

Alpha Kappa Psi – Code of Conduct Disciplinary Procedures

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Disciplinary Procedure – Individual Members Misconduct Allegation

1. Anyone (member, non-member, potential new member) may submit an allegation of individual or chapter misconduct.
2. The allegation must be submitted via the [Report a Conduct Issue](#) form, which is publicly available to the Alpha Kappa Psi website (www.AKPsi.org).

NOTE: You may submit an anonymous complaint, although this may limit how AKPsi can proceed with an inquiry. To ensure a thorough investigation of your report can be completed, please be as detailed as possible.

Please expect a response within two (2) business days (Monday-Friday 9 am-5 pm). If you have not received a response in the expected amount of time, please email the Director of Student Services (melinda@akpsi.org).

3. Fraternity staff will then:
 - a. Conduct a review of the [Report a Conduct Issue](#) form for information, details, and completeness.
 - b. Schedule a phone call or virtual meeting with the individual(s) submitting the report.
 - c. Assess the information gathered. Can a discussion or education resolve the misconduct?
 - d. Determine the next steps.
4. If the allegation **does not warrant** any additional action, Fraternity staff notifies the individual(s) and explains why no action will be taken.
5. If the allegation **does warrant** an investigation process, then fact finding interviews are scheduled, review of all information and an investigation report is submitted.
 - a. Fraternity staff will determine the appropriate level of disciplinary hearing to be conducted (Chapter- or Fraternity-level), as well as who will conduct the disciplinary hearing.
 - b. A Hearing Official will be appointed, and this individual is responsible for conducting the disciplinary hearing.

NOTE: If a member is named in an allegation of misconduct, the Chief Executive Officer may summarily suspend the member to ensure the continued well-being and orderly functioning of the chapter and its members. The member suspended is precluded from activities and meetings of any body of the fraternity. A summary suspension may not be appealed and will continue until the investigative body (fraternity, university, or police) completes the investigation and/or the allegations have been resolved. If a chapter officer is the accused party, see *Page 6 – Rules Governing Procedures - #5* on the role.

Chapter-Level Hearing – Allegations Against Individual Members

Can a chapter conduct a chapter-level hearing on a member?

NOTE: Collegiate chapters **must request the authority to conduct any chapter-level disciplinary hearing from the Chief Executive Officer (CEO)** through a Fraternity staff member. If the CEO grants this authority, chapters must follow the following steps.

1. Chapter President **appoints at least three (3) student members to a disciplinary hearing panel** to conduct the hearing.
 - a. Every effort should be taken to prevent conflicts of interest when appointing panel members.
 - b. The Chapter may use an already-formed committee to conduct the hearing.
 - c. The members of the hearing panel will **elect one (1) of their own members** to serve as the chair of the hearing panel.

NOTE: The chair of the hearing panel will send an email to each member charged with misconduct written notice of the hearing at **least seven (7) calendar days before the hearing**. The email will contain the circumstances of the charges against them, along with the time, date, and location of the disciplinary hearing.

2. The chair of the hearing panel may request other individuals attend the disciplinary hearing who may be able to provide information on the charges. No notice is required to request these individuals' presence.
3. In conducting the disciplinary hearing, the hearing panel will be permitted:
 - a. To review any investigation report.
 - b. Ask relevant questions of both the parties and witnesses during the hearing.
 - c. Ask questions and/or allow the accused individual(s) a fair opportunity to share his/her response to the allegations prior to reaching a determination.
4. At the conclusion of the disciplinary hearing, the hearing panel will:
 1. Assess all the facts and testimony.
 2. Determine whether it is more likely than not that each individual is responsible for the charges of misconduct levied against them. The hearing panel will vote and requires a majority to affirm.
 3. If the individual(s) are found responsible, the hearing panel will then vote (requires a majority to affirm) to determine recommended discipline for the member(s).
5. During the next regularly scheduled chapter meeting, the chair of hearing panel will present the panel's findings and recommend discipline to the chapter. **The chapter will then vote to affirm or reject the recommended discipline.**

Chapter Level Hearing – Allegations Against Individual Members (cont'd)

