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

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 Affairs (OFSA) is committed to the concept of self-governance for the Fraternity community, the Director of OFSA 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
- MGC – Multicultural Greek Council
- JIB – Judicial Inquiry Board
- OFSA – Office of Fraternity and Sorority Affairs
- 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 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.
- D. Jurisdiction of the JIB at any time can be overridden by the Director of the Office of Fraternity and Sorority Affairs, the Fraternity Sorority Advisory Board or the Vice Provost of University Life.

- E. The JIB will have the power to hear any actions perceived to be involving a Fraternity 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 Executive Board who will decide if the case should be taken on by the JIB or referred to OSC after given the JIB Manager's recommendation.

Article III – Membership

- A. The JIB will consist of the Judicial Inquiry Board Manager of the IFC, Judicial Inquiry Board Associate Manager and three regularly selected IFC-recognized fraternity JIB Members and two alternates.
- B. For any official business to be enacted, a minimum quorum of three JIB members and a presiding JIB Manager or Vice Manager must be present throughout the action. If the JIB Manager is present, then the Vice Manager will serve as a regular JIB member.
 - i. None of the four JIB Members or the Manager/Associate Manager presiding can be members of the fraternity under review; in this case, a JIB Alternate should sit in his place.
- C. At times when the alleged offense(s) are of a more egregious nature, the JIB may also include one MGC JIB representative, one Panhellenic JIB representative, and the Director of OFSA or his/her designee in addition to the members described in clause IIIA, contingent on the level of the case (see Article IX).
 - i. In cases where the Director of OFSA or his designee is sitting on the JIB, administrators from the Office of Alcohol and Other Drug Policy Initiatives, the Office of Student Conduct or VPUL have the option to sit as members of the JIB as well.

Article IV – 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 and an initiated member in good standing of an IFC-recognized fraternity.
 - i. Candidates must have and maintain a cumulative grade point average of 2.5 to be eligible for IFC JIB membership
 - ii. Candidates must be one of the top five officers of the executive board of an IFC-recognized fraternity.
 - iii. Candidates must not have a substantial judicial record.
- B. In the case of the additional members of certain level cases (see article III.B):
 - i. The Panhellenic JIB representative must be approved by the Vice President of Judicial Affairs of Panhel
 - ii. The MGC JIB representative must be approved by the MGC Executive Board
 - iii. The Director of OFSA should represent himself/herself, but he/she is permitted to send a designee in his/her stead, though the designee may not be of lower title than the Program Coordinator of OFSA.

Article V – Selection

- A. Only two people may apply to be a JIB member per IFC-recognized fraternity chapter.
- B. Candidates must submit a letter of intent of one to two pages to the JIB Manager, answering the two or three questions presented by the JIB Manager for the JIB Member application.
- C. Of the candidates, the JIB Manager will select one applicant to serve as the Associate JIB Manager, three applicants to serve as the Members of the JIB and two applicants to serve as Alternates for Members of the JIB based upon the letter of intent and qualifications of the candidates. These recommendations must then be approved by the Interfraternity Council at a regular meeting.
 - i. All selected Members and Alternates must meet the eligibility requirements described in Article IV.
 - ii. Alternates will take the place of official Members if a Member's fraternity is involved in the case.
 - iii. Of these six people selected, no two can be from the same chapter.
- D. All selected Members will serve the term of an academic year.

Article VI – Voting

- A. All JIB Members (including those of clause IIIB should they be present) except the presiding JIB Manager/Associate Manager will have one vote when making a decision for a sanction.
- B. The presiding JIB Manager/Associate Manager is permitted to vote in the case of a tie.
- C. A sanction or set of sanctions is approved by simple majority vote.

Article VII – Meeting

- A. The JIB shall meet on a weekly basis at a time to be determined by the JIB Manager.
- B. The JIB will not be required to meet should there be no incidents or charges up for review.

