

# Zeta Phi Beta Sorority, Incorporated

## Complaint and Discipline Policy

The privilege of membership in Zeta Phi Beta Sorority, Incorporated (**the “Sorority”**) carries with it many responsibilities. Failure of members to follow the international policies and procedures, including but not limited to the Constitution & Bylaws, Handbook, Code of Conduct, Policy Against Hazing, Risk Management Policy, and federal, state, or local laws (**“Governing Documents”**) may result in disciplinary action taken by the Sorority. Further, women who are involved in the Membership Intake Process (**“MIP”**) (**“Potential Members”**) may be barred from membership or prohibited from membership for a period of time if they provided false information to the Sorority as part of the intake process or engaged in activities which are contrary to the Governing Documents or principles of the Sorority.

The following terms are used in this policy:

“Academic Probation” has the meaning set forth in the Academic Probation policy adopted by the International Board of Directors (**BOD**) on July 1, 2023, or as hereafter modified.

“Appeal” is an application to reverse all or part of a disciplinary decision.

“Appeals Subcommittee” is appointed by the International Disciplinary Committee (**IDC**).

“Appeal Process” is the process referred to in Section VI.

“Barred” means ineligible for membership in the Sorority for a finding of a violation of the Governing Documents. A “bar” from membership can be permanent or prohibited from membership for a period of time.

“Cease-and-Desist” (**C&D**) is a notice authorized by the International Grand Basileus (**IGB**) and issued by International Headquarters (**IHQ**) to notify all parties that a complaint has been received, that an investigation will commence, and that a member or members, and/or a chapter are prohibited from engaging in specified activities until such time as the C&D Notice is lifted. A C&D Notice does not constitute Disciplinary Action.

“Commencement of Investigation Letter” is a letter issued to notify all necessary parties that a complaint has been received and that an investigation will commence.

“Complaint” means an allegation that a member, potential member or chapter has violated one or more provisions of the Governing Documents.

“Disciplinary Action” means the formal corrective action after a finding of one or more violations of the Governing Documents.

“Disciplinary Range Policy” means the policy that categorizes various violations of the Governing Documents and the applicable range of Disciplinary Actions.

“Discipline Department” is the IHQ department responsible for providing administrative support for the Complaint and Discipline process, including but limited to receiving complaints, responding to inquiries, reporting, and tracking the status of all matters.

“Expulsion” means permanent termination of membership in the Sorority for a finding of a violation of the Governing Documents. The Grand Boule Delegation has authority to expel members from the Sorority. An expelled member is not eligible for reinstatement and is prohibited from wearing the letters “Zeta Phi Beta” or any other symbols of the Sorority, from representing herself as a member of the Sorority, from attending Sorority meetings and from exercising any other privileges of membership.

“Good Standing” as defined in the International Bylaws is one who has met the financial obligations as outlined in the bylaws, meets the requirements designated for their respective type of membership and has not been restricted as a consequence of disciplinary proceedings or by operation of a specific provision in the bylaws.

“Investigation” means the confidential process to examine and analyze one or more complaints to determine any violations of the Governing Documents. The investigation commences once a complaint is processed through the Office of Discipline & Compliance.

“Investigator” is a member of the Investigation Team Subcommittee responsible for conducting the investigation of complaints filed with the Office of Discipline & Compliance.

“Legal Advisory Council” (**LAC**) means the advisory body of licensed attorneys that provides opinions as to the course of action needed to identify, address, and remedy situations that may have potential legal consequences and/or involve violations of the Sorority’s Governing Documents.

“Notice of Investigation Outcome” is a notice that states the findings of an investigation.

“Notice of C&D Removal” means a notice to the recipient of a C&D that it is being removed. This notice may include stipulations, such as requirements or recommended training or certifications.

“Probation” means loss of specified privileges for a specified amount of time.

“Recertification” (as it relates to discipline) means the requirement to participate in one or more of the Sorority’s certification processes in order to satisfy a requirement of any Notice of Disciplinary Action.

“Reinstatement” means the return to full membership after all conditions of any disciplinary actions have been satisfied.

“Reprimand” means a written rebuke for a finding of a violation of the Sorority’s Governing Documents and notification that further infractions will result in more severe disciplinary action.

“Restorative Practices Committee” **(RPC)** is a subcommittee of the IDC. The committee mediates, develops, and implements action plans for resolving conflicts that arise within Sorority entities and/or between individuals that do not specifically violate the Sorority’s Governing Documents. Each member of the RPC must meet the established criteria prior to appointment.

“Suspension” means termination of all membership privileges for a specified period of time for a finding of a violation of the Sorority’s Governing Documents. While a member is suspended, she is prohibited from wearing the letters “Zeta Phi Beta” or any other symbols of the Sorority, from representing herself as a member of the Sorority, from attending Sorority meetings and from exercising any other privileges of membership. A chapter that is suspended may not function in any way.

