



# THE PHI KAPPA TAU FRATERNITY CONSTITUTION AND STATUTES

Originally adopted at the 26th National Convention in State College, Pennsylvania in 1936  
Amended and revised by the subsequent National Conventions

THE CONSTITUTION AND STATUTES OF THE PHI KAPPA TAU FRATERNITY

Printed under the authority of Chief Executive Officer

The Phi Kappa Tau Fraternity

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The Constitution of the Phi Kappa Tau Fraternity has been amended and revised by the following National Conventions: 1949, 1951, 1953, 1960, 1962, 1964, 1966, 1968, 1970, 1972, 1975, 1977, 1981, 1983, 1985, 1989, 1991, 1993, 1994, 1995, 1997, 1999, 2002, 2004, 2006, 2008, 2010, 2012, 2014 and 2016.

## ORDER OF BUSINESS IN MEETINGS

1. Opening Ceremony.
2. Invocation by the chaplain.
3. Pledge of Allegiance to the Flag of the United States.
4. Roll Call.
5. Reading of the minutes.
6. Reports of the officers.
7. Reports of standing committees.
8. Reports of special committees.
9. Unfinished business.
10. New business.
11. Communications.
12. Balloting on candidates.
13. Remarks for the good of the chapter.
14. Closing Ceremony.

## USE OF THE GAVEL

Three raps (\*\*\*) of the President's gavel directs members to stand

Two raps (\*\*) directs members to be seated

One rap (\*) enjoins silence

# THE CONSTITUTION OF THE PHI KAPPA TAU FRATERNITY

## PREAMBLE

**W**E, WHO HAVE ACCEPTED THE CARDINAL PRINCIPLES OF PHI KAPPA TAU AS A BASIS OF UNION, AND DESIRING TO DERIVE THE BENEFITS OF CLOSE ASSOCIATION IN THE INNER CIRCLE AND TO DEVELOP THE SPIRIT OF ENDURING BROTHERHOOD, DO ORDAIN AND ESTABLISH FOR THE PHI KAPPA TAU FRATERNITY THE FOLLOWING CONSTITUTION:

## ARTICLE A NAME

I. *Name.* The name of this corporation is The Phi Kappa Tau Fraternity.

## ARTICLE B PURPOSES

I. *Purposes.* The purposes for which the Fraternity is organized are:

- To instill the fundamentals of wholesome living and vigorous thinking;
- To provide energetic participation in all collegiate activities; scholastic, social, athletic, and forensic;
- To provide opportunities for close association of individuals of diverse backgrounds and personalities thus advancing human relation skills;
- To offer to undergraduate members experiences in management of their living environment as valuable preparation for post-collegiate life;
- To bind chapters into a National Fraternity so that a synergistic integration is formed;
- To be supportive of and cooperative with the goals of the educational institutions where chapters of Phi Kappa Tau are located.

## ARTICLE C MEMBERSHIP

I. *Membership Qualifications.* Any male student not a member of a national college fraternity other than an honor society or professional fraternity who is pursuing undergraduate, post-graduate, or professional study or any male member of the faculty/staff/administration of the institution where a chapter of Phi Kappa Tau is located, may be initiated into The Phi Kappa Tau

Fraternity providing he meets the standards of the Fraternity as enumerated by Statute. See Statutes--Title II.

II. *Classes of Membership.* Membership in The Phi Kappa Tau Fraternity shall be resident, or graduate. A resident member may be a student attending a college or university where there is located a chapter or colony of Phi Kappa Tau, into which he has been initiated, or into which he has been legally transferred. A graduate member shall be a member who has graduated or has permanently left school before graduating from the institution where there is located a chapter or colony of Phi Kappa Tau into which he was initiated or into which he was legally transferred. A male member of the faculty/staff/administration of the institution where a chapter is located or college graduates who serve in advisory capacities to chapters may be initiated directly into a chapter's graduate council. Honorary graduate membership may be bestowed on a man who is not otherwise eligible for resident or graduate membership and who is not a member of another general college fraternity. Specific membership requirements and procedures are enumerated in the Statute--Title II

III. *Election to Membership.* Election to membership in The Phi Kappa Tau Fraternity shall be by vote of a Resident Council. See Statute--Title II and Title V.

IV. *Expulsion of a Member.* A member may be expelled from the Fraternity only after due trial. See Disciplinary Statute--Title VII.

V. *Transfer of Membership.* Membership may be transferable between subordinate chapters. Married Resident Council members may transfer to Graduate Council. See Statutes--Title II, Paragraphs 21, 22.

VI. *Voluntary Withdrawal.* Voluntary withdrawal from the Fraternity may be requested by a member. Once granted, it shall be irreversible unless otherwise approved by the National Council, which shall adopt a procedure to affect the consideration and action thereon. See Statutes--Title II, Paragraph 21 (g).

## ARTICLE D ORGANIZATION OF THE PHI KAPPA TAU FRATERNITY

I. *Divisions of the Fraternity.* The Fraternity shall consist of the National Convention, the Subordinate Chapters, and such other entities as shall be approved by vote of the National Convention. See Statute--Titles III, IV, V.

1. *The National Convention.* The National Convention shall be the supreme legislative body of the Fraternity and shall consist of Delegates from each Resident Council and Graduate Council of the Subordinate Chapters, and the National Officers, assembled in meeting. See Article E and Statutes--Title III.

(a) The National Council shall represent the National Convention between National Convention meetings; shall be the governing body of the Fraternity; and may enact such

legislation and take such actions as it deems necessary for the proper supervision, management and administration of the National Fraternity. The graduate members of the National Council shall be the trustees of the Fraternity and as such, shall be its legal representatives. See Statutes--Title IV.

(b) The National Officers shall include the National President, National Vice President, Chief Executive Officer, National Councilors, and such other National Officers as from time to time the National Council shall so designate except that no employee of the National Fraternity, other than the Chief Executive Officer, shall be a National Officer unless individually so designated by the National Council. See Article F and Statutes--Title IV.

