

Judicial Procedures of Baker University Panhellenic Association

**Adapted from
National Panhellenic Council
Manual of Information 2016**

CODE OF ETHICS Baker University

We, the undergraduate members of women's fraternities at Baker University, pledge to promote honesty, respect, and sisterhood through compliance with the Unanimous Agreements and all amendments established by the National Panhellenic Conference. We agree to honor and promote the Panhellenic spirit through work, and action through our chapters and as individual members. We encourage friendly relations with all collegiate women, Greek and non-Greek, realizing the importance of creating friendships. We shall maintain the relationships between the chapters and with the Panhellenic Council in order to establish a more efficient management of information. We encourage the dignity of fraternity women in avoiding publicity on Panhellenic matters, which are not the concern of non-members. Recruitment programs will be conducted to provide opportunities for the greatest number of women to become fraternity members, while protecting the rights and privileges of both the individuals and the chapters. These are the principles by which we strive to live.

Purpose of Judicial Procedures

To create a fair and impartial environment for consistent treatment of chapters and council officers.

INFRACTIONS

HOW TO FILE AN INFRACTION

If the informal discussion is unsuccessful, the judicial process will be set in motion when one of the designated individuals allowed to file infractions files a violation report form for the alleged infraction. All report forms are available on the NPC website or from the College Panhellenic. Complete and present the College Panhellenic Violation Report in a timely manner but not more than 30 days from the date of the alleged infraction. Notify the accused chapter in writing within seven days of receiving the violation report form by using the College Panhellenic Infraction Notice form.

There are six forms involved in this process:

- College Panhellenic Violation Report
- College Panhellenic Infraction Notice
- College Panhellenic Mediation Summary Report
- College Panhellenic Judicial Board Hearing Summary Report
- College Panhellenic Judicial Board Hearing Minutes
- College Panhellenic Appeal Notice

These forms are available to download from npcwomen.org and in the Resource

Information section of this manual. The proper reporting authority to file any infraction, other than a recruitment infraction, is:

- The chapter president on behalf of her chapter.
- A chapter executive officer/board member on behalf of her chapter.
- A College Panhellenic officer.
- University Faculty/Staff or Administrator
- The fraternity/sorority advisor.

The proper reporting authority to file a recruitment infraction is:

- The chapter president on behalf of her chapter.
- The College Panhellenic officer in charge of recruitment or a recruitment counselor.
- A potential new member.
- The fraternity/sorority advisor.

Upon receiving the College Panhellenic Infraction Notice, the accused sorority contacts the College Panhellenic president within seven days to schedule mediation. Hold mediation unless the accused chapter chooses to proceed directly to a judicial hearing.

A. Proper Reporting Authority

- i. Infractions, excluding recruitment infractions, may only be reported and signed by one of these people:
 - Chapter president on behalf of her chapter
 - Chapter executive officer/board member on behalf of her chapter
 - College Panhellenic officer
 - University Faculty/Staff or Administrators
 - Fraternity/sorority advisor
- ii. Recruitment infractions may only be reported and signed by one of these people:
 - Chapter president on behalf of her chapter
 - College Panhellenic officer in charge of recruitment or a recruitment counselor
 - Potential new member
 - Fraternity/sorority advisor

B. Receipt of Infraction

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

- The College Panhellenic Violation Report is retained by the College Panhellenic president or fraternity/sorority advisor and is available upon request by the accused sorority.
- The College Panhellenic president or fraternity/sorority advisor shall send a copy of the College Panhellenic

Violation Report to the NPC area advisor within seven days.

INFORMAL DISCUSSION

All member organizations are encouraged to resolve alleged infractions as soon as possible through informal discussion with the involved parties before filing an infraction. If the accusing chapter representative is comfortable confronting the representatives of the accused chapter, NPC encourages informal discussion between the disputing chapters. Often the two parties can reach a mutual understanding and resolve the situation without further action needed.

- A. 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 individuals. Violations must be reported in the following manner on the College Panhellenic Violation Report available on the NPC website or from the College Panhellenic:
- B. Timing
 - The College Panhellenic Violation Report shall be completed and presented to the president of the College Panhellenic Association in a timely manner, but not more than 30 calendar days from the date of the alleged infraction (including university/college breaks).
 - If the College Panhellenic president is unavailable or the violation is against her sorority, the report shall be presented to the fraternity/sorority advisor.
 - The College Panhellenic president and fraternity/sorority advisor shall review the College Panhellenic Violation Report to ensure that it has been filled out completely, including proper signatures and indication of rules/guidelines violated. An incomplete report shall be returned to the reporting party for completion before proceeding.
- C. Notification of Chapter
 - The College Panhellenic president shall notify the accused sorority in writing by delivering the College Panhellenic Infraction Notice to that chapter president within seven days of receiving the College Panhellenic Violation Report.
 - If the president of the accused sorority is unavailable, delivery may be made to another appropriate chapter sorority officer or advisor. The record of delivery shall be documented on the report.
 - A copy of the College Panhellenic Infraction Notice shall be given to the fraternity/sorority advisor and sent to the NPC area advisor within the same time period.
- D. Response to Receipt of Infraction
 - Upon receipt of the College Panhellenic Infraction Notice, the accused sorority shall contact the College Panhellenic president within seven days to schedule mediation.

