



ARTICLE 30 Discipline by Temple § 330.1 Jurisdiction.

A Noble is subject to discipline by the temple of which he is a member, or by the temple within whose jurisdiction he resides, for conduct unbecoming a Noble of the Order or for violation of Shrine Law.

§ 330.2 Fair Play and Substantial Justice.

This Article is intended to provide the guidelines for the determination of whether an accused Noble should be disciplined, the extent of such discipline if appropriate and to assure fair play and substantial justice as these concepts are understood and practiced in North America. To this end the temple and its officers shall cooperate fully with the complaining Noble, the accused Noble, the grievance committee and the trial committee. All temple records concerning the complaint or charges shall be made available to the foregoing for copying.

§ 330.3 Definitions.

In addition to the definitions set forth in §101.3, the following terms are defined for the purposes of this Article.

(a) "Complaining Noble" is the Noble or Nobles who file a complaint with the Potentate of a temple pursuant to this Article.

(b) "Complaint" is the written, signed and dated statement of the acts or conduct of an accused Noble, which the complaining Noble asserts is a violation of Shrine law or constitutes conduct unbecoming a Noble of the Order.

(c) "Accused Noble" is the Noble or Nobles against whom a complaint is filed. 78 Bylaws (Iowa)

(d) "Grievance Committee" is a committee of five (5) impartial Nobles appointed by the Potentate and charged with the duty of thoroughly investigating a complaint.

(e) "Trial Panel" is the panel of nine (9) impartial Nobles appointed by the potentate from which the trial committee is selected.

(f) "Trial Committee" consists of the five (5) members of a trial panel who are selected to try the charges brought against the accused Noble.

(g) "Charges" is a written, signed and dated statement apprising the accused Noble of the nature and character of the offense or offenses being brought by and on behalf of the temple.

(h) "Prosecutor" is the Noble representing the temple in the trial of the accused Noble.

(i) “Impartial” is having no direct knowledge of the acts or conduct set forth in the complaint or charges; not having formed an opinion as to the merits of the complaint or charges; not being related by blood or marriage, nor being so closely associated with the complaining Noble, the accused Noble or any material witness as to be likely to affect the Nobles judgment.

j) “Notice, notify, provide, deliver or file” means to mail, first-class, postage prepaid, a copy of the document in question to the last known address of the Noble involved or to deliver the document to the Noble in person. Unless a greater time is specifically allowed, this should be done immediately. No notice of proceedings hereunder is required to be given temple membership.

(k) “Witness” is a person, male or female, Shriner or non-Shriner, called to give testimony.

§ 330.4 Procedure

Proceedings for the discipline of any Noble by a temple are as follows:

(a) Before trial.

- (1) Any Noble complaining against another Noble of conduct unbecoming a Noble of the Order or for violation of Shrine law, must state the nature and character thereof in writing, sign and date the complaint, and deliver it to the Potentate of the temple. The complaint must be filed within the time period provided in §101.9(b) and must contain the following statement: “I acknowledge it is a violation of Shrine Law to file a complaint in bad faith or for a frivolous reason. I hereby certify that in filing this complaint, I am not acting in bad faith or for a frivolous reason.” Amend. 2017
- (2) Immediately upon the receipt of a complaint, it is the duty of the Potentate to provide the complaining Noble with a complete copy of ARTICLE 30 of the bylaws of Shriners International, to deliver a copy of the complaint to the accused Noble and to schedule a meeting between the complaining Noble and the accused Noble to discuss resolution of the complaint. The meeting must be conducted within 30 days of receipt of the complaint by the Potentate and can be facilitated either by the Potentate of the temple or by an impartial Past Potentate of the temple appointed by the Potentate. Amend. 2017
- (3) If the resolution of the complaint is unsuccessful, it is the immediate duty of the Potentate to notify the Imperial Potentate and to appoint a grievance committee of 5 impartial members of the temple, giving preference to Past Potentates, whose duty it is to thoroughly investigate the complaint. The complaining Noble and the accused Noble shall be afforded an opportunity to be heard before the grievance committee. The complaining Noble may withdraw the complaint any time prior to the determination of the existence of probable cause by the grievance committee and, in such event, the grievance committee is discharged from further consideration of the matter and the complaint is dismissed. If the complaint is not withdrawn, the grievance committee by majority vote, must determine whether there is probable cause for believing an offense has been committed by the accused Noble, and shall report to the Potentate. The report must be made within 60 days after appointment of the committee, be in writing, and signed by those voting in the majority, and copies shall be delivered to the complaining Noble and the accused Noble. If no probable cause is found, the proceedings shall terminate, subject only to the rights of the complaining Noble to appeal as provided by §330.4(c)(2). Amend. 2017

