



The Ohio State University

Joint Council Judicial Board

BYLAWS

2014

**Serving the Interfraternity Council, Multicultural Greek Council,
National Pan-Hellenic Council, and the Panhellenic Association**

**Ohio Union Sorority & Fraternity Life
Office of Student Life**

Student Life Staff and Adviser:
Antonio-Phillip Lytle – Sorority & Fraternity Life

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Introduction

Congratulations. You now have the esteemed honor of serving as a member of The Ohio State University's Joint Council Judicial Board (JCJB). Such a position is one of significance and leadership. Sorority & Fraternity Life is pleased that you will be serving in this capacity.

This manual will help you to familiarize yourself with the philosophy, policies, concepts, and procedures that will be utilized by the Board.

It is the responsibility of the Joint Council Judicial Board to hear cases where alleged misconduct has occurred due to action or inaction by a fraternal organization at The Ohio State University.

The JCJB strives to achieve an educational system. This view is derived from the philosophy in which every experience that a student has while being enrolled at the University is an educational one. This type of disciplinary system provides students and organizations an opportunity to learn about themselves and others, and to be respectful of community standards at The Ohio State University established by any standards of the various Greek Councils, and Sorority & Fraternity Life.

Through the hearing process, students representing their fraternal organizations are entitled to an educational review in which Board members discuss the behavior of the fraternal organization and seek an educational outcome. As a result, the Board will construct a formal conclusion with a decision that is meant to help not only the organization but the entirety of The Ohio State University community.

This set of Bylaws includes information from many resources, borrowing from judicial board training materials produced by such individuals and organization as Pamela Freeman at Indiana University, Jeff Stefancic at Texas A&M University, the Judicial Affairs staff at Pennsylvania State University, and Brian Farber at the University of Illinois. It also contains materials from the Association for Student Conduct listserv group, Housing and Residence Life at Ball State University, the University of Georgia, and the University of Oregon. We extend our gratitude to these individuals and institutions who have given so freely of their resources, time, and talents - and also to you, for stepping up to fulfill the role and duty as a member of the Joint Council Judicial Board.

Purpose of the Joint Council Judicial Board

The Joint Council Judicial Board is responsible for adjudicating allegations of misconduct referred by the various members (OSUPD, CPD, etc.) of The Ohio State University community as well as Student Life staff including Sorority & Fraternity Life.

Burden of Proof

The evidentiary standard utilized by the JCJB is the *preponderance of the evidence*.

- First and foremost, students and organizations are entitled to a presumption of innocence. Therefore, parties will not be found in violation unless a preponderance of the evidence supports the charge(s). In the event of a tie, the JCJB will continue to deliberate.
- If after the panel determines that exhaustive deliberations have occurred and a majority decision is not reached the parties will be found not in violation.

In many conduct conferences, there will be strong, clear evidence presented to persuade you that the parties did violate a particular policy. Sometimes, however, there may be ambiguities and contradictions, which require the JCJB to decide whom they believe, or who they think is more credible.

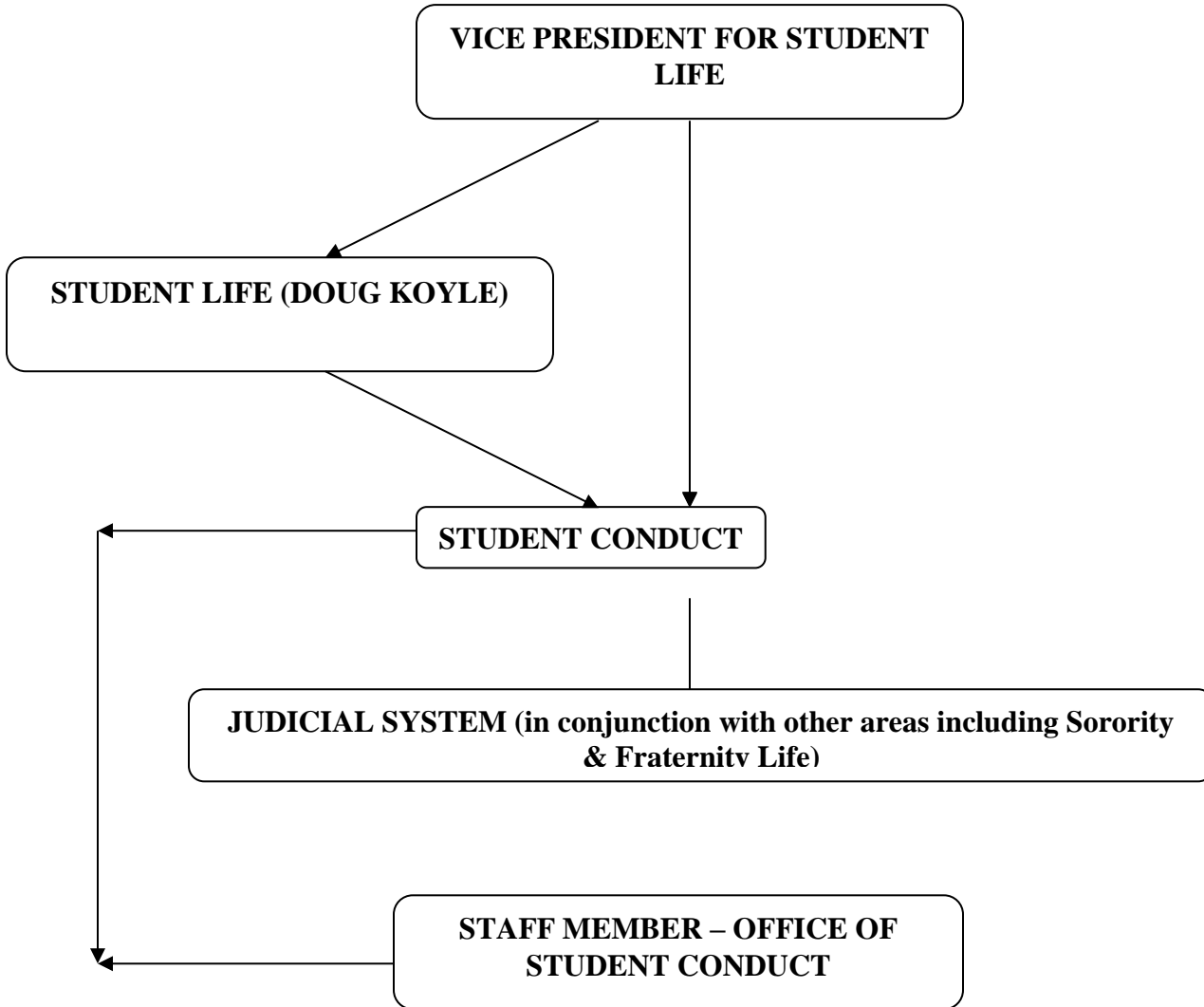
- You must be more than 50% sure that a party violated policy.
- You do not need to be 100% or even 75% sure, just more than 50% sure.
- Another way of thinking about a preponderance of evidence is with the phrase “Given the information available from the conduct conference, is it more likely than not that the party violated the policy.”

