

OMEGA PSI PHI FRATERNITY, INC.

CODE OF CONDUCT

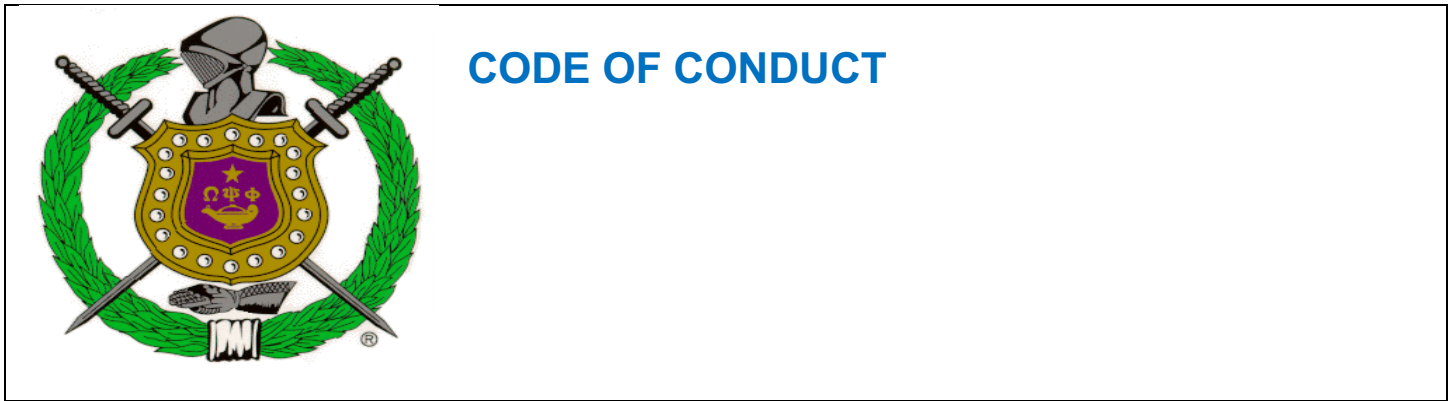
Version 1



September 1, 2023

OPPF Code of Conduct Change History				
Version Number	Version Date	Change Description/Purpose		
		Location	Type	Nature of Change(s)
1.0	September 1, 2023	All	M	Revised document

A – ADDED M – MODIFIED D - DELETED

**Effective Date:**

09 01 2023

Purpose: Clearly state the position of the Omega Psi Phi Fraternity, Inc. regarding the code of behavior and conduct required of all members of the Omega Psi Phi Fraternity, Inc.

Material Changes: There are changes to the wording of the policy as approved by the Supreme Council on July 13, 2023. The prior version has also been transformed to meet the requirements of the approved standardized template. Some editing has been done to fit the material to the format.

Effect on Other Documents:

No other documents are affected by this update and transformation to the standardized template. This policy is derived from authorities in the Constitution and Bylaws of the Fraternity.

Audience:

This applies to all Omega Psi Phi Fraternity, Inc. Brothers.

Signature

Ricky Lewis
Grand Basileus

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1 Policy Scope and Objectives

This document describes the formal Omega Psi Phi Fraternity, Inc. (Fraternity) policy for implementing the requirements of the Code of Conduct. The document provides the purpose, scope, authority, and mandates for institutionalizing this process.

1.1 Background

The Fraternity's Code of Conduct Policy is being updated and transformed from its current format to the approved Fraternity policy template.

1.1.1 Purpose

This Code of Conduct incorporates values designed to develop and promote the Cardinal Principles upon which Omega Psi Phi Fraternity, Inc. (the "Fraternity") was founded. Men who are initiated into the Fraternity voluntarily accept membership into an organization of men who are first friends - dedicated to the Cardinal Principles of Manhood, Scholarship Perseverance, and Uplift with emphasis upon friendship, academic excellence, community service, and personal growth. The Fraternity seeks to provide opportunities, both in and outside the organization, to develop scholarship, manhood, integrity, and sound judgment, as well as social and ethical values, which serve as a foundation in civilized societies for respectable conduct.

The Fraternity expects its duly authorized Members (hereinafter "Brothers") to conduct themselves in a manner that is consistent with the organization's pursuit of its Cardinal Principles and national program objectives. The integrity of the Fraternity depends upon each Brother's acceptance of individual responsibility and respect for the rights of others. The Fraternity expects that its Brothers will not lie, steal, cheat, or engage in dishonest or unlawful behavior nor any behavior intended to inflict physical or emotional harm on another person or property. All Brothers are expected to abide by university policies and comply with directions of university officials acting in performance of their duties where Fraternity Chapters are located.

The Fraternity is also committed to fostering the importance of disciplinary standards as they relate to the mission of the Fraternity and as a primary means for instilling commitments to honesty, personal integrity, and a higher degree of ethical conduct traditionally expected of the men of Omega Psi Phi Fraternity, Inc. The disciplinary rules described herein are to be considered the "moral minimum" within the Fraternity. This Member Code of Conduct is meant to provide guidance as a minimum moral standard which all Brothers should strive to exceed.

This Code of Conduct has been established by the Fraternity to protect its purpose, to provide for safe and orderly Fraternity activities and, where applicable, to safeguard the interests of the university community by requiring Brothers to uphold the rules and regulations of the universities that allow the Fraternity's Chapters to exist. Hearings or appeals conducted as a part of this process are not courts of law and they are not subject to the many traditional rules of civil or criminal hearings. However, because some of the violations of these standards may also constitute violations of law, Brothers may

be accountable to civil and/or criminal authorities and, where applicable, to a college or university for their actions.

FUNDAMENTAL EXPECTATIONS

- A. Brothers shall strive to conduct themselves according to the Fraternity's Cardinal Principles of Manhood, Scholarship, Perseverance, and Uplift.
- B. Brothers shall respect the aims and objectives of the Fraternity and shall work within the framework of policies, procedures, guidelines, or regulations of the Fraternity and, where applicable, those policies, procedures, guidelines, and regulations prescribed by the college or university that the Brother attends.
- C. Brothers shall abide by all rules, policies and procedures found in the Fraternity's Constitution and Bylaws, this Code of Conduct, policy resolutions approved by a Grand Conclave, the Orders of the Supreme Council, the Orders of the Grand Basileus where applicable in the discharge of his duties, the Orders of the District Representative where applicable in the discharge of his duties, and such additional regulations as may be enacted in accordance with existing rules.
- D. Brothers shall be responsible for their own behavior, recognizing that their actions reflect upon themselves, their peers, their families, the Fraternity, and occasionally others.
- E. Brothers shall avoid actions that violate or diminish the collegial, academic, personal, or professional ethics or the legal and civil rights of peers, university personnel, or other members of the public.
- F. Brothers shall respect the dignity of all persons and shall not physically, mentally, psychologically abuse or haze any human being.
- G. Brothers shall strive to bring into the Fraternity men who will conduct themselves according to the Cardinal Principles of the Fraternity and men whose membership in the Fraternity will be of value to the Fraternity and the communities we serve.
- H. Brothers shall regard, refer to, and treat other Brothers and all individuals with civility and respect.
- I. Brothers shall respect the Fraternity's property and the property of others and will neither abuse nor tolerate the abuse of such property.
- J. Brothers shall pay all Chapter, District, and International dues and assessments required to remain in good standing with the respective Chapter, District, and International office.
- K. Brothers in good standing will make efforts to attend Chapter, State, District and national meetings, including the Grand Conclave and Leadership Conferences, to support the activities of the Fraternity.
- L. Brothers shall make efforts to support all the Fraternity's mandated programs.
- M. Brothers who are students shall abide by the academic standards established by the Fraternity and by the college or university they attend.
- N. In addition to abiding by this Code of Conduct, all Brothers who attend colleges and universities are expected to abide by the policies and regulations that govern the duties, responsibilities and conduct explicitly or implicitly established by the colleges and universities they attend.

