

Risk Management Policies

Policies on:

Hazing

Alcohol/Illegal Drugs/Controlled Substances

Sexual Misconduct

Sweethearts/Little Sisters

**Protocol for Alleged Violations of Risk
Management Policies by Chapters**

**Protocol for Alleged Violations of Risk
Management Policies by Individual Members**

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The Risk Management Policies of Phi Mu Alpha Sinfonia includes the provisions herein and applies to all Fraternity entities and all classes of membership as defined in Article II, Section One of the National Constitution.

The development and implementation of an effective risk management program is the responsibility of each member of the Fraternity. We all have the responsibility to protect our members from harm and ensure the good public reputation of our Fraternity. For the continued enjoyment of Fraternity life by future generations, it is imperative that today we faithfully observe and enforce our Risk Management Policies.

REVISION HISTORY

09/25/2007	Zahn updated per NEC Meeting Minutes dated September 14-16, 2007
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POLICY ON HAZING

I.1 Position Statement

Phi Mu Alpha strictly prohibits members or chapters from hazing. Hazing is considered detrimental to our Object and destructive to the morals and characters of our members. Engaging in acts of hazing can lead to expulsion or suspension of the chapter and/or individual member.

Taking part in hazing activities may result in criminal prosecution and often results in civil litigation that easily can bankrupt individuals, cause the premature demise of otherwise successful chapters, and ultimately threaten the survival of the Fraternity itself. One senseless act can erase in seconds a tradition that has taken years to build, and no amount of money can replace a human life needlessly lost. Phi Mu Alpha Sinfonia expects each brother to hold the welfare of his fellow and future brothers as a personal responsibility of the highest order.

A chapter or members should never place probationary members in a situation in which they know there is a risk of physical or mental harm to a probationary member.

I.2 Definition of Hazing

NOTE: For purposes of this definition, the term “members” refers to all classes of membership as defined by the National Constitution.

Any activity or situation that creates fear, mental distress, or undue apprehension in a member; harasses or degrades a member; or an activity which injures or threatens to injure a member’s physical or emotional well being; or any other activities which are not consistent with fraternal ritual or are considered a violation of the policies or regulations of a chapter’s educational institution, or state law.

The following list details activities or situations the Fraternity considers hazing. An activity not listed below may still be hazing under the Fraternity’s policy, your college’s policy or state law. If there is ever a question as to whether a particular activity is hazing, you should immediately consult the National Headquarters or your Province Governor prior to conducting the activity.

- Engaging in personal servitude; require or expect members to run personal errands or favors.
- Using demeaning terms to refer to probationary members; verbally abusing members.
- Deliberately intimidating or terrorizing members.
- Engaging in acts of degradation such as required nudity, partial stripping, rules forbidding bathing, and games played while someone is in a state of undress.
- Deceiving probationary members into believing they are or are not going to be initiated.
- Requiring that members perform sexist, racist, or other discriminatory acts.
- Requiring that members perform foolish pranks.
- Requiring members to wear degrading or unusual clothing or objects; requiring members to ask members or non-members to sign personal articles of clothing or flesh; force members to carry burdensome objects such as paddles, concrete blocks, live animals, and so forth.
- Requiring members to perform raids on rival schools, groups, or organizations.
- Requiring, coercing, or enticing the performance of dangerous stunts.
- Requiring that members refrain from visiting or speaking to any person.
- Requiring members to miss scheduled classes or study sessions.
- Extorting money from members.
- Participating in “grill sessions” or any other intentionally intimidating interrogation.

