

INTERFRATERNITY COUNCIL (IFC)
FRATERNAL JUDICIAL BOARD
BYLAWS
PURDUE UNIVERSITY
WEST LAFAYETTE, INDIANA

PREFACE: These Bylaws do not supersede Federal, State, or Local Law, meaning that outside law enforcement may take action against an organization.

ARTICLE I
Name

The name of the judicial body of the Interfraternity Council established in these bylaws shall be the Fraternal Judicial Board. The rules and procedures will be governed by the principle of "Fair Play."

ARTICLE II
Purpose

It shall be the purpose of the Fraternal Judicial Board to cultivate loyalty and understanding of the ideals and principles of the Purdue University among all member fraternities and officers of the Interfraternity Council. The Fraternal Judicial Board shall fulfill all requirements of a judiciary branch of government by upholding and interpreting the Bylaws, legislation, and policies of the Interfraternity Council, and adjudicating these bylaws by the principles of "Fair Play." The Fraternal Judicial Board shall do all these to maintain the self-governance policy set forth.

ARTICLE III
Composition

The Fraternal Judicial Board shall consist of the following officials:

1. The Vice President of Administration for the Interfraternity Council serving as the *Prosecutor*.
2. The Associate Vice President of Administration for the Interfraternity Council serving as the *Clerk*.
3. The Chief Justice of the Fraternal Judicial Board.
4. The Associate Chief Justice of the Fraternal Judicial Board (*in place of the Chief Justice or serving as a stand-in justice*).
5. 2 to 10 Justices (*per hearing*).
6. A representative from the Office of the Dean of Students (*who may sit in during hearings*).

ARTICLE IV
Appointment and Eligibility

Section A - Interfraternity Council Bylaws

The Interfraternity Council Bylaws sets forth the method and procedure behind the appointment, nomination, eligibility requirements, and duties for the members of the Fraternal Judicial Board, unless otherwise stated.

Section B - Prosecutor

The *Prosecutor* shall be the elected Vice President of Administration for the Interfraternity Council unless a conflict of interest arises; in which case, the *President* shall assume the role of *Prosecutor*.

Section C - Chief Justice

The *Chief Justice* shall be elected according to the procedures outlined in Article II of the IFC Bylaws.

Section D - Associate Chief Justice

The *Associate Chief Justice* shall be elected according to the procedures outlined in Article II of the IFC Bylaws.

Section E - Justice

The *Justice* shall:

1. be nominated by the Executive Board of the Interfraternity Council & the Chief Justice of the Fraternal Judicial

- Board;
2. be subject to a vote proposed by any member of the Presidents Council as to the status of any *Justice*
 3. not serve on the Interfraternity Council;
 4. not belong to a member fraternity to which any other *Justice* belongs to;
 5. serve on the Purdue University Community Standards Board.

Section F - Clerk

The *Clerk* shall be the appointed Associate Vice President of Administration for the Interfraternity Council.

Section G - Alternate Justices

The *Chief Justice* can appoint the *Alternate Justice*, typically the *Associate Chief Justice*, for a hearing due to a conflict of interests between a *Justice* and his chapter.

Section H - Alternate Prosecutor

The *Interfraternity Council Executive Board* can appoint an *Alternate Prosecutor* for a hearing due to a conflict of interest for the *Vice President of Administration*.

ARTICLE V

Training of Justices

Section A - Community Standards Board Training

All Justices shall attend the Community Standards Board training the first semester they serve on the Judicial Board. The training is given to students who have received positions with that membership. The purpose of this training is to educate the members on the scale of incidents as well as how to properly handle and sanction incidents based on a larger spectrum of responsibility.

Section B - Fraternal Judicial Board Training

All Justices shall attend a training session with The Fraternity, Sorority, and Cooperative Life staff member who will represent FSCL at all Fraternity Hearings to introduce and understand the purpose of the Fraternal Judicial Board, its policies, priorities, function, and protocol. This training will also be used to conduct a mock hearing so that new justices can be introduced to the type of incidents that the Fraternal Judicial Board handles.