(c) Executive Offices Organization, Supervision, Administration. The Executive Offices shall be located in Oxford, Ohio. The Chief Executive Officer of the Fraternity shall be responsible for implementing the directives of the National Convention, National Council, and the National President. He shall have authority to employ and direct an Executive Offices staff as authorized by the National Council. See Statutes--Title IV.

2. *The Subordinate Chapters.* A subordinate chapter is created by the granting of a charter by the National Fraternity. A subordinate chapter shall consist of those members who are elected and initiated, or transferred, into it. Each subordinate chapter shall be divided into a Resident Council and a Graduate Council. See Statutes--Title V.

(a) A Resident Council shall consist of those members of the chapter in attendance at the institution where the chapter is located who:

1. Are undergraduates; or
2. Have graduated and continue as graduate students of the institution and with the consent of the Resident Council have elected to continue membership in the Resident Council.

(b) A Graduate Council shall be composed of those members of the chapter who have graduated from their respective institution, left school permanently, transferred schools, are married and have elected to transfer to Graduate Council or are Honorary Members.

(c) Chapter Organization, Supervision, Administration. See Statutes--Title V.

3. *Geographical Area Groupings.* Chapters of the Fraternity may be grouped in geographical areas by the Chief Executive Officer. The groupings may be changed from time to time as the interests of the Fraternity may require. Graduate members of the Fraternity shall be appointed by the Chief Executive Officer to supervise such areas with the title of Domain Director and have duties as prescribed by the Chief Executive Officer. See Statutes--Title IV, Paragraph 38.

4. *Subsidiary Entities.* Subsidiary entities may be authorized by the National Convention or the National Council. Subsidiary shall mean an entity, which by the terms of its own bylaws shall be subordinate to the National Fraternity.

5. *Membership in Other Organizations.* The National Fraternity shall be a member of the North-American Interfraternity Conference and other organizations, which are approved by the National Council. The National President shall name official delegates to the meetings of the North-American Interfraternity Conference. A Chapter may be a member of the Interfraternity Council on campus and of other organizations, which are credentialed by the University/College and/or approved by the Chief Executive Officer.

## ARTICLE E THE NATIONAL CONVENTION

I. *Time of Meeting, Power and Duties of National Convention.* The National Fraternity shall assemble once each two years in National Convention, keep a record of its proceedings, and cause a summary of its actions to be published and distributed to the chapters and National Officers. The National Convention so assembled shall be the supreme legislative body of the National Fraternity and shall consist of one (1) delegate from each Resident Council, one (1) delegate from each Graduate Council, and the National Officers. This body shall formulate policies and elect such National Officers as the Constitution directs. It may instruct the National Council and all other National Officers as to policies for the period preceding the next National Convention. Between National Conventions the National Council may enact such legislation as it deems necessary for the proper governance of the Fraternity. Any assembly of the National Convention may be postponed or suspended by vote of the Resident Councils. The questions of postponement or suspension shall be submitted by the National Council on its own motion to the several Resident Councils or by the written request of any five (5) Resident Councils. See Statutes--Title III.

II. *Voting in National Convention.* Each Resident Council shall be entitled to be represented by one (1) voting delegate, each Graduate Council having an approved organization shall be entitled to be represented by one (1) voting delegate, the National Officers and Past Presidents shall each be entitled to one (1) vote except when voting on amendments to the Constitution at which time only each credentialed Resident Council and Graduate Council shall be entitled to one (1) vote. Presence on the Convention floor when the question is called shall be necessary to exercise a vote and attendance at the Convention session of a majority of the credentialed delegates shall constitute a quorum.

III. *Levying Monies.* All assessments and fees shall be levied by the National Convention or, between Conventions, by the National Council.

IV. *Investments.* All properties and investments of the National Fraternity shall be under the direction of the National Council.

V. *Retroactive Law.* No retroactive law shall be enacted.

VI. *Rules.* Robert's Rules of Order Newly Revised (Latest Revision) shall govern the meetings of the Convention, the Councils, and the Committees of this Fraternity to the extent such Rules of Order are not inconsistent with this Constitution and Statutes.

## ARTICLE F NATIONAL OFFICERS

I. *Election of National President and National Vice President.* The National Vice President shall be elected by the National Convention and shall hold office for the term of two (2) years or until a successor shall be elected and qualified. The person so elected National Vice President shall succeed automatically to the office of National President at the adjournment of the succeeding National Convention except when the office of National Vice President expiring at the Convention assembled has previously been vacated for any reason and/or when a vote of confidence is not presented by the National Council. Then and in such event the National Council assembled shall elect a National President and a National Vice President both to serve two (2) years or until a successor National Vice President has been elected and qualified. See Statutes--Title IV.

II. *National Council Vote of Confidence in National Vice President.* In order for the automatic succession provision to take effect the National Council must give the incumbent National Vice President in office a vote of confidence. Should the National Council not give the incumbent National Vice President a vote of confidence in writing to the National Convention, the automatic succession provisions of the preceding Paragraph 1 shall not have any force or effect and the National Convention assembled shall elect a National President and a National Vice President, both to serve for two (2) years or until a successor National Vice President has been elected and qualified as if there had been a vacancy in the office of National Vice President.

In order to validate its vote of confidence in the National Vice President to succeed to the office of National President, the National Council must certify its vote to the National Council in writing following the convening of the National Convention and prior to election of officers. Should the National Convention not provide in writing said vote of confidence, the National Vice President would not be disqualified from seeking the office of National President in an open election before the National Convention.

III. *National Council Membership, Election and Meetings.*

1. *Membership.* Voting membership on the National Council shall consist of the National President, National Vice President, six (6) National Councilors all of whom shall be Graduate Council members and the Chairman of The Phi Kappa Tau Foundation and one (1) other designee of the Foundation. See Statutes--Title IV.

2. *National Council Meetings.* The National Council shall meet at least annually or at the call of the National President or on the written petition of three (3) members of the National Council to the National President who shall not have the right of veto. All meetings of the National Council shall be at the times and places directed by the National President. A quorum at a meeting of the National Council shall be a majority of those eligible to vote. Mail and electronic



mail ballots are permitted. To address certain specific urgent matters, a telephone conference may be held. In the matter of mail and electronic mail ballots and telephonic decisions, an affirmative vote of a majority of those eligible to vote shall be required to pass a motion. Enactments of the National Council shall be reported to the National Convention at the first session following such action. See Statutes--Title IV.

