



UNIVERSITY OF WYOMING
FRATERNITY AND
SORORITY LIFE

Fraternal Standards
Board Manual

WORKING DRAFT

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PURPOSE AND GOALS

This document shall be known as the *Fraternal Standards Board Manual*, and it shall serve as the sole guide and reference for the joint Standards Board, henceforth referred to as the Fraternal Standards Board or FSB, which was formed between the Interfraternity Council (IFC) and the College Panhellenic Council (CPH) in the spring semester of 2015 on the University of Wyoming (UW) campus

The *Fraternal Standards Board Manual* was created for operational purposes. The proceedings of the Fraternal Standards Board are not strictly legal, and they differ fundamentally from criminal or civil court proceedings. As such, many practices and rituals typical of court proceedings will not be observed by the FSB. The FSB aims to ascertain a working knowledge of all details pertaining to an alleged infraction so that the FSB may respond appropriately.

Because the Fraternity and Sorority Community resides within an educational institution, the objectives of the FSB are not primarily punitive in nature but rather ought to be educational and restorative. The FSB will strive to not take disciplinary action exclusively, it will act to uphold the regulations of UW, the regulations of IFC and CPH, and to maintain the high ideals and values established by the fraternities and sororities of the FSL community. The FSB will examine how infractions occurred and will strive to take educational and preventative measures to address the roots of a problem.

In the event that action needs to be taken by the FSB, the FSB will adhere to the protocol outlined within this manual, providing a fundamentally fair and equitable process to all parties involved in an alleged infraction. When FSB proceedings are underway, strict confidentiality will be maintained to insure the chapter's privacy and to preserve the integrity of the FSB process.

This manual operates under the ideal that all fraternity and sorority chapters take responsibility for their actions and the actions of their members. As fraternity men and sorority women, we hold ourselves, and our community, to higher standards than those of the average university student. As such, the final findings and sanctions of FSB hearings will be disclosed at IFC and/or CPH general council meetings not meant to shame those found responsible, but rather better educate the community and hold each other to a higher standard.

OVERSIGHT

The Fraternal Standards Board (FSB) functions under the direction of the Dean of Students Office. The Dean of Students Office designee, in partnership with the Fraternity and Sorority Life Office, will oversee the selection of Board Members, the annual and on-going training as well as the conduct proceedings to assure that the FSB is following the processes outlined in this document and that chapters are participating in a fair process.

The Dean of Students designee reserves the right to make amendments to this document in consultation with the Fraternity and Sorority Life Office. Amendments will be shared with the respective FSL governing councils (CPH and IFC) by way of the council's Vice President of Standards.

MEMBER ELIGIBILITY & TERMS

In order to serve as a Board Member, an individual must meet the following requirements:

- Be an *Active Member*, in good standing, of a registered UW fraternity or sorority, with a minimum of two semesters in the chapter;
- Maintain academic standing with the institution with a minimum cumulative GPA of 3.0;
- Maintain a strong disciplinary record
- Be devoted to the general ideals and principles of fraternity/sorority life and conduct himself in a professional manner consistent with the shared fraternity/community values and ideals;
- Have a working knowledge of each council's Constitution and Bylaws, UW policies, and risk management policies;
- Not be a current member of a Council Executive Board or serve as his/her chapter president; and,
- Must complete formal FSB policies and procedures training prior to serving on a Fraternal Standard Board.

The term of office for Board Members shall be two full semesters which run the calendar year. Resignation, failure to meet Board Member expectations or confidentiality, or election to serve as a Council Executive Board Officer or Chapter President will also end a term prematurely.

FRATERNAL STANDARDS BOARD MEMBER SELECTION

Applications will become available in early November with a designated deadline set. Upon the deadline, A Dean of Students Designee, Fraternity and Sorority Life Office Designee, and Outgoing and Incoming Vice Presidents of Standards will review the pool of candidates and make decisions for the FSB. It is at the discretion of the body

reviewing applications to determine if interviews or means of further consideration are necessary. Upon selection, all FSB candidates selected will be required to participate in a training before becoming official FSB Members.