ARTICLE VI

Jurisdiction

Section A - Purdue University

The Fraternal Judicial Board shall have jurisdiction to interpret all forms of legislature, written policy, and/or standing policy of Purdue University if the Office of Students' Rights and Responsibilities grants the Fraternal Judicial Board jurisdiction over the incident.

Section B - Adjoining Documents

The Fraternal Judicial Board shall have jurisdiction to interpret all forms of legislature, written policy, and/or standing policy of the Interfraternity Council, and shall take jurisdiction of all incidents of a member fraternity if granted by Purdue University.. The following documents will be interpreted by the Fraternal Judicial Board:

1. Interfraternity Council Fraternal Judicial Board Bylaws
2. Interfraternity Council and Panhellenic Association Joint Policy on Party Management
3. Safety and Risk Management Authority (SARMA) Constitution
4. Safety and Risk Management Authority (SARMA) Membership Agreement
5. Safety and Risk Management Authority (SARMA) Procedures

Section C - Undefined

The Fraternal Judicial Board shall adjudicate on any undefined incident of a chapter that negatively impacts the Purdue University community and or the Fraternity, Sorority, and Cooperative Life's image.

ARTICLE VII

Adjudication Duties

Section A - Prosecutor

The *Prosecutor* shall be the lead prosecution on all judicial matters and shall:

1. Conduct dispute resolution;
2. Conduct administrative reviews;
3. Serve as the liaison between the Fraternal Judicial Board and the Interfraternity Council Executive Board.
4. Disclose evidence from an investigation to the Fraternal Judicial Board;
5. Appoint all sitting Justices for a hearing from the elected Justices;
6. Keep confidential all information regarding investigations, hearings, and decisions.

Section B - Chief Justice

The *Chief Justice* shall be the primary executor on all judicial matters, and shall:

1. serve as the primary officer at hearings;
2. request evidence necessary to reach a decision in any hearing;
3. lead in the drafting of any opinions or decisions of responsibility the Fraternal Judicial Board may release; and
4. keep confidential all information regarding investigations, hearings, and decisions.

Section C - Associate Chief Justice

The *Associate Chief Justice* shall be designated by the *Chief Justice* to serve as an executor on judicial matters, and shall:

1. serve as the primary officer at hearings as designated and assigned by the *Chief Justice*;
2. request evidence necessary to reach a decision in any hearing;
3. assist in the drafting of any opinions or decisions of responsibility the Fraternal Judicial Board may release; and
4. keep confidential all information regarding investigations, hearings, and decisions.

Section D - Justices

The *Justices* shall be the primary adjudicators and jurors at hearings, and shall:

1. sit in hearings in which the *Chief Justice* has appointed him to;
2. request evidence necessary to reach a decision in any hearing;
3. aid in the drafting of any opinions or decisions of responsibility the Fraternal Judicial Board may release; and
4. keep confidential all information regarding investigations, hearings, and decisions.

Section E - Clerk

The *Clerk* shall be responsible for accurate record keeping of all judicial matters, and shall:

1. record accurate transcripts of all hearings;
2. assist the *Prosecutor* in keeping a record of all cases and decisions;
3. assist the *Prosecutor*, *Chief Justice*, and *Justices* on any matters regarding the Fraternal Judicial Board; and
4. keep confidential all information regarding investigations, hearings, and decisions.

ARTICLE VIII Adjudication Procedures

Section A - Pre-Hearing

1. The *Chief Justice* shall assign at least (2) *Justices* to the hearing who will provide a fair and even handed review of a situation.
 - a. *Justices* will not be assigned to a hearing for their own chapter.
2. The *Prosecutor* shall coordinate all aspects of the hearing including time, date, location, set up, and notification.

Section B - Hearing Procedure

1. The *Chief Justice* shall call the hearing to order, read the designated script, charges, and explain the procedure.
 - a. This procedure generally reflects the Purdue University Community Standards Board guidelines.
2. The accused party will be informed of the decision of being found not responsible, responsible, or of the extenuation of the trial at a new time and date within 2 hours of the end of the dismissal of the accused party. This decision does not include sanctions.
 - a. The accused party may wait outside of the hearing room for this decision, but is free to leave.
3. A decision letter will be sent within (5) university business days detailing the charges and decisions made by the Fraternal Judicial Board. This letter will outline all sanctions imposed by the Fraternal Judicial Board.

