

The University of Texas at San Antonio National Pan-Hellenic Council

Constitution and By-Laws

ARTICLE I: NAME AND ORGANIZATIONAL UNITS

Section 1: The University of Texas San Antonio National Pan-Hellenic Council (hereafter referred to as UTSA-NPHC).

Section 2: The organizational units of the University of Texas San Antonio - National Pan-Hellenic Council shall be the following incorporated undergraduate fraternity and sorority chapters: Alpha Phi Alpha Fraternity, Inc., Alpha Kappa Alpha Sorority, Inc., Kappa Alpha Psi Fraternity, Inc., Delta Sigma Theta Sorority, Inc., Iota Phi Theta Fraternity, Inc., Omega Psi Phi Fraternity, Inc., Sigma Gamma Rho Sorority, Inc., Phi Beta Sigma Fraternity, Inc., and Zeta Phi Beta Sorority, Inc.

ARTICLE II: PURPOSE

Section 1: The purpose of this organization shall be:

- a. to serve as the governing body of all affiliate organizations,
- b. to promote higher standards of scholarship, a greater degree of culture, closer social fellowship and a stronger inter-fraternal spirit among the affiliate members;
- c. to coordinate most activities to benefit member organizations;
- d. to stimulate affiliate organizations to foster and sponsor projects which encourage educational, moral and cultural progress of the campus and community;
- e. to serve as a forum for the consideration of issues or mutual interest to affiliate organizations; and
- f. to educate the UTSA population about NPHC and its member organizations.

ARTICLE III: COUNCIL STRUCTURE

Section 1: The Council shall have advisers who shall consist of the professional staff from the Office of Student Activities.

Section 2: The Council shall consist of the President, Vice President, Secretary, Treasurer, and delegates of the member organizations.

ARTICLE IV: MEMBERSHIP

Membership in the UTSA National Pan-Hellenic Council shall be open to the nine recognized historically black Greek organizations that are in good standing with the University and their respective local, regional and international bodies.

- Section 1: Active members shall be those organizations meeting the criteria of this Constitution and have met all financial obligations and responsibilities of active members. To be eligible for membership an organization must meet the following requirements:
- a. the organization must have an active RSO charter on campus;
 - b. each organization must be in good standing with their local, regional and international bodies; and
 - c. each organization must update their chapter rolls with the NPHC Secretary once each semester.
- Section 2: Inactive membership are those organizations who are:
- a. currently suspended;
 - b. excessive lack of participation and/or violation of the NPHC attendance policy; and/or
 - c. not participated in an event the Council deemed as mandatory.
 - i. For excused absence reasonable cause must be submitted the General Assembly meeting before the event.
- Section 3: To be reinstated into the UTSA National Pan-Hellenic Council, the organization must pay all outstanding fines and submit a letter of intent to the NPHC President and Adviser, and follow the requirements for active membership in the UTSA NPHC. The governing body has final approval for reinstatement.

ARTICLE V: MEETINGS

- Section 1: Regular meetings of the Council shall be held at least twice monthly at a place to be designated by the Council. The day and time of these meetings shall be established by the Council. (Currently Tuesdays at 7:30pm)
- Section 2:
- a. Special meetings may be held only after notice has been given to the President or delegate of each member organization.
 - b. Emergency meetings shall be any meeting that is called within 48 hours without written notice.
 - c. The attendance policy shall be enforced at Special and Emergency meetings.
 - d. Special/Emergency meetings shall be called by the President and/or Advisor of the UTSA -NPHC.
- Section 3: No official business shall be transacted at a special meeting, except that for which the meeting has been called.
- Section 4: Each member organization must submit the names of the delegate, alternate delegate, and Chapter President must be submitted to the Executive Board by the first UTSA-NPHC meeting of each semester.

Section 5: The delegate and/or the alternate delegate and/or the Chapter President of each affiliate organization for that semester must be present at each meeting in order to vote at that meeting. If none of the aforementioned can be present, they must contact either the President or Secretary of the UTSA -NPHC at least 24 hours prior to the meeting in-order to acquire an excused absence. Non-compliance with this the aforementioned process will result in the chapter receiving an unexcused absence.

Section 6:

- a. Attendance shall be taken at the start of each meeting.
- b. After one unexcused missed meeting, the chapter in question will be fined \$10.00.
- c. Fines obtained for missed meetings must be paid by the next meeting.
- d. Fines not paid by the next meeting will result in an additional fine of \$25.00.
- e. One semester constitutes a complete attendance cycle.
- f. A chapter that accumulates more than \$200 in fines and/or has 3 unexcused absences will become inactive.

Section 7: Quorum shall constitute at least two-thirds of the member organizations who are in good standing with the Council and the University.

Section 8: All meetings shall be conducted in accordance to Robert Rules of Order.

