

## **Interfraternity Council Judicial Constitution**

### **University of Northern Iowa**

Updated Fall 2019

#### **Article I. Purpose**

**Section 1.** The University of Northern Iowa Interfraternity Judicial Board, (hereinafter referred to as IJB), is established to assist Fraternity Life to maintain accountability of its members to the standards of the Interfraternity Council Bylaws and Policies.

#### **Article II. Scope**

**Section 1.** The IJB has multiple duties for the well-being of the Interfraternity Council.

**Paragraph 1.** Interpret, uphold and enforce the following:

- I. Interfraternity Council Constitution and Bylaws
- II. Fraternity and Sorority Life Social Policy
- III. Interfraternity Council Scholarship Policy
- IV. The overall integrity of the University of Northern Iowa Interfraternity Council, and its Member Chapters

**Paragraph 2.** Issue and render impartial judgment upon individual and group violations of the above listed policies.

**Paragraph 3.** Alert chapter headquarters of any violations of the above listed policies as deemed necessary by both the Chief Justice and Fraternity and Sorority Life Advisor (hereinafter referred to as FSL Advisor).

**Paragraph 4.** Serve as a medium between the Interfraternity Council, Member Chapters and the University of Northern Iowa involving the above listed policies.

#### **Article III. Definitions**

**Section 1.** Interfraternity Council is the governing body of the fraternity community and shall be hereafter referred to as IFC.

**Section 2.** Interfraternity Judicial Board is comprised of the Chief Justice, Associate Justices from each Member Chapter and the FSL Advisor.

**Section 3.** The Chief Justice is the head of the IJB and is the VP of Administration of the IFC.

**Section 4.** Associate Justices will make up the IJB and will be one member from each Member Chapter.

**Section 5.** Member Chapter is a fraternity chapter that is recognized by the IFC and adheres to the IFC Constitution, Bylaws, Social Policy, and Scholarship Policy.

#### **Article IV. Recognition and Jurisdiction**

- Section 1.** The IJB is an independent committee to uphold the Constitution, Bylaws, Social Policy, Scholarship Policy, and Interfraternity Council Judicial Constitution of the IFC.
- Section 2.** Violations of any policies of Article II Section 1 Paragraph 1, will fall under the jurisdiction of the IJB.
- Section 3.** The IJB has the right and responsibility to:
- Paragraph 1.** Interpret the IFC Constitution, Bylaws, Scholarship Policy, and the Fraternity and Sorority Life Social Policy.
- Paragraph 2.** Address all alleged violations.
- Paragraph 3.** Impose sanctions on IFC Executive Committee members or Member Chapters found responsible of a violation.
- Paragraph 4.** Review compliance with sanctions given.
- Paragraph 5.** Remove IFC Executive Committee Officers in the event that one or more are found responsible of the policies in Article II Section 1 Paragraph 1.
- Section 4.** The IJB will have the jurisdiction to conduct and mediate cases involving the following:
- Paragraph 1.** IJB v. Member Chapter of the IFC.
- Paragraph 2.** IJB v. Member of the IFC Executive Committee.
- Section 5.** Should an incident occur while classes are not in session, or prior to a break in the academic calendar, the IJB will work with Dean of Students staff to address the alleged incident(s) through the student conduct process. In these situations, the incident(s) may be referred directly to the student conduct process or may be postponed to be heard by IJB when classes resume.