Section C - Rules

1. Only the *Prosecutor*; *Chief Justice*; assigned *Justices*; *Clerk*; Director of Fraternity, Sorority, and Cooperative Life; President of the member fraternity being brought for hearing; one (1), and only one (1), active undergraduate

member of the chapter will sit in on the hearing; and one (1) chapter advisor - the advisor 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 Fraternal Judicial Board hearing.

2. The President of the member fraternity being brought for hearing represents and speaks on behalf of his chapter.
3. The *Chief Justice* shall rule on all points of procedure.
4. Evidence may be submitted by the accused party during his arguments.
5. No person may speak out of term during the hearing.
6. The *Chief Justice* and *Justices* may ask questions at any time during the hearing to either party.
7. Witnesses may be called in for questioning. They will be examined and cross examined by each party.
8. Previous hearing and incident records are admissible for determination of responsibility and sanction.

Section D - Obstruction of Justice

1. Prior to and/or during the hearing, if a chapter fails to comply with the order and procedures of the Fraternal Judicial Board, an official Purdue University investigation or other such University act, they will be charged with obstruction of justice and subject to a degree of suspension as defined in Article XIII.
2. During the hearing, if a chapter continually does not comply, the accused party will be dismissed and the Fraternal Judicial Board will continue to hear the *Prosecutor's* arguments. The accused chapter will no longer be able to rebuttal any information presented at the hearing as that they will no longer be allowed in the vicinity of the hearing.

Section E - Deliberation

1. If the *Justices* feel they have sufficient evidence to decide responsibility, the *Chief Justice*, *Justices*, and the Dean of Students Representative shall deliberate evidence and adjudicate the hearing.
2. The *Chief Justice* shall direct all post hearing proceedings.
3. Parties can be found Not Responsible, Responsible, or the Fraternal Judicial Board can issue an extenuation of the hearing for a new date and time.
4. Responsibility shall be determined by a majority vote of the *Chief Justice* and *Justices*. Justices shall vote culpable only if they believe that the preponderance of the evidence in the hearing signifies responsibility.
5. *Justices* shall take note of any precedent of hearings, but not prior incident history of the accused party.
6. Sanctions shall be discussed and be levied for charges by a majority vote of the *Chief Justice* and *Justices*.
7. *Justices* shall take note of any precedent of hearings, and prior incident history of the accused party.
8. The Fraternal Judicial Board shall then present its findings on responsibility if the accused has waited for the decision.
9. The Fraternal Judicial Board will then close and a decision letter will be issued by the *Chief Justice*.
10. Sanctions involving withdrawal of recognition, suspension, or with a severity exceeding two full semesters of probationary status with limitations of privileges, either as a direct outcome of the hearing deliberation or as a byproduct of previous sanctions, must be approved by the Dean of Students or their designee. If the Dean of Students or their designee do not approve the initial sanction outcomes, the Chief Justice must reconvene with the Dean of Students or their designee to modify and approve the remaining sanctions. In the event that the Dean of Students or their designee and the Chief Justice are unable to reach a consensus on the modified sanctions, the Chief Justice and the Dean of Students or their designee will present all sanctioning options to the Vice Provost for Student Life or their designee for review and final determination.

ARTICLE IX Dispute Resolution

Section A - Purpose

The purpose of dispute resolution is to mediate disputes between two parties in all affairs not handled by the Fraternal Judicial board.

Section B - Composition

Dispute resolution will be mediated by the *Prosecutor*. The *Clerk* will be present to take notes on the meeting. The two parties will be present.

Section C - Powers

The dispute resolution can come to the close with the mutual agreement of both sides on a solution along with the agreement of the *Prosecutor*. If no such agreement can be made, the case will go to the Fraternal Judicial Board for a hearing.

ARTICLE X
Administrative Review

Section A - Purpose

The purpose of administrative review is to come to agreement on responsibility and sanctions on incidents instead of going through a hearing.

