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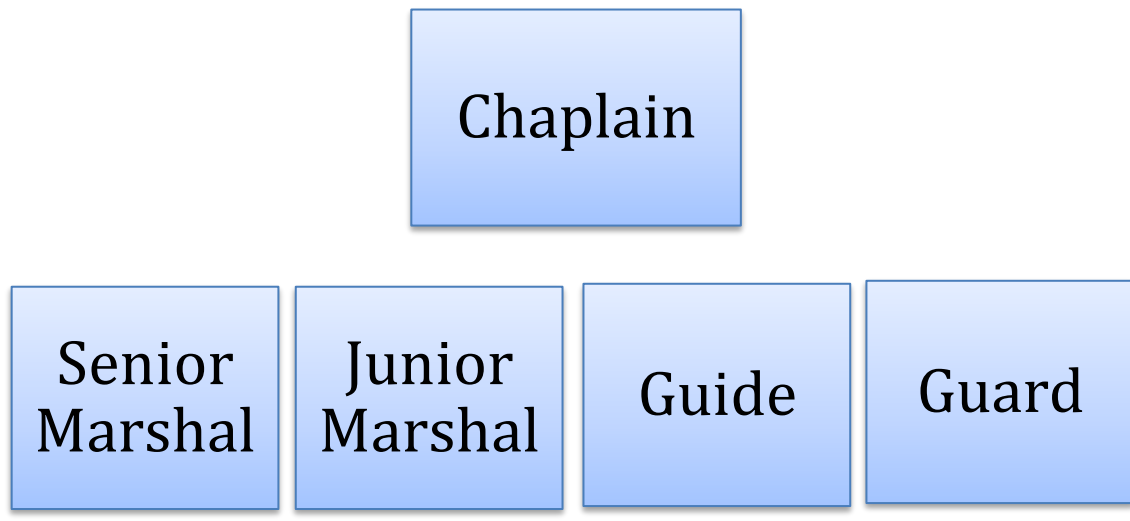
Sigma Phi Epsilon Trial & Appellate Procedure Manual

I. Introduction

Any member who is accused of violating his membership obligations is entitled to an impartial trial conducted by fellow chapter members according to the Fraternity's Bylaws. This Trial & Appellate Procedure Manual has been prepared in an effort to provide guidance on the proper way to inform members of charges against them, the proper way to conduct a trial and the proper way to handle an appeal.

II. Composition of the Standards Board

Any member who is accused of violating his membership obligations is entitled to have a properly formed Standards Board decide the allegations lodged against him. As a result, it is extremely important for the undergraduate chapter to make sure that the Standards Board is properly constituted and that any vacancies on the Standards Board are filled in accordance with the Bylaws and Policies and Procedures of Sigma Phi Epsilon.



The chapter, via election concurrent with other official elections, will elect the following officers to serve as members of the Standards Board:

- The Chaplain: The Chaplain is the chairman of the standards board. He also oversees proper performance of the Fraternity's Rituals.
- The Senior Marshal: In addition to his role in performing the Rituals, the Senior Marshal shall serve as acting chaplain in the event that the Chaplain is unable to fulfill his responsibility due to a conflict of interest.
- The Junior Marshal: In addition to his role in performing the Rituals, the Junior Marshal is next in the line of succession to serve as acting chaplain.

- The Guide: In addition to his role in performing the Rituals, the Guide is next in the line of succession to serve as acting chaplain.
- The Guard: In addition to his role in performing the Rituals, the Guard is last in line to serve as acting chaplain.
- Additionally, the chapter shall elect at least one alternate to serve in the event that any member of the Standards Board is unable to fulfill his responsibility due to his involvement or another conflict of interest.

Conflicts of Interest & Vacancies

Conflicts of Interest

- In the event that a member of the Standards Board—other than the Chaplain—is unable to fulfill his responsibility due to his involvement or another conflict of interest, the elected alternate shall serve in his place.
- In the event that members of the Standards Board are unable to fulfill their responsibility due to involvement or another conflict of interest and insufficient alternates are available to have at least five Standards Board members participate in a Standards Board proceeding, the remaining members of the Standards Board must draft other members of the chapter **not on the Executive Committee** to serve on a temporary basis.
- A majority of the Executive Committee members who are not involved in the trial(s) requiring this process shall approve of the temporary members.