- Engaging in harassment or shunning to coerce individuals into quitting.
- Participating in the “so-called” kidnapping of members or in their abandonment.
- Forcing members to participate in activities designed to prove their trust of other members, such as “Trust Falls” or “Trust Walks.”
- Participating in activities, including scavenger hunts, that require thievery, trespassing, or property destruction.
- Requiring members to sleep in a closet, bathroom, or other unsatisfactory quarters.
- Use of or threat of paddling, physical force electric shocks, beatings, and sexually demeaning behavior.
- Requiring members to suffer from sleep deprivation.
- Coercing or deliberately enticing members to consume any substance, concoction, drug, or alcoholic beverage, including water, regardless of whether the person being coerced is of legal drinking age.
- Requiring or coercing a member to undergo piercing, tattooing, branding, chemical burning, burns with cigarettes or cigars, or any mutilation of the skin or body whatsoever.
- Dousing of members with dangerous or objectionable substance, such as chemicals, urine, animal scents or alcohol.
- Making someone eat or drink objectionable, unusual, or spicy concoctions, substances, liquids, or foods.
- Participating in unauthorized swimming across lakes, ponds, and rivers, or other competitions that are demeaning to members.
- Requiring members to perform calisthenics, jogging, and exercise sessions or to engage in athletic contests such as football games in which members have protective gear and probationary members do not.
- Retaliating against anyone that reports an allegation of hazing.
- Planning or arranging for members to be hazed by non-members, or hazing of non-members.
- Blindfolding, except as allowed for in the Fraternity’s *Initiation Ritual*.

1.3 Consent

Consent is never a defense to hazing. Requiring a member to consent to hazing activity is strictly prohibited. Any member or chapter requiring a probationary member or another member to consent to a hazing activity is subject to discipline under this policy.

Furthermore, probationary members can often interpret a chapter or member as requiring an action, even when such requirement may not be intended. For purpose of this policy, ‘require’ may not necessarily refer only to stated requirements, but may also apply to implied requirements.

1.4 Reporting Hazing

It is the duty of every member to report acts of hazing. Any member or nonmember can report an activity they believe to be hazing to the Province Governor or to the National Headquarters. Reports to the National Headquarters may be made by calling 1.800.473.2649, by emailing reporthazing@sinfonia.org or by an anonymous online form at www.sinfonia.org/riskmanagement.

Retaliating against **anyone** that reports an allegation of hazing is considered an act of hazing and is strictly prohibited.

1.5 Policy Violations

Chapters or members that are accused of violating this policy will be subject to the Protocol for Alleged Violations of Risk Management Policies. Individuals who are accused of violations of this policy may be subject to discipline under the provisions of Article XV of the *National Constitution* or the policies of your sheltering institution. You may also be subject to the criminal laws of your state.

POLICY ON ALCOHOL/ILLEGAL DRUGS/CONTROLLED SUBSTANCES

2.1 Position Statement

The Risk Management Policy of Phi Mu Alpha Sinfonia Fraternity for alcohol, illegal drugs, and controlled substances includes the following provisions and shall apply to all Fraternity entities and all levels of Fraternity membership. The faculty advisor, chapter officers, and committee chairs shall be familiar with all university regulations, inter-fraternity council rules and Fraternity policies concerning alcoholic beverages, illegal drugs, and controlled substances. No member may be under the influence of alcohol, illegal drugs or controlled substances at a Fraternity meeting, activity or ritual.

2.2 Alcohol

1. The possession, sale, distribution, use, or consumption of alcoholic beverages while on chapter premises, during a Fraternity event, in any situation sponsored or endorsed by the chapter, or in any event an observer would associate with the Fraternity, must be in compliance with any and all applicable laws of the state, county, city and institution of higher education.
2. Alcohol is prohibited from all activities to recruit probationary members.
3. Chapters or members are prohibited from requiring or deliberately enticing other members to drink alcohol.
4. Alcohol is prohibited from any Fraternity meeting, activity or ritual.
5. Members, collectively or individually, are prohibited from purchasing for, serving to, or selling alcoholic beverages to any person under legal drinking age.
6. No alcoholic beverages may be purchased through chapter funds, nor may the purchase of bulk quantity of same (i.e. kegs, cases) for members or guests be undertaken or coordinated by any member in the name of, or on behalf of, the chapter. If chapters host large socials, formals, or other events where alcohol is provided, the chapter is required to use a third-party vendor and abide by all policies of its college, university or the third-party vendor.
7. No chapter may sell alcoholic beverages to members or guests by selling tickets or cups, charging admission fees, taking up collections, or by any other direct or indirect means of collecting monies from persons attending functions.
8. No chapter may co-sponsor an event with an alcohol distributor, charitable organization, or tavern (tavern being defined as an establishment generating more than half of gross annual sales from alcohol) where alcohol is given away, sold, or otherwise provided to those present.
9. No chapter may co-sponsor or co-finance a function where alcohol is purchased by any of the host chapters, groups, or organizations.

