

KAPPA ALPHA PSI FRATERNITY INCORPORATED®

CODE OF CONDUCT AND RULES OF DISCIPLINARY PROCEDURE

CONTENTS

	Page
PREAMBLE	2
ARTICLE I Relationship to Previous Fraternity Rules and Regulations	4
ARTICLE II Code of Conduct	5
Section A Definitions	5
Section B Prohibited Acts and Expected Conduct	7
ARTICLE III Penalties for Hazing and other Prohibited Acts	11
Section A Penalties Applicable to Members and Candidates For Physical Hazing	11
Section B Penalties Applicable to Members and Candidates For Non-Physical Hazing	12
Section C Penalties Applicable to Chapters	13
Section D General Provisions	14
ARTICLE IV Rules of Procedure for Disciplinary Actions	15
Section A Commencement of the Action	15
Section B Investigative Officer	15
Section C Service of the Complaint	15
Section D Contents of the Complaint	16
Section E Answer to the Complaint	16
Section F Hearing Officers	16
Section G Evidence	16
Section H Notice and Location of Hearing	17
Section I Attendance at Hearings	17
Section J Hearing Officer's Decision	18
Section K Hearing Officer's Report and Province Polemarch's Sanctions	18
Section L Appeal	18
Section M Service of the Appeal	18
Section N Appeal Brief	18
Section O Transfer of Record to the Board of Appeals	19
Section P Decision on the Record	19
Section Q Report and Decision of the Board of Appeals	19
Section R Time Limitations	20
Section S Reconsideration of Report by the Board of Appeals	20
Section T Forms	20
ADDENDUM/PROCEDURE FORMS	21



Preamble

Kappa Alpha Psi Fraternity, Incorporated® (Fraternity) was founded January 5, 1911, at Indiana University, Bloomington, Indiana and its opposition to hazing or unlawful or anti-social conduct of any kind has been continuous since its founding, implicit in its founding precepts and explicit in its declaration first published in the year 1949 stating that hazing in any form is illegal.

The Fraternity has outlawed pledging and dispensed with the customary practice of having pledges or a protracted probationary period prior to one's initiation into full membership into the fraternity.

The Fraternity has developed an admissions process known as Membership Orientation and Intake Program which establishes an orderly and rational process of applicant solicitation, screening, and initiation; and the membership intake process is calculated to attract and retain members of high academic, moral, social, civic, ethical and religious standards; and

The Fraternity seeks to remove any and all opportunities for pledging, hazing, antisocial and unlawful activity and seeks to promote in every phase of fraternity life only safe and wholesome activities which are consistent with the Code of Conduct of the colleges, universities and jurisdictions where our chapters are chartered. The effective enforcement of membership intake policies and the anti-hazing edict requires that the college, university, and community officials join the Fraternity in informing all members of the community that hazing, horseplay, physical stunts, antisocial, or unlawful activity of any kind are not and cannot be a precondition of membership in the Fraternity.

It is the goal of the Fraternity to see that all individuals committing acts of hazing and other unlawful and Prohibited Acts are punished consistent with due process and the concept of proportionality to the full extent of the rules of the fraternity, college and the criminal law. The Fraternity does not countenance either acts of physical aggression by members or the willing submission to the same by prospective members or Candidates for membership. Prospective members, Candidates and other members of the public are themselves uniquely situated to reject, report and decline to participate in any pledging or hazing activity.

The Fraternity has not only outlawed pledging, but bans from its membership those who submit to such a vile process and the Fraternity's membership intake process is the sole method for obtaining membership in the organization and said process is designed specifically to attract and retain members of high academic, moral, social, civic, ethical and religious standards.

Some wayward members of the Fraternity, who do not subscribe to our motto of achievement, have elected, in open defiance of the rules and regulation of the Fraternity, to conduct underground pledging and engage in acts of hazing and other Prohibited Acts in clear violation of Fraternity rules and criminal statutes of the various states. Such members' criminal behavior is repugnant to all for which the Fraternity stands and such members are renegades, not wanted, and clearly deserve, because of their behavior, to forfeit their membership in Kappa Alpha Psi.

It is the specific intent of this Organization to serve notice to parents, students, colleges, universities, law enforcement officials and the world that Kappa Alpha Psi Fraternity, Inc., forbids pledging, hazing or any other unlawful acts and urges the public to report any such suspected activity to the Fraternity, the student affairs division of the college or university and especially to law enforcement officials.

Article I

Relationship to Previous Fraternity Rules and Regulations

All previous provisions and amendments to the Fraternity's Rules of Procedure, Executive Orders I, II and III and the Pronouncement on Hazing are hereby repealed. This Revised Code of Conduct and Rules of Disciplinary Procedure document was duly approved by the Fraternity's Grand Chapter Board of Directors at its meeting on August 30, 2012 and supersedes the version that was approved June 29, 2011 and reconfirmed by the Board on October 1, 2011. The effective date of these revised provisions is August 31, 2012. Any revision of this document requires majority approval of the Grand Chapter Board of Directors.

