

## **Judicial Complaint**

The Director of Sorority & Fraternity Life or another member of the community may lodge a complaint with the Office of Sorority & Fraternity Life (OSFL) against a chapter by completing a Judicial Complaint Form, outlining the alleged violation(s) of policy/ies (The Fraternity and Sorority Expectations for Membership, The Recognition Policy for Fraternities and Sororities, The Fraternity and Sorority Social Responsibility Policy, The Anti-hazing Policy, and any other related Greek policies). In addition, the complaint should include, but is not limited to the following: a summary of the incident leading to the charges, a description of the alleged misconduct, date, time, place, organization involved, number of participants, estimated damage, and witnesses.

## **Chapter Notification**

The Director of OSFL or the Vice President for Judicial from the respective governing council will notify the accused chapter via the chapter president and apprise the chapter of the charges. The Director of OSFL in their sole discretion will either schedule an informal resolution meeting or send the matter to the Greek Judicial Board. In the event that a serious violation of one or more of the Greek policies has occurred, where the misconduct may result in removal of the chapter's recognition at Cornell University, the Director of OSFL reserves the right to refer the matter directly to the Vice President for Student and Campus Life or their designee(s).

If a case is referred to the Greek Judicial Board, the Vice President for Judicial from the respective governing council will arrange a time and place for the hearing. Notice of a Greek Judicial Board hearing should normally be given in writing or by e-mail to all parties involved at least 72 hours prior to the hearing. The notice to the President of the chapter charged with misconduct should include a brief, but clear, description of the alleged offense and the time and location of the hearing.

## **Interim Suspension**

As a general rule, the status of an accused chapter will not change while a case is pending against it. However, the Director of OSFL reserves the right to temporarily suspend activities, including but not limited to new member and social activities, of an accused chapter whenever necessary to promote the best interest of the accused chapter and the University. The Director of OSFL, or their designee, will notify the chapter president if such action is necessary.

## **Resolving the Complaint**

- A. Informal Resolution - The informal resolution is a meeting with the chapter president and the Director of OSFL, or their designee, to review all evidence and question the chapter president about the judicial matter in order to determine the facts, and, if necessary, impose sanctions. The Multicultural Greek and Fraternal Council (MGFC), Interfraternity Council (IFC), or Panhellenic Association (PA) Vice President for Judicial Affairs may be involved in the informal resolution meeting. An informal resolution implies that the parties will resolve the matter through discussion and agree upon an

outcome. If an agreement is reached, the Director of OSFL will confirm the informal resolution in writing and provide a copy to the chapter president. The chapter may rescind its agreement within forty-eight (48) hours of receiving the decision in writing and the matter will then be referred to the Greek Judicial Board.

## B. Greek Judicial Board

1. There will be one student Greek Judicial Board designated for the Greek system. Each of the governing councils (IFC, MGFC and PA) will select a pool of members from their community to serve on the Greek Judicial Board and to resolve cases of chapter misconduct. Because IFC has more chapters, the IFC should recruit at least six (6) individuals to serve on the Greek Judicial Board throughout the year. The MGFC should recruit at least five (5) individuals and the PA at least five (5) individuals as well. The Director of OSFL will assist the governing council Vice Presidents for Judicial Affairs in selecting Board members through application and review.
2. For each case referred to the Greek Judicial Board, a panel of five (5) board members and one Chair will be selected to hear the case from the pool of students recruited by each governing council. The composition of the Board will vary depending upon the case at hand. The Vice President of Judicial Affairs for the respective council will Chair the hearing, and three (3) members will be selected from the respective council's pool of board members, and one (1) member from each of the remaining two councils will be selected. For example, if an IFC chapter is accused of violating a policy, the case will be heard by a Board composed of the following: the IFC Judicial Chair, three members from the IFC pool of board members, and one member from the PA and MGFC pool of board members to comprise a panel of five (5) Greek Judicial Board members and one (1) Chair.
3. The Greek Judicial Board will meet weekly with the Director of OSFL, where the Board will undergo training, review judicial activity, and resolve cases of chapter misconduct.
4. The Chair for the Board will rotate depending upon the case at hand. The IFC, MGFC, PA Vice President of Judicial Affairs, hereafter referred to as "Judicial Chair", will Chair hearings that involve an organization of their respective Council. In the event that the Judicial Chair's chapter is accused, a Judicial Chair from another council will preside over the hearing.
5. The Greek Judicial Board shall appoint a Recorder for the semester to take minutes for proceedings and to draft the Board's written decision, which includes the findings of fact and rationale for the Board's decision. The Recorder is responsible for emailing this information to the Director of OSFL within 48 hours for confirmation. Once confirmed, the Director of OSFL will email the Board's decision to the chapter president of the accused chapter within fifteen (15) days of a hearing and copy related parties (e.g. the chapter advisor, national headquarters, Dean of Students, the complainant, and the Judicial Administrator).

