

**Bylaws of the
Greek Activities Review Panel
University of Michigan
December 2006**

**ARTICLE I
NAME & PURPOSE**

The official name of this body shall be the “Greek Activities Review Panel” (GARP). The purpose of GARP is to be the judicial body for the Panhellenic Association (Panhel), the Interfraternity Council (IFC), the National Pan-Hellenic Council (NPHC), and the Multicultural Greek Council (MGC), (hereinafter referred to collectively as “the Greek Councils”).

**ARTICLE II
JURISDICTION**

- A. Governance Councils
 - 1. Four (4) councils have been established to facilitate the self-governance of fraternities and sororities at the University of Michigan:
 - a. The Interfraternity Council;
 - b. The Panhellenic Association;
 - c. The National Pan-Hellenic Council;
 - d. The Multicultural Greek Council.
 - 2. Each Greek Council may adopt these Bylaws, after which the Bylaws shall apply to the respective members of that council. It is the intent of the Bylaws that all Greek Councils adopt these Bylaws and utilize GARP for the judicial function in the Greek community, and in satisfaction of the SOAR judicial function for Sponsored Student Organizations.
- B. GARP is authorized to adjudicate or resolve allegations of misconduct resulting from the actions or inactions of any Chapter or of individual members of any chapter affiliated with the Greek Councils at the University of Michigan.
- C. These powers of adjudication, including levying sanctions for violations, shall extend to all alleged violations of the Constitutions, Bylaws, policies and procedures, codes of conduct, other governing documents, or any other rules or regulations established by the Greek Councils, whether individually or collectively, excepted as otherwise established herein.
- D. Unless otherwise indicated in the constitution or bylaws of a council, for Recruitment violations, only the chief justice and justices from the defendant’s council shall be involved.
- E. In the event of any conflict or inconsistency between these Bylaws and the governing documents, as noted above, of any of the Greek Councils, the governing documents of the respective Greek Council shall prevail.

ARTICLE III
COMPOSITION & TERM OF OFFICE

- A. GARP shall consist of up to thirty-two (32) members (up to eight (8) from each Greek Council), hereafter referred to as Justices, selected in accordance with the Constitution and Bylaws of each Greek Council. In addition to the Justices, each Greek Council shall have one executive board member designated in their Constitution or Bylaws to serve as a Chief Justice.
- B. GARP members shall be selected at the end of the fall term and shall serve a term of one (1) calendar year.

ARTICLE IV
DUTIES

- A. The duties of the Chief Justices shall include:
 - 1. Preside over all meetings and hearings of GARP and conduct any and all deliberations of GARP in a manner that is fair to all parties involved;
 - 2. Receive all complaints pertaining to violations of the Constitutions, Bylaws, policies and procedures, codes of conduct, other governing documents, or any other rules and regulations established by the Greek Councils, except as otherwise established herein;
 - 3. Read statements of testimony during hearings;
 - 4. Be responsible for writing & disseminating all case correspondence and memoranda, including Notices to Appear and Decisions of GARP;
 - 5. Maintain the confidentiality of the substantive content of all GARP hearings prior to the disposition of those hearings;
 - 6. Report all applicable information from GARP hearings to their respective executive boards and councils.
 - 7. Act as the official spokespersons of GARP;
 - 8. Coordinate, with the assistance of the Fraternity & Sorority Advisors, annual training sessions;
 - 9. Faithfully carry out other duties and responsibilities as established herein, as well as any others that may be necessary.
- B. The duties of Justices shall include:
 - 1. Attend meetings and hearings of GARP;
 - 2. Hear and decide cases brought before GARP;
 - 3. Maintain the confidentiality of the substantive content of all GARP hearings prior to the disposition of those hearings; and
 - 4. Faithfully carry out other duties and responsibilities established herein, as well as any others that may be necessary.
- C. Secretary: One of the Chief Justices shall serve as Secretary for the hearing, or a Justice may be appointed or designated by the Chief Justices to serve as Secretary to record and maintain accurate and complete minutes of the hearing, and faithfully carry out other duties and responsibilities established herein or that may be necessary.

