

Resolution GCC23-6

Sexual Assault, Domestic Assault or Incident Involving Physical Violence

WHEREAS

Sigma Phi Epsilon encourages its members to uphold our cardinal principles of virtue, diligence and brotherly love in all aspects of life; and

WHEREAS

Brothers may, from time to time, be the subject of investigations concerning behavior that runs contrary to the fraternity's cardinal principles; and

WHEREAS

Brothers who are subject to an investigation may not report the fact that they are under investigation to the Chaplain and the chapter's Standards Board, thereby depriving the chapter of an opportunity to review the member's conduct and take appropriate action; and

WHEREAS

Sexual assault, domestic assault and incidents involving physical violence have no place in the fraternity setting; and

WHEREAS

Sexual assault, domestic assault and incidents involving physical violence violate the cardinal principles of Sigma Phi Epsilon, namely virtue, diligence and brotherly love; and

WHEREAS

Our chapters have struggled to effectively deal with the membership status of brothers who have been accused of engaging in acts of sexual assault, domestic assault or incidents involving physical violence; and

WHEREAS

Changes were made to the bylaws of the Sigma Phi Epsilon Fraternity at the 57th Grand Chapter Conclave that were designed to provide guidance to chapters concerning the membership status of individuals accused of engaging in acts of sexual assault, domestic assault or incidents involving physical violence; and

WHEREAS

The changes made to the bylaws of the Sigma Phi Epsilon Fraternity at the 57th Grand Chapter Conclave have failed to provide adequate guidance to chapters concerning the membership status of individuals accused of engaging in acts of sexual assault, domestic assault or incidents involving physical violence; and

WHEREAS

Conversations with chapter leaders, headquarters staff and higher education professionals have provided a clearer understanding of how chapters can effectively deal with the membership status of brothers who have been accused of engaging in acts of sexual assault, domestic assault or incidents involving physical violence; therefore be it

RESOLVED

That the **Grand Chapter Bylaws and Administrative Policies and Procedures**, Article II, Section 34 be amended to read as follows (strikethrough indicates removal of text; italics indicates new text, paragraphs will be renumbered as necessary):

Report of an investigation and suspension pending allegations of sexual assault, domestic assault, or physical violence

Section 34A. ~~If a chapter member is alleged to have been involved in a sworn declaration or official notice to have been involved in a sexual assault, domestic assault or incident involving physical violence, he shall be suspended until all university, police and legal investigations into the matter are completed, Any undergraduate member who is subject to an official investigation by an educational institution or law enforcement must report that investigation to the chapter's Chaplain and Standards Board immediately upon notification that they are the subject to said investigation.~~

Section 34B. *Any undergraduate member who is the subject of an official investigation by an educational institution or law enforcement related to sexual assault, sexual harassment, domestic assault, or physical violence is to be immediately placed on a suspended status until investigation outcomes have been determined and communicated to the chapter's Chaplain and Standards Board, notwithstanding Article 2, Section 30(d) of these Grand Chapter Bylaws. The suspension of the accused member under this provision of these Grand Chapter Bylaws shall not reflect a determination of guilt on the part of the accused member; it is imposed in order to protect the rights of the member and the chapter while the investigative process runs its course the member is suspended in order to protect the rights of the member and the chapter during the pendency of the investigative process.* The terms of the suspension are defined by Article 2, Section 31 of these Grand Chapter Bylaws.

If a member graduates while under suspension, ~~pursuant to this Section 34, the chapter shall notify the Chief Executive Officer or Executive Director-CEO of the suspended status of the alumnus status pursuant to Article 2 Section 30 of the Grand Chapter Bylaws.~~

FURTHER RESOLVED

That the **Grand Chapter Bylaws and Administrative Policies and Procedures**, Article II, Section 31 be amended to read as follows (strikethrough indicates removal of text; italics indicates new text, paragraphs will be renumbered as necessary):

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.

Committee: Bylaws Purple Committee
Committee Recommends: Pass as Amended
Grand Chapter Action: Pass

Joshua Novack, Chairman, Bylaws Purple Committee
58th Grand Chapter Conclave – San Antonio, TX – August 2-6, 2023

