



PROPOSED LEGISLATION

As reported by the Judiciary Committee



TAU KAPPA EPSILON FRATERNITY

May 16, 2022

Dear Fraters:

In accordance with Ch. I, § 11 of the International Bylaws and Traditions of Tau Kappa Epsilon, the Judiciary Committee submits the following legislative proposals for the consideration of the Grand Chapter at the Second Session of the Sixty-First Conclave of the International Fraternity to be held in Houston, Texas on July 26, 2022. Summaries have been included for your convenience, along with the complete text of each proposal and advisory recommendations by the Grand Council.

I strongly encourage all delegates to review the attached proposals and discuss them with the officers and members of your chapter, Board of Advisors, and/or chartered alumni association. Carefully consider the potential impacts of approval or rejection of each proposal on your group and the International Fraternity as a whole.

Delegates are reminded that under the Black Book, only the legislation attached hereto—which was submitted in a timely fashion and reviewed by the Judiciary Committee—may be considered at Conclave. Proposed legislation may not be amended from the floor unless the amendment is solely for the purpose of clarification.

All proposed amendments to the International Constitution require approval by three-fourths of the votes cast at Conclave under Art. XVI, § 1. Changes to the International Bylaws and Traditions require approval by a majority of the votes cast under Ch. XXXII, § 1. In the text of the proposals presented, language to be deleted is signified by strikethrough, while language to be added is signified by underlining.

This year's Conclave will truly be like no other before it. The emergency measures taken by our Grand Council and professional staff during this unprecedented "triennium" have kept the Fraternity stable and our members safe, but nothing can replace the fellowship and camaraderie of hundreds of Fraters coming together from every corner of TKE Nation. This long-awaited opportunity to celebrate our brotherhood in person is an exciting one indeed.

I look forward to seeing you in Houston, Fraters. As always, I remain—

Yours In The Bond,

David W. Towne, Esq.
Judiciary Chairman

Legislative Proposal #1
Confirmation of Amendment to the International Constitution

Submitted By: The Grand Council

Subject Matter: Separation of Boards of Advisors and Chapter Housing Corporations

Sections Affected: Art. VI, § 1; Art. XIV, §§ 1–5; Art. XV, §§ 1–3

Required to Pass: Three-fourths vote

Grand Council Recommendation: Yes, Do Pass

Purpose/Scope: Prior to the 2019 Conclave, two areas of significant concern were identified regarding Black Book provisions relating to the governance of chapter organizations and property:

First, the Fraternity’s laws did not require any separation between chapters’ Boards of Advisors (BOAs) and housing entities. This potentially exposed the Fraternity and its chapters to increased liability in the event of litigation arising from a risk incident at, or otherwise relating to, any housing or real property owned or used by a chapter.

Second, the Black Book required each chapter to incorporate and maintain a Chapter Corporation. Implementation and enforcement of this clause varied considerably over time and from one jurisdiction to another, complicating legal compliance and risk management efforts. The Black Book also required BOA members to serve as Chapter Corporation directors, creating further potential avenues of liability exposure for alumni, volunteers, and the Fraternity.

These issues were considered by the Risk Committee’s Housing subcommittee, which was appointed by the Venerable Grand Prytanis following the 2019 Conclave. The subcommittee proposed changes to the Fraternity’s laws that removed authority over real property and certain business matters from BOAs, vesting title and management responsibilities in fully separate, independent Housing Corporations instead. The proposed changes also did away with the requirement that chapter organizations incorporate in their state or province.

The Judiciary Committee declared an emergency relating to these issues on September 27, 2019, allowing the Grand Council to adopt the proposed changes on an interim basis. These changes, if not expressly confirmed by the Grand Chapter at the 2022 Conclave, will revert to the language in effect at the 2019 Conclave.

Proposed Changes:

[Deletions indicated by ~~striketrough~~; additions indicated by underlining.]

ARTICLE VI

Membership

SECTION 1. ***Kinds of Members.*** The membership of the Fraternity shall consist of collegiate, inactive, and alumni members and Chapter Housing Corporations which hold title to real or personal property for use by a collegiate chapter.

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ARTICLE XIV

~~**Chapter Corporation & Property**~~
Chapter Housing Corporation & Property

SECTION 1. ***Title.*** The personal property assets of each collegiate chapter, specifically excluding any real property, including title to all real and all personal property, shall be held by Board of Advisors for the benefit of the Chapter. ~~a not for-profit corporation (hereinafter called "Chapter Corporation"), organized and managed by the Board of Advisors. Each Chapter Corporation shall be subject to the obligations imposed upon it by this Constitution and the International Bylaws and Traditions of the Fraternity.~~

SEC. 2. ***Chapter Finances.*** ~~The finances of each collegiate chapter shall be supervised by its Board of Advisors.~~ The Board of Advisors shall provide oversight and guidance of the finances of each collegiate chapter as necessary and in accord with such other mandates set forth in the Fraternity's International By-Laws and Traditions and International Constitution.

SEC. 3. ***Chapter Corporations.*** ~~No charter shall hereafter be granted unless or until the petitioning body shall have first organized a Chapter Corporation. Any existing chartered chapter not having a Chapter Corporation is required to form and maintain such a corporation in order to remain in good standing with the International Fraternity.~~

~~SEC. 4. **Corporation Directors.** The Board of Advisors shall serve as the Board of Directors of the Chapter Corporation. Only members of the Board of Advisors shall be eligible to serve as directors of the Chapter Corporation.~~

SEC. 5. **Chapter Housing Corporation.** The title to all real property assets used for the benefit of any collegiate chapter shall be held by a not-for-profit corporation (hereinafter called the “Chapter Housing Corporation”), organized and managed by Alumni Members of the Fraternity who are the duly elected board members of the Chapter Housing Corporation, however no member of any Board of Advisors may sit on the board of any Chapter Housing Corporation for the same chapter. Each Chapter Housing Corporation shall be subject to the obligations imposed upon it by this Constitution and the International Bylaws and Traditions of the Fraternity.