Vacancies

- Chaplain: A vacancy occurring in the office of Chaplain by resignation, expulsion, suspension, or otherwise shall be temporarily filled by an undergraduate member selected by a majority of the Executive Committee until such time that the undergraduate chapter holds an election for said office.
Standards Board: A vacancy occurring in the office of any other member of the Standards Board by resignation, expulsion, suspension, or otherwise shall be filled by the elected alternate by order of succession, or otherwise as specified by local bylaws.

III. **Membership Trials**

A trial under the Grand Chapter Bylaws of the Fraternity is defined to be a judicial examination of the issues arising out of the complaint of offenses. In the case of an undergraduate chapter in good standing, a trial shall be conducted by the undergraduate Standards Board¹.

In the event that an undergraduate brother is charged with a violation or violations of his membership obligations, the trial of that undergraduate member shall be conducted in accordance with the procedures set forth in this guide (and contained in the Sigma Phi Epsilon Grand Chapter Bylaws and Administrative Policies & Procedures).

A. **Notification of Charges and Trial**

1. **Written complaint:**

- a. Allegations that an undergraduate member is in violation of his membership obligations must be reported to the Chaplain.
- b. This written complaint triggers a trial.

2. **Trial Notification:**

- a. Once the Chaplain has received allegations that an undergraduate member is in violation of his membership obligations, he shall call a meeting of the chapter's Standards Board at the earliest available opportunity to hold a trial.
- b. The Chaplain must provide a written summary of the complaint(s) against the member, including specific details, to the accused member, as well as notice of the Standards Board trial.
- c. The notice of the charges and the notice of the Standards Board trial must be provided to the accused member at least 48 hours before the Standards Board trial.
- d. The Chapter Counselor, Balanced Man Steward or other local volunteer mentor shall be notified of the trial.

3. **Request for Change in Trial Date/Time**

- a. If the accused member cannot attend the scheduled trial, he must notify the Chaplain of his inability to attend the trial.
- b. This notification to the Chaplain must occur **before** the trial has occurred. The notification to the Chaplain must request an alternate date/time for the trial, not to exceed 72 hours beyond the originally scheduled trial date/time.

4. **Trial: Attendance**

¹ In all cases involving a trial for a chapter not in good standing, the National Board of Directors, or its delegate, shall consider and decide the case. However, the vast majority of trials occur with chapters in good standing.

- a. All trials held by the Standards Board shall be closed to all other members of the chapter.
- b. The Standards Board may consult with the Chapter Counselor, Balanced Man Steward or other local volunteer mentor during the course of the trial. The Standards Board reserves the right to ask the Chapter Counselor, Balanced Man Steward or other local volunteer mentor to leave the room during deliberations or any Standards Board vote.
- c. If the Chapter Counselor, Balanced Man Steward or other local volunteer mentor cannot attend the trial, they can designate someone to attend in their stead to support the Standards Board.
- d. The Chapter Counselor, Balanced Man Steward or other local volunteer mentor may attend the trial for the sole purpose of upholding the conformance of all bylaws, policies and procedures. The Chapter Counselor, Balanced Man Steward or other local volunteer mentor does not have a vote or a voice in the decisions made by the Standards Board.

5. Trial: Record Keeping

- a. Before the trial begins, the Chaplain shall appoint a member of the Standards Board to serve as the recorder of proceedings.
- b. The recorder of proceeding shall record all minutes of the trial, all statements made at the trial or a summary thereof during the Standards Board trial.

6. Trial: Accused Statement

- a. At the trial, the member alleged to be in violation of membership obligations will be given an opportunity to state his position regarding the alleged violations.
- b. Neither the accused member nor any witness shall be required to give testimony that would be self-incriminating.

7. Trial: Witness Statements

- a. Any witnesses to the alleged violations shall be call as witnesses by the Standards Board for relevant information.
- b. Any member-witness who fails to cooperate with the Standards Board shall himself be subject to discipline.
- c. The member who is alleged to be in violation of his membership obligations shall have the right to be present for the testimony of all witnesses. Neither the accused member nor his representative shall have the right to directly confront or cross-examine any witness. Neither the accused member nor any witness shall be required to give testimony that would be self-incriminating.

