

Policies for Greek Council Judicial Processes and Judicial Board Committee

Forward:

The Judicial Process and Judicial Committee are intended to be an educational experience for organizations and individuals alike. The members comprising the Judicial Committee will learn not only the basic processes and procedures by which judicial cases are handled, but also the interpersonal and leadership skills needed to uphold community standards by holding our organizations accountable as necessary. The organizations called to judicial hearings should consider the occurrence as a learning experience to improve aspects of their organizations in a productive and meaningful manner. **The Judicial process is designed not be an adversarial “us against them” mentality; instead it should represent an “us against the problem” mentality.** (JA: change wording)

I. Judicial Committee

A. How the Committee will be formed.

1. The committee will consist of 2 representatives from each active fraternity and sorority and will be led by the Committee Chair. Any organization currently suspended or on inactive status will not provide representatives for the committee. Likewise, any new organization in good standing will provide representation.
2. Organizations will have sole discretion in choosing members who will represent the organization in this Committee. Eligible members include any active member of the organization, regardless of class year or executive positions held currently or previously. If an organization cannot produce 2 representatives due to lack of participation from members, then the Committee will perform business as usual without complete representation from this organization.
3. Current members of the Greek Council Executive, notwithstanding the Greek Council Committee Chair, are not permitted to serve on the Committee.
4. The Greek Council Committee Chair will be asked to serve as the Committee Chair for the Judicial Committee. In the case the Committee Chair cannot serve in this capacity, the Coordinator for Fraternity and Sorority Life (“F/S Coordinator”) will choose a member of the Judicial Committee to serve as Chair. Committee Co-Chairs can be selected at the discretion of the F/S Coordinator.

B. Duties of the Committee outside of the Judicial Process (as described in Section II below)

1. The committee will meet once at the beginning of the semester for a training course on the Greek Council Judicial Process.
2. The committee will meet at the end of the semester to evaluate the current system and formulate ideas on how to improve the Judicial Process.

C. How Committee members will be chosen for Judicial and Appeals boards

1. The members for Judicial Boards and Appeals Boards will be chosen at random from the Judicial Committee (using specific methodology deemed appropriate by the F/S Coordinator and the Committee Chair).
2. After a member has served on either a Judicial or Appeals board, that member will not serve on another hearing until all of the other members have served on a board. Exceptions to this rule will occur in cases where extenuating circumstances prevent other members from serving.
3. If a member's organization is up for hearing, that member will not be allowed to sit on that Judicial or Appeals board.
4. If selected to serve, Committee members must make every effort to ensure availability for that particular hearing. Only approved excusals will exempt the chosen member from hearing the case.
 - a. Approved excusals include academic courses or labs, employment obligations, medical appointments, personal emergencies, and other events as deemed appropriate by the F/S Coordinator.
 - b. If the chosen member feels he or she cannot attend the hearing due to an approved excusal, notice must be given to the F/S Coordinator within 48 hours of receiving initial notice of that member's selection.

II. Judicial Procedures

A. Steps in the Judicial Process – Collecting Information

1. The F/S Coordinator receives a complaint (internally or externally). The F/S Coordinator and Committee Chair may conduct a preliminary investigation of allegations. The investigation may render a complaint moot, lead to an investigative hearing, or result in a formal hearing.
 - a. A “moot” complaint results when the preliminary investigation finds that no violation of student organization policy likely was committed. At this stage, the F/S Coordinator and Committee Chair can decide no more information need be collected and no hearing will result.
 - b. An “investigative hearing” results when the preliminary investigation finds that one or more violations of student organization policy may have occurred. Additional witnesses can be called and additional information can be collected to determine whether a hearing will result.
 - c. A “formal hearing” results when the preliminary investigation yields enough evidence to suggest one or more violations of student organization policy more likely than not occurred.
2. Upon review of the complaint, the Committee Chair and the F/S Coordinator will determine whether or not the alleged violation was committed by students acting on their own – as private individuals – or if the activity was sponsored by the organization.

Criteria for such a determination includes, but is not limited to: promotion of the event, funding of the event, communication among students, affiliation of attendees, ratio of organization members to non-members, and other indicators suggesting the organization served in the role of sponsor or host.

a. The standard applied should be whether a reasonable, non-affiliated student would have believed the event to be hosted by the organization.

3. The Committee Chair randomly selects six members, three males and three females, from the Judicial Committee, to hear the case. Each member must be from different organizations. The Committee Chair will serve as the seventh student in the judicial hearing.

4. The Judicial Board may hold an informational hearing if an investigation does not yield evidence that an event was either private or organization-sponsored.

5. A formal hearing will be called when reports identify potential violations of University policies as outlined by the [Trinity Student Organization Handbook](#).

