

# Valparaiso University

## Fraternity and Sorority Judicial Board Procedures and Guidelines

Adopted: 1998

Revised: April 13, 2022

**Preamble:** (taken from the Student Judicial System section of the Academic Guide and Student Handbook of Valparaiso University)

Each privilege of an individual places a reciprocal responsibility upon others: the responsibility to permit the individual to exercise the privilege. The student, as a member of an academic community, has both privileges and responsibilities. Within this community, the student's most essential privilege is to learn. The student also has responsibilities to the members of the academic community, the most important of which is to refrain from interference with those privileges of others which are equally essential to the purposes and processes of the University.

The important consideration in judicial proceeding is not merely the determination of whether a policy has been violated, or the imposition of a penalty. These elements are involved, but the ultimate consideration is the welfare of the members of the academic community. To achieve this goal, honesty, cooperation, trust, and responsibility of the highest order are called for among students, faculty, staff and administrators.

### Section 1: Charge

- A. The purpose of the Valparaiso University Fraternity and Sorority Judicial Board shall be to interpret the Constitution and Bylaws of the Panhellenic and Interfraternity Councils, the Valparaiso University Fraternity and Sorority Policies, Procedures and Resolutions document, and any other policies in response to alleged violations of these documents by member organizations of the Panhellenic and/or Interfraternity Councils.
- B. In the event that individual member(s) of a member organization of the Panhellenic and/or Interfraternity Councils are involved in alleged violations of the Constitution and Bylaws of the Panhellenic and Interfraternity Councils, the Valparaiso University Fraternity and Sorority Policies, Procedures and Resolutions, and any other policies related to fraternities and sororities, and those actions are deemed to be related to or in the name of the organization, the Valparaiso University Fraternity and Sorority Judicial Board will, in most cases, be the appropriate board to hear the case.
- C. In the event that two or more member organizations of the Panhellenic and/or Interfraternity Councils are involved in alleged violations, all chapters will be investigated followed by individual organization hearings based on the potential alleged violations.

### Section 2: Judicial Board Composition

- A. The Fraternity and Sorority Judicial Board shall be composed of one member from each active member organization of the Panhellenic and Interfraternity Councils of Valparaiso University, the two Chief Justices and an advisor.
- B. The selected Chief Justices will serve as Chair of the judicial board.

1. The Chief Justices will be selected through an application and interview process to be conducted by the outgoing Chief Justices and the judicial board advisor(s).
  2. The Chief Justices will also serve as the Vice President of Standards and Conduct for the Panhellenic Council and the Interfraternity Council respectively.
- C. Each active member organization of the Valparaiso University Panhellenic and Interfraternity Councils will select one representative to be trained to hear judicial board cases.
1. Judicial Board members must have a 2.8 semester and cumulative GPA while serving on the Board.
  2. Judicial Board members must be in good standing with their fraternity or sorority chapter while serving on the Board.
- D. The Judicial Board Advisor will be the Director of Student Involvement and New Student Programs. The Judicial Board Advisor will serve as the advisor in all cases with the exception of any case where the Director of Student Involvement and New Student Programs is called as a witness. In this instance, Assistant Vice President for Student Life will serve as the hearing board advisor.
- E. The composition of the hearing board will include:
1. The fraternity Chief Justice will preside over all fraternity hearings and the sorority Chief Justice will preside over all sorority hearings with the exception of when the Chief Justice is a member of the responding chapter.
  2. Seven (7) judicial board representatives will be selected to serve on any hearing.
  3. Judicial board representatives will be randomly selected for each hearing by pulling names from a hat.
  4. The judicial board representative from the responding chapter will not be included in the random selection process.
- F. The Chief Justices and Judicial Board Representatives will serve their term on the calendar year, starting January 1. All judicial board members will be selected and trained in November prior to the start of their term of service. An additional training will be conducted in August of every year for all members of the Judicial Board.
- G. A Chief Justice or Judicial Board representative can be removed at any time, following a review of the accusations and/or concerns that have been brought forward. Removal of a judicial board member would be based on evidence related to their personal conduct, no longer being of good standing in their chapter, failing to meet the GPA requirement, or breaking the confidentiality agreement. The final decision to remove a justice would be made by a majority vote of the Chief Justices and the Judicial Board Advisor(s).

