Kansas State University
Panhellenic Council Judicial Policies
February 2013

Article V. Section 3: Panhellenic Judicial Board Mediation and Procedures

Section 1: Judicial Board
Each College Panhellenic Association shall establish a judicial board for the limited purpose of handling member group infractions of:

1. NPC Unanimous Agreements.
2. College Panhellenic bylaws and/or other governing documents.
5. College Panhellenic standing rules.

A. The composition and duties of the judicial board must be defined in the College Panhellenic bylaws.
B. The Panhellenic Council, through its elected officers, shall select and train a workable judicial board based on the needs of the campus.
C. The duties and responsibilities of the judicial board must be consistent with this and all other NPC Unanimous Agreements.
D. All NPC judicial forms shall be used to ensure proper documentation and adherence to the NPC Unanimous Agreements. Judicial forms are available on the NPC website.
E. Documentation of all judicial proceedings shall be retained by the fraternity/sorority advisor for three years.

Section 2: Judicial Process Overview
A. Fraternities are encouraged to resolve alleged infractions as soon as possible through informal discussion with the involved parties before an infraction is filed.
B. Should the informal discussions be unsuccessful, the judicial process will be set in motion by the filing of a violation report form for an alleged infraction. An infraction can only be filed against a chapter and not against any individual(s). Violations must be reported in the following manner on the College Panhellenic Violation Report available on the NPC website or from the campus Panhellenic:

C. Timing

1. The College Panhellenic Violation Report shall be completed and presented to the president of the Panhellenic council in a timely manner, but not more than 30 calendar days from the date of the alleged infraction (including university/college breaks).
2. If the Panhellenic Council president is unavailable or the violation is against her fraternity, the report shall be presented to a Greek Affairs advisor.
3. The Panhellenic Council president and fraternity/sorority advisor shall review the College Panhellenic Violation Report to ensure it has been filled out completely, including proper signatures and indication of rule(s)/guideline(s) violated. An incomplete report shall be returned to the reporting party for completion prior to proceeding.

D. Proper Reporting Authority
Infractions, excluding recruitment infractions, may only be reported and signed by one of the following:

1. The president of a chapter on behalf of her chapter
   a. Executive officer/board member of a chapter
   b. Panhellenic Council officer
   c. Greek Affairs Staff Member

2. Recruitment infractions may only be reported and signed by one of the following:
   a. The president of a chapter on behalf of her chapter
   b. A Panhellenic Council officer in charge of recruitment or a recruitment counselor
   c. Potential new member
   d. Fraternity/sorority advisor

E. Receipt of Infraction

The following steps should be taken to make certain an infraction is properly received by the College Panhellenic:

1. The College Panhellenic Violation Report is retained by the College Panhellenic president or fraternity/sorority advisor and is available upon request by the accused fraternity.

2. The Panhellenic Council president or fraternity/sorority advisor shall send a copy of the College Panhellenic Violation Report to the NPC area advisor within seven days.

F. Notification of Chapter

1. The Panhellenic Council president shall notify the accused fraternity in writing by delivering the College Panhellenic Notice of Infraction to that chapter president within seven days of receiving the College Panhellenic Violation Report. If the president of the accused fraternity is unavailable, delivery may be made to another appropriate chapter fraternity officer or advisor. The record of delivery shall be documented on the report.

2. A copy of the College Panhellenic Notice of Infraction shall be given to the fraternity/sorority advisor, their National Headquarters and sent to the NPC area advisor within the same time period.

G. Response to Receipt of Infraction

1. Upon receipt of the College Panhellenic Notice of Infraction, the accused fraternity shall contact the College Panhellenic president within seven days to schedule mediation. Mediation shall be held unless the accused fraternity chooses to proceed directly to a judicial hearing.

2. If the College Panhellenic Notice of Infraction is delivered during a college/university break, the mediation/judicial hearing may be scheduled after classes resume or held during the break if all parties are available.