FRATERNAL STANDARDS BOARD MEMBER EXPECTATIONS

It is crucial to remember that Standards Board members are role models for the Fraternity and Sorority Community. They are identified as representatives of the disciplinary system. Therefore, it is important that Standards Board members follow and uphold the policies of the IFC, CPH, and UW. Furthermore, the Standards Board's authority is delegated by the IFC and CPH Legislative. Once selected to serve as a Board Member, the expectations for continued participation are:

- Maintain at least a 3.0 cumulative grade point average;
- Be an active member in good standing with his or her fraternity or sorority;
- Maintain good disciplinary status; members are expected to notify the Dean of Students designee if they are involved in an incident that could change their disciplinary standing. Incidents will be reviewed by the FSB advisors as they arise.
- Maintain familiarity with the UW Student Code of Conduct, the IFC and CPH Constitutions and Bylaws, the UW Social Responsibility Guidelines for Fraternities and Sororities, and the Fraternal Insurance Programming Group (FIPG) Risk Management Policies;
- Attend and come prepared for all scheduled FSB trainings, business meetings, or conduct proceedings for which they are selected to attend.
- Information regarding the disciplinary status of any individual or chapter is not to be discussed with any person outside the FSB hearing. Likewise, any information presented in confidence at a hearing should not be discussed outside the hearing.
- Board members are expected to treat chapters responding to allegations with courtesy and have the utmost concern for the opportunities provided to chapters.
- In cases involving disciplinary action, the vote of each FSB member is kept confidential. The vote of the entire Standards body, however, can be shared with the chapter when the decision is announced.
- All decisions of the Standards Board must be upheld by the FSB members, although there may be dissenting opinions.

JURISDICTION

- I. The FSB shall have jurisdiction over assigned cases involving alleged violations by

fraternities and sororities of, including but not limited to:

- A. The policies of the University of Wyoming including the Student Code of Conduct; as well as the governing council's policies: Interfraternity Council (IFC) and Collegiate Panhellenic Council (CPH);
 - B. Local, state and federal law;
 - C. The general, values-based conduct of fraternity/sorority community members.
- II. The FSB will not be involved with the adjudication/hearing/enforcement of the CPH governing documents. This is the responsibility of the CPH organization per the NPC Unanimous Agreements and will be adjudicated by the NPC-chapter members through CPH's respective adjudication process. CPH documents are defined as the NPC Unanimous Agreements (UAs), CPH bylaws, Panhellenic standing rules, Membership recruitment rules/guidelines, and Code of Ethics.
 - III. The Fraternal Standards Board will not be involved with the adjudication/hearing/enforcement of fraternity recruitment unless there are UW Code of Conduct violations alleged. This is the responsibility of the IFC judicial process.
 - IV. A single incident may be addressed by more than one disciplinary system (i.e., the IFC or CPH Standards bodies, an Inter/national fraternity, a civil/criminal court, and UW Dean of Students Office). Hearings within more than one of these systems may be appropriate if chapter owes a different kind of obligation to each of these entities.

COMPOSITION & ROLES

Each chapter within the FSL Community is permitted to have one selected and trained member in the pool of FSB members. Additionally, the Vice President of Standards from each governing council will serve on the FSB. In the event a formal hearing is necessary to review an alleged violation, appointed Board Members will serve from a pool of eligible members to fill a five (5) member board as outlined below.

General board members will perform the following functions:

1. Attend initial meetings to which the board member is assigned; co-lead the conversation with the chapters in this meeting along with the Vice President of Standards
2. Serve on the hearing panel for all formal hearings to which the member is assigned.
3. Review the materials and prepare questions for hearings.