3. *Election of Graduate Council Members to National Council.* At each regular National Convention, two (2) of the six (6) Graduate Council members of the National Council shall be elected to serve for a term of six (6) years or until successors shall be chosen and qualified. In the event of the postponement or suspension of the National Convention, the terms of the Graduate Council members of the National Council shall be proportionately extended. In the event a Graduate Council seat on the National Council is vacated for any reason, the National Council shall elect a successor for the remainder of the term. If a vacated term filled in the manner just prescribed has four (4) or more years remaining, the successor so elected shall not be eligible for a full six (6) year term at the National Convention at which such term expires. Except for the intervening situations imposed by (a) a postponed National Convention, (b) a member of the National Council being elected to the position of National President or National Vice President, or (c) a successor having been elected pursuant to this section to serve out a vacated term, a member may not serve more than six (6) consecutive years on the National Council. The election of Graduate Council members shall follow the election of the National Vice President.

4. *Phi Kappa Tau Foundation Members of the National Council.* The Chairman of the Phi Kappa Tau Foundation and an authorized designee of the Foundation shall be voting members of the National Council. In order for the Foundation representatives to serve on the National Council, other members of the National Council must give the Foundation's specific representatives a vote of confidence.

5. *Undergraduate Advisory Board.* The Undergraduate Advisory Board shall be comprised of Undergraduate Members. To be eligible, a Resident Council member shall have at least one (1) year remaining as an undergraduate student (summers excluded) at the time of his selection to the Board. Resident Council members shall be elected at each regular National Convention to the Undergraduate Advisory Board for a term of two (2) years. If during a term an Undergraduate Advisory Board seat is vacated for any reason, the Board shall elect a successor for the remainder of the term. In the event of postponement or suspension of the National Convention, the terms of the Undergraduate Advisory Board members shall be proportionately extended. The number of members of the Undergraduate Advisory Board shall not exceed the number of voting members of the National Council. The Undergraduate Advisory Board shall select their officers amongst the members of the Board. The President of the Undergraduate Advisory Board shall be an ex-officio, non-voting member of the National Council.

(a) Six (6) positions shall be elected at the National Convention. Up to four (4) positions shall be appointed by the Undergraduate Advisory Board. The Chief Executive Officer will examine the qualifications and confirm the appointments. The terms of all appointed

members shall begin at the National Conclave during non-Convention years. Members shall serve two year terms from the time of election or appointment

(b) The President shall be elected from within the Board through a simple majority vote of members. He shall be elected to a one-year term before the end of the appropriate Convention or National Conclave. The Board President shall chair meetings of the Undergraduate Advisory Board. He or his designee shall serve as a liaison to the National Council. He or his designee shall be present at National Council in-person meetings as a non-voting ex-officio participant.

IV. *The Chief Executive Officer.* The Chief Executive Officer shall be a National Officer. The Chief Executive Officer shall be chosen by the National Council and his term of office shall be indefinite and at the discretion of the National Council. Should the office of Chief Executive Officer become vacant for any reason, the National President shall appoint an interim Chief Executive Officer whose commission as Interim Chief Executive Officer shall continue until the office of the Chief Executive Officer has been filled or until the Interim Chief Executive Officer has been otherwise decommissioned by the President. See Statutes—Title IV.

V. *Appointment of other National Officers.* The positions of Educational Director, National Chaplain, Financial Advisor, and such other National Officer positions as from time to time the President may recommend and which the National Council has approved may be appointed by the National President and confirmed by the National Council and their terms of office shall be at the pleasure of the National President.

## ARTICLE G

### THE SUBORDINATE CHAPTERS

I. *Subordinate Chapters.* The establishment of Subordinate Chapters among the student bodies of institutions of higher education shall be basic to the fulfillment of the Purposes of the Fraternity. Chapters should be established at institutions whose philosophy is not antithetic to fraternities. A nucleus group of students who subscribe to the Principles and Purposes of the Fraternity shall be the foundation for establishment of a Colony. The Fraternity shall direct, aid and nurture the development of the Colony that it may evolve into being chartered as a Chapter.

II. *Procedure to create a new Chapter.*

1. An undergraduate student group may become approved as a Colony by vote of the National Council. The group must meet such requirements and standards as have been established by the National Council and are in effect on the date of the groups written request to become a Colony. A petitioning local fraternity shall be designated as a Colony and shall meet the same requirements as does a Colony.

2. A Colony may become a Chapter by meeting the requirements specified by Statute for Chapter status, petitioning for said status, receiving approval by vote of the National Council, and being installed as a Chapter of the Fraternity by being granted a charter. See Statutes-Title V.

III. *Chapter Names.* The Chapters shall be named in the order of their admission by the consecutive letters of the Greek alphabet, with double letters to be used when repetition is necessary.

IV. *Installation Team.* The National President shall designate an installation team and arrange a date for installation of a new Chapter.

V. *Suspension or Withdrawal of a Chapter Charter.* The charter of a Chapter may be suspended or withdrawn for failure to comply with the National Constitution, Statutes, rules, regulations or policies existing there under only in the following manner:

1. A charter may be suspended by the National Council for any period of time at the discretion of the National Council.

2. A charter which has been suspended by the National Council shall be withdrawn if three-fourths of the National Convention so vote, and provided a recommendation to that effect has been made by the National Council, and provided the said suspension has been in effect not less than six months.

VI. *Functions of a Graduate Council of a Dormant Chapter.* A Chapter whose charter has been suspended or withdrawn shall have no duties or privileges as a Chapter except that the National Council may authorize the Graduate Council of said chapter all privileges and duties of any other Graduate Council.

## ARTICLE H GENERAL PROVISIONS

I. *Indemnification.* The National Fraternity shall indemnify any former or present Councilor, Officer or Staff Member to the extent of expenses actually and reasonably incurred by such person in connection with the defense of any action, suit, or proceeding, civil or criminal, in which such person is made a party by reason of being or having been a Councilor, Officer, or Staff Member, except in relation to matters as to which such person is adjudged in such action, suit, or proceeding to be liable for negligence or misconduct in the performance of his duty to the Fraternity.