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ARTICLE XV

~~**Inspection and Supervision**~~ **Guidance and Education**

SECTION 1. *May be Provided.* Programs for advising and counseling the several chapters and Chapter Housing Corporations in the principles, rituals and traditions of the Fraternity and in methods and techniques of successful chapter operation may be provided for by the Constitution or Bylaws or by resolution of the Grand Council or the Grand Chapter.

SEC. 2. *Regions.* The chapters and Chapter Housing Corporations of the Fraternity may be assigned to regions, the geographic boundaries of which may from time to time be fixed by the Grand Council, for the purpose of assistance and counseling.

Legislative Proposal #2
Confirmation of Amendment to the International Bylaws and Traditions

- Submitted By:** The Grand Council
- Subject Matter:** Separation of Boards of Advisors and Chapter Housing Corporations
- Sections Affected:** Ch. VII, §§ 3, 4, 8, 9; Ch. XII, §§ 3–7; Ch. XIII, §§ 1–17; Ch. XIV, §§ 1–9; Ch. XV, §§ 4, 5, and 7
- Required to Pass:** Majority vote
- Grand Council Recommendation:** Yes, Do Pass
- Purpose/Scope:** Prior to the 2019 Conclave, two areas of significant concern were identified regarding Black Book provisions relating to the governance of chapter organizations and property:
- First, the Fraternity’s laws did not require any separation between chapters’ Boards of Advisors (BOAs) and housing entities. This potentially exposed the Fraternity and its chapters to increased liability in the event of litigation arising from a risk incident at, or otherwise relating to, any housing or real property owned or used by a chapter.
- Second, the Black Book required each chapter to incorporate and maintain a Chapter Corporation. Implementation and enforcement of this clause varied considerably over time and from one jurisdiction to another, complicating legal compliance and risk management efforts. The Black Book also required BOA members to serve as Chapter Corporation directors, creating further potential avenues of liability exposure for alumni, volunteers, and the International Fraternity.
- These issues were considered by the Risk Committee’s Housing subcommittee, which was appointed by the Venerable Grand Prytanis following the 2019 Conclave. The subcommittee proposed changes to the Fraternity’s laws that removed authority over real property and certain business matters from BOAs, vesting title and management responsibilities in fully separate, independent Housing Corporations instead. The proposed changes also did away

with the requirement that chapter organizations incorporate in their state or province.

The Judiciary Committee declared an emergency relating to these issues on September 27, 2019, allowing the Grand Council to adopt the proposed changes on an interim basis by unanimous vote. These changes, if not expressly confirmed by the Grand Chapter at the 2022 Conclave, will revert to the language in effect at the 2019 Conclave.

Proposed Changes:

[Deletions indicated by ~~striketrough~~; additions indicated by underlining.]

DIVISION TWO: FINANCE

**CHAPTER VII:
Fraternity Finance**

SEC. 3. **Payment of Fees.** Each chapter and ~~Chapter Corporation~~ (or if there is no Chapter Corporation, the Board of Advisors) shall (a) collect, in trust, and remit to the Offices of the Grand Chapter prior to their due date all fees required of its members who have not been granted inactive status who are enrolled as students at the college or university at which such chapter is located and (b) pay, prior to their due date, all liabilities of the chapter to the Fraternity.

SEC. 4. **Charter Fees.** Every new collegiate chapter and ~~Chapter Corporation~~ which may be installed (or, if there is no Chapter Corporation, the its Board of Advisors) shall pay to the International Fraternity a chartering fee to be determined by the Chief Executive Officer, in addition to the regular membership fees for each member of such collegiate chapter. Every new alumni association installed shall pay a charter fee established annually by the Grand Council.

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SEC. 8. **Chapter in Arrears.** The Chief Executive Officer shall report to the Judiciary Committee, at its meeting prior to each Conclave, any chapter, ~~Chapter Corporation~~ or Board of Advisors in arrears to the International Fraternity on any of its obligations or for any fees which it is required to collect and remit to the Offices of the Grand Chapter, and no delegate from such chapter shall be permitted a seat or vote in the Grand Chapter.

~~SEC. 9. **Bond.** Every officer, agent, and/or employee of the International Fraternity and of each chapter, Chapter Corporation, and Board of Advisors authorized to receive, collect or disburse monies of the International Fraternity, or of any chapter, title holding corporations, or Board of Advisors, shall be bonded, in an amount fixed by the Grand Council, by a surety bond of a responsible surety company,~~

~~sufficient to cover all funds held by such officers, agents, and/or employees, or to come into or pass through the hands of them or any of them, conditioned for the faithful performance of their respective duties and the faithful accounting for and paying over of such funds to their respective successors or to other agents, officers or employees of the Fraternity entitled to receive the same. Said bond shall be procured and held by the Chief Executive Officer and the premium thereof included in and paid out of the International Fraternity's budget; provided, that the Grand Council~~

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DIVISION THREE: COLLEGIATE ORGANIZATION

Chapter XII: Collegiate Finance

SEC. 3. **Annual Report.** A copy of the Annual Report shall be filed within 10 days with the Chapter Advisor, ~~Chapter Corporation~~, Board of Advisors, and in the chapter files. Any chapter failing to file the Annual Report with the Offices of the Grand Chapter by May 15 will be subject to a fine of \$50.00 (U.S. dollars) and an additional \$50.00 (U.S. dollars) for each ninety (90) days thereafter until such report has been filed.

SEC. 4. **Budget.** The Crysophylos shall, before June 30 of each year, meet with the Prytanis, Chapter Advisor, ~~Chapter Corporation~~ and Board of Advisors to prepare and adopt a budget for the ensuing year.

SEC. 5. **Audit.** The financial records of each collegiate chapter shall be annually audited by the ~~Chapter Corporation~~ and the Board of Advisors, and they may be audited at such other times as the ~~Chapter Corporation~~, the Board of Advisors, the Volunteer Assistant or other Fraternity authority may determine.

