

Updated: March 26<sup>th</sup>, 2020

## **Fraternity/Sorority Judicial Policy**

### **Philosophy**

A key component of student development is experiential learning; thus, student self-governance is the cornerstone of the Fraternity/Sorority Judicial System. Individual student violations of the Student Code of Conduct will be handled by the University Judicial Process; the Fraternity/Sorority Judicial system will respond to violations made by recognized fraternities or sororities.

### **Jurisdiction**

The Fraternity/Sorority Judicial Board will have jurisdiction over all member fraternities and sororities to enforce Fraternity/Sorority policies, University rules and regulations, and to maintain appropriate standards of conduct. Cases involving an individual member and determined to not stem from a chapter activity will be referred to the University judicial process.

### **Reporting Violations**

Complaints will be submitted to the Coordinator of Student Engagement using an incident report available online. Anonymous complaints will not be accepted. At any point before or after submitting a complaint an individual may meet with the Coordinator to discuss the alleged violation.

The Coordinator of Student Engagement will review the incident report(s) and meet with the individual who reported the incident to investigate the complaint and make a determination concerning whether the university will charge the chapter with a violation.

Once a notice is received from any source, the University may proceed with a preliminary investigation and/or may schedule an initial educational conference with the responding chapter to explain the judicial process and gather information. The educational conference may also serve as the Administrative meeting.

Cases will be resolved through an Administrative Meeting or a student-led Fraternity/Sorority Judicial Board Hearing.

### **Administrative Meeting**

An Administrative meeting occurs between the Coordinator of Student Engagement and the chapter leadership. If the Coordinator and the Chapter can agree on facts and sanctions concerning the charges, the matter will be considered resolved and the Coordinator will follow up with a letter to the chapter.

The chapter may bring an advisor for assistance but he/she will not be permitted to speak on the chapters behalf. The role of the advisor will be restricted solely to advising the students.

### **Judicial Board Hearing**

Composition of Board:

- The Vice President of the Interfraternity Council (IFC) and the Vice President of the Panhellenic Council will serve as Co-Chief Justices.
- Each council will recruit at least six (6) members from their respective communities to serve as justices for a total pool of at least twelve (12) justices.
- When a hearing is called, a panel of five (5) justices will be randomly selected. For cases involving a fraternity the makeup of the panel shall be three (3) IFC and two (2) Panhellenic justices, with the IFC Vice President serving as chief justice; for cases involving a sorority the makeup of the panel shall be three (3) Panhellenic and two (2) IFC justices, and the Panhellenic Vice President will serve as chief justice.
- No justice, including a chief justice, may sit on the panel for a case involving his/her chapter. If a chief justice's chapter is involved, the other chief justice shall chair the hearing.

- The Coordinator of Student Involvement & Greek Life will serve as an advisor to the judicial board.

#### Hearing Procedures:

- The hearing will be closed, and all proceedings will be confidential. An exception will be allowed if both the charged chapter and the complainant agree to an open hearing.
- The charged chapter may bring an advisor or legal counsel for assistance but they will not be permitted to speak on the chapters behalf. The role of the advisor or legal counsel will be restricted solely to advising the students.
- The complainant and the charged chapter will have the opportunity to call witnesses and to present and question other information. The chapter is responsible for having his or her witnesses at the hearing. The university can assist in obtaining the attendance of students and university personnel.
- The Chief Justice will exercise control over the hearing. Rules of evidence as used in courts will not be applied in this type of hearing. Any person who disrupts the hearing may be asked to leave the hearing. Repetitious or irrelevant information may be excluded. Witnesses (other than the accused) will be present only during the time they are testifying.
- The standard of proof that will be used is the preponderance of evidence standard. In other words, a chapter will be found in violation of the Code of Conduct only when the information demonstrates that it is more likely than not that the chapter is in violation. The weight and credibility of the information is considered.
- The Fraternity/Sorority Judicial Board will deliberate in closed session in order to render a decision.
- The Chief Justice will be responsible for delivering the decision in writing to the chapter. The decision shall include a summary of the findings and the sanctions imposed.
- The decision of the Fraternity/Sorority Judicial Board shall be final unless the chapter leadership files an appeal.

#### Sanctions

When a chapter admits to, or is found to have been in violation, the following responses and sanctions are possible (but not limited to):

- Letter of apology
- Fines
- Restitution
- Educational programming
- Public service to the campus or community
- Meetings with campus office/departments
- Loss of social event and/or campus event privileges
- Loss of eligibility for Awards
- Suspension: loss of council voting privileges and ability to participate in council sponsored events for a specified period of time, not to exceed one year.
- Loss of university recognition: loss of all registered student organization privileges for a minimum of one year. A decision to revoke university recognition is forwarded as a recommendation to the Assistant Vice President for Student Affairs for final approval.

All sanctions may be imposed singularly or in combination. Sanctions are designed to promote the educational mission of Fort Hays State University. The severity of the sanction(s) imposed is intended to correspond with the severity or frequency of violations, as well as the chapter's willingness to recommit to good citizenship through behaviors that fall within the conduct regulations of the institution.

#### Appeals

An appeal can only be made on the following grounds:

- Information not available at the hearing which, had it been available, would in all likelihood have produced a different finding.
- Substantial procedural irregularity.

- Perceived hearing justices bias resulting in a violation of the standards of fairness used in disciplinary hearings.

The following process must be followed when submitting an appeal:

- An appeal must be submitted in writing to the Vice President for Student Affairs within five business days of receiving notification of the outcome of the hearing.
- Appeal must be clearly written and include the following information.
  - date of original hearing
  - date, time, and location of the alleged incident
  - reason for the appeal with documentation
- Failure to appeal within the allotted time will render the original decision final and conclusive. Late appeals are not accepted.
- The appeals process is an administrative process.
- Appeals are decided upon the record of the original proceedings and upon written materials submitted by both parties. An appeal is not a rehearing of the case.
- Chapters are notified of the outcome of the appeal by letter and the decision made by the Vice President for Student Affairs is considered final.

**Responsible Office**

Student Engagement

**Responsible University Official**

Coordinator of Student Engagement

**History**

Adopted Fall 2014

## Proposed changes:

### 1) What is considered a chapter event or function in terms of conduct

- Consideration will be given to individual national organization policies that define what constitutes a chapter event. In the event that a national organization does not define what is a chapter event, each case will be treated in isolation and individually and will look at if and how accused persons are acting in an chapter capacity, if there are chapter identifiers involved in the incident (i.e letters, signs, banners, etc..), and/or if the incident is a result of a chapter function.

### 2) Reporting of infractions

- An end of semester report for judicial infractions for each semester which will be sent to key community members as well as posted on the FHSU website. The report will not include specifics of an investigation, rather a tally of categories.

### 3) Reporting structure/investigative structure for high profile cases (i.e hazing, sexual assault, drugs, and alcohol)

- Using Amy Shaffer's guide as a base, Amy will be the lead investigator in high profile cases with sanctions being created in consultation with all appropriate FHSU personnel, who may include: AVP Student Engagement, Title IX, General Counsel, Compliance officer, Behavioral Intervention Team, FSL Coordinator

### 4) Collaboration between the conduct office, residential life, and FSL for conduct cases

- Reports will be shared with appropriate community members through Maxient.