Section 3: Mediation

The purpose of mediation is to find a solution satisfactory to both the party who filed the infraction and the accused fraternity, in accordance with the following documents:

1. NPC Unanimous Agreements
2. Panhellenic Council bylaws
3. Panhellenic Council membership recruitment rules/guidelines
4. College Panhellenic code of ethics
5. College Panhellenic standing rules

The following elements of mediation shall be followed:

1. Mediation shall be closed to the public.
2. All participants in the mediation shall keep strict confidentiality.
3. No more than three participants (including a chapter advisor) shall represent either party and/or each fraternity involved at mediation.
4. In cases of infractions for which a College Panhellenic officer or another individual has information regarding the infraction and did not file the infraction, then the person shall attend only for the purpose presenting the information, after which he/she shall be excused from the mediation.

Mediator guidelines:

1. The Panhellenic Council president, in agreement with the fraternity/sorority advisor, shall appoint a neutral party to serve as the mediator.
2. Though it is preferable that a Greek Affairs advisor for Panhellenic not serve as the mediator, the advisor can serve if he/she did not file the infraction or has not been involved with the reported incident.
3. The mediator shall not be an undergraduate student.
4. All parties must sign a summary of the mediation proceedings on the College Panhellenic Mediation Summary Report indicating the outcome of the mediation and their acceptance of the sanctions. The forms are available on the NPC website. A copy of the report shall be retained by the fraternity/sorority advisor for three years.
5. Within 24 hours of the completion of the mediation, the Panhellenic Council president shall send a copy of the College Panhellenic Mediation Summary Report to the parties designated on the form.

Section 4: Judicial Board Hearing

A. If an agreement is not reached during the mediation process, a judicial board hearing shall be held.
B. The accused party may choose to go directly to a judicial hearing instead of mediation.
C. The Panhellenic Council shall follow procedures for judicial board hearings as already established by its Panhellenic Council bylaws.
D. Hearings shall be closed to the public.
E. No more than three participants (including a chapter advisor) shall represent either party and/or each fraternity involved at a hearing.
F. In cases of infractions for which a Panhellenic Council officer or another individual has information regarding the infraction and did not file the infraction, then the person shall attend only for the purpose of presenting the information, after which he/she shall be excused from the judicial hearing.
G. In cases of infractions for multiple member organizations of the Panhellenic Council, each member organization shall have separate hearings regarding the violation and possible sanctions for their organization.
H. All parties must sign a summary of the hearing proceedings on the College Panhellenic Judicial Board Hearing Summary Report indicating the outcome of the hearing. Forms are available on the NPC website. A copy of the report should be retained by the fraternity/sorority advisor for three years.
I. Within 24 hours of the completion of the judicial hearing, the Vice President and Judicial Affairs Officer shall send a copy of the College Panhellenic Judicial Board Hearing Summary Report to the parties designated on the form.

Section 5: Sanctions

A. Appropriate Sanctions
   The Panhellenic Council Judicial Board shall strive to achieve a fair and reasonable resolution for infractions. Sanctions should fit the nature and degree of the offense.
   1. Monetary fines shall be acceptable only for a measurable offense of the Panhellenic Council’s governing documents or stated membership recruitment rules.
   2. The amounts of monetary fines shall be predetermined by a vote of the Panhellenic Council and stated in the Panhellenic standing rules and/or membership recruitment rules prior to the beginning of recruitment.
   3. Examples of reasons for monetary fines may be limited to the following:
      a. Late recruitment event invitation lists
      b. Recruitment events that exceed designated event times
      c. Prohibited postings on social media outlets
      d. Required chapter attendance at Panhellenic-sponsored events
   4. Requiring chapters to write a reflection paper detailing how/why their behavior was inconsistent with their own chapter's founding values.

Sanctions shall not:
   1. Forbid formal or informal recruitment activities or the observance of an inter/national fraternity event such as an educational program, ritual ceremony or historical celebration.
   2. Affect a fraternity chapter’s quota or total.
   3. Affect the time of new member acceptance and/or initiation.
   4. Forbid the right of an NPC fraternity to vote in Panhellenic Council meetings.
   5. Include removal from the Panhellenic Council

B. Duration of Sanctions
   The duration of any penalty imposed shall not exceed one calendar year from the time the decision is final.

