

South Alabama IFC Greek Board of Magistrates
Standards

ARTICLE I. Responsibilities

Section A. The responsibilities of the VP-JD

1. Promptly assist with selection of new members to the GBM upon taking office.
2. Initiate and lead in the training of the incoming VP-JD and new members at the end of the year of service. This may be accomplished in many different ways, but must include a face to face meeting between incoming and outgoing chairs to explicitly explain the function and purpose of the GBM and to pass along tips and pointers.
3. Select, via the same application and interview process, a new member when a vacancy arises due to dismissal or withdrawal.
4. Train the new members of the hearing board.
5. Determine if enough evidence exists to warrant hearings.
6. Determine whether mediation should be used in the case of a dispute between organizations.
7. Schedule hearings.
8. Select the GBM hearing board for each case.
9. Ensure proper procedure is observed during the hearings.
10. Notify chapter presidents, through email, about any hearings pertaining to their chapters
11. Notify the chapter president of any sanctions that result from a hearing.
12. In order to maintain transparency, Council should be notified of any sanctions levied. The purpose is to be educational and confidentiality should be maintained.
13. Maintain a violation hotline, in the form of an e-mail account or drop box to take anonymous complaints and concerns from members of the community.
14. Conduct oneself in a manner consistent with values and standards of the South Alabama Community and strive to set an example as the VP Judicial.
15. Attend regular meetings with the GBM advisor and IFC President.

Section B. Responsibilities of the GBM Advisor

1. The advisor shall serve in an advisory capacity concerning the rights and responsibilities of both parties, i.e. the hearing board and the accused organization. This shall include the ability to clarify University and relevant governing policies.
2. Hold regular meetings with the VP-JD.
3. Act as an intermediary between the VP-JD and the Office of Greek Life.

Section C. Confidentiality

1. The VP-JD, board members and advisor must sign a statement of confidentiality.
2. Greek Conduct Board members and VP-JD will maintain confidentiality regarding all proceedings.
3. Violation of confidentiality may result in immediate dismissal and may result in a conduct hearing through the University.

ARTICLE II. PROCEDURES**Section A: Complaints**

1. Complaints can be filed through IFC the hotline maintained by the VP-JD, or the University.
2. Complaints must be filed and an investigation begun within ten business days of the alleged infraction, but should begin as soon as possible.
3. Once the VP-JD is notified of a complaint, he must make every attempt to determine whether or not the infraction represents a case of organizational misconduct (see Article IV, Section B), and if enough evidence exists to proceed with the hearing, within forty-eight hours.
4. If the GBM VP-JD determines that the case should be heard, the VP-JD should make every effort to schedule a hearing and notify the chapter president of the charges within 24 hours of receiving the complaint.
5. Mediation may be selected by the VP-JD where the complaint involves a dispute between two or more organizations.

Section B: Individual vs. Organizational Actions

1. The first item to be determined by the VP, as well as by the hearing board during a hearing, is whether an infraction was committed by an organization or by individuals within that organization. The criteria for determining whether an action is an individual or organizational activity are as follows:
 - a. The chapter pays for any part of the event through the chapter account or collection of funds from individual members
 - b. The event is advertised by or associated with the chapter in any way.
 - c. The chapter advisor or any of the executive officers of the chapter were aware of the event before or during and did not prohibit it from taking place. In addition, they did not take steps to ensure that the activity in question was in compliance with the applicable University policies, federal, state, and local laws and ordinances, Greek Community Standards, or IFC bylaws.
 - d. The incident involves or is actively or passively endorsed by other members of the chapter.
 - e. The event is commonly known on campus to be a chapter sponsored activity.
 - f. The infraction, though individual, occurs so often and is so widespread that it represents a culture of condoned or accepted misconduct within the organization. In the event that the culture within the organization has deteriorated to such a point, it becomes the responsibility of the Greek Conduct Board to promote community standards in that organization. See Article II.

Section C: Standard of Proof

1. The standard of proof for a hearing is *preponderance of the evidence*. As such, the evidence as a whole must show that the violation more likely than not occurred.

Section D. Investigations

1. All complaints will be investigated by the Greek Board of Magistrates VP and members of the Office of Greek Life staff.
 - a. Cases that stem directly from an official incident report can be considered fully investigated by Office of Fraternity and Sorority Life staff members and can be heard immediately without any further investigation by the VP.
 - b. If a case of organizational misconduct comes to the attention of the VP, it is their responsibility to investigate and hear the case if sufficient evidence should exist.
 - i. This includes but is not limited to credible rumors or reports filed through the hotline maintained by the VP.
 - ii. All steps of the investigation should be done in conjunction with the Office of Greek Life so as to keep them aware of what is happening.
2. In the event that a Greek Board of Magistrates VP has a conflict of interest precluding his/her involvement or investigation of a particular case, the GBM advisor may appoint a member of the GBM to act as VP of the GBM.

