



**THE JUDICIAL PROCESS GUIDE OF THE UNIVERSITY OF
SOUTH FLORIDA INTERFRATERNITY COUNCIL**

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FOREWARD

In accordance with the IFC Constitution and Bylaws, the purpose of the Interfraternity Council Judicial Process Guide shall be to establish the policies and procedures for judicial processes. The IFC Standards Board aims to provide a system of controls within the IFC community through fair and impartial judgments. The philosophy of the IFC Standards Board is one of restorative justice. The board seeks to enforce sanctions that are aimed at fixing the source of the problem or problems. This allows sanctions to be constructive for both the community and the Member Chapter.

ARTICLE I. ESTABLISHMENT

- Section 1. By this addendum to the Constitution and Bylaws, US IFC does hereby establish a Standards Board.
- A. The purpose of the Standards Board is to adjudicate alleged violations of the IFC and/or University regulations.
 - B. The mission of the Standards Board is to provide a peer hearing body that is aware of and sensitive to the needs and challenges pertinent to the fraternity system.

ARTICLE II. RECOGNITION AND JURISDICTION

- Section 1. The Standards Board shall have the authority to adjudicate all violations of the IFC Constitution, Bylaws, and all other governing documents that are not direct violation of University Policies.
- Section 2. The University of South Florida's Students Rights and Responsibilities Board and Student Conduct Offices may at their discretion grant the Standards Board the authority to adjudicate violations of the University at their discretion.
- Section 3. The Standards Board is an official review board recognized by the IFC.
- A. The acceptance of a fraternity by the University and the acceptance of one or more individuals into that fraternity is considered a contractual arrangement through which the fraternity and its members agree to abide by all rules set forth by the University and the IFC.
 - B. Any infraction of these rules shall subject the fraternity to disciplinary action by the IFC Standards Board and/or the Office of the Dean.
- Section 4. The Standards Board shall act in accordance with all University rules and procedures concerning organizational conduct.
- Section 5. The Standards Board shall have the final authority to interpret all IFC governing documents.
- Section 6. The Standards Board may hear any case brought against a fraternity as it pleases.
- Section 7. Upon request, the Standards Board may be designated to mediate disputes between or among fraternities even in cases that do not involve a violation of an IFC or University policy.

- A. All parties choosing to utilize the Standards Board in this manner shall waive their right to any form of appeal.

ARTICLE III. MEDIATIONS

- Section 1. Mediations shall be called to settle disputes between IFC organizations that do not directly violate the IFC Constitution and Bylaws.
- Section 2. The process for filing a complaint is as follows:
 - A. A representative of an IFC organization may file a complaint with the IFC Advisor or Executive Board against one or more IFC organizations.
 - B. Upon receiving this complaint, the VP of Standards shall determine whether this complaint should be handled via mediation, an IFC judicial hearing, or be reported to the Office of the Dean/Students Rights and Responsibilities.
- Section 3. If mediation is determined as the necessary course of action, the VP of Standards shall notify the organization(s) in which the complaint was filed against of the issue at hand, and begin setting up mediation procedures between all parties involved.
- Section 4. The time and place of mediation proceedings shall be agreed upon by all parties involved.
 - A. The mediation must take place at a neutral location.
 - B. No fraternity house may be used as a mediation site.
- Section 5. A mediator shall be selected by the VP of Standards, most commonly being himself unless there is a conflict of interest, and approved by all parties prior to onset of mediation, to facilitate discussion between the parties involved.
 - A. The mediator must serve as a neutral party and have no vested interest in the outcome of any decisions made through the mediation.
 - B. The mediator should have a clear understanding of the mediation process.
- Section 6. The mediation shall be attended by the mediator and no more than three representatives from each party, including advisors.
 - A. Should a complaint be filed by, or against, multiple organizations, these multiple organizations shall choose no more than three individuals to represent their combined interests.
 - B. This mediation shall be closed to the public.
- Section 7. The guidelines for a mediation process are as follows:
 - A. The mediator shall begin by setting the ground rules for behavior by all parties involved.
 - B. Each side will then be given a chance to voice their versions of what has transpired without interruption.

- C. The parties involved may then ask questions of one another regarding the issue at hand.
- D. The mediator shall meet with both parties individually if talk between the two stagnates.
- E. Once both sides agree upon an appropriate resolution for the issue, a formal agreement will be drafted by the mediator and signed by all parties.
 - i. A copy of this signed agreement shall be sent to the involved parties, the IFC Executive Board, and the IFC Advisor.
- F. Parties failing to uphold the signed agreement will be subject to a hearing set forth by the IFC Standards Board.