2.3 Illegal drugs and Controlled Substances

The possession, sale, distribution, use, or consumption of any illegal drugs or controlled substances while on chapter or Fraternity premises, during a fraternity event, in any situation sponsored or endorsed by the chapter, or in any event an observer would associate with the fraternity, is prohibited.

2.4 Policy Violations

Any allegations regarding violation of this policy will be subject to investigation according to procedures set forth in the *Phi Mu Alpha Sinfonia Fraternity Protocol for Risk Management Allegations*. Individuals or chapters

found to be in violation of this policy will be subject to disciplinary action in accordance with the *National Constitution*.

POLICY ON SEXUAL MISCONDUCT

3.1 Position Statement

Phi Mu Alpha Sinfonia Fraternity will not tolerate or condone any form of sexually abusive behavior or sexual misconduct from its members, whether physical, mental, or emotional. This includes any actions which are demeaning to men or women, any individual person or group of persons, whether member(s) or non-member(s), including but not limited to date rape, gang rape, or physical or verbal sexual harassment.

3.2 What is Sexual Abuse?

There are many types of sexual misconduct, ranging from harassment to sexual abuse to rape. Generally, sexual misconduct falls into two categories: verbal and physical. Sexual harassment is any unwelcome sexual advance, request for sexual favor, suggestive reference to gender or sexual orientation, or other physical or verbal conduct of a sexual nature even under the guise of humor when:

- Submitting to or rejection of such conduct is used either explicitly or implicitly as a basis for any decision affecting terms or conditions of an individual's membership or acceptance;
- An individual's submission to or rejection of such conduct is used as a basis for membership or acceptance;
- Such conduct has the effect or the purpose of creating an intimidating, hostile, or offensive environment.

Rape or other sexual abuse includes physical sexual acts with a person against his/her will. Sexual misconduct includes any conduct of a sexual nature undertaken without mutual consent.

Verbal misconduct may include:

- suggestive whistling
- humor about sex or male/female specific traits
- suggestive or insulting sounds
- sexual innuendoes about your or someone else's personal appearance
- sexual innuendoes about your or someone else's sexual activities
- demands for sexual favors accompanied by implied or overt threats
- obscene gestures
- staring suggestively

Physical misconduct may include:

- any inappropriate or unwelcome touching, pinching, or patting
- suggestively brushing against someone else's body
- coerced sexual intercourse
- assault
- rape

3.3 Consent

Consent is defined as the act of knowingly and voluntarily agreeing to engage in sexual activity.

An individual cannot give consent if he or she is:

- incapacitated by any drug or intoxicant
- compelled by force, threat of force, or deception
- unaware that the act is being committed

- mentally impaired or lacking the physical ability to resist or consent
- compelled by threats regarding membership, social status, etc.

3.4 Classes of Victims or Perpetrators

Anyone, regardless of sexual orientation or gender can be a victim or perpetrator of sexual misconduct and harassment. It is possible for a straight male to be the victim of harassment from another straight male or group of males. The intention of the perpetrator is not a determinative factor in deciding whether sexual harassment occurred.

If you have been the victim of sexual abuse or harassment by a Fraternity member or know of someone that has been the victim of sexual abuse or harassment by a Fraternity member, you should contact the National Headquarters immediately.

