



# ALPHA KAPPA PSI

*The Professional Business Fraternity*

## **JUDICIARY COMMITTEE OPERATIONS MANUAL**

*Shaping People, Shaping Business*

**NOVEMBER 2019  
VERSION 2.3**

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## **Purpose**

The Judiciary Committee (JC) Operations Manual (OM) is the governing document for the fraternity's risk management and discipline policies and procedure. This version of the JCOM, developed in 2019, comprehensively incorporates policies previously outline in the Board of Directors' Statement of Policy.

## **Charter**

The Board of Directors' Statement of Policy outlines the JC's charter, duties, and responsibilities. In effect, these duties include:

- Reviewing any action by, of, or between chapter(s), brother(s), pledge(s), or guests (members may be held accountable for the actions of their guests) which it deems to be a violation of the Constitution, Statutory Code, Board of Directors' Statement of Policy and other governing documents, or generally inappropriate behavior detrimental to the reputation of Alpha Kappa Psi or that endangers the continued smooth operation of the fraternity.
- Serving as a consultant to any chapter disciplining its members according to the fraternity's governing documents.
- Serving as an investigative body for any cases in which the chapter is unable or unwilling
- Serving as the investigative body for any matters involving a student or alumni chapter, member, volunteer or any nonchapter affiliated member
- Providing ongoing review of fraternal governing documents pertaining to discipline to ensure their integrity and consistency.
- At its discretion, reviewing cases which were adjudicated by other parties.
- Ensuring a complete investigation has been conducted, including a determination of guilt, and imposing an equitable sentence when warranted.

## **Authority**

The Alpha Kappa Psi Board of Directors' Statement of Policy establishes the fraternity's JC and its purpose. Within the JC's scope of duties, the Board of Directors has directed the JC to publish and maintain the JCOM in order to establish the fraternity's disciplinary procedures.

The Constitution, Statutory Code, and Board of Directors' Statement of Policy supersede this document when conflicts exist.

## **Disciplinary Procedure – Allegations Against Members**

1. Allegations. Anyone may submit an allegation of misconduct to a fraternity leader. Fraternity leaders include, but are not limited to, a member of a chapter's executive committee; a regional management team or chapter advisory board member; a Judiciary Committee member; a Management Team member; Heritage Center staff; or a member of the Fraternity Board of Directors.
  - a. Allegations must be submitted in writing. They must specify the time, date, circumstances, and witnesses for each allegation.
  - b. When a fraternity leader receives an allegation, they must provide this allegation to the Heritage Center's Judiciary Committee Staff Liaison (HCJCSL) in writing within 72 hours.
  
2. Preliminary Inquiry.
  - a. When the HCJCSL receives an allegation, they will notify the Fraternity Officers of the circumstances of the allegation and direct the Fraternity Officers to conduct a preliminary inquiry. The Fraternity Officers may select an alumnus already serving in a volunteer capacity to conduct the preliminary inquiry on their behalf.
  - b. The goal of a preliminary inquiry is to determine the facts and circumstances surrounding the allegations, identify individuals aware of the allegations, and assess the validity of the allegations. The individual conducting the preliminary inquiry will return their results to the HCJCSL when complete.
  
3. Assessing the Preliminary Inquiry. The JC and HCJCSL will assess the results of the preliminary inquiry and determine if a disciplinary hearing is warranted.
  - a. If a disciplinary hearing is not warranted, the HCJCSL will notify the Fraternity Officers of the results of the decision.
  - b. If a disciplinary hearing is warranted, the JC will either conduct the disciplinary hearing or direct the Fraternity Officers to appoint an alumnus to conduct the disciplinary hearing.
    - (1) The individual responsible for conducting the disciplinary hearing is referred to as the "Hearing Official."
    - (2) The Fraternity Officers may delegate the responsibility of selecting a Hearing Official to a currently-serving Vice President or Regional Director.
  
4. Conducting the Disciplinary Hearing. The Hearing Official will form a disciplinary hearing committee of at least two other Alpha Kappa Psi alumni to conduct a

disciplinary hearing. This committee will develop formal charges of misconduct based on the results of the preliminary inquiry.

