

## PREAMBLE

### Philosophy

The basic philosophy of discipline at Valparaiso University is one of education. As such, it focuses on the growth and development of individual students by encouraging self-discipline and by fostering a respect for the privileges of others.

An individual who assumes voluntary membership in a social Greek-letter organization does not surrender his/her privileges or escape his/her fundamental responsibilities as a citizen, but acquires additional privileges and responsibilities to the whole University Greek Community. This concept includes the idea that each separate fraternity or sorority, in its entirety, enters the University Greek community voluntarily and thus assumes obligations of performance and behavior reasonably imposed by all of the members of the Greek Community as well as the institution itself.

The Greek Judicial Board exists under this philosophy as a means to secure this discipline. Its goal is to redirect the behavior of the Greek student/organization into acceptable conduct in order to protect the rights of all people within as well as outside our Greek community. 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 any other methods of discipline within the institution. Through the Greek Judicial Board, this peer judgment will be aided by the mutual knowledge of the special aspects and concerns of the Greek community and its individual social Greek-Letter organizations.

It should be understood by all participants in the judicial process that there is a fundamental difference between the nature of student discipline and criminal or civil law. Regardless of the type of administrative proceeding, the discipline of students within a university community is primarily a part of the educational process. The aim of sanctions imposed in the disciplinary process is to educate students, and the types of potential sanctions are not at all equivalent to those of criminal or civil proceedings. The exact process of criminal or civil law are designed for circumstances unrelated to the academic community. Although students' opportunity for due process and fairness must be upheld, the rules of criminal or civil law do not apply.

### Assessment

The purpose of this judicial board is to provide an orderly and stable Greek community in which the freedoms members are provided may be protected and practiced, which the Greek community can pursue and accomplish its primary purpose and carry out its normal activities. The Board may act in fraternity/sorority matters at the discretion of the Dean of Students. The Greek Judicial Board furthermore has the authority to enforce all Greek codes, regulations, and guidelines as provided by the IFC/PH Risk Management Policy. The intent of this program stems from the idea that the Greek community should take responsibility for its own actions and when necessary set forth procedures where by those organizations who are accused of violating Greek community rules may be afforded the due process and, when appropriate, fair sanctions.

The judicial program is designed to handle organizational, group and individual cases or situations. It is not the intent of the Greek Judicial Board to incorporate all of the legal procedures involved in a court of law.

Specifically, the Greek Judicial Board will:

1. Decide on matters of information presented at a hearing.
2. Mediate disagreements inside the Greek community as well as between the University and/or Valparaiso communities and fraternities/sororities.
3. Determine guilt based on evidence of a violation of IFC/PH Risk Management Policy, Greek Relationship Statement, or Greek policies or regulations. In addition, the Board may also determine guilt based on evidence of a violation of the provisions of the **Student Guide to University Life**, in the event the Board is requested to do so by the Dean of Students on his/her designee.
4. Impose appropriate sanctions or penalties when necessary.

### **STRUCTURE OF THE GREEK JUDICIAL BOARD**

The board shall be composed of nine members, with five of those members sitting on the board for each hearing as voting members. One Chief Justice, two ex-officio (non-voting) members will also sit on the Board: the IFC President or executive designee, and the Panhellenic President or executive designee. The Assistant Dean of Students or their designee will serve as advisor. Quorum for all hearings will be four justices and the Chief Justice. No hearing will take place without quorum being met.

### **JUSTICES**

#### **Justice Eligibility**

Any person who is a sophomore, junior or senior (at the time of selection) and who is an initiated member of a recognized fully chartered IFC or Panhellenic Association group at Valparaiso University and whom has good standing (academic with a 2.25 cumulative gpa and otherwise) is eligible to be a justice and may apply. Each chapter may have a maximum of one justice per academic year.