Article II

Code of Conduct

SECTION A. DEFINITIONS

1. The word **CANDIDATE** means an individual who has filed a formal application for membership in the Fraternity but is not yet initiated.
2. **CEASE AND DESIST** is an order issued by a Province Polemarch or the Grand Polemarch that removes all authority of a Fraternity Chapter or member to act in any way under the auspices of the Fraternity or use the Fraternity name for any purpose. The Cease and Desist Order remains in effect until the Province Polemarch or Grand Polemarch cancels it.
3. The word **CHAPTER** for purposes of this document includes all chartered units of the Fraternity.
4. **COMPLAINING PARTY** is any individual who makes a complaint as defined in these Rules. Fraternity Officials can also be Complaining Parties on behalf alleged victims of Hazing or other Prohibited Acts.
5. A **COMPLAINT** is an oral or written statement that details and reports Hazing or other Prohibited Acts by Fraternity Members or Candidates. The required contents of a written Complaint are listed in **ARTICLE IV** of these Rules.
6. The word **FRATERNITY** when used in this document means Kappa Alpha Psi Fraternity, Incorporated.
7. The word **HAZING** is any action taken or situation created however communicated, involving or resulting in abusive physical contact or mental harassment to a Candidate, whether on or off the Fraternity's premises, campus or place where chapters or pledge clubs or interest groups meet, designed to or the result of which is to produce mental or physical discomfort, embarrassment, harassment or ridicule. Such activities and situations include but are not limited to padding in any form; creation of excessive fatigue; physical and psychological shocks; guests, treasure hunts, road trips; wearing apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities requiring the drinking of alcohol, the use of any drugs and other illegal substances; late work sessions which interfere with scholastic activities; and any other activities which are not consistent with either Fraternal law, or the regulations and policies of any educational institution or state or federal law.
8. **INTEREST GROUP** is one or more individuals who have not filed a formal application for Fraternity membership but have organized and participate in shared experiences and

activities related to ultimate membership in the Fraternity. **This type of group is specifically banned in the Fraternity.**

9. **INTERNATIONAL HEADQUARTERS** is the Fraternity's center of operations located at 2322-24 North Broad Street, Philadelphia, Pennsylvania 19132.
10. The word **MAY** is used in the permissive sense and denotes actions that are not mandatory under these rules.
11. The word **MEMBER** includes all men who have been legally and officially initiated into the Fraternity according to the provisions in the Fraternity's sanctioned intake process.
12. **MOIP** when used in this document is the acronym for the Fraternity's officially sanctioned Membership Orientation and Intake Program.
13. The word **OBSERVER** includes those who know or come to know of the hazing by personal knowledge, investigation, or by being told of the hazing by those who actually took part in hazing, and who fail to report the same to their Province Polemarch or the International Headquarters or the Fraternity.
14. The word **OFFICER**, unless otherwise designated, shall include all officers of a chapter, as defined in the Constitution whether elected or appointed.
15. The word **PARTICIPANT** includes those members, chapters or other individuals who take part in prohibited acts or those who observe, knowingly sanction or give prior approval to those acts.
16. **PLEDGE AND PLEDGING** are historical terms that are no longer part of the Fraternity's vernacular. The terms denote, respectively, a person who has filed a formal application for Fraternity membership and is going through the intake process prior to initiation. **These terms are now banned from usage in official Fraternity documents.**
17. The word **PROBATION**, when referring to a chapter, means that members of the chapter shall retain control over the affairs of the chapter but under strict supervision of the Province Polemarch or his designee. In case of probation and restrictive probation as defined in paragraph 10, the Province Polemarch or his designee shall, for the purposes of rehabilitating the offending chapter and its member, conduct two local periodic training sessions or seminars and shall direct the attendance of delegates of any chapter under probation or restrictive probation at Province meetings, and may take other measures designated to rehabilitate the chapter and its members putting particular emphasis on the illegality of hazing in the conduct of the affairs of the chapter. Attendance at local seminars and periodic training sessions shall be mandatory for all officers, members not under suspension and not less than seven undergraduate members, and in the case of an alumni chapter all officers, members not under suspension and not less than ten members.

18. **PROHIBITED ACT** means any action in violation of these rules that subject a Member, Candidate or other individual to Fraternity penalties.
19. The word **REPORT** (when used as a verb) means to direct a communication by whatever means expedient, within 48 hours of any occurrence or discovery of hazing, places, times, activity constituting hazing, name and address of participants and pledges, and injuries suffered, if any. All communication of hazing shall be confirmed in writing within five days of the initial communication in the same detail as provided in this paragraph.
20. **REQUIRED CONDUCT** denotes acts that candidates and members shall do to gain or maintain, respectively, membership in the Fraternity.
21. **RESTRICTIVE PROBATION** means that members of the chapter shall have no authority to carry out any function of the chapter without the prior written approval of the Province Polemarch and under the strict personal supervision of the Province Polemarch or his designee. These functions specifically include, but are not limited to, rushing, pledging, initiation into the Fraternity, and meetings of the chapter interest groups, if any. The conditions of probation as set forth under Paragraph 9 hereof shall apply also in cases of restrictive probation.
22. The word **SHALL** is used in this document in the imperative sense and denotes actions that are mandatory under these rules.
23. The word **SHOULD** is used in the strongly suggestive sense and denotes conduct and activity that is expected from Candidates and Members of the Fraternity.