- (4) Immediately upon the receipt of a report from the grievance committee finding probable cause, it is the duty of the Potentate to refer the matter to the Assistant Rabban, or, if he is disqualified from acting, to an impartial Noble of the temple designated by the Potentate to serve as alternate, and it is the duty of the Assistant Rabban, or of the alternate, to cause formal written charges to be preferred in the name of the temple against the accused Noble. The charges, in plain and concise language, must apprise the accused Noble of the offense charged, and when signed by the Assistant Rabban, or the alternate, shall be filed with the Recorder of the temple, and a copy shall be delivered to the Potentate, the complaining Noble and the accused Noble.
- (5) Immediately upon the filing of the charges, it is the duty of the Potentate to appoint a trial panel of 9 impartial Nobles of the temple, and to designate a date for the trial, which shall be not less than 15 nor more than 30 days from the date of the selection of the trial panel. The Potentate may for good cause postpone the trial to a subsequent date not later than 60 days from the date of the selection of the trial panel. The names of the trial panel shall be provided to the complaining Noble, the accused Noble and the temple. Neither the complaining Noble, the accused Noble, the temple nor anyone representing them shall have any contact whatsoever with the trial panel or vice versa regarding the case.
- (6) If any officer named in this section is the complaining Noble, is the accused Noble or is not impartial as the term is defined in §330.3(i), he shall be disqualified to act. If a member of the grievance committee or the trial panel is disqualified, it is the duty of the Potentate to fill the vacancy with an impartial Noble.
- (7) Unless an officer or a Noble is disqualified under the provisions of (6), or excused by the Potentate, he is required to serve. Any Noble who willfully violates any provision of Article 30 is subject to discipline under the Article.
- (8) In the event the Potentate is disqualified under (6), or for good cause disqualifies himself, the Chief Rabban acts in his stead; if both are disqualified, the Potentate shall appoint the highest-ranking qualified officer to act. And, if all officers are disqualified, the Potentate shall appoint an impartial Noble to act in his stead.
- (9) It is the duty of the Recorder of the temple to cause to be served upon the accused Noble a certified copy of the charges, together with a notice apprising the accused Noble of the time and place of the trial. Service shall be in person by a Noble, or by certified mail, addressed to the last known address of the accused Noble. The affidavit of the Noble making service, or of the Recorder of the mailing is prima facie evidence of the service of the notice and charges upon the accused Noble.
- (10) It is the duty of the Assistant Rabban or the alternate, in the name of the temple, to prosecute the charges, and the temple may have the assistance of counsel in the presentation of the charges, provided the counsel is a Noble. The accused Noble also shall have the right of counsel, provided the counsel is a Noble.
- (11) The accused Noble may file written answer to the charges at least five days prior to the time set for the trial.

(b) Trial

(1) Upon the date set for trial, the prosecutor may excuse 2 of the trial panel chosen by the Potentate, and the accused Noble has the right to excuse 2 of the trial panel, leaving a trial committee of 5. If the accused Noble or the Prosecutor fails or refuses to exercise his challenges, then the trial committee of 5 shall be chosen by lot. Prior to exercising their challenges, both the accused Noble and the prosecutor shall have the right to inquire of the trial panel and to challenge any Noble for cause. Cause shall consist of showing that the Noble in question is not impartial. The Potentate shall rule on all challenges. The Potentate shall immediately appoint a substitute impartial trial panel member for any Noble excused for cause.

(2) The trial committee selects one of its members as chairman. The chairman has charge of the conduct of the trial and may have an attorney who is a Noble present during the trial for the purpose of advising the trial committee concerning procedural and legal issues. Such attorney shall serve at the expense of the temple. The Chairman administers the oath to all witnesses who are Nobles upon their honor as Nobles. All witnesses who are not Nobles shall be sworn by any officer qualified to administer oaths.

(3) Both the temple and the accused Noble have the right to summon witnesses, and disobedience of a summons subjects an offending Noble to discipline under Article 30. Request for the issuance of a summons to a witness shall be made of the Recorder, who shall issue, sign and deliver the summons at least five days prior to trial.

(4) The testimony of all witnesses shall be taken by a competent stenographer, male or female, so that it may be preserved as are transcripts in a court proceeding.

