

Ball State Panhellenic Judicial Board Policy

I. Judicial Board

A. Purpose of the Judicial Board

Self governance, accountability and education are three important reasons for the Judicial Board to exist within the Panhellenic Council. The self governance component affirms that Judicial Board members are responsible enough to identify and deal with violations of Panhellenic ideals and policies. The accountability component identifies the need to quickly and appropriately confront behavior that violates Panhellenic ideals and policies. The education component assures that training, hearing procedures and sanctions are educational for the individuals and chapters involved as well as the Greek community.

All Panhellenic women have the right to a fair and impartial hearing.

B. Selection of the Judicial Board

1. The Judicial Board is responsible for dealing with violations of:
 - a. Panhellenic Constitution
 - b. Panhellenic Bylaws
 - c. Panhellenic Code of Ethics
 - d. Recruitment Regulations
 - e. NPC UNANIMOUS AGREEMENTS
 - f. Standing Rules
2. The Judicial Board, as a whole, is composed of:
 - a. Panhellenic Vice President of Internal Affairs serving as Chief Justice
 - b. Twelve justices and 12 alternates – one representative from each chapter and one alternate from each chapter
 - c. Panhellenic Advisor and/or Graduate Assistant serving as an ex-officio member
 - d. Panhellenic President as Chief Justice in the event that the Vice President of Internal Affairs cannot serve due to conflict of interest or other extenuating circumstances
3. Requirements for chapter representation:
 - a. Chapter presidents, recruitment officers and risk management officers may not serve as they may be directly involved in answering charges on behalf of their chapters at a hearing
 - b. Women interested in becoming a justice or alternate must meet the following conditions:
 - (i) She must maintain a minimum cumulative GPA of 2.5
 - (ii) She must have been an initiated member of her respective sorority for a minimum of two semesters.
 - (iii) She may not be an officer of the Panhellenic Council.
 - (iv) She must submit an application and interview with elected members of the Panhellenic Executive Board.
 - c. Justices will serve one full-year term. If a woman is interested in serving a second term, she must reapply for membership.

- d. Any justice serving in a particular hearing may not be a member of the chapter (s) involved.

C. Duties of the Judicial Board include:

1. Handling alleged violations of the Panhellenic Constitution and Bylaws, Code of Ethics, Recruitment Regulations, Standing Rules and NPC UNANIMOUS AGREEMENTS, as needed and/or if mediation is not successful.
2. Educating each chapter about the Panhellenic judicial procedures.
3. Participating in training to educate Judicial Board members about the Purpose of the Judicial Board, the rules and regulations the Judicial Board will monitor, the procedures to be followed, proper questioning techniques, the right of the charged organization, evaluating evidence and deliberations and sanctioning.
4. Conducting fair hearings with impartial Judicial Board members who follow adopted procedures.
5. Maintaining confidentiality before, during and after judicial hearings.

D. The Chief Justice is responsible for:

1. Coordinating the training of the Judicial Board members
2. Making arrangements for the hearing as indicated by the Panhellenic president (Location, meeting room, setup, appointment of a secretary among board members and notification of the hearing to the board members and involved chapters)
3. Determining if any Judicial Board members need to be excused from serving because of a conflict of interest.
4. Providing, in writing, involved chapters' presidents and advisors with the hearing arrangements and the agenda of the Judicial Board Hearing Procedures.
5. Presiding over the judicial hearings.
6. Informing, in writing, cited chapters' presidents and their advisors of the verdict, sanctions (if applicable) and the appeals process.

II. Panhellenic Judicial Procedures for Non-Recruitment Violations

A. The College Panhellenic (herein referred to as CPH) Violation Report Form may be used by:

1. A college chapter
2. The Panhellenic Advisor
3. Panhellenic Council officer

B. CPH Violation Report Form

1. Form must be:
 - a. In one, signed by the chapter President or in two and three, by the person filing the report.
 - b. Time, place and witnesses must be specified
 - c. Inclusive of all witnesses (The witnesses specified are the only witnesses allowed to testify in the Judicial Board hearing.)

