

PIKE



Pi Kappa Alpha
Judicial Board Handbook
Updated July 2019

Foreword

The contents of this handbook are the result of a compilation of information from various chapters and various brothers affiliated with the Pi Kappa Alpha Fraternity for the use by any chapter which is interested in establishing or improving its programming.

It should be understood that each chapter is self-governing and solely responsible for its day-to-day, week-to-week and month-to-month operation and nothing herein is intended as or should be deemed as supervision, direction, monitoring, oversight or as an effort to control the local chapter by the Pi Kappa Alpha Fraternity, which is a fraternal affiliation of over 220 chapters, over 15,000 active undergraduate members and over 300,000 alumni and several nonprofit corporations, including, but not limited to Oak Service Corporation, a Tennessee nonprofit corporation which serves as a clearinghouse and an administrator for purposes of organizing meetings and conventions, publishing fraternal publications and performing other functions for the entire Fraternity.

This handbook is an educational guideline only which contains suggestions and recommendations developed by various chapters which were able to develop successful programs. It is published and available to any chapter through the clearinghouse in Memphis as a form of brotherly advice for whatever use one wants to make of it.

All ideas herein are optional, and nothing is mandatory. Participation is by the voluntary choice of each chapter and each member with the understanding that one generally gets out of something what one is willing to put into it. Thus, any language contained herein which could possibly be construed as “mandatory” such as “do this” or “do that” is only in the form of a recommendation that if one wishes to get the most benefit out of using the suggestions in the handbook, then the suggestions can be utilized with the understanding that any handbook is, at most, a guide and that the users should substitute their own experience and judgment to use, adapt or modify the suggestions and recommendations contained herein. In other words, the handbook is a guide from which the users can use to establish, improve or build their own programs, using their own knowledge, common sense, ideas and experience and to assist the users from time to time as a reference for ideas and suggestions. In turn, each chapter is encouraged to share good ideas with other chapters by advising the administrative clearinghouse for possible inclusion in future publications.

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JUDICIAL BOARD HANDBOOK
THE PI KAPPA ALPHA FRATERNITY
8347 West Range Cove
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Revised July 2019

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Overview of Handbook

It is important to follow a few recommendations when reading through this handbook. The first recommendation is to think of this handbook as a guide while you are sergeant-at-arms. This handbook is laid out in a fashion so that as you progress through the year, you will then advance to the next segment of the handbook. However, you do not have to read this handbook sequentially just because of that. If you only want a certain aspect of the handbook for reference, simply skip ahead to that part of the book. Also, you do not have to do everything exactly as this handbook states, but this handbook outlines some of the best practices being used today. Again, this handbook is simply a reference tool, so use it as such. If anything in this handbook does not sound familiar to you, some reevaluation and changing of processes may be in order, which leads to the next recommendation.

Do not let unfamiliarity or tradition keep you from implementing the ideas in this handbook. It is very easy to go through and simply read this handbook for general knowledge and understanding of the position. Unfortunately, things will not change or get better in your chapter unless you take action. In order to get the most out of this handbook and to make the greatest impact on your chapter, it is recommended to take the ideas in this handbook and put them into action. By taking action, you will get the most out of your position, which leads to the final recommendation.

Enjoy your position! No matter what reason you had for taking this position, make sure you fulfill your duties to the best of your ability. Much like the undergraduate fraternal experience, your tenure in this position will be very brief so do your best to make a positive impact and better the overall chapter. If you work your hardest to ensure this happens, you will truly have a rewarding undergraduate fraternal experience. Good luck!

Understanding Your Position

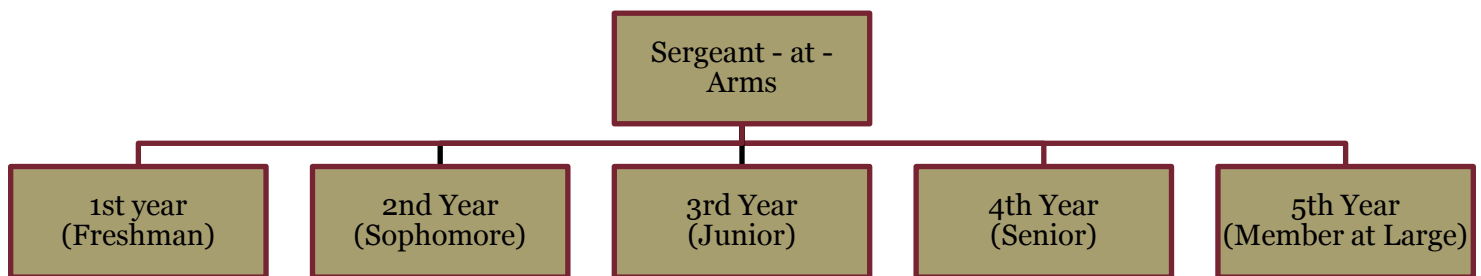
Every successful chapter needs to hold its members accountable. Maintaining a balance of brotherhood and enforcing high standards is difficult for any one member. A judicial board is used to deal with situations in a fair and consistent manner. The judicial board is a group of brothers selected by the sergeant-at-arms to represent the membership of the chapter and make decisions regarding a member's conduct. It is a means to hold brothers accountable in an unbiased and fair way. As such, it should be selected carefully, and consistently reviewed to ensure a conflict of interest does not exist.