ARTICLE VI: OFFICERS AND DUTIES

Section 1: The Executive Board of the UTSA -NPHC shall be the President, Vice President, Secretary, and Treasurer.

Section 2: The President shall have the following duties:

- a. preside over all meetings of the Council;
- b. appoint all standing committees, Directors and Ad Hoc Committees, as necessary;
- c. submit a written report following the term of office to be filed in the UTSA -NPHC files with the UTSA -NPHC Advisor. Format of which to be specified by the Adviser;
- d. represent the UTSA-NPHC at all official functions of the University,
- e. shall sign off on all financial reports.
- f. shall vote only in case of a tie vote.

Section 3: The Vice President shall have the following duties:

- a. preside at meetings of the Council in the absence of the President;
- b. be responsible for the proper functioning of the UTSA -NPHC standing committees assigned
- c. report to the Executive Board on the standing of these committees;
- d. work with the Executive Board in appointing memberships to all committees;
- e. attend the chairperson's committee meetings as they see fit;

- f. shall educate the Council as to issues of risk reduction;
- g. shall be the chair of the Programming Committee
- h. serve as a representative of the UTSA -NPHC as deemed necessary by the UTSA -NPHC President

- Section 4: The Secretary shall have the following duties:
- a. prepare and preserve an accurate account of all NPHC meetings, furnishing copies to all members groups within 48 hours after the meeting;
 - b. call the roll of each individual representative chapter at the start of each UTSA -NPHC meeting;
 - c. handle all correspondence; and
 - d. submit a written report following the term of office to be filed in the NPHC files and with the NPHC Advisor. Format of which to be specified by the Advisor.

- Section 5: The Treasurer shall have the following duties:
- a. keep accurate accounts of all financial aspects of the Council and make reports of the same at each meeting;
 - b. submit a written financial report for the minutes;
 - c. authorize all warrants and financial disbursements approved by the UTSA -NPHC;
 - d. devise a semester budget for the approval of the Council;
 - e. keep a current and accurate report of the financial status of each (Council) member.
 - f. present all financial records, checkbooks, and bank statements, along with a written annual report, of the previous fiscal year at the January meeting, and prepare the financial report required by the National office when required; and
 - g. to maintain the budgets of the individual committees.
 - h. collect all fines given by the UTSA-NPHC

ARTICLE VII: REMOVAL

- Section 1: Any member of the UTSA -NPHC shall be able to initiate removal procedures of an officer of the Council on the following grounds:
- a. Not carrying out duty.
 - b. Mismanagement or misuse of UTSA -NPHC funds.
 - c. Not maintaining the minimum required credit hours (12) or 2.5 cumulative grade point average during the course of office.
 - d. Inappropriate conduct and/or behavior.
 - e. Violates the attendance policy.

- Section 2: The removal procedure shall be as follows:
- a. Said Council member shall contact the President of the UTSA -NPHC in the case of other elected officers, or the Vice President in the case of the President, and shall submit to the office a written statement including substantiated grounds for removal of the officer in question.
 - b. The notified officer (President or Vice President) shall contact the officer in question and state that removal procedures have been initiated against said officer.
 - c. At the following UTSA -NPHC meeting, any member of the Executive Council shall read the statement of removal intent. The Council member submitting the statement and the officer in question may answer questions. A vote on removal will occur at the next scheduled meeting.
 - d. A two-thirds vote of the Council will be necessary to remove the officer.
 - e. If a two-thirds vote is received, the officer shall be considered removed and shall be appointed by the executive board.
- Section 3: Any Executive member belonging to a chapter which is suspended shall also be removed.

ARTICLE VIII: ELECTIONS AND VOTING

- Section 1: Nominations for officers shall be held during the end of the Fall semester.
- Section 2: Eligibility
- a. Nominees must have completed one full semester of chapter membership prior to taking office.
 - b. Delegates, alternate delegate and/or Chapter President for that semester cannot be a member of the UTSA-NPHC Executive Board.
 - c. All prospective officers shall be members of one of the active aforementioned member organizations in good standing and must be an eligible full-time student of the University of Texas San Antonio (i.e. 12 credit hours with a cumulative 2.50 grade point average).
 - d. No chapter membership may hold more than two officer positions.
 - e. Nominees must have attended three or more UTSA -NPHC meetings
- Section 3: Elections shall be held at the end of the Fall semester.
- Section 4: Officers will be inducted during the last meeting of the academic year.
- Section 5: Officers shall be elected by a simple majority of the voting delegates of the Council with each member organization having one vote.
- Section 6: If an officer position (other than President) becomes vacant, the Executive Board shall appoint a replacement. If the presidency becomes vacant, the Vice President shall fill the position.

