



**PROPOSED LEGISLATION
AMENDING THE
CONSTITUTION AND
BYLAWS & TRADITIONS
OF TAU KAPPA EPSILON
FRATERNITY**

**For consideration by the Grand Chapter at the
56th Biennial Conclave, August 4-7, 2011**

**Grand Hyatt
San Antonio, Texas**

Walter W. Jenny, Jr.
Chairman, Judiciary Committee

Steven A. Ramos
Chief Executive Officer

M E M O R A N D U M

TO: The Grand Chapter

FM: Steven A. Ramos, Chief Executive Officer

RE: Proposed Legislation and Appointments to Nominations Committee

In accordance with the International Bylaws and Traditions of Tau Kappa Epsilon Fraternity, as specified in Chapter I, Section 11 of The Black Book, attached is the legislation that has been proposed for your consideration and action at the 2011 Conclave.

The Grand Chapter will meet in Legislative Session during the Conclave to be held at the Grand Hyatt in San Antonio, Texas from August 4–7, 2011.

Also, in accordance with Chapter I, Section 8(A) of the International Bylaws and Traditions, Grand Prytanis Herbert L. Songer announces the appointment of the following alumnus to serve as Chairman of the Nominations Committee:

Chairman: Bruce B. Melchert, Past Grand Prytanis

Alumni and collegiate members will be selected for the Nominations Committee at the Opening Session of the Grand Chapter Meeting, per Chapter I, Section 8 of the International Bylaws and Traditions.

The Conclave delegate from your chapter or chartered alumni association will be voting on this legislation and should be thoroughly familiar with the contents of this report. Please keep in mind that the attached is a private document and should not be distributed to non-Fraters.

I look forward to seeing a strong delegation from each chapter at Conclave in San Antonio this August 4–7. Conclave 2011 should be a lot of fun and quite productive for our Fraternity.

M E M O R A N D U M

TO: The Grand Chapter

FM: Walter W. Jenny, Judiciary Committee Chairman

RE: Amendments to Legislation

Chapter I, Section 11, of the International Bylaws and Traditions provides for amendments to proposed legislation solely for the purpose of clarifying the language of the amendments. This section reads as follows:

SEC. 11. Amendments and Legislation. All proposed legislation that is intended to be presented at the Conclave must be presented in writing to the Offices of the Grand Chapter on or prior to January 31 of the year in which Conclave is to be held. The January 31 deadline shall not apply to proposed legislation that is authored by members of the Grand Council or the Judiciary Committee. Such legislation shall stand referred to the Judiciary Committee, which shall in turn distribute all legislation through the Chief Executive Officer to the Grand Chapter in as timely a manner as practical, but in no case later than April 15 of the Conclave year. Such proposed legislation shall be submitted to a vote of the Grand Chapter at Conclave, but may not be amended from the floor unless the amendment is solely for the purpose of clarification of language. Any questions of whether a proposed amendment is solely for the purpose of clarification of language shall stand referred to the Judiciary Committee. Distribution of proposed legislation may be by first class, electronic transmission, or by publication on the official Fraternity website.

The above-referenced section refers any questions regarding the validity of possible clarification amendments to the Judiciary Committee. Should such amendments be submitted on the floor of the Grand Chapter, the Committee will evaluate the validity of such clarifying amendment(s) based on the following questions and guidelines:

1. Does the clarifying amendment interfere with or change the intent of the proposed legislation?
2. Will the clarifying amendment change the intent or substance of any portion of The Black Book other than the proposed legislation?
3. Is the proposed legislation ambiguous and therefore in need of clarification?
4. Does the proposed legislation appear to be in technical conflict with the language of other portions of The Black Book and therefore need clarification?
5. Would such clarifying amendment potentially cause legal problems relative to the corporate or tax status of the Fraternity or associated corporations?
6. Is clarification needed to comply with laws relative to the corporate or tax status of the Fraternity or associated corporations?
7. Would such clarifying amendment assist or hamper the understanding or interpretation of the legislation?

AMENDMENT 1: Modification of Chapters XIX, XXV-XXVIII

Substance of Change:

Proposes rewording of bylaws in reference to infractions committed.