8. Trial: Failure to Appear

- a. Should an accused member fail to appear for his trial, the Standards Board may still consider the facts of the case and render a decision.

9. Trial: Alleged Representation

- a. During the course of the trial, the member may represent himself or he may designate a current undergraduate member in good standing from his chapter to represent him at the trial. The accused member is not entitled to have an attorney represent him during the trial proceedings.

10. Trial: Order of Proceedings

- a. The Standards Board shall have the sole discretion to determine the exact order of the proceedings. Before the trial begins the accused member should be apprised of the order of proceedings.

11. Trial: Deliberation

- a. After all testimony and evidence has been considered, the Standards Board shall deliberate to determine whether it is more likely than not that a violation of the member's membership obligations has occurred.
- b. During the deliberation, the standards board has the right to ask the volunteer to leave the room, but the final decision must be reviewed with the volunteer before delivering it to the member.
- c. All five members of the Standards Board must be present to vote and a majority vote of the Standards Board shall constitute the decision of the chapter, on both the offense and the penalty, if any.
- d. If a violation is found, the Standards Board shall determine the appropriate penalty to be imposed. The penalties which may be imposed are:
 - i. Reprimand or censure;
 - ii. Imposition of a fine to a maximum of five hundred dollars (\$500);
 - iii. Denial of specific privileges;
 - iv. Suspension for a definite period, not to exceed one (1) calendar year;
 - v. Expulsion from the fraternity

Suspension is defined to be the denial for a definite period of the privileges and benefits of membership, including using, wearing or displaying the Fraternity's name, marks, and insignia, attending undergraduate chapter functions and meetings, use of chapter facilities, and otherwise identifying himself as a member of the Fraternity.

Expulsion is defined to be the permanent denial of all privileges and benefits of membership, including using, wearing or displaying the Fraternity's name, marks, and insignia, attending undergraduate chapter functions and meetings, use of chapter facilities, and otherwise identifying himself as a member of the Fraternity.

All decisions of the Standards Board, other than expulsion, shall be final.

IV. Chapter Appeal

Should the Standards Board vote that a member's violation(s) should result in the member's expulsion from the fraternity, that member shall have the right to appeal the decision to the undergraduate chapter as a whole. Should the member appeal, his membership rights shall stand suspended until the chapter has considered and decided his appeal.

To exercise his right to appeal, the appealing member must notify the chapter President of his appeal, **in writing**, within twenty (20) days of receiving the decision of the Standards Board to expel the member from the chapter. Once he receives notice of the appeal, the President will notify the Chaplain of the appeal.

1. Appeal Preparation

- a. A copy of this trial and appellate procedure guide, as well as a copy of Article II, Sections 25 through 27 of the most current version of the Grand Chapter Bylaws, must be furnished by the chapter President to both the appealing member and the Chaplain, who, as chairman of the Standards Board, will represent the Board's position to the chapter.

2. Appeal Scheduling

- a. At the first available chapter meeting, either regular or special, occurring at least 96 hours after the appealing member notifies the chapter President, at which a quorum of two-thirds (2/3) of the members in good standing are present, the chapter shall hear the appeal.

3. Chapter Statement

- a. At the beginning of the appeal, the Chaplain shall present his report to the chapter as a whole. The Chaplain's report is designed to provide the entire chapter with the facts concerning the trial of the appealing member and the position taken by the Standards Board regarding both the offense(s) and the penalty.

4. Chapter Question & Answer

- a. Following the report of the Chaplain, there will be an opportunity for a maximum of ten (10) minutes of questions directed only towards the Chaplain. This question and answer period will be moderated by the President. If the President is unavailable, the Vice President of Programming will take over the duties of moderation.

5. Chapter Debate

- a. Once this question period is ended by either the President or the Vice President of Programming, **both** the Standards Board and the appealing member will be escorted out of the meeting room.
- b. Following their departure, the President or the Vice President of Programming will moderate a period of pro and con debate,

not exceeding ten (10) minutes, utilizing Robert's Rules of Order and is expected to maintain the integrity of the appealing procedure.

