

Risk Management Policies

Policies on:

Hazing

Alcohol / Illegal Drugs / Controlled Substances

Sexual Misconduct

Sweethearts / Little Sisters / Auxiliary Groups

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

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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 the *National Constitution and Bylaws*.

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

7/31/2009:Evans: effects of 07/2009 legislation incorporated.	2/28/2015:..... Helmstetter: effects of 02/2015 NEC Meeting incorporated.
12/1/2009:Evans: effects of 10/2009 NEC Meeting incorporated.	10/25/2016:..... Helmstetter: effects of 10/2016 NEC Meeting incorporated.
06/8/2010:Evans: effects of 05/2010 NEC Meeting incorporated.	
2/28/2011:Evans: effects of 02/2011 NEC Meeting incorporated.	

POLICY ON HAZING

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 suspension or charter revocation of the chapter and/or suspension or expulsion of the 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 any persons in a situation in which they know there is a risk of physical or mental harm.

DEFINITION OF HAZING

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

Hazing is defined as 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.

1. Paddling, beating, or physically abusing members.
2. Threatening to paddle, beat, or abuse members.
3. Blindfolding, except as allowed for in the Fraternity’s Initiation Ritual.
4. Requiring, coercing, or enticing the performance of dangerous stunts.
5. Placing any member in a position to get a less than an adequate amount of sleep.
6. Singing, reciting, or performing any degrading or humiliating music, including “The Song of the Worm” (a.k.a. the worm song) in whole or part.”
7. Engaging in personal servitude; requiring or expecting members to perform personal errands or favors.
8. Using demeaning terms to refer to members; making derogatory comments to or about members.

9. Intimidating or terrorizing members.
10. Engaging in acts of degradation such as requiring nudity, partial stripping, rules forbidding bathing, and games played while someone is in a state of undress.
11. Deceiving probationary members into believing that they are or are not going to be initiated.
12. Requiring that members perform discriminatory acts (e.g. racist, sexist, etc.).
13. Requiring that members perform pranks.
14. Requiring members to wear degrading clothing or objects.
15. Requiring members to ask members or non-members to sign flesh or articles of clothing.
16. Forcing members to carry burdensome articles (e.g. paddles, bricks, concrete blocks, animals).
17. Performing raids on schools, groups, or organizations.
18. Requiring that members refrain from visiting or communicating with any person.
19. Requiring or causing members to miss scheduled classes or study sessions.
20. Extorting money from members.
21. Participating in any “grill session.”
22. Participating in any intentionally intimidating interview.
23. Pressuring individuals to quit by harassing or shunning them.
24. Participating in the kidnapping of members.
25. Abandoning members intentionally.
26. Forcing members to participate in activities designed to prove their trust of other members (e.g. “Trust Falls”, “Trust Walks”).
27. Damaging or destroying the personal property of a member, or leading them to believe that property has been or will be damaged or destroyed.
28. Requiring members to surrender personal property.
29. Participating in activities that require thievery, trespassing, or destruction of property.
30. Requiring members to sleep in unconventional locations (e.g. closets, bathrooms, lockers, stairwells).
31. Using or threatening electric shock.
32. Forcing, pressuring, or deliberately enticing members to consume any substance, including water.
33. Pressuring or requiring a member to physically alter the skin or body (e.g. piercing, tattooing, branding, or chemical burning).
34. Burning or threatening to burn members (e.g. with cigars, cigarettes, matches, torches).
35. Dousing members with any substance (e.g. water, chemicals, urine, animal scents, alcohol).
36. Requiring members to swim in or across bodies of water (e.g. lakes, ponds, rivers, or pools).
37. Requiring members to travel across or through dangerous terrain.
38. Requiring members to participate in humiliating or demeaning competitions or events.
39. Engaging in contests or activities in which the opportunity for equal participation is taken from a member or group of members.
40. Participating in contests or activities in which some members have protective gear and some do not.
41. Requiring members to perform physical activities (e.g. calisthenics, jogging, exercise sessions).
42. Retaliating against anyone who reports a risk management violation.
43. Allowing for members to be hazed by non-members.
44. Encouraging or allowing hazing of non-members.

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.

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 online form at <http://www.sinfonia.org/report-hazing>.

