

National Pan-Hellenic Council

At Texas Tech University

Judicial Constitution

Article I – Mediation Procedures

Section 1. The National Pan-Hellenic President shall serve as the Standards Chair.

Section 2. Responsibilities of the Standards Chair:

- a. An Incident Report is filed with the Standards Chair noting time, place and witnesses to the incident. It must be filed within seven business days after the incident is known but not more than ten days after it occurred. Incident reports must be based on fact, not hearsay or rumor and must be witnessed.
- b. When the Standards Chair receives a signed copy of an incident report, the must:
 1. Verify that the report was received within seven business days after the alleged incident was known and not more than ten days after it occurred.
 2. Verify the report is specific as to time, place and witnesses.
 3. Verify the report is based on fact, not hearsay or rumor.
 4. With consultation from the Executive Board, endorse the report for mediation.
 5. Forward a copy of an endorsed report within 48 hours to the cited chapter, chapter advisor, and the Council advisor.
 6. Arrange for mediation at the earliest convenience of all participants.
 7. Attend the mediation with an appointed mediator, representatives of each chapter involved, or, if not a chapter, the person submitting the report, and the Council Advisor if not the mediator.

8. Arrange for referral to the Judicial Board if mediation does not result in a decision agreed to by all involved.

Section 3. Mediation Procedures:

- a. Scheduling Mediation: All endorsed incident reports shall be submitted to the Standards Chair for mediation. A time and place for the mediation meeting shall be scheduled within 48 hours of receipt of the endorsed report and shall:
 1. Be scheduled at the convenience of the participants.
 2. Be conducted by a neutral mediator.
 3. Be held as soon as possible.
- b. Choosing the mediator: A mediator shall be selected who is available to serve when necessary as a neutral party to the mediation process. A college or university staff member, a trained alumna who is not a member of a chapter involved in the mediation, or the Council Advisor may serve as the mediator. Undergraduate chapter members shall not serve as mediators.
- c. Participants: Participants shall be the mediator, the presidents, an advisor if desired from each chapter involved, signer of the violation form if not the president, and the Council Advisor if not the mediator.
- d. Records: A secretary shall be appointed to record the minutes of the mediation meeting. The minutes are submitted to the Judicial Board if closure is not reached by mediation.
- e. Completion: The agreement reached in mediation is recorded and copies are given to the chapter and their advisors and other persons involved in the mediation. The Standards Chair is responsible for seeing that any agreements made are fulfilled.
- f. Mediation Guidelines: A successful mediation preserves confidentiality, settles differences without the formal process of a hearing, and provides a solution acceptable to all without involving multiple witnesses and time consuming discussions.
 1. Set a time frame for the meeting (to last no longer than one hour).
 2. Set the time of the meeting for the convenience of all who will attend.

3. Provide pertinent materials for everyone; a copy of the infraction report and a copy of the Constitution and Bylaws.
 4. Identify the problem.
 5. Provide time for each participant to explain their position.
 6. Search for alternative solutions. List all solutions and discuss each one.
 7. Select a fair and reasonable course of action, specific and doable.
 8. Agree to keep the mediation discussion private.
 9. Take written minutes (not recorded).
 10. Before the meeting closes, be sure everyone knows the results of the discussion.
 11. Be sure questions by all parties are answered satisfactorily.
- g. Referral to the Judicial Board: If mediation is not successful, the issue may be referred by the Standards Chair to the Judicial Board. All materials pertinent to the case are to be forwarded as soon as possible so that the Judicial Board may schedule a meeting to review the materials in a timely manner.

Article II – Judicial Board

- Section 1. The Judicial Board will be responsible for any disciplinary hearings and/or sanctions against an affiliate organization not settled through mediation.
- a. The Judicial Board shall consist of the representatives of each of the affiliate organizations, the Council Advisor and the Coordinator of Greek Life. The Pan-Hellenic Council Standards Officer shall preside as Chair of the Judicial Board.
 - b. Any organizations accused of a violation shall be notified of such and given a maximum of seven business days to present its case before the Judicial Board.
 - c. The organization must abide by all levied sanctions.
 - d. An organization can be penalized for an action or non-action if such action would violate University policy or violate the National Constitution or local Bylaws.

- e. Any sanction levied against an organization can be appealed to the Director of Campus Life.
- f. Any action taken against an organization for an infraction, which is not a violation of University policy, can be appealed to the National Pan-Hellenic Council Regional Director. In the event of an unsatisfactory ruling, the decision of the Regional Director can be appealed to the Executive Board of the National Pan-Hellenic Council.

Article III – Judicial Code

Section 1. Judicial Board Chairperson

- a. The Pan-Hellenic Council Standards Officer shall preside as Chair of the Judicial Board. The Chair will:
 - 1. Receive written complaints no later than seven business days following the alleged incident.
 - 2. Decide, in consultation with the Executive Board, the date, time and location of the proceeding.
 - 3. Inform the involved organization, in writing, of the date, time, and location of the proceedings, within seven business days of having received the complaint.
 - 4. Receive all information that will be presented at the hearing.
 - 5. Preside over the hearing.
- b. In the event of the Chair's organization being among the involved parties, the Vice President will preside at the hearing.
- c. In the event that the Vice President is unable to preside, another Pan-Hellenic officer will preside.

