

Missouri State University
Interfraternity Council Judicial Board
Bylaws

PREFACE: These Bylaws do not supersede the University, Local, State, or Federal Law, meaning that other organizations may also conduct their own hearing process.

ARTICLE I

Purpose

As members of the Interfraternity Council for Missouri State, all bylaws imposed shall be followed without hesitation. Each member fraternity is expected to uphold the values we have instituted and hold their peers accountable. Our goal with the Judicial Board is to establish a self-governing body that can ensure all rules and regulations are being followed. If a member fraternity is found in violation of Interfraternity Bylaws, then they will be sent to a hearing conducted by the Judicial Board. Actions that are committed by chapter individuals, chapters as a whole, or disputes between member fraternities will be handled by the Judicial Board. An internal hearing process will allow our fraternity community to effectively enforce our bylaws without the university needing to get involved.

ARTICLE II

Jurisdiction

The Judicial Board will oversee all hearings that may be in violation to the Interfraternity Council Bylaws. The Judicial Board will be in charge of interpreting these written policies and using their knowledge in possible hearings to determine if the member fraternity was responsible or not. The Judicial Board will examine the charges brought forth and determine if it is within their rights to take on the hearing. Hearings may also be conducted by the university in certain circumstances. Violations can include but are not be limited to:

1. Destruction or vandalism of chapter property.
2. Conduct which directly endangers individuals.
3. Acts which cause harm or potential harm to the fraternity community.
4. Failure to complete financial obligations to the Interfraternity Council.
5. Acts that directly go against regulations written in the Interfraternity Council Bylaws.
6. Any other matter that may be brought forward directly to the Judicial Board.

ARTICLE III

Composition

SECTION 1: Structure

1. The Judicial Board shall consist of one member from each fraternity who is in good standing with IFC.
2. The board will consist of the following: VP of Judicial Affairs as the Chief Justice, VP of Social Awareness as the Associate Chief Justice, and the Justices who are appointed from member fraternities.
3. The Associate Chief Justice will oversee hearing procedures if the Chief Justice is not available.
4. Not all Justices will be used for each hearing, but rather appointed by the Chief Justice for each individual hearing.
5. The term of a Judicial Board Justice shall be one calendar year, or until new selections are made.

SECTION 2: Justice Selection

1. The Presidents of good standing Interfraternity Council chapters can only appoint one member from their organization to potentially serve as a Justice. Applicants cannot be the President of any member fraternity.
2. Fraternities must be in good standing with the IFC by the time of the selection process.
3. Applicants must complete the Judicial Board application before the deadline for that term. Failure to do so will result in not having a Justice on the board.
4. The Judicial Board cannot be composed of more than one member from any organization.
5. The Interfraternity Executive Council will review all applications that are submitted and determine if those members meet the qualifications to serve on the Judicial Board.
6. No Justice can serve or vote during a hearing that involves their own fraternity.
7. Selections will be made by the new Interfraternity Executive Council when they start their positions at the beginning of each new calendar year.
8. If a Justice is removed from the Judicial Board during their term for any reason, their fraternity cannot have another member apply until the next selection process takes place.

SECTION 3: Eligibility

In order for an applicant to be eligible, they must:

1. Be an active member of a member fraternity that is also in good standing with the IFC.
2. All applicants will sign a waiver that will release their conduct history and grades to the Interfraternity Council and its Advisor for verification purposes.
3. Not have had multiple conduct violation or are on or have been on Level II Probation with Missouri State University
4. Meet a cumulative GPA requirement of 2.75.
5. Be able to fully complete their year-long term.

SECTION 4: Expulsion of a Justice

A Justice may be removed from duty if:

1. They fail to attend mandatory trainings or required hearings without a reasonable explanation.
2. The IFC Executive Board has a 2/3 vote to remove from the position.
3. They take action that breaches IFC Bylaws and/or University policies.