3.5 Policy Violations

Any allegations regarding violation of this policy will be subject to investigation according to procedures set forth in the *Phi Mu Alpha Sinfonia Fraternity Protocol for Risk Management Allegations*. Individuals or chapters found to be in violation of this policy will be subject to disciplinary action in accordance with the *National Constitution*.

POLICY ON SWEETHEARTS/LITTLE SISTERS/AUXILIARY GROUPS

4.1 Position Statement

Phi Mu Alpha Sinfonia prohibits the formation and operation of sweetheart, little sister, or other auxiliary groups.

4.2 Chapter Sweethearts

Chapters of Phi Mu Alpha Sinfonia may elect or choose one individual who may be given the title of chapter sweetheart. Only one individual may hold this position at any given time.

The title of “sweetheart” is an honor and does not bestow any form of membership in Phi Mu Alpha Sinfonia upon the recipient.

PROTOCOL FOR ALLEGED VIOLATIONS OF RISK MANAGEMENT POLICIES BY CHAPTERS

revised 09/2007

I. Reporting/Notification

As soon as practicable by the most immediate means possible, any person who has knowledge of a violation of the Fraternity's Risk Management Policies that has been committed by taken place or is planned by a chapter shall notify at least one of the following individuals: the faculty advisor of the chapter in question, the province governor of the province where the chapter in question is located, any member of the national staff, the chairman of the Commission on Standards (COS), or the national president. Each of those named individuals shares concurrent responsibility to notify each of the other named individuals, such that all named individuals shall know about the allegations as soon as practicable. The chairman of the COS also shall notify the other commissioners. The national president also shall notify the other members of the National Executive Committee (NEC) of the activation of this Protocol and the allegations.

II. Preliminary Investigation

- A. *Definition, responsibility and purpose.* A member or members of the national staff, in consultation with the COS, shall conduct a preliminary investigation of the alleged violations. No individual may investigate any chapter of which he is or ever was an active member. The preliminary investigation may take place through telephone interviews or other long distance communication. The purpose of the preliminary investigation is to determine if there is probable cause to continue the disciplinary process by imposing initial discipline under Section III of this Protocol and, if the chapter is suspended, conducting a thorough investigation under Section IV of this Protocol.
- B. *Reporting.* Each investigating staff member must prepare a written report of his findings and must submit his report to the COS and the national president within ten (10) days of the date the national staff initially was notified of the allegations. If any staff member requires additional time to conduct the preliminary investigation and/or prepare his report, he may seek an extension of time from the chairman of the COS. Extensions shall be granted freely for good cause shown.

III. Initial Discipline

Based on the findings of the preliminary investigation, the COS may place the chapter in question on probation or suspension in accordance with the *National Constitution*

- A. *Probation.* An order of probation shall enumerate both the conditions that the chapter must meet before the probation can be lifted and the time frame in which they must be met. A chapter on probation may conduct its usual business except to the extent that it is limited by the order of probation. A chapter that does not meet these conditions in the allotted time may be subject to further discipline, including suspension or expulsion. If appropriate, the *Protocol for Alleged Violations of Risk Management Policies by Individual Members* may be activated in order to consider further discipline against one or more individual members.
- B. *Suspension.* A chapter may be suspended for a period of time up to 60 days, or 120 days with documentation of just cause, during which time the chapter may not conduct any business or activities (including but not limited

to meetings, fund raisers, musical performances, service projects, rituals, rush functions or social functions) as an entity of Phi Mu Alpha Sinfonia Fraternity. Days spent on suspension during a summer session, an academic break, or other official closure as defined by the sheltering institution are not counted in the total number of days suspended. The suspension period should be arranged to run as much a possible while school is in session. During the period of suspension, a thorough investigation of the allegations shall be conducted, and further disciplinary action shall be taken if necessary, pursuant to Section IV of this Protocol. Following the procedure described in Section IV of this Protocol, the chapter in question may be returned to active status, placed on probation, expelled, or its individual members may be subject to discipline, pursuant to the *National Constitution*. If no action is taken by the end of the suspension period, the chapter in question shall be placed on probation and the COS shall enumerate conditions for the probation as soon as practicable.