## **Article V. Interfraternity Judicial Board**

- Section 1.** The IJB will comprise of the Chief Justice, Associate Justices from each Member Chapter, and the FSL Advisor.
- Section 2.** The duties of the Chief Justice will be:
- I. Coordinate and schedule all Formal and Informal Hearings of the IJB within twenty-one (21) business days of the alleged violation being reported.
  - II. Receive, review and investigate all alleged violations brought before the IJB.
  - III. Coordinate investigating proceedings with, but not limited to, the following groups:
    - i. The IFC
    - ii. The IJB
    - iii. Member Chapter/Member Chapter Executive Board

- iv. The FSL Advisor
- v. University Officials and Administration
- vi. State and Federal authorities
- vii. Chapter Headquarters
- viii. Fraternity alumni/volunteers
- IV. Inform Member Chapters within two (2) business days of the alleged violation(s), via written and/or electronic correspondence.
- V. Meet with appropriate parties to explain the IJB hearing practices and procedures in advance of a hearing.
- VI. Inform Associate Justices of all hearings and meetings.
- VII. Compile witness lists and hearings.
- VIII. Preside and conduct all hearings according to the Interfraternity Council Judicial Constitution.
- IX. Prepare and submit charges levied against Alleged Member Chapters (hereafter referred to as Alleged).
- X. Provide written and/or electronic notification of the IJB's decision to the Alleged within two (2) business days after a hearing.
- XI. Turn over any investigation to the proper authorities if the necessity arises.

**Section 3.** The Duties of the Associate Justices will be:

- I. Read and be knowledgeable of the policies stated in Article II Section 1 Paragraph 1.
- II. Participate in all trainings and meetings set up by the Chief Justice.
- III. Present questions to the Alleged during a Formal Hearing regarding issues pertaining to/and discussed during the Hearing.
- IV. Present questions to witnesses during a Formal Hearing regarding issues pertaining to/and discussed during the Hearing.
- V. Render fair and reasonable sanctions.
- VI. Participate in discussion at the conclusion of all IJB Formal Hearings.

**Section 4.** The Duties of the FSL Advisor will be:

- I. Attend all IJB meetings, hearings, and trainings set up by the Chief Justice as a non-voting, conduct resource for the IJB.
- II. Make available to the members of the IJB a copy of the notification letter and all supporting materials at the hearing.

**Section 5.** Criteria for Selection

**Paragraph 1.** Chief Justice

- I. The Chief Justice will be the VP of Administration of the IFC.

**Paragraph 2.** Associate Justices

- I. Associate Justices will be appointed by their respective chapters and approved by the IFC Executive Committee.
- II. Be in good academic, financial and conduct standing with their respective chapter and the University of Northern Iowa.

- III. Have never been found responsible in an IJB hearing.
- IV. Cannot be a member of the IFC Executive Committee.
- V. Cannot be the President of their respective chapter.

**Section 6.** Terms of Service

**Paragraph 1.** Associate Justices will be appointed by the third (3) week of the semester.

**Paragraph 2.** Associate Justices will serve a minimum of one (1) semester.

**Paragraph 3.** Associate Justices can be removed by:

- I. Becoming in bad standing in any way with their respective chapter.
- II. Two (2) unexcused absences from meetings and/or hearings set up by the Chief Justice.
- III. Recommended by the Chief Justice and 2/3 vote by the IFC Executive Committee.

**Section 7.** Training

**Paragraph 1.** All members of the IJB will participate in training sessions set up by the Chief Justice.

**Line 1.** Trainings will be within two (2) weeks of being appointed.

**Paragraph 2.** Trainings will help Associate Justices become familiar with the IFC Constitution, Bylaws, Social Policy, Scholarship Policy, and Interfraternity Council Judicial Constitution.

**Article VI. Hearing Practices**

**Section 1. Confidentiality.** All hearings are to be confidential and held in a private room on campus. All parties involved in a hearing are expected to keep all information pertaining to hearings confidential by signing a confidentiality agreement provided by the FSL Advisor.

**Section 2.** Hearing Composition:

**Paragraph 1. Formal Hearing:** Formal Hearings will include the following people:

- I. The Chief Justice.
- II. The Associate Justices from each Non-Alleged Member Chapter.
- III. The FSL Advisor.
- IV. The Alleged party:
  - i. Member Chapter President.
  - ii. At least one member of the Member Chapter in good standing with their respective chapter, the IFC, and the University of Northern Iowa.
  - iii. Anyone the Chief Justice deems necessary to be present.