- a. The Hearing Official will notify all individuals charged with misconduct of the circumstances of the charges against them along with the time, date, and location (or call information if virtual) of the disciplinary hearing. The notification will be transmitted in writing and will provide at least seven (7) calendar days' notice of the hearing.
- b. If more than one individual is considered for a disciplinary hearing within the same allegation, each individual will receive their own disciplinary hearing.
- c. The Hearing Official may request other individuals attend the disciplinary hearing who may be able to provide information on the charges. No notice is required to request these individuals' presence.

5. Completing the Disciplinary Hearing.

- a. The disciplinary hearing committee will assess all the facts and testimony and determine whether each individual is "responsible" or "not responsible" for the charges levied against them.
- b. After determining responsibility, the disciplinary hearing committee will determine a recommendation for appropriate disciplinary measures for the charges.
- c. The Hearing Official will provide the disciplinary hearing committee's findings and recommendations, along with the vote count for each finding and recommendation, to the HCJSCL within five calendar days after the conclusion of the disciplinary hearing.

6. Enacting Discipline.

- a. All disciplinary hearing findings will be submitted to the Judiciary Committee for review and modification or approval of disciplinary action.
- b. If the disciplinary action includes a recommendation for expulsion, the Judiciary Committee will forward the case details to the Board of Directors for review (see "Disciplinary Procedure – Board of Directors Review").
- c. Once disciplinary action is approved, the HCJSCL will notify each individual of the disciplinary hearing committee's determination of responsibility and the individual's discipline terms within ten calendar days.

**Disciplinary Procedure – Allegations Against Members (Chapter Hearings)**

1. Collegiate Chapters must request the authority to conduct a chapter-level disciplinary hearing from the Chief Executive Officer through the HCJCSL. If the Chief Executive Officer grants this authority, chapters must follow the following steps.
2. The Chapter President (unless another individual is identified by the JC) will appoint at least three student members to a disciplinary hearing panel ("The Panel") to conduct the hearing.
  - a. The Chapter President (or JC appointee) will take every effort to prevent conflicts of interest when appointing members to The Panel.
  - b. If they choose, the Chapter President may use an already-formed committee to conduct these hearings.
  - c. The members of the The Panel will elect one of their own members to serve as the chair of the panel.
3. The chair of The Panel is responsible for identifying individuals to attend hearings and notifying those individuals.
  - a. The chair of The Panel will send an email to each accused member **at least seven calendar days before the hearing**. This email will contain **the circumstances of the allegations against the accused member** and **the time, date, and location of the hearing**.
  - b. The chair of The Panel may request other individuals to attend the disciplinary hearing to provide The Panel with information about the allegations. There is no time constraint to notify these individuals or request their attendance.
4. After concluding the disciplinary hearings, The Panel will determine responsibility for the charges and the discipline to be levied.
  - a. The Panel will vote to determine if the member is responsible for the allegations. This vote requires a majority to be affirmed.
  - b. Once a determination on responsibility been made, The Panel will vote to determine the discipline against the member. This vote requires a majority to be affirmed.
5. The chair of The Panel will present the findings and recommend discipline to the chapter during a chapter meeting. The chapter will then vote to affirm or reject the discipline.

- a. The chapter can only vote to **affirm** the recommend discipline or **reject** the discipline and send it back to The Panel to reconsider. They cannot amend the discipline.
  - b. Suspending or expelling a member requires a **three-quarters vote** of members present and in good standing at the meeting. All other discipline requires a **majority vote**.
6. Once the chapter has made a final determination on discipline, the Chapter President (or JC appointee) will send the outcome of the disciplinary hearing to the HCJCSL **within five calendar days**. This email will include:
  - a. The names and contact information of The Panel members
  - b. All information gathered by The Panel, including minutes taken
  - c. The disciplinary measures as affirmed by the chapter and the vote count for those measures
7. The Chief Executive Officer retains the authority to stop chapter-level disciplinary hearing proceedings and remand the disciplinary hearing to the Judiciary Committee at any point during the process.

### **Disciplinary Procedure – Allegations Against Chapters**

The Judiciary Committee is the Hearing Official for all chapter-wide disciplinary hearings. These disciplinary procedures will follow the same procedures listed in "Disciplinary Procedures – Allegations Against Members," substituting the word "chapter" for "member(s)" where applicable.