- Mediation shall be held unless the accused sorority chooses to proceed directly to a judicial hearing.
- If the College Panhellenic Infraction Notice 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.

MEDIATION

PANHELLENIC MEDIATION PROCESS

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

- NPC Unanimous Agreements
- College Panhellenic bylaws
- College Panhellenic membership recruitment rules/guidelines
- College Panhellenic code of ethics
- College Panhellenic standing rules

Mediation is an off-the-record attempt to settle a dispute. In essence, it is a facilitated negotiation. Mediation is closed to the public, and all participants in the mediation process must keep strict confidentiality — including the outcomes.

Sign and complete the proper documentation and forms (available on the NPC website) indicating the outcomes of the mediation session, and distribute as indicated on the forms.

MEDIATOR

The mediator is a neutral person with a clear understanding of the mediation process. It should not be an undergraduate student. Although it is preferable that the fraternity/sorority advisor 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. The mediator is not a decision maker but must control the process. The parties need to agree to this prior to starting mediation. The mediator sets the tone: somewhat informal but structured. The mediator can assist the parties in understanding the issues and in reaching a satisfactory resolution — or in deciding that the matter cannot be resolved without further action. The mediator must not have a vested interest in the outcome of the case.

PARTIES INVOLVED

Both the accused and the accuser must be willing to be open and candid. All records pertaining to the action should be available for both parties to review. The parties must be willing to work toward an agreement.

WHO MAY ATTEND

The persons attending representing each chapter must be able to make decisions for their organization. Likely attendees are the chapter president and in the case of a recruitment infraction, the recruitment chairman. No more than three participants (including a chapter advisor) shall represent either party and/or each sorority at mediation. The chapter advisor has the benefit of knowledge and experience beyond the undergraduate members and could be a benefit to both parties.

There may be some instances when more than one chapter files an infraction on another chapter. If there are multiple accusing parties, the accusing parties can choose no more than three people to represent all accusing parties filing infractions (including a chapter advisor).

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

Mediation is most effective if the parties involved tell their versions of the event, and the chapter advisor acts as an advisor. In other words, the college women representing their respective chapters need to do the talking but should have the benefit of conferring with their chapter advisor when they believe it is necessary.

SETTING

It is most important that both parties believe that the mediation is held in a neutral place. An oval or rectangular table with the parties facing one another and the mediator at the head of the table gives reassurance that this is a serious forum.

PROCESS

Mediation outcomes should not be determined in advance by the Panhellenic. The mediator begins by setting the ground rules regarding the behavior of all involved in the mediation. Each side should be allowed to tell its version of the events in an uninterrupted, civil manner. Each party is encouraged to take notes so that if questions arise that need answers, those questions can be asked later after each side has had the opportunity to give information. Minutes are not taken at the mediation. The parties should be advised that it might be necessary for the mediator to meet with the parties individually to reach an agreement. In the individual meetings, also called caucuses, the parties may give the mediator information that she/he cannot divulge to the other party without specific clearance. The mediator may need to meet with the parties separately more than once and may spend different amounts of time with each side.

The following elements of mediation shall be followed:

- Mediation shall be closed to the public.

- All participants in the mediation shall keep strict confidentiality.
- No more than three participants (including a chapter advisor) shall represent either party and/or each sorority involved at mediation.
- 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 of presenting the information, after which he or she shall be excused from the mediation.

MEDIATION CONCLUSION

At the mediation's conclusion, the mediator meets with the parties and their chapter advisors to complete the College Panhellenic Mediation Summary Report indicating the outcome and the acceptance of any agreed-upon follow-up action or sanctions. On the College Panhellenic Mediation Summary Report, the mediator summarizes the conclusion of the mediation, which all parties sign. The fraternity/sorority advisor retains a copy of the report for three years. Within 24 hours of completing the mediation, the College Panhellenic president sends a copy of the College Panhellenic Mediation Summary Report to all parties designated on the form. If an agreement is not reached during the mediation process, a judicial board hearing shall be held. The accused party may choose to go directly to a judicial board hearing instead of mediation. The College Panhellenic shall follow procedures for judicial board hearings as already established by its College Panhellenic Association bylaws.

