

University of Denver

Panhellenic Council & Interfraternity Council Joint Judicial Board Policies

I. Philosophy

The Interfraternity Council (IFC) and Panhellenic Council (PHC) Joint Judicial Board (JJB) is designed to provide a forum to prevent and correct Greek chapter violations of the Joint Interfraternity/ Panhellenic Council Alcohol and Social Responsibility and the University of Denver (DU) policy. We feel self governance is important, and thus wish to provide a group of peers to oversee the education and enforcement of judicial policy.

II. Mission

The mission of the JJB is to foster unity and citizenship among the DU community at large by strengthening the Greek community and individual chapters through education and the development of a positive and consistent peer review process.

III. Jurisdiction

1. JJB shall oversee all DU and Joint IFC/PHC Policy violations which are seen to be the responsibility of the entire chapter.

Note: Distinctions between chapter and individual responsibility shall be made by the Assistant Director of Campus Activities and the IFC/PHC Vice Presidents of Judicial Affairs and Risk Management upon examination of the case facts and consultation with the accused chapter's president.

2. Exceptions to JJB's involvement will be under any of the following conditions:
 - A. In any crime involving an individual victim or victims in which the offending chapter may be punishable by law, the victim(s) will have the right to bypass JJB, giving sanctioning power solely to the Assistant Director of Campus Activities, in conjunction with the Office of Citizenship and Community Standards..
 - B. Recruitment infractions will follow guidelines as currently stated by the National Panhellenic Council.

IV. Selection and Membership

The members of JJB (excluding the IFC/PHC Vice Presidents of Judicial Affairs and Risk Management) will be selected using the following procedures:

1. The JJB is chaired by the IFC/PHC Vice Presidents of Judicial Affairs and Risk Management, voted during the Interfraternity Council and Panhellenic Council elections.
2. The IFC/PHC Vice Presidents of Judicial and the Assistant Director of Campus Activities will form the JJB Executive Board and serve as the ex-officio (non-voting) members.
3. A chapter may send as many applicants as desired, with one member chosen from each chapter.
4. Chapter presidents may not serve on the JJB.
5. Candidates must have a 2.5 GPA or above.
6. Candidates must be in Good Standing with the University of Denver.
7. If a chapter turns in no applications on time, that chapter forfeits its right to have representation on JJB.
8. Candidates will be interviewed by the JJB Executive Board. At least two of the members must be present.
9. If the applicants do not meet the standards of the above individuals, one further candidate will be requested from that chapter. If this candidate is not qualified, the chapter forfeits its right to have a representative on the JJB.

V. Meetings

1. A regular meeting time will be established for JJB meetings. All JJB members must reserve the designated meeting time each week to allow availability for hearings.
2. Attendance at JJB meetings is mandatory and members will be considered for removal after their second unexcused absence. Unexcused absences will be determined by the JJB Executive Board.
3. The JJB Executive Board will meet once a week.

VI. Judicial Procedures for Incident Reports

1. *Incident*

The process of the JJB involvement will begin with an incident brought forth by the Claimant.

2. *Report*

- a. The Claimant files a report on the incident.
- b. The report must be deemed valid or invalid by the JJB Executive Board and the Assistant Director of Campus Activities.

3. *Validity*

- a. If the report is invalid, the incident will be dismissed and no further action is taken.
- b. If it is valid, the JJB Executive Board will schedule a conference with the chapter president(s) involved.

4. *Conference*

- a. Within three (3) school days after the Assistant Director of Campus Activities has received the report a meeting will be scheduled with the accused president.
- b. The conference will determine if the chapter or certain individuals within the chapter are responsible for the allegations.
- c. If it is decided that certain individuals within the chapter are responsible, the Office of Citizenship and Community Standards will handle the individual.
- d. If it is decided that the chapter is responsible, the Assistant Director of Campus Activities will explain procedural fairness and the accused chapter's rights to the president.

5. *Offense by Chapter*

- a. The JJB Executive Board, along with the accused chapter's president will schedule a hearing with the Joint Judicial Board within no more than ten school days.
- b. A notice of the charges will be submitted to the accused chapter by the JJB Executive Board no more than two (2) school days after the conference. The notice will instruct the accused chapter to come to the hearing prepared to make a recommendation for sanctions if they are found responsible of the violations by the Joint Judicial Board.

