



## **THE VISUAL TRIAL CODE**

The Visual Trial Code is intended to provide chapters a meaningful understanding of the Trial Code process as defined by The Law of Sigma Nu Fraternity, Inc. It is not an attempt to replace The Law rather it is offered to assist those struggling in their use of one of many accountability tools in the chapter's toolkit.

Trials are far easier than chapters make them out to be. The flowcharts the next pages are meant to assist in 95% of all trial conditions. It is not a comprehensive document – most trial court cases involve the chapter Treasurer filing a complaint against a brother for failure to pay dues. This document discusses the two components of the Trial – how to call a trial and how to run a trial. The charge letter at the end of this resource can serve as the complaint with only minor modification specific for your case.

Trials are not to be used for the removal of chapter officers, for the resolution of petty issues, and they are not used to engage in personal attacks. A simple rule governs the use of the trial code – if the punishment of expulsion is to be considered, then a Trial must be the form.

The last portion of this resource has a single combined notice of complaint and trial notice. You can meet the requirements of the Trial Code if you send the copy of the form to the defendant, the plaintiff, and Headquarters at least 14 days before the date the notice is mailed. Since notifying the trial court need not be by mail, you can announce the trial at a chapter meeting at least 4 days before the trial.

### **Frequently Asked Questions**

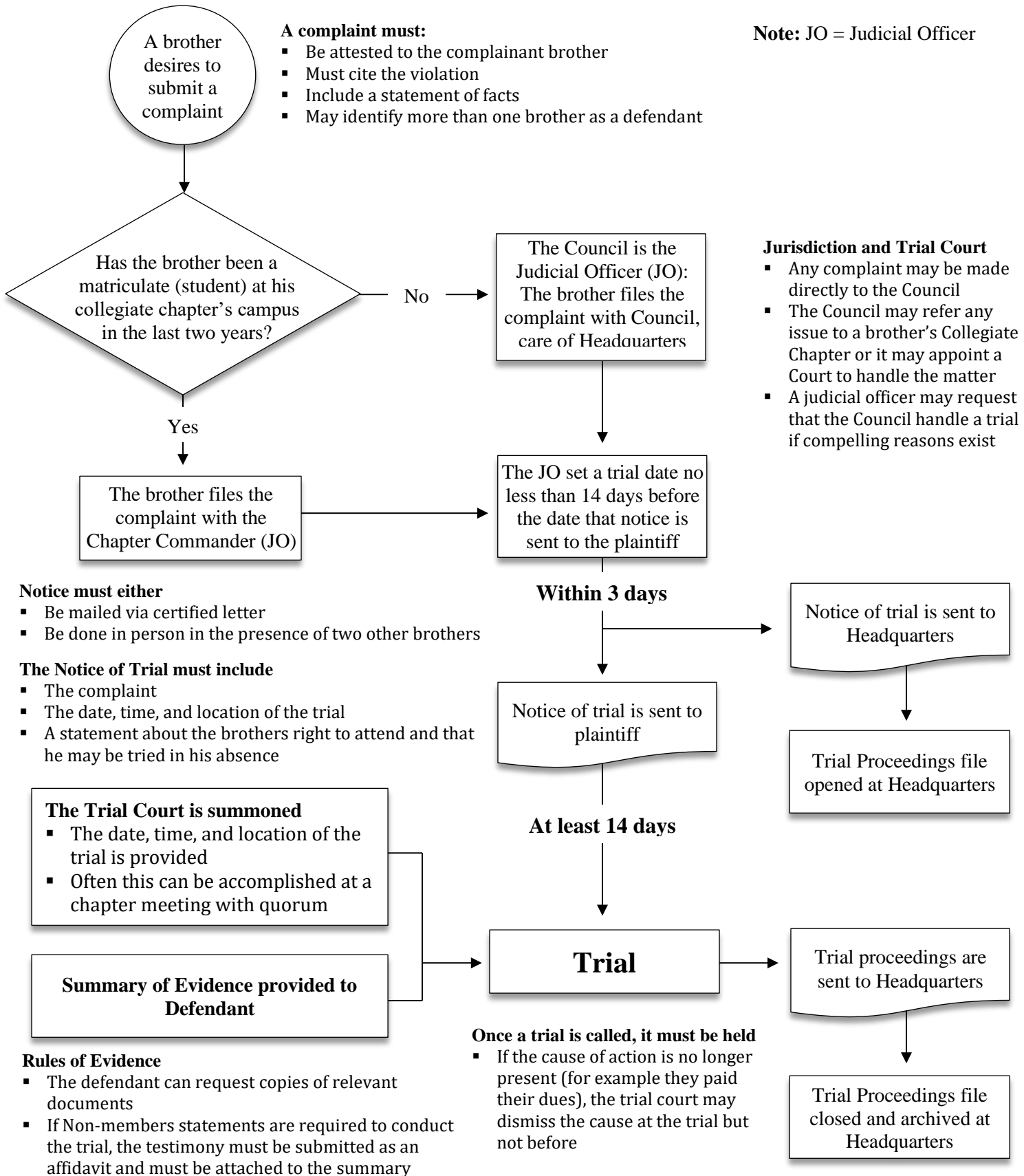
1. **Why is the process so complicated?** The Trial Code was written to protect the rights of the accused while balancing the need for a mechanism that is fairly applied. If you take the perspective of the accused, the reason for all the rules becomes clearer. The Trial Code was written with checks and balances to support fairness.
2. **What do I do if I filed a complaint and the Judicial Officer fails to act?** Call Headquarters. The process is structured and the failure to follow it is, in and of itself, a violation of The Law.