COLLEGE PANHELLENIC JUDICIAL BOARD

Organization and function

Any judicial board organization and operating plan selected or developed by the College Panhellenic must be used in conjunction with NPC Unanimous Agreement VII, the College Panhellenic bylaws and other governing documents, the Panhellenic code of ethics, membership recruitment rules/guidelines and the College Panhellenic standing rules.

The goal is to create a document that fits the needs of the College Panhellenic Association and the campus. Below is a sample that includes several suggestions and options. Choose those that are appropriate for your College Panhellenic, and add other items if needed. However, there are certain items that are required by the NPC Unanimous Agreements that must be included. Those items are noted.

THE PANHELLENIC JUDICIAL BOARD:

- Handles all alleged violations of NPC Unanimous Agreements and the College Panhellenic bylaws, code of ethics, membership recruitment rules/guidelines, standing rules and any other governing documents that are not settled in the mediation process.

- Educates member sororities about the Panhellenic judicial procedure.
- Participates in training designed to educate judicial board members about the purpose of the board, the rules and regulations the judicial board monitors, the procedures to follow, proper questioning techniques, the rights of the charged organizations, evaluating evidence, and deliberations and sanctioning.
- Conducts a fair hearing with impartial judicial board members following Unanimous Agreement VII. College Panhellenic Association Judicial Procedure.
- Maintains confidentiality throughout the judicial process.
- Creates and maintains proper documentation. The fraternity/sorority advisor retains documentation for three years.

PANHELLENIC JUDICIAL BOARD MEMBER INCLUDE:

- Chairman (may be elected or appointed); votes
- Vice chairman (may be elected or appointed); votes.
- 6 members (2 member from each chapter) representing sororities holding regular or associate (if provided for in the College Panhellenic bylaws, Article III) membership in the College Panhellenic Association; each votes
- The fraternity/sorority advisor as an ex-officio member; does not vote.

Judicial board members should recuse themselves or not participate in a hearing if it involves a conflict of interest.

The composition and duties of the judicial board must be defined in the College Panhellenic bylaws. All members of the judicial board must be collegians from the College Panhellenics' member organizations.

A College Panhellenic, through its officers, shall select and train a workable judicial board based on campus needs.

The duties and responsibilities of the judicial board must be consistent with this and all other NPC Unanimous Agreements.

JUDICIAL BOARD CHAIRMAN DUTIES:

- Coordinates the training of the judicial board members with the fraternity/sorority advisor.

- The Judicial Board shall educate member fraternities about the Panhellenic judicial procedure.
- Implements Unanimous Agreement VII. College Panhellenic Association Judicial Procedure.
- Determines whether any collegiate judicial board members need to be excused or recused from serving because of a conflict of interest.
- Provides involved chapters with a copy of Unanimous Agreement VII. College Panhellenic Judicial Procedure.
- Presides at judicial hearings.

The vice chairman will assume the duties and responsibilities of the chairman in cases where the chairman must be recused because of a conflict of interest. In cases where both the chairman and vice chairman must be recused, the remaining judicial board members will select a member to serve as chairman. A judicial board member serves as secretary and takes minutes of hearings. This responsibility may rotate among the judicial board members.

If the fraternity/sorority advisor can't attend a meeting, he/she will appoint a non-collegiate institution representative to attend in his/her place.

JUDICIAL BOARD HEARING

The purpose of a judicial board hearing is to resolve an alleged violation of the NPC Unanimous Agreements, the College Panhellenic bylaws, membership recruitment rules/guidelines, Panhellenic code of ethics, standing rules and any other College Panhellenic governing documents. In all cases, the primary goal is to reach a fair and equitable decision based on a peer review.

Each College Panhellenic Association shall establish a judicial board for the limited purpose of handling member organization infractions of:

- NPC Unanimous Agreements
- College Panhellenic bylaws and/or other governing documents
- College Panhellenic membership recruitment rules/guidelines
- College Panhellenic code of ethics
- College Panhellenic standing rules

NPC does not recognize a judicial board that includes male members.

