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**FRATERNITY &
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Defining Opportunity

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The University of Iowa
Fraternity & Sorority Life
Judicial Board Manual

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STUDENT CONDUCT AND JUDICIAL AFFAIRS RATIONALE

The goal of The University of Iowa is to provide students with a general education so that they will acquire knowledge, skill and wisdom to deal with and contribute to contemporary society in constructive ways. Policies, procedures and regulations are formulated so as to guarantee each student's freedom to learn and to protect the fundamental rights of others.

Students, as well as all other members of the University community, enjoy the same Constitutional and civil rights guaranteed all citizens; at the same time, they are subject to the laws of the nation, the State of Iowa, and the local community. Institutional authority cannot alter these rights and responsibilities. However, the Board of Regents, State of Iowa and the University have established regulations and policies deemed necessary to achieve the University's objectives as an educational institution.

To this end, certain basic regulations and policies have been developed to govern the behavior of the students as members of the University community. Regulations concerning the conduct of students either as individuals, or as a part of a group, are formulated by the Vice-President for Student Life, and subsequently recommended for approval to the President of the University.

These regulations also pertain to social and educational activities of student organizations. All regulations constitute guidelines for students enrolled in the University.

Violations of national, state, or local laws make a student subject not only to courts of law, but also to possible disciplinary action by their governing body/university. Each student, as an individual or as a member of a recognized student organization, is responsible for knowing and observing the policies and regulations of the University, as well as their governing bodies' rules and sanctions.

THOUGHTS ON OUR UI FRATERNITY & SORORITY LIFE JUDICIAL BOARDS

The basic philosophy governing the Judicial Board and Appeals Board is one of prevention and education through peer governance. 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, MGC, NPHC, and PHC Judicial Boards do 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.

PURPOSE OF OUR UI FRATERNITY & SORORITY LIFE JUDICIAL BOARDS

The Fraternity and Sorority Life Judicial Boards at the University of Iowa are intended to assist students and chapters who experience difficulty taking responsibility for their own behavior, develop a respect for the rights of others, and move toward an expectation of higher standards within the Greek and University communities. The intent is not to punish but rather to facilitate student and chapter growth while maintaining the behavioral standards necessary to ensure campus wide safety, academic integrity, compliance with federal, state, local, Interfraternity Council, Multicultural Greek Council, National Panhellenic Council, and Panhellenic Council policies and procedures, and value congruence.

The purpose of the Fraternity and Sorority Life Judicial Boards is to affirm that fraternity and sorority members are responsible enough to identify and deal with violations of Federal, State, local, University, Interfraternity Council, Multicultural Greek Council, National Panhellenic Council, and Panhellenic Council policies and standards. The Judicial Boards will make every effort to discover the truth about reported incidents, provide a fair process and encourage Greek chapters to take responsibility for their actions through education and sanctions.

The Councils shall be a peer-governing organization with independent Judicial Boards, which shall have jurisdiction over cases involving alleged member chapter violations, including but not limited to:

- A. The IFC, PHC, NPHC, or MGC Constitution, Bylaws, Code of Conduct and other policies
- B. The rules and regulations of the University of Iowa and local and federal laws
- C. The general values-based conduct of fraternity and sorority life members

RIGHTS AFFORDED TO THE CHAPTER

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 at least five (5) academic days prior to the scheduled hearing, exceptions can be made with the discretion of the VPSA. It should also contain detailed information of the case and a copy of these rights;
- II. The chapter must be given the opportunity to read the written report stating the circumstances and information about the case;
- III. The chapter is afforded the right to a closed hearing;
- IV. The chapter is afforded the right to have an advisor present at the hearing;
- V. The chapter is afforded the right to hear all testimony presented against them;
- VI. The chapter is afforded the right to present witness and/or statements in accordance with Judicial Board procedures;
- VII. The chapter must be informed of the right to appeal and the procedures for making such an appeal;
- VIII. The chapter is afforded the opportunity to an expedient hearing;
- IX. A quorum of at least two-thirds (2/3) of the justices must be present for all hearings.
- X. A chapter reserves the right to review its judicial record at any time.