1.1.2 Scope

This policy applies to all men who are members of Omega Psi Phi Fraternity, Inc.

The general purpose of this Code is to establish a uniform system of expectations for Members of Omega Psi Phi Fraternity, Incorporated. The provisions of this Code are intended to:

- protect Omega Psi Phi Fraternity, Inc., and its membership;
- set forth basic expectations;
- deter behavior that violates Omega Psi Phi Fraternity, Inc.'s Rules;
- provide fair warning to Brothers of what conduct is prohibited and/or is undesirable;
- provide for appropriate sanctions for the violation of the Fraternity's Rules;
- prevent arbitrary and oppressive treatment of Brothers suspected or accused of violating Omega Rules; and
- provide for a cohesive, structured, and uniform system for dealing with violation(s) of Omega Rules.

1.2 Authority

The Rules Committee is responsible with the Grand Counselor for the development, implementation, and maintenance of this policy. All proposed changes to this policy must be submitted to the Rules Committee to be later considered by the Supreme Council or Grand Conclave.

1.3 Mandate

This policy is developed and maintained under the authority of the Supreme Council of the Fraternity.

2 Policy Statement

2.1 Applicability

This Code applies to all duly initiated and Honorary Brothers of Omega Psi Phi Fraternity, Inc. All Brothers to whom this Code applies shall comply with its provisions.

2.1.1 Original Jurisdiction

Omega Psi Phi Fraternity, Inc. has jurisdiction over all Brothers regardless of where they may be found. Original jurisdiction is exercised by and through the authority of the Supreme Council and the District Representatives as provided for herein.

The Jurisdiction of District Representatives shall operate as follows:

- (a) Each District Representative has jurisdiction over Brothers and prospective members residing within the territorial limits of his office.

- (b) Where a Brother is accused of engaging in conduct violative of Omega Rules in a district that is not the accused Brother's Home District, the district representatives in both the territory where the misconduct occurred and the territory that is the accused Brother's Home District shall have joint jurisdiction to investigate.
- i. In such cases, the respective District Representatives shall work jointly to conduct a single investigation, to bring charges, to hold a hearing, and make determinations of responsibility, and consult on sanctions to be imposed, if necessary.
 - ii. In the event two or more Brothers from different districts are to be sanctioned because of the same incident, the respective District Representatives shall consult and agree on an appropriate sanction for all involved Brothers.
 - iii. In any case where District Representatives are unable to reach an agreement on any aspect of the process, including sanctions, the determination of the District Representative in the territory where the incident occurred shall control, unless the Grand Counselor intervenes.
 - iv. The responsibility for implementing the final sanctioning decision and communication of outcomes shall rest with the District Representative of the Brother's Home District.
- (c) The Supreme Council has Original Jurisdiction in matters deemed extraordinary as defined in this Code, and in matters involving a member of the Supreme Council, the Executive Director, or other National or International Officer. When the Supreme Council exercises original jurisdiction, no other official has authority to act except as otherwise permitted by Omega Rules.

2.2 Appellate Jurisdiction

The Grand Tribunal has exclusive jurisdiction to hear and adjudicate timely appeals of expulsions and indefinite suspensions and shall entertain timely petitions of reinstatement following expulsion. As part of its appellate oversight, the Supreme Council has jurisdiction to modify or overturn a decision of the Grand Tribunal, or that of any District Representative or Chapter.

2.3 Definitions

- (a) The definition of a term in this Code applies to each grammatical variation of the term.
- (b) Where a definition is found within the articulation of a specific provision, the definition contained within the provision shall control.
- (c) In this Code the following terms have the meanings prescribed below:
 1. Fraternity – means Omega Psi Phi Fraternity, Incorporated.
 2. Code/Code of Conduct – means this Member Code of Conduct.
 3. Brother– means a duly initiated Member of the Fraternity for whom the Fraternity and the organizational entities exist to support and nurture friendship and brotherly love.

4. Accused – means a Brother, prior to being charged, accused by a complainant of actions or behaviors that may violate Omega Rules.
5. Allegation – means an assertion that a Brother has engaged in behavior that may be a violation of Omega Rules.
6. Chapter – means a chartered, unrevoked Chapter of the Omega Psi Phi Fraternity, Incorporated.
7. Charge – means the specific statement, following the completion of an investigation, of what Omega Rules violation(s) a Brother or fraternal entity, as identified in the Constitution and By-laws, is accused of, pending determination of outcomes.
8. Complainant – means any individual who reports an alleged violation of Omega Rules, and/or any person who is alleged to be the victim of conduct that could constitute one or more violation(s) of Omega Rules.
9. Complaint – A verbal or written statement that alleges conduct that constitutes one or more violation(s) of Omega Rules.
10. Complicity – means engaging in any action or behavior with the intent of aiding, facilitating, promoting, or encouraging the commission of an act that is a violation of any Omega Rules.
11. Day – means for purposes of providing notices and/or decisions, Monday through Saturday, except for observed holidays.
12. Extraordinary – means that the Grand Basileus in consultation with the Grand Counselor, or a simple majority of the Supreme Council, has determined that a matter is beyond the usual circumstance; was not easily foreseeable, and has national and/or international potential repercussions and/or impact on the Fraternity generally.
13. Fact-Finding Team – means Brothers appointed by the appropriate Fraternity official to investigate alleged Omega Rules violations and to submit its findings of fact to the District Representative, or to the Grand Basileus and Grand Counselor.
14. Fraternal Programs and/or Activities – means locations, events, or circumstances over which Omega Psi Phi Fraternity, Inc. exercises substantial control. A Fraternal Program or Activity may include events, parties, programs, and circumstances that occur in person, on a virtual platform, or via electronic communication or publication including but not limited to phone, email, text, Zoom, Microsoft Teams, social media, or any other similar platforms.
15. Grand Tribunal – means the committee existing pursuant to the Omega Psi Phi Fraternity, Incorporated's Constitution and Bylaws for the purpose of hearing appeals of disciplinary decisions of expulsions and indefinite suspension and to entertain timely petitions of reinstatement following expulsion.
16. Hearing – means any disciplinary proceeding that may result in sanctions, conducted in accordance with this Code of Conduct regarding Omega Rules violations, following which outcomes are determined, and sanctions are issued when appropriate.
17. Home District – means the District within which each Brother maintains his permanent residence.
18. International Locations - means any territory outside of the 50 States of the United States.
19. Investigative Report – means a written compilation of investigatory fact-finding by designated Fraternity officials following the conclusion of an investigation.