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

POLICY VIOLATIONS

Any allegations regarding violation of this policy will be subject to investigation according to procedures set forth in the *Protocols for Alleged Violations of Risk Management Policies*. Individuals or chapters found to be in violation of this policy will be subject to disciplinary action in accordance with the *National Constitution and Bylaws* and/or the policies of your sheltering institution. You may also be subject to the criminal laws of your state.

In situations where a violation of the Policy on Hazing places a person or persons in harm’s way, the Fraternity reserves the right to notify local law enforcement or pertinent legal authority.

POLICY ON ALCOHOL / ILLEGAL DRUGS / CONTROLLED SUBSTANCES

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.

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 a reasonable 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 chapter meeting or ritual.
5. Members, collectively or individually, are prohibited from purchasing for, serving to, or selling alcoholic beverages to any member 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.
10. No chapter may host an open party where alcohol is present. An open party is defined as one with unrestricted access by non-members of the Fraternity without specific invitation.

11. No member shall permit, tolerate, encourage or participate in "drinking games" while on chapter premises, during a Fraternity event, in a situation sponsored or endorsed by the chapter, or in any event a reasonable observer would associate with the Fraternity. The definition of drinking games includes, but is not limited to, the competitive consumption of shots or drinks of alcohol, liquor or alcoholic beverages; the practice of consuming shots or drinks equating to one's age; "beer pong," "century club," "dares" or any other activity involving the consumption of alcohol which involves duress or encouragement related to the consumption of alcohol.

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. Initiated members may not consume illegal drugs or controlled substances with probationary members under any circumstances.

POLICY VIOLATIONS

Any allegations regarding violation of this policy will be subject to investigation according to procedures set forth in the *Protocols for Alleged Violations of Risk Management Policies*. Individuals or chapters found to be in violation of this policy will be subject to disciplinary action in accordance with the *National Constitution and Bylaws*.

POLICY ON SEXUAL MISCONDUCT

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.

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

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.

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.

POLICY VIOLATIONS

Any allegations regarding violation of this policy will be subject to investigation according to procedures set forth in the *Protocols for Alleged Violations of Risk Management Policies*. Individuals or chapters found to be in violation of this policy will be subject to disciplinary action in accordance with the *National Constitution and Bylaws*.

POLICY ON SWEETHEART / LITTLE SISTERS / AUXILIARY GROUPS

POSITION STATEMENT

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

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

There are two workflows in which the protocol could follow; Individual Membership discipline (*see Figure 1*) or Chapter (or Alumni Association) discipline (*see Figure 2*). These two processes are nearly identical through the Preliminary Investigation phase. At any step in the process, if there is an admission of guilt by the suspected party(ies), the COS may go directly to the Disciplinary Action phase. No individual may participate in the evaluation, investigation, or disciplinary action decisions of an allegation against any chapter of which he is or ever was a member or whose sheltering institution currently employs him.

I. REPORTING, NOTIFICATION, AND EVALUATION

A. Reporting and Notification.

As soon as practicable and 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 or is planned for a future event should notify at least one of the 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), the National President, or file a report via the Fraternity website. The Fraternity does not act on anonymous allegations. A person filing a report may request that his/her name be kept confidential, and not disclosed except when strictly required by process. The Fraternity must have valid contact information from a reporter in order to verify the report and the allegations contained within it.

B. Evaluation.

Within 72 hours of the initial receipt of an alleged violation, the National President and the chairman of the COS are notified of the allegation and evaluate whether, if treated as true, the allegation would violate the Fraternity's *Risk Management Policies*. If they determine that, if treated as true, the allegation would violate the Fraternity's *Risk Management Policies*, then the protocol is activated. The National President notifies the members of the National Executive Committee and the Chairman of the COS notifies the commissioners of the COS of the allegations. If there is potential for physical harm, illegal activity, or destruction of property, then the National Staff notifies the sheltering institution and/or local law enforcement agencies.

For activation of chapter discipline protocol: If the allegation is against chapter actions, then the Governor of the Province in which the alleged violation(s) occurred is notified by the National Staff. In consultation with the National President and the chairman of the COS, the Executive Director may issue a Cease and Desist Order at any time to preclude any further chapter actions and violations of the *Risk Management Policies*. An on-site investigation (*Section IV*) may be the result of a Cease and Desist Order, in which case the Order is considered prior notification, as stipulated by the *National Constitution and Bylaws*, and all individual collegiate members of the chapter are considered for further disciplinary action.