ARTICLE IV. JUDICIAL PROCEDURES

Subdivision 1. Hearings

- Section 1. A Standards Board hearing shall be called to adjudicate an alleged violation of the IFC Constitution and Bylaws. The Standards Board shall use preponderance of evidence as the standard of proof.
- Section 2. Procedures for filing a complaint are as follows:
 - A. Any person or organization may file a complaint against an IFC organization or a member of an IFC organization with the IFC Advisor or IFC Executive Board.
 - B. The VP of Standards shall determine whether this complaint should be handled via mediation, an IFC judicial hearing, or be reported to the Office of the Dean/Students Rights and Responsibilities.
- Section 3. Should the VP of Standards determine that the complaint warrants a Standards Board hearing, he shall inform the accused party, via letter or email, of the charge(s) and of the date time and place of their pre-hearing.
- Section 4. Procedures for a pre-hearing are as follows:
 - A. Should a complaint warrant a Standards Board hearing, a pre-hearing shall occur within ten (10) days of a complaint being filed.
 - B. Pre-hearings are closed to the public.
 - C. Only the VP of Standards, IFC Advisor, IFC President Emeritus', and a maximum of three representatives from the accused party shall be allowed to attend the pre-hearing.
 - i. At least one (1) of the accused party's representatives must be an undergraduate member of the organization.
 - D. At a pre-hearing the VP of Standards shall explain the rights of the accused party as well as discuss the charges brought against them.

- E. Should an accused party accept responsibility to the charges during the pre-hearing, no formal hearing shall be necessary.
 - i. In doing this, the party shall waive all rights to appeal any sanctions assigned by the Standards Board.
- F. Should the accused party not accept responsibility to the charges during the pre-hearing, a formal Standards Board hearing shall take place.

Section 5. Procedures for the time and location of the hearing are as follows:

- A. Representatives of the accused party shall be notified of the time and location of the hearing via letter or email.
- B. The hearing must take place on-campus at a neutral location.

Section 6. The following individuals shall be allowed to attend an IFC Standards Board hearing:

- A. The VP of Standards, who shall serve as Chief Justice.
 - i. May not vote during deliberations unless to break a tie.
 - ii. Is responsible for keeping order and ensuring the appropriate judicial procedures are followed.
- B. The eight (8) justices of the Standards Board.
 - i. A minimum of five (5) justices, excluding the Chief Justice, shall be necessary to conduct a hearing.
 - ii. One of the justices can be assigned to keep the minutes for the hearing.
- C. No more than three (3) representatives from the accused party.
 - i. This shall include any Chapter Advisors
 - ii. At least one (1) representative must be an undergraduate member, preferably the president or other executive officer, of the accused party.
- D. Any witnesses deemed necessary by any party.
- E. The IFC Advisor and/or the President Emeritus may be in attendance to help ensure proper judicial procedures are followed.
- F. Representatives of the University if the charges brought forth involves a violation

of University Policies

- Section 7. If the accused party fails to attend their scheduled hearing, the hearing may still proceed in their absence.
- Section 8. Standards Board hearings shall be closed to the public.
- Section 9. The procedures for the hearing are as follows:
- A. The Chief Justice shall call the hearing to order.
 - B. All individuals in attendance shall introduce themselves and their role in the hearing.
 - C. The Chief Justice shall review the hearing process with everyone in attendance, set for the rules for behavior during the hearing, and advise the involved parties of their rights.
 - D. The Chief Justice shall then read the charges brought against the accused party.
 - E. The accused party shall then be asked to accept responsibility or not accept responsibility to the charges brought against them.
 - i. If the accused party accepts responsibility at this point, or at any other point during the hearing, the Standards Board shall immediately enter into deliberations as to what sanctions to impose.
 - ii. Should the accused party accept responsibility, they shall waive all rights to appeal any sanctions imposed.
 - ii. If the accused party does not accept, the hearing process shall continue.
 - F. The Chief Justice shall present any information and evidence against the accused party that has been provided to him.
 - i. This information and evidence may come in the form of their own oral testimony, the oral or written testimony of any witnesses, as well as any photos, videos, or sound recordings.
 - G. The accused party shall then be allowed to present any information and evidence.
 - i. This information and evidence may come in the form of their own oral testimony, the oral or written testimony of any witnesses, as well as any photos, videos, or sound recordings.
 - H. The accused party, justices, and Chief Justice shall all be given the opportunity to ask questions of one another and of any witnesses when applicable during the hearing.
 - I. Once all information has been given and all questions have been asked, all involved parties shall be excused and the Standards Board shall enter into deliberations.
 - i. During deliberations the Standards Board shall review all information and

evidence presented.

- J. The justices shall then vote on whether to find the accused party responsible or not responsible of the charges presented.
 - i. A simple majority (1/2) vote of the Justices hearing the case shall be necessary to find the accused party responsible.

