The Kansas State University Interfraternity Council (hereinafter referred to as the IFC) derives its authority from the President of Kansas State University, as stated in the Agreement dated March 19, 2004 and amended May 8, 2008. In the case that specific powers or procedures are not explicitly stated or designated in this Judicial Policy, the university policy is the guideline for those specific powers or procedures.

Section 1. Purpose. The IFC hereby establishes the following Judicial Policy for its member chapters in order to:

- Aid in promoting a positive, healthy and safe experience for all Greek members.
- Provide a timely and equitable resolution of complaints
- Hold all members accountable for their decisions and actions
- Affirm commitment to responsible and innovative self-government
- Uphold the IFC and Greek Affairs Mission statements, high standards, and fraternal values of our member chapters.
- Challenge chapters to grow and create sustainable cultural change within the chapter by developing and achieving specific growth outcomes.

Section 2. Interpretation.

Should any part of this policy come into question, the IFC Director of Judicial Affairs and IFC President shall be responsible for its interpretation and correct implementation.

Section 3. Key Definitions

A. An “Administrative Review” is an official judicial proceeding of the Interfraternity Council where responsibility is determined and sanctions are assigned.

B. An “Appellant” is the person(s) or body/bodies who file an appeal of a decision made in an administrative review or judicial hearing.

C. A “Complainant” is the individual(s) who files a written complaint with the Office of Greek Affairs.

D. A “Confidential Complainant” is a complainant who wishes to keep his or her identity unknown to the respondent.

E. The “IFC Appellate Board” is the board that will have deciding power over appeal hearings for the Interfraternity Council.

F. A “Judicial Hearing” is a formal hearing process of a complaint and is governed by the IFC Judicial Board.

G. A “Preponderance of Evidence” is evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it. This is the standard of proof utilized in the judicial process.
H. A “Respondent” is the chapter(s) against whom the written complaint has been made.

Section 4. Responsibilities

A. The responsibilities of the IFC Director of Judicial Affairs include the following:

1. Receive any form of communication from a complainant, representative of a complainant, or witness to an alleged violation.
2. Determine the most appropriate course of resolution for incidents and alleged violations.
3. Distribute applications and select members of Judicial Board/Investigation Team.
4. Assign investigators to cases and oversee all investigations.
5. Coordinate training of the investigation team/judicial board members with the appropriate Greek Affairs staff member.
6. Act on behalf of the complainant and/or serve as advisor to the complainant in formal hearings and may also serve as counsel or expert during the hearing.
7. Assume all duties of a confidential complainant in the case of a hearing.
8. Oversee completion of assigned sanctions.
9. In the case that the IFC Director of Judicial Affairs’ chapter is the complainant or respondent, the IFC President shall assume all responsibilities of the IFC Director of Judicial Affairs. The Vice President shall assume the duties of the IFC President.

B. The IFC Judicial Board is the board that will have deciding power over Judicial Hearings. It consists of the following members:

1. The IFC Board of Directors.
   a. The IFC President will serve as the chairperson of the Judicial Board for each judicial hearing.
   b. Two other members of the board will be appointed to serve on the board for each hearing by the Judicial Board chairperson. The members of the board shall be selected in the following priority order to serve – Director of Risk Management, Vice President, Director of Public Relations, Director of Community & Internal Relations, and Director of Recruitment.
   c. No member of the Board of Directors may be appointed to a case where his chapter is the complainant or respondent due to conflict of interest.

2. Two paid workers of Kansas State University that have alumni membership in a fraternity to be appointed by the Vice President of Student Life.
   a. One of these appointees will be present at all administrative review and judicial hearings.
   b. An alumni representative is not eligible to serve in a judicial proceeding where his chapter is the complainant or respondent due to conflict of interest.
   c. If neither of the alumni representatives is able to attend a judicial proceeding, the Vice President of Student Life should be contacted to provide an alternate representative to serve.

