**Judicial Board Bylaws of the Interfraternity Council of the University of Pittsburgh, Amended 2020**

**-Passed on 1/15/20**

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Article I

As an officially recognized Student Affairs affiliated group at the University of Pittsburgh, fraternities are accountable for the conduct of their members. The unique advantage of a student judicial board lies in the ability of its members to influence the attitudes and subsequent behavior of other students through a formally constituted judicial mechanism. Peer influence, exercised through the judicial process, can often be more effective in redirecting the behavior patterns of students than other methods of discipline within the institution. These procedures have been developed to ensure that all discipline cases adjudicated by the Judicial Board are handled in a fair, objective, consistent and orderly manner, protecting the rights of all parties to a fair process.

Although rights of due process are guaranteed, all participants in the judicial process should understand that there is a fundamental difference between the nature of Judicial Board proceedings and the proceedings in a court of law. The discipline of students within the University of Pittsburgh community is primarily a part of the educational process. The exact processes of criminal and civil law do not apply because they are designated for circumstances unrelated to the academic community. To the degree possible, the Judicial Board process should remain informal and non-adversarial. The goals of the Judicial Board process are to compel adherence to IFC policies, to resolve conflicts within the fraternity community, and to promote high standards of conduct.

Abbreviations for terms used in future Articles:

* *Pitt* – University of Pittsburgh
* *IFC* – Interfraternity Council
* *JB* – Judicial Board
* *OFSL* – Office of Fraternity and Sorority Life
* *ADFSL* – Assistant Director of Fraternity and Sorority Life
* *VPDS* – Vice Provost and Dean of Students
* *OSC* – Office of Student Conduct

Definitions for terms used in future Articles:

* *Agreement of Responsibility* – Chapters given an agreement of responsibility must agree to take full responsibility for the actions conducted by or resulting from their organization’s action(s). Chapters may be given an informal resolution, formal warning, or strike depending on the severity of their actions.
* *Social Probation* – Social probation will result in a chapter losing the privilege of holding social events with alcohol with other organizations.
* *Informal Resolution* – A written statement created by the Chief Justice and Judicial Board, outlining the specific infraction committed by the Chapter involved. An informal resolution will be given to a chapter or member when the chapter or member fails to uphold the conduct befitting of a fraternity and/or member. A copy of the resolution will be given to both the Chapter President and Risk Manager, with another copy being kept on file by the Chief Justice and JB, with copies being sent to fraternity’s national headquarters, chapter advisor(s), and OFSL staff.
* *Formal Warning* – A written statement created by the Chief Justice and JB, outlining the specific infraction committed by the Chapter involved. A formal warning will be given when a chapter fails to turn in an application for an IFC position or a New Member Education packet on time, misses two or more mandatory IFC events, and/or garners three or more informal resolutions. Additionally, the Chapter President and Risk Manager must have a meeting with the Chief Justice to discuss the actions committed by the Chapter. Three or more formal warnings acquired by a chapter through the traditional Pitt academic calendar may result in either a strike or a fine determined appropriate by the Chief Justice and JB. A copy of the warning will be given to both the Chapter President and Risk Manager, with another copy being kept on file by the Chief Justice and JB, with copies being sent to fraternity’s national headquarters, chapter advisor(s), and OFSL staff.
* *Strike* – A written statement created by the Chief Justice and JB, outlining the specific infraction committed by the Chapter involved. A strike may be given due to: chapter negligence during social events as determined by the registered events rubric, and three or more formal warnings. An accumulation of three strikes in the traditional Pitt academic calendar year may result in the loss of social privileges, or suspension. A copy of the strike will be given to both the Chapter President and Risk Manager, with another copy being kept on file by the Chief Justice and JB, with copies being sent to fraternity’s national headquarters, chapter advisor(s), and OFSL staff.

\*”Excessive” will be determined by the Chief Justice and JB.

