

Interfraternity Council
Judicial Review Board Bylaws
California State University, Fresno

ARTICLE I – Purpose

There shall be an Interfraternity Council (hereafter, “IFC”) judicial body known as the Judicial Review Board (hereafter, “JRB”) whose primary purpose shall be to ensure adherence to all fraternity related policies. The JRB will serve to investigate and adjudicate reports brought before it in an effort to ensure compliance with all IFC and fraternal policies, University rules and regulations, and applicable state laws.

ARTICLE II – Jurisdiction

Section 1 The JRB has jurisdiction over all IFC member organizations, including local and national fraternities and any group petitioning for membership into the IFC.

Section 2 Violations by organization members may result in disciplinary action against organizations.

Section 3 The JRB may investigate and adjudicate incidents concerning, but not limited to, the following:

- a) Recruitment infractions;
- b) Alcohol violations;
- c) Vandalism;
- d) Fights or Unsportsmanlike Conduct;
- e) Hazing;
- f) Actions which create the appearance of impropriety to the fraternal community and/or Fresno State, or which may create liability for an IFC member organization, the IFC, or Fresno State;
- g) Violations of state and local law.

Section 4 The JRB may investigate and adjudicate any incident which the IFC President, IFC Vice President, and the Fraternity and Sorority Life Advisor deem appropriate if jurisdiction applies and/or if reports are filed.

Section 5 In certain instances, it may be necessary for the University to take immediate disciplinary action. This may be necessary when, in the opinion of the University, the operations of the organization(s) involved may constitute a threat or disruption of the normal academic process of the University. Upon investigation of charges by the University, the case may then be referred back to the JRB.

Section 6 The jurisdiction of the JRB is not necessarily limited to the original complaint; it may include other offenses revealed during a hearing. If a new offense is revealed the chapter involved may waive the right to seven (7) days advance notification of a hearing and have the decision rendered at the hearing.

ARTICLE III – Composition

Section 1 The IFC JRB hearing officers shall consist of one member per chapter as appointed by each chapter president. The appointed chapter member may not be the chapter president. Appointees must have a cumulative GPA of at least a 2.50 and be an initiated member of an IFC organization for at least one year.

- Section 2 Each hearing board officer shall serve a tenure of one calendar year, and may be reappointed by the chapter president. Chapters shall submit the name and contact information for their hearing board officer to the IFC Vice President in writing prior to the end of the first week of the Spring semester. Additionally, chapters must notify the IFC Vice President of their hearing board officer's resignation in writing, and submit a replacement within two weeks.
- Section 3 The IFC Vice President shall serve as Chief Justice of the JRB.
- Section 4 An IFC executive board officer may not serve as a JRB hearing officer unless he is fulfilling the role of Chief Justice.
- Section 5 If the Chief Justice's fraternity is involved in a case brought before the JRB, then a new Chief Justice will be appointed by the IFC President.
- Section 6 When a hearing is scheduled, in addition to the Chief Justice, the JRB will consist five (5) hearing board officers. The officers will be selected at random.
- Section 7 A hearing board officer may not be a member of the fraternity involved in the case being heard by the JRB.
- Section 8 A hearing board officer whose chapter is not in good standing with IFC may not serve on the board.
- Section 9 A hearing board officer engaging in disorderly conduct can be removed from the hearing itself by the Chief Justice.
- Section 10 The JRB may find the accused chapter responsible or not responsible by a two-thirds (2/3) vote of all hearing board officers.
- Section 11 A hearing board officer may be removed from the JRB by a two-thirds (2/3) vote of all hearing board officers.
- Section 12 The Fraternity and Sorority Life Advisor(s) shall serve as an ex-officio non-voting member of the JRB and shall serve in an advisory capacity concerning IFC, University, and fraternal policies and guidelines.

ARTICLE IV – Reports and Investigation

- Section 1 Any person may submit an Incident Report Form via the online incident report form located at www.fresnostate.edu/IFCreport. Reports must be submitted no later than 14 days after the alleged incident.
- Section 2 Reports may also be received from the University Police Department, or the Fresno Police Department using their preferred format.
- Section 3 Within one week of an Incident Report Form, or police report, being received, the IFC President, IFC Vice President, and the Fraternity and Sorority Life Advisor(s) will meet to determine whether the report has merit.
- Section 4 If it is determined that the report has merit, the Chief Justice will notify the accused chapter president(s) of the alleged violations, via e-mail, within one week of receiving the report.

- Section 5 The email shall contain the following information:
- a) Brief description of the alleged violation
 - b) Advisement regarding the chapter's rights to:
 - i. A hearing,
 - ii. Appear at the hearing with an advisor,
 - iii. Present testimony of witnesses, documentation, and other information, and argue on its own behalf,
 - iv. Appeal,
 - c) Information on how to schedule the hearing date and time.

Section 6 Investigation of the alleged violation will be conducted by IFC President, IFC Vice President, and/or the Fraternity and Sorority Life Advisor(s). This includes interviewing witnesses, reviewing supporting documentation, etc.

