

**The University of Montana Greek Fraternal Organizations
JUDICIAL PROCESS**

ARTICLE I. INTRODUCTION

SECTION I. IMPORTANCE OF FRATERNAL ORGANIZATIONS

Academically and civically engaged fraternities and sororities are part of a time-honored tradition at The University of Montana. The Greek fraternal organizations provide enormous and highly valued contributions to the University and the larger community. However, a Greek organization is occasionally accused of violating a Panhellenic or Interfraternity Council ideal or policy or a University policy. The Judicial Process is intended to help the Greek community to continue to flourish and to provide a means to resolve conflicts in reasonable and meaningful ways.

SECTION II. PRIMARY FACTORS

The Judicial Process is premised on three primary factors.

- A. Self-Governance – affirms that the student Judicial Board can responsibly adjudicate an alleged violation of a Panhellenic or Interfraternity Council ideal or policy or University policy by a member organization

- B. Accountability – identifies the need to quickly and appropriately confront alleged behavior that violates Panhellenic and Interfraternity Councils’ ideals and policies or University policies

- C. Education – assures that training, hearing procedures and sanctions provide learning opportunities for members of the Greek community

ARTICLE II. JURISDICTION

SECTION I. PANHELLENIC AND INTERFRATERNITY COUNCILS

The Panhellenic and Interfraternity Councils shall have jurisdiction over member organizations to enforce Panhellenic and Interfraternity ideals and policies and University policies. The Greek Life Advisor, Panhellenic President and Panhellenic Recruitment Chair shall have jurisdiction in those cases that involve alleged Panhellenic recruitment violations.

Incidents of alleged misconduct shall be referred to the Judicial Board or appropriate University authority for adjudication.

SECTION II. JUDICIAL BOARD

The Judicial Board shall have jurisdiction in cases of alleged misconduct by member organizations.

SECTION III. DEAN OF STUDENTS

On behalf of the University, the Dean of Students shall have jurisdiction in cases of alleged misconduct by individual students.

SECTION IV. CONCURRENT ACTION BY THE DEAN OF STUDENTS

Action imposed or pending by the Judicial Board against a member organization for alleged or proved misconduct shall not prohibit the Dean of Students from applying The University of Montana Student Conduct Code concurrently to individual members of that organization who allegedly, in the same case, violated the Student Conduct Code.

SECTION V. CONCURRENT ACTION BY A NATIONAL/INTERNATIONAL OFFICE

Imposed or pending action for alleged or proved misconduct against a member organization by its own judicial board or national/international office or by University authority shall not prohibit the Judicial Board from hearing the case.

ARTICLE III. JUDICIAL BOARD

SECTION I. COMPOSITION

- A.** The Judicial Board shall be composed of active undergraduate members of the Greek community.
- B.** Each organization shall appoint two individuals from its membership to serve one-year terms on the Judicial Board; the terms shall commence each January.
- C.** The Judicial Board may remove a member or bar a member from hearing a particular case for cause.
- D.** An organization may appoint replacements from its membership to serve on the Judicial Board.
- E.** The Judicial Board shall select two co-chairs from its membership; one co-chair shall be from a fraternity and one co-chair shall be from a sorority.
- F.** The Greek Life Advisor shall advise the Judicial Board and shall be present at all judicial proceedings.

SECTION II. DUTIES

A. Judicial Board Co-Chairs

- 1.** With assistance from the Greek Life Advisor, establish a pool of complaint investigators chosen from the Greek community who shall investigate complaints against member organizations; in exigent circumstances the Greek Life Advisor may investigate a complaint
- 2.** Coordinate the training of Judicial Board members and investigators, with assistance from the Greek Life Advisor
- 3.** Make site arrangements for each Judicial Board proceeding
- 4.** Appoint a secretary to record each Judicial Board proceeding
- 5.** Provide written notification of hearings to Board members, presidents of accused organizations, witnesses and the Greek Life Advisor
- 6.** Determine the eligibility of Judicial Board members
- 7.** Disqualify Judicial Board members who may have conflicts of interest
- 8.** Provide copies of the Judicial Process to the members of the Greek community and other interested parties
- 9.** Preside over Judicial Board proceedings; only one co-chair shall preside over each proceeding
- 10.** Provide written copies of Judicial Board decisions to the presidents of accused organizations, their national/international offices, the organizations' advisors, the respective councils and the Greek Life Advisor

B. Full Judicial Board

- 1.** Participate in Judicial Board training sessions, proceedings and other meetings
- 2.** Act with impartiality
- 3.** Maintain confidentiality
- 4.** Recuse oneself from any Judicial Board proceeding in which there is a conflict of interest