II. *Audit.* Financial statements of the Fraternity and its subsidiary shall be audited at least annually by a certified public accountant. A copy of such audit shall be sent to the Fraternity at its Executive Offices no later than three months after the close of each fiscal year.

III. *Fiscal Year.* The fiscal year of the Fraternity shall commence the first day of July of each year and end on the thirtieth day of June of the succeeding year.

## ARTICLE I AMENDMENTS

I. *Two-thirds Vote to Amend.* This Constitution shall be amended only upon the affirmative vote of two-thirds of the delegates present at the National Convention.

II. *Manner of Proposing Amendments.* Any Council, Resident, Graduate or National may propose amendments to this Constitution. All proposed amendments must be presented in writing to the Chief Executive Officer not less than ninety (90) days prior to a National Convention considering the amendment.

III. *Entire Section Must be Amended.* No section of this Constitution shall be revised or amended unless the section or sections so amended shall be repealed.

IV. *The Supreme Law.* This Constitution shall be the supreme law of the Fraternity. The Constitution and the Statutes of the National Fraternity shall govern the subordinate Chapters, and the various Chapters and members shall be bound thereby, anything in the bylaws of any subordinate Chapter to the contrary notwithstanding.

# THE STATUTES OF THE PHI KAPPA TAU FRATERNITY

## TITLE I RITUALISM AND INSIGNIA

1. *National Coat-of-Arms.* The arms of alliance shall be:

(a) *Crest:* A laurel wreath vert (green) encircling a mullet or (gold) resplendent on a field blank. A bow or (gold) binding to a force of six turns, gules (red) and or (gold) below.

(b) *Escutcheon:* A shield or (gold). A chevron gules (red) between bearing three mullets or (gold). The first and last words of the motto in Greek are to be omitted on the coat-of-arms.

2. *Chapter Coat-of-Arms.* The arms of community shall be the same as the arms of alliance, excepting that at the honor point shall be placed the initial letter or letters of the particular chapter in Greek capitals argent (white).

3. *National Seal.* The seal of alliance shall be circular in form, bearing two unicorns rampant unglued, bearing a fasces upright in slight relief. The words, "The Phi Kappa Tau Fraternity--Grand Seal," shall encircle the central figure. Above the words "Grand Seal" and beneath the hoofs of the central figure shall appear the words "Inc. in Ohio." The Seal shall be an impression seal.

4. *Chapter Seal.* The seal of community shall be the same as the seal of alliance, excepting that between the hinder-most hoofs of the two unicorns rampant shall appear the initial letter or letters of the particular chapter in Greek capitals and the words "Chapter Seal" shall be substituted for the words "Grand Seal."

5. *Fraternity Flower.* The flower of the Fraternity shall be the red carnation.

6. *Fraternity Flag.* The flag of the Fraternity shall be divided horizontally in two sections with the lower half old gold and the upper half Harvard red. In the center shall be the Fraternity coat-of-arms edged in black surrounded by the letters "Phi Kappa Tau" in Greek in black.

7. *Fraternity Colors.* The colors of the Fraternity shall be Harvard red and old gold.

8. *Title to Badges.* The ownership of all badges shall be vested in the National Fraternity, and the National Council shall control and supervise the use thereof.

9. *Jeweled Badge.* The official jeweled badge of the Fraternity shall contain crown set pearls, with a diamond or zircon star, made according to specifications on file at the office of the Chief Executive Officer.

10. *Plain Badge.* The official plain badge of the Fraternity shall have a white enameled star and corners of polished gold, made according to specifications on file at the office of the Chief Executive Officer. The border may be plain or chased.

11. *Candidate Badge.* The candidate badge shall consist of a gold shield with a white border bearing in chief a gold star, made according to specifications on file at the office of the Executive Director.

12. *Official Jewelers.* The National Council shall provide for official jewelers and other usage of the insignia and ritual of the Fraternity.

13. *Ritual.* Copies of the ritual shall be printed in English and shall be held in the custody of the Chief Executive Officer. He shall issue copies to the Chaplain of each Resident Council who shall receipt for the same. The Chaplain shall be held personally responsible for said rituals and shall preserve the same in a safe, secure place under lock and key.

## TITLE II MEMBERSHIP

14. *Permission for Initiation.* A Resident Council shall request and receive permission from the Chief Executive Officer before initiating a man. Request for this permission shall be made two weeks prior to the date of initiation on the regular form (Initiation Request & Badge Order Form) and shall include:

- (a) The date of proposed initiation.
- (b) The information desired for the Chief Executive Officer's membership record.
- (c) A signed badge contract.
- (d) The initiation fee. If a Resident Council initiates a man (or men) without having received permission from the Chief Executive Officer, a penalty in the amount of one hundred (\$100) dollars shall be imposed upon said Resident Council.

Within one week after a Resident Council initiates a man, it shall confirm same to the Chief Executive Officer (by use of the Permission to Initiate/Confirmation of Initiation Form), provided for that purpose. If a Resident Council postpones an initiation, it shall report that fact to the Chief Executive Officer immediately and state the date to which said initiation has been postponed.

15. *Financial Requirement for Initiation.* No one shall be initiated if he is in arrears in any obligation to the Chapter or to the Colony.

16. *Eligibility for Initiation.* A man may become eligible for initiation to membership by the following procedure:

(a) He shall be eligible for membership in a duly chartered chapter of the Fraternity. For a colony, initiation shall be simultaneous with the chartering ceremony but not prior thereto.

(b) He shall be judged by the Resident Council to be of good moral character and to have respect for the "ideals and purposes" of the Fraternity. His prospective initiation shall receive an affirmative two-thirds (2/3) vote of the Resident Council present and voting at a Resident Council meeting with a quorum.

(c) He shall have been associated according to ritualistic procedure.

(d) He shall take orientation as stated in the Ritual, Membership Manual and program as approved by the National Council and furnished by the Chief Executive Officer.

(e) He shall pass, with a grade of not less than eighty (80) percent, an examination prepared by the Chief Executive Officer.\*

(f) He shall request the lease of an official badge.

