**May 1, 2014**

**A Proposal to Minimize Liability to Omega Psi Phi, Inc. Due to the Wanton and Intentional Acts of Misconduct by Non-Financial Members**

**INTRODUCTION:**

The following is a modification of the previous proposal. This proposal takes into account the feedback from other District Representatives and at least two other members of the Supreme Council. I have included the relevant constitutional provision which serves as a starting point for any modification to the previous proposal.

It is instructive to keep in mind that the basic premise of the proposal is to address the issue of "liability" that presently serves as the Fraternity's Achilles ' heel. Failure to adequately address this issue in a meaningful way is not only imprudent but serves to invite a catastrophe that is without question totally avoidable.

This proposal addresses the status of the sixty seven thousand **(67,000) non-financial members** of our organization and provides steps to categorize and re-engage these individuals. The proposal concludes with a terse projection and a final thought on the critical need to further address modifying the flaws of the present Membership Selection Process (MSP).

**Constitutional Provisions to Consider:**

**Chapter 1 - Article 1:**

**Section 5(d)** A *Brother shall be an International Member if he has not paid appropriate dues and assessments and has chosen not to affiliate with any Chapter or District.*

**Section 5(f)** *A Brother shall not be limited in his membership rights and privileges without being afforded due process with respect to allegations made against him.  Prior to any expulsion or suspension, a Brother shall be afforded written notice of the allegations against him sent to his last known address by certified mail, return receipt and a hearing pursuant to the Fraternity’s Member Code of Conduct and Disciplinary Policy.  The Supreme Council shall have the exclusive authority to expel any Brother from the Fraternity.  If any member of the Supreme Council has initiated or approved the charges against the Brother, that member(s) shall be precluded from voting for any reason in regards to the Supreme Council’s decision as to expulsion.*

**Section 5(g)** *A Brother shall be in good standing in the Fraternity by paying International, District, and Chapter dues and assessments for the given fiscal year; provided, however, duplicate International and District dues and assessments shall not be imposed by virtue of multiple Chapter affiliation.*

**PROPOSAL:**

1. **Divide all non-financial (67,000) International Members Brothers into three (3) categories:**
* **Reclaimable** - Those Brothers who have only missed one or two consecutive years of paying dues.
* **Reclaimable with HARDSHIP (RH)** - Any reclaimable Brother who can demonstrate a financial or medical hardship.
* **Dormant Member (DM)** - Have not been financial for the last three years
1. **Establish re-engagement strategy for Brothers in each category.**

**Reclaimable Bothers -** Beginning on **November 1, 2014** all Brothers placed in this category **will** be given a six month grace period to become financial. If they fail to become financial they will remain on the "Reclaimable" list. However, they MUST sign a form indicating that they are "Inactive" members of the organization AND will not participate in any Fraternity related activities at the International, District or local level of the Fraternity. Failure to sign this form will cause them to be treated as a **Dormant Member (DM) - *(see below).***

***Please note,*** those Brothers who are placed in this category are subjected to being placed in the **DM** category if they remain non-financial for three (3) consecutive years and cannot demonstrate a financial or medical hardship.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**Reclaimable with HARDSHIP (RH) -** Beginning on **November 1, 2014 any** Brother, **regardless of his previous financial status,** who can show with a compelling degree of certainty that he has a financial and/or medical hardship that has prevented him from becoming financial presently **and** in the previous three years, should be considered for this status.

This determination should be made by both the Basileus of the Brother's respective chapter and the District Representative (D.R.), who shall have the final say in the matter. This category should be reserved for a limited number of Brothers from each District. Each case should be reviewed on an annual basis for no more than *two consecutive years*. Nothing in this doctrine should preclude an individual from becoming a financial member if he pays his membership fees at any time while claiming this status.

If a Brother does not become financial at the end of his second year under this status and cannot demonstrate a financial or medical hardship then he must be treated as a **Reclaimable Bother (see above) unless shown to be otherwise.**

Brothers placed in this **RH** category **MUST** sign a form indicating that they are **"Inactive"** members of the organization **AND** will not participate in any Fraternity related activities at the International, District or local level of the Fraternity. Failure to sign this form will cause them to be treated as a **Dormant Member (DM) - *(see below).***

\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**Dormant Member**

Given the constitutional provisions listed above the Fraternity must be mindful of the membership rights of each Brother. In this particular instance we are specifically dealing with those Brothers who due to their financial status (i.e. non-financial) within the organization, are considered **International Members** (IM).

The Fraternity's constitution does not have any additional provisions governing how **non-financial IMs** are removed from the rolls. Clearly **Section 5(f)** allows for the suspension or expulsion of any member within the framework of this section. However, absent a suspension or expulsion there appears to be no other way of purging the rolls of chronic non-financial Brothers.

If the organization chooses to utilize either of the two available options (suspension or expulsion) then we must be willing to bear the cost associated with contacting each member identified via certified mail. This is not likely to happen. Further, I question the appropriateness of equating IMs to those facing disciplinary action.

Given the reliance of this proposal on a "carrot and stick" and absent any relevant constitutional amendment(s) I would offer the following:

Since the constitution does not address the prospect of a member "voluntarily' relinquishing his membership rights and obviously does not provide a mechanism for doing so then nothing precludes the Supreme Council of creating such a mechanism for the "good of the order."

**Beginning on November 1, 2014 all Brothers placed in** the **Dormant Member** category will be given a six month grace period to become financial. If they fail to become financial they will be considered to have **"Voluntarily Resigned"** from the organization. Letters and other communication efforts will be made to ensure that those brothers potentially affected will be aware of this proposed change in their membership status.

***Please note,*** Brothers who are **removed from the rolls** of the Fraternity and desire to return as a member after the grace period will have to pay a reinstatement fee and three (3) years of dues to be considered a financial member. ***There can be flexibility on this item.***

Also, it has been proposed that each District receive **THIRTY PERCENT (30%)** of the international dues (30% x $100.00 = $30.00) for each Brother who is reclaimed. The reclaimed Brother **must** be one who has **not** been financial for **three or more consecutive years**. The payment to the District would be a **one-time payment** for each Brother reclaimed.

**PROJECTIONS:**

Looking beyond **November 1, 2014** it is difficult to project how many Brothers summarily placed in the **Reclaimable** and **Dormant Member** categories will avail themselves of the opportunity to become financial members. However, it is this writer's humble opinion that a well orchestrated, internal marketing effort, at each level of the Fraternity, can go a long way in producing a favorable outcome in this regard.

While the Fraternity will benefit financially even if a small percentage (2-5%) of those placed in the "Reclaimable and Dormant Member" categories are reinstated, the **VOLUNTARY RESIGNATION** of undesirable elements and/or those who no longer wish to serve the "business" interest of Omega should also be viewed as beneficial for the Fraternity's long term interest.

**CONCLUSION:**

This proposal addresses the issue of potential liability caused by intentional acts of misconduct by non-financial Brothers. However, it is my strong belief that our organization must begin to address in a real way the **Membership Selection Process (MSP**) and the **"underground pledging"** activities associated therein. Until we make sweeping changes to the existing process the potential for liability against the Fraternity caused by both financial and non-financial Brothers remains great!

Respectfully Submitted,

Michael A. Jefferson, Esq.

**mjefferson.esq@gmail.com**

**(C) 203-623-6276**

**(O) 203-787-5683**