

# Columbus State University

## Fraternity and Sorority Life Judicial Procedures and Guidelines

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The educational mission of Columbus State University holds many opportunities for intellectual and social development. A basic component of the educational mission embellishes expectations of acceptable behavior based on ethics and integrity necessary in a university community. The judicial affairs program at Columbus State exists to maintain discipline and decorum by augmenting the policies, procedures, and mission of the university. Judicial affairs contribute to the teaching of appropriate individual and group behavior, as well as protecting the campus community from disruption and harm.

Student and Organization discipline should be educationally directed towards personal growth as much as possible. Columbus State's judicial program is conducted in ways that will serve to foster the ethical development and personal integrity of students and organizations and the promotion of an environment that is in accord with the overall academic mission of the institution. However, there are times when a student or organization commits a violation, or series of violations, that it becomes necessary to remove them from the university community. In all cases, the institution should be diligent to ensure that the accused and the victim's rights are protected and that university policy is followed.

The proceedings of all disciplinary hearings, investigations and findings are closed and will remain confidential within the disciplinary system<sup>1</sup>. With exception to a *need to know* in order to perform assigned duties, all staff members involved in the judicial affairs process must refrain from discussing any and all details of disciplinary matters. Requests for information regarding a particular individual/organization or the disposition of a hearing should be directed to the Greek Life Advisor. Columbus State University is not a sanctuary where students escape the responsibilities of good citizenship. Violations of civil and criminal laws will be referred to the appropriate law enforcement officials. The university will fully cooperate and assist all agencies in upholding local, state and federal laws. The university retains the right to impose sanctions independent of action taken by a regular court system if a student is accused of criminal misconduct on or off-campus, and during or between academic terms.

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<sup>1</sup> Disciplinary records are protected *educational records* under FERPA. Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Colleges and Universities. U.S. Department of Education, Washington, DC.

## **Section 1: Authority**

- A. The purpose of the Columbus State University Fraternity and Sorority Judicial Board shall be to interpret the Constitution and Bylaws of the Panhellenic, National Pan-Hellenic, and Interfraternity Councils, the Columbus State University Fraternity and Sorority Policies, Procedures and Guidelines document, and any other policies in response to alleged violations of these documents by member organizations of the Panhellenic National Pan-Hellenic , and/or Interfraternity Councils.
- B. In the event that individual member(s) of a member organization of the Panhellenic, National Pan-Hellenic, and/or Interfraternity Councils are involved in alleged violations of the Constitution and Bylaws of the Panhellenic, National Pan-Hellenic, and Interfraternity Councils, the Columbus State University Fraternity and Sorority Policies, Procedures and Resolutions, and any other policies related to fraternities and sororities, and those actions are deemed to be related to or in the name of the organization, the Columbus State University Fraternity and Sorority Judicial Board will, in most cases, be the appropriate board to hear the case.
- C. In the event that two or more member organizations of the Panhellenic, National Pan-Hellenic, and/or Interfraternity Councils are involved in alleged violations, all chapters will be investigated followed by individual organization hearings based on the potential alleged violations.
- D. In the event there are no Judicial Board representatives in place, the Fraternity and Sorority Life advisor will meet with the chapters involved and communicate with the National Headquarters to come with an agreement of possible outcomes.
  - 1. The Fraternity and Sorority Life advisor has the right to involve into the conversation any Columbus State University faculty/staff personnel to listen and participate in any hearing.

## **Section 2: Judicial Board Composition**

- A. The Fraternity and Sorority Judicial Board shall be composed of one member from each active, in good standing, member organization of the Panhellenic, National Pan-Hellenic, and Interfraternity Councils of Columbus State University, the Chief Justices and an advisor.
- B. The selected Chief Justices will serve as Chair of the judicial board.
  - 1. The Chief Justices will be selected through an application and interview process to be conducted by the outgoing Chief Justices and the judicial board advisor(s).
  - 2. The Chief Justices will also serve as the Vice President of Standards and Conduct for the Panhellenic Council, the National Pan-Hellenic, and Interfraternity Council.
- C. Each active member organization of the Columbus State University Panhellenic, National Pan-Hellenic, and Interfraternity Councils will select one representative to be trained to hear judicial board cases.
  - 1. Judicial Board members must have a 2.5 semester and cumulative GPA while serving on the Board and must be full time enrolled student.
  - 2. Judicial Board members must be in good standing with their fraternity or sorority chapter while serving on the Board.
  - 3. They must attend all mandatory meetings and training on **Friday at 10 am.**
- D. The Judicial Board Advisor will be the Fraternity and Sorority Life Advisor. The Fraternity and Sorority Life Advisor will serve as the advisor in all cases with the exception of any case