Language:

Article IV: Grand Officers, Grand Council Members & Corporate Officers

PROPOSAL 1: Submitted by Mu Chi Chapter, Univ. of North Carolina at Wilmington

BYLAWS, CHAPTER XIX:

Chapter Charter Status

SEC. 3. Charter Probation. Charter Probation is the status of a chapter which has been found ~~guilty-responsible~~ after trial of a triable offense as described in Section 5 below.

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SEC 9. ~~Administrative~~ Judicial Review and ~~Sanctions~~ Educational Correctives. A chapter, after having been duly notified that it has been or will be charged with a triable offense under Chapter XVIII, Section 5, may elect to plead ~~guilty-responsible~~ in writing to the triable offense or offenses and be made subject to ~~administrative-sanctions~~ educational correctives imposed by the Chief Executive Officer or his designee. The Chief Executive Officer, or his designee, may impose upon a chapter any ~~sanction-corrective~~ which may be imposed by any court provided for in the laws of the International Fraternity.

BYLAWS, CHAPTER XXV:

Triable Offenses

SEC 5. ~~Administrative~~ Judicial Review and ~~Sanctions~~ Educational Correctives. A member, after having been duly notified that charges have been, or will be, filed against him, may elect to plead ~~guilty-responsible~~ in writing to the triable offense or offenses and be made subject to ~~administrative-sanctions~~ Educational Correctives imposed by the Chief Executive Officer or his designee. The Chief Executive Officer, or his designee, may impose upon the member any ~~sanction-corrective~~ which may be imposed by any court provided for in the laws of the International Fraternity.

BYLAWS, CHAPTER XXVI:

Trial by Chapter Court

SECTION 1. Preferring Charges. Whenever it shall become known to any collegiate member that any collegiate member of his chapter has ~~been-guilty~~ committed of any of the offenses specified in Section 2 of Chapter XXV (Trial of Members), it shall be his duty to prefer charges against him, or provide full and complete information as to the possible offenses to an appropriate officer or board who may prefer charges.

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SEC. 3. Notice. A copy of such charges, with notice of the time and place at which trial shall be held, shall be served on the accused member as follows:

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B. Notice shall be provided in person, or mailed to or delivered to the member if his location is known to an officer of the chapter, or posted at the chapter house or designated chapter meeting place when the location of the member is not known. In the case of an alumnus member, notice may be sent to the last known mailing or electronic address provided by the member to the Offices of the Grand Chapter, with a copy to the Board of Advisors and any alumni association which exists for the member's chapter. If a member is duly noticed of a trial on any charge specified in Section 2 of Chapter XXV, he may be tried and found ~~guilty~~ responsible of any other charge in such Section 2 based on the evidence and testimony presented at the trial.

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SEC. 5. Plea. The accused member may challenge whether the charges and notice conform to the provisions of this Division and the Court shall rule on such objections prior to requiring the member to answer. If no challenge is made or any objection is overruled, the accused member shall answer whether he is "~~guilty responsible~~" or "~~not guilty responsible~~" of each charge. If he refuses or fails to plead, a plea of "~~not guilty responsible~~" shall be entered on his behalf.

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SEC. 7. Trial Proceedings. Trials shall be conducted with the Manual for Trials or other policies which the Grand Court shall from time to time direct. An official copy of the Manual for Trials can be obtained by contacting the Offices of the Grand Chapter.

SEC. 8. Record of Proceedings. If practical, the trial shall be tape recorded, or written notes of the proceeding shall be made. The Court shall make a written decision as to its findings on each charge and a summary of the facts or circumstances supporting its decision. A copy of any and all court materials, no matter the outcome, shall be kept in the chapter's local judicial case file. A copy of materials and outcome shall always be immediately sent to the Offices of the Grand Chapter for documentation purposes.

SEC. 9. Punishment. If the member is found ~~guilty of~~ responsible of any charge, the Chapter Court may:

- A. Expel a collegiate or inactive member and direct him to surrender his badge and membership certificate.
- B. Drop an alumnus member from the rolls.
- C. Suspend the member for up to one year.
- D. Place the member on probation under such conditions and for such time as the court deems appropriate.
- E. Impose restrictions on the participation and conduct of the member in the Fraternity.
- F. Direct the member to perform remedial or compensatory activities.