20. Jurisdiction – means the official authority to investigate, hear a matter, assign responsibility, determine outcomes, and issue sanctions.
21. Member – means the duly authorized Membership of the Fraternity for whom the Fraternity and the organizational entities exist to support and nurture friendship and brotherly love. The word Brother as used in this Code means Member.
22. Notice – refers to Notice of Omega Rules violation charges that are considered given to an accused Brother when it is sent to the Brother’s email address on file with International Headquarters, hand-delivered, and/or mailed to the Brother’s address on file with International Headquarters. In matters of expulsion and indefinite suspension the notice is sent via certified mail, return receipt requested.
23. Omega Rules – means the written statements governing the Fraternity as found in, but not limited to, the Constitution and By-laws, this Code of Conduct, lawful orders and mandates of the Supreme Council Grand Conclave, Policy and Procedures Manual, Membership Handbook, Risk Management Policy, Anti-Hazing Policy, Anti-Violence Policy, Little Sister Group Policy, Branding and Imprint Policy, Financial Policies, Social Media Guidelines, Trademark and Logo Usage Policy, and all other such policies properly adopted in accordance with applicable Omega Rules.
24. Outcomes – means a determination of “Responsible” or “Not Responsible” for a charge or charges levied against a Respondent/Charged Brother in a conduct hearing.
25. Preponderance of the Evidence – means a standard of proof that the decision maker applies when deciding whether to impose sanctions. It means that a charged violation is proven if the Information in support of the charge is more credible and convincing to the mind than the opposing Information. This standard does not require Information that frees the mind from doubt but, rather, is met when the totality of Information reviewed indicates that responsibility for the charged violation is more probable than not. The term Information applies to any observation, admission, statement, or document which would –either directly or circumstantially indicate that a charged violation has or has not occurred.
26. Prospective Member – means a person who is actively participating in an official, Fraternity-authorized membership selection process prior to initiation into the Fraternity.
27. Reinstatement – is the act of providing the opportunity to duly participate in the Fraternity as a Brother in good standing by the appropriate Fraternity authority, after being sanctioned with Expulsion or Suspension.
28. Renunciation of Membership – means the act, verbally or in writing, of relinquishing, abandoning, repudiating, disavowing, giving up right to, or sacrificing membership in the Fraternity.
29. Representative/Advisor – means one Brother, who may also be an advocate or representative, chosen by a charged Brother or a complainant, to provide guidance throughout the Fraternity’s investigatory and hearing process.
30. Respondent/Charged Brother – means a Brother, chapter, or Fraternity Entity given notice of violation charges by the Fraternity.
31. Sanction – means the action taken by the appropriate Fraternity official(s) to impose correction, discipline, or penalty for violation(s) of any Omega Rules.
32. Social Media – means all forms of communicating or posting information or content of any sort on the internet, including a member’s individual or other web log or blog,

journal or diary, personal or commercial web site, social networking or affinity web site, chat group, web bulletin board or discussion boards, regardless of whether associated or affiliated with the Fraternity - it includes Twitter, Facebook, YouTube, Instagram, LinkedIn, GroupMe, Telegram, Snapchat, WhatsApp, as well as any other form of electronic communication or platform in existence now or that comes into existence in the future.

33. **Underground** – means any unauthorized, unsanctioned, or illegal membership selection activity occurring before, during or after the approved membership selection process.
34. **Witness** – means a person who is not a complainant or respondent, who provides information relevant to supporting or refuting charges. A witness may provide information to the appropriate Fraternity officials verbally or in writing.

2.4 AMNESTY

An element of protecting Omega and mitigating risk is providing clear methods of reporting and addressing incidents of misconduct, and to encourage such reports. Therefore, to remove potential barriers to reporting misconduct, a District Representative or the Supreme Council may, in their discretion, not charge a Brother with a violation of Omega Rules, or may reduce the penalties associated with the violation of Omega Rules, if such Brother or a Prospective Member voluntarily makes a report or voluntarily shares relevant and material information in good faith with a Fraternity official, either prior to or during the course of an investigation.

2.5 CONDUCT VIOLATIVE OF OMEGA

The conduct described in this Article III, or the aiding, abetting, conspiring, soliciting, or inciting of, or attempting to commit these violations by a Brother constitutes a violation of Omega Rules, is misconduct, is prohibited, and if proven shall result in sanctions for those Brothers found responsible.

Lack of familiarity with the Rules is not a justification for violating any provision of Omega Rules. These violations should be read broadly and are not designed to define prohibited acts in exhaustive terms.

2.6 MISCONDUCT COMMITTED BY BROTHERS

2.6.1 General Misconduct

- (a) Violation of the Fraternity's Constitution and Bylaws.
- (b) Violation of Omega Rules.
- (c) Engaging in any conduct that adversely impacts the public perception or image of the Fraternity.
- (d) Filing a lawsuit against the Fraternity individually, or as an attorney representing an individual or entity.
- (e) Violation of resolutions approved by a Grand Conclave.

- (f) Violation of the orders of the Supreme Council.
- (g) Failure to perform the duties of an office to which elected or appointed.
- (h) Violations of state, federal, or other local law.
- (i) Violations of any law of a country, state, or territory that is considered an international location.
- (j) Violation of College or University policies, rules, or regulations.
- (k) Aiding, abetting, furthering, conspiring, soliciting, inciting, or attempting to commit any other violation of university policy, federal law, state law, local ordinance, or laws of other national and/or international jurisdictions.

2.6.2 Violent Conduct

In this section prohibited "Violent conduct" means assaults, fighting, wrestling, physical abuse, resort to force, verbal abuse, threats, intimidation, harassment, coercion and/or other conduct that threatens or endangers or is done with the intention to threaten or endanger, the physical, emotional, or mental health or safety of another person, to include prospective members.

It is misconduct for any Brother to engage in any violent conduct during a fraternity activity, or in furtherance of a fraternal purpose, or against an unaffiliated person, Prospective Member of the Fraternity, or another Brother.

Exception for Self Defense and Defense of Third Parties – Self defense and defense of third parties as provided for under the state law or regulation where the conduct occurs, is a defense, which if proven may mitigate the implication of sanctions.

The minimum sanction for engaging in violent conduct is Written Reprimand and the maximum sanction is Expulsion II, as determined by the decision maker after considering relevant facts and circumstances.

2.6.3 Theft, Embezzlement, Fraud

- (a) It is **theft** to take, remove, relocate, or use the property or services of another person, a chapter, or an entity without permission or lawful authority; receive, possess, sell, or purchase property or services that are known or reasonably should have been known to be stolen or obtained through unlawful means; and/or enter or use the property or facilities of another person or entity without consent or authorization.
- (b) It is **embezzlement** to take or appropriate property for one's use that belongs to another but that was entrusted to the care of the person who appropriates the property.
- (c) It is **fraud** to deceive a person into giving up their property or rights. Falsification of documents is also considered a type of fraud for purposes of this Code.
- (d) Theft, embezzlement, and fraud are prohibited.

2.6.4 Misappropriation and Misuse of Omega's Brand

Misappropriation and Misuse of Omega's Brand includes but is not limited to unauthorized use or misuse of the Fraternity's intellectual property, including but not limited to, its name, trademarked logos, shield, letters, and symbols for personal or commercial purposes, including, but not limited to the manufacture, marketing, and/or sale of paraphernalia without a valid vendor's license; sponsoring, promoting, and/or participating in the promotion and/or implementation of unsanctioned events; and divulging secrets and internal documents of the Fraternity meant only for Brothers. Misappropriation and misuse of Omega's brand is prohibited.

