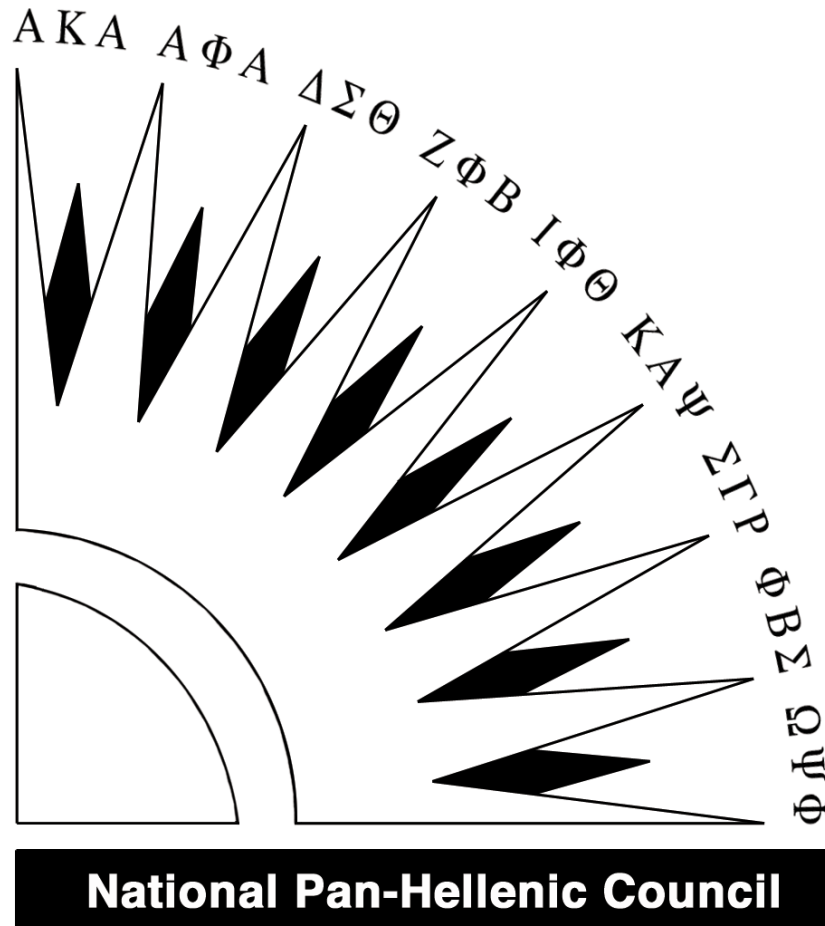


# The National Pan-Hellenic Council Judicial Board Constitution



Incorporated at The University of Central Florida  
Revised Spring 2018

## ARTICLE I. ESTABLISHMENT AND PURPOSE

Section 1. BE IT ENACTED by the National Pan-Hellenic Council at the University of Central Florida that this document and all provisions herein shall govern all instances of alleged violation of the rules, regulations, laws, and/or instructions of the National Pan-Hellenic Council at the University of Central Florida, the University of Central Florida, the State of Florida, and/or the United States of America.

Section 2. This document derives its authority from and is therefore empowered by, the Constitution of the National Pan-Hellenic Council at the University of Central Florida.

Section 3. The purpose and objective of this Judicial Board shall be to establish principles of self-governance and, as a result, hear cases of alleged misconduct by member organizations and seek the most fitting and appropriate sanction(s). The National Pan-Hellenic Council Judicial Board shall endeavor to establish precedent and maintain continuity throughout the adjudicative process.

Section 4. The Vice President of Internal and the Director of Risk Management, as outlined in the National Pan-Hellenic Council Constitution, shall co-chair all meetings of the Judicial Board. They shall not act as a voting member of the Judicial Board.

## ARTICLE II. DEFINITIONS

Section 1. The current edition of Black's Law Dictionary shall be used in understanding the terms contained within the National Pan-Hellenic Council's Constitution and the National Pan-Hellenic Council Judicial Board Constitution, unless otherwise defined below.

