

BYLAWS OF FRATERNITY REVIEW BOARD

PREAMBLE

The fraternity men at the University of Texas at San Antonio, believing in the value of self-governance, support these Bylaws and assume the obligations and responsibilities of self-discipline under an equitable and impartial system of shared standards.

ARTICLE I - NAME

Section 1. This sub-unit of the Interfraternity Council will be referred to hereafter as the Fraternity Review Board at the University of Texas at San Antonio.

ARTICLE II - POWERS

Section 1. The delegated responsibility of the Fraternity Review Board shall apply to all disciplinary and procedural areas concerning fraternities and fraternity relations. The Fraternity Review Board will have the authority to act on any incident report involving a member fraternity filed with the Fraternity Review Board.

Section 2. Definition of group responsibility: Each fraternity will be held responsible for the actions of its affiliates. "Affiliates" are defined as pledges, associated members, and/or active members of a fraternity who are students at the University of Texas at San Antonio. If, however, after consultation with the Fraternity Review Board, the incident in question is determined not to be fraternity related, the Fraternity Review Board may refer individual students for appropriate disciplinary action and not pursue charges against the chapter. Each fraternity shall also be held responsible for the actions of Alumni members at fraternity sponsored events or activities.

Section 3. The Fraternity Review Board shall have the responsibility to determine whether or not there have been violations of the IFC Constitution, Bylaws, or Rush Bylaws, and if so, to follow the established procedures in determining action to be taken for such violations. If the Fraternity Review Board decides to seek additional investigative assistance while hearing any given case, the Chairman of the Fraternity Review Board shall work directly with the IFC Advisor and the Office of Student Judicial Affairs. All incidents that also violate UTSA rules, regulations or policies will be referred to the Office of Student Judicial Affairs.

Section 4. All sessions and hearings are confidential and each Fraternity Review Board Member is expected to treat each case with the highest regard to confidentiality.

ARTICLE III - COMPOSITION

Section 1. When convened upon a case, the Fraternity Review Board shall be composed of Presidents of all IFC member chapters and the Chairman of the Fraternity Review Board, who will be the IFC Vice President - Internal Affairs. Each member participating in the decisions of a case shall have one vote. The Chairman of the Fraternity Review Board shall have no vote except in the case of a tie.

Section 2. Those eligible to serve on the Fraternity Review Board shall be current Presidents of all IFC member chapters. If the President cannot attend, he may send the next highest-ranking officer. If the second highest officer cannot attend he may send the next highest-ranking officer. Finally, if the third highest officer cannot attend he may send the next highest-ranking officer. If none of the four highest officers can attend, the chapter loses their vote and receives a \$75 fine. The officers are those on file with the Student Leadership and Cultural Programs Office at the time of the meeting.

Section 3. No fraternity may be represented by more than one member and a Fraternity Review Board Member shall not concurrently hold an IFC Executive Office. The only exception is for the position of IFC Vice President - Internal Affairs.

ARTICLE IV - DUTIES

- Section 1. Chairman of the Fraternity Review Board:
- A. He shall interpret the Fraternity Review Board Bylaws and see that all proceedings are conducted accordingly.
 - B. He shall work closely with other members of the Fraternity Review Board to insure that all IFC policies and regulations are upheld.
 - C. He shall see that only pertinent facts are necessary for the Fraternity Review Board to determine that just and equitable decisions are brought before the Board.
 - D. He shall be responsible for scheduling hearings, and sending notices to appear.
 - E. He shall send all final decisions of the Fraternity Review Board to the accused.
 - F. Based on the quality and quantity of available evidence to support a case, he shall call the Board into session and see that all cases receive appropriate attention. He is responsible for making sure that each case is reviewed by the Fraternity Review Board and not overlooked.
 - G. He shall be responsible for calling witnesses during the Fraternity Review Board session.
 - H. He shall work closely with the UTSA administration to uphold all rules and policies set forth by the University and the Interfraternity Council.

- Section 2. Fraternity Review Board Members:
- A. As requested by the Chairman of the Fraternity Review Board, Fraternity Review Board members shall take part in and be present at all Fraternity Review Board proceedings.
 - B. Fraternity Review Board members shall uphold the Constitution and Bylaws of the Interfraternity Council, its Fraternity Review Board Bylaws, and Rush Bylaws.

ARTICLE V - FILING A CASE

- Section 1. A complaint against a fraternity can be filed with the Chairman of the Fraternity Review Board by any individual, representative of the University, or another registered student organization. When a complaint is filed, it becomes the duty of the Chairman to see that the case is properly handled. It is preferred that all complaints be typed.
- A. Any alleged violation occurring between May 1st and August 1st shall require the complaint to be filed no more than 120 days from the incident.
 - B. Any alleged violation occurring between August 2nd and April 30th shall require the complaint to be filed no more than 30 days from the incident.

- Section 2. The options for addressing a complaint are:
- A. Dismiss the complaint for lack of information.
 - B. Refer the case to the Office of Student Judicial Affairs if it involves a violation of UTSA policy, Student Code of Conduct, etc.
 - C. The Fraternity Review Board decides to pursue a hearing.