II. PRELIMINARY INVESTIGATION

A. Responsibility and Purpose.

A member or members of the National Staff, in consultation with the COS, shall conduct a preliminary investigation of the alleged violation(s). If no member(s) of the National Staff is (are) able to perform the preliminary investigation, then the National President may appoint a member of the COS to investigate. If a member of the COS performs the preliminary investigation, then that member shall not participate in any further disciplinary actions resulting from that preliminary investigation. The purpose of the preliminary investigation is to determine if there is probable cause to continue this Protocol by imposing discipline under Section III and, if the chapter is suspended, conducting a thorough investigation under Section IV. If the allegations under consideration have already resulted in an investigation by the sheltering institution or relevant law enforcement authority, the Fraternity will defer preliminary investigation and consider the findings of the local investigation as the preliminary investigation.

III. CONSIDERATION OF DISCIPLINARY ACTION

A. Chapter Discipline.

Based on the findings of the preliminary investigation, the COS may take the following actions or may end this Protocol without taking action.

1. Reprimand.

A letter of reprimand shall include a statement that the allegation(s) was (were) found to be credible and that further violations of the Fraternity's *Risk Management Policies* will result in more stringent disciplinary action. Copies of this letter shall be sent to the chapter, the chapter's Faculty Advisor, the Province Governor, the Collegiate Province Representative, the members of the COS, the National President, and appropriate administrators of the chapter's sheltering institution.

2. Chapter 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. Copies of the order of probation shall be sent to the chapter, the chapter's Faculty Advisor, the Province Governor, the Collegiate Province Representative, the members of the COS, the National President, and appropriate administrators of the chapter's sheltering institution. A chapter that does not meet the conditions of probation in the allotted time may be subject to further discipline, including suspension or charter revocation.

3. Chapter 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, ceremonies, rush functions or social functions) as an entity of Phi Mu Alpha Sinfonia Fraternity. Days spent on suspension during 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 order of suspension to a chapter is considered prior notification, as stipulated in the *National Constitution and Bylaws*, and all members of the chapter are considered for individual discipline pending the results of a Membership Review. Copies of the order of suspension shall be sent to the chapter, the chapter's Faculty Advisor, the Province Governor, the Collegiate Province Representative, the members of the COS, the National President, and appropriate administrators of the chapter's sheltering institution. The suspension period should be arranged to run as much as possible while school is in session. During the period of suspension, an on-site investigation as described in Section IV of this Protocol shall take place.

B. Individual Discipline.

Based on the findings of the preliminary investigation, the COS may move to consider the individual for further disciplinary action or may end this Protocol without taking action. Pursuant to the *National Constitution and Bylaws*, 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 to the initial notification and/or fails to make himself available for interview at the scheduled time. Under no circumstances shall multiple members under consideration for disciplinary action be interviewed together. Based on the findings of the preliminary investigation and the individual interviews, the COS may take the following actions or may end this Protocol without taking action.

1. Reprimand.

A letter of reprimand shall include a statement that the allegation(s) was (were) found to be credible and that further violations of the Fraternity's *Risk Management Policies* will result in more stringent disciplinary action. Copies of this letter shall be sent to the individual, the members of the COS, and the National President.

2. Individual Member Suspension.

The *National Constitution and Bylaws* stipulates conditions of individual member suspension. Copies of the order of suspension shall be sent to the individual member, the members of the COS, and the National President.

3. Individual Member Expulsion.

For conduct which is harmful to the best interests or good name of the Fraternity, the COS may expel a member from the Fraternity.

IV. ON-SITE INVESTIGATION

An on-site investigation shall be conducted for any chapter suspended for an alleged violation of the Fraternity's *Risk Management Policies*.

A. Investigation Team.

Three individuals shall conduct the on-site investigation: (1) a member of the National Staff; (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. 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 National President shall make the appointment(s).

B. Membership Review.

The COS may also choose to conduct a general Membership Review, in which case it may consider all individual collegiate members of the chapter and, if applicable, selected alumni members for disciplinary action. In such a case, the report of the preliminary investigation need not include specific information about each individual member's role in the alleged violations. All members considered for disciplinary action shall be notified and given the opportunity to interview pursuant to Section III.B of the Protocol.

C. Timetable.

The on-site investigation must take place during the period of suspension, or the period during which a Cease and Desist Order is in effect, and should be scheduled to conclude at least twenty (20) days prior to the end of suspension, or while a Cease and Desist Order is in effect.