SECTION B. PROHIBITED ACTS AND EXPECTED CONDUCT

Pursuant to the enforcement powers vested in the Grand Chapter Officers and Board of Directors of Kappa Alpha Psi Fraternity, Incorporated, the Fraternity does hereby declare the following to be a Code of Conduct for ALL candidates and members of the Fraternity. Also embodied in this Section is a list of Prohibited Acts that no Candidate or Member shall request, require, suggest or invite any other candidate, member or other person, whosoever, to perform or be the victim of any of the designated prohibited acts:

1. No Collegiate Members shall meet with Candidates without the chapter advisor or his designee; or require Candidates to drink alcoholic beverages or any other liquid; or require consumption of food. No Member of any Chapter shall inflict physical or emotional abuse; require any period of calisthenics; require butler and maid services from Candidates; inflict personal humiliation; abuse Candidates' personal possessions; require painted faces, shaved heads, or the shaving of mustaches; require the carrying of bricks or other things; enforce silence; leave Candidates stranded or in an unknown place without transportation; forge any documents; require the wearing of any inappropriate, outlandish thing or depart from normal dress; sequester Candidates from telephones, family, friends, or the larger community; require Candidates to sleep in same room; deviate from the MOIP in any way; interfere with the college's program or the student's studies; request that a Candidate to consent to do or be subjected to any prohibited act or any act likely to be considered lewd, or contrary to the rules and regulations of either the college or university, the Fraternity or to any governing law, or engage in any act that is contrary to or otherwise violates the Fraternity's MOIP rules and regulations.
2. Invitations or requests to perform prohibited acts should not be respected as lawful commands but rejected as unlawful, unsanctioned requests. Acts which would constitute assault and battery if they occurred in the larger society remain assaults and batteries in the context of a candidate period or fraternity life. The candidate period and fraternity life cannot and does not confer legitimacy on unlawful acts, which shall be reported to the appropriate authorities by victims.
3. If any Member or Candidate witnesses or has knowledge of a Candidate or member of Kappa Alpha Psi Fraternity engaging in a prohibited act, he shall call or otherwise report it to the Province Polemarch and/or the Fraternity's International Headquarters. Violation of this proclamation shall receive punishment pursuant to **ARTICLE III** of these rules.
4. At no point before, during or after membership intake, shall requests be made to a candidate or new member to perform Prohibited Acts. Moreover, no person shall consent to any such act and such consent shall be deemed an impermissible participation in such acts which is subject to Fraternity penalties.

5. Members should advise the public that no person inviting, asking, requesting, instructing or demanding any other person to engage in a prohibited act is acting on behalf of or with the authority of the Fraternity. Such invitations and requests shall be declined and candidates, and members shall report these actions to college or university officials, the Province Polemarch and the Fraternity's International Headquarters and, where appropriate, law enforcement officials. The Fraternity's anti-hazing ban is a fundamental precept not to be waived or dishonored by any individual or group of individuals.
6. All respective chapters and provinces should, at least annually, advise colleges, universities and chief student affairs administrator (be he or she Dean of Students, vice president for student affairs or other officer) of the persons in the province who, due to misbehavior, have been suspended or expelled from Kappa Alpha Psi and no longer enjoy the rights and privileges of membership.
7. All Candidates, members and victims who have standing or the legal right to do so, should report all confirmed incidents of hazing to the appropriate law enforcement officials and cooperate with those officials in the investigation and prosecution of such offenses.
8. No collegiate chapter shall permit a person who is not in good standing with the Fraternity to participate in any of its Chapter meetings or activities that are not opened to the general public (non-Kappas). Moreover, no collegiate chapter shall permit a member of a Chapter which is on suspension, or has been expelled, or whose charter has been recalled, revoked or suspended, to participate in any of its activities that not opened to the general public. If a Chapter cannot determine by evidence such as a current financial membership card that a visiting member is in good standing, then the Chapter shall presume the person is not in good standing and shall exclude him from Chapter activity. Protocol, courtesy, or etiquette is not reasons to deviate from this Order. A violation of this Order shall result penalties pursuant to **ARTICLE III** of these Rules.
9. Every collegiate chapter should maintain, as a part of its active files those confidential bulletins and other listings where disciplinary actions have been published, and refer to this file in determining which members and Chapters are not in good standing.
10. No Candidate shall be admitted to membership in Kappa Alpha Psi who has knowingly or willingly submitted or subjected himself to pledging or who has participated in an "Interest Group." Any Candidate who knowingly or willingly submits to a pledge process or who has knowingly participated in an "Interest Group" shall be subject to penalties pursuant to **ARTICLE III** of these Rules.
11. Any Member who knows of a person who represents himself as a member of Kappa Alpha Psi, or who leads others to believe he is a member by wearing insignia of Kappa Alpha Psi, and who has not been officially initiated and registered at the International Headquarters as a member shall refer that person to the college or university of jurisdiction, or to local law enforcement officials. The Fraternity may seek injunctive relief to enjoin the behavior of such person. This paragraph's enforcement provision shall also apply to any person who is

under suspension or who has been expelled from the Fraternity and continues to represent himself as a member in good standing or who continues to wear Fraternity insignia.