ARTICLE V
VACANCIES

- A. Vacancies for Chief Justice shall be filled as expeditiously as possible in accordance with the Constitution and Bylaws of the respective Greek Council.
- B. Vacancies for Justice positions shall be filled by the respective Greek Council in accordance with the Constitution and Bylaws of that Council

ARTICLE VI
PROCEDURES

- A. Filing a Complaint
 - 1. Complaints may be submitted by any person or entity. Complaints must be in writing and should provide the essential allegations of the violation.
 - 2. Complaints may be submitted to any Chief Justice or to any staff member in the Office of Greek Life. A Complaint shall be considered submitted to GARP upon actual receipt by a Chief Justice or notice to a Chief Justice from the Office of Greek Life staff.
- B. Complaint Procedures
 - 1. Upon receipt, all of the Chief Justices shall be notified immediately, or as soon as possible. If any Chief Justice has a conflict of interest, for any reason, s/he shall remove her/himself and a Justice from that respective Greek Council shall be selected by the other Chief Justices to serve as a Chief Justice for that complaint.
 - 2. The responsibility of any complaint shall default upon the chief justice from the council that defendant belongs to, unless otherwise agreed upon by all Chief Justices.
 - 3. Within seven (7) school days of receipt of the complaint, the Chief Justices shall review the complaint. The Chief Justices may seek the advice and recommendations the Greek Advisor(s) during their review process. Upon review, the Chief Justices shall make a decision to do one of the following:
 - a. Dismiss the case, and provide a written memorandum signed by the Chief Justices indicating the reasons upon which they based their decision, copies of which must be distributed to the appropriate parties;
 - b. Call for a mediation.
 - c. Call for a hearing.
- C. Mediation Procedures
 - 1. The following procedures apply to mediation and a copy of these procedures shall be provided to the parties with the Notice of Mediation.
 - a. A Notice of Mediation shall be provided to the parties within five (5) days after the decision to call for mediation.
 - b. If any party refuses to attend the mediation, notice of such refusal must be provided in writing within five (5) days of receipt of the Notice of Mediation. Upon receipt of such refusal, the Chief Justices shall proceed with a hearing.
 - c. The following shall attend any mediation
 - 1. The Chief Justice from the defendant's council, and at least one other Chief Justice.

2. The parties – complainant and the defendant. If a chapter is the defendant, the chapter president or a chapter representative shall represent the chapter with full authority to bind the chapter to any agreement that may be reached.
 3. A Greek Advisor(s) may attend at the request of Chief Justices.
 4. Any other person(s) deemed necessary and appropriate by the Chief Justices or the mediator.
 5. Lawyers are prohibited from attending or being present at a mediation conference.
- c. The mediation shall serve as a forum between the complainant and defendant where the two sides come to a mutual agreement. The Chief justices shall serve only to facilitate discussion and agreement between the two sides.
 - d. If an agreement is reached at mediation, it shall be reduced to writing, signed by all parties and the mediator, and copies provided to all parties and to GARP.
 - e. GARP is authorized to enforce the mediation agreement.
 - f. If the mediation effort is unsuccessful, then the complaint will proceed to a GARP hearing, and no more than one of the Chief Justices from the mediation shall lead the hearing.

D. Hearing Procedures

1. If a hearing is required, a written Notice to Appear shall be provided to all parties within five (5) days of the decision or failed mediation, informing them of the date, time, and location of the hearing. If the defendant is a chapter, the Notice shall inform the chapter that it may have up to five (5) undergraduate members, in addition to one (1) chapter advisor, present at the hearing to represent the chapter. A copy of the complaint shall be attached to the Notice.
2. The date of the hearing shall be set as soon as practicable.
3. Two Chief Justices will serve for each hearing – one from the Greek Council of the defendant chapter/member, and a second chosen by the other Chief Justices. In addition, there shall be a minimum of 6 justices and a maximum of 14 justices – up to 5 from each of the Greek Councils with involved Chief Justices, and 1-2 justices from each of the other Greek Councils. (i.e. If a IFC chapter is the defendant, and the other Chief justice is from Panhellenic Association, there can be 5 justices from the IFC, 5 Justices from Panehellenic Association, 2 justices from the NPHC, and 2 from MGC)
4. To prevent conflicts of interest, no Justice may participate in a case in which his/her Chapter, or a member of his/her Chapter, is either the Complainant or the defendant. Conflicts of interest, which may prevent a Justice from determining the case impartially and without bias or prejudice, may arise from other circumstances. It shall be the personal responsibility of each Justice to determine whether a conflict of interest may arise regarding that Justice’s participation in a particular case. In a situation where a Justice determines that such a conflict of interest does exist, that Justice will remove herself/himself, and, if necessary, another Justice from the same council shall be selected by the Chief Justices to participate in the hearing.
5. The Chief Justices have the right to declare the hearing to be open or closed to the public. A closed hearing shall be limited to witnesses and those persons

