



Judicial Inquiry Board Bylaws of the Interfraternity Council of the University of Pennsylvania

2017

## Table of Contents

<b>Article I</b> .....	<b>2</b>
<b>Article II – Jurisdiction</b> .....	<b>3</b>
<b>Article III – Rights</b> .....	<b>3</b>
<b>Article IV – Membership</b> .....	<b>3</b>
<b>Article V – Eligibility</b> .....	<b>4</b>
<b>Article VI – Selection</b> .....	<b>4</b>
<b>Article VII – Voting</b> .....	<b>4</b>
<b>Article VIII – Pre-Case Procedures</b> .....	<b>4</b>
<b>Article IX – Procedure</b> .....	<b>5</b>
<b>Article X – Case Levels and Possible Sanctions</b> .....	<b>5</b>
<b>Article XII – Appeals</b> .....	<b>6</b>
<b>Article XII – Amendments</b> .....	<b>7</b>

## Article I

As officially recognized organizations at the University of Pennsylvania, fraternities are accountable for the conduct of their members. Since the Office of Fraternity Sorority Life (OFSL) is committed to the concept of self-governance for the Fraternity community, the Director of OFSL has delegated a major portion of the responsibility for discipline within the Fraternity community to the Interfraternity Council (IFC) Judicial Inquiry Board. 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 other methods of discipline within the institution. These procedures have been developed to ensure that all discipline cases adjudicated by the Judicial Inquiry Board are handled in a fair, objective, consistent and orderly manner, protecting the rights of all parties to a fair process.

Although rights of due process are guaranteed, all participants in the judicial process should understand that there is a fundamental difference between the nature of IFC Judicial Inquiry Board proceedings and the proceedings in a court of law. The discipline of students within the University of Pennsylvania community is primarily a part of the educational process. The exact processes of criminal and civil law do not apply because they are designated for circumstances unrelated to the academic community. To the degree possible, the IFC Judicial Inquiry Board process should remain informal and non-adversarial. The goals of the IFC Judicial Inquiry Board process are to compel adherence to both University and IFC policies, to resolve conflicts within the Fraternity community, and to promote high standards of conduct.

Abbreviations for terms used in future Articles

- Penn – University of Pennsylvania
- IFC – Interfraternity Council
- Panhellenic – Panhellenic Council
- IGC – Intercultural Greek Council
- JIB – Judicial Inquiry Board
- OFSL – Office of Fraternity and Sorority Life
- VPUL – Vice Provost of University Life
- OSC – Office of Student Conduct

## Article II – Jurisdiction

- A. The Judicial Inquiry Board shall be responsible for all judicial functions of the IFC.
- B. The JIB will have the power to mediate disputes between member Fraternities.
- C. The JIB will have the power to mediate disputes between member Fraternities and registered off-campus organizations.
- D. The JIB is empowered to act in cases involving breaches of the rules and regulations of the IFC, Penn, and governmental bodies as they apply to Fraternities except in cases of sexual misconduct, serious injury, and death.
- E. Jurisdiction of the JIB at any time can be overridden by the Director of the Office of Fraternity and Sorority Life, the Fraternity and Sorority Advisory Board, or the Vice Provost of University Life.
- F. The JIB will have the power to hear any actions perceived to be involving a chapter in accordance with University Policy and/or the current operational plan/set of standards of the Interfraternity Council.
  - i. Cases including individual members will be submitted to the IFC Vice President of Justice who will decide if the case should be taken on by the JIB or referred to OSC, taking into consideration the JIB Manager’s recommendation.

## Article III – Rights

- A. Chapters summoned to JIB have the right to at least 3 days’ notice before their hearing.
- B. The JIB is to use only the written report / written evidence provided by OFSL / VPUL and the version of events provided by the Chapter president in its decision-making process. The JIB is not to use any other information as evidence.
- C. The accused Chapter is to be provided with a written verdict from the hearing within 3 days of a decision being made.

## Article IV – Membership

- A. The JIB will consist of the IFC Judicial Inquiry Board Manager and a minimum of ten selected IFC-recognized fraternity JIB members.
  - i. There shall be no more than one representative from a given fraternity on the JIB, including the Judicial Inquiry Board Manager.
- B. For official business to be enacted, a minimum quorum of five JIB members must be present, including the JIB Manager. In the event the JIB Manager is not present, the IFC Vice President of Justice will stand in.

