

**Judicial Committee Bylaws
of the Interfraternity Council (IFC)
of
the Massachusetts Institute of Technology (MIT)**

**ARTICLE I
Preamble**

As MIT-approved housing, Fraternities are accountable for the conduct of their members. Since the Office of the Dean of Student Life is committed to the concept of self-governance for the Fraternity community, the Dean for Student Life has delegated a major portion of the responsibility for discipline within the Fraternity community to the Judicial Committee. The unique advantage of a student judicial board lies in the ability of its members to influence the attitudes and subsequent behavior of other students through a formally constituted judicial mechanism. Peer influence, exercised through the judicial process, can often be more effective in redirecting the behavior patterns of students than other methods of discipline within the institution. These procedures have been developed to ensure that all discipline cases adjudicated by the Judicial Committee are handled in a fair, objective, consistent and orderly manner, protecting the rights of all parties to a fair process.

These rights include:

1. The right to a timely hearing before an impartial peer tribunal.
2. The right to reasonable and complete notice.
3. The right to examine all evidence and hear all testimony presented.
4. The right to have an advisor present.
5. The right to present written and/or oral statements.
6. The right to cross-examine witnesses.
7. The right to a decision based solely on the facts presented and supported by a preponderance of evidence.
8. The right to receive timely, written notification of the results of any hearing.
9. The right to an appellate review.

Although these rights are guaranteed, all participants in the judicial process should understand that there is a fundamental difference between the nature of Judicial Committee proceedings and the proceedings in a court of law. The discipline of students within the MIT community is primarily a part of the educational process. The exact processes of criminal and civil law do not apply because they are designated for circumstances unrelated to the academic community. To the degree possible, the Judicial Committee process should remain informal and non-adversarial. The goals of the Judicial Committee process are to compel adherence to both Institute and IFC policies, to resolve conflicts within the Fraternity community, and to promote high standards of conduct.

**ARTICLE II
Jurisdiction**

- A. The Judicial Committee shall be responsible for all judicial functions of the IFC.
- B. The Judicial Committee will have the power to mediate disputes between member Fraternities.
- C. The Judicial Committee is empowered to act in cases involving breaches of the rules and regulations of the IFC, MIT, and governmental bodies as they apply to Fraternities except in cases of sexual misconduct, serious injury, and death.
- D. The ultimate decision on whether the Judicial Committee had jurisdiction over a formal complaint shall be made by the Chair of the Committee on Discipline.
- E. The Judicial Committee will have the power to hear any actions perceived to be involving a member of a MIT fraternity in accordance with the Rules and Regulations of the Committee On Discipline.

ARTICLE III

Definitions

- A. An advisor constitutes a member or alumni of the fraternity. Legal representatives, family members, and members of the press are not recognized advisors for hearings.
- B. Reasonable and complete notice is fulfilled by electronic notice of the charges from the Judicial Committee Chair.

ARTICLE IV

Membership

- A. The Judicial Committee shall consist of The Chair, the Review Board, and Review Board Secretary which are all appointed by the Chair.
 - 1. There shall be one Judicial Committee Chair and one Review Board Secretary.
 - 2. All Fraternities must designate at least one member to serve on the Judicial Committee.
 - a). If a Fraternity fails to designate at least one member to the Judicial Committee by the second week of classes, that fraternity will lose the right to have a representative for the remainder of that term.
 - b). If a Fraternity fails to designate at least one member to the Judicial Committee for two consecutive terms that Fraternity may be subject to additional sanctions by the Review Board.
- D. All Judicial Committee appointments shall last one year.
- E. A person may only hold one Judicial Committee position at any time.

F. The Judicial Committee Chair shall not be a voting member of this board, but has the right to participate in deliberations and can vote in the event of a tie.

G. All appointments by the Chair are subject to the confirmation by the IFC Executive Committee, which will pay close attention to the distribution of Fraternities represented.

H. Review Board members must complete a training program established by the Judicial Committee Chair and the Designated representative of the Office of Student Mediation and Community Standards (OSMCS) before they are permitted to hear any cases.

I. All Review Boards members must remain in good standing as deemed by the Judicial Committee Chair and Review Board Secretary, and the OCSD designee. Remaining in good standing includes, but is not limited to, attending meeting, trainings, and in-services as well as keeping all cases, deliberations, and information related to a hearing confidential.