Student/organization disciplinary processes are not synonymous with the criminal justice process.

- While the criminal justice system is bound by state and federal rules of evidence, student conduct systems are bound to basic due process and the rules which govern sororities and fraternities. Federal rules of evidence do not apply.
- Courts have long ago afforded universities with deference in handling incidents of student/organization misconduct and generally do not interfere with the judicial process used by most colleges and universities.

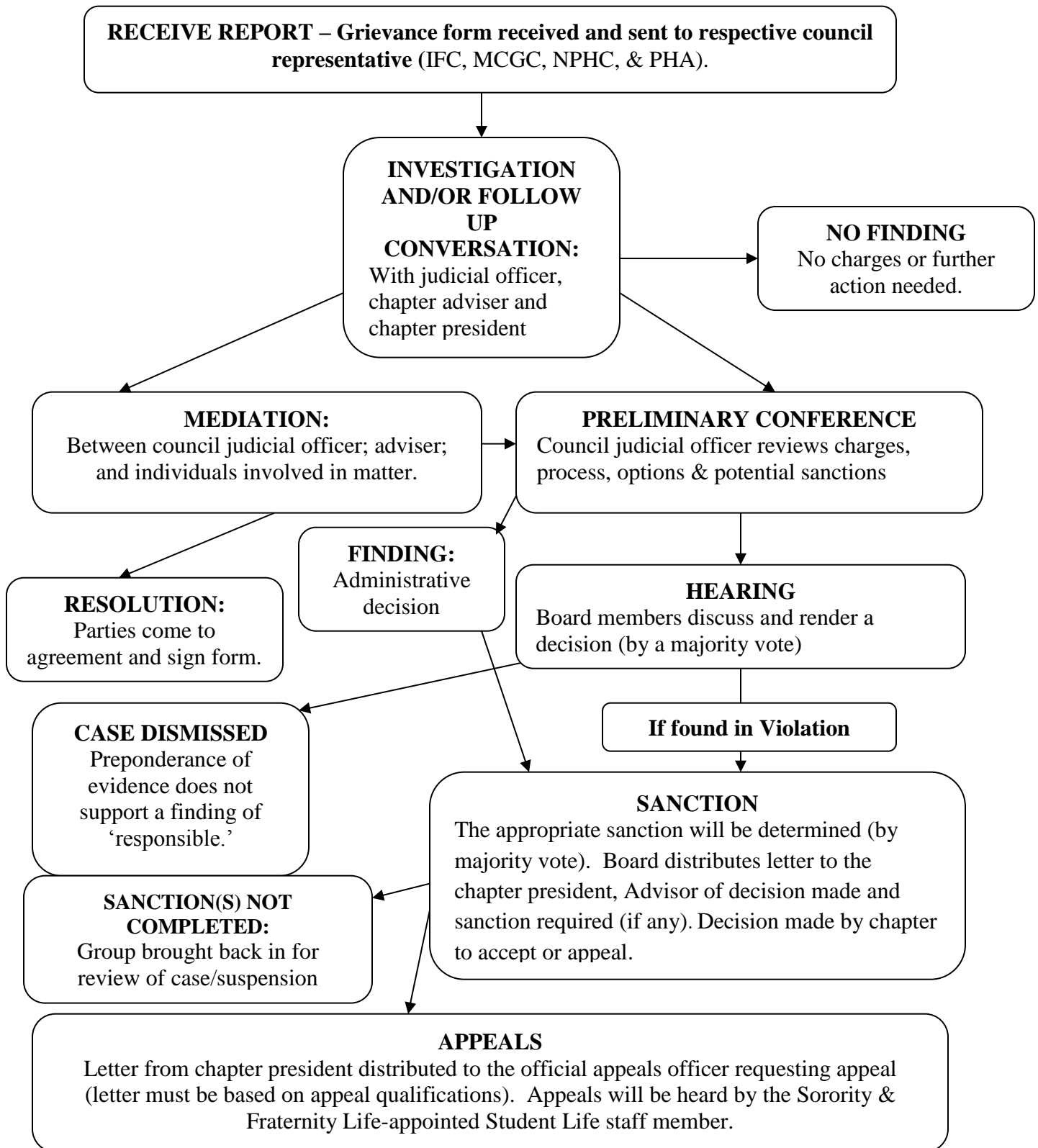
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Reference for JCJB of conduct management at The Ohio State University;
NOTE: Student Conduct has NO authority over the JCJB process, nor is authority for the JCJB process given it by the University.



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Joint Council Judicial Board Process Flow Chart (simplified)



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STANDARD PROCEDURES

Section A: Joint Council Judicial Board Procedures:

1. Recognition and Jurisdiction: Sorority & Fraternity Life

- a). It is the purpose of this Joint Council Judicial Board to monitor and review complaints against organizations which are chapters or councils of The Ohio State University's Sorority & Fraternity Life. We maintain these rights by the Office of Sorority and Fraternity Life, who being fully informed of our functions and policies, approve of this procedure.
- b). In order to hold organizations accountable for their actions, the Joint Council Judicial Board will exist to ensure peer accountability. The JCJB promotes proper and responsible behaviors toward a positive learning environment.

Therefore, any infractions of the rules set forth/adopted by Sorority & Fraternity Life, The Ohio State University, the City of Columbus, or the State of Ohio will subject an organization to disciplinary action by the Joint Council Judicial Board and/or other appropriate authorities. The JCJB has the authority to enforce all rules, regulations, policies, guidelines, and other pertinent documents to the 4 (four) governing councils and their membership, as the official judicial board of said parties.

2. Membership:

- a). The Joint Council Judicial Board shall consist of a total of sixteen (16) student members and the Office of Sorority and Fraternity Life appointed staff adviser, who serves ex-officio. The sixteen (16) shall consist of one lead council officer/Chief Justice from each governing council (Panhellenic Association: Vice President of Judicial Affairs; Interfraternity Council: Chief Justice; National Pan-Hellenic Council: Ambassador; and Multicultural Greek Council: Vice President of External Relations) and twelve council-appointed Justices. Three (3) justices come from each of the four (4) councils.
- b). Each student member of the Board must be an active member of their organization at OSU with a 2.5 cumulative GPA (as outlined in each council's constitution). Candidates interested in applying for a Justice position must sign a waiver releasing the academic and nonacademic records to the adviser for review and approval.
- c). Members and their individual chapters must be in good judicial standing with the University and any pertinent council. Those individuals (and/or their organizations which are) currently on probation, or suspended from

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- The Ohio State University, are not eligible to apply.
- d.) Members must be a registered undergraduate or graduate student, enrolled at least part-time at the Columbus campus of Ohio State.
 - e.) Each lead council officer and the Sorority & Fraternity Life adviser will be in charge of coordinating all training programs for Justices.