**Section 3: Pre-Hearing Procedures**

- A. The Panhellenic and/or Interfraternity Council Presidents, Advisor(s), any fraternity or sorority chapter or member, any Valparaiso University student, staff or faculty member, or any member of the Valparaiso community or public at-large may file an incident report involving an organization or organization member.
- B. In order to bring allegations before the Fraternity and Sorority Judicial Board, an incident report form must be signed and submitted to the Director of Student Involvement and New Student Programs with responsibility for fraternity and sorority life no more than ten (10) business days after knowledge of the alleged incident.
- C. Upon receipt of an incident report form, the IFC/Panhellenic President will meet with the Director of Student Involvement and New Student Programs to discuss the case and come to consensus as to whether a case shall be brought to the Judicial Board or should be handled through a mediation hearing. The IFC/Panhellenic President and the Director of Student Involvement and New Student Programs have the prerogative to conduct pre-hearing investigations at their discretion.
  - 1. A case will be referred to the Valparaiso University Fraternity and Sorority Judicial Board for all allegations of violating the policies set forth in the following:
    - a. Panhellenic or Interfraternity Council Constitutions
    - b. Valparaiso University Fraternity and Sorority Polices, Procedures, and Resolutions
    - c. Valparaiso University Student Guide to University Life
    - d. Valparaiso University Interfraternity Council Recruitment Regulations
    - e. Any other applicable rules and regulations
  - 2. A case will be referred to a mediation hearing in the following circumstances:
    - a. All violations of the Valparaiso University Panhellenic Recruitment Regulations will be handled according to the National Panhellenic Conference outlined mediation procedures.
    - b. All alleged incidents that are related to relational issues between two or more chapters may be referred to a mediation hearing based on the severity of the allegation.
- D. Within ten (10) business days of receipt of the incident report, the responding chapter will be notified of the report and asked to participate in any subsequent investigation.
- E. In the event that more than one chapter is involved in the alleged incident, each chapter will be investigated separately.
- F. If a case is to be brought before the Fraternity and Sorority Judicial Board or a Fraternity and Sorority Mediation Hearing, the assigned Chief Justice shall, by way of letter (to the chapter mailbox and to the chapter president e-mail account), notify the chapter(s) of the alleged violations.

- G. The letter shall specify a hearing date at least five (5) business days after the date the letter is received (unless the responding fraternity/sorority should request an earlier hearing date) and shall direct the organization (through its appointed representatives) to appear at the hearing at a specified time.
- H. The letter shall also:
  - 1. Describe of the alleged violation
  - 2. In the case of a Judicial Board Hearing, advise the organization of its opportunity:
    - a. to a private hearing
    - b. to appear at the hearing with a representative
    - c. to present testimony of witnesses, documentation, or other evidence
    - d. to appeal the findings of the board
  - 3. In the case of a Mediation Hearing, advise the organization of its opportunity:
    - a. to a private hearing
    - b. to attend the hearing with the identified officers or members
    - c. to appear at the hearing with an advisor
  - 4. Be delivered through e-mail and on-campus mail to the Chapter President with an electronic copy to the Chapter Advisor and the inter/national organization.

#### **Section 4: Judicial Board Hearing Procedures**

- A. The Judicial Board hearing should be conducted in a manner that adheres to certain guidelines and achieves the goal of reaching a reasoned decision based on the facts presented.
- B. Judicial board hearings shall be closed to the public.
- C. The participants in the judicial board hearing shall be representatives from the complaining and responding parties, a representative (advisor) for both the complaining and responding parties, the Fraternity and Sorority Judicial Board representatives, the Chief Justice, and the judicial board advisor.
- D. The Chief Justice serves as the Chair of the Judicial Board as outlined in Section 2.E.1 of these guidelines.
- E. The Fraternity and Sorority Judicial Board representative from the responding organization will not serve on the board for the hearing.
- F. The Fraternity and Sorority Judicial Board hearing will be audio taped by the Judicial Board Advisor for the purposes of use in an appeal.
- G. Chapters involved in a hearing have the privilege to consult with a campus representative (advisor). This representative, who must be a university student, faculty or staff member, may be present during the hearing. The representative may not speak during the hearing or address the hearing board at any time.
- H. Witnesses will be called one at a time and may remain in the hearing room only during their testimony.

- I. Following the completion of the hearing, the Judicial Board members hearing the case, the Chief Justice and the judicial board advisor will go into executive session for deliberations.
- J. Deliberations are confidential and comments are not to be reported outside of the room, with the exception of the official written decision sent following the end of the hearing.
- K. If there is a finding of responsible, penalties should be assessed to fit the nature and degree of the offense.
- L. Information about the appeal process shall be included in the official written decision sent following the end of the hearing.
- M. All documents associated with an investigation and judicial board hearing shall be kept by the Director of Student Involvement and New Student Programs for a period of no less than five years.