3. Eight chapter representatives appointed by the IFC Director of Judicial Affairs.
   a. Two of these representatives will be appointed to serve for each hearing.
b. No chapter representative is eligible to serve in a judicial proceeding when his chapter is the complainant or respondent due to conflict of interests.

c. Selection of chapter appointees
   i. At the beginning of the Fall semester, the IFC Director of Judicial Affairs will release an application for the position of chapter justice/investigation team member.
   ii. An applicant must meet the following qualifications:
      1. Be a member in good standing of their fraternity as verified by their chapter president.
      2. Be at least sophomore standing with at least two semesters of membership in his organization.
      3. Have a letter of support from chapter president.
   iii. The IFC Director of Judicial Affairs will review all applications received and select eight men to serve a one year term on the board and investigative team.
   iv. No more than one member from each fraternity may be selected.

4. A staff person representing Greek Affairs shall be present to advise the IFC Judicial Board and serve as an “ex officio” member of the Judicial Board.

Section 5. Filing a Complaint.

A. A complaint against a member chapter must be submitted via a Kansas State University Office of Greek Affairs Incident & Complaint form and filed with the Greek Affairs Office. A complainant may be anyone who has an issue to be resolved with a member chapter of the IFC.

B. The complainant(s) may choose to remain confidential. If chosen, the identity of the complainant(s) will be known only to the appropriate staff member for Greek Affairs and the IFC Director of Judicial Affairs. Confidential complainant(s) will be available to be questioned by both the respondent and the IFC Judicial Board using current technology to mask complainant identity.

C. Upon receipt of the complaint, the IFC Director of Judicial Affairs will consult with the IFC President and appropriate advisor from Greek Affairs to determine the most appropriate course of resolution.

D. After consultation, the IFC Director of Judicial Affairs must decide on one of the following courses. A decision must be made within ten business days of receiving the complaint:

   1. Dismiss the complaint based on lack of evidence.
   2. Assign investigators to gather additional evidence. Re-assess the course of action once investigation is complete.
   3. Refer the complaint to Greek Affairs staff and/or IFC Director of Risk Management to have a discussion with the chapter president.
   4. Begin the administrative review process by drafting a charge letter.
   5. Begin the judicial hearing process by drafting a charge letter.
E. The IFC Director of Judicial Affairs will contact the complainant and advise them throughout the resolution process. At any point in the resolution process, the IFC Director of Judicial Affairs may do the following:

1. Act on behalf of the complainant.
2. Serve as advisor to the complainant in formal hearings.

Section 6. Investigation

A. All investigations should be conducted by two members of the IFC Investigation Team and overseen by the IFC Director of Judicial Affairs.

B. Selection of Investigation Team

1. At the beginning of the Fall semester, the IFC Director of Judicial Affairs will release an application for chapter justice/investigation team members.
2. An applicant must meet the following qualifications:
   i. Be a member in good standing of their fraternity as verified by their chapter president.
   ii. Be at least sophomore standing with at least two semesters of membership in his organization.
   iii. Have a letter of support from chapter president.
3. The IFC Director of Judicial Affairs will review all applications received and select eight men to serve a one year term on the investigation team and judicial board.
4. No more than one member from each fraternity may be selected.

C. Training for the investigation team will be provided by the IFC Director of Judicial Affairs and Greek Affairs staff.

D. If the IFC Director of Judicial Affairs determines an investigation is needed, he will assign two investigators to the case. No investigator may investigate his own chapter. He will turn over all current case materials to the investigators. He will establish a deadline for an investigation report to be submitted to him.

E. The chapter president and advisor(s) of the fraternity under investigation will be notified that an official IFC investigation is occurring and that the members of the fraternity are expected to fully cooperate.

F. An investigation can include, but is not limited to, the following:

1. Any form of communication with any member or new member of a fraternity.
2. Any form of communication with any chapter advisors, chapter representatives, or national/international fraternity.
3. Any form of communication with potential complainants.

G. Upon completion of an investigation, the investigators will submit all collected case materials and a summary report to the IFC Director of Judicial Affairs.
H. Based on the investigation, the IFC Director of Judicial Affairs in consultation with the IFC President and appropriate advisor from Greek Affairs to determine how the case will proceed.

Section 7. Resolution of Complaint

Discussion between the IFC President and IFC Director of Judicial Affairs, in consultation with the appropriate Greek Affairs staff person, will determine which judicial process will be used based on the severity of the violation.