3. Appointment to the Board:

- a.) Chief Justices/lead council officers are chosen from Sorority & Fraternity Life standing executive members of the Four Councils. Upon election, the Chief Justices will automatically and immediately serve on the Joint Council Judicial Board.
- b.) Justices - Candidates will be interviewed upon review of their application by a Chief Justice, one additional council executive officer for each council, and the adviser. Decisions will be based upon candidate's ability to be impartial, his/her past experiences with peer accountability, his/her knowledge of Sorority & Fraternity Life, FIPG Risk Management Guidelines, each council's constitution and Bylaws, pertinent council alcohol policies, recruitment regulations, unanimous agreements, and the Joint Council Judicial Board procedures.
- c.) Upon completion of the interview process, selected justices will be notified of their selection, and a one-year term will begin immediately - ending on a date specified by each Chief Justice-elect. Those not selected will be notified immediately as well.

4. Board Responsibilities:

- a.) The Joint Council Judicial Board will consider alleged infractions of Sorority & Fraternity Life, recruitment regulations, council constitutions and Bylaws, FIPG Risk Management Guidelines, and other guidelines and/or pertinent alcohol policies.
- b.) A Justice will not be permitted to participate in a case involving the organization with which they are associated. No conflicts of interest will be permitted among justices and/or Chief Justices.

Section B: Participation of the Sorority & Fraternity Life Adviser in Standards/Judicial Matters:

1. When a report of a complaint (grievance) is filed with Sorority & Fraternity Life (or within a council), a copy is also filed with the cited chapter, its adviser, and the Sorority and Fraternity Life adviser.

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2. Sorority & Fraternity Life adviser attends all meetings on standards/judicial matters. Additionally, the adviser serves as the consultant to the Board, and thus shall sit directly behind the Chief Justice and Justices, facing the accused party.
3. Sorority & Fraternity Life adviser remains neutral yet may suggest a range of sanctions, makes sure minutes of standards/judicial meetings are taken/recorded, and keeps all minutes/recordings/records of all standards/judicial proceedings on file for a maximum of 7 years.
4. Sorority & Fraternity Life adviser works with the pertinent Chief Justice to ensure that sanctions and/or recommendations are submitted and fulfilled on time.
5. Sorority & Fraternity Life adviser may inform the appropriate chapter advisers concerning the standards/judicial procedures and provide written data to them (any individual's identifying information and any individual's sanctions will not be made available to chapter advisers or any other persons at any time).
6. Sorority & Fraternity Life adviser may call a meeting of parties for conversation only – no evidence is presented or discussed, but review of case can and may occur. Such a meeting is not a fact-finding meeting (due process will be met), and all conversation will focus on the organization(s) rather than individuals. The details of the meeting cannot be discussed in a hearing, preliminary conference, or arbitration.

Section C: Filing a complaint:

THE FILING OF ALL COMPLAINTS MUST BE DONE WITHIN 30 DAYS of the complainant's discovery of the incident and reported to the pertinent Chief Justice and/or the appropriate Sorority & Fraternity Life adviser – once filed, a Chief Justice has one week to set up the follow up format (follow up conversation, mediation, hearing, or direct referral to appropriate authorities) then must schedule proceedings within a reasonable amount of time. Those who file the complaint must be present for scheduled portions of the mediation/hearing process.

Anyone (including a non-student) may initiate a complaint for violating the rules and regulations of Sorority & Fraternity Life, recruitment regulations, council constitutions and Bylaws, FIPG Risk Management Guidelines, and other pertinent guidelines and/or alcohol policies. A non-student's complaint will be evaluated by the Sorority & Fraternity Life adviser to ensure its validity.

A letter notifying the organization(s) of the allegation(s) against them will be sent to the president, chapter/council and chapter advocate within one week (7 days) of receipt of the complaint. The Sorority & Fraternity Life adviser writes and sends the letter. Proof must be on-hand and available as to the actual date of receipt of the complaint. A copy will also be sent to the Chief Justice of the council of the pertinent organization within this same time period.

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Section D: Follow-Up Conversation:

[NOTE: This step CANNOT be skipped though discretion of pertinent accusing party and/or Chief Justice, or any other party] The purpose of a follow-up conversation is to have a face-to-face, open discussion between the accused party and the adviser and the adviser of Sorority & Fraternity Life. While a follow-up conversation may prove beneficial and may solve the situation and issue at hand, it is possible that such conversation may lead to either a full mediation or proceed directly to a preliminary conference.

A follow-up conversation must be scheduled for all involved parties within one week (7 days) of the receipt of complaint. The conversation will be scheduled by the pertinent Chief Justice.

Section E: Arbitration:

1. Arbitration (if selected) should take place within 1 (one) week (7 days) following the conversation. However, arbitration may be skipped by request of either party, done in consultation with the pertinent Chief Justice and the Sorority & Fraternity Life adviser. If approved, the incident/issue at hand may progress directly to a preliminary conference. The purpose of arbitration is to find a solution satisfactory to both the complaining party and the accused chapter/council, which is in compliance with all council constitutions and Bylaws, and Sorority & Fraternity Life.
2. Sorority & Fraternity Life adviser shall appoint a neutral party to serve as the arbitrator. The arbitrator shall not be an undergraduate student (it can be an undergraduate justice, but they cannot be a part of a hearing process if the case matriculates to such a point). The adviser may serve as the arbitrator if she/he did not file the initial complaint. The arbitrator shall be ratified by the Chief Justice of the pertinent greek council, and a brief description of the person should be made available to the Chief Justice to aid in their decision to ratify.
3. Arbitration shall be closed to the public. The participants in the arbitration shall be the organization's president (or, as relevant, certain other exec board members or chapter members), a Justice, and Sorority & Fraternity Life adviser. A chapter adviser may attend as a non-participant/observer (if needed the chapter president can request a recess to meet with or call the adviser). The chapter adviser may talk at a quiet level (whisper) and/or exchange notes with the president/pertinent member during the arbitration. However, the chapter adviser MAY NOT address any of the other parties involved during the arbitration.
4. Arbitration Guidelines - A successful arbitration preserves confidentiality, settles differences without the formal process of a hearing, and provides a solution

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acceptable to all while potentially bypassing a hearing. Arbitrations should follow these guidelines:

- a. The meeting shall last no longer than two (2) hour (if not finished, can meet again within two (2) days.
 - b. Set the time and date of the meeting for the convenience of all attending.
 - c. Provide pertinent materials for everyone, which includes (but is not necessarily limited to) a copy of the infraction report and copies of the appropriate/pertinent rules and Bylaws.
 - d. Identify the issue at hand and/or problems between the parties involved.
 - e. Provide time for each participant to explain their position, uninterrupted.
 - f. Search for solutions. List all solutions and discuss each one, one party at a time.
 - g. Attempt to select a fair, mutually agreed-upon, and reasonable course of action, which should be specific and doable. The solution should be determined by the parties, not by the arbitrator.
 - h. Take written minutes on solution(s) reached (not voice-recorded).
 - i. Before the meeting closes, be sure everyone knows the results of the discussion.
 - j. Be sure questions by all parties are answered satisfactorily.
 - k. Agree to keep the mediation discussions private and confidential.
 - l. Evaluate the resolution:
 - (1) Does it fit the infraction?
 - (2) Is it a reasonable expectation?
 - (3) Is there cooperation among all parties?
5. The Sorority & Fraternity Life adviser is able to ask questions and provide insight/ during the arbitration, but is not able to make a ruling or decision in regard to the outcome (unless to tell the chapters involved that the outcome would violate policy).