5. Review the Judicial Process annually and revise when appropriate; revisions shall be done in concert with the University

ARTICLE IV. COMPLAINT PROCEDURE

SECTION I. FILING A COMPLAINT

- A. Any member of the University community or the larger community may file a complaint against a Greek organization.
- B. Under normal circumstances, complaints shall be submitted in writing to the Greek Life Advisor or a Judicial Board co-chair within ten business days of the alleged incident or within ten business days of the alleged violation having become known to the complainant. However, in some situations there might be extenuating circumstances that could nullify the ten-day reporting time frame, e.g., a case involving an alleged sexual assault in which reporting might have been delayed for a variety of reasons.
- C. Complaints may be submitted anonymously; however, the Judicial Board shall not hear cases involving anonymous complaints without corroborating evidence from identifiable sources.

SECTION II. INVESTIGATION

- A. The Judicial Board co-chairs and the Greek Life Advisor shall determine if the Judicial Board has jurisdiction.
- B. The Judicial Board co-chairs, with assistance from the Greek Life Advisor, shall assign a complaint investigator to the case; in exigent circumstances the Greek Life Advisor may investigate a complaint.
- C. A Judicial Board co-chair shall promptly inform the president of the accused organization of the complaint in writing.
- D. A Judicial Board co-chair, with assistance from the Greek Life Advisor, shall promptly arrange a meeting that shall include the Judicial Board co-chairs, the president of the accused organization and the Greek Life Advisor to discuss the allegation and the Judicial Process.
- E. Upon the conclusion of an investigation, subject to the approval of the Greek Life Advisor, the Judicial Board co-chairs shall determine whether to:
 1. Dismiss the complaint
 2. Seek informal resolution

3. Refer the case to mediation
4. Send the case to the Judicial Board

ARTICLE V. MEDIATION

SECTION I. MEDIATOR SELECTION

- A. The Judicial Board co-chairs shall select neutral persons to serve as mediators, subject to the approval of the Greek Life Advisor.
- B. Members of the collegiate Greek community shall be ineligible to serve as mediators.
- C. Organization presidents shall have the authority to reject, for cause, those persons who are selected to mediate complaints in which their organizations are involved.

SECTION II. SCHEDULING

- A. Cases referred to mediation shall be scheduled promptly. Except for exigent circumstances mediation shall commence within five business days from the date of referral.
- B. If a potential new member has allegedly violated a recruitment policy, mediation may be postponed until recruitment has concluded.

SECTION III. PARTICIPANTS

- A. Active participants
 1. Mediator
 2. Judicial Board co-chairs
 3. Greek Life Advisor
 4. Representative of the accused organization – must be an active member of the accused organization
 5. Complainant
- B. Others that may attend

1. Advisor of the accused organization – limited to role of consultant
2. Attorney for the accused organization – limited to role of consultant
3. Other persons as deemed appropriate by the Judicial Board co-chairs, subject to the approval of the Greek Life Advisor

SECTION IV. PROCEDURE

- A. The mediator shall facilitate discussion and exercise control over the proceeding.
- B. A Judicial Board co-chair shall explain the nature of the complaint.
- C. All participants, with the exception of observers and consultants, shall be provided an opportunity to be heard.
- D. Participants shall maintain confidentiality.
- E. Each mediation session shall proceed expeditiously and shall be concluded when the Judicial Board co-chairs, organization representative, complainant and Greek Life Advisor have reached consensus regarding a solution to the complaint, or when the mediator has determined that consensus is not possible.
- F. The Judicial Board co-chairs, with assistance from the Greek Life Advisor, shall ensure that the terms of the mediation agreement are met.
- G. Unresolved complaints and cases that involve unmet terms shall be referred to the Judicial Board.

SECTION V. RECORDS

- A. A complete record of the case shall be filed promptly with the Greek Life Advisor, with copies provided to the Vice President for Student Affairs and the Dean of Students.
- B. A summary record of the proceeding shall be provided promptly to the organization president, organization advisor, Associate Director of the University Center, Missoula Police Quality of Life Officer, appropriate Greek governing council, and the organization's national/international office.

ARTICLE VI. JUDICIAL BOARD HEARING

SECTION I. CHAIR SELECTION

- A. The Judicial Board co-chairs shall determine which co-chair is to preside over each proceeding.
- B. The Judicial Board will select an alternate chair from its membership if both co-chairs are unavailable or have been disqualified for cause.

