

Western Oregon University's Fraternity and Sorority Council

Judicial Board Guidelines

I. Name

The name of this organization will be known as the Fraternity and Sorority Council (FSC) Judicial Board of Western Oregon University.

II. Purpose

The Fraternity and Sorority Council (FSC) Judicial Board exists to advance the general interest and welfare of the fraternity and sorority community and to exercise such governmental control as might be necessary to accomplish these ends. The ultimate function of the FSC Judicial Board is to promote compliance with the WOU Greek Life Policies and Procedures and the FSC Constitution and Bylaws.

III. Jurisdiction

The FSC Judicial Board has the responsibility of hearing cases involving FSC member organizations or individuals who have been charged with violations to the WOU Greek Life Policies and Procedures and the FSC constitution and bylaws. Organizations and individual members who commit offenses against the laws of municipalities, states, or the United States are subject to prosecution by those authorities and may be subject to disciplinary action under University rules when their conduct violates institutional standards, such as, but not limited to, the Code of Student Responsibility.

The FSC Judicial Board expects FSC member organizations to discipline members who violate the rules or standards of the respective Chapter.

IV. Composition of Board

Membership of the FSC Judicial Board will be composed of one member from each FSC member organization. The Board Membership will consist of one (1) chairperson – the FSC Vice President. Quorum for the Board to hear a case shall be three-fifths of voting members.

A. FSC Judicial Board Member Requirements

1. Nominated by their organization and approved at the discretion of the FSC Advisor and Judicial Board Chair.
2. Be in good academic and judicial standing with the university, their Chapter (as determined by the Chapter), and maintain a minimum of a 2.5 cumulative GPA.
3. Be familiar with the WOU Greek Life Policies and Procedures and the FSC Constitution and Bylaws
4. Serve the entire academic year

B. Vacancies

1. The President of each FSC member organization will appoint a replacement within five business days if their organization has a vacancy on the board.

C. Officers

1. The Judicial Board Advisors will be a FSC Advisor. The advisor will serve as ex-officio members.
2. The FSC Vice President will serve as the Judicial Board Chair.
3. Once the Judicial Board members are selected, a Vice Chair will be elected from within the FSC Judicial Board members.

D. Chair and Advisor Duties

1. Chair:
 - a. Meet with FSC Advisors on regular basis□
 - b. Call FSC Judicial Board meetings when necessary□
 - c. Chair all hearings and meetings of the FSC Judicial Board
 - d. Only votes in the case of a tie
 - e. Coordinate all official communications including, but not limited to, hearing notifications and sanction decision letters
 - f. Train FSC Judicial Board officers on the Judicial Board procedures, WOU Greek Life Policies and Procedures and the FSC Constitution and Bylaws
2. Pre-hearing Meeting Advisor:
 - a. Represent Fraternity and Sorority Life by presenting the facts of the violation, as the office understands it, during the pre-hearing meeting.
 - b. Advise the FSC Judicial Board Chair on appropriate sanctions if the organization decides to take responsibility for the violation at the pre-hearing meeting
 - c. If the case goes to the full Judicial Board, represent Fraternity and Sorority Life by presenting the facts of the violation, as the office understands it.
3. Judicial Board Hearing Advisor:
 - a. Serve as the advisor to the entire Judicial Board during a hearing
 - b. Inform the Judicial Board of pertinent policies or information to help the board reach a decision

V. Due Process Guidelines

To further the mission of the FSC Judicial Board and to conduct a fundamental fair judicial process, the following guidelines will be observed:

1. Timely notification of charges.
2. A pre-hearing meeting with the FSC Judicial Board Chair and Pre-Hearing Advisor in which a chapter representative may attend.□

3. Organizations may have an advisor present for their pre-hearing meeting. The advisor may participate in the discussion, as appropriate.
4. The right to be heard before an impartial committee of peers.
5. Organizations may have an advisor present for their Judicial Board hearing. The advisor may not address the FSC Judicial Board, question witnesses, or make statements.□ They may only advise their organization's representative.
6. The right to be present during all testimonies.□
7. The right to have access to all information pertinent to the violation.
8. The ability to question information presented to and by the Judicial Board.□
9. The ability to present information and witnesses.□
10. The right to appeal decisions.

VI. Procedure for Judicial Process

Organizations and their members accused of violations heard by the FSC Judicial Board will be entitled to due process. The FSC Judicial Board is committed to maintaining a fundamentally fair judicial process.

A. Reporting Procedure for Judicial Hearing

Any alleged violation of the previously stated policies outlined under Section III (Jurisdiction) should be reported to the FSC Judicial Board Chair or Advisors. Individual FSC Judicial Board members do not have the authority to resolve violations outside of the judicial process.

B. Written Notice

Upon receiving a report of an alleged violation, the FSC Judicial Board Chair shall present a written notice to all pertinent parties at least five (5) business days before the pre-hearing meeting. The written notice should be sent via email to the FSC Advisors, president of the organization, and, if applicable, the individual member involved in the violation..

