only:

Report Received by: _____
(Name & Title)