ARTICLE IX: COMMITTEES

- Section 1: The UTSA-NPHC shall have the following standing committees: Scholarship, Budgeting, Service/Social Action, and Programming.
- Section 2: The Scholarship Committee shall be responsible for recognizing once each semester all NPHC students who excel academically and shall coordinate any other programs deemed necessary to enhance the academic enrichment of the Council.
- Section 3: The Budgeting Committee shall be responsible for discussion of all budgets, fundraising, income and expenses for the UTSA NPHC.
- Section 4: The Service/Social Action Committee shall be responsible for the coordination of community service projects for the Council, and working with the Multicultural, Panhellenic and Interfraternity Councils on joint programs.
- Section 5: The Programming Committee shall be responsible for the planning of all-Greek social functions sponsored by the UTSA-NPHC, and all public relations.

ARTICLE X: FINANCE

- Section 1: Dues for the UTSA-NPHC shall be \$10.00 per semester for every active member of each member organization of the UTSA -NPHC who attends the University of Texas-San Antonio.
- Section 2: All warrants and financial disbursements approved by the Council shall be authorized by the President and Treasurer of the Council.

ARTICLE XI: JUDICIAL PROCEDURES

- Section 1: **PHILOSOPHY/LEGAL AGREEMENT STATEMENT**
The Greek community at University of Texas San Antonio has guidelines and agreements which serve as a framework for acceptable behavior. In order to uphold the standards that have been set by the UTSA -NPHC and the University of Texas San Antonio, the NPHC established the NPHC Judicial Committee, all University policies, local, state, and federal laws.

As part of the University of Texas-San Antonio_Greek community, each chapter and individual member shares the responsibility to act as positive members of the community. If a chapter or an individual member does not meet their obligations and violates a policy set forth by the Greek community or the University of Texas-San Antonio, the NPHC Judicial Committee may conduct a disciplinary hearing to review alleged acts of misconduct.

Section 2: JURISDICTION

- a. The UTSA -NPHC through its judicial committee, the appointed right is given by each chapter agreeing to this constitution the ability to adjudicate infractions of NPHC Policies. Regulations are published in the UTSA-NPHC Constitution and By-Laws. Recommendations of the UTSA-NPHC Judicial Committee are subject to approval or modification by the Vice President for Student Affairs or designated representative. Violations of the Code of Student Conduct may, at the discretion of the Vice President of Student Affairs or designated representative, be referred to the University judicial system or to the UTSA -NPHC for adjudication.
- b. Forty percent of fraternity/sorority active membership must be involved in an incident before disciplinary action may be taken by the Judicial Committee.
- c. There may be instances when a violation will be reviewed by the Committee, but no action will be taken against the entire chapter for insufficient grounds.
- d. The UTSA -NPHC Judicial Committee may convene to review regulations that may be unconstitutional.

Section 3: MEMBERSHIP

- a. The UTSA-NPHC Executive Board and one delegate from each NPHC chapter shall serve as official members of the Judicial Committee.
- b. The names of the judicial delegate and alternate shall be submitted at the beginning of the semester by each member chapter.
- c. The President of the NPHC shall serve as the Chairperson of the Judicial Committee. The Chairperson will preside at all meetings and will rule on all questions of order and procedure. In this capacity, s/he will schedule hearings, provide appropriate evidence, and witnesses, ensure that all involved have been notified of the hearing, read the charges, and summarize the relevant information for the record as the first step of the hearing process. The Chairperson shall be responsible for writing referral and recommendation letters.
- d. In the case of a Judicial Committee member's chapter being involved, that member shall remove him/herself from the deliberations and decisions of that case. If the Chairperson's chapter is involved in the hearing, the Vice President of the NPHC shall serve as the Chairperson. If the Vice President cannot serve as Chairperson because his/her chapter is involved in the hearing, the Treasurer of the NPHC shall serve as Chairperson.
- e. The professional staff from the Office of Student Activities shall serve as the Advisors to the Judicial Committee. The Advisor is an ex-officio member and shall not participate in voting. The Advisor will witness the entire hearing process to ensure due process.

Section 4: VOTING

- a. A quorum shall consist of at least 2/3 of the committee members, not including the Chairperson. There must be quorum to convene a hearing and to call for a vote.
- b. In the case of a vote, majority shall rule.
- c. The Chairperson of the Judicial Committee shall vote in the case of a tie.

Section 5: PROCEDURES

- a. An official complaint in writing must be received by the Office of Student Activities. Official referrals to the UTSA -NPHC Judicial Committee must be made by the Assistant VP for Student Affairs.
- b. Should a hearing be deemed necessary, the involved parties will be notified in writing at least 48 hours prior to the hearing.
- c. If a hearing is deemed necessary, it will take place within 3 – 5 business days.
- d. Upon receipt of the official hearing notification letter, the President of the charged chapter should schedule an appointment to meet with the Program Advisor for Greek Life to review the hearing procedure and due process.