SECTION II. WRITTEN NOTICE

- A. The presiding Judicial Board co-chair shall provide written notice to the president of the accused organization at least five business days in advance of the hearing.
- B. The written notice shall include the following:
 - 1. Time, date and place of the hearing
 - 2. Clear description of the alleged misconduct
 - 3. Copy of all documents pertinent to the allegation
 - 4. List of individuals who will be present at the hearing and their roles
 - 6. List of potential sanctions
 - 7. Copy of the Judicial Process
- C. The Judicial Board shall hear cases promptly.

SECTION III. RIGHTS OF THE ACCUSED ORGANIZATION

- A. To be represented by the president of the organization or an active member of the organization appointed by the president.
- B. To be accompanied at the hearing by a person of choice – the Greek Life Advisor must be notified at least three business days in advance of the hearing if the person of choice is an attorney or the organization advisor
- C. To review the evidence
- D. To hear and question witnesses and the accuser
- E. To present relevant evidence and witnesses
- F. To decline to make statements

- G. To request disqualification of particular Judicial Board members for cause from hearing a case
- H. To a reasonable period of time to prepare for a hearing
- I. To request a delay of a hearing for exigent circumstances
- J. To timely adjudication of a complaint
- K. To appeal a Judicial Board decision

SECTION IV. DISQUALIFICATION OF JUDICIAL BOARD MEMBERS

- A. Judicial Board members, including the presiding co-chair, may be disqualified for cause from hearing a case.
- B. The organization president shall submit a written disqualification request to the presiding Judicial Board co-chair.
- C. If an organization is seeking the disqualification of more than one Judicial Board member all names shall be submitted together, except for exigent circumstances.
- D. Each disqualification is subject to the approval of the Greek Life Advisor.

SECTION V. HEARING RULES

- A. A two-thirds quorum of the eligible Judicial Board members shall be required to conduct business.
- B. Hearings shall be closed to the public, although the Greek Life Advisor shall have the authority to make exceptions for cause.
- C. The investigator of the complaint shall represent the complainant.
- D. The organization president or the president's designee shall represent the organization.
- E. If an attorney accompanies an organization's representative, the role of the attorney shall be strictly limited to that of consultant for the organization.
- F. If an advisor accompanies an organization's representative, the advisor's role shall be strictly limited to that of consultant for the organization. However, the presiding Judicial Board co-chair may allow Judicial Board members to question the advisor.

- G.** The presiding Judicial Board co-chair and the Greek Life Advisor shall have disruptive persons removed from the hearing room.
- H.** The presiding Judicial Board co-chair shall determine the relevancy of evidence and witnesses.
- I.** The presiding Judicial Board co-chair or the Greek Life Advisor may delay a hearing for exigent circumstances.
- J.** If the representative of the accused organization fails to appear for the hearing, the Judicial Board may, by a simple majority vote, either reschedule the hearing or render a decision based on the available evidence.

SECTION VI. HEARING SCHEDULE

- A.** The presiding Judicial Board co-chair shall facilitate the introduction of all parties who are present.
- B.** The presiding Judicial Board co-chair shall read the charge against the accused organization.
- C.** The presiding Judicial Board co-chair shall explain the hearing procedure.
- D.** The investigator of the complaint shall be given five minutes to make an opening statement.
- E.** The representative of the accused organization shall be given five minutes to make an opening statement.
- F.** The investigator of the complaint shall present relevant witnesses to provide evidence and to be cross-examined.
- G.** The representative of the accused organization shall present relevant witnesses to provide evidence and to be cross-examined.
- H.** The investigator of the complaint shall be given five minutes to make a closing statement.
- I.** The representative of the accused organization shall be given five minutes to make a closing statement.
- J.** The presiding Judicial Board co-chair shall dismiss all parties, with the exception of the Judicial Board members and the Greek Life Advisor, prior to deliberation of the case.

SECTION VII. DELIBERATION

- A. The Judicial Board shall review the evidence.
- B. The Judicial Board shall determine if the accused organization violated a Panhellenic or Interfraternity Council ideal or policy or a University policy, as alleged.
- C. Preponderance of the evidence, meaning more likely than not, shall be the standard of proof.
- D. Each Judicial Board decision shall be determined by a simple majority vote.
- E. Each organization shall be limited to one vote.
- F. The presiding Judicial Board co-chair shall vote only to break a tie.
- G. Judicial Board deliberations shall be confidential and shall not be recorded.
- H. The Judicial Board shall impose sanctions proportionate to a proved violation.

ARTICLE VIII. SANCTIONS

SECTION I. EDUCATIONAL EMPHASIS

- A. The Panhellenic and Interfraternity Councils' ideals and policies and University policies are meant to encourage a cooperative spirit rather than to impose punitive actions for unacceptable behavior.
- B. Sanctions are intended to have educational value, so each sanction shall promote learning outcomes.