“Training” means the requirement to participate in one or more educational sessions in order to satisfy a requirement of any Notice of Disciplinary Action.

“Warning” means the written notification that the member or chapter may have engaged in conduct that violates the Sorority’s Governing Documents and that further infractions may result in more severe disciplinary action.

## **Workflow for Issuance of a C&D Notice or Discipline**

The following pages contain flowcharts to assist with understanding incoming and complaints and complaint decisions.

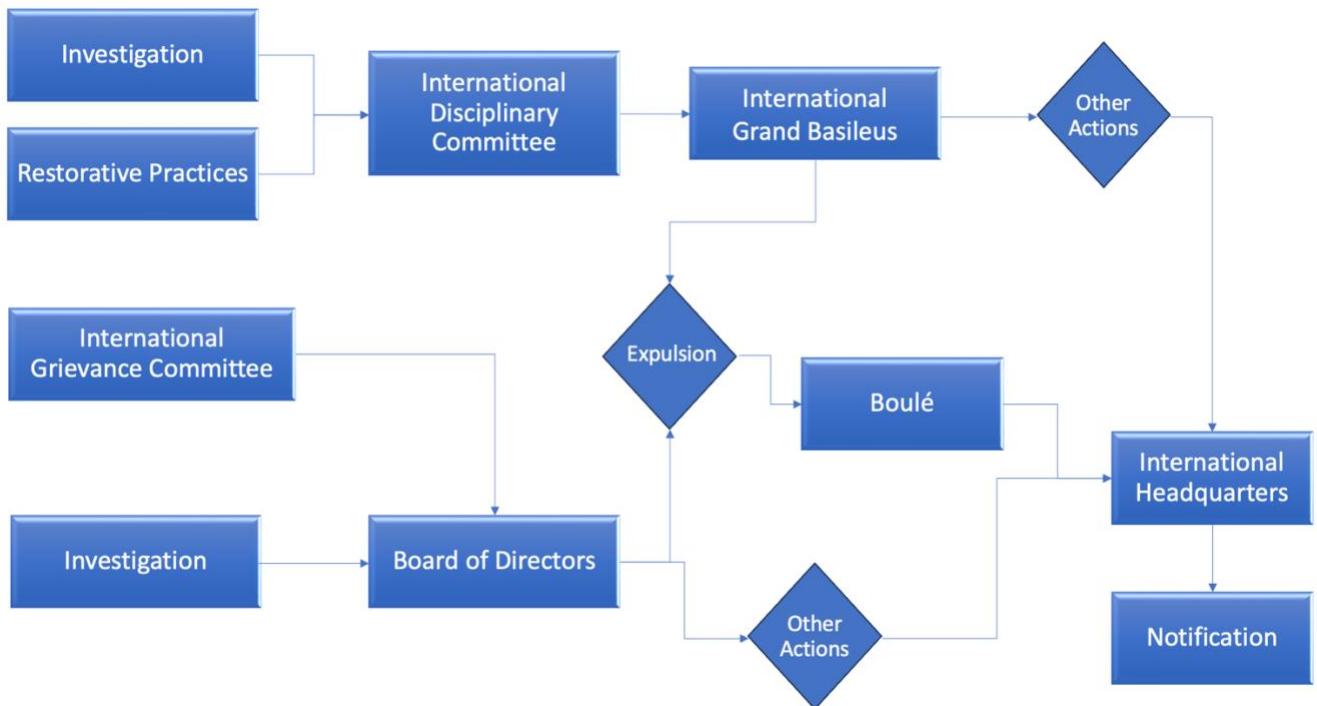
ALL ACTIONS TAKEN MUST BE BASED ON A PROBABLE VIOLATION OF ONE OR MORE OF THE SORORITY’S GOVERNING DOCUMENTS, POLICIES, AND PROCEDURES, WHICH INCLUDES, BUT IS NOT LIMITED TO, THE CODE OF CONDUCT, MEMBERSHIP INTAKE PROCESS, POLICY AGAINST HAZING, RISK MANAGEMENT POLICY, AND EXPULSION POLICY. A SOROR THAT KNOWINGLY SUBMITS A FALSE COMPLAINT MAY BE SUBJECT TO DISCIPLINE.

This workflow does not supersede any requirements of applicable law or the Sorority’s Constitution and Bylaws as amended from time to time.