Section 2. The following terms shall be defined as follows:

1. Claimant/ accuser- the person/ organization submitting the complaint.
2. Eligible- a member shall be deemed to be "eligible" if he initially meets and continues to meet all of the requirements for leadership as outlined by the Office of Student Conduct and/or the Golden Rule: Student Handbook.
3. Formal Complaint- form submitted that makes claims of misconduct against an individual/ organization.
4. Involved Party- any party listed in a complaint/answer, either directly or indirectly, by affiliation.
5. Judicial Board Order- the final, written decision of the Judicial Board following the conclusion of an Official Hearing.
6. Member- individual member of a fraternity in good standing with the National Pan-Hellenic Council.
7. Member Organization- any fraternity that is currently in good standing with the National Pan-Hellenic Council.
8. Official Hearing- formal adjudicative meeting that serves to settle the issues identified in the complaint.
9. Preliminary Hearing- initial meeting with the respondent/accused to discuss the charges asserted in the complaint.
10. Quorum- fifty percent (50%) of the current membership plus one (1) individual.
11. Recuse- the forced removal of an individual who possesses a known bias or conflict of interest.
12. Respondent/ accused- the person/ organization being charged in the complaint.
13. Sanction- any disciplinary action taken by the Judicial Board in the context of this Constitution.
14. University of Central Florida Community- any individual effected by the members and/or Member Organizations of the University of Central Florida National Pan-Hellenic Council.

## ARTICLE III. JURISDICTION

Section 1. The Judicial Board of the National Pan-Hellenic Council shall have the ability to adjudicate allegations against any member organization or member thereof. The Judicial Board of the National

Pan-Hellenic Council maintains these rights by the Office of Fraternity and Sorority Life and the Office of Student Conduct.

Section 2. As a condition of membership in the National Pan-Hellenic Council, all Organizations, regardless of standing, agree to be held responsible for any violations that result from alleged wrongdoing by the Member Organization as a whole, as defined by the Golden Rule: Student Handbook.

Section 3. As a condition of membership in the National Pan-Hellenic Council, all Organizations, regardless of standing, agree to be held responsible for any violations that result from alleged wrongdoing by any member, as defined by the Golden Rule: Student Handbook.

Section 4. As a condition of membership in the National Pan-Hellenic Council, all members of the National Pan-Hellenic Council agree to be held individually responsible for any violations that result from their own alleged wrongdoing.

#### **ARTICLE IV. SELECTION AND COMPOSITION OF MEMBERSHIP**

Section 1. The Judicial Board shall be composed of one (1) Justice from each eligible member organization as defined by the National Pan-Hellenic Council Constitution.

Section 2. At the first regularly scheduled National Pan-Hellenic Council meeting of each semester, the Vice President of Internal and Director of Risk Management shall announce the anticipated availability of positions on the Judicial Board and the eligibility requirements for holding a position on the Judicial Board (as defined by the Golden Rule: Student Handbook). All eligible members of eligible Member Organizations (must be in good standing, not on suspended status, not an officer in Member Organization, etc.) are permitted to apply. At the completion of this announcement, the initial round of applications for all available positions shall be opened.

Section 3. All applications submitted within the first three (3) school weeks of the semester will be considered for conditional selection. All applications accepted up until that point will be submitted to the Office of Fraternity and Sorority Life by the Vice President of Internal and Director of Risk Management for eligibility assessment.

Section 4. Any application submitted after the first three (3) school weeks of the semester will be considered for subsequent selection in the instance that a seat becomes available at any point during the year. All applicants will be considered in the order that their application was received.

Section 5. Once approved, all eligible applicants will be reviewed by the Vice President of Internal and Director of Risk Management and one advisor from the Office of Fraternity and Sorority Life. Applicants will be reviewed on criteria including, but not limited to: the applicant's leadership experience, ability to be impartial, past experiences with peer accountability, and breadth of knowledge regarding the National Pan-Hellenic Council Constitution, the National Pan-Hellenic Council Judicial Board Constitution, and the University of Central Florida Golden Rule: Student Handbook. Ultimately, the Vice President of Internal and Director of Risk Management have the final decision on who is selected. They shall appoint Justices by the end of the fourth (4<sup>th</sup>) school week of the semester in question. A 2/3 vote of the National Pan-Hellenic Council can overturn this decision. If there is no vote to overturn, all appointed Justices must then sign the Confidentiality Agreement.

