



# STUDENT & CHAPTER CODE OF CONDUCT

## INTRODUCTION

The Student Conduct Code outlines the process by which alleged violations are investigated and adjudicated. This written code clearly defines prohibited conduct and provides a fair procedure for all cases. The role of educational discipline is foremost in the process of sanctioning. This conduct process is not intended to punish. Rather, it exists to protect the greater interest of the Fraternity, to challenge those whose behavior is not in accordance with established standards, to deter future conduct violations, and to educate members on their responsibilities as brothers and as members of their campus community. Sanctions are intended to challenge members' moral and ethical decision-making and to help them bring their behavior in accord with Fraternity expectations. When a member or undergraduate chapter is unable to conform to the expectations of the Fraternity, the conduct process may determine that they should no longer share in the privilege of participating in the Fraternity.

## I. PHILOSOPHY

**1.1 Philosophy.** Alpha Delta Phi Fraternity is a values-based membership organization that focuses on building the entire man through developing their social, moral and intellectual character. The Fraternity exists on the basis of shared values and principles. Members of the Fraternity are expected to uphold and abide by certain standards of conduct as established in the Covenant, Constitution, Bylaws, Ritual of the Fraternity, and resolutions and policies of the Convention and the Board of Governors; as well as any provisions of chapter bylaws or house rules. Additionally, members are expected to hold each other accountable to these standards. When members of Alpha Delta Phi fail to exemplify these values, conduct proceedings are used to assert and uphold these expectations.

## II. RESPONSIBILITIES AND RIGHTS

**2.1 Respondent's Rights.** Every member has a duty to understand and abide by the Covenant, Constitution, Bylaws, Ritual of the Fraternity, and resolutions and policies of the Convention and the Board of Governors; as well as any provisions of chapter bylaws or house rules. Ignorance of a specific provision is not an acceptable defense. Members accused of conduct violations have the following rights:

- (a) To be informed of the charges against them;
- (b) To request an informal resolution of the case;
- (c) To be allowed a reasonable time to prepare a defense;
- (d) To hear and respond to evidence upon which a charge is based;
- (e) To appeal as provided herein;
- (f) To waive some or all of these rights.

**2.2 Right to Written Notice.** Where required, notice may be given to any member or subordinate chapter in writing or via electronic mail.

**2.3 Right to an Advisor.** Complainants and Respondents have the right to be advised by a member of the Fraternity of their choosing. Advisors must be students or alumni volunteers.

**2.3.1** The role of the advisor is limited to consultation only.

**2.3.2** Because the purpose of this conduct process is to provide a fair review of alleged violations of this Code rather than a formal legal proceeding, participation of persons acting as legal counsel is not permitted.

**2.3.3** Advisors may be present during conduct proceedings but may not serve as witnesses, address the hearing bodies, or question witnesses. Advisors may quietly confer with their advisees, exchange notes, or suggest questions to their advisee.

### III. JURISDICTION

**3.1 Application to Students and Undergraduate Chapters.** The Conduct Code ("Code") applies to undergraduate student members and undergraduate chapters of the Fraternity.

**3.2 Undergraduate Chapter Jurisdiction.** Each undergraduate chapter shall have jurisdiction to institute conduct proceedings concerning any of its members.

**3.3 International Jurisdiction.** The International Fraternity may adjudicate:

- (a) alleged misconduct by any student member of the Fraternity;
- (b) alleged misconduct by any undergraduate chapter of the Fraternity.

**3.4 Statute of Limitations.** There is no time limit for reporting violations of the Code or adjudicating alleged misconduct.

## IV. PROHIBITED CONDUCT

**4.1 Student Misconduct.** This Code is not written with the specificity of a criminal statute, nor is it intended to cover every instance of potentially prohibited conduct. The Fraternity expects its members, wherever they are, to adhere to high standards of honor and good citizenship and to conduct themselves according to the Covenant of the Alpha Delta Phi, in a responsible manner that brings credit to the Fraternity. Undergraduate student members may not:

- (a) Violate of any provision of the Constitution, Bylaws, Ritual of the Fraternity, and/or resolutions and policies of the Convention or the Board of Governors;
- (b) Fail to comply with the directives of the Executive Director, or any other officer of the Fraternity while performing their official duties and responsibilities;
- (c) Violate the trust imposed in them as elected or appointed leaders of the undergraduate chapter;
- (d) Cause a reasonable expectation of harm in another person, including harassing, hate speech, intimidating, or using implied threats;
- (e) Create a health or safety hazard (e.g. engage in danger pranks, hang out of windows, climb on roof, etc.);
- (f) Violate applicable policies, procedures, governing documents of the Alpha Delta Phi Fraternity;
- (g) Violate applicable federal, state, provincial or locals laws on:
  - (i) The use, sale, or possession of alcohol;
  - (ii) The use, sale, or possession of illegal drugs or controlled substances;
  - (iii) Hazing;
  - (iv) Sexual misconduct, including sexual harassment, sexual violence, domestic violence, dating violence, and sexual exploitation;
  - (v) The use or possession of firearms or incendiary devices;
  - (vi) Assault and battery; or
  - (vii) Non-retaliation;
- (h) Fail to meet financial responsibilities and obligations to the Fraternity;
- (i) Damage or destroy another property;
- (j) Take away another's property without permission - including property of the Fraternity;
- (k) Knowingly possesses stolen property;
- (l) Abuse or interference with the Fraternity's conduct process, including but not limited to, by:
  - (i) falsifying, distorting, or misrepresenting information;
  - (ii) failing to provide, destroying, or concealing information during an investigation into alleged misconduct;
  - (iii) attempting to discourage a person's participation in or use of the organization's conduct process;

- (iv) verbally or physically harassing or intimidating a member of a hearing body prior to, during, or after a conduct proceeding; or
- (v) influencing or attempting to influence another person to commit an abuse of the organization's conduct process; or
- (m) Violate the terms of any sanction imposed in accordance with the Code.

**4.2 Undergraduate Chapter Misconduct.** Undergraduate Chapters of Alpha Delta Phi may not:

- (a) Violate of any provision of the Constitution, Bylaws, Ritual of the Fraternity, and/or resolutions and policies of the Convention or the Board of Governors;
- (b) Fail to comply with the directives of the Executive Director, or any other officer of the Fraternity while performing their official duties and responsibilities;
- (c) Violate the trust imposed in them as elected or appointed leaders of the undergraduate chapter;
- (d) Cause a reasonable expectation of harm in another person, including harassing, hate speech, intimidating, or using implied threats;
- (e) Create a health or safety hazard (e.g. engage in danger pranks, hang out of windows, climb on roof, etc.);
- (f) Violate applicable policies, procedures, governing documents of the Alpha Delta Phi Fraternity;
- (g) Violate applicable federal, state, provincial or locals laws on:
  - (i) The use, sale, or possession of alcohol;
  - (ii) The use, sale, or possession of illegal drugs or controlled substances;
  - (iii) Hazing;
  - (iv) Sexual misconduct, including sexual harassment, sexual violence, domestic violence, dating violence, and sexual exploitation;
  - (v) The use or possession of firearms or incendiary devices;
  - (vi) Assault and battery; or
  - (vii) Non-retaliation;
- (h) Fail to meet financial responsibilities and obligations to the Fraternity;
- (i) Damage or destroy another property;
- (j) Take away another's property without permission - including property of the Fraternity;
- (k) Knowingly possesses stolen property;
- (l) Abuse or interference with the Fraternity's conduct process, including but not limited to, by:
  - (i) falsifying, distorting, or misrepresenting information;
  - (ii) failing to provide, destroying, or concealing information during an investigation into alleged misconduct;

- (iii) attempting to discourage a person's participation in or use of the organization's conduct process;
  - (iv) verbally or physically harassing or intimidating a member of a hearing body prior to, during, or after a conduct proceeding; or
  - (v) influencing or attempting to influence another person to commit an abuse of the organization's conduct process; or
- (m) Violate the terms of any sanction imposed in accordance with the Code.