#### **Exceptions to this include the following:**

1. Only one IFC/Panhellenic Executive Officer may be a member of the Board at any one time. If a Board member is elected as an IFC/Panhellenic Executive Officer, he/she must relinquish their position on the Board, unless he/she becomes the respective ex-officio member.
2. If the justice selection team determines that there are not enough qualified applicants to limit each chapter to one justice, then multiple justices may be appointed from a single organization. In addition, if a justice resigns during the course of the year, a second justice may be appointed from the same chapter.

#### **Justice Selection**

Selection of the justices will be done by the Chief Justice, advisor and the two ex-officio members (if available), at the end or beginning of each academic year. New justices will be chosen to fill the positions of retiring justices or those who are not re-appointed.

### **Application Process**

Written applications will be provided to any eligible member of a social Greek-letter organization and will consist of general information and essay questions. A written recommendation may be also requested. In addition, a formal interview with each applicant will be conducted. Each chapter will be asked to submit one applicant, but may submit as many as they wish.

### **Terms of Justices**

Justices will serve up to one full year, beginning in the fall semester, with the possibility of reappointment. Reappointment is to be done by the Chief Justice and the Assistant Dean of Students or their designee.

### **Voting**

Each justice shall have a vote with the exception of the Chief Justice, who shall only vote in case of a tie or the disallowance of a justice's vote (as in the following case). A justice who is a member of a complainant's or respondent's chapter shall not be eligible to attend the hearing, unless approved by the Chief Justice due to extenuating circumstances.

### **Duties**

1. Justices will attend all Judicial Board informational sessions and familiarize themselves with Judicial Board philosophy and operation.
2. Justices will attend all Judicial Board meetings and forums, as their schedule allows.
3. Justices will treat alleged student violators/organizations with courtesy and have the utmost concern for the privileges of students and with fairness during proceedings.
4. Justices must be prepared to arrive at a fair decision and impose appropriate sanctions.
5. Justices must uphold the confidentiality of the case, the proceedings, and the outcome.
6. Justices will consider themselves special representatives of the fraternity and judicial system. They should take care to uphold their responsibilities, and to obey the University and IFC/PH Risk Management policy.

## **CHIEF JUSTICE**

### **Eligibility**

Any person who is a sophomore, or junior (at the time of selection) and who is an initiated member of a recognized, fully chartered IFC or Panhellenic Association group at Valparaiso University and who has good standing (academic and otherwise) is eligible to be the Chief Justice. It is highly recommended that the Chief Justice has served one term as a justice on the Greek Judicial Board, prior to assuming this position.

### **Selection**

Selection of the Chief Justice will be done by the retiring Chief Justice and the Assistant Dean of Students, or his/her designee.

### **Duties**

The Chief Justice is subject to all criteria, duties, and responsibilities of a Justice of the Judicial Board and, in addition, the following responsibilities:

1. The Chief Justice is responsible for conferring with the Assistant Dean of Students concerning the validity and soundness of charges and the determination of action regarding incident reports.
2. The Chief Justice serves as spokesperson for the Board. In this capacity, the Chief Justice notifies chapters of the charges against them, their opportunity for fairness and due process, the judicial board process, and the appeal process. Following a decision, the Chief Justice submits the decision in writing to the affected chapter(s) and the ex-officio members.
3. At judicial sessions, the Chief Justice serves as a moderator for the Board's activities, including supervision of the Justices' responsibilities.
4. The Chief Justice is responsible for maintaining an effective and reasonable schedule of sessions.
5. The Chief Justice will submit a report (to the Assistant Dean of Students) of the Board's activities at the end of the term of office. The report will include, but is not limited to the following:
  - a. A summary of the Judicial Board's activities (number of cases heard, decisions reached, etc.)
  - b. Problem areas
  - c. Areas that need improvement or clarification and suggestions for improving the overall operation of the Board.
  - d. This information will be confidential.

### **ETHICAL STANDARDS AND REMOVAL**

Because the authority of the Greek Judicial Board is delegated by the Dean of Students, certain institutional guidelines regarding discipline must be observed by all members of the Board. Violation of these standards is cause for an individual's removal from the Board.

