

Lambda Chi Alpha Fraternity
58th General Assembly
July 31-August 1, 2021

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Title: A Bill to Amend Article 7 of the Constitution and Sections 7-1 (c) and 7-10 of the Statutory Code to Eliminate the Provisions for Indefinite Suspension of a Member

Proposed by: The Committee on Constitution

Endorsed by: The Grand High Zeta, the Student Advisory Committee, and the Office of Administration

Referred to: Legislative Committee 5. The Legislative Committee has determined to report on Bill No. 6 **FAVORABLY**.

Vote Required: Three-fourths of votes cast

Rationale: Among the penalties that can be imposed in member disciplinary actions are suspension for a definite period, suspension for an indefinite period, and expulsion. There is no practical difference between suspension for an indefinite period and expulsion. The existence of the concept of indefinite suspension causes confusion in the penalty phase of member disciplinary actions.

This bill proposes that that the concept of **indefinite suspension** be eliminated from our laws, so a member may be suspended only for a definite period (e.g., ending on a date certain or when he ceases to be engaged in a course of undergraduate study) or be expelled. If the conduct were so egregious that the Chapter did not believe the member should become an Alumni Member in good standing after graduation, the penalty would be expulsion, not indefinite suspension.

Be it Enacted that Article 7, Section 3 of the Constitution of the Lambda Chi Alpha Fraternity and Sections 7-1(c) and 7-10 of the Statutory Code of the Lambda Chi Alpha Fraternity be amended as follows:

Article 7, Section 3. Penalties. A Member found guilty of an offense against the Fraternity shall be subject to one or more of the following penalties: (a) expulsion (not applicable to an Associate Member), (b) disassociation (applicable only to an Associate Member), (c) suspension **for a designated period** ~~for either an indefinite period or a definite period~~, (d) probation, (e) fine, (f) censure, or (g) other lawful penalty.

Code 7-1(c). Penalties Defined.

c. **Suspension.** A ~~suspended~~ Member ~~shall; may be suspended for an indefinite period or a definite period.~~

~~1. Indefinite period. A Member suspended for an indefinite period shall:~~

~~1.(a)~~ Remove himself and his personal effects from the property of the Chapter and he shall not return for any purpose unless expressly permitted to do so by the Executive Committee.

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1 **2.(b)** Not attend Fraternity meetings, vote, or hold office, nor shall
2 he attend any Fraternity social, alumni, or other gathering not
3 attended by the public at large.

4 **3.(c)** Make no application to affiliate with any other Chapter or
5 **Chapter** alumni organization **of the Fraternity**, nor shall he have
6 any **greater more** contact with any other Chapter or **Chapter**
7 alumni organization than he would have with his own Chapter as
8 a suspended Member.

9 **2. Definite period. A Member suspended for a definite period shall:**

10 **(a) Abide by the provisions of Code 7-1(c)(1) above during the term**
11 **of his suspension.**

12 **4.(b)** Be returned to good standing automatically at the end of
13 the designated period of suspension unless he is in violation of
14 said suspension or unless the Chapter's Executive Committee
15 proceeds with further disciplinary action.

16 Any violation by a suspended Member of any of the foregoing provisions
17 shall subject him to further appropriate action by the Chapter and/or to
18 appropriate civil court action.

19 **Code 7-10. Reinstatement after Expulsion Penalty.**

20 a. In order to be reinstated after expulsion or **indefinite** suspension, the
21 Member must present a petition for reinstatement to the Chapter that
22 expelled or suspended him. No such petition may be presented within
23 one year of the date of **indefinite** suspension nor within five years of the
24 date of expulsion. The petition shall contain a narrative history of the
25 Member and his association with the Fraternity, the circumstances of his
26 expulsion or suspension, and the reasons for application of
27 reinstatement. Upon receipt of a petition for reinstatement, the
28 Executive Committee of the Chapter shall within ten (10) regular
29 business days present to the Chapter:

- 30 1. The petition.
- 31 2. The original transcript from the High Pi's files or a copy secured from
32 the General Fraternity, where available.
- 33 3. A report on whether or not the Member has abided by the terms of
34 expulsion or suspension as set forth in our Laws, if applicable.

35 At a meeting held to consider reinstatement, a majority of the
36 Collegiate Brothers and Associate Members of the Chapter in good
37 standing shall constitute a quorum. The Chapter may hear statements

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from Members knowledgeable about the facts of the case. The petitioning Member shall be allowed to attend the hearing and orally present his petition; however, he shall not be present during the voting. All Collegiate Brothers and Associate Members in good standing are entitled to vote at the meeting, but there shall be no voting by proxy. In the matter of reinstatement from expulsion, a three-fourths favorable vote of those present and voting is necessary for reinstatement either in full or for a lesser disciplinary status. In the matter of reinstatement from ~~indefinite~~ suspension, a majority favorable vote of those present and voting is necessary for reinstatement either in full or for a lesser disciplinary status. The decision of the Chapter, whether favorable or unfavorable, along with a copy of the petition shall be provided to the Chapter's High Pi (or the Grand High Pi, as appropriate) and one copy shall be forwarded to the General Fraternity by the Chapter's secretary. If the vote is unfavorable, the expelled Member may not re-present his petition for a period of at least one calendar year, and the suspended Member may not re-present his petition for a period of at least 180 calendar days. The Grand High Zeta may, in extraordinary circumstances, order any expelled or suspended Member reinstated in full or reinstated and placed on a lesser disciplinary status.

- b. An Associate Member disassociated from the Fraternity may be reassociated only as provided for in Code 4-3 of this *Statutory Code* and subject to conditions in Code 4-6 of this *Statutory Code*.
- c. Notwithstanding the foregoing provisions of Code 7-10(a) or (b) above, any application for reinstatement from suspension or expulsion imposed by arising out of a Control Board authorized under Code 7-7 of this *Statutory Code*, must be made to ~~the chairman of the Alumni Control Board, or, in his absence, to~~ the Grand High Pi.

Be it Further Enacted, that conforming changes are approved to any and all other related provisions of the *Constitution* of the Lambda Chi Alpha Fraternity and/or the *Statutory Code* of the Lambda Chi Alpha Fraternity made necessary by reason of this amendment.