- V. An Advisor of the Member Chapter is optional
- VI. Any witnesses assembled by the IJB or Member Chapter approved in advance.

**Paragraph 2. Informal Hearing:** Informal hearings will include the following people:

- I. The Chief Justice
- II. The FSL Advisor
- III. The Alleged party:
  - i. Member Chapter President
  - ii. Anyone the Chief Justice deems necessary to be present.
- IV. An Advisor of the Member Chapter is optional

### **Section 3. Conflict of Interest**

#### **Paragraph 1. Chief Justice**

- I. The Chief Justice will step down from the case if his fraternity or fraternity members are on trial.
  - i. He will not serve as a representative for his chapter in the event of a Formal Hearing.
- II. After he steps down, the new Chief Justice will be determined by the order of succession stated in Article X Section 1 in the IFC Bylaws.
- III. This will continue until the highest ranking IFC Executive Committee member is not affiliated with the Alleged party.
  - i. If there is a conflict of interest from every member of the IFC Executive Committee, the FSL Advisor will appoint a fraternity member in good standing with their respective chapter, the IFC and the University of Northern Iowa to be the Chief Justice.

**Paragraph 4. Associate Justices:** Associate Justices will step down for any of the following reasons:

- I. Alleged party(ies) is in the same fraternity
- II. Close acquaintance/friend of the alleged party(ies)
- III. A relative of involved party who is also attending the University
- IV. Roommate/suitemate/housemate of involved party(ies)
- V. University athletic or club sport teammate of involved party(ies)

### **Section 4. Universal Practices**

#### **Paragraph 1. Logistical Practice**

**Line 1.** Hearing notes or minutes will be taken by either the FSL Advisor or the Chief Justice.

**Line 2.** These records will be kept for up to five (5) years by the FSL Advisor.

**Line 3.** All Hearings will occur within no more twenty-one (21) business days from the violation being filed, unless the time frame is deemed insufficient by the IJB for reasons such as:

- I. Semester break
- II. Extended absence of students from campus
- III. Dean of Students staff are conducting an investigation through the student conduct process

**Line 4.** During any hearing, witnesses must not leave and may be recalled at the request of either the IJB or the Alleged.

**Paragraph 2. Complaint Procedure**

**Line 1.** Formal Complaint or allegation is a possible violation which is filed via email or online form to the Chief Justice. Or it is stated to the Chief Justice as a Formal Complaint.

**Line 2.** An Informal Complaint or allegation is anything that is not filed online or stated as a formal complaint but is brought to the attention of the Chief Justice of a possible violation.

**Line 3.** Chief Justice will determine if the complaint has merit.

**Line 4.** A written or electronic letter is to be sent to the Alleged upon the Chief Justice receiving the formal complaint.

**Line 5.** The Chief Justice will work with a representative of the Alleged to find a date and time to have an Informal hearing.

**Line 6.** If necessary, the IJB will be notified of a Formal Hearing date and time determined by the Chief Justice and the Alleged.

**Line 7.** Witnesses receive a “Notice to Appear” via email and/or telephone three (3) business days prior to the scheduled hearing.

**Line 8.** Hearing is held.

**Paragraph 3.** Failure to Appear: if the Alleged fails to appear to an Informal or Formal Hearing, the hearing will continue as scheduled. If sanctions are given, the Alleged automatically accepts the sanctions without the option to appeal.

**Article VII. Hearing Types & Procedures**

**Section 1. Notification.** Once the Chief Justice has determined the filed complaint has merit, the Alleged and the FSL Advisor is to be provided written or electronic notification of the upon the Chief Justice receiving the complaint. This written notification shall include the following:

- I. Date, time, and location of the hearing

- II. Description of alleged violation(s)
- III. Procedural rights

**Section 2. Informal Hearing.** Upon a finding of the Chief Justice that a filed complaint contains information sufficient to warrant further adjudication, he will offer the Alleged the opportunity to participate in an Informal hearing.