The written notice must include the following:

- Name of the complainant or complaining organization/department
- Date, place, type of incident
- Document violated and specific violation noted
- Explanation of the Judicial Process
- Date by which the pre-hearing meeting must be scheduled with the FSC Judicial Board Chair and Pre-Hearing Meeting Advisor
 - This is the responsibility of the president of the accused organization and/or individual

C. Pre-Hearing Meeting

The purpose of the pre-hearing meeting is to inform the organization of the alleged violation(s), their rights, their responsibilities, to discuss the hearing options, and, if necessary, to schedule a hearing date and time. The FSC Judicial Board Chair will facilitate the pre-hearing meeting and the Pre-Hearing Meeting Advisor will present the facts of the alleged violation, as Student

Engagement understands them. The organization and/or individual has the right to review all documentation that will be used in its hearing.

It is preferred that the president from the accused organization attend the pre-hearing meeting, especially if the alleged violation is at the chapter-wide level. If the alleged violation is at the individual level, the individual that allegedly violated the policy must attend. If the organization's president is unable to attend the pre-hearing meeting, they may appoint another representative or request the pre-hearing meeting be rescheduled. If an accused individual is unable to attend their pre-hearing meeting, they must request that the meeting be rescheduled. The request to reschedule the pre-hearing meeting must be submitted at least three (3) business days before the scheduled date.

If the accused organization and/or individual fails to appear for their pre-hearing meeting, the case will be immediately referred to the FSC Judicial Board.

At the informational hearing, the organization and/or individual may choose to accept responsibility for the violation(s) and forego a hearing with the full FSC Judicial Board. In this instance, the Pre-Hearing Meeting Advisor and the FSC Judicial Board Chair will determine appropriate sanctions for the organization or individual.

D. Judicial Board Hearing

1. Scheduling

If the accused organization and/or individual chooses to have their case heard before the FSC Judicial Board, a hearing will be scheduled within ten (10) business days by the FSC Judicial Board Chair. A hearing will not be postponed without due cause and advance notification. The FSC Judicial Board, by majority vote, may postpone or discontinue the hearing.

If the accused organization and/or individual fails to attend the scheduled hearing, it will be held in their absence utilizing information collected in the pre-hearing meeting.

2. Hearing Attendees

Hearings shall be closed to all observers. Only the following will be allowed inside the hearing. The FSC Advisors have the discretion to include additional people inside the hearing as they deem necessary.

- FSC Judicial Board
- Pre-Hearing Meeting Advisor
- Judicial Hearing Advisor
- President or representative of organization
- Individual who violated a policy (if applicable)
- Organization Advisor
- Witnesses (if applicable)
 - Present only when providing testimony requested by the FSC Judicial Board

3. Legal Counsel

Because these hearings are for the purpose of enforcing University and FSC policies and are not conducted in the same manner as cases in civil courts, professional legal counsel is not of use to accused organizations. Accordingly, organizations may not be represented at their hearings by professional legal counsel.

4. FSC Judicial Board Member Bias Exclusions

At the beginning of the hearing, FSC Judicial Board members will have the ability to declare any bias they may have if they will be unable to remain impartial during the hearing. Membership in the accused organization should not be grounds for bias unless the Judicial Board member was involved in the alleged violation.

The organization may also request at beginning of the hearing that a certain FSC Judicial Board member is excluded for bias from the hearing.

If the FSC Judicial Board drops below quorum due to bias exclusions the hearing will be rescheduled at the earliest possible opportunity.

5. Testimonies and Questioning

The Pre-Hearing Meeting Advisor will give testimony on behalf of Student Engagement first. They will present the facts of the alleged violation as Student Engagement understands them and answer questions for the FSC Judicial Board and the accused organization and/or individual. The Pre-Hearing Meeting Advisor may call witnesses, present written testimonies, and present documentation of the alleged violation.

After the Pre-Hearing Meeting Advisor has finished answering questions, the organization and/or individual may present their testimony and what they have done to address the situation already. They may call witnesses, present written testimonies, and present documentation that disproves the alleged violation. They will also answer questions for the FSC Judicial Board and Pre-Hearing Meeting Advisor.

Before the hearing adjourns for the FSC Judicial Board to deliberate, both the Pre-Hearing Meeting Advisor and organization/individual will have the opportunity to make any closing statements or clarifying questions.

The FSC Judicial Board Chair will explain the next steps in the process and dismiss everyone except the FSC Judicial Board and FSC Judicial Hearing Advisor.

6. Deliberation and Sanctioning

Every effort will be made to maintain fairness to all parties when determining hearing outcomes and sanctions. In a closed session, the FSC Judicial Board shall decide if there is a preponderance of the evidence to support any alleged violations. The decision reached should be based upon the evidence presented at the hearing, which is most convincing, most credible, and

of the greatest weight or probability. If and only if the group is found responsible, the following factors should be taken into consideration when determining hearing outcomes and sanctions:

- The nature of the violation.□
- Level of cooperation for the cited organization.□
- The impact the violations have on the fraternity and sorority community, the University, and surrounding community.
- The educational impact of the sanctions on the organization.

