

ARTICLE VIII – IFC JUDICIAL POLICY

Section I. IFC Judicial Powers and Responsibilities

Per Article VI, Section I of the IFC Constitution, the IFC shall be a peer-governing organization with an independent Judicial Board that shall have jurisdiction over cases involving alleged member chapter violations of IFC policy, including but not limited to:

- A. The IFC Constitution, Bylaws, Code of Conduct, and policies;
- B. The rules and regulations of Rensselaer Polytechnic Institute; and
- C. The general values-based conduct of fraternity members.

As such, the Judicial Board shall have an objective including but not limited to:

- A. To promote the continued growth and excellence of the Rensselaer Polytechnic Institute fraternity community
- B. To facilitate discussions between all member fraternity chapters with the goal of the betterment of the common fraternity member
- C. To operate the council in accordance with the Bylaws established by this Interfraternity Council

Section II. IFC Judicial Board Membership Eligibility

In order to serve as a member of the IFC Judicial Board for a member chapter, an individual must meet the following requirements:

- A. Be an Initiated Member or New Member, in good standing, of an IFC member chapter.
- B. Maintain good academic standing with the institution.
- C. Be devoted to the general ideals and principles of fraternity life and conduct themselves in a professional manner consistent with the Mission and Purpose of the IFC, as defined within this Constitution.
- D. Have a working knowledge of the IFC Constitution and Bylaws, Rensselaer Polytechnic Institute policies, NIC Standards, and NIC Alcohol & Drug Guidelines.
- E. Not be a current member of the IFC Executive Board
- F. Must complete formal judicial policies and procedures training prior to serving on an IFC Judicial Board hearing.

Section III. IFC Judicial Board Composition

The IFC Judicial Board shall be composed of the IFC delegate from each member chapter, and shall be chaired by the IFC Executive Vice President. If a delegate is unable to satisfy the requirements of Section II. IFC Judicial Board Membership Eligibility, then their member chapter shall select a replacement under the procedures determined by that chapter's bylaws.

Section IV. IFC Judicial Board Hearing Justice Selection

The IFC Vice President of Judicial Affairs will select five (5) Judicial Board justices, at random, to hear a case. Once a justice is selected, they are then removed from the pool for future hearings until all justices have been selected. In the event the IFC Judicial Board rotation for service on a Judicial Board hearing falls upon an IFC Justice whose member chapter is involved in the alleged violation, a new random justice will be selected.

Section V. Due Process

In appearing before the Judicial Board, each member chapter shall be granted certain rights termed "due process." Those rights are:

- A. Right to be notified, in writing, of all charges, as outlined in the Bylaws;
- B. Right to present a defense, including the calling of witnesses;
- C. Right to question witnesses;
- D. Right to be accompanied by an advisor for advisory purposes only, but not for representation;
- E. Right to be notified, in writing, of all findings and sanctions imposed, as outlined in the Bylaws;
- F. Right to appeal the decision, as outlined in the Bylaws.
- G. Right to be free from double jeopardy.

Section VI. Filing of Complaints

Any individual or group may file a complaint against a member chapter, specifying in writing the particular alleged acts of the accused. This must be done by submitting an IFC Judicial Complaint Form to the IFC Executive Vice President. The IFC EVP shall promptly review and investigate the allegation. Upon determination that an allegation contains information sufficient to warrant further adjudication, the IFC EVP may charge a member chapter with a violation.

Section VII. Notification of Charges

Once the IFC EVP has determined the filed complaint has merit, the member chapter and its inter/national organization is to be provided written notification of the charges at least two weeks in advance of the hearing. This written notification shall include the following:

- A. Date, time and location of their Informal Resolution Hearing;
- B. Description of the alleged violation; and
- C. Due process rights.

Section VIII. Investigatory Evidence

All evidence related to a complaint shall be compiled and presented to all parties at least one week prior to any informal Resolution Hearing or formal Judicial Board hearing. All evidence shall be directly related to the complaint(s) alleged against the member chapter and shall be approved by the IFC EVP prior to circulation.

Section IX. Informal Resolution Hearing

Upon a finding of the IFC EVP that a filed complaint contains information sufficient to warrant further adjudication, they may offer the charged member fraternity the opportunity to participate in an Informal Resolution Hearing unless they feel that potential sanctions could include suspension or loss of IFC recognition.