6. Expelled Member Statement

- a. After the completion of this debate period, the Standards Board and appealing member will be brought back into the chapter meeting.
- b. Once the appealing member is brought back into the meeting room, he will have no more than fifteen (15) minutes to present his appeal. He can represent himself or designate a representative as long as that representative is a current undergraduate member in good standing of the same chapter. The member is not entitled to an attorney.

7. Expelled Member Question & Answer

- a. Following the report of the appealing member, there will be an opportunity for a maximum of ten minutes of questions directed only to the appealing member. This question and answer period will be moderated by the President. If the President is unavailable, the Vice President of Programming will take over the duties of moderation.

8. Chapter Debate

- a. Once this question period is ended by either the President or the Vice President of Programming, **both** the Standards Board and the appealing member shall leave the room. Following their departure, the President or Vice President of Programming will moderate a period of pro-con debate, not exceeding ten minutes, utilizing Robert's Rules of Order.

9. Chapter Vote

- a. Following the debate period, the chapter President or Vice President of Programming will call for a vote by secret ballot as to whether or not the decision of the Standards Board to expel the member should be upheld. If two-thirds (2/3) of the members in good standing in attendance vote to overturn the decision to expel the member, then the member is not expelled, and his violation(s) is/are referred back to the Standards Board for a decision of an appropriate penalty other than expulsion. If two-thirds (2/3) of the members in good standing in attendance do not vote to overturn the decision for expulsion, then the member is expelled, effective immediately.

10. Record Keeping

- a. It shall be the duty of the Vice President of Communications to keep a complete record of the appeal proceedings, including the results of voting, to direct such record to become part of the records of the chapter, and to notify promptly, in writing, the member found in violation and the Chief Executive Officer or Executive Director, or his designee, of the outcome.

V. **Final Appeal to the National Board of Directors**

Any member expelled by his chapter has the opportunity to file a final appeal to the National Board of Directors or its designee. No member can appeal his expulsion to the National Board of Directors unless and until he has appealed his expulsion to the undergraduate chapter and that appeal has been decided by the undergraduate chapter.

The National Board of Directors appeal must follow these procedures:

1. Filing the Appeal

- a. Any appeal must be filed **in writing** with the fraternity's Chief Executive Officer or Executive Director, or his designee. The appeal must be received no later than thirty (30) days after the member is notified in writing of the decision of the chapter. Such an appeal shall include all reasons for the appeal.

2. Appeal Receipt & Chapter Response

- a. Upon receipt of the appeal, the Chief Executive Officer or Executive Director, or his designee shall notify the President of the undergraduate chapter, enclosing a copy of the appeal. The chapter shall have thirty (30) days to respond in writing to the appeal, which response shall include a record of the proceedings.

3. Member Response

- a. The Chief Executive Officer or Executive Director, or his designee shall forward the response of the chapter to the appealing member who shall have fifteen (15) days to submit a response to the Chief Executive Officer or Executive Director, or his designee.

4. National Board of Director Executive Committee Review

- a. The Chief Executive Officer or Executive Director will thereafter submit the appeal to the Executive Committee of the National Board of Directors, which shall, within sixty (60) days thereafter, determine if such appeal has a reasonable basis. If it determines that there is no reasonable basis, then the appeal is denied. If the Executive Committee determines that the appeal does have a reasonable basis, then the National Board of Directors shall decide the appeal at its next regularly scheduled meeting.

5. National Board of Director Deliberation

- a. The National Board of Directors shall have the power to uphold the decision of the chapter or remand the decision of the chapter back to the Standards Board.
- b. In the event that the National Board of Directors remands the decision of the chapter back to the Standards Board because the National Board of Directors finds that the trial and/or

appeals procedures outlined herein were not substantially followed by the chapter, the Standards Board can impose any penalty at the conclusion of the second trial, including expulsion.

- c. In the event that the National Board of Directors remands the decision of the chapter back to the Standards Board for any other reason, the Standards Board must impose an alternate penalty.