- invited to attend by the Chief Justices. Lawyers are prohibited from being present during any hearing.
6. The Chief Justices may request the Director and Assistant Director of Greek Life and any other person deemed appropriate and necessary to attend any hearing. The Director and Assistant Director and other invited guests may answer any appropriate questions presented to them and offer any insight they deem appropriate and applicable.
 7. Involved parties and witnesses retain the right to refrain from attending the hearing. Any individual or Chapter who does not wish to be present at the hearing may submit a written statement with any and all relevant information he/she/it wishes to have presented at the hearing. Any such statements shall be read into the record at the hearing. The Justices shall make no inferences, positive or negative, of any individual's or Chapter's decision to provide a written statement in lieu of appearing at the hearing.
 8. The defendant may have up to five (5) undergraduate Chapter members and a Chapter Advisor present at the hearing. Only the five (5) undergraduate Chapter members shall have the opportunity to speak on behalf of the Chapter. Although a Chapter Advisor may attend the hearing, he/she shall serve strictly in an advisory role to the undergraduates appearing on behalf of the Chapter. The Chapter Advisor shall not be allowed to speak on behalf of the Chapter.
 9. All written statements, tape recordings, evidence and other materials submitted for and at the hearing shall be filed by the Secretary and kept in a locked file in the Office of Greek Life.
 10. The Complainant has the burden of proof to establish the allegations of any and all claims by ***clear and convincing*** evidence: *that is, the evidence supporting the claim(s) outweighs the evidence against the claim(s).*
 11. The parties should present all relevant facts and interpretations of the facts. The Justices shall consider all the evidence, regardless of which party produced it.
 12. All persons at the hearing shall be treated with respect and civility. Argumentative, threatening, or hostile exchanges between any of the parties shall not be permitted. The Chief Justices retain the right to remove from a hearing any person who disrupts or interferes with the proceeding.
 13. The following protocol shall generally be followed at each hearing:
 - a. After the hearing is called to order, the parties shall introduce themselves for the record.
 - b. The Chief Justices shall explain the hearing procedure and answer any questions to ensure that each party understands the procedures to be used. In explaining the procedure the Chief Justices should read sections (10), (11) and (12) to all parties questioned.
 - c. The Complainant shall be the first to present its case, including the presentation of witnesses. In the case of appeals to Social Responsibility Committee decisions, the SRC shall be the complainant, and the chapter the defendant.
 - d. The Defendant shall present its case next, including the presentation of witnesses.
 - e. Individuals presenting testimony or other evidence shall be permitted to speak without interruption unless the Chief Justices determine that the statements are immaterial, irrelevant or unduly repetitious.
 - f. The Chief Justices and the Justices may question the parties and the witnesses.

- g. The Chief Justice and the Justices may question the complainant or the defendant again for further questions after the first period of testimony.
 - h. Prior to deliberating the parties may be allowed to question the Chief Justices about the GARP process.
 - i. After the presentation of all evidence and testimony, the hearing shall be closed and the Justices shall deliberate until they reach a decision.
14. Two-thirds of the Justices must agree on the decision. The voting by the Justices shall be by secret ballot. If the Justices determine that a violation has occurred, they shall also deliberate on the appropriate sanction(s) to be imposed. The decision shall be set forth in writing and provided to all parties within seven (7) school days. Once the written decision has been provided to the parties, it shall be public record and may be disseminated publicly as necessary.

