

## **ARTICLE I: Preamble**

With the understanding that:

- It is in the interests of the IFC, its member organizations, and the University community that harmful behavior which violates the Undergraduate Student Conduct Code or IFC policies on the part of any undergraduate(s) affiliated with a recognized, male Greek-letter social organization not go without a proper disciplinary response designed to prevent further behavior of a similar, detrimental nature;
- The deciding factors both in the committing and disciplining of violations of the Conduct Code in a specifically Greek environment are unique from those of other undergraduate violations;
- The University, including the Dean of Students and Director of Judicial Affairs, may not be in a position to understand many of those factors which may be specific to certain relevant, fraternity issues and pressures in the Johns Hopkins community and cannot, by nature, accurately and responsibly serve as a "jury of peers," despite its best intentions;
- The IFC desires to take an active role in establishing acceptable and effective preventative and disciplinary measures to ensure the safe conduct of its member organizations and their activities within the community;

The Johns Hopkins University IFC hereby establishes the IFC Judicial Committee.

The Judicial Committee shall be responsible for hearing all complaints regarding the violation of University and/or IFC policies by recognized, male social Greek-letter organizations at Johns Hopkins or by the members of those organizations when the violation is specifically related to Greek Life at the University.

The IFC Judicial Committee is not, nor does it pretend to be, a court of law; though it may appear similar in certain ways, its objectives and standards are different. The Judicial Committee's primary responsibility shall be to determine, according to statements of complainants, defendants, witnesses, and any evidence deemed permissible, whether or not any University and/or IFC policies have been violated and to impose appropriate sanctions according to this document designed to prevent further such activity.

All parties shall maintain due process rights to a fair hearing which follows the procedures of this document.

Further, the IFC recognizes the authority of the University and considers this document to be a service, not just to itself, but to the pursuit of accurate and, most importantly, effective administration of disciplinary action on the part of the Johns Hopkins community. As a result, the IFC recognizes and upholds the overarching jurisdiction of the University and its protection of the integrity of the Undergraduate Student Conduct Code through its own judicial processes. In the case that this document is blatantly violated or ignored during instances of disciplinary activity, the IFC Judicial Committee shall be dissolved and the University's judicial operations shall handle policy disobedience on the part of undergraduate fraternity life as it sees fit.

## **ARTICLE II: Jurisdiction**

1. The IFC Judicial Committee shall be responsible for all judicial functions of the IFC.
2. The Committee shall have the power to mediate disputes between member organizations.
3. The Committee shall be empowered to act in cases involving breaches of the rules and regulations of the IFC and the University, as they apply to member organizations.
4. The Committee shall have the power to impose sanctions upon member organizations according to this document and the procedures it outlines.

## **ARTICLE III: Duties**

The IFC Judicial Committee shall be comprised of (1) a Judicial Committee Chair, who shall have been an IFC General Assembly representative from a member organization in good standing for a minimum of one full semester, elected by the Assembly during the Spring semester elections, (2) one representative from each member organization in good standing, and (3) the Greek Advisor.

1. A. The IFC Judicial Committee Chair shall:
  1. 1. Preside at all Judicial Committee hearings and meetings.
  2. Appoint a Secretary from among the Judicial Committee representatives
  3. Not serve as the Judicial Committee representative from his organization.