## Flow Diagram for Incoming Complaints



## Flow Diagram for Complaint Decisions



## COMPLAINT INVESTIGATION PROCESS

This process outlines investigation steps, activities and officer or governing body roles at local, state, regional and national levels. The current International Constitution and Bylaws of the Sorority, supersede all other Sorority chapter, state, and regional governing documents, only to be superseded by applicable municipal, state and/or federal law. For the purpose of the Complaint Investigation Process, a Complaint can be made by a soror, chapter, state, region, school official, law enforcement officer, or community member concerning members of the Sorority and/or chapters.

### I. FILING A COMPLAINT:

Any graduate or undergraduate member of the Sorority, Amicae, Collegiate Professional or member of the community may submit a report against a member via the Complaint Incident form available on the Sorority's international website.

All Complaints must be made as soon as discovered. Complaints filed after ninety (90) calendar days of discovery of the alleged wrongdoing will be time barred.

Complaints from members shall include the following information:

- a. Anonymity preference;
- b. complainant's information;
- c. reference to specific violation of the applicable Sorority governing document(s);
- d. parties involved in the incident;
- e. relevant facts regarding the alleged violations, including dates and times;
- f. supporting documentation; and,
- g. remedy sought.

#### A. Reports to Law Enforcement Agencies

##### 1. Injury or threats of harm from member to member

In the event of an emergency, crime, or imminent threat of harm, contact your local Police and/or Campus Safety Office. Members who have suffered an injury by another member have the right to contact their local authorities if they feel law enforcement intervention is needed. The Sorority will not interfere with an individual's right to seek a criminal or civil action on behalf of themselves.

## 2. Unlawful Acts Against the Sorority

A determination on whether law enforcement engagement is necessary will be made on a case-by-case basis by the BOD. When making said determination, the BOD shall consider the following:

- a. Applicable civil and criminal law based on jurisdiction
- b. Severity of the act and financial impact
- c. Risk of other legal claims
- d. Public exposure and reputation

The IDC shall inform the BOD of any cases which will require a determination on whether law enforcement engagement is warranted. In event the offense is committed by a Board or headquarters staff member, the BOD will determine whether enforcement engagement is warranted.

### B. Statement Against Non-Retaliation

Members who report concerns in good faith or participate in an investigation shall not be subject to retaliation. The Sorority considers reporting and/or participating in an investigation, a protected activity which members may engage in freely. The Sorority does not condone and strictly forbids harassment, retribution, or retaliation of any kind by any member in response to a complaint or investigation. Members who engage in harassment, retribution, or retaliation shall be subject to disciplinary action.

## II. COMMENCEMENT OF THE INVESTIGATION PROCESS

- A. Once received, the headquarters' staff will review and forward the complaint to the IDC<sup>1</sup> or BOD<sup>2</sup>. The headquarters' staff issues an electronic acknowledgment of complaint to the complainant.
- B. The headquarters' staff issues the appropriate notice to the accused member:
  1. Cease and Desist (if warranted/requested)<sup>3</sup>

The IGB determines whether a C&D Notice will be issued. The determination to issue a C&D may be based on various factors, including the potential for harm to any individual or entity because of the alleged activity, IHQ shall issue

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<sup>1</sup> In accordance with the International Bylaws - Article VIII – Committees – Section 2h.

<sup>2</sup> In accordance with the International Bylaws - Article IV – International Officers and Elections – Section 6.

<sup>3</sup> Upon approval by the Grand Basileus, Cease and Desist Notices are sent from IHQ to the IGB, International First Anti-Basileus (IFA), Regional Director, State Director, Chapter, Accused, and in instances of Undergraduate Chapters to the school and graduate advising chapter.

notices to individuals and/or entities (e.g., chapter, auxiliary) against whom the allegations are made with a copy to leadership as specified in this document.

2. Notice of Investigation<sup>4</sup>

In cases where the IGB has determined that C&D Notice is not warranted but an investigation is warranted, a Commencement of Investigation Letter shall be issued by IHQ to the individual and/or entities (e.g., chapter, auxiliary) against whom the allegations are made with a copy to leadership as specified in this document.

3. Suspension of Activities<sup>3</sup>

Notices of Suspension of Activities are issued in cases where the IGB deems a temporary suspension of the chapter and/or individual chapter member(s) activities is warranted.

C. Explanation of Commencement of Investigation Notification:

1. Cease and Desist Notice:

a. Shall include the following:

- i. delineation of the provision(s) of the Governing Document(s) that were allegedly violated;
- ii. listing of prohibited activities;
- iii. statement notifying the recipient that failure to abide by the terms of the C&D Notice may result in additional Disciplinary Action;
- iv. statement notifying the recipient that failure to cooperate with the investigation process may be construed as an admission of the allegations;
- v. statement notifying the recipient that any attempt to negatively impact the investigations process may result in Disciplinary Action; and,
- vi. a statement that the investigation will begin within 60 days.