## V. INTERIM SUSPENSION

- 5.1 Executive Director's Authority.** The Executive Director shall have the authority to impose an interim suspension on any chapter or undergraduate student member alleged to be involved in a violation of any provisions of the Constitution, Bylaws, Ritual of the Fraternity, and/or resolutions and policies of the Convention or the Board of Governors, or any official directive for a period not to exceed sixty (60) days.
- 5.2 Initial Meeting.** In cases where an interim suspension is imposed by the Executive Director, the party or parties suspended shall have the right to meet with the Executive Director or his representative upon the submission of a written request. The meeting shall be held within fourteen (14) days of this written request. If the meeting does not occur within the required timeframe, the interim suspension is automatically lifted.
- 5.2.1** The suspended party has the right to challenge:
- (b) the reliability of the information on which the interim suspension is based; and
  - (b) whether the alleged misconduct reasonably indicates the interim suspension is in the best interest of the Alpha Delta Phi Fraternity.
- 5.2.2** The Executive Director, or his representative; the Chapter Advisor, or his/her representative; the Respondent; the complaining party; and the chapter's Executive Council shall all be given the opportunity to be present at this meeting.
- 5.2.3** At the conclusion of the meeting, if the Executive Director or his representative retains the interim suspension, the interim suspension will be reviewed by the President of the Board of Governors within thirty (30) days of the meeting based on all available facts.
- 5.2.4** If the suspension is sustained by the President of the Board of Governors, the full Board of Governors shall review the case and take whatever further action it deems necessary.

## VI. ROLES IN THE CURRENT PROCESS

- 6.1 Complainant.** The Complainant is the person bringing the complaint. Students, volunteers, alumni or Executive Office staff may serve as Complainants. The Complainant may choose to be present for and participate in the conduct process as fully as the responding party.
- 6.2 Respondent.** The Respondent is the undergraduate student member or chapter alleged to have violated the Code.
- 6.3 Witness.** A witness is a person who may offer information regarding the alleged misconduct.
- 6.4 Investigator.** The Investigator is the Fraternity staff member or volunteer who presents the allegations and shares the evidence the organization obtained about the alleged misconduct.

## VII. PROCEDURAL STANDARDS AND EVIDENCE

- 7.1 Preponderance Standard.** The complaint against the Respondent must be established by a preponderance of the evidence, meaning a reasonable person would accept that it is “more likely than not” a fact is true or a violation occurred.
- 7.2 Factors for Finding Collective Responsibility.** A student chapter may be found responsible for collectively violating the Code when a preponderance of the evidence indicates:
- (a) a reasonable person would understand the behavior to fall within the scope of the student chapter’s activities;
  - (b) the student chapter or its officers sanctioned the behavior;
  - (c) the behavior occurred during an activity the student chapter sponsored or endorsed;
  - (d) the behavior occurred on the student chapter’s property;
  - (e) the student chapter or its students supported the behavior;
  - (f) the student chapter’s officers knew or should have known the behavior would occur and failed to prevent it; or
  - (g) the student chapter or its students lied about the behavior.
- 7.3 Written Notice Requirements.** Written notice may be given in person, mailed to the Respondent’s local or permanent address, or emailed to the Respondent’s recorded email address. Notice mailed or emailed is presumed delivered.
- 7.4 Inapplicability of Formal Evidentiary Rules.** Formal rules of evidence do not apply.

**7.5 Deviations from Prescribed Procedures.** Deviations from prescribed procedures will not invalidate a decision unless they result in significant prejudice to the Respondent or Complainant.

## **VIII. RESOLUTION BY THE EXECUTIVE OFFICE**

**8.1 Reporting Alleged Violations.** Any person may allege a violation of this Code by notifying the Executive Office in writing. The Executive Director or his designee will conduct a preliminary inquiry into alleged violations of the Code. The preliminary inquiry may determine:

- (a) There is insufficient evidence to pursue an investigation, because the alleged behavior, even if true, would not violate the Code;
- (b) the allegation requires additional investigation;
- (c) the case should proceed to an informal resolution; or;
- (d) the case should proceed to a formal hearing.

**8.2 Investigator Appointment.** When the preliminary inquiry determines the allegation requires additional investigation, the Executive Director or their designees may appoint an Investigator.

**8.2.1** The Investigator should be prompt, thorough, and impartial. The Investigator identifies relevant facts by conducting interviews, obtaining witness statements, or collecting evidence.

**8.2.2** The Investigator prepares a written report summarizing the investigation process and relevant facts identified.

**8.2.2** After reviewing the written report, the Executive Director determines whether there is sufficient evidence to proceed to an informal resolution or formal hearing.

**8.3 Informal Resolution Procedures.** When the Executive Director determines a preponderance of the evidence supports finding the Respondent responsible for violating the Code, the case may be resolved by informal resolution.