4. Attend business meetings as scheduled

The Vice Presidents of Standards will perform the following functions:

1. Meet regularly with the DOS and FSL designees who advise FSB to prepare for proceedings and business meetings.
2. Attend or participate in all Allegation Review meetings.
3. Co-lead conversations with a fellow FSB member in the Initial Meetings.
4. Serve as the Chair in proceedings in which the alleged chapter is a member of the council in all formal hearings.
5. Announce the findings and sanctions of the Standards Board at IFC and/or CPH Council meetings.
6. Submit reports to the governing councils at the end of each semester. The reports include, but are not limited to:
 - a. A Case Summary for each Standards Board hearing

CHAPTER RIGHTS AND RESPONSIBILITIES

In any Standards Board hearing, the chapters and witnesses appearing before the Standards Board must be guaranteed a fundamentally fair process and specific opportunities. Although these opportunities are assured, everyone concerned should understand that FSB proceedings differ from criminal or civil court proceedings. There may be times, for undetermined and unique reasons, that the guidelines in this manual will need to be suspended or adapted to meet an extenuating situation. Whether this need be an expedition or delay in the Standards process, or a change in the procedures for a hearing, these changes will be considered viable as long as they do not directly violate the rights of any chapter. Each chapter reserves the:

- A. Right to be notified, in writing, of the charges, as outlined in this policy;
- B. Right to be notified, in writing, of the Fraternal Standards Board meeting time, date, and location, as outlined in this policy;
- C. Right to be notified of potential Board Members and the ability to exclude potential Board Members from a Fraternal Standards Board due to conflicts of interest;
- D. Right to respond, including the calling of witnesses;
- E. Right to question witnesses;
- F. Right to be accompanied by an advisor only for advisory purposes, but not for representation;
- G. Right to be notified, in writing, of all findings and sanctions imposed, as outlined in this policy; and

H. Right to appeal the decision, as outlined in this policy.

CONDUCT PROCESSES

Filing a Complaint

Any individual or group may file a complaint* against a fraternity/sorority, by specifying in writing and within ten (10) business days of becoming aware of the alleged violation(s), the following minimum information to the Dean of Students Office . Complaints can be submitted using an online form found on the UW Fraternity & Sorority Life webpage.

- A. The date(s), time(s), and place(s) of the alleged violations(s);
- B. The name(s) of any person(s) involved with the complaint. This may include a list of possible witnesses and/or people alleged to have violated the rules; and,
- C. A detailed description of what is alleged to have occurred.

Note: *A complaint is considered any alleged violation that is brought forth. Complaints may also be submitted through police reports, other campus or conduct investigations or hearings, etc. All complaints will be reviewed to determine if they rise to the level of violation.

Allegation Review

Those person(s) involved in reviewing complaints shall include staff representatives of the Dean of Students Office, Fraternity & Sorority Life and at least one (1) Vice President of Standards, preferably from the council in which the chapter with alleged violations is a member of. This group will regularly convene and review submitted complaints, as well as other relevant university department referrals, police reports, and/or other community reports of violations that may warrant review.

This group will determine an appropriate conduct review process, which may include but is not limited to, referring an alleged violation to the Fraternal Standards Board, Informal Resolution, Dean of Students Office, and/or submitting it to the council's internal standards process.

Notice of Allegation

When the parties reviewing allegations have determined a chapter violation has potentially occurred, the Dean of Students Office will send chapter presidents a notice of allegation via email.

The allegation letter will give notice of the following information:

- alleged violations of the Student Code of Conduct

- basic details of the incident that lead to the violations as well as the date
- time and location of the mandatory Initial Meeting
- deadline for the completed investigation template (if required)

Internal Chapter Investigations

Upon notice the alleged violations and the forthcoming conduct meeting, chapters will be provided with an internal investigation template, which is optional, to guide the information gathering process. The deadline for the completed investigation template will be stated in the allegation letter.

Though internal investigations are options for chapters to complete, they are helpful tools for the organization to use in identifying what policies were potentially violated, what actions or inactions led to the misconduct and how incidents can be avoided in the future. Additionally, this tool is intended to better prepare the organization for the next phase of the conduct process.

Initial Meeting

The responding fraternity/sorority will be asked to participate in an Initial Meeting to:

- Review the rights afforded to the chapter in the process
- Review the allegations
- Review the completed internal investigation
- Discuss how chapter responsibility would be determined
- Discuss the most appropriate options for resolution.

The Initial Meeting should occur within five (5) business days of the chapter receiving notice of the allegations.