2.6.5 Hazing

- (a) Hazing means any action that intentionally, recklessly, or negligently endangers the mental or physical health or safety of a person for purposes including, but not limited to, association, application, initiation, or admission into or affiliation with Omega Psi Phi Fraternity, Inc. Prohibited hazing includes, but is not limited to:
1. Paddling in any form.
 2. Creation of excessive fatigue.
 3. Creating or inflicting physical and/or psychological shocks.
 4. Conducting quests, treasure hunts, scavenger hunts, road trips or any other such activities.
 5. Public wearing of any apparel or paraphernalia which is conspicuous, not normally in good taste or otherwise banned.
 6. Engaging in public stunts and buffoonery.
 7. Morally degrading or humiliating an individual(s) through words or deeds.
 8. Conducting late meetings with Prospective Members which interfere with or prohibit the pursuit of scholastic attainment or productive work, or otherwise violate the MSP process.
 9. Any activities, express or implied, which are not consistent with the Cardinal Principles espoused by the Fraternity or academic missions of the colleges or universities where chapters of the Fraternity may exist.
 10. Soliciting another or aiding or assisting another to engage in any act of hazing as defined in Omega Rules, or active involvement in the planning of such action.
 11. Observing or participating in any conduct defined as hazing by a Brother without reporting the incident to a Fraternity official.
 12. Violating state, national, international or college and university hazing statutes or policies.
- (b) The following are not a defense to a Charge of Hazing:
1. express or implied consent of a victim,
 2. the conduct or activity was not part of any official Fraternity event or otherwise sanctioned or approved by the Fraternity, or
 3. the conduct or activity was not a condition of membership into the Fraternity.

- (c) The minimum sanction for engaging in hazing is Suspension-I and the maximum sanction is Expulsion II, as determined by the decision maker after considering facts and circumstances.

2.6.6 Unauthorized Membership Selection Activity

- (a) Any unauthorized activity by a Brother that engages interested persons or Prospective Members in directives and/or activities under the guise of a formal or informal requirement for application, initiation, or membership, is prohibited. Such conduct includes, but is not limited to:
 - 1. Pre-MSP organizing of interested or prospective members.
 - 2. Underground pledging.
 - 3. Underground meetings.
 - 4. Unauthorized initiations.
 - 5. Post-initiation pledge activities.
- (b) Participating in any aspect of the Fraternity's official membership selection process ("MSP") while not MSP certified as required by the Fraternity is also prohibited.
- (c) The minimum sanction for engaging in unauthorized membership selection activity is Suspension-I and the maximum sanction is Expulsion I, as determined by the decision maker after considering relevant facts and circumstances.

2.6.7 Sexual Misconduct

- (a) Any conduct toward a person based on sex, gender, sexual orientation, gender identity, gender expression, sexual behavior, that is so severe, pervasive, and objectively offensive that it creates a hostile environment, trauma, or other adverse effect for the person impacted is prohibited.
- (b) Conduct prohibited under this provision includes, but is not limited to:
 - 1. lewd or obscene behavior including unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or nonverbal conduct of a sexual nature; and
 - 2. sexual violence which includes any sexual act performed without the consent of the Complainant, or when the Complainant is unable to give consent, whether referred to as sexual violence, rape, sexual battery, or sexual assault. For purposes of this policy, sexual violence includes:
 - i. Non-Consensual Sexual Contact. Any unwelcome, intentional contact of a sexual nature either under or over clothing, without consent, with a person's breasts, buttocks, groin, genitals, mouth, or other intimate parts. This includes touching of any of these intimate body parts; touching another with any of these body parts; forcing a person to touch you, or themselves, or another with any of these body parts; or any other intentional bodily contact in a sexual manner with any other body part.
 - ii. Non-Consensual Sexual Intercourse. Any vaginal or anal penetration by a penis, tongue, finger, or object, or mouth to genital contact, no matter how slight the penetration or contact, without consent.

- (c) In this section Consent means knowing, intelligent, unambiguous, and voluntary. Consent is active. This means there must be clear and willing participation through words or actions for each sexual act. Non-consensual is the opposite of consensual.
1. Consent to one type of sexual activity does not imply consent to other types of sexual activity. There must be consent at every stage of the sexual encounter.
 2. Past consent to sexual activity does not imply consent to future sexual activity.
 3. Consent can be withdrawn at any time, including in the middle of a sexual encounter, if the withdrawal of consent is clearly indicated by words or actions. Meaning any indication of unwillingness, including, but not limited to, the following terminates consent:
 - i. Any verbalization of “no”, “stop”, “don’t”, “I do not want to”, “I am not sure”, “that hurts”.
 - ii. Ceasing participation in sexual activity, pulling away, pushing someone away, removing someone’s touch from a specific area, blocking someone from touching a specific area.
 - iii. Individuals who are not of legal age, or who are incapacitated or are forced cannot give consent to sex no matter what they say or do.
 4. Consent cannot be obtained by force. Force includes the use of coercion, intimidation, physical violence, and/or threats.
 - i. Coercion means using an unreasonable amount of pressure, including alcohol or drugs, to have sexual contact with someone. Coercion is more than an effort to persuade, entice, or attract another person to have sexual contact. When a person makes clear a decision not to participate in a particular sexual activity, continued pressure can be coercive.
 - ii. Intimidation means an implied threat that menaces or causes reasonable fear in another person.
 - iii. Physical violence means the use of violence and/or imposing on someone physically to control and engage in sexual contact or intercourse. It includes, but is not limited to, hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.
 - iv. Threats means words or actions that would compel a reasonable person to engage in unwanted sexual activity.
- (d) The minimum sanction for engaging in sexual misconduct is Suspension II and the maximum sanction is Expulsion II, as determined by the decision maker after considering relevant facts and circumstances.

2.6.8 Property Damage

Property damage includes, but is not limited to, defacing, damaging, or destroying property that is not owned by the person causing the damage. Damaging property is prohibited.

2.6.9 Weapons

Possession, brandishing, or use of firearms, explosives, destructive devices, knives, or other dangerous articles that could be used to cause harm by its manner of use, at Fraternity meetings, events, whether sanctioned or not, and/or properties is prohibited.

2.6.10 Unauthorized or Fraudulent Participation in Fraternity Activities

- (a) Engaging in Fraternity activities that violate the terms of any conduct sanction is a violation of Omega Rules for which additional sanctions may be imposed on the Brother participating.
- (b) Creating shadow organizations comprised of Brothers belonging to an inactive or revoked chapter, for the purposes of maintaining an organizational semblance of the Fraternity on a campus or in the community.
- (c) Sponsoring promoting, and/or participating in the promotion and/or implementation of unsanctioned events without full endorsement of the Fraternity.
- (d) Unauthorized or fraudulent participation in Fraternity activities is prohibited.