Section E: Evidence

1. All evidence must be properly documented (i.e. dates, times, names, and other information).
 - a. **Written and/or Interview Evidence:** Written or interview evidence must be presented in its entirety, including verbatim documentation, if such documentation exists, of all questions and answers. In the event that multiple interviews are conducted, questions need not be identical, but rather may be altered according to the circumstances and disposition of the interviewed party as seen fit by the investigator, so long as they remain properly and thoroughly documented.
 - b. **Hazing Hotline Reports:** Any interviews, evidence, or reports carried out or submitted via the Hazing Hotline should be documented to the same standard of integrity as written or interview evidence.
 - c. **Physical Evidence:** If any should exist, physical evidence should be kept in the possession of the GBM advisor to ensure its integrity.
2. The chapter may request a pre-hearing meeting with the VP and the Office of Greek Life advisor to discuss the charges and procedure of the hearing. Evidence or information about the infraction may not be discussed. Such a pre-hearing meeting is not a right given to the chapter and, especially in cases when time is an issue, the request may be denied by the VP.

Section F: Hearing Board Composition

1. A hearing board is composed of 5 GBM members, selected by the VP. VP will make appropriate attempts to select a balanced hearing board representative of the Greek community.
2. A GBM member whose chapter is involved in the hearing is not eligible to serve on that hearing board.

Section G: Mediation

1. The purpose of mediation is to find a satisfactory solution regarding disputes which involve two or more organizations.
2. The goal of mediation does not involve determining issues of policy.
3. Mediation occurs at the request of the VP. An organization may request that the VP call for mediation, but this action is not binding on the VP.
4. The mediation team will consist of the VP and three members of the GBM. Members may be from the organizations in the mediated dispute if the VP allow it.

5. The mediation team will assist the organizations in achieving a solution to the dispute.
6. Mediation shall be closed to the public.
7. All organizations involved must have representation and may not have more than two members present.
8. The mediation will continue until an agreeable solution is met or until all parties involved agree to terminate the mediation. If a deadlock occurs or if facilities are no longer available, the mediation can be put on hold. The group will determine the next meeting time prior to adjourning. The final schedule will be determined by the VP.
9. Agreement reached during mediation will be binding on the organizations involved. The outcome of the mediation will be emailed to the organization's president. Any inaccuracies in the outcome must be contested within five days business days. Changes to the results of the mediation will be determined by the VP. VP can call another mediation hearing to resolve the contested inaccuracies if needed.
10. Any case of an organization violating a mediation agreement will be forwarded to a hearing board for failure to comply.

Section H: Conduct Board Members Scope

1. Conduct Board **members** do not have the authority to stop chapter events in relation to a case once they are in progress. Conduct Board members shall not initiate the investigative process. They are however able to file complaints.
2. Members must not participate in behavior that is in violation of the standing rules.

ARTICLE III: HEARINGS

Section A. Notification of Charges

1. If it is determined that a case will be brought against a chapter, the VP-JD will email the chapter president of the charges brought against the chapter. All attempts should be made to complete this within 48 hours of the incident, or within 24 hours of the next business day if incident occurs during a holiday, extended weekend, etc.
2. The email shall specify a hearing date at least four business days after the date the email is sent. The group may request an earlier hearing date, but the date shall be decided by the VP-JD. The VP-JD shall direct the organization through its appointed representatives to appear at the hearing.
3. The email shall include:
 - a. Date of the hearing
 - b. General description of the procedure
 - c. Description of the alleged violation
 - d. Advising the organization of its rights:

- I. to a private hearing
- II. to appear at the hearing with an advisor
- III. to present testimony of witnesses, documentary, or other evidence
- IV. to appeal

Section B. Who Attends Hearings

1. The president of the organization charged with misconduct (or their designee), and one additional member is allowed to be present at the hearing.
 - a. These individuals are allowed to question all witnesses.
 - b. These individuals are also allowed to examine evidence.
2. There must be a minimum of five GBM members present during a hearing, not including the VP-JD.
3. GBM advisor will be present.
4. The organization charged with misconduct has the right to have an advisor present during the hearing.
 - a. The advisor may not present any evidence, question witnesses, or address the GBM.
 - b. The role of this individual is only to advise the organization.
5. In a case in which an aggrieved party is present, the party shall have the same rights at the organization charged with misconduct.
6. Witnesses are permitted at the hearing only while presenting evidence or while being questioned in process of the trial.
7. The GBM has the right to call before it all witnesses and/or documentary evidence it considers to be essential to rendering a decision. Penalties may be assigned to the chapters which fail to appear or provide evidence before the GBM.
8. As the board is not a court of law, attorneys are not permitted for either party at the hearing.
9. If a chapter's representative fails to appear at the hearing, the GBM may, by majority vote, select one of the following courses of action:
 - a. Reschedule the hearing
 - b. Render a decision based on the available information

Section C. During the Hearing

1. Hearings of the GBM are closed to all individuals not specified in these bylaws.

2. The board has the responsibility to consider impartially all relevant testimony and evidence, determine the facts and, if a violation is found, impose appropriate sanctions.
3. The board may ask questions of either party for clarification of context, complaint, response, etc., and may call witnesses as it sees fit.
4. The VP-JD shall oversee the hearing, ensuring that procedures are followed and a fair hearing is held.
5. The GBM supports a self-governed student community, and as such is a student centered conduct process. Advisors have no standing in the hearings, except to provide advice to their respective parties in a quiet manner. Advisors may not actively represent or speak for their respective parties.