12. The Grand Board shall review all Chapters' charters where violation of intake rules has taken place, regardless of the action already taken by a Province Polemarch. Whenever any Chapter is placed on Cease and Desist, the Province Polemarch shall cause hearings to be held pursuant to the **RULES OF PROCEDURE FOR DISCIPLINARY ACTIONS** herein to determine if any member or members of the Chapter were accessories to the circumstances. If a member or the chapter engage in a "code of silence" this shall be deemed prima-facie evidence against all members of the Chapter who engaged in the "code of silence," and such members shall be fined and suspended pursuant to **ARTICLE III** of these Rules.
13. **CONDUCT UNBECOMING A MEMBER OF THE FRATERNITY**: A member of the Fraternity should not engage in any act, conspiracy, endeavor or other enterprise that will bring shame or embarrassment on himself or the Fraternity. Members should avoid all acts that violate collegial, academic, personal or professional ethics or the legal rights of others. Members should not disrespect the property rights of others and should neither abuse nor tolerate abuse of property. Members should not violate university, college, local, state or federal laws and treat members and all others with civility and respect.

Article III

PENALTIES FOR HAZING AND OTHER PROHIBITED ACTS

It is the policy of Kappa Alpha Psi Fraternity that hazing in any form is illegal. Any member, Candidate participating in hazing is subject to disciplinary action.

It is further the policy of the Fraternity that initiation activities for membership in the Fraternity are designed for the sole purpose of creating harmony and fellowship among the persons so involved and instructing them in the principles of the Fraternity found in its Constitution, Statutes, history and traditions.

Pursuant to the authority given by the Constitution, the Board of Directors hereby makes the following pronouncements relating to the Fraternity's policy: **Any individual who is subject to sanctions pursuant to these rules is entitled to all procedural due process protections provided herein.**

SECTION A. PENALTIES APPLICABLE TO MEMBERS AND CANDIDATES FOR PHYSICAL HAZING

1. **ANY MEMBER OF KAPPA ALPHA PSI OR CANDIDATE FOR MEMBERSHIP WHO SUBMITS TO, ADMINISTERS OR OTHERWISE IS A PARTICIPANT IN PHYSICAL PUNISHMENT, FORCE OR PHYSICAL HAZING OF ANY KIND ON A CANDIDATE OR ANOTHER MEMBER, AS PART OF, OR IN ANY WAY RELATED TO, ACCEPTANCE INTO THE FRATERNITY SHALL BE EXPELLED FROM THE FRATERNITY.**
2. A **Candidate** who knowingly participates in Prohibited Acts or activity that, in any way, violates the Fraternity's MOIP process shall be forever barred from membership in the Fraternity.
3. Any **Non Participant Member** who has **KNOWLEDGE OF UNDERGROUND PLEDGING OR HAZING**, or who has been told of such activity, or who should have reasonably known of the Prohibited Acts, and does not report it to the Province Polemarch, the International Headquarters, the student affairs division of the college or university or to law enforcement officials within 48 hours of acquiring such knowledge shall be
 - a. suspended from the Fraternity for a period up to five (5) years and
 - b. Fined up to \$500.00
 - c. If a **Non Participant Candidate** has such knowledge and fails to report Prohibited Acts pursuant to these rules, he shall be barred from initiation into the Fraternity for a period up to five years from the date he reasonably should have reported the prohibited act.

**SECTION B. PENALTIES APPLICABLE TO MEMBERS AND CANDIDATES
FOR NON-PHYSICAL HAZING**

1. Being a participant in acts of **NON-PHYSICAL HAZING, NOT INVOLVING PHYSICAL FORCE**:
 - a. Fine in an amount not less than \$100.00, nor more than \$500.00 and
 - b. Suspension for a period not less than one year, nor more than 15 years.
 - c. If a Candidate, he shall be barred from Fraternity membership for a period of two years from the date the Province Polemarch issues his sanctions for the Prohibited Acts.

2. Being a participant or observer in **NON-PHYSICAL HAZING WHEN UNDER SUSPENSION**:
 - a. Fine of \$500.00 and
 - b. Suspension for a period not less than 10 years consecutive with any current suspension.

3. Being a participant or observer in **NON-HAZING WHILE AN OFFICER OF A CHAPTER**.
 - a. Fine of not less than \$200.00 nor more than \$500.00 and
 - b. Suspension for a period of not less than two, nor more than 15 years.

4. While an officer of a chapter, **PERMITTING ANY MEMBER UNDER SUSPENSION FOR HAZING OF ANY KIND TO TAKE PART IN ANY ACTIVITIES OF THE CHAPTER** as if he were a member in good standing, the officer having knowledge of the same:
 - a. Fine of not less than \$200.00
 - b. Immediate removal from office by the Province Polemarch

5. If a non participant **Candidate** fails to report incidents of physical hazing to the Province Polemarch and/or International Headquarters Office of Kappa Alpha Psi Fraternity, Inc., he shall be **fin ed not less than \$250.00.**

SECTION C. PENALTIES APPLICABLE TO CHAPTERS

1. Whenever it is determined that hazing is a permitted activity of a chapter the following sanction is applicable:
 - a. Fine of \$300.00, or
 - b. the chapter to be placed on probation or restrictive probation for not less than three years, or both, or
 - c. in extreme cases, suspension/revocation for a period up to 5 years or a recommendation to the Grand Board that the charter be recalled.