(g) Permission for this initiation shall have been received from the Chief Executive Officer.

*\*The National Exam must be administered by the Chapter Advisor, the Chairman of the Board of Governors or by another appropriate alumnus with certification of that individual being made in writing to the Chief Executive Officer. The certification must have accompanying it a list of all the associate members who were tested and the grade that they received on the exam. This certification must be received by the Chief Executive Officer prior to permission being granted to initiate those associate members.*

17. *Scholastic Requirement for Initiation.* Before initiation, a man must have attained, for a normal full-time load during the previous academic term, or an accumulative scholastic average, or last grade point average information available equivalent to a 2.40 grade point average (on a 4.0 scale).

(a) In the event that first semester freshmen are considered for initiation, upon request the Chief Executive Officer may waive this requirement as long as the associate has submitted a grade verification reflecting his ability to meet the 2.40 standard.

(b) An associate may not be retained for more than one calendar year as an associate member without having been initiated.

(c) If after one calendar year, the associate member has not attained a 2.40 semester or accumulative grade point average, he must be disassociated for at least one full academic term. If he later attains a 2.40 or higher grade point average, he may be initiated. However, he must be re-associated with the chapter, paying the associate fee, and each chapter will execute the right to

determine whether the individual should repeat the membership orientation program or be immediately initiated.

(d) Any chapter found to violate the scholastic requirement for initiation statute may be subject to penalties outlined in Title II, Section 14(d).

18. *Oath Necessary.* Every man initiated into this Fraternity shall subscribe to the oath originally adopted at the Seventh Annual Convention held at Zeta Chapter, Champaign, Illinois, December 18-20, 1917. He shall be made aware of the content of the oath and shall have indicated his acceptance prior to experiencing the ritual.

19. *Initiation of Members.* Not more than two men may be initiated in a ritual ceremony.

20. *Badge Orders.* All official badges shall be ordered on official order blanks through the Executive Office. Official badges shall be engraved with the Fraternity serial number of the member.

21. *Transfer of Resident Membership.* Any member who is pursuing work at a college or university where is located a chapter of Phi Kappa Tau other than the chapter to which he belongs may transfer his membership to the Resident Council of the local chapter by the following procedure:

(a) He shall formally request the Resident Council of the local chapter to secure a certificate of transfer from the Chief Executive Officer.

(b) The Resident Council to which he desires to transfer shall consider the request and, if approval is given, the Chief Executive Officer shall be informed, with a request that approval of the chapter in which he holds membership be obtained.

(c) The Chief Executive Officer shall request from the chapter in which he holds membership a statement of all indebtedness, notes, or other obligations owed to it by the member; and if such statement be satisfactory and the application be approved by the chapter, notice shall be given the Chief Executive Officer.

(d) Following receipt from the Chief Executive Officer of the certificate of release from the chapter of which he is a member, the chapter to which he desires to transfer shall vote upon his request and, if approval is given, notification shall be sent to the Chief Executive Officer.

(e) In the event the member is in debt to the chapter of original membership, transfer cannot be completed until the obligation is paid in full.

(f) *Married Members.* A married member of the Resident Council may elect to have his membership transferred to the Graduate Council and may effect such transfer by submitting notification in writing to the President of the Resident Council.



(g) *Voluntary Withdrawal.* At a date no earlier than 1 year after the original petition date, a member may appeal to the National Council for a reversal of a voluntary withdrawal. The member must submit the appeal in writing, along with proof that all past financial delinquency has been resolved. A member may appeal a Voluntary Withdraw only once.

(h) There shall be no "inactive" or "alumni" classification of membership in a Resident Council.

22. *Transfer of Graduate Membership.* A graduate member may transfer his membership to another Graduate Council by filing a written request for the transfer with the National Council accompanied by a certificate from his Resident and Graduate Councils that all of his Fraternity obligations have been paid in full. His Graduate Council shall vote on the transfer and shall certify its action to the National Council. The Graduate Council to which he desires to transfer membership shall vote on the transfer and shall certify its action to the National Council. If both Graduate Councils approve, the transfer shall become effective upon approval by the National Council.

23. *Members of Local Eligible for Initiation.* Prior to installation as a Chapter of Phi Kappa Tau, the petitioning local fraternity shall submit to the Chief Executive Officer a complete list of its members in good standing, together with such information about each member as the Chief Executive Officer may require. Men who hold membership in said local but who are not initiated at the time of the installation may be later initiated in the usual manner.

24. *Honorary Graduate Membership.* Any male not otherwise eligible for Resident or Graduate membership who through membership in Phi Kappa Tau shall bring to it honor and credit may be nominated to become an honorary graduate member of Phi Kappa Tau.

(a) The person must be nominated by a Resident or Graduate Council or both (preferably both).

(b) Nominations must be sent to the Fraternity's Chief Executive Officer for screening. Such nominations must include comprehensive documentation which details and emphasizes the reasons for his nomination, together with a minimum of three letters of recommendation and support, one of which must be from the Council making the nomination.

(c) Action of the National Council to approve or disapprove the nomination is reported to the Chief Executive Officer, who, in turn, shall notify the Council having made the nomination. An Honorary Member shall become a member of the Graduate Council.

(d) If action of the National Council has been affirmative, nominee may be initiated into Phi Kappa Tau by participating in the ceremony of the ritual as an individual or with another candidate for membership, or by witnessing the initiation of a candidate. If the latter, the nominee would take the oath of membership at the conclusion of the ritual ceremony. If the individual is a member of another general college fraternity, he may not be initiated into Phi Kappa Tau but may be "honored" by means of special recognition to be determined by the Council making the nomination and the Fraternity's National Headquarters.

(e) Specific procedures for seeking Permission to Initiate are delineated in Title II, Section 14, Permission for Initiation, and Title V, Section 52, Membership Fee.

### TITLE III NATIONAL CONVENTION

25. *President's Pre-Convention Message.* The National President shall transmit to each Resident and each Graduate Council, at least one month before the convening of a National Convention, information on the state of the Fraternity, and shall recommend to their consideration those measures he shall deem necessary.