3. **I have a complaint filed against me. Can I request a new Chapter Judicial Officer?** You have the right to request a change in Judicial Officer, and that request requires no approval and cannot be refused. You cannot, however, choose your judicial officer – the next highest officer identified in the Law that is not involved in the complaint shall act as Judicial Officer. The Judicial Officer's duty is to preside at the trial and rule upon all contest matters concerning The Law and the admissibility of evidence.
4. **Is there a statute of limitations on complaints?** No. The only time limitation for a complaint deals with the appropriate trial court.
5. **Who is on the Trial Court?** When the Collegiate Chapter is the trial court, the Collegiate Brothers of the Chapter in Good Standing excluding the Judicial Officer, the Defendant, and the Plaintiff shall constitute the trial court. Brothers who are currently suspended are not eligible to serve or vote on the court. Additionally, the Trial Court shall exclude the Defendant's counsel, if one is selected in accordance with Chapter 2, Section 3.1.
6. **What are the rules of evidence?** The Fraternity subscribes to no formal discovery rules. We do however require the open sharing of any evidence to be offered at the trial no less than four days prior to the trial date.
7. **If a brother has a trial and then violates the terms of his sentencing, is he automatically expelled?** No. Only a trial can determine fact. As a result, determining the fact that he violated the terms would require another trial.
8. **What is the longest suspension that can be imposed?** Technically, there is no limit. For example, chapters have been known to suspend a brother until graduation. Generally, a chapter should not impose a suspension that would be longer than the jurisdiction of the Trial Court as it may be grounds for an appeal to the High Council as an unreasonable sentence.
9. **We found a brother guilty, but we cannot expel him because brothers will not vote for expulsion – what do I do?** A trial court MUST SENTENCE a guilty brother and the court may not adjourn until that step is complete. This does not mean that a guilty brother must be expelled, only that the chapter must determine some consequence(s). So, you will need to figure this out. This is an issue of local control – the Headquarters Office will not solve this problem for you.



