

OMEGA PSI PHI FRATERNITY, INC.

Member Code of Conduct & Disciplinary Policy

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Preamble

The Code of Conduct serves as a foundation of values designed to develop and promote the Cardinal Principles upon which Omega Psi Phi Fraternity, Inc. was founded. Men who are initiated into Omega Psi Phi Fraternity voluntarily accept membership into an organization of men dedicated to the advancement of the Cardinal Principles of Manhood, Perseverance, Scholarship, and Uplift through emphasis upon academic excellence, community service, and personal growth. The Fraternity seeks to provide opportunities, both in and outside the organization, to develop scholarship, manhood, integrity, and sound judgment, as well as the social and ethical values, which serve as a foundation in civilized societies for respectable conduct.

Omega Psi Phi expects its members to conduct themselves in a manner that is consistent with the organization's pursuit of its cardinal principals and national program objectives. The integrity of the Fraternity depends upon each member's acceptance of individual responsibility and respect for the rights of others. Omega Psi Phi expects that its members will not lie, steal, cheat; engage in dishonest or unlawful behavior nor any behavior intended to inflict physical or emotional harm on another person or property. Those members who are enrolled at colleges or universities are also expected to abide by university policies and comply with directions of university officials acting in performance of their duties.

Omega Psi Phi Fraternity is also committed to fostering the importance of disciplinary standards as they relate to the mission of the Fraternity and as a primary means for instilling commitment to honesty, personal integrity, and a higher degree of ethical conduct traditionally expected of the men of Omega Psi Phi Fraternity. The disciplinary rules described herein are to be considered the "moral minimum" within the Fraternity. This Member Code of Conduct and Disciplinary Policy are meant to provide strong guidance as a minimum moral standard with which all members should strive to exceed.

The Code of Conduct and Disciplinary Policy have been established by the Fraternity to protect its purpose, to provide for safe and orderly Fraternity activities and, where applicable, to safeguard the interests of the university community by asking Members to uphold the rules and regulations of the universities that allow Omega Psi Phi Fraternity Chapters to exist. Hearings or appeals conducted as a part of this process are not courts of law and they are not subject to many of the rules of civil or criminal hearings. However, because some of the violations of these standards may also constitute violations of law, members may be accountable to civil and/or criminal authorities and, where applicable, to a college or university for their actions.

Code of Conduct

Chapter 1

Article I:

Member Expectations

- A. Members shall respect the aims and objectives of the Fraternity and shall work within the framework of policies, procedures, guidelines or regulations of the Fraternity and, where applicable, those policies, procedures, guidelines and regulations prescribed by the college or university that the Member attends.
- B. Members shall abide by all rules, policies and procedures found in the Fraternity's Constitution and Bylaws, the Ritual, this code of conduct, policy resolutions approved by a Grand Conclave, the Orders of the Supreme Council, the Orders of the Grand Basileus, the Orders of the District Representative, and such additional regulations as may be enacted in accordance with existing rules.
- C. Members will strive to conduct themselves according to the Fraternity's cardinal principles of Manhood, Scholarship, Perseverance, and Uplift.
- D. Members shall be responsible for their own behavior, recognizing that their actions reflect upon themselves, their peers, and occasionally others.
- E. Members shall avoid actions that violate or diminish the collegial, academic, personal or professional ethics or the legal and civil rights of peers, the public, university personnel, or others who may be affected by their actions.
- F. Members shall respect the dignity of all persons and will not physically, mentally, psychologically abuse or haze any human being nor allow themselves to be physically, mentally, psychologically abused or hazed.
- G. Members will strive to bring into the Fraternity men who will benefit from conducting themselves according to the Cardinal Principles of the Fraternity and men whose membership in the Fraternity will benefit the Fraternity.
- H. Members shall regard, refer, and treat Members and all individuals with civility and respect.
- I. Members shall respect their property and the property of others and will neither abuse nor tolerate the abuse of property.
- J. Members shall pay any and all chapter, district, or international dues and assessments required for the Member to remain in good standing with the respective chapter, district, and international office.