Section 7 The IFC Vice President is responsible for scheduling the hearing date and time. The hearing is to take place within two weeks of the chapter receiving notice.

ARTICLE V – Hearing Procedure

Section 1 The Chief Justice shall serve as the spokesman and moderator for the JRB. The Chief Justice shall also be responsible, when requested, for informing any member of the JRB or the chapter(s) involved in the case about the judicial process.

Section 2 The Chief Justice of the JRB shall serve as recording secretary for all JRB hearings. Records from all hearings will be kept on file in the Fraternity and Sorority Life Office and will be made available only to official representatives of those parties involved.

Section 3 There must be five (5) hearing board officers present during a hearing. The Chief Justice will vote only in the event of a tie among the hearing board officers.

Section 4 The accused chapter(s) is entitled to have three (3) spokespersons, which must be undergraduate active members of the chapter.

Section 5 The chapter(s) accused of the alleged violation has the right to have an advisor, who is not an undergraduate student affiliated with the chapter, present during the hearing. An advisor, even if he/she is an attorney, may not present information or address the JRB; his/her role is to simply provide support for the chapter.

Section 6 The JRB has the right to review all reports and documentation it considers to be essential to rendering a decision.

Section 7 If a chapter fails to appear at the hearing, the JRB, by way of a two-thirds (2/3) vote, will select one (1) of the following courses of action:

- a) Reschedule the hearing based on the reason for the absence; or
- b) Render a decision based on the available information.

Section 8 The Judicial Board typical format for a typical hearing includes:

- a) Pre-hearing document review in a closed session by the JRB,
- b) Hearing called to order by the Chief Justice,
- c) Introductions of hearing participants,
- d) Clarification of the judicial process, and charges,
- e) Presentation of information and testimony by accused chapter

- f) Questioning by hearing board officers
- g) Post-hearing deliberation of the JRB in a closed session

- Section 9 The pre-hearing discussion and post-hearing deliberation will be closed; only the JRB members may be present.
- Section 10 A chapter will be found responsible of a violation when, in the determination of the hearing board officers, there is preponderance of evidence.
- Section 11 The chapter(s) involved, and the chapter advisor(s) shall be sent email notification of the outcome of the JRB hearings within seven (7) calendar days of the hearing. The outcome letter shall also contain information about sanctions and the process of appeal.
- Section 12 The IFC Vice President will provide information regarding the outcome of the JRB at the next IFC general body meeting,

ARTICLE VI – Disciplinary Sanctions

- Section 1 After hearing the case, the JRB shall render a decision of responsible or not responsible for the alleged violations. If the chapter(s) is found responsible, a disciplinary sanction may be imposed
- Section 2 The JRB shall have the authority to issue sanctions to a chapter found responsible. Sanctions should be education based and promote adherence to all policies and regulations. Potential sanctions include, but are not limited to the following:
- a) A written reprimand indicating that the chapter’s actions were inappropriate and subsequent infractions should not occur;
 - b) Probation, defined as a period of time not to exceed one (1) year;
 - c) Suspension of certain privileges including, but not limited to, hosting social events, hosting philanthropic events, IFC voting rights, etc.
 - d) Limited or restricted participation in certain events including, but not limited to, all-Greek events, philanthropic events, intramurals, etc.
 - e) Hosting or attending an educational workshop or seminar
 - f) Hosting or completing community service hours
 - g) Fines
- Section 3 Chapters that fail to complete their sanctions as outlined in the outcome letter may be asked to appear before the JRB again for non-compliance. Additional sanctions may be placed at the time.

ARTICLE VII – Method of Appeal

- Section 1 A chapter found responsible by the JRB may appeal the decision to the Fraternity and Sorority Life Office.
- Section 2 A chapter choosing to appeal must submit a written appeal letter to the Fraternity and Sorority Life Advisor(s) within one week day after receiving the outcome letter.

- Section 3 The appeal letter must state one (1) or more of the following reasons and list the specific rationale for appealing:
- a) Sanction is arbitrary, capricious, and in abuse of discretion;
 - b) Significant new information is available that affects the probable outcome of a hearing;
 - c) Outcome was not supported by substantial information;
 - d) Decision of the JRB was in excess of its jurisdiction;
 - e) JRB erred in its interpretation of any University or IFC policy or regulation.
- Section 4 The Fraternity and Sorority Life Advisor(s) has the right to accept or decline the appeal letter. Notification of their decision will be provided to the chapter in writing within one week of the appeal letter being submitted.
- Section 5 If the Fraternity and Sorority Life Advisor(s) determines that the appeal letter has merit, a meeting including chapter representatives and the JRB Chief Justice will occur within two weeks of the appeal letter being submitted. The Fraternity and Sorority Life Advisor(s) will determine if the JRB sanctions stand or must be modified.
- Section 6 If the Fraternity and Sorority Life Advisor(s) determines that the appeal letter does not have merit, the decision of the JRB stands.
- Section 7 The Fraternity and Sorority Life Advisor(s) is the final appeal agent and their decision is final.

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Approved: 4/8/19