



Patterson Court Judicial Board BY-LAWS

PREAMBLE

The Patterson Court Judicial Board (hereafter referred to as "PCJB"), under the aegis of the Dean of Students, advances the general interests of the Patterson Court community as well as promotes self-governance of the fraternity and eating-house system at Davidson College. While PCJB is a component of Patterson Court, it is a judicial hearing body of Davidson College and is therefore governed by the Davidson College Constitution. The PCJB responds to all incidents of fraternity and eating-house misconduct as reported to the Sergeant-at-Arms after consultation with the Patterson Court Advisor and the Dean of Students concerning the welfare of the student body and the College as a whole.

ARTICLE I: Jurisdiction

The jurisdiction of PCJB shall extend to, but not be limited to, cases involving violations of the Patterson Court Council By-Laws; the regulations and actions of Patterson Court Council (hereafter referred to as "PCC"); the policies of Davidson College (i.e., Code of Responsibility, Alcohol and Drug Abuse Policies, etc.); vandalism or destruction of property; conduct which endangers the physical safety or well-being of an individual; actions which cause harm or potential harm to the Patterson Court community, or its reputation; hazing in any form; or other matters of dispute that are brought to PCJB for settlement. Individual members of fraternities and eating-houses may also be adjudicated through their respective organizations' judicial processes and/or the College Judicial Committee or the Honor Council. Davidson College reserves the right to handle any cases directly, if deemed necessary.

ARTICLE II: Judicial Board Structure

Section 1. Composition

- A. PCJB shall be composed of individuals serving in various capacities at various times: a Sergeant-at-Arms, two Judicial Representatives representing each fraternity/eating-house, one faculty/staff Representative representing each fraternity/eating-house, three Student Solicitors, and the PCJB Advisor.
1. **Sergeant-at-Arms:** The Sergeant-at-Arms shall act as sole authority, official contact, and spokesperson of the PCJB. At judicial sessions, the Sergeant-at-

- Arms serves as a moderator for the PCJB's activities, including supervision of the Judicial Representatives. The position of Sergeant-at-Arms will be elected by PCC during its last PCC meeting of the fall semester. An Assistant Sergeant-at-Arms will be elected as well. Candidates for the positions must have previously served on the Patterson Court Judicial Board. The Sergeant-at-Arms and Assistant shall serve a one-year appointment (January-December).
2. **Judicial Representatives:** Each member organization of PCC shall appoint two representatives to serve a one-year PCJB term (August-May). Only one representative per organization will sit on the board during a hearing. Judicial Representatives shall serve the interests of Patterson Court without personal organizational bias. Judicial Representatives may assist in implementing and reviewing incomplete sanctions as well as other duties necessary to further the efficiency of the PCJB.
 3. **Faculty/Staff Representatives:** Current Patterson Court organization faculty/staff advisors shall serve on PCJB. Faculty/Staff Representatives shall serve the interests of Patterson Court without Patterson Court organizational bias. Faculty/Staff Representatives may assist in implementing and reviewing incomplete sanctions as well as other duties necessary to further the efficiency of the PCJB.
 4. **Student Solicitors:** Individuals interested in this position must submit applications and receive approval from the Sergeant-at-Arms and PCJB Advisor. Student Solicitors serve a one-year term following the academic calendar (August-May). Student Solicitors represent the interests of Patterson Court Council and Davidson College and act as the 'prosecutor' during hearings.
 5. **PCJB Advisor:** The Patterson Court Advisor, or other person(s) appointed by the Dean of Students, shall sit in on all hearings, deliberations, and meetings without voting privileges.
 6. **The accused organization shall be represented by one spokesperson at the hearing.** The spokesperson shall serve the interests of his or her organization with honor and shall represent his or her organization in an ethical manner. The spokesperson is responsible for knowledge of hearing procedures and guidelines.

Section 2: Training

- A. The Sergeant-at-Arms, all Judicial Representatives, and the Student Solicitors must participate in all requisite training sessions. Failure to actively participate in training could lead to exclusion from hearings until this requirement is met.

Section 3: Ethics and Standards

- A. All members of PCJB must uphold the Honor Code and Code of Responsibility for Davidson College as well as Davidson College and Patterson Court Council policies.
- B. All members of PCJB must be fair and impartial. Each representative must cultivate a sensibility that will result in an unbiased outcome of the hearing. Should a representative of the PCJB find his/her organization accused of an infraction, the representative must remove himself/herself from the hearing as a PCJB representative.
- C. All members must show respect and concern for, courtesy to, and acceptance of an individual or Patterson Court organization.
- D. All members must maintain the hearing deliberations in the strictest of confidence.
- E. Should a member of PCJB be determined to have violated these Ethics and Standards of PCJB, the Sergeant-at-Arms can remove the representative from service.