The sergeant-at-arms is responsible for appointing the judicial board, with approval from the executive council.

Composition of Judicial Board

The judicial board should represent a cross-section of the chapter's membership and reflect a variety of its interests. Therefore, it is recommended the judicial board be composed in the following manner:

- sergeant-at-arms (elected by the chapter)
- One first-year member
- One second-year member
- One third-year member
- One fourth-year member
- One fifth-year member (or member-at-large)
- Additionally, the composition of the judicial board should meet the following criteria:
 - Members who have been very involved in the chapter and those who have not
 - Members who place priorities on various aspects of Fraternity life
 - Members who do **not** live together (i.e. no roommates)
 - No executive council members - except for the sergeant-at-arms



The sergeant-at-arms is to be elected by the chapter and may not concurrently hold an executive council position. The remaining (first year, second year, third year, and fourth year) members are to be selected by the sergeant-at-arms and approved by the chapter's executive council. All members of the judicial board must meet academic and financial requirements consistent with the chapter's bylaws.

In the instance that there is not a member from a specified year available, the member-at-large can be selected and approved by the executive council to serve until a member meeting the qualifications is

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available. Once a member meets the criteria and is approved by the executive council, the member-at-large will vacate this position and the member meeting the qualifications will step in.

Role of Sergeant-at-Arms

- Presiding officer and lead facilitator for hearing
- Maintain decorum and fairness during hearing
- Track and maintain records of sanction requirements and completion
- Responsible for correspondence related to the judicial board, including but not limited to notice of judicial board hearing, notice of judicial board decision(s), and report hearing outcome to the International Fraternity (when applicable).
- Educates the chapter on its bylaws and the *Constitution & Chapter Codes*
- Regularly reviews, edits, and updates chapter bylaws per chapter policy

Voting

- The sergeant-at-arms will be the only member of the judicial board not receiving a regular vote. The sergeant-at-arms will only vote in the case of a tie.

Expectations of Judicial Board Members

It is expected that each member of the judicial board will:

- Attend all judicial board training sessions to become educated with the chapter's due process.
- Uphold and enforce all University rules and regulations, the *Constitution & Chapter Codes*, Chapter bylaws, and other Fraternity policies.
- Notify the sergeant-at-arms if unable to attend a scheduled hearing.
- Model the behavior that is expected of each Fraternity member.
- Arrive for all meetings and hearings prepared, on time, and appropriately dressed (at the discretion of the sergeant-at-arms).
- Be engaged during every hearing
- Support and enforce the rights of both the accusing brother(s) and the accused brother(s).
- Maintain confidentiality by not discussing the proceeding of any case outside of the official judicial hearing, even with others who were present at the hearing.
- Consider all the facts concerning each case and will render a decision based on facts presented during the hearing.
- Only consider the information shared in the official judicial hearing and will not give merit to information obtained outside of the hearing.
- Consider who is involved in each hearing and will remove himself from the hearing if he feels that he is unable to be objective and unbiased.
- Be present for every hearing unless it is determined by the sergeant-at-arms, chapter advisor(s), or the member in question that the case will be a conflict of interest for that member.

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Conflict of Interest

A member of a judicial board is not permitted to participate in a hearing if it is determined (by the sergeant-at-arms, chapter advisor(s), or the member in question) that he is unable to be objective and unbiased. Participating in hearing means:

- Being present in the room when information is being presented and/or the hearing is occurring.
- Being present in the room when the judicial board is discussing the case and/or determining sanctions.
- Voting on the final decision.
- Attempting to influence other board members when determining the outcome of the hearing. Anyone found violating this point should be removed from the judicial board pending sergeant-at-arms and executive council's approval.