where the Fraternity and Sorority Life Advisor is called as a witness. In this instance, another member of the Student Affairs Staff will serve as the hearing board advisor.

- E. E. The composition of the hearing board will include:
  - 1. The Fraternity Chief Justice will preside over all fraternity hearings and the sorority Chief Justice will preside over all sorority hearings except for when the Chief Justice is a member of the responding chapter.
  - 2. Seven (7) judicial board representatives will be selected to serve on any hearing.
  - 3. Judicial board representatives will be randomly selected for each hearing by pulling names from a hat.
  - 4. The judicial board representative from the responding chapter will not be included in the random selection process.
- F. The Chief Justices and Judicial Board Representatives will serve their term on the calendar year, starting January 1. All judicial board members will be selected and trained in November prior to the start of their term of service. An additional training will be conducted in August of every year for all members of the Judicial Board.
  - 1. Regular trainings will be scheduled on Friday at 10 am when deemed necessary.
- G. A Chief Justice or Judicial Board representative can be removed at any time, following a review of the accusations and/or concerns that have been brought forward. Removal of a judicial board member would be based on evidence related to their personal conduct, no longer being of good standing in their chapter, failing to meet the GPA requirement, or breaking the confidentiality agreement. The final decision to remove a justice would be made by a majority vote of the Chief Justices and the Judicial Board Advisor(s).
  - 1. Replacing the removed representative or chief justice will be discussed with the chapter and the and Sorority Life Advisor.

### **Section 3: Pre-Hearing Procedures**

- A. The Panhellenic, National Pan-Hellenic, and/or Interfraternity Council Presidents, Advisor(s), any fraternity or sorority chapter or member, any Columbus State University student, staff or faculty member, or any member of the Columbus State community or public at-large may file an incident report involving an organization or organization member.
- B. In order to bring allegations before the Fraternity and Sorority Judicial Board, an incident report form must be signed and submitted to the Assistant Dean of Students, Dean of Students, Director of Student Life and Development, and/or Fraternity and Sorority Life Advisor no more than ten (10) business days after knowledge of the alleged incident.
  - 1. Incident forms can be filed through BART.
- C. Upon receipt of an incident report form, the NPHC/IFC/Panhellenic President will meet with the Fraternity and Sorority Life Advisor to discuss the case and come to consensus as to whether a case shall be brought to the Judicial Board. The NPHC/IFC/Panhellenic President and the Fraternity and Sorority Life Advisor have the prerogative to conduct pre-hearing investigations at their discretion.
  - 1. The Fraternity and Sorority Life Advisor has the authority to ask any other Faculty/Staff member of Columbus State University to serve and sit on any pre-hearing investigation.
  - 2. The Fraternity and Sorority Life Advisor in conjunction with the Director of Student Life and Development have the authority to decide if a case should be brought to the Judicial Board or not.

- i. In the event the allegations are not brought to the Judicial Board the Fraternity and Sorority Life Advisor will contact the National Headquarters to assess the allegations and decide an outcome.
- D. Within ten (10) business days of receipt of the incident report, the responding chapter will be notified of the report and asked to participate in any subsequent investigation.
- E. In the event that more than one chapter is involved in the alleged incident, each chapter will be investigated separately.
- F. If a case is to be brought before the Fraternity and Sorority Judicial Board, the assigned Chief Justice shall, by way of letter (to the chapter mailbox and to the chapter president e-mail account), notify the chapter(s) of the alleged violations.
- G. The letter shall specify a hearing date at least five (5) business days after the date the letter is received (unless the responding fraternity/sorority should request an earlier hearing date) and shall direct the organization (through its appointed representatives) to appear at the hearing at a specified time.
  - 1. This shall not exceed 30 days unless there is a school or holiday break.
- H. The letter shall also:
  - 1. Describe of the alleged violation
  - 2. Advise the organization of its opportunity:
    - i. to a private hearing
    - ii. to appear at the hearing with a representative
    - iii. to present testimony of witnesses, documentation, or other evidence
    - iv. to appeal the findings of the board
  - 3. Be delivered through e-mail and on-campus mail to the Chapter President with an electronic copy to the Chapter Advisor and the inter/national organization and any other Columbus State University staff.

