

THE TEXAS A&M INTERFRATERNITY COUNCIL JUDICIAL CODE

ARTICLE I THE JUDICIAL POWER

The judiciary power of the Interfraternity Council shall be vested in the Interfraternity Judicial Board.

ARTICLE II RESPONSIBILITY AND AUTHORITY OF THE JUDICIAL BOARD

- Section 1. The delegated responsibility of the Judicial Board shall apply to all areas concerning fraternities and fraternity relations. The IFC Judicial Board will have the authority to act on any incident report involving a member fraternity, and filed with the board or the Office of Fraternity and Sorority Life. The board shall also have the authority to hear alleged violations of recruitment/rush rules.
- Section 2. Definition of group responsibility: Each fraternity will be held responsible for the actions of its affiliates. Affiliate is defined as new members, associates and/or voting members of a fraternity who are students at Texas A&M University, as well as any person promoting a specific fraternity at any Greek-sponsored event.
- Section 3. The Judicial Board shall determine whether or not there have been violations of the IFC Constitution or Bylaws, and if so, the board shall follow the proper procedure in determining the action(s) to be taken for such violations.
- Section 4. The Judicial Board may address cases involving misunderstandings or complications arising between one or more fraternity chapters regarding violations of Interfraternity Council Rules, regulations, and procedures.
- Section 5. The Judicial Board may address cases involving reports from City of Bryan or College Station and Texas A&M University Police officers that involve fraternity chapters violating University, Interfraternity Council, City, and/or State regulations.
- Section 6. The Judicial Board may address cases involving actions on the part of one or more fraternity chapters (or their members acting on behalf of the fraternity), which are detrimental to the reputation or status of the Greek Community.

Section 7. All cases that deal with sexual harassment, sexual assault/rape, sexual abuse, hazing, illegal drugs, or the joint involvement of a recognized fraternity or sorority and non-Greek recognized student organization will fall under the jurisdiction of the University Greek Judicial Board, not the IFC Judicial Board. Additionally, the judicial process for the University Greek Judicial Board shall be outlined by the Office of Fraternity and Sorority Life. .

A. Members of the IFC Judicial Board will sit on the University Greek Judicial Board as needed.

Section 8. The Judicial Board shall have the power to interpret all parts of the Interfraternity Council Constitution and Bylaws.

ARTICLE III COMPOSITION

Section 1. Undergraduate Members: The Judicial Board shall consist of a maximum of eight (8) undergraduates and at least two (2) alternates.

Section 2. Office of Fraternity and Sorority Life representative: A representative from the Office of Fraternity and Sorority Life shall act in an advisory capacity in all deliberations of the Board.

Section 3. If a potential infraction occurs prior to the new board being selected, the case may be heard and decided upon by the Judicial Board members who served the previous year and are rolling over into the next one so long as there are enough Judicial Board members rolling over to hear a case.

ARTICLE IV SELECTION OF MEMBERS

Section 1. Undergraduate Members

A. Selection of undergraduate members and alternates for positions to be vacated shall occur as soon as seats are vacant. Each year the full Judicial Board shall be in place by October 1st.

B. Qualifications

Candidates for the IFC Judicial Board shall:

1. Have at least a 2.5/4.0 cumulative GPR prior to selection, and maintain at least the same throughout their term in office;

2. Have completed at least twelve (12) hours from Texas A&M University and be a full-time student;
 3. Be enrolled in at least twelve (12) hours unless they do not need twelve (12) hours in order to graduate
 4. Have and maintain active status in their fraternity throughout their term in office.
- C. Members and alternates shall be selected according to the following procedure:
1. Written applications shall be submitted to the Parliamentarian;
 2. The Parliamentarian shall review all applications, and make recommendations for interviews;
 3. The Parliamentarian and a representative from the Office of Fraternity and Sorority Life shall interview and select justices;
 4. The Board shall be comprised of no more than one representative from any member fraternity.
 - i. Unless otherwise prescribed by the Parliamentarian
- D. The term of office for justices shall be until their graduation or resignation.
- E. An alternate board member shall fill any Judicial Board position held by an undergraduate that is vacated. A new alternate shall be selected by the normal selection procedure.
- F. A member of the Judicial Board may be removed by a majority vote of the entire Board.