ARTICLE III: Investigative Procedure

Section 1: Submission of Complaint

- A. A case may be brought to PCJB from any source including PCJB itself. When an organization or individual believes that there has been an infraction of policy, a written report, signed by the accusing organization/individual, specifying time, place, and witnesses to the alleged infraction, shall be submitted to the Sergeant-at-Arms. The report can be submitted to the Sergeant-at-Arms directly or through the Patterson Court Advisor.

Section 2: Complaint Investigation

- A. The Sergeant-at-Arms, the PCJB Advisor and the Dean of Students will determine if, for purpose of judicial action, an alleged violation of policy constitutes an organization and/or individual violation. If the matter is deemed as individual, the Dean of Students' Office handles the complaint.

- B. If the matter is deemed as organization related and yet not of sufficient magnitude, cause or concern so as to warrant a hearing the Sergeant-at-Arms will respond to the complainant in writing explaining the decision not to pursue the matter further. In such a case, the PCJB expects the organization, through its own internal processes to take action on the matter. The PCJB Advisor will notify the organization of the complaint and explain his/her expectations and requirements on the matter.
- C. If the matter is deemed as organization related and has sufficient magnitude, cause or concern to be Patterson Court related, then the complaint shall be handled through the PCJB process and the Sergeant-at-Arms shall call a formal hearing.

Section 3: Calling for a Formal Hearing

- A. If the complaint is determined to require a formal organization hearing, the PCJB will file charges and notify the President of the accused organization via the organization's mailbox in the Residence Life Office within a timely manner.
- B. A designated Student Solicitor will conduct his/her investigation and gather appropriate facts related to the case. The Student Solicitor must submit a typed statement of facts to the defense, Sergeant-at-Arms, and PCJB Advisor at least two college business days when classes are in session prior to the formal hearing via the organization's mailbox in the Residence Life Office. Notification must include the time, date and location of the scheduled formal hearing. Should it be determined that individual members or an organization are hindering the investigative process, additional charges may be filed for "obstruction of process."
- C. In the event that the Sergeant-at-Arms is a member of the accused organization, he or she will step down from the position of Sergeant-at-Arms and the duly elected Assistant Sergeant-at-Arms will assume the role.

ARTICLE IV: Hearing Procedures

Section 1: Hearing Quorum and Voting Structure

- A. Quorum will consist of the Sergeant-at-Arms, five Judicial Representatives, and two faculty/staff representatives.
- B. Each Judicial and Faculty/Staff representative in attendance has one vote. The Sergeant-at-Arms will vote only as necessary to break a tie among the voting membership of PCJB. The PPCJB Advisor does not vote.

Section 2: Closed Hearings and Confidentiality

- A. PCJB hearings are considered open hearings unless the accused organization(s) asks that the hearing remain closed and confidential. The Sergeant-at-Arms at his/her discretion or under the advice of the PCJB Advisor may exclude and excuse any person related to the hearings whose conducts warrants such action.

Section 3: Hearing Procedures

All parties shall arrive at the hearing in a punctual fashion. Should the accused organization fail to attend, the PCJB may, with final decision from the Sergeant-at-Arms and under the advisement of the PCJB Advisor, respond by conducting the hearing in their absence and rendering a decision. Once the PCJB has assembled, the Sergeant-at-Arms will explain the following procedures:

- A. Call to Order/Introductions: The Sergeant-at-Arms will call the meeting to order. All parties in the room will introduce themselves to establish presence.
- B. Statement of Purpose/Honor Pledge: The Sergeant-at-Arms will establish jurisdiction by reading the purpose of the hearing as follows:

The PCJB serves the interests of the Davidson College Patterson Court community in hearing cases of alleged violations of College rules and regulations and Patterson Court Council policies, and recommending to the college administration an appropriate course of action relative to each case. These proceedings are intended to be educational in nature and should in no way be construed as legal proceedings. Please be advised that it is critical to the process that all statements be truthful and factual. Should it be determined that an individual or organization has made false or misleading statements in conjunction with the judicial process, he or she may be subject to additional charges of obstruction of process as well as violations of the Davidson College Honor Code.