- a. The chapter **can only vote to affirm** the recommended discipline or **reject** the recommended discipline and send it back to the hearing panel to reconsider. **The chapter cannot amend the recommended discipline.**
 - b. **Suspension or a recommendation to expel* a member requires a three-quarters vote** of members present and in good standing at the chapter meeting. All other discipline requires only a **majority vote**.
6. Once the chapter has made a final recommendation on discipline, the Chapter President **will send the recommendation of the disciplinary hearing to a Fraternity staff member within five (5) calendar days**. The email will include:
- a. Names and contact information of the hearing panel members.
 - b. All information gathered by the hearing panel, including minutes from the hearing panel meeting and the general chapter meeting.
 - c. The recommended disciplinary measures, as affirmed by the chapter, and the Chapter's vote count for those measures.
7. If the final disciplinary recommendation is **Suspension Discipline**, the process will be reviewed by the Fraternity staff to ensure the process was followed appropriately. If process was followed, the Fraternity staff can choose to uphold the disciplinary suspension or if not uphold then go back to the chapter with suggested modifications. If the Fraternity staff upholds the Suspension Disciplinary, a staff member will formally change that person's status in the member database.
8. If the final disciplinary recommendation is **Expulsion***, the process will be reviewed by the Fraternity staff to ensure the process was followed appropriately. If process was followed, the Fraternity staff can choose to not uphold and go back to the chapter with suggested modifications. If the Fraternity staff upholds the recommendation, the Expulsion is forwarded with the case details to the Board of Directors for review and a vote.

***NOTE:** The Fraternity Board of Directors is the only body that can expel a member. A hearing panel and chapter can only *recommend* an expulsion.

- d. Members recommended for expulsion will be considered in Suspended Discipline status for thirty (30) calendar days to allow the Board of Directors or their delegate to deliberate the matter and render a decision. The member may already be in the Suspended Discipline status if the Chief Executive Officer summarily suspended the member to ensure the continued well-being and orderly functioning of the chapter and its members. (*See Board of Directors' Statement of Policy – Page 14*).

NOTE: The Chief Executive Officer (CEO) retains the authority to stop chapter-level disciplinary hearing proceedings and remand the disciplinary hearing to a Fraternity hearing at any point during the process.

Fraternity-Level Hearing – Allegations Against Individual Members

1. If Fraternity staff determines that the disciplinary hearing should be conducted at the Fraternity level, a Hearing Official will be appointed.
 - a. The Hearing Official is responsible for conducting the disciplinary hearing.
2. The Hearing Official and/or staff member will form a disciplinary hearing panel of at least two (2) other Alpha Kappa Psi alumni.
3. The Fraternity staff or Hearing Official will notify all individuals charged with misconduct of the circumstances of the charges against them, along with the time, date, and location (or call information if virtual) of the disciplinary hearing.

NOTE: The hearing notification is sent in writing to the individual charged with misconduct and **will provide at least seven (7) calendar days before the hearing.**

4. If more than one individual is considered for a disciplinary hearing within the same allegation, each individual will receive their own disciplinary hearing.

The Hearing Official may request other individuals attend the disciplinary hearing who may be able to provide information on the charges. No notice is required to request these individuals' presence.
5. During the disciplinary hearing, the alumni panel will:
 4. Ask if the charged individual wants to make a statement or give any information on the situation.
 5. Ask question(s) if needed.
 6. Assess all the facts and testimony.
 7. Determine whether it is more likely than not that the charged individual is responsible for the charges of misconduct levied against him/her.
6. If the individual(s) are found responsible, the disciplinary hearing panel will determine a recommendation for appropriate disciplinary measures.

NOTE: The Hearing Official will provide the disciplinary hearing panel's findings and recommendations, along with the vote count for each finding and recommendation, to the Fraternity staff **within five (5) calendar days after the conclusion of the disciplinary hearing.**

7. A Fraternity staff member will review to ensure all procedural steps were followed in the process and, if so, may modify or approve the recommended disciplinary action.
 - a. If the proposed disciplinary action includes a recommendation for **Expulsion**,* the Fraternity staff member will forward the case details to the Board of Directors for review and a vote.

***NOTE:** The Fraternity Board of Directors is the only body that can expel a member. A hearing panel can only recommend an expulsion.

Disciplinary Procedure – Allegations Against Chapters

The Fraternity staff (with assistance from the staff's designee(s)) is responsible for adjudicating all chapter allegations.

NOTE: The Disciplinary Procedure for Allegations is the same as noted on *Page 1 – Steps 1-5 under the Disciplinary Procedure for Allegations Against Individual Members.*

The following checks/steps determine if a chapter is allowed to continue with its day-to-day operations or stop chapter operations immediately until the investigation is completed.

