

- (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, Statement on Chapter and Individual Responsibility, 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 initiation 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 31. 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 32. 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 33. 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.
- (f) 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.
- (g) Any member-witness who fails to or refuses to cooperate with the Standards Board upon request shall be subject to discipline.
- (h) Should the member fail to appear for his trial, the Standards Board may still consider the facts and make its decision.
- (i) 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.
- (j) 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.
- (k) 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.
- (l) 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.
- (m) Neither the member alleged to be in violation nor any witness shall be required to make testimony that would self-incriminate themselves.

- (n) The Standards Board shall deliberate by itself and determine whether it is more likely than not that a violation has occurred.
- (o) If a violation is found, the Standards Board shall determine, from among the options set forth in Section 36 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.
- (p) All decisions of the Standards Board, other than expulsion, shall be final.
- (q) 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.
- (r) 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.
- (s) 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
- (t) 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.
- (u) In no more than 15 minutes, the Chaplain will present the Standards Board's report of the member's specific violation as well as a report of the board's justification for expelling the member.
- (v) Following the Chaplain's report, in no more than 15 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.
- (w) Immediately, without debate, 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.

- (x) 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.
- (y) 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 Executive Director, or his designee, of the outcome.
- (z) 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 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.
- (aa) Upon receipt of the appeal, the 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.
- (bb) The 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 Executive Director.
- (cc) The 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.
- (dd) 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 forgoing provisions are procedural in nature and substantial compliance therewith shall be sufficient for enforcement.