

- (a) Offenses which constitute criminal activity under state or federal law, including but not limited to hazing, possession or use of controlled substances or other drugs, and assault or battery.
- (b) Offenses against common law, not made crimes by any statute.
- (c) Offenses against the Charter, Bylaws, Administrative Policies and Procedures, Risk Management Policies of Sigma Phi Epsilon Fraternity or Statement on Relationships of the Fraternity.
- (d) Offenses against the bylaws of the member's undergraduate chapter.
- (e) Offenses generally which involve violation of a member's Oath of Obligation as defined in the Ritual.
- (f) Misrepresentation of eligibility for a Ritual Rite of Passage of himself or another member.
- (g) Causing to be written or printed, or revealing in any manner whatsoever, any of the secret work of the Fraternity.
- (h) Being knowledgeable of a member's violation of any of the preceding and not reporting such.

MEMBERSHIP TRIALS

- Section 25.** Each member of the Fraternity, undergraduate or otherwise, accused of any offense must be proceeded against by written charges called a complaint, and all members who are so accused shall have notice thereof, and each is entitled to an impartial trial.
- Section 26.** A trial under the *Grand Chapter Bylaws* of the Fraternity is defined to be a judicial examination of the issues arising out of the complaint of offenses. In the case of an undergraduate chapter in good standing, a trial shall be conducted by the undergraduate Standards Board. In all other cases, the National Board of Directors, or its delegate, shall consider and decide on the case.
- Section 27.** Trials of undergraduate members charged with violations of membership obligations shall be conducted by the undergraduate chapter's Standards Board according to the following procedures:

- (a) Allegations that an undergraduate member is in violation of his membership obligations may be reported to the Chaplain.
- (b) Upon receipt of a complaint, the Chaplain shall call a meeting of the Standards Board at the earliest available opportunity to hold the trial.
- (c) The Chaplain shall provide a written summary of the complaint, including specific details, as well as notice of the Standards Board meeting to the member alleged to be in violation at least 48 hours prior to the Standards Board meeting.
- (d) Should the member be unable to attend the scheduled meeting of the Standards Board, he must notify the Chaplain of his inability to do so before the meeting has occurred and must request an alternate time, not to exceed 72 hours beyond the scheduled meeting.
- (e) All trials held by the Standards Board shall be closed to all other members, however the Standards Board may consult with the Chapter Counselor, Balanced Man Steward, or other local volunteer mentor.
- (f) The Chapter Counselor, Balanced Man Steward or other local volunteer mentor shall be notified of the trial. The volunteer mentor may attend the trial for the sole purpose of upholding the conformance of all bylaws, policies, and procedures, but does not have a vote or a voice in the decisions made by the Standards Board. The Standards Board reserves the right to ask the Chapter Counselor or volunteer mentor to leave during deliberations and any Standards Board vote. The final decision must be reviewed with the Chapter Counselor or volunteer mentor before delivering the decision to the member. If the Chapter Counselor, Balanced Man Steward, or other local volunteer mentor cannot attend they can designate someone to attend in their stead to support the Standards Board.
- (g) At that trial, the member alleged to be in violation of membership obligations will be given the opportunity to state his position on the alleged violations. Any witnesses to the alleged violations shall be called upon by the Standards Board for relevant information.
- (h) Any member-witness who fails to cooperate with the Standards Board upon request shall be subject to discipline.