### **Disciplinary Procedures – Rules Governing Proceedings**

1. As it relates to disciplinary hearings, members charged with misconduct and disciplinary hearing committee members may not use or introduce legal counsel or non-member advocates during preliminary inquiries, disciplinary hearings, or meetings related to disciplinary hearings.
2. Upon receiving notification of a disciplinary hearing, a member may admit responsibility to some or all of the charges against them. A member may request the Hearing Official consider their admission of responsibility in lieu of appearing before the disciplinary hearing. In these cases, all Hearing Officials must request final approval from the Judiciary Committee before granting the member's request to waive their hearing.
3. If the Judiciary Committee receives a properly certified copy of any college or university disciplinary proceeding relating to allegations against member(s), the

Judiciary Committee may find the accused responsible for violating the corresponding fraternity policy without further investigation.

4. If the Judiciary Committee receives information derived from a fair and reasonable process carried out in good faith which warrants a recommendation for a member's suspension or expulsion, members recommended for suspension or expulsion will be considered "Suspended- Discipline" for thirty (30) days to allow the Board of Directors or their delegate to deliberate the matter and render a decision.
5. Any member expelled or suspended will automatically be removed from any office or position held. Members found responsible of lesser offenses are subject to removal from office as determined by the disciplinary hearing committee and this recommendation will be included in the motion presented to the chapter, so long as the period in which the responsible member may not hold office does not conflict with the provisions set forth in Caput II Section 3D of the Statutory Code.
6. Resignation from membership does not remove an individual's obligation to complete the terms of their discipline, including suspension from membership or attendance at event.
7. Members who resign after being notified of allegations against them as part of a disciplinary hearing, but before responsibility has been determined, are prohibited from attending Alpha Kappa Psi events as a guest. Chapters and members are responsible for enforcing this policy at their events; failure to adhere to this direction are grounds for a disciplinary hearing on the chapter's conduct.
8. If verifiable information exists to corroborate a member's conviction of a felony charge related to the charges in question by a court of appropriate jurisdiction or any college or university disciplinary proceeding relating to said charges, the disciplinary hearing committee retains the authority to find the accused responsible for the charges without further testimony.
9. If, during a disciplinary hearing, the disciplinary committee discovers additional information regarding violations of governing documents, the disciplinary committee may consider this information without the need to conduct another disciplinary hearing. In these cases, member(s) will be afforded the opportunity to respond to this new information before the conclusion of the disciplinary hearing.

### **Disciplinary Procedures – Appeals**

Disciplined members or chapters may appeal findings of responsibility and disciplinary action. Appeals will only be considered as the result of material procedural errors. The Board of Directors may overturn a decision if the discovery of a material procedural error may result in a new verdict should this evidence be presented at rehearing. Material procedural errors include but are not limited to: process or procedural errors or the discovery of evidence or witnesses which were not available or presented at the original



hearing. Appeals must be made in writing within fourteen (14) calendar days of the individual or chapter's notification of the disciplinary hearing committee's findings. The Board of Directors retains the authority to accept appeal requests after thirty (30) calendar days have elapsed since the effective date of the decision. If the original decision is overturned, the case will be remanded to the proper party for rehearing.

Members found responsible by a chapter-level disciplinary hearing committee may appeal to the Judiciary Committee. The decisions of the Judiciary Committee may be appealed to the Board of Directors.

Members or chapters who have been found responsible for charges as the result of a disciplinary hearing by the Judiciary Committee may appeal to the Board of Directors.

In the event the Fraternity incurs cost for an action as a result of an incident by a chapter or its members, the Board of Directors may assess a part of all of the cost incurred back to the chapter. This may include attorney fees, settlement cost, or any other cost associated with the incident.

### **Discipline Procedures – Cost of Action**

In the event the Fraternity incurs cost for an action as a result of an incident by a chapter or its members, the Chief Executive Officer may assess a part of all of the cost incurred back to the chapter or members. This may include Alpha Kappa Psi's attorney fees, settlement cost, or any other cost associated with the incident.

### **Discipline Procedures – Students Disciplined By a University**

If a member is expelled or suspended by their university, the fraternity may accept the university's process and resulting action to discipline a member in a like manner. This includes any original adjudication by the university and any subsequent appeals.

### **Administrative Information**

Version 2.2 of this document was created on 20 November 2019 in response to a 16 October 2019 amendment to the Board of Directors' Statement of Policy establishing the JCOP as the governing document for disciplinary procedures.