ARTICLE VII
SANCTIONS

- A. GARP shall ensure that the sanctions imposed are fair, reasonable, just, and proportional to the offense found to have been committed. GARP has authority to ensure that the defendant carries out the requirements of the sanctions in a timely and appropriate manner.
- B. Reprimand: When appropriate and reasonable, GARP may issue a letter of reprimand to the Defendant, along with copies to all individuals and/or organizations it deems appropriate. GARP may require the letter of reprimand to be read into the minutes of the respective Council meeting.
- C. Restitution: When appropriate and reasonable, GARP may order the Defendant to make complete restitution for any damages to property determined to have occurred as the result of Defendant's action or inaction.
- D. Monetary Fines: When appropriate and reasonable, GARP may impose monetary fines upon the Defendant, but only in an amount that is fair, reasonable, and just. All monies collected shall be designated for educational programming within the Greek Councils, and their respective member organizations. The Executive Boards of the respective Greek Councils shall have the responsibility for properly utilizing the collected monies.
- E. Charitable Acts: GARP may require the Defendant and, if the Defendant is an organization, Defendant's members, to participate in community service activities, the conditions of which shall be defined and enforced by GARP.
- F. Educational Programming: GARP may require the Defendant and, if the Defendant is an organization, Defendant's members, to participate in relevant educational programs, the conditions of which shall be defined and enforced by GARP.
- G. Probation: GARP may impose a period of probation which punishment may carry any one or combination of the following conditions:
 - 1. The Defendant shall not participate in any event with any other fraternity or sorority for the length of the probation;
 - 2. The Defendant shall participate in only selected events, as determined by GARP, with other fraternities or sororities for the length of the probation;
 - 3. The Defendant, as an organization, shall not participate in intramural athletics sponsored or endorsed by the University of Michigan;
 - 4. The Defendant shall not participate in any event with any other fraternity or sorority, at which alcohol is present, for the length of the probation;

5. The Defendant shall participate in only selected events, as determined by GARP, with other fraternities or sororities, at which alcohol is present, for the length of the probation;
 6. Loss of voting privileges in the respective Greek Council meetings;
 7. Other restrictions of privileges, as determined by GARP;
- H. Suspension: GARP may impose a period of suspension which punishment may carry any one or more conditions.
1. Suspension shall be defined as the temporary loss of all membership privileges in the respective Greek Council, but all obligations of membership (payment of dues, attendance at meetings, compliance with all policies, etc.) remain.
 2. If GARP suspends the Defendant, the Defendant shall have the right to appeal GARP's decision, pursuant to the terms and conditions as established in Article VIII.
 3. At the conclusion of the suspension period, a new hearing shall be conducted to review the status of the Defendant's efforts to fulfill any and all conditions of the suspension, as specified by GARP. If the Defendant has fulfilled all conditions of the suspension, as specified by GARP, GARP shall reinstate the Defendant's membership in the respective Greek Council. If the conditions and terms of the suspension are determined by GARP to have not been met, GARP may do one of the following:
 - a. Continue the suspension, with no additional conditions or terms, for an extended period of time;
 - b. Continue the suspension with additional conditions or terms; or
 - c. Initiate expulsion proceedings against the Defendant.
- I. Expulsion
1. Expulsion shall be defined as the permanent loss of all membership privileges in the respective Greek Council
 2. If GARP elects to initiate expulsion proceedings, the Defendant shall have the right to appeal GARP's decision, pursuant to the terms and conditions as established in Article VIII.
- J. Any combination of the above sanctions may be imposed by GARP in its decision.
- K. For repeat violations within the previous twelve (12) months of a violation date, previous sanctions imposed on the Defendant Chapter may be considered in determining whether additional sanctions are appropriate.
- L. Failure of the Defendant to comply with the sanctions imposed by GARP may result in a review hearing and the possible imposition, if appropriate, of more severe sanctions.

ARTICLE VIII APPEAL PROCEDURES

- A. **Greek Appellate Board** -- All decisions of GARP which impose sanctions other than expulsion or suspension shall be appealed through the Greek Appellate Board. The decision, including sanctions imposed, shall remain in effect during the appeal process.
1. The Greek Appellate Board shall consist of 9 members as follows: the Chief Justices shall randomly select two chapter presidents from each of the Greek Councils, and the ninth member of the Greek Appellate Board will be selected from the list of GARP members who were not involved in the original case.
 2. The Chief Justice or Justice who served as Secretary at the GARP hearing shall be present at all hearings of the Greek Appellate Board and shall be responsible for the following: supplying the record of the GARP hearing for review by the

Greek Appellate Board, assisting the members of the Greek Appellate Board with respect to procedural questions; and any other duties as necessary and proper. The Secretary shall have neither a voice nor a vote during the hearings or deliberations, except as necessary to clarify questions of procedure.