- (i) Should the member fail to appear for his trial, the Standards Board may still consider the facts and make its decision.
- (j) During the trial, the member may represent himself or designate a representative, as long as that representative is a current undergraduate member in good standing of the same chapter. The member is not entitled to an attorney.
- (k) The Chaplain shall appoint a member of the Standards Board to record all minutes of and statements made or summary thereof during any Standards Board meeting.
- (l) During the trial, the member alleged to be in violation shall have an opportunity to state his position, the Standards Board may call any available witnesses for testimony, and all other evidence shall be considered. The Standards Board shall have the sole discretion to determine the exact order of proceedings.
- (m) The member alleged to be in violation shall have the right to be present for the testimony of all witnesses but neither he nor his representative shall have the right to directly confront or cross examine any witness.
- (n) Neither the member alleged to be in violation nor any witness shall be required to make testimony that would self-incriminate themselves.
- (o) The Standards Board shall deliberate by itself and determine whether it is more likely than not that a violation has occurred.
- (p) If a violation is found, the Standards Board shall determine, from among the options set forth in Section 30 of this Article, the appropriate penalty to be imposed. All five members of the Board must be present to vote, and a majority vote of the Standards Board shall constitute the decision of the chapter, on both the offense and the penalty, if any.
- (q) All decisions of the Standards Board, other than expulsion, shall be final.
- (r) Should the Standards Board vote that a member's violation should result in the member's expulsion, that member shall have the right to appeal the decision to the undergraduate chapter as a whole. Should the member appeal, his membership rights shall stand suspended until the chapter has considered and decided upon his appeal.

- (s) To exercise this right to appeal, the appealing member must notify the undergraduate Chapter President of his appeal in writing, within 20 days. The Chapter President will notify the Chaplain.
- (t) A copy of these procedures contained in this section shall be furnished by the Chapter President to both the member found in violation and the Chaplain, who, as chairman of the Standards Board, will represent its position to the chapter.
- (u) At the first available chapter meeting, either regular or special, occurring at least 96 hours after the appealing member notifies the Chapter President, at which a quorum of two-thirds (2/3) of the members in good standing are present, the chapter shall hear the appeal.
- (v) Following the report of the Chaplain, there will be the opportunity for a maximum of ten minutes of questions directed only towards the Chaplain. This period will be moderated by the Chapter President. If the President is unavailable, the Vice President of Programming will take over the duties of moderation.
- (w) Once the question period is ended by either the Chapter President or the Vice President of Programming, both the Standards Board and the appealing member will be escorted out of the room. Following their departure, the President will moderate a period of pro-con debate, not exceeding ten minutes, utilizing Robert's Rules of Order and expected to maintain the integrity of the appealing procedure.
- (x) After the completion of this debate period, the Standards Board and appealing member will be brought back into the chapter meeting.
- (y) Following the debate period, in no more than fifteen minutes, the appealing member will have the opportunity to present his appeal. He can represent himself or designate a representative as long as that representative is a current undergraduate member in good standing of the same chapter. The member is not entitled to an attorney.
- (z) Following the report of the appealing member, there will be an opportunity for a maximum of ten minutes of questions directed only to the appealing member. This period will be moderated by the Chapter President. If the President is unavailable, the Vice President of Programming will take over the duties of moderation.

- (aa)** Once the question period is ended by either the Chapter President or the Vice President of Programming, both the Standards Board and the appealing member shall leave the room. Following their departure the President will moderate a period of pro-con debate, not exceeding ten minutes, utilizing Robert's Rules of Order.
- (bb)** Following the debate period, the Chapter President will call for a vote by secret ballot as to whether or not the decision of Standards Board to expel the member should be upheld. If two-thirds (2/3) of the members in good standing in attendance vote to overturn the decision of expulsion, then the member is not expelled, and his violations are referred back to the Standards Board for a decision of an appropriate penalty other than expulsion. If two-thirds (2/3) of the members in good standing in attendance do not vote to overturn the decision for expulsion, then the member is expelled, effective immediately.
- (cc)** It shall be the duty of the Vice President of Communications to keep a complete record of the appeal proceedings, including the results of voting, to direct such record to become part of the records of the chapter, and to notify promptly, in writing, the member found in violation and the Chief Executive Officer or Executive Director, or his designee, of the outcome.
- (dd)** A member expelled by his chapter has the opportunity to file a final appeal to the National Board of Directors, or its designee. Any appeal must be filed in writing with the Chief Executive Officer or Executive Director. The appeal must be received no later than thirty (30) days after the member is notified in writing of the decision of the chapter. Such appeal shall include all reasons for the appeal.
- (ee)** Upon receipt of the appeal, the Chief Executive Officer or Executive Director shall notify the President of the undergraduate chapter, enclosing a copy of the appeal. The chapter shall have thirty (30) days to respond in writing to the appeal, which response shall include a record of the proceedings.
- (ff)** The Chief Executive Officer or Executive Director shall forward the response of the chapter to the appealing member who shall have fifteen (15) days to submit a response to the Chief Executive Officer or Executive Director.
- (gg)** The Chief Executive Officer or Executive Director will thereafter submit the appeal to the Executive Committee of the National Board of Directors,