ARTICLE V

Duties

A. The Judicial Committee Chair Shall:

1. Chair Review Board hearings.
2. Keep all records of the Judicial Committee in a permanent form.
3. Inform the IFC of hearings to be held before the next IFC meeting.
4. Maintain a calendar, open to IFC members, that lists all hearing dates, times, and places.
5. Report all actions taken to the IFC at its regular meetings.
6. Provide the Appeals Board with all materials necessary for appeals.
7. Upon completion of an investigation, the Judicial Committee Chair and the Designated representative of the Office of Student Mediation and Community Standards (OSMCS) will meet to determine if there is enough evidence to warrant a hearing.
8. Randomly select four unbiased Review Board members (no more than one from any Fraternity) to sit on the Hearing Board for each hearing.
9. Randomly select three unbiased Review Board Members (no more than one from any Fraternity) to sit on the Appeals Board for each appellate hearing.
10. Serve as an intermediary between the Judicial Committee and the IFC Executive Committee.
11. Along with the Designated representative of the Office of Student Mediation and Community Standards (OSMCS), co-train the Judicial Committee members following the Committee's formation.
12. Appoint a Review Board member to temporarily replace the Review Board Secretary if they are absent or biased with regard to the complaint at hand.
13. Write a complete description of the Review Board hearing and present a short summary of the decision, in the form of an oral statement, at the next Presidents' Council. It is the understanding of the Chair that she/he is to summarize the specific findings of the panel, outcomes, and supporting rationale without editorializing beyond the scope of the panel's deliberations.

14. Select a Review Board Secretary

B. The Review Board Secretary shall:

1. Notify all Judicial Committee members of meetings called by the Judicial Committee Chair.
2. Ensure that Review Board members attend each hearing to which they are assigned.
3. Provide all documentation necessary for distribution to parties involved in hearings.
4. Keep an accurate record of all hearings, deliberations, decisions, and actions taken by the Hearing Board and the Appeals Board. The record of the hearing shall include the complaint, findings, decision, and action taken by the Board.
5. Act as the Judicial Committee Chair if a conflict of interest arises. Should both the Chair and Review Board Secretary need to remove themselves from a hearing, the Judicial Committee Chair shall appoint an acting chair from the remaining Review Board members.
6. Serve as a voting member of the Review Board.

C. Review Board members shall:

1. Make themselves available to review all cases brought to hearings.
2. Hear all cases in accordance with these bylaws.
3. Attend all meetings requested by the Chair.
4. Participate in training and other in-services as needed.

ARTICLE VI Pre-Hearing Procedures

A. The following procedure is to be used in the case where the complaint involves a violation of an IFC, MIT, or governmental rule or regulation.

B. Complaints must be filed within 60 Institute days of the violation. That deadline may be extended if legal or other extenuating circumstances require a delay. In case of extended delay, the accused organization(s) shall be notified of the likelihood of a complaint as early as possible.

C. If necessary, or as requested by the Judicial Committee Chair and the Designated representative of the Office of Student Mediation and Community Standards (OSMCS) shall conduct an investigation into each complaint.

1. The OSMCS designee will find witnesses and evidence pertinent to the case, write a summary of his/her findings, and submit them to the Judicial Committee Chair and the OSMCS designee.
2. Organizations shall have seven Institute days to respond to an investigation.

D. The OSMCS designee will present all findings to the Judicial Committee Chair and the OSMCS designee who will determine if there is enough evidence to warrant a hearing.

1. If no hearing is called, the IFC President and Risk Manager will receive a copy of the findings. Sufficient evidence to call a hearing does not imply responsibility.

E. The Review Board Secretary will provide the complainant, respondent and all pertinent parties with a notice of the hearing. The notice shall include the time, date and place of the hearing along with a copy of the complaint that is being heard; what is expected of the respondent; a copy of the hearing procedure that will be followed; and a list of witnesses the complainant plans to call.

F. The Review Board Chair and/or Secretary shall make available and explain all the documentation outlined in sections D & E above to the President of the Fraternity involved. If the complainant requests additional time to prepare for a hearing, a decision to grant time will be determined by the Judicial Committee Chair.

1. The hearing must be scheduled to occur within 120 Institute days of the complaint being filed.

G. The responding Fraternity may choose up to three representatives to speak on its behalf. None of these representatives may be a member of the Review Board.

H. The Fraternity can submit a written statement and must submit a list of witnesses to be called.

I. If the complaint involves two Fraternities, the complainant Fraternity will file the complaint with the Office of Student Mediation and Community Standards who will follow the process outlined above.

ARTICLE VII

Hearings

A. A calendar shall be kept in a place accessible to all IFC members with hearing dates, times and places clearly marked to be announced by the Judicial Committee Chair at the beginning of each term.

B. Hearings shall be closed to all but the complainant, respondent, members of the charged Fraternity (as observers), witnesses, those individuals requested by the Judicial Committee Chair, and the OSMCS designee (as a procedural officer—can only speak on procedural matters).