SEC. 6. **Arrears Forbidden.** No member shall be permitted to be in arrears to the International Fraternity, ~~or his chapter, or the Board of Advisors or Chapter Corporation~~ for dues, membership fees, assessments, ~~board, room and rent~~, or for any other obligation whatsoever, except in case of emergency, and then only with the written consent of the Chairman or President of the ~~Chapter Corporation~~ and Board of Advisors and the Chapter Advisor or, in the case of obligations to the International Fraternity, with the consent of the Chief Executive Officer.

SEC. 7. **Enforcement.** It shall be the duty of each collegiate chapter, ~~Chapter Corporation~~, and Board of Advisors to enforce the foregoing Section 6 by appropriate action, and the respective officers and members shall each be responsible for such enforcement.

CHAPTER XIII:
The Board of Advisors ~~and Chapter Corporation~~

SECTION 1. ***How Constituted.*** ~~The activities of each collegiate chapter shall be supervised by a~~ Board of Advisors consisting of the Chapter Advisor, the Chapter Prytanis, the Chapter Crysophylos, and at least four other persons, the majority of whom should be alumni or honorary members of the International Fraternity shall provide education and guidance to each collegiate chapter as necessary. The Board of Advisors shall act in compliance with the Articles of Incorporation, Constitution, Bylaws, laws, traditions, usages, obligations, and principles of the Fraternity and to set by example the standard of conduct for collegiate and non-members to emulate. The elected members of the Board of Advisors shall serve for a term of four years or for terms as approved by the Board of Advisors, and until their successors are elected, and all vacancies except as hereinafter provided shall be filled by the members of said Board. No member of any Board of Advisors may be a member of the board of any Chapter Housing Corporation for the same chapter. The Chief Executive Officer shall have power to remove from office at his discretion, for violation of the Articles of Incorporation, Constitution, Bylaws, laws, traditions, usages, obligations, principles or ritual of the Fraternity or other good cause, any member or members of a Board of Advisors, and may fill by appointment all vacancies thereby created.

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~~SEC. 3. ***Liability Insurance.*** The Board of Advisors shall maintain comprehensive general liability insurance under which the chapter corporation and the chapter or the colony corporation and the colony, as the case may be, shall be named insureds, which shall include host liquor liability coverage, provided the same is reasonably available. In the event that for any reason no Board of Advisors exists, then the obligation to maintain the insurance herein required shall be on the officers of the chapter corporation, the chapter, the colony corporation and the colony, as the case may be.~~

SEC. 4.3. ***Motions by Members of Chapter.*** Any member of the said chapter may present written motions or resolutions for the consideration of the Board, or any matter within its jurisdiction, which, if seconded in writing by another member, shall thereupon be discussed and voted upon in the same manner as if offered by a member of the Board.

SEC. 5.4. ***Appeals.*** Any chapter may, by majority vote, appeal to the Chief Executive Officer from any decision or action by the Board of Advisors, with further right of appeal from his decision to the Grand Prytanis.

~~SEC. 6. ***Sinking Fund.*** Whenever any chapter shall be or become indebted for other than current expenses, it shall be the duty of the Chapter Corporation to establish a sinking fund for the retirement of such debt, and to require said chapter~~

to pay monthly to the Treasurer of the Chapter Corporation a sum sufficient for said sinking fund, and also to cover its taxes, insurance and a reasonable depreciation on its property, the amount of which shall also be fixed by the Chapter Corporation.

~~SEC. 7. **Powers and Duties.** Whenever property shall be held for the use of any chapter, the Chapter Corporation shall have the power to require repairs, insurance, the payment of taxes, special assessments, mechanics' liens, judgments and all other matters necessary for the protection and preservation of such property. No encumbrance or conveyance of such real estate shall be made without its consent. It shall have power to prohibit any act or omission which may waste or damage the said property.~~

~~SEC. 8. **Title to Property.** The title to all real and personal property of the several collegiate chapters shall vest in and be held by the Chapter Corporation for such collegiate chapters.~~

~~SEC. 9. **Chattel Mortgages, Etc.** Chattel mortgages, conditional sales contracts and any other contract granting a security interest in property used by any collegiate chapter shall be executed only by the proper officers of the Chapter Corporation, when authorized by a proper resolution of the Board of Directors.~~

SEC. 10 5. **Control and Disposition of Personal Property on Loss of Charter.** In the event that the charter of any collegiate chapter shall be withdrawn or surrendered, the control and custody of the personal property held by or for the use of such chapter shall devolve upon the Chapter Corporation Board of Advisors, and it shall dispose of the same as directed by the Grand Council. All monies, and the proceeds of sale of such personal property of said chapter, shall be held by the Fraternity to the credit of said chapter, as directed by the Grand Council.

SEC. ~~11~~ 6. **Authority of Grand Council.** In the event that a chapter is suspended or declared non-operating, the Grand Council shall have authority over the real estate and personal property held by the Chapter Corporation, Boards of Advisors and chapters to prevent its being diverted from its proper use as Fraternity property and to prevent the carrying on of any practices contrary to the Constitution, Bylaws, laws, ritual or principles of the International Fraternity.

~~SEC. 12. **Disposition of Real Estate on Loss of Charter.** In the event that the charter of any chapter shall be withdrawn or surrendered, the title to any real estate shall be held for the alumni members of said chapter, for a period of two years. If, at the expiration of the two years, such chapter shall not have been restored, the local Board of Advisors or the Chapter Corporation shall sell the real estate, unless other action is authorized by the Grand Prytanis. After the payment or provision for payment of all legally enforceable obligations of the owner of the~~

~~real estate, the remaining proceeds of any sale of real estate shall be promptly transferred to the Fraternity (unless otherwise determined by the Grand Council) and held by the Fraternity to the credit of said chapter regardless of the time of such sale and regardless of whether title was held by the chapter, Chapter Corporation or Board of Advisors.~~

SEC. 137. **General Education, Guidance and Oversight. *Supervision Oversight.*** ~~The Board of Advisors and the Chapter Corporation shall have general supervision~~ provide education and guidance, as necessary, over all phases of chapter operations and the finances of the chapter; shall approve budgets hereinbefore provided; shall encourage the prevention of ~~prevent~~ incurring of unnecessary or unwise expenditures or indebtedness by the chapter, or penalties to the Fraternity; shall require urge the prompt collection by the chapter of all monies due it ~~or due the Chapter Corporation~~ or the International Fraternity, and assist therein as requested by the chapter; and shall require all chapter accounts to be kept and reports made on the forms and at the times required by law, or by the Chief Executive Officer. The Board of Advisors ~~and the Directors of the Chapter Corporation~~ must confer with the officers of the chapter concerning the execution of the aforesaid duties.