A. The following alleged violations will be discussed with the IFC Director of Risk Management and the appropriate Greek Affairs staff member. Documentation of this discussion will be put in the chapter’s file, and repeated violations will result in an administrative review. These alleged violations include:
   1. Late Registration
   2. Inaccurate registration form/information
   3. K-State IFC/PHC Third Party Vendor contract not received
   4. Proper signage not posted

B. The following alleged violations will be given an administrative review:
   1. Violations of IFC Code of Ethics
   2. Violations of Local, State and/or Federal Laws – Misdemeanor
   3. Alcohol involved in All-University Homecoming activity
   4. Alcohol at philanthropy events not in compliance with the Social Responsibility Policy
   5. Mistreatment or not allowing access to SRC members

C. The following alleged violations will be given a judicial hearing:
   1. Unregistered social events
   2. Chapter registered as alcohol-free having events with alcohol in the facility
   3. Purchase of alcohol with chapter funds
   4. Events with alcohol that are not BYOB or third party vendor
   5. Unacceptable quantity of alcoholic beverages
   6. Unacceptable types of alcoholic beverages
   7. Hazing
   8. Sexual Assault
   9. Violations of Local, State and/or Federal Laws – Felony
   10. Alcohol involved in new member events
   11. Alcohol involved in recruitment events
   12. Open parties with alcohol
   13. Violations related to illegal controlled substances according to Local, State and/or Federal Laws

D. If multiple alleged violations have occurred, the case will be assigned to the corresponding level of the highest allegation.

E. If a violation occurs that is not listed, it will be at the discretion of the IFC Director of Judicial Affairs, in consultation with the IFC President and appropriate Greek Affairs staff member to assign a course of resolution.
F. Administrative Review Process

1. The Administrative Review process calls for a meeting between the respondent chapter president, respondent chapter advisor, IFC President, IFC Director of Judicial Affairs, the designated staff person representing Greek Affairs and an alumni judicial board member.

2. The IFC Director of Judicial Affairs shall issue a charge letter to the chapter president indicating the alleged violations. The chapter president should contact the IFC Director of Judicial Affairs within five business days of receiving the charge letter to schedule a date and time for the review to occur. If the chapter president does not contact the IFC Director of Judicial Affairs within this time period, a review time will be selected by the IFC Director of Judicial Affairs. A chapter must be given at least ten days notice of a review.

3. If the respondent does not attend the administrative review hearing the IFC Director of Judicial Affairs may:
   a. Reschedule meeting time.
   b. Proceed with making a decision of responsibility on the issue(s) and sanctions based on available information.
   c. Refer the matter to the Judicial Board for a formal hearing.

4. During the Administrative Review, both sides will discuss chapter violations, present evidence, and discuss sanctions and outcomes which the respondents feel will help the chapter create sustainable cultural change.

5. During the administrative review an electronic recording or written record shall be kept by the IFC Director of Judicial Affairs. This record is the property of the IFC and may be reviewed by the complainant or respondent upon request. This record shall become the official record for any subsequent appeals. Deliberations of the board shall not be part of this recording.

6. The staff representative for Greek Affairs, IFC President, IFC Director of Judicial Affairs and the alumni judicial board member will meet in a closed session to determine responsibility by a preponderance of evidence. If the chapter is found responsible for any violations, appropriate sanctions will be assigned.

7. The chapter will receive a decision letter within two business days detailing the results of the administrative review and assigned sanctions.

8. Appeals must be filed with Greek Affairs by 5:00 pm within five business days after the decision letter has been sent to the chapter.

9. The IFC Director of Judicial Affairs shall be responsible for all required follow-up confirmations of compliance to any accepted sanctions.

G. Judicial Hearing Process
1. The IFC Director of Judicial Affairs shall issue a charge letter to the chapter president indicating the alleged violations. The chapter president should contact the IFC Director of Judicial Affairs within five business days of receiving the charge letter to schedule a date and time for the hearing to occur. If the chapter president does not contact the IFC Director of Judicial Affairs within this time period, a hearing time will be selected by the IFC Director of Judicial Affairs. A chapter must be given at least ten days notice of a hearing.