When to Use the judicial board

Types of Violations

As members of Pi Kappa Alpha, it is imperative our members uphold our high standards. Chapter members that are alleged to have violated any one of the following should be referred to the chapter's judicial board.

- Violation of the campus policies
- Violation of the Fraternity's governing documents (*Constitution, Chapter Codes, and/or Fraternity Standards*)
- Violation of the chapter's bylaws
- Offenses against any local, state, and/or federal laws
- Financial delinquency
- Failure to meet the academic standard
- Conduct inconsistent with the values of Pi Kappa Alpha
- Violation of any existing sanctions, conditions, and/or probation

The list above is not exhaustive and is meant to offer a framework in which the chapter can build upon. The point is, the judicial board should be used to make the tough decisions regarding a member's conduct so the chapter may continue to prosper, and the member receives the appropriate help and/or consequences for his actions.

Utilizing the Judicial Board: Due Process

Procedural Rights of the Accused

Members accused of misconduct and involved in a formal judicial board hearing are entitled to the following procedural rights:

- The right to be informed in writing of the charges against them with enough specificity and time to ensure opportunity to adequately prepare for a hearing.

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- The right to decline making self-incriminating statements or to participate in a hearing. Such action will not be interpreted as evidence of responsibility; however, the process and hearing will continue.
- The right to present information and witnesses on their own behalf.
- The right to see all information presented and to question all people who appear before the judicial board.
- The right to receive a timely written decision.
- The right to appeal the decision of the judicial board.

Complaints and Notice of Hearing

1. Chapter members may report the actions or conduct of any given member by petitioning the judicial board within 30 days of an incident. Allegations/complaints should be submitted in writing to the sergeant-at-arms.
 - Violations of minimum chapter standards, such as academic and/or financial delinquency, can be automatically referred to the judicial board, and may not require a *Notice of Complaint* to be submitted.
2. After receiving a *Notice of Complaint*, the sergeant-at-arms shall convene the judicial board at the earliest available opportunity to hold a hearing. It is recommended this hearing date not exceed seven (7) days from the *Notice of Complaint*.
3. A *Notice of Hearing*, which outlines the complaint and/or violation, shall be sent to the respondent with a request to appear before the judicial board with at least 48 hours' notice.
 - Should the respondent be unable to attend the scheduled hearing, he must notify the sergeant-at-arms and request an alternate date and time.
 - The respondent has the right to accept responsibility for the allegation/complaint and waive his right to a hearing

A sample *Notice of Complaint/Hearing* can be found in the *Supplemental Resources* section of this handbook.

Interim Action

If a student member is alleged to have engaged in conduct that is unlawful or in violation of the *Pi Kappa Alpha Constitution & Chapter Codes*, that student may be placed on administrative suspension.

A student member may be placed on administrative suspension by majority vote of the chapter's elected officers for thirty (30) days or during an investigation into the student's alleged conduct. Said suspension shall not exceed forty-five (45) days from the date the member is given notice of the suspension.

For additional information regarding the administrative suspension process, please refer to the *Constitution & Chapter Codes*, and contact your chapter consultant or director of services for additional information.

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Executing an Effective Judicial Board Hearing

The judicial board meeting should occur in private, meaning that only board members, complainant, and respondent are permitted in the meeting room, with ample notice (48 hours at minimum) given to both parties involved. Once all the members of the judicial board are present, they will elect a chair of the board and a secretary to take minutes. The sergeant-at-arms will serve as a nonvoting member (except during a tie), and act as the lead facilitator for the hearing by maintaining decorum and fairness throughout.

Prior to the hearing, the judicial board should review all reports, witness statements, and other pertinent information. The judicial board will have opportunities to ask questions and discuss the allegations throughout the meeting.

