Fraternal Conduct Board of Winthrop University
By-laws

Ratified by the Interfraternity Council – September 7, 2007
Ratified by the National Pan-Hellenic Council – September 7, 2007
Ratified by National Panhellenic Council – September 7, 2007
Amended April 21, 2008
Amended November 7, 2008
Amended December 4, 2009
Amended April 8, 2011

Article I – Preamble

The mission of the Fraternal Conduct Board (hereafter the Board) is to promote a sense of community, community standards and values, civility, accountability, and the maintenance of good character. The Board supports the mission of Winthrop University. The mission of the Board will be accomplished by educating the Fraternal Community, settling disputes civilly, and hearing complaints against Fraternal Chapters.

Article II – Authority

The authority of the Board is delegated from the three governing councils: College Panhellenic Council, National Pan-Hellenic Council, Interfraternity Council (hereafter the Councils), and in cooperation with the Dean of Students Office. The primary responsibility of the Board will be to resolve complaints and carry out the community disciplinary responsibilities. The Board will be self-governing and will require Chapters and members to be accountable for their actions.

Article III - Jurisdiction

Section 1
The Board will have jurisdiction to resolve allegations regarding the Constitutions and By-laws of the Councils, official Council decisions, disputes referred by Council Presidents, Rock Hill and York County Regulations, and violations found in Winthrop University's Student Conduct Code.

Section 2
Chapters and members who commit offenses against the laws of municipalities, states, or the United States are subject to prosecution by those authorities and may be subject to disciplinary action under University rules when their conduct violates institutional standards, as well as, the Board.

Section 3
The Board does not charge individual members with violations. The Board expects Chapters to discipline members who violate rules or standards of the respective Chapter.

Section 4
CPC Recruitment violations will not be presented to the Board unless the violation is referred to the Board by the CPC President or CPC Advisor.

Article IV – Composition

Section 1 – Board Members
Three Board members will be nominated and approved at the discretion of each of the Councils. One appointment will be a two-year term (Associate Board member), while the other two will serve a one-year term (Assistant Board members). Terms will follow Winthrop University's academic year. Board members must be in good standing with their Chapters and governing councils (as determined by the Chapters and Councils), must not be on University disciplinary probation, and maintain a minimum of a 2.5 cumulative GPA and no less than a 2.25 semester GPA.

Section 2 – Vacancies
The President and Vice President of each council will fill vacancies for their respective council within five business days by appointment. If an appointment cannot be identified within five business days, the Council President shall serve until an appointment is made.

Section 3 – Officers
Once the Board members are selected, a Chair and Vice Chair will be elected from within the student Board members. An Advisor will be appointed by the Dean of Students and serve as a non-voting member. An employee of the Division of Student Life, appointed by the Dean of Students, will present information to the Board during hearings.

Section 4 – Officer Duties
A: Chair will:
1. Meet with Fraternity and Sorority Advisor on regular basis
2. Call Board meetings when necessary
3. Coordinate training with University Conduct Officer
4. Chair all hearings and meetings of the Board
5. Assist Councils with filling vacancies
6. Make recommendations for improvement from the Board to the Councils
7. Make official semester reports to the Dean of Students Office and Councils

B: Vice Chair will:
1. Take and maintain minutes
2. Maintain Board membership information
3. Coordinate all official communications (except decision letters)
4. Serve as Chair of the Board in the absence of the Chair
5. Meet with Fraternity and Sorority Advisor when necessary

Section 5 – Boards
A: The Chair, Vice Chair, Fraternity and Sorority Advisor, and Dean of Students (or designee) shall constitute the Administrative Board. All serving with votes as described in these bylaws.

B: The nine Board members, Fraternity and Sorority Advisor and Dean of Students (or designee) shall constitute the Full Board. The Fraternity and Sorority Advisor and the Dean of Students (or designee) shall serve without a vote.

Article V – Complaints

It is the responsibility of all members of the Fraternal Community to report violations and encourage others to report violations to the Fraternity and Sorority Advisor.

All reports are collected by the Fraternity and Sorority Advisor. Upon receipt, the Fraternity and Sorority Advisor will contact the Chair, Vice Chair, and Dean of Students or designee (hereafter Dean of Students). The Fraternity and Sorority Advisor, Chair, Vice Chair, and Dean of Students will meet and evaluate the complaint and determine if there is sufficient information to suggest that a violation occurred and if that it could be the responsibility of the Chapter(s) If yes, the Chapter will be charged with the appropriate violation and the case will move to a hearing before the Board – if no, the complaint is filed with the Fraternity and Sorority Advisor (3 years) and handled as appropriate. The Administrative Board may request further information from the source of the complaint and the Chapter. Chapters will be invited to prepare a response to the allegation during this part of the process.

Article VI - Due Process

Chapters and their members accused of violations heard by the Board will be entitled to due process. The Board is committed to a fundamentally fair process.