### **Section 5: Judicial Hearing - Order of Events**

- A. Call to order by the Chief Justice
- B. Introductions of all present for the hearing
- C. Review of University philosophy regarding student self-governance and behavior as outlined in the General Tenets of Student Behavior in the Academic Guide and Student Handbook
- D. Review of the expectation of confidentiality by all involved
- E. Read allegations and obtain a response to each (Responsible, Not Responsible, or Responsible with an explanation)
- F. Brief opening statement of the allegations and justification given by the Chief Justice
- G. Opening statement by the complaining individual/organization, if warranted
- H. Opening statement by the responding organization
- I. Call of witnesses to substantiate the allegations - statements and questioning period
- J. Call of witnesses to refute the allegations - statements and questioning period
- K. Closing statement by the complaining party, if warranted
- L. Closing statement by the responding organization representative
- M. All in attendance with the exception of the Chief Justice, Judicial Board representatives, and the judicial board advisor are excused from the meeting.
- N. Closed session deliberations
  - 1. Alleged violations stated by the Chief Justice
  - 2. Chief Justice requests motion from a Judicial Board member regarding decision(s) (Responsible or Not Responsible)
  - 3. Discussion of motion
  - 4. Recommended decision of responsible / not responsible. If responsible, the board will immediately deliberate on recommended sanctions.
- O. The Hearing Report Form is completed (decision, sanctions, and reasoning) and given to the judicial board advisor.

- P. Should unanticipated circumstances arise, the Judicial Board may clarify, modify, or change the procedures. In all such instances, however, every effort will be made to maintain fairness to all parties and to facilitate clear and reasonable expression of the positions represented.

### Section 6: Making Decisions

- A. In a closed session, the Judicial Board shall decide if there is sufficient information to support the alleged violations. The decision reached should be based upon the information presented at the hearing, which is most convincing, most credible, and of greatest weight or probability.
- B. The goal of a Judicial Board would to make decisions based on consensus. When this is not an option, a majority vote will constitute the decision of the Board.
- C. If the Judicial Board finds that there is not sufficient information to support the allegations, the decision will be Not Responsible. If the Judicial Board finds the organization did violate the regulations, the Board will determine the sanctions.
- D. If the decision is responsible, five factors should be taken into consideration while deliberating on appropriate sanction(s):
1. The nature of the violation
  2. The level of cooperation from the responding organization
  3. The impact the violations have on the fraternity / sorority, university, and surrounding communities
  4. The developmental impact of the sanctions on the organization
  5. The University mission, values and expectations
- E. Past organizational offenses may be considered only if the board's finding is that the chapter is responsible for the alleged offense. No mention of past organizational offenses is allowed during the deliberation on responsibility.
- F. The Judicial Board will balance these considerations and make appropriate sanctioning decisions.

### Section 7: Sanctions

- A. The Judicial Board shall have the authority to assign one or a combination of sanctions, including, but not limited to:
1. Official Warning: An incident may be considered to be mild in nature and the outcome was one that could have negatively influenced/affected the community. The incident may have been a spontaneous action or a planned event. The official warning is notification to the organization that they have been found responsible for a violation and that any other violation(s) will result in more serious sanctions. Official warning is a statement to the organization that they need to reevaluate their behavior before serious action has to be taken.

2. Educational Sanctions: The Judicial Board may choose to assign an educational project or task to be completed. Some examples of these sanctions include program development and implementation.
3. Referral for Counseling: If, in the opinion of the Judicial Board, an organization involved in a disciplinary situation will best be served by counseling, the group may be required to attend counseling sessions with a member of the Valparaiso University Counseling Center Staff or another professional off campus. The group will be responsible for all fees incurred by contracting the services of an independent professional.
4. Restitution: Reimbursement for damage or loss to person(s) or property or misappropriation of property, either through appropriate repairs or monetary compensation, may be imposed as a sanction.
5. Campus Restitution Hours: Campus restitution hours are intended to benefit the organization and the campus and should be related to the violations outlined in the hearing.
6. Fines: Organizations may be required to pay a sum of money as a sanction.
7. Suspension of Social Privileges: A fraternity or sorority may lose social privileges that are specified with a particular sanction. The board should outline the specifics of the social probation in detail.
8. Disciplinary Probation: A probationary status, imposed for a specific time period, during which an organization is expected to show a change in behavior as outlined in the sanction. Disciplinary Probation may also include special conditions as determined by the Judicial Board. A letter will be sent to the inter/national organization or governing body notifying them of probationary status.
9. Preliminary Suspension of Recognition: A unique probationary status in which the organization is expected to immediately exhibit a marked improvement in behavior or face Disciplinary Suspension. The sanction of Disciplinary Suspension was considered for the group but was not deemed necessary at this time. If the chapter does not meet all special stipulations associated with the Preliminary Suspension, or if the chapter is found responsible of violating any other rule, regulations, policy or law, the chapter may be sanctioned with Disciplinary Suspension from the university. If the group does not complete any stipulation of the Preliminary Suspension by the assigned date their recognition may be reevaluated. The inter/national governing body is notified of the organization's status with the university.
10. Disciplinary Suspension of Organization Recognition (may lead to loss of charter): The removal of an organization from the university which permits the group to apply for recognition at a later date. While a group is suspended, they may not meet as a group or utilize campus facilities or services (intramurals, meeting in university space, etc.). If the organization attempts to return without