2. The charge letter shall include the following:
   - A list of the alleged policy violations.
   - Information about how to locate a complete copy of the IFC Judicial Policy online.
   - Information on the Greek Affairs staff member the chapter needs to contact to arrange a pre-hearing appointment to view the case file that contains all information and evidence about the violation to be shared during the hearing.

3. The hearing shall be closed to the public unless consent for a public hearing is granted by all parties.

4. If any party so desires, they may secure an advisor and/or legal counsel to advise them at the hearings. The advisor/legal counsel shall not be permitted to speak during the judicial hearing. The IFC Director of Judicial Affairs will serve as an advisor to the complainant in addition to any other individuals requested. Greek Affairs staff member will serve as an advisor to the respondent.

5. Each party shall be limited to no more than seven representatives present at the hearing.

6. Any evidence relevant to a fair determination of the charges may be admitted. Admittance of evidence is at the sole discretion of the IFC Judicial Board chairperson. The Judicial Board will decide responsibility to alleged charges based on a preponderance of evidence. The decision must rest solely on the IFC policies and the evidence presented at the hearing.

7. During the hearing an electronic recording or written record shall be kept by the IFC Director of Judicial Affairs. This record is the property of the IFC and may be reviewed by the complainant or respondent upon request. This record shall become the official record for any subsequent appeals. Deliberations of the board shall not be part of this recording.

8. If the discovery of new or additional violations occurs during a judicial hearing, these violations shall be dealt with at a later time and in a separate resolution process requiring notice.

9. IFC Judicial Board HEARING PROCEDURES are as follows:
a. Introduction of all members of the Judicial Board, the complainant and
the respondent, with the respondent and complainant naming a
chairperson to be initially addressed throughout the proceedings. If at
any point an additional member of the respondent delegation is able to
provide pertinent information, the respondent chairman can defer to
that member. The chairperson must be an undergraduate member.
b. Statement of the charges against the respondent shall be read by the
chairperson of the IFC Judicial Board.
c. Entrance of the respondent’s plea of responsible or not responsible for
each alleged violation.
d. Presentation of all relevant witnesses and evidence for each allegation
by the complainant and/or by the IFC Director of Judicial Affairs.
e. As each complainant witness or piece of evidence is presented, the
respondent may ask questions relevant to that information. The IFC
Judicial Board may then ask questions after that.
f. Presentation of all relevant witnesses and evidence for each allegation
by the respondent.
g. As each witness or piece of evidence is presented, the complainant
and/or IFC Director of Judicial Affairs may ask questions relevant to that
information. The IFC Judicial Board may then ask questions after that.
h. Final questions may be asked by the IFC Judicial Board concerning any
evidence presented during the hearing.
i. Concluding statements by complainant followed by the respondent
chairman. During this, both parties can refer to all evidence submitted
and provide their opinions on that evidence.
j. Closed session of the IFC Judicial Board in order to reach a decision
regarding the responsibility of the respondent regarding the charges. If
the chapter is found responsible for violation(s), appropriate sanctions
will be assigned. During deliberations, each member of the IFC Judicial
Board shall have one vote. The IFC Judicial Board chairperson shall only
vote to break a tie.
j. Complainant and/or IFC Director of Judicial Affairs and Respondent will
be called back into hearing. IFC Judicial Board chairperson will announce
decisions reached on responsibility, assigned sanctions and the
procedure for appeals.

10. The chapter will receive a decision letter within two business days detailing the
results of the hearing and assigned sanctions.

11. The IFC Director of Judicial Affairs shall be responsible for ensuring compliance to
any sanction(s) given to the chapter by the IFC Judicial Board and for the production
of the proper documentation that proves compliance and completion of sanctions.

12. Appeals must be filed in the Greek Affairs office by 5:00 pm within five business
days after the decision letter has been sent to the chapter.
13. A chapter which repeatedly violates policy or violates any probation/sanctions enacted as a result of judicial hearings will be subject to further, more severe, action by the IFC Judicial Board.