SEC. 148. **Business Manager.** ~~The Board of Advisors of, and the Chapter Corporation for,~~ each chapter may annually employ a Business Manager of the chapter who may, but need not be, a member of a Board of Advisors and fix his compensation at such reasonable sum as may be agreed upon. The Business Manager shall oversee and offer guidance on the work of the Crysophylos, make a monthly audit of his books; collect all bills of members for ~~board, room rent,~~ dues, fees, and other obligations to the International Fraternity, ~~the Chapter Corporation~~ and the chapter which are not paid when due, supervise the purchase of all supplies and the payment of all accounts payable of the chapter ~~and the Chapter Corporation~~. He shall keep such books of account as may be necessary and make such reports to the Board of Advisors ~~and the Chapter Corporation~~ and to the International Fraternity as may from time to time be required. All or any of such duties of a Business Manager may be performed by an officer or employee of the college or university at which the chapter is located, as required or designated by said college or university.

SEC. 159. **Employees.** All contracts for services of business managers, resident advisors, ~~housemothers, housekeepers, cooks, stewards,~~ and all other persons who may be employed by or in the services of any collegiate chapter shall be made and the compensation and duties of such person or persons fixed by the respective Boards of Advisors ~~or Chapter Corporation~~.

SEC. 1610. **Annual Reports.** The Board of Advisors ~~and the said Chapter Corporation~~ shall file an annual report with the chapter, the Secretary of the Board

of Advisors, ~~the Secretary of the Chapter Corporation~~ and the International Fraternity. The report shall be on forms supplied by the International Fraternity and shall include information as may be deemed necessary by the Grand Council from time to time. The annual report shall be filed no later than May 15 of each year. Additionally, a financial report and a copy of the Chapter's ~~and/or Chapter Corporation Internal Revenue Service Form 990~~ annual tax filings shall be filed with the Offices of the Grand Chapter by November 15 of each year.

~~SEC. 17. **Board of Advisors.** The rights and duties imposed by these Bylaws on the Chapter Corporation shall be exercised by the Board of Advisors if a Chapter Corporation has not been organized by such Board of Advisors. If a Chapter Corporation has been organized, the Board of Advisors may nevertheless exercise the rights and duties imposed by these Bylaws on the Chapter Corporation to the extent necessary or appropriate under applicable state law, and the Board of Advisors shall exercise such rights and duties to the extent the Chapter Corporation fails to do so.~~

CHAPTER XIV: The Chapter Housing Corporation

SECTION 1. **How Constituted.** Whenever property shall be held for the use of any chapter, a Chapter Housing Corporation shall be constituted. The Chapter Housing Corporation shall consist of no less than three alumni or honorary members of the International Fraternity, or such other number as required by the State or Province in which the corporation is constituted. The Chapter Housing Corporation shall act in compliance with the Articles of Incorporation, Constitution, Bylaws, laws, traditions, usages, obligations, and principles of the Fraternity and to set by example the standard of conduct for collegiates and non-members to emulate. The elected members of the Chapter Housing Corporation shall serve for a term of four years or for terms as approved by the Chapter Housing Corporation, and until their successors are elected, and all vacancies except as hereinafter provided shall be filled by the Chairman of said Corporation. No member of any Chapter Housing Board may be a member of the board of any Board of Advisors for the same chapter.

SEC. 2. **Officers.** The Chapter Housing Corporation shall annually choose a Chairman, Vice Chairman, Secretary and Treasurer, which latter two officers may be combined in one person if desired. The members shall hold office until their successors are elected and shall not lose their right to vote by reason of holding office. No member of any Board of Advisors may be elected to the board of any Chapter Housing Corporation for the same chapter.

SEC. 3. **Powers and Duties.** Whenever real property shall be held for the use of any chapter, the Chapter Housing Corporation shall act as the landlord over

such property and shall have the power to require repairs, insurance, and the payment of taxes, special assessments, mechanics' liens, judgments and all other matters necessary for the protection and preservation of such property. No encumbrance or conveyance of such real estate shall be made without its consent. It shall have power to prohibit any act or omission which may waste or damage the said property. The Chapter Housing Corporation shall be responsible for collecting the fees or rent for room and board as appropriate.

SEC. 4. *Title to Property.* The title to all real property of the several collegiate chapters shall vest in and be held by the Chapter Housing Corporation for such collegiate chapters.

SEC. 5. *Chattel Mortgages, Etc.* Chattel mortgages, conditional sales contracts and any other contract granting a security interest in property used by any collegiate chapter shall be executed only by the proper officers of the Chapter Housing Corporation, when authorized by a proper resolution of the Chapter Housing Corporation.

SEC. 6. *Authority of Grand Council.* In the event that a chapter is suspended or declared non-operating, the Grand Council shall have authority over the real property held by the Chapter Housing Corporations of the several chapters to prevent its being diverted from its proper use as Fraternity property and to prevent the carrying on of any practices contrary to the Constitution, Bylaws, laws, ritual or principles of the International Fraternity.

