

UNIVERSITY OF OREGON FRATERNITY AND SORORITY COMMUNITY

Judicial Board Bylaws

Interfraternity and Panhellenic Council

AMMENDED 3/31/10

These Bylaws serve as one of the governing documents of all recognized University of Oregon fraternities and sororities. It is revised at the will of the current Interfraternity and Panhellenic Executive Councils at the discretion and approval of the Presidents Councils. This document is to be revised annually.

Article I. Name and Purpose

SECTION I: NAME

The name of the Interfraternity Council/Panhellenic Council (IFC/PHC) governing body shall be known as the Fraternity and Sorority Judicial Board, herein referred to as FSJB.

SECTION II: PURPOSE

The purpose of FSJB is to advance the general interests of both the Fraternity and Sorority and University community at large through jurisdiction of the policies prescribed in the IFC/PHC Constitutions and Bylaws, Social and Recruitment Policies. The FSJB will at all times rule impartially and adjudicate with the highest levels of integrity and respect.

Article II. Authority

SECTION I: AUTHORITY

The authority for the University of Oregon Fraternity and Sorority Community to establish its own judicial procedures is derived from the University Administration.

Article III. Composition

SECTION I: MEMBERSHIP

- A. Membership in the FSJB will be comprised of at least one member, not to exceed two, from every chapter.
- B. The IFC/PHC VPs of Accountability will serve as the FSJB chairs. The Chairs shall be responsible for selecting the men and women that serve on the FSJB.

SECTION II: SELECTION PROCESS AND CRITERIA FOR FSJB MEMBERSHIP

- A. Applications for the FSJB shall be made available no later than the second week of Winter Term.
- B. Each chapter is required to submit at least two potential applicants for the judicial selection process.
- C. The IFC/PHC VPs of Accountability shall make every effort to select a diverse Judicial Board representing a broad cross-section of men and women that comprise the University of Oregon Fraternity and Sorority Community.
- D. Each Board member must meet and maintain the following criteria:
 - 1. Be in good standing with the University of Oregon.
 - 2. Be in good standing with his or her respective fraternity or sorority.
 - 3. Have a minimum cumulative 2.75 GPA.
 - 4. Not be the President of his or her respective fraternity or sorority.
 - 5. Not be a member of the IFC or PHC Executive Council.

SECTION III: TERM OF SERVICE

Membership in the FSJB shall be for one year. Those members wishing to serve another term must reapply for consideration of membership.

SECTION IV: REMOVAL OF BOARD MEMBERS

If the Chairs deem it necessary, they will present the situation to the respective Fraternity or Sorority Presidents' Council and entertain a motion to remove the Board member in question. By a majority vote of the respective Fraternity or Sorority Presidents' Council, the member will be asked to resign by the Chairs.

SECTION V: VACANCIES

Vacancies created by dismissal or withdrawal will be filled through an application and appointment process. Both the IFC and PHC Presidents Councils' must be notified of any vacancies on the committee.

Article IV. Jurisdiction

SECTION I: JURISDICTION

- A. The Judicial Board shall be the official body ruling on all matters of conduct and grievances brought before it. Specifically, the Board shall hear cases involving violations of the IFC or PHC Constitutions and Bylaws, Recruitment, and Social Policies as well as violations of the University of Oregon Student Conduct Code by a fraternity or sorority chapter or colony, unless the actions of individual members violate the above governing documents and reflect and/or are done on the behalf of a chapter.
- B. In incidents that do not match the aforementioned criteria, the Board may serve as a mediation committee to help resolve disputes between chapters or individual members.

Article V. Procedures

SECTION I: ALLEGATIONS

Allegations involving both fraternities and sororities may be made by the following entities:

- i. Fraternity or Sorority President
- ii. Fraternity and Sorority Advisor
- iii. Members of the IFC/PHC Executive Council
- iv. Members of the Fraternity and Sorority, University or local community with direct involvement or firsthand knowledge of violation

SECTION II: REPRESENTATION

- A. Accused parties will be represented by the Chapter President (or successor when necessary).
- B. Representatives will be responsible for all communication regarding the FSJB and hearing process.

SECTION III: INITIATION OF A HEARING BOARD

- A. To be heard before the FSJB an individual must file a Violations Report Form and submit copies to the IFC or PHC VP of Accountability. Incomplete and/or vague reports may not be heard before the FSJB.
- B. Incident Report Forms shall be submitted no later than ten (10) days after the observed event or action. If circumstances warrant actions during a break or holiday, Violations Report Forms must be submitted within one (1) month. Procedures will commence at the beginning of the following academic term unless the Chairs feel immediate action is necessary.