C. NPC Notification of Sanctions
   Within 24 hours of the completion of mediation or the judicial board hearing, the Panhellenic Council president or the Vice President and Judicial Affairs Officer shall send a copy of the College Panhellenic Mediation Summary Report or College Panhellenic Judicial Board Hearing Summary Report (not including the minutes) to parties indicated on the report form.

Section 6: Appeals

A. The decision of the Panhellenic Council judicial board may be appealed by any involved party to the NPC College Panhellenic Judicial Appeals Committee.
   1. An appeal shall be filed with the Panhellenic president, using the process referenced in the judicial resource section in the Manual of Information and on the appeal form, within seven days of the decision.
2. The NPC Judicial Appeals Committee shall reverse or uphold the decision of the Panhellenic Council judicial board. The NPC Judicial Appeals Committee may also dismiss or modify sanctions as the committee deems appropriate.

3. Any penalty shall begin only after all properly filed appeal(s) decisions have been rendered. If a sanctioned fraternity wants to fulfill all or part of the sanctions pending the outcome of a filed appeal(s), the fraternity shall have that option.

B. If the NPC College Panhellenic Judicial Appeals Committee is unable to resolve the appeal, the Judicial Appeals Committee chairman shall be responsible for the further conduct of the case. All data regarding the appeal shall be submitted in the following order, as needed, until resolution can be determined:
   A. Inter/national presidents of the fraternity(s) involved
   B. NPC Executive Committee
      a. National Panhellenic Conference Board of Directors. The decision of the board of directors shall be final.

Section 7: College Panhellenic Judicial Board
A. Organization and Function
   Any judicial board organization and plan for operation selected or developed by the Panhellenic Council must be used in conjunction with the NPC Unanimous Agreement VII, the Panhellenic Council bylaws and other governing documents, the Panhellenic code of ethics, membership recruitment rules/guidelines and the Panhellenic Council standing rules.

B. Judicial Board Composition
   College Panhellenic Judicial Board Membership
   1. In accordance with the Panhellenic Council bylaws, the judicial board is composed of (5) collegiate members and a Greek Affairs Staff Member (nonvoting ex-officio member).
   2. Each Member Organization of the Kansas State University Panhellenic Council shall have two representatives that are to serve as a Judicial Board Pool. This pool will provide (5) representatives that are not from the alleged chapter and will be based on availability.

Members include:
   1. Chairman: To be served by the Vice President and Judicial Affairs Officer of the Panhellenic Council. If the Vice President and Judicial Affairs Officer cannot serve, the Panhellenic Council President will serve in her place.
   2. There shall be a board of (5) members. These members will be selected from the Judicial Board Pool.
   3. The Judicial board pool will consist of two delegates from each member organization of the Panhellenic Council. These members will be the Panhellenic Delegate and Assistant Delegate. If the Assistant Delegate is a Chapter President she must appoint another non-executive board officer member to serve in her place.
   4. The Greek Affairs Advisor shall serve as a nonvoting ex-officio member of the judicial board. If the fraternity/sorority advisor is unable to attend a meeting, a non-collegiate representative will be chosen by a majority vote of the judicial board
5. A Panhellenic judicial board member must be an initiated, undergraduate member in good standing (according to the definition of her respective chapter) and at least a 2.5 GPA at the time of appointment and throughout her term.

6. The judicial board members shall participate in training to be educated about the purpose of the board, the rules and regulations the judicial board will monitor, the procedures to be followed, proper questioning techniques, the rights of the charged organizations, evaluating evidence, and deliberations and sanctioning.