#### **Section 4: Judicial Board Hearing Procedures**

- A. The Judicial Board hearing should be conducted in a manner that adheres to certain guidelines and achieves the goal of reaching a reasoned decision based on the facts presented.
- B. Judicial board hearings shall be closed to the public.
  - 1. Only CSU authorize personnel may attend the hearing with prior notice of the Chief Justice and the Fraternity and Sorority Life Advisor.
- C. The participants in the judicial board hearing shall be representatives from the complaining and responding parties, a representative (advisor) for both the complaining and responding parties, the Fraternity and Sorority Judicial Board representatives, the Chief Justice, and the judicial board advisor.
- D. The Chief Justice serves as the Chair of the Judicial Board as outlined in Section 2.E.1 of these guidelines.
- E. The Fraternity and Sorority Judicial Board representative from the responding organization will not serve on the board for the hearing.
- F. The Fraternity and Sorority Judicial Board hearing will be audio taped by the Judicial Board Advisor for the purposes of use in an appeal.
- G. Chapters involved in a hearing have the privilege to consult with a campus representative (advisor). This representative, who must be a university faculty or staff member, may be

present during the hearing. The representative may not speak during the hearing or address the hearing board at any time.

- H. Witnesses will be called one at a time and may remain in the hearing room only during their testimony.
- I. Following the completion of the hearing, the Judicial Board members hearing the case, the Chief Justice and the judicial board advisor will go into executive session for deliberations.
- J. Deliberations are confidential and comments are not to be reported outside of the room, with the exception of the official written decision sent following the end of the hearing.
- K. If there is a finding of responsible, penalties should be assessed to fit the nature and degree of the offense.
- L. Information about the appeal process shall be included in the official written decision sent following the end of the hearing.
- M. All documents associated with an investigation and judicial board hearing shall be kept by the Fraternity and Sorority Life Advisor for a period of no less than five years.

### **Section 5: Judicial Hearing - Order of Events**

- A. Call to order by the Chief Justice
- B. Introductions of all present for the hearing
- C. Review of the expectation of confidentiality by all involved
- D. Read allegations and obtain a response to each (Responsible, Not Responsible, or Responsible with an explanation)
- E. Brief opening statement of the allegations and justification given by the Chief Justice
- F. Opening statement by the complaining individual/organization, if warranted
- G. Opening statement by the responding organization
- H. Call of witnesses to substantiate the allegations - statements and questioning period
- I. Call of witnesses to refute the allegations - statements and questioning period
- J. Closing statement by the complaining party, if warranted
- K. Closing statement by the responding organization representative
- L. All in attendance with the exception of the Chief Justice, Judicial Board representatives, and the judicial board advisor are excused from the meeting.
- M. Closed session deliberations
  - 1. Alleged violations stated by the Chief Justice
  - 2. Chief Justice requests motion from a Judicial Board member regarding decision(s) (Responsible or Not Responsible)
  - 3. Discussion of motion
  - 4. Recommended decision of responsible / not responsible. If responsible, the board will immediately deliberate on recommended sanctions.
- N. The Hearing Report Form is completed (decision, sanctions, and reasoning) and given to the judicial board advisor.
  - 1. The Fraternity and Sorority Life Advisor may only ask clarifying questions to the board during the close session, present any suggestions form National Headquarters.
  - 2. The Fraternity and Sorority Life Advisor shall have no vote unless the decision seems unreasonable.
- O. Should unanticipated circumstances arise, the Judicial Board may clarify, modify, or change the procedures. In all such instances, however, every effort will be made to maintain fairness to all parties and to facilitate clear and reasonable expression of the positions represented.