- d. Completed and submitted to the Panhellenic President in a timely manner, but no more than 30 calendar days from the date of the alleged infraction (including university/college breaks).
2. Violations must be:
 - a. Based on fact, not hearsay or rumor
 - b. Witnessed
3. During school breaks or vacation, above procedures must be followed, then considered at the first Panhellenic meeting when school resumes.

C. Duties of the Panhellenic President

1. When the Panhellenic President receives a signed copy of the Initial CPH Violation Report Form, she must:
 - a. Verify that notification has been made in a timely manner, but no more than 30 calendar days from the date of the alleged infraction.
 - b. Verify the report is specific as to time, place and witnesses.
 - c. Verify the report is based on fact, not hearsay or rumor
 - d. Endorse the report for Judicial Board hearing
 - e. Convene the Panhellenic elective Executive Board members to evaluate the report, conduct and inquiry if indicated and determine if the report will be endorsed for a Judicial Board hearing.
 - f. Forward a copy of an endorsed report within one week of the President's receipt of the CPH Violation Report Form to the cited chapter, chapter advisor, the Panhellenic advisor and the NPC Area Advisor
 - g. Forward to the Panhellenic Vice President of Internal Affairs a copy of any violation that must be adjudicated.

D. Judicial Board Time Line

1. The CPH Violation Report Form must be filed in a timely manner, but no more than 30 calendar days from when the alleged infraction occurred.
2. Panhellenic President must send the CPH Notice of Infraction Form to the accused chapter within one week of receiving the CPH Violation Report Form.
3. The involved chapters' presidents and advisors have one week to schedule mediation or to choose to proceed directly to a judicial board hearing after receiving the CPH Notice of Infraction Form.
4. The Judicial Board hearing must take place no more than one week after the receipt of the CPH Notice of Infraction Form. If the hearing cannot take place within one week, then it should take place as soon as possible.
5. The decision letter and appeal information must be sent to the chapters' presidents and advisors within 24 hours after the Judicial Board hearing.
6. The appeal form must be submitted to the president of the College Panhellenic within 48 hours of the chapter's receipt of the Judicial Board decision.

III. Panhellenic Judicial Procedures for Recruitment Violations

- A. The College Panhellenic (herein referred to as CPH) Violation Report Form may be used by:

1. A Chapter President
2. A Recruitment Counselor (Pi Chi)
3. A Potential New Member
4. The Panhellenic Advisor
5. A member of the Panhellenic Recruitment Team

B. CPH Violation Report

1. Form must be:
 - a. In one, signed by the chapter President or in two, three, four or five by the person filing the report.
 - b. Time, place and witnesses must be specified
 - c. Inclusive of all witnesses (The witnesses specified are the only witnesses allowed two testify in the Judicial Board hearing.)
 - d. Submitted to the Panhellenic President
 - e. Filed in a timely manner, but no more than 30 calendar days from the date of the alleged infraction (including university/college breaks).
2. Violations must be:
 - a. Based on fact, not hearsay or rumor
 - b. Witnessed
3. During school breaks or vacation, above procedures must be followed, then considered at the first Panhellenic meeting when school resumes.

C. Duties of the Panhellenic President

1. When the Panhellenic President receives a signed copy of the CPH Violation Report Form, she must:
 - a. Verify that notification has been completed and submitted in a timely manner, but no more than 30 calendar days from the date of the alleged infraction (including university/college breaks).
 - b. Verify the report is specific as to time, place and witnesses.
 - c. Verify the report is based on fact, not hearsay or rumor
 - d. Endorse the report for mediation or adjudication of the report is filed by a college chapter.
 - e. Convene the Panhellenic elective Executive Board members to evaluate the report, conduct and inquiry if indicated and determine if the report will be endorsed for mediation if the report is filed by a Recruitment Counselor, Potential New Member or Panhellenic Advisor.
 - f. Forward a copy of the CPH Notice of Infraction Form within one week of the receipt of the CPH Violation Report Form to the cited chapter, chapter advisor, the Panhellenic advisor and the NPC Area Advisor.
 - g. Arrange for mediation with an appointed mediator, representative of each chapter involved, the Panhellenic Vice President of Recruitment and the Panhellenic Advisor.
 - h. Arrange for the appeals process if mediation is not successful.
 - i. Forward to the Panhellenic Vice President of Internal Affairs a copy of any violation that must be adjudicated.