2. Whenever hazing has occurred and the individual members who took part in the hazing are not identified and timely reported to the International Headquarters office as required herein:
 - a. The chapter shall be fined \$500.00, and
 - b. Each member shall be fined \$50.00.
 - c. The Chapter will be on probation under supervision of the Province Polemarch for not less than two (2) years.

3. Second offenses or offenses of hazing committed while the Chapter is under probation, or restrictive probation:
 - a. Fine of not less than \$500.00 and
 - b. Suspension/Revocation for not less than three (3) years, or
 - c. Recommendation to the Grand Board that the charter is recalled.

4. Chapter is found guilty for allowing members who are expelled. suspended or otherwise not in good standing to participate in official Chapter activities that are not open to the public .
 - a. Chapter suspension/revocation, and/or
 - b. Fine not to exceed \$1,000, and/or
 - c. Probation or Restrictive Probation, and/or
 - d. Chapter suspension/revocation or recall

SECTION D. GENERAL PROVISIONS

1. In all cases where fines are imposed, suspension or revocation (in the case of chapters) is automatic and continuous until the fine is paid in full.
2. In cases of Probation or Restrictive Probation, the Province Polemarch with the prior written approval of the Grand Board of Directors, may delegate his duties to a specific individual or individuals within his Province.
3. Whenever any disciplinary action is taken against any member who is enrolled in any college or university, the action taken shall be reported within 15 days to the appropriate college or university officials with a request that said official(s) take any further action deemed appropriate under college or university rules or regulations.
4. Whenever a person has been convicted of hazing, the hearing officer may assess the cost of the hazing investigation and hearing to the person found guilty of the hazing.

Article IV.
RULES OF PROCEDURE FOR DISCIPLINARY ACTIONS

The following procedure is for members and non-members who have a complaint or grievance to file or find them in a position to respond to a complaint or grievance. This procedure will ensure that all members accused of wrongdoing, whether hazing related or not, shall be afforded due process. Kappa Alpha Psi Fraternity, Inc. Disciplinary Procedures are governed by administrative law, not criminal or civil law. Substantial adherence (as opposed to strict adherence) with the provisions of these rules of procedure, as determined by the Board of Appeals Committee, constitutes compliance with them.

SECTION A **COMMENCEMENT OF THE ACTION**

Disciplinary Actions are begun by any person filing either orally or in writing a complaint with the Province Polemarch or the International Headquarters. Oral complaints may be acted upon by any investigating party, but must be reduced to writing, and forwarded to the Province Polemarch and the International Headquarters within thirty (30) days of the first oral complaint.

SECTION B **INVESTIGATIVE OFFICER**

The Province Polemarch or the Grand Polemarch shall appoint an Investigative Officer to investigate any complaints, gather any evidence and/or testimony and determine whether a formal hearing is warranted. The Investigative Officer shall complete the investigation within thirty (30) calendar days from the date the *written* complaint is received by the Province Polemarch or International Headquarters. The Investigative Officer shall make a written report on the investigation to the Province Polemarch. No hearing shall be allowed until the accusations are reduced to writing and an Investigative Report is made.

SECTION C **SERVICE OF THE COMPLAINT**

The accused party or parties shall be given a copy of the Complaint prior to a Hearing being held. Such copy may be delivered in person or sent through the mails to the last known address of an accused that the Fraternity has on record at International Headquarters, in a manner that will produce a receipt. Any person who delivers the Complaint to an accused in person shall send written notice to the Province Polemarch and the International Headquarters indicating service has been made.

SECTION D **CONTENTS OF THE COMPLAINT**

The Complaint shall state

1. the names of the accused,
2. the accused parties addresses, if known,
3. in separate numbered paragraphs, the acts of hazing or other Prohibited Act of which the complaining party is aware,
4. the dates of Hazing or other Prohibited Acts and where they took place,
5. who participated in each act of hazing or other Prohibited Acts,
6. what injuries occurred, if any, and
7. shall be signed at the end by the complaining party or parties (the Province Polemarch if the complaint is originated by Province Officials).

SECTION E ANSWER TO THE COMPLAINT

The accused party or parties may prior to, but no later than, the hearing date, send to the Province Polemarch or International Headquarters and present to the Hearing Officer a written response (answer) to the Complaint, point by point, in the same order as in the Complaint. The answer shall be signed at the end, and a copy of the same shall be provided to the complaining party, not later than the day of the hearing, or as soon as practical after the hearing, if so desired by the complaining party.

SECTION F HEARING OFFICERS

The Province Polemarch or other Members duly appointed by either the Province Polemarch or the Grand Polemarch shall serve as Hearing Officer. The Hearing Officer shall be sent a copy of the written Complaint, within fourteen (14) calendar days from the date it is received at the International Headquarters or by the Province Polemarch.