Section 2. The Judicial Board

- a. The Judicial Board consists of representatives of each Pan-Hellenic organization, and the NPHC at Texas Tech University Advisor, and the Coordinator of Greek Life.
 - 1. Each organization shall have one vote.

2. The Council advisor and the Coordinator of Greek Life shall serve as Ex-Officio members of the Judicial Board.
- b. A quorum shall be composed of four voting members of the Judicial Board excluding the Chair.
- c. The hearing will be open only to members of the presenting and defending organizations and any of their witnesses.

Section 3. Judicial Procedure

- a. Pre-Hearing Procedure
 1. If mediation is not successful, the issue may be referred by the Standards chair to the Judicial Board. All pertinent materials to the case are to be forwarded as soon as possible to the Judicial Board.
 2. The Judicial Board Chair informs the accused organization in writing of the charges, the hearing date, location, and time within seven business days of the failed mediation.
 3. Presidents of the involved organizations will have a maximum of seven business days to present its case. The first three of those business days may be used to appeal, in writing, the time and date of the hearing.
- b. Hearing Procedure
 1. The Judicial Board arrives at thirty minutes early. All parties involved will wait outside the established location until the hearing is convened.
 2. Introductions of the Judicial Board and the parties involved are made.
 3. The Chair outlines the hearing and asks all witnesses to leave the room. Only the board and the representatives of the organizations may remain.
 4. The Board and the organizations review all information if they have not already done so.
 5. The Judicial Board Chair reads the charges. The accused organization then has the opportunity to accept or deny responsibility.

6. If they accept responsibility, the Judicial Board will deliberate and render a sanction.
7. If they do not accept responsibility, the organizations(s)/office/individual bringing forth the allegations its/their case, including evidence and witnesses. Witnesses are brought in one at a time.
8. The Judicial Board questions presenting organization and witnesses only.
9. The accused organization has the opportunity to present a defense including evidence and witnesses. Witnesses are brought in one at a time.
10. The Judicial Board questions those presenting information in defense.
11. The Judicial Board Chair will then request that all non-Board members vacate the hearing room.
12. The Judicial Board deliberates and makes a decision on the charged organization's guilt or innocence and renders sanctions if applicable. Decisions must be made by two-thirds majority vote.
13. Only members of the presenting and defending organizations will be asked to reenter the hearing room. The Judicial Board Chair reads the decisions, rationale, and sanctions, if applicable.
14. The hearing is immediately adjourned.

c. Post-Hearing Procedures

1. The decisions will be put in writing within seventy two hours by the Judicial Board Chair and delivered to presenting and defending organizations.
2. Any appeal must be made in writing within seventy two hours following adjournment of the hearing.
3. A copy of the appeal should be submitted to the Judicial Board Chair, the Council Advisor, the Director of Campus Life, and the Coordinator of Greek Life.

Section 1. Sanctions of an Organization. For violation of any Article of the National Constitution or local Bylaws, the following penalties are applicable according to the severity of the violation.

- a. Voting rights revoked for a specified period of time.
- b. Future date(s) revoked and distributed via lottery system with the inclusion of the Pan-Hellenic Council.
- c. Suspension from the NPHC at Texas Tech University for a specified period of time.
- d. Suspension from the NPHC at Texas Tech University for an indefinite period of time, pending readmission by the body.
- e. A fine appropriate to the violation.
- f. Educational sanctions.
- g. Social probation.
- h. Any combination of the above.

Section 2. Sanctions of Officers. Failure of an officer to perform his/her duties is punishable by impeachment.

Section 3. Sanctions for overdue fines and outstanding debts. For overdue fines and outstanding debts, the following penalties are applicable according to the nature of the fine or debt.

- a. Future party date(s) revoked.
- b. Voting rights revoked until financial status is regained.
- c. Any combination of the above.

****It is the duty of the Treasurer and the Parliamentarian to work closely to be sure of the financial status of each member organization before any voting may take place.****

Section 4. Sanctions for Violation of Major/Minor Activity Dates

- a. Punishment for disregarding a NPHC at Texas Tech University organization's official activity date will result in the following: (i.e. party, organization's week, major event, etc.)

1. If the event was a fundraiser (to be defined by the NPHC as any event in which an organization charges and/or solicits for money from the public).
 2. A fine of \$500 for the violating organization to be paid to the organization violated.
 3. A forfeit by the violating organization of the next party date to the organization violated.
 4. Loss of recognition as a university organization (only by recommendation of the judicial board).
- b. If the violation occurs at the end of the semester and the violating organization has no more party dates available, the violating organization must forfeit its first party date for the upcoming semester.