2.6.11 Disruption and Obstruction

- (a) Disruption and Obstruction includes, but is not limited to, the following:
 - 1. Failure to comply with the lawful order or reasonable request of an identified Fraternity official, any law enforcement official, any emergency responder, or any protective order.
 - 2. Failure to report Code violations.
 - 3. Providing false or misleading information to a Fraternity official, law enforcement official, paramedics, or other medical staff. This may include causing an advisor, advocate, or legal representative to submit false or misleading information on behalf of the Brother or the Fraternity.
- (b) Acts that disrupt the Fraternity's investigation process, including but not limited to: attempting to coerce or influence a person regarding the reporting of a conduct violation or a person's participation in any conduct proceeding; avoiding or impeding communication in regard to a conduct proceeding; actively disrupting a meeting or proceeding; behavior which disrupts or obstructs Fraternity operations or previously scheduled or reserved activities; providing false information during an investigation; failure to cooperate in an investigation; or failure to obey a summons from the Supreme Council, District Representative, or the representative of a fact finding team.
- (c) Disruption and obstruction is prohibited.

2.6.12 Falsification and Misrepresentation

Falsification and Misrepresentation includes forgery, alteration, unauthorized duplication, or misuse of identification, documents, communications, records, or falsifying, or being party to the falsification of any record, including oral or written communication or documents of fraternal import. This also includes providing false information in a report, investigation, or University conduct resolution meeting or proceeding. Falsification and misrepresentation is prohibited.

2.6.13 Retaliation

- (a) Retaliation means any creation of a hostile environment or adverse action threatened or taken against an individual because the individual made a report pursuant to this Code; assisted another person in making a report; participated in the investigation or resolution of a report; in good faith and in a reasonable manner opposed conduct that they believed constitutes a violation of Omega Rules.
- (b) An individual filing a good faith complaint, in and of itself, is not retaliatory.
- (c) Retaliation is prohibited.

2.6.14 Renouncing Membership in the Fraternity

- (a) A Brother who affirmatively renounces his membership in the Fraternity, orally or in writing, violates Omega Rules. A renouncing Brother is deemed to have voluntarily abandoned his membership in the Fraternity. Such Former Brother shall not be afforded any of the rights of membership, and without exception, and upon written affirmation, or other affirmation, shall be removed from the membership rolls.
- (b) The sanction for renouncing membership in the Fraternity is the self-imposed permanent removal of membership in Omega Psi Phi, Fraternity, Inc. based solely upon the voluntary renunciation.

2.6.15 Misuse of Social Media

- (a) Social Media shall be used responsibly. Brothers shall familiarize themselves with the Fraternity's Social Media Policy. Brothers are personally responsible for their own social media posts, and for posts from their social media accounts if made by others. Generally, Brothers shall be civil, not use slurs, obscenities, or discriminatory remarks, and shall show respect for the Fraternity, and individuals. No information should be posted on social media that could cause damage to the Fraternity or its interests.
- (b) Brothers shall not discuss, post, publish, or otherwise transmit over public facing social media platforms the Fraternity's sacred, secret, confidential, trademarked, or proprietary information, contracts, business processes or other sensitive matters.
- (c) Misuse of social media is prohibited.

2.6.16 Releasing Information from International or District Roster

Releasing, publishing, posting on social media, texting, or disclosing to anyone information from the International or Districts' roster of members, or any other document from the international or Districts' website is strictly prohibited.

2.6.17 Ritual or Other Sacred Documents

No Brother shall sell a Fraternity Ritual or other Sacred Fraternal Document. No Brother shall post, publish, or share in any way any information from the Fraternity Ritual or other sacred document. Such conduct is prohibited.

2.7 MISCONDUCT COMMITTED BY CHAPTERS

Any Chapter which is found to have engaged in any conduct violative of Omega Rules may be sanctioned.

The sanction for any Chapter that has exhibited a historical pattern and/or practice of authorizing, allowing, or condoning violent conduct, if substantiated, is a minimum five-year suspension. Historical practice means three or more incidents in a five-year period.

The sanction for any Chapter that has authorized or condoned or engaged in unauthorized initiations is a minimum three-year suspension.

For any other substantiated violations, the appropriate punishment shall be determined by the District Representative.

2.8 COMPLAINTS OF CODE VIOLATIONS

Any person may communicate an alleged violation of Omega Rules by submitting a written complaint to a Chapter Basileus, District Representative, State Representative, Membership Selection Committee Chairperson, or to the Executive Director of Omega Psi Phi Fraternity, Inc.

Any person may make an oral complaint to any of the officials listed above. In such case, the official receiving the oral complaint shall immediately ask the person making the complaint to put it in writing. Should the person refuse to write the complaint, the Official receiving the complaint shall immediately write what was reported to him.

Any official named above on receiving a complaint alleging a violation of Omega Rules shall immediately send the complaint to the District Representative and the District Counselor for the District where the violation is alleged to have occurred. Should it involve a matter for which the Supreme Council has original jurisdiction, the District Representative shall immediately forward the complaint to the Executive Director and Grand Counselor.

2.9 INVESTIGATIONS

2.9.1 Responsibility of District Representative

Upon receipt of a report of an alleged violation of Omega Rules, the responsible District Representative shall have the District Counselor prepare and submit a 48-hour Incident Report to the Grand Counselor and initiate an investigation. The District Representative shall order that the investigation be conducted and/or supervised by the District Counselor. The District Counselor shall adhere to the investigative processes and procedures provided for in the District Counselor's Manual, his own professional judgment, or other investigative techniques he deems necessary.

2.9.2 Fact-Finding Team

The responsible District Counselor shall conduct and/or supervise investigations. The District Counselor may utilize a Fact-finding Team who shall work under the direction and guidance of the District Counselor in his capacity as a licensed attorney at law. Investigations so conducted under the direction of an attorney shall be deemed attorney-work product.

2.9.3 Investigatory Reports

The District Counselor shall prepare and deliver a Report, marked attorney-client privileged, inclusive of the findings of fact and the District Counselor's legal recommendation to the District Representative within ten (10) days after the investigation is concluded.

2.10 CHARGES

Upon receipt of an Investigatory Report, the District Representative shall determine whether the report of a violation of Omega Rules shall result in a charge of misconduct or be deemed unfounded.

If the report is deemed unfounded the matter shall be dismissed without further action.

If the report results in the District Representative concluding that the Brother or Brothers should be charged, the District Representative shall prepare a formal charge of misconduct within five (5) days of his receipt of the Investigatory Report. The Charge shall be delivered to the accused Brother immediately after the Charge has been prepared via certified U.S. mail, return receipt requested and email. It is presumed for the purposes of this Code that any notice was received within three (3) days from the date it was mailed.

2.11 RIGHTS OF THE ACCUSED

A Brother charged with misconduct under this Code has the following rights:

1. The right to a copy of the formal charge prepared by the District Representative.
2. The right to have a hearing before the District Representative or his designee, which may be the District Council, or another panel or Brother designated by the District Representative.
3. The right to at least 10 days' notice of the hearing date, time, place, and format.
4. The right to appear in person for the hearing.
5. The right to be heard during the hearing.
6. The right to an advisor who is a financial member of the Fraternity.

2.12 HEARING AUTHORITY

2.12.1 The Supreme Council – When Exercising Original Jurisdiction

The Supreme Council has the authority to conduct hearings pursuant to the exercise of its original jurisdiction. The Supreme Council has Original Jurisdiction in matters deemed extraordinary as defined herein, and in matters involving a member of the Supreme Council, the Executive Director, or other National or International Officer. The Supreme Council may utilize the procedures found within this Code, its own procedures, or a combination of both, to receive complaints, investigate, charge, and hold hearings.