Follow these guidelines as established in Unanimous Agreement VII for Judicial Board

Hearings:

- Use proper notification and reporting forms. 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.
- Written and/or email notification to the charged organization chapter president, alumni/ae advisors, inter/national headquarters Executive Director of hearing date, time and specific charges.
- Judicial board hearings are closed to the public.
- Participants in the judicial board hearing are representatives from each sorority involved. No more than three people, including a chapter advisor, represent either party and/or each sorority involved at a hearing.
- There may be some instances when more than one chapter files an infraction on another chapter. 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 advisors.
- In cases of infractions for which a College Panhellenic officer or another individual has information regarding the infraction and did not file it, then the person attends the hearing only for the purpose of presenting the information, after which he/she is excused from the hearing.
- Take written minutes during the judicial board hearing.
- Present information on the appeals process at the close of the judicial board hearing.
- 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. The fraternity/ sorority advisor retains a copy of the report for three years. Within 24 hours of completing the hearing, the College Panhellenic officer responsible for the judicial process sends a copy of the College Panhellenic Judicial Board Hearing Summary Report to the parties designated on the form.
- All documents associated with an investigation or judicial board hearing shall be kept in a confidential location for three years by the fraternity/sorority advisor.
- On campuses where the small size of the College Panhellenic makes a judicial hearing ineffective because of conflicts of interest and mediation has proved

ineffective, the case may be referred directly to the NPC College Panhellenics Judicial Appeals Committee.

- Assess penalties/sanctions to fit the nature and degree of the offense.

Additional guidelines may include:

- The judicial board chairman serves as the hearing officer unless she has been recused. In that case, the vice chairman serves as the hearing officer.
- Chapters involved in a hearing have the right to consult with a representative from their inter/national organization.
- Witnesses are called one at a time and may remain in the hearing room only during their testimony.
- After the hearing, the judicial board members hearing the case and the fraternity/sorority advisor go into an executive session for deliberations.
- Deliberations are confidential, and comments are not to be reported outside the room, with the exception of the official written decision recorded on the College Panhellenic Judicial Board Hearing Summary Report and the official oral statement given by the chairman to the parties.
- The College Panhellenic Judicial Board Hearing Summary and the official oral statement given by the chairman to the parties will be allowed to public access upon request.

SANCTIONS

- Appropriate Sanctions. Each College Panhellenic shall strive to achieve a fair and reasonable resolution for infractions. Sanctions should fit the nature and degree of the offense. Sanctions will serve as future deterrent and educational tool for all parties involved.
- Monetary fines shall be acceptable only for a measurable offense of the Panhellenic's governing documents or stated membership recruitment rules.
- The amounts of monetary fines shall be predetermined by a vote of the College Panhellenic Council and stated in the Panhellenic standing rules and/or membership recruitment rules prior to the beginning of recruitment.
- Examples of reasons for monetary fines may be limited to:
 - » Late recruitment event invitation lists
 - » Recruitment events that exceed designated event times
 - » Prohibited postings on social media outlets

- » Lack of required chapter attendance at Panhellenic sponsored events

Sanctions shall not:

- Forbid formal or informal recruitment activities or the observance of an inter/national sorority event such as an educational program, ritual ceremony or historical celebration.
- Affect a sorority chapter's quota or total.
- Affect the time of new member acceptance and/or initiation.
- Forbid the right of an NPC sorority to vote in College Panhellenic meetings.
- Include removal from the College Panhellenic.

DURATION OF SANCTIONS

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

NPC NOTIFICATION OF SANCTIONS

Within 24 hours of the completion of mediation or the judicial board hearing, the College Panhellenic president or the College Panhellenic officer responsible for the judicial process shall send a copy of the Mediation Summary Report or Judicial Board Hearing Summary Report (not including the minutes) to parties indicated on the report form.

APPEALS

- A. The decision of the College Panhellenic Association judicial board may be appealed by any involved party to the NPC College Panhellenics Judicial Appeals Committee.
 - The College Panhellenic president sends the complete record to the attention of the NPC College Panhellenics Judicial Appeals Committee chairman within 14 days of receiving the Appeal Notice.
 - The record is sent to the NPC office via certified mail, return receipt requested or email to npccentral@npcwomen.org.
 - A copy of the College Panhellenic bylaws, judicial procedure and applicable rules is included in the mailing.
 - The Judicial Appeals Committee shall reverse or uphold the decision of the College Panhellenic Association judicial board. The Judicial Appeals Committee may also dismiss or modify sanctions as the committee deems appropriate.

- Any penalty shall begin only after all properly filed appeal decisions have been rendered. If a sanctioned sorority wants to fulfill all or part of the sanctions pending the outcome of a filed appeal, the sorority shall have that option.
- B. If the NPC College Panhellenics 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:
- Inter/national presidents of the sorority(s) involved
 - NPC Executive Committee
 - NPC Board of Directors; the decision of the board shall be final