3. Members of the Greek Appellate Board should not serve more than once in any academic year unless circumstances require it.

B. Appeals to the Greek Appellate Board

1. To appeal, the Defendant shall submit a written Notice of Appeal within seven (7) school days after receiving the GARP decision. If the Defendant fails to submit the Notice of Appeal in a timely manner, the Defendant shall have no further recourse of appeal and shall forever forfeit the right to appeal the decision of GARP.
2. The Notice of Appeal shall set forth the grounds of the appeal which shall be limited to one or more of the following:
 - a. The procedure outlined in these Bylaws was not followed;
 - b. The decision was not supported by the evidence presented at the hearing;
 - c. The sanction(s) was not appropriate for the violation;
 - d. New evidence is available that was not readily available at the time of the hearing.
3. Upon receipt of the Notice of Appeal, the Chief Justice shall immediately notify the other Chief Justices and they shall meet to select the members of the Greek Appellate Board.
4. The Greek Appellate Board shall schedule a hearing within fourteen (14) days after receipt of the Notice of Appeal, or as soon as practicable thereafter.
5. A two-thirds (2/3) majority vote shall be necessary to overturn the decision of GARP.
6. The Greek Appellate Board shall issue its Decision in writing within five (5) school days after the hearing.
7. Copies of the Decision shall be delivered to the following: the Defendant, the presidents of the Greek Councils, the Fraternity & Sorority Advisor, the Defendant's Chapter Advisor, and the Defendant's National Headquarters.
8. The Decision of the Greek Appellate Board shall be final.

C. Appeals of Suspension/Expulsion Decisions

1. All Decisions of GARP that suspend or expel a Defendant may be appealed to the Defendant's respective governance Council. The GARP decision shall be held in abeyance during the appeal process.
2. To appeal, the Defendant shall submit a written Notice of Appeal to the president of the Defendant's respective Greek Council within seven (7) school days after receiving GARP's decision. If the Defendant fails to submit the Notice of Appeal in a timely manner, the Defendant shall have no further recourse of appeal and shall forever forfeit the right to appeal the decision of GARP.
3. Upon receipt of the Notice of Appeal, the Council President shall immediately provide a copy to the Council's Executive Board, which shall conduct a thorough review of the facts and circumstances related to GARP's decision and recommended sanction(s).
4. Upon conclusion of its review, the Executive Board shall submit a written and verbal report to the full Council at the next meeting. The Complainant and the Chapter President from the Defendant Chapter shall have the right to address the Council as well as ask and answer any questions.

5. After the conclusion of the presentation of the parties, the governance Council shall then hold a secret ballot vote whether to support GARP's decision. Each Chapter eligible to vote shall have one vote.
6. Council members shall be provided a ballot which reads as follows:
 "I hereby vote to __ uphold __ overturn the decision of GARP."
 Each Council member shall place a check mark ("X") in the appropriate blank. The ballots shall be counted by the Council President and the Greek Advisor.
7. A two-thirds (2/3) vote in favor of overturning the decision of GARP shall be required to overturn the decision. The result and the vote totals shall be announced at the meeting and entered in the minutes. The decision of the governance Council shall be final.

ARTICLE IX
AMENDMENTS

A. Procedure

1. Any of the following may introduce amendments to the GARP Bylaws:
 - a. Any fraternity or sorority which holds membership in, and which is in good standing with, the any of the respective Greek Councils;
 - b. Any Executive Board of any of the Greek Councils;
 - c. Any justice from the G.A.R.P.;
2. Amendments shall be proposed in writing, specifying the article, section, and/or sub-section to be amended, and distributed to all fraternities and sororities representatives at the respective Council meetings at least one week prior to the vote on the amendment.

B. Voting

1. At least two-thirds (2/3) of those eligible voting members must be present in order to vote on the proposed amendment.
2. A two-thirds (2/3) vote of those voting is necessary for the amendment to be approved. Abstentions shall not be counted in the vote total.
3. If approved, the amendment shall be effective immediately.
4. The GARP Chief Justices shall amend the current GARP Bylaws to include the new amendment and distribute the updated Bylaws to each Chapter President, the Executive Boards of the Greek Councils, as well as all GARP Justices, and the Fraternity & Sorority Advisor within fifteen (15) school days from the date of approval.