SEC. 7. *Disposition of Real Estate on Loss of Charter.* In the event that the charter of any chapter shall be withdrawn or surrendered, the title to any real estate owned by the several chapters shall be held for the alumni members of said chapter, for a period of two years. If, at the expiration of the two years, such chapter shall not have been restored, a review by the Grand Council shall be had, at which time a determination shall be made as to the disposition of the property for the benefit of the chapter either by sale of the real estate or continued management by the Chapter Housing Corporation. Should a determination be made by the Grand Council that the sale of the real estate is appropriate, after the payment or provision for payment of all legally enforceable obligations of the owner of the real estate, the remaining proceeds of any sale of real estate shall be promptly transferred to the Fraternity (unless otherwise determined by the Grand Council) and held by the Fraternity to the credit of said chapter regardless of the time of such sale and regardless of whether title was held by the chapter, Board of Advisors, or the Chapter Housing Corporation. If a determination is made by the Grand Council for continued management by the Chapter Housing Corporation, then additional reviews by the Grand Council shall be had no less than each two years thereafter until a determination is made for the sale of the real estate or the chapter is reinstated, whichever shall occur first.

SEC. 8. **Employees.** All contracts for services of resident advisors, housemothers, housekeepers, cooks, stewards, and all other persons who may be employed by or in the services of any collegiate chapter relating to any property owned or used by same, shall be made and the compensation and duties of such person or persons fixed by the respective Chapter Housing Corporation.

SEC. 9. **Annual Reports.** The Chapter Housing Corporation shall file an annual report with the Secretary of the Board of Advisors and the International Fraternity. The report shall be on forms supplied by the International Fraternity and shall include information as may be deemed necessary by the Grand Council from time to time. The annual report shall be filed no later than May 15 of each year. Additionally, a financial report and a copy of the Chapter Housing Corporation's annual tax filings shall be filed with the Offices of the Grand Chapter by November 15 of each year.

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CHAPTER XIV: **Candidates**

SEC. 4. **Indebtedness.** No person shall be initiated who is in debt to the International Fraternity for his membership fees, or any part of, or for any past due room rent, board, or any obligation whatsoever to the International Fraternity, the chapter, or the Chapter Housing Corporation. All applications for badges and membership certificates shall contain a certificate by the Crysophylos that this section has been complied with.

SEC. 5. **Candidate Fees.** On the date that a person becomes a candidate for membership, he is obligated to pay a non-refundable candidate fee, which shall be a credit against the initiation fee if he is initiated. The candidate fee shall be determined by the Grand Council but shall not exceed 40 percent of the initiation fee. The fee shall be paid to the Fraternity at its headquarters. Each Chapter and ~~Chapter Corporation~~ (or if there is no Chapter Corporation, the Board of Advisors) shall, within fifteen (15) days following the date on which a person becomes a candidate for membership (a) collect, in trust, and (b) remit the Candidate Fee to the Fraternity. The Crysophylos shall be responsible for remitting the fees along with a report of the new Candidates for Membership. Candidate status shall automatically terminate on May 10th of each year and the candidate fee will be forfeited, unless the date is extended by the Chief Executive Officer due to the unique requirements of any particular educational institution.

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SEC. 7. **Initiation Fees.** Each chapter and ~~Chapter Corporation~~ (or if there is no Chapter Corporation, the Board of Advisors) shall, prior to initiation, collect, in

trust, the initiation fee from the candidate to be initiated and shall, within fifteen (15) days following the date on which such person becomes a member, remit that initiation fee to the International Fraternity. The Crysophylos shall be responsible for remitting the fees along with the report of the new members.

Legislative Proposal #3
Amendment to the International Constitution

Submitted By: The Grand Council

Subject Matter: Conclave Schedule

Sections Affected: Art. II, § 8

Required to Pass: Three-fourths vote

Grand Council Recommendation: Yes, Do Pass

Purpose/Scope: The laws of the Fraternity currently mandate that Conclave be held in odd-numbered years. The Sixty-First Conclave of Tau Kappa Epsilon was originally scheduled for August 5–8, 2021. Because of the risk to health and safety and other disruptions caused the COVID-19 pandemic, the Grand Council exercised its emergency authority and rescheduled Conclave for July 24–27, 2022.

TKE has operated on a biennial (two-year) governance cycle since 1924, allowing the Grand Council to develop and integrate strategic policy and address the evolving challenges faced by the Fraternity. Delaying Conclave for a year disrupted this established pattern, causing an irregular three-year “triennium.” This proposal moves Conclaves to even-numbered years, restoring the biennial cycle and avoiding the financial and logistical burden of back-to-back Conclaves in 2022 and 2023.

Proposed Changes:

[Deletions indicated by ~~strikethrough~~; additions indicated by underlining.]

ARTICLE VI

The Grand Chapter

SECTION 8. **Meetings.** The Grand Chapter shall meet annually. Meetings held in ~~odd~~ even numbered years shall be referred to as Conclaves and meetings held in ~~even~~ odd number years shall be referred to as Administrative Meetings. Meetings of the Grand Chapter shall be held at such time and places as the Grand Council shall designate. Special meetings of the Grand Chapter shall be called and conducted as provided in Chapter III of the Bylaws.

Legislative Proposal #4
Amendment to the International Bylaws and Traditions

Submitted By: The Grand Council

Subject Matter: Conclave Schedule

Sections Affected: Ch. I, § 1

Required to Pass: Majority vote

Grand Council Recommendation: Yes, Do Pass

Purpose/Scope: The laws of the Fraternity currently mandate that Conclave be held in odd-numbered years. The Sixty-First Conclave of Tau Kappa Epsilon was originally scheduled for August 5–8, 2021. Because of the risk to health and safety and other disruptions caused the COVID-19 pandemic, the Grand Council exercised its emergency authority and rescheduled Conclave for July 24–27, 2022.

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Proposed Changes:

[Deletions indicated by ~~strikethrough~~; additions indicated by underlining.]

DIVISION ONE: ORGANIZATION

CHAPTER I:
Conclaves of the Grand Chapter

SECTION 1. ***Time of Meeting.*** The Conclave of the Grand Chapter shall convene in each ~~odd~~-even-numbered year except in case of emergency, at such time and place as shall be designated by the Grand Council.