SECTION IV: PRE-HEARING PROCEDURES

- A. The VP of Accountability responsible for the hearing will endeavor to schedule the hearing within ten (10) business days of receiving the complaint if a hearing is needed.
- B. A Notice of Hearing will be sent electronically to the parties filing the charges and any witnesses within one (1) week of receiving the Violations Report Form.
- C. The Notice of hearing will outline:
 - 1. The charges
 - 2. The date, time, and place of the hearing
 - 3. The right to call witnesses and to submit a written statement to FSJB concerning the charges
- D. It falls upon the accused party or individual to contact the VP of Accountability for information beyond the scope of what is listed in the Notice of Hearing.
- E. Should the accused party require more time than is given to prepare for the hearing, the request for an extension must be made at least two (2) business days before the time of the hearing and the reason be approved by the IFC or PHC VP Accountability.
- F. If the representative of the accused party claims to not have been given Notice, and if the VP Accountability cannot provide evidence to the contrary, then the representative may request at the time of the hearing that the hearing be postponed for no less than two (2) business days. If this right is waived, the hearing will continue and the representative may not use the Notice as a basis for an appeal.

SECTION V: RULES OF PROCEDURE

- A. If the defendant is a fraternity, the IFC VP Accountability shall act as Chair and select at random seven (7) members from the pool of FSJB members and thus create a Judicial Hearings Board. If the defendant is a sorority, the PHC VP Accountability shall act as chair and select at random seven (7) members from the pool of FSJB members and thus create a Judicial Hearings Board.
- B. If the appropriate VP Accountability is a member of the accused chapter, their counterpart will serve as Chair. The Chair will make certain to avoid conflicts of interests when selecting a Judicial Hearings Board, including rescinding, when necessary.
- C. The VP Accountability whom is not acting in the capacity as Chair shall serve as a non-voting, Recording Secretary for any hearings of the Judicial Hearings Board.
- D. Members of the FSJB shall never act in an investigative or fact-finding capacity, but only adjudicate on the information presented. Judicial Board members found acting in such a capacity are subject to removal.
- E. If and only if a tie occurs, the Chair will then vote to break the tie.

SECTION VI: JUDICIAL BOARD HEARINGS

- A. Judicial Board Hearings shall have typed minutes. The Recording Secretary shall be responsible for ensuring that the minutes are taken at every hearing.
- B. The Recording Secretary shall not weigh in on any matter during the Judicial Hearing except for assistance on issues related to procedure.
- C. The Judicial Hearings Board Chair shall maintain all privileges granted to the Chair of a body as prescribed in Robert's Rules of Order.
- D. All Judicial Hearings Board members shall be presented with a copy of the Violations Report Form and any pertinent available evidence.

SECTION VII: PRESUMPTION OF INNOCENCE AND BURDEN OF PROOF

- A. The accused party is presumed not responsible until proven responsible by a preponderance of evidence. The burden is on the accuser to prove the responsibility of the accused party.
- B. If, after careful and impartial consideration of all the evidence, a majority of the Board members do not feel persuaded that the accused party is responsible, then the accuser has not met its burden of proof.

- C. All applicable laws and rules apply equally to all parties of co-sponsored social events. If violations occur, both the fraternity/sorority(s) sponsoring the event are held accountable and share responsibility when the investigation and findings of fact warrant it.
- D. Past organizational offenses are not considered when determining whether a chapter is responsible or not, but offenses accrued within the academic calendar year may be considered when deliberating sanctions.