**8.3.1** The Executive Director may propose an informal resolution to the Respondent. The written proposal should:

- (a) outline the provisions of the Code for which a preponderance of the evidence supports a finding of responsibility;
- (b) describe the nature of the alleged misconduct in sufficient detail to allow the Respondent to accept or reject the finding of responsibility;
- (c) include a copy of the Investigator's report, if applicable;

- (d) outline appropriate sanctions for the misconduct; and
- (e) provide the Respondent with three [3] days to accept or reject the (a) findings and (b) the proposed sanctions.

**8.3.2** If the Respondent accepts the findings and the proposed sanctions, the case is resolved. The Respondent may not appeal the informal resolution.

**8.3.3** If the Respondent accepts the findings but rejects the proposed sanctions, the case proceeds to a sanction-only hearing.

**8.3.4** If the Respondent rejects the findings, the case proceeds to a formal hearing to determine responsibility and appropriate sanctions.

**8.4 Hearing Panel Procedures.** When a case proceeds to a hearing, a Hearing Panel adjudicates the case.

**8.4.1** The Board of Governors or their designee appoint a committee of hearing panelists annually at the Convention. For each hearing, the Board of Governors or their designee selects three panelists from the committee, including a Chair. The Chair ensures the hearing follows the outlined procedures.

**8.4.2** The Executive Director serves as the Complainant.

**8.4.3** The Executive Director will send the Respondent written notice of the hearing at least seven [7] days in advance. The notice must:

- (a) outline the provisions of the Code with which the Respondent is charged, including any provisions of the Code for which the Respondent accepted responsibility;
- (b) describe the nature of the alleged misconduct in sufficient detail to allow the Respondent to present a defense; and
- (c) indicate the date, time, and location or method (e.g., conference call, video conference) of the hearing.

**8.4.4** At least three [3] days before the hearing, the Complainant and Respondent will submit the following information to Chair:

- (a) A list of all pertinent witnesses to be called at the hearing;
- (b) Copies of all pertinent evidence to be presented at the hearing;
- (c) The names of any advisors accompanying the party at the hearing.



- 8.4.5** The panel will conduct the hearing according to the following guidelines:
- (a) The Hearing Panel may question any party or witness. The Complainant and Respondent may submit questions to the Chair, who will ask the questions at their discretion.
  - (b) The Hearing Panel will review the charges with the Respondent. The Respondent may admit or deny responsibility for each charge. If the Respondent admits responsibility for all charges, the Hearing Panel will only consider information to determine the appropriate sanction.
  - (c) The Complainant will have the opportunity to present information substantiating the Respondent's alleged misconduct, including pertinent witnesses, written statements, and other records.
  - (d) After the Complainant's presentation, the Respondent will have the opportunity to present a defense, including pertinent witnesses, written statements, and other records.
  - (e) The Hearing Panel may limit the number of character witnesses or accept written statements instead.
  - (f) After the presentation of all pertinent information, the Hearing Panel will excuse the parties and their advisors and deliberate.
  - (g) The Hearing Panel will determine, by a majority vote, whether the Respondent is responsible for each charge.
  - (h) If the Hearing Panel finds the Respondent responsible, the Hearing Panel determines the appropriate sanctions.
- 8.4.6** The Hearing Panel will keep minutes of all hearings. The minutes will serve as the sole record for all hearings. The minutes should accurately summarize the information presented by the Complainant, Respondent, and any pertinent witnesses. Deliberations will not be included in the minutes.
- 8.4.7** If the Respondent does not appear for the hearing, the hearing will proceed as scheduled and the Hearing Panel will consider the information substantiating the Respondent's alleged misconduct.
- 8.4.8** The Hearing Panel will notify the Respondents of the outcome in writing within seven [7] days of the hearing. The notice must include:
- (a) The determination of responsibility for each charge;
  - (b) Any sanctions assigned; and
  - (c) Any applicable appeal procedure.

## IX. SPECIAL PROCEDURE FOR SENSITIVE COMPLAINTS

**9.1 Jurisdictional & Procedural Limitations.** Cases involving sensitive complaints, including sexual misconduct and discrimination:

- (a) May be investigated under Section 8.3;
- (b) May only be adjudicated by a Hearing Panel under Section 8.4.

**9.2 Evidentiary Limitations in Cases Involving Alleged Sexual Misconduct.**

**9.2.1** An alleged victim's sexual history is not admissible.

**9.2.2** The Respondent's sexual history is only admissible if it reasonably demonstrates (a) a pattern, or (b) repeated or predatory behavior. The Hearing Panel Chair determines if evidence is relevant. The Respondent's sexual history may be established by previous findings in a campus or legal proceeding or previous good faith allegations.

