

# **JUDICIAL STRUCTURE & GRIEVANCE PROCEDURE of the DePaul University PANHELLENIC COUNCIL**

Referred to as the Judicial Policy  
Proposed April 20,2005

## **ARTICLE I. PREFACE**

If any Panhellenic Council member chapter commits a violation of the rules of the Panhellenic Council Constitution, Bylaws, or other policies in areas where there are not specific guidelines established, the following procedures will be taken.

## **ARTICLE II. PURPOSE**

This general grievance procedure is intended to serve as a means by which all persons and or parties, both those within the Greek System and those outside of the Greek System, may address the Greek System regarding any grievance held against the Greek System, individual chapters, and/or members. The purpose of this document and of the DePaul University Panhellenic Council Judicial Board is one of prevention and education. Our attitude should not be primarily punitive in nature. We must, however, restore as right, any wrong that has been done whenever possible. The Panhellenic Council of DePaul University hereby establishes the following Judicial Policy for its member chapters in order to:

- A. Investigate the incident and the likelihood that it could be repeated.
- B. Engage the individual(s)/chapter(s) involved in an activity that will help remove the cause of the problem and not just simply respond to the specific incident.
- C. Have the ability to understand and relate to the issues brought before them.

## **ARTICLE III. LIMITATIONS**

This general structure and grievance procedure upholds the structure and grievance procedures as stated in the National Panhellenic Conference Manual of Information. These are modifications and have their limitations. This general structure and grievance procedure does not cover all the rules and regulations of the Judicial System of the Panhellenic Council. These can be found in the National Panhellenic Conference Manual of Information.

## **ARTICLE IV. RECOGNITION AND JURISDICTION**

### **Section 1: Recognition**

Members of Panhellenic Council are officially recognized by DePaul University as representatives of registered student organizations, known as sororities and fraternities (chapters). The acceptance of a member by the University, and the acceptance of one or more organizations as a member and its active and new members agree to abide by all rules set forth by the University and the Panhellenic Council. Any infractions of these rules will be subject to the organization and/or its actives and new members to disciplinary action by the Judicial Board of the Panhellenic Council, in accordance with the Panhellenic Council Constitution, Bylaws, Recruitment Rules and University Policy.

### **Section 2: Jurisdiction**

The Judicial Board shall have the power to interpret all parts of the Panhellenic Council Constitution, Bylaws, Recruitment Rules, as well as sub-council Constitutions and Bylaws.

## **ARTICLE V. JUDICIAL STRUCTURE**

### **Section 1: Self-governance**

The Judicial Board shall provide the opportunity for self-governance in order to protect the interests of the Greek System membership.

### **Section 2: Matters of the Judicial Board**

A working committee of Panhellenic Council shall serve as the Judicial Board to oversee enforcement of regulations maintained by the Panhellenic Council. Although preference will be given to the Judicial Board on questionable issues, serious allegations unsuitable for this committee (i.e. sexual assault, extreme forced alcohol consumption, serious physical injury or abuse, etc.) will be forwarded to the Advisor of the Panhellenic Judicial Board (Greek Advisor). This information will be given to the Dean of Student Affairs and Associate Director of Student Life who, after consultation with the Panhellenic Council Executive Board and the Chief Justice of the Judicial Board, will determine the appropriate proceedings.

### **Section 3: Judicial Board**

The Judicial Board, referred to as “justices”, shall consist of:

- A. The Judicial Chairperson
- B. The respective Heads of Judicial/Standards Boards within their own chapters and one Alternate, preferably serving in the Judicial/Standards Board also, from each member chapter of the Panhellenic Council.
- C. Each Judicial Board Member and Alternate Judicial Board Member’s term of service is one election term with the option to continue.
  - 1. There is no limit to how many terms a Judicial Board Member or Alternate may hold office.
- D. Alternate Judicial Board Members are selected to represent a chapter during judicial proceedings if their chapter’s Judicial Board Member is unavailable.
  - 1. Alternate(s) are required to participate in all training sessions.
- E. The Judicial Board Members and Alternates shall be active members in good standing of their member chapters at the beginning of the election year and serve for that election year.

### **Section 4: Judicial Chairperson**

- A. The elected/appointed Vice President of Internal Affairs of the Panhellenic Council shall serve as the primary Judicial Chairperson; and shall be an active member in good standing of any member chapter at the beginning of the election year and serve for that election year.
- B. The Judicial Chairperson shall serve as Chief Justice of the Judicial Board during the hearing.

### **Section 5: Presidents**

The President of the Panhellenic Council and the presidents of the chapters may not serve on the Judicial Board of the Panhellenic Council.

### **Section 6: Greek Advisor**

The Greek Advisor:

- A. Shall be appointed and employed by the University and shall serve as ex officio in accordance with his/her duties as stated in Article II of the Panhellenic Council Bylaws.
- B. Attend meetings on judicial matters and may serve as a mediator during the mediation process.
- C. Remains neutral, makes sure minutes of judicial meetings are taken, and may suggest two appropriate alternative penalties.
- D. Works with the Chief Justice to insure that penalties assessed or recommendations made are fulfilled on time.

