



Interfraternity Council (IFC) **Judicial Process**

Definitions:

- I. The term “**Merit**” in this context means that the IFC referral committee determines that the findings in the investigative report indicate that a violation of applicable policies may have occurred.
- II. The term “**Referral Committee**” means the decision-making body who determines if there is sufficient evidence that a violation of applicable policies may have occurred. The voting members of the committee consists of two (2) student representatives from the IFC Executive Board and two (2) faculty/staff representatives.
- III. The “**IFC Judicial Board**” shall be held in accordance with the Auburn Interfraternity Council Judicial Constitution.
- IV. The term “**IFC Judicial Hearing Panel**” means a subset of the IFC Judicial Board designated for a particular case. The composition of the hearing board shall be held in accordance with the Auburn Interfraternity Council Judicial Constitution.
- V. Terms used within this document are defined within the Auburn Code of Student Conduct Section II.

Judicial Process:

I. Complaint is submitted to the Office of Greek Life

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

II. The Investigation Phase

- a. The Director of Greek Life will request the Director of Student Conduct to appoint one University designee and a member of the Interfraternity Council (IFC) Executive Board will appoint one IFC student 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 IFC investigation process will follow the investigation process as outlined in the Code of Student Conduct.

III. Determination of Merit and Notification of Charges

- 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 or a designated member of Greek Life staff.
 - 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 the case.
 - a. The individual in line to replace either position will be the IFC Administrative Vice President.
 - b. 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 after receipt of the report of the investigation to review the report and determine if there is merit to the case. Absent extraordinary circumstances, the Referral Committee will meet no later than ten (10) school days after receipt of the report. In addition to the actions outlined below, the committee may also refer the report to Student Conduct to evaluate if additional action should be taken in respect to individual misconduct.
 - i. Should the information available not merit the issuance of charge(s), the IFC Vice President of Risk Management will notify the accused regarding the decision and may facilitate an educational conversation with one or more involved parties.
 - a. If there is no merit to a complaint, no charges will be issued, and notice will be sent to the organization's president, advisor, and inter/national office.
 - ii. Should the information available be sufficient to issues charge(s), IFC Vice President of Risk Management, serving as the charging party, will send a notice of charge(s) to the accused party, who upon the sending of a notice of charges becomes the charged party.
 - a. Notice of charges shall include formal written notification of alleged violations included the alleged behavior and the polices alleged to be violated.

IV. IFC Resolution Process

- a. Eligibility
 - i. All cases determined to have merit are eligible to go before the IFC Judicial Board for a formal hearing.
 - ii. Eligibility for the Informal Resolution Process (IRP) will be determined at the discretion of the referral Committee.
 - a. A unanimous vote by the Referral Committee affirming a chapter's eligibility for the IFC Resolution Process is required.
 - b. The Referral Committee reserves the right to deny a chapter's eligibility due to frequency of conduct cases, degree of alleged violations, or other factors deemed relevant.

- c. The Interfraternity Council's Informal Resolution Process is intended for violations that the IFC Referral Committee believes do not qualify as needing a formal hearing, as outlined above, and the Referral Committee may send violations through this resolution process at its own discretion.
- b. Informal Resolution Meeting
 - i. After merit has been determined and the matter is determined to be eligible for the IFC Resolution Process (IRP), a resolution meeting will be scheduled.
 - ii. The IFC Vice President of Risk Management will serve as the charging party and notification of charges will follow the same process and timeline as outlined in the formal hearing process below.
 - a. The IFC Vice President of Risk Management, in consultation with the IFC Judicial Board Advisor and a representative from Greek Life, will meet to discuss possible outcomes for the case.
 - b. The IFC Vice President of Risk Management will determine the outcomes which may be presented to the charged party during the IRP meeting.
 - iii. Meeting with the Charged Party
 - a. The Charged party will meet with the IFC Vice President of Risk Management, IFC Judicial Board Chair, IFC Judicial Board Advisor, and Director of Greek Life or their designee.
 - b. The IFC Vice President of Risk Management will provide the Charged fraternity's President or designee with copies of the investigation memo, and resolution letter with proposed sanctions.
 - c. Should the charged party accept the outcomes and sanctions, then a resolution will be reached.
 - d. Should the charged party not accept the outcomes and sanctions, then the matter will be referred to a formal Hearing of the IFC Judicial Board.
- c. Formal Judicial Board Hearing
 - i. Upon referral of the case to the IFC Judicial Board, the Vice President of Risk Management will provide written notice to the charged party of the hearing procedures. The IFC Vice President of Risk Management shall also inform the charged party of the opportunity to meet with the Auburn IFC and Greek Life prior to a hearing.
 - ii. The Auburn IFC assembles the IFC Judicial Hearing Panel for each case which will be comprised in compliance with the IFC Judicial Constitution

V. IFC Judicial Procedures for Formal Hearing:

- a. Membership of the Hearing Panel
 - i. The IFC Judicial Hearing panel shall consist of the following: the Judicial Board Chairman, six Judicial Board members, the Judicial Board advisor, the IFC Vice President of Risk Management (serving as the charging party), the IFC President, and the Director of Greek Life and/or designee. No Member of the hearing panel may be affiliated with or members of the charged organization.