- Section 10. If the accused party is found responsible, the Standards Board members hearing the case shall be required to agree unanimously on sanctions.
- Section 11. The accused party shall be notified via letter or email of the results of the deliberations within twenty-four (24) hours of the deliberations ending.
- Section 12. All decisions and sanctions handed down by the Standards Board shall be final unless there is legitimate basis for appeal.
- Section 13. The admission of any person not directly involved in the investigation or accusation of the conduct in question into a hearing shall be left to the discretion of the VP of Standards during administrative pre-hearings and Standards Board hearings.
- Section 14. In hearings where more than one fraternity is involved, the Standards Board may choose to conduct the hearings concerning each fraternity separately.
- Section 15. The scope of the Standards Board is not limited only to the original complaint; it may include offenses discovered during the hearing.

Subdivision 2. Rights

- Section 16. Rights of the accused are as follows:
 - A. The right to be informed in writing of all charges at least three (3) days prior to any hearing.
 - B. The right to reasonable access to view information being presented against the accused fraternity prior to the hearing but not the names or organizational affiliations of individuals from whom information was collected.
 - C. The right to have an advisor present during the hearing.
 - i. The advisor may not address the Standards Board, represent the accused fraternity, or directly question or cross-examine witnesses.
 - D. The right to question witnesses that are present.
 - E. The right to present witnesses on their behalf.
 - F. The right to a closed hearing.
 - G. The right to written statement of notification of the results of a hearing no more than five (5) class days after the hearing.
 - H. The right to appeal the decision of the Standards Board as prescribed in this document.

- I. The right to not have organizational behavioral history discussed until after a decision determining responsibility has been reached for the purpose of proposing an appropriate sanction.

Section 17. Rights of the individual or organization making the claim are as follows:

- A. The right to not attend the hearing.
- B. The right to submit a statement that details the alleged actions.
- C. The right to have the assistance of a personal advisor.
 - i. The advisor may not address the Standards Board, represent the individual or fraternity making the claim, or directly question or cross-examine witnesses.
- D. The right to be informed of the outcome of the hearing upon request.
- E. The right to not have individual or organizational behavioral history discussed during the hearing.

Section 18. Any accused member or organization which chooses to not attend the hearing or attends but remains silent waives their right to an appeal.

Subdivision 3. Meeting Minutes

Section 19. Minutes of all proceedings, summarizing the evidence presented shall include:

- A. Date of the meeting;
- B. Names of the voting members of the board;
- C. Chapter designation;
- D. Copy of the written complaint;
- E. Summary of evidence presented by all parties;
- F. Determination of responsibility and the specific provisions of the Code of Conduct or Council Constitution and Bylaws violated (if applicable);
- G. Sanctions imposed (if applicable); and
- H. The contact information for the keeper of the minutes.

Section 20. No vote counts or individual names will be provided outside of the list of justices presiding over the case in an effort to preserve privacy and fairness to all involved.

ARTICLE V. SANCTIONS

Section 1. The Standards Board should always attempt to approach sanctioning in the form of restorative justice.

- Section 2. All sanctions must appropriately fit the severity of the violation.
- Section 3. Sanctions handed down by the Judicial Board may include, but are not limited to:
- A. Letter of Reprimand – shall acknowledge that a fraternity’s actions were inappropriate and unbecoming of a member of the IFC. While a letter of reprimand in itself does not include the forfeiture of any privileges, subsequent violations may result in more serious disciplinary action being taken.
 - B. Restitution – includes payment for financial injury in cases involving theft, destruction of property, or deception. The assessed costs to be paid may be in addition to other penalties.
 - C. Fine – no more than \$2,000 may be imposed on a fraternity. The fine shall be paid to the IFC.
 - D. Intramural restrictions – prohibit a fraternity from participating in any portion of University intramural programs as determined by the Standards Board.
 - E. University or community service – may require a fraternity to complete a specified number of hours set by the Standards Board. Fraternities shall provide proof of completed hours to the VP of Standards.
 - F. Educational seminars – require that a group attend, sponsor, and/or present an educational program as determined by the Standards Board. The program must be approved by the VP of Standards.
 - G. Activities restrictions – may prohibit a fraternity from participating in and/or hosting general and/or specific chapter, Greek, or University events. This may include activities that take place either on or off campus which may include but is not limited to Social restrictions, recruitment restrictions, formal restrictions, etc.
 - H. University probation – may stipulate the forfeiture of specifically listed social and/or other privileges for a period of not less than three months, or more than three calendar years, and may also require specific performance during probation.
 - I. Total probation – the most severe sanction that the IFC may impose upon a fraternity, short of rescinding University recognition. Total probation shall be for a stated period of time not to exceed one calendar year and prohibits the fraternity from: sponsoring, cosponsoring, or participating in any and all social, intramural, recruitment, tailgate, or other similar activities on or off campus; the solicitation of any new members or pledges; and the initiation of any new members. Total probation may also include the forfeiture of other specifically listed privileges. It may also require specific performance by the organization during the period of probation.
 - J. Rescission of University Recognition – the most serious penalty that may be imposed on a fraternity. It involves the revoking of the University’s registration of the fraternity for a stated or an indefinite period of time. The University may also request that the national organization or association revoke the fraternity’s charter, if applicable. Fraternities that maintain residences or meeting facilities on University property may not occupy or utilize the facility unless and until the organization returns to campus as a registered student organization in good standing.