Sample Judicial Hearing Agenda

- I. Meeting called to order by sergeant-at-arms
- II. Introduction of participants (members of the judicial board, complainant, respondent, etc.)
- III. Reading of complainant's outline in the *notice of complaint* sent
- IV. Statement of complainant
 1. Presentation of any evidence and/or additional information
 2. Questioning by members of the judicial board
 3. Complainant dismissed, respondent enters
- V. Statement of respondent
 1. Presentation of any evidence and/or additional information
 2. Questioning by members of the judicial board
 3. Respondent dismissed, complainant enters
- VI. Closing comments by complainant
 1. Complainant dismissed, respondent enters
- VII. Closing comments by respondent
 1. Respondent dismissed, complainant enters
- VIII. Ask respondent to share reasonable sanctions/conditions if found responsible
- IX. Complainant and respondent dismissed
- X. Judicial board deliberates the case
- XI. Determination of responsibility
 1. If a majority of the members of the standards board vote in the affirmative, the respondent shall be found responsible. If not, the respondent shall be found not responsible.
 2. The complaint against the respondent must be established by a preponderance of the evidence, meaning that a reasonable person would accept that "more likely than not" a fact is true or an incident occurred.
- XII. Discuss & determine potential sanctions/conditions – *if applicable*
- XIII. Adjourn

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After Judicial Hearing

- Complete sanction letter before giving it to the person involved, and record copy for sergeant-at-arms. If conditions are placed on a member's membership, incorporate deadlines and tracking to ensure the member completes expectations in a timely fashion. Failure to do so may lead to further actions being taken by the chapter.
- Complete the sanction-follow up letter (if campus involved incident) which is given to the Greek advisor when sanction is complete.
- Communicate decision at the next chapter meeting.

Appealing the judicial board Outcome

Members who have appeared before the judicial board have the option to appeal any decision by petitioning to the executive council. Should the member wish to appeal the decision of the executive council, he may appeal their decision to the chapter. All appeals must be made within 30 days of the most recent action dealing with the incident, and a written description of the original incident, a description of subsequent action and an explanation of the appellant's argument must accompany every appeal.

To summarize, judicial board decisions may generally be overturned by an executive council decision, and executive council decision may be overruled by two-thirds of the chapter.

Additional Responsibilities

Agenda for the Judicial Board Meeting

In addition to judicial board hearings, the judicial board is expected to meet on a weekly basis to discuss pertinent information regarding chapter conduct, review chapter bylaws, and discuss other relevant information. This meeting is an opportunity to review conflicts that may have arisen during the week, or to review any notices the sergeant-at-arms received regarding the conduct of any member.

Additional topics discussed may include:

- Discuss potential areas in which the chapter could improve the bylaws
- Track progress of membership conditions
- Draft and/or send notices of hearing/outcome letters to individual members

Supplemental Resources

Judicial Board Hearing Agenda

CHAPTER - JUDICIAL BOARD HEARING AGENDA

[MEETING DATE, TIME, AND LOCATION]

- I. Meeting called to order by sergeant-at-arms
- II. Introduction of participants (members of the judicial board, complainant, respondent, etc.)
- III. Reading of complainant's outline in the *notice of complaint sent*
- IV. Statement of complainant
 1. Presentation of any evidence and/or additional information
 2. Questioning by members of the judicial board
 3. Complainant dismissed, respondent enters
- V. Statement of respondent
 1. Presentation of any evidence and/or additional information
 2. Questioning by members of the judicial board
 3. Respondent dismissed, complainant enters
- VI. Closing comments by complainant
 1. Complainant dismissed, respondent enters
- VII. Closing comments by respondent
 1. Respondent dismissed, complainant enters
- VIII. Ask respondent to share reasonable sanctions/conditions if found responsible
- IX. Complainant and respondent dismissed
- X. Judicial board deliberates the case
- XI. Determination of responsibility
 1. If a majority of the members of the standards board vote in the affirmative, the respondent shall be found responsible. If not, the respondent shall be found not responsible.
 2. The complaint against the respondent must be established by a preponderance of the evidence, meaning that a reasonable person would accept that "more likely than not" a fact is true or an incident occurred.
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Example Notice of Allegation/Complaint (Email)

[DATE]

[NAME]

[DESIGNATION] Chapter
[COLLEGE/UNIVERSITY]
[E-MAIL ADDRESS]

CORRESPONDENCE SENT VIA E-MAIL

Dear Brother [LAST NAME]:

This letter serves as official notice that an allegation/complaint has been made against you. The allegation/complaint alleges you to be in violation of:

[INSERT CHARGE/VIOLATION]

Because of the allegation, the judicial board requests your presence at [TIME, DATE, and LOCATION] to determine responsibility. At this meeting, you will have an opportunity to hear and respond to the evidence upon which the allegations are based.

If you are unable to make the meeting at the time listed above, please notify the sergeant-at-arms within 24 hours of receiving this notice. Failure to notify the sergeant-at-arms and/or failure to attend the scheduled meeting may be interpreted as an admission of responsibility, at which time the judicial board will determine any appropriate sanction(s).