- K. Members in good standing will make efforts to attend chapter, corridor, state, district and Grand Conclave meetings.
- L. Members in good standing will make efforts to support all of the Fraternity's mandated programs.
- M. Members who are students shall abide by those academic standards established by the Fraternity and by the college or university as a whole.
- N. In addition to this Code of Conduct and Disciplinary Policy, all members who attend colleges and universities are expected to abide by the policies and regulations that govern the duties, responsibilities and conduct explicitly or implicitly described in the university's publications.

Chapter II

Members Disciplinary Policy

The Disciplinary Policy explains the procedures for reporting violations, sanctions that may be imposed and the basis upon which an appeal may be filed. This policy supplements and does not replace other rules of the Fraternity that may provide for disciplinary policies, rules, or regulations.

Article I: *Reporting Violations*

Anyone wishing to report a violation(s) of the Member Code of Conduct and/or the Disciplinary Policy shall submit an oral or written report to a District Representative, Membership Committee Chairperson, the Executive Director of Omega Psi Phi Fraternity, Inc. and university officials. Formal and informal complaints shall proceed through the process set forth below.

Article II: *Distribution*

All Members in good standing and prospective members are entitled to receive a copy of the Members Code of Conduct and Disciplinary Policy.

Article III: *Definitions*

- A. The term "Fraternity" shall refer to Omega Psi Phi Fraternity, Inc.

- B. The term “Member” shall refer to those men who have been initiated into and paid all applicable dues and assessments to all units of the Fraternity and who are in good standing with Omega Psi Phi Fraternity.
- C. The term “chapter” shall refer to those separate legal entities that have a charter agreement with Omega Psi Phi Fraternity, Inc. to operate as a chapter of Omega Psi Phi Fraternity, Inc. The term Chapter refers to both undergraduate and graduate entities that have an active charter with the Fraternity.
- D. The term "university" and “college” means any university or college being attended by Members of Omega Psi Phi Fraternity.
- E. The term "student" includes all persons taking courses at the university, both full-time and part-time, pursuing the baccalaureate, and/or first professional degree. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the university are considered "students."
- F. The term "university official" includes any person employed by a college or university to perform assigned administrative or professional responsibilities.
- G. The term "member of the university community" includes any person who is a student, faculty member, university official or any other person employed by the university.
- H. The term "university premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the university including adjacent streets and sidewalks.
- I. The term "shall" is used in the imperative sense.
- J. The term "may" is used in the permissive sense.
- K. The term “dean of students” is considered to be that person designated by the university to be responsible for the administration of all polices and regulations of the university as it relates to students matriculating at the respective university. The dean of students also refers to the person who serves as the university official who arbitrates all informal complaints pertaining to conduct and discipline on the campus of the university.

- L. The term “director of Greek life” is considered to be that person designated by the university to be responsible for the administration of all polices and regulations of the university as it relates to Greek life at that respective university.
- M. The term “Chief Disciplinary Officer” shall refer to the person appointed by the Grand Basileus to be responsible for ensuring the consistent administration of the polices, regulations, and sanctions described in this Member Code of Conduct and Disciplinary Policy. The Chief Disciplinary Officer shall report to the Supreme Council.
- N. The term "District Council" means those officers elected by the district to serve as the District Council. The District Council shall hear only those complaints that are specifically referred to it by that District Representative to determine if a violation of the Member Code of Conduct or Disciplinary Policy has occurred and recommend sanctions.
- O. The term "Grand Tribunal" means those persons authorized to consider an appeal that a Member has violated the Member Code of Conduct or Disciplinary Policy or from the sanctions imposed by the District Representative or District Council.
- P. The term "formal" complaint or charge means that the District Representative, at his sole discretion, has determined that the hearing and recommendation of sanctions are to be conducted by the District Council.
- Q. The term "informal" complaint or charge means the hearing and recommendation of sanctions are to be conducted at the district level solely by the District Representative, and by the Chief Disciplinary Officer at the national level.

Article IV:
Hearing Authority

- A. The Chapter, District, Grand Basileus and the Supreme Council shall discipline members as herein provided and such disciplinary action, when properly imposed upon members, shall be honored and held binding pending appeal.
- B. Disciplinary action imposed by the Grand Basileus and the Supreme Council shall override the discipline, if any, imposed by a District or Chapter.
- C. Disciplinary action imposed by a District shall override the discipline, if any, imposed by a Chapter.