### **Section 7: Chapter Advisors**

The Chapter advisor:

- A. Is made aware of the filing of a rule violation by receiving a copy from the DePaul University Panhellenic President.
- B. May act as a resource to their chapters during the judicial process.
- C. May attend the mediation meeting as an observer/non-participant.
- D. Assist the chapter in preparing a presentation to the DePaul University Judicial Board if necessary and the preparation of further appeals as desired.
- E. Shall receive a written copy of the solution/resolution from the Chief Justice.
- F. Shall make sure that deadlines are kept and closure to the issue is reached.
- G. Shall be supportive in upholding the NPC Unanimous Agreements.

#### **Section 8: Vote**

Each Board member, except for the Chief Justice and the Greek Advisor, shall have one vote. In the event of a tie, the Chief Justice will render the deciding vote.

#### **Section 9: Changes in Judicial Board**

- A. Judicial Board membership changes can only occur at the beginning of the term if a case is not being heard or investigated.
- B. If a chapter must change its delegate to the Judicial Board, and there is a case pending, that chapter will not be represented until the pending case is completed through the process.
- C. Judicial Board members may be removed by a  $\frac{3}{4}$  vote of the Judicial Board.

### **ARTICLE VI. FILING A GRIEVANCE**

#### **Section 1: Filing**

A grievance may be filed by submitting a letter detailing alleged violations of the Panhellenic Council Constitution, Bylaws, or other governing documents of the Panhellenic Council. The President(s) of the chapter(s) filing the grievance must sign the grievance specifying the nature of, time, place, and witnesses to the alleged violation. All notices shall be submitted to the President of the Panhellenic Council within a recommended 24 hours or on the first business day after the alleged incident and not more than five business days after it has occurred.

#### **Section 2: Parties to be Notified**

Upon notice of the potential infraction, the President of the Panhellenic Council will notify the Panhellenic Council Executive Board and the Chief Justice of the Panhellenic Judicial Board.

### **ARTICLE VII. JUDICIAL INVESTIGATION**

#### **Section 1: Initial Investigation**

The Judicial Board must hold its initial investigative meeting within 48 hours after receiving the notification of the alleged violation.

- A. The purpose of the investigative stage is for the Judicial Board to decide whether there is enough evidence to suggest a policy violation, and if not, whether they want to pursue a hearing.
- B. An investigation is a time for the Panhellenic Council Judicial Board to convene and examine relevant information that they have been provided regarding the grievance.

#### **Section 2: Attendance**

There must be at least one Judicial Board Member or Alternate Judicial Board Member from each member chapter in attendance at all investigative meetings.

- A. If at least one Judicial Board Member or Alternate from each member chapter is not in attendance, the meeting must be rescheduled to a time when all member chapters are represented by their Judicial Board Member or Alternate.

#### **Section 3: Additional Information**

During the investigative process the Judicial Board may call upon individuals involved in the grievance to obtain additional information.

**Section 4: Direct Violations**

Any grievance that is believed to be in direct violation of the Panhellenic Council, Constitution, Bylaws, and other governing documents of the Greek System, must go before a hearing.

**Section 5: Move to Hearing**

The Judicial Board will move from an investigation to a hearing through a 2/3 vote if the infraction is not a direct violation of the Panhellenic Council Constitution, Bylaws, and other governing documents of the Greek System.

**Section 6: Exceptions**

In the event that an individual/member chapter accused of a violation of the Panhellenic Council Constitution, Bylaws, and other governing documents of the Panhellenic Council, fully accepts the charges of the accusations against her/chapter, then a sanction will be given as up to the discretion of the Judicial Board and a hearing need not take place.

**ARTICLE VIII. HEARING A GRIEVANCE/MEDIATION****Section 1: Time**

The Judicial Board will hear a grievance within 10 business days after receiving the notification of an alleged violation of the Panhellenic Council Constitution, Bylaws, Recruitment Rules, or other governing documents of the Panhellenic Council.

- A. This deadline may be extended by a 2/3 vote of the Judicial Board.

**Section 2: Greek Advisor**

The Greek Advisor of the DePaul University Panhellenic Council may serve as a mediator for any judicial hearing and is responsible for making sure minutes are taken. If the Greek Advisor can or does not serve as mediator for a judicial hearing a suitable replacement must be found.

**Section: Delegates**

There must be at least one Judicial Board Member or Alternate Judicial Board Member from each member chapter in attendance at the hearing.

- A. If at least one Delegate or Alternate Delegate from each member chapter is not in attendance the hearing must be rescheduled to a time when such a number will be available.

**Section 3: Presenting Evidence**

The party filing the grievance and the defending party (respectively) will each be given equal time to state their cases and present evidence.

**Section 4: Rights of the Respondent**

The individual(s)/Chapter(s) have the right to:

- A. Receive written notice indicating the date, time, and location of the hearing. Notification must be received at least four business days prior to the hearing. It must contain a summary of the allegations of the case and a copy of these rights.
- B. A closed hearing.
- C. To present witness and/or statements in accordance with Panhellenic Council Judicial Board procedures.