4. Make known to the IFC General Assembly the dates, times, and locations of any upcoming meetings or hearings.
  5. Report on the status and/or results of any ongoing investigations and/or hearings at weekly IFC meetings.
  6. Provide to the IFC Executive Board or JHU Director of Judicial Affairs all materials necessary for the hearing of an appeal.
  7. Keep all permanent records of the Committee in a confidential form and a location under control of the Greek Advisor.
  8. Work with the IFC and JC Secretary to ensure that all relevant parties are informed of hearing times, dates, and locations (relevant parties include, but are not limited to: complainants, defendants, Committee members, member organization presidents, and IFC General Assembly representatives).
  9. Ensure that arbitration agreements, Judicial Committee sanctions, and appeals sanctions are followed and report delinquencies.
  10. Ensure that all Judicial Committee representatives conform to these bylaws.
  11. Participate in the University's training program for Conduct Board members.
2. All IFC Judicial Committee representatives shall:
    1. Be full-time undergraduate students in good standing at the University.
    2. Be members in good standing within their organizations.
    3. Make themselves available to attend all IFC Judicial Committee meetings and hearings.
    4. Make efforts to hear all cases in an objective and unbiased fashion.
    5. Hear all cases in accordance with these bylaws.
    6. Not be called as witnesses or become otherwise involved in the details of the trial. If such a situation develops, the representative shall be replaced by any qualifying member of the same organization.
    7. Remove themselves in the case of a conflict of interest beyond Greek affiliations.
    8. In the case that he is unable to serve (due, for example, to conflict or absence), he may be replaced on the Judicial Committee exclusively by either of an organization's two IFC representatives.
3. The Greek Advisor shall:
    1. Be present at all hearings held by the IFC Judicial Committee.

2. Not be a voting member of the Judicial Committee.
  3. Be recognized by the Chair to speak during hearings and deliberations.
  4. Preside over hearings should a debilitating conflict of interest arise for the Judicial Committee Chair. The determination of such a conflict shall be made by a majority vote upon a motion from any IFC Judicial Committee member.
  5. Keep all appropriate documents of a confidential nature, and protect them as such.
1. D. The IFC Judicial Committee Secretary shall:
    1. Be nominated by the Judicial Committee Chair and ratified by a majority vote of the Committee at the first Judicial Committee meeting held after the Spring elections.
    2. Remain a voting member of the Committee.
    3. Assist the Judicial Committee Chair in informing all relevant parties of hearing information.
    4. Provide all information and documentation, including hearing procedures, to all parties involved in hearing proceedings.
    5. Keep an accurate account of all Judicial Committee and Appeal hearings, including, but not limited to, trial motions and actions, deliberations, charges, findings, and decisions. Such accounts shall be stored with the Greek Advisor.
    6. Record the proceedings on tape or comparable medium for the purposes of appeals and provide them to the Greek Advisor.

## **ARTICLE IV: Pre-Hearing Procedures**

Cases of IFC Member Organization(s) v. other IFC Member Organization(s)

1. Complaints must be filed within one business week of the infraction, or, in the case of a Rush violation, within one week of the last day of official Rush.
2. A hearing must be scheduled within two business weeks of the time of the complaint, at a regular Judicial Committee meeting time.
3. Upon confirming the attendance of a Judicial Committee representative from each member organization, the Chair and Secretary shall prepare a notice of the hearing. The notice shall include the time, date, and location of the hearing, as

well as a statement of the charges, any expectations of the groups involved, and a copy of the hearing procedures.

4. As soon as possible, but no later than 72 hours before the hearing, the notice will be delivered to the complainant and defendant groups= IFC General Assembly Representatives or Presidents by the Judicial Committee Chair or Secretary. The notice will either be hand delivered, or confirmation of receipt and understanding must be obtained.
5. The IFC Secretary shall be notified of the time, date, and location of the hearing. The IFC Secretary shall notify the IFC Executive Board and General Assembly.
6. Each group shall choose up to three undergraduate representatives as its council. All members of the council must be in good standing with their organizations and with the University and may not be a member of the Judicial Committee.
7. At least 24 hours before the hearing, the defendant must submit a written statement containing its plea, a summary of the reasoning behind this plea, and a list of any witnesses to be called and/or evidence to be presented.
8. At least 24 hours before the hearing, the complainant must submit a written statement containing the reasoning behind the complaint and a list of witnesses to be called and/or evidence to be presented.

#### Cases of IFC v. other IFC Member Organization(s)trhgtrgh

1. Where a fraternity has violated University or IFC policy, the IFC President shall serve as the complainant to present before the Judicial Committee the contents of any security reports as well as any other evidence.
2. A hearing must be scheduled within two weeks of the time of the filing of any notices of policy violation at a University office. The Greek Advisor shall notify the Judicial Committee Chair and the IFC President that documents have been filed and a hearing must be held.
3. Pre-hearing procedures shall be performed in the same manner as in the case of one IFC members organization vs another.