#### **Standards**

It is the responsibility of each Judicial Board member to observe the following ethical standards:

1. Information regarding the disciplinary status of any student or fraternity/sorority chapter is not to be discussed with anyone outside the Board. Likewise, any information given in confidence at a judicial session should not be discussed with anyone outside the Board.

2. When talking with a student or fraternity/sorority chapter, Judicial Board members should refrain from making accusations or statements of any kind that cannot be supported.
3. In cases involving discipline, the vote of each Board member is confidential.
4. All decisions of the Board must be upheld by all members of the Board, even though there may be dissenting opinions.

The confidentiality of the Judicial Board proceedings under these standards must be stressed. The association of students with the Greek community and the unique identification of members with their fraternity/sorority are strong forces within the community and on campus at large. When disciplinary proceedings are undertaken, strict confidentiality is the best means to insure that the individual's privacy is maintained, and that the reputation of other chapter members and indeed all of Valparaiso University Greek members are upheld.

In addition, all Board members are expected to observe the following standards:

1. Within the University system all members must follow University and **Student Guide to University Life** policies and regulations, state, federal, and local law and existing Greek codes and guidelines as stipulated by the IFC/PH Risk Management policies or otherwise.
2. Reasonable attendance to all judicial sessions and forums.

### **Removal**

A judicial board member may be removed by the remaining Board membership for breach of any of the aforementioned standards or any action or circumstance which is considered to be substandard and damaging to the integrity of the Board.

Removal may also be done by the Assistant Dean of Students or his/her designee. In such case, the entire Board minus the member(s) in question will issue an official statement of advisement regarding the matter to the Assistant Dean of Students who may conduct an investigation and proceed as he/she sees fit.

## **FORMAL PROCEDURES**

### **Initiation**

A case may be brought to the Judicial Board from any source including the committee itself. Anyone filing a report should be prepared to present evidence or testimony to the Board as requested.

### **Conduct Policies**

Any action by a member or members of a formally recognized (or one that has applied for membership) fraternity/sorority, casting an unfavorable reflection on their respective chapter or the Greek Community as a whole, may be considered to be sufficient reason for a conduct case. All conduct cases shall come under the heading of one or any of the combination of the following:

1. Violation of Greek policies or regulations.
2. Violation of IFC/PH Risk Management Policy.

3. Violation of Greek Relationship Statement.
4. Violation of the **Student Guide to University Life**.

**Procedures**

The Judicial Board will follow the procedures outlined below when conducting an investigation: **(The Chief Justice and Dean of Students have the ability to deviate from the timeline, when it is deemed necessary to do so.)**

<b>Number of Working Days After Receiving Complaint</b>	<b>Procedure</b>
Ten (10)	Chief Justice shall notify organization of complaint against them. Included in this notice will be:  1. A copy of the actual complaint received by the Board.
Twenty (20)	The entire Judicial Board will be presented with the case and make a decision regarding the sanctions or referrals.  Chief Justice and/or Assistant Dean of Students shall inform the Chapter of:  1. The Board’s decision. 2. The Chapter’s right of appeal.
Twenty-four (24)	If no appeal has been submitted, the Board’s decision is automatically binding.
Upon completion of sanctions.	The Chief Justice will notify the chapter with a letter officially closing the case.

**Appearance at Hearings**

To keep the peer review aspect of the Judicial Board intact, respondents and complainants may each be accompanied by a Representative. Representatives are to be members of the University’s faculty, staff, or student body and cannot have a law degree. The role of the Representative is only supportive in nature. Representatives are not allowed to speak on behalf of the individual (or group) whom they are accompanying (e.g. they may not provide information, ask questions of witnesses or the complainant or respondent, address the hearing panel, etc.).

