

CHECKLIST FOR THE TRIAL OF A MEMBER BY A CHAPTER

PART ONE: THE FORMAL CHARGES

Note: Each step in this checklist should be taken unless it is clear that in some cases one step should be omitted since an alternative step is taken and only one of the two can be taken. Please place a check in the space provided on the left as each step is taken.

_____ The Chapter Name (hereafter referred to as the Chapter): _____

_____ The Accused Name(hereafter referred to as the Accused): _____

_____ Name of the Brother(s) bringing the Charge: _____

_____ The Charge: A description of the alleged act(s) of misconduct specifying the date, location and the specific conduct that is inconsistent with the character of a worthy member of Beta Theta Pi:

_____ The signature of Brother(s) bringing the charge:

I hereby make the above specified charge against the Accused under the provisions of Chapter XI, section 4 of the Laws of Beta Theta Pi.

Signature(s) _____

_____ The signature of the Chapter Secretary that the charges have been filed.

As the Chapter Secretary, I certify that the above charges we filed with me on (date) _____.

Signature of Secretary: _____

PART TWO: INITIAL REVIEW OF THE CHARGES BY THE CHAPTER

_____ The chapter, at its next regular meeting after the charges were filed with the Secretary, reviewed the charges to decide whether or not to hold a trial on the charges.

_____ Date chapter reviewed the charges: _____

_____ Chapter action following review: (check one)

_____ Charge(s) dismissed, or

_____ By a majority vote, the chapter ordered that a trial be held as follows:

Date: _____

Time: _____

Location: _____

PART THREE: NOTICE OF THE TRIAL GIVEN

_____ Chapter Secretary sent a copy of the charges and the time and place for trial to the District Chief on:

Date: _____

_____ All undergraduate members were given notice of the charges and the time and place for trial by the Chapter Secretary by means of: _____ on: _____.

_____ The Accused was given notice of the charges and the time and location of the trial as detailed on

_____ Notice was given to the accused at least five (5) days before the day set for trial.

PART FOUR: THE TRIAL BEFORE THE CHAPTER

_____ The trial of the Accused on the specified charges was held at the time and location

_____ Also present was: (check as many as apply)

_____ The Accused

_____ Counsel for the Accused

_____ The District Chief

_____ Others: (name) _____

_____ Evidence was presented by way of: (check as many as apply)

_____ testimony of witnesses

_____ written statements

_____ admissions by the Accused

_____ written objections to evidence by the Accused

_____ documents

_____ other: (specify) _____

_____ Written notes were taken by the Secretary as to the key points each witness made and the Accused's exceptions, if any, made thereto.

_____ The Accused and others were each given a chance to argue his position at the end of the trial.

_____ An audio recording of the trial was made and was kept for review.

PART FIVE: BALLOTING BY THE CHAPTER

_____ The Accused was excused from the meeting before the chapter began to ballot to render its decision.

_____ The Chapter answered this question: HAVE THE CHARGES BEEN PROVEN TO THE SATISFACTION OF A MAJORITY OF THE MEMBERS PRESENT? (check one)

_____ Yes - If Yes, the Chapter then went on to decide the proper penalty.

_____ No - If No, then the charges were dismissed and the trial completed.

_____ The Chapter, having found the Accused guilty of misconduct, imposed the following penalty: (check one)

_____ By a 3/4 vote, the Chapter expelled the Accused from the chapter and ordered that his name be removed from the chapter roll.

_____ By a majority vote, suspended the Accused from the chapter for a period of _____.

_____ By a majority vote, decided to impose a lesser penalty of: _____.

_____ By a majority vote, decided to impose no penalty.

PART SIX: POST-TRIAL PROCEDURE

_____ The Accused was notified of the Chapter's verdict and penalty by (describe means): _____.

_____ A copy of the Chapter Secretary's transcript and the official documents in the case were sent to the General Secretary on _____.

_____ The Accused's name was removed from the chapter roll (in the event of a decision to expel).

PART SEVEN: CERTIFICATION

We certify that the above information is true and correct and that each of the steps noted above have been taken.

Chapter President: _____ Date: _____

Chapter Secretary: _____ Date: _____

NOTICE TO ACCUSED AND RETURN OF SERVICE

To Brother: _____, number _____ on the rolls of the
_____ Chapter of Beta Theta Pi:

WHEREAS on the ____ day of _____, _____, the _____ Chapter of Beta Theta Pi reviewed the charges of misconduct hereto attached and voted to require you to stand trial before the Chapter on these charges:

NOTICE IS HEREBY GIVEN that the trial of this matter before the Chapter will be held as follows:

DATE: _____ TIME: _____

LOCATION: _____

NOTICE OF YOUR RIGHTS: At trial you have the right to be present during the trial, (except when the Chapter is voting on its decision); to have a member of the Fraternity serve as your counsel; to hear and see the evidence against you and to question witnesses who testified; to file written exceptions to their testimony and to have their testimony at trial reduced to writing by the Secretary and signed by the witness, and to present a defense by calling witnesses or presenting written statements or other evidence. In the event the chapter finds against you, you have the right to appeal its decision to the Board of Trustees and thereafter to the next General Convention.

The Chapter, after trial, could by a 3/4 vote, expel you from the Fraternity; or by a majority vote, suspend you from the fraternity for a period not to exceed one year. The Chapter, by majority vote, can also impose some lesser penalty.

Should you fail to attend the trial noticed above, the Chapter is still entitled to conduct the trial in your absence and render its decision.

RETURN OF SERVICE

I, _____, the Accused in the above noticed matter, acknowledge that I have received a copy of the charges against me and the notice of trial set out above.

Accused _____ Date _____

I, _____, a member of _____ Chapter, affirm under oath that on _____, _____, I handed a copy of the charges and above notice of trial to the Accused, _____.

Signature of Member Serving Notice _____

Subscribed and sworn before me this ____ day of _____, _____.

Signature of Notary _____ Commission expires: _____