- i. The JIB representative from the IFC Vice President's chapter is not permitted to attend any hearing presided over by the IFC Vice President.
- C. All JIB hearings will be conducted by a student-only body.

## Article V – Eligibility

- A. In order to be eligible for membership of the IFC JIB, the candidate must be a fully matriculated full-time Penn undergraduate student in good standing within their chapter in their sophomore year.
  - i. Once selected, JIB members are able to remain part of JIB until the end of their senior Fall, provided that they remain an enrolled student and in good standing within their chapter.
  - ii. Candidates must have and maintain a cumulative grade point average of 2.5 to be eligible for IFC JIB membership.
  - iii. Candidates must not have a substantial judicial record.

## Article VI – Selection

- A. JIB member selection will occur at the end of each Fall semester and will be open to sophomores only.
  - i. The interview process remains at the discretion of the JIB Manager.
- B. Only two people may apply to be a JIB member per IFC-recognized fraternity chapter.
  - i. All selected Members must meet the eligibility requirements described in Article V.
  - ii. Of the Members selected, no two can be from the same chapter.

## Article VII – Voting

- A. All JIB Members except the presiding JIB Manager/Stand In will have one vote when making a decision for a sanction.
- B. The presiding JIB Manager / Stand In is permitted to vote in the case of a tie.
- C. A sanction or set of sanctions is approved by simple majority vote.

## Article VIII – Pre-Case Procedures

- A. Within 14 days of the incident for which there will be a case, OFSL, VPUL, OSC, University of Pennsylvania Police Department, or any other Penn administrative body must notify and submit all evidence to the JIB Manager of the IFC.
- B. If the case is determined to be sufficiently severe by one of the groups mentioned in Article VIII A and/or by the JIB Manager of the IFC, an investigation may be conducted by OSC in accordance with the Fraternity Sorority Advisory Board Judicial Charter.
  - i. Unless stipulated otherwise, during the time the fraternity in question is being investigated, the Fraternity will be placed on Administrative Warning.
  - ii. The Director of OFSL and VPUL reserve the right to impose greater or less severe sanctions during the time of an investigation if deemed appropriate.
- C. After the JIB Manager has been notified and all evidence has been provided, he has up to seven days to notify the President or presiding officer of the Fraternity that the

Fraternity has been charged based on an incident. Details given to the chapter leader should be as follows:

- i. Date of the Incident
- ii. Administrative group charging the Fraternity
- iii. Infraction believed to be committed by the Fraternity
- iv. Date, time, and place case will be presented to the JIB

## Article IX – Procedure

- A. The procedure for all cases is the same.
- B. Only the JIB Manager, JIB Members, and two representatives from the chapter will be present.
  - i. Representatives from the chapter may not include alumni.
  - ii. Representatives from the chapter do not have to be executive board members.
- C. The procedure for all cases is to be as follows:
  - i. Call to order
    1. Introduction of presiding JIB members and chapter representatives
  - ii. Reading of the charges.
  - iii. Presentation of evidence provided by the Penn administration group.
  - iv. Statements from representatives of the charged Fraternity
    1. JIB Members may ask questions during the statements, moderated by the JIB Manager
  - v. Dismissal of Fraternity representatives.
  - vi. Decision outcome.
  - vii. Deliberation of specifics of sanctions to charged Fraternities.
  - viii. Voting on appropriate sanctions
  - ix. Documentation of final decision and enacting any and all sanctions
    1. The final decision must be sent to the Director of OFSL and the President within 4 days
  - x. Adjournment.

## Article X – Case Levels and Possible Sanctions

Possible sanctions are as follows:

- I. Warning – an official written warning to the organization that they have violated an IFC or Institute policy, or a community standard, and that further violations can result in more serious sanctions.
- II. Chapter Review Board – a meeting with the Fraternity’s executive board, the Director of OFSL, and other administration members as determined necessary by the Director of OFSL.
- III. Education / Remedial – sanctions that are specific to an individual case when it is determined that educational or remedial value may be in the interests of the chapter and broader community.
- IV. Fines
  - a. Vary in nature depending on case (see below)
  - b. Are payable to the IFC Vice President of Administration within one week of chapter receiving the outcome

- i. Payments made after one week will incur a non-compounding late fee valued at 20% of the total fine value due for each week overdue in the absence of special arrangements
- V. Restitution - reimbursement for damaged of property or other financial loss.
- VI. Community service – when deemed appropriate.
- VII. Administrative Warning (Social Probation) – under circumstances of a severe violation.
- VIII. Secondary Social Probation – if conditions of administrative warning are breached, the chapter is given one last opportunity before suspension.
- IX. Suspension – the Fraternity will be suspended from any IFC activities or Greek activity. Complete loss of privileges, including recruitment, NME, and social functions.
- X. Loss of IFC and University Recognition.
- XI. Expulsion.