- Section 3. Should the Fraternity Review Board decide that a hearing is necessary, it shall send the fraternity a Notice to Appear, stating the charges and the time when the fraternity is to appear before the Fraternity Review Board. The Notice to Appear shall state:
- A. The date of the hearing. The hearing shall be at least five (5) class days after the postmarked or university date-stamp date on the Notice to Appear.
 - B. The specific article and section of the Interfraternity Council Constitution, Bylaws, Rush Bylaws, or any other Interfraternity Council rules, regulations, or policies which have been violated.
 - C. A description of the act or acts that constitute the alleged violation.

- Section 4. The deadline for initiating charges against a fraternity or individual chapter member(s) shall be within two (2) weeks after the date the Fraternity Review Board has received typed complaint form of an alleged violation.

- Section 5. Penalties prescribed by the Fraternity Review Board become effective as stated by the Board, unless overturned by the IFC Advisor.

ARTICLE VI - CALLING OF WITNESSES AND PRESENTING EVIDENCE

- Section 1. The Chairman of the Fraternity Review Board has the power to require the presence of students believed to have information pertaining to the case. Failure to appear could result in IFC probationary sanctions against the individual(s).
- Section 2. Written affidavits will be accepted at the hearing if:
- A. The witness is unable to attend the hearing due to family emergencies.
 - B. The Chairman of the Fraternity Review Board feels that it is in the person's interest to remain anonymous due to possible reprisals against the witness.
 - C. Written affidavits are written and signed in the presence of the IFC Advisor.
- Section 3. Fraternity Review Board members cannot serve as witnesses or present evidence.

ARTICLE VII - CONDITIONS OF THE PROCEEDINGS

- Section 1. The Chairman of the Fraternity Review Board, and two thirds (2/3) of the voting members of the Fraternity Review Board must be present.
- A. The Chairman of the Fraternity Review Board does not have a vote except in the case of a tie.
- Section 2. If a Fraternity Review Board member is also a member of a fraternity in question, he shall be excused from the meeting.
- Section 3. The Chairman of the Fraternity Review Board or any other Fraternity Review Board members shall be excluded from participating when he has initiated the charges against the fraternity, or when he is a member of the fraternity or in any way involved with action of the fraternity under consideration. If for one of the previously mentioned reasons, the Chairman of the Fraternity Review Board is not eligible to preside, the IFC President shall fill his position for that particular hearing.
- Section 4. The Chairman of the Fraternity Review Board and the fraternity under review shall be allowed to present witnesses.
- Section 5. Any undergraduate representative of the fraternity under review may represent the fraternity, provided that a member of the Fraternity's Executive Board is present. The Chapter Advisor may be present but has no voice.
- Section 7. An Executive Officer of the fraternity shall remain in the room of the hearing at all times while evidence is being presented, and is entitled to offer a concluding statement.
- Section 8. The Fraternity Review Board will then adjourn into an executive (private) session to reach a final decision.

ARTICLE VIII - ORDER OF PROCEDURES

- Section 1. The presiding officer shall introduce the members of the Fraternity Review Board to the representatives of the fraternity and the person who filed the complaint.
- Section 2. The presiding officer shall read the following statement of policy:
"The procedure for this hearing is not intended to be conducted like a court of law. The Fraternity Review Board serves as the investigative body of the Interfraternity Council to determine the degree of responsibility for allegations of violations of IFC policies and procedures and, if necessary, shall levy a penalty consistent with the violation."
- Section 3. The Chairman of the Fraternity Review Board shall present the evidence in the following order:
- A. Cite the specific article and section of the Interfraternity Council Constitution, Bylaws, Rush Bylaws, or other rules and regulations of the University or Interfraternity Council that have been violated.
 - B. State the acts of the fraternity that constitute the alleged violation cited above. All evidence presented must relate to the articles or section under which the accused is charged.

C. Call any witnesses holding information pertaining to the hearing.

Section 4. The fraternity will then question witnesses present and bring forth his evidence and/or explanation. This shall also relate to the evidence presented or the violation with which the accused is charged.

Section 5. There shall be a question and answer period where the Chairman of the Fraternity Review Board or representatives of the fraternity may ask questions concerning the case. Questions may also be directed to any witnesses at the session.

Section 6. After the question and answer period, all individuals except the voting Fraternity Review Board members shall leave the room. The Fraternity Review Board, by a majority vote of those hearing the case, shall then determine if the fraternity is responsible. In the event that the fraternity is found guilty, the Fraternity Review Board members hearing the case shall, by a greater weight of the credible evidence, determine the penalty or penalties to be imposed.

Section 7. When the decision of the Fraternity Review Board has been reached, the Chairman of the Fraternity Review Board shall notify, in writing, the fraternity of the Board's decision.

Section 8. The Chairman of the Fraternity Review Board shall notify the IFC Executive Board and the IFC General Assembly of all Fraternity Review Board hearings and proceedings.