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<sup>4</sup> Notices of Investigations are sent from IHQ to the IGB, IFA, Regional Director, State Director, Accused, and in instances of Undergraduate Chapters to the graduate advising chapter.

- b. A C&D Notice shall be issued in all matters where a University/College has issued a C&D Notice or similar directive.
  - c. A C&D Notice shall be issued in all matters in which a criminal complaint has been filed.
  - d. With permission from the IGB, IHQ may issue a C&D Notice for complaints that come directly to IHQ from non-members of the Sorority when the circumstances indicate that doing so would be prudent.
  - e. In emergency situations, the IGB may authorize the appropriate Sorority designee to issue a verbal Cease and Desist Notice until IHQ can issue the written Cease and Desist Notice. The verbal notice shall include the information in section II.A.1, above.
2. Commencement of Investigation Letter
- a. The Commencement of Investigation Letter shall include:
    - i. a delineation of the provision(s) of the governing document(s) that were allegedly violated;
    - ii. statement notifying the recipient that failure to cooperate with the investigation process may be construed as an admission of the allegations;
    - iii. statement notifying the recipient that any attempt to negatively impact the investigations process may result in Disciplinary Action; and,
    - iv. a statement that the investigation will commence.
  - b. With permission from the IGB, IHQ may also issue a Commencement of Investigation Letter for Complaints that come directly to IHQ from non-members of the Sorority when the circumstances indicate that doing so would be prudent.

### **III. INVESTIGATION PROCESS**

The purpose of the Investigation is to determine whether any of the Sorority's Governing Documents were violated. The Investigation commences upon assignment of the matter to an investigator. If at any point in the investigation, the Investigator determines that a C&D Notice



would be appropriate, the Investigator must report the determination to the Chair of the IDC, who will submit a request for a C&D Notice to the IGB.

**Step 1:** An Investigator is assigned to the complaint for the purpose of conducting a confidential inquiry into the allegation(s). The investigation must commence within seven (7) calendar days of assignment.

**Step 2:** The Investigator will conduct investigative interviews and gather additional information regarding the complaint. Each accused party, whether financial or not, must be given an opportunity to respond to the allegations. The Investigator must make every effort to complete the investigation process within thirty (30) calendar days. The Investigator must provide the necessary details of the complaint to each accused party. If the investigation will exceed thirty (30) calendar days, the Investigator must notify the Chair of the IDC.

While the methods of investigation will vary from case to case, the process shall include, when possible, the interview of all accused parties and persons with knowledge, and the request for and/or review of all relevant documents, including reports from law enforcement. The LAC will be consulted when appropriate. In all cases where an undergraduate chapter or its member(s) is the subject of the investigation, the Undergraduate Advisor must be interviewed. The Sorority reserves the right to engage external consultants to conduct investigations, if warranted.

**Step 3:** The Investigator will evaluate the information acquired during the investigation and submit a report of the findings including a determination of whether there has been a violation of the Sorority's Governing Documents to the Chair of the IDC within twenty (20) calendar days of completing the investigation. If the investigator is appointed by the BOD, the report of the findings shall be reported to the Chair of the BOD.

**Step 4:** The Investigator shall submit an investigation report to the IDC at the conclusion of the investigation. The investigation report shall include the investigative findings, recommendations and all evidence collected during the investigation.

**Step 5:** The IDC will review the investigation report and submit the committee's recommendations to the IGB within twenty (20) calendar days for final disposition.

Regarding investigations initiated by the BOD, upon receipt of findings from the Investigator, the BOD will make a determination within fourteen (14) calendar days.

#### **IV. RIGHTS OF THE ACCUSED**

The Accused will have the opportunity to:

- A. Submit Evidence: This allows them to present any information, documents, or other materials that support their defense or refute the allegations against them.
- B. Call Witnesses: Being able to call witnesses allows the accused to bring forward individuals who can testify on their behalf, providing additional perspectives or evidence that may be crucial to their case.
- C. Know the Accusations: The accused will be informed of the specific charges or allegations against them. This includes knowing the dates, events, and specifics of the accusations, with the exception of the name of the complainant.
- D. Understand the Summary of Allegations: This involves receiving a clear and concise summary of the accusations, ensuring that the accused comprehends the nature of the charges and can prepare an effective defense.

These rights are designed to uphold the principles of fairness, transparency, and the presumption of innocence until proven guilty. They are crucial components of a fair process.