official recognition, they risk their eligibility to return to Valparaiso University in the future.

11. Permanent Separation: Permanent removal from the university. Organizations separated from the university will not be allowed to return to Valparaiso University in the future.

12. Other:

B. Sanctions do not need to be assigned in a sequential manner. For example, a chapter may have their recognition suspended or be permanently separated from the University without any previous disciplinary action being taken.

### **Section 8: Post-Hearing Procedures**

- A. The Chief Justice will meet with the judicial board advisor to complete the Hearing Report Form.
- B. The Chief Justice will inform the responding chapter, in writing, the following details within five (5) business days of the hearing:
  - 1. Restatement of the alleged violations
  - 2. Decisions rendered on the alleged violations
  - 3. Sanctions with completion dates and resources for completion
  - 4. Appeals Process
- C. All active members on the chapter roster with the University will also be copied on the letter as to ensure that all members are informed of the results of the hearing.
- D. The Panhellenic and Interfraternity Council Presidents will read the results of any hearing with a finding of responsible at the next general body meeting. This action will be documented in the minutes of the council meeting.
- E. The information to be presented at the general body meeting is limited to only the following information:
  - 1. The name of the chapter found to be responsible
  - 2. The policies to which the chapter was found responsible for violating
  - 3. The sanctions assigned

### **Section 9: Appeals**

- A. The chapter may appeal the decision to the Assistant Vice President for Student Life. A letter of appeal shall be submitted to the Assistant Vice President for Student Life within five (5) business day of the chapter receipt of the decision.
- B. In order to determine if an Appeal is required, the organization must state as clearly and fully as possible the reason for seeking a modification of the decision. The criteria for considering an Appeal are as follows:
  - 1. Whether the original board's process was conducted fairly and in accordance with prescribed procedures.



2. Whether there is new evidence or relevant information not available at the time of the original hearing that, if consequential, shall result in a return of the case to the original board.
  3. Whether the original decision is supported by substantial evidence.
  4. Whether the regulations alleged to have been violated were properly interpreted or applied by the original board.
  5. Whether the sanction imposed was proportionate to the nature of the misconduct.
- C. If it is determined by the Assistant Vice President for Student Life, in consultation with the Vice President for Student Life, that there is justification for an Appeal, the Appeal Board will be called.
- D. The Fraternity and Sorority Judicial Board Appeal Hearing will:
1. Be chaired by the Chief Justice that did not preside over the original hearing
  2. Include three (3) judicial board representatives not involved in the original hearing
  3. Determine if the request for an appeal meets the criteria to be granted
  4. Determine the action steps which may include:
    - i. Make a decision on the information presented to the Appeal Board
    - ii. Re-hear the original case with the original board
    - iii. Re-hear the original case with a new board
- E. The chapter or Assistant Vice President for Student Life may appeal the decision of the Appeals Board to the Vice President for Student Life. A letter of appeal shall be submitted to the Vice President for Student Life within five (5) business day of the receipt of the decision by the Appeal Board. Any decision made by the Vice President for Student Life will be final.

### **Section 10: Completion**

- A. The Panhellenic and/or Interfraternity Council President, in cooperation with the Director of Student Involvement and New Student Programs, are responsible for ensuring the completion of all sanctions given by the Fraternity and Sorority Judicial Board or the agreed upon results of a Mediation Hearing.
- B. In the event that a chapter does not complete the specified sanction(s), the chapter will be referred to the Judicial Board on an alleged violation of Failure to Comply.