Initial Meeting will include: the responding chapter president, the Dean of Students designee, the Fraternity & Sorority Life advisor or designee, the respective VP of Standards, and one (1) Fraternal Standards Board member from the same council as the responding organization. Chapters are encouraged to bring their chapter advisor to the meeting. Initial Meetings are closed to the public.

One of the goals for the Initial Meeting is to determine the most appropriate conduct process:

- *Informal Resolution* may be chosen as an appropriate resolution when cases involve few or no disputed questions of fact and possible sanctions do not include separation from the University.
- *Formal Hearings* are held when cases:
 - When the responding fraternity/sorority rejects having an Informal Resolution;

- When the responding fraternity/sorority rejects the Informal Resolution recommendation for resolution; the Vice President of Standards shall convene a Fraternal Standards Board.
- When the parties reviewing allegations determines the hearing is the most appropriate course of action, which is typically reserved for situations that involve disputed questions of fact or serious alleged violations of the Code of Conduct (i.e. violations that could lead to separation or loss of recognition of the student organization).

In cases that involve multiple chapters, large scale incidents or conduct that requires formal investigation, the Dean of Students may handle the adjudication processes.

Informal Resolution

In situations where it is deemed appropriate, a responding fraternity/sorority shall have the opportunity to participate in an Informal Resolution.

The assigned Vice President of Standards, one (1) Board Member from the same council as the responding organization and the DOS and FSL designees shall meet with a representative of the responding fraternity/sorority to discuss the allegations of the complaint, determine responsibility, and if necessary, determine a mutually agreeable resolution. The chapter advisors are also welcome to attend as a support person.

Formal Hearings

- A. *Participants:* Attendance at all Fraternal Standards Boards shall be limited to the organization(s) involved, any witnesses, the FSB members assigned to serve on the hearing, the Vice President of Standards serving as Chair, Dean of Students designee and/or the FSL Advisor. Additionally, the responding fraternity/sorority may be accompanied by a chapter advisor during any hearing. The chapter advisor must be registered as an official chapter advisor of the fraternity/sorority and may not speak on behalf of the fraternity/sorority during the proceedings. All other attendees must be approved by the Chair and Dean of Students designee..
- B. *Board Composition:* The Chair will select five (5) eligible FSB members, at random, to review a case utilizing the following stipulations:
 - Three (3) shall come from the council to whom the responding fraternity/sorority is a member; and,
 - Two (2) shall come from the remaining council.
 - In the event part (A) and/or (B) cannot be satisfied, eligible Board Members will be selected, at random, to fill vacancies to establish a five (5) member board.
 - The responding fraternity/sorority's Vice President of Standards shall serve as a non-voting Board Chairperson and the procedural officer for the hearing.
 - A representative from the Dean of Students office, , shall serve as the official

advisor to the board during hearings.. A representative from the Fraternity and Sorority Life office may be in attendance as well.

C. *Confidentiality*: All individuals involved in a Fraternal Standards Board are required to agree to a statement of confidentiality. Individuals shall not disclose information regarding any of the following:

- Any individuals, organizations, or Board Members involved.
- Details of the proceedings.
- Witness testimony.

D. *Board Process*:

1. Initiation of the FSB: The Chair shall inform all individuals present that the Fraternal Standards Board will be conducted in an orderly manner and any person causing disruption will be asked to leave. Additionally, he or she shall advise the responding fraternity/sorority of the formality of the board and the necessity of all parties to be truthful.

2. Overview of Process: The Chair shall outline the process for the remainder of the hearing as follows:

- a. Presentation of alleged charges, violations, and investigatory information against the responding organization shall be presented by the Chair;
- b. Opening Statement of Complaining Party (maximum of 5 minutes);
- c. Opening Statement of Responding Organization (maximum of 5 minutes.)
Note: This statement, at the option of the responding organization, may be deferred until the complaining party completes the presentation of witnesses.);
- d. Presentation of Complaining Party;
- e. Calling of Complaining Party Witnesses;
- f. Responding Organization and FSB members may ask questions;
- g. Dismissal of Complaining Party Witnesses;
- h. Presentation of Responding Organization;
- i. Calling of Responding Party Witnesses;
- j. Complaining Party and FSB members may ask questions;
- k. Dismissal of Responding Party Witnesses;
- l. Closing Statement of Complaining Party (maximum of 5 minutes);