#### **V. DECISION MAKING PROCESS**

At the conclusion of the Investigation, the recommendations of the Investigator shall be submitted to the IDC. The role of the IDC is to determine whether there was sufficient evidence to support the findings of the investigator and recommend disciplinary action consistent with the Disciplinary Penalty Range Policy. Once the IDC Chair receives the investigation materials for a matter being investigated from the investigator:

- A. The IDC Chair will notify the IDC that the investigation has concluded and schedule a committee meeting to review the investigative material.
- B. The IDC reviews the investigative materials and determines if additional information is needed. If additional information is needed, the IDC Chair will request the additional information from the Investigator.
- C. After considering all evidence, including the evidence submitted by the accused, the IDC shall review the findings and recommendations submitted by the Investigator. If a majority of the IDC agrees with the findings and recommendations, the Chair of the IDC will forward the findings and recommendations to the IGB.

- D. The IDC's written recommendation will include an Executive Summary of the case, a list of the document reviewed, a discussion of the documents and evidence, an analysis of the evidence, and a recommendation of disposition.
- E. The Expulsion process is governed by the BOD.

## **VI. NOTICE**

- A. Source and Substance of the Notice to Members and Barred/Prohibited Individuals.
  - 1. Once the IGB, or BOD, as applicable, has reviewed the findings/recommendation(s) and made a decision, a formal notice of the decision must be provided by IHQ via email and by a traceable method (e.g., Certified Mail, FedEx, or UPS) within ten (10) calendar days.
  - 2. Notices for members and/or chapters shall include the following information:
    - a. Findings: The notice shall outline the findings of the investigation as it relates to the accused member or chapter, including specific references to the Code of Conduct, policy(ies) or rule(s) that were violated, if any.
    - b. Sanctions: The notice shall state the sanction(s) to be imposed, including:
      - 1. with respect to Financial Penalties (whether alone or with another type of discipline), type of pecuniary sanction (i.e., fine, restitution, etc.), amount, method of payment, and deadline for payment;
      - 2. with respect to a Warning, information about rules, policies or procedures that may have been violated, recommended trainings or certifications, and notification that further infractions may result in more severe disciplinary action;
      - 3. with respect to a Reprimand, notification of the rules, policies or procedures that were violated, recommended trainings or certifications, and notification that further occurrence of the same violation(s) may result in more severe disciplinary action;
      - 4. with respect to Probation, the beginning and end dates of the Probation, limitations on activities, and any specific activities that the chapter or member must undertake before Probation can be lifted.

5. with respect to Suspension, the beginning and end dates of the Suspension, and any specific activities that the chapter or member must complete before Suspension can be lifted;
  6. with respect to Expulsion, notice that expulsion means permanent exclusion from membership in the Sorority;
  7. with respect to individuals who are Prohibited from membership, the end date of the Prohibition, and notice that the individual may only be eligible for membership in the future if she meets the criteria in effect at that time that her Prohibition ends; and,
  8. with respect to individuals who are Barred from membership, notice that being Barred means permanent exclusion from eligibility for membership in the Sorority.
  9. If the investigation reveals that the allegations were unsubstantiated, the Notice shall so indicate and the C&D shall be lifted or the investigation shall be closed.
- c. Term: The Notice shall detail the commencement and end date of any discipline as applicable.
  - d. Appeals Process: The Notice shall outline the appeals process, forms required to make an effective appeal, the deadline for the appeal, amount of appeal fees and method of payment. The amount of fees for appeals is subject to change from time to time.
  - e. Signature of the IGB or Chair of the BOD, as applicable.
- B. Source and Substance of the Notice to the Complaining Party or Other Stakeholders (Aspirants/Prospective Members/Interested Women; Parents of Youth Group Members; Others as appropriate).
1. The Notice to non-members (including to the college/university, if applicable) shall come in the form of a memorandum from IHQ and shall include a general description of the findings and determinations.
  2. The Notice to Aspirants/Prospective Members/Interested Women shall advise any restrictions on eligibility for membership at that time or in the future.

C. Recipients of the Notice. Notice may only be distributed by IHQ as described below unless express prior written consent of the IGB has been granted to distribute the Notice in another manner. ***All members who provide an email address to the Sorority have consented to receiving notices by email unless the permission is specifically revoked.***