2.12.2 The Supreme Council – Original Jurisdiction for Extraordinary Matters

In matters deemed extraordinary, the Supreme Council is authorized to take up and hear the matter and to act as necessary to protect the best interests of Omega Psi Phi, Fraternity, Inc., up to and including the revocation (Expulsion II) of any Brother's membership in the Fraternity. The charge may be heard without the accused Brother being present, and a sanction may be issued. The Supreme Council may utilize the procedures found within this Code or its own procedures, to receive complaints, investigate, charge, and hold the hearing.

2.12.3 District Representatives' Hearing Authority

The District Representative has original jurisdiction to conduct hearings and to issue sanctions for matters arising within the territorial limits of his District unless the Supreme Council is exercising its original jurisdiction.

2.12.4 Individual Chapter Hearing Authority

A Chapter Basileus may request the permission of the District Representative to investigate, charge if necessary, conduct a hearing, and sanction a member of his Chapter in accordance with the provisions of this Code. If such approval is granted, the Chapter Basileus shall act as a designee of the District Representative and shall follow all aspects of this Code related to the rights of Brothers and the process for hearings.

A Chapter Basileus must make a recommendation to the District Representative of proposed sanctions, which may be accepted or modified.

2.13 HEARING REQUEST, ACCEPTANCE OF RESPONSIBILITY, NO RESPONSE WAIVER, FAILURE TO APPEAR

2.13.1 Request for Hearing

A Brother who has been charged with misconduct shall inform the District Representative within seven (7) days of his receipt of the charge whether he elects to have a hearing.

2.13.2 2.14.2 Acceptance of Responsibility

A Brother may notify the District Representative, within seven (7) days of his receipt of a charge that he accepts responsibility for his misconduct and waives his right to a hearing. At such time the Brother may also submit to the District Representative any mitigating information he would like considered in determining the appropriate sanctions. If responsibility is accepted and the hearing is waived, the District Representative may issue the sanction he deems appropriate, but may take the acceptance of responsibility, and any mitigating information into account in determining whether he will lessen the sanction.

2.13.3 No Response Waiver

A Brother who does not notify the District Representative that he desires to have a hearing within the prescribed time frame waives his right to a hearing. In such case, the District Representative proceeds to consider available information, and in the Brother's absence may issue any sanction he deems appropriate.

2.13.4 Failure to Appear

A Brother who fails to appear for his scheduled hearing without a valid reason is deemed to have waived his right to be heard and the hearing may proceed in his absence. Following such an instance, the District Representative may issue any sanction he deems appropriate.

2.14 CONDUCTING HEARINGS

Hearings shall be conducted pursuant to the following guidelines:

1. The presiding officer, with the advice of the District Counselor, shall call the hearing to order and conduct an orderly review of the matter in a hearing format and shall accept documentary and oral statements in an orderly fashion.
2. The presiding officer shall have control over the hearing process and acceptance of documents and statements, including opening and closing statements, witness statements and limited cross examination of witnesses.

3. The complainant and the charged Brother have the right to be assisted by any advisor they choose, who must be a financial Brother, at their own expense, who shall not be allowed to address the presiding officer.
4. After all the documents and statements have been presented, the District Representative or his designee shall determine whether the Charged Brother has violated any Omega Rule, and the appropriate sanction. The decision shall be made separately on each charged offense and separately as to each accused Brother.
5. The District Representative or his designee's determination shall be made based on whether it is more likely than not that the charged Brother committed misconduct.
6. Should the matter be heard by a designee of the District Representative, such designee shall make a recommendation to the District Representative regarding each violation and proposed sanctions.
7. The District Representative may accept the recommendation, modify it, or overrule it.
8. Within five (5) days following the decision of the District Representative, the District Representative shall send his written decision of outcome, and when appropriate, sanction to the charged Brother by certified U. S. mail, return receipt requested and email.
9. If the District Representative's decision is to impose the sanction of indefinite suspension, the decision shall inform the Brother of his right to appeal directly to the Grand Tribunal within thirty (30) calendar days from the Brother's receipt of the decision. It is presumed for purposes of this Code that any decision was received within three (3) days from the date it was mailed.
10. If the District Representative's decision is to recommend to the Supreme Council that the charged Brother be expelled, the decision shall notify the accused Brother that the Supreme Council will make the final determination.
11. Should the Supreme Council accept the District Representatives recommendation to expel a charged Brother, the Brother shall be notified by certified U.S. Mail, return receipt requested and email, within five (5) days of the Supreme Council's decision to expel and informed within such notice of decision that he has thirty (30) calendar days within which to appeal the decision of expulsion to the Grand Tribunal. It is presumed for purposes of this Code that any decision was received within three (3) days from the date it was mailed.

2.15 INTERIM SANCTIONS

When necessary to protect the Fraternity and its best interest, an interim sanction may be imposed on any Brother or Chapter accused of misconduct.

The Grand Basileus, Supreme Council, or District Representative may at any time impose an interim sanction upon a Brother or Chapter, with or without a hearing. Interim sanctions, in compelling cases, may include Expulsion I or Expulsion II. Interim sanctions shall remain in place as long as it takes the Fraternity to conclude its investigations, which may include waiting for the conclusion of investigations by external organizations or entities.

Any Brother or Chapter upon whom interim discipline has been imposed shall be denied access to Fraternity activities or privileges, including chapter activities, for which the Member or Chapter might otherwise be eligible, as the District Representative, Grand Basileus, or Supreme Council may determine to be appropriate.

2.16 SANCTIONS – THE INDIVIDUAL BROTHER

2.16.1 Available Sanctions – The Individual Brother

Any Brother found to have violated Omega Rules shall be subject to one or more of the disciplinary measures within this Article XII as determined by, and in the discretion of, the appropriate decision maker.

Where a specific minimum sanction has been provided for Conduct Violative of Omega, the sanction must be the minimum sanction or higher. However, If Amnesty or Acceptance of Responsibility is implicated, the sanction, in the discretion of the decision maker, may be reduced below the minimum.

Only the Supreme Council may issue a sanction of Expulsion I or Expulsion II.

- (a) **Written Reprimand** – A formal written rebuke, which may include an outline of required corrective actions to be taken by the Brother.
- (b) **Fine** – Payment of a sum of money. A Brother fined as a sanction shall, within the time prescribed, pay the fine to the Chapter, District, or International Office. Refusal or failure to pay the fine assessed shall subject the Brother to being declared non-financial and thereby denied the privileges of membership.
- (c) **Restitution** - Compensation required to reimburse or make whole the Fraternity, District, Chapter, entity or any individual for losses, damages or injury sustained because of the Brother's actions in violation of Omega Rules. This may take the form of appropriate service and/or monetary or material replacement of damaged or destroyed property.
- (d) **Probation** - Probation is a sanction that restricts active status subject to the provisions of any penalties instituted by Fraternity authority. Probation shall not exceed five (5) years. A member on probation shall follow the limitations, restrictions, and terms of the probation and pay all dues, fees, and assessments applicable to all Members in good standing and any directives imposed because of violations that lead to the Brother

being placed on probation, unless expressly excused therefrom by the terms of the designated probation.

