



# Using Fraternity Laws in the Discipline of Brothers

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## What is the brother's offense? What Fraternity law did he violate?

Sections 25.0 through 25.7 outline the offenses of members or pledges which warrant disciplinary action. Sections 25.2 describe the most common offenses. Chapter bylaws may include additional offenses.

## What is the appropriate penalty for this offense?

Each section which describes an offense also outlines the appropriate penalty or range of penalties for committing that offense.

## Where are the various penalties described?

See Section 25.38.

## Who has the authority to impose each particular penalty?

- **Expulsion (1st degree):** The Archons or the Ekklesia.
- **Suspension With Recommendation for Expulsion (2nd degree):** The chapter or graduate trustees. After trial and decision to impose this penalty, a recommendation, with all documentation, is to be sent to the Archons for consideration of expulsion.
- **Suspension (3rd degree):** The chapter or graduate trustees. The decision must be approved by the Archons.
- **Denial of Chapter Privileges (4th degree):** The chapter, the chapter officers (see Section 26.10) or graduate trustees. This penalty is, in effect, the same as what some people call "graduate status."
- **Removal from Office (5th degree):** The chapter, the chapter officers or graduate trustees.
- **Fine (6th degree):** The chapter, the chapter officers, or graduate trustees.
- **Monetary Penalty of 10% or Less on Balance Due (7th degree):** The chapter, the chapter officers or graduate trustees.
- **Revocation of Pledgeship:** Pledgeship terminated if pledge violates bylaws.

## What procedures should be followed in discipline of brothers?

If the expected penalty, assuming the brother is found guilty, is **suspension with recommendation for expulsion** or **suspension**, the trial procedures to be followed are outlined in Sections 26.0 through 26.5; Sections 26.40 and 26.41; and Section 28.0. Trial forms to guide the chapter through the trial process are available from the Headquarters at [www.phigam.org/Forms](http://www.phigam.org/Forms). ▶

1. Trial of member by chapter (any offense).
  - o Quorum is 2/3 of chapter (witnesses, counsel, defendant, judge, complainant excluded) (Sections 26.0, 26.2).
  - o 3/4 vote of members at trial, by secret ballot, for guilt or innocence and for sentence (Sections 26.0, 26.3).
  - o Graduate member selected as judge (Section 26.1).
    - Decides admission of evidence, competence of witnesses.
    - Makes record of proceedings and evidence and files with Archon Secretary.
  - o Serve written complaint by certified mail or personal delivery at least 15 days before trial (Section 28.0).
    - Document personal delivery.
    - Direct defendant to file an answer.
  - o Chapter presents case through witnesses. Accused member presents defense through self or witnesses.
  - o If sentence is suspension, with or without recommendation for expulsion, report to Archon Secretary and provide documentation of trial, using trial forms, within 60 days (Sections 26.40, 26.41).
2. Trials for infractions subject to lesser penalty than suspension may be conducted by chapter officers (Section 26.10).
  - o Follow procedures set forth above.
3. Trial for financial delinquency (Section 26.5).
  - o Serve written complaint by mail or personally at least 10 days before trial.
  - o Majority of members is quorum.
  - o Can be conducted at regular or special meeting.
  - o Allow accused member to present a defense.
  - o President keeps summary record of proceedings.
  - o 3/4 vote of members at trial for guilt or innocence and for sentence.
  - o Maximum penalty is suspension of privileges.