Legislative Proposal #5
Amendment to the International Constitution

- Submitted By:** The Grand Council Board Development Committee on behalf of the Diversity & Inclusion Subcommittee
- Subject Matter:** Designation of Emerging Chapters
- Sections Affected:** Art. V, § 8; Art. VI, § 4
- Required to Pass:** Three-fourths vote
- Grand Council Recommendation:** Yes, Do Pass
- Purpose/Scope:** The Tau Kappa Epsilon Diversity & Inclusion Committee was created to review the policies, practices, and traditions of the Fraternity. The Fraternity has traditionally referred to unchartered organizations recognized by the Grand Council who have the intent to become chartered or re-chartered chapters of the Fraternity as “colonies.” This proposal modernizes the language used to better reflect the purpose of these unchartered groups in becoming chartered or re-chartered chapters.

Proposed Changes:

[Deletions indicated by ~~striketrough~~; additions indicated by underlining.]

ARTICLE V

Chapters

SEC. 7. ~~Colony~~ Emerging Chapters. An emerging chapter ~~colony~~ is an unchartered organization designated as such by the Grand Council. ~~Colonies~~ Emerging chapters must be approved by a two-thirds vote of the Grand Council. ~~Colonies~~ Emerging chapters may be permitted to initiate members into regular membership into the Fraternity provided, however, that each candidate must be approved in advance by the Chief Executive Officer. Said candidates of the ~~colony~~ emerging chapter would remit to the International Fraternity regular initiate fees as defined in Division Two, Chapter VII, of the International Bylaws and Traditions. Members initiated by ~~colonies~~ emerging chapters would be considered charter members at such time as a charter may be granted to the ~~colony~~ emerging chapter.

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ARTICLE VI

Membership

SEC. 4. *Alumnus Member Defined.* An alumnus member is one who continues to be in good standing, who has ceased to be a student in attendance in school, or continues to be in attendance in school after graduating with a Bachelor's Degree, and who has been regularly initiated into Tau Kappa Epsilon as (a) a collegiate member of a collegiate chapter, or (b) as an alumnus member of an ~~colony~~ emerging chapter which has been chartered as a chapter of Tau Kappa Epsilon, or (c) as an alumnus member of a local fraternity, affiliated or unaffiliated, which has been chartered as a chapter of Tau Kappa Epsilon.

Legislative Proposal #6
Amendment to the International Bylaws and Traditions

- Submitted By:** The Grand Council Board Development Committee on behalf of the Diversity & Inclusion Subcommittee
- Subject Matter:** Designation of Emerging Chapters
- Sections Affected:** Ch. I, § 15; Ch. VII, §§ 1, 5; Ch. XI, § 1; Ch. XIX, § 1; Ch. XXI, § 5
- Required to Pass:** Majority vote
- Grand Council Recommendation:** Yes, Do Pass
- Purpose/Scope:** The Tau Kappa Epsilon Diversity & Inclusion Committee was created to review the policies, practices, and traditions of the Fraternity. The Fraternity has traditionally referred to unchartered organizations recognized by the Grand Council who have the intent to become chartered or re-chartered chapters of the Fraternity as “colonies.” This proposal modernizes the language used to better reflect the purpose of these unchartered groups in becoming chartered or re-chartered chapters.

Proposed Changes:

[Deletions indicated by ~~striketrough~~; additions indicated by underlining.]

DIVISION ONE: ORGANIZATION

CHAPTER I:

Conclaves of the Grand Chapter

SEC. 15. **Mileage.** All properly credentialed collegiate delegates eligible to vote and one official representative from each ~~colony~~ emerging chapter shall be reimbursed for attendance at the Conclave at the rate of 10 cents per mile for the straight-line distance from the location of the school of the attendee to the meeting place of the Conclave and return, and for the Past Grand Prytani from the place of residence to the Conclave and return, provided that in no event shall mileage allowance for each Conclave exceed the aggregate amount of \$40,000.00 (U.S. dollars). Grand Council members shall be reimbursed for actual expenses incurred in traveling to and attending the Conclave. No member of the Grand Chapter shall receive reimbursement for performance in a dual capacity.

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DIVISION TWO: FINANCE

CHAPTER VII: Fraternity Finance

SECTION 1. **Membership Fees.** The membership fees are an obligation of each member of the Fraternity. The fees shall be paid as follows:

- A. On the date that a person is inducted as a candidate for membership to the Fraternity he is obligated to pay a candidate fee. The candidate fee is established annually by the Grand Council and shall be paid to the International Fraternity at its headquarters.
- B. On the date that a candidate for membership becomes a collegiate member, he is obligated to pay a membership fee. The collegiate initiate fee is established annually by the Grand Council. If this fee is not remitted within fifteen (15) days of becoming a collegiate member, then an additional fee not to exceed forty (40) percent of the collegiate initiate fee shall apply. The appropriate fee shall be paid to the International Fraternity at its headquarters.
- C. Beginning the fiscal year following the fiscal year in which a person becomes a collegiate or ~~colony~~ emerging chapter member, and continuing each subsequent fiscal year while the member remains a collegiate or ~~colony~~ emerging chapter member, an Annual Membership Fee (AMF) established annually by the Grand Council shall be due. The AMF shall be due on October 1 of each fiscal year. This fee may be paid in two installments. If this option is selected, then an additional fee not to exceed twenty (20) percent will be added. The first installment shall be paid on October 1, and the second installment shall be paid on March 1 of each fiscal year. Additionally, a Risk Management Fee, also established annually by the Grand Council, is due October 15 of each fiscal year. This fee may also be paid in two installments. If this option is selected, then an additional fee not to exceed twenty (20) percent will be added. The first installment of the Risk Management Fee shall be paid on October 15, and the second installment shall be paid on March 15 of each fiscal year.

SEC. 5. **Payment of Dues.** All dues, assessments, membership fees and charter fees and all other obligations of the members and chapters shall be paid to the International Fraternity at the Offices of the Grand Chapter. The Grand Council shall develop a policy to ensure the timely collection of all dues, assessments and fees within 90 days after the debt is incurred. Any chapter, ~~colony~~ emerging chapter, recognized TKE entity, or individual member who maintains indebtedness to the Fraternity will be subject to appropriate disciplinary action, including but not limited to expulsion from the Fraternity or suspension of the chapter, ~~colony~~ emerging chapter or TKE entity's charter.