26. *Appointment of Committees.* The National President shall appoint for each National Convention the following committees and such other committees as are necessary: Credentials, Jurisprudence, Delegates' Requests, Scholarship, Nominations and Resolutions.

In addition to the aforementioned committees, the Graduate Nominating Committee (GNC) shall be convened for the purpose of succession planning and to screen all candidates submitted ahead of the National Convention for elected, graduate positions. The GNC's purpose is to identify and slate the best candidates for any open, elected, graduate position. The GNC must be formed and operated in adherence to the Graduate Nominating Committee Policy which may be amended by the National Council from time to time.

27. *Order of Proceedings.* The order of proceedings at each National Convention, unless changed by a majority vote thereof, shall be as follows:

- (a) Opening Ceremony.
- (b) Pledge of Allegiance to the Flag of the United States.
- (c) Roll Call of Delegates.
- (d) Reading of Minutes of Previous National Convention.
- (e) Report of Enactments of the National Council.
- (f) Reports of Officers.
- (g) Communications and Appeals.
- (h) Reports of Committees.
- (i) Unfinished Business.
- (j) New Business.
- (k) Election of Officers.
- (l) Announcements and Resolutions.
- (m) Closing Ceremony.

28. *Quorum.* A quorum of the National Convention shall consist of a majority of those entitled to vote. A two-thirds (2/3) affirmative vote shall be required to amend the Constitution. A majority affirmative vote shall be required to pass on other motions.

29. *Delegates' Credentials.* The Chief Executive Officer shall issue to each Council credential forms for certifying the names of delegates and alternates to the National Convention. The credentials shall be executed and returned to the Chief Executive Officer promptly.

30. *Proxy Voting.* A vote cannot be cast by proxy in the National Convention.

31. *Floor Privileges.* All Past National Officers, and current Undergraduate Advisory Board members, Domain Directors and Deans shall have the privilege of making motions from the floor of the National Convention.

## TITLE IV NATIONAL FRATERNITY OPERATIONS

32. *National Council.* The National Council shall be elected per the procedure prescribed by Article F, Section II of the Constitution. The National Council shall direct the general affairs of the Fraternity. The National President shall be the presiding officer. The Council shall select and commission Chief Executive Officer to implement the purposes and policies of the Fraternity. Meetings shall be held at least once a year and at such other times as the National President or a majority of the National Council specifies.

33. *National President.* The President shall be elected to the office in the manner prescribed by Article F, Section I of the Constitution. He shall function to assure the continuation and success of the National Fraternity as outlined in the Articles of Incorporation and the Constitution and Statutes and to oversee all functions and procedure of the Fraternity as they relate to the Divisions of the Fraternity. He shall preside over all meetings of the National Convention and the National Council and appoint such committees as he deems desirable. He may require any officer or committee to make a report and perform other duties as commonly devolve upon such an office. He shall have such other powers as are conferred on him by the National Council. His decisions shall be binding unless reversed by the National Council or the National Convention.

34. *National Vice President.* The National Vice President shall be elected per the procedures prescribed by Article F, Section I of the Constitution. He shall serve as the assistant to the National President, and work with him at his discretion in the interest of the National Fraternity. He shall perform all of the duties of the National President in his absence.

35. *Chief Executive Officer.* The National Council shall select and employ the Chief Executive Officer at such compensation as it may determine. The Chief Executive Officer shall have the responsibility and authority to manage, supervise and administrate the affairs of the Fraternity in accordance with the mandates of the National Convention, the National Council and the National President. He shall be the Chief Executive Officer of the Fraternity and shall select and employ the Headquarters' staff members and delegate to them areas of responsibility as necessary to fulfill the overall mission of the National Headquarters. He shall be the Statutory Agent for The Phi Kappa Tau Fraternity. Transactions and matters, which are in the ordinary course of the Fraternity's business shall be conducted by the Chief Executive Officer without the necessity for obtaining National Council approval. Any transaction or matter not in the ordinary course of the Fraternity's business shall be previewed by the

President or the National Council and the Chief Executive Officer shall obtain specific authorization on general policy recommendations prior to proceeding with such a matter. At the direction of the National Council the Chief Executive Officer may be assigned to a corresponding position with any subsidiary entity of the National Fraternity.

36. *Executive Committee.* The President may appoint an Executive Committee whose specific function shall be advisory to the President and the National Council unless given specific decision-making authority by the National Council.

37. *Fraternity/Foundation Joint Coordinating Committee.* There is established a Joint Coordinating Committee of the Fraternity and The Phi Kappa Tau Foundation, the purposes of which are (a) to determine the employment parameters, establish the compensation, and evaluate the performance of the Chief Executive Officer and (b) to coordinate any other matters that mutually affect the Fraternity and Foundation. The President of the Fraternity shall appoint membership to the Committee consisting of the National President, National Vice President, and one additional National Councilor. The Foundation Chairman shall appoint membership to the Committee consisting of the Foundation Chairman, Vice Chairman, and one additional Trustee. The chairmanship of the Committee shall be shared by the incumbent Fraternity President and Foundation Chairman, rotating annually with the Chairman serving the one-year period following a National Convention and the President serving the one-year period prior to the subsequent National Convention. The Fraternity/Foundation CEO shall serve as an ex officio non-voting member of the Committee.

38. *Geographic Area Groups.* The grouping of chapters having reasonably proximate locations to one another to facilitate communication on Fraternity matters may be arranged by the Chief Executive Officer. Capable and interested alumni may be enlisted to provide liaison between the Board of Governors of the Chapter, the Chapter itself and the National Headquarters. The Groupings shall be called Domains and the alumnus shall be a Domain Director. Domain Directors shall have the status of "National Officers" but shall not have a vote at the National Convention.

39. *Educational Program Deans.* Capable and interested alumni may be enlisted by the Chief Learning Officer and subsequently approved by the Chief Executive Officer to direct, develop and facilitate individual areas of educational programming. The alumnus shall be an "Educational Program Dean." Educational Program Deans shall have floor privileges at the National Convention.