Section D. Order of Proceedings

1. VP-JD will read the charges against the group.
2. Accused party will enter a plea of “responsible or not responsible” to each charge.
 - a. If accused party pleads not responsible:
 - i. Accused party will present testimony.
 - ii. Hearing board will direct clarification questions to accused party.
 - iii. Hearing board will call witnesses to present testimony.
 - iv. Accused party may rebuttal testimony.
 - v. Accused party will be allowed to question all parties and call witnesses.
 - vi. Hearing board may further question the accused party.
 - vii. Accused party may make a closing statement.
 - viii. Hearing board will advise the accused party of the appeals process.
 - ix. Hearing board will recess in private session for deliberation.
 - x. The outcome of the hearing will be emailed to the chapter president.
 - b. If accused party pleads responsible:
 - i. Hearing board may question the accused party to ascertain the reasoning behind the accused party’s actions. The aim of determining the motive for the violations is to help in providing sanctions that are educational.
 - ii. Accused party will make a statement.
 - iii. Hearing board will recess in private session for deliberation.
 - iv. The outcome of the hearing will be emailed to the chapter president.

Section E. Deliberation:

1. After the closing statements everyone leaves the room except the VP-JD and the hearing board.
2. The hearing board will deliberate in a fair and consistent manner.

3. Decisions are made by majority vote.
4. If the board finds the chapter not responsible for the charges the hearing is ended.
5. If the chapter is found responsible the board will determine sanctions at that time.
Under unusual circumstances when a deliberation cannot be completed immediately the sanction will be determined as soon as possible.
6. After deliberation has concluded, the GBM advisor will be told of the charges of which the chapter is found guilty and of the sanctions to be levied. If the advisor does not feel that the sanctions are fair, he/she may make an argument for changing them, but charges are to be changed at the discretion of the hearing board.

ARTICLE IV. SANCTIONS

Section A: Guiding Principles

1. In determining an appropriate sanctioning package, the hearing board shall have a broad range of sanctions available which may be imposed alone or in combination so as to do justice in the particular case. Relevant factors may include:
 - a. The nature and gravity of the violation(s)
 - b. The inherent risk of harm or harm caused
 - c. Any relevant recurrent patterns of misconduct
 - d. Any opportunity to deter the organization or other organizations from committing the same or other violations in the future
 - e. The importance of equitable treatment for similar violations and a perpetual awareness of precedent
 - f. The opportunity for organizational development and education, including fostering a sense of responsibility for actions
 - g. The academic status of the organization

Section B: Prior Record

1. In levying sanctions, and determining their appropriate severity and scope, the hearing board may consider the organization's prior record of offenses for the preceding 2 years.

Section C: Assignment of Sanctions

1. For the sake of fairness, sanctions will be levied on a per-incident basis and should be appropriate for the violations and should reflect the concerns of all organizations equally.
2. The outcome of GBM proceedings may be shared within the University with other faculty, staff, students or administrators or their agents or representatives, where such disclosures serve a legitimate educational purpose.

Section D: Possible Sanctions

*For clarification, the sanctions hereunder in no way limit the scope of sanctions accessible to the board, nor do they establish a regimented protocol for sanctioning. Sanctioning occurs on a case-by-case basis with due consideration of the relevant factors set forth above and the evidence of the case.

1. Probation - all chapters found responsible will be placed on a minimum of 1 semester probation for any further violations.
2. Chapter is to write a letter of apology to the offending group and/or campus.
3. Chapter is ineligible to receive campus recognition and awards.
4. Intramural suspension - can't accrue points, can't play in IFC league or can't field a majority group team.
5. Revocation of social privileges for a specified amount of time. Social privileges are defined as events held in conjunction with other chapters or events hosted or sponsored by the organization where alcohol is present. Groups that have had their social privileges revoked must consult the GBM VP-JD in the beginning stages before planning any event including philanthropy events.
6. Other restrictions on group activities and privileges for a specified period of time
7. Chapter must host or attend educational programs (must specify when this is to be done and what % of the membership must be present).
8. Monetary fines
9. Financial restitution for damages caused
10. With the approval of the VP-JD, the Coordinator/ Director of Office of Greek Life can issue informal discipline in the form of a letter to the respective chapter president.
11. The GBM may also choose to write a letter to the chapter's national organization.

Section E: Failure to Comply

1. Failure to comply with sanctions will automatically result in a second hearing with the GBM.
2. All communication regarding the hearing process, including questions about sanctions, must be handled through the GBM VP-JD.

3. Representatives of the organization who contact individual board members regarding the details, outcome/ruling, of the hearing or the charges passed may be further sanctioned.

ARTICLE V. APPEALS

1. All appeals must be submitted in writing or via e-mail within two business days of notification of the outcome of the hearing.
2. Appeals will be granted at the discretion VP-JD and may only be made on the grounds of unfair or disproportionate sanctions as relate to both the severity and scope of the violation(s).
3. The Director UDC will hear the appeal.