D. Responsibilities of the Panhellenic Executive Committee

1. When the Panhellenic President receives a signed copy of the Initial CPH Violation Report Form from a Potential New Member, a Recruitment Counselor or the Panhellenic Advisor, she consults immediately with the Panhellenic Executive Committee to determine if the report will be endorsed and submitted for mediation. The Committee must base its decision on the facts contained in the report. Hearsay evidence is not permitted.
2. Executive Committee guidelines for evaluating report forms include determination that:
 - a. The proper form has been submitted.
 - b. All section of the form have been completed.
 - c. All the proper signatures are included.
 - d. The report is specific as to time, place and witnesses.
 - e. The report is based on fact and not hearsay or rumors
 - f. The proper time frames have been observed.
 - g. Whether the infraction is appropriate for mediation or adjudication. If so determined, the Panhellenic president should contact the cited chapter.

E. Judicial Board Time Line

1. The CPH Violation Report Form must be filed in a timely manner, but no more than 30 days after the alleged violation occurred.
2. The involved chapters' presidents and advisors must be notified by the CPH Notice of Infraction Form within one week of the Panhellenic President's receipt of the CPH Violation Report Form.
3. The mediation must be scheduled to take place no more than one week after the accused chapter president's receipt of the CPH Notice of Infraction Form. If mediation cannot take place within one week, then it should take place as soon as possible.
4. If mediation is successful, then the decision letter must be sent to the chapters' presidents and advisor within 24 hours after the mediation. If mediation is unsuccessful, then a Judicial Board hearing must take place within one week after the mediation date or as soon as possible.

IV. Mediation

A. Endorsed Recruitment Infractions

1. All endorsed reports shall be submitted by the Panhellenic President for mediation. A time and place for the mediation meeting shall be scheduled within one week of the receipt of the report and shall:
 - a. Be scheduled at the convenience of the participants.
 - b. Be conducted by a neutral mediator.
 - c. Be held as soon as possible
 - (i) If a prospective member is involved, the meeting may be postponed until recruitment is completed.
 - (ii) If a prospective member is involved, she may present material evidence in writing.

B. Choosing the Mediator

1. Before recruitment begins, a mediator shall be selected who is available to serve when necessary as a neutral party to the mediation process. College or university staff members or the Panhellenic advisor may serve as a mediator; undergraduate chapter members shall not serve.

C. Participants

1. Participants shall be the mediator, the president, recruitment officer and an advisor (if desired) from each chapter involved, the complaining party if other than a chapter, the President and Vice President of Recruitment of the Panhellenic Council and the Panhellenic Advisor, if not the mediator. The Executive Board shall not serve, because they may have evaluated and/or endorsed the report. The Judicial Board shall not serve because in most instances it will serve as the appeal agency.

D. Records

1. A secretary shall be appointed to record the minutes of the mediation meeting on the CPH Mediation or Judicial Board Hearing Minutes Form. The Minutes Form is submitted to the secretary of the Judicial Board if closure is not reached by mediation.

E. Mediation Guidelines

1. A successful mediation preserves confidentiality, settles differences without the formal process of a hearing, provides a solution acceptable to all without involved multiple witnesses and time consuming decision.
 - a. Set a time frame for the meeting (to last no longer than an hour)
 - b. Set the time of the meeting for the convenience of all who will attend.
 - c. Provide pertinent materials for everyone: a copy of the infraction report, copies of the UNANIMOUS AGREEMENTS, the Panhellenic Code of Ethics and any other pertinent materials.
 - d. Identify the problem.
 - e. Provide time for each participant to explain her position.
 - f. Search for alternative solutions, list all solutions and discuss each other.
 - g. Select a fair and reasonable course of action, specific and doable.
 - h. Agree to keep the mediation discussion private.
 - i. Take written minutes using the CPH Mediation or Judicial Board Hearing Minutes Form and complete the CPH Record of Mediation or Judicial Board Hearing Form.
 - j. Before the meeting closes, be sure everyone knows the results of the discussion.
 - k. Be sure questions by all parties are answered satisfactorily.
 - l. After recruitment is over, evaluate the process and course of actions.
 - (i) Did it fit the infraction?
 - (ii) Was it a reasonable expectation?
 - (iii) Was there cooperation among all parties?
 - m. If mediation is not successful, an appeal may be sent to the Judicial Board.