Article VIII – Pre-Case Procedures

- A. Within 14 days of the incident for which there will be a case, OFSA, 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 VIIIA 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 (see Article X for details)
 - ii. The Director of OFSA 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
- v. Case Level (see Article IX)

Article IX – Case Level Determination, Details, and Procedure

- A. The procedure for all level cases is the same with some exceptions, which are outlined in each specific case level clause.
- B. The procedure for every case is the following with the JIB Manager as the Chair for the case:
 - i. Call to order
 - 1.Introduction of JIB Members, JIB Manager, and any representatives of the Fraternity that is being charged
 - i. Only 3 representatives per Fraternity can be present and give statements
 - ii. Reading of the charges
 - iii. Presentation of the evidence provided by the Penn administrative group
 - iv. (Optional) Testimony from an outside source involved with the charge
 - 1.The JIB Manager shall decide if the testimony is pertinent or not to the case
 - v. (Optional) Statement from representatives of the charged Fraternity
 - 1.Representatives may only be the top three officers of the Fraternity involved with the charge
 - 2.JIB members are allowed to ask questions of the representatives at any point of the fraternity representatives’ statement
 - i. These periods of questioning will be moderated by the presiding JIB Manager
 - 3.If none of the representatives mentioned in Part a are able to attend, they may e-mail or give the JIB Manager a written statement
 - vi. (Contingent on v) Dismissal of charged-Fraternity representatives
 - vii. Decision as to guilt or innocence, and extent of violations
 - viii. Deliberation of possible sanctions to charged Fraternity which will be moderated by the JIB Manager
 - ix. Voting for appropriate sanction
 - x. Documentation of final decision and enacting any and all sanctions
 - 1.The final decision should be sent to the Director of OFSA and the President of the charged within three days of this final decision
 - xi. Adjournment

Level 0 case

- i. This is for minimal charges for which the Fraternity is not likely guilty
- ii. In this case, the JIB meets informally and comes up with an appropriate response and sanction, if any is necessary.

- iii. Procedure in Clause B is **not** followed
- iv. The charged Fraternity is not required to attend; they may respond by e-mail or send any or all of their top three officers in person to respond to the charge
- v. Though the case may be minimal, the JIB should still vote to come up with an official response and any sanction should one be needed, following the appropriate rules for notifying the President of the charged Fraternity within three days

Level 1 case

- i. Suggestions for what qualifies as a Level 1 case are the following:
 - 1. Poorly run registered parties
 - 2. Unregistered parties
 - i. There is an exception to this should the Fraternity have received two sanctions regarding an unregistered party that are greater than a warning
 - 3. Social freeze violations (such as during New Student Orientation, Greek Week/Weekend)
- ii. The procedure in Clause B should be followed
- iii. The JIB will consist of the JIB Manager and JIB Members solely

Level 2 case

- i. Suggestions for what qualifies as a Level 2 case are the following:
 - 1. Unregistered party after the charged Fraternity has had two punished unregistered party charges that received a sanction more severe than a warning
 - 2. Known possession and use of a keg
 - 3. Mixer violations
 - 4. Continuing new member education past the deadline set by OFSA without the necessary written consent
 - 5. Attempts to recruit freshmen prior to their second semester on campus
- ii. The procedure in Clause B should be followed. The final decision reached by the JIB must be presented to the Director of the OFSA after adjournment, and in turn, approved by him.
 - 1. If the sanction is not approved by the Director of OFSA, the JIB must reconvene and restart the procedure until the sanction is approved
- iii. The JIB will consist of the presiding JIB Manager, the JIB Members, one MGC representative, and one Panhellenic representative.
 - 1. An OFSA representative is not required to be part of the JIB for a Level 2 case, but it is permitted.

Level 3 case

- i. Suggestions for what qualifies as a Level 3 case are the following:
 - a. Hazing
 - b. Severe rush violations, including the use of alcohol during rush
 - c. Pledging a first year student prior to his second semester on campus
- ii. The procedure in Clause B should be followed. The final decision reached must be approved by the Director of OFSA, who may do so immediately after voting since an

OFSA representative is required, or at a later time after adjournment similar to a Level 2 case.

- a. Should the decision not be approved, the JIB must reconvene and vote for a sanction until they reach a sanction that is approved
 - iii. The JIB will consist of the presiding JIB Manager, the JIB Members, one MGC representative, one Panhellenic representative, and the Director of OFSA or his/her designee.
- C. Final determination of the case level will be made by the JIB Manager based upon the charge, which may or may not coincide with the suggestions for case levels above.