Section 8. Appeals

A. The actions taken by the IFC Judicial Board may be appealed by either the complainant or respondent to the IFC Appellate Board, then to the Vice President of Student Life.

B. The following are the only acceptable grounds for appeal:
   1. **A violation of the IFC Judicial Policy.** An appeal based on whether the finding(s) of non-responsibility/responsibility was conducted fairly in light of the charges and evidence presented and in line with the established procedures giving the complainant and/or respondent an acceptable opportunity to present their case.
   2. **The finding of responsibility.** An appeal based on whether the decision reached was based on a preponderance of evidence and whether the facts in the case were sufficient enough to establish that a violation had occurred.
   3. **Severity of the sanction(s).** An appeal based on whether the sanction(s) imposed was appropriate for the violation which the respondent was found to have committed.
   4. **Information not available at the time of the original judicial proceeding.** An appeal to consider new information sufficient to alter a decision or other relevant facts not shared in the original proceeding, because this information was not known, and/or could not have been known, to the appellant in the original proceeding.

C. Written appeals must be filed with Greek Affairs by 5:00 pm within five business days after the decision letter has been sent to the chapter. Appeals must be submitted on the Notice of Appeal form.

D. The “IFC Appellate Board” is the boards that will have deciding power over Appeal Hearings for the Interfraternity Council.
   1. It shall consist of the IFC Council of Presidents. A chairman of the IFC Appellate Board will be appointed by the IFC President. When possible, this person should be a past IFC officer, past chapter president or a fraternity member serving as Student Government President, Vice President or a member of the Executive Cabinet.
   2. A staff person representing Greek Affairs shall be present to advise the IFC Appellate Board regarding the judicial process in an “ex officio” capacity.
   3. A staff person representing Greek Affairs shall be assigned to advise the appellant.

E. The appeal hearing shall be scheduled within at least five business days and no more than ten business days of the receipt of the written appeal, and the hearing should occur at a mutually agreed upon time or immediately following the next scheduled IFC Council of Presidents meeting.
F. The appellant and the original IFC Judicial Board shall be limited to a total of 7 representatives.

G. All IFC Appellate Board hearings are closed to the public.

H. The procedures for the appeal hearing shall be as follows:

1. Roll call of the IFC Appellate Board. Quorum shall be required to proceed. Quorum is three-fourths of the total IFC member chapters.
2. Reading of the charges and findings from the initial hearing by the chair of the IFC Appellate Board.
3. Reading of statement of the grounds for appeal by the chair of the IFC Appellate Board.
4. Presentation of evidence by appellant as well as supporting documentation as necessary. The evidence presented by the appellant shall be limited to that which directly supports the stated ground for the appeal. No new evidence and no witnesses will be allowed. The IFC Appellate Board will not re-hear evidence presented at the original hearing.
5. Questioning of the appellant by the IFC Appellate Board. The chair of the IFC Appellate Board should facilitate this process.
6. Presentation of evidence by the chairperson of the IFC Judicial Board which directly relates to grounds of the appeal. No new evidence and no witnesses will be allowed. The IFC Appellate Board will not re-hear evidence presented at the original hearing.
7. Questioning of the IFC Judicial Board by the IFC Appellate Board.
8. Concluding remarks by the appellant.
9. Concluding remarks by the chairperson of the IFC Judicial Board.
10. The IFC Appellate Board shall deliberate in closed session. The IFC Appellate Board may choose to uphold, decrease, or increase the initial sanctions. Only if the appeal contains a claim that an error occurred in the process itself should the initial decision of responsibility be overturned.
11. Appellant and IFC Judicial Board will be called back into the hearing. IFC Appellant Board chairperson will announce decisions reached by the board, including assigned sanctions and procedure for subsequent appeals.

I. The chapter will receive a decision letter within two business days detailing the results of the appeal and assigned sanctions.

J. A subsequent appeals may be made to the Vice President of Student Life. This will consist of a review of the written record only. No hearing will be held. Written appeals must be filed by 5:00 p.m. within two business days following the day the respondent has been notified in writing of said decision. The Vice President of Student Life shall have up to ten business days to make a decision.