- ii. If a member of the Hearing Panel's organization is involved in a violation to be reviewed by the panel, that member shall be replaced by a Judicial Board alternate. If the chairman is unavailable, or a member of an organization involved in a violation to be reviewed by the panel, then the IFC President will appoint a member of the Judicial Board to serve as chairman for the hearing.
 - iii. A quorum for the Hearing Panel shall be six (6) IFC Judicial Board Members, the IFC Judicial Board chairman, and one faculty/staff member, unless both the charged and charging parties agree to a different quorum.
 - iv. The IFC Judicial Hearing Panel will conduct its deliberations in closed and confidential sessions.
 - v. No member of the hearing panel may abstain from voting, and the chairman will only vote in the case of a tie. A simple majority vote will sustain the findings of the panel.
- b. The charged and charging parties
- i. The charged party and charging party have seventy-two (72) hours before the initial scheduled date of the hearing to submit documentation for consideration in the hearing. The submitted documentation should include information about the incident, names of known witnesses and documentation to be presented at the hearing.
 - a. Any new evidence or witness statements that were not part of the initial investigation must be submitted to the IFC President and IFC Judicial Board Chair for review. This request should include reasons this information was not presented during the investigation. At their discretion, the new evidence for either the charged or charging party, may be presented to the Hearing Panel during the formal hearing process.
 - ii. If either party fails to submit documentation before the hearing, the chairman will determine whether information presented during the hearing will be allowed.
 - iii. The Hearing Panel Chair may request the appearance of additional witnesses if such witnesses could present relevant information that could have a material impact on the resolution of the case.
 - iv. Should a witness fail or refuse to appear, the Hearing Panel has the option to proceed in that witnesses' absence and make decisions based on information available.
- c. Hearing Procedures
- i. A hearing date shall be set by the by the chairman of the Hearing Panel in coordination with the Auburn IFC and Greek Life. The Hearing Panel shall make every effort to hear the case with reasonable promptness. All parties shall be notified of the time, date, and location of the hearing and specific charge(s) to be considered no less than seventy-two (72) hours between the date of the notification and the date of the hearing. An exception to the seventy-two (72) hour preparation period may occur if all parties agree to schedule the hearing for an earlier date.
 - ii. If the charged party fails to attend the hearing following written notification of the hearing date and without good cause as determined by the Hearing Panel, or if the

- charged made it impossible to deliver the notice despite diligent efforts, the Hearing Panel may hear and resolve the case based on information available.
- iii. Case preparation shall be carried out by the IFC Vice President of Risk Management, with assistance from Greek Life staff. The Hearing Panel chairman, the charged party, may review (but not copy or take) any submitted documentation and materials at least forty-eight (48) hours prior to the date of the hearing.
 - iv. The chairman of the Hearing Panel shall exercise reasonable control over the hearing and shall exercise his discretion to ensure a fair process. All procedural questions are subject to the final decision of the chairman.
 - v. The organization shall have the right to have an advisor present at the hearing. Advisors can advise their representative but are not permitted to participate directly in the hearing.
 - vi. Each party shall have the right to present witnesses and information at the hearing and to be present during the presentation of other witnesses and information.
 - vii. Each party shall arrange for the attendance of their own witnesses.
 - viii. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the hearing panel.
 - ix. The hearing shall be conducted in the following manner:
 - a. All persons are called into the hearing room.
 - b. The hearing panel, charged party, and advisors shall introduce themselves.
 - c. The hearing panel chairman will review the protocol for the hearing.
 - d. The Vice President of Risk Management or designee, serving as the charging party, will present the charges to the hearing panel.
 - i. Hearing panel members may ask questions during the presentation of charges to clarify the information presented.
 - e. The charged party will then be asked by the hearing panel chairman to provide information they feel is relevant to the case, at the discretion of the hearing panel chairman, and are afforded no more than five (5) minutes to present an opening statement.
 - f. One at a time, approved witnesses for the charged party will be invited into the hearing room.
 - g. Approved witnesses for the charged party will then be given the opportunity to present evidence.
 - h. The hearing panel members may ask questions of the witness during the presentation to clarify information provided. After their presentation, the witness will be asked to leave, and any additional approved witnesses will enter the hearing room following the procedure above.
 - i. One at a time, approved witnesses for the charging party will be invited into the hearing room.
 - j. Approved witnesses for the charging party will then be given the opportunity to present evidence.