Section 8: Duties of the College Panhellenic Judicial Board

A. The Panhellenic judicial board shall:
   1. Handle all alleged violations of NPC Unanimous Agreements and the Panhellenic Council constitution, bylaws, code of ethics, membership recruitment rules/guidelines and standing rules (required by the NPC Unanimous Agreements) that are not settled in the mediation process.
   2. Educate member fraternities about the Panhellenic judicial procedure.
   3. Participate in training designed to educate judicial board members about the purpose of the board, the rules and regulations the judicial board will monitor, the procedures to be followed, proper questioning techniques, the rights of the charged organizations, evaluating evidence, and deliberations and sanctioning.
   4. Conduct a fair hearing with impartial judicial board members following the NPC Unanimous Agreement VII, College Panhellenic Association Judicial Procedure.
   5. Maintain confidentiality throughout and upon completion of the judicial process. (UA VII)
   6. Create and maintain proper documentation. Documentation should be retained by the vice president of judicial affairs or chairman and the fraternity/sorority advisor for three years. (UA VII)

B. Duties of the Judicial Board Chairman

The Panhellenic Council judicial board chairman shall:
   1. Coordinate the training of the judicial board members with the fraternity/sorority advisor.
   2. Implement the NPC Unanimous Agreement VII, the College Panhellenic Association Judicial Procedure.
   3. Determine whether any collegiate judicial board members need to be excused (recused) from serving because of a conflict of interest.
   4. Provide involved chapter(s) with a copy of the “College Panhellenic Judicial Board Guidelines and Procedure” (this document).
   5. Preside at judicial hearings

Section 9: Informal Discussion

All member groups are encouraged to resolve alleged infractions as soon as possible through informal discussion with the involved parties before an infraction is filed. If the accusing chapter representative is comfortable confronting the representative(s) of the accused chapter, NPC encourages informal discussion between the disputing chapters. Often a mutual understanding can be reached and the situation is resolved between the two parties without further action needed.
Section 10: How to File an Infraction

Should the informal discussion be unsuccessful, the judicial process will be set in motion by filing of a violation report form for the alleged infraction by one of the designated individuals allowed to file infractions. Report forms are available on the NPC website or from the Panhellenic Council. Forms must be completed and presented in a timely manner but not more than 30 calendar days from the date of the alleged infraction. The accused chapter, national headquarters, and organization advisor shall be notified in writing, both by mail and email, within seven days of receipt of the infraction violation report form. The notification letter must contain specific charges.

A. There are six forms involved in this process:
   1. College Panhellenic Violation Report
   2. College Panhellenic Notice of Infraction
   3. College Panhellenic Mediation Summary Report
   4. College Panhellenic Judicial Board Hearing Summary Report
   5. College Panhellenic Judicial Board Hearing Minutes
   6. College Panhellenic Notice of Appeal

B. The proper reporting authority to file any infraction, other than a recruitment infraction, is:
   1. The president of a chapter on behalf of her chapter.
   2. An executive officer/board member of a chapter.
   3. The College Panhellenic Interf officer.
   4. The fraternity/sorority advisor.

C. The proper reporting authority to file a recruitment infraction is:
   1. The president of a chapter on behalf of her chapter.
   2. The College Panhellenic officer in charge of recruitment or a recruitment counselor.
   3. A potential new member.
   4. The fraternity/sorority advisor.

1. Upon receipt of the College Panhellenic Notice of Infraction, the accused sorority shall contact the College Panhellenic president within seven days to schedule mediation. Mediation shall be held unless the accused group chooses to proceed.

Section 11: Judicial Board Hearing

The purpose of a judicial board hearing is to resolve an alleged violation of the rules of the “parent organization,” in this case, the National Panhellenic Conference. Specifically, the rules are the NPC Unanimous Agreements, the Panhellenic Council bylaws and governing documents, membership recruitment rules/guidelines, Panhellenic code of ethics, and the Panhellenic Council standing rules. In all cases, the primary goal is to reach a fair and equitable decision based on a peer review.

