

AN EXPULSION GUIDE FOR CHAPTERS AND ACBs

Enclosed in this packet are sample forms needed to process an expulsion, along with a page from the *Fraternity Manual* outlining the proper procedure.

After you have made the decision to expel a member, here is a checklist to follow:

- ☐ Notify the member at least one week in advance of the proposed hearing. Use *Form 156 (Notice of Hearing Letter)* as a guideline.
 - Send this form (*Form 156*) by either Certified Mail or personal delivery service.
 - The member must sign either the Certified Mail card (Post Office form 3811) **OR** Form 0159N **OR** Form 0064N.

- ☐ After the hearing, fill out *Form 157 (Request for Expulsion)*. The vote for expulsion must pass by 75% of those present.

- ☐ Send the following forms to Headquarters:
 - Form 156 – Notice of Hearing Letter
 - Signed Certified Mail card **OR** Form 0159N **OR** Form 0064N
 - Form 157 – Request for Expulsion
 - Proof (90-day past due statement for financial delinquency)

*****Please send in all 3 forms at the same time*****

This will help eliminate missing forms, and will result in a more efficient expulsion process. An expulsion is not processed until **ALL** forms are received, so there is no advantage in sending one or two forms in advance.

After all paperwork has been received and is found to be in order, the expulsion will be processed. A letter to the individual notifying him of his expulsion will be sent, with a copy sent to the chapter and ACB. **If any of the forms are missing, the expulsion cannot be processed, and the member will remain in good standing until the forms are received.**

There is no such thing as an inactive member in the Fraternity. If a member chooses not to participate in your chapter's activities and you do not wish to pay his dues, then you must expel him. If you are planning on expelling one of your members, we must receive notice in writing before the deadline date for status reports. Be sure and circle expelled by his name on the status report. You will still be billed for that member's dues, but you will receive a credit when we receive the completed expulsion paperwork.



Suspension and Expulsion, from the *Fraternity Manual*

Suspensions

Suspension of membership is the denial of all privileges of participation in undergraduate or alumni chapters until such time as the member has met the requirements necessary to lift the suspension. Suspensions are levied by the executive director or the Grand Council for minor infractions of Fraternity or chapter rules and regulations. Expulsion is levied by the Grand Council for major infractions of the constitution, bylaws and this manual or offenses against the Fraternity or the chapter.

To initiate a suspension, a chapter or alumni corporation board must notify a member in writing of the offense with which he is charged and inform him of the date, time and place where a hearing will be conducted to consider his suspension. He must be informed of the hearing at least one week before it occurs. During the hearing he must be allowed to present any defense and call witnesses on his behalf. He is responsible for getting his own witnesses to the hearing. If he cannot attend, he is allowed to submit a written defense. At the conclusion of the hearing, a two-thirds (2/3) vote of the chapter or alumni corporation board members present and voting is required to suspend a member. The suspended member may appeal the decision of a chapter or alumni corporation board to the Executive Director in writing but remains suspended while his appeal is pending.

A suspended member may not participate in any chapter activity during the term of his suspension and may not attend chapter meetings. He may not display the letters or name of the Fraternity in any way, and he may not wear the badge. During the suspension, he also must continue to pay all dues and fees as if he were not suspended. Failure to comply with these terms is grounds for immediate expulsion.

Suspensions normally last until the member graduates or permanently leaves college. At any time, however, the chapter or alumni corporation board may:

- (1) recommend that the member be restored to good standing or
- (2) begin expulsion proceedings. A majority of those present and voting is required to restore to good standing.

Expulsions

Expulsion is the permanent denial and forfeiture of all rights and privileges accorded by the Fraternity, including any involvement with the undergraduate or alumni chapter, possession of the badge, membership card and certificate. When a member is expelled it is the duty of the chapter president to secure the badge and return it to the Executive Director.

Expulsions may be initiated by a chapter or alumni corporation board, any district or deputy district commissioner or any national officer on any one of four grounds:

- (1) conduct unbecoming a gentleman or brother;
- (2) illegal conduct;
- (3) failure to participate in the life of the chapter; or
- (4) financial delinquency (90-days past due).