**Paragraph 1.** In cases in which the Alleged accepts an Informal Hearing, the Chief Justice shall meet with the representative(s) of the Alleged stated in Article VI Section 2 Paragraph 2 to discuss the allegations of the complaint.

**Paragraph 2.** After the hearing, the Chief Justice and the FSL Advisor will discuss the hearing.

**Section 3. Notification of Informal Hearing Decision.** Within three (3) business days of the Informal hearing, the Chief Justice will notify the Alleged of the decision(s) of the hearing, which will be one of the following:

- I. Dismiss the complaint with a finding of no violation(s).
- II. Provide the Alleged with his finding of violations and recommendation of a resolution through punitive and/or educational sanction(s).

**Line 1.** The Alleged can then accept or appeal the resolution sanctions.

**Line 2.** If the Alleged accepts the resolution, the charged Member Chapter waives all rights of appeal and the outcome is final (Appeals Section is in Article IX).

- III. Inform the Alleged that the hearing needs further investigation and will proceed with a Formal Hearing.
- IV. If the Alleged rejects or appeals the sanctions of an Informal Hearing or the resolution, a Formal Hearing will be convened to hear the case.

**Section 4. Formal Hearing.** Following an Informal Hearing of an Alleged, the Chief Justice will call upon the Associate Justices to convene to hear the case previously discussed in an Informal Hearing.

**Paragraph 1.** If a formal hearing is convened, the Chief Justice will meet with the persons from Article VI Section 2 Paragraph 1 to hold the Formal Hearing.

**Paragraph 2.** The process of the hearing will be as follows:

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|--|----------------|
| <b>Line 1.</b> Call to Order             | Chief Justice  |
| <b>Line 2.</b> Accusations are Read      | Chief Justice  |
| <b>Line 3.</b> Alleged Accepts or Denies | Member Chapter |
| <b>Line 4.</b> IJB Opening Statement     | Chief Justice  |
| <b>Line 5.</b> Alleged Opening Statement | Member Chapter |

<b>Line 6.</b> Questioning of the Alleged	IJB
<b>Line 7.</b> Witness Questioning	IJB
<b>Line 8.</b> Alleged Closing Statement	Member Chapter
<b>Line 9.</b> Call to Recess (If Necessary)	IJB
<b>Line 10.</b> Closed Deliberation	IJB
<b>Line 11.</b> Reconvene	Chief Justice
<b>Line 12.</b> Call to Order	Chief Justice
<b>Line 13.</b> Presentation of Findings	Chief Justice
<b>Line 14.</b> Presentation of Sanctions	Chief Justice
<b>Line 15.</b> Explanation of Appeals	Chief Justice
<b>Line 16.</b> Closing Statement Read	Chief Justice

**Section 5. Notification of Formal Hearing Decision.** Within three business (3) days of the Formal Hearing, the Chief Justice will notify the Alleged of the decision(s) of the hearing, which will be one of the following:

- I. Revoke the sanctions applied after the conclusion of the Informal Hearing.
- II. Keep the current sanctions or add additional sanctions due to the findings of the Formal Hearing.

**Line 1.** The decision of responsible or not responsible will be decided by the majority or the Associate Justices with the Chief Justice being the deciding vote in case of a tie.

**Line 2.** The Alleged can then accept or reject the resolution sanction(s).

**Line 3.** If the Alleged accepts the resolution, the Alleged waives all rights to appeal and the outcome is final.

- III. If the Alleged appeals the resolution of the Formal Hearing, the case will then be taken to the Northern Iowa Student Government Supreme Court.

**Line 1.** The Chief Justice will hand over any documents needed to the Chief Justice of the Northern Iowa Student Government Supreme Court.

**Section 6. New Allegations.**

**Paragraph 1.** The scope of hearings are limited to the original complaint. If new allegations are brought up during a hearing, a new complaint may be filed against the Member Chapter after the close of the original hearing.