C. The Hearing Board shall consist of the Secretary and four members of the Review Board randomly chosen by the Chair.

D. Members of the Review Board shall remove themselves from the proceeding if hearing the case would cause a conflict of interest.

1. The Judicial Committee Chair can be removed of his/her own accord or at the joint decision of Secretary and OSCMS designee.

2. The Review Board Secretary can be removed of his/her own accord or at the joint decision of the Chair and OSCMS designee
3. If the Judicial Committee Chair has reason to believe that a Review Board member has a conflict of interest, she/he in a joint decision with the Secretary will remove the member from the proceeding.
4. Assessment of bias and appropriate removal should be addressed before proceedings occur. If it becomes apparent during the proceedings that bias of a particular member is not possible, then the parties involved in the decision should ensure that removal of this member will still guarantee a fair hearing for the accused.

E. The Hearing procedure will be followed as outlined in Appendix A.

F. Following the hearing, the Hearing Board shall deliberate in private. It can decide to:

1. Dismiss the case on the grounds of:
 - a) No apparent violation.
 - b) Lack of preponderance of evidence.
2. Find the Fraternity responsible for the complaint and levy sanctions as appropriate.
3. Find the Fraternity not responsible for the complaint.

G. All decisions will be made by majority vote of the Review Board members and Secretary with the desire to reach a general consensus.

H. A written copy of the decision will be made available to the complainant, respondent, IFC President, OSMCS designee and the FSILG office within 48 hours of the hearing.

I. Parties that fail to appear at a hearing forfeit their right to present a statement and the hearing will proceed without them. This failure to appear shall not constitute a violation of procedure, nor will it be an acceptable reason for appeal.

J. The actions of a single member of a Fraternity can be considered the action of a Fraternity if that action could have been reasonably known by other members, and no action was taken to prevent its (re)occurrence.

K. During recruitment the Rush Infractions Board shall be established and empowered with jurisdiction over allegations of recruitment infractions as outlined in Appendix B.

L. For cases deemed as not requiring a hearing, a letter of warning will be drafted by the Chair and made available to the Fraternity involved. This letter will not impose any limitations on rights or privileges, but will be maintained as an internal document for a specified duration and will be used in the event of any subsequent violation. (Vote Pending 11/20/7)

ARTICLE VIII

Sanctions

A. Each new IFC Judicial Committee shall promulgate and make available to all IFC members a set of general guidelines and policies outlining the areas of emphasis of the Judicial Committee for the upcoming year. Furthermore, the Review Board shall present to the whole IFC a list of offenses and general range of sanctions. These guidelines shall be presented by the Chair at most six weeks after the first Presidents' Council meeting of the Spring Term.

B. If appropriate, the Assistant Dean and Director of FSILG may, in consultation with the President of the IFC, impose interim sanctions on the responding Fraternity. If the IFC President is a member of the house in question, then the IFC Vice President may consult with the Assistant Dean and Director of FSILG.

C. If sanctions are decided upon by the Hearing Board, every attempt will be made to make them appropriate to the nature of the violation.

D. In rendering decisions related to imposing sanctions, the Review Board can review all matters of records related to the organization's conduct and disciplinary action that occurred within the past three years from the date of the incident under review by Review Board.

E. The Board's sanctions can take on the following characteristics:

1. **Organizational Warning**—an official written warning to the organization that they have violated an IFC or Institute policy/regulation or community standard and that further violations can result in more serious sanctions. Organizational warning can be imposed a minimum of 30 days and cannot exceed 6 months from the date a decision is rendered by the Review Board.

2. **Organizational Probation**—a higher sanction than organizational warning and it can be imposed for a minimum of 6 months and cannot exceed 1 calendar year. In general, this sanction is the highest sanction an organization can receive before they incur a suspension of privileges, including loss of Institute recognition.

3. **Organizational Suspension of Privileges**—a decision of suspension of privileges includes revoking social events, chapter housing privileges, recruitment (rush) and new member intake programs (pledges). These privileges will be revoked for a minimum of 1 year and cannot exceed 4 years. The Review Board can invoke this sanction of suspension of privileges if a) there is sufficient relevance and justification to revoke these privileges and b) unless extreme mitigating circumstances demonstrate any one of these privileges should not be revoked. In addition, a decision to revoke Institute recognition revokes all privileges noted above for a minimum of 4 years.

4. **Organizational Expulsion**—An organization may be expelled from MIT. Expulsion includes loss of recognition by the IFC and the MIT administration. An expelled organization may not participate in any MIT, IFC or student organization's sponsored

functions. An expelled organization is not eligible for reinstatement as a recognized Fraternity for a minimum of 10 years.