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, MGC, NPHC, or PHC Constitutions and bylaws. Therefore, it may be altered and/or adapted by the Judicial Board without the consent of the Interfraternity, Multicultural Greek, National Panhellenic, or Panhellenic Councils Legislative Bodies. However, there is a constant maintenance for upholding due process, and it is the responsibility of the four judicial bodies to follow this ideal.

RIGHTS 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 afforded 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. These are as follows:

- 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, Multicultural Greek Council, National Pan-Hellenic Council, or Panhellenic Council;
- II. All statements made before the Judicial Board or Executive Councils 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 Vice President of Standards and Accountability (or their designee) may direct the witness to answer any questions. If the witness refuses beyond self-incrimination, the Vice President of Standards and Accountability (or their designee) may rule on all of the prior testimony regardless of self-incrimination;
- IV. Any witness testimony presented on an 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 Vice President of Standards and Accountability (or their designee); and
- VI. All rights afforded to the witness will be communicated 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, MGC, NPHC or PHC judicial bodies, an Inter/national fraternity, a civil or criminal court, and/or The University of Iowa could all hold hearings about a single 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 UI 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 UI 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.

ETHICAL STANDARDS FOR JUDICIAL BOARD MEMBERS

Since The University of Iowa, Interfraternity Council, Multicultural Greek Council, National Panhellenic Council, and Panhellenic 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 member, or IFC, MGC, NPHC, or PHC 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 Vice President of Standards and Accountability is a member, the Vice President of Standards and Accountability will designate another Justice or the IFC/PHC Council President to stand in for them and run the hearing appropriately;

JUDICIAL BOARD COMPOSITION

- I. The chairperson for each council Judicial Board is:
 - a) The position of the IFC and PHC Judicial Board chairperson shall be filled by the IFC or PHC Vice President of Standards and Accountability, depending on the hearing. This position is an elected position serving on the IFC or PHC Executive Board.
 - b) For MGC and NPHC, the Council President will serve as the chairperson of the Judicial Board.

- II. Each Council will utilize a process of Judicial Board member selection that best suits the needs of their Council.
 - a) IFC or PHC fraternity or sorority members, in good standing with their chapters and the University, are eligible to apply to serve as members of the Judicial Board of their respective council. Justices will be elected by the following procedure:
 - (i) Justices will be selected through an application process by the Vice President of Standards and Accountability's;
 - (ii) Terms of Board membership shall be for one calendar year, unless otherwise stipulated or until election may be held;
 - b) Each MGC fraternity or sorority chapter will select a standing representative to serve on the MGC Judicial Board as needed.
 - c) Each NPHC fraternity or sorority chapter will select a representative to the NPHC Judicial Board as needed.
 - d) Each Judicial Board will be comprised of at least three (3) Board Members, the Chairperson, and the Advisor.

- III. The Vice President of Standards and Accountability or President (depending on Council) serves as the official spokesperson of the Judicial Board. He/she notifies chapter representatives of the charges against them: the date, time, and location of the hearing; and the rights afforded to them to provide for fair and impartial treatment as well as due process.

- IV. The Vice President of Standards and Accountability or President (depending on the Council) is responsible for notifying the chapter and all necessary parties of the decisions of the judicial body within a maximum of ten (10) academic days from the initial hearing (including: the member chapter's Inter/national organization, Chapter Advisor(s), and/or House Corporation – if applicable.)

- V. The Vice President of Standards and or President (depending on the Council) serves as moderator for the judicial hearings. He/she should prepare topics to be covered and

take the lead in questioning the alleged violators and witnesses. He/she should also be responsible for explaining the judicial procedures and the chapter's opportunities.

- VI. The Advisor (or their designee) to the Judicial Board must be present at all hearings and will serve as an ex-officio member of the board.