6. Board members must be initiated, dues-paying members of their chapters for at least two semesters, and must be registered Cornell undergraduate students. Members of a chapter that is under suspension from the Greek Judicial Board are ineligible. No more than two representatives for any one chapter shall serve as Board members at any given time.
7. In the event that a Board member ceases to be a registered student of Cornell University, ceases to be an initiated, undergraduate, dues paying member of their chapter, or if their chapter is placed on suspension, the member shall resign their Board position. The Judicial Chair of the respective Council shall appoint qualified applicants in the event a vacancy arises.
8. The Greek Appeals Board is composed of six (6) members and advised by the Director of OSFL. The three Presidents of the Governing Councils (IFC, MGFC, PA) and three representatives from the appealing chapters governing council, which totals six (6) Appeals Board members. The Chair shall be the council president of the appealing chapter's respective council and will rotate depending upon the case at hand. The Chair will appoint the Recorder. The Recorder shall take minutes for proceedings, draft the Board's findings, rationale, and prepare the written decision. In addition, the Recorder is responsible for emailing the decision to the Dean of Students or their designee for confirmation of the Board's decision. The Dean of Students Office will forward the decision, once confirmed, to the chapter president of the accused chapter within fifteen (15) days of a hearing.

### C. Hearing Process

1. The purpose of the hearing is to provide the opportunity for complainants and accused chapters to present all relevant testimony and evidence with regard to the alleged violations of Greek-related policies. It is the responsibility of the hearing board to consider impartially all relevant testimony and evidence, determine the facts, and (if a violation is found) impose appropriate sanctions. Decisions of the respective hearing boards are confirmed by the appropriate University officials, as outlined in Section V (Roles of Judicial Chairs and Administrators).
2. Judicial system hearings are administrative, rather than criminal or civil, in nature. Rules of evidence and the criminal standard of proof do not apply. The Board shall endeavor to evaluate all the relevant facts of a given case.
3. The agenda for a typical hearing includes:
  - a. Introductions
  - b. Review of the judicial process
  - c. Explanation of the charges
  - d. Presentation of evidence and testimony against the chapter by the Judicial Chair

- e. Presentation of evidence and testimony of witnesses on behalf of the accused and complainant
  - f. The hearing board members may ask questions at any time subject to limitations of relevance, as determined by the Chairperson. The parties may ask questions indirectly through the board Chairperson subject to reasonableness and relevance, as determined by the Chairperson.
  - g. Concluding statements by the spokespersons for the parties involved.
  - h. Deliberations in closed session by voting members
  - i. Announcement of decision.
  - j. Confirmation of decision by the Director of OSFL or the Dean of Students (for Appeals).
4. The agenda may be modified at the discretion of the Chair.
  5. During the questioning of witnesses, a person must be recognized by the Chairperson before a question may be asked. Normally, the Chairperson will permit committee members to ask their questions first. The president of the fraternity or sorority charged with misconduct has the right to examine all evidence during the hearing, including all written documentation presented to the Board.
  6. Greek judicial system hearings are confidential and closed to persons not directly related to the case. The results of hearings are held confidential by the University, but may be shared within the University with other faculty, staff, students, or administrators or their agents or representatives, where such disclosure serves a legitimate educational purpose. In addition, the results of hearings are subject to subpoena by appropriate civil and criminal court authorities. The University reserves the right to correct any misinformation with regard to Greek judicial system actions that may be circulated in the media when the wellbeing of the community so requires. The Office of Sorority & Fraternity Life will publish data related to the activity of the Greek judicial system on a periodic basis without disclosure of names or other personal identifiers. Given the public notoriety that is often associated with misconduct by Greek organizations, the University cannot and does not promise that such data will always preserve the anonymity of chapters or individuals involved.
  7. Complainants, accused chapters, and the respective hearing boards, are the principal participants in the Greek judicial system proceedings. All parties are expected to maintain the confidentiality of judicial system proceedings.
  8. The Greek judicial system supports a self-governed student community, and as such is a student-centered judicial process. Advisors, and attorneys when applicable, have no standing in the fraternity and sorority judicial system hearings, except to provide advice to their respective parties in a quiet

manner. Advisors, and attorneys when applicable, may not actively represent or speak for their respective parties, except at the request of the board Chairperson.