ARTICLE V DUTIES OF THE JUDICIAL BOARD

- Section 1. Attendance: Board members shall take part in and be present at all of the Judicial Board proceedings when requested by the Parliamentarian. Members must participate in at least one hearing each academic year to retain their seat the following year.
- Section 2. Alternates: Alternates shall have the same privileges as permanent Board members, with the exception of voting.
- Section 3. Training: All members of the Board must attend an annual training program conducted by the Office of Fraternity and Sorority Life and the Parliamentarian. If missed, the justice will be inactive until he has completed the training. If training is not completed by semester end then they will be removed from the board and replaced by one of the alternates.

**ARTICLE VI
PROCEDURE FOR COMPLAINTS**

- Section 1. Complaints shall be filed with the Office of Fraternity and Sorority Life.
- Section 2. In cases where the IFC Judicial Board has jurisdiction, the complaint shall be forwarded to the Parliamentarian. The Parliamentarian will then review the complaint and decide if a hearing is necessary.
- Section 3. If charges are deemed necessary, the Parliamentarian shall, by way of formal letter, advise involved chapter(s) of the following:
1. Date, time and location of their IFC Judicial Board hearing;
 2. Description of the alleged violation;
 3. Due Process Rights.

**ARTICLE VII
DUE PROCESS**

- Section 1. In appearing before the Judicial Board, each member fraternity shall be granted certain rights termed “due process.” Those rights are:
- A. To be informed, in writing, of all pending charges at least seven (7) calendar days prior to any IFC Judicial Board Hearing;
 - B. Right to waive seven-day notice of charges;
 - C. Right to reasonable access of the case file, which shall be maintained by the Office of Fraternity and Sorority Life;
 - D. Right to remain silent;
 - E. Right to question witnesses against the accused;
 - F. Right to present a reasonable number of witnesses and/or signed statements by witnesses;
 - G. Right to an open hearing;
 - H. Right to be accompanied by an advisor for advisory purposes only, not for representation;
 - I. Right to appeal the decision to the appropriate University Official(s) within five (5) calendar days of formal notification of said decision.

**ARTICLE VIII
HEARING PROCEDURES**

- Section 1. Guidelines

- A. There shall be at least ~~two (2)~~ four (4) associate justices present in order to conduct a hearing.
- B. Any justice whose fraternity is a party in a hearing, or who feels he cannot judge a case fairly, must disqualify himself.
- C. A hearing may not be conducted unless the Parliamentarian, or an alternate designated by the Office of Fraternity and Sorority Life, and Office of Fraternity and Sorority Life Representative are both present.
- D. A hearing may only be conducted if all fraternities being charged have been given seven (7) calendar days notice, unless formally waived by the accused.
- E. All hearings shall be closed, unless a request for an open hearing has been made by the accused.

Section 2. Process

A. Introductions

- 1. All persons, including any witnesses, are called into the room;
- 2. The members of the Board shall introduce themselves, excluding their fraternal affiliation;
- 3. The advisor shall introduce him/herself, and explain his/her role;
- 4. The accused organization and any representatives shall introduce themselves, with title when appropriate.

B. Initiation of the Hearing

- 1. The Parliamentarian shall inform the accused, and any advisor, that the hearing will be conducted in an orderly manner and any person causing disruption will be asked to leave. Additionally, he shall advise the accused of the formality of the hearing, and the necessity of all parties to be completely truthful;
- 2. The Parliamentarian shall outline process for the remainder of the hearing as follows:
 - a. Case against the accused chapter shall be presented;
 - b. Accused may ask questions;
 - c. Board may ask questions;
 - d. Accused shall present their case;
 - e. Board may ask questions;
 - f. Accused may give final statement;
 - g. Private Board deliberations;
 - h. Finding of responsibility and sanction(s), if necessary.