- VII. All Board Members assigned to a hearing shall be present in order to conduct business on behalf of the Judicial Board. Failure of a Board member to attend a hearing for which they were assigned shall result in the member being referred to their respective Chairperson for review of their role on the board.

JUDICIAL BOARD MEMBERS' DUTIES AND RESPONSIBILITIES

- I. The Judicial Board should treat chapters being charged with courtesy and have the utmost concern for the rights of the chapter and fairness during the proceedings.
- II. The Judicial Board should be prepared to question those who appear before them in order to arrive at a full understanding of all the facts surrounding the case.
- III. All individuals involved in a hearing are required to agree to a statement of confidentiality. Individuals shall not disclose information regarding the following:
 - a. Any individuals, member chapters, or Judicial Board members involved
 - b. Details of the proceedings
 - c. Witness testimony
- IV. Board 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, Multicultural Greek Council, National Pan-Hellenic Council, Panhellenic Council, and The University of Iowa.

HEARING PROCEDURES

- I. A Violation Form must be filled out and submitted to the respective Vice President of Standards and Accountability, MGC, or NPHC President via the University of Iowa Office of the Dean of Students page. The violation form can be found at:
https://cm.maxient.com/reportingform.php?UnivofIowa&layout_id=1.

The Vice President of Standards and Accountability or Council President has the authority to choose any one or more of three options:

- a) Dismiss the complaint based in a lack of evidence. If this option is utilized, inform the chapter president of the complaint;
- b) Along with the Judicial Board Advisor, meet with the chapter being charged for an informal 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, its advisors, and the inter/national headquarters will be notified of the hearing at least five (5) academic 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 Vice President of Standards and Accountability or Council President at least 48 hours in advance to reschedule. Chapters are allowed to reschedule only once.
- b) The chapter, its advisors, and the inter/national headquarters will be informed of the charges filed and the violation(s) alleged against them.
- c) It is best practice to fill out a violation form within 30 days of the incident.
- d) Statute of Limitations: Complaints filed with the UI IFC or PHC Judicial Boards more than sixty (60) academic days after an incident will be reviewed, but at the discretion of the Chairperson and Advisor may not be adjudicated by the Judicial Board.
- e) The chapter will be informed of the rights 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;
- f) The chapter must inform the Vice President of Standards and Accountability or Council President of any witnesses and testimony to be presented on their behalf, not less than 48 hours prior to the hearing; and
- g) If any member of the Judicial Board, including the Vice President of Standards and Accountability or Council President, is a member of the chapter(s) being charged, they must remove themselves entirely from the hearing process, and may not act as a chapter representative. In the case that it is the Vice President of Standards and Accountability's chapter being charged, a Judicial Board member or the IFC or PHC President can step in to serve in this role for the hearing. In the case that it is

the MGC or NPHC President's chapter being charged, another Executive Board member (ideally the Vice President) may step in to serve in this role for the hearing.

- III. Pre- Hearing Case Review (to occur at least 15 minutes prior to hearing or at another designated time). At this time, the Judicial Board will discuss, in closed session, the following:
- a) Background evidence;
 - b) Information in the complaint filed to determine vague areas and possible discrepancies;
 - c) Timing and sequence of events; and
 - d) Major areas for questioning,
 - e) Additional evidence available.
- IV. Hearing Procedures:
- a) A Judicial Board member will volunteer to take minutes for the hearing. (See: Sample Hearing Minutes Form).
 - b) All members of the Judicial Board are introduced followed by the introductions of the complainant (if present), respondent, and any witnesses (if present);
 - c) All charges are stated for the record by the Vice President of Standards and Accountability or Council President;
 - d) Rights of the Respondent are read, unless the reading of them is waived by the respondent (the chapter);
 - e) The chapter will enter a plea of either responsible or not responsible to all of the charges. Those charges for which a plea of responsible is entered will be held until the Judicial Board begins deliberations on a decision. At that time, opportunities/sanctions will be assessed on the findings of the Judicial Board;
 - f) A chapter may challenge any Judicial Board member's presence for their hearing for just cause at the discretion of the Board Chairperson.
 - g) All witnesses will be informed of the rights available to them; and
 - h) Because Judicial Board hearings are not court proceedings, no legal rituals will be observed. The hearing procedures are intended to bring to light, as much as possible, the pertinent details surrounding the case. The Judicial Board will, however, adhere to the following procedures:

If the case involves one chapter:
 - i. The chapter being charged will make any opening statements;
 - ii. The Vice President of Standards and Accountability or Council President will present all evidence and any witness testimony against the chapter;

- iii. The chapter being charged will respond to such evidence and question any witness presented by the Vice President of Standards and Accountability or Council President;
- iv. The chapter being charged will then present any evidence or witness testimony on their behalf;
- v. The Vice President of Standards and Accountability or Council President and judicial board members will then question the chapter being charged or any witness presented;
- vi. The chapter being charged will make any closing statements;
- vii. The chapter may expect the judicial decision no later than ten (10) 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 it.
- viii. The chapter will be dismissed and the Judicial Board deliberate in closed session to reach a majority decision.

V. Deliberations:

- a) Deliberations will be conducted in an orderly manner and as directed by the Vice President of Standards and Accountability or Council President.
- b) The Judicial Board shall be committed to being nonbiased and to helping the chapter succeed in the future. Each case will be reviewed and the following guiding questions may be considered 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?
- c) The Judicial Board will discuss the case until a decision of either responsible, not responsible, or tabled (meaning more information is needed) is reached by a majority of all the judicial members.
- d) Any violations committed under similar circumstances within the past year, or any sanctions the chapter may currently be under, will be identified and considered during deliberation.
- e) If a decision of responsible is reached:
 - i. The Judicial Board will discuss any sanctions;

- ii. The Vice President of Standards and Accountability or President will issue a letter of findings and assigned sanctions (when applicable) to all parties within ten (10) academic days of the initial hearing. This letter will be sent to the Chapter President and copied to the Chapter Advisor, Corporation Board President (if applicable), Office of Student Accountability, Office of Fraternity & Sorority Life Programs, the Office of the Dean of Students, the a appropriate Council President, and the Inter/national Headquarters of that chapter (See Sample Findings Letter).

JOINT JUDICIAL BOARD PROCEDURES

- I. In the event two chapters of different councils are involved in misconduct, a complaint/infraction form must be filed as described on the Dean of Students webpage. The Vice President of Standards and Accountability or Council Presidents have 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 chapters being charged for an informal conference/mediation to resolve the situation or incident; or
 - c) Refer the complaint to a Joint Judicial Board for a hearing.

- II. Prior to the Judicial Hearing:
 - a) The chapters will be notified of the hearing at least five (5) academic days prior to the hearing. They will be notified that this is a Joint Hearing and will be facing a panel of Board members from both boards. If a chapter has a conflict with the scheduled standards board hearing, they must contact the Vice President of Standards and Accountability or President of their respective council at least 48 hours in advance to reschedule. Chapters are allowed to reschedule only once.
 - b) The chapters 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 Vice President of Standards and Accountability or President of their respective council of any witnesses and testimony to be presented on their behalf, not less than 48 hours prior to the hearing.
 - e) If any members of any Judicial Board (including the Vice Presidents of Standards and Accountability or Presidents) are members of the chapters being charged, they must remove themselves from the hearing process. In the case that it is the President or Vice President of Standards and Accountability's chapter, the IFC/PHC President will serve in this role for the hearing. In the case of a MGC or NPHC hearing another executive officer may be designated to serve as the Vice President of Standards and Accountability.

- III. The Joint Judicial Board shall be appointed by the respective Vice Presidents of Standards and Accountability or Council Presidents of the council representing the two chapters and should consist of two current Judicial Board members from each of the two councils.