Section F: Preliminary Conference:

1. If arbitration is not requested or the arbitration does not suffice, a preliminary conference will be scheduled (or, if arbitration is not deemed an appropriate method of handling a complaint or should arbitration prove unsuccessful as per the pertinent Chief Justice, the case will immediately proceed to a preliminary conference). If arbitration does not occur, a preliminary conference will be scheduled within 14 (fourteen) days of the Conversation receipt of the complaint. If arbitration is to be followed by a preliminary conference, the preliminary conference will be scheduled within seven (7) days of arbitration.

The purpose of a preliminary conference is to review the details of the complaint, provide an explanation of the disciplinary process, discuss the organization's options, and advise the organization of potential sanction(s) for the alleged violations.

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2. The Joint Council Judicial Board adviser (synonymous with Sorority and Fraternity Life Adviser) and a pre-selected justice, other than the Chief Justice, will attend the preliminary conference. The justice present will be disqualified from hearing any potential ensuing case, which would go before the Board. In order to remain impartial, the Chief Justice will not attend the preliminary conference.
3. The Sorority & Fraternity Life adviser and the justice assigned will review the complaint and information initially gathered/provided prior to the preliminary conference.
4. The accused organization President or their designee, the appropriate justice, the pertinent adviser of Sorority & Fraternity Life, and the chapter adviser are the only individuals permitted to attend the preliminary conference. The appropriate justice shall lead the preliminary conference.
5. If the accused organization fails to schedule and/or appear at the preliminary conference, a direct hearing before the Joint Council Judicial Board may be promptly scheduled at the discretion of the pertinent Chief Justice. With proper warning and subsequent excuse, preliminary conferences may be rescheduled without effect of a direct hearing at the discretion of the pertinent Chief Justice and Joint Council Judicial Board adviser.
6. After the accused organization is shown the complaint, the justice will explain the options for the organization. Within 2 (two) University-working days, the accused organization must return the *Selection of Hearing Options* worksheet to Sorority & Fraternity Life. The organization has the choice of whether to accept responsibility and then receive the prearranged sanction(s) or request a hearing. The hearing date will be discussed during the preliminary conference and will be scheduled within 14 (fourteen) days after the completion of the preliminary conference.
7. The Sorority & Fraternity Life adviser is present for the preliminary conference. He/she is able to ask questions and provide insight during the preliminary conference, but is not able to make a ruling or decision in regard to the outcome.

Section G: General Hearing Procedures:

1. The Joint Council Judicial Board will consider alleged infractions including but not limited to violations of FIPG Risk Management Guidelines, each council's constitution and Bylaws, pertinent council alcohol policies, (inter)national rules and regulations, recruitment regulations, unanimous agreements, Joint Council Judicial Board procedures, and the Standards of Excellence. Five justices, the Joint Council Judicial Board adviser, and the pertinent council's Chief Justice must be present before beginning a general hearing. If this requirement is not satisfied, the Joint Council Judicial Board shall reschedule the hearing within a

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reasonable amount of time. If additional information is discovered between the filing of the complaint and the general hearing, such needs to be provided to justices before the beginning (24-hours prior to the start) of the general hearing. The pertinent Chief Justice may choose to make minor deviations to the hearing if need be.

2. The right is allowed for the complaining party (the accuser and his/her chapter adviser) and the accused party (the accused and his/her chapter adviser) to attend the Joint Council Judicial Board hearings.

If the accused organization fails to appear at the hearing, the hearing will continue at the discretion of the Joint Council Judicial Board as it would have in the same manner. If the accused party presents partial attendance at the hearing, the hearing will either continue or will be rescheduled (to another date and time within one week ((7 days)), at the discretion of the Joint Council Judicial Board. If the Joint Council Judicial Board adviser fails to appear, or the minimum number of Greek justices is not met, the hearing will be rescheduled to another date and time within one week (7 days). Failure to attend is not indicative of responsibility.

The Complainant party **MUST** hand-in sufficient documentation of alleged violations to the pertinent Chief Justice a minimum of one-day prior to the date of the actual hearing.

3. Justices will receive documentation of alleged violations 2-3 hours ahead of a hearing's Call to Order by the Sorority & Fraternity Life adviser. At this time, cell phones and any electronic devices may (at the Sorority & Fraternity Life adviser's discretion) be removed from all Justices and it shall be expected for all Justices to keep quiet on the case at hand and not come to conclusions ahead of time and refrain from any bias. Once Justices have had a reasonable amount of time to review such documentation, the Sorority & Fraternity Life adviser shall collect and keep all documentation from Justices until the pertinent time of the pending hearing.

a). Call to Order:

At this time, persons before the Board take their respective places in the designated (by the pertinent Chief Justice) hearing room. The Sorority & Fraternity Life adviser shall sit behind/next to the Chief Justice. At this point, the hearing is considered to begin and be underway. A recording device shall be provided by the Sorority & Fraternity Life adviser; this device shall be and remain sole property of Sorority & Fraternity Life. No other recording devices will be permitted.

b). The Nature of the Hearing is Explained:

While the procedures for the hearing will already have been received by,

and/or explained to each party's representatives at the preliminary conference, actual hearing procedures dictate a reiteration of the same.

The nature of the proceedings is explained. Joint Council Judicial Board hearings are not legal proceedings, but rather informal and non-adversarial. Burdens of proof are based on the lowest level burden of proof, and the preponderance of evidence standard does apply. Each party may consist of (at a max): the chapter president, another executive officer, the chapter adviser, and/or witnesses (as called-upon). The chapter adviser(s) may attend in the manner as previously described.

Parties may directly address each other with recognition and permission from the pertinent Chief Justice.

c). Board Introduces Itself:

During the Board's introduction, there should be no mention of any justice's chapter affiliation. However, justices are forbidden from presiding over cases involving their own chapters.

d). Reasons for Removal of a Board Member:

The first order of business concerns any party's right to petition/request that a justice be removed from the presiding Board for reasonable cause. Justices may only be stricken as proper show cause has been given by either party. If there's a conflict of interest on the Board, the pertinent Chief Justice will bring the matter to the attention of the Sorority & Fraternity Life adviser for review.