3. The Parliamentarian shall then ask all witnesses to exit the hearing room, until called.

C. Presentation of Case Against the Accused

1. Review of Information: The Parliamentarian shall inquire if the person representing the accused chapter has had the opportunity to review the file pertaining to the complaint. If not, they may do so at that time;
 2. The Parliamentarian shall then cite each specific article and section of the IFC Constitution, Bylaws, Judicial Code, and/or Texas A&M Student Rules, which have been violated. He shall then, after each specific infraction named, ask the accused:
 - a. If he, as the official fraternity representative understands the charge(s). If not, the Parliamentarian shall then explain;
 - b. If he, as the official fraternity representative is “responsible” or “not responsible” for the charge(s).
 3. If there are no pleadings of “not responsible” by the accused, then proceed to Section 2, H. If any of the pleadings are “not responsible,” then the Parliamentarian shall proceed with presenting evidence and/or witnesses against the accused. If/when there are witnesses to the incident, the witnesses shall remain outside the hearing room until they are needed. Witnesses shall then be called one at a time to present their views.
- D. The accused shall have the opportunity to ask any questions and/or cross-examine witnesses.
- E. Any member of the Judicial Board may ask questions of witnesses.
- F. The accused shall then present his evidence, and may call witnesses. The Judicial Board may cross-examine witnesses.
- G. There shall then be a question and answer period, where any member of the Judicial Board may ask questions of the accused, which concern the case.
- H. The accused will then be allowed to give a brief final statement.
- I. The Judicial Board shall go into a private deliberation session. All persons, other than the Board and the Office of Fraternity and Sorority Life Representative, shall leave the room while the Board discusses

and votes on whether a violation has been committed, and if necessary, what sanction(s) shall be imposed. The Board must determine responsibility and sanction by a majority vote utilizing the standard of a preponderance of evidence.

- J. After the completion of deliberations, the accused shall return to the hearing, and shall then be informed of the Board's finding of responsibility, as well as any sanction(s), if necessary. This shall not replace written formal notification by the Parliamentarian or the Office of Fraternity and Sorority Life Representative.

ARTICLE IX SANCTIONS

- Section 1. Suspension: The Board can recommend suspension of the accused, for a specified or indefinite period of time, from the Interfraternity Council. Additionally, the group shall be prohibited from participation in all IFC and University activities. This includes application for recognition as a student organization and use of University facilities. Any suspension shall last until the Chapter is reinstated in accordance with the procedures enumerated in the IFC Bylaws.

- Section 2. Probation: This sanction puts the fraternity under review of the Judicial Board for a specific period of time. Although no restrictions are automatically attached, the Board may impose restrictions in addition to probation. If no additional violations are reported during this time, the Board shall lift this sanction. However, if the fraternity commits additional violations during their probationary period, the Board may review their probationary status.

- Section 3. Letter of Reprimand: This is a warning indicating that the actions of the accused were inappropriate and that subsequent violations may result in more serious disciplinary action.

- Section 4. Restrictions include but are not limited to:
 - A. Social privileges;
 - B. Intramural privileges;
 - C. Greek events;
 - D. IFC offices;

- E. IFC voting rights;
- F. Campus activities;
- G. Fines not to exceed \$10 per member;
- H. Requirements to pay for damages, letters of apology, etc.
- I. Community Service

Section 5. The IFC Judicial Board may not prohibit recruitment, as a sanction, unless the chapter has been suspended from IFC.

Section 6. The inter/national headquarters of the fraternity, chapter advisor, and faculty/staff advisor will be notified of all formal sanctions required by the Board.

ARTICLE X APPEALS

Section 1. After the decision of the Judicial Board has been reached, it may be appealed to the Director of the Office of Fraternity and Sorority Life under the following conditions:

- A. The appeal must be made in writing within five (5) calendar working days of the date of the letter notifying the organization of the decision of the Board.
- B. The appeal must be based on the issue of substantive or procedural errors which are prejudicial and which were committed during the disciplinary process or on the basis that the penalty is too extreme for the violation.

Section 2. Notice of appeal will suspend the imposition of the sanction until the appeal has been ruled on.