SECTION VIII: HEARING PROCEDURE

- A. Begin with introductions of Judicial Board members, the representative of the accused party, and the accuser. The witnesses shall be introduced as they testify.
- B. The Chair shall brief the members of the Judicial Board and the representative of the accused party and any advisor (if present) on the procedures to be followed in the hearing and give a general review of rights and privileges.
- C. The charges are read individually, and the representative of the accused party submits their plea prior to the reading of the next charge.
- D. The Recording Secretary makes note of which charges the accused party pleads responsible and not responsible for.
- E. The representative of the accused party then makes a statement that encompasses all of the charges and the judicial hearing process for the not responsible plea(s) begins.
- F. The Board members ask the representative of the accused party questions regarding the charges.
 - 1. Questions about charges that the chapter pleads responsibility for are admissible so long as they are relevant, to be decided by the Chair.
 - 2. The accuser presents its witness(es) first; the Board may cross-examine
 - 3. The accused presents its witness(es) second; the Board may cross-examine
- G. Once all of the information has been presented and the Board members have had the opportunity to question all witnesses, the accused is dismissed for the discussion phase, in which the Board members deliberate over the hearing and decide the accused party's responsibility over the charges to which they plead "not responsible."
- H. Once this has been decided, the Board members debate over what sanctions to hand down for those charges which the accused party pleads responsibility for, and the charges that the Board members found the accused party to be responsible for.
- I. The representative of the accused party may reenter the room after the Board has had time to deliberate and decide on appropriate sanctions. At this time, the accused chapter's advisor may be present, as well as the President of the accused party.
 - 1. The accused parties must have their representative sign the Notice of Decision. The original will be filed with IFC/PHC and a copy will go with the party. The party will also be informed of their right to appeal any of the decisions made by the Board.
 - 2. The accuser will be given an electronic copy of the Notice of Decision within two (2) business days of the conclusion of the hearing.

SECTION IX: POST RESOLUTION PROCEDURES

- A. The FSJB minutes, which contain decisions rendered, sanctions levied, and notification of right to appeal, as recorded by the Recording Secretary, shall be sent to the Fraternity and Sorority Advisor within two (2) business days of the hearing.
- B. The Notice of Decision shall be sent to the following persons within two (2) business days of the hearing:
 - 1. The accused party
 - 2. The IFC/PHC Presidents
 - 3. The accuser
- C. The respective VP Accountability will ensure the satisfactory completion of all sanctions.

Article VI. Rulings of the Board

SECTION I: RULINGS

The Judicial Hearings Board shall have the authority to issue punitive sanctions to respective chapters found responsible on any matter.

SECTION II: SANCTIONS

- A. The FSJB shall have the power and authority to mandate the following as sanctions for parties found to be responsible by the Board:
 - 1. Levy fines up to five hundred dollars (\$500) above restitution.
 - 2. Service to the accusing party, or a third party, to be determined by the Judicial Hearings Board.
 - 3. Social probation, which can be the loss of some or all functions.
 - 4. Community service, with event, event time, and length of event to be left to the discretion of the Judicial Hearings Board. The Board may allow the individual party to decide some of these criteria.
 - 5. Educational programs with themes or topics to be determined by the Judicial Hearings Board.
 - 6. Penalties it may deem necessary within the limits of the Student Conduct Code and the Constitution.
 - 7. Any sanction deemed appropriate by the VP Accountability and the Fraternity and Sorority Advisor.
- B. With any event that is co-sponsored and found to be in violation of the social policy, all participating parties shall be found equal guilt and given equal sanctions.

SECTION III: CONSIDERATIONS

The Judicial Hearing Board may take into account the following items when deciding sanctions:

- i. The severity of the offense
- ii. The rehabilitative potential of the accused
- iii. Precedent established by similar cases

SECTION IV: COMPLIANCE

- A. Failure to comply with the sanctions set forth by the Judicial Hearings Board will automatically result in a second hearing with the same Judicial Hearings Board.
- B. All communication regarding the hearing process, including questions about sanctions, must be handled through the IFC/PHC VPs Accountability. Representatives of the organization who contact individual Board members may be further sanctioned.

Article VII. Appeals

SECTION I: APPEALS CRITERIA

The accused party may appeal any decision made by the Judicial Hearings Board based on the following criteria:

- i. Bias among the Judicial Hearings Board membership
- ii. Substantial new evidence/information
- iii. The punishment is too harsh or unreasonable

SECTION II: APPEALS PROCESS

In order for a chapter to appeal a Judicial Board's decision, they must file a Letter of Appeal within five (5) business days of the initial Judicial Hearings Board ruling. The letter shall be sent to the appropriate IFC or PHC President, who can choose to either uphold the FSJB sanction(s) or reduce the sanction(s) to what they find appropriate.

Article VIII. Privacy

SECTION I: DELIBERATIONS OF THE JUDICIAL BOARD

All discussions relating to the violation before the court shall be considered private and confidential as prescribed in University and State policies.

Article IX. Approval

SECTION I: ANNUAL REVIEW

The provisions and procedures prescribed in this document shall be reviewed annually by the fourth week of Spring Term by the Presidents of both the Fraternities and Sororities, or when deemed necessary by the IFC/PHC VPs of Accountability.

SECTION II: RATIFICATION

This document shall be adopted immediately upon ratification of at least 2/3-majority vote of the affiliated chapter presidents of both the fraternities and sororities.