1. Accused/Disciplined Member: A disciplined member or chapter, irrespective of financial status, will be considered to have received notice from the Sorority when the Notice is sent to the last known physical mailing address and/or email address provided to the Sorority, or by any other method permitted by the District of Columbia Nonprofit Corporation Act. It is the responsibility of every member and chapter to ensure that the relevant contact information is updated with IHQ. The primary method of distribution will be by email.
2. Parent of Undergraduate Accused/Disciplined Member: The Sorority does not give Notice to parents, in their capacity as parents, regarding Sorority matters involving their child(ren). This provision also applies to the children of Sorors.
3. Complaining Party: The Sorority will make reasonable efforts to contact individuals who have made a Complaint as follows:
  - a. Aspirants/Potential Members/Interested Women: Aspirants/Potential Members/Interested Women will be considered to have received notice from the Sorority when information is mailed to the last known address and/or email provided to IHQ in writing. Information provided on MIP related forms are sufficient for this purpose. The primary method of distribution will be by email.
  - b. Parents of Undergraduate Aspirants/Potential Members/Interested Women: The Sorority does not give Notice to parents, in their capacity as parents, regarding Sorority matters involving their child(ren).
  - c. Parents of Youth Group Members: Reasonable efforts will be made to provide a copy of the Notice to the parents of any Complaining youth group member who is under the age of 18 via mail to the last known address provided to the sponsoring graduate chapter.
  - d. Others as appropriate:
    1. Chapter(s):
      - a. Disciplined Chapter(s): The Notice will be provided to the chapter at the last known address and/or email

address on file at IHQ. The primary method of distribution will be by email.

- b. Impacted Chapter(s): Impacted chapter(s), such as sponsoring graduate chapters or the chapters where a wrongdoing has been found will be notified by IHQ.
- 2. State Director(s): A copy of the Notice shall be provided to the State Director(s) where the disciplined member(s) and/or chapter(s) is located.
- 3. Regional Director(s): A copy of the Notice shall be provided to the Regional Director(s) where the disciplined member(s) and/or chapter(s) is located.
- 4. College/University: A copy of the Notice shall be provided to the College(s)/University(ies) attended by the disciplined member(s) and/or where the disciplined chapter is located.
- 5. Counsel: A copy of the Notice shall be provided to the Sorority's counsel (LAC and/or outside legal counsel) and counsel for the disciplined and aggrieved parties after approval by the Sorority's LAC and/or outside legal.
- 6. International Website: The names of the disciplined members and/or chapters and any persons barred from membership shall be posted monthly on the international website consistent with the then-current policy.
- 7. Law Enforcement: A copy of the Notice may be provided to law enforcement after approval by the Sorority's LAC and/or outside legal counsel in circumstances where the acts that led to the discipline may constitute a criminal offense under applicable law.

## **VII. RESTORATIVE PRACTICES**

This subcommittee under IDC is comprised of two components - Mediation and Conflict Resolution Training (CRT). The cases coming into this pipeline are reviewed to assess whether training or mediation is required/recommended. Upon determination, an email will be sent to the chapter(s) and/or member(s) involved. An agreed upon date and time will be established to conduct the training or mediation. After completion of training or mediation, an official

email is sent to the chapter(s) and/or member(s) involved. The high-level process steps are listed below for this subcommittee:

- A. The IDC case comes into the RP pipeline for review and action.
- B. If neither mediation or conflict resolution is warranted, the case will be referred to the IGB for final decision and marked “closed”.
- C. If additional training is warranted, then the case will be forwarded to the Regional Director for further action.
- D. If mediation is warranted, a RP team member will contact the parties involved. Mediation convenes and a consensus is reached.
- E. If conflict resolution is warranted, a RP team member will notify IHQ to have the Notification of Training letter sent to the chapter and/or member(s). Upon completion of the conflict resolution training and all mandated requirements, IHQ will send notification upon case closure.
- F. IHQ will forward official notification upon case closure.

## **VIII. APPEALS/HEARING PROCESS**

- A. Composition of the Appeals Subcommittee: The IDC shall appoint a sub-committee of financial members who will comprise the “Appeals Subcommittee.” The committee members shall be the Chair of the BOD, one member of the LAC and five (5) financial members appointed by the IDC. Of the five appointed committee members, at least two must be a financial undergraduate. The IDC will appoint the remaining members of the Appeals Subcommittee with the following guidelines:
  - 1. Members of the Appeals Subcommittee should have familiarity with the Sorority’s disciplinary process. Examples of members who would have such experience are past BOD members, past Regional or State Directors, past members of the LAC, or past Grand Basilei. Sorors with legal backgrounds or job-related hearing and appeal experience should also be considered.
  - 2. The Appeals Subcommittee shall represent geographic diversity and the membership demographic of the Sorority. It shall be comprised of no more than two members per region, excluding the Chair of the BOD and the Undergraduate committee members.
  - 3. The IDC will assign two members to fill the role of Appeals Subcommittee Coordinator (**ASC**) and Appeals/Hearing Recorder. The ASC is responsible

for scheduling hearings and communicating with IHQ and the Appeals Subcommittee. The Recorder is responsible for recording the hearing and transcribing the hearing notes. The ASC and Recorder are ex officio members and are not entitled to a vote.