40. *Delegation of Powers and Duties.* Where not otherwise provided for herein, in the case of absence or inability to act of any officer of the National Fraternity and of any person herein authorized to act in his place, the National Council may delegate the powers or duties of each officer to any other officer or other person whom it may select.

41. *Presidential Vacancy or Disability.*

(a) If the office of National President is vacated for reasons other than disability, the National Vice President shall serve the remainder of the National President's term.

(b) Should the National Council determine by two-thirds (2/3) vote that the National President is disabled, the National Vice President shall then assume the office of National President and so serve until such time as the National Council shall certify by two-thirds (2/3) vote that the National President's disability no longer exists or the term of office expires.

(c) In the event that both the office of National President and National Vice President are vacated for any reason, the National Council shall elect one (1) of its members to serve as National President the remainder of the President's term.

(d) In the event that the office of National Vice President is vacated for any reason, the National Council shall elect the successor for the remainder of the term.

42. *Judicial Power.* The Judicial power shall be vested in the National Council and in such other inferior courts or tribunals as the Fraternity may establish. The National Council shall have jurisdiction to try cases of impeachment of National Officers and all cases appealed from lower courts, to interpret laws when appeal has been made from the decisions and interpretations of other courts or officers, and to try all cases not otherwise definitely provided for. The place of the trial shall be fixed by the National President subject to the approval of a majority of the National Council.

43. *Removal of an Officer.* Any officer of the Fraternity may be removed from office upon conviction of gross neglect, malfeasance or misfeasance in office, or of conduct unbecoming to his office.

44. *National Councilor Ineligible to Sit in Own Trial.* A National Councilor shall not sit in the trial of a case in which he is the accused or implicated with the accused.

45. *Legal Status of Subordinate Councils.* All Resident and Graduate Councils are chartered under the authority of The Phi Kappa Tau Fraternity as organized under the corporate laws of the State of Ohio and are subordinate to The Phi Kappa Tau Fraternity. Upon the dissolution of any chartered chapter, the remaining assets and personal property, especially regalia, shall inure to The Phi Kappa Tau Fraternity for such educational purposes as may be necessary and proper. All subordinate chartered chapters, by acceptance of a charter, agree to adhere to the provisions set forth herein. Upon dissolution of any chartered chapter, the Chief Executive Officer must be notified immediately to ensure a proper transition of the functions and transfer of any property to The Phi Kappa Tau Fraternity.

46. *Registered Office and Agent.* The Fraternity's registered address shall be 5221 Morning Sun Road.

## TITLE V SUBORDINATE COUNCILS

47. *Council Bylaws.* The National Constitution and Statutes are the supreme governing laws of the Fraternity and its subordinate entities. Each Resident Council and each Graduate Council shall adopt Bylaws and shall submit two (2) copies of them, and any amendments thereto, to the Chief Executive Officer for approval. Resident and Graduate Council Constitutions in existence at the time of adoption of

this section shall be deemed Bylaws as set forth herein. Any current Resident or Graduate Council sections conflicting with the National Constitution and Statutes shall be deemed null and void. The Chief Executive Officer must approve or disapprove the Bylaws or amendments within sixty (60) days upon arrival to his office. No Bylaws or amendments thereto shall become effective until sixty (60) days after submission.

48. *Board of Governors of a Chapter.* Each Chapter shall have a Board of Governors composed of at least a board chairman, chapter advisor and three (3) other non-resident-council members. Two (2) Resident Council members shall serve on the board. These Resident Council members shall be the President and one (1) other member. The members shall be certified and approved by the Chief Executive Officer. This board shall be the general supervisory body of the Chapter, and shall be responsible to the Domain Directors in all matters. In the event that the Domain Director position is vacant, the board shall be responsible to the Chief Executive Officer. Articles of Operation for the board must be filed with the National Headquarters. At least ten (10) meetings shall be held each year and official meeting minutes must be recorded and filed. The board chairman shall be a graduate member of Phi Kappa Tau. The Resident Council must select a chapter advisor. The board secretary shall be President of the Resident Council. The remaining board position will include: alumni advisor, faculty advisor, financial advisor, recruitment advisor, risk management advisor and scholarship advisor. The board positions mentioned will perform such duties as outlined by the National Headquarters. The board shall have full authority to enforce the Statutes of the National Constitution as they pertain to the Resident Council, subject to review by the Chief Executive Officer. In matters pertaining to scholarship and finance, the authority of the board shall be absolute, with the exception of expulsion proceedings which must follow the statutes for a member trial outlined in Title VII. The board shall have full authority to summon any member of the Resident Council upon proper notice, to appear before the board assembled. It shall be the duty and responsibility of the board to act in the best interest of the Fraternity at all times in accordance with the National Constitution and Statutes and Board of Governors Articles of Operation. In the event the chapter fails to maintain an active Board of Governors, the Domain Director or Chief Executive Officer may appoint needed members to the Board of Governors.

49. *Resident Council Officers.* The Resident Council officers shall consist of a President, Vice President, Vice President for Alumni Relations, Secretary, Treasurer, Membership Orientation Officer, Recruitment Chairman, Scholarship Chairman, Chaplain, House Manager, if applicable, and such other offices as may be required. Election of officers shall be held between October 15 and December 15 of every academic year, and these officers shall be installed at the first regular meeting following their election. Officers shall be so elected for a term of one (1) year unless expressed permission is granted by the Chief Executive Officer.

(a) *President.* The President shall be responsible for all official acts of the Resident Council and shall be accountable for the operation of the Resident Council. He shall enforce all laws and rules of the Fraternity, supervise work of subordinate officers and committees, and oversee the financial operations of the Resident Council.

(b) *Vice President*. The Vice President shall serve as the assistant to the President, he shall serve as the Chairman of the Executive Council and he shall oversee the committee system of the Chapter.

(c) *Vice President for Alumni Relations*. The Vice President for Alumni Relations shall be responsible for developing and helping to maintain a program of alumni relations and communications.

(d) *Secretary*. The Secretary shall prepare complete minutes of all meetings, answer communications of a general nature, compile reports, and keep membership records and shall prepare articles for the Fraternity and Resident Council publications.

