



The National Fraternity of Alpha Chi Rho

National Risk Management Officer

Resident Chapter Presidents

Dear Brother President:

I write to you to inform you that the National Council has passed and approved the enclosed Rules of Procedure for enforcement of our Disciplinary Code. These new rules represent a streamlined codification of the practices currently in place, and should provide a clear, fair and proper method for the handling of disciplinary cases.

As you peruse the Rules, I encourage you to contact me with any questions or concerns that you may have. It is my sincere hope that this will be the first and only contact your Chapter as a whole or individual Brothers will ever have with this procedure. Please feel free to disseminate and distribute these Rules to the Brothers in your Chapter.

If your Chapter should find itself the subject of an investigation, or if you have knowledge of an incident that could lead to an investigation, please contact myself or Scott Carlson as soon as possible. The earlier you become involved in the disciplinary process the more easily the National Staff can help your chapter respond appropriately to an incident. In my experience, the Chapters that work together with the National Staff are far more likely to thrive in their exposition of the Landmarks than Chapters who choose to ignore the overtures of the National Office.

I therefore strongly encourage you to become familiar not only with these Rules, but with the FIPG regulations, Scholarship opportunities and the myriad of other services offered by the National Fraternity.

If I can be of any assistance, please feel free to contact me at any time. I remain

Yours in the Bond,

Michael A. Nicholas, Esq. ΩΦ'07
National Graduate Councilor '13
National Risk Management Officer '13
(412)-225-0219
Nicholasm4@gmail.com



THE NATIONAL FRATERNITY OF ALPHA CHI RHO DISCIPLINARY CODE – RULES OF PROCEDURE

ARTICLE 1 – SCOPE OF RULES

Rule 1: These Rules shall govern the internal disciplinary process for individual Brothers and Chapters accused of violations of the Constitution, By-Laws, Risk Management Policy, official policy promulgated by Council (“Policy”), or other governing document in force and effect.

Rule 2: These Rules shall not supersede the National Constitution or National By-Laws of the Fraternity of Alpha Chi Rho (“The Fraternity”). However, these Rules shall supplement and further define the procedure outlined in the governing documents. In the event of conflict, the Constitution or By-Laws shall control.

Rule 3: These Rules are promulgated under the authority of the National Council of the Fraternity pursuant to Article III Section 2 and Article V Section 7 of the Constitution of the Fraternity.

ARTICLE 2 – INVESTIGATION

Rule 1: An investigation into the possible violation of Policy may begin by order of the President, Secretary or vote of the Council.

Rule 2: All investigations shall be conducted by the Secretary or his designee.

Rule 3: The Secretary shall be empowered to question and obtain information in oral, written, digital or tangible form in the course of his investigation. An informal request for information may be made orally by the Secretary. A formal request for information shall be propounded in writing and directed to the President of the Chapter under investigation, or, in the Secretary’s discretion, to an individual Brother who may possess knowledge pertinent to the investigation. This Rule shall be interpreted as to give the Secretary maximum discretion in conducting an

investigation. The failure to strictly comply with the requirements of this Rule shall not constitute a procedural default on the part of the Secretary.

Rule 4: Upon the conclusion of his investigation, the Secretary may proceed as follows:

(A): If there is no cause to continue the Disciplinary Process, the Secretary shall end the investigation and close the matter. If the Brother or Chapter that was the subject of the investigation was made aware of the investigation during its course, he shall be notified that the investigation has concluded and the matter has ended.

(B): If the Secretary reasonably believes that a violation of Policy has occurred and further proceedings are warranted, he shall submit the case to the Risk Management Officer for consideration and further action.

(C): If the Secretary reasonably believes that a violation of Policy has occurred but further proceedings are not warranted at the time, he shall take the matter under advisement, notify the Risk Management Officer of his decision, and hold the matter in abeyance until such time as he shall proceed under subsection (A) or (B) of this Rule. In the event no action is taken within one year of the Secretary's decision under this subsection, the matter shall be considered closed.

Rule 5: All investigations shall remain confidential to the extent permitted by law. The Secretary may, in his discretion, share part or all of the investigation with Brothers of the Fraternity, legal counsel to the Fraternity, or insurance agent or representative. The Secretary shall, upon request, divulge, in whole or in part, the results of his investigation upon request of the President of the Fraternity or upon a motion of the National Council.

Rule 6: The manner and form of reporting the results of an investigation shall be at the discretion of the Secretary.

ARTICLE 3 – INTERIM DISCIPLINE

Rule 1: The President of the Fraternity and the Secretary of the Fraternity shall be empowered to impose interim discipline, up to and including immediate suspension of a Brother or Chapter, upon satisfaction that there exists a reasonable probability that a violation of Policy has occurred which requires immediate disciplinary action.

Rule 2: When imposing interim discipline, the President or Secretary shall immediately notify the affected Brother or Chapter as well as the National Council in writing. He shall detail the particular Policy believed to be violated, the particular discipline being imposed, and the length of the interim discipline.