- C. Reading of the Charges: The Sergeant-at-Arms will read verbatim the notice of charges and hearing as presented to the cited organization.
- D. The Accused's Plea: The accused organization(s) may establish a plea of guilty of the stated violation(s), not guilty of stated violation(s), enter an alternative plea, or enter no plea at all. (If the accused enters no plea, the Board will proceed as if the accused had denied the violation(s).) The accused organization also has the option of pleading guilty and accepting the Board's sanctions without a hearing.

E. Presentation of Statements:

- a. Student Solicitor: Student Solicitor will present the case of the College/PCC, outlining the nature of the case and presenting any evidence/facts his/her investigation revealed. The Student Solicitor may call and identify witnesses and enter any physical evidence. The PCJB may question witnesses at conclusion. Following the PCJB's questioning, the accused may question the witness or evidence.
- b. The organization's spokesperson will present the case of the accused. The spokesperson may call and identify witnesses and enter any physical evidence. Following the spokesperson's questioning, the PCJB may question the witnesses or evidence.

F. Witness Presentation: Witnesses called by either the Solicitor or the organization's spokesperson will remain outside the trial room until called in for testimony. Witnesses should remain for the duration of the trial in case further testimony or clarification is necessary. Under the advice of the PCJB Advisor, the Sergeant-at-Arms reserves the right to dismiss a witness at any time for sufficient reason.

G. Closing Statements: Both the Student Solicitor and accused organization spokesperson will be offered an opportunity to make closing remarks.

H. Convening for Deliberations: After both sides have presented their case, the Sergeant-at-Arms will dismiss the Student Solicitor and Defense Advisor while the PCJB convenes for deliberations. Only the Sergeant-at-Arms, Judicial Representatives, Faculty/Staff Representatives, and PCJB Advisor may be present during deliberations.

Section 4: Deliberations and Disciplinary Sanctions

A. The PCJB shall utilize the deliberation procedures outlined in Addendum B. Decisions should be based on clear and convincing evidence presented.

B. The procedure for deliberation and voting shall be: The floor will be opened to discussion and deliberation. Upon closing the floor for deliberation, a secret ballot will be cast by all of the Judicial Representatives, the Faculty/Staff Representatives, and the Sergeant-at-Arms. The Sergeant-at-Arms vote will be given to the PCJB Advisor. The Sergeant-at-Arms under the advisement of the PCJB advisor shall tally the final tally. The tally shall remain confidential. A simple majority vote is needed during voting of guilt and sanctioning. The Sergeant-at-Arms vote will only be counted in the case of a "tie."

- C. The organization's previous judicial history will be reviewed for consideration in the deliberation of appropriate sanctions. Sanctions imposed within the current and three previous academic years can be considered. Only findings of "guilty" can be presented for review and consideration.
- D. The PCJB shall utilize the sanction guidelines and considerations outlined in Addendum C and D.
- E. Any recommendations of the PCJB should be promptly presented to the Vice President for Student Life/Dean of Students for his/her approval, change, or for the Vice President for Student Life/Dean of Students to request a rehearing. Results of the hearing will come directly from the Vice President for Student Life/Dean of Students and not during the hearing. The PCC Advisor, or a representative as delegated by the PCC Advisor, will administer sanctions originating from the PCJB. In the event the terms or conditions of a sanction are violated, the matter will be remanded to a hearing with the originating source of the sanction.

ARTICLE V: Appeals

- A. Any decision of PCJB may be appealed. Grounds for appeal of a judicial decision are:
 - 1. Disregard for Rights/Due Process: An organization's rights in the disciplinary process are outlined in Addendum A.
 - 2. Inappropriateness of the Sanction(s): Although the severity of the sanction, in and of itself, does not constitute a sound basis of appeal, a sanction is inappropriate if it does not reflect a proper alignment between the nature of the offense, the organization's previous disciplinary record, other factors that should be considered, and the sanction administered.
- B. All parties may appeal the results of a hearing by submitting a written statement outlining the case for appeal to the Sergeant-at-Arms and the PCJB Advisor within five (5) days when classes are in session of the approved decision.
- C. All appeals of the PCJB will be heard by the Review Board of Davidson College to coincide with the appellate procedures of the other campus judicial bodies in accordance with the Red Book.

ARTICLE VI: Amendments

Amendments to the by-laws may be recommended by a majority vote of the PCC member organizations, or by the consent of the voting delegates present at a regular PCC meeting providing quorum is present. The Student Conduct Council will review these recommendations and the College President will have final approval of all amendments.

