

KAPPA PSI PHARMACEUTICAL FRATERNITY, INC.

Disciplinary Trial Process Guide

The Constitution (Article V) & By-Laws (By-Law III) of the Fraternity allow for Chapters to discipline their members after appropriate trial proceedings for conduct unbecoming of a brother, specifically “such acts: (1) as relate upon or injure the prestige and reputation of the Fraternity; (2) as relate upon the character or professional integrity of the Members; (3) as constitute a violation of the Vow of Allegiance and Obligations; and (4) as refusal to pay dues.” This guide is meant to assist Chapters in ensuring they follow the appropriate steps in conducting trial and disciplining their members.

Article I Hearing Policies and Procedures

- Sec. 1. Charges against the accused, hearings and disciplinary trials shall follow the details outlined in By-Law III of the Constitutions & By-Laws of the Fraternity.
- Sec. 2. Any charge or allegation should be submitted as soon as possible after the conduct or event takes place.
- Sec. 3. The Judiciary committee of the Chapter has the discretion to initiate an investigation to determine the merit of the charges. Any formal investigation should be carried out in a timely manner and findings of the investigation shall be presented to the Chapter in writing within ten (10) days of the conclusion of the investigation. The Judiciary committee does not have the right or power to adjudge guilt.
- Sec. 4. The accused shall be notified of the charges in writing, signed by the Regent and Grand Council Deputy (or GCD alone if accused is the Regent). The letter must include the list of charges, the name(s) of the complainant (or if anonymous the Chapter as a whole), and a timeline for investigation and trial.
- Sec. 5. The accused shall have the right of timely notice of hearing and trial. The accused shall have the right to review all written charges prior to the hearing and select counsel. The Regent (or GCD) shall appoint two (2) members to act as prosecutors and the accused may choose two (2) members to act as counsel.
- Sec. 6. Should the accused fail to comply with the order to appear for more than ninety (90) days, the Regent and the Chair of the Judiciary Committee can jointly enter a summary judgment and proceed with the punishment process. If the absent Member has an excuse that is determined by the Judiciary Committee or GCD to be valid, then the Member may not be found to have violated the Code of Conduct or the Disciplinary Policy solely because the Member failed to appear.
- Sec. 7. The Chapter may conduct a formal hearing according to the following guidelines:

- A. The presiding officer/judge shall be the Regent, or in case of trial with the Regent as defendant, the (First) Vice-Regent shall act as judge.
- B. As per By-Law III of the Uniform By-Laws of Kappa Psi, no hearing shall be considered valid unless two-thirds (2/3) of the Chapter membership in good standing are present at the meeting.
- C. Presiding officers have the authority to ask counsel or the accused to leave the hearing at any time if they are disrupting the proceedings.
- D. The presiding officer should remind those in attendance that the proceedings are an educational exercise and will not be perceived as a formal legal hearing.**
- E. Hearings normally shall be conducted in private. At the request of the accused, and subject to the discretion of the presiding officer, other persons may be allowed to attend the hearing.
- F. In hearings involving more than one accused member, the presiding officer, in his/her discretion may permit the hearings concerning each Member to be conducted separately. This may also be requested by the accused.
- G. The complainant and the accused have the right to be assisted by any advisor they choose, at their own expense. The advisor may be a non-member.
- H. The complainant, the accused, and the representative of the Judiciary committee shall each have the right to make an open argument before the evidence is presented and a closing argument after all the evidence has been presented.
- I. The complainant, the accused, and the representative of the Judiciary Committee shall have the privilege of presenting witnesses, subject to the right of cross-examination by the Chapter counsel.
- J. If there is material evidence that cannot be secured from the testimony of members, non-member testimony may be received at the hearing in the discretion of the presiding officer. Non-members may be present at the hearing only while testifying.
- K. All procedural questions are subject to the final decision of the presiding officer.
- L. After all the evidence has been presented, the Chapter shall determine whether the Member has violated each section of the Member Code of Conduct, Vow of Allegiance, or Disciplinary Policy that the Member is charged with violating. The vote shall be taken separately on each offense and separately as to each accused Member. A two-thirds (2/3) vote is required to convict.
- M. If convicted, the Regent shall call for the sort of punishment. A motion with the recommended punishment must be made in proper form and seconded. Motions to expel must gain a two-thirds (2/3) affirmative vote to pass, all other punishments will require simple majority to pass.