9. If a fraternity or sorority fails to appear at a hearing after being given proper written notice, the evidence in support of the charges shall be presented, considered, and the case adjudicated.
- D. Witnesses - The Greek Judicial Board may request that fraternity or sorority members appear as witnesses. A chapter's members should normally be served with a notice to appear at least seventy-two (72) hours before the scheduled hearing. This notice period, however, may be shortened if circumstances warrant. Faculty/Staff members, students who are not members of a Greek-letter organization(s), and others may be requested to appear as witnesses at hearings. Although witnesses are not placed under oath during hearings, every witness is expected to speak the truth. If the judicial board has reason to believe that any witness has provided false testimony, the Board may refer that individual to the Judicial Administrator. If the Board determines that any member of a Greek organization has provided false testimony, the Board may take action against the fraternity or sorority.
- E. Standard of Proof and Decisions - Responsibility for the alleged violation must be proven by a "preponderance of the evidence". The strict rules of evidence do not apply and the Board shall endeavor to evaluate all of the relevant facts of a given case. In all cases, the complainant shall have the burden of producing a sufficient quantity of evidence to sustain the complaint and shall have the burden of persuading the hearing panel that the evidence is sufficiently credible to justify a ruling in favor of the complainant. A decision of the judicial board will be derived by members coming to consensus about a course of action and must be based upon evidence brought out during the hearing. In the case that the judicial board cannot come to consensus, the Chairperson shall determine the outcome. The Chairperson and Recorder will prepare findings of fact and written decision via a letter to the chapter and forward it to the Director of OSFL for review and confirmation. All parties will be notified in writing or by e-mail within fifteen (15) business days. The written decision will contain a brief statement of the facts of the case, the sanctions imposed, and the notice of the right to appeal the decision in writing within forty-eight (48) hours after the decision is made available.
- F. Roles of Judicial Chairs, Recorders and Administrators

The responsibilities of the MGFC, IFC, and PA Judicial Chairs as they pertain to the judicial process are to:

1. Assist the Director of OSFL in investigating reports of alleged misconduct
2. Assist the Director of OSFL in resolving complaints.
3. Suggest an informal resolution to Director of OSFL.
4. Present information to the Greek Judicial Board. Make procedural rulings.

5. Be available for presenting information at Appeals Board hearings.
6. Coordinate Greek Judicial Board hearings and appeals, including mailing notices.
7. If the Chair's chapter is involved in the incident, the judicial responsibilities, as they pertain to that case, shall be assumed by the president of the respective governing council. If the President is also a member of a chapter that is involved in the incident, a Vice President of Judicial from one of the other two councils shall assume the judicial responsibilities related to the case.
8. Approve judicial board Minutes.

The role of the Recorder:

1. Keep pertinent notes during the hearing and prepare a written decision regarding the Board's findings of fact, the outcome of the hearing, and the rationale for the decision.
2. Forward the written decision to the Director of OSFL within forty-eight hours following the hearing.

The role of the Director of OSFL and /or their designee are to:

1. Inform all fraternities and sororities of relevant Greek policies, University regulations and expectations, and applicable local, state, and federal laws.
2. Determine whether a case is to be resolved informally via an administrative meeting or whether it is to be referred to the Greek Judicial Board.
3. Investigate all complaints regarding fraternities and sororities.
4. Train, assist and advise the Judicial Chairs in the performance of their responsibilities and confirm decisions offered by the judicial board. No Greek judicial process, including hearings, may be conducted without the knowledge, and if necessary, presence of the Director of OSFL or their designee.
5. The Chair of the Judicial Board will consult with the Director of OSFL or their designee regarding the judicial board's decision. In the event that the chapter has rescinded agreement to an informal resolution or appeals the board's decision, the matter will be referred to the Greek Judicial Board, and the Dean of Student's or their designee shall consult with the Board regarding their decision.
6. Advise all chapters regarding the judicial process.
7. Serve as advisor to the Greek Judicial Board and Appeals Board.
8. Maintain appropriate records in the Office of Sorority & Fraternity Life.
9. Prepare reports as needed by the Dean of Students and/or the Vice President for Student and Campus Life.

10. Assist in dealing with a fraternity or sorority complaints, including the Cornell Police, Campus Life, the Office of the Judicial Administrator, and the Vice President for Student and Campus Life. Refer matters of individual behavior to the University Judicial Administrator.

The role of the Dean of Students and the Vice President for Student and Campus Life or their designee are outlined below:

1. The Dean of Students or their designee will review and confirm decisions of the Appeals Board.
2. In the event that a case is referred to the Greek Judicial Board because a chapter rescinds their agreement to an informal resolution, the Dean of Students or their designee will review and confirm decisions offered by the judicial board.
3. The Dean of Students and the Vice President for Student and Campus Life reserve the right to be involved in a judicial matter in the event that a serious violation of one or more of the Greek policies has occurred, where a possible outcome of the judicial process may be to remove the chapter's recognition at Cornell University.