6. *Chapter Response*

If the matter is to be heard by the Joint Judicial Board, the chapter will respond in writing to the charges brought against it by noon the day prior to the hearing.

- a. If the chapter pleads “responsible” to the charges, the JJB will hold a hearing to determine appropriate sanctions.
- b. If the chapter pleads “not responsible” to the charges, the JJB will conduct a hearing under the guidelines set forth in sections VII and VIII of this policy. If pleading “not responsible,” the chapter must also, at this time, submit a list of witnesses to appear at the hearing. Only the witnesses on the list will be able to appear at the hearing.

7. *Joint Judicial Board Hearing*

8. *Decision*

Upon conclusion of the hearing, the Joint Judicial Board will either dismiss the charges or assign sanctions for the accused chapter and give them to the accused chapter’s president. A formal letter restating the charges and listing the assigned sanctions shall be distributed to the chapter on more than two (2) school days after the hearing. **All sanctions are subject to approval by Assistant Director of Campus Activities.**

9. *Appeals*

- a. At any stage of this process, the chapter will have the right to appeal the Joint Judicial Board’s decision to the JJB Executive Board.
- b. Grounds for appeals will be limited to new evidence, denial of rights or procedural error.
- c. Disagreement with the decision will not be grounds for appeal.
- d. All appeals must be in writing within four (4) school days of the Joint Judicial Board’s decision.

VII. Joint Judicial Board Hearing Process

1. Individuals Involved

- a. All Joint Judicial Board members, including the JJB Board
- b. A member of Campus Activities Staff, either the Assistant Director of Campus Activities, or designee
- c. A minimum of two-thirds (2/3) of the eligible voting members of the JJB must be in attendance for the duration of the hearing. If this is not met, the hearing will be postponed for a period not to exceed ten (10) school days.
- d. The accused chapter must have present:
 - i. One (1) spokesperson who must be the chapter president or a delegate specified by the chapter president;
 - ii. Witnesses submitted in writing the day prior to the hearing; and
 - iii. One (1) faculty of alumni advisor, who is not an attorney, may be present.
 - iv. Witnesses and advisors may only speak through the designated spokesperson.

- e. The Claimant must have one (1) designated spokesperson present and witnesses that are submitted by noon the day prior to the hearing. The spokesperson must not be an attorney and all witnesses and advisors may only speak through the spokesperson.
- f. The member of the JJB from the accused chapter will not be allowed to sit on the JJB for the hearing.
- g. If the claimant in the case is a chapter, the member of the JJB from that chapter will not be allowed to participate in the JJB hearing.
- h. Members of the JJB from the chapter(s) involved in the case will not be permitted to sit on the JJB but will be eligible to act as a witness for their chapter. The member(s) may not serve as the chapter's spokesperson.
- i. In the event that either Vice President of Judicial Affairs and risk Management chapter is accused a violation, that Vice President of Judicial Affairs and Risk Management may not act as a witness for his/her chapter.
- j. The JJB reserves the right to close a hearing to outside members (those not on the JJB or those not representing either the claimant or the defending chapter).

2. Order of Events

a. Before Hearing

- i. The JJB will meet to review the facts of the case one hour prior to the hearing.
- ii. The facts are accepted as the written testimony of the claimant and the accused chapter's written response to those charges.

b. During the Hearing

i. Introduction

- 1. Accused chapter and claimant representatives will be led into the hearing.
- 2. Introduction of JJB members and the JJB Executive Board.
- 3. The chairperson of the JJB hearing reads the definition of the hearing process and review of the possible outcomes.
- 4. Procedural Fairness is explained by the chairperson.
- 5. The chairperson reads charges and facts.

ii. Claimant's Position

- 1. Claimant will respond to charges.
- 2. Claimant may call witnesses.
- 3. The claimant, then the JJB, and finally the claimant will question each witness.

iii. Chapter's Response

1. Accused chapter will respond to charges, as well as arguments made by the claimant.
2. Chapter may call witnesses.
3. The chapter, then the JJB, and finally the claimant will question each witness.

iv. *Questioning by the JJB*

1. At this point, the JJB will have the opportunity to interview the chapter and the claimant.
2. The JJB may also recall any witnesses for further questioning.

v. *Closing Arguments*

1. Claimant has up to ten (10) minutes to sum up their case.
2. Chapter has up to ten (10) minutes to sum up their case.

vi. *Deliberation*

1. General Information

- a. At this time, the JJB may suspend proceedings for a period not to exceed ten (10) school days to gather more information.
- b. The JJB may render a decision given the information presented.
- c. The JJB may take up to five (5) school days to review the information presented.