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CHAPTER XI
Debts to the Fraternity

SECTION 1. **Remedies for Indebtedness.** Notwithstanding any other provision of these International Bylaws and Traditions, the obligation of any candidate or member of the Fraternity, including candidate, initiation, annual membership, a member's pro-rata share of his chapter or ~~colony~~ emerging chapter's risk management insurance and costs, and any other obligation for which all or part of the amount is payable to the Fraternity, are enforceable commitments under the Bond and under civil law. If a candidate or member does not timely pay such obligation(s) to the Fraternity, enforcement actions may include:

1. Imposition of late charges in addition to the amount of the original obligation;
2. In the case of a candidate, suspension of the candidate's ability to become affiliated with the Fraternity;
3. Preferring of charges and trial under the procedures in Division Nine of the International Bylaws & Traditions;
4. In the case of a candidate or member whose obligation has been affirmed through appropriate Fraternity procedures but who still fails to pay such obligations, including applicable late charges, pursuing legal remedies in a court of law for breach of contract or other applicable remedies; and
5. In the event of civil action, recovery of attorneys' fees and costs associated with the enforcement actions.

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DIVISION FIVE: GRANTING AND WITHDRAWING CHARTERS

CHAPTER XIX:
New Chapters

SECTION 1. **Primary Inspection.** Before a qualified group may petition the Grand Council for consideration to become a recognized ~~colony~~ emerging chapter of the Fraternity, such group shall have received a primary inspection, by some Grand Officer or other alumnus member designated by the Grand Prytanis for that purpose, to disclose that there is a reasonable probability that a petition from said group for a charter will be granted. In addition, the Offices of the Grand Chapter, or the respective Volunteer, if so designated, shall notify each chapter located within the state where said group is located that it intends to petition for a charter, and shall solicit a report from each such chapter indicating its opinion concerning the acceptability to it of the group as a prospective chapter.

The primary inspection report and any additional reports or letters on the subject from any chapter shall be duplicated and attached to the respective petition for a charter by the Offices of the Grand Chapter.

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DIVISION SIX: PUBLICATIONS

CHAPTER XXI: Publications

SEC. 5. *Official Directory.* The Chief Executive Officer shall publish an official copyrighted directory of the Fraternity each year, which shall be distributed to each chapter and official ~~colony~~ emerging chapter, each Chapter Advisor, Campus Advisor, and Board of Advisors Chairman, committee chairman, volunteer official, Past Grand Officer and such other persons as may be deemed appropriate. Publication and distribution of the directory may be by electronic format, printed copy, or other common means of mass communication as the Chief Executive Officer deems appropriate. Such Official Directory shall contain, but not be limited to, a listing of all chapters and official ~~colony~~ emerging chapters, the mailing addresses of each, and the name of the last known Prytanis and Board of Advisors Chairman, the names and addresses of the members of the Grand Council, directors of the TKE Foundation, Grand Province Advisors (or other volunteer leaders), and the chairmen of the various committees and task forces, as well as the names, offices held, and addresses of the officers and/or trustees of any other related Fraternity agencies or corporations.

Legislative Proposal #7
Amendment to the International Bylaws

- Submitted By:** The Greater St. Louis TKE Alumni Association
- Subject Matter:** Chapter Standards
- Sections Affected:** Ch. XX, § 5
- Required to Pass:** Majority vote
- Grand Council Recommendation:** Yes, Do Pass
- Purpose/Scope:** To maintain good standing, a chapter must meet certain minimum standards. Failure to do so may subject a chapter to judicial action initiated by the Grand Chapter and penalties up to and including suspension and closure. However, the Black Book is vague as to the source of these benchmarks. This proposal clarifies that chapter standards may be set by the Grand Council or the Chief Executive Officer.

Proposed Changes:

[Deletions indicated by ~~striketrough~~; additions indicated by underlining.]

DIVISION FIVE: GRANTING AND WITHDRAWING CHARTERS

CHAPTER XX:
Chapter Charter Status

SEC. 5. Triable Offenses. A chapter may be tried for committing one of the following offenses:

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I. Failure of a chapter to initiate new members, resulting in an insufficient number of collegiate members to carry on the function of a collegiate chapter as outlined by the minimum chapter standards adopted by the Grand Council and Chief Executive Officer.

J. Failure of a chapter to meet local chapter or member standards or the minimum chapter standards adopted by the Grand Council and Chief Executive Officer.

Legislative Proposal #8
Amendment to the International Constitution

Submitted By: The Collegiate Advisory Committee

Subject Matter: Collegiate Fees

Sections Affected: Art. IX, § 3

Required to Pass: Three-fourths vote

Grand Council Recommendation: Yes, Do Pass

Purpose/Scope: Existing constitutional language relating to member fees, dues, and assessments places the entire burden of payment on collegiate chapters. The proposed amendment permits the Offices of the Grand Chapter to bill members directly for their individual financial obligations.

Proposed Changes:

[Deletions indicated by ~~striketrough~~; additions indicated by underlining.]

ARTICLE IX

Finance

SEC. 3. *Dues, Etc., How Levied.* ~~Each chapter shall be responsible for all~~ Fees, dues and assessments of the members of the Fraternity shall be charged either directly to the member or assigned to the chapter the member is affiliated with such chapter and the same shall be assessed directly against each chapter.

Legislative Proposal #9
Amendment to the International Bylaws and Traditions

Submitted By: The Collegiate Advisory Committee

Subject Matter: Collegiate Fees

Sections Affected: Ch. VII, §§ 1; Ch. XVI, § 5

Required to Pass: Majority vote

Grand Council Recommendation: Yes, Do Pass

Purpose/Scope: Existing bylaw language relating to member fees and assessments is complex and does not align with procedures currently in use by individual chapters or the Offices of the Grand Chapter. The proposed amendment revises fee classifications and calculations, deletes provisions relating to installment payments and fees for certain alumni and honorary members, and simplifies the language of affected sections.