Section 9. All Fraternity Review Board hearings shall be tape-recorded so that witnesses will not need to be called for further testimony should an appeal go to the IFC Advisor or the Associate Director for Student Leadership and Cultural Programs.

Section 10. In order to insure confidentiality and the preservation of Fraternity Review Board records, all written and recorded information pertaining to Fraternity Review Board cases shall be kept in a confidential file with the IFC Advisor.

ARTICLE IX - METHOD OF APPEAL

Section 1. Once a decision by the Fraternity Review Board has been reached, it may be appealed to the IFC Advisor. Requests for appeal and written justification thereof, must be submitted to the IFC Advisor who will then be responsible for initiating the appeal process. Upon an appeal, the Chairman of the Fraternity Review Board will be required to submit to the IFC President a record of the hearing including circumstances, findings, Fraternity Review Board member comments, and justification of the Board's decision related to the procedural error in question.

A. Appeals must be made within five (5) class days after the Fraternity Review Board action.

B. Specific justification for appeal must be submitted in writing by the appealing party. The following items should be considered when making an appeal:

1. In general, appeals must be made on the issue of substantive or procedural errors that are prejudicial and were committed during the disciplinary process.
2. Specific questions for review which should be presented in an appeal are as follows:
 - a. Were the procedures (as outlined in these bylaws) followed properly?
 - b. If a procedural error was committed, how did the error substantively affect the reviewing process?
 - c. Was the session conducted in a manner which provided an adequate opportunity for the student or fraternity to respond to the charges?

C. The IFC Advisor will review all records pertaining to the appeal and recommend one of the following:

1. That the decision of the Fraternity Review Board stand as originally heard. If so, then the IFC Advisor may uphold or not uphold the Fraternity Review Board decision. If the Fraternity Review Board decision is not upheld, then the IFC Advisor must state in writing the reasons for not upholding the original decision;
2. That the case be re-heard. If the case is to be re-heard, the IFC Executive Board with the President of IFC presiding will hold a new hearing. In the event the IFC President cannot preside over the hearing, the presiding chair will then be the IFC Advisor;

Section 2. If the fraternity remains dissatisfied with the decision of the IFC Advisor the fraternity may appeal in writing to the Associate Director for Student Leadership and Cultural Programs. The Associate Director for Student Leadership and Cultural Programs will make the final decision upon reviewing all the records and documentation pertaining to the appeal. The Associate Director's decision is the final step of the appeal process.

Section 3. Major Offenses: (All offenses are subject to referral to Student Judicial Affairs)

- A. Violations of State Law.
- B. Violations of the UTSA Code of Conduct.
- C. Violations of the IFC Constitution, Bylaws and Rush Bylaws.
- D. Violations of Basic Expectations outlined by the National Interfraternity Council in the IFC Constitution.

Section 4. Minor Offenses: Shall be defined as anything not listed under major offenses and shall include anything detrimental to the Greek System, UTSA, or the San Antonio community.

Section 5. Interfraternity Council Sanctions may include, but are not limited to, the following:

- A. Reprimand, or reprimand with restrictions.
- B. Fines (as explained in Section 6 below).
- C. IFC Probation.
- D. Mandatory completion of educational or developmental project/program sponsored by the fraternity.
- E. Intramural Sports probation/suspension for the semester following charges.
- F. Activities Probation. Activities may include but are not limited to the following:
 - 1. Restriction of an individual's or fraternity's privilege to participate in any Greek or University sponsored event involving Greeks.
 - 2. Restriction of a fraternity's privilege to sponsor an individual member for any Greek or University sponsored event.
- G. Rush Probation/Suspension. Restriction of the fraternity's privilege to rush or attempt to recruit, pledge or associate individuals during the period of time specified by the Fraternity Review Board.
- H. Suspension from the IFC for a definite period of time.
- I. Recommendation to the IFC Advisor that the fraternity have its University recognition revoked.
- J. Suspension from social activities.

Section 6. Fines: Chapter fines are to be levied on a per man basis ranging from \$1.00 to \$10.00. All fines received shall be placed in the IFC account on campus to be used expressly for public relations, programming, and fraternity education. Fines must be paid within fifteen (15) calendar days from the receipt of a written statement from the IFC Chairman of the Fraternity Review Board. Failure to pay a fine or make suitable arrangements with the IFC Executive Board may result in suspension of IFC membership including all Rush privileges, intramural sports participation privileges, etc. Further failure to pay a fine or make suitable arrangements may constitute expulsion from the Interfraternity Council and recommendation to the IFC Advisor that the fraternity lose its University recognition.

ARTICLE X - VIOLATIONS

Section 1. Sanctions from the IFC Fraternity Review Board shall not interfere with University Sanctions as outlined in the Regent's Rules and Regulations, in the Student Organization Handbook and the Student Code of Conduct in the Student Guide.

Section 2. Actions taken by the IFC Fraternity Review Board do not constitute the full range of disciplinary, investigative, and sanctioning process that may be pursued by the University of Texas at San Antonio or other local, state, or federal agencies.

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