Section 1 – Procedural Safeguards:
To further the mission of the Board and to conduct a fundamental fair process, the following safeguards will be observed:

A: Notification of charges
B: To have an Advisor(s) present. Advisors may not address the Board, question witnesses, or make statements
C: Question information presented and witnesses
D: Present information and witnesses
E: Right to be heard before an impartial committee of peers
F: A pre-hearing interview with the Dean of Students Office in which three undergraduate representatives must attend.
G: Respond responsible or not responsible to allegations
H: Right to decline to make any statements to avoid the possibility of individual or Chapter self-incrimination. Refusal to speak or answer questions will not be interpreted as evidence of responsibility
I: Be present during all testimonies

J: Right to have access to all information and a list of witnesses
K: Right to appeal decisions

Section 2 – Challenging of Board Members
Chapters or Board Members have the right to contest any Board Member for cause up until the time of the hearing. Request must be in writing. The decision will be made by the remaining Board Members by a majority vote.

Section 3 – Options for Resolution of Charges
Chapter representatives have five business days after the pre-hearing interview to select an option for resolution of charge(s).

1. Plead not responsible to the charge(s) and request a regular hearing before the Full Board.
2. Accept responsibility for the charges(s) and elect for the Administrative Board to determine appropriate sanction(s). Depending on the nature of the alleged charges, the Administrative Board may refer the case to the Full Board.

Article VII. Hearing

Section 1 – Notification
Chapters charged under these bylaws will receive notice from the Chair to the Chapter President and Advisor. Chapters are responsible for maintaining an accurate listing of officer and advisor contacts with the Office of Fraternity and Sorority Affairs. Chapters will be instructed to initiate a pre-hearing interview with the Dean of Students.

Section 2 – Delivery of Notifications
All communications between the Board and Chapters will be done electronically and in writing.

Section 3 – Hearing
All hearings will be presided over by the Chair. Quorum for all Full Board hearings shall be a minimum of seven Board members. Quorum for Administrative hearings shall be three voting members. A minimum of three Chapter representatives must attend. The Chapter may choose who will speak and answer questions on behalf of the Chapter. All information and witnesses will be presented. Board members and ex-officio members will be allowed to ask questions to all participants. Student representatives will be allowed to ask questions. Student(s) will make summary statements. The Board will recess for confidential deliberation. After determining responsibility, the Board may request the presence of any and all necessary parties for assistance regarding sanctions. In addition, the Board may review the Chapter's conduct history up to but not exceeding three years.

Section 4 – Decisions of the Board
After deliberation the Chair will announce the decision. Decisions of the Board will be made with a preponderance of evidence and a majority vote of the Board. Decisions resulting in suspension will require a clear and convincing standard and a unanimous vote from the Board. All decisions will be written with the assistance of the Dean of Students Office. All Conduct files will be maintained by the Dean of Students office.

Section 5 – Sanctions
Sanctions available to the Board may be found written in, but not limited to, Winthrop University's Student Code of Conduct, with the exception of expulsion.

Section 6 – Social Probation
In addition to the sanctions found in the Student Conduct Code, social probation may be imposed. Social probation prohibits hosting parties, mixers, date nights, or other functions social in nature. Social Probation shall be defined by the Board each time it is utilized through a Social Probation Agreement. The office of Fraternity and Sorority Affairs will provide guidance to Chapters on the terms of their social probation. Questions about social probation that cannot be mutually resolved between Chapters and the Fraternity and Sorority office, will be settled by the Administrative Board and be considered binding.

Section 7 – Community Notice
The Fraternity and Sorority Advisor will inform the community of all Board decisions after the five business day appeal period. Information will be limited to the charge, the Chapter's response (responsible or not responsible), who heard the case (full board or administrative board), the decision (responsible or not responsible), the sanctions in full detail, and notification of an appeal, if pending The community will be re-notified after any appeal process in detail at the discretion of the Fraternity and Sorority Advisor.

Section 8 – Appeals
Chapters have the right to an appeal. Appeals will be in writing and submitted to the Dean of Students within five business days of the date on the sanction letter. Appeals must be based upon the following:

A: New information material to the case which were unavailable at the time of the hearing
B: Denial of due process or procedural error as defined in Article VI

The Dean of Students will hear all appeals. Appeals for the sanction of suspension will be heard by the Dean of Students and the Council Presidents.

Article VIII – Business Meetings

Quorum for business meetings (not hearings) shall be set at five Board members, providing there is at least one Board member from each governing council.

Article IX – Removal from Office

Board members may be removed from their office following notice to the Board member in question, discussion at no less than two business meetings and by a clear majority (5 or more) vote of the Board.

Article X – Ratification and Amendments

This By-law will be ratified, and in force, with the approval of all three Councils by a majority vote. Amendments to this By-law will be made upon approval of the three Councils by a majority vote.