Section B - Composition

An administrative review will be ran by the *Prosecutor* (or his designee) and the Director of Fraternity, Sorority, and Cooperative Life. The accused party's President must attend with an option of having the Chapter Advisor or undergraduate member attend.

Section C - Ability

Only the *Prosecutor* can decide whether a case is fit for administrative review.

Section D - Powers

The administrative review can come to a close with a mutual agreement on responsibility and sanctions by the *Prosecutor*, accused party's President, and the Director of Fraternity, Sorority, and Cooperative Life. If no such agreement can be made, the case will go to the Fraternal Judicial Board for a hearing.

ARTICLE XI
Sanctions

Section A - Sanction Method

1. Fines
 - a. payments to the Interfraternity Council.
2. Restitution
 - a. complete restitution for damages to property.
3. Charitable Acts
 - a. required chapter community service.
4. Education
 - a. programmed educational sessions mandated by the Fraternal Judicial Board. The specific educational session will be defined within the decision letter.
5. Limitations
 - a. limitation of the rights an organization is entitled to.
6. Probation
 - a. time period in which it is expected that all sanctions will be completed and followed, and no incidents shall occur.
 - b. XX Week(s) - week(s) counted as weeks of normal class at Purdue University. Spring Break, Summer Break, Thanksgiving Break, and Winter Break do not count as time for the 16 weeks.
 - c. X Year(s) - calendar year(s) from the effective date of the sanction.
7. Social Probation
 - a. time period in which no alcohol or dry social events are allowed.
8. Suspension
 - a. all possible sanctions will be levied against an organization, and the organization will not be allowed to participate in any chapter related events including meetings, functions, intramurals, etc.
9. Expulsion
 - a. loss of membership with the Interfraternity Council and Purdue University.

Section B - Sanction Guidelines & Maximums

1. Fines & Restitution
 - a. Member fraternities shall not receive sanctions that directly cost in excess of \$2,000 plus restitution of damages per violation. If found responsible for multiple sanctions, fines shall not be viewed in aggregate, but in individual charges.
 - i. For example, if found responsible for 4 violations, the member fraternity shall not be fined more than \$8,000 plus any restitution of damages.

Section C - Purdue Violations

If the violation is a direct violation of a University policy, the Fraternal Judicial Board does not have to abide by the maximum sanctions as stated in Article X §B.

Section D - Multiple Violations

If there are various violations for one chapter, each maximum sanction will be added to the appropriate maximum sanctions of the other violations to create a total maximum sanction.

Section E - Repeat Violations

The Fraternal Judicial Board does not have to abide by the maximum sanctions as stated in Article X §B if it is a repeat violation within the past (2) calendar years. Due to the severity and risk the community takes on repeat offenders, the Fraternal Judicial Board will not have a maximum sanction.

Section F - Severe Violations

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

Section G - Public Record

All sanctions given to Interfraternity Council members will be published on the Office of Student Rights and Responsibilities website as public record.

ARTICLE XII Appeal Process

Section A - Right to Appeal

All member fraternities have a right to appeal their decision if they file an official appeal with the *Chief Justice* within (10) calendar days. An official appeal must be a formal written document, and must state all matters of deviation from proper procedure or judicial standards. This written document will be read by the Interfraternity Council Executive Board during the Appeal Review. This must be provided to and or sent (via an electronic method) to the *Prosecutor*, *Chief Justice*, and *Interfraternity Council President*.

Section B - Appeal Review

The Executive Board of the Interfraternity Council, minus the *Vice President of Administration (or whomever served as the Prosecutor for the case)*, shall review all appeals. The *Prosecutor* must present all case information and the official appeal to the board. The *Chief Justice* will provide insight into the methods and justifications to the determined sanction(s). The Executive Board reviews the process and or the sanctions from the decision of the Fraternal Judicial Board. The sanctions can only be appealed if the chapter in question believes them to be grossly disproportionate to the violation.

Section C - Appeal Decision

A unanimous decision must be reached by the Executive Board excluding the *Vice President of Administration (or whomever served as the Prosecutor for the case)*. The Executive Board can uphold, reverse, or send the decision back to the Fraternal Judicial Board for another hearing. Appeal decisions can not be appealed further.

