

## Interfraternity Council's Response to Petition filed by Pi Kappa Alpha

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The Interfraternity Council denies responsibility regarding all charges alleged by the petitioner. The reasons are as follows:

The petitioner claims that Pike was not given due process since a formal hearing was not offered. The petitioner claims that Pike should have been given a formal hearing in front of all other chapter presidents to discuss their sanctions. According to the notice of resolutions, Pike had "three (3) business days to accept or reject the terms of the resolution listed above that resulted from the Informal Hearing. Should [they] accept the resolution, the fraternity waives all rights of appeal and the outcome is final. Should [they] reject the terms of the resolution, a Formal IFC Judicial Board Hearing will be convened to hear the case." Pike took all three (3) days to look over the resolutions before signing in agreement to them. Had they wished for a formal hearing they should have rejected the resolutions, but they did not. A copy of the signed sanctions can be presented per your request.

The petitioner claims that any fraternity found in violation of pre-existing sanctions must be immediately referred to the IFC Judicial Board. Our bylaws do state this (Article IX. Section H. f. iv.), however Pike's existing sanctions were given to them from the Dean of Students, not the IFC. Since IFC and the Dean of Students are two separate entities with different judicial processes, and Pike did not have any sanctions against them from IFC at the time, we conducted our judicial process in the normal manner.

The petitioner claims that IFC went "beyond our constitutional power" by suspending them. IFC did not issue a suspension to Pike, nor did we issue a probation. By not allowing them to have wet events we put a pause on their social event privileges. A full list of allowed non-status sanctions (which are the maximum sanctions allowed for an informal hearing) can be found on North-American Interfraternity Council's Judicial Guide, and can also be sent at your request.

The petitioner claims that IFC never provided Judicial Board training to any member chapter about our IFC Judicial Code. This training is only necessary for chapter presidents in the occasion that a formal hearing arises. Since Pike signed their sanctions after their informal hearing, a formal hearing was not needed, thus the training was not provided.

The petitioner claims their due process was violated since they did not have an advisor present. As stated in Article IX. Section G. d. of our bylaws, the chapter has the "[r]ight to be accompanied by an advisor for advisory purposes only, but not for representation." This is a right granted to the fraternity, but not a requirement of the process. Pike was granted the right to have an advisor present, as it was stated in their notice of charges that was given to them on 2/25/2022, but arrived at their informal hearing without an advisor present, so we continued the process. A copy of this notice of charges form can also be presented per your request.

The petitioner again claims that Pike was not granted a formal hearing and that they were issued a suspension at an informal hearing. As stated before, the option for a formal hearing was presented to them, and they were not suspended at their informal hearing, nor were they put on probation. Again, please check page 14 of the North-American Interfraternity Council Judicial Guide to see all allowed non-status sanctions.

The petitioner concludes with the statement that they should have been granted a formal hearing. By signing the resolutions that were given during the informal hearing, Pike waived all rights to an appeal and an informal hearing. Had they wished for a formal hearing, they should have rejected the proposed sanctions proposed to them in the informal hearing.

To summarize, IFC followed our bylaws and judicial guidelines throughout Pikes judicial process. Pike was given notice of charges, and allowed to bring an advisor along, but decided not to. We followed through with their judicial process, recommending a loss of social events which entailed no hosting or co-hosting of any wet events such as BYOB, Third party vendors, and tailgates. A suspension or probation was not recommended, as Pike is still a recognized chapter of the IFC with voting privileges. Pike signed in agreement to these sanctions after their informal hearing, waiving their rights to an appeal or a formal hearing.

The concerns of this process are being brought up after the chapter of Pike believed that their president at the time, Tony, acted as a “rogue agent”, by not being communicative with the rest of the chapter. Tony has since been impeached and new leadership has taken over. Regardless of a new president being in place, Tony was in the position to accept the charges as the chapter had elected him to serve as their president at the time. These charges that were presented to Pike were a matter for the president to decide, and Tony was in the position to make that decision at the time these sanctions were signed.

I would also like to clarify some information under the factual information section. It is stated that the Beta Theta Pi fraternity was not given any sanctions other than to re-do Social Host Training. I would like it to be known that this information is not “factual” as Beta Theta Pi was served sanctions of one month no wet events along with having to re-do social host training. Beta was able to serve their sanctions immediately after being signed, Pike however had to wait until their sanctions from the Dean of Students were completed to begin the sanctions given by IFC. The different start times in the sanctions were the biggest difference in the matter that involved these two fraternities. Beta’s signed sanction agreements can be presented at your request.

I would like to conclude my response by stating that I do not believe this matter falls into the duty of the Judicial Branch of Student Government or the Student Court to resolve, nor do they have the authority to reverse these sanctions. Per Florida Atlantic University Student Government Student Body Statute 601.200, “The mission of the Student Court is to promote and advance the pursuit of justice and equality within the Student Body. The Court does this by providing a venue for any student, organization, or member of any organization within or established by the Student Government of Florida Atlantic University that believes the Student Government Constitution or Student Government legislation has been misinterpreted or violated to the effect that some adverse action has resulted.” The matters in this petition are related to the Interfraternity Council’s bylaws and judicial process, not Student Government’s

Constitution or any respective legislation. Statute 613.500 and 613.510 defines all decisions available to the Student Court in the case that this proceeds to a hearing. The statutes are as follows: “The following decisions are available to the Student Court based upon the nature of the petition before the Student Court:

1. Fiscal Sanctions – loss of current fiscal year Activity and Service Fee funding
2. Uphold Elections, General, Special or Run-Off
3. Remand Elections, General, Special or Run-Off for a new election
4. Uphold the impeachment of an official
5. Not concur with the impeachment of an official
6. Uphold removal of an executive branch appointee
7. Reverse removal of an executive branch appointee
8. Remand Chapter(s) of Student Government Constitution and Statutes back to legislative body that originally approved legislation for reconsideration and rewrite.”