Section 6: HEARING PROCESS

- a. All meetings will be closed to the public.
- b. Attendance by the Chapter President or official chapter representative and the graduate chapter advisor is required. If a representative from the charged chapter is absent from the scheduled hearing or voluntarily leaves during the hearing, the case may be heard in his/her absence.
- c. Rights of parties during hearings:
 - 1. The President of the charged chapter has the right to be present, to hear and question all witnesses, and to examine all evidence, including all written documentation presented to the Judicial Committee.
 - 2. The parties have the right to call witnesses on their behalf.
 - 3. The charged party has the right to have one adviser (i.e. faculty or staff adviser, etc.) present during the hearing. The adviser may not present evidence or make motions. His/her role is simply to advise the chapter but not to actively participate in the hearing process.
 - 4. The issuer of the complain shall have the same rights as the charged (i.e., the right to call witnesses, the right to have an adviser present, etc.).

Section 7: SANCTIONS

- a. The Judicial Committee has the authority to assign one or more of the following seven sanctions for violations of their codes:
 - 1. Fines;

2. A letter of warning, specifying needed changes in behavior;
3. Assignment of special projects and/or service to be completed by the organization's membership;
4. Exclusion from Greek activities;
5. A period of probation with a time limit and specified conditions under the supervision of the NPHC and social suspension for a specified period of time;
6. A recommendation that the University recognition of a chapter be withdrawn; and
7. Other sanctions as deemed necessary by the committee.

Section 8: APPEALS

- a. A letter requesting an appeal must be submitted to the Director of Student Activities within five business days upon receipt of the sanction letter.
- b. An appeal may request that sanctions be reduced or eliminated or that the case be referred back to the Judicial Committee for further review. In the initial appeal request, the charged chapter must specify in writing the rationale for the appeal. If the requesting chapter fails to provide the necessary information to the Director of Student Activities within the specified time period, the appeal may not be granted, and the previous decision will be final.

The grounds for an appeal can be requested as a result of the following conditions:

1. When a sanction is grossly disproportionate to the offense.
 2. When the specified procedural errors in the interpretation of the NPHC or University regulations are so substantial as to deny the accused chapter a fair hearing.
 3. When new and significant evidence appears which could not have been discovered by a diligent accused chapter before or during the original hearing.
 4. When the evidence suggests that the finding of a violation was arbitrary and capricious. An arbitrary and capricious violation is defined as one unsupported by any evidence.
- c. Appeal Board Membership
1. The Director of Student Activities shall serve as the Chairperson of the Appeal Board.
 2. The Assistant Director of Student Activities for Greek Life shall be a permanent member.
 3. One student chosen by the UTSA -NPHC Executive Board shall be a member. The student will serve a one-year term. The student should not be a part of the UTSA -NPHC Judicial Committee.

d. Appeal procedure

1. The Appeal Board shall review written information presented at the original hearing and subsequent written statements by all parties involved regarding the rationale for the appeal. If additional information is needed to make a final decision, the Appeal Board may decide to meet with witnesses who gave testimony at the hearing.
2. Following the review of the appeal, the Appeal Board will send a letter informing the charged chapter of the Board's decision within five business days.

ARTICLE XII: ACTIVITY/PARTY SCHEDULING

Section 1: By the second meeting of each semester, each organization's dates for their respective events must be submitted in order to be included on the NPHC calendar. A \$10 fine per week shall be charged for every week that is late.

Section 2: If a change is necessary, notification to the UTSA-NPHC must be made two weeks in advance. Involved groups will be expected to compromise and negotiate an equitable solution. Community service functions take precedence over social functions.

Section 3: If the funds from a social event are to be used for a community service project, it should be stated from the onset and printed on all publicity.

Section 4: All chapters are expected to follow the UTSA -NPHC and the University of Texas-San Antonio social function policies.

Section 5: It is expected that the UTSA -NPHC will sponsor one community service event/project and one social event per semester. These events will be coordinated by the Service or Programming Committees respectively.

Section 6: It is expected that a minimum of fifty percent (50%) of members of each chapter shall attend at least 3 on-campus sponsored by NPHC chapters.

ARTICLE XIII: BY-LAWS

The UTSA -NPHC may establish by-laws to this constitution provided that such by-laws shall not conflict with the provisions herein, and further provided that such by-laws be introduced by a member of the UTSA -NPHC, read and passed by the two-thirds vote at two consecutive meetings of the NPHC.

ARTICLE XIV: Disbursement of Organization Assets

In the case that UTSA-NPHC shall be defunct, all monies and assets shall be distributed equally among the active NPHC chapters. In the event that there are not active NPHC chapters all monies and assets shall become property of the Office of Student Activities.

ARTICLE XIIV: AMENDMENTS

This Constitution may be amended by two-thirds vote of the voting delegates of the Active group membership of the UTSA -NPHC at two consecutive meetings.

Adopted November 5th, 2008.