A. A judicial board hearing should be conducted in a manner that adheres to certain guidelines and achieves the goal of reaching a fair and equitable decision. Guidelines established in the NPC Unanimous Agreements that shall be followed include:
   1. Judicial board hearings shall be closed to the public. (UA VII)
   2. The participants in the judicial board hearing shall be representatives from each fraternity involved. No more than three people (including a chapter advisor) shall represent either party and/or each fraternity involved at a hearing.
3. There may be some instances when more than one group files an infraction on another group. If there are multiple accusing parties, the accusing parties should choose no more than three people to represent all accusing parties filing infractions (including chapter advisor).

4. In cases of infractions for which a Panhellenic Council officer or another individual has information regarding the infraction and did not file the infraction, then the person shall attend the hearing only for the purpose of presenting the information, after which he/she shall be excused from the hearing.

5. Written minutes must be taken at the time of the judicial board hearing. (UA VII)

6. Penalties/sanctions should be assessed to fit the nature and degree of the offense. (UA VII)

7. Information on the appeals process shall be presented at the close of the judicial board hearing. (UA VII)

8. All parties must sign a summary of the hearing proceedings on the College Panhellenic Judicial Board Hearing Summary Report indicating the outcome of the hearing. Forms are available on the NPC website. A copy of the report should be retained by the fraternity/sorority advisor for three years. Within 24 hours of the completion of the mediation, the Panhellenic Council officer responsible for the judicial process shall send a copy of the College Panhellenic Judicial Board Hearing Summary Report to the parties designated on the form.

9. The proper notification and reporting forms must be used. (UA VII)

10. All documents associated with an investigation or judicial board hearing shall be kept by the vice president of judicial affairs (or chairman in charge of judicial procedure) in a locked file cabinet in the Panhellenic office for three years. The fraternity/sorority advisor will also keep a copy of the hearing minutes and the decision in the Panhellenic files in his or her office. (UA VII)

11. On campuses where the small size of the College Panhellenic makes a judicial hearing ineffective because of conflicts of interest and mediation has proved to be ineffective, the case may be referred directly to the NPC College Panhellenic Judicial Appeals Committee.

12. Chapters involved in a hearing have the right to consult with a representative from their inter/national organization.

13. Witnesses will be called one at a time and may remain in the hearing room only during their testimony.

14. Following the completion of the hearing, the judicial board members hearing the case and the fraternity/sorority advisor will go into executive session for deliberations.

15. Deliberations are confidential, and comments are not to be reported outside of the room, with the exception of the official written decision recorded on the College Panhellenic Mediation Summary Report or College Panhellenic Judicial
Board Hearing Summary Report and the official oral statement given by the chairman to the parties.

Section 12: Judicial Board Hearing - Order of Events

1. Call to order by the chairman and Introductions
2. Charges read by chairman
3. Opening statement by complaining party/accused party (may limit time).
4. Complaining party calls witnesses one at a time; accused may cross-examine any witness. Accused calls witnesses one at a time; complaining party may cross-examine any witness.
5. Judicial board members may, at any time, ask questions of the witnesses.
6. Closing statement (complaining party then accused party).
7. Judicial board members enter executive session for deliberation (only members of the judicial board hearing the case and the fraternity/sorority advisor remain in the hearing room).
8. Chairman restates charges and puts motion before the board. (See board hearing script)
9. Chairman requests motion(s) from members of the judicial board.
10. Discussion of motion(s)
11. Vote on motion(s). The members of the judicial board vote “yes” or “no.”
12. A guilty verdict requires a majority of the judicial board members.
13. If a chapter is found guilty of the charges, the judicial board must then determine the appropriate sanctions following the guidelines established in the Panhellenic Council judicial procedure.
14. The hearing is reconvened, and the decision of the judicial board is then read to the complaining and accused parties. Witnesses are not in attendance at this time.
15. The verdict and/or sanctions must be put in writing on the College Panhellenic Judicial Board Hearing Summary Report and signed by the parties listed on the report.
16. Information regarding the appeals process must be provided using the College Panhellenic Notice of Appeal at the time the decision is read.

Section 13: Appeals Process

An appeal of the judicial board decision may be made by following the appeals procedure as outlined in the NPC Unanimous Agreements VII, College Panhellenic Judicial Procedure.