### **ARTICLE V: Hearings**

1. Hearings shall only be open to members of the Judicial Committee, the elected IFC Officers, the complainant(s), and defendant(s). The Judicial Committee shall allow other parties to be in attendance for the meeting by a majority vote. At least two IFC Executive Board members must attend. Any fraternity whose Judicial

Committee representative or General Assembly alternate is not in attendance shall be given a \$50 fine.

2. The Judicial Committee Chair shall invite up to two additional non-voting University faculty or staff to participate in deliberations.
  1. The ranking University judicial administrator or dean shall always be welcome to attend and shall count as one of the two University staff members if in attendance.
  2. The faculty or staff members shall be recognized by the Chair to speak on all points of deliberation and otherwise participate as any other Judicial Committee member.
3. The hearing shall follow the procedures outlined in Appendix B.
4. Following the hearing, the Committee shall deliberate in private. It may decide to:
  1. Dismiss the case on the grounds of:
    1. No violation
    2. Insufficient evidence
    3. Lack of jurisdiction
  2. Find the member organization(s) responsible and levy sanctions according to these bylaws.
5. All decisions shall be determined by a majority vote of Judicial Committee representatives, with the Chair casting only a tiebreaking vote, if necessary.
6. A written copy of the findings and decision(s) of the Committee shall be prepared and delivered by the Judicial Committee Chair and Secretary to the presidents of the members organizations involved as soon as possible and at least within 24 hours of the close of deliberations.

## **ARTICLE VI: Sanctions**

1. A party who has been found responsible for violating a rush, IFC, or University policy shall be sanctioned with respect to the nature of the disobedience.
2. B. The minimum and maximum penalties included herein are fixed and mandatory. Minimum penalties should be considered appropriate where the most minor of violations has occurred, while maximum sanctions are designed to be appropriate for cases where the member organization has committed a heinous breach of rules or regulations and may already be on probation or been recently sanctioned for the same or similar disobedience. For violations that fall

between these parameters, the explicit minima and maxima should serve as points of reference according to which sanctions may be determined. Penalties should be determined according to the nature of the violation and the conditions surrounding it, such that a sanction may be scaled within the documented range to reflect the grievousness of the violation. Disciplinary actions taken by the Judicial Committee should follow the evolving guidelines in Appendix A.

3. C. The term social probation, as it is used here, is defined by the limiting of a member organization's social privileges for a specified period of time, where it will not be allowed to hold any social event, open or closed, at any location for the duration of the probation. This includes open parties, mixers, formals, or any other social event where a majority of those present are members of the Greek organization on probation. A probationary week shall be defined as an official University school week of the fall or spring semesters. It is also prohibited for a member organization on probation to hold any social events during any holidays or vacation periods that fall between official school weeks of probation. This should be taken into account when sanctions are determined.
4. In the case of a rush violation:
  1. The minimum penalty assessed shall be a fine of no less than \$50. The maximum penalty shall be the disallowing of a pledge class during the period of a violation and the following rush period.
    1. Alcohol unrelated violations:
      1. For holding a rush event outside of the scheduled IFC rush periods:
        - The minimum penalty shall be a fine of \$50.
        - The maximum penalty shall be a fine of \$200.
      2. For disturbing the rush activities of other organization(s):
        - The minimum penalty shall be a \$100 fine and half the cost of the disturbed event(s). That half-cost shall be distributed to the organization(s) whose event(s) has been affected.
        - The maximum penalty shall be the entire cost of the disturbed event(s) to be paid to that organization(s) and six weeks of social probation.
    2. Alcohol-related violations:
      1. For the presence of alcohol at a rush event:
        - The minimum penalty shall be \$50.