The Guidelines and Procedures of the Greek Judicial Boards of Franklin College, University of Arizona, and Loyola University (LA) were used in developing these by-laws.

Patterson Court Judicial Board Statement of Rights for Organizations Addendum A

Davidson College organizations are entitled to the following rights in the exercise of judicial proceedings on campus:

- Right to be informed in writing of the charges against them.
- Right to have adequate time to prepare a defense case.
- Right to have an advisor present at the hearing. The advisor must be a member of the Davidson College community (faculty, staff, or student), a member of the organization's advisory board (i.e., faculty/staff advisor, organization advisor, etc.), or a member of the national organization's paid or volunteer staff (if applicable). The advisor may not serve as a witness or represent the respondent in a manner similar to an attorney, nor may he address the PCJB.
- Right to be assumed innocent until proven guilty by clear and convincing evidence.
- Right to call witnesses and present evidence in defense or rebuttal.
- Right to question and cross-examine witnesses, and have a fair opportunity to present a defense.
- Right to appeal, on valid grounds, any action that is implemented based upon a formal hearing. Valid grounds are (1) disregard for rights/due process, (2) inappropriateness of the sanction(s).

Patterson Court Judicial Board
Guidelines for Judicial Considerations of Organization
Responsibility
Addendum B

1. In deciding whether a charge will be filed against an organization, consideration will be given to the following factors, recognizing that this is not a comprehensive list:
 - A. Were at least two (2) or more members of the organization involved? *
 - B. Were organization funds used for the alleged infraction? Were donations solicited from participants?
 - C. Was the organization or executive board involved in approval, preplanning, and/or support of the alleged activity?
 - D. Was the event advertised or announced? If so, where and how (at an organization meeting, through word of mouth, or other means (voice mail, flyers, etc.)
2. Were any organization officers present and/or participating in the alleged infraction regardless of whether he/she was acting in an official capacity?
3. Did any members of the organization attempt to cover up the alleged incident and/or to protect the organization members involved in the alleged infraction?
4. Did the organization fail to fulfill its responsibilities to enforce college and/or PCC policies and procedures?
5. Did the alleged infraction take place in space owned, operated, rented, or commonly used by the organization?

*Please note that this figure is to be used as a reference point for discussion. The number of members present should always be considered in conjunction with the organization's total membership as well as the organization's national policy, where applicable.

Patterson Court Judicial Board Disciplinary Sanctions Addendum D

The following disciplinary sanctions may be imposed upon Patterson Court organizations:

Dismissal of Case

A violation has been found; however, mitigating circumstances warrant no sanction.

Reprimand

This is a warning indicating that a group's actions were inappropriate and that subsequent violations may result in more serious disciplinary action. Formal apologies may be requested.

Restitution

A payment for financial loss to a party in cases involving theft, destruction of property, physical injury, or other financial matters. The assessed costs may be in addition to other penalties.

Monetary Fine

An organization may be responsible for punitive fines in accordance with precedent. This does not include reimbursement for property damage.

Behavioral Contract

A written agreement between Patterson Court Council and the organization specifying a series of behavioral expectations that must be adhered to as a condition of further operation as a recognized organization. The contract shall include and require participation in an/organization of constructive projects. Examples include social service projects (i.e., Vamanos Van service, risk management, etc.), leadership and educational workshops, and assistance with College events.

Disciplinary Probation

Shall not exceed one year and may include the following:

1. Alcohol Probation: Shall consist of restrictions to an extent to be determined by the PCJB for a specified amount of time. Organizations subject to alcohol probation may not be permitted to host or participate in events, or any other social formal or informal, on or off-campus, where alcohol is present or involved.

2. **Activities Probation:** Shall consist of prohibiting an organization from participating in some or all Patterson Court events and/or all-College events such as Homecoming, Spring Fling, First Night Down, Self Selection, etc. as determined by the PCJB. This may also include prohibiting an organization from participation in any portion of the college intramural program as determined by PCJB.
3. **PCC Suspension:** Suspension from Patterson Court Council for a definite period of time. A suspended organization loses all privileges of membership including but not limited to right to vote, privilege of participation in Patterson Court sponsored events, and fraternity/eating-house self-selection programs, and, if applicable, the physical structure is closed for the duration of the suspension. Suspended organizations retain privileges of attending PCC sponsored leadership workshops and community service projects.

Removal of Recognition

The organization will have taken from it all connection with the College. Normally, a national organization's headquarters will suspend the organization's charter until recognition is restored. The organization's membership will be lost and any privileges given to recognized organizations by Davidson College will be forfeited.