Section D - Appeal Decision Period

The appeal will be heard by the Executive Board of the Interfraternity Council, minus the *Vice President of Administration (or whomever served as the Prosecutor for the case)* within (14) calendar days after the appeal has been received. This period may only be modified in extenuating circumstances in which the *Interfraternity Council President* will notify the Chapter President of this change.

Section E - Additional Materials

Prior to or during the appeal hearing, the Executive Board may request additional statement(s) or materials from any involved parties. In this circumstance, the appeal decision period will be extended (7) calendar days from the date of the original appeal hearing.

ARTICLE XIII Suspension of Member Fraternity Activities

Section A - Authority

The IFC *President* shall have the authority to suspend any and all member fraternity activities, events, or functions, up to and including a full issuance of cease and desist, for a reasonable, but potentially indefinite, amount of time.

Section B - Reasons for Suspension

There must be some extenuating circumstance(s) that would require the IFC *President* to suspend any member fraternity activities including, but not limited to:

1. It is deemed that the member fraternity continuing activities would put its members at significant physical, mental, or emotional risk
2. A Purdue university, IFC, or other investigation of the member fraternity is underway and it is deemed that the chapter continuing operation would hinder such investigation
3. The member fraternity is non-compliant on regulations and requires more immediate action than the ordinary judicial process

Section C - Confirmation

The decision to suspend any member fraternity activities must be reviewed and confirmed by the *Chief Justice* of the Fraternal Judicial Board within five (5) business days of the issuance by the IFC *President*. If it is not approved within the required time, or the decision is overturned by the *Chief Justice*, the member fraternity can immediately resume full activities until stated otherwise.

ARTICLE IX Amendments

Section A - Right to Introduce Amendments

Any member fraternity in good standing or officer of the Interfraternity Council may introduce an amendment to the Interfraternity Council Fraternal Judicial Board Bylaws or any other adjoining documents as defined in Article XXVI §A - Interfraternity Council Bylaws.

Section B - Procedure for Proposing an Amendment

After the President's Council meeting in which an amendment is introduced, the President's Council shall hear any additional readings of the amendment for discussion and may vote on the amendment at any Presidents Council meeting after its introduction.

Section C - Adoption

An amendment that receives at least two thirds of a vote from Presidents Council is adopted as a part of these Bylaws.

APPENDIX I Document History

Section A - Revisions

Major revisions to these bylaws:

1. Revised February 17, 2015 by Patrick K. Sullivan, Vice President of Administration, Interfraternity Council
2. Revised March 17, 2019 by Noah M. Scott, Vice President of Administration, Interfraternity Council

Section B - Additions

1. Article VII Section D Subsection 10 - Added a requirement for the Dean of Students or designee to approve sanctions in excess of 2 full semesters loss of privilege as well as the process for sanction remediation in cases of disapproval. Passed by President's Council with a vote of 35-0 on March 8, 2016.

Section C - Amendments

1. Preface - Amended preface to add clarification on supersede. Passed by Presidents Roundtable October 27, 2015.

2. Article X Section B Subsection 4 - Amended maximum sanction for first and second offense in hosting an organization on social probation. Passed by President's Council with a vote of 38-1 on February 2nd, 2016.
3. Article VII Section B Subsection 20 - Amended hearing outcome communication timeline from 48 hours to 5 university business days. Passed by President's Council with a vote of 35-0 on March 8, 2016.
4. Amended document to separate separate the roles of Chief Justice and Vice President of Administration. Passed unanimously by President's Council on September 12th, 2016.
5. Article XI Section D - Amended to allow for appeals based on changes in evidence on September 12th, 2016.
6. Article X Section G - Added section to ensure all sanctions go on public record. Passed by Presidents Council September 5th, 2017.
7. Article V - Added information on the training of justices. Passed by Presidents Council September 5th, 2017.
8. Article III - Added Associate chief justice information. Passed by Presidents Council February 13th, 2018.
9. Article VII Section C - Added description of duties for Associate Chief Justice. Passed by Presidents Council February 13th, 2018.
10. Article IV Section D - Added election procedure for Associate Chief Justice. Passed by Presidents Council February 13th, 2018.