## Section 6: Making Decisions

- A. In a closed session, the Judicial Board shall decide if there is sufficient information to support the alleged violations. The decision reached should be based upon the information presented at the hearing, which is most convincing, most credible, and of greatest weight or probability.
- B. The goal of a Judicial Board would to make decisions based on consensus. When this is not an option, a majority vote will constitute the decision of the Board.
- C. If the Judicial Board finds that there is not sufficient information to support the allegations, the decision will be Not Responsible. If the Judicial Board finds the organization did violate the regulations, the Board will determine the sanctions.
- D. If the decision is responsible, five factors should be taken into consideration while deliberating on appropriate sanction(s):
  - 1. The nature of the violation
  - 2. The level of cooperation from the responding organization
  - 3. The impact the violations have on the fraternity / sorority, university, and surrounding communities
  - 4. The developmental impact of the sanctions on the organization
  - 5. The University mission, values and expectations
- E. Past organizational offenses may be considered only if the boards finding is that the chapter is responsible for the alleged offense. No mention of past organizational offenses is allowed during the deliberation on responsibility. The Judicial Board will balance these considerations and make appropriate sanctioning decisions.

## Section 7: Sanctions

- A. The Judicial Board shall have the authority to assign one or a combination of sanctions, including, but not limited to:
  - 1. **Official Warning:** An incident may be considered to be mild in nature and the outcome was one that could have negatively influenced/affected the community. The incident may have been a spontaneous action or a planned event. The official warning is notification to the organization that they have been found responsible for a violation and that any other violations will result in more serious sanctions. Official warning is a statement to the organization that they need to reevaluate their behavior before serious action has to be taken.
  - 2. **Educational Sanctions:** The Judicial Board may choose to assign an educational project or task to be completed. Some examples of these sanctions include program development and implementation.
  - 3. **Referral for Counseling:** If, in the opinion of the Judicial Board, an organization involved in a disciplinary situation will best be served by counseling, the group may be required to attend counseling sessions with a member of the Columbus State University Counseling Center Staff or another professional off campus. The group will be responsible for all fees incurred by contracting the services of an independent professional.

4. **Restitution:** Reimbursement for damage or loss to person(s) or property or misappropriation of property, either through appropriate repairs or monetary compensation, may be imposed as a sanction.
5. **Campus Restitution Hours:** Campus restitution hours are intended to benefit the organization and the campus and should be related to the violations outlined in the hearing.
6. **Fines:** Organizations may be required to pay a sum of money as a sanction.
7. **Suspension of Social Privileges:** A fraternity or sorority may lose social privileges that are specified with a particular sanction. The board should outline the specifics of the social probation in detail.
8. **Disciplinary Probation:** A probationary status, imposed for a specific time period, during which an organization is expected to show a change in behavior as outlined in the sanction. Disciplinary Probation may also include special conditions as determined by the Judicial Board. A letter will be sent to the inter/national organization or governing body notifying them of probationary status.
9. **Preliminary Suspension of Recognition:** A unique probationary status in which the organization is expected to immediately exhibit a marked improvement in behavior or face Disciplinary Suspension. The sanction of Disciplinary Suspension was considered for the group but was not deemed necessary at this time. If the chapter does not meet all special stipulations associated with the Preliminary Suspension, or if the chapter is found responsible of violating any other rule, regulations, policy or law, the chapter may be sanctioned with Disciplinary Suspension from the university. If the group does not complete any stipulation of the Preliminary Suspension by the assigned date their recognition may be reevaluated. The inter/national governing body is notified of the organization's status with the university.
10. **Disciplinary Suspension of Organization Recognition (may lead to loss of charter):** The removal of an organization from the university which permits the group to apply for recognition at a later date. While a group is suspended, they may not meet as a group or utilize campus facilities or services (intramurals, meeting in university space, etc.). If the organization attempts to return without official recognition, they risk their eligibility to return to Columbus State University in the future.
11. **Permanent Separation:** Permanent removal from the university. Organizations separated from the university will not be allowed to return to Columbus State University in the future.
12. **Other:**
  - i. Sanctions do not need to be assigned in a sequential manner. For example, a chapter may have their recognition suspended or be permanently separated from the University without any previous disciplinary action being taken.
  - ii. Please refer to Academic Excellence and Pillars of Excellence Accreditation Program sanctions on Section 11