- C. *Further notification – sheltering institution.* The national staff, in consultation with the COS, shall notify the appropriate officers and administrators of the institution where the chapter in question is housed of the initial discipline imposed, if any. These officers and administrators shall include the chair of the music department or school and the individual(s) responsible for student activities; they may include, if appropriate, administrators responsible for public safety, residence life, judicial affairs and Greek life. The national staff also shall maintain regular contact with the appropriate officers and administrators of the institution as the Protocol continues, in order to apprise them of the status of the Fraternity's investigation.

IV. Thorough Investigation

A thorough investigation shall be conducted for any chapter suspended for an alleged violation of the Fraternity's *Risk Management Policies*.

- A. *Investigating officers.* Three individuals shall conduct the thorough investigation: (1) a member of the national staff, appointed by the executive director; (2) the province governor or, if he is ineligible or unavailable, the deputy province governor; and (3) a member of the COS, appointed by the chairman of the COS. No individual may investigate any chapter of which he is or ever was an active member. In the event an investigating officer in any one or more of those three categories cannot be selected, the chairman of the COS shall appoint a replacement, unless the chairman of the COS is or ever was an active member of the chapter under investigation, in which case the executive director shall make the appointment(s).
- B. *Timetable, reporting and outcome.* The actual investigation should take place during the first thirty (30) days of the suspension period. Each investigating officer shall prepare a written report and submit it to the COS, through the national staff, no later than fifteen (15) days prior to the end suspension period. The national staff shall prepare and distribute copies of each report to the COS and national president. The COS shall render its decision on further discipline, pursuant to the *National Constitution*, no later than the end of the suspension period. If no action is taken by the end of the suspension period, the chapter in question shall be placed on probation and the COS shall enumerate conditions for the probation as soon as practicable.
- C. *Report Format.* Reports of thorough investigations shall follow the following general format:
1. Chronological narrative of thorough investigation
 2. Statements and findings that support the accusation(s)
 3. Statements and findings that deny the accusation(s)
 4. Contradictions between the statements and findings that support the accusation(s) and those that deny the accusation(s)

This report shall be confined to the statement of fact.

Each investigating officer shall provide in a separate document a personal recommendation regarding disciplinary action in accordance with his findings. This document shall be reviewed by the COS after initial discussion of the investigation reports and before a decision is made.

The chair of the Commission on Standards, in consultation with the executive director, may authorize appropriate variance to this report format in exceptional circumstances.

V. Outcome and Appeals

- A. *Outcome.* Based on the reports and recommendations of the investigating officers following the thorough investigation and prior to the end of the suspension period, the COS shall render a decision on further discipline pursuant to the *National Constitution* for any chapter(s) and/or individual member(s) violated the *Fraternity's Risk Management Policies*.
1. *Chapters.* (a) The COS may return a chapter to active status, in which case it recovers all the rights and privileges of a chapter in good standing. (b) The COS may place a chapter on probation as described in Section III.A. of this Protocol, with a list of activities that must be completed before probation can be lifted. (c) The COS may expel a chapter thus recalling its charter and expelling all of its collegiate members from membership in Phi Mu Alpha Sinfonia Fraternity.
 2. *Individual Members.* If the COS does not expel the chapter, it may activate the *Protocol for Alleged Violations of Risk management by Individual Members* in order to consider one or more individual members of the chapter for suspension or expulsion from membership in Phi Mu Alpha Sinfonia Fraternity.

In Such Cases, the reports of the preliminary and thorough investigations conducted under this protocol may be considered to be the reports required by Section 2.b. of the *Protocol for Alleged Violations of Risk Managements Policies by Individual Members*, provided that they include specific information about the member(s) in question and the allegations made against him/them.

- B. *Appeals.* Pursuant to the *National Constitution*, any chapter or individual member may appeal a disciplinary action by the COS to the NEC.