Proposed Changes:

[Deletions indicated by ~~striketrough~~; additions indicated by underlining.]

DIVISION TWO: FINANCE

CHAPTER VII:
Fraternity Finance

SECTION 1. ***Membership Fees and Assessments.*** The membership fees and assessments are an obligation of each member of the Fraternity. The following fees and assessments and any applicable penalties for non-payment shall be established by, and paid as follows on a timeline established annually by the Grand Council. The Chief Executive Officer may combine billings for multiple fees.

- A. ~~On the date that a person is inducted as a candidate for membership to the Fraternity he is obligated to pay a candidate fee. The candidate fee is established annually by the Grand Council and shall be paid to the International Fraternity at its headquarters~~ Induction Fees: Incurred as of the date that a person is inducted as a candidate for membership to the Fraternity.
- B. ~~On the date that a candidate for membership becomes a collegiate member, he is obligated to pay a membership fee. The collegiate initiate fee is established annually by the Grand Council. If this fee is not remitted within fifteen (15)~~

~~days of becoming a collegiate member, then an additional fee not to exceed forty (40) percent of the collegiate initiate fee shall apply. The appropriate fee shall be paid to the International Fraternity at its headquarters Initiate Fees: Incurred as of the date that a candidate for membership becomes a collegiate member.~~

- C. ~~Beginning the fiscal year following the fiscal year in which a person becomes a collegiate or colony member, and continuing each subsequent fiscal year while the member remains a collegiate or colony member, an Annual Membership Fee (AMF) established annually by the Grand Council shall be due. The AMF shall be due on October 1 of each fiscal year. This fee may be paid in two installments. If this option is selected, then an additional fee not to exceed twenty (20) percent will be added. The first installment shall be paid on October 1, and the second installment shall be paid on March 1 of each fiscal year. Additionally, a Risk Management Fee, also established annually by the Grand Council, is due October 15 of each fiscal year. This fee may also be paid in two installments. If this option is selected, then an additional fee not to exceed twenty (20) percent will be added. The first installment of the Risk Management Fee shall be paid on October 15, and the second installment shall be paid on March 15 of each fiscal year Annual Membership Fees: Incurred beginning the fiscal year following the fiscal year in which a person becomes a collegiate or colony member and continuing each subsequent fiscal year while the member remains a collegiate or colony member.~~
- D. ~~One-time fee: In lieu of the initiation and annual fees contained in Section 1 of this chapter, a new initiate may pay a one-time fee, the amount of which is set annually by the Grand Council, provided said fee is remitted to the International Fraternity at its headquarters within 15 days of becoming a collegiate member. Risk Management Assessment: Beginning the fiscal year following the fiscal year in which a person becomes a collegiate or emerging chapter member and continuing each subsequent fiscal year while the member remains a collegiate or emerging chapter member.~~
- E. ~~Within fifteen (15) days following the date of membership (1) each alumnus member of a local fraternity installed as a chapter, (2) each alumnus member of any national fraternity merged with this Fraternity, and (3) each honorary initiate shall remit a fee established annually by the Grand Council to the International Fraternity.~~

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DIVISION THREE: COLLEGIATE ORGANIZATION

CHAPTER XVI: Candidates

SEC. 5. ***Candidate Induction Fees.*** ~~On the date that a person becomes is~~ inducted as a candidate for membership, he is obligated to pay a non-refundable candidate induction fee, which shall be a credit against the initiation fee if he is initiated. The candidate fee shall be determined by the Grand Council, but shall not

~~exceed 40 percent of the initiation fee. The fee shall be paid to the Fraternity at its headquarters. Each Chapter and the Board of Advisors shall, within fifteen (15) days following the date on which a person becomes a candidate for membership (a) collect, in trust, and (b) remit the Candidate Fee to the Fraternity. The Crysophylos shall be responsible for remitting the fees along with a report of the new Candidates for Membership. Candidate status shall automatically terminate on May 10th of each year and the candidate fee will be forfeited, unless the date is extended by the Chief Executive Officer due to the unique requirements of any particular educational institution.~~



TAU KAPPA EPSILON FRATERNITY

M E M O R A N D U M

April 30, 2022

TO: Ted W. Bereswill
Venerable Grand Prytanis

Donald E. Aldrich
Chief Executive Officer

FROM: David W. Towne
Judiciary Chairman

RE: Statement of Emergency

WHEREAS, states of emergency were previously declared by the Fraternity on May 8, 2020, and February 22, 2021, due to conditions created by the global spread of SARS-CoV-2 virus and the resultant COVID-19 pandemic; and

WHEREAS the Grand Council previously exercised its emergency authority under Article III, § 4 (Second) of the International Constitution to, *inter alia*, suspend the provisions of Int'l Const, Art. 2 § 8, and Int'l Bylaws, Ch. 1 § 1, to delay the 61st Conclave of the Fraternity in Houston, Texas from August 2021 to July 2022; and

WHEREAS both the direct and indirect effects of the COVID-19 pandemic continue to disrupt the ordinary operations of the Fraternity and necessitate temporary adjustments to the procedures set forth in *The Black Book*,

NOW THEREFORE the Judiciary Committee finds that a continuing state of emergency exists, and recommends that the Grand Council exercise its authority to temporarily suspend the requirements of Int'l Bylaws, Ch. 1 § 11, to:

- 1) Extend the deadline for Judiciary Committee recommendation to exclude any proposed legislation for the 61st Conclave of the Fraternity to May 10, 2022;
- 2) Extend the deadline for distribution of proposed legislation to the Grand Chapter to May 16, 2022, and

- 3) Make any and all other such adjustments as the Council may deem necessary and proper.

It is further recommended that, if a continuing state of emergency is declared and the other recommendations contained herein are adopted, the professional staff of the Fraternity be directed to announce the same via tke.org and any other means of communication deemed suitable.

Yours in the Bond,

A handwritten signature in blue ink, appearing to read "David W. Towne", with a long, sweeping horizontal flourish extending to the right.

David W. Towne, Esq.
Judiciary Chairman