V. Judicial Hearing

A. Procedures

1. In the case of two or more chapters bringing the same violation against one chapter, all accusing chapters will be present at the hearings. The order in which accusing chapters speak will follow the order in which the violation forms were received.
2. The hearing is closed to observers.
3. Witnesses shall only be present while being questioned.
4. As many as seven justices may serve in a hearing, but a minimum of five is required. Justices serve on a rotating basis and are initially chosen by a random selection.
5. Each sorority involved is represented by its president or her designee.
6. Chapters involved in hearings have the right to consult with a fraternity (inter) national officer and an alumna advisor. An advisor may be present during the hearing. A national officer or advisor is for consultation and should not have a voice, unless she is acting in the role of witness.
7. When questioning witnesses, the representative of the chapter for whom the witness has been called will first ask questions. Then the witness will be cross examined by a representative of the opposing chapter. After cross examination, the witness shall be questioned by the justices, if necessary.
8. During deliberations, all will leave the room except the Judicial Board members.
9. Deliberations are confidential and the comments are not to be reported outside of the hearing room.
10. CPH Mediation or Judicial Board Hearing Minutes Form and the CPH Record of Mediation or Judicial Board Hearing Form must be completed in writing.

B. Order of Events

1. Call to order by Chief Justice
2. Introductions
3. Five minute opening statement by accuser (s)
4. Five minute opening statement by the accused
5. Questioning of the accuser (s) by the justices
6. Questioning of the accused by the justices
7. Call of any witnesses by the accuser (s) and cross examination
8. Call of any witnesses by the accused and cross examination
9. Questioning of the accuser (s) by the justices
10. Questioning of the accused by the justices
11. Closing statement by the accuser
12. Closing statement by the accused
13. All in attendance except the Chief Justice and Board members excused from the meeting
14. Charges stated by the Chief Justice
15. Chief Justice requests motion from Judicial Board member
16. Discussion of motion
17. Verdict rendered
18. Appropriate sanction determined if found in violation or if not found in violation, charges are dismissed.
19. After accuser and accused return to the hearing room, verdict is read.

20. Verdict and appeal information (if found in violation) put in writing and mailed promptly to groups involved.

C. Making Decisions

1. Should unanticipated circumstances arise, the Judicial Board may clarify, modify or change the procedures. In all such instances, however, every effort will be made to maintain fairness to all parties and to facilitate clear and reasonable expression of the positions reported.
2. In a closed session, the Judicial Board shall decide if there is sufficient evidence to support any alleged violations. The decision reached should be based upon the evidence presented at the hearing, which is most convincing, most credible and of greatest weight or probability.
3. If the Judicial Board finds that there is not sufficient evidence to support the allegations, the case will be dismissed. If the Judicial Board finds the group did violate the regulations, the Board will determine the sanctions.
4. If and only if the group is found responsible, four factors should be taken into consideration:
 - a. The gravity of the violation
 - b. Level of cooperation from the cited organization
 - c. The impact that violations have on the Greek, university and the surrounding communities.
 - d. The educational impact of the sanctions on the organization.
5. A good Judicial Board will balance these considerations and make appropriate sanctioning decision.

VI. Sanctions for Infraction of Recruitment Rules

- A. The purpose of the Panhellenic Code of Ethics is to encourage a cooperative spirit rather than punish people who do not adhere to the agreement. It is the spirit behind the Code of Ethics that is important – the spirit for recruitment to be fair and consistent for all Panhellenic women and for the women seeking membership in a Greek organization. Ethical behavior is expected of all members at all times. Unfortunately, there are times when the recruitment judicial process must be called into place. The NPC UNANIMOUS AGREEMENTS state that each college Panhellenic shall adjudicate fair and reasonable sanctions for infractions of the Code of Ethics. Sanctions must correspond to the nature and degree of seriousness of the offense for both Minor and Major infractions.