**Paragraph 2.** If in the course of a hearing allegations regarding the behavior of individual students are brought forward that allegedly violate the Student Conduct Code this information may be reported to the student conduct process.

## **Article VIII. Disciplinary Sanctions**

**Section 1. Findings & Determinations.** After a hearing, the IJB must render one of two findings

**Paragraph 1.** The IJB may determine that the Alleged is not responsible for the specified violation(s). A finding of “Not Responsible” will not be considered when making future decisions.

**Paragraph 2.** The IJB may determine that the Alleged is responsible for the specified violation(s). If the Alleged is found responsible, a sanction(s) may be imposed, and the decision and sanction(s) may be used in subsequent cases to decide the appropriate sanction(s).

**Section 2. Previous Decisions.** Past decisions may be used to maintain consistency between violations and sanctions. In addition, past decisions may be used in rendering future decisions for repeated violations.

**Section 3. Sanctions.** If the Alleged is found responsible for a specified violation(s), a sanction(s) will be imposed. All sanctions will be completed by a specified time set by the IJB. Possible sanctions include but are not limited to the following sections.

**Section 4. Punitive Sanctions.**

**Paragraph 1. Reprimand.** This warning indicates that the Alleged’s actions were inappropriate and that subsequent violations may result in more serious disciplinary action.

**Paragraph 2. Letter of Apology.** Must be written to a person, group, facility, business/organization or institution affected by actions conducted by the Alleged.

**Paragraph 3. Public Service to Campus/Community.** Service to improve the campus or Cedar Valley community to mend damages.

**Paragraph 4. Fine(s).** A reasonable fine imposed on the Alleged will be paid to the IFC. This includes restitution.

**Line 1. Restitution.** Payment for financial injury to an innocent party in cases involving theft, destruction of property, or deception.

**Paragraph 5. Campus Activity Restrictions.** Restricts the Alleged to participate in some or all events held at the University of Northern Iowa set by the IJB.

**Paragraph 6. Probation.** Loss of all social events defined in the Fraternity and Sorority Life Social Policy until the end of the Probationary period. The national headquarters of the Alleged placed on probation will be notified.

**Paragraph 7. Suspension.** This action consists of the Alleged's removal for a specified or indefinite period of time from the IFC. All chapter operations and privileges will be prohibited. In addition, it prohibits the Alleged's participation in all IFC and University activities and the use of University facilities as an organization. The national headquarters of the Alleged placed on suspension will be notified.

**Paragraph 8. Expulsion.** The Organization will be removed as a Member Chapter and lose all rights and privileges aligned with being a part of IFC.

**Line 1.** The expulsion sanction will only be used in cases that the behavior and/or actions exhibited by the members of the Fraternity community are deemed so egregious and are damaging to the Fraternity and Greek community.

**Line 2.** Following any act deemed worthy of expulsion, the Chief Justice, the Dean of Students, FSL Advisor, and Associate Justices not associated with the Alleged, will convene for an emergency meeting.

**Line 3.** The Alleged will be placed on immediate Suspension.

**Line 4.** If the IJB agrees to expel, the decision will be presented to the IFC.

**I.** The IFC President will call an emergency meeting of the IFC.

**II.** The Chief Justice will share an outcome summary statement to the IFC.

**III.** The Chief Justice will notify the National Headquarters of the Alleged's organization about its removal from the IFC.

**Line 5.** If the Dean of Students Office conducts its own investigation and decides to expel the Alleged, the IFC will recognize the decision.

**Section 5. Educational Sanctions.** Requires the Alleged to participate in one or more activity(ies) designed to assist in the educational outcome of the disciplinary process. These assignments are designed to address the specific issues that arise in

each disciplinary case. Specified educational sanctions must be approved by the IJB with consultation from the FSL Advisor.