- IV. The joint hearing procedures will run the same as for an individual chapter, with the exception that each chapter charged is allowed to come in to state their case individually. The Joint Judicial Board will hear testimony from each chapter charged separately. Only after hearing all chapters' testimony, will the Joint Judicial Board determine their findings for each and any appropriate sanctions for each, if applicable.

APPEALS BOARD

Appeals will be considered should a member chapter have reasonable grounds for another judicial board to review the case, as outlined below.

In the case of an appeal, the following characteristics will be applied to the Appeals Board and case, with these characteristics adjusted on a case-by-case basis:

- I. The appeals board for IFC, PHC, MGC or NPHC cases will be comprised of the respective Council Executive Board members, excluding the Vice President of Standards and Accountability from the IFC and PHC councils, and/or any Executive Officer who served on the Judicial Board of the original hearing (i.e. in the case of MGC/NPHC, this may be the President).
- II. The following officers will preside during the Appeals Hearing, depending on the case to be heard:
 - a. Interfraternity Council President
 - b. Panhellenic Council President
 - c. Multicultural Greek Council Vice President of Finance or Vice President Reports & Records
 - d. National Pan-Hellenic Council Vice President (i.e. the second officer in rank on the NPHC) or co-President
- III. The Associate Director of Fraternity & Sorority Life (or their designee) will serve as the advisor to the Appeals Board and must be present for the appeal.
- IV. The appellate board chair may not will hear an appeal when the member's own chapter is involved in the appeal. If the chair's own chapter is involved in the appeal, the next ranking member of the council's executive board will assume the responsibilities of the appellate board.
- V. Appeals will take place as follows:
 - a) The Vice President of Standards and Accountability or President (MGC/NPHC) 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 Vice President of Standards and Accountability may remain present but act in no official capacity but for clarification, at the discretion of the chapter and the Appeal Board Chair.
 - b) The President and relevant witnesses from the appealing chapter will then present their case to the Appeals Board. After this presentation, the Appeals board will have an opportunity to ask questions of the chapter;

- c) Once the appealing chapter has presented their case, the Appeals Board will question the chapter to gather any relevant information that may help them to reach a decision on the appeal;
 - d) The appealing chapter will then be dismissed, and the Appeals Board will move into deliberation, led by the Council President or Chairperson. The Appeals Board will review the case and with a two-thirds (2/3) vote of the board, has the opportunity to:
 - i. Affirm the initial decision;
 - ii. Affirm the initial decision and reduce sanctions;
 - iii. Affirm the initial decision and increase sanctions or;
 - iv. Reverse the initial decision and dismiss the case completely.
- VI. 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; and/or
 - d) The sanction imposed is considered more punitive than educational or not consistent with the findings of fact established during the initial hearing.
- VII. All appeals must be made in writing and submitted to the Appeals form on the respective councils Engage page within five (5) academic days of receipt of the decision of the Judicial Board. Appeal letters must include the following information:
- a) The reason for the appeal. This should be a thoroughly documented statement substantiated, when possible, by attached evidence or statements;
 - b) The decision, including a statement of the findings and the sanction(s) given.
 - c) The appeal is then presented to the Appeals Board within ten (10) academic days of President receiving the appeal.
- VIII. Only new evidence deemed substantial that was not available at the initial hearing may be introduced at this time, and the Appellate Board reserves the right to call any representatives of the chapter for questioning.
- IX. The Vice President of Standards and Accountability or President will testify to the Appellate Board on the methods used by the Judicial Board in making its decision.
- X. The chapter will be informed, in writing, by the Appeals Board Chairperson of the decision of the Board within ten (10) academic days of the Appellate Board meeting or hearing.

- XI. A final appeal may be made to the Interfraternity, Multicultural Greek, National Pan-Hellenic, or Panhellenic Council legislative body, within fifteen (15) class days of the decision of the Appellate Board. Requirements for a final appeal are the same as those for an initial appeal. When considering this final appeal, the Legislative body convene, consider the appeal's evidence, the original Judicial Board's decision, the Appeal Board's decision, and the chapter's testimony. In closed session, they vote by secret ballot. A three-fourths (3/4) vote of all delegates present with voting privileges at a Legislative Meeting may uphold or overturn the decision and/or determine different sanctions.

