

Omega Psi Phi Fraternity, Inc. Eighth District



Constitution and Bylaws

Includes revisions through 1992

**CONSTITUTION OF THE EIGHTH DISTRICT
OMEGA PSI PHI FRATERNITY, INC.,
PREAMBLE**

We, the members of the Eighth District of the Omega Psi Phi Fraternity, Inc., believing that men of similar ideals of fellowship should bind themselves together in order to form a more perfect union among college men; to promote the principles of manhood, scholarship, perseverance and uplift; to further brotherly love and fraternal spirit within the organization; and to protect the sanctity of the home and the chastity of woman, do enact and establish this Constitution and accompanying Bylaws for the governance of its members.

ARTICLE I

NAME AND SYMBOL

Section 1 - The name of the organization shall be EIGHTH DISTRICT, OMEGA PSI PHI FRATERNITY, INC.

Section 2 - The symbol of the Fraternity shall be the Greek letters ΩΨΦ (OMEGA PSI PHI).

ARTICLE II

PURPOSE

The purpose of the District shall be to bring about a union of fellow members of the Eighth District of the Omega Psi Phi Fraternity, as established by the Supreme Council, in order to:

- (a) Stimulate the attainment of ideals and ambitions of its members;
- (b) Disseminate and inculcate those ideals among those with whom its members come in contact;
- (c) Cooperate with the schools where its Chapters may be located in fostering these ideals;
- (d) Occupy a progressive, helpful and constructive place in civic and political life, domestically and internationally;
- (e) Prepare its members for greater usefulness in causes of humanity, freedom and dignity of the individual; and
- (f) Aid down-trodden humanity in its effort to achieve higher social, economic and intellectual status.
- (g) To engage in all other activities that are consistent with and under the direction of the Constitution and Bylaws of the Omega Psi Phi Fraternity, Inc.

**ARTICLE III
ORGANIZATION**

Section 1: The organization shall be composed of all Graduate and Undergraduate chapter and nationally financial members of the Fraternity, located within the boundaries of the Eighth District of Omega Psi Phi Fraternity as established by the Supreme Council.

**CHAPTER II
ARTICLE I
OFFICERS OF THE DISTRICT**

Section 1 – Name of officers: The following shall be the officers of Eighth District of Omega Psi Phi Fraternity.

- (a) District Representative
- (b) First Vice-District Representative
- (c) Second Vice-District Representative
- (d) District Keeper of Records and Seal
- (e) District Keeper of Finance
- (f) District Reporter to the Oracle or District Director of Public Relations
- (g) District Chaplain
- (h) District Counselor
- (i) State Representatives
- (j) Undergraduate Representative at Large

Section 2 – District Council: the District Council of the Eighth District shall consist of the District Representatives, the First Vice-District Representative, Second Vice-District Representative, District Keeper of Records and Seal, District Keeper of Finance, District Director of Public

Relations, District Chaplain, District Counselor, Undergraduate Representative At-Large, the Immediate Past District Representative, State Representatives, District Marshal, and any and all Grand Officers in attendance at the District Council meeting. It shall also include one delegate for each chapter in attendance at the District Meeting.

Section 3 – The District Meeting: The Supreme governing body of the District shall be the District Meeting. In the interim of the District Meeting, the District Council shall be the Supreme governing body of the District subject to its Constitution and Bylaws. The District Council shall have no authority to alter, change or attend any action taken by the District Meeting.

ARTICLE II

DUTIES AND RESPONSIBILITIES OF ELECTED OFFICERS

Section 1 – District Representative shall be the Chief Executive of the District, presiding officer over the District Meeting and Chairman of the District Council. The District Representative shall be charged with the duty of supervising and directing the various Chapters of the Eighth District, to work with the Supreme Council in such a manner as the Grand Basileus shall direct and to perform such other duties as the Bylaws of the Fraternity and the District may prescribe. The District Representative shall give bond in a sum to be determined by the District Council.

Section 2 – First Vice-District Representative: The First Vice-District Representative shall be the assistant to the District Representative. He shall perform such other duties as may be assigned the District Council or as set forth in the Bylaws of the District.