Article II – Jurisdiction

* The Judicial Board shall be responsible for all judicial functions of the IFC.
* The JB will have the power to mediate disputes between member fraternities.
* The JB is empowered to act in cases involving breaches of the rules and regulations of the IFC Constitution, Bylaws, and Policies.
* Decisions by the Chief Justice and JB is final.
* Cases including individual members will be submitted to the Chief Justice and JB who will treat the case in accordance with policies and procedures as set forth by the IFC Constitution, Bylaws, and Procedures, in addition to the Judicial Board Bylaws. The Chief Justice and JB cannot handle cases involving hazing or sexual assault.

 Article III – Rights

* Chapters will be informed of their alleged infraction no more than 14 days after the Chief Justice and JB have received notice of the infraction.
* Chapters summoned to JB have the right to at least two days’ notice before their hearing.
* The accused Chapter is to be provided with a written decision from the hearing within one week of a decision being made.

Article IV – Membership

* The JB will consist of the IFC Chief Justice and six IFC-recognized Voting and Associate Member fraternity members.
	+ There shall be no more than one representative from a given fraternity on the JB, including the Chief Justice.
* For official business to be enacted, a minimum quorum of three JB members must be present, including the Chief Justice.
	+ Any JB Member whose chapter is on trial is permitted to attend the hearing, but may not cast a vote and deliberate with the presiding Chief Justice and JB members. Additionally, the JB Member whose chapter is on trial will not count towards quorum.
* All JB meetings will be conducted exclusively by the JB and Chief Justice.

Article V – Eligibility

* In order to be eligible for membership of the IFC JB, the candidate must be a fully matriculated full-time Pitt undergraduate student in good standing within their chapter going into their sophomore, junior or senior year.
	+ Once selected, JB members will be chosen at the end of the spring semester and will remain on JB until the end of the next academic year.
	+ Candidates must have and maintain a cumulative grade point average of 2.75 to be eligible for JB membership.
	+ Candidates’ chapters may not be on suspension or a variety of probation.
	+ Presidents of IFC chapters are not eligible to serve on the JB.

Article VI – Selection

* JB member selection will occur during each Spring semester, and, up to the discretion of the Chief Justice, may also occur during Fall semesters.
	+ In the event the Chief Justice determines a need to add additional members to the Board, JB member selection may be started at any time.
* The interview process remains at the discretion of the Chief Justice.
* Only two people may apply to be a JB member per IFC-recognized fraternity chapter
	+ All selected Members must meet the eligibility requirements, as described in Article V.
* If JB already has a member from a certain chapter, no other members from that chapter may be selected
* Upon selection, newly selected JB members will be asked to sign a nondisclosure agreement to protect the information of chapters and members during hearings.

Article VII – Voting

* All JB Members except the presiding Chief Justice will have one vote when making a decision for a sanction.
	+ The presiding Chief Justice is permitted to vote in the case of a tie.
* A sanction or set of sanctions is approved by a simple majority vote.

Article VIII – Pre-Case Procedures

* Within 14 days of the incident for which there will be a case, the OFSL, OSC, University of Pittsburgh Police Department, any Pitt administrative body, or member of the FSL community are encouraged to notify and submit all evidence to the Chief Justice and JB.
	+ For members of fraternities to submit evidence, they may email either the Chief Justice or Members of the JB the possible infraction they have discovered, in addition to any relevant evidence they have compiled.
* If the case is determined to be sufficiently severe by the Chief Justice or JB, the case will be reported to the OSC if they have not already received notice.
	+ If the OSC hears the case, the JB is permitted to hear the case as well in accordance with the IFC Constitution, Bylaws, and Policies, in addition to the Judicial Board Bylaws.
* After the Chief Justice has been notified and all evidence has been provided, he has up to seven days to notify the President or presiding officer of the fraternity that the fraternity has been charged based on an incident. Details given to the chapter leader should be as follows:
	+ Date of the Incident
	+ Administrative group charging the fraternity
	+ Infraction believed to be committed by the fraternity
	+ Date, time, and place that case will be presented to the JB