## **Sanctions**

- A. Educational/Remedial - The primary goal of the Fraternity & Sorority Judicial system is educational in nature. The Fraternity and Sorority Judicial Board and respective judicial officers may design sanctions that are specific to an individual case when it is determined that educational or remedial value may result and the interests of the University community are maintained.
- B. Warning - In instances of less serious deviations from the University norms of conduct, the chapter may be formally warned of the possible consequences of continuing such behavior. No other specific action is taken unless further misconduct occurs. A "Warning" will remain active in a chapter's disciplinary file for one calendar year.
- C. Social Probation - This status is applied as a result of a breach of specific social regulations. Its primary effect is to suspend a privilege related to the nature of the offense and/or restrict access to specific campus facilities or programs for a minimum of four (4) weeks.
- D. Disciplinary Reprimand - This action is a formal admonition on behalf of the fraternity and sorority community and is intended to clearly document in a chapter's disciplinary file that its behavior has been deemed unacceptable.
- E. Disciplinary Probation - This action constitutes a change in status between good standing and loss of chapter recognition. The chapter is permitted to retain recognition at the University, but under certain stated conditions depending upon the nature of the violation and upon the potential learning value that may derive from such a restrictive measure.

- F. Loss of Recognition - The Director of OSFL and the Greek Judicial Board always reserve the right to refer serious chapter misconduct to the Vice President for Student and Campus Life to review whether the chapter should be allowed to maintain its status as a recognized chapter. The board can recommend to the Dean of Students that a chapter lose recognition of their respective governing council, which is parallel to loss of university recognition as a chapter must be recognized by a council in order to be recognized by the university. Such determinations will be made pursuant to the Cornell University Recognition Policy for Fraternities and Sororities.

## **Appeals Procedures**

- A. Period for appeal - Decisions of the Greek Judicial Board are effective immediately, unless the Director of Sorority & Fraternity Life has received a written notice of appeal within seventy-two (72) hours after the written decision of the Greek Judicial Board is made available.
- B. Basis for appeal - Appeals must be based on one or more of the following:
1. New evidence not reasonably available at the time of the original hearing, the absence of which can be shown to have had produced a fundamentally unfair result,
  2. Procedural error that can be shown to have produced a fundamentally unfair result,
  3. Errors in the interpretation of University policy so substantial as to deny either party a fair hearing;
  4. Grossly inappropriate sanction having no reasonable relationship to the charges.
- C. Procedures - When an appeal has been filed, the appropriate parties may be requested to respond in writing to the matters in question before a decision about the appeal is made. The Director of Sorority & Fraternity Life will determine whether the basis for appeal have been satisfied and whether further process is necessary to resolve the appeal.

Appeals of an informal resolution meeting will be forwarded to the Greek Judicial Board. Appeals of the Greek Judicial Board will be forwarded to the Greek Appeals Board.

Findings of fact will be accepted as determined by the Greek Judicial Board unless the Greek Appeals Board determines that the Greek Judicial Board acted in an arbitrary, capricious, or unfair manner. The Greek Appeals Board will make a decision based on the written submissions and arguments of the accused chapters and judicial board. The Appeals Board will notify the appropriate parties within ten (10) business days of the Board's decision. Decisions of the Greek Appeals Board will be final when reviewed and confirmed by the Dean of Students or designee.

Greek Appeals Board hearings are held in closed session. The accused chapter shall submit a written argument to the Greek Appeals Board. The decision of the Greek

Judicial Board and all written materials considered in their decision shall also be submitted in writing to the Greek Appeals Board. The accused chapter and Greek Judicial Board will each be given 15 minutes for oral argument. The Chairperson of the Greek Appeals Board shall forward the Board's written decision, including rationale, to the Dean of Students within twenty-four (24) hours after the hearing. The Dean of Students shall review all decisions and make any additional recommendations within ten working days. Advisors, accused chapters, and the inter/national fraternity shall receive copies of the final decision.

An appeal of the Sorority and Fraternity Chapter Review Board will be forwarded to the Vice President for Student and Campus Life, who will apply the method of their choosing in making a final determination, including but not limited to hearing verbal arguments from parties involved, and/or sending the case back to the Sorority and Fraternity Chapter Review Board with direction for reconsideration.

## **Disciplinary Records**

The Office Sorority & Fraternity Life retains disciplinary files of the Greek judicial system. Disciplinary files are confidential in nature but may be shared within the University with other faculty, staff, or administrators or their agents or representatives where such disclosure serves a legitimate educational purpose, as determined by the Dean of Students or their designee.

Disciplinary files are maintained for ten (10) years from the issuance of a decision in the Office of Sorority & Fraternity Life.