Section 3 – Second Vice-District Representative: The Second Vice-District Representative shall be a Brother who at the time of his election is pursuing a course of study leading to a Bachelor's Degree in a college recognized by the Fraternity. He shall perform such duties as may be assigned to him by the District Council and set forth in the Bylaws of the Fraternity or as assigned him by the District Representative. He shall have general supervision over undergraduate chapters and develop programs for the undergraduate chapters.

Section 4 – District Keeper of Records and Seal. The District Keeper of Records and Seal shall be the administrative officer of the District. He shall be the custodian of the District's records. He shall assume the duties of auditing supervisor. He shall make sure there is an audit effected in the District no less frequently once per calendar year and more frequently if deemed necessary under the control and supervision of the District Council. The District Keeper of Records and Seal shall give bond and perform such duties as the Bylaws of the District may prescribe.

Section 5 – District Keeper of Finance: It shall be the responsibility of the District Keeper of Finance, as controller, to adhere to the controllership as concept as spelled out in the Bylaws of the District. He shall hold funds and give bond in the amount to be determined by the District Council. He shall perform such duties as may be assigned to him by the District Council or as the Bylaws of the District may prescribe.

Section 6 – District Counselor: The District Counselor shall be the legal consultant and advisor of the District, and shall perform such duties in connection therewith, as may be prescribed by the Bylaws of the District. He must be an attorney duly licensed to practice law in a state within the District. He shall be consulted with on all matters pertaining to law and interpretation of the District and National Constitution and Bylaws. He shall review all and approve all contracts entered into by the District. He shall be notified on all matter of litigation or potential litigation and on all disciplinary actions taken in the District.

Section 7 – District Marshal: The District Marshal, in conjunction with the District Representative and the District Counselor, with the approval of the District Council, shall make all arrangements for the holding of the District Meeting. And the District Marshal shall perform such other duties as the Bylaws of the District may prescribe. The District Marshal shall be bonded in an amount to be determined by the District Council.

Section 8 – District Director of Public Relations: It shall be the duty of the District Director of Public Relations to direct the publication of the District Oracle and to institute and direct any other publication he may deem necessary, and direct all public relations activities of the District in conjunction with the National Editor to the Oracle.

Section 9 – District Chaplain: It shall be the duty of the District Chaplain to conduct the ministry of the District. To hold a memorial service at the District Meeting and to perform such other duties as the Bylaws of the District may prescribe.

Section 10 – State Representative: The State Representative are to perform such duties as may be assigned him by the District Representative, District Council or District Meeting. He shall coordinate activities of the chapters in his state with the District Representative.

Section 11- Undergraduate Representative at-large: The Undergraduate Representative at-large shall be a brother who at the time of his election is pursuing a course of study leading to a Bachelor's Degree at a college recognized by the Fraternity. He shall perform such duties as may be assigned him by the Fraternity or assigned him by the District.

ARTICLE III

ELIGIBILITY FOR OFFICE AND TERM OF OFFICE

Section 1 – Eligibility for Office: To be eligible for office in the District, a member shall be in good standing with the Fraternity, the Eighth District, and the Chapter of which he is a member.

Section 2 – Term of Office: All officers of the District except for the District Marshal and State Representatives shall be elected at each District Meeting. No District officer shall be retained in the same office longer than three successive terms.

- (a) District Marshal – Shall be elected by the Chapter or Chapters entertaining the District Meeting from among its or their membership. Provided that if said election is not held within ninety days after the adjournment of the last District Meeting, the District Council shall elect a District Marshal.
- (b) State Representatives: Shall be appointed by the District Representative.

Section 3 – Mode of Election: The election of officers of the District shall be by blind ballot after direct nominations. The nominee receiving the majority ballot shall be declared elected.

In case of multiple nominees, where no candidate receives a majority of the votes cast for that office, a run-off shall be held between the two, including ties, candidates having the highest number of votes in the run-off shall be elected.

ARTICLE IV

REMOVAL OF DISTRICT OFFICERS

District officers may be removed from office for cause when:

Section 1 – One or more chapters or District Council may initiate proceeding for removal.

- (a) Where the accused is a District Officer, he shall not be allowed to participate in deliberations except only as a matter of defenses, and he shall not be allowed to vote upon himself.

Section 2 – A verified petition shall be served by certified mail and filed with the District Council on the accused officer setting forth the charge.