(5) Either the temple or the accused Noble may take depositions of witnesses who cannot attend the trial, provided reasonable notice of the time and place of the taking thereof is given the opposite party. The accused Noble and the temple shall provide each other with copies of all known documents that are to be used at the trial at least five (5) days prior to the trial.

(6) Any Noble of the temple is permitted to attend the trial; however, notice of the trial date to temple membership is not required. The deliberations of the committee upon guilt or innocence and fixing of punishment are secret. All deliberations must be in person and in the presence of each member of the trial committee.

(7) The trial committee hears the evidence adduced on behalf of the temple and the accused Noble and shall conduct the trial in an informal manner not being bound by the technical rules of evidence except for those relating to privileged communications. The trial committee hears the arguments of counsel, including appropriate arguments regarding punishment in the event guilt may be found, and then proceeds with its deliberations, and ascertains the guilt or innocence of the accused Noble. If the committee finds the accused Noble guilty, it shall fix the punishment, which may be either reprimand, expulsion, suspension for an indefinite period, or suspension for a definite period.

(8) A majority vote of the committee upon the question of guilt and upon the fixing of punishment shall be required. The report of the trial committee must be signed by those voting with the majority. The report is then immediately sealed to be opened by the Potentate at the next stated meeting.

(9) At the next stated meeting of the temple after the trial, the report shall be unsealed by the Potentate and read to the Temple. This reading of the report is the pronouncement of judgment. The judgment dates from the time of the pronouncement of judgment by the Potentate, and from that date is final, unless the same is reversed or modified on an appeal therefrom to Shriners International. Any Noble revealing the contents of the report before the pronouncement of the judgment is subject to discipline.

(c) Appeal

(1) Either the temple, the accused Noble or the complaining Noble has the right within 30 days to appeal to Shriners International from any judgment rendered. Amend. 1991

(2) The complaining Noble has the right within 30 days to appeal to Shriners International from the decision of the grievance committee finding no probable cause.

(3) Notice of appeal under (1) or (2) must be filed with the Imperial Recorder within 30 days.

(4) In the event of an appeal, it is the duty of the temple to file a complete transcript of the proceedings with the Imperial Recorder at least 30 days prior to the next annual session of Shriners International. The transcript shall be in a format requested by the Grievances and Appeals Committee, such as written, recorded, on compact disc, or otherwise, so long as the transcript accurately provides a verbatim account of the proceedings, and the format is readily accessible to the appealing party. The Imperial Recorder thereupon shall transmit the transcript and all the papers pertaining to the appeal to the chairman of the Grievances and Appeals Committee of Shriners International. Amend. 2011

(5) If an appeal is taken, the party appealing must pay all the costs and expenses of the transcript of the evidence, unless in the judgment of the Potentate the party appealing is unable to pay the expenses, in which event the temple must pay.

(d) Restoration.

(1) If the member is suspended for an indefinite period, he is not permitted to petition for restoration until after the expiration of one year from the date of judgment of suspension. Any Noble suspended for an indefinite period may be restored in the following manner: He must present an application for restoration, which shall be read at a stated meeting and laid over until the next stated meeting, and notice of the application must be sent to the members. At the next stated meeting after the presentation of the application, the following question must be put: "Shall the Noble be restored?" If two-thirds of the members present vote for his restoration, he is restored. If a less number than two thirds vote for restoration, he remains suspended, and is not permitted to petition again for a period of one year thereafter.

(2) If the member is expelled, he cannot be restored but may petition again the temple from which he was expelled for membership as if he had never before been a member. However, if he wishes to become a member of any other temple, he must obtain a waiver from the expelling temple before the temple having jurisdiction of his petition can vote thereon. This application for a waiver shall be acted upon at a stated meeting of the expelling temple and it must be approved by a majority vote of the members present and voting. Amend. 1967, 1983, 1985

§ 330.5 Complaint Filed in Bad Faith or For a Frivolous Reason.

(a) If, as a part of the investigation of the complaint by the grievance committee, the grievance committee finds by a majority vote that there is no probable cause for believing an offense has been committed by the accused Noble and further finds by a majority vote that the complaint was filed in bad faith or for a frivolous reason, the grievance committee can fix the punishment of the complaining Noble for filing the complaint in bad faith or for a frivolous reason, which may be either reprimand, expulsion, suspension for an indefinite period, or suspension for a definite period.

(b) A complaining Noble who has been found by the grievance committee to have filed a complaint in violation of (a), above, has the right within 30 days to appeal to Shriners International from any judgment rendered. The procedure of the appeal must be in accordance with 330.4(c). Add. 2017