Rule 3: There shall be no interlocutory appeal of right from an order of interim discipline. The accused may request an expedited hearing before the Disciplinary Board, which may be granted at the discretion of the Board.

Rule 4: Unless otherwise specified by the President or Secretary, any interim discipline imposed shall continue until the final resolution of the case by the National Council, wherein the interim discipline shall be superseded by the decision of the National Council. In no case shall interim discipline extend beyond one hundred twenty (120) days, absent an order from the National Council extending the same.

Rule 5: The imposition of interim discipline shall not be used as evidence against the Brother or Chapter in determining responsibility for an alleged violation of Policy, nor shall such imposition give rise to any presumption of responsibility for an alleged policy violation. However, the conduct of a Brother or Chapter during the period of interim discipline may be used as the basis for additional charges, should the Brother or Chapter violate the conditions of the interim discipline.

ARTICLE 4 – DISCIPLINARY BOARD

Rule 1: The Disciplinary Board (“Board”) shall consist of five members, and shall be re-constituted biennially at the first meeting of the Council following the close of the National Convention. The Board shall consist of:

1. The National Chaplain
2. The National Ritual Officer
3. A Resident Councilor (Main or Alternate)
4. A Graduate Councilor
5. A Brother-at-Large
6. The National Risk Management Officer (*ex officio*, non-voting)

The National Chaplain, Ritual Officer and Risk Management Officer shall be considered appointed upon confirmation to their office by Council. The Resident and Graduate Councilor seats shall be appointed by the President without confirmation by Council. The Brother-at-Large shall be appointed by the President without confirmation by Council and may be any duly initiated Brother in the Fraternity. The President should make every effort to avoid nominating a voting member of the Council to the at-Large seat, if possible. To avoid the appearance of undue influence and the maintenance of separation of the trial and appellate bodies in the disciplinary process, the Board should strive to be as independent as possible from the voting members of the Council, who shall constitute the final arbiter of the disciplinary process under these Rules.

Rule 2: The National Council may, by appropriate resolution, adjust the number of seats on the Disciplinary Board by majority vote, provided that in no case shall there be less than three nor greater than seven seats on the Board.

Rule 3: A seat shall be declared vacant upon the resignation of a Brother, the loss of the Brother’s *ex officio* seat (I.E. if the National Chaplain resigns his office, he has concomitantly resigned his seat on the Board), or dismissal by the National Council by a 2/3 vote.

Rule 4: The President shall appoint a member of the Board to serve as Chair. A quorum shall consist of 3/5 of the members appointed to the Board.

ARTICLE 5 – HEARING BEFORE THE DISCIPLINARY BOARD

Rule 1: Upon receipt of the result of an investigation by the Secretary, the Risk Management Officer shall notify the Chair of the Disciplinary Board, who shall convene the Board for an informal meeting at a time and place at the Board's convenience, but no later than thirty (30) days from the receipt of the results of the investigation. The informal meeting of the Board under this Rule may be done through conference call or through e-mail. At said meeting (or e-mail chain), the Risk Management Officer shall share with the Board the results of the Secretary's investigation, and the Chair shall ascertain from the members of the Board the most appropriate and convenient time for a hearing.

Rule 2: If an expedited hearing has been requested pursuant to Article 3 Rule 3 by the accused, the Board shall vote on whether to grant the request at its informal meeting. If granted, the hearing must be held within thirty days of the vote to grant the expedited hearing. If denied, the hearing must be held within ninety days of the vote to deny the expedited hearing. In no case may the Disciplinary Board set a date for formal hearing more than one hundred twenty days from the date the investigation report was received from the Secretary.

Rule 3: A formal hearing before the Board may be held in person or through conference call, as the Board shall direct.

Rule 4: The accused shall have the right to appear, in person or by conference call, before the Disciplinary Board. In the event that the accused is a Chapter, the President and Risk Management Officer of the Chapter may appear, but no other Brothers may appear without leave of the Board.

Rule 5: The proceedings of the Disciplinary Board shall be closed. Only those persons permitted to attend by these Rules, the National Officers of the Fraternity, and any witnesses shall be permitted to attend.

Rule 6: The purpose of the formal hearing is to determine whether, by greater weight of the evidence, the accused is responsible for violating the Policy contained in the allegation. These Rules of procedure shall exist to maintain a fair and smooth hearing process – they shall not be used as a form of substantive or procedural mechanism to delay or otherwise prevent the Board from considering the case at hand (I.E. substance shall prevail over form).

Rule 7: The National Risk Management Officer shall represent the National Fraternity before the Board, and shall present the evidence of the case to the Board. The accused shall have the right to be present while evidence is being presented, in the case of physical evidence shall have the right to review said evidence and shall, consistent with these Rules, be permitted to confront the evidence against him.