**Section 6. Cease and Desist/Immediate Suspension.** The Chief Justice will have the ability to place a Member Chapter on a Cease and Desist or Immediate Suspension with consultation and approval from the FSL Advisor.

**Section 7. Prohibition on Recruitment Restrictions as a Sanction.** The IJB may impose Educational and Punitive sanctions, as prescribed in the Interfraternity Council Judicial Constitution, but under no circumstances may it prohibit a Member Chapter's ability to recruit unless the result of a hearing is Suspension or Expulsion.

**Section 8. Multiple Sanctions.** More than one of the sanctions listed above may be imposed for a single violation.

**Section 9. Responsibility.** The Chief Justice and the Alleged in correspondence with the FSL Advisor is ultimately responsible for ensuring the completion of all sanctions imposed.

**Section 10.** Failure to Comply

**Paragraph 1.** If the Alleged does not meet the terms of the sanction(s) imposed, they will be placed on immediate Probation, with the possibility of further sanctions. This will continue until the terms are met.

**Paragraph 2.** If the Alleged does not meet the terms of Probation, they will be placed on immediate Suspension, with the possibility of further sanctions. This will continue until the terms are met.

## **Article IX. Appeal Procedures**

**Section 1. Appeals.** A Member Chapter receiving a sanction from the IJB has the right to appeal the decision to the Chief Justice.

**Paragraph 1.** If the Alleged chooses to appeal the decision of an Informal Hearing, the Alleged must send a Notification of Appeal to the Chief Justice. It will then move to a Formal Hearing if determined to be a valid appeal.

**Paragraph 2.** If the Alleged chooses to appeal the decision of a Formal Hearing, the Alleged must send a Notification of Appeal to the Chief Justice. It will then be taken to the Northern Iowa Student Government Supreme Court if determined to be a valid appeal.

**Section 2.** Timeline

**Paragraph 1.** A Notification of Appeal must be sent to the Chief Justice two (2) business days after the decision of the hearing has been sent to the Alleged by the Chief Justice.

**Line 1.** This timeline applies to both Informal and Formal Hearings.

**Line 2.** If the Alleged does not send a Notification of Appeal within the allotted timeframe, the Alleged waives the right to appeal the decision set forth by the Chief Justice or the IJB.

**Section 3.** Grounds for Appeal

**Paragraph 1.** Appeals must be based on one or more of the following grounds:

**Line 1.** The severity of the sanction(s) did not meet the severity of the violation(s).

**Line 2.** New and significant evidence has become available which was not reasonably discoverable/available before the original decision was rendered.

**Line 3.** Specified procedural errors or misrepresentation of University regulations are so substantial that the Alleged is denied a fair and impartial hearing.

**Section 4.** **Notice of Appeal.** Notice of appeal does not suspend imposition of sanction(s) while the appeal is being processed.

**Section 5.** **Decision of Appeal.** An appeal will be determined valid or invalid by the IJB if the appeal follows an Informal Hearing, or Northern Iowa Student Government Supreme Court if the appeal follows a Formal Hearing

**Paragraph 1.** If the appeal is denied, the sanctions will stand as previously determined.

**Line 1.** For the IJB to decide not to hear the appeal, the decision must be unanimous.

**Paragraph 2.** If the appeal is valid, the Alleged will be notified of a Formal Hearing date as the result of appealing an Informal Hearing.

**Paragraph 3.** If the appeal is a result of a Formal Hearing, all documentation of charges, evidence, and hearings will be made available to the Northern Iowa Student Government Supreme Court for review.

**Line 1.** The Northern Iowa Student Government Supreme Court will determine if the appeal is valid or invalid based on the grounds for appeal in Article IX Section 3.

**Line 2.** The IJB will then be notified of the Northern Iowa Student Government Supreme Court's decision, at which time a copy of the decision will be sent to the Alleged electronically and a hard copy will be kept on file for potential future cases and Fraternity and Sorority Life Office documentation.

Thank you to Mount Union University. Most of the ideas and wording came from their document.