V. OUTCOME AND APPEALS

A. Outcome of On-Site Investigation.

Based on the reports and recommendations of the members of the investigative team, the COS shall render its decision regarding the status of the chapter pursuant to the *National Constitution and Bylaws*, in accordance with Section III of this protocol document.

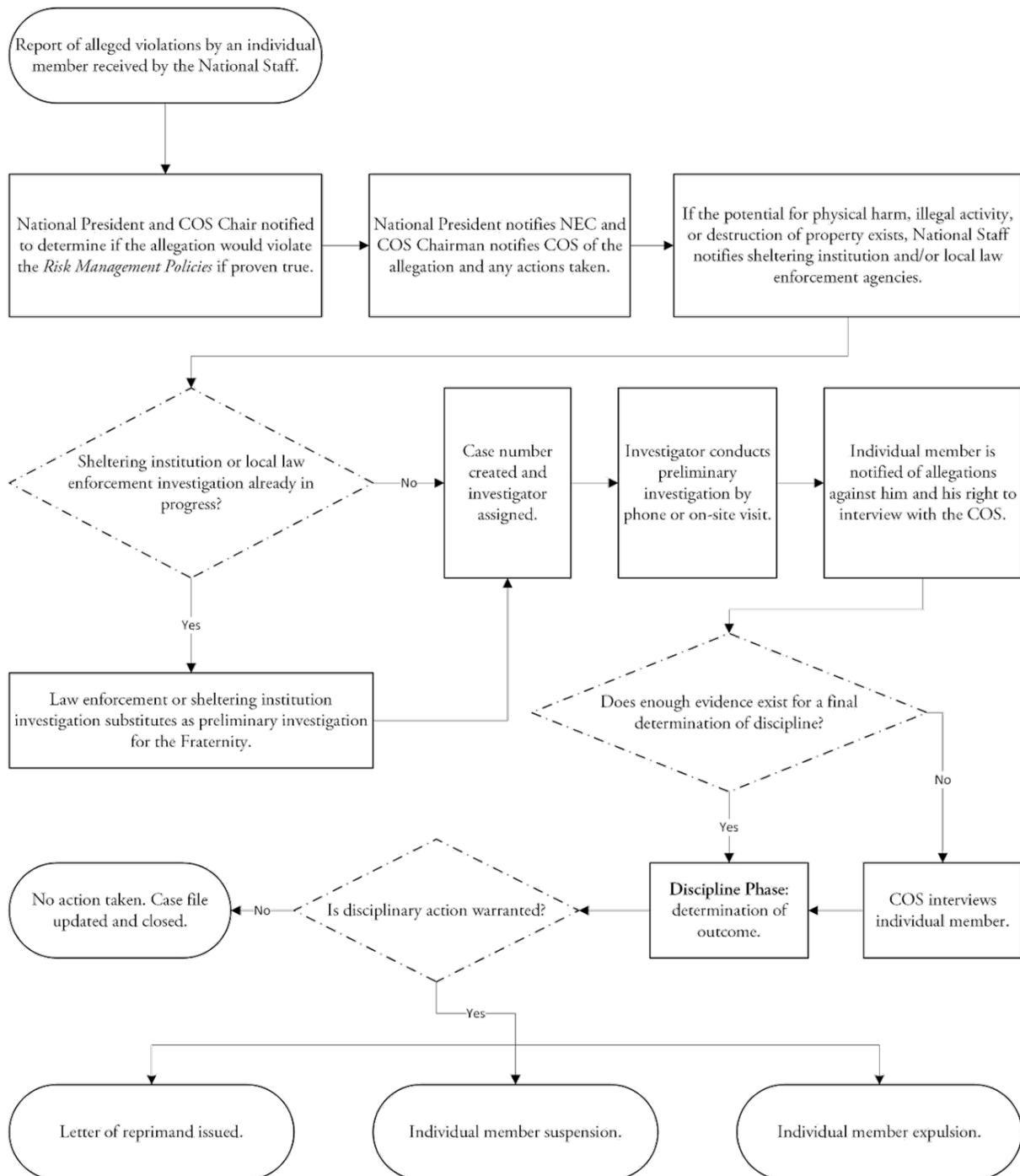
B. Appeals.

Pursuant to the *National Constitution and Bylaws*, any chapter, alumni association, or individual member may appeal a disciplinary action by the COS to the NEC.