**Approval**

The Assistant Dean of Students for Greek Life and New Student Orientation, the Dean of Students, and the Vice President for Student Affairs must approve all sanctions given by the Greek Judicial Board. Upon approval, the Greek Judicial Board Chief Justice will inform the organizations of the Board’s decision.

If approval is not granted, the Board will reconvene to continue the discussion on the case.

**Appeal**

An accused group may appeal the decision of the Greek Judicial Board in writing within three (3) days of the date of the letter rendering the decision. A group not appealing within that

time period will lose its opportunity to appeal and all action on the referral shall be considered closed. A case for appeal must be made in writing within the three (3) day time period as outlined below.

All appeals are to be submitted to the Assistant Dean of Students. The Assistant Dean will then submit the appeal to the Greek Judicial Appeals Board (IFC President and Panhellenic President). The Greek Judicial Appeals Board decision is final.

### **Conditions for Appeal**

Appeals may be granted for one or more of the following reasons:

1. Improper procedure was followed by the Greek Judicial Board.
2. Further evidence has been found since the decision was rendered which may affect a change in the Board's decision.
3. The penalty or sanction imposed was excessive.

### **Action of the Appeal**

The Greek Judicial Appeals Board has the discretion to review a case on any basis, and to render any decision they deem appropriate.

### **Community Notification**

After the completion of the appeal process and sanctions have become official, the Assistant Dean of Students will advise chapter presidents and others if necessary of the policies and regulations violated and the sanctions. The purpose of this is to help other chapter understand what the penalty for violations will be, and to help students learn from each others mistakes.

### **Grievances**

The Greek Judicial Board shall also be an advisory forum for the Greek community. It may be used by any campus chapter to listen to concerns or as an arbitrator during an inter-Greek dispute.

### **Evidence**

The procedure for presenting evidence is established by the Chief Justice. Legal rules of evidence do not apply to these proceedings. There is no discovery process available in judicial proceedings.

### **Burden of Proof**

A respondent (or group) may be found responsible for violating a regulation only when the evidence indicates that it is more likely than not that s/he or group has violated a regulation.

## **SANCTIONS**

### **No Action**

A violation has been found; however, mitigating circumstances warrant no disposition.

### **Reprimand**

Indicating that a chapter's actions were inappropriate and subsequent sanctions shall not occur. Formal apologies may be requested.

### **Restitution**

Payment of any damages incurred including property and physical injury.

### **Monetary Fine**

A fine not in excess of \$10.00 per member to be paid within a period of time to be determined by the Judicial Board. Does not include reimbursement for property damage.

### **Conduct Probation**

May include the following:

1. **Social Probation**: Shall consist of restrictions to be determined by the Board for a specified amount of time. Chapters subject to social probation may not be permitted to participate in parties, exchanges, serenades, Homecoming, Spring Weekend or any other social formal or informal, on campus or off campus.
2. **Activities Probation**: Shall consist of prohibiting a chapter from participating in some or all Greek events and/or all University events such as Homecoming, Spring Weekend, etc. as determined by the Greek Judicial Board.
3. **Intramural Probation**: Shall prohibit a chapter from participation in any portion of the University intramural program as determined by the Judicial Board.
4. **IFC/Panhellenic**: Suspension from IFC/Panhellenic, for a definite period of time. A suspended chapter loses all privileges of membership including but not limited to: right to vote and privilege of participation in Greek sponsored events. A suspended chapter retains privileges of attending IFC/Panhellenic sponsored leadership workshops and community service projects. A suspended chapter must continue to fulfill all other obligations of membership, including paying dues and attending meetings.

### **Behavioral Conduct**

Shall include and require participation in an organization of constructive projects. Examples are social service projects, neighborhood clean-ups, leadership workshops and assistance with University events.

### **Removal of IFC/Panhellenic and/or University Recognition**

Shall consist of the loss of IFC/Panhellenic privileges, as well as membership in the organization. Removal of University recognition is an action recommended to the Dean of Students and may consist of the loss of all University privileges given to recognized student organizations, among other sanctions.