F. With the exception of Organizational Expulsion, all sanctions should include special conditions which are requirements deemed relevant and appropriate to the particular violations under review: These conditions should be educational in nature and include, but not be limited to:

1. Requiring financial restitution for labor, damage, or other material loss to the complainant.
2. Community Service relevant to the charge.
3. Attending/presenting educational programs related to recruitment-, pledging-, new member education-, leadership development-, and/or risk management-related issues.
4. Withdrawal of the privilege to hold social events with or without alcohol.
5. Withdrawal of recruitment privileges.
6. Withdrawal of postering privileges.

G. While under a sanction, any new, relevant sanctions cannot lessen than the current sanction and the same type of sanction (e.g. Organizational Probation) can be extended.

ARTICLE IV **Appeals**

A. Only the respondent has the right to appeal, and those appeals must be filed with the Judicial Committee Chair no later than one week from the day the decision letter is made available.

B. Appeals may be sought on one or more of the following grounds:

1. Question of Fact—Fraternities may appeal on questions of fact by introducing new evidence unavailable at the time of the hearing that would have significantly affected the outcome of the case. Evidence introduced that was not known by the accused shall be considered new evidence. Evidence that was withheld by a Fraternity or that could have been discovered and presented with reasonable effort shall not constitute a question of fact and will not be considered upon appeal.
2. Question of Procedure—appeals will be considered on the basis of questions of procedure by demonstrating that the procedural guidelines established in this document were breached, **and** that such departure from established procedure significantly affected the outcome of the case.
3. Severity of Sanction—Fraternities may appeal the severity of the sanction that has been imposed by presenting a statement that explains why they believe the penalty is too severe.

C. Only one written appeal may be made with regard to a decision rendered in a hearing.

D. The decision of the Appeals Board may not be appealed.

E. The Appeals Board shall consist of three members of the Review Board not selected for the original Hearing Board and randomly selected by the Judicial Committee Chair.

F. Members of the Review Board with a conflict of interest in the case shall remove themselves from hearing the appeal.

1. If the Judicial Committee Chair has reason to believe that a Review Board member has a conflict of interest, she/he will remove the member from the appellate proceeding.

G. In order to review the case the Appeals Board will examine all documents related to the case.

H. If an appeal is sought on the grounds of a question of fact the Appeals Board can vote to:

1. Deny the appeal.
2. Send the case back to the Hearing Board for a new hearing.

I. If the appeal is sought on the grounds of a question of procedure, the Appeals Board can vote to:

1. Deny the appeal outright.
2. Deny the appeal if the procedural error would more likely than not have not resulted in a different outcome after consulting the Chair and the other hearing officers for that case.
3. Grant a new hearing with enough instruction to ensure that the procedural violation shall not be repeated.

J. If the appeal is sought on the grounds of severity of sanctions the Appeals Board can vote to:

1. Leave the sanction as imposed.
2. Modify the sanction after consultation with the procedural officer, the Chair and the other hearing officers for that case.

K. Decisions of the Appeals Board are made by majority vote with the desire to reach a general consensus.

1. The Judicial Committee Chair and Review Board Secretary shall serve as non-voting members of the Appeals Board.

L. A written copy of the decision will be provided to all involved parties within 48 hours of the appeal.

ARTICLE X

Amendments

These Bylaws may be modified at any meeting of the IFC by a two-thirds vote of all present and voting members of the IFC at a meeting of the IFC.

APPENDIX A
Hearing Procedure

- A. Call to order
 - 1. Introduction of Hearing Board members.
 - 2. The Judicial Committee Chair shall determine if all pre-hearing procedures have been correctly observed and brief participants on the hearing procedure to be followed.

- B. Read the charges.

- C. Ask respondent to affirm/negate charge(s).
 - 1. Affirm charge(s):
 - a) Statement by complainant.
 - b) Statement by respondent.
 - c) Question period moderated by the Chair.
 - d) Recess for deliberation and determination of sanctions.
 - e) Adjournment
 - f) Parties given copy of decision within 48 hours.
 - g) Respondent notified of the right to appeal within a week.
 - 2. Negate charge(s):
 - a) Statement by complainant, complainants' witnesses, and presentation of evidence
 - b) Statement by respondent, respondents' witnesses, and presentation of evidence.
 - c) Question period moderated by the Chair.
 - d) Closing arguments.
 - e) Recess for deliberations.
 - (1) If responsible, affirm charge and adjourn (1e) and parties given copy of decision within 48 hours (1f).
 - (2) If not responsible, adjourn (1e).

- D. Members of the Hearing Board may ask questions at any time. Explain earlier

APPENDIX B
Rush Infractions Board (RIB) Rules and Regulations