2. Order of Events

- a. The chairperson will read the official summary of the case.
- b. Members of the JJB will have the opportunity to express their opinion of the case.
- c. When discussion has been concluded, the members of the JJB will vote by secret ballot to decide if the chapter is responsible for the charges brought against it.
- d. The votes will be counted by the chairperson, majority will rule the verdict.
- e. The chairperson may only vote in the event of a tie.

vii. *Additional Proceedings*

1. If the JJB decides that more proceedings are necessary, they will begin with the presentation of the new evidence (including new witnesses (obtained by the JJB).

2. The claimant will then have the opportunity to refute new evidence and question any new witnesses.

viii. Presentation of Decision

The JJB will disclose their findings and cite the chapter “responsible” or “not responsible” for the violations for which it is accused.

****Sections 9 through 11 apply only if the chapter is found responsible****

ix. Sanctioning

In the event that the chapter is found “responsible” for the charges, the following measures will be taken:

- a. The JJB will review the judicial history of the chapter for the last three (3) years.
- b. The JJB will then hear the recommendations for sanctions from the claimant.
- c. The JJB will then hear recommendations for sanctions from the accused chapter.
- d. The JJB may then questions the claimant and the chapter as to why they are recommending these sanctions.

x. Deliberation on Sanctioning

1. The JJB will first consider the recommendations from the chapter and the claimant, voting if they are appropriate.
2. If the recommendations are inappropriate, the JJB will develop a new sanction from the recommendations presented.
3. The JJB will vote on the final sanction(s) to be imposed.
4. If the violations involved alcohol/drug use the sanction(s) will be submitted to the Assistant Director of Campus Activities.

xi. Explanation of Decision

1. The JJB will present the sanction(s) to the accused chapter.
2. The chairperson of the JJB will provide the rationale for why the sanction was selected.
3. The chairperson will explain the appeal process to the chapter.

xii. Hearing is concluded.

IX. Sanctioning

1. Philosophy

Sanctions should keep with the philosophy and mission of the JJB.

- A. Maintain unity and cohesion between Greek chapters.
- B. Maintain relations between the Greek chapters, the University and the surrounding communities.
- C. Maintain and improve reputation of the Greek community.
- D. Educate members of the Greek community to provide safe social functions and a safe Greek community.

2. Criteria for Sanctions

- A. Judicial history from the past three (3) years of the accused chapter.
- B. Gravity of the violation.
- C. Malicious intent.
- D. Level of cooperation received from the accused chapter.
- E. Impact of violation on Greek and surrounding communities.

3. Suggested Sanctions

Sanctions may include, but are not limited to the following:

- A. Social Violations: violations of the Joint Interfraternity/Panhellenic Council Alcohol and Social Responsibility Policy.
 - 1. Issue a warning from the JJB.
 - 2. Social Probation: loss of right to host social functions.
 - 3. Plan/staff events and programs sponsored by IFC/PHC, or the University.
 - 4. Educational programming within the chapter.
 - 5. Recommendation to suspend the chapter's charter.
- B. Fighting, Vandalism, Destruction of property, ect.
 - 1. Letter of apology to victim.
 - 2. Restitution to the victim.
 - 3. Community service appropriate to the violation.
 - 4. If the violation involved another Greek chapter at DU, a nonalcoholic social event may be required to foster good will.
 - 5. Fines not to exceed ten dollars (\$10) per member.
 - 6. Recommendation to suspend the chapter's charter.

X. Appeals

- 1. All appeals must be in writing to the JJB Executive Board within four (4) school days of the JJB decision.
- 2. The JJB Executive Board will review appeals.
- 3. The Assistant Director of Campus Activities has final decision making power over all appeals.
- 4. If the Assistant Director of Campus Activities supports the decision of the JJB, no further appeals will be permitted.
- 5. Ground for appeal will be limited to new evidence, denial of rights or procedural error. Disagreement with the decision will not sufficient for appeal.