EVIDENTIARY MATTERS

- I. Evidentiary Classification: Evidence may be either direct or circumstantial. 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. Direct evidence is generally presented by a direct witness to the incident.
 - 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 Board members should adhere to the following process in evaluating whether the evidence should be admitted for the Judicial Board's consideration:

 - a) Material: If the evidence offered by a 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 Vice President of Standards and Accountability or President 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.

- IV. Anonymous statements will not be admitted as evidence due to lack of ability to follow up. The Judicial Board reserves the right to protect the identity of a witness when the issue is of a sensitive matter. The Judicial Board may request a questioning period of the witness on a separate occasion.
- V. 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 responsible or not of a particular charge, it is relevant to determine the appropriate sanction.
- VI. 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 (i.e. it is more likely than not the issue in question is true and/or occurred).

MEDIATIONS PROCEDURE

A mediations board can be formed when a grievance or complaint occurs regarding a chapter or between two chapters that cannot be resolved through other means.

The mediations board shall be composed of the Vice President of Standards and Accountability (IFC/PHC) or the Council President (MGC/NPHC), along with the advisor to the Council Judicial Board. The Vice President of Standards and Accountability shall serve as the chairperson and preside over the meeting. Should there be a mediation with the Vice President of Standards and Accountability/Council President's own chapter, another Executive Officer must fulfill this role.

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.

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, if applicable. This agreement shall be a signed, non-negotiable, contract agreed upon by both parties.

Should this contract be broken, the party who allegedly broke the contract is subject to a judicial hearing.

If no agreement can be reached, the chapters involved may be referred to a judicial hearing.

SUMMARY OF JUDICIAL PROCEDURES

- I. A complaint is filed with the IFC/PHC Vice President of Standards and Accountability or MGC/NPHC President, Interfraternity Council, Multicultural Greek Council, National PanHellenic Council, Panhellenic Council, or Office of Student Accountability.
- II. The chapter is notified of their hearing no less than five (5) academic days prior to the hearing.
- III. The Vice President of Standards and Accountability or Council President decides the appropriate action to take regarding the complaint (hearing, mediation, etc.).
- IV. When the case is referred to Judicial Board, hearing procedures ensue as outlined in the Judicial Board Manual.
- V. The letter of findings and sanctions is issued to the chapter within ten (10) academic days of the decision by the board.
- VI. The chapter may file appeal with the Council President within five (5) academic days of receiving the decision.
- VII. If grounds for an appeal hearing are met, the Council President / Appeal Chair holds an appeals hearing, along with their Executive Board within ten (10) academic days of receiving the appeal.
- VIII. The Council President / Appeal Chair informs the chapter of the decision within ten (10) academic days of the finding.
- IX. If necessary, an appeal is made to the respective council Legislative Body within thirty (30) days of the finding of the Executive Board.
- X. Appeals exhausted.

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 on a case-by-case basis if necessary. Various 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 UI Fraternity & Sorority community.
- II. Public apology – to whom 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 council sponsored (structured) Recruitment opportunities
 - c) Loss of intramurals privileges; and
 - 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 may include suspension or loss of specific events and privileges, which may include but are not limited to socials with alcohol, Greek Week, Homecoming, Follies, Iowa Shout, Intramurals, etc. 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, but will include no less than one full semester of social suspension.
- VI. Social Probation - Social Probation is effective immediately and remains in effect through the date specified by the Board. During the term of the social probation, the chapter will hold no social functions of any nature. Social functions shall be further defined and include, but are not limited to: on-campus or off-campus parties, social activities with other fraternities/sororities, game day tailgating, date functions, formals/semi-formals, etc. Social probation shall not include philanthropic events, business functions, events that fulfill IFC, MGC, NPHC, or PHC requirements, or community service.