G. Impose other punishment as may be appropriate for the nature and severity of the violation for which the member was found ~~guilty~~ responsible.

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SEC. 11. Conviction of Crime. Upon the introduction in evidence before any such trial body of sufficient evidence of the conviction of any accused member of any criminal felony, by any court in the United States or Canada, it shall be the option of such trial body to find the accused ~~guilty~~ responsible and expel him, if a collegiate member, or drop him from the rolls if an alumnus member, unless it shall affirmatively appear that an appeal or writ of error is pending, or that the case has been reversed, in which case the trial body may proceed with other testimony, or suspend the hearing until the final determination of the case, as it shall see fit.

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BYLAWS, CHAPTER XXVII:

Trial by Special Court

SECTION 1. Preferring Charges. Whenever it shall become known to any member of the Fraternity that any member of his collegiate chapter has ~~been guilty~~ committed of any of the offenses specified in Section 2 of Chapter XXV (Trial of Members), it shall be his duty to prefer charges against him, or cause them to be preferred by an appropriate officer or board.

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SEC. 4. Pleading. The accused shall thereupon be required to enter at the foot of the charges a written plea of "~~guilty~~ responsible" or "not ~~guilty~~ responsible," or he may deny their legal sufficiency by written exceptions, which shall be passed on by the court before he shall be required to plead.

SEC. 5. Refusal to Plead. In case the accused refuses or fails to plead, the court shall thereupon cause a written plea of "not ~~guilty~~ responsible" to be entered in his behalf.

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SEC. 7. Report of Proceedings. If the expulsion or dropping of the accused from the rolls is demanded, or believed to be the proper penalty if he shall be found ~~guilty~~ responsible, a stenographic record or tape recording of the evidence and proceedings shall be taken and preserved, whether demanded or not, at the expense of the chapter.

SEC. 8. Appeals, How Perfected. Any such appeal shall be made in writing, specifying, in respectful and courteous language, and without in any way reflecting on the accuser or the trial body, where the decision is erroneous.

SEC. 9. Punishment. If the accused be found ~~guilty~~ responsible, the trial court may, if a collegiate or inactive member, sentence him to expulsion, and to surrender his badge and membership certificate, or, if he is an alumnus member, to be dropped from the rolls, or in either case, he may be put upon suitable probation, or suspended for not to exceed one

year, or publicly reprimanded, or removed from any office he may hold, other than a Volunteer or Auditor.

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SEC. 11. Conviction of Crime. Upon the introduction in evidence before any such trial body of a properly certified copy of the record of the conviction of any accused member of any criminal felony, by any court in the United States or Canada, it shall be the option of such trial body to find the accused ~~guilty~~responsible and expel him, if a collegiate member, or drop him from the rolls if an alumnus member, unless it shall affirmatively appear that an appeal or writ of error is pending, or that the case has been reversed, in which case the trial body may proceed with other testimony, or suspend the hearing until the final determination of the case, as it shall see fit.

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BYLAWS, CHAPTER XXVIII:

General Court

SECTION 1. When Appointed. The Grand Prytanis may appoint a General Court in any of the following instances:

A. There is information that a member has ~~been guilty of~~ committed one or more of the offenses described under Section 2 of Chapter XXV hereof, and his chapter has refused, or failed, after the lapse of a reasonable time, or after notice from the Grand Prytanis, to put the member on trial, or a Chapter Court has acquitted such member contrary to the evidence, or in the opinion of the Grand Prytanis a situation exists which warrants trial by a General Court instead of chapter action or trial.

Proposed By: Mu Chi Chapter, Univ. of North Carolina at Wilmington

Collegiate Advisory Committee Recommendation: Do Not Pass

Grand Council Recommendation: Do Not Pass

AMENDMENT 2: Modification of Roles and Responsibilities of Collegiate Officers

Substance of Change:

Rearranges and rewords the duties and responsibilities of Collegiate Officers.