**Section 5: Representing**

The Plaintiff(s) and the Defendant(s) may represent themselves or choose an active member of their fraternity to represent them.

**Section 6: Questions**

Throughout the hearing process, the Judicial Board will be permitted to ask questions but may only ask clarifying questions and must wait until the respective party has completed her statement.

### **Section 7: Mediation Agenda**

- A. Hearing is called to order by the Chief Justice
- B. The Chief Justice states the official capacity of the meeting
- C. The Chief Justice reads the charges
- D. The plaintiff makes an opening statement (no more than five minutes)
- E. The Defendant makes an opening statement (no more than five minutes)
- F. The Plaintiff may call witnesses (list of witnesses to be called must be handed to the Judicial Chairperson one (1) business day prior to the hearing and is subject to the approval of the Judicial Chairperson) and are subject to examination by the Defendant and the Justices.
- G. The Defendant may call witnesses (list of witnesses to be called must be handed in to are subject to examination by the Plaintiff and the justices)
- H. Plaintiff makes a closing argument (no more than five minutes)
- I. Defendant makes a closing argument (no more than five minutes)
- J. Once all pertinent information has been presented, the Judicial Board shall retreat into closed session to render a decision and/or appropriate sanctions.
- K. The Judicial Board will vote and revote should there be a tie (with the Chief Justice breaking the second tie) accordingly.
- L. The Chief Justice reads the charges and sanctions (if any) to all parties present and requests motion form Judicial Board member.
- M. Discussion of the Motion
- N. Verdict rendered
- O. Appropriate penalty determined guilty or if not guilty, charges dismissed
- P. All parties will be called in to hear the verdict
- Q. The hearing is adjourned.

### **Section 8: Minutes**

Minutes must be recorded at all Judicial Board hearings, kept on file with the Panhellenic President and Greek Advisor for three years, and then archived. All minutes shall be kept confidential for the Panhellenic President and Chief Justice of the Judicial board to protect all parties involved.

### **Section 9: Sanctioning**

Any grievance, which is in direct violation of the Panhellenic Council Constitution, Bylaws, or Recruitment Rules, and other governing documents of the Panhellenic Council, must receive a sanction as deemed appropriate by the Judicial Board.

- A. The Judicial Board will render a decision based on the evidence present.
- B. When the Judicial Board imposes a sanction, a justification must be written to explain why the sanction fits the infraction.
- C. Sanctions may include fines, educational programs, probations, social suspension, intramural suspension, community service, or expulsion of the member chapter as well as notification of such determined violations to the respective inter/national chapter headquarters. The Judicial Board may place restrictions, as it deems reasonable on the violator(s).
- D. The Judicial Board may also make recommendations to the University regarding further disciplinary actions (probation or suspension).
- E. A 2/3 vote of the Judicial Board is required for sanctions to be passed.

## **ARTICLE IX. IMPLEMENTATION**

### **Section 1: Time Limitations**

All sanctions must be given a period within which to be completed and may not exceed one calendar year. If the time limit is exceeded with or without request of extension, fines may be imposed or other action may be taken and is up to the discretion of the Panhellenic Executive Board.

### **Section 2: Ex-Officio Advisor**

The ex-officio advisor(s) has the right to veto any decision of the Judicial Board.

**Section 5: Notification**

The Greek Advisor will notify the Dean of Student Affairs, The Associate Director of Student Life, and the Chapter's Advisor of the decisions and/or sanctions.

**ARTICLE X. APPEALS****Section 1: Appeals**

Any decision made by Panhellenic Council or the Judicial Board may be appealed. Please see page 10, Judicial Procedures, of the National Panhellenic Conference Green Book.

- A. Appeals will be made by submitting a written request for an appeal, in writing, to the College Panhellenics Committee Appeals Chairman of the National Panhellenic Conference.
- B. The form provided to issue notice of intent to appeal shall be submitted to the President of the DePaul University Panhellenic Council within 24 hours of the chapter's receipt of the Judicial Board decision.

**ARTICLE XI. SUSPENSION****Section 1**

Any chapter, which consistently violates any provisions of the Panhellenic Council Constitution, Bylaws, or other policies, following written warning by the Panhellenic Council, may be suspended from membership in the Panhellenic Council by a 2/3 vote of the total membership of the Panhellenic Council.

**ARTICLE XII. MISCELLANEOUS****Section 1: Good Faith**

No policy can cover all of the possible situations that may arise. When this policy is not specific in a certain point, member chapters and judicial board members are expected to conduct their activities in the spirit of prevention and education. We desire to restore as right, any wrong that has been done, whenever possible.

**Section 2: Amendments**

This Policy may be amended (in identical form) by a majority vote of the Panhellenic Council.

**Section 3: Effective Date**

This Policy shall take effect and be in force from and after May 4, 2005.

**ADOPTED** and **ENACTED** on May 4, 2005, by the Panhellenic Council of DePaul University.