- B. Composition of the Hearing Panel: Each appeal will be preferably heard by a panel of five (5) but no less than three (3) members of the Appeals Subcommittee (the “Hearing Panel”). The International Chair of the BOD will be one of the members of the Hearing Panel in accordance with the guidance described in Section V Subsection A above. The ASC will coordinate with the committee members to schedule the hearing based on availability and with care being taken to avoid actual or perceived conflicts of interest.
- C. Filing an Appeal: Any disciplinary decision can be appealed by the disciplined member or disciplined chapter. A valid appeal consists of (1) completion of the forms and (2) payment of applicable appeal fees, both of which must be received by the deadline described in the Notice.
- D. Who Can Appeal: Only the member or chapter that has been disciplined can file an appeal.
- E. Waiver of Appeal Rights: Failure to request an appeal within 30 days and pay the applicable appeal fees will result in waiver of the right to appeal and the disciplinary action determined by the IGB or BOD, as applicable, as indicated in the Notice will become final.
- F. Purpose: The Hearing Panel will conduct an appeal hearing for the purpose of affirming, denying, or modifying the disciplinary determination indicated in the Notice.
- G. Standards/Scope of Review: The panel will review only the following:
  - 1. Whether the investigation was conducted fairly considering the charges and evidence presented, and in conformity with the described procedures giving the disciplined member or chapter a reasonable opportunity to prepare and present a rebuttal of the allegations. It is expressly understood that the failure to adhere to the timelines set forth in Section III is not, by itself, evidence that the investigation was conducted unfairly.
  - 2. Whether the decision set forth in the Notice is supported by substantial evidence.
  - 3. Whether the sanction(s) imposed were appropriate for the violation that the disciplined member or chapter was found to have committed.



4. Whether there is new evidence sufficient to alter a decision, or other relevant facts not disclosed during the investigation.
- H. Burden of Proof: The appealing party bears the burden of proof. The disciplined member or chapter has the burden of submitting clear evidence that the imposed discipline should be modified.
- I. Hearing.
1. Written notification of the hearing shall include the date, time, and instructions for attending the hearing. The primary method of conducting appeals will be by electronic means where all participants can hear each other; however, the appealing party may request an in-person appeal if the appealing party pays all costs associated with travel and lodging for the Hearing Panel and actual costs for legal counsel for the Sorority. In such a case, the appeal will be held in Washington D.C., or a location mutually agreed upon by the Hearing Panel and the appealing party.
  2. The notification of the hearing will be delivered via email to the email address on record with the IHQ, and/or to the address provided in the appeals forms provided to IHQ.
  3. The Appellant shall have up to 90 minutes to present their case, including testimony from fact based and character witnesses. Witnesses must submit a preliminary summary of their testimony. Inability to obtain one or more witnesses shall not justify undue delay to continue a hearing. Failure of witnesses to attend the hearing does not delay the hearing proceedings.
  4. Additional witnesses and documents may be called at the discretion of the Hearing Panel.
  5. The disciplined Soror/chapter may be represented by Legal counsel.
  6. The hearing notes shall be transcribed by the Recorder and stored for as long as the file is kept at the IHQ.
  7. The decision shall be made within 72 hours of the hearing.
  8. Notification of the decision shall be written and sent via email to the email address on record with the IHQ, and/or to the address provided in the Notice of Appeal within fourteen (14) calendar days of the hearing.

9. Recipients of the Notification – the results of the appeal shall be disseminated consistent with Section I above. The Appeal decision is final and cannot be overturned.
10. To ensure impartiality, members of the IDC may attend the hearing; however, they are not permitted to vote. The IDC committee members may provide additional information in response to inquiries from the Hearing Panel.

J. Process.

1. The Letter of Intent for Appeal Hearing is received by the IHQ Staff.
2. The Letter of Intent is forwarded to the Chair of the IDC.
3. The Chair of the IDC forwards the Letter of Intent to the ASC.
4. The ASC coordinates the Hearing Panel and schedules the hearing date within fourteen (14) calendar days after receipt of the Letter of Intent for Appeal Hearing.
5. The ASC will notify the Chair of the IDC and the IHQ staff of the hearing date.
6. IHQ staff will forward the Notice of Appeal Hearing to the Appellant.
7. After the hearing, the Hearing Panel will make a ruling and forward it to IHQ and the Chair of the IDC.
8. The Notice of Appeal Hearing Decision will be forwarded via postal and electronic mail to the Appellant.
  - a. Decisions to overturn a previous suspension will be forwarded to the IGB, IFA, Regional Director, State Director, Chapter, Accused, and in instances of Undergraduate Chapters, to the school and graduate advising chapter.
  - b. Decisions to sustain a previous suspension will be forwarded to the IGB, IFA, Regional Director, State Director, Chapter, Accused, and in instances of Undergraduate Chapters, to the graduate advising chapter.