- (a) Nothing herein prevents the accused from being represented by counsel of his own choice or the District Council from having counsel of its own choice.

Section 3 – An answer shall be filed within thirty days (30) days from the receipt of the petition by the accused Officer and served on the District Council, the petitioner.

Section 4 – The District Council shall investigate and review the charges set forth in the petition, finding cause or no cause, and so notifying the petitioner and the accused. If the District Council finds no cause, the matter shall be ended.

Section 5 – Should the District Council find probable cause, it shall hold appropriate hearings to determine the truth or falsity of the charges.

(a) It may suspend immediately upon finding probable cause.

Section 6 – The time between the initiating process, and the finding and actions of the District Council shall not exceed ninety (90) days.

Section 7 – Unless the action of the District Council is rejected by a majority of the active chapters, the action of the District Council is final.

(a) Nothing in this section shall preclude the accused from circularizing to the chapters requesting a vote in his behalf.

Section 8 – Finding of the District Council and its action shall be circularizing to all active District chapters within ten (10) days from the date of its decision.

Section 9 – The accused shall have the right to submit to the chapters a statement in his behalf to be circularized along with the findings of the District Council.

Section 10 – If the respondent should fail to file an answer as required under Section 3 above, the District Council shall proceed with its function as if a denial had been filed.

ARTICLE V

SUCCESSION OF OFFICERS

Section 1 – The succession to the District Representative shall be: First Vice-District Representative, Second Vice-District Representative, District Counselor, District Keeper of Records and Seal, and District Keeper of Finance. The remaining members of the District Council shall meet to elect a chief executive officer until the next District Meeting.

Section 2 – In the case of the disability of other officers properly to perform their respective duties, the District Representative by and with the consent of the District Council shall appoint a successor.

CHAPTER III

ARTICLE I

POWER AND DUTIES OF DISTRICT COUNCIL, DISABILITY OF APPOINTED PERSONNEL

Section 1 – Power and Duties of the District Council: The District Council shall have the authority to investigate existing chapters within the District and in general to direct the affairs of the District.

- a) To pass upon such matter that might be referred to it by the District Representative or members of the District Council or any of the several Chapters of the District.
- b) To pass upon and decide all matters of the district including the investment of funds of the District in the name of the District. To perform such duties as might be assigned to it by the Constitution and Bylaws of the District.
- c) To direct the publication of the District Oracle and to institute and direct any other publication it may deem necessary.
- d) The District Council shall be the authority to employ, by contract, competent Omega Men under the supervision of the District Council and District Representative to perform such duties as may be set forth in the Constitution and Bylaws. Any salaries or other remunerations provide these appointed personnel shall be budgeted by the District Meeting and fixed by the District Council.
- e) Such appointed personnel may be bonded in a sum to be determined by the District Representative. The District Council may reject said nomination and appoint such personnel as it may deem fit by direct nomination and blind ballot therefore.

Section 2- Removal of Appointed Personnel: In the event that any member of a commission or authority, or any person appointed by the District Representative to perform services for the District shall become physically or mentally disabled or should resign before expiration of his

term of office, or if he fails to perform his duties in a manner satisfactory to the Fraternity or the District, the District Representative, by and with the consent of the District Council, shall appoint a successor for such the case of disability, the District Council shall determine when the disability begins and ends.

CHAPTER IV

ARTICLE I

COMPOSITION OF THE DISTRICT MEETING

Section 1 – Composition: The District Meeting shall be composed of the District Council, the Grand Officers in attendance, Past Grand Basileus, Past District Representative and the official Delegates from the respective Chapters of the District.

Section 2 – Visiting Members: Other members of the Fraternity, whether or not resident of the Eighth District, shall be admitted to the sessions of the District Meeting, to have voice therein and to serve on committees, but shall not be permitted to vote, nor shall such visiting members compose more than one-third of any committee.

ARTICLE II

Section 1 – Purpose: The District Meeting shall assemble at least once in each twelve month period at such times and places as may be decided by the District Council for the purpose of:

- a) Hearing and acting upon the reports of the District Council.
- b) Hearing and acting upon the reports of the activities of the Chapters and District Officers, and recommendations of the accredited representatives.
- c) Hearing and receiving other reports as may be presented.

Section 2 – Power: The District Meeting shall have the power:

- a) To adopt amendments to the Constitution subject to the veto power of the various Chapters as hereinafter provided.