Reason for Change:

To reflect current practices in collegiate chapters; to reflect current terminology and practices in society and commerce; to clarify the powers and duties of certain offices; to recognize the increased significance of information technology and social media; and to recognize the importance of recruitment and alumni involvement.

Language:

CONSTITUTION, Art VII
Officers of Collegiate Chapters

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Sec. 4. Prytanis. The Prytanis shall preside over all meetings, enforce the constitution, laws, traditions, ritual, and local bylaws and rules at all times, and have the duties and powers of a president and chief executive officer of the collegiate chapter.

Sec. 5. Epiprytanis. The Epiprytanis, in the absence or incapacity of the Prytanis, shall perform all duties of the Prytanis; he shall have the custody of all copies of the constitution and laws and of the bylaws of the chapter and be familiar with their contents. He shall also coordinate ~~the chapter Public Relations program and committee as established by the Prytanis~~ and supervise the chapter's recruitment efforts, with the assistance of the Recruitment Committee.

Sec. 6. Grammateus. The Grammateus shall act as secretary and chief information officer of the chapter, and coordinate and supervise the collegiate chapter's public relations efforts through print, electronic and other media, including regular submission of articles, reports, photos, etc. covering chapter activities to THE TEKE magazine or other publication(s). He shall also keep a permanent record of all proceedings of the chapter; attend to all correspondence, and forward to the Offices of the Grand Chapter a complete record of each initiate, and affiliated, reinstated or returned member. Further, the Grammateus shall update chapter address and contact information at least annually and report those changes to the Offices of the Grand Chapter.

Sec. 7. Crysophylos. The Crysophylos shall act as treasurer and chief financial officer of the collegiate chapter; prepare a budget; collect all monies due the chapter and disburse the same; keep accurate and true accounts thereof; make reports of receipts and expenditures when required; and promptly remit to the Offices of the Grand Chapter all fees and dues.

Sec. 8. Histor. The Histor shall keep a record containing the personal history and permanent and collegiate address of each member of the chapter; file properly all matters of historical interest; act as librarian furnish correspondence to the Fraternity magazine and edit the chapter publications and archivist; and coordinate and supervise the collegiate

~~chapter's alumni engagement efforts. Further, the Histor shall, at least annually, submit articles, reports, photos, etc., covering chapter activities to THE TEKE magazine or other publication.~~

Proposed By: Upsilon Xi Chapter, Oakland University

Collegiate Advisory Committee Recommendation: Do Pass

Grand Council Recommendation: Do Pass

AMENDMENT 3: Removal of Ex Officio Grand Council Members

Substance of Change:

Abolishes the two ex officio Grand Council positions so that the nine-man Grand Council will consist of eight jeweled Grand Officers elected by the Grand Chapter at Conclave and the representative of the Collegiate Advisory Committee.

Reason for Change:

The reason for these changes is that it is our belief that the democratic principles of our fraternity are important to the essential character of TKE. By appointing Grand Council members, the ability for the fraternity to direct itself and hold its leadership accountable to its members is diminished. The trust that is established between the Fraternity and the Grand Council loses its efficacy, as the general membership becomes marginalized by appointments not of their approval and consent.

Language:

Submitted by: Mu-Theta Chapter, Lycoming College

CONSTITUTION

Art. III, Section 2. Who Compose. The Grand Council shall be composed of ~~up to eleven (11)~~ nine (9) voting members. The Grand Officers Council shall be the members of the Grand Council, as well as those selected pursuant to Article IV, Section 7 of this Constitution consist of the Grand Officers and a collegiate representative selected by the Collegiate Advisory Committee.

Art IV, Sec. 7: Other Grand Council Members. In addition to the eight Grand Officers, one representative selected by the Collegiate Advisory Committee ~~and two other alumni selected by the Grand Officers~~ shall serve as ex-officio, a voting members of the Grand Council.

~~BYLAWS, Chapter IV~~

~~Section 7. At Large Grand Council Members. The Grand Officers may select two alumni members, in good standing, to serve as members of the Grand Council. (Delete, and renumber subsequent sections.)~~

Proposed By: Mu-Theta Chapter, Lycoming College

Collegiate Advisory Committee Recommendation: Do Not Pass

Grand Council Recommendation: Do Not Pass