When a chapter or alumni corporation board initiates an expulsion, the member being charged with an expellable offense must be notified at least one week in advance by personal service or certified mail, return receipt requested, of the charges against him and of the date, time and place when the chapter or alumni corporation board will consider his expulsion. He must be allowed to present any defense and call witnesses on his behalf at the meeting. He is responsible for getting his own witnesses to the hearing. If he cannot attend, he is allowed to submit a written defense. If the member desires, he must be allowed to be present while the expulsion is discussed and while the vote is taken by secret, written ballot. The results of the vote must be disclosed to him immediately.

A three-quarters (3/4) vote of the chapter or alumni corporation board membership is required to recommend expulsion to the Grand Council. When an expulsion is recommended, the results must be communicated to the executive director using Delta Sigma Phi Form 157(Request for Expulsion). A copy of the letter notifying the member of the charges against him (Form 156) and the signed certified mail receipt (or Form 0159N or Form 0064N) must accompany the form. You can find all forms attached to this document.

Upon receiving a request for expulsion with appropriate attachments, the executive director shall forward the request to the Grand Council along with his recommendation for approval or denial of the request and any pertinent correspondence or other information regarding the case. A majority vote of the Grand Council is required to expel a member of the Fraternity. After a vote has been taken, the executive director shall notify the chapter and the alumni corporation board of the results, and, if the member has been expelled, shall instruct the chapter president to obtain and return the member's badge and membership certificate. When an expulsion is initiated by a district or national officer, the executive director shall appoint a hearing committee to review the request and make a recommendation to the Grand Council concerning the advisability of expulsion. The committee shall review the facts of the case and provide the accused member with an



opportunity to present a defense either in person or in writing. The committee may then recommend expulsion by a two-thirds (2/3) vote.

Financial Expulsions

Expulsion proceedings should be commenced against any member who is more than 90-days delinquent in the payment of any account to the chapter and who has not made satisfactory arrangements with the treasurer to pay his debt. Prior to filing expulsion proceedings, however, the financially delinquent member must be notified by personal service or certified letter, return receipt requested, of the amount owed and the intent to file expulsion proceedings. Financial expulsions may be approved by the executive director, and do not require the vote of the Grand Council.

Non-cooperation in Expulsion Proceedings

Occasionally, a member will not cooperate with an expulsion proceeding by refusing to accept a certified letter or refusing to appear at any expulsion hearing. This is a form of free speech guaranteed by our government, and the member is legally entitled to refuse cooperation. The Fraternity is, nevertheless, entitled to proceed with expulsion proceedings without the member's cooperation.

Summary of Paperwork Required by Headquarters for Expulsion

- Form 156 – Notice of Hearing letter
- Signed certified mail card (Post Office Form 3811) **OR** Form 0159N **OR** Form 0064N
- Form 157 – Request for Expulsion
- Proof (90-day past due statement for financial delinquency)

If any forms are missing once the procedure has begun, the expulsion will be maintained as “pending” until all the paperwork has been received.

Reinstatement

An expelled member may be reinstated to membership by a unanimous vote of the Grand Council by showing sufficient cause. A member expelled for financial delinquency may be reinstated upon proof that all financial obligations to the Fraternity have been satisfied.

Other Disciplinary Action

It may be necessary for the good of a chapter or the Fraternity for a sanction less than expulsion to be undertaken. This includes alumni probation or alumnus status. The executive director may place a member on probation as necessary, but his decision may be appealed to the Grand Council. The decision of the executive director remains in force until it is overturned. Members who are placed on alumni probation are warned that further problem behavior may lead to more severe sanctions, such as expulsion. Members placed on alumni status do not lose membership in the Fraternity but may not interact with any undergraduate chapter, in any way, for five years. Probation or alumni status may be withdrawn by the executive director at his discretion.



FORM 156 – Notice of Hearing Letter

CERTIFIED MAIL
Return Receipt Requested

Date

Notice of Charges and Hearing to be Conducted

Brother (Full Name)
Address
City, State, Zip Code

Dear Brother Last Name:

This is to notify you that you are charged with the following violation(s) of Delta Sigma Phi's rules and regulations:

List Charges

A hearing will be conducted in accordance with regulations, and you are invited to appear to defend yourself against such charges. The meeting will take place at Location at Time of Day on Date.