SECTION G EVIDENCE

The Hearing Officer may receive as evidence any pictures, written documents, sworn or unsworn statements, or anything else he may in the exercise of sound judgment choose to receive, if it has probative value. Sworn (by affidavit) confidential testimonial or documentary evidence may be received by the Hearing Officer if it is corroborated and both the Hearing Officer and Province Polemarch, in the exercise of joint sound judgment, determine that it is in the best interest of Kappa Alpha Psi to admit same. The testimony would be sealed and if at a later time the witness appears in litigation and testifies against Kappa Alpha Psi, the sealed affidavit could be used to impeach his testimony. Due process as articulated in the federal and state constitutions are not applicable to these private association hearing. Basic fairness does not require a higher burden. The measure of proof shall be the preponderance of evidence in the record to find the respondent guilty.

SECTION H NOTICE AND LOCATION OF HEARING

The Hearing Officer shall notify the complaining party or parties, and the accused party or parties of a hearing date, which sets forth the time, date, and place of a hearing. Hearings shall be held no later than thirty (30) calendar days from the date the Hearing Officer receives his copy of the Investigative Report, providing that this time frame does not come at Christmas, Spring, or Summer Break. In these situations, the hearing must be held as soon as possible after the break. The **NOTICE OF HEARING** shall be sent in a manner calculated to reach the parties at least seven (7) days prior to the Hearing. Hearing Notices sent to the parties' current address of record at International Headquarters, or in the case of Candidates, the address on their applications, are deemed sufficient under these rules. Except in unusual cases, hearing shall be held on the campus or in the city or town or place where the acts of hazing or other misconduct are alleged to have occurred.

SECTION I ATTENDANCE AT THE HEARING

The complaining party, other interested individuals, and/or the party, who was allegedly hazed, if the matter relates to hazing, may be present at the hearing to testify before the Hearing Officer. The Investigator shall present any evidence and/or testimony that is part of the Investigative Report. The accused party or parties need not be present at the Hearing and need not present any evidence or defense of the accusations made against them. Nevertheless, their failure to appear shall in no way affect the hearing or deprive the Hearing Officer of the right to hear the

matter and render his report and decision accordingly. The Hearing Officer may in his sole discretion hear all of the matters in one hearing or may hold separate hearings for the convenience of the parties. Consideration respecting legitimate fears of safety of and for prospective witnesses shall be given in determining how the hearing is structured toward the ends of seeking the truth, which is the hallmark of the hearing.

SECTION J HEARING OFFICER'S DECISION

The Hearing Officer may in his sole discretion reach an immediate decision as to guilt or innocence after all of the evidence has been presented. He may postpone his decision for a period not to exceed ten (10) calendar days for purposes of receiving additional evidence or for other valid reasons, which shall in this instance end the hearing.

SECTION K HEARING OFFICER'S REPORT AND PROVINCE POLEMARCH'S SANCTIONS

Within thirty (30) calendar days after the end of the hearing, the Hearing Officers shall send a written report and decision to the Province Polemarch consisting of his findings of fact, conclusions of law, the Complaint, any answer filed, any writings or exhibits filed with him during the hearings and a copy of Form DA-4. All of these writings and exhibits together shall comprise the Record. The Province Polemarch shall impose sanctions pursuant to these Rules and forward, them to the International Headquarters within fifteen (15) calendar days of receiving the Hearing Officer's Report.

SECTION L APPEAL

Any party having been found guilty, shall have not more than forty-five (45) calendar days from the date posted on the decision of the Province Polemarch imposing sanctions to file a Letter of Appeal directed to the Grand Board of Appeals and addressed to the International Headquarters. Such letter of appeal must be postmarked not later than the last day of the forty-fifth (45th) calendar day period. Every party having been found guilty, shall at the same time he is notified of the decision, be informed of his right to appeal and the date on which his right to appeal must be filed with the Grand Board of Appeals. All appeals shall be mailed by registered or certified mail, return receipt requested.

SECTION M SERVICE OF THE APPEAL

Within fourteen (14) calendar days from the receipt of the Record from the Province Polemarch and/or the Hearing Officer, the International Headquarters shall send a copy of the Report and Decision to every party of the Hearing.

SECTION N APPEAL BRIEF

Any party having filed an appeal shall, within thirty (30) calendar days from the date of their receipt of the copy of the Report of the Hearing Officer and Decision of the Province Polemarch, send to the International Headquarters a written brief or writing. This written brief shall set forth point by point their disagreement with the Report and Decision and the reasons why the decision should be changed or overruled by the Grand Board of Appeals. At the same time the appellant's brief is sent to the International Headquarters, a copy of the brief shall be forwarded to the Province Polemarch and the Hearing Officer who shall have twenty (20) calendar days from receipt thereof to file an appellee brief if they so desire.