Section 6. At the first regularly scheduled National Pan-Hellenic Council meeting following appointments, the Vice President of Internal and Director of Risk Management shall announce the aforementioned appointments. If there are no objections to the appointments, the President of the National Pan-Hellenic Council shall deliver the oath of office in "New Business" of that same meeting, as follows:

**A. "I do solemnly affirm that I will faithfully execute the office of National Pan-Hellenic Council Judicial Board Justice Seat, and will to the best of my ability, preserve, protect and defend the Constitution of the National Pan-Hellenic Council and the Judicial Board Constitution of the same."**

Section 7. No more than one member per Member Organization shall sit on the Judicial Board as a voting member, at any one time. No justice will be permitted to participate in a case involving the Member Organization which they are a member of.

Section 8. As a condition of continued service on the Judicial Board, all Justices must enroll and complete training with the Office of Student Conduct within four school weeks of being sworn in. This requirement may be suspended by a majority vote of the Executive Board.

Section 9. Any Judicial Board member who is deemed by the Vice President of Internal and Director of Risk Management to have violated any provision of this Constitution shall be immediately considered resigned from the Judicial Board. A unanimous vote by either the National Pan-Hellenic Council Executive Board, or a 2/3 vote by the National Pan-Hellenic Council, as a whole, can overturn this decision.

## ARTICLE V. CONFIDENTIALITY

Section 1. All Justices shall sign, swear, and affirm intent to honor the Confidentiality Agreement prior to being sworn in as a Justice. Violation of any provision of the Confidentiality Agreement represents a violation of this Constitution.

Section 2. All information learned through the course of any hearing is considered confidential. Any release of confidential information, prior to public release by the National Pan-Hellenic Council Executive Board, will constitute a violation of this Constitution, in addition to other potential violations.

## ARTICLE VI. FILING A COMPLAINT AND ANSWER

Section 1. In order to be considered, all formal complaints filed by a student must meet the following requirements:

1. Formal complaints must be typed, printed, signed, and handed in to the front desk of the Office of Fraternity and Sorority Life within ten (10) school days of the original incident.
2. Formal complaints must be submitted in memo format, dated, and addressed to the Vice President of Internal and Director of Risk Management.
3. In order to be initially accepted for consideration, formal complaints must include the legible name of the filer along with contact information. If a formal complaint is filed anonymously, it shall be at the discretion of the Executive Board, by a 3/4 vote of affirmation, to allow consideration.

Section 2. In order to be considered, all complaints filed by an Office of Fraternity and Sorority Life Advisor, the National Pan-Hellenic Council Executive Board (must be passed by a 3/4 vote), or an employee of the Office of Student Conduct must meet the following requirements:

1. Formal complaints must be typed, printed, signed, and handed in to the front desk of the Office of Fraternity and Sorority Life within ten (10) school days of the original incident.
2. Formal complaints must be submitted in memo format, dated, and addressed to the Vice President of Internal and Director of Risk Management.
3. Formal complaints must include the legible name of the filer along with contact information.

Section 3. An email is not a valid way to file a formal complaint. Any emails that are sent to the Vice President of Internal and Director of Risk Management will not count as a formal complaint but be regarded as an informational email.

Section 4. Within five (5) school days of receipt of a valid formal complaint, the Vice President of Internal and Director of Risk Management, in conjunction with an Office of Fraternity and Sorority Life Advisor, shall discuss whether a complaint needs to go before the National Pan-Hellenic Council Judicial Board.

Section 5. If it is decided by the Vice President of Internal and Director of Risk Management that a complaint contains sufficient merit to go before the Judicial Board, he shall contact the accused within five (5) school days and shall inform him of the charges and the Preliminary Hearing date, time, and location. The Vice President of Internal and Director of Risk Management shall also send a copy of the complaint to the accused at this time. The accused shall be advised that any evidence to be considered in his defense must be submitted at the Preliminary Hearing.

*Section 6.* Within five (5) school days of contacting the accused, the Vice President of Internal and Director of Risk Management shall conduct the Preliminary Hearing. At the Preliminary Hearing, the Vice President of Internal and Director of Risk Management shall meet with the accused and an Advisor from the Office of Fraternity and Sorority Life. The accused does not need to attend this meeting in order for it to count as the Preliminary Hearing, so long as adequate and reasonable notice was given to the accused. The Preliminary Hearing shall consist of the formal announcement of the charges to be considered and the Official Hearing date, time, and location.