After such consideration between the pertinent Chief Justice and the Sorority & Fraternity Life adviser (of the objecting party's grounds for striking), the pertinent Chief Justice either removes the Justice or allows him/her to remain. While an organization certainly has the right to strike a Greek Justice on reasonable grounds, Greek Justices are obligated to strike themselves in the event that an earlier dealing with either the complainant or the accused may call the integrity of the justice's decision into question. This warning also applies to friendly conflicts of interest. If a Board member finds him/herself having to decide a matter involving one of his/her good friends, he/she is expected to excuse him/herself just the same (or the pertinent Chief Justice and the Sorority & Fraternity Life adviser may choose to remove the Justice after joint consideration).

e). The Documentation of the Alleged Violations are Provided to the Justices:

The Justices will have brief exposure to the official documentation (hearing packets) of the allegations prior to the start of the hearing. At this

time, the Sorority & Fraternity Life adviser will re-distribute all such documentation. The information provided within the hearing packets and the information which surfaces throughout the case will be the only information permitted in rendering a decision.

f). Review of the Hearing Packets:

All parties are excused while the Board has the opportunity to review the hearing packets for a reasonable amount of time. It is at this time that Justices should ask for clarification from the Chief Justice regarding any ambiguous or apparent missing items from the hearing packets, or any questions they may have in general. The Justices will be given reasonable time to outline the questions they have for the complainant and the accused utilizing paper and utensils which the Sorority & Fraternity Life adviser must provide.

g). The Charges are Read Aloud:

The Board reconvenes all parties and the charges are read aloud one at a time by the pertinent Chief Justice. The accused party will have the opportunity to respond with a plea of 'responsible' or 'not responsible' to each charge individually, as the charges are read aloud.

h). The Accused states "Responsible" or "Not Responsible" to each Charge:

If the party responds "responsible," the Board may pose clarifying questions before entering a closed session to deliberate sanctioning. If the accused pleads "responsible" to all charges levied and the Board is satisfied with the details of the response, the Board then enters a closed session to deliberate sanctioning immediately. If the accused responds "not responsible" to a partial list of charges, the Board sets any "responsible" pleas aside until sanctioning begins. The Board must, in the end, support such "not responsible" responses or find the accused responsible/what sanctions are necessary toward such responsibility. The Board then proceeds to hear opening statements regarding the charges which remain as aforementioned "not responsible" by the accused. No responsible plead will be taken into consideration while hearing other accusations that the accused responds "not responsible for".

i). Opening Statements:

Opening statements should be brief. The complainant speaks first, followed by the accused. Only one member from each party may address the Board during the opening statements. Parties may directly address each other with recognition and permission from the pertinent Chief

Justice.

j). Presentation of Supporting Information by the Accused:

The accused party may present supporting information pertinent to the case at hand; both parties have a procedural due process right to be heard by an impartial body. As such, supporting information may be presented at this time.

k). Presentation of the Witnesses:

At this time, witnesses appearing before the Board for the accuser and accused are called and introduced. The Justices should take notice of the witness's names since the reading of the charges will likely refer to them, and the Justices will want to know to whom they are directing their questions (unless witnesses are not able/are not willing to be present). The witnesses will then be given the opportunity to relay any information pertinent to the case at hand, one by one, as determined by the Chief Justice.

l). Questioning by the Greek Justices of all Parties Involved:

The complainant and the accused each have the opportunity to ask questions of witnesses regarding information presented by the opposing party; the accused party may ask questions of the witnesses first. If necessary, the Chief Justice will provide alternative means of questioning in order to provide a fair hearing. The Chief Justice may also intervene during any questioning and override the pertinent questioning by stating "irrelevant," according to the Chief Justice's discretion regarding the case and information provided. At such a time, such questioning must immediately cease.

The Chief Justice may also intervene and, for a brief period, allow parties to question each other directly during this time. Justices may ask questions at any point in the hearing to anyone they want to question. Justices should take copious notes of the questions asked and the participants' responses. The Justices' notes will be needed to inform the deliberation and sanctioning processes which follow. When the Justices determine that information may be better obtained by questioning witnesses in private, the Board reserves the right to separate witnesses and receive their testimony one at a time.

m). Questioning by Both Parties:

At this time, each party has the opportunity to ask questions for clarification. Such questions must be directed through the Board. Parties may directly address each other with recognition and permission from the

pertinent Chief Justice.

n). Closing Statements:

Closing remarks are limited to five minutes each. The accuser concludes first, followed by the accused. As with the opening statements and responses, only one member from each party may address the Board. Closing statements may only be directed to the JCJB.

o). Board Enters a Closed Session for Deliberation:

At this time, all parties are excused so that the Board may deliberate in private. Nothing further is required from the accuser. The accuser and accused parties are excused from the room, but they may stay in the same building and wait for the decision and sanctioning. Past organizational offenses may NOT be considered via the Sorority & Fraternity Life adviser introducing the organization's file when determining responsibility or non-responsibility. The recording device is turned-off at this time. However, the Chief Justice shall take note of important decisions and Justices' votes during this time – such information will be kept by the Sorority & Fraternity Life adviser for record.

p). Joint Council Judicial Board Retires to Decide Sanction:

Sanctions are considered and imposed based upon the nature and judicial/disciplinary history of the violation. Sanctions may serve as both a deterrent and an educational tool. The justices are reminded that sanctioning principles dictate that the violation informs the outcome. Past organizational offenses may be considered when deliberating sanctions. The Board's decision on sanctions will be based on the preponderance of evidence.

All sanctions must include an enforceable timeline(s) and expectation of completion (failure to abide by prescribed timelines will result in the immediate reconvening of a hearing by the Board). The Chief Justice may determine through his or her discretion that it is in the best interest of all parties to dismiss until another time the following day. If so chosen, the Chief Justice must explain to the accused that the Board will be in touch within a reasonable amount of time with a time to reconvene within the next 24 hours regarding decision and sanctions.

Any time during which justices deliberate on sanctions, only the Sorority & Fraternity Life adviser and the justices and Chief Justice may be present; the accused party must leave the room/area in which the justices are meeting during this time. An accused party may choose to depart from the *premises* during deliberations, but must leave behind their cell number(s) and plan to return for the in-person delivery of sanctions at the

close of deliberations and when the Chief Justice notifies the accused party that the delivery of said sanctions is ready/necessary.

Sanctions will be deliberated on and delivered following the conclusion of a hearing. This may mean: within a period of minutes and up to a period of hours in the same day on which a hearing concludes; sanctions deliberation and delivery may be rescheduled and reconvened for the next/following day, at the discretion of the pertinent Chief Justice – if such occurs, all parties involved will be immediately notified.

q). Joint Council Judicial Board Reconvenes to Read and Explain Sanctioning:

At this time, the accused party is called back into the hearing room, and the Chief Justice reads the sanctions. Any conversation which may ensue at this point must only concern sanctioning and further explanations of those sanctions.

r). Joint Council Judicial Board Decision:

Once the Board has completed deliberation, the Board reconvenes all parties to announce its decision. If the accused is found to be "not responsible" for all charges, the hearing is adjourned. If the accused is found "responsible" for some or all charges, they may ask that their disciplinary history be read for the purpose of explaining the outcomes of the case. (if case involves any individual students, such information on individual students cannot be read aloud – see FERPA documents for further information).