- b) To pass Bylaws consistent with the Constitution.
- c) To elect officers for the ensuring term.
- d) To do such other things as may be necessary for the welfare of the District.
- e) To veto acts of the District Council.

Section 3 – Quorum: Official representation from one-third of the financial Chapters in the District shall be a requisite to convene the District Meeting. One more than one-third of the Chapters present shall constitute a quorum.

Section 4 – Voting: Eligibility for Voting: Elected Officers, the Past Grand Basileus, the Past Eighth District Representatives, and District Residential Grand Offices in attendance, shall be entitled to one (1) vote each at the District Meeting provided that none of the persons mentioned in this section shall be permitted to vote as a delegate of any Chapter in addition to this vote as such official, past official, or Grand Officer.

- a) Each financial Chapter shall be entitled to send three (3) delegates, each of whom shall be entitled to one vote. When only one delegate is sent, he shall have three (3) votes, when only two delegates are sent, each shall have 1 ½ votes.

Section 5 – Voting Results: Except herein otherwise provided a majority votes shall be decisive of the matter voted upon.

ARTICLE III

STANDING COMMITTEES

Section 1 - The following are committees of the Eighth District, whose duties are provided by analogy in Chapter IV Article III, Section 3 of the Constitution of the Fraternity.

Section 2 – Standing Committees: Achievement Week, Artifacts and Memorabilia, Budget and Finance, Public Relations, Reclamation, Recommendation, Social Action, Talent Hunt, Undergraduate – Intermediate, Time and Place, Life Membership and Nominations.

Section 3 – The District Representative shall appoint the District Committee and chairman with the approval and consent of the District Council.

CHAPTER V

ARTICLE I

CHAPTERS

Section 1 – Types of Chapters: the Chapters of the District shall be in compliance with the Chapter V, Article I Section 1 of the National Constitution of the Omega Psi Phi Fraternity: To wit, they shall be three (2) in kind: Undergraduate and Graduate.

ARTICLE II

ORGANIZATION

Chapter 5, Article II of the National Constitution of the Fraternity, shall be controlling of the organization of the Undergraduate and Graduate Chapters of the District.

ARTICLE III

MEMBERSHIP

Chapter 5, Article III, of the National Constitution of the Fraternity shall control membership eligibility for membership and requirements, election to membership and expulsion and suspension.

ARTICLE IV

FUNDS COLLECTED

Section 1 – District Officers, Chapter Officers and election thereof; shall be controlled by Chapter V, Article IV of the National Constitution of the Fraternity.

Section 2 – Funds: The funds of the District shall be collected by the District Keeper of Records and Seal and at the close of each meeting;

such funds shall be turned into District Keeper of Finance who shall deposit these funds in a bank within three days after receipt.

Section 3 – Out of the first monies collected by local Chapters shall be forwarded National dues, initiation fees, taxes, fines, assessments, amounts for purchase or rental of Fraternity pins or emblems and any such monies collected by local Chapters for the National Organization by said local Chapter by Cashier Bank Checks or United States Money Orders within five days after said monies are collected by the local Chapters.

Section 4 – Out of the second monies collected by local Chapters shall be forwarded District dues, initiation fees, taxes, fines, assessments, amounts for purchased or rental of District property and any such monies collected by local Chapters for the District organization, shall be paid over to the District organization by said local Chapter by Cashier Bank or United States Money Orders within five days after said monies are collected by the local Chapters.

Section 5 – District dues, as are National dues, shall be on a per capita basis, and shall be paid simultaneously to the District Keeper of Records and Seal.

Section 6 – All dues and assessments are due and payable November 1st of each year and Brothers not paying the same within sixty (60) days thereof will be unfinancial until such dues and assessments are paid. Thereafter, a late fee of \$5.00 shall be assessed each unfinancial Brother.

ARTICLE V

CHAPTER BYLAWS

Section 1 – Chapter Bylaws: Each chapter shall have the power to pass Bylaws consistent with the Constitution and Bylaws of the Fraternity for regulation of its affairs in matters not herein provided for.

ARTICLE VI

DISTRICT MEETING ATTENDANCE

Section 1 – Official representation from each chapter to the District Meeting is required. Any chapter not officially represented at least once

within a sequence of two District Meetings, shall be deprived of the right to conduct initiations and to perform other fraternal actions.