which shall, within sixty (60) days thereafter, determine if such appeal has a reasonable basis. If it determines there is no reasonable basis, the appeal is denied. If it is determined that the appeal does have a reasonable basis, then the National Board of Directors shall decide the appeal at its next regularly scheduled meeting.

- (hh) The National Board of Directors shall have the power to uphold the decision of the chapter or remand the decision of the chapter back to the Standards Board for an alternate penalty.

The foregoing provisions are procedural in nature and substantial compliance therewith shall be sufficient for enforcement.

Section 28. Whenever deemed necessary, the Chief Executive Officer or Executive Director shall recommend, and the National Board of Directors shall appoint, alumni members of the Fraternity to serve on an Alumni Standards Commission for the purposes of holding trials and determining membership violations for alumni and other non-undergraduate members of the Fraternity. This commission should constitute no fewer than three (3) alumni members, one of whom shall be the chairman.

Section 29. Trials of alumni or any other non-undergraduate members shall be held in the manner and form outlined in Section 27 subject to the following modifications:

- (a) Allegations shall be reported by written complaint to the Chief Executive Officer or Executive Director, not the undergraduate chapter Chaplain.
- (b) All references to the Standards Board shall be replaced with the Alumni Standards Commission.
- (c) Before a meeting of the Alumni Standards Commission, the Chief Executive Officer or Executive Director shall notify the Alumni Standards Commission Chairman of the complaint within seven (7) days of receiving said complaint. The Chairman will randomly select two members appointed to the Commission from among those without a conflict of interest to the complaint in question to evaluate the complaint at their earliest convenience.
- (d) With respect to the scheduling and execution of the trial, the Chairman of the Alumni Standards Commission shall fill the responsibilities delegated to the undergraduate chapter Chaplain.

- (e) All trials may be held by conference call or electronic meeting of the Commission when an in person meeting is not possible.
- (f) An alumnus alleged to have violated his obligation shall have the right to be represented by any alumnus of the Fraternity provided the representative is not acting in the capacity of legal counsel.
- (g) The intent to appeal shall be filed in writing with the Chief Executive Officer or Executive Director, not the Chapter President.
- (h) All appeals will be heard directly by the National Board of Directors or its designee as outlined in Section 27.

The foregoing provisions are procedural in nature and substantial compliance therewith shall be sufficient for enforcement.

PENALTIES

Section 30. The penalties which may be imposed for violations of membership obligations are:

- (a) Reprimand or censure.
- (b) Imposition of a fine to a maximum of five hundred dollars (\$500).
- (c) Denial of specific privileges.
- (d) Suspension for a definite time, not to exceed one calendar year.
- (e) Expulsion from the Fraternity.

SUSPENSION AND EXPULSION

Section 31. Suspension is defined to be the denial for a definite period of the privileges and benefits of membership, including using, wearing or displaying the Fraternity's name, marks, and insignia, attending undergraduate chapter functions and meetings, use of chapter facilities, and otherwise identifying himself as a member of the Fraternity.

Section 32. Expulsion is defined to be the permanent denial of all privileges and benefits of membership, including using, wearing or displaying the Fraternity's name, marks, and insignia, attending undergraduate chapter functions and meetings, use of