6. The Committee Chair bases charges on the complaint and information received through investigation. The possible violations that may lead to a hearing include, but are not limited to:

a. Risk Management Violations

- i. Hosting an unregistered event with alcohol
- ii. Serving alcohol to minors
- iii. Providing alcohol through large volume open-source containers
- iv. Not providing or properly utilizing TABC-certified bartenders
- v. Not providing or properly utilizing an event guest list
- vi. Not providing or properly utilizing sober monitors
- vii. Any recruiting or orientation activity involving alcohol
- viii. The presence of any other illegal activities, such as illegal drugs, vandalism, weapons, etc., at an organizational event

b. Recruiting and/or Orientation Violations

- i. Encouraging alcohol consumption by Potential New Members (PNMs) and/or New Actives
- ii. Suggesting, discussing, or pressuring PNMs rush or not rush specific organizations
- iii. Hosting organizational events during another organization's designated Formal Recruiting events
- iv. Breaking the period of "Silence" by communicating with PNMs
- v. Promising bids or specific Big Brothers/Big Sisters to PNMs
- vi. Any other violations of the community-wide Recruitment Contract or Big Brother/Big Sister agreements.

7. The Committee Chair notifies the organization of the charges and hearing date. In most circumstances, the notification of a hearing will be 5 class days prior to the hearing date. Shorter notification may be given depending on holidays, breaks, finals, the availability of the board, or pertinence of the situation.

8. The organization may respond in writing to the charges 48 hours after receiving a judicial notification.

9. Prior to the hearing, the seven Judicial Board members hearing the case will read all materials in the complaint.

10. The Board will read relevant documents, hear statements from the officers of the organization, and ask the accused students to make a closing statement to the Board (**see below: Section B. Steps in the Judicial Sequence**).

11. The Board will meet privately to determine whether or not policy was violated, and if appropriate, what sanctions should be applied.

a. Voting: Each member on the sitting Board will receive one vote. Decisions will be rendered by a majority of vote.

12. The organization is notified by the Committee Chair in writing of the Board's decision and any sanctions, if applicable.

13. The Judicial Board may request the presence of any organization member to serve as a witness. If a member does not participate, a decision may be rendered without the benefit of his or her input.

14. An automatic appeal to the Director of Student Involvement will be given in the event of a recommendation of charter revocation.

15. Hearing and post-hearing details and decisions are not open to the public.

16. In the event that the Committee Chair's organization is under review, one of the Judicial Committee members will serve in his or her place throughout the judicial process. The F/S Coordinator will decide the appropriate member to assume responsibilities in this instance.

17. In the event that the Greek Council cannot facilitate a hearing in a timely manner, they can refer the case to SI under the Student Organization Handbook Judicial Policy.

B. Steps in the Judicial Sequence – The Judicial Hearing

1. The Judicial Board and the responding parties will all sit at the same table.

2. The Committee Chair will introduce himself/herself: "My name is X and I am the Committee Chair for Greek Council." The Committee Chair explains to the accused organization that all comments should be directed to the Board and not to other parties.

3. The Committee Chair asks the following to identify themselves and to be seated in the following manner:

- a. Responding party (organization) – sit on the right, in order
- b. Witnesses (Student Involvement staff, Residential Life staff, TUPD, students, members, etc.) – sit on the left. In many cases there will not be witnesses because evidence is obtained from investigations, not from witnesses to the incident.
- c. Support persons – Next to or behind their affiliates.

4. The Committee Chair will identify the policies in question and read the corresponding evidence (Security reports, police reports, witness statements, etc.). The Committee Chair may read the policies in question in detail.

5. Hear opening remarks from:

- a. 1st: The Petitioning Party (Student Involvement staff, Residential Life, TUPD, etc.) If there is no petitioning party, the Chair will begin with the responding party. “Would you like to amend any of the information in your report or explain in greater detail what occurred?”
- b. 2nd: The Responding Party (organization). “Please make any comments you wish and review with the Board what occurred.”

6. Calling Witnesses – With respect to both types of witnesses listed below, the Judicial Board members will be permitted to ask relevant and appropriate questions related to the purported violations. Unless exception is granted by the F/S Coordinator, neither party will question witnesses.

- a. 1st: The Petitioning Party calls relevant witnesses.
- b. 2nd: The Responding Party calls relevant witnesses.

7. Open Questioning – Each Judicial Board member may ask questions they deem appropriate of the organization and/or any witnesses previously called.

8. Committee Chair Questioning – Committee Chair may ask questions he/she deems appropriate of the organization and/or any witnesses previously called.

10. Closing statements:

- a. 1st: The Petitioning Party. If there is no petitioning party, the Chair will begin with the responding party. “Is there anything that hasn’t been said that you would like the Board to consider or are there any inconsistencies between your report and observations and the accounts given by the responding party?”
- b. 2nd: The Responding Party. “Is there anything you would like to add or have the Board consider before we break to consider any action?”

11. Adjourn.

12. The Responding Party has the opportunity to submit in writing what they believe to be a fair sanction to the Judicial Board. The proposal should be submitted no later than one day after the hearing. If no proposal is submitted the Board will proceed in determining a sanction without the input of the Responding Party.