B. Minor Infractions and Sanctions

1. Minor infractions are based primarily in recruitment procedure violations as outlined in the Panhellenic recruitment guidelines.
 - a. Minor infractions include, but are not limited to, recruitment procedure violations such as:
 - (i) Budget violations
 - (ii) Recruitment regulation violations
 - (i) Decorations

- (ii) Recruitment outfits
 - (iii) Food/drink
 - (iv) Entertainment
 - (iii) Gifts of any sort, including personal or preference notes
 - (iv) Party extending beyond scheduled closing time, thus delaying potential members
 - (v) Submitting event invitation list after specified time
- b. Examples of Appropriate Sanctions for Minor Infractions:
 - (i) Official Reprimand (Reports to be sent within one week of imposing sanction.)
 - (i) Officially recorded in Panhellenic minutes
 - (ii) Report sent to National President of offending group
 - (iii) Report sent to NPC Delegate of offending group
 - (iv) Report sent to NPC Area Advisor
 - (ii) Constructive Sanctions of Positive Nature:
 - (i) Host Panhellenic reception for advisors, new members, etc.
 - (ii) Present academic enrichment seminars.
 - (iii) Set number of community service hours required of each member
 - (iv) Plan a workshop for chapter/Panhellenic dealing with recruitment procedures.

C. Major Infractions and Sanctions

1. Major infractions are based primarily on recruitment ethics violations as outlined in the NPC UNANIMOUS AGREEMENTS and the Panhellenic Code of Ethics.
 - a. Major infractions include, but are not limited to, recruitment ethics violations such as:
 - (i) Failing to observe formal silence or contact rules
 - (ii) Disparaging remarks about other sororities
 - (iii) Identifying recruitment counselors by sorority
 - (iv) Incurring recruitment public relations violations, i.e. illegal advertising/removal of advertising
 - (v) Extending invitation, directly or indirectly, through a third party before time set by Panhellenic.
 - (vi) Encouraging prospective members to Intentionally Single Preference.
 - (vii) Suggesting prospective members refuse an invitation from one group to wait for an invitation from another group.
 - (viii) Serving an alcoholic beverage at a recruitment function
 - (ix) Having men present at a recruitment function
 - (x) Knowing inviting a woman to pledge who previously committed or pledged to another NPC group before one year had elapsed from the date of her original pledge commitment.
 - b. Examples of Appropriate Sanctions for Major Infractions:
 - (i) Constructive Sanctions of Positive Nature
 - (i) Plan a Panhellenic workshop and pay for travel expenses of NPC Area Advisor or other NPC representative to attend
 - (ii) Plan and execute a major fund raiser for:

1. Panhellenic scholarship program
2. Panhellenic's Alcohol Education Awareness Week
3. Regional NPC meeting registration fee
- (iii) Plan and sponsor a "mini retreat" for recruitment chairs to talk about ways to improve relations between chapters.
- (iv) Plan a positive public relations program for Panhellenic.
- (ii) Suspension of Social Activities
 - (i) The deprivation of social privileges involves the suspension of social or intramural participation in varying degrees for specified periods of time. The suspension must be appropriate to the nature and the degree of the infraction. Social probation shall not forbid formal or informal entertainment incident to recruitment or the observance of a national fraternity celebration, i.e. Founder's Day.

D. Inappropriate Sanctions:

NOTE: these are only examples, and inappropriate sanctions are not limited to these examples. For more inappropriate sanctions, please refer to the NPC UNANIMOUS AGREEMENTS

1. Fines – it is strongly recommended that appropriate sanctions, other than monetary, be assessed. If fines are utilized for certain violations that are measurable, i.e. late event lists, the fine should not exceed a previously determined amount established by a vote of the Panhellenic Council.
2. It is a violation of the NPC UNANIMOUS AGREEMENTS for a college Panhellenic to lower a chapter's new member quota as a recruitment infraction penalty.
3. "Delaying pledging" and "delaying initiation" infringe in the sovereignty of individual fraternities and may not be used as a recruitment penalty.