*Section 7.* During the Preliminary Hearing, given the accused does attend this meeting, the Vice President of Internal and Director of Risk Management shall offer the sanctions to the accused. The accused may either accept the outcome or not accept the outcome. If the Administrative Settlement Procedure is accepted by the accused, the Official Hearing process shall cease, the Vice President of Internal and Director of Risk Management shall file the Judicial Board Order, the case shall be considered and closed and shall not be addressed at any point in the future as the opportunity for a formal and proper appeal has been forfeited by execution of the Administrative Settlement Procedure. If the Administrative Settlement Procedure outcome is not accepted by the accused, the accused may file an answer to the complaint. The answer shall serve as a formal acceptance or rejection of the charges asserted in the complaint. If the answer accepts all the charges and admits fault, the Official Hearing process shall cease, and the Judicial Board shall meet to decide sanctions. If any of the charges are rejected and the accused denies fault, then the hearing process shall continue as normal. At this time, the Vice President of Internal and Director of Risk Management and the accused may provide each other with any evidence reasonably available to them. Other than witness testimony, any evidence not produced at the Preliminary Hearing will not be allowed to be presented at the Official Hearing.

*Section 8.* The Official Hearing date shall be not less than twenty (20) school days and not more than twenty-five (25) school days from the original filing of the complaint. During this time, the Vice President of Internal and Director of Risk Management should gather the names of and contact information for any witnesses the accused and/or accuser intend to call at the Official Hearing. These individuals should be contacted and requested to appear at the Official Hearing.

Section 9. All Justices, involved parties and the Office of Fraternity and Sorority Life Advisor shall be notified of the meeting date, time and location no less than five (5) school days prior to the Official Hearing.

## ARTICLE VII. HEARING PROCEDURES

Section 1. The National Pan-Hellenic Council Judicial Board shall meet at least once a month during the fall and spring semesters. When there is no hearing, the Judicial Board shall meet to discuss issues including, but not limited to: Risk Management, the National Pan-Hellenic Council Constitution, National Pan-Hellenic Council Bylaws and the National Pan-Hellenic Council Judicial Board Constitution. All meetings of the National Pan-Hellenic Council Judicial Board shall be co-chaired by the Vice President of Internal and Director of Risk Management. All meetings shall be governed by Roberts Rules of Order.

Section 2. Quorum required at an Official Hearing shall be as defined majority of justices. The Vice President of Internal and Director of Risk Management shall not count for/ against quorum.

Section 3. At his discretion, the Vice President of Internal and Director of Risk Management may delegate minute taking responsibility to an Office of Fraternity and Sorority Life Advisor or Graduate Assistant.

### Section 4. Official Hearing Procedure

1. The Official Hearing shall be open to anyone who wishes to attend. Only involved parties and members of the Judicial Board shall be permitted to speak. No outside counsel will be permitted for any party to a case.
2. The Vice President of Internal and Director of Risk Management shall call the meeting to order within thirty (30) minutes after the scheduled start time if all parties required to attend are in attendance. If after thirty (30) minutes the accused and/or a majority of the Judicial Board are not present, the case will not proceed and will be rescheduled, to be held within five (5) school days. The second Official Hearing shall not be subject to the same attendance requirement and shall proceed so long as quorum of the Judicial Board is verified. Reasonable notice to the accused must be ensured and verified before any Official Hearing may proceed.
3. If the required parties are in attendance and quorum is confirmed, the case will proceed to the Pleadings. It is during this point that each side's evidence will be distributed to the Judicial Board members. The evidence may only be altered by the Vice President of Internal and Director of Risk Management if it contains protected student information. Additionally, at this time, any Judicial Board member with a conflict of interest must recuse himself. If no recusals exist, both sides then have the option to make a case for forced recusal. Once all recusal and evidentiary issues have been settled, the case will proceed to the next item.
4. The Vice President of Internal and Director of Risk Management shall establish the hearing procedures as they exist in the most current version of this Constitution. He shall explain the alleged violations and shall ask the accused and the accuser (if applicable) to identify themselves for the Judicial Board.
5. Next, the Vice President of Internal and Director of Risk Management shall read the complaint in its entirety to those in attendance. If an answer has been filed properly, the answer shall be read next.
6. Following the reading, the accuser may present an opening statement (if applicable). This statement, not exceeding ten (10) minutes, should recount the events that initiated the complaint and why the accuser believes there was a violation. This statement shall not manifest as an argument, but rather as a statement of the issues that the accuser intends to prove to the Judicial Board. If there is no accuser, the Vice President of Internal and Director of Risk Management may recount any written testimony that meets the aforementioned requirements.
7. Following the accuser, the accused may present an opening statement. This statement, not exceeding ten (10) minutes, should recount the events that initiated the complaint and why the

accused believes there was not a violation. This statement shall not manifest as an argument, but rather as a statement of the facts that the accuser intends to show the Judicial Board.