- VII. Show Cause Hearing - A call for a chapter to "show cause" to the rest of the UI 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 UI Fraternity and Sorority community as a whole. This sanction is generally applied when chapters have acted in a manner that has brought significant 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, MGC, NPC, or PHC Executive Councils and/or any Director/appointed position (i.e. Greek Week Director, Recruitment Guide, etc.)
- X. Education - Provide educational programming to the UI 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
- XII. Full Payment or Restitution - The Board requires full payment or restitution from the responsible organization to cover damages or the loss of chapter or community property. A deadline for payment must be established. Documentation of payment must be submitted to the Board.
- XIII. Loss of Recognition - Suspension of recognition by the council. Loss of recognition in the council may impact University recognition.
- XIV. Community Service - This sanction is generally applied when chapters have acted in a fashion that has brought discredit to the UI 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. Suspension - This action would involve the immediate removal of all membership privileges within the council for defined period of time. The councils would notify the UISG and CSIL of the suspension of this chapter.

- XVI. 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 sanctions of the Judicial Board or Appeals Board will be sent to the Chapter President and copies to the Chapter Advisor, Corporation Board President, the Inter/National Headquarters, the Office of Student Accountability, and the Office of the Dean of Students.

Copies of all findings and sanctions will be kept in the chapter's permanent file with Interfraternity Council, Multicultural Greek Council, National Pan-Hellenic Council, Panhellenic Council, the Office of Student Accountability, and the Office of the Dean of Students. Findings will be listed on the Iowa FSL website for at least one year.

SAMPLE FORMS

NOTICE OF JUDICIAL BOARD HEARING/NOTICE OF APPEALS BOARD HEARING

Date

Name

Chapter President, Chapter Name

Dear Name,

This letter is to formally notify (Chapter Name) that they are allegedly in violation of the (IFC/MGC/NPHC/PHC Constitution/Bylaws/Unanimous Agreements, etc.). 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:

Article/Section, "Direct quote of bylaw/policy."

It was reported that on (date), your chapter did (activity), which is in violation of the bylaw stated above.

A Judicial Board hearing will be held to determine responsibility, and any sanctions if necessary. The hearing has been scheduled for (date), (time), (location).

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 UI Fraternity and Sorority Life Judicial Manual for more information.

Your attendance at this hearing is crucial. 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 a chapter advisor to any Judicial Board hearing.

In the event of 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 further information, please do not hesitate to contact me.

Sincerely,

Name

Title (Vice President of Standards and Accountability/Council President/Chairperson)

Email

Phone Number

cc: Chapter Advisor
Fraternity & Sorority Life Advisor
Council Advisor
Judicial Board Advisor
Relevant Council/Executive Board Members
Office of Student Accountability and Dean of Students Staff (if applicable)

Enclosure – Rights Afforded the Respondent

SAMPLE FORMS

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:

SAMPLE FORMS

NOTICE OF HEARING FINDINGS

Date

Name

Chapter President, Chapter Name

Dear Name,

This letter serves to formally notify (Chapter Name) of the judicial findings from your hearing on (DATE) regarding (Bylaw/Policy violated). Based on the information presented, the Judicial Board has determined that (Chapter Name) is *responsible* for violating the (IFC/MGC/NPHC/PHC Constitution/Bylaws/Unanimous Agreements, etc.) that state (“Direct quote of bylaw/policy”).

The Judicial Board has determined that (Chapter Name)’s sanction(s) shall be (Insert sanction(s) and any relevant details).

This sanction is to be completed by (date) in an effort to (state why, details, goals of the sanction).

If you wish to appeal the decision of this judicial board, a written letter must be delivered to the (Council) President, (President’s name and contact information) within five (5) class days of receiving this letter. Please consult the IFC & PHC Judicial Board Manual at: www.fsl.uiowa.edu to review the process and criteria for appeals as well as instructions on how to appeal this decision.

If you have any questions or need any further information, please feel free to contact me.