- The maximum penalty shall be \$200.
- 2. For providing alcohol to underage guests or potential members at a rush event:
  - The minimum penalty shall be \$100.
  - The maximum penalty shall be \$200 and two weeks of social probation for every event where an infraction occurs.
- 3. For intoxicating any undergraduate with the intention of offering him a bid:
  - The minimum penalty shall be that the undergraduate shall not be a part of the current semester's pledge class, and the organization in violation shall be on social probation until the end of the academic semester.
  - The maximum penalty shall be the disallowing of the pledge class of the current and following semesters.
- 5. In the case of a violation of the Undergraduate Student Conduct Code:
  - 1. The minimum penalty assessed shall be a fine of no less than \$50. The maximum penalty shall be the removal of IFC recognition. The Judicial Committee is encouraged to obligate fraternities to participate in educational seminars on, for example, risk management or effective ways of establishing adequate security procedures at social events as part of a sanction package.
    - 1. Alcohol unrelated violations:
      - 1. For abusing or harassing an undergraduate pledge or new member, forcing him to perform an activity that would violate federal, state, local, University, or IFC law or policy, or for performing any other action that constitutes hazing as defined by the IFC Constitution Bylaws:
        - The minimum penalty shall be a fine of \$100.
        - The maximum penalty shall be the removal of recognition by the IFC.
      - 2. For resorting to or participating in physical violence against another fraternity or any undergraduate:
        - The minimum penalty shall be six weeks social probation.



- The maximum penalty shall be ten weeks social probation.
- 2. Alcohol-related violations:
  - 1. For holding an event where alcohol is made available to underage individuals:
    - The minimum penalty shall be two weeks social probation.
    - The maximum penalty shall be eight weeks social probation.
  - 2. For holding an event where alcohol is made available to underage students without proper measures to prevent their alcohol consumption, such as carding, marking, or security:
    - The minimum penalty shall be four weeks social probation.
    - The maximum penalty shall be ten weeks social probation.

## **ARTICLE VII: Appeals**

1. An appeal must be filed with the Judicial Committee Chair within one week of the adjournment of the original hearing deliberations.
2. Appeals may be sought exclusively on the following grounds:
  1. Biased hearing
  2. Gratuitous punishment
  3. New evidence
  4. Violations of due process rights of the accused
3. Appeals may be brought to
  1. The Director of Judicial Affairs of the University, who shall have been in attendance at the hearing. The Director shall then hear the appeal according to University policy.
  2. The IFC Executive Board, who shall hear appeals with the Greek Advisor.
4. In the case of a conflict of interest, Executive Board members shall remove themselves from hearing the appeal.
5. In order to review the case, the Executive Board shall examine all documents and records related to the hearing (including, but not limited to, the Judicial

Committee Secretary=s records). Any tape recordings of the proceedings may also be used.

6. If the appeal is brought on the grounds of a biased trial, the Executive Board may vote to:
  1. Deny the appeal.
  2. Send the case back to the Judicial Committee for a retrial, with instructions that the Judicial Committee Chair remove the biased member(s).
  3. Send the case to the University's Director of Judicial Affairs.
7. If the appeal is brought on the grounds of gratuitous punishment, the Executive Board may vote to :
  1. Deny the appeal.
  2. Leave the sanction as imposed.
  3. Lower or remove the sanction.
  4. Increase the sanction.
8. If the appeal is brought on the grounds of new evidence, the Executive Board may vote to:
  1. Deny the appeal.
  2. Send the case back to the Judicial Committee for a retrial.
9. If the appeal is brought on the grounds of a due process violation, the Executive Board may vote to:
  1. Deny the appeal.
  2. Send the case to the University's Director of Judicial Affairs.
  3. Send the case back to the Judicial Committee for a retrial with instructions to ensure due process.
10. The Executive Committee must adhere to the same restrictions as the Judicial Committee.
11. All appeals decisions shall be made by simple majority, with the Greek Advisor casting a tie-breaking vote if necessary.
12. A written copy of the final decision, which should include mention of the Executive Board's reasoning when coming to its decision, shall be prepared by the IFC President and Secretary and delivered to the appealing organization=s President within 24 hours of the close of deliberations.