## X. SANCTIONS

**10.1 Undergraduate Student Sanctions.** By a majority vote, a Hearing Panel may assign one or more of the following sanctions to any student for violating the Code:

- (a) Warning – written notice that continuation or repetition of prohibited conduct may be cause for additional conduct proceedings;
- (b) Probation – a designated period of time during which additional violations of the Fraternity's standards of conduct may result in more severe sanctions;
- (c) Educational programming – the completion of education programs or other discretionary sanctions necessary to develop the skills and/or knowledge necessary to prevent future violations;
- (d) Behavioral requirement - a required activity, including academic counseling, substance abuse screening, written apology letter, etc;
- (e) Fines - payments made to Fraternity not to exceed \$100;
- (f) Restitution - compensation for loss or damage of another's property;
- (g) Community service - a requirement that a student complete a specific, supervised service;
- (h) Removal from elected or appointed office;
- (i) Suspension - a student member's temporary separation from the chapter and the Fraternity for a designated period of time;
- (j) Expulsion - a student member's permanent separation from the chapter and the Fraternity;
- (k) Other sanctions - additional or alternative sanctions appropriate to the violation(s) as may be agreed upon by the Board of Governors and the Respondent.

**10.2 Undergraduate Chapter Sanctions.** By a majority vote, a Hearing Panel may assign one or more of the following sanctions to any undergraduate chapter for violating the Code:

- (a) Warning – written notice that continuation or repetition of prohibited conduct may be cause for additional conduct proceedings;
- (b) Probation – a designated period of time during which additional violations of the Fraternity’s standards of conduct may result in more severe sanctions;
- (c) Educational programming – the completion of education programs or other discretionary sanctions necessary to develop the skills and/or knowledge necessary to prevent future violations;
- (d) Fines - payments made to Fraternity not to exceed \$500;
- (e) Restitution - compensation for loss or damage of another’s property;
- (f) Community service - a requirement that a chapter complete a specific, supervised service;
- (g) Charter Suspension - a student chapter’s temporary cessation of the all organizational activities for a designate time period;
- (h) Charter Revocation - a student chapter’s permanent cessation of all organizational activities;
- (i) Other sanctions - additional or alternative sanctions appropriate to the violation(s) as may be agreed upon by the Board of Governors and the Respondent Chapter.

## **XI. APPEALS**

**11.1 Grounds for Appeal.** Any student or chapter found responsible of a conduct violation by the Hearing Panel may appeal their case. Appeals must be based on one or more of the following grounds:

- (a) Procedural error substantially affecting the outcome of the case;
- (b) New information not available at the time of adjudication that could substantially affect the finding of responsibility;
- (c) Disproportionately severe sanctions in light of the violation.

**11.2 Limited Appellate Review.** Unless the appeal is based on new information that was not available at the time of adjudication, an appeal is limited reviewing the written record. The Respondent, Complainant, and hearing body may also submit written statements for review on appeal. The written record includes:

- (a) The written notice sent to the Complainant;
- (b) Copies of pertinent evidence presented at the hearing;
- (c) The written hearing minutes; and
- (d) The written outcome.

- 11.3 Sanctions Effective During Appeal.** Sanctions will be implemented while an appeal is pending. In extremely exigent circumstances, the Executive Director may stay the implementation of a sanction pending the outcome of an appeal.
- 11.4 Appeals to the Board of Governors.** Respondents may appeal to the Board of Governors from any case adjudicated by a Hearing Panel that meet the criteria outlined in Section 11.2.
- 11.4.1** Appeals to the Board of Governors must be filled within seven [7] days of the written outcome, barring exigent circumstances. Exceptions are made at the sole discretion of the Executive Director.
- 11.4.2** Appeals are reviewed for clear error or compelling justification for altering an assigned sanction.
- 11.4.3** The Board of Governors will review an appeal within 60 days.
- 11.4.4** The Board of Governors may reverse a finding or modify a sanction.
- 11.4.5** The Board of Governors will notify the appellant of the outcome in writing within seven [7] days of its decision.
- 11.4.6** Any appellant shall have the further right of appeal from any adjudication of the Board of Governors and such appeal shall be finally determined at the next Convention.