IFC Judicial Process

I. Complaint is submitted to the Office of Greek Life
   a. Any fraternity-related complaint should be submitted to the Office of Greek Life.
   b. The Director of Greek Life will determine, based on the applicable IFC, FIPG, and Auburn University policies, if there is sufficient information to warrant an investigation.
      i. If, in the discretion of the Director of Greek Life, the report is insufficient/lacks enough information, no action is taken.
      ii. If, in the discretion of the Director of Greek Life, the report is sufficient and the Director of Greek Life sees cause for an investigation, he/she will begin the investigation process.
      iii. If necessary, the Director of Greek Life may take preliminary measures to temporarily suspend chapter operations pending the investigation.

II. The Investigation
   a. The Director of Greek Life will request the Director of Student Conduct to appoint one Student Affairs designee and the IFC President to appoint one IFC designee which will constitute the two person investigative team. Additional investigators may be appointed if it is deemed necessary. The IFC designee may not be affiliated with a fraternity that is a subject of the investigation.
   b. The Director of Greek Life will share the necessary information of the reported complaint with the investigative team.
   c. The investigative team will be charged with investigating the alleged complaint. The investigation process can include, but is not limited to: interviews, review of police reports, review of previous incidents reported, and discussions with members, advisors, and/or other potential witnesses. The purpose of the investigative phase is not to determine responsibility, but to gather information/evidence to aid in determining whether the incident that was reported has merit and should move forward in the process.
      i. The investigative team can request assistance from the Office of Student Conduct for help scheduling interviews if they see the need.
   d. The investigative team will compile the findings of their investigation into a report which they will send via email to the IFC Referral Committee* along with copying the Director of Greek Life and the Director of Student Conduct.

III. The role of the IFC Referral Committee
a. *The IFC Referral Committee shall be comprised of the IFC President, the IFC Vice President of Risk Management, the IFC Judicial Board Advisor, and the IFC Advisor.*

i. In the event that the IFC President or Vice President of Risk Management is a member of the fraternity under investigation, he will not be able to serve on the Referral Committee for this case.

1. The individual in line to replace either position will be the IFC Administrative Vice President.
2. If the IFC Administrative Vice President served on the investigative team, or is affiliated with the fraternity that is a subject of the investigation, then the IFC Vice President of Recruitment will fill the position.

b. The IFC Referral Committee will meet as soon as possible but, absent extraordinary circumstances, no later than 10 school days after receipt of the report of the investigation to review the report and determine any of the following actions. This report will be referred to the Office of Student Conduct to evaluate if additional action should be taken in respect to individual misconduct.

i. The report warrants no merit for the organization and the case is dismissed. A notice will be sent to the organization’s president, advisor, and national office.

1. The definition of merit in this context means that the IFC referral committee determines that the findings in the investigative report indicate that a violation of applicable IFC, FIPG, and/or Auburn University policies may have occurred.

ii. The report warrants merit for the organization,

1. The Vice President of Risk Management is responsible for formally charging the organization, informing the organization’s president that the case will be heard by the IFC Judicial Board, and scheduling the court date (informing all necessary individuals).

   a. The Vice President of Risk Management will share the investigation report with the president of the alleged fraternity along with the members of the IFC Judicial Board.

   b. The Vice President of Risk Management will choose the earliest possible date for the Judicial Board hearing that allows for a minimum of 72 hours* of preparation that shall begin when the alleged fraternity receives written documentation of the date of the hearing.
*Waiver of the 72 hour minimum may be possible if requested in writing by the fraternity. This will be determined by the Vice President of Risk Management.

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IV. The IFC Judicial Board hearing

a. The hearing shall be closed to all individuals other than the following: the Judicial Board Chairman, six Judicial Board members, the Judicial Board advisor, Vice President of Risk Management, IFC President, Director of Greek Life (or designee), and the representatives of the accused organization. The Vice President of Risk Management, in his discretion, may also invite other witnesses to attend if he deems their presence may assist the IFC Judicial Board in assessing responsibility.

b. The organization shall have the right to have an advisor present at the hearing. Advisors can advise their clients but are not permitted to participate directly in the hearing.

c. All persons, including any witnesses, are called into the hearing room. First, the Judicial Board members, accused, and any witnesses will introduce themselves. The Judicial Board Chairman will start the hearing by providing the following instructions:

   i. All information presented and discussed in this hearing is to remain completely confidential.

   ii. All discussions are limited to the alleged wrongdoing outlined in the investigative report.

   iii. Anyone who does not conduct themselves in an orderly manner may be asked to leave.

   iv. All representations made by any of the parties are to represent the truth. Any misrepresentations are subject to additional penalties.

d. The Vice President of Risk Management or his designee will present the allegations to the Judicial Board.

   i. Judicial Board members may ask questions of anyone during the presentation to clarify information presented.

e. The accused organization will then be asked by the Judicial Board Chairman to present to the Judicial Board any information they may feel is relevant to the case.

   i. Judicial Board members may ask questions of anyone during the presentation to clarify information presented.
f. After this presentation, the Judicial Board will have the opportunity to ask any additional questions they still have for the accused organization or anyone present at the hearing.

g. When the Judicial Board has no further questions, the Judicial Board Chairman will allow the representative of the accused organization to make a closing statement. Following the closing statements, the Judicial Board Chairman will close the hearing and excuse all persons except the Judicial Board.

