

Interfraternity Council Judicial Board Constitution

Simpson College

Statement of Purpose

The Simpson College IFC Judicial Board Constitution was emulated from policy documents of Colorado College, the University of Texas at Austin, Bucknell University, Lafayette College, and Illinois Wesleyan University.

It was established to acknowledge and strengthen the contributions of fraternities at Simpson College. Its purpose is to assist the Greek Community upholding its members accountable to their national fraternity standards, College standards, and policies of the Interfraternity Council.

This method of governance is established to provide due process and fairness to all fraternity chapters at Simpson College. The IFC Judicial Board is to be a fair and impartial board which will render judicial decisions and deliver sanctions as necessary to ensure the standards of fraternities are being maintained.

The following document defines the judicial system and explains the jurisdiction and representation of the IFC Judicial Board. The IFC Judicial Board shall be supported by the Greek Advisor at Simpson College. Should conflict come to the attention of the IFC Judicial Board, the chair will have authority to mediate conflicts prior to engaging in any formal judicial process. The College has the right to require a formal judicial process as an end result as it is deemed necessary by the Greek Advisor.

Section I. JURISDICTION

1. The IFC Judicial Board shall have exclusive jurisdiction in all cases arising under the IFC Constitution. The IFC Judicial Board shall not have jurisdiction over complaints brought against individual students. Violations of College Policy may be heard by the IFC Judicial Board, the college Judicial Board, or the Greek advisor. The decision making body will be decided by the Greek Advisor, the Greek Judicial Board Chairman, and the party involved in the incident at hand.
2. The IFC Judicial Board will also hear appeals regarding sanctions levied by the IFC.

Section II. COMPOSITION

1. The IFC Judicial Board will be composed of the Interfraternity Council Vice President (except for the first semester in which the IFC Chairman will serve in this place), and one representative from each recognized fraternity at Simpson College. The IFC Vice President will serve as the chair for the board (except for the first semester in which the IFC Chairman will serve in this place). Chapters will elect their representatives before the end of the first semester.

2. All representatives must attend any training and on-going in-service throughout the January to January term.

Section III. PROCEDURES

1. To begin the process for Judicial Procedures an individual or a chapter must file an incident report with the chair of the IFC Judicial Board or with the Greek Advisor.
2. The chair will then meet with the Greek Advisor and verify the information in the report to determine its legitimacy.
3. Once the report has been reviewed, the chair will begin the Judicial Process.
4. The chapter charged to appear before the IFC Judicial Board must be informed in writing by the chair of the judicial board at least 48 hours before the time set for the hearing.
5. The chair or a judicial board member from the chapter charged with an alleged violation will not participate in that hearing to ensure fair proceedings and reduce conflict of interest.
6. Any chapter referred to the IFC Judicial Board must appear at the time and place set for the hearing. The chapter may bring five representatives (including the chapter advisor and president). If the chapter fails to appear without justifiable reason, their case shall be heard in absentia. The chapter advisor may be present and speak with chapter members, but not address the IFC Judicial Board.
7. All relevant evidence will be admissible as determined by the chairman.
8. Witnesses may testify.
9. Failure to give truthful and complete testimony at the hearing to the IFC Judicial Board is a serious offense and may lead to disciplinary action. All persons appearing before the IFC Judicial Board shall be informed of this fact.
10. A complete tape record of the hearing will be made.
11. If a chapter is found in violation the National Headquarters of the chapter will be informed of the findings of the hearing.

Section IV. ORDER OF THE HEARING

1. Charge. The chair of the IFC Judicial Board in the presence of the accused will read the written charge.
2. The chapter subject to the complaint shall be informed of their rights as follows:
 - a. A Chapter representative may remain silent
 - b. The chapter is entitled to a confidential and fair hearing.
 - c. A chapter representative will not be forced to testify against his chapter.
 - d. A chapter representative may be assisted in his case by a Simpson College student, faculty member, chapter advisor or an administrative staff member, however, only the office chapter representatives may address the IFC Judicial Board.
3. Evidence in support of the charge, presented in the presence of the accused.
4. Hearing from the chapter accused.
5. Evidence in support of the accused.