4. They discuss the hearing or other confidential information with people outside the hearing.

ARTICLE IV

Adjudication Process

Section A- Investigation Process

1. After a formal complaint has been submitted to the Judicial Board, it shall be the job of the Chief Justice to send a notice of investigation to the charged member fraternity.
2. If the charges happen to involve the Chief Justices personal chapter, it shall become the responsibility of the Associate Chief Justice to send out the letter of notification.
3. The letter shall include:
 - a. Member Fraternity/active members being accused.
 - b. Date and time of the incident.
 - c. Location of the incident.
 - d. Description of the incident.
 - e. Any other important information that is prevalent.
4. In order to eliminate all biases, it shall be the Chief Justices responsibility to meet with the complainant and conduct that side of the investigation. They shall conduct meetings with the complainant in order to compile information to send to the Justices.
5. Simultaneously, it shall fall under the responsibility of the Associate Chief Justice to conduct meetings with the accused member fraternity in order to compile information to send to the Justices.
6. Once all information is collected from both parties, an official hearing notice will be sent to the accused chapter and Justices will be notified about the information.
7. If the information collected does not warrant a need for an informal or formal hearing procedure, the Chief Justice may dismiss the allegations that were brought forth.
8. In an event where the Chief Justice is unable to be a part of the hearing process, the Associate Chief Justice will be tasked with collecting information from the complainant. The responsibility of collecting information from the charged member fraternity will then be tasked to the next member of the Interfraternity Executive Board in the line of succession.

Section B- Informal Judicial Hearing Process

1. In cases that are deemed not severe by the Interfraternity Council, or the charged member fraternity admits fault, an Informal Judicial Hearing can be convened instead of a Formal Judicial Hearing. The Chief Justice shall meet with the President of the charged member fraternity to discuss the allegations of the complainant.
2. Within three (3) business days of the Informal Judicial Hearing, the Chief Justice may dismiss the allegations of the complainant with a finding of not responsible or provide the charged member fraternity with their findings of responsibility and their recommendations for a resolution through disciplinary sanctions.
3. The charged member fraternity has three (3) business days to accept or reject the terms of resolution.
4. If the charged member fraternity accepts the resolution, the charged member fraternity waives all rights of appeal, and the outcome is final.
5. The member fraternity will be given a sanction contract that will need to be signed by the President of the chapter. This contract will confirm that the member fraternity agrees to the sanctions that are given and any implications that are associated with it.
6. The sanction contract shall be composed of:
 - a. Description of the sanction.

- b. The name of the chapter.
 - c. The name(s) of any parties involved.
 - d. The date by which the sanction(s) must be completed.
 - e. Consequences regarding failure to complete the sanction(s).
 - f. The signatures of the Chief Justice, Associate Chief Justice, IFC Advisor, and the member fraternity President.
7. If the charged member fraternity rejects the resolution that is delivered, a Formal IFC Judicial Board hearing will then be instituted.

Section C - Pre-Hearing

1. The Chief Justice will assign five Justices to the hearing. The chosen Justices will review the situation and determine if they are capable to take on the hearing. If the Chief Justice cannot be present, the Associate Chief Justice shall assign the Justices.
 - a. Justices will not be assigned to a hearing for their own chapter.
 - b. If a hearing pertains to a situation involving multiple fraternities, then Justices from any of the involved parties will not be a part of the hearing process.
 - c. Justices must review the details of the hearing and decide if they can make a proper decision. If they cannot, then they must excuse themselves from the hearing and a new Justice will be appointed.
2. The Chief Justice will contact all involved parties with pertinent information of the hearing, such as time, date, location, and any other necessary information as soon as it is available.
3. In any event where the Chief Justice cannot participate in the Formal hearing procedures and the Associate Chief Justice fills their role, it shall become the responsibility of the Interfraternity Council to assign a new Associate Justice. The line of succession for the Interfraternity Council is as follows:
 - a. President
 - b. Vice President of Administration
 - c. Vice President of Community Relations
 - d. Vice President of Membership Development
 - e. Vice President of Recruitment
 - f. Vice President of Academics
 - g. Director of Marketing

Section D – Formal Judicial Hearing Process

1. The Chief Justice will initiate the call to order and explain the hearing procedures to all parties.
2. The Chief Justice will then present the allegations that have been brought forth and any evidence for these infractions. The charged fraternity and Justices may ask questions to the Chief Justice at this point.
3. After the IFC presents their information, the President of the accused chapter will be given the opportunity to speak and provide any evidence as to why they did not commit the allegations.
4. Justices will then be allowed to directly ask questions to the President of the accused chapter regarding the charges.
5. The President will answer the Justices' questions to the best of their ability. If they do not feel comfortable doing so, then they must let the Chief Justice know.
6. At this time, any potential witnesses from IFC or the charged member fraternity would be called forward and give their input to the situation. Both Justices and Presidents will be allowed to ask any relevant questions they may have.
7. Once the questioning is complete, there will be a time for closing remarks from the member fraternity. Once this is done, the hearing will enter its deliberation phase.
8. The member fraternity can be given a ruling of responsible, not responsible, or in some cases an extenuation for the hearing. If found responsible, their sanctions will be delivered on a later date.
 - a. Parties are allowed to wait outside the room to hear the Judicial Boards decision but is not mandatory. Official decisions may not be available at this time.
 - b. An extenuation to the hearing may occur if the Judicial Board currently does not feel like they have

enough information, deliberations are taking an extended amount of time, or new information is introduced.