## **Section 8: Post-Hearing Procedures**

- A. The Chief Justice will meet with the judicial board advisor to complete the Hearing Report Form.
- B. The Chief Justice will inform the responding chapter, in writing, the following details within five (5) business days of the hearing:
  - 1. Restatement of the alleged violations
  - 2. Decisions rendered on the alleged violations
  - 3. Sanctions with completion dates and resources for completion
  - 4. Appeals Process
- C. The Panhellenic, National Pan-Hellenic, and Interfraternity Council Presidents will read the results of any hearing with a finding of responsible at the next general body meeting. This action will be documented in the minutes of the council meeting.
- D. The information to be presented at the general body meeting is limited to only the following information:
  - 1. The name of the chapter found to be responsible
  - 2. The policies to which the chapter was found responsible for violating
  - 3. The sanctions assigned

## **Section 9: Appeals**

- A. The chapter may appeal the decision to the Fraternity and Sorority Life Advisor and Director of Student Life and Development. A letter of appeal shall be submitted to the Fraternity and Sorority Life Advisor within five (5) business day of the chapter receipt of the decision.
  - 1. Only Chapter president can file a letter of appeal.
- B. In order to determine if an Appeal is required, the organization must state as clearly and fully as possible the reason for seeking a modification of the decision. The criteria for considering an Appeal are as follows:
  - 1. Whether the original board's process was conducted fairly and in accordance with prescribed procedures.
  - 2. Whether there is new evidence or relevant information not available at the time of the original hearing that, if consequential, shall result in a return of the case to the original board.
  - 3. Whether the original decision is supported by substantial evidence.
  - 4. Whether the regulations alleged to have been violated were properly interpreted or applied by the original board.
  - 5. Whether the sanction imposed was proportionate to the nature of the misconduct.
- C. If it is determined by the Fraternity and Sorority Life Advisor and Director of Student Life and Development in consultation with the Assistant Vice President of Student Affairs and Assistant Dean of Students that there is justification for an Appeal, the Appeal Board will be called.
- D. The Fraternity and Sorority Judicial Board Appeal Hearing will:
  - 1. Be chaired by the Chief Justice that did not preside over the original hearing
  - 2. Include three (3) judicial board representatives not involved in the original hearing
  - 3. Determine if the request for an appeal meets the criteria to be granted
  - 4. Determine the action steps which may include:



- i. Make a decision on the information presented to the Appeal Board
  - ii. Re-hear the original case with the original board
  - iii. Re-hear the original case with a new board
- E. The chapter or Assistant Dean of Students may appeal the decision of the Appeals Board to the Assistant Vice President of Student Affairs. A letter of appeal shall be submitted to the Assistant Vice President of Student Affairs within five (5) business day of the receipt of the decision by the Appeal Board. Any decision made by the Assistant Vice President of Student Affairs will be final.

### **Section 10: Completion**

- A. The Panhellenic, National Pan-Hellenic, and/or Interfraternity Council President, in cooperation with the Fraternity and Sorority Life Advisor, are responsible for ensuring the completion of all sanctions given by the Fraternity and Sorority Judicial Board.
- B. In the event that a chapter does not complete the specified sanction(s), the chapter will be referred back to the Judicial Board on an alleged violation of Failure to Comply.

### **Section 11 Academic Excellence and Pillars of Excellence Accreditation Program Sanctions**

- A. Failure to meet academic Excellence of 2.5 GPA and/or failure to meet any Minimum Standard of the Pillars of Excellence Accreditation Program the chapter will be place on automatic social probation and advisor will meet with the organization to establish an improvement plan for the following upcoming semester.
- B. For the second consecutive semester of failing the standard, the chapter will be place on Social Probation and lose all privileges to vote in the respective councils for the upcoming semester.
- C. For the third consecutive semester of failing the minimum standards, the organization will be place on Preliminary Suspension for the following semester and must go through the Judicial Board Process.
- D. If the organization does not complete the stipulations on the Preliminary Suspension imposed by the Judicial Board, they will be assigned a **Disciplinary Suspension of Organization Recognition (may lead to loss of charter):**