

FLORIDA ATLANTIC UNIVERSITY STUDENT GOVERNMENT

STUDENT COURT

Case: S.C 2022.01

The Pi Kappa Alpha Fraternity Lambda Beta Chapter (Pi Kappa Alpha)

Petitioner

v.

Florida Atlantic University Interfraternity Council (IFC)

Respondent

I. INTRODUCTION

This is a petition arising out of a dispute between the Pi Kappa Alpha Fraternity Lambda Beta Chapter (Pi Kappa Alpha) and the Florida Atlantic University Interfraternity Council (IFC). A petition was filed by the Petitioner against IFC on September 1st, 2022. This petition was sent to the Respondent, the Associate Justices, and the Student Government Advisor. On September 2nd, 2022, the response of IFC was filed with the Student Court and was sent to the Petitioner, the Associate Justices, and the Student Government Advisor. An Emergency Stay Order was issued by the Chief Justice to IFC in accordance with the Student Government Statutes. The Student Court met on Tuesday, September 6th, 2022, to decide whether to move this case to a Student Court Hearing. By a vote of 3-0, the Student Court voted to move the petition to a hearing. The Student Court convened on Monday, September 12th, 2022, for the Hearing on this case.

II. FACTS & CASE BACKGROUND

A. Initial Violation

During the Spring 2022 semester, Pi Kappa Alpha was serving a suspension given by the Dean of Students office that was set to end at the conclusion of that semester. One of the requirements of this suspension was that Pi Kappa Alpha would not be allowed to host or co-host any wet social events. On February 12th, 2022, members of Pi Kappa Alpha attended a wet social event hosted by Beta Theta Pi. A complaint was filed with the IFC Executive Vice President (EVP) an investigation was conducted by the IFC Executive Board that found the complaint to have merit. The IFC EVP then began their Judicial procedures.

B. IFC Judicial Processes

On February 25th, 2022, the IFC EVP sent a notice of charges to Pi Kappa Alpha for the incident on February 12th, 2022. The EVP recommended that an informal hearing take place between himself and the President of Pi Kappa Alpha in order to adjudicate this issue and settle it before a full IFC Judicial Board hearing. The then-President of Pi Kappa Alpha and the IFC EVP met on March 1st, 2022, and held this informal hearing. Following the informal hearing, the EVP sent a resolution to Pi Kappa Alpha proposing the following terms:

- Pi Kappa Alpha would re-do Social Host Training and notify IFC when completed before holding their next wet event.
- Pi Kappa Alpha must not host or co-host any wet events for 1 month starting the Fall 2022 semester (August 20 - September 20, 2022).
- Following the completion of the 1 month (Aug 20 - Sept 20) of no wet events, Pi Kappa Alpha would not be able to hold BYOB events for 1 month (Sept 21- Oct 21) but will be permitted to hold TPV events and will be permitted to tailgate.

This resolution was accepted by the President of Pi Kappa Alpha on behalf of the organization on March 3rd, 2022.

III. SUBSTANTIVE ISSUES

Throughout the hearing, several substantive issues were raised which the Student Court discussed and decided on prior to voting on any relief.

IFC Due Process Rights in Informal Hearings

The IFC Bylaws lay out due process rights that all member fraternities are guaranteed when going before the IFC Judicial Board. IFC Bylaws Article IX Section G lays these out as:

- Right to be notified, in writing, of all charges, as outlined in the IFC Bylaws
- Right to present a defense, including the calling of witnesses
- Right to question witnesses
- Right to be accompanied by an advisor for advisory purposes only, but not for representation
- Right to be notified, in writing, of all findings and sanctions imposed, as outlined in the Bylaws
- Right to appeal the decision, as outlined in the IFC Bylaws
- Right against double jeopardy

The Petitioner argued that these rights extended to informal hearings with the EVP, as well as formal hearings before the Judicial board. The Respondent cited the Bylaws, which specifies that these rights are guaranteed to member fraternities “In appearing before the Judicial Board...”

The Student Court determined that the bylaws dictate these rights only for fraternities before the Judicial Board, not fraternities appearing before the EVP. With all Justices concurring, the Court found that these rights do not apply to informal hearings.

North-American Interfraternity Conference Judicial Training Guide

FAU IFC is a part of the North-American Interfraternity Conference (NIC) and must adhere to all rules, regulations, and policies set forth in their international constitution and bylaws. IFC argued that the Judicial Guide published by NIC constitutes a part of their international governing documents and must be adhered to. The Petitioner argued that these simply serve as sample judicial procedures and as a guide for training each IFC Vice President of Judicial Affairs. When reading the guide, it clearly labels the document as a resource for Judicial Affairs officers and as a sample for new IFCs to create their judicial procedures. With all Justices concurring, the Court found that the Judicial Guide published by IFC does not count as an IFC governing document.

Sanctions Given by IFC to Pi Kappa Alpha

The resolution offered by the IFC EVP after the informal IFC Judicial Hearing proposed that Pi Kappa Alpha be suspended from hosting or co-hosting wet social events from September August 20th to September 20th, 2022. Following this suspension, Pi Kappa Alpha would be allowed to hold wet social events but would not be allowed to hold TPV events until October 21st, 2022. The IFC Bylaws state that the IFC Judicial Board has the power to put a member fraternity on probation, which includes:

- Chapter will be fined \$150.00 dollars
- Chapters will not be allowed to have events during the week (Monday- Thursday) unless they have either a philanthropic or academic intent.
- Organizations are limited to two wet social events a month
- Monthly grade reports must be turned into the Executive Vice President on the 14th day of every month. The Executive Vice President will dictate what the Grade Report should include.