Best Regards,

Name

Title (Vice President of Standards and Accountability/Council President/Chairperson)

Email

Phone Number

cc: Chapter Advisor
Fraternity & Sorority Life Advisor
Council Advisor
Judicial Board Advisor
Relevant Council/Executive Board Members
Office of Student Accountability and Dean of Students Staff (if applicable)

SAMPLE FORMS

JUDICIAL CASE SUMMARY

To be completed each term by Vice President of Standards and Accountability (IFC/PHC) or Council President (MGC/NPHC)

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: Decision voted on by Judicial Board 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 Judicial Board members and the Office of Fraternity & Sorority Life Programs and the Office of Student Accountability at the end of each term.

SCRIPT FOR HEARING

Vice President of Standards and Accountability/ President: Welcome and thank you for coming.

Vice President of Standards and Accountability/ President: (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?

Vice President of Standards and Accountability / President:: At this time, I would like to ask everyone to introduce themselves and their role within this hearing.

Board Member: (Introduce NAME)

Respondents: (Names and roles of those present)

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

Vice President of Standards and Accountability / President: 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)

Vice President of Standards and Accountability / President: 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 with the Hearing Notification Letter. Would you like me to read those again now, or waive them being read?

Chapter: (Answers)

Vice President of Standards and Accountability / President: The Rights Afforded the Respondent are:

- 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.

- The chapter must be given the opportunity to read the written report stating the circumstances and allegations of the case.
- The chapter has the right to a closed hearing.
- The chapter has the right to have an advisor present at the hearing.
- The chapter has the right to hear all testimony presented against them.
- The chapter has the right to present witness and/or statements in accordance with Judicial Board procedures.
- The chapter has the right to remain silent.
- The chapter has the right to be informed of the right to appeal and the procedures for making such an appeal.
- The chapter has the right to an expedient hearing.
- A quorum of at least two-thirds (2/3) of the Board Members must be present for all hearings. Since each Judicial Board contains one (1) Vice President of Standards and Accountability /President and three (3) members, 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.
- A chapter has the right to review its judicial record at any time.

Vice President of Standards and Accountability /President: Do you understand all of these rights?

Vice President of Standards and Accountability /President: You have the right to challenge any Judicial Board member for cause. A two-thirds (2/3) vote of the judicial body, in closed session, will result in the removal of that Judicial Board member for this particular case. Would you like to challenge any Judicial Board members at this time?

Vice President of Standards and Accountability /President: 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.

Chapter: (Plea of responsible or not responsible)

Vice President of Standards and Accountability /President: If you would, please make any opening statements regarding these charges. We ask that you provide us with your understanding of the circumstances that led to your presence here today.

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

Vice President of Standards and Accountability /President: Justices, what questions do you have for the chapter?

Justices: (Ask questions now)

Vice President of Standards and Accountability /President: Do you have any witnesses to provide testimony on behalf of your chapter or any additional evidence to provide to the Judicial Board?

Chapter: (Provide testimony or evidence now)

Vice President of Standards and Accountability /President: Justices, what questions do you have for this witness or for the chapter about their evidence?

Justices: (Ask questions now)

Vice President of Standards and Accountability /President: 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)

Vice President of Standards and Accountability /President: Do you have any additional questions or comments for this Judicial Board?

Chapter: (comments or questions)

Vice President of Standards and Accountability /President: Now I will explain what is going to happen next. This board will move into deliberation and will determine our decision. If your chapter is found responsible, we will also

determine appropriate sanctions for your chapter to complete. You expect the decision no later than ten (10) academic days from today. This will come in the form of an e-mail and the letter will also include information about the appeals process, if you choose to use that. You can also find information in the Judicial Board Manual, which is found at www.fsl.uiowa.edu.

Please know that we will be copying your chapter advisor, if applicable your house corporation board president, and Inter/national headquarters on the findings letter. We also want 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. If you have any additional questions or concerns, please feel free to contact me.