(e)

Removal from Office – Any elected or appointed Fraternity officer or official who is found to have violated this Code may be removed from office in addition to any other sanction.

(f) **Suspension I** - The sanction for Suspension I is removal of a Brother from active to inactive status for a predetermined period, not to exceed three years. The suspended member shall:

- i. Remove himself and his personal effects from the property of the Chapter, the Districts, and the International office and he may not return unless and until expressly permitted to do so by the District Representative or Supreme Council.
- ii. Not attend any Fraternity meetings, vote, or hold office, nor shall he attend any Fraternity gathering not attended by the public unless and until expressly permitted to do so by the District Representative of the suspending District, or the Supreme Council.
- iii. Cease to identify himself with the Fraternity in any manner in any place, including but not limited to, social media platforms, unless and until expressly permitted to do so by the District Representative of the suspending District, or the Supreme Council.

(g) **Suspension II** - The sanction for Suspension II is removal of a Brother from active to inactive status for a predetermined period which is more than three years, but not to exceed five years. The suspended member shall:

- I. Remove himself and his personal effects from the property of the Chapter, the Districts, and the International office and he may not return unless and until expressly permitted to do so by the District Representative or Supreme Council.
- II. Not attend any Fraternity meetings, vote, or hold office, nor shall he attend any Fraternity gathering not attended by the public unless and until expressly permitted to do so by the District Representative of the suspending District, or the Supreme Council.
- III. Cease to identify himself with the Fraternity in any manner in any place, including but not limited to social media platforms, unless and until expressly permitted to do so by the District Representative of the suspending District, or the Supreme Council.

(h)

Indefinite Suspension - The sanction for Indefinite Suspension is removal of a Brother from active to inactive status for an undefined or indefinite period. Upon being suspended indefinitely the Brother shall:

- I. Remove himself and his personal effects from the property of the Chapter, the Districts, and the International office and he may not return unless and until expressly permitted to do so by the District Representative or Supreme Council.
- II. Not attend any Fraternity meetings, vote, or hold office, nor shall he attend any Fraternity gathering not attended by the public unless and until expressly permitted to do so by the District Representative of the suspending District, or the Supreme Council.

- III. Cease to identify himself with the Fraternity in any manner in any place, including but not limited to social media platforms, unless and until expressly permitted to do so by the District Representative of the suspending District, or the Supreme Council.
- (i) **Expulsion I** - The sanction for Expulsion I is the revocation by a vote of the Supreme Council of the membership status, of an active Brother, or inactive Brother. An expelled Brother shall surrender to the Executive Director of the Fraternity his official membership certificate, membership card, and his official pin, along with all regalia, insignia, clothing, rituals, documents, Fraternity property of every kind, or jewelry bearing any identity with the Fraternity; not attend any meeting of the Fraternity or subsidiary or affiliate organizations; remove himself and his personal effects from the property of the Chapter, the District and the International office and he may not return on any occasion; cease to identify himself as a Fraternity member in any manner, anywhere, including but not limited to social media platforms, and continue to maintain the confidences of the Fraternity and is prohibited from disclosing, or otherwise transmitting or communicating any of the Fraternity's trade-secret, confidential, sacred, or proprietary information to any non-fraternity member at any time. An expelled Brother shall not identify himself to any person or Brother as a member of the Fraternity. An expelled Brother under this provision may request reinstatement after ten years as provided for in this Code. Violation of any portion of this provision may subject the expelled member to additional legal sanctions as may be available to the Fraternity to protect its rights.
- (j) **Expulsion II** - The sanction for Expulsion II is Revocation of Membership. It is the permanent revoking and removal of membership in Omega Psi Phi Fraternity, Inc., by a vote of the Supreme Council. In such case, not only is the active or inactive membership status revoked, but membership is taken away entirely. A member whose membership has been revoked shall not be listed on the rolls of the Fraternity. A Former Brother who's membership is revoked shall surrender to the Executive Director of the Fraternity his official membership certificate, membership card, and his official pin, along with all regalia, insignia, clothing, rituals, documents, Fraternity property of every kind, or jewelry bearing any identity with the Fraternity; not attend any meeting of the Fraternity or subsidiary or affiliate organizations; remove himself and his personal effects from the property of the Chapter, the District and the International office and he may not return on any occasion; cease to identify himself as a Fraternity member in any manner, anywhere, including but not limited to social media platforms, and continue to maintain the confidences of the Fraternity and is prohibited from disclosing, or otherwise transmitting or communicating any of the Fraternity's trade-secret, confidential, sacred, or proprietary information to any non-fraternity member at any time. A Former Brother shall not identify himself to any person or Brother as a member of the Fraternity. An expelled Brother under this provision may request reinstatement after ten years as provided for in this Code. Violation of any portion of this provision may subject the expelled member to additional legal sanctions as may be available to the Fraternity to protect its rights.
- (k) **Renunciation of Membership** – The sanction for renunciation of membership is the self-imposed permanent removal of membership in Omega Psi Phi, Fraternity, Inc. A member whose membership has been renounced shall not be listed on the membership rolls of the Fraternity. A renouncing Former Brother shall surrender

to the Executive Director of the Fraternity his official membership certificate, membership card, and his official pin, along with all regalia, insignia, clothing, rituals, documents, Fraternity property of every kind, or jewelry bearing any identity with the Fraternity; not attend any meeting of the Fraternity or subsidiary or affiliate organizations; remove himself and his personal effects from the property of the chapter, the district and the international office and he may not return on any occasion; cease to identify himself as a Fraternity member in any manner, anywhere, including but not limited to social media platforms, and continue to maintain the confidences of the Fraternity and is prohibited from disclosing, or otherwise transmitting or communicating any of the Fraternity's trade-secret, confidential, sacred, or proprietary information to any non-fraternity member at any time. A renouncing Former Brother shall not identify himself to any person or Brother as a member of the Fraternity.

- (I) **Any other Appropriate Sanction.** The Fraternity may determine and impose any other appropriate sanction, if such sanction is not expressly prohibited by Omega Rules, including the Constitution and By-Laws.

2.17 SANCTIONS -THE ACTIVE CHAPTER

2.17.1 Available Sanctions - Chapters

Any Chapter found to have violated Omega Rules shall be subject to one or more of the following disciplinary measures:

- (a) **Fine** – Payment of a sum of money. A Chapter that is fined shall, within the time prescribed, pay the fine to the District, or International Office. Refusal or failure to pay the fine assessed shall subject the Chapter to further discipline.
- (b) **Reprimand** – A Chapter that is reprimanded shall receive a formal letter of rebuke inclusive of the steps necessary for it to correct any actions or activities that lead to the issuance of the reprimand.
- (c) **Publicity in the Oracle and District Publications** - Publicity in the Oracle and/or District Publications shall be to make public a Chapters' transgressions against Omega.
- (d) **Probation** - A Chapter placed on probation may be subject to any or all the following sanctions:
 - i. The right to participate in Fraternity Programs, hold social events, or participate in fraternity meetings and activities.
 - ii. The right to participate in membership activities.
 - iii. The right to publish information in the Oracle and District reports.
 - iv. The right to have membership intake.
- (e) **Suspension** - A suspended chapter shall be denied the right to operate as a Chapter of the Fraternity for a definite or indefinite period.
- (f) **Deactivation** - A deactivated Chapter shall lose all privileges, including university or city recognition, for a specified period. Such Chapter will not be listed as a Chapter in the Fraternity's books or the records of the university.