- m. Closing Statement of Responding Organization (maximum of 5 minutes);
 - n. Board deliberates in closed session to determine findings of responsibility and, if necessary, appropriate sanction(s) recommendations.
3. An individual serving as a witness may only be present during his/her individual formal testimony and/or questioning and may not present for any other board proceedings.
4. All questions from complaining/responding parties shall be directed to the Chair.
- E. *Voting Policies:* All Fraternal Standards Board Members participating in a hearing, aside from the FSB Chairperson, shall have one vote and may not abstain. A majority vote shall govern all actions of the Fraternal Standards Board.
- F. *Conflict of Interest:* In the event a Vice President of Standards, a FSB member, or their fraternity/sorority is involved in the alleged violation or may be called as a witness, they shall immediately recuse themselves from a Fraternal Standards Board and will not be granted any access to information pertaining to the alleged violation or conduct process. If the Vice President of Standards is recused, the other Vice President of Standards will serve in his/her place.

DECISION APPROVAL

At the conclusion of the Formal Hearing, the Chair will submit, in writing, to the Dean of Students designee the finding and recommended sanctions for approval. The Dean of Students designee may accept, reject or suggest amending the sanctions to the Board. Upon approval, the Chair will notify the responding fraternity/sorority as outlined in the policy.

Upon rejection or amendment, the Chair shall reconvene the Hearing Board to determine alternative/amended sanctions for approval by the Dean of Students designee.

APPEALS

Qualifications for Appeal

The decision of the FSB may be appealed to the Dean of Students Office if one or more of the following criteria are met:

- I. A substantial procedural error occurred.
- II. New evidence of a substantial nature is now available that was not previously available at the initial hearing.
- III. Substantial bias on the part of any member of the Standards Board was displayed.

Appeals Process

- I. All appeals must be made in writing to the Dean of Students within five (5) business days of receiving the Standards Board's decision. Appeal letters must include the following information:
 - A. The reason for the appeal. This should be a thoroughly documented statement substantiated, when possible, by attached evidence or statements.
 - B. The decision of the Standards Board, including a statement of the findings and the sanction(s) levied.
- II. Only new evidence of a substantial nature, not available at the initial hearing, may be introduced at this time by the appealing party.
- III. The Dean of Students reserves the right to call any representatives of the responding chapter and/or witnesses for questioning.

The chapter will be informed, in writing, by the Dean of Students when a decision regarding the appeal has been rendered.

- IV. The Dean of Students shall have final say on the fairness of the decision rendered by the Fraternal Sorority Standards Board.

EVIDENTIARY CONSIDERATIONS

- I. **Evidentiary Classification:** The FSB must understand that evidence may be either direct or circumstantial. For example, an eyewitness's identification is direct evidence, whereas, circumstantial evidence requires an inference or presumption to establish the fact to be proven. Circumstantial evidence may be used to prove a fact so long as it is relevant. In other words, if Person A saw Person B carry a case of beer into Person C's room and Person B and Person C later left the room with the smell of alcohol on their breath, there is relevant circumstantial evidence to imply that Person B and Person C were consuming alcohol and this information would be admissible in the FSB hearing. Specific definitions are as follows:

- A. **Direct Evidence:** When those who have actual knowledge, by means of their senses, communicate the facts of an incident.
 - B. **Circumstantial Evidence:** Circumstantial evidence is indirect and relies on inference. It is evidence provided by a collection of facts from which, alone or in conjunction with another cluster of facts, can be used to imply the happenings of an incident.
- II. **Admissibility of Evidence:** A shorthand rule on the admissibility of evidence is as follows: all material and relevant evidence is admissible, if competent. Whenever a chapter makes an objection to the admission of evidence on the grounds that it is irrelevant, FSB members should adhere to the following process to evaluate whether the evidence should be admitted for the FSB's consideration:
- A. **Material:** If the evidence offered by a chapter relates to one of the issues in question at the hearing, then the evidence is material.
 - B. **Relevance:** The evidence is relevant if it addresses the issue in question.
 - C. **Competency:** Material and relevant evidence that is offered by a reliable source is competent (i.e., an eyewitness, a person with general knowledge about the allegations, a factual report, etc.).
 - D. **Unduly Repetitive:** Evidence offered by one witness does not need to be corroborated by several others, (e.g. McFarland was in Chicago with brothers when a composite was stolen. The entire group does not need to verify McFarland was in Chicago.)
- III. **Hearsay Evidence:** Another evidentiary objection that may be made by a chapter is that the evidence is hearsay. Objection to the admission of hearsay evidence stems from the fact that it cannot be cross-examined since the original source of the evidence is not present at the hearing. Hearsay evidence is admissible within hearings of the Fraternal Standards Board. However, it cannot be the only evidence used to find chapter responsible for an infraction.
- A. **Hearsay Defined:** Hearsay evidence is an assertion made orally or in writing by one who is not present during the hearing, but is offered during the hearing as evidence to prove the truth of the matters being addressed. In admitting and considering hearsay evidence the Standards Board must carefully examine the evidence for reliability.
 - B. **A Hearsay Exception – Admission of Written Statements:** Written statements will not be presented as evidence unless circumstances make such a presentation necessary or unavoidable. Unsigned/anonymous statements will not be admitted as evidence. The FSB reserves the right to protect the identity of a witness when the issue is of an extremely sensitive matter. The FSB may also request a questioning period of the witness on a separate occasion.
- IV. **Character Evidence:** Character is generally defined as evidence of one's moral standing in the community based on reputation. Character evidence refers to the traits of a person for honesty or dishonesty, peacefulness or combativeness,

morality or immorality, carefulness or negligence, etc. While a chapter's disciplinary record is not relevant in determining if a chapter is responsible or not of a particular infraction, it is relevant to determine the proper penalty.

- V. **Statute of Limitations:** No complaint may be filed with the Fraternal Standards Boards thirty (30) calendar days after an incident. Violations against chapters that are derived through other means (other conduct cases, police reports, etc. are not subject to the Statute of Limitations.
- VI. **Preponderance of the Evidence:** The Fraternal Standards Board shall consider only the information presented at the hearing, and make determinations of responsibility by a preponderance of the evidence. A preponderance of the evidence is defined as evidence which is of greater weight, more convincing, and which, as a whole, shows that the fact to be proven is more probable than not.

SANCTIONS

Since no two cases are identical, the Standards Board does not necessarily establish precedence for individual cases. However, standard sanctions may be developed to ensure fair and impartial treatment in similar cases. Further sanctions will be considered for each case if necessary.

- I. No sanctions less than suspension or dismissal shall obstruct a fraternity's or sorority's:
 - A. Ability to recruit and initiate new members.
 - B. Member development programs.
 - C. Observation and performance of their respective rituals.
 - D. Ability to hold regularly scheduled chapter meetings or internal standards/judicial hearings.
 - E. Ability to attend and/or participate in programs or events sponsored by the respective inter/national organization (i.e., regional/national leadership weekends/seminars, Conventions, etc.).
- II. Various types of sanctions may include, but are not limited to, the following:
 - A. *Status Sanctions:* Disciplinary sanctions are intended to indicate the chapter's status with the University and can include, but are not limited to: formal warnings, conduct probation, suspension and dismissal.
 - B. *Non-Status Sanctions:* These educational sanctions are meant to encourage reflection and are intended to be an appropriate consequence resulting from the violations. These vary based on the situation but can include: social probation, loss of good standing, community service, letters of apology,

- participating in/hosting workshops or other educational events, restitution or developing new protocols.
- C. Other sanctions may be devised and implemented. These are, however, subject to appeal if felt unreasonable, extravagant, or inconsistent by the chapter found responsible for a violation.
 - D. If a chapter fails to comply with the sanctions set forth by the Fraternal Standards Board, the infraction will fall under the Dean of Student's jurisdiction.

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