Rule 8: The formal hearing shall follow the following procedure, which may be amended in a particular case, without formal motion, by the Chair:

1. The Chair calls the meeting to order.
2. The Risk Management Officer may make an opening statement, if desired.
3. The accused may make an opening statement, if desired.
4. The Risk Management Officer presents the case of the Fraternity to the Board.
5. The Chair opens the floor to the Board Members to question the Risk Management Officer, the accused, and any witnesses.
6. Upon conclusion of questioning by the Board, the Chair opens the floor to the accused to ask any questions of the Risk Management Officer or any witnesses. The Chair shall have the discretion to permit the direct questioning of witnesses by the accused, or to have the accused pose questions through the Chair.
7. Upon the conclusion of all questioning, the Risk Management Officer may make a closing statement, if desired.
8. The accused may make a closing statement, if desired.
9. The Chair Adjourns the hearing.

Rule 9: Upon the conclusion of the hearing, the Board shall retire to deliberate. The deliberations shall consist of two phases: responsibility and sanction:

(A): During the responsibility phase, the question before the Board shall be: Has there been proven a violation of Policy, by the accused, by a greater weight of the evidence? The Board shall consider only the evidence presented during the hearing and shall not consider any past disciplinary record of the accused during this phase. At the conclusion of the deliberation, the Chair shall call the question and each member of the Board shall vote. A 2/3 vote decides responsibility.

(B): In the event of a finding of responsibility, the Board shall proceed to consider the question of sanctions. The Board may consider relevant evidence both from the hearing and from a prior disciplinary record. A 2/3 vote decides a sanction.

Rule 10: Upon conclusion of the Board's deliberations, the accused shall be notified in writing by the Chair of the Board within a timely manner. The sanctions, if any, shall be effective upon transmission from the Chair to the accused.

Rule 11: The Chair shall transmit the record of proceedings and the decision of the Board to the National Council.

ARTICLE 6: APPEAL TO THE NATIONAL COUNCIL

Rule 1: No appeal shall be permitted from a finding of not responsible to any charge.

Rule 2: The findings of the Disciplinary Board shall be considered as recommendations to the National Council. The final authority to impose discipline shall rest with the National Council.

However, all decisions of the Disciplinary Board shall be considered adopted and agreed to by the National Council, unless Rule 2 of this Article is invoked.

Rule 2: The decision of the Disciplinary Board shall be considered final, unless one of the following should occur:

(A): Within thirty days of the transmission of the decision of the Board to the accused, the accused requests an appeal to be heard by the National Council in writing, delivered to the Secretary.

(B): The National Council, by majority, votes to reconsider the case in its own right, or the President removes the case from the Board for consideration by Council, provided that either action shall have occurred within thirty days of the transmission of the decision of the Board.

Rule 3: The accused shall enjoy an appeal of right to the National Council. During any such appeal, the decision of the Disciplinary Board shall be presumed correct, and the burden of persuasion shall be on the accused as to why the decision of the Board should be overturned or modified.

Rule 4: Upon the invocation of Rule 2 of this Article, the President shall set a time for the appeal to be heard by the Council, which shall be no longer than sixty days from the date of request. The accused may petition the President to make a presentation to the Council, which shall be granted if practicable.

Rule 5: The appeal hearing shall be conducted in a manner prescribed by Council, provided that Council shall permit the accused, either in person, teleconference or in writing, to present his grounds for appeal.

Rule 6: The Risk Management Officer shall present the case of the Disciplinary Board to the Council.

Rule 7: At the conclusion of the appeal hearing, the Council shall decide, by 2/3, whether the accused is responsible for the violation alleged and what sanction, if any, is appropriate. In the event that the Council fails to reach a 2/3 vote on a question, the accused shall be found not responsible.

Rule 8: The decision of the National Council shall stand as final, unless overruled by the National Convention. In no case shall the decision of the National Council be stayed or otherwise delayed during the pendency of a petition to the National Convention, unless by majority vote of the Council.

ARTICLE 8: SANCTIONS

Rule 1: The sanctions that may be imposed are as follows:

1. Private Reprimand
2. Public Reprimand
3. Suspension
4. Expulsion of a Brother
5. Closing of a Chapter

Rule 2: Along with a sanction, the Board or Council may impose certain terms and conditions as it sees fit. When a term or condition is thus imposed, the Brother or Chapter shall be considered under a state of deferred suspension. Should the term or condition be met, the deferred suspension shall be lifted. Should the Brother or Chapter fail to adhere to the term or condition, the Brother or Chapter may be suspended by a 2/3 vote of the National Council.

Rule 3: In the event the Board or Council suspends or expels a brother or chapter, or closes a chapter, the sanction shall act as a suspension with recommendation for expulsion or closure to the National Convention, whereby the National Convention shall decide by ¾ vote whether to close a chapter or suspend a Brother.

ARTICLE 9: EFFECTIVE DATE AND AMENDMENT

These rules shall take effect upon adoption by the National Council by majority vote, and may be amended by majority vote of the National Council, provided that no amendment shall be retroactive unless so ordered by a 2/3 vote of the Council.

Adopted by Resolution of the National Council – February 11, 2012.