V. Post-Hearing Deliberation

a. Post-hearing deliberation will begin immediately after the representatives of the accused organization are dismissed.

b. The Judicial Board will first determine what information is clear and will go on to compare and contrast the information given in the hearing.

c. A decision will then be made stating whether the accused organization is “responsible” or “not responsible” for the alleged violations and provide reasoning for the decision. The standard of proof will be preponderance of the evidence. This is decided by a simple majority vote of the Judicial Board members. The Vice President of Risk Management, IFC President, Judicial Board advisor and Director of Greek Life (or designee) are non-voting members. The Judicial Board Chairman shall not vote unless there is a tie.

d. The discussion will next focus on the severity of the violation and consider precedent if a precedent has been set. The Judicial Board may also consider any previous violations of the organization within the last four years.

e. Any sanction or combination of sanctions can be imposed for a particular case. It will be the IFC Judicial Board’s responsibility to determine the level of the violation for each case. The three levels of violations to assist the Judicial Board in determining the appropriate sanctions to impose are listed below in Section VI.

f. Any sanction or combination of sanctions must be agreed upon by a plurality of the IFC Judicial Board. The Judicial Board chairman shall not vote unless there is a tie.

   i. Once the Judicial Board has determined the necessary sanctions for the specific violation(s), they must state their rationale for the proposed sanctions.

g. The Judicial Board’s decision will be sent in writing to the organization’s president, advisor, and national office within five school days of the Judicial Board Hearing.

VI. Violation Levels and Sanctions

a. Level One Violation: Includes but is not limited to vandalism, theft, fights between fraternities, failing to meet IFC grade policy, an unregistered party, and violation of IFC Constitution, policy, or guidelines.

   i. Sanctions

      1. Warning

      2. Fine not in excess of $10 per member
3. Letter of apology
4. Community service not in excess of 3 hours per member
5. Replacing/repairing lost or damaged property
6. Required to create or update Scholarship/Risk Management program

b. Level Two violation: Includes but is not limited to Auburn University policy, minor hazing violations, harassment, a repeated or extreme level one violation, failure to follow FIPG policy, and unregistered parties/events.
   i. Sanctions
      1. Any combination of Level One sanctions
      2. Fine not in excess of $20 per member
      3. Loss of a party or social function
      4. Letter to national office
      5. Educational programming
      6. Leadership conference
      7. Social probation for a minimum of one semester

c. Level Three Violation: Includes but is not limited to a common supply of alcohol, serving alcohol to minors, alcohol at rush events, use or distribution of illegal drugs, major hazing violations, violation of multiple IFC/Auburn University policies, and repeat or extreme offenders in all violation categories.
   i. Sanctions
      1. Any combination of Level One and Two sanctions
      2. Fine not in excess of $30 per member
      3. Letter to National Office
      4. Social probation for a maximum of one academic year
      5. Membership review from the fraternity’s National Office
      6. Educational programming
      7. Community service not in excess of ten hours per member
      8. IFC probation for a maximum of one year, which may include any combination of the following
         a. Social probation
         b. Intramural probation from fraternity league
         c. Recruitment limitations in accordance with IFC recruitment events such as incoming freshmen list and rush orientation
         d. Restricted participation in IFC events
         e. Refusal to recognize fraternity achievements, awards, and trophies
      9. Recommend to the Vice President of Student Affairs that the fraternity be put on University Suspension

VII. Enforcement
   a. The IFC Vice President of Risk Management, IFC Judicial Board Chairman, and the IFC President will ensure the enforcement of sanctions jointly. The Vice President of Risk Management will be in charge of verifying all documentation presented by the organization in accordance with the Judicial Board’s decision.
b. If the sanctions are not met by the time designated by the Judicial Board or if the sanctions are violated then the organization will return to Judicial Board for further review and possibly additional sanctions.

VIII. Appeals

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

b. Appeals of IFC Judicial Board decisions must be made on one of the following bases:
   i. Improper procedure was followed by the IFC Judicial Board.
   ii. It is evident that sanctions were more severe than the precedent established in a previous case.

c. Procedure:
   i. The fraternity president shall submit a written appeal to the IFC Vice President of Risk Management within ten school days of receiving the Judicial Board’s decision.
   ii. At the IFC Council of Presidents appellate meeting, the IFC President will preside over the following process:
      1. An explanation of the process of appeals will be given by the IFC President.
      2. The letter of appeal is read by the Vice President of Risk Management and a simple majority vote*** of the Council of Presidents determines if one of the bases for an appeal is presented.
         ***Anyone who has been a witness, party, or served on the IFC Judicial Board for the case being appealed is recused.
      3. If determined necessary for clarification the facts of the case will be briefed by the Vice President of Risk Management.
      4. The Council of Presidents may ask the IFC Judicial Board Chairman for a response to the issues that form the basis of the appeal.
   iii. At this time, the IFC President will ask anyone who has been a witness, party, or served in the IFC Judicial Board hearing to leave during deliberations.
      1. Motions and discussions are heard from the IFC Council of Presidents.
      2. Vote of the IFC Council of Presidents is taken.
         a. 15 presidents will be required for a quorum.
         b. Four-fifths vote required to grant the appeal.
      3. If the appeal is granted, IFC Council of Presidents can either decide to dismiss all sanctions or vote on reduced sanctions. This decision to dismiss or reduce sanction requires a majority vote, and the IFC President shall not vote unless there is a tie.
      4. If the appeal is denied, the sanctions against the organization will stand.
iv. All excused members are asked to return and the Council of Presidents’ decision is presented by the IFC President.

d. Upon good cause shown, the Vice President for Student Affairs may review any matter and take appropriate action as needed. Examples of good cause include but are not limited to evidence of differential treatment or evidence that proper procedures were not followed.

IX. Amendments

a. Amendments to this judicial constitution must be proposed by the IFC Judicial Board and require a three-fourths vote of the Council of the Presidents for ratification.