6. The Board shall have the right to cross-examine any witness. If requested by the board, the accused or the accuser, witnesses having knowledge of the charge will appear in the presence of the accused.
7. Deliberations by the board (done in Executive Session)
 - a. Determination of the decision
 - b. Determination of action to be taken, if any.
8. Notification of the accused by the chair of the IFC Judicial Board of the decision of the board, sanctions levied, if applicable, and the appeal process. The decision and appeal process are to be confirmed in writing within two class days.

Section V. DECISIONS

1. When the IFC Judicial Board is a “court of first instance,” it may reach one of the following decisions:
 - a. Not responsible
 - b. Responsible
 1. with disciplinary action
 2. with no action
 - c. Referral to the appropriate office or agency for assistance
2. Decisions must be signed by the Greek Advisor.

Section VI. APPEALS

1. From a IFC Judicial Board Decision:

Once the IFC Judicial Board has reached a decision on a particular case, the chapter involved has the option of appealing this decision to the Greek Advisor. The appeal must be made in writing and delivered to the Greek Advisor within five class days of receiving written notice of the decision.
2. From a decision by the Greek Advisor:

Once the Advisor has reached a decision on a particular case, the chapter has the option of appealing this decision to Simpson College Judicial Committee.

Section VII. SANCTIONS

The IFC Judicial Board may impose one or more of the following sanctions. The judicial board shall take into account the seriousness of the offense, the affect of the conduct on any victim(s) and/or the Simpson College community, the attitude and behavior of the chapter, prior misconduct of the chapter which resulted in sanctioning by a judicial making body on campus. The past offenses of a chapter may be referenced during sanctioning, but not in determination of responsibility.

A. Restitution or Reimbursement

Reimbursement may take the form of appropriate payment and/or service to repair or otherwise compensate for damages. The restitution must be made or arrangements made within ten days or by the end of the school term, whichever comes first.

B. Warning or Censure

A verbal or written admonition to the chapter indicating that a continuation or repetition of conduct found to be in violation of regulations or detrimental to the welfare of other students may be cause for more severe disciplinary action.

C. Fine

A monetary charge, which may be in addition to restitution, at a dollar amount set by the IFC Judicial Board to the respective Council or charitable organization as deemed by the IFC.

D. Community Service

A social service sanction, with the Judicial Board determining the total man-hour requirement and the compliance period.

F. Contact National Headquarters

The National Headquarters of the fraternity will be notified of the IFC Judicial Board's findings (when applicable).

G. Suspension from the Interfraternity Council

Suspension from the IFC, for a definite period, not to exceed one calendar year. A suspended fraternity loses all privileges associated with the Council, including, but not limited to:

- a. The right to vote on all matters other than executive officer elections
- b. The right to have members serve as Council executive officers
- c. Participation in Council sponsored competitions
- d. The privileges of posting in those campus areas reserved for organizations with on-campus status use of college facilities for chapter meetings or gatherings

H. Removal of Recognition of a Chapter & Charter

The chapter may lose their recognition by the College. The chapter will be forced to turn in their charter and will not be allowed to petition to return to campus until five years after the date the charter was revoked.

I. Restricted Social Events

A period of social probation with the Judicial Board outlining the restrictions on a chapter's social activities.

J. Probation

Probation, defined as a period of time not to exceed one calendar year, during which a fraternity is ordered to conform to established policies and regulations and/or adhere to certain conditions, with the consequences of failure to comply with the probationary requirements specified in advance (a probation does not necessarily involve loss of any privileges).

K. Educational Programming

Educational seminars attended, sponsored, and/or presented by the group. Educational seminars must be approved by the Greek Advisor.

L. Other

Other sanctions imposed alone or in addition to any other sanctions which the IFC Judicial Board deems appropriate.