E. Duration and Completion of Sanction

1. The duration of any sanction imposed shall not exceed 1 year from the time the final decision is rendered. The Panhellenic Advisor and Chief Justice of the Judicial Board imposing the sanction are responsible for the oversight during the life of the sanction.

VII. Handling of Other Infractions

- A. Sanctions for violations of the Constitution and Bylaws of the Panhellenic Council, actions which reflect unfavorably upon the Panhellenic or behavior which violates provisions I, II, III, IV, V, VII, IX, X of the NPC UNANIMOUS AGREEMENTS shall be assessed by the Judicial Board to fit the nature and degree of the offense following a hearing which conforms to the requirement of due process.
- B. Sanctions may include but not be limited to the sanctions outlined for use in recruitment violations.
- C. Duration and completion of sanctions provisions specified for recruitment violations apply.

VIII. Participation of the Panhellenic Advisor in Judicial Matters

- A. When a report of a recruitment violation is filed with the Panhellenic President, a copy is also filed with the cited chapter, its advisor and the Panhellenic Advisor.
- B. The Panhellenic Advisor attends all meetings on judicial matters and may serve as a mediator during the mediation process.
- C. The Panhellenic Advisor remains neutral, makes sure minutes of judicial meetings are taken, may suggest two appropriate alternative sanctions and keeps the records of all judicial proceedings in her files for three years.
- D. The Panhellenic Advisor works with the Chief Justice to insure that penalties assessed or recommendations made are fulfilled on time.
- E. The Panhellenic Advisor may inform the appropriate chapter advisors concerning the judicial procedures and provide written data.

IX. Participation of the Chapter Advisor in the Judicial Process

- A. The chapter advisor of the cited chapter is made aware of the filing of a rule violation by receiving a copy from the College Panhellenic President.
- B. Advisors act as a resource to their chapters during the judicial process.
- C. One advisor from each involved chapter may attend the mediation meeting as an observer/non-participant.
- D. The advisors may assist the chapter in making a presentation to the College Panhellenic Judicial Board if necessary and the preparation of further appeals as desired.
- E. Advisors receive a copy of the solution/resolution from the Panhellenic Judicial Chairman.
- F. Advisors make sure that deadlines are kept and closure to the issue is reached.
- G. Advisors are supportive in upholding the NPC UNANIMOUS AGREEMENTS, the Panhellenic Code of Ethics and recruitment regulations.

X. Appeal to the College Panhellenic Committee Appeals Chairman of the National Panhellenic Conference.

- A. If a chapter is not satisfied that a fair and just sanction has been rendered by the Judicial Board, or if the mediation process has failed or because a small number of chapters in a College Panhellenic Association, makes a Judicial Board ineffective, the chapter may appeal the decision to the College Panhellenic Judicial Appeals Chairman. The CPH Notice of Appeal Form provided to issue notice of intent to appeal shall be submitted to

the Panhellenic President within 48 hours of the chapter receipt of the Judicial Board decision.

B. The following procedures are required:

1. The chapter filing the appeal and the Panhellenic President each shall send four copies of the complete records of the case by certified mail, return receipt requested, to the NPC College Panhellenics Judicial Appeals Chairman. Her name and address may be obtained from the NPC Area Advisor. These records may be sent in one envelope.
2. The records shall be sent within one week of the time notice of intent to appeal is submitted.
3. The Panhellenic President notifies the NPC Area Advisor Committee.
4. The NPC College Panhellenic Committee Judicial Appeals Chairman will review the information and submit her response within four weeks of receipt.
5. If the NPC College Panhellenics Judicial Appeals Committee is unable to resolve the appeal, she shall be responsible for the further conduct of the case, and shall submit by certified mail, return receipt requested, all data to the National Presidents of the Chapters involved.
6. If the National Presidents cannot resolve the case, it may be referred to the NPC Executive Committee by any National President involved in the case.

If the NPC Executive Committee is unable to resolve the case, it may be appealed either by the National President or the NPC Executive Committee to the National Panhellenic Conference, whose decision is final.