INDIVIDUAL MEMBER DISCIPLINE WORKFLOW

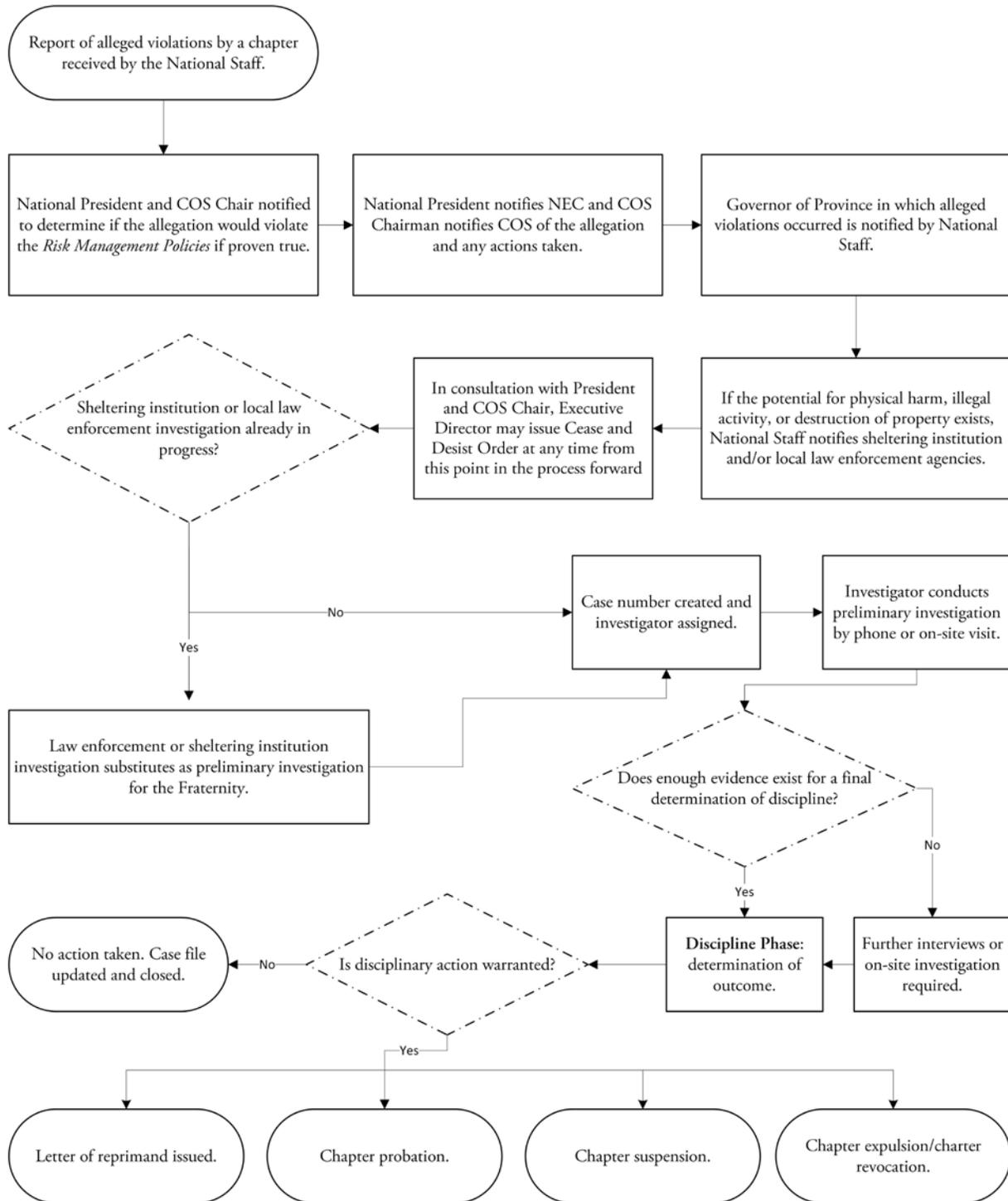
Figure 1

The following graphics highlight the workflow processes that are enacted upon the receipt of alleged violations of Phi Mu Alpha Sinfonia’s *Risk Management Policies*. These workflow diagrams can be used to help supplement the *Protocol for Alleged Violations of Risk Management Policies* outlined in the previous section.



CHAPTER DISCIPLINE WORKFLOW

Figure 2



Note: Alumni Associations which are alleged to have violated the Risk Management Policies follow the Chapter Discipline Protocol, without reference to 'sheltering institutions'.

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SINFONIA HARMONY

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