- (g) **Revocation of Charter** - Revocation of the Charter means the Chapter ceases to exist for all purposes. The Fraternity can require that the Chapter surrender to the Fraternity's Executive Director all Fraternity books, files, paraphernalia, charter, constitution, and rituals, or any other Fraternal information or documents.
- (h) **Any other Appropriate Sanction**. The Fraternity may determine and impose any other appropriate sanction, if such sanction is not expressly prohibited by Omega Rules, including the Constitution and By-Laws.

2.18 FINALITY OF SANCTIONS UNDER THIS CODE OF CONDUCT

2.18.1 Expulsions

Except for expulsions, which may be appealed to the Grand Tribunal, decisions of the Supreme Council are final. The Supreme Council, in its discretion, is authorized by Omega Rules to make a second review of expulsion appeal decisions of the Grand Tribunal and may overturn a decision issued by the Grand Tribunal upon such second review if the Grand Tribunal overturned its initial decision. Such second review and decision by the Supreme Council, if had, is final. If there is no second review by the Supreme Council, the Grand Tribunal's decision is final.

2.18.2 Indefinite Suspensions

Except for indefinite suspensions, which may be appealed to the Grand Tribunal, decisions of District Representatives are final pending the appeal process provided for herein for indefinite suspensions and recommendations of expulsion.

2.18.3 When No Appeal Filed and When No Right to Appeal Exist

Any matter for which no appeal is timely filed is final. Any matter for which no right of appeal exists is final.

2.18.4 Exceptions

The supreme authority to issue sanctions for violation of Omega Rules rests with the Supreme Council. In the event a Chapter or District Representative has issued discipline that the Supreme Council has deemed inappropriate, the Supreme Council may take the matter up for review. The Supreme Council, for good cause, may reverse any sanction and/or implement a sanction it deems in the best interests of Omega Psi Phi, Fraternity, Inc.

In the event a Chapter has issued discipline that the District Representative has deemed inappropriate, the District Representative may intervene and impose a disciplinary action he deems in the best interests of Omega Psi Phi, Fraternity, Inc. A District Representative has the authority to review, modify, alter, or overturn any sanction issued by a Chapter.

2.19 HONORING SANCTIONS UNDER THIS CODE OF CONDUCT

When any sanction has been imposed upon a Brother, the penalty shall be honored and binding upon all individual members, Chapters, Districts, the International Office.

2.20 APPEALS

Appeals to the Grand Tribunal may be taken on imposition of a sanction of Expulsion or Indefinite Suspension. A Brother who petitions the Grand Tribunal for review shall submit his appeal within thirty (30) calendar days from his receipt of the decision of Expulsion or Indefinite suspension. It is presumed that any notice of decision sent via U.S. mail, return receipt requested, to the last address on file for the Brother was received by the Brother within 3 days after it was placed in the U.S. Mail. The appeal shall be in writing and shall be delivered to the Executive Director at Fraternity headquarters, by first class or certified U.S. mail or electronic mail. The Executive Director shall in turn deliver said petition immediately to the Chair of the Grand Tribunal who shall promptly acknowledge receipt of the appeal, determine whether it falls within the Grand Tribunal's jurisdiction and, if so, schedule the appeal for consideration.

The Grand Tribunal's review is limited to 1) determining whether the petitioner was awarded a fair hearing at the District level; and 2) determining whether the discipline imposed is commensurate with the violations.

2.21 REINSTATEMENT

2.21.1 Request for Reinstatement After Expulsion

A Brother who was sanctioned with Expulsion I or Expulsion II may apply for reinstatement after having been expelled for a minimum of 10 years. The expelled Brother must present a petition for reinstatement to the Fraternity's Grand Tribunal. The petition for reinstatement shall contain: (a) a narrative history of his association with the Fraternity; (b) written confirmation that the terms of the expulsion were complied with; (c) circumstances of the expulsion; (d) the reasons for the application for reinstatement; (e) and an essay describing why he should be reinstated. The reinstatement application must be presented in writing to the Grand Tribunal by submitting it to International Headquarters to the attention of the Executive Director. The Grand Tribunal may also accept statements from the District Representative, District Council, representative of the fact-finding team, Brothers, or others knowledgeable about facts of the expulsion and reason why the Brother should or should not be reinstated.

Only upon a clear showing that the Brother has reformed and is not likely to engage in any further misconduct should the Grand Tribunal reinstate a Brother who has been expelled. The Grand Tribunal may restore the Brother to full membership in good standing, restore him to membership on a lesser disciplinary status, or deny his application for reinstatement. If the

application is denied, the expelled member may not re-present his application for a period of at least one calendar year.

2.21.2 Request for Reinstatement from Indefinite Suspension

An indefinitely suspended Brother seeking reinstatement shall, in writing, request reinstatement by delivering the written request to the District Representative of the District in which the indefinite suspension was issued. The request for reinstatement shall include a written statement addressing whether the terms of the indefinite suspension have been complied with and shall recite the substance of the factors warranting reinstatement. The District Representative may then hear statements from other Brothers or others knowledgeable about facts of the indefinite suspension and may allow the suspended member to be present for the discussion. After considering the information available to him, the District Representative shall determine whether to grant the application for reinstatement.

2.21.3 Reinstatement from Suspension I or Suspension II

At the conclusion of the designated period of suspension, following acknowledgment from the District Representative, a Brother shall be entitled to return to active status at the conclusion of the suspension period, and automatically returned to good standing unless he is in violation of the terms of said suspension, and subject to further disciplinary action. All requirements to be an active Brother in good standing must be fulfilled.

2.21.4 Request for Early Discharge from Probation

Only the District Representative of the District in which the probation was issued may remove a member from probation before the probationary period. Otherwise, probation automatically ends when the term-imposed ends and all requirements to be an active Brother have been fulfilled.

2.21.5 Financial Requirement for Reinstatement

No reinstatement, regardless of the circumstances, shall become effective prior to the reinstated Brother paying all regular fees, dues, assessments, and fines incurred or assessed upon him prior to and during the disciplinary period, including general dues, unless exempt from the dues by the terms of the discipline issued. If a sanction of suspension has been completed such Brother will be noted as inactive until all of the financial requirements have been met.

2.22 INTERPRETATION AND REVIEW

2.22.1 Interpretation

The official interpreter of this Member Code of Conduct is the Grand Counselor. Should any question of interpretation regarding this Member Code of Conduct arise it shall be referred to the Grand Counselor for an official interpretation.

2.22.2 Review Requirement

This Member Code of Conduct shall be reviewed at least every three (3) years under the direction of the Grand Basileus and the Grand Counselor.

2.22.3 Not A Contract

This Member Code of Conduct is not a contract, and it does not establish any contractual obligations or rights between Brothers and the Fraternity. No cause of action arises in a court of law or otherwise based on this Code of Conduct.

2.22.4 Administrative Guideline

This Member Code of Conduct is an administrative guideline for uniform enforcement of internal Fraternity Rules.

2.22.5 Only Omega

This Member Code of Conduct is internal to Omega Psi Phi Fraternity, Inc. and has no relationship to, nor is it based upon, procedures utilized by any other forum.