

[J U D I C I A L]



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OFFICER MANUAL



The information in this manual was compiled to assist Interfraternity Council (IFC) officers and leaders of the campus fraternity and sorority community focus their efforts to maximize their success.

Many IFC officers have experienced less than successful years by not having a focused set of goals and objectives for their term. Using the A Community of Excellence series of IFC officer manuals allows each officer to prepare himself for the demands of office, establish goals, and enjoy a successful term. This philosophy will prevent the IFC from spreading itself too thin and not fulfilling their officer obligations.

One way to maximize effectiveness of this information is to implement it during the officer transition period or at a new officer retreat. The A Community of Excellence Manuals will serve as a framework for each officer to begin thinking about the year and what they would like to do. Each person can then share their individual goals with the board and determine organizational benchmarks, and design implementation plans with the input of the fraternity/sorority community.

While the only term used in this publication is Interfraternity Council, the information is meant to be fully inclusive of fraternity/sorority communities led by Inter-Greek Councils and can be easily shared with NPC, NPHC, and NALFO, NMGC, NAPA and other organizations. This type of interfraternal cooperation will increase the likelihood of successful implementation and maintain positive relations between all elements of the fraternity/sorority community.

The staff of the North-American Interfraternity Conference would be happy to answer any questions you many have about using this manual or other NIC resources effectively. Please visit www.nicindy.org for further assistance.



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IFC Officer Manual: **Judicial**

The IFC should see that all fraternal disciplinary matters are handled both professionally and with guaranteed due process.

Undergraduate fraternity men must be involved in the decision making and enforcement process and fairly represent the Fraternity/Sorority life community.

Judicial efforts should be geared towards educational outcomes and redirection rather than punitive sanctions and loss of privileges.

1. The IFC has a judicial officer and body with a written job description in the IFC constitution with clearly communicated responsibilities. The Judicial officer and body are recognized by the institution, given independent authority over some disciplinary matters, and consulted by appropriate institutional officials when action is taken against fraternity chapters or their members.

Many campuses have judicial bodies in both the residence halls and the fraternity / sorority community. These bodies are delegated the responsibility of dealing with less severe infractions of policies. The IFC often has an additional set of regulations that are not applicable to non-Greek students such as risk management, standards or recruiting guidelines. Since these policies are unique to the fraternity/sorority community, the institution may allow the IFC judicial body to make a decision regarding responsibility and determine an appropriate sanction when necessary.

2. Clearly written judicial procedures and a code of conduct, whether institutional, IFC, or a combination of both are established to ensure fairness and consistency, delineate between situations of organizational, individual and dual responsibility, and are distributed to chapters at least once each year.

The purpose of having clearly defined judicial procedures in the IFC bylaws is to outline the general operating practices of the judicial body. These procedures should above all else ensure that all judicial matters in the fraternity system are handled in a fair, consistent, and impartial manner. Each IFC should craft procedures that are relevant for their community and institution. When creating judicial procedures, the document should include for the following considerations.

- Purpose and purview of the judicial body
 - Why does the judicial body exist?
- What role does the judicial body play in adjudicating potential policy violations?
 - Judicial procedures before, during, and after the hearing to ensure due process for chapters and individuals.
 - Process for initiating complaints and referring or reporting incidents to the judicial body
 - Process for notification of chapter, advisors, inter/national office
 - Logistics of the hearing
 - Process for notification of outcome to the chapter, advisors, and inter/national office
- Ethical expectations of the judicial body
 - Expectations of Confidentiality
 - Fairness and Consistency among all chapters
- Membership of the judicial body
 - Selection process for membership
 - Composition that is fair and balanced
 - Academic and Judicial Standing requirements for membership
 - Dismissal process for membership
- Definition of possible sanctions
 - Sanctions should be graduated and related to the nature of the policy violation
- Appeal processes
 - Who should the appeal be directed toward?
 - What are the grounds for appeal?
 - What is the timeframe for appealing a decision?
- Assessing individual and/or chapter responsibility
 - What are the circumstances that result in group and /or individual responsibility

Code of Conduct

The purpose of the code of conduct is to outline the fraternity system regulations that the judicial body will uphold. This should include everything that the institution or the fraternity community wishes to regulate including non-alcoholic recruitment activities, new member activities, social functions, and many others. Whether these documents are written by the institution, the IFC or a combination of both, they should be reviewed by the institution and the

IFC member chapters at least annually. Then revised copies should be made available to all chapters. These expectations should include the NIC standards as well as be compliant with appropriate Risk Management policies. In the case of a discrepancy between the policy of an individual organization, the IFC, and/or the institution, the most stringent expectation should be enforced.

Members of the fraternity community tend to be identified with their fraternity whether or not their activities and actions are part of a chapter sponsored event. The judicial code should specifically delineate between chapter members who are acting on their own. There may also be times when it is impossible to define an action as either an individual or chapter responsibility. In these cases, both the individuals and the organization should share the responsibility for the action. The judicial body must have a procedure in place to determine if responsibility lies with an individual chapter member, the entire organization, or shared between the individual and the chapter. This process as well as each accompanying sanction should be outlined in the written judicial procedures.

3. Full due process for all parties during hearing procedure with a right to appeal is guaranteed, confidentiality of the proceeding is ensured, and a recorded or written record of all testimony is maintained.

The purpose of an IFC judicial body is to ensure fair conduct throughout the fraternity system and to educate individuals or chapters who make bad decisions. Unfortunately, many judicial bodies forget their purposes and use the conduct process as a way to humiliate and embarrass chapters who have violated their policies by publicizing the outcomes of a hearing during an IFC meeting or on a council or university website.

While many would argue that this type of reporting can be educational because other chapters see and hear the outcomes of policy violations, the confidentiality of the chapter is violated. Each group should have the right to confidentially atone for and learn from mistakes through the sanctioning process. A judicial body which treats individuals and groups in a confidential manner will gain much more from the fraternity community it serves.

Due Process

Campus conduct procedures guarantee full due process for all students affiliated with the institution. Becoming a member of a fraternity does not mean that these rights are forfeited. The IFC judicial body must be extremely careful that these fundamental rights of due process are maintained for both the individuals and groups that appear before them. Due process rights are often outlined in student handbooks and available from the website of the office that handles student conduct. A copy of these rights should be obtained and reviewed in detail during judicial body training sessions as well as outlined in the judicial procedures of the IFC. Each member on the judicial body must be familiar with these rights to ensure that all conduct cases are handled properly.

One way to make sure that these rights are guaranteed for everyone who appears before the judicial board is to use a hearing checklist. This allows for procedural consistency from hearing to hearing and helps ensure that due process is granted to every student or chapter referred. A sample checklist is included at the end of the manual.

It is important to record the procedures of a conduct hearing, especially if an appeal is made at a later date. Recording can happen in one of two ways. The judicial body can appoint a secretary to take minutes during the hearings or the preferred manner is to use a recorder to record the entire hearing. The use of a recorder is preferred because it is simple, allows for quick review if an appeal is made, and permits all judicial members to be alert and attentive during the hearing.

It is wise to inform the individual or chapter in advance that you would like to tape the hearing and ask if there are any objections.