## IX. REINSTATEMENT

- A. Process. Except for members who are expelled and therefore ineligible for reinstatement, members who were subject to discipline must petition for reinstatement. The member or chapter seeking reinstatement must follow the process set forth below.
1. Petition for Reinstatement: In order to be reinstated after the implementation of any form of discipline, except for expulsion, the disciplined member or chapter must submit a petition for reinstatement to the Sorority through IHQ within seven (7) years of the expiration of the discipline.
  2. Substance of Petition: The petition for reinstatement shall contain: (i) a narrative history of the member or chapter's history with the Sorority; (ii) a copy of the Notice, (iii) circumstances of the discipline; (iv) evidence that the terms of the discipline are satisfied; and (v) realistic plans to ensure compliance with all rules of the Sorority and that the disciplined member or chapter will be a productive member/chapter of the Sorority. The reinstatement plan must be approved by the:
    - a. IDC's Reinstatement Subcommittee;
    - b. State Director or Regional Director, where the member resides; and,
    - c. IFA.
  3. Timing of Petition: The petition must be submitted by the disciplined member or chapter within seven (7) years of the expiration of the term of the discipline. If the Notice of Discipline does not have a term or date by which the petition for reinstatement must be filed, the disciplined member or chapter must file the petition within seven (7) years of the satisfaction of all sanctions. Failure to adhere to this guideline may lead to loss of eligibility for reinstatement.
  4. Method of Petition submission: The petition must be submitted to IHQ with copies to the current Regional and State Directors. The petition and copies of all supporting documentation must be submitted electronically using the Petition for Reinstatement form.
  5. Fees: Each petition must include the reinstatement fee paid using certified funds (i.e. certified check, money order, etc.). This fee will be reviewed and updated by the BOD periodically to ensure that the fee covers the administrative costs associated with the petition and upon review may be increased<sup>5</sup>. This fee is separate from any fines that were imposed.

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<sup>5</sup> See attached Chart of Fees.

- B. Bases/Standard of Review/Burden of Proof: The disciplined member or chapter has the burden of submitting clear evidence that the terms of the discipline have been satisfied in full. All petitions shall be reviewed by the Reinstatement Subcommittee within thirty (30) calendar days of receipt. Prior to the expiration of the thirty (30) calendar days review period, the Reinstatement Subcommittee shall make a recommendation to the IFA. After review, the IFA will submit her recommendation to the IGB, who shall have thirty (30) calendar days to act on the recommendation.
- C. Notification: The IGB shall submit her decision on the petition to the IHQ staff, who shall provide notification of the reinstatement decision to the member/chapter. Electronic notification will be forwarded to the IGB, IFA, Regional Director, State Director, and in case of reinstatement of an Undergraduate Member/Chapter, the sponsoring graduate chapter and College/University.
- D. Substance of the Notification: The Notice to disciplined members or chapters shall contain the following information: (a) decision of the IGB; (b) any conditions or prohibitions to be imposed on the disciplined member or chapter upon reinstatement; and (c) any dues or assessments to be paid as a condition of reinstatement.
- E. Support Program: As indicated above, the findings of the IGB may include conditions with which the disciplined member or chapter must comply upon reinstatement. These conditions may include recertification, training, the assignment of a mentor or other processes designed to ensure that the reinstated member or chapter can enjoy the full benefits of and be an asset to the Sorority.

## **X. ENFORCEMENT OF DISCIPLINARY ACTION**

Violations of any Notice of Disciplinary Action shall be reported to IHQ via a Complaint Incident form available on the Sorority's international website. The submission shall include all available supporting information and/or documentation. IDC shall review the submission and determine whether the Notice has been violated within fourteen (14) calendar days. If there is a determination that the Notice has been violated, the individual or chapter shall receive a letter issued by IHQ via email and by a traceable method (e.g., Certified Mail, FedEx, or UPS). Except in cases of suspension, the Notice of Violation(s) shall consist of a reminder of the terms of the Notice, and indication that further violations may result in further disciplinary action, up to and including expulsion. In the case of violation of a suspension, the suspension period will start over, and any imposed Financial Penalty will be doubled.

Failure to complete disciplinary action shall result in probation until completed.

## **XI. EXONERATION**

In any matter where there is a finding that the alleged violation(s) did not occur or cannot be substantiated, IHQ will issue an Investigation Outcome – NO Action or a Notification of C&D Removal via email and by a traceable method (e.g., Certified Mail, FedEx, or UPS). In cases where a Notice of C&D has been issued, a statement of exoneration shall be included in the Notice of C&D Removal. This Letter of Exoneration will be sent to all accused parties signed by the IGB and should be maintained in the file of the Soror/chapter.