9. An official decision letter will be sent within four university business days detailing the decision of the Judicial Board, what policies they were found in violation of, and all possible sanctions the member fraternity has been charged with. The member fraternity must send a signed letter back to the Chief Justice agreeing to the sanctions provided within seven university business days.

Section E- Rules

1. Only the Chief Justice, Associate Chief Justice, assigned Justices, IFC Advisor(s), witnesses, and President of the member fraternity will be present for the hearing. A chapter advisor may be allowed to attend but will not be allowed to speak or represent the chapter in any way. No others are allowed to be in the hearing. No legal counsel or attorneys will be allowed to represent a member fraternity for a Judicial Board hearing.
2. The President of the member fraternity being brought forth for the hearing will represent and speak on behalf of their chapter. If they are not able to attend, then the chapter will need to send a delegate to speak on their behalf.
3. The Chief Justice will inform the room of their expectations. These expectations will be followed at all times.
4. Confidentiality will be required by all persons who attend the hearing. They will not disclose information involving individuals who were involved, any witness statements, or any detail of the hearing.
5. Once the hearing starts, no party shall leave unless an extenuating circumstance occurs.
6. Evidence may be submitted by the accused party during their argument.
7. The hearing will follow parliamentary procedures. Parties will not speak out of turn. The first outburst will result in a warning but follow-ups may result in removal from the hearing.
8. Justices will only ask questions that pertain to the hearing. Questions that are found to not be correlated to the matter at hand will be dismissed.
9. Witnesses may be called upon to give their account, but the member fraternity must inform the Chief Justice about their arrival prior to the start of the hearing. They will then be questioned by both the Justices and the member fraternity.
10. Previous IFC hearings and incident records are admissible for determination of responsibility and sanctions if the past records are relative to the matter at hand.
11. All member fraternities have the right against double jeopardy.
12. Witnesses must be communicated by email to the Chief Justice at least 48 hours in advance of the hearing so that the Justices have adequate time to evaluate the information. Any witnesses not communicated in this timeline will not be allowed to be present at the hearing.
13. Witnesses will only be present in the room while they give their account to the events that occurred. Once they have given their account and answered all possible questions, they will exit the room.
14. Witnesses that are unable to meet the hearing may write a statement to be read by the Chief Justice during the hearing process. This statement will also need to be submitted at least 48 hours in advance of the hearing. Statements must be a detailed account of the events that occurred and be as thorough as possible.

Section F - Obstruction of Justice

1. If at any time a member fraternity attempts to obstruct this judicial process, the chapter may be subjected to additional charges and/or hearings. Obstruction of justice can be any activity including but not limited to falsifying information, coercing members, skipping the hearing, or any action tampers with the hearing process.
2. If a chapter does not comply with Judicial Board procedures, they can lose their rights to attend the hearing and/or have the appeals process.

Section G - Deliberation

1. Once the Justices feel they have sufficient evidence to determine an outcome, the Judicial Board shall deliberate.
2. The Chief Justice will not vote. Instead, they will run the deliberation and ensure Justices are staying on topic and effectively using their time.
3. Parties can be found responsible, not responsible, or in extreme circumstances an extenuation to the hearing for a new date and time.
4. The outcome of the case shall be determined by a majority vote within the Judicial Board. The Board shall only make a decision if they believe they have a preponderance of evidence without hesitation.
5. Justices must be impartial with their votes. If a situation arises during the hearing where they feel they will not be impartial, then a new Justice will be selected as a replacement and an extenuation may occur. In this circumstance, an extenuation will occur, and a new Justice will be appointed.
6. Justices will converse amongst themselves and inform the Chief Justice of their decision.
7. Sanctions will then be discussed and decided by the Judicial Board through a majority vote.
8. Once an outcome is reached, the Chief Justice will begin their official decision letter detailing the outcome of the hearing and what policies they were found in violation of.
9. The Chief Justice will then officially close the hearing and send their letter to the member fraternity detailing the decision and their sanctions.