In cases in which the charged member chapter accepts an Informal Resolution Hearing, the IFC EVP shall meet with a representative of the charged member chapter to discuss the allegations of the complaint. Within three (3) business days of the Informal Resolution Hearing, the IFC EVP may dismiss the complaint with a finding of no violations, provide the

charged member chapter with their finding of violations and recommendation for a resolution through disciplinary or corrective sanctions. The charged member chapter has three (3) business days to accept or reject the terms of resolution. If the charged member chapter accepts the resolution, the charged member chapter waives all rights of appeal and the outcome is final.

If the charged member chapter rejects the offer of an Informal Resolution Hearing or the resolution, a Formal IFC Judicial Board Hearing will be convened to hear the case.

Section X. Prohibited Sanctions for Informal Resolution Hearing

The IFC EVP shall not recommend suspension or loss of IFC recognition through an Informal Resolution Hearing. Should the IFC EVP believe suspension or loss of IFC recognition is warranted, the case shall automatically be referred to a Formal IFC Judicial Board Hearing.

Section XI. Formal IFC Judicial Board Hearing

If:

- A. The charged member chapter rejects having an Informal Resolution Hearing;
- B. The charged member chapter rejects the findings and/or sanctions of the Informal Resolution Hearing
- C. The IFC EVP determines the allegation is egregious enough to warrant potential suspension or loss of IFC recognition; or
- D. The IFC EVP chose not to offer an Informal Resolution Hearing;

The IFC EVP shall convene a Formal IFC Judicial Board Hearing.

The IFC EVP will select five (5) Judicial Board justices in accordance with Section IV.

The IFC EVP shall serve as a non-voting Chief Justice and preside over all formal Judicial Board hearings.

Section XII. Formal IFC Judicial Board Hearing Proceedings

For all IFC Judicial Board hearings, the following procedures shall be followed:

- A. Participants: Attendance at all IFC Judicial Board hearings shall be limited to the member chapters involved, any witnesses, the IFC Justices assigned to serve on the Judicial Board for the hearing, and the IFC EVP. At the discretion of the IFC EVP, witnesses may be excluded from the hearing room until it is their turn to testify. Additionally, the charged member chapter may be accompanied by its chapter advisor during any Judicial Board hearing. The chapter advisor must be registered as the official chapter advisor of the member chapter. The chapter advisor shall only act in an advisory capacity and is not allowed to conduct any portion of the chapter's presentation.
- B. Confidentiality: All individuals involved in a hearing are required to agree to a statement of confidentiality. Individuals shall not disclose information regarding the following:
 - 1. Any individuals, member chapters, or IFC Justices involved.
 - 2. Details of the proceedings
 - 3. Witness testimony.
- C. Hearing Process:

1. Initiation of the Hearing: The IFC EVP shall inform all individuals present that the hearing will be conducted in an orderly manner and any person causing disruption will be asked to leave. Additionally, they shall advise the charged member chapter of the formality of the hearing and the necessity of all parties to be truthful.
2. Overview of Judicial Hearing Process: The IFC EVP shall outline the process for the remainder of the hearing as follows:
 - a. Presentation of alleged charges, violations, and investigatory evidence against the charged member chapter shall be presented by the IFC EVP:
 - i. Charged member chapter may ask questions;
 - ii. IFC Justices may ask questions;
 - b. Presentation of charged member chapter:
 - i. IFC Justices may ask questions;
 - c. Calling of Witnesses
 - i. Charged member chapter may ask questions;
 - ii. IFC Justices may ask questions;
 - d. Charged member chapter may give final statement;
 - e. IFC Justices deliberate in closed session to determine findings of responsibility and if necessary, appropriate sanction(s).

Section XIII. Conflicts of Interest

In the event the IFC EVP member chapter is involved in the alleged violation, the highest ranking IFC Executive Board officer, starting with the IFC President, shall serve in their stead.

Section XIV. Prohibition on Recruitment Restrictions as a Sanction

The IFC Judicial Board may impose educational and punitive sanctions, as prescribed in the IFC Bylaws, but under no circumstances may it prohibit a Member Fraternity's ability to recruit.

Section XV. System Wide Actions

The IFC will not issue blanket sanctions for chapters that have not been found responsible for policy violations (i.e. [system-wide ban on activities](#)). An exception may be made for health and safety concerns with restrictions limited to events with alcohol, provided the exception is for a defined period of no more than 30 days, with a specific plan to lift the restriction, and in accordance with powers enumerated in the IFC Constitution and Bylaws.