- D. Nothing in this manual shall prohibit a Chapter from imposing its own discipline upon its own chapter members, if it deems it appropriate. However, in determining whether punishment is appropriate for an offense, the Grand Basileus, Supreme Council and District Representative will not defer to the punishment imposed by a chapter.
- E. Decisions made by the District Representative or District Council shall be final pending the appeal process described in this policy.
- F. The Supreme Council, for good cause, may review the discipline imposed by any chapter, District Council, or District Representative.
- G. The Chief Disciplinary Officer should periodically provide training and/or consultation to the District Representatives, District Councils and/or fact-finding teams.
- H. A member of the university community may be designated as arbiter of disputes within the student community in cases that do not involve the violation of the Fraternity's Member Code of Conduct or Disciplinary Policy.

Article V:
Proscribed Conduct

Section 1. Conduct - Rules and Regulations:

- A. Any Member found to have committed any of the following misconduct (but not limited to misconduct specifically contained herein) is subject to the disciplinary sanctions outlined herein:
 - 1. Violation of any rule found in the Fraternity's Constitution and Bylaws, the Ritual, policy resolutions approved by a Grand Conclave, the Orders of the Supreme Council, the Orders of the Grand Basileus, the Orders of the District Representative, and such additional regulations as may be enacted in accordance with existing rules.
 - 2. Violation of this Member Code of Conduct.
 - 3. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other university activities.
 - 4. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion and/or other conduct that threatens or endangers the health or safety of any person.
 - 5. Attempted or actual theft of and/or damage to money or property.

6. Hazing, defined as an act which endangers the mental or physical health or safety of a person, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. For a more detailed explanation of the Fraternity's public policy expressly banning any form of hazing in association with the Fraternity, see the Joint Position Statement Against Hazing at http://www.omegapsiphifraternity.org/hazing_statement.asp.
7. Failure to comply with directions of university officials or law enforcement officers acting in performance of their duties.
8. Violation of a university's student code of conduct or any other university policy, rule or regulation.
9. Violation of federal, state or local laws, which reflects negatively upon the Fraternity.
10. Illegal or unauthorized possession of firearms, explosives, other weapons or dangerous chemicals on university premises or at Fraternity sponsored events.
11. Conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on university premises or at functions sponsored by, or participated in by, a chapter, a District or the Fraternity.
12. Violation of an oath of membership.
13. Violation of any portion of the Membership Selection Process whether before, during, or after the start of an officially sanctioned membership process. This also includes conduct that may occur in situations where there has not been an approval to have a membership process.
14. Violation of a mandatory policy or resolution approved by the Grand Conclave or Supreme Council.
15. Abuse of the Members Disciplinary Policy, including but not limited to:
 - a) Failure to obey the summons of the District Representative, District Council, dean of students or director of Greek life.
 - b) Falsification, distortion, or misrepresentation of information before the Supreme Council, District Representatives, District Councils, dean of students or director of Greek life.
 - c) Disruption or interference with the orderly conduct of a disciplinary proceeding.
 - d) Institution of a disciplinary proceeding knowingly without cause.

- e) Attempting to discourage an individual's proper participation in, or use of, the disciplinary policy.
- f) Attempting to influence the impartiality of a member of the District Council, the dean of students or director of Greek life prior to, and/or during the course of, the disciplinary proceeding.
- g) Harassment (verbal or physical) and/or intimidation, or any form of retaliation of a member of the Supreme Council, District Council, fact-finding teams, Members, the dean of students or director of Greek life or others prior to, during, and/or after a disciplinary proceeding.
- h) Failure to comply with the sanction(s) imposed under the Members Disciplinary Policy.
- i) Influencing or attempting to influence another person to commit an abuse of the Members Disciplinary Policy.

