

**Omega Psi Phi Fraternity, Inc.
Revised Member Code of Conduct
as approved by the 80th Grand Conclave**



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MEMBER CODE OF CONDUCT

(As Approved by the 80th Grand Conclave July 2016)

CHAPTER I Proscribed Conduct

Section 1. –Distribution: All Members, as defined by the Fraternity’s Constitution, in good standing and prospective members are entitled to receive a copy of the Members Code of Conduct and Disciplinary Policy.

Section 2. –Misconduct Defined: Misconduct includes but is not limited to, violations of the Fraternity’s Constitution and Bylaws, Ritual, policy, resolutions approved by a Grand Conclave, the lawful orders of the Supreme Council, the Grand Basileus, District Representative, or the Chapter Basileus and such additional Fraternity or University regulations as may be enacted from time to time and in force. Additionally, a member may be disciplined for acts or conduct that adversely impacts the public perception or image of the Fraternity, including filing suit against the Fraternity or any of its affiliates in a court of law for any matter.

Section 3. –Prohibition Against Violence

A. Any violent conduct engaged in by any active or inactive member of the Fraternity during a fraternity activity, or in furtherance of a fraternal purpose, or against another Fraternity member, active or inactive, shall be expressly forbidden and may subject the member regardless of membership status to any appropriate sanctions as set out herein.

B. For purposes of this Member Code of Conduct, “violent conduct” is defined as assaults, fighting, wrestling, physical abuse, resort to force, verbal abuse, threats, intimidation, harassment, coercion and/or other conduct that threatens or endangers or, is done with the intention to threaten or endanger, the physical, emotional or mental health or safety of another person, to include prospective members.

C. Any Fraternity Member, active or inactive, who is proven to have attempted, authorized, allowed or condoned violent conduct, as defined above, shall be suspended from all rights and privileges of fraternal affiliation for no less than three years.

D. Any individual who is proven to have engaged in, authorized, allowed or condoned violent conduct that causes physical or mental injury regardless of seriousness shall be placed on suspension for no less than five years, and may be subject to expulsion.

E. Any Chapter which, has exhibited a historical pattern and practice (three or more in a five year period) of authorizing, allowing or condoning such violent conduct, if proven, may be subject to having its charter revoked.

F. Any individual who, while under suspension from the Fraternity for violating this section continues to participate in fraternal activities of any description with current or prospective members of the Fraternity shall be referred by the District Representative in whose District the offending conduct occurs, or the Grand Basileus, to the Grand Tribunal with a recommendation that he be expelled from the Fraternity.

G. Any officer of the Fraternity who knowingly allows, tolerates or ignores violent conduct, as defined in "Section B" above shall be subject to appropriate sanctions. Such sanctions shall include, but not be limited to, written reprimand, definite suspension, indefinite suspension or expulsion from the Fraternity, depending upon the gravity of the offense and the severity of the harm caused. Penalties shall be at the discretion of the District Representative from the District where the misconduct occurred, or the Grand Basileus as appropriate.

H. Consistent with its anti-violence and violence prevention policies, the Fraternity, after expulsion of a member pursuant to this section, in its sole discretion may also seek additional legal sanctions in a court of competent jurisdiction.

Section 4. –Violation of Law and University Discipline

Hearings conducted and sanctions imposed in connection with violations of this Code of Conduct shall be independent of any proceedings occurring in any other forums. Sanctions may be imposed without regard to the pendency of any associated civil, criminal, University or administrative investigations or proceedings. The Fraternity will to the maximum extent practicable, cooperate with local law enforcement as appropriate, pursuant to the advice of the Grand Counselor or his designee, or the appropriate District Counselor.

CHAPTER II

MEMBER DISCIPLINARY PROCEDURES

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 a written (formal) or oral (informal) report to a Chapter Basileus, District Representative, Membership Committee Chairperson, the Executive Director of Omega Psi Phi Fraternity, Inc. and university officials, who are obligated to notify the appropriate District Counselor of the allegation. Formal and informal reports of a violation shall proceed through the process set forth below.

Article II Charges Against An Accused

Any person may initiate a complaint against any Member for misconduct or violation of this Code of Conduct. Upon a complaint, a formal charge shall be prepared by the Basileus, District Representative or Grand Basileus, and mailed to the alleged violator. Copies of the charge shall be sent to the District Counselor and the Grand Counselor. When the action complained of is also a violation of any university rule or regulation, the charge shall be simultaneously reported to the university's dean of students or director of Greek life.

Section 1. Any charge or allegation should be reported 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 made before the alleged conduct occurs.

Section 2. If the alleged conduct violates the Fraternity's Code of Conduct, the District Representative shall determine if the matter should result in a charge.

Section 3. The District Representative may investigate and proceed without a hearing and at his discretion with advice of the District Counselor and/or the Grand Counselor, issue a range of interim sanctions, including suspension, pending the results of investigation. The accused Member shall be notified in writing of interim sanctions or proceedings by the Chapter or the District Representative.