Section 2 – The appeal of the suspension shall be in accord of Chapter VII, Article 3, and Section 5 of the National Constitution of the Fraternity.

CHAPTER VI

ARTICLE I – DISTRICT APPEAL PROCEDURE

Section 1 – PURPOSE – This is the procedure for appeals to the District Council from disciplinary actions of any brother taken pursuant to the Fraternity's Constitution and Bylaws as Revised March 1976, Chapter 7, Article 2, Section 2 (a) and (b).

Section 2 – Reconciliation Meeting

The appealing brother and chapter should be required to meet and try to reconcile or compromise the dispute.

Participants

- a. Appealing Brother
- b. Defending chapter – Basileus or designees
- c. Mediator – preferably District Representative or his designee.

Section 3 – The Review

- a. Written Brief – Each side should present to the District Council a written brief with sufficient copies. The brief should be concise and factual and should contain the following:
 1. Statement of facts.
 2. Issues Presented
 3. Rule or argument in support of position

b. Oral Review

1. Each side will have the opportunity to present an oral argument in support of their position before the District Council, who shall sit as the decision maker of the triers of fact.
2. Time for oral argument – total of one hour
 - a. Appealing brother goes first – 15 minutes
 - b. Defending Chapter goes second – 20 minutes
 - c. Rebuttal by appealing brother – 5 minutes
 - d. District Council members – 20 minutes of questions.
3. Chairman – the chairman of the review should be the D.R. or his designee who may question throughout the proceedings. The chairman should keep order and control the proceeding.
4. Decision by District Council
 - a. The proceeding should be done in a closed session before the District Council members. The District Council should be composed as normally defined, each member has one vote.
 - b. The vote should be cast by blind ballot.
 - c. A majority vote is needed to affirm the decision of the chapter.
 - d. Decision of the District Council is final for the District.

CHAPTER VII

ARTICLE I

AMENDMENTS TO THE CONSTITUTION

Section 1 – Proposal of Amendments: Amendments to this Constitution may be proposed by Chapters, by the District Council, or by the District meeting.

Section 2 – The Constitution may be amended as follows: Amendments to the Constitution proposed as herein before provided shall be submitted to the District Keeper of Records and Seal at least one hundred twenty (120) days before the District Meeting. The District Keeper of Records and Seal shall circularize the proposed amendments to all chapters in existence at the time of such proposal within the District, at least 90 days before the District Meeting. Such proposed amendments shall be acted upon by the District Meeting, and shall be considered adopted by a two-third vote, subject to the veto power of the Chapters as hereinafter provided.

Section 2A – Within thirty (30) days after the adoption of any amendments to the Constitution by the District Meeting, the District Keeper of Records and Seal shall send copies of said amendments to all active and financial chapter within the District, for their adoption or veto, and if within ninety (90) days from the date of mailing said amendments by the District Keeper of Records and Seal at least one-third of the active and financial Chapters reject said amendments, then said amendments shall become void and inoperative, but if said rejection or veto is not exercised within ninety (90) days, then the amendments will be considered adopted and approved, and the Constitution shall be deemed amended.

Section 3 – Amendments to the Constitution proposed by the District Meeting shall be submitted to the Chapters at the same time as the Minutes of the District Meeting, and shall be voted upon at the next District Meeting, at which time if approved by two-thirds vote of the District Meeting, such amendments shall be declared adopted.

Section 4 – Amendments become effective on the first day of the seventh month following the adjournment of said District Meeting, subject to the veto power of the Chapters as hereinafter provided.

ARTICLE II

AMENDMENT ADOPTION

Section 1 – This Constitution and Amendments thereto shall be adopted or vetoed section by section, and the rejection of any section shall not affect the remaining sections which may be adopted.

Section 2 – Upon the adoption of this Constitution and any Amendments thereto as set forth in Chapter VI, Article I, the District Representative and/or the District Council, shall authorize the District Keeper of Records and Seal to bring said Constitution and Amendments in book form for distribution to the membership.

ARTICLE III

EFFECTIVE DATE

This Constitution as amended shall become effective immediately after the election of officers as the Las Cruces, New Mexico, District Meeting in 1992.