B. Violation of Law and University Discipline.

- 1. University disciplinary proceedings may be instituted against a Member charged with a violation of a law that may also be a violation of this disciplinary policy or the code of conduct. For example, if a violation of the law and/or the Member Disciplinary Policy results from the same factual situation, without regard to the pendency of civil litigation in court or criminal arrest and prosecution, proceedings under this Member Disciplinary Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
- 2. The Fraternity will cooperate fully with law enforcement and other agencies in the enforcement of criminal laws and in the conditions imposed by criminal courts for the rehabilitation of violators.

Article VI:
Discipline of the Individual Member

Section 1. Any Member found guilty of any of the above offenses shall, upon a disciplinary determination by the Grand Basileus, Supreme Council, a District Representative or District Council, be subject to one or more of the following penalties:

- A. Expulsion.
- B. Suspension.
 - 1. Indefinite Period.
 - 2. Designated Period.
- C. Probation.
- D. Fine.
- E. Any other lawful penalty.

When these penalties are properly imposed upon a Member, the penalties shall be honored and held binding by all chapters, districts, the International Office, and the Grand Conclave.

Section 2. Penalties Defined.

A. Expulsion. An expelled member shall:

1. Surrender to the Executive Director of the Fraternity his official membership certificate, membership card, and his official pin, along with all regalia, insignia, clothing, or jewelry bearing any identity with the Fraternity.
2. Remove himself and his personal effects from the property of the chapter, the district and the international office and he may not return on any occasion.
3. Not attend any meeting of any chapter, district or grand Conclave.
4. Cease to identify himself with the Fraternity in any manner on or off campus.

B. Suspension. A member may be suspended for:

1. Indefinite period. A member suspended for an indefinite period shall:
 - a. Remove himself and his personal effects from the property of the chapter, the districts, and the international office and he may not return unless and until expressly permitted to do so by the District Representative or District Council.
 - b. Not attend any Fraternity meetings, vote, or hold office, nor shall he attend any Fraternity gathering not attended by the public unless and until expressly permitted to do so by the District Representative or District Council.
 - c. Cease to identify himself with the Fraternity in any manner on or off campus until expressly permitted to do so by the District Representative or District Council.
2. Definite period. A member suspended for a definite period shall:
 - a. Remove himself and his personal effects from the property of the chapter, the districts and the international office and he may not

return until expressly permitted to do so by the District Representative or the District Council.

- b. Not attend Fraternity meetings, vote, or hold office, nor shall he attend any Fraternity gathering not attended by the public until the end of the designated period of suspension.
 - c. Cease to identify himself with the Fraternity in any manner on or off campus until the end of the designated period of suspension.
 - d. Be entitled to return at the end of the designated period of suspension unless he is in violation of the terms of said suspension.
 - e. Be automatically returned to good standing unless he is subject to further disciplinary action.
- C. **Probation.** A Member on Probation shall:
- 1. Follow the limitations, restriction, and terms of the probation.
 - 2. Pay all dues, fees, and assessments applicable to all Members in good standing unless expressly excused therefrom by the terms of the designated probation.
- D. **Restitution.** A Member may be required to compensate the Fraternity, District, chapter, entity or an individual for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- E. **Fine.** A Member who is fined shall, within the time prescribed, pay the fine to the Chapter, District, or International Office. Refusal or failure to pay the fine assessed shall subject the Member to being declared non-financial and not a Member.
- F. **Warning.** A notice in writing to the Member that the Member is violating or has violated provisions of this code.
- G. **Any other Lawful Penalty.** The Fraternity may determine and impose any other lawful penalty, as long as such penalty is legal and not in conflict with the rules and regulations of the Fraternity, the university, or society in general.
- H. **Multiple Sanctions.** More than one of the sanctions listed above may be imposed for any single violation.