At the conclusion of the hearing the chapter will vote on the question of whether or not to recommend to the Grand Council that you be expelled from Delta Sigma Phi Fraternity. The vote required for such a recommendation is a three-fourths vote of the active undergraduate members present at a duly constituted meeting. If the decision of the chapter is adverse, you may appeal in writing to the Executive Director, stating any extenuating circumstances which you think bear upon the case.

Failure to take any notice of this communication or to appear at the scheduled hearing will be considered an indication that you offer no opposition to expulsion proceedings.

As prescribed in the *Fraternity Manual*, copies of this notice are being sent to the Chapter Advisor, ACB President and the Executive Director of Delta Sigma Phi, Patrick F. Jessee.

Signature of Chapter President

cc: Patrick F. Jessee, J.D., Executive Director
Chapter Advisor
ACB President



FORM 157 – Request for Expulsion

Chapter or Alumni Corporation Board
Request for Expulsion of a Member from the Fraternity

TO: Grand Council
ATTENTION: Executive Director

Gentlemen:

The following information is submitted by direction and authority of the chapter and/or alumni corporation board as indicated herein as a formal request that the member designated below be expelled from the Fraternity. All the conditions, rules and regulations prescribed for such action have been fulfilled.

Name of member: [Click here to enter text.](#) Chapter: [Click here to enter text.](#)

College or university: [Click here to enter text.](#)

Member's present address: [Click here to enter text.](#)

Is he employed? Yes or No Employer: [Click here to enter text.](#) Nature of work: [Click here to enter text.](#)

Date of initiation: [Click here to enter text.](#) Class or year of graduation: [Click here to enter text.](#)

Has he held any offices in the chapter?: [List offices](#)

Is he now attending college?: Yes or No If not, when did he leave?: [Click here to enter text.](#)

Please detail the reason (s) for the expulsion proceedings against the member:
[Click here to enter text.](#)

Did the accused member attend hearing?: [Click here to enter text.](#) If not, did he communicate with the chapter?:
[Click here to enter text.](#) (Attach any written communications.)

If he did not attend the hearing, did he offer any valid excuse?: [Click here to enter text.](#) If so, summarize briefly:
[Click here to enter text.](#)

If he attended, what defense did he offer? (Summarize principal points.)
[Click here to enter text.](#)

Was he sent a notification of expulsion proceedings by registered mail, return receipt requested?: [Click here to enter text.](#) (Attach copy of letter sent, with signed receipt attached also)

Total number of members present: [Click here to enter text.](#)

Total voting for expulsion: [Click here to enter text.](#)

Total voting against expulsion: [Click here to enter text.](#)



Officer's Certificate

I, Chapter President's Name, president of Chapter or ACB chapter of the Delta Sigma Phi Fraternity, do hereby certify that I presided as president at a meeting duly called and conducted on Date at Location and that at this meeting the vote was Click here to enter text. for and Click here to enter text. against expulsion; furthermore that the information given in this "Request for Expulsion is true and accurate to the best of my knowledge and belief.

Attest:

Name of Secretary

(Secretary of Click here to enter text. chapter or alumni corporation board)

Name of President

(President of Click here to enter text. chapter or alumni corporation board)

Date

(Proceeding to be used if finances are involved)

I hereby certify that I am the Treasurer of Click here to enter text. (chapter or alumni corporation board) and that the financial statements regarding this member are true and accurate to the best of my knowledge and belief.

Name of Treasurer

(Treasurer of Click here to enter text. chapter or alumni corporation board).

Date



FORM 0159N – Hearing Acknowledgment

I am aware of the hearing to be held by Chapter/Colony Name at Location of Hearing on Date at Time regarding Expulsion Charges charges against me.

Signature of Charged Member

Charged Member's Name
Print

Signature of Delivered By

Delivered By's Name
Print

FORM TO BE USED IN LIEU OF CERTIFIED MAIL SIGNATURE CARD WHEN
THE HEARING NOTICE IS DELIVERED BY PERSONAL SERVICE.



FORM 0064N – Hearing Certification

HEARING CERTIFICATION

Check appropriate line(s)

_____ I was aware of the hearing held by (Chapter/colony name) Chapter
at (location of hearing) on (date) at (time) regarding (charges) charges
against me.

_____ I chose not to attend.

_____ I was unaware of the expulsion hearing on (date).

Date

Signature of Charged Member