13. A decision will be made in writing by the Committee Chair no later than two days after the hearing.

C. Sanctioning Process

The Sanctioning Board will be comprised of either the same Judicial Committee members who attended the original hearing or 4 other randomly selected individuals from the Judicial Committee at the F/S Coordinator's discretion. After the hearing, the Responding Party has 24 hours to submit a written proposal outlining what they deem to be an appropriate sanction. The proposal should be submitted to the Committee Chair who will share the document with the Sanctioning Board members. When the Sanctioning Board is determining sanctions they can refer to the Responding Party's proposal and take it under advisement. Proposals submitted after the 24-hour window will not be considered during the sanctioning process.

Steps in the Sanctioning Sequence– The Sanctioning Meeting

1. Upon determining the final sanctions, the Judicial board can either choose to implement the Responding Party's suggested sanctions, utilize the proposed sanctions as a framework for additional and final sanctions, or determine and impose unrelated sanctions as deemed appropriate.
2. The Sanctioning Board should refer to the "Guidelines for Sanctioning" document provided by Greek Council so that all groups are held to a consistent, equitable standard.
 - a. The Sanctioning Board should ordinarily not impose sanctions that reach beyond the scope of those contemplated within the "Guidelines." Only in egregious and exceptional cases should different or more severe sanctions be imposed.
 - b. 14. Current judicial standing can be taken into account at the time of sanctioning. Organizational patterns and repeated violations may be taken into consideration when determining an appropriate sanction.
3. Within 48 hours of the initial hearing, the Sanctioning Board will have a subsequent meeting to determine the sanction. The hearing will consist of an open discussion of all possible sanctions and will be presided over by the Committee Chair. The sanctions determined by the Judicial Board will be determined by a majority vote. Once a decision is reached the Committee Chair will notify the Responding Party in writing of the Board's decision.

D. Appeals

Sanctioned students and parties have the right to request an appeal to be made to the Greek Council Appeals Board. As the appeal should be an opportunity to introduce new information, clarify old information, or to present a case for a lesser sanction, it is not necessary to include material already presented in the original hearing. Submitted appeals should consist of a cover letter and materials relating to new information only. Cover letters should succinctly (two pages should suffice) explain the grounds for appeal, an explanation of included materials, and an explanation of what the organization believes to be a more suitable sanction. A separate appeal may be submitted for each case heard by the Judicial Board. Organizations should submit a written appeal to the Committee Chair and F/S Coordinator within seven (7) days of the date of the written decision. In the official judicial findings letter, the Committee Chair will include an appeals deadline. Special circumstances such as finals, holidays, etc. may allow the Committee Chair to extend an appeals window. Appeals should be submitted in person to either the F/S Coordinator or the Committee Chair. Organizations that ask for an appeal will not be subject to harsher sanctions as a result.

1. The Appeals Board shall be comprised of the Committee Chair plus four randomly selected committee members (two males and two females) who did not serve on the original Judicial Board. The Coordinator for Fraternity and Sorority Life will serve in a non-voting advisory role on all Appeals Boards.
2. Basis for an appeal to a judicial sanction or judicial decision may be made on the basis of at least one of the following grounds.
 - a. Clearly erroneous findings of fact
 - b. Significant procedural irregularities
 - c. Substantial new information not available at the time of the original hearing
 - d. Information presented at the hearing was clearly insufficient to support the finding
 - e. Sanction is unreasonably harsh.
3. Procedure: upon receipt of a judicial sanction, the affected organization(s) will have seven days to prepare an appeal. If no appeal is received within the appeals window, all sanctions and findings of the original Judicial Board will be considered final. All original findings and sanctions remain in effect within the appeals window and throughout the appeals process. The possibility of an appeal will not delay or suspend previous sanctions. Once an appeal has been submitted to Greek Council, the Appeals Board will review the appeal to determine if it meets any of the bases for an appeal. At the determination of the Appeals Board, any of the following may occur:
 - a. The appeal may be rejected if there are no grounds for appeal.
 - b. The Appeals Board may grant the basis for appeal and decide to either lessen or uphold original sanctions.
 - c. In exceptional cases, the Appeals Board may recommend a re-hearing be conducted following the procedures for a Judicial Hearing (**see Section B. Steps in the Judicial Sequence**). Under this circumstance, four (4)

Judicial Committee members who have not heard the original case or the appeal will be chosen at random to serve on the final re-hearing.

Sanctions that are lessened or reversed will take effect immediately following the decision of the Appeals Board and render previous sanctions null and void. Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal; witnesses may be called by the Appeals Board when they are deemed necessary for clarification or to accurately present witness testimony or new evidence. Witnesses will receive notice to appear in front of the Appeals Board. Appeals are not an opportunity for appeals panelists to substitute their judgment for that of the original decision-maker merely because they disagree with the finding and/or sanctions. Appeals decisions are to be deferential to the original decision-maker, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so. The original finding and sanction are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show clear reasoning for a reversal or sanction adjustment, and the Appeals Board must limit its review to the new material presented in an appeal.