Article VII:

Discipline of the Active Chapter or District

Section 1. Penalties. The penalties that may be imposed upon Chapters or Districts of the Fraternity include:

- A. Discipline. In the case of simple discipline, the penalties include:
 - i. Fine;
 - ii. Reprimand; or
 - iii. Publicity in the Oracle and District publications;
- B. Probation. The Fraternity can also deny a chapter or District the:
 - i. Right to participate in Fraternity programs or social activities;
 - ii. Right to participate in membership activities; and/or
 - iii. Right to Publish information in the Oracle and District reports.
- C. Suspension. The Fraternity can deny the chapter the right to operate as a chapter of the Fraternity for a definite or indefinite period of time.
- D. Deactivation. Loss of all privileges, including university or city recognition, for a specified period of time. The chapter will not be listed as a chapter among the Fraternity's books or the records of the university.
- E. Revocation. In case of a revocation of the chapter's charter, the Fraternity can require that the chapter surrender to the Fraternity's Executive Director all Fraternity books, files, paraphernalia, charter, constitution, and Rituals.
- F. More than one of the sanctions listed above may be imposed for any single violation.

Article VIII:

Interim Discipline

Section 1: Interim Suspension

The Grand Basileus, Supreme Council or District Representative may at any time (with or without a hearing) place Members or chapters on probation or suspension if, in the judgment of the District Representative or Grand Basileus, such action is necessary.

Section 2: For instance, interim suspension may be imposed:

- A. To ensure the safety and well-being of members of the university community, other individuals, or the preservation of property;
- B. In order that a formal or informal investigation be performed of a potential violation;
- C. To ensure the Member's own safety and well-being; or
- D. If the Member poses a definite threat of disruption or interference with the normal operations of the university, a chapter or other unit of the Fraternity.

During the interim suspension, Members should be denied access to Fraternity activities or privileges (including chapter activities) for which the Member might otherwise be eligible, as the District Representative or Grand Basileus may determine to be appropriate.

Article IX:

Reinstatement After Discipline

Section 1. Expulsion. In order to be reinstated after an expulsion, the expelled Member must present a petition for reinstatement to the Fraternity. The petition for reinstatement shall contain: (a) a narrative history of his association with the Fraternity; (b) written confirmation that the terms of the expulsion were complied with; (c) circumstances of the expulsion; and (d) the reasons for the application for reinstatement. The reinstatement application must be presented in writing to the Grand Tribunal, which may then hear statements from the District Representative, District Council, representative of the fact-finding team, the accused, Members or others knowledgeable about facts of the expulsion.

Only upon a clear showing of reform and relief should the Grand Tribunal or Supreme Council reinstate a Member who has been expelled. The Grand Tribunal or Supreme Council may restore the Member to full membership in good standing, restore him to membership on a lesser disciplinary status, or deny his petition. If the petition is denied, the expelled member may not re-present his petition for a period of at least one calendar year.

Section 2. Indefinite Suspension In Excess of 3 Years. In order to be reinstated, a suspended Member shall first, in writing, request reinstatement. The written request must be delivered to the District Representative of the District in which the suspension was issued. The request shall include evidence and a written statement that the terms of the suspension has been complied with and shall recite the substance of the factors warranting reinstatement. The District Representative may then hear statements from members or others knowledgeable about facts of the suspension and may allow the suspended member to be present for the discussion.

The decision of the District Representative shall be communicated to the Member in writing with a copy to the District KRS and the Fraternity's Executive Director. If the decision is unfavorable and the suspension continues, the Member may not again request reinstatement for a period of at least ninety calendar days.

The Grand Tribunal or Supreme Council, only in extraordinary circumstances, by a two-thirds vote, may order any suspended member reinstated in full or reinstated and placed on a lesser disciplinary status.

Section 3. Probation. Only the District Representative of the District in which the probation was issued or the Supreme Council may remove from probation a Member who has been placed on probation.

Section 4. A disciplined or suspended Member shall, prior to any reinstatement to good standing, pay all regular fees and dues incurred prior to and during the disciplinary period, including general dues, unless exempt from the dues by the terms of the probation.

Article X:

Hearing Policies and Procedures

Section 1. Charges against an accused

- a. Any person may direct a charge against any Member for misconduct. Charges shall, when possible, be prepared in writing and directed to the applicable District Representative.
- b. When the action complained of is also a violation of university rules and regulations, the charge should be simultaneously reported to the university's dean of students or director of Greek life.
- c. When the action complained of is also a violation of criminal statutes, the facts should be simultaneously reported to area and/or campus law enforcement authorities.
- d. Any charge or allegation should be submitted as soon as possible after the conduct or event takes place. If a person believes that the conduct is about to take place, a report should be submitted before the alleged conduct occurs.
- e. If the alleged conduct violates the Fraternity's Code of Conduct and Disciplinary Policy, the District Representative shall determine if the matter is to be treated by the Fraternity as a "formal" or "informal" charge.