Article IX – Procedure

1. Only the Chief Justice, JB Members, and two to three representatives from the chapter will be present, no business will be conducted with outside organizations present without express consent of the Chief Justice, JB, and chapter president.
	1. One representative must be an executive board member, but subsequent representatives do not have to be.
		1. Depending on the severity of the alleged infractions, the Chief Justice or JB may call for representatives to be present.
	2. At least one representative present must have been directly involved with or closely tied to the incident in question.
	3. If a conflict of interest arises which pertains to the Chief Justice, he will recuse himself from the hearing.
		1. JB Members will decide amongst themselves who will lead the hearing.
2. The procedure for all cases is to be as follows:
	1. Call to order.
	2. Introduction of presiding JB members and chapter representatives.
	3. Reading of the alleged infractions.
	4. Presentation of evidence collected by the Chief Justice and JB.
	5. Statements from representatives of the fraternity under question.
	6. JB Members may ask questions during the statements, moderated by the Chief Justice.
	7. Dismissal off fraternity representatives.
	8. Deliberation of specifics of sanctions to charged fraternity.
	9. Voting on appropriate sanctions.
	10. Decision outcome.
	11. Documentation of final decision and enaction of any and all sanctions.
	12. Adjournment.
3. The final decision must be sent to the Assistant Director of FSL, IFC President, Chapter President, and Chapter Advisor.

Article X – Case Levels and Possible Sanctions

Possible sanctions are as follows:

1. Formal Warning – Refer to the subsequent definition in Article I.
2. Strikes – Refer to the subsequent definition in Article I.
3. Chapter Review Board – a meeting with the Fraternity’s executive board, a representative from the OFSL, chapter advisor, and other administration members as determined necessary by the ADFSL.
4. Education / Remedial – sanctions that are specific to an individual case when it is determined that educational or remedial value may be in the interests of the chapter and broader community.
	1. EX: Social chair training with entire chapter, Risk Management training, member safety training, etc.
5. Fines
	1. Vary in nature depending on case (see below)
	2. Are payable to the IFC within two weeks of chapter receiving the outcome
6. Payments made after two weeks will incur a non-compounding late fee valued at 20% of the base total fine value due for each week overdue in the absence of special arrangements
	1. If a fraternity does not pay their fine by its due date, and does not establish a payment plan, or misses a scheduled payment from an established payment plan, additional actions may be taken by the Chief Justice and JB.
	2. Restitution - reimbursement for damages of property or other financial loss.

1. Agreement of Responsibility
	1. Chapters may be given an informal resolution, formal warning, or strike depending on the severity of their actions.
2. Loss of Privileges -- The fraternity may be temporarily stripped of privileges including but not limited to recruitment, new member education, or social functions.
3. Suspension – the fraternity may be suspended from any IFC activities or FSL activities, such as complete loss of privileges. Which may include recruitment, NME, and social functions.
4. Loss of IFC recognition.
5. Expulsion.

An outline of social and safety sanctions can be found in Article XIII. This serves as a guide for the JB when determining punishment.

Additional considerations:

1. Amnesty Clause - If a member of a fraternity calls in the assistance of University of Pittsburgh Police and/or The City of Pittsburgh Police/EMS to an unregistered and registered event, and the event is discovered due to the fact that the aforementioned parties were called, then the Chief Justice reserves the right to grant full amnesty for the event. The fraternity will be given credit for their actions, resulting in a more lenient sanction.
	1. This does not apply to instances in which brothers are encouraged to call the aforementioned parties by an outside party, aforementioned parties must have been called of the fraternity’s own volition. If a fraternity calls in the aforementioned parties of their own volition during a registered or unregistered event, without encouragement from event observers or other outside parties, then the fraternity will be given credit for their proactive handling of the situation in any hearing resulting from the event.
	2. If the Amnesty Clause is utilized by a fraternity during any event, the Chief Justice reserves the right to grant full amnesty for the organization, depending on the severity of the incident.
		1. While the Chief Justice may grant full amnesty, other offices are free to pursue their own investigations if deemed necessary by their office.