Section 3. The Director of the Office of Fraternity and Sorority Life shall review all necessary information and recommend one of the following actions:

- A. That the case stand as originally heard.
- B. That the case be reheard because of procedural error.
- C. That the sanction be reduced.

D. That the sanction be increased.

Article XI Arbitration

- Section 1. An arbitration process is allowed for discrepancies within IFC dealings:
- A. A chapter may request an arbitration hearing, to be moderated by the IFC Judicial board, between itself and the opposing party.
 - 1. The claimant will submit a written request for an arbitration hearing to the Judicial Board who will act as the arbitrator in any and all cases.
 - 2. The Judicial Board will then hold arbitration where both parties are allowed to submit arguments.
 - a. The chapter who requested the hearing will present their argument first.
 - b. The defending party will then present their argument.
 - c. The Judicial Board shall go into a private deliberation session. All persons, other than the Board and the Office of Fraternity and Sorority Life Representative, shall leave the room while the Board discusses.
 - d. After the completion of deliberations, the parties shall return to the hearing, and shall then be informed of the Board's decision.
 - 3. After the parties have presented their arguments and evidence, the Judicial Board will deliberate and issue a written decision deciding the case.
 - B. Parties are allowed to enter into arbitration pertaining to discretionary decisions made by the Interfraternity Council, the Parliamentarian and the Judicial Board.
 - 1. Both parties will be notified within seven (7) calendar days of hearing date.
 - C. The Judicial Board will decide whether the decision will be upheld or nullified.

ARTICLE XII RISK MANAGEMENT

Section 1. Each fraternity and its members shall follow all federal, state, and local laws, as well as the Texas A&M University Student Rules.

Section 2. Alcohol

- A. Any event involving alcoholic beverages must comply with either B.Y.O.B. or third-party vendor guidelines.
 - 1. If a B.Y.O.B. system is being used, wristbands shall be distributed to each guest with alcohol upon their arrival. After the guest has received their wristband, they shall place their alcohol in a centralized storage location, and may only retrieve a beverage if they present their wristband. No less than two active fraternity members with current TABC certification or a third party vendor, aged twenty-one years or older, shall check wristbands at the centralized alcohol storage location.
- B. No alcoholic beverages may be purchased through the fraternity's funds, nor may the purchase of alcohol for members or guests be undertaken or coordinated by a member on behalf of any fraternity.
- C. The use of bulk quantities, or common sources, of alcohol, such as kegs, shall be prohibited except when prevailing University policies allow for such i.e. tailgates;
- D. No fraternity shall distribute alcohol, including alcohol brought to parties by guests as B.Y.O.B., to persons under 21 or to persons other than those who brought the alcohol to the event.

Section 3. Social Events

- A. A social event shall be defined as an event with any of the following: disc jockey, live music, more than thirty-five people, or which requires a contract – verbal or in writing.
- B. All social events including alcohol shall be reviewed by the Office of Fraternity and Sorority Life no later than 48 hours prior to the event, as well as reviewed by the chapter's faculty/staff advisor.
- C. A guest list shall be used at the entrance to the event.
- D. At the entrance to an event where alcohol will be present, two (2) fraternity members or a third party vendor shall check IDs and distinctly mark underage guests as such, crosscheck arriving guests with the guest list. If the event is being held at an establishment with or by a company with a liquor license, the aforementioned tasks shall be completed with the staff of the business.
- E. There shall be only one entrance to any social event.

- F. Multiple exits shall be used and monitored by fraternity members to ensure that exits are not used as entrances.
- G. Appropriate non-alcoholic beverages must be available at the same place as all alcoholic beverages.
- H. Security guards or police officers shall be present at the entrance to any social event where alcohol will be present. Suggested ratio is one guard or officer per 100 guests.
- I. In order to prevent sexual assaults/violence at fraternity houses where social events are being held, residential areas of the house will be blocked off to guests.
- J. The fraternity is responsible for advertising designated driver services and ensuring that all members and guests have access to a safe ride home (i.e. Carpool, Taxi's, Uber, ect.).