- f. When the action complained of is also a violation of university rules and regulations, the complainant and/or the dean of student or director of Greek life shall determine if the matter is to be treated by the University as a "formal" or "informal" charge. This determination by the university, however, will not prevent the District Representative from treating the complaint in whatever fashion he deems appropriate as it relates to the infraction that violates the Fraternity's rules.
- g. Generally, many alleged violations may be managed as an informal charge or complaint. An informal hearing by the District Representative may be less procedurally rigid than a formal charge heard by the District Council, but not necessarily more lenient when applying a sanction(s). The accused Member shall be notified verbally or in writing of the informal charge(s) before discussing the matter with the District Representative. If the District Representative determines the Member Code of Conduct and Disciplinary Policy or other Fraternity rules or procedures have been violated, sanctions may be imposed as set forth in this policy.
- h. Complaints determined by the District Representative to be formal complaints of serious violations may be referred to the District Council for a formal resolution. The District Representative has the sole discretion to determine whether to refer a complaint to the full District Council.

Section 2. Investigations

- A. The District Representative has the sole discretion to initiate a formal or informal investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved.
- B. Where a formal investigation is initiated, the District Representative and/or Grand Basileus should assemble a fact-finding team that will conduct an investigation of the allegations. The fact-finding team should be formed as soon as practicable and should take whatever steps it deems appropriate to investigate the allegations.
- C. Each fact-finding team appointed by the District Representative should include, where possible, an attorney, an adequate representation of undergraduates, a member of the Membership Committee and whatever other Members are deemed appropriate.
- D. The fact-finding team may utilize whatever investigative methods are at their disposal to investigate whether an offense has been committed. These methods include, but are not limited to:
 - 1. In-person or telephone interviews of witnesses or the accused
 - 2. Written Statements

3. Lie-detector tests (if properly administered)
 4. Requests for written information
 5. On-site visits
 6. Fact-finding conferences
- E. The fact-finding team must present its findings within ten (10) days of the conclusion of its investigation. If the fact-finding team finds that the allegations are unfounded, it must present its report to the District Representative. If the allegations are determined to have merit, the chairman of the fact-finding team should prepare the matter to be presented to the District Representative.

Section 3. Rights of the Accused

- A. For an informal charge, any Member charged with an offense shall have the right to a hearing before the District Representative to whom the informal charge is referred.
- B. For a formal charge, any Member charged with an offense shall have the right to a hearing before the District Council to which the formal charge is referred.
- C. The accused shall have the right of timely notice of hearing, as hereinafter provided.
- D. The accused has the right to be heard during the time disciplinary action is being considered.
- E. The accused shall have the right to see the written charges, if any, prior to any hearing.
- F. The accused shall have the right to select his own counsel from the membership of the Fraternity, but it is emphasized that the disciplinary hearing procedures are those of Omega Psi Phi Fraternity, Inc. and are not the procedures that would be utilized in a court of law.
- G. Counsel or the Member may be asked to leave the hearing at any time by the presiding officer if, in the sole judgment of the presiding officer, counsel or the Member is disrupting the hearing.

Section 4. Hearings

- A. If the District Representative elects to treat the matter as a formal complaint, then all charges shall be presented to the accused Member in written form. A time shall be set for a hearing, not less than five nor more than 15 business days after the Member has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the District Representative.