Section 9. Sanctions

A. Sanctions will be assigned if a chapter is found responsible during the administrative review and/or judicial hearing process. Sanctions will become effective immediately, regardless of whether or not an appeal is filed. Sanctions should be commensurate with the violation,
and sanctions should be intentionally created to address specific chapter issues and the educational and developmental needs of the chapter.

B. When developing sanctions, the following factors should be considered:

1. Nature of the violation
2. Prior violations/Previous disciplinary history of the organization. Relevant past violations will only be considered during the sanctioning phase of the hearing.
3. Mitigating circumstances surrounding the violation(s)
4. Sanctions assigned in cases involving similar violation(s)
5. Developmental and educational needs of the chapter

C. Sanctions may include but are not limited to the following:

1. “Withdrawal of recognition as an IFC member” means the chapter may not reserve or use University space or facilities or participate in University activities or activities sponsored by other University groups. The chapter may not charge items through any University department. The chapter may not use the University name and will have no rights or privileges through the IFC. The chapter will not be recognized as a fraternal organization and potential members will be notified of the chapter’s loss of recognition.
2. “Deferred Suspension” means that chapters found responsible for any violation during the specified period of time will have their IFC recognition withdrawn immediately.
3. “Intramural Suspension” means the chapter may not participate under its name in individual or team sports. The chapter may not participate in the Greek intramural leagues, team intramural points, or receive any championship titles during this time.
4. “Social Suspension” means the chapter may not sponsor or co-sponsor social events that involve alcohol with any IFC recognized Greek organization. This does not restrict recruitment events or alcohol-free events.
5. “Social Restriction” means the organization is a limitation of the organization’s ability to have social events and/or a limitation of the number or type of events that the organization may host or co-sponsor. This does not restrict recruitment events or alcohol-free events. More severe sanctions may occur if additional violations occur during the period of restriction.
6. “Required Membership Review” means that the organization will be mandated to complete a review of all current members of the organization. During this review, decisions will be made on who will be allowed to continue membership in the organization. The inter/national headquarters of an organization and alumni board of an organization may be involved in this process.
7. “Probationary Status” means that an organization will be restricted in a particular area of operations. The board may decide the areas of restriction based on the violation(s) that have occurred. More severe sanctions may occur if additional violations occur during the probationary period.
8. “Required Action Planning” means that the organization will be asked to create an action plan, in cooperation with IFC, Greek Affairs, alumni and/or the inter/national organization, to advance the organization in an area where a violation has occurred. Regular meetings and/or status reports may be required as part of this sanction.
9. “Educational Requirements” means that an organization will be given specific educational requirements to complete. This may include, but is not limited to, presenting an educational workshop to the chapter, hosting an educational speaker as a chapter, creating an educational program for the community, and/or attending a university educational program. The sanction may specifically detail who has to plan, present and/or attend the educational program.

10. “Community Service” means that the organization will be required to complete a set number of community service hours as a chapter or by any number of selected members.

11. “Restitution” means that a chapter will pay for the financial injury to a party in cases involving theft, destruction of property and/or deception. The assessed costs must be paid in addition to other appropriate sanctions.

12. “Letter of Reprimand” means that a letter will be made a matter of official record that the behaviors of an organization reflected unfavorably on the organization and the K-State Greek community. It specifies that more severe disciplinary action may be result should additional violations occur.

13. Enacting any other sanction deemed appropriate in the deliberative process of an administrative review, judicial hearing and/or appeal hearing.

D. All sanctions must have a specific deadline for completion.
E. All assigned sanctions should have a rationale for assignment provided during an administrative review, judicial hearing and/or appeal hearing.
F. Details of assigned sanctions will be included in decision letters.
G. Sanction completion should be overseen by the IFC Director of Judicial Affairs.

Section 10. Review of Policy

A. This policy shall be reviewed on an annual basis, or as need be by a task force consisting of the IFC President, Director of Judicial Affairs, staff person representing Greek Affairs, an alumni member of the IFC Judicial Board and at least three at-large fraternity members appointed by the IFC Director of Judicial Affairs.

Last Reviewed: 05.2013