- President or academic chair must meet with a staff member in the CLASS office to go over valuable resources that our campus offers by the third week of the semester. Proof must be shown to the Executive Vice President

The Petitioners argued that the full suspension from wet events is not included in this list and the EVP was not allowed to offer this solution. The Respondent argued that they had the right to take these actions because they were listed in the Judicial guide published by NIC. Even though the Court found that the NIC guide did not count as a part of their governing documents, the Respondent was allowed to propose these sanctions under Article IX, Section H (f)(3), which states that “The IFC Judicial Board has the power to impose sanctions such as but not limited to...” and then proceeds to list the actions that the Judicial Board can take. The Student Court finds that the sanctions the Judicial Board can take are the same sanctions that the EVP can offer in an informal hearing resolution. Because it states that the list is non-exhaustive, it was within the right of the IFC EVP to issue the sanctions to Pi Kappa Alpha in the resolution, even though they were not on the list. With all Justices concurring, the Court found that IFC was within their rights to offer the total wet-event prohibition in the resolution.

IFC Judicial Process Training

Article IX Section A of the IFC Bylaws lays out that “The IFC will provide annual training to member chapters on its IFC Judicial Code and Judicial Process (conducted by the EVP).” Both parties agreed that this had never been conducted prior to the judicial procedures beginning for Pi Kappa Alpha. The Petitioners argued that, because this training was not given to the President of Pi Kappa Alpha prior to this process beginning, the President did not know what he was signing and, thus, had his due process rights violated. The Respondents argued that they

only conduct the training on an as-needed basis, which is if there is ever a formal Judicial Board Hearing.

By a majority vote, with Justices Thervil and Tal in the majority, the Student Court decided that the lack of the judicial training for chapter Presidents did not violate due process rights. In the Notice of Charges sent by the EVP to Pi Kappa Alpha, it gave them the right to bring an advisor to the informal hearing with the EVP. Even without the judicial training, the President still had the ability to bring someone who knew about these processes and would be able to advise them during the hearing. The fact that they did not receive the training did not deny them due process.

Dissenting Opinion by Chief Justice Cohen

The issue of providing training for someone going through the judicial process is crucial to this case. When the Pi Kappa Alpha President got the Notice of Charges, it is probable that he did not know where to go from there. It is possible that he agreed to the resolution proposed by the EVP without consulting a single other member of his chapter or an advisor. Without the judicial training, we cannot guarantee that he knew all of the information regarding the process or what was the best course of action. The IFC Bylaws stipulate that the judicial training should be held every year, not before any formal Judicial Board hearing. Because IFC did not provide this training, the right of Pi Kappa Alpha to understand the judicial process was violated.

Formal Hearing for Pike Charge

An argument made by the Petitioner was that Pike should have been immediately referred to the full IFC Judicial Board because they were still serving a suspension. IFC argued that because the suspension came from the Dean of Students office and not IFC, the complaint could

proceed through their normal judicial process. Looking at the IFC Bylaws, it states: “Any Fraternity, which is found in violation of an offense while on pre-existing sanctions, will be immediately referred to the IFC Judicial Board.” This bylaw does not specify whether this sanction must come from the Dean of Students or IFC. Because Fraternity & Sorority Life is regulated by the University, the Student Court believes that the suspension from the University qualifies under this section and Pike should have immediately been brought to a hearing before the IFC Judicial Board. With all Justices concurring, the Court finds that Pike should have immediately been brought before the IFC Judicial Board rather than been offered an informal hearing.

IFC Constitution/Bylaws Violations & Due Process Rights

After reviewing all evidence, the Student Court, with all Justices concurring, found that portions of the IFC Constitution and Bylaws were violated during the course of the IFC judicial process for Pike. The Court further found that these violations deprived the Petitioner of their due process rights in IFC.

IV. CONCLUSION

In this case, the Student Court finds that the IFC Constitution and Bylaws were violated during the course of the IFC judicial process for Pi Kappa Alpha. The Student Court further finds that these violations deprived the Petitioners of their right to due process. In the case of S.C 2022.01 *The Pi Kappa Alpha Fraternity Lambda Beta Chapter v. Florida Atlantic University Interfraternity Council*, the Student Court finds for the Petitioner.

Although the Student Court finds for the Petitioner, no relief will be granted to the Petitioner as a result of this petition. By a majority vote, with Justices Thervil and Tal in the majority, the Student Court declined to grant any relief. The Student Court finds that it is not the

place of the Court to either completely or partially waive the sanctions. Because this generally falls within the scope of IFC and they had the right to grant that sanction, the Student Court does not believe that granting this relief is warranted.

Dissenting Opinion on Granting Relief by Chief Justice Cohen

After considering all of the information, the due process rights of Pi Kappa Alpha were violated throughout the IFC judicial process. When considering whether to grant relief, two factors must be considered: is it the jurisdiction of the Student Court to grant this relief, or is the Court *allowed* to grant the relief, and *should* the Court grant this relief. When looking at whether to grant relief, my general philosophy is that the Student Court has the authority to take reasonable actions necessary to carry out their jurisdiction. The jurisdiction to hear this case, as established by the Student Court voting to move this petition to a hearing, is established in the Student Government Constitution. Partially waiving these sanctions is reasonable for the due process rights that the Student Court determined the Respondent had violated. Because of this, the Student Court both has the authority to grant this relief and some relief was warranted in this case.



Benjamin M. Cohen

Chief Justice