- B. At the discretion of the District Representative, instead of a face-to-face hearing, participants in a hearing may be allowed to participate telephonically or submit written information.
- C. The District Council may conduct a formal hearing according to the following guidelines:
 - 1. The presiding officer, usually the Chair of the District Council, shall call the hearing to order.
 - 2. Admission of any person to the hearing shall be at the discretion of the presiding officer.
 - 3. The presiding officer shall expel from the hearing any person who, in his opinion, does not maintain proper decorum.
 - 4. Hearings normally shall be conducted in private. At the request of the accused, and subject to the discretion of the presiding officer other persons may be allowed to attend the hearing.
 - 5. In hearings involving more than one accused member, the presiding officer, in his discretion, may permit the hearings concerning each Member to be conducted separately.
 - 6. The complainant and the accused have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney. The complainant and/or the accused are responsible for presenting his or her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing before the District Council.
 - 7. The complainant, the accused, and the representative of the fact-finding team shall each have the right to make an open argument before the evidence is presented and a closing argument after all the evidence has been presented.
 - 8. The complainant, the accused, and the representative of the fact-finding team shall have the privilege of presenting witnesses, subject to the right of cross-examination by the District Council.
 - 9. The District Council may accept pertinent records, exhibits and written statements as evidence for consideration at the discretion of the presiding officer.
 - 10. The presiding officer should remind those in attendance that the proceedings are an educational exercise and will not be perceived as a formal legal hearing.
 - 11. If there is material evidence that cannot be secured from the testimony of members, non-member testimony may be received at the hearing in the discretion of the presiding officer. Non-members may be present at the hearing only while testifying.
 - 12. All procedural questions are subject to the final decision of the presiding officer.

13. After all the evidence has been presented, the District Council shall determine (by majority vote) whether the Member has violated each section of the Member Code of Conduct or Disciplinary Policy that the Member is charged with violating. The vote shall be taken separately on each offense and separately as to each accused Member.
14. The District Council's determination shall be made on the basis of whether it is more likely than not that the accused Member committed an offense.
15. In the event a Member fails to obey the summons of the District Representative or District Council, he may be disciplined. If the absentee Member has an excuse that is determined by the District Representative to be valid, then the Member may not be found to have violated the Code of Conduct or the Disciplinary Policy solely because the Member failed to appear before the District Representative or District Council. In all cases, the evidence in support of the charges shall be presented.
16. Within five (5) business days following the formal hearing, the District Council shall advise in writing its determination and the recommended sanction(s).
17. Within ten (10) business days following his receipt of the determination of the District Council, the District Representative must notify the accused of the sanctions imposed.
18. The notice of sanctions imposed should be in writing and sent by facsimile or by certified mail, return receipt requested. If applicable, the writing should also notify the accused that he has fifteen (15) business days to appeal the decision of the District Council.

Section 5. Appeals

- A. Appeals from Disciplinary Decisions.
 1. A decision reached a by District Council or a District Representative to expel a Member or revoke a Chapter charter may be appealed by accused Members or complainants to the Grand Tribunal within thirty (30) business days of the decision. Such appeal shall be in writing and shall be delivered to the Chair of the Grand Tribunal.
 2. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the record of the initial hearing and supporting documents for one or more of the following purposes:
 - i. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that an offense was committed, and giving the accused Member or Chapter a reasonable opportunity to prepare and present a rebuttal of those allegations.

- ii. To determine whether the decision reached regarding the accused Member or Chapter was based on substantial evidence, that is, whether the facts in the case were sufficient to establish that a violation occurred.
 - iii. To determine whether the sanction(s) imposed were appropriate for the violation that the Member or Chapter was found to have committed.
 - iv. To consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because the person appealing did not know such evidence and/or facts at the time of the original hearing.
3. In cases involving appeals by an accused Member(s) found to have violated the Code of Conduct or Member Disciplinary Policy, review of the case by the Grand Tribunal may not result in more severe sanction(s) for the accused Member(s).
4. In cases involving appeals by the referring complainant, the Grand Tribunal may, upon review of the case, remand the case to the original District Council with recommendations. The District Council may further consider recommendations from the Grand Tribunal or better explain the basis for the original decision. The decision of the Grand Tribunal shall be final and binding.

Article XI

Interpretation and Revision

- A. Any question of interpretation regarding the Member Code of Conduct or Disciplinary Policy shall be referred to the Fraternity's Grand Counselor.
- B. The Member Code of Conduct and the Member Disciplinary Policy shall be reviewed every three (3) years under the direction of the Grand Basileus, Grand Counselor and the Chief Disciplinary Officer.