If you would like to accept responsibility for the charges contained within, and waive your right to a judicial board hearing, you may sign this document.

The procedures for the judicial board are available in the <CHAPTER BYLAWS OR ANOTHER DOCUMENT> and can be made available upon request. Thank you in advance for your cooperation.

Fraternally,
[NAME OF SERGEANT-AT-ARMS]
Chapter SERGEANT-AT-ARMS
[EMAIL ADDRESS OF SERGEANT-AT-ARMS]

Signature of Respondent

Date

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Example Notice of Outcome (Email)

[DATE]

[NAME]
[DESIGNATION] Chapter
[COLLEGE/UNIVERSITY]
[E-MAIL ADDRESS]

CORRESPONDENCE SENT VIA E-MAIL

Dear Brother [LAST NAME]:

After review of the evidence and relevant information at your judicial board hearing on [DATE OF JUDICIAL BOARD HEARING], the following decision was made regarding the allegations/complaints made against you.

[COMPLAINT FROM CHARGE LETTER (VIOLATION)]: **Responsible / Not Responsible**

Because of being found responsible for violation(s) of [INSERT GOVERNING DOCUMENTS – BYLAWS, UNIVERISTY POLICY, STANDARDS, ETC], the following sanction(s) has(have) been assigned:

[SANCTIONS with details on date of completion requirements]

Please notify me when you are in receipt of and understand these sanctions no later than [SET TIME FRAME – 3, 5, 7 DAYS] by signing below. If there are any questions at that time, they can be addressed. Failure to complete the sanctions described above will result in further disciplinary action from the judicial board. If you would like to appeal the judicial board’s decision, please complete the attached appeal form.

Please do not hesitate to contact me if you have questions about your sanctions or the appeal process.

Thank you in advance for your cooperation.

Fraternally,
[NAME OF SERGEANT-AT-ARMS]
SERGEANT-AT-ARMS
[EMAIL ADDRESS OF SERGEANT-AT-ARMS]

[NAME]

[DATE]

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Chapter Bylaws

Every chapter needs a set of rules to govern the group's operations. These are called chapter bylaws. The bylaws are specific to each organization and should be comprehensive enough to keep consistent order and continuity, but flexible enough to allow for creativity, progress, and growth of the chapter.

Topics included in bylaws

- Organization structure
- Officer responsibilities
- Judicial board composition and due process
- Elections and removal from office processes
- Financial and academic standards policies
- Chapter meeting rules and attendance requirements
- Initiation voting procedures
- Bylaw amendment procedure
- Membership statuses
 - Active
 - Alumnus
 - Resignation
 - Suspension/expulsion
- Billing status vs. Membership status
 - “Inactive” status does not exist. Inactive is strictly referring to a member's billing status; meaning, he is no longer being billed.
- Membership requirements
 - Attendance, financial, community service, live-in requirement, GPA, social media presence, etc.
 - May be worthwhile to include in a comprehensive membership contract

More than the topics listed above can be included in the bylaws. However, remember that room should be left for the executive council and the chapter to make its own decisions and continually advance as an organization. The bylaws are simply a set of established procedures to provide a long-term, solid foundation for the organization. To view sample bylaws click [here](#).

Frequently Asked Questions

Where can I get a copy of the *Constitution & Chapter Codes*?

Contact the International Fraternity. Contact information can be found on www.pikes.org. Additionally, a digital copy of the *Constitution & Chapter Codes* can be found in the *myPIKE* Resource Center. (Pi Kappa Alpha folder > Chapter Officer Resources folder > President folder)

Where can I find my chapter bylaws?

If you and your chapter president don't have a copy of your chapter's bylaws, talk to your chapter advisor. If you don't have one, speak to previous sergeants-at-arms and presidents. If nobody knows, make your own! Click [here](#) for sample chapter bylaws or contact the International Fraternity for additional assistance.

My chapter has an accountability issue. What do I do?

Many chapters face accountability challenges. As sergeant-at-arms, you can do something about it. There are many approaches you can take, but the important thing to remember is to, first and foremost, hold the chapter bylaws as the authority over the members. Set expectations ahead of time and agree as a chapter to meet them. If someone falls short, don't hesitate to use the judicial board to hold a member accountable. Brotherhood is important, but you're not being a bad brother by holding others accountable – the members that are hurting the organization are.

How often should bylaws be updated?

Bylaws can and should be updated as needed when issues arise. However, a committee led by the sergeant-at-arms should do a full audit, review, and update of the bylaws every two years.

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