- ✓ Review of chapter conduct allegation for information, details, and completeness.
- ✓ Discussion – a call is set up with the individual(s) that filed the conduct allegation.
- ✓ Assessment of the information gathered.
- ✓ Determination of potential for a violation.

If No – A Cease & Desist will be issued by the CEO. This can be a partial Cease & Desist. For example, the chapter could be prohibited from engaging in any new member program activities (if related to hazing) or only prohibited from hosting or participating in any social events (just business meetings). Alternatively, a Cease & Desist could apply to all chapter operations.

If yes – the chapter will continue with its chapter operations while the investigation is conducted.

If the investigation report/results in a finding of chapter responsibility for the alleged misconduct(s) or violation(s), the chapter will have two options:

1. Accept the finding of responsibility and adopt an improvement plan, as drafted by Fraternity staff. This improvement plan will include monthly meetings with the Chapter Advisor and/or CERC. The chapter follows and completes the Fraternity programs--the Code of Conduct; Chapter Achievement Pathway; Bridge to Brotherhood program, meeting Fraternity deadlines and officers utilizing the officer learning courses in MyAKPsi.

NOTE: Depending on the severity of the violation, there may be other specific items added to the improvement plan.

- b. If the chapter does not accept the finding of responsibility, then an administrative hearing will be held following the same steps as the *Disciplinary Procedure – Allegations Against Individual Members (Page 4, Steps 1-7)*.

Disciplinary Procedures – Rules Governing Proceedings

1. As it relates to disciplinary proceedings, accused members and hearing panel members may not use or introduce legal counsel or non-member advocates during preliminary inquiries, disciplinary hearings, or meetings related to disciplinary matters.
2. Upon receiving notification of a disciplinary hearing, a member may accept responsibility to some or all the charges against them. A member may request the Hearing Official consider their admission of responsibility in lieu of appearing before the disciplinary hearing. In these cases, all Hearing Officials must request final approval from the Fraternity staff before granting the member's request to waive their hearing.
3. If Alpha Kappa Psi Fraternity receives a verified copy of any college or university disciplinary proceeding relating to allegations against member(s) or a member's conviction of a felony charge related to the charges in question by a court, the Fraternity may find the accused responsible for violating the corresponding Fraternity policy without further investigation or adjudication. If a member is expelled or suspended by their university, the Fraternity may accept the university's process and resulting action to discipline a member in a like manner. This includes any original adjudication by the university and any subsequent appeals.
4. Any member expelled or suspended will automatically be removed from any chapter leadership office or position, if applicable. Members found responsible of lesser offenses are subject to removal from office/position as determined by the disciplinary hearing panel, and this recommendation will be included when presented to the chapter, so long as the period in which the responsible member may not hold office does not conflict with the provisions set forth in the *Alpha Kappa Psi Constitution and Statutory Code - Caput II Section 3D*.
5. Members who resign after being notified of allegations against them as part of a disciplinary hearing, but before responsibility has been determined, **are prohibited from attending Alpha Kappa Psi events, even as a guest.**
6. If, during a disciplinary hearing, the disciplinary hearing panel **discovers additional information regarding violations of Fraternity polices or rules, the disciplinary hearing panel may consider this information without the need to conduct another disciplinary hearing.** In these cases, member(s) will be afforded the opportunity to respond to this new information before the conclusion of the disciplinary hearing.

Disciplinary Procedures – Appeals

Disciplined members or chapters may appeal findings of responsibility and disciplinary action.

Appeals will only be considered as the result of material procedural errors. The Board of Directors may overturn a decision if a material procedural error occurred, and a different result could have been reached had that procedural error not occurred.

Material procedural errors include, but are not limited to, a failure to adhere to the established disciplinary procedures and policies, or the improper denial of a party's ability to present relevant evidence or call necessary witnesses. **Appeals must be made in writing within fourteen (14) calendar days of the individual's or chapter's notification of the disciplinary hearing panel's findings by the Fraternity staff.** If the original decision is overturned, the case will be remanded to the proper party for reconsideration.

Once the Fraternity staff makes a final determination on members or chapters found responsible by a disciplinary hearing panel, an appeal can be submitted to the Board of Directors.

Discipline Procedures – Cost of Action

In the event the Fraternity incurs any cost(s) as the result of an incident is found responsible of a Fraternity policy or rule by a chapter or its members, the **Chief Executive Officer may assess a part of all the cost incurred back to the chapter or members.** This may include Alpha Kappa Psi's attorney fees, settlement costs, or any other cost associated with the incident(s).