Before the Board dismisses all parties in order to determine sanctions, the accused may submit suggestions to the Board which may or may not be implemented when formulating the final educational and disciplinary measures. The accuser is now finished with the hearing process.

s). Hearing is Adjourned:

The hearing is adjourned by the Chief Justice once the charges are fully conveyed. The proceedings of the hearing will be kept confidential following Section J of this JCJB document. All records from the hearing are kept with the Sorority & Fraternity Life adviser.

t). Appeals:

Appeals must be made in accordance with the Appeals Procedure.

Section H: Appeals Procedure:

One appeal (in total) may be afforded to each case. The appeal must be received by the appeals officer within 30 (thirty) days of the adjournment of the hearing. The 30 (thirty) days does not include university holidays and breaks. A letter from the accused organization's president requesting appeal on hearing's results must be typed and distributed via email to the official appeals officer. The official appeals officer shall be the position of director of student activities within the department of Student Life, who's decision is final (as the head representative of Student Life in charge of the overall administration of the policies and procedures of all student organizations on the Ohio State main campus).

The appeals officer has no timeline for his/her decision. He/she can decide to change the initial sanctions (lesser or more harsh) with significant reasoning. Before the appeals officer can change the sanctioning, a meeting with the pertinent Chief Justice must occur in order to explain the reasoning behind the original sanctioning. The appeals officer must base his/her decision on one, two, or all of the following aspects/considerations: that the sanction(s) are disproportionate to the grievance(s) and/or unreasonable; that key/vital information was not available at the time of the incident(s); that procedural error was involved in the hearing process.

Result of appeal will be delivered by the appeals officer to the accused organization's president and chapter adviser, pertinent council president, and the Sorority & Fraternity Life adviser within one week (7 days) of the official's decision. All initial sanctions will remain standing/in place and shall be 100% enforceable during the appeal process.

Section I: Notification of Solution/Completion of Sanctions:

Once a solution has been reached on a case through a preliminary conference, a general hearing's completion of sanctions, or an appeals procedures' results, the organization's president and chapter adviser (and other pertinent parties as previously stated) will be notified in writing of the outcome. A copy of the notification will also be sent to the pertinent council president and the Sorority & Fraternity Life adviser within one week (7 days) of such solution. Arbitration results and agreements will only be released to pertinent organization president(s) and chapter adviser(s).

Section J: Confidentiality/Sunshine Policy

All information shared during the general hearing will be kept confidential until an outcome is reached. Once a case is closed and an initial outcome is reached, all violating parties, all violations found responsible for, and all outcomes/sanctions shall immediately be public information. However,

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details/discussion of/from the case shall not be disclosed. The desire to appeal shall not stop this process. If there is any information that surfaces during the Preliminary hearing which may violate any local, state, or federal laws or that may cause harm to any individual, the hearing may be suspended and the proper authorities will be notified – such an act may stop outcomes, etc. from being made public. Grievances may be filed for violating confidentiality if determined that members of the judicial board have violated confidentiality before said time (not including mediation or preliminary hearings). However, while sanctions cannot be thrown-out or reversed due to any breach of confidentiality, grievances can lead to dismissal of justices, the Chief Justice, and others from their respective positions. After the conclusion of a hearing, press releases may be issued regarding the outcome following all information stated above.

Section K: Distribution of Hearing Information

Educational Sanctions Must Include (at least one of the below standing sanctions for every item an organization is found responsible)

Letter of reprimand to be sent to the responsible organization(s), with copies sent to the chapter adviser, president, director of student activities, Student Conduct Office, pertinent (inter)national organization headquarters, and/or any other party deemed necessary by the Board. This letter shall be written and sent by the Sorority & Fraternity Life advisor.

An apology letter is written about the incident, stating how the organization will move forward. This can be substituted by issuing a public statement at the proximate president's meeting, stating the incident and apologizing to the community. The information will also be available upon request by anyone through the Office of Sorority and Fraternity Life.

Section L: Possible Educational Sanctions Include But are Not Limited To:

1. Complete restitution of property for any damage incurred.
2. Fines not exceeding \$200 per offense and per each item of responsibility, totals of which shall be given to the charity of Sorority & Fraternity Life's choice.
3. Require the responsible party to do a certain amount/number of hours of community service or work with a certain entity or entities, as defined by the Board.
4. The sponsoring of various programs pertinent to the violation/s for which the organization was found responsible, by the organization. Such programming is directed as an educational tool and should be specifically

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planned and designed toward that successful outcome.

5. Host a risk management-training program to educate the members of the organization on all pertinent alcohol policies, regulations, or the pertaining topic. A specified percentage of the organization members, determined in advance by the Board, are required to be in attendance. Proof of the program must be provided.
6. If applicable, the organization's social chair must meet with the pertinent Chief Justice to discuss the violation, future prevention methods, and the overall and continued education of members.
7. An organization's percentage of registered alcohol events to registered dry events may be modified.
8. Social Probation - a specified period of time of provisional freedom from further sanctioning on the promise and premise of good behavior. This is also used as a time for the organization to redeem poor conduct. Further specifications may be added and used within such probation.
9. Social Suspension - no social function with another organization, or individually, for a specified period of time. Such suspension may include no chapter meetings, no meetings of any sort, no social, service, or philanthropic functions, no recruitment events, etc.
10. Intramural Suspension - no recognized participation of the organization in intramural sports under a Greek name or by any other name.
11. Removal of Officers – the call for immediate removal of all or a specified amount and name of officers within the existing structure of the organization.
12. Membership Review – the call for the organization's (inter)national headquarters to partner with Sorority & Fraternity Life toward the direct result of a review of all members and their membership privileges within/with the accused organization.
13. Probation - loss of membership in Sorority & Fraternity Life for a specified period of time.
14. Suspension/Expulsion - temporary removal of the organization from the campus and/or the loss of all current membership of the organization.
15. Revocation of Charter – the Joint Council Judicial Board may elect to remove any chapter's charter for offenses if the Board believes such action to be merited and applicable; such charter removal will immediately cease all

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activities of the pertinent chapter and the chapter shall be considered officially removed from The Ohio State University and the rolls of Sorority & Fraternity Life; such revocation shall be considered indefinite unless specified otherwise by the Board during the sanctioning process.

16. Other disciplinary and educational actions deemed necessary by the Joint Council Judicial Board.

Section M: Manipulation and/or Edits of Joint Council Judicial Board Bylaws

Any manipulation and/or edits of this Joint Council Judicial Board Bylaws document require a vote to do so of *all 4* (four) governing councils – such a vote must be made by $\frac{3}{4}$ of (and during) *each* council's respective full body and assembly (through regular/approved delegates) OR at a regularly-scheduled (Sorority & Fraternity Life-called) president's meeting with a minimum of $\frac{3}{4}$ of all presidents in attendance; the document may also be manipulated and edited at any time (with notice given to each governing council) by Sorority & Fraternity Life.

