

## Checklist for the Trial of a Member by a Chapter

*Additional details can be found in The Code of Beta Theta Pi under Chapter XIII Discipline, Section 4.*  
If the trial results in an expulsion please scan this completed form and submit it via the Online Reporting System

### Part One: The Formal Charges

Chapter Name \_\_\_\_\_ Chapter Address \_\_\_\_\_

Greek Designation \_\_\_\_\_

Accused Name \_\_\_\_\_ Accused Address \_\_\_\_\_

Accused Roll # \_\_\_\_\_

Date charges filed with secretary on \_\_\_\_\_

Brother(s) bringing the Charge \_\_\_\_\_

The Charges – 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.

### Part Two: Notice of the Trial Given

Date set for trial \_\_\_\_\_ Time set \_\_\_\_\_ Location set \_\_\_\_\_

All undergraduate members were given notice of the charges and the time and place for trial by means of \_\_\_\_\_ on \_\_\_\_\_ (date).

Notice must be given by personal service whenever possible. If personal service is not possible, indirect service may be used. The Accused was given notice of the charges, time and location of the trial via:

Personal service used \_\_\_\_\_ (date)

Personal service means delivering notice to the Accused in person. Personal service must be made at least three days before trial.

Indirect service used \_\_\_\_\_ (date)

Indirect service means that a diligent effort\* has been made to give notice to the Accused. Indirect service must be completed at least ten days before trial. It will be considered complete when the last document is mailed or the last contact is attempted.

Additional details \_\_\_\_\_

\*A diligent effort to give notice means all reasonable methods calculated to insure that the Accused knows of the charge against him and the time and place set for the trial. It is recommended to use certified letter, return receipt requested.

A copy of the Notice was mailed to the District Chief on \_\_\_\_\_ (date).

### Part Three: The Trial before the Chapter

Secretary Name \_\_\_\_\_ Secretary Address \_\_\_\_\_

Date of the trial \_\_\_\_\_

**Important:** The Accused and others have the right to present evidence and witnesses and should be given a chance to argue their case at the end of the trial. Ensure that written notes were taken as to the key points each witness made and the Accused points, if any, made thereto. These minutes should be submitted along with this form. It is also recommended that where available an audio recording of the trial be made and kept for review.

Prosecutor's Name\* \_\_\_\_\_

\*Prosecutor: The Chapter shall appoint one of its members to present the case against the Accused. That person may not vote upon any decision reached by the Chapter.

Counsel for the Accused \_\_\_\_\_

\*The Accused has the right to be represented by an advisor or counselor who shall be a member of the fraternity.

Was the accused present at the trial? \_\_\_\_\_ Yes \_\_\_\_\_ No

Name any others present in addition to a quorum of undergraduate members:

General Fraternity Officers \_\_\_\_\_

Chapter Advisors \_\_\_\_\_

Any Others \_\_\_\_\_

### Part Four: Balloting by the Chapter

Was the Accused excused from the trial before the chapter rendered its decision? \_\_\_\_\_ Yes \_\_\_\_\_ No

The Chapter answered this question: Have the charges been proven to the satisfactory of a majority of the members present?

\_\_\_\_\_ 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 majority 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 no more than four years. Length of suspension \_\_\_\_\_

\_\_\_\_\_ By a majority vote\*, decided to impose a lesser penalty\*\* of: \_\_\_\_\_

\* The chapter may impose predetermined penalties without a majority vote if detailed in the chapter's constitution and bylaws.

\*\*This could include: A warning, censure, written apology to those wronged, loss of privileges, exclusion from various fraternity activities, fines, payment for loss or damage, removal from Chapter office or other penalties as might be agreed upon by the Chapter.

## Part Five: Post-Trial Procedure

The accused was notified of the Chapter's verdict and penalty by (describe means): \_\_\_\_\_

If the accused was found guilty then a copy of the minutes were sent to:

- \_\_\_\_\_ The District Chief (within 10 days)
- \_\_\_\_\_ The Executive Director Jeff Rundle (within 10 days)
- \_\_\_\_\_ The Accused if convicted

Note that if the accused was present he must be supplied a copy of the minutes upon request, but if the accused was not present or not given personal service then a diligent effort must be made to provide a copy of the minutes to the Accused by all reasonable means.

We certify that the above information is true and correct and that each of the steps noted above have been taken in an effort to provide the accused substantial justice.

Chapter President \_\_\_\_\_ Date: \_\_\_\_\_

Chapter Secretary \_\_\_\_\_ Date: \_\_\_\_\_

Additional Comments or Notes:

### Notes on Appeals:

**RIGHT TO APPEAL:** The Accused may appeal either the finding of guilt or the penalty imposed, or both. If the trial was held before a Chapter, then the appeal is first to the Board of Trustees and then to the next General Convention.

**HOW TO APPEAL:** To appeal, the Accused must send a letter to the Executive Director Jeff Rundle at [Jeff.Rundle@beta.org](mailto:Jeff.Rundle@beta.org), within the time limits herein provided, asking that the Chapter's decision be reviewed and stating the grounds for review. The Administrative Secretary will direct the appeal to the Board of Trustees.

#### **TIME FOR APPEAL:**

- (a) Personal Service: If the Accused was personally given notice, as defined below, he will have ten days from the day of trial to appeal the decision of the Chapter or Trustees
- (b) Indirect Service: If the Accused was not personally given notice, as defined below, he will have 90 days from the date the Administrative Secretary receives a copy of the Minutes in which to appeal.

**WHEN DECISION FINAL:** A decision is considered final once the time for appeal expires or the next General Convention has concluded its review, whichever comes first.