Section XVI. Non-Status Sanctions

The IFC Judicial Board may impose sanctions that are punitive and/or educational, but not solely financial and do not restrict recruitment. The following are sanctions that may be imposed by the IFC Judicial Board and/or IFC EVP (including, but not limited to):

- A. Letter of apology
- B. Fines
- C. Restitution
- D. Educational programming
- E. Public service to the campus or community
- F. Meetings with campus office/departments
- G. Loss of social event and/or campus event privileges

- H. Loss of eligibility for IFC Awards
- I. Censure

Section XVII. Status Sanctions

In the event of an egregious violation, the following are sanctions that may be imposed by the IFC Judicial Board for a specified period of time:

- A. Suspension: Loss of IFC voting rights and removal from good standing status, and any additional Non-Status Sanctions.
- B. Loss of IFC Recognition: Loss of IFC recognition and its rights and privileges.
- C. Removal of the chapter officer(s)/ brother(s) in violation.

When adjudicating a potential violation that may result in suspension/loss of recognition from the IFC for the member chapter, the Judicial Board shall work collaboratively with the inter/national organization and campus.

Section XVIII. Duration of Sanctions

Judicial action shall specify the duration and deadlines of any sanctions imposed. After such specified time, if the member chapter has fulfilled the requirements of the sanctions imposed, the member chapter shall return to good standing. In the event the member chapter does not fulfill all of the requirements of the sanctions imposed, the IFC EVP shall convene a Formal IFC Judicial Board Hearing to determine future course of action.

Section XIX. Notification of Findings

Within three (3) business days of any Informal Resolution Hearing or Formal Judicial Hearing, the IFC EVP shall communicate in writing the alleged violation, the findings of the hearing, and any sanction(s) imposed to the charged member chapter, its international/national organization, and its chapter advisor, as well as any relevant RPI administrators.

The IFC EVP shall notify the IFC General Body of any sanctions imposed upon a member chapter through any Informal or Formal Judicial Hearing.

Section XX. Appeals

The IFC Judicial Board's decision is subject to appeal by a member chapter within two weeks of receiving written notification of the decision. Appeals shall be made in writing to the IFC President and shall be made solely on the following grounds or be dismissed:

- A. Error in the charge and/or Judicial Board Hearing process that materially affected the outcome.
- B. The severity of the sanction did not match the severity of the violation.
- C. New information that could not have been discovered prior to the IFC Judicial Board Hearing through the exercise of reasonable diligence.

Sanctions imposed through the Judicial Process shall stand until an appeal is heard.

Section XXI. Non-Status Sanctions Appeals

The IFC Executive Board shall hear appeals for Non-Status Sanctions. The IFC EVP shall first present the IFC Judicial Board's decision and rationale for its actions. The appealing member chapter shall then be afforded the opportunity to present its reasoning for seeking a reconsideration of the IFC Judicial Board's actions. The appealing chapter must be given

at least one week's notice of the time, place, and procedure of the appeal hearing. Any individual from the appealing member chapter serving on the IFC Executive Board shall not participate in the appeal proceedings. The IFC Executive Board may either dismiss the charge(s) with no sanctions or alter the sanctions imposed by the Formal IFC Judicial Board Hearing. Any alterations must be approved by at least two thirds(2/3) of the IFC Executive Board. The decision of the IFC Executive Board shall be final for Non-Status Sanctions.

Section XXII. Status Sanctions Appeals

The IFC General Body shall hear appeals for Status Sanctions. The IFC EVP shall first present the IFC Judicial Board's decision and rationale for its actions. The appealing member chapter shall then be afforded the opportunity to present its reasoning for seeking a reconsideration of the decision. The appealing chapter must be given at least one week's notice of the time, place, and procedure of the appeal hearing. Upon completion of the member chapter appeal presentation, all representatives of the Member Fraternity shall be dismissed from the meeting, including the member chapter's IFC delegate.

The IFC General Body shall first vote on whether to discuss dismissal or alteration of the status sanction, which shall require a two-thirds (2/3) vote. In the event the IFC General Body votes to discuss dismissal or alteration, the IFC General Body shall determine by a two-thirds (2/3) vote to either dismiss the charge(s) with no sanctions or to alter the sanctions imposed. If a two thirds (2/3) majority cannot be achieved for dismissal or alteration of the sanctions, the initial sanctions will remain in place.

The decision of the IFC General Body shall be final with no further appeal rights.