SECTION II. DETERMINING FACTORS

- A. Severity of the violation
- B. Amount of cooperation from the organization
- C. Impact of the offensive behavior on the Greek, neighborhood, University and Missoula communities
- D. Potential educational value
- E. Past behavior of the organization

SECTION III. POTENTIAL SANCTIONS

A. Organizational status

1. Letter of warning – written warning from the Judicial Board that any further misconduct may result in more severe disciplinary sanctions
2. Disciplinary probation – restrictions imposed by the Judicial Board for a specified period
3. Formal reprimand – severe warning from the Judicial Board that continued misconduct may lead to a recommendation that the University revoke its recognition of the organization
4. University action – imposition of University sanctions in addition to those imposed by the Judicial Board

B. Letters

1. A letter of notification to the organization advisory board and/or the corporation (housing) board
2. A letter of explanation from the organization president to the respective national/international office
3. A letter of apology from the organization president to the group adversely affected by the violation

C. Revocation of privileges for a specified period

D. Presentation of, or participation in, relevant educational programs, e.g., an alcohol education program or a prejudice reduction workshop

E. Community service

1. General volunteer service to the neighborhood, Greek, University or Missoula communities
2. Participation in specific local volunteer projects

F. Monetary

1. Fine not to exceed \$1,000
2. Restitution for damage to property, medical care, or other costs associated with the incident

SECTION IX. SUBSEQUENT TO DELIBERATION

- A.** Within five business days after the conclusion of a Judicial Board hearing the presiding Judicial Board co-chair shall arrange a meeting of the Judicial Board co-chairs, Greek Life Advisor and the president of the accused organization to discuss the Judicial Board finding and sanctions, if sanctions were imposed.
- B.** A complete record of each case shall be provided promptly to the Greek Life Advisor, Vice President for Student Affairs and the Dean of Students.
- C.** A summary record of each case shall be provided promptly to the organization president, organization advisor, Associate Director of the University Center, Missoula Police Quality of Life Officer, appropriate Greek governing council, and the organization's national/international office.

ARTICLE IX. APPEALS

SECTION I. GROUNDS FOR APPEAL

- A.** Procedural errors were so substantial as to deny a fair hearing
- B.** Evidence failed to provide a reasonable basis to support a finding
- C.** Harshness of sanction is disproportionate to the level of misconduct
- D.** Discovery of new evidence that is significant and pertinent to the case

SECTION II. SUBMITTAL OF APPEAL REQUEST

- A.** A request to appeal a Judicial Board decision shall be submitted in writing to the presiding Judicial Board co-chair and the Greek Life Advisor within five business days after the organization has received written notification of the decision.
- B.** The Greek Life Advisor shall promptly refer the appeal request to the Vice President for Students Affairs.

SECTION III. HEARING AN APPEAL

- A.** The Vice President for Student Affairs shall hear the appeal.
- B.** The presiding Judicial Board co-chair shall represent the Judicial Board.
- C.** The president of the accused organization shall represent that organization.

- D.** The Vice President for Student Affairs shall determine the rules of procedure; hearing procedures may vary depending on the nature of the appeal.
- E.** The Vice President for Student Affairs may approve, amend or overrule the decision of the Judicial Board.
- F.** The Vice President's decision is final; however, the organization may seek further administrative review by the Commissioner of Higher Education and the Board of Regents pursuant to Montana University System Policy and Procedures Manual, 203.51.

ARTICLE X. AMENDING THE JUDICIAL PROCESS

SECTION I. RESOLUTION TO AMEND

- A.** Any Judicial Board member may submit a resolution to the Judicial Board to amend the Judicial Process.
- B.** A written copy of the resolution shall be provided to the Greek Life Advisor at least five business days prior to its submittal to the Judicial Board.
- C.** The resolution shall be submitted and distributed in writing at a regularly scheduled meeting of the Judicial Board.
- D.** The Judicial Board shall take no action on the amendment resolution prior to the next regularly scheduled board meeting.

SECTION II. AMENDMENT APPROVAL

- A.** The Judicial Board may amend the Judicial Process by a two-thirds majority vote, subject to the following approval process.
 - 1.** The Judicial Board shall submit the amendment to the Panhellenic and Interfraternity Councils for approval.
 - 2.** The Panhellenic and Interfraternity Councils shall submit the amendment to the Greek Life Advisor for approval.
 - 3.** The Greek Life Advisor shall submit the amendment to the Vice President for Student Affairs for final approval.