- K. Other sanctions – The Standards Board may impose other sanctions in addition to or in conjunction with those listed here when deemed appropriate.

ARTICLE VI. APPEALS

Subdivision 1. What Constitutes an Appeal

Section 1. Any sanctions rendered by the IFC Judicial Board will be in full effect while the case is going through the appeals process.

Section 2. A fraternity may appeal a sanction only on the following grounds:

- A. The accused party was not afforded due process.
- B. New information is presented that was not available at the time of the hearing.
- C. The sanction is disproportionate to the violation.

Section 3. In order for individuals or organizations to appeal verdicts and/or sanctions, the accused party must first submit a formal request for an appeal in writing to the VP of Standards within five (5) days of the decision being handed down.

- A. Parties that have accepted responsibility to violations during pre-hearing will not be able to appeal any decisions and/or sanctions handed down by the Standards Board.

Subdivision 2. Appeals Process

Section 4. When necessary, the Council President shall act as chair and host a meeting of the IFC Executive Board to serve as an IFC Appellate Consideration Board (ACB).

Section 5. At the IFC ACB meeting, the Council President will preside over the following process:

- A. An explanation of the process of appeals will be given by the Council President.
- B. The letter of appeal is read by the VP of Standards and a simple majority (1/2) vote of the ACB determines if one of the bases for an appeal is presented.
 - i. Anyone who has been a witness, party, or served on the IFC Standards Board for the case being appealed is recused.
- C. If determined necessary for clarification the facts of the case will be briefed by the VP of Standards.
- D. The Appellate Board may ask the VP of Standards for a response to the issues that form the basis of the appeal.
- E. Motions and discussions are heard from the Appellate Board.
- F. Vote of the Appellate Board is taken.
 - i. Five (5) members will be required for a quorum.

- ii. A three-fourths (3/4) vote is required to grant the appeal.
 - G. All excused members are asked to return and the Appellate Boards' decision is presented by the Council President.
- Section 6. After reviewing the request for appeal, all hearing minutes, and all other documents and evidence relating to the case, The IFC ACB may:
- A. Request additional information from any party involved in the case;
 - B. Uphold the original decision and/or sanctions;
 - C. Modify any imposed sanctions;
 - D. Reverse the decision of the Standards Board in part or in total; and
 - E. Remand the case back to the Standards Board for reconsideration.
- Section 7. Decisions made by the ACB shall be final. No second appeal shall be allowed, it is not the nature or purpose of the appeal process to provide for a new hearing at a higher administrative level.
- Section 8. An appeal seeking to modify a sanction imposed by the Standards Board will only be successful if clear and convincing reasons are advanced to show that the sanction does not meet the tests of reasonableness and fairness. A successful appeal will normally result in the case being referred back to the Judicial Board for reconsideration of the sanction.

ARTICLE XIII. AMENDMENTS

- Section 1. This Judicial Process Guide may be amended or additions made by a two-thirds (2/3) vote by Member Chapters in good standing of the Council of Presidents. The Council must be notified of the proposed amendments or additions two (2) weeks prior to the date in which the vote will take place. All propositions and voting for amendments or additions must be held at regular IFC Council of Presidents meetings. Amendments will be effective twenty-four (24) hours after confirmation.
- Section 2. The IFC Judicial Process Guide should be distributed to the Council of Presidents, IFC Executive Board, and IFC Advisors at the first meeting of a new term and after each amendment thereafter.
- Section 3. Minor changes to this Guide for grammatical upkeep or ease of understanding shall not be subject to a vote of any kind.
- Section 4. In the event that the majority or entirety of this Guide no longer suits the needs of the IFC community, an entirely new Judicial Process Guide shall be drafted.
- A. Only under the circumstance of a two-thirds (2/3) vote from the IFC Executive Board or a two-thirds (2/3) vote from the Judicial Board may a decision to rewrite the Judicial Process Guide be approved.
 - B. An entirely new Judicial Process Guide shall only be ratified by a three-fourths (3/4) vote of the Council of Presidents.

ARTICLE XIX. SAVING CLAUSE

- Section 1. Any revision of the Judicial Process Guide of The University of South Florida Inter-fraternity Council shall not invalidate any act or contract of the Council lawfully entered into and not prohibited by the Judicial Process Guide of the Inter-fraternity Council in effect at the time of the act or execution of contract.
- Section 2. Invalidation of any article or section of this Judicial Process Guide shall not invalidate the remainder hereof.