

Sam Houston State University Interfraternity Council  
By-Laws of the Judicial Board

***PREAMBLE***

The fraternity men of Sam Houston State University, believing in the value of self-government, do support these By-laws and wish to assume the obligations and responsibilities of self discipline under an equitable and impartial judicial system.

***ARTICLE I***

***RESPONSIBILITY AND AUTHORITY OF THE JUDICIAL BOARD***

- Section 1. The responsibility of the Judicial Board shall apply to all areas concerning Fraternities and Fraternity relations. The IFC Judicial Board will have the authority to act on any incident, report, or allegation, including violations of rush rules, involving a member or Fraternity.
- Section 2. Definition of group responsibility: Each Fraternity will be held responsible for the actions of its affiliates. An affiliate is defined as a pledge or a member of the Fraternity who is a student of Sam Houston State University.
- Section 3. The IFC Judicial Board shall have the responsibility of determining whether or not there have been violations of the university regulations, IFC Constitution, By-laws, or Rush regulations, and if so, to follow the proper procedures to determine the action taken for such violations. The Judicial Board shall have the responsibility of deciding the proper sanctions once responsibility for violations have been determined.
- Section 4A. A written complaint against a Fraternity can be lodged with the IFC Vice President by an individual, by a representative of the University, or by another student organization. When a complaint becomes registered, it is the duty of the IFC Vice President, President and Advisor to see if the charges warrant a hearing.
- Section 4B. Should the Vice President and President decide that a hearing is necessary, he shall send the accused a letter stating the charges filed and the time the accused is to appear before the Judicial Board. The letter shall state the following:
1. The specific article and section of the IFC Constitution, By-Laws, Rush and Pledging Rules, or any other IFC or University established rules, regulations, or policies which have been violated.
  2. A description of the act or acts of the accused that have led to the charges being filed.
  3. The members of the Judicial Board.
  4. Their rights under due process.
  5. The person, persons, or group filing the charges against the accused.
- Section 4C. Chapters will be given a minimum of 48 hours and a maximum of two weeks after the charges have been filed before their hearing is called.

Section 4D. The deadline for initiating charges against the Fraternity or individual chapter members for a violation of University or Interfraternity Council policy is as follows:

1. If the violation happens during the last two weeks of a long semester, the Vice President of IFC has till the second regularly scheduled meeting of the following long semester to contact the involved fraternity(ies).
2. Within two weeks after the date of the violation if the violation was an IFC policy violation.
3. Within two weeks from the date of the report if it is a violation of the University policy/regulations.
4. Two weeks after the date the charges are filed for a rush violation.
5. If the University is investigating a violation, IFC does not get involved until a complaint from the University is filed with a member of IFC Executive board or advisor. If the notification by the University is filed after six months since the incident, IFC will NOT look into such violation. If this violation happens during the last two weeks of a long semester, the six-month period begins on the first day of school of the following long semester.
6. The Vice President has two weeks to notify the involved fraternity(ies) or chapter members of such charges mentioned in Section 4D #5.

Section 4E. The penalties prescribed by the Judicial Board become effective when so stated by the board.

## ***ARTICLE II***

### ***COMPOSITION***

Section 1. Each member fraternity of the IFC shall be responsible for appointing a judicial committee representative and an alternate by the second IFC meeting of each spring semester. The committee must be approved by a majority of the IFC.

Section 2. The IFC President shall appoint two members of different fraternities and one alternate member of a different fraternity (approved by a majority vote of the general IFC) to serve as the Sanction Board.

Section 3. The Vice President of the IFC shall serve as chair of the Judicial Review Board.

Section 4. The President of the IFC shall serve as chair of the Sanction Board.

Section 5. The Judicial Review Board shall hear complaints raised against any fraternity during a Judicial Review Board hearing and the Sanction Board shall have the power to levy fines and/or to take disciplinary action.

Section 6. Original decisions of the Judicial Review Board hearing may be appealed to the entire IFC with approval of the President, Vice President and Advisor. Appeals must be made within 14 days of decision. Decisions by the IFC may be appealed to the Student Organizations Board.

- Section 7. Minutes of the Judicial Review Board meetings and hearings shall be kept by the IFC Secretary and submitted to the IFC by the following IFC meeting.
- Section 8. Judicial Review Board meetings shall be closed by a majority vote of the committee.
- Section 9. The Vice President shall serve as Parliamentarian for the IFC.
- Section 10. Procedures for all Judicial Hearing are as follows:
1. Judicial Committee hearings shall be held to investigate any written complaint submitted and approved to the IFC and shall be operated under the guidelines set forth in this section.
  2. In order to be constitutionally sound, the following must attend any Judicial Review Board hearing: IFC President, Judicial Chairman, Dean of Students (or the IFC Faculty Representative), a prosecution, a defense; and Judicial Review Board members who are not affiliated with either the prosecution or the defense. If the Judicial Chairman's and the President's houses are represented in the prosecution and/or the defense, then the IFC Secretary must also attend.
  3. The IFC President and faculty representative shall attend only as observers (however, the President may have to break a tie vote) and may only be referred to by the Vice President during the hearing process. The IFC Advisor shall serve as mediator during the hearings.
  4. The Vice President shall preside over all hearings in an impartial manner.
  5. The Judicial Review Board members not affiliated with the prosecution or defense shall serve as the "jury".
  6. The hearing shall proceed as follows:
    - a. Opening comments by the Judicial Chairman
    - b. Opening comments by the prosecution
    - c. Opening comments by the defense
    - d. Prosecution case: evidence and witnesses
    - e. Defense cross-examination of witnesses
    - f. Defense case: evidence and witnesses
    - g. Prosecution cross-examination of witnesses
    - h. Prosecution rebuttal
    - i. Defense rebuttal
    - j. Prosecution closing comments
    - k. Defense closing comments
    - l. The jury shall convene in private and arrive at a verdict
    - m. The Judicial Chairman shall review the verdict to ensure that it is complete, definite, and in accordance with the Constitution.
    - n. Judicial Chairman closing comments
  7. A verdict shall be determined by a majority of the jury.

8. In case of a tie vote by the “jury”, the Judicial Chairman shall break the tie. If the Judicial Chairman’s respective fraternity is represented in the case or is the prosecution, then the President shall cast the deciding vote and preside over the hearings.
9. If the accused party is found guilty, the verdict shall contain the appropriate punishment handed down by the Sanction Board. If the terms of this punishment are not met, the Sanction Board shall meet again to determine any additional action.
10. If there is no prosecuting fraternity, then the Judicial Chairman shall act as the prosecution and the President shall preside over the hearings.
11. If there is not prosecuting fraternity(s), the hearing shall be as follows:
  - a. Opening comments by the President.
  - b. Opening comments by the prosecution
  - c. Opening comments by the defense
  - d. Prosecution case: evidence and witnesses
  - e. Defense cross-examination of witnesses
  - f. Defense case: evidence and witnesses
  - g. Prosecution cross-examination of witnesses
  - h. Prosecution rebuttal
  - i. Defense rebuttal
  - j. Prosecution closing comments
  - k. Defense closing comments
  - l. The jury shall convene in private and arrive at a verdict
  - m. The President shall review the verdict to ensure that it is complete, definite, and in accordance with the Constitution.
  - n. President’s closing comments