8. After Opening Statements, the accuser may conduct up to three (3) witness examinations. These examinations, not exceeding forty-five (45) minutes total, should recount any events that may have contributed to the filing of the complaint or the alleged violation. If there is no accuser, the Vice President of Internal and Director of Risk Management may conduct the aforementioned witness examinations.
9. Immediately after each of the accuser's witness examinations, the accused may conduct unlimited cross examination.
10. Following the three witnesses for the accuser, the accused may conduct up to three (3) witness examinations. These examinations, not exceeding forty-five (45) minutes total, should recount any events that may have contributed to the filing of the complaint or the alleged violation.
11. Immediately after each of the accused's witness examinations, the accuser may conduct unlimited cross examination. If there is no accuser, the Vice President of Internal and Director of Risk Management may conduct the aforementioned witness cross examinations.
12. After the conclusion of witness examinations, a period of open questioning shall commence. For an unlimited period of time, any member of the Judicial Board, including the Vice President of Internal and Director of Risk Management, may ask any involved party any question pertaining to any element of the case. All individuals being questioned retain the right to not self-incriminate and as such may invoke such a right at any time.
13. Following the open questioning, the accuser (if applicable) shall deliver a closing argument, not exceeding fifteen (15) minutes. This argument shall summarize all of the evidence and proof shown to support the charges.
14. Following the closing argument by the accuser, the accused shall deliver a closing argument, not exceeding fifteen (15) minutes. This argument shall summarize all of the evidence and proof shown to disprove the charges.
15. This shall conclude the arguments for both sides. At this point, all parties to the case shall be dismissed and the Judicial Board shall retire with the Vice President of Internal and Director of Risk Management to a confidential chamber for the period of Closed Deliberation. No one other than the members of the Judicial Board and the Vice President of Internal and Director of Risk Management will be allowed in the chamber during Closed Deliberation.
16. The Violation period of Closed Deliberation shall consist of a discussion among the members of the Judicial Board regarding the alleged violation(s). The Vice President of Internal and Director of Risk Management shall not debate for or against anything, but rather, shall act as an impartial mediator for the discussion.
17. At any point during the Violation discussion, any member of the Judicial Board may call for a vote on any/all of the alleged infraction(s). Following Robert's Rules of Order, the Vice President of Internal and Director of Risk Management shall preside over any motions.
  1. The Vice President of Internal and Director of Risk Management will not vote and shall record all vote counts.
  2. To determine fault a majority vote will be needed. Tie votes will result in the accused being found "not guilty".
18. Once all charges have been resolved, the Judicial Board shall determine if sanctions are needed. Sanctions may only be applied in the event that the accused is found in violation of at least one charge. In such a case, if the National Pan-Hellenic Council Judicial Board determines that sanction(s) should be imposed, a discussion regarding which sanction to levy shall commence.
19. The Sanctioning period of Closed Deliberation shall consist of discussion among the members of the Judicial Board regarding which sanction to impose. The Vice President of Internal and

Director of Risk Management shall not debate for or against anything, but rather, shall act as an impartial mediator for the discussion.