Note: Pursuant to Article XIV, Section Eight of the *National Constitution*, alumni associations that are alleged to have violated the Fraternity's *Risk Management Policies* shall be subjected to this Protocol with the exception of Section III.C.

PROTOCOL FOR ALLEGED VIOLATIONS OF RISK MANAGEMENT POLICIES BY INDIVIDUAL MEMBERS

I. Reporting/Notification

- A. As soon as practicable by the most immediate means possible, any person who has knowledge of a violation of the Fraternity's *Risk Management Policies* that has been committed by or is planned by an individual member of the Fraternity shall notify at least one of the following individuals: the Faculty Advisor (if applicable), the Province Governor of the province where the violation occurred or is planned, any member of the national staff, the chairman of the Commission on Standards (COS), or the National President. Each of those named individuals shares concurrent responsibility to notify each of the other named individuals, such that all named individuals shall know about the allegations as soon as practicable. The chairman of the COS also shall notify the other Commissioners. The National President also shall notify the other members of the National Executive Committee (NEC) of the activation of this Protocol and the allegations.

II. Preliminary Investigation

- A. *Definition, responsibility and purpose.* A member or members of the national staff, in consultation with the COS, shall conduct a preliminary investigation of the alleged violations. No individual may investigate a member of a chapter or alumni association of which he is or ever was an active member. The preliminary investigation may take place through telephone interviews or other long distance communication. The purpose of the preliminary investigation is to determine if there is probable cause to continue to Section III of this Protocol. When this Protocol has been activated in response to allegations that were originally investigated under the *Protocol for Alleged Violations of Risk Management Policies by Chapters*, the preliminary investigation (and, if applicable, the thorough investigation) conducted under the provisions of that protocol may be considered to be the preliminary investigation required by this section.
- B. *Reporting.* Each investigating staff member must prepare a written report of his findings, including his recommendation as to appropriate disciplinary action, and must submit his report to the COS and the National President within ten (10) days of the date the national staff initially was notified of the allegations. If any staff member requires additional time to conduct the preliminary investigation and/or prepare his report, he may seek an extension of time from the chairman of the COS. Extensions shall be granted freely for good cause shown. When this Protocol has been activated in response to allegations that were originally investigated under the *Protocol for Risk Management Policy Violations by Chapters*, the reports of the preliminary investigation (and, if applicable, the thorough investigation) conducted under that protocol may be considered to be the reports required by this Section provided that they include specific information about the member in question and the allegations made against him.
- C. *Outcome.* Based on the findings and recommendations of the staff member(s) who conducted the preliminary investigation, the COS may proceed to consider disciplinary action against the member in question pursuant to Section III of this Protocol.

III. Consideration of Disciplinary Action

- A. *Notification.* If the COS proceeds to consider disciplinary action against the member in question, the COS, through the national staff, shall inform the member in question that the COS will be considering disciplinary action against him pursuant to the *National Constitution*.
- B. *Interview.* Pursuant to the *National Constitution*, the member in question shall have the privilege of an interview with the COS. The interview shall be scheduled by the national staff in consultation with the COS and the member in question. This interview may be waived by the member in question and shall be deemed to have been waived if he fails to respond within fourteen days of initial notification, and/or fails to appear at the scheduled time and place. Under no circumstances shall multiple members under consideration for disciplinary action be interviewed together.
- C. *Deliberation and timetable.* The COS shall deliberate the case and render a decision within twenty (20) days after interviewing the member in question. When the interview is waived by the member in question, the COS shall deliberate the case and render a decision within thirty (30) days of the date that the national staff is informed that the interview will be waived.

IV. Outcome and Appeals

- A. *Outcome.* (a) The COS may choose not to impose discipline on the member in question. (b) The COS may suspend the member in question pursuant to the *National Constitution*. (c) The COS may expel the member in question from membership in Phi Mu Alpha Sinfonia Fraternity.
- B. *Appeals.* Pursuant to the *National Constitution*, any individual member may appeal a disciplinary action by the COS to the NEC.

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