Section 4. A complaint referred by the District Representative or Chapter Basileus for charges resulting from serious violations may be referred for a hearing and resolution at the Chapter or District level as appropriate.

Article III Investigations

Section 1. The District Representative has the sole discretion to initiate a investigation to determine if the charges have merit.

Section 2. Where an 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.

Section 3. 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.

Section 4. 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:

- In-person or telephone interviews of witnesses or the accused
- Properly administered lie-detector tests
- Requests for written information or sworn affidavits
- On-site visits

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- Fact-finding conferences

The fact-finding team must present its findings within ten (10) days of the conclusion of its investigation. The chairman of the fact-finding team shall report all findings, both unfounded and those with merit, to the District Representative.

Article IV Rights of the Accused

Section 1. Any Member charged with an offense under this Code or any other wrongdoing against the Fraternity shall have the right to a hearing before the District Representative or his designee, to whom the charge is referred. That member shall also have the right to a hearing before the District Council, or a panel as designated by it, regarding the charge upon a referral by the District Representative.

Section 2. The accused shall have the right of timely notice of hearing, as provided herein.

Section 3. The accused has the right to be heard during the time disciplinary action is being considered, as provided herein.

Section 4. The accused shall have the right to see the written charges, if any, prior to any hearing.

Section 5. The accused shall have the right to an advisor, who is a member of the Fraternity. It is emphasized that the disciplinary hearing procedures are internal to Omega Psi Phi Fraternity, Inc. and have no relationship to, nor are they based upon, procedures utilized by any other forum. Moreover, this Code of Conduct is an administrative guideline for uniform enforcement of internal activities and does not create by its terms a contract of any type between members and the Fraternity, such that perceived breaches create a private right of action in a court of law.

Article V Hearings Policies and Procedures

Section 1. Hearings

A. When the District Representative elects to treat the matter as a formal complaint, all charges shall be presented to the accused Member in written form. A time shall be set for a hearing before a panel organized for that purpose, not less than five (5) nor more than fifteen (15) business days after the Member has been notified. The District Representative, or hearing panel at its discretion, may extend the maximum time limits for scheduling thereof.

B. At the discretion of the District Representative, participants may be allowed to participate telephonically or submit a sworn affidavit.

C. The District Council or other designated hearing panel shall conduct a formal hearing according to the following guidelines:

- i. The presiding officer, the District Representative or 1st Vice District Representative or his designee, with advice of the District Counselor, shall call the hearing to order and conduct an orderly review of the matter in a hearing format and shall accept documentary and testimonial evidence in an orderly fashion.
- ii. The presiding officer shall have control over the hearing process and acceptance of any and all evidence, including opening and closing statements, witness testimony and limited cross examination of witnesses.
- iii. The complainant and the accused have the right to be assisted by any advisor they choose, at their own expense, who shall not be allowed to address the presiding officer.
- iv. After all the evidence has been presented, the District Council, or designated hearing panel, shall determine (by majority vote) whether the Member has violated any section of the Member Code of Conduct as alleged. The vote shall be taken separately on each offense and separately as to each accused Member.
- v. The District Council's or hearing panel's determination shall be made on the basis of whether it is more likely than not that the accused Member committed the alleged offense. The District Council or hearing panel shall issue a recommendation to the District Representative regarding each violation and proposed sanctions. The District Representative accept the panel's recommendation, modify, or overrule it.
- vi. Within ten (10) business days following the decision of the District Representative, the District Representative shall send written notification to the accused of the decision and any sanctions imposed. If the District Representative recommends to the Supreme Council that the member be expelled, the notice shall notify the accused that he has thirty (30) calendar days within which to appeal the decision to the Grand Tribunal.

Section 2. 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 Code of Conduct 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.

Article VI Discipline of the Individual Member

Section 1. Penalties

A. Any Member found guilty of violations of Chapter 1, Art 1 upon a disciplinary determination by the Grand Basileus, Supreme Council, a recommendation of the District Representative or District Council, shall be subject to one or more of the following penalties:

1. Expulsion (by way of a vote of the Supreme Council).
2. Suspension.
 - a. Indefinite Period.
 - b. Designated Period.
3. Probation
4. Fine or monetary assessment
5. Any other appropriate penalty not expressly prohibited by the Fraternity's Constitution and by-laws.

B. When the above penalties are properly imposed upon a Member, the penalties shall be honored and binding upon all other individual members, chapters, districts, the International Office, and the Grand Conclave.

Section 2. Penalties Defined

A. Expulsion. Permanent revocation by a vote of the Supreme Council of the active membership status, of an active or inactive member according to the Fraternity's Constitution and by-laws. An expelled member shall: Surrender to the Executive Director of the Fraternity his official membership certificate, membership card, and his official pin, along with all regalia, insignia, clothing, rituals, documents, fraternity property of every kind, or jewelry bearing any identity with the Fraternity; not attend any meeting of the Fraternity or subsidiary or affiliate organizations; 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; cease to identify himself as a Fraternity member in any manner, anywhere and continue to maintain the confidences and is prohibited from disclosing, or otherwise transmitting or communicating any of the Fraternities trade-secret, confidential, sacred, or proprietary information to any non-fraternity member at any time. Violation of this provision may subject the expelled member to additional legal sanctions as may be available to the Fraternity in a court of competent jurisdiction to protect its property rights.