20. At any point during the Sanctioning discussion, any member of the Judicial Board may call for a vote on any/all of the proposed sanction(s).
  1. The Vice President of Internal and Director of Risk Management will not vote and shall record all vote counts.
  2. To impose a sanction, a majority vote will be needed. Tie votes will result in no sanctions being imposed upon the accused.
21. Once all allegations have been resolved and no outstanding issues remain within the Judicial Board, the Vice President of Internal and Director of Risk Management shall announce the Official Hearing adjourned. He shall then collect all evidence and personally identifiable information from all Justices for the purposes of destruction.
22. The Vice President of Internal and Director of Risk Management shall then file, within five (5) school days of the completion of the Official Hearing, the final decision of the Judicial Board. This filing, also known as the "Judicial Board Order", shall be sent to all involved parties, the Advisor from the Office of Fraternity and Sorority Life, all Judicial Board members, and the President of the National Pan-Hellenic Council.
23. The Judicial Board Order shall include, but is not limited to the following:
  1. The Judicial Board's findings on each charge (guilty or not guilty),
  2. The Judicial Board's rationale for each finding,
  3. The Judicial Board's sanctions for each charge (if applicable),
  4. The Judicial Board's rationale for each sanction (if applicable),
  5. The Judicial Board's timeline for completion of sanctions (if applicable),
  6. The Appeals Process as outlined by this Constitution Article IX.
24. At the filing of the Judicial Board Order, the case shall be considered closed and shall not be addressed at any point in the future unless a formal and proper appeal is filed per Article IX of this Constitution.
25. If no appeal is filed, the Vice President of Internal and Director of Risk Management shall redact all personally identifiable information from the complaint, answer, and Judicial Board Order for the purposes of a precedent log. This book shall be kept in a safe place and passed along to every Vice President of Internal and Director of Risk Management for use during future hearings. The use of precedent shall be preferred over the creation of new and/or inconsistent rulings.

## **ARTICLE VIII. CHARGES AND SANCTIONS**

Section 1. Charges can be filed by any member of the University of Central Florida Community. Charges can be filed against any member or Member Organization, regardless of standing, at any time. Charges can cover a violation of the rules, regulations, laws, and/or instructions of the National Pan-Hellenic Council at the University of Central Florida, the University of Central Florida, the State of Florida, and/or the United States of America, including but not limited to the following documents:

1. The Golden Rule Student Handbook,
2. The Constitution of the National Pan-Hellenic Council,
3. The Judicial Board Constitution of the National Pan-Hellenic Council,
4. The Student Body Constitution of the University of Central Florida, and
5. The Student Body Statutes of the University of Central Florida.

Section 2. All sanctions levied by the National Pan-Hellenic Council Judicial Board shall be made in congruence with and with consideration of the violation alleged. No punishment or sanction shall grossly outweigh the impact or ramifications of the initial violation.



Section 3. All sanctions shall be imposed with the good faith belief that they will correct or assist in correcting or rectifying the initial violation. Potential sanctions include:

- A. Disciplinary Warning,
- B. Deferred Disciplinary Probation,
- C. Disciplinary Probation,
- D. Disciplinary Suspension,
- E. Educational Sanctions, and
- F. Other.

Section 4. The sanctions covered in Article VIII, Section 2 shall be further explained and clarified with the use of the UCF Golden Rule Student Handbook and/or the assistance of an Office of Fraternity and Sorority Life Advisor. Any combination of the aforementioned sanctions shall be permitted.

## **ARTICLE IX. APPEALS**

Section 1. Any fraternity wishing to appeal a decision made by the National Pan-Hellenic Council Judicial Board has five (5) school days from the date listed on the Judicial Board Order to do so.

Section 2. In order to be considered, all appeals filed by a party must meet the following requirements:

1. Appeals must be based on some procedural error. No appeals shall be accepted if based on a substantive issue or simply a party's dislike of the ruling.
2. Appeals must be submitted in memo format (see Appendix C.), dated, and addressed to the Vice President of Risk Management and Judicial.
3. Appeals must include the legible name of the filer along with contact information.
4. Appeals must be typed, printed, signed, and handed in to the front desk of the Office of Fraternity and Sorority Life in the timeframe outlined in Article IX, Section 1 of this Constitution.

Section 3. Once approved for consideration, all appeals shall be referred to the Student Government Association Judicial Board for an Appeal Hearing. If the Judicial Board does not accept the case within ten (10) school days, the appeal will be referred to the Office of Fraternity and Sorority Life Advisor for final review and judgment.

## **ARTICLE X. AMENDMENTS**

Section 1. Any National Pan-Hellenic Council Delegate or Judicial Board Justice may propose an amendment to the Judicial Board Constitution at any regularly scheduled National Pan-Hellenic Council meeting.

Section 2. Proposed amendments to the Judicial Board Constitution shall be read, discussed, and tabled at the Council meeting at which they are submitted. The proposed amendments will be read, discussed, and voted upon at the next regularly scheduled meeting. Three-fourths (3/4) vote of the Council membership shall be required for passage.