- k. The hearing panel members may ask questions of the witness during the presentation to clarify information provided. After their presentation the witness will be asked to leave, and any additional approved witnesses will enter the hearing room following the procedure above.
- l. Witnesses for both the charged and charging party are then excused for the remainder of hearing, unless called upon by the hearing panel to represent their evidence or to answer additional questions from the hearing panel.
- m. After these presentations, the hearing panel will have the opportunity to ask any additional questions they still have for the charged party.
- n. When the hearing panel has no further questions, the hearing panel chairman will allow representatives of both the charged and charging parties to provide a closing statement not to exceed five (5) minutes in length.
- o. Following the closing statements, the hearing panel chairman will dismiss the charged party and any witnesses from the hearing.

VI. Post-Hearing Deliberation:

- a. The Hearing Panel will determine the outcome based on the preponderance of the information submitted. No member of the panel may abstain from voting, and the chairperson will only vote in the event of a tie.
- b. Following a determination of responsibility, the Hearing Panel will determine sanctions. In determining sanctions, the panel may also consider any previous violations of the organization. The Vice President of Risk Management, IFC President, Judicial Board Advisor and Director of Greek Life (or designee) are non-voting members for both determining responsibility and assigning outcomes.
- c. Any sanction or combination of sanctions can be imposed for a particular case.
- d. Any sanction or combination of sanctions must be agreed upon by a simple majority of the IFC Judicial Hearing Panel. The Judicial Panel chairman shall not vote except in the event of a tie.
- e. The Judicial Hearing Panel's decision will be sent in writing to the organization's president, advisor, and national office within five (5) school days of the Judicial Panel Hearing.

VII. Judicial Board Outcomes:

The IFC Judicial Process and associated conduct outcomes are designated to be educational, promoting a healthy and safe environment while also respecting the rights of all members of the Auburn IFC community.

The following conduct outcomes may be imposed upon an IFC chapter found responsible for violations of the IFC Constitution, Code of Student Conduct, or Auburn University Policy.

- a. **Written Warning:** A written expression of disapproval to the student or student organization for a violation.
- b. **Loss of Privilege:** These sanctions represent denial of specified privileges for a designated period of time including but not limited to attending an Intercollegiate Athletics sporting event, participating in an intramural or club sports activity, representing the university in an official capacity, hosting or sponsoring student

- organization activities/events, holding an elected or appointed student office or appointment to a university committee, and/ or entering/using a university facility.
- c. **Service Hours:** A designated number of service hours to be completed by a specified date. Location and projects for completion of service hours must be approved by Auburn Interfraternity Council and Auburn Greek Life.
 - d. **Educational Outcomes:** Programs, projects, or assignments designed to educate a chapter about the effect of that organization or its members behaviors including but not limited to an alcohol and/or other drug education program, a reflection paper, community or campus service, and/or a letter of apology.
 - e. **Policy or Procedure revision:** The chapter is required to develop or revise certain protocols, in order to reduce the likelihood of that violation be repeated.
 - f. **Restorative sanctions:** These sanctions require a chapter to make an injured party whole. This may include but is not limited to financial restitution for damages or letters of apology.
 - g. **Request of Membership/Officer Review:** request to the organization's Headquarters (HQ) that each member meets with HQ staff and is reviewed. Members who do not pass the review are suspended, removed, or expelled from the organization. Or a request that the Headquarters review the chapter's leadership specifically for continuation within their elected or appointed roles within the organization.
 - h. **Disciplinary Probation:** This is an elevated warning status. Should another violation occur while this status is in place, the organization faces elevated sanctions
 - i. **Social Probation:** The organization may not host social events as defined by the Student Organization Social Event Policy.
 - j. **Loss of Recognition:** Recommend to the Senior Vice President of Student Affairs that the fraternity be put on University Suspension.

VIII. 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 the sanctions are violated, then the organization will return to the Judicial Board for further review and possibly additional sanctions

IX. 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 the 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 (10) 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:
 - a. An explanation of the process of appeals will be given by the IFC President.

- b. 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 the basis for an appeal is presented.
 - i. Anyone who has been a witness, party, or served on the IFC Judicial Board for the case being appealed must be recused.
 - c. If determined necessary for clarification the facts of the case will be briefed by the Vice President of Risk Management.
 - d. The Council of Presidents may ask the IFC Judicial Chairman for a response to the issues that form the basis of the appeal.
- iii. At this time, the Presidents will ask anyone who has been a witness, party, or served in the IFC Judicial Hearing Board to leave during deliberations.
 - a. Motions and discussions are heard from the IFC Council of Presidents.
 - b. Vote of the IFC Council of Presidents is taken
 - i. Fifteen (15) presidents will be required for a quorum.
 - ii. Four-fifths (4/5) vote is required to grant the appeal.
 - c. If the appeal is granted, the IFC Council of Presidents can either decide to dismiss all sanctions or vote on reduced sanctions. This decision to dismiss or reduce sanctions requires a majority vote, and the IFC President shall not vote except in the event of a tie.
 - d. 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 Senior 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.

X. Amendments

- a. Amendments to this Judicial Process must be proposed by the IFC Judicial Board and require a three-fourths (3/4) vote of the Council of Presidents for ratification.