Section N: Ratification of Joint Council Judicial Board Bylaws

1. The ratification of this document requires a $\frac{2}{3}$ approval of all present active Fraternities and Sororities on the Ohio State main campus, with each chapter having one vote and all voting in roll-call vote fashion; such voting may take place at a regularly-scheduled (Sorority & Fraternity Life-called) president's meeting OR at *all 4* (four) governing councils' full body and assembly through regular/approved delegates – such a vote must be made by $\frac{2}{3}$ of *each* council's respective full body and assembly.
2. A $\frac{2}{3}$ approval of all active Fraternities and Sororities presidents/governing councils' delegates on the Ohio State main campus results in this document immediately becoming the Joint Council Judicial Board Bylaws of the Greek governing councils at The Ohio State University and shall be recorded and implemented as such.

Section O: Alcohol Policy

The Ohio State University
**Interfraternity Council, Multicultural Greek Council, National Pan-Hellenic Council, and
 Panhellenic Association**

Alcohol and Risk Management Policy

Preface

It is the purpose of this University and this Greek Community to promote responsible decisions and healthy choices during the collegiate experience. It is the purpose of this document to preserve the integrity of all fraternity and sorority chapters on campus by setting a level of standards.

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In addition to the document, all chapters affiliated with The Ohio State University are expected to adhere to all city, state, and federal laws. In addition, it is an expectation that chapters will follow their National and/or International Policies and Regulations. This policy will be enforced in its entirety by the governing bodies of the InterFraternity Council (referred to herein as “IFC”), Multicultural Greek Council (referred to herein as “MCGC”), the National Pan-Hellenic Council (referred to herein as “NPHC”) and the Panhellenic Association (referred to herein as “PHA”).

It is the intention of IFC, MCGC, NPHC and PHA to promote the safest atmosphere possible for both the chapter members as well as their guests. It is hoped by both councils that this policy will promote, not negate, self-governance by chapters, and limit liabilities.

Article I

Section I: Definition of a Social Function

Throughout this document, when a social function is referred to, it is assumed that alcohol is present. We realize that there are many social events that do not include alcohol. At all events, alcohol cannot be used as advertising. There are currently three distinct types of events:

- A. Type 1: An event that is strictly for members and alumni/families and consists of no invited guests can be defined as a type one social. All type one socials must follow the guidelines of Section II, Section III, and Section IV paragraphs A, B, C1, C2, C3, C4, C5, C7, C8, C9, C10, C11, C13, and C14
- B. Type 2: An event in which each chapter member invites a guest to their house for a social function. This includes formals, date parties, invite parties, or any other event where the ratio of guests to chapter members is equal to or less than 1:1. A type two event must follow the all of the guidelines of Sections II, III, and IV, with the exception of C14. (Add opportunity to petition for Alumni and their dates)
- C. Type 3: An event where the number of attendees is more than the total of in-house initiated members, and not all persons attending the party are members of the chapter. This includes “after-hours” and “theme-gatherings” (i.e., Halloween, Mardi Gras, etc) TG’s, and social Mixers. An invite list must be submitted with this event registration. A type three event must follow all of the guidelines of Sections II, III, and IV, with the exception of C14.
- D. Type 4: An event that is held at a third party vendor and/or location. A type four event must follow the guidelines of Section II, III, and Section IV paragraphs A and B.
- E. Type 5: An event that exists outside of the Columbus area that is an “overnight” event. The university has jurisdiction over all Ohio State students. The Code of Conduct and local, state, federal, and international laws apply at all times to those participating in this event.

Section II: Reporting a Social Function

- A. All events must be registered on the designated Sorority and Fraternity Life website.
- B. The host organization is required to register that event for themselves, regardless of where the event is held. If it is a paired event, you must register the event separately. If it could appear that an organization is represented at an event, the organization should register the event.
- C. All events must be registered at least five (5) days preceding the event. This is a Standards of Excellence requirement.

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1. The deadline for events held on Friday or Saturday is noon on the Monday before the event.
- D. Failure to file a complete Event Registration form may be subject to fines and/or Judicial Board arbitration.
- E. If for some reason an impromptu event seems as though it may occur at a chapter facility and the chapter believes that it may turn into a Type 3 event, a certain protocol must be followed. It is the chapter's responsibility to immediately contact that council's primary judicial contact, as well as take every step to follow the guidelines set forth in Section IV A, B, and C. If occurring more than three times in a semester, it will result in arbitration.

Section III: Time Parameters for an Event

- A. All events must end the distribution of alcohol at 2 a.m. and guest must have the ability to remain in the hosting facility for at least one-half hour after the distribution of alcohol has ended.
- B. No event may be scheduled for more than a four (4) hour period of time or for a group of events more than a five (5) hour period of time. Group events are defined by two back to back events such as a "pregame" and a social function or a social function and a "post party". All events must be registered.
- C. When a chapter's registered event or group of events ends, the chapter may not participate in another event within 3 hours of the end time of the chapter's registered event, social or philanthropic, without the explicit approval by the council's main judicial contact.

Section IV: Alcohol Beverage Management

Section IV: Alcohol Beverage Management

- A. All alcoholic beverages at events shall be managed according to the following guidelines:
 1. The possession, use, and/or consumption of alcohol at an event shall be in full compliance with any and all applicable laws or regulations of the federal, state, and county governments; the City of Columbus; the college student code of conduct, the IFC, MCGC, NPHC, and PHA bylaws/constitution.
- B. All events are to be Bring Your Own Beverage or located at a third-party vendor.
 1. No member chapter may purchase alcohol with chapter funds, nor may any person, on behalf of the chapter, coordinate the purchase of alcoholic beverages at any event.
- C. Bring Your Own Beverage (BYOB) Guidelines
 1. The purchase of alcoholic beverages may not be coordinated through the chapter treasury, by monetary collection (e.g. passing a hat), by any member of the chapter, or by any funds allocated to student organizations by the Council on Student Affairs or any other governing body.

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2. Only beverages classified as “beer”, “wine”, or “cider” are permissible at a function in addition to nonalcoholic beverages. See the Ohio Revised Code for beverage definitions [Chapter 4301.01 (B)].
3. The serving of communal alcohol is not permissible at any function (punch bowls, gelatin shots, kegs, mini kegs etc.). No drinking games shall be played.
4. Alcohol may not be served in a container greater than 12 fluid ounces at any event (i.e. a Solo Cup, or comparable cup with measured lines).
5. Alcohol shall be distributed from one location. Each guest of legal drinking age will be allotted alcoholic beverages based upon *(number of hours of the event) x (2)*. *During the compliance check the chapter must provide proof of a system dedicated to monitoring the distribution of all alcohol based on time span of event.*
 - i. There will be two drinks allotted in a given hour per the hour of the event, which will be equal to the amount of tickets each attendee of legal drinking age is permitted.
 1. 1 drink is defined as:
 - a. 12 fluid ounces of beer
 - b. 6 fluid ounces of wine
 - c. 12 ounces of cider
6. Persons attending shall show proof of age and be marked accordingly, either by an ‘O’ on the hand or wristband if they are of legal drinking age or an X if they are under age. Identification should also be checked at the central place of alcohol distribution each time a beverage is dispensed.
7. Open containers of alcoholic beverages, as defined by federal, city, and state law, shall not be permitted to leave the event.
8. Each sponsoring IFC/MCGC/NPHC/PHA member chapter must provide at least one (1) non-drinking member(s) for every 20 people present at the even or hire a security guard where two security guards are equivalent to three sober monitors. The names of these individuals shall be posted at the door and at the point of alcohol distribution.
9. Alternate transportation numbers are to be listed at both the door and at the place where alcohol is distributed.