10. **We have a member who is on our roster who we expelled. Why is he still there?** Most of the time the judicial officer failed to return the appropriate trial documentation to Headquarters. Until that trial documentation is received, Headquarters is unable to record the expulsion.
11. **May we conduct a Trial virtually?** - Yes, you may convene a trial court virtually provided all the required steps for notification have been completed.
12. **Can we just record the Trial and use that as our trial report** - No. For the time being, all trial reports must be provided to the Headquarters Office in written form.
13. **What information should a Trial report include and why must it be so comprehensive?** It is important to remember that your chapter is capturing a moment in time. This moment happens to involve a Brother who is alleged to have committed wrongdoing or an infraction. Membership records are kept on file at the Headquarters Office indefinitely. So, it is important to remember that future generations of chapter members may need to reference the work done by your chapter in the present day.

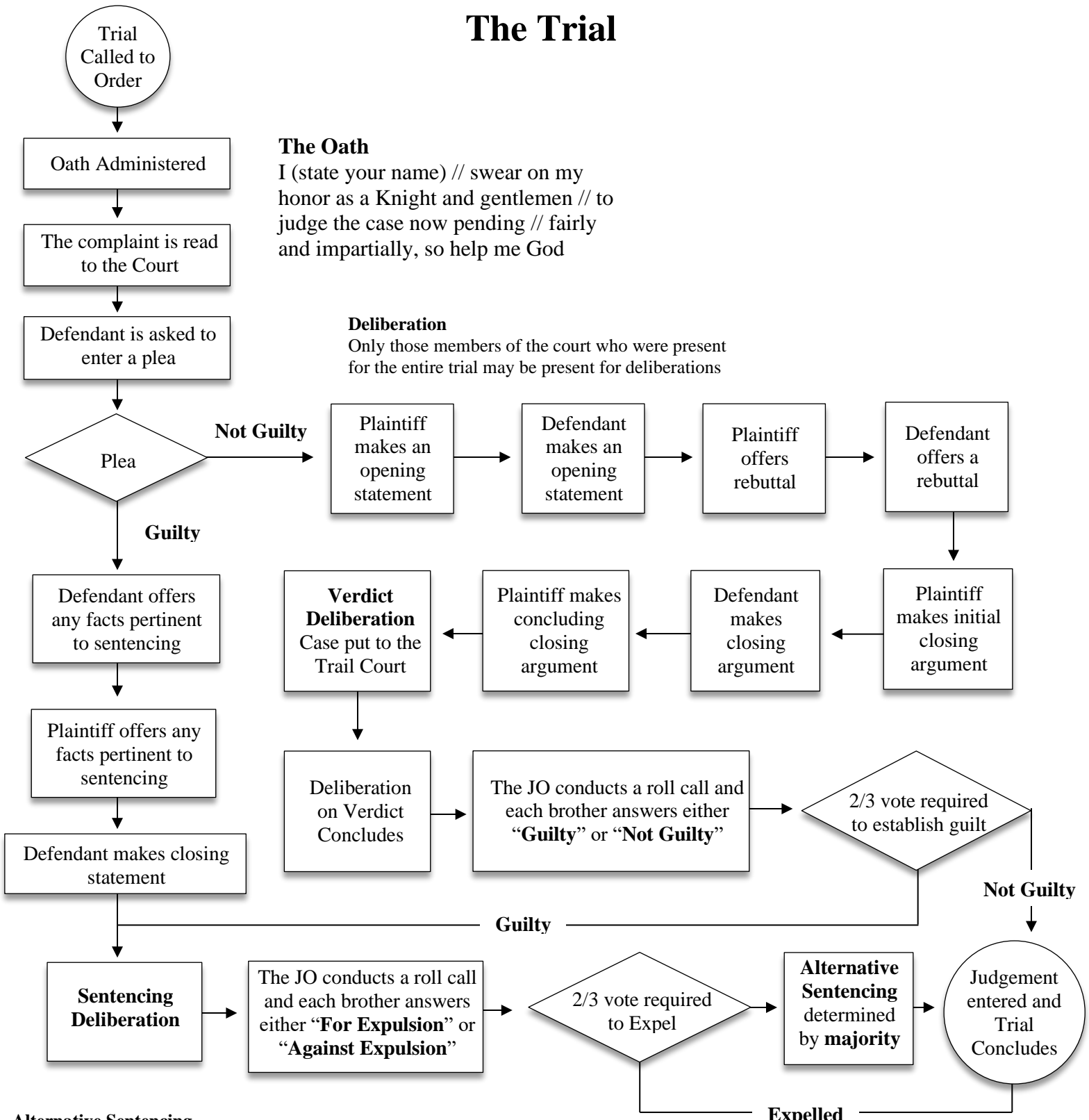
A comprehensive and detailed trial report should include, but may not be limited to, the following information:

- The time, date, and location of the trial
- Name of the Judicial Officer
- Name of the Plaintiff
- Name of the Defendant
- Number of chapter members present for the entire trial
- A detailed description of the order of proceedings (i.e. transcript)
- Voting proportions
- Verdict and judgement





# The Trial



### The Oath

I (state your name) // swear on my honor as a Knight and gentlemen // to judge the case now pending // fairly and impartially, so help me God

### Deliberation

Only those members of the court who were present for the entire trial may be present for deliberations

### Alternative Sentencing

The Trial Code allows for the imposition of Suspension, Compensatory Damages, Fines or reasonable additional conditions all of which must be accorded a reasonable timeline for compliance.

### Concluding Trial

The JO should pronounce the decision of the court, remind all their obligation of secrecy, retrieve the badge, membership card and certificate and for expelled brothers, inform them of their right of appeal and pay them for the replacement cost of the badge.



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## COMBINED NOTICE OF COMPLAINT AND TRIAL NOTICE

### COMPLAINT

I, \_\_\_\_\_ have personally served notice to an officer of the chapter that:  
(insert Plaintiff's name)

(Choose one)  of my own knowledge /  on information and belief

Brother \_\_\_\_\_ engaged in conduct unbecoming of a Knight and a Gentlemen.  
(insert Defendant's name)

#### Description of the Conduct

- was intoxicated in public to the notorious scandal and disgrace of the Chapter and the Fraternity.
- revealed the secrets of the Fraternity.
- neglected or refused to perform reasonable duties imposed upon him including having failed to pay dues in the amount of \$\_\_\_\_\_, and that this trial is made pursuant to Article 7, Section 8 of The Law of Sigma Nu Fraternity, Inc.
- Other as described below:

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Trial Code Chapter 2, Section 2.1(a) allows you to be tried in absentia if you are not present. All of these charges, I affirm on my honor as a Knight and gentlemen, to be true to the best of my knowledge and belief. I pray that a citation and summons be issued and trial had, that I may introduce evidence in support of the same.

\_\_\_\_\_  
Plaintiff Sign and Date

\_\_\_\_\_  
Judicial or Chapter Officer Sign and Date  
SUBSCRIBED and sworn to before me

\_\_\_\_\_  
Judicial Officer completes below this line

Pursuant to the Trial Code, this matter will be addressed at a meeting held for that purpose at

Trial Date and Time: \_\_\_\_\_

Location: \_\_\_\_\_

Any additional evidence shall be forwarded to the Defendant