B. Suspension. Removal of a member from active to inactive status for a predetermined period of time, not to exceed three years. A member suspended for a definite period shall follow the provisions of "C" below but shall be entitled to return at the end of the designated period of suspension, unless he is in violation of the terms of said suspension, and automatically returned to good standing unless he is subject to further disciplinary action.

C. Suspension for Indefinite period. Removal of a member from active to inactive status for an undefined or indefinite period. At suspension, the member is obliged to:

1. 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.

2. 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 of the suspending District, or the Supreme Council.

3. Cease to identify himself with the Fraternity in any manner in any place unless and until expressly permitted to do so by the District Representative of the suspending District, or the Supreme Council.

D. Probation. Restricted active status subject to the provisions of any penalties instituted by appropriate Fraternity authority. A member on probation shall follow the limitations, restrictions, and terms of the probation and pay all dues, fees, and assessments applicable to all Members in good standing and any imposed as a result of violations proven hereunder, unless expressly excused therefrom by the terms of the designated probation.

E. Restitution. Compensation required to reimburse or make whole the Fraternity, District, chapter, entity or any appropriate individual for losses, damages or injury, sustained as a result of member's actions in violation of Fraternity rules or these provisions. This may take the form of appropriate service and/or monetary or material replacement.

F. 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 thereby denied the privileges of membership.

G. Any other Appropriate Penalty. The Fraternity may determine and impose any other appropriate penalty or sanction, as long as such penalty is not expressly prohibited by the Fraternity Constitution and By-Laws and is not in conflict with any other rules or policies of the Fraternity, a university, or society in general.

Article VII
Discipline of the Active Chapter or District

Except as separately provided for offenses involving violent conduct, the penalties that may be imposed upon Chapters or Districts of the Fraternity include:

Section 1. Discipline. In the case of simple discipline, the penalties include but are not limited to:

- A. Fine;
- B. Reprimand; or
- C. Publicity in the Oracle and District publications.

Section 2. Probation. The Fraternity can also deny a chapter or District the:

- A. Right to participate in Fraternity programs or social activities;
- B. Right to participate in membership activities; and/or;
- C. Right to publish information in the Oracle and District reports.

Section 3. Suspension. The Fraternity can deny a chapter the right to operate as a chapter of the Fraternity for a definite or indefinite period of time.

Section 4. 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.

Section 5. 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.

Article VIII
Interim Discipline

The Grand Basileus, Supreme Council or District Representative may at any time institute interim discipline (with or without a hearing) against members or chapters. Such interim discipline shall remain in place as long as it takes the Fraternity to conclude its investigations, which may include waiting for the conclusion of investigations by external organizations or entities. Interim probation or suspension may be imposed to protect chapters, individuals or property and in order to facilitate an investigation of any potential violation(s).

During an interim suspension, Members shall 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.

An expelled Member may apply for reinstatement after having been expelled for at least 10 years. 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 (through IHQ), 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.

Section 2. Indefinite Suspension In Excess of 3 Years.

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 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.

Section 3. Probation

Only the Supreme Council or District Representative of the District in which the probation was issued, may remove from probation a member who has been placed on probation.

Section 4. Financial Status for Reinstatement

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

Article X: Appeals

Appeals to the Grand Tribunal may be taken on District imposition of Indefinite Suspensions of 3 years or more may be taken from a recommendation by a District Council or a District Representative to expel a Member or revoke a Chapter charter. An accused Member or chapter who petitions for Grand Tribunal review as described herein shall do so within thirty (30)

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calendar days from his receipt the decision. Such appeal shall be in writing and shall be delivered to the Executive Director at Fraternity headquarters, by first class mail or electronic mail. The Executive Director shall in turn deliver said petition immediately to the Chair of the Grand Tribunal for action. For further information regarding operation of the Grand Tribunal and the appeals process, see Art. 4 Section 3 (H) of the Fraternity's Bylaws.

CHAPTER III

MISCELLANEOUS PROVISIONS

Article 1

Interpretation and Revision

Section 1. Any question of interpretation regarding the Member Code of Conduct shall be referred to the Grand Counselor.

Section 2. The Member Code of Conduct and the Member Disciplinary Policy shall be reviewed every three (3) years under the direction of the Grand Basileus and the Grand Counselor.

Section 3. **Not A Contract:** This Code of Conduct is an administrative guideline for uniform enforcement of internal Fraternity Rules and does not create, by its terms, a contract of any type between members and the Fraternity, such that any perceived breaches or misinterpretations of it by the Fraternity creates a private right of action in a court of law.