Section H- Retaliation Charge

1. All member fraternities and conduct witnesses shall be protected from any retaliation, intimidation and/or harassment that may occur due to the hearing process. Member fraternities and witnesses who believe they have experienced any form of retaliation, intimidation and/or harassment are encouraged to inform the Interfraternity Council as soon as they occur. Any form of retaliation will result in the individuals and member fraternity to be remanded back to a new formal hearing or charge initiated.

ARTICLE V

Sanctions

Section A - Sanction Methods

1. Fines

- a. Pay the Interfraternity Council a fee for their infractions.
- b. Fees will be determined based on what infractions were committed.

2. Restitution

- a. Fully reimburse or replace the property that was damaged.

3. Community Service

- a. Chapter will be required to complete a community service event. The event will be chosen by the organization but must be approved by the IFC Executive Board in advance. This event will not count towards the FSL Programming report.

4. Educational Event

- a. Host an on-campus educational event. The specific event will be determined on a case-by-case basis depending on what infractions were committed.

5. Limitations

- a. Limitations on the rights an organization is entitled to, such as intramurals, FSL events, and the ability to have a Justice on the Judicial Board.

6. Social Probation

- a. There will be a time period in which no alcohol or dry social events are allowed.

7. Letter of Apology

- a. Send a letter of apology from the chapter to parties who were affected.

Section B - Sanction Guidelines & Maximums

The maximum amount a Fraternity may be potentially fined shall not exceed \$250. In the instance that a Fraternity is found responsible for multiple infractions, this amount cannot be compounded, where the chapter cannot be fined more than \$250, so as to not confuse the maximum fineable amount a Fraternity may be fined. The Judicial Board does not have the right to hand out sanctions that would hinder or revoke a chapter from recruiting new members.

Section C - Multiple Violations

If a chapter has multiple charged offenses, each sanction will be given out as an individual charge. The severity of each violation will determine each individual sanction added to the appropriate maximum sanctions of the other violations to create a total maximum sanction.

Section D - Repeat Violations

If a member fraternity breaks the IFC Bylaws repeatedly, the Judicial Board does not have to abide by the maximum sanctions if it occurs at the same time or within one calendar year.

Section E - Severe Violations

If a violation is deemed severe by the nature of the acts and/or consequences of those acts, the Judicial Board will not have a maximum sanction even if one is defined.

Section F - Public Record

Violations will be uploaded to the Missouri State IFC webpage. Specific details of the hearing will not be disclosed but the purpose and date will be made available.

ARTICLE VI

Appeals Process

Section A - Right to Appeal

Member fraternities have the right to appeal the decision made by the Judicial Board. Fraternities may apply for an appeal if they believe there was a procedural error or new information has become relevant to the hearing. Any other reasoning will not constitute grounds for an appeal process. An official appeal must be a formal written document and must state their reasoning behind a need for an appeal process. They must file the official appeal with the Chief

Justice within seven calendar days of the dated decision letter. This appeal must be sent either electronically or handwritten from the Chapter President only. Letters coming from internationals or anyone else are prohibited.

Section B - Appeal Review

The IFC Executive Board will review all appeals that are brought forth. They will determine if the appeal has grounds and an error was committed. If there was no error committed, then the Chief Justice will reach out and deny the appeal process. However, if the IFC Executive Board believes there is a reason for an appeal, then the appeals process will begin. The Chief Justice will provide details about the past hearing to the rest of the Executive Board. The Executive Board will then review the hearing and/or the sanctions of the Judicial Board.

Section C - Appeal Decision

A unanimous decision must be reached by the IFC Executive Board regarding an appeal decision. The Executive Board can uphold the previous decision or send the decision back to the Judicial Board for a new hearing. Fraternities cannot appeal a denial that is made by the IFC Executive Board.

Section D - Appeal Hearing

The appeal will be heard by the Judicial Board, composed of brand-new Justices. If the Chief Justice was part of the procedural error, then the Associate Chief Justice would oversee the appeal process. The Judicial Board will reach out to the member fraternity with important information relevant to the new hearing. The Chief Justice or Associate Chief Justice will inform the current Justices on the new information brought forth. Following that, the hearing will go through the same procedures as a regular hearing. Member fraternities can only go through the appeal hearing process once. After this, there can be no appeal for the same infractions originally brought forth.

Section E - Additional Materials

The Judicial Board must be made aware of what new information is relevant prior to or during the appeal hearing, such as new information or witnesses. The Executive Board may request additional statement(s) or materials from any involved parties.

ARTICLE VII

Amendments