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10. The non-drinking door monitors shall deny access to any person who appears or actually is intoxicated.
11. A predetermined guest list of expected attendees is required and if guests attend who are not originally on the list, their names must be added.
12. Non-salty food and non-alcoholic beverages (other than water) shall be supplied by the hosting chapter(s) for 20% of the expected number of guests and shall be in plain view for the duration of the event.
13. Water is to be made available at all times, to all guests. Hosts are required to ensure that hanging signs clearly denote from where guests may receive water.
14. Each chapter must adhere to risk management trainings as offered. The risk management training will be considered a Standards of Excellence requirement covering Safety Health and Wellness. Prior to hosting a social event, the distributor of alcohol must be trained by the Student Wellness Center or comparable professional staff member (bartender /sober monitor training).
 - i. Member organizations must declare on all social registration forms who the distributor will be which will be cross-referenced with the list of distributors that have been trained by the appropriate risk management team.

No beverage with a 'percent alcohol' greater than 8% may be distributed at the event.

- D. No alcohol is to be present at recruitment events.
- E. No alcohol is to be present at philanthropic and fundraising events. In order to obtain permission for University Events that involve alcohol, the students should refer to The Ohio State University's Student Life website: studentaffairs.osu.edu/pdfs/osu-policy-on-alcohol.pdf.

Section V: Drug Management

- A. As stated in the Ohio State University Student Code of Conduct, unlawful possession, use, production, distribution, or sale of drugs either illegal or non-prescribed by any faculty, staff, or student is prohibited on university property or as any part of university activities.

Section VI: Police Intervention

- A. If the police intervene (meaning a police report is filed) in an event held at a chapter house, annex, or third party location, the council's primary Judicial contact must be contacted within 24 hours. A mediation will then be scheduled between the President, Vice President, Social Chair, and appropriate council contacts. This will be to discuss the incident, along with determining the role of IFC, MCGC, NPHC, and PHA in the situation.
 1. An annex is defined as a place of residence where more than two members of a Greek organization reside.

Article II

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Section I: Risk Management Committee and Enforcement

- A. Refer to the respective council's bylaws for the Risk Management Policies on Committee Development guidelines.

Section II: Education

- A. Each council is responsible for developing a person or committee (i.e. compliance, risk training. Each chapter is to work with the appropriate contact on the Sorority and Fraternity Life team that deals with risk management.
- B. As per Standards of Excellence (SOE) guidelines, Three-fourths (75%) of the chapter's membership must be present at the educational training.
- C. All New Members are required to go through an educational session on the policy during their new member period.
- D. If a chapter does not comply with parts A, B and C the chapter will be placed on social probation until the educational training is completed.

Section III: Alcohol-Related Infractions

- A. There will be three (3) levels of infractions.
- B. Level One infractions are the failure to:
 1. Post all signs listed in Article I.
 2. Have an invite list submitted and present at the event.
 3. Have a non-alcoholic beverage present.
 4. Have a non-salty food present.
 5. Register the function on time, as stated in Article I.
 6. Have an invite list submitted on time, as stated in Article I.
- C. The first of these violations will result in a notification of the incompliance and a warning after that. Any Level One violation will result in a \$25 fine per violation. If four or more of these violations occur at any one event that chapter(s) will face a judicial hearing, in addition to the fines.
- D. Level Two infractions are the failure to adhere to policy guidelines related to:
 1. Admit people with open alcohol containers.
 2. Allow those with open containers of alcohol to leave the event.
 3. Have a sober door monitor checking ID's
 4. Check IDs and properly mark everyone at the party either over or under.
 5. Minor Harassment of Risk Management Committee (RMC) at the discretion of the RMC and the respective governing board.
- E. Any Level Two violations will result in a \$50 fine, per violation. If two or more of these violations occur at one event then the chapter(s) will face a judicial hearing in place of the fines.
- F. Level Three infractions are the failure to adhere to policy guidelines related to:
 1. Allowing those under the age of 21 to either bring in or consume alcohol.
 2. Admit RMC into the event.
 3. Major Harassment at the discretion of the RMC and the respective governing board.

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4. Have at any time throughout the party an unattended alcohol distribution point.
5. Have a sober, overage bartender for each fraternity attending the event, unless there is a third party vendor.
6. Follow BYOB policy, which includes, but is not limited to:
 - a. Having unopened cases of beer not in the serving bin.
 - b. BYOB ticket system not being used.
7. Register an event.

G. Any Level Three violations will result in a follow up conversation by the appropriate judicial commission.

Section III: Joint Council Judicial Board

Any recurrence of any of the levels of additional penalties can result in more serious consequences.

Article III

Section I: Hazing

- A. No chapter, colony, student or alumnus shall conduct nor condone hazing activities.
- B. Hazing activities are those defined as:
 1. Any action taken or situation created, intentionally, whether on or off fraternity premises, to produce mental or physical discomfort, embarrassment, harassment or ridicule. Such activities may include but are not limited to the following: use of alcohol; paddling in any form; creation of excessive fatigue; physical and psychological shocks; quests, treasure hunts, scavenger hunts, road trips or any such activities carried on outside or inside the confines of the chapter house; wearing of public apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; or any other activities which are not consistent with academic achievement, fraternal law, ritual or policy or the regulations and policies of the educational institution, or applicable state law.

Section II: Sexual Abuse & Harassment

- A. The Greek community will not tolerate or condone any sexually abusive behavior on the part of its members, whether physical, mental or emotional. This is to include any actions which are demeaning to women and men, including but not limited to, date rape, gang rape or verbal harassment.

Section III: Fire, Health & Safety

- A. All chapter houses should meet all local fire and health codes and standards.
- B. All chapters should have posted fire safety information and should have evacuation routes from chapter houses, common areas and sleeping rooms posted in said areas and on the back door of each sleeping room.
- C. All chapters should comply with engineering recommendations as reported by the insurance company.

Section IV: Violation of the Non-Alcoholic Policies

- A. Any violation of the non-alcoholic policy will be followed up with by an arbitration. Any incident that is not resolved at an arbitration shall be taken to a judicial hearing.

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Section P: Contact Information

Student Life – Sorority & Fraternity Life Staff

Antonio-Phillip Lytle
Sorority and Fraternity Life
Ohio Union
Office of Student Life
1739 N. High Street
Columbus, OH 43210
614-247-7990
lytle.38@osu.edu

Student Life – Student Conduct

Student Conduct
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Columbus, OH 43210
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614.292.2098 (F)
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Student Life – Leadership

Dr. Javaune Adams-Gaston – Vice President for Student Life
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//THIS DOCUMENT RATIFIED: 4/18 /2013

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