Sec. 8. The notice of sanctions imposed should be in writing and should also notify the accused that he/she has thirty (30) days to appeal the decision. Any notice of expulsion should be sent via certified mail so that the Chapter has a signature on file to verify the convicted has received the letter.

Sec. 9. Appeals for conviction or punishment type shall be handled according to the provisions of Uniform By-Law III, sec 9-13 of the Fraternity.

Sec. 10. When conviction is final and there are no appeals requested or available, the Chapter shall notify the Executive Director of the Chapter's decision immediately.

Article II Disciplinary Actions & Consequences

Sec. 1. Any Member found guilty of any of the above offenses shall, upon a disciplinary determination by the Judiciary Committee, can be subject to a penalty determined by the Chapter. Below are some examples of type of discipline that a Chapter may choose to impose, but it is important that proper procedures are followed based on the type of punishment.

A. Expulsion leading to:

- a. Surrender, to the Executive Director of the Fraternity, of his/her official membership certificate, membership card and official pin along with all regalia, insignia, clothing or jewelry bearing any identity with the Fraternity. This may include financial compensation for the cost of any items lost or damaged.
- b. Remove him/herself and his personal effects from the property of the chapter, the district and the international office and he/she may not return on any occasion.
- c. Not attend any meeting of any chapter, province, or GCC.
- d. Cease to identify him/herself with the Fraternity in any manner on or off campus.

B. Suspension for a designated or indefinite period during which time the Member shall:

- a. Not attend Fraternity meetings, vote, or hold office, nor shall he/she attend any Fraternity gathering not attended by the public until the end of the designated period of suspension.
- b. Cease to identify him/herself with the Fraternity in any manner on or off campus until the end of the designated period of suspension.
- c. Be entitled to return at the end of the designated period of suspension unless he/she is in violation of the terms of said suspension or if suspended for an indefinite period, may only return upon written permission by the Judiciary committee.
- d. Be automatically returned to good standing unless he/she is subject to further disciplinary action at the end of the designated time period or by written permission of the Judiciary committee.
- e. Pay all dues, fees, and assessments applicable to all Members in good standing unless expressly excused by the Chapter by the terms of the

designated suspension. *(Note: The Chapter is still responsible for paying national & province dues for said member)*

- C. **Probation** for a designated or indefinite time period during which time the Member shall:
 - a. Follow the limitations, restrictions or terms of the probation, provided they abide by all Fraternity policies.
 - b. Pay all dues, fees, and assessments applicable to all Members in good standing unless expressly excused there from by the terms of the designated probation. *(Note: The Chapter is still responsible for paying national & province dues for said member)*
- D. **Make Restitution** in the form of appropriate service or material replacement in order to compensate the Fraternity, Province, Chapter or other entity for individual loss, damage or injury. Refusal or failure to make requested restitution shall subject the member to being declared in arrears and not in good standing.
- E. **Pay a Fine** of an amount and within a time period defined by the Judiciary committee to the Chapter treasurer. Fines must be reasonable (for example, not to exceed \$100) to the infraction. Refusal or failure to pay the fine assessed shall subject the Member to being declared in arrears and not in good standing.
- F. **Warning** in which a written notice is provided to the Member that the Member is violating or has violated provisions of this code.
- G. **Any other lawful penalty** that the Fraternity may determine and impose, as long as such penalty is legal and not in conflict with the rules and regulations of the Fraternity, University or society in general.
- H. **Multiple Sanctions** which may include more than one of the sanctions listed above for any single or series of violations.

Sec. 2. When these penalties are properly imposed upon a Member, expulsions shall be honored and held binding by all members of the Chapter and shall be communicated to the Province & Grand Council for record.

Sec. 3. If a member is expelled from the Fraternity, the Chapter is responsible for notifying the Central Office immediately in order to have the member removed from the roster to absolve the Chapter of future dues requirements for that individual.

Sec. 4. The Chapter is still financially responsible for all dues owed to the Central Office and the Province for any individual punished by any means other than expulsion.

Sec. 5. If a Member is undergoing investigation by the University or College in which they are enrolled, the Chapter shall report the results of any investigation, verdicts or imposed punishments it conducts to the appropriate authorities.