Deliberations should proceed as follows:

- Review the facts
- Determine whether organization's or individual's conduct constitute a violation of any relevant documents.
 - This is done by a majority vote of the FSC Judicial Board in which abstention are prohibited.
- The FSC Judicial Board shall determine the proper sanctions to be assigned to the organization and/or individual.
- The Judicial Hearing Advisor has advisory privileges in all judicial proceedings, but they do not have a vote.

The FSC Judicial Board Chair will deliver a decision along with sanctions in writing via email to the organization's president and/or individual within forty-eight (48) hours of the hearing. The email containing the decision must also be copied (CCed) to the organization's advisor and the FSC Advisors.

E. Potential Sanctions

The FSC Judicial Board is not restricted to solely using those listed sanctions. Sanctions listed below are a guide for use in correcting inappropriate behavior displayed by chapters, but are not limited to:□

- **Community Service:** A specified number of community service hours may be assigned for the organization or individual to complete in addition to their FSC required community service event obligations.
- **Written Apology:** A written statement acknowledging fault and making amends will be given to those harmed by the violation.
- **Removal from FSC-sponsored Activities:** Removal of the organization or individual for a specified amount of time or a specific event.
- **Fine:** Monetary fines paid by either the individual or the organization.
- **Reprimand:** This is a formal warning that an action(s) was not appropriate and that subsequent violations should not occur. Written copies will be sent to the organization's advisor and inter/national office, where appropriate.
- **Restitution:** Payment to redress the damages done to property or possessions.
- **University Space:** Forfeiture of the organization's right to reserve university facility space for a specified amount of time.

- **Educational Programming:** A requirement to provide a specific educational program for either the organization or community within a certain time period.
- **Improvement Plans:** A written plan that outlines specific goals for improvement, ways to accomplish these goals, and measures to determine success.
- **Fraternity and Sorority Council Vote:** Forfeiture of the violating organizations' right to vote on FSC decisions for a specified amount of time.
- **Recruitment Probation:** Removal of the violating organizations' permission to recruit new members for a specified amount of time.
- **Social Probation:** Removal of the violating organizations' permission to hold social events
- **Suspension:** Once this recommendation has been passed by three-fourths (3/4) vote of the FSC Judicial Board, the organization shall lose its standing as an officially recognized group with the university for a specified amount of time. Reinstatement shall occur with a three-fourths (3/4) approval of FSC Judicial Board.
- **Expulsion:** A written recommendation to the Vice President of Student Affairs that the organization should be expelled from the fraternity and sorority community and/or that an organization recognition with the university be revoked.

F. Previous Record and Additional Sanctions

The FSC Judicial Board may consider the organization's previous record of offenses from the preceding two (2) years. The FSC Judicial Board may also consider any sanctions that may have been levied by the chapter's inter/national organization from the preceding two (2) years.

If the chapter has been notified that it may be subject to sanctions by its inter/national organization but such sanctions have not yet been determined, the FSC Judicial Board may defer its decision until a decision has been rendered. The FSC Judicial Board may defer its decision as to sanctions for up to thirty (30) days following the conclusion of the hearing in order to consider sanctions levied by the inter/national organization. In such event, the FSC Judicial Board shall proceed with its determination as to whether a violation of University policies or procedures has occurred, and shall make its determination as to appropriate sanctions no later than thirty (30) day following the conclusion of the hearing.

The imposition of sanction by an inter/national organization for the same conduct shall not preclude the FSC Judicial Board from levying additional sanctions for violations of University policies or rules.

VI. Appeal Process

All appeals must be filed in writing and appointment scheduled with the Associate Director of Student Engagement within ten (10) calendar days of the final decision notification. If the Chapter President fails to appear for the appointment, then the Associate Director of Student Engagement will make a decision based on the written material. The organization should be

notified of the decision on the appeal within seven (7) calendar days of the appointment. All sanctions will be pending during the appeals process, with the exception of probationary or suspension statuses.

In order to appeal a sanction, the accused organization and/or individual must present one or more the following reasons:

- Lack of due process
- The decision was not reached based on a preponderance of the evidence
- New evidence or facts exists that may alter the original decision that a violation occurred or the level of sanction

Disagreement with the sanction is not a reason to appeal the decision.

VII. Failure to Comply

Failure of individual(s)/organization(s) to complete appropriate sanctions following the completion of the judicial process will be cause for Judicial Review and initiation of another hearing for failure to comply. Sanctions imposed as the result of a second hearing related to a particular incident will, in most cases, be much more serious and may jeopardize the relationship of the organization with the University. In the instance where a chapter fails to complete sanctions in good faith, the inter/national organization will be informed, and appropriate measures will be requested from the inter/national level, as well as from the University level.