Article X – Sanctions

Possible sanctions are as follows:

- i. Warning/Reprimand – an official written warning to the organization that they have violated an IFC or Institute policy/regulation or community standard and that further violations can result in more serious sanctions
- ii. A Chapter Review Board is a meeting with the Fraternity’s executive board, the head of OFSA, the Director of Alcohol and Other Drug Policies and Initiatives (when appropriate), and the JIB manager, and may include the head of OSC, alumni advisors, and representatives from the relevant Greek council (IFC, Panhellenic, MGC). The purpose of the meeting is to review the Fraternity’s history of misconduct, including any current allegations of misconduct, the overall health of the organization, and the organization’s ability to comply with local, State, University, and Greek policies. The goal of a chapter review meeting is to diagnose any patterns of misbehavior and to work with the involved parties to assure that such trends do not continue, hopefully preventing further sanctions.
- iii. Educational/Remedial--The primary goal of the Greek Judicial System is educational in nature. The IFC Judicial Inquiry Board and respective judicial officers may design sanctions that are specific to an individual case when it is determined that educational or remedial value may result and the interests of the University community are maintained. For such sanctions 85% or more of the chapter must participate.
- iv. Fine – a fine can be imposed on a fraternity which must be paid to the IFC
 - i. Fines will follow this method:
 - 1.\$150 base for all social fines:
 - 1. For first offense, add in addition to the base fine a \$3 per brother fine for a small party and a \$5 per brother fine for a big party
 - 2. For second offense, add in addition to the base fine a \$5 per brother fine for a small party and a \$8 per brother fine for a big party
 - 3. For third offense, add in addition to the base fine a \$7 per brother fine for a small party and a \$10 per brother fine for a big party
 - 2.\$500 fine per keg found in a chapter house at any time
 - 3.During social freezes, the fines will be doubled from their usual amount.
- v. Restitution: reimbursement for damages of property or other financial loss

- vi. Community Service: Each member of the Fraternity or the individual appearing before the JIB will be required to complete a number of community service hours determined by the Judicial Board. The projects used for this sanction will be based on an approved list of volunteer opportunities obtained from the university and must be completed by a specific date
- vii. Administrative Warning (Primary Social Probation) – During the time where the JIB Manager, VPUL, OFSA, or OSC has ordered an investigation due to a severe charge, the Fraternity will be stripped of all social privileges; the Fraternity will only be allowed to continue pillars necessary to its survival, such as recruitment and new member education.
- viii. Secondary Social Probation – If a Fraternity disobeys the conditions of the Administrative Warning, or if found guilty of a charge which would deem it appropriate, the Fraternity may be placed on Secondary Social Probation. The conditions of this sanction are the same as those for Primary Social Probation but serves as a last chance and usually for an allotted period of time. Should an organization be charged and then found guilty while on Secondary Social Probation, Suspension, Loss of University Recognition or Expulsion will likely be considered.
- ix. Suspension – The Fraternity will be suspended from any IFC activities or any Greek activities. The Fraternity will have a complete loss of privileges, including recruitment, new member education, and social functions. The JIB will decide the time period for which the Suspension will exist during the time of the case and the final decision that the Suspension sanction is appropriate. If the Fraternity in question should be charged and found guilty of another incident, the Fraternity may face the Exclusion sanction.
- x. Loss of IFC and University Recognition - the charged Fraternity is deprived of all attributes of Penn affiliation indefinitely. The chapter may not reenter the University or the IFC without acceptance of OFSA and approval by the Vice Provost of University Life, and the IFC. The sanction will be permanently recorded in the Fraternity's judicial record.
- xi. Expulsion – The Fraternity chapter is expelled from the IFC and the University of Pennsylvania permanently.
- xii. After a sanction is determined by the JIB, it is immediately put into effect against the charged fraternity.
- xiii. Although not mandatory, the JIB should attempt to place time periods on when the sanction is effective and when the sanction is over.

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 the decision.
- B. Appeals must be presented in written form to the Director of OFSA.
- 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. If the appeal after presented in accordance with clause B is accepted by the Director of OFSA, then the case is presented to the Fraternity Sorority Advisory Board (FSAB) by the JIB Manager and the President of the Fraternity appealing. The Fraternity Sorority Advisory Board will hear the appeal and make a recommendation to the VPUL as outlined in the FSAB Judicial Charter.
- E. Decisions of the 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 at a meeting of the IFC.