SECTION O TRANSFER OF RECORD TO THE BOARD OF APPEALS

Within sixty (60) calendar days after receipt of the Letter of Appeal by the International Headquarters, copies of the Report and Decision, together with all exhibits or writings, filed with the Hearing Officer, the Hearing Officer’s report, plus if any, copies of the brief of the party or parties found guilty of hazing, shall be sent by the International Headquarters to each member of the Grand Board of Appeals Committee. Together these documents shall be the Record on Appeal. No other written material shall be received or reviewed by the Grand Board of Appeals Committee, unless requested by the Committee members.

SECTION P DECISION ON THE RECORD

Each member of the Grand Board of Appeals Committee shall review the material received and forward to the Chairman of the Committee his decisions as to whether he agrees or disagrees with the decision of the Hearing Officer and the Sanctions imposed by the Province Polemarch. All final decisions of the Board of Appeals Committee shall be by majority vote.

SECTION Q REPORT AND DECISION OF THE BOARD OF APPEALS

The Grand Board of Appeals Committee in reaching its decision may, pursuant to Fraternity Statute 39, Section 8, accept some or all of the findings of the Hearing Officer, modify any findings or sanctions or, in appropriate cases, refer the matter back to the Province Polemarch and Hearing Officer for further hearing or clarifications. All decisions of the Grand Board of Appeals must be finalized in writing and forwarded to the International Headquarters not later than sixty (60) calendar days from the date of the Grand Board of Appeals deliberation meeting. Any member of the Grand Board of Appeals Committee who disagrees with the decision may write a dissenting opinion, which shall become a part of the Report of the Grand Board of Appeals Committee. Reports of the Grand Board of Appeals Committee shall be furnished to all parties to the appeal and to the Hearing Officer, and to the members of the Grand Board of Directors and Province Polemarchs.

SECTION R TIME LIMITATIONS

No disciplinary action may be commenced unless the same is commenced within one year from the date the alleged Prohibited Act is discovered or should have been discovered by the Province Polemarch of jurisdiction, the Fraternity’s Executive Director or the Grand Polemarch.

SECTION S RECONSIDERATION OF REPORT BY BOARD OF APPEALS

No petition or letter requesting reconsideration of a decision of the Grand Board of Appeals shall be filed more than one year after the Decision has been issued by the Grand Board of Appeals.

SECTION T FORMS

The grand Board of Appeals shall prescribe forms to be used in all matters of disciplinary actions, and the suggested content for these forms is provided in the Addendum to this document.

ADDENDUM

Forms (Content is suggested unless otherwise mandatory by these rules)

1. <u>Complaint</u>	(also see Article IV, Section D)	22
2. <u>Investigating Officer Report</u>		23
3. <u>Notice of Hearing</u>		24
4. <u>Hearing Officer's Report</u>		25
5. <u>Province Polemarch's Sanctions</u>		26
6. <u>IHQ transmittal of Province Polemarch's Decision to all</u>		27
7. <u>Letter of Appeal</u>		28
8. <u>Appeal Brief</u>		29
9. <u>IHQ transmittal of appeal record to Board of Appeals</u>		30
10. <u>IHQ transmittal of BOA decision to parties</u>		31
11. <u>Timeline Sheets</u>		32-34

1. Complaint: Each accused party should receive a separate complaint that includes the following

Name of the Party Accused:

Address of Accused Party:

Numbered Paragraphs detailing each accusation (i.e. Prohibited Acts, dates of such Acts, location of such Acts, whether the accused acted alone or in concert with others

Identity of injured parties and an explanation of injuries occurred, if any

Signature of the complaining party, parties or the Province Polemarch if the complaint is originated by Province Officials.

2. Investigative Officer's Report

The Investigative Officer's Report should include the following, at a minimum

- 1. Names and contact information of all parties interviewed and an explanation of how each party was involved in the incident**
- 2. Date, location and length of each interview**
- 3. Explanation of all relevant documents, if any, compiled for the investigation**
- 4. Factual rendition of what each party said in the interview**
- 5. It is important for the investigator to exclude any and all opinions he might have about the documents and testimony he compiles. His sole job is to gather all relevant facts/information and turn them over to the Hearing Officer.**

3. Notice of Hearing: The formal Notice of Hearing should include the following information

- 1. Date and Time of the Hearing**
- 2. Date Notice was sent to all appropriate parties**
- 3. Location of the Hearing**
- 4. Identity of the parties who will attend on behalf of the Fraternity**
- 5. Approximate anticipated duration of the Hearing**
- 6. Fact that the Accused can present any form of rebuttal evidence**
- 7. Notice should be sent in a manner to reach the accused at least seven (7) calendar days prior to the hearing**

4. Hearing Officer's Report: The Hearing Officer's Report should include the following

- 1. Date, time and location of the Hearing**
- 2. List of all parties who attended and participated in the Hearing**
- 3. A description of the evidence presented (i.e. witness testimony, documents presented, photos, affidavits, etc...)**
- 4. Summary/Recapitulation of the testimony given**
- 5. Hearing Officer's factual findings and conclusions about any violations of Fraternity Rules**
- 6. Recommendation of of factual findings and sanctions, if any for the Province Polemarch.**
- 7. Date the Hearing Officer's Report is sent to the Province Polemarch**

5. Province Polemarch's Sanctions: Notice to Accused Parties regarding Sanctions should include the following. Each individual found culpable should get:

- 1. Findings of Prohibited Acts that violate Fraternity rules**
- 2. Conclusion about what rules were violated, with citations**
- 3. Sanctions imposed as a result of the rules violation**
- 4. Statement about the right to appeal to the Board of Appeals Committee with the deadline for appeal**
- 5. Date the Sanctions Document is sent to the culpable parties**

6. International Headquarters Transmittal of the Province Polemarch's Decision: This notice should include the following information.