Article XI – Appeals

* Only the convicted and sanctioned fraternity has the right to appeal, and those appeals must be filed no later than 48 hours from the day of the decision.
* Appeals must be presented in written form to the Chief Justice or JB.
* Appeals may be sought on one or more of the following grounds:
	+ *Question of Fact*—Fraternities may appeal on questions of fact by introducing new evidence unavailable at the time of the case that would have significantly affected the outcome of the case. Evidence introduced that was not known by the accused shall be considered new evidence. Evidence that was withheld by a fraternity or that could have been discovered and presented with reasonable effort shall not constitute a question of fact and will not be considered upon appeal.
	+ *Question of Procedure* – Appeals will be considered based on questions of procedure and that such departure from established procedure significantly affected the final decision.
	+ *Severity of Sanction*—Fraternities may appeal the severity of the sanction that has been imposed by presenting a statement that explains why they believe the penalty is too severe.
		- In appeals regarding the Severity of Sanction, the IFC Executive Board will review the appeal and will either recommend or not recommend that the Chief Justice and JB hear the appeal.
			* The IFC Executive Board can recommend that the sanction severity be reduced, and the Chief Justice and JB may or may not heed their counsel.

Article XII – Amendments

* These bylaws may be modified at any meeting of the IFC by a two-thirds vote of all present and voting members of the IFC.
* In the event of special or extenuating circumstances within the University or the IFC, the Board reserves the right to change these bylaws without a vote from the members of the IFC. This power will be utilized only in the most extreme of circumstances.

Article XIII – Rubrics

**Registered Social Events**: Registered events will be judged with much more leniency than unregistered events. However, the following tiered violations (Tier 3 being the most severe) could lead to a chapter coming before the Judicial Board and potentially receiving a sanction:

|  |  |  |
| --- | --- | --- |
| **Tier 3:** | **Tier 2:** | **Tier 1:** |
| Evidence of fraternity serving alcohol at a dry event | Crowd Control | Lack of fraternity cooperation with event observers/IFC |
| Entrances/exits blocked | Drinking without wristbands | Lack of food/water |
| Hard liquor present at beer and wine events | Sober brothers being visibly intoxicated | Sober brothers not easily accessible |
| People on the roof | Covered smoke detectors |
| Injuries to partygoers | Unsafe conditions created in the house |

* Registered events may be given a “walk-through” at random occurrences.
	+ The walk-throughs will be conducted by either the Chief Justice, JB Members, IFC Board Members, or FSL Staff
* Based on severity of violation(s) present at the event, the Board will receive a suggested sanction based on the following table:

|  |  |
| --- | --- |
| **Violations Present:** | **Suggested Sanction:** |
| Tier 3 Violations Present | Formal Warning/Strike |
| Many Tier 2 and Tier 1 Violations Present | Formal Warning |
| Few Tier 2 and Tier 1 Violations Present | Informal Resolution/Formal Warning |
| Only Tier 1 present | Informal Resolution/Formal Warning |

* The Board will also consider repeat offenses as well as the fraternity’s cooperation with JB in determining their sanction.
* This rubric and decision-making process is meant strictly as a suggestion, not as a rule for JB proceedings. The Judicial Board reserves the right to give any sanction different from the one suggested by these guidelines, based on other factors discussed in the fraternity’s hearing. This could include educational sanctions, fines, or any other measure within the Board’s power.

**Recruitment, New Member Education and Other Fines**

* The Chief Justice and JB will decide on financial sanctions depending on a case-by-case basis.
* Chapters are encouraged to appeal fines or sanctions that they feel are too extreme.

**NOTE:** The Chief Justice or JB reserve the right to impose additional sanctions, which may include increased fines, social sanctions, educational measures, or any other sanction available to the Board, if deemed necessary or for repeat offenses of a chapter.