An outline of social and safety sanctions can be found below. This serves as a guide for the JIB when determining punishment:

	Violation Level	Details	Example	Outcome
Social Violations	0	Brothers drinking in house, under double the number of chapter house residents. Chapter president was cooperative. Or poorly run registered event.	Brothers drinking in house with friends, brotherhood events, or registered event that was not run well.	Informal Resolution
	1	Small social event, number of people in attendance not greater than x2 active brotherhood. Chapter president was cooperative. No safety violations. OR keg in house.	Party with a numerous guests, small themed sorority mixer, or party occurring in an off campus location reported to JIB.	Warning + \$500 per keg
	2	Large social event, number of people in attendance exceeding x3 active brotherhood. Chapter president was cooperative. No safety violations.	Large party with a significant number of guests, or large sorority mixer.	Strike + social chair training
	3	Very large social event, number of people in attendance exceeding x4 active brotherhood, or large social event where the chapter president was not cooperative or UPPD called, or safety violations noted.	Very large party, uncooperative president (refuses to shut down party), or safety violations.	Strike + safety fines + training
Safety Violations, as outlined in the Department of Public Safety Life Safety Requirements, #1, Section 5.0	0	Smoke detector	Plastic trash bags covering smoke detector.	\$250 / detector
	1	First time safety offence	Fire safety, brothers on chapter house roof, couches blocking doors during social event.	\$250 base fine + \$50 per person involved + mandatory training for 75% of brotherhood
	2	Second time safety offence	Fire safety, brothers on chapter house roof, couches blocking doors during social event.	\$500 base fine +\$75 per person involved + mandatory training for 90% of brotherhood
	3	Repeated safety offence	Fire safety, brothers on chapter house roof, couches blocking doors during social event.	\$1,000 base fine + \$100 per person involved + mandatory training for 100% of brotherhood + referral of OSA
New Member Education / Recruitment Violations	0	Recruitment violation	Flyer distribution, recruitment guideline infraction	\$250 fine
	1	New member education violations	Failure to attend IFC-mandated NME events, improper conduct at NME events	\$250 base fine + \$50 per brother involved
Citizenship Violations	0	Failure to uphold IFC values	General poor conduct in relations with broader university, or with outside organizations, or inappropriate mixer theme	\$250 fine
	1	Incident of discrimination or hate against another group	Racist comments made to another group, insensitive fraternity-sponsored messages	\$500 fine

Additional considerations:

- I. Any events that take place at an off-campus location (i.e. AirBnB) are punishable through the IFC Judicial Inquiry Board.
- II. Chapters are required to have bus waivers for any off-campus events requiring transportation.

## Article XI – Appeals

- A. Only the convicted and sanctioned Fraternity has the right to appeal, and those appeals must be filed no later than one week from the day of the decision
- B. Appeals must be presented in written form to the Director of OFSL.
- C. Appeals may be sought on one or more of the following grounds:
  - a. Question of Fact—Fraternities may appeal on questions of fact by introducing new evidence unavailable at the time of the case that would have significantly affected the outcome of the case. Evidence introduced that was not known by the accused shall be considered new evidence. Evidence that was withheld by a Fraternity or that could have been discovered and presented with reasonable effort shall not constitute a question of fact and will not be considered upon appeal.
  - b. Question of Procedure – appeals will be considered on the basis of questions of procedure and that such departure from established procedure significantly affected the final decision.
  - c. Severity of Sanction—Fraternities may appeal the severity of the sanction that has been imposed by presenting a statement that explains why they believe the penalty is too severe.
- D. Decisions of VPUL are final.

## Article XII – Amendments

These bylaws may be modified at any meeting of the IFC by a two-thirds vote of all present and voting members of the IFC.