- 1. Date the notice is transmitted or otherwise sent to all interested parties**
- 2. Statement about the culpable parties' right to appeal and deadline for the appeal**
- 3. Statement that the culpable parties may call International Headquarters if they have any questions about the appeal process.**

7. Letter of Appeal: The appeal of a party (Appellant) who is sanctioned for violating Fraternity Rules should include the following information.

- 1. Date the appeal is transmitted or otherwise sent to International Headquarters.**
- 2. Most current address of the Appellant**
- 3. Ground asserted for the Appeal pursuant to Fraternity Statute 39, Section 8.**
 - a. Allegations of improper implementation of the Rules of Procedure**
 - b. Allegations of improper implementation of the Fraternity's Constitution and Statutes or the Code of Conduct and Rules of Disciplinary Procedures**
 - c. All actions in non hazing matters**
- 4. Specific argument as to why the Appellant seeks relief**
- 5. Specific request for relief from the Sanctions**
- 6. Appeals must be sent to International Headquarters by Registered or Certified mail.**

8. Appeal Brief: The Appeal Brief should include, in detail, all the information that is stated in the Appeal Letter. The Appeal Brief and Appeal Letter can be combined into one Document.

9. International Headquarters' (IHQ) Transmittal of the Appeal Record to the Board of Appeals: All appeals sent by IHQ to the Board of Appeals Committee should included the following documents.

1. **Transmittal document that states the following:**
 - a. **Name of chapter and all individuals involved**
 - b. **Names of the Province where the action arose and the Province Polemarch**
 - c. **Sanctions imposed on each individual and the chapter**
2. **Notice of Hearing**
3. **Hearing Officers Report**
4. **Province Polemarch's Document that imposes sanctions**
5. **All documents filed by each Appellant in support of his appeal**

10. International Headquarters' Transmittal of the Board of Appeals Committee Decisions to all interested parties:

All parties involved in the Appeal process should get a copy of the Board of Appeals Committee Decision. If a party did not appeal a Province Polemarch's decision, but others involved in the matter did, the party who did not appeal is not entitled to the decision of the Board of Appeals Committee decision. IHQ should indicate there is a right to seek reconsideration of a decision by the Board of Appeals, but there are no other avenues of appeal within the Fraternity.

**Kappa Alpha Psi Fraternity Incorporated
Board of Appeals Committee
Disciplinary Rules and Procedure Compliance Certification
Province Certification Form**

Matter Name: _____

Province _____

The following events occurred on the respective dates as designated below.

1. Date of the last act of hazing: _____
(Disciplinary action must commence within one (1) year of the last act)
2. If a non hazing violation, date the last act of violation was discovered: _____
(Disciplinary action must commence within one (1) year of discovery)
3. Date Province Polemarch received first written complaint of alleged violation: _____
4. Date the investigation of violation was initiated: _____
(Investigation must occur within thirty (30) days of the date the first written complaint was received by the Province Polemarch)
5. Date Hearing Officer Received the Report from the Investigating Officer: _____
(There can be no hearing prior to completion of the investigation report)
6. Date Notices of Hearing were sent to all involved parties: _____
(Must give all parties at least 7 days notice of the hearing, prior to the hearing)
7. Date of Hearing (any exceptional circumstances like breaks or holidays): _____
(Must hold hearing within thirty (30) days from the date Hearing Officer received the investigation report)
8. Date Province Polemarch received Hearing Officer's Report: _____
9. Date Province Polemarch imposed sanctions and sent report to IHQ: _____
(Must impose sanctions and send report to IHQ within fifteen (15) days of receiving Hearing Officer's report)

I certify that the above information is true and accurate to the best of my knowledge, information and belief.

Province Polemarch

Date

**Kappa Alpha Psi Fraternity Incorporated
Board of Appeals Committee
Disciplinary Rules and Procedure Compliance Certification
International Headquarters (IHQ) Certification form**

Matter Name: _____

Province _____

The following events occurred on the respective dates as designated below.

1. Date IHQ received Report and Decision from the Province _____

2. Date IHQ sent the Report and Decision to all parties of the hearing: _____
(IHQ must do so within fourteen (14) days of receiving Report and Decision from the Province)

3. Date IHQ received letter of appeal from appellant(s): _____
(Appellant has thirty (30) days from date of decision to appeal)

4. Date IHQ received briefs responsive to the Province Report and Decision _____
(Appellant(s) must file within thirty (30) days of receiving Report and Decision)

5. Date IHQ sent Record of Appeal to the Board of Appeals Committee: _____
(IHQ must do so within sixty (60) days of getting letter of appeal)

I certify that the above information is true and accurate to the best of my knowledge, information and belief.

International Headquarters Representative

Date