(e) *Treasurer*. The Treasurer shall keep full and accurate records of all financial matters of the Resident Council in a standard accounting system approved by the National Council. He shall render or have rendered a statement of the financial condition of the Resident Council, as prescribed in the president's manual, to the National Headquarters, monthly to his Board of Governors and weekly to his own Resident Council. At the close of his term of office his records shall be audited by an accountant or committee approved by the Chapter's Board of Governors.

(f) *Membership Orientation Officer*. The Membership Orientation Officer shall supervise the instruction and orientation of candidates prior to initiation.

(g) *Recruitment Chairman*. The Recruitment Chairman shall direct the recruitment activities of the Resident Council.

(h) *Scholarship Chairman*. The Scholarship Chairman shall be responsible for developing an academic awareness among members of the Resident Council and shall also help to maintain an atmosphere and tone within the chapter conducive to the pursuit of academic excellence.

(i) *Chaplain*. The Chaplain shall supervise the ritualistic ceremonies of the Resident Council. He shall be personally responsible for the Ritual and the regalia and shall preserve the same in a safe, secret place under lock and key.

(j) *House Manager (if applicable)*. The House Manager shall be the custodian of the chapter house, and it shall be his duty to maintain the property.

(k) *Eligibility for Office*. To be eligible for election or appointment to the offices including but not limited to the offices of President, Vice President, Vice President for Alumni Relations, Secretary, Treasurer, Membership Orientation Officer, Recruitment Chairman, Scholarship Chairman, Chaplain and House Manager, if applicable, or to hold any remunerative office of the Resident Council, an initiated member must have a cumulative scholastic average, and an average for the preceding academic term, equivalent to or above a 2.50 grade point average. If at any time during his tenure, an officer falls below this standard, he shall immediately forfeit his office and another member shall be elected or appointed to fulfill the remainder of his term. The Chief

Executive Officer may at his discretion suspend the application of this Statute to any chapter or chapters.

50. *Officers of a Graduate Council.* Officers of a Graduate Council shall consist of a President, Secretary, Treasurer, and such other officers as may be required.

51. *Delegates to National Convention.* Each Resident Council and each Graduate Council shall elect a delegate and an alternate to each National Convention. Each Council shall have a vote on questions that come before the Convention.

52. *Resident and Graduate Council Reports.* Resident Councils and Graduate Councils shall make reports as required by the National Convention, the National Council, the National President and the Chief Executive Officer. These shall include special reports as well as those required in the yearly president's manual published by the National Headquarters.

53. *Membership Fee.* Each man admitted to membership in a Phi Kappa Tau chapter shall pay the appropriate fees as established by the National Convention or, in off-Convention years, by the National Council. Refer to the Membership Reporting Procedure found in the president's manual for the specific amounts. The undergraduate dues are based on the chapter's initiated membership roster as of October 1 of each year. A membership fee in the amount of \$50.00 (including standard membership badge) shall be charged faculty and honorary initiates and alumni members of a local granted a charter. All fees for undergraduates, faculty, honorary, or alumni members shall be collected by the Resident Council Treasurer and transmitted to the Chief Executive Officer in accordance with membership reporting procedures and requirements.

54. *National Accounts.* All accounts owed to the National Fraternity shall be due upon receipt of invoice. For failure to pay any account within thirty (30) days after billing, the initiation privilege of the chapter shall be suspended until the account is paid or until a release of suspension is granted by the National Council.

55. *Membership Orientation.* Each Colony/Resident Council shall conduct recruitment activities to enlist new Associates. Each Associate, prior to becoming eligible for initiation and full membership, shall complete an orientation course which informs him about the fraternal world and specifically about The Phi Kappa Tau Fraternity. The Membership Manual published by the National Headquarters shall be a basic text. Provincial information specific to the Chapter, University/College as well as social mores shall be included in the course. The Risk Management Policy of the Fraternity shall be explained to Associates.

56. *Chapter and/or Faculty Advisors.* Each Resident Council must select a Chapter and/or Faculty Advisor. The Chapter and/or Faculty Advisor will perform such duties as are outlined by the National Fraternity.

57. *Approval of Negotiations Concerning Chapter Houses.* Any chapter or any affiliated House Corporation desiring to lease, build, purchase, sell or otherwise dispose of a chapter house shall secure



the approval of the CEO before making commitments of any nature. Where the expenditure for chapter house repairs, remodeling or other improvements requires securing either a building permit from a municipal authority, a loan from an institutional lender, or exceeds an aggregate sum of \$25,000 on a proceeding 12 month basis, the house corporation shall secure the approval of the Chief Executive Officer before making commitments of any nature. Failure to secure prior approval may result in action being taken against the chapter and/or affiliate house corporation, which could include the suspension of operations and revoking of the chapter's charter. Each chapter or affiliate house corporation shall file with the Chief Executive Officer an annual financial statement and other such reports as the CEO may require.

58. *Area Alumni Associations.* An Area Alumni Association shall be composed of graduate members from all chapters in a specific geographic area and shall have a key alumnus (the Association President) to coordinate its activities. This Area Alumni Association shall be approved by the Chief Executive Officer and shall work in conjunction with the appropriate staff member at the National Headquarters or Foundation.

59. *Affiliated Corporation.* Any chapter that now has or hereafter establishes any affiliated corporation that is supportive of the goals of the chapter shall provide the National Headquarters with copies of the Articles, Bylaws, and any amendments thereto of such corporations and shall furnish such financial and other informational reports as may be required by the CEO. All such corporations shall be non-profit corporations and shall contain in the Articles of Incorporation these provisions: (a) no income or profit arising from the operations of the corporation are to inure to the benefit of any private person; (b) upon dissolution of the corporation, any assets remaining after payment of debts shall be held in trust by The Phi Kappa Tau Fraternity, Phi Kappa Tau Foundation, Phi Kappa Tau Properties, Inc. or any of their subsidiaries or successors. In the event that all the foregoing are non-existent, then to some other appropriate non-profit entity qualified under Section 501 (c)(3); (c) that the closing of the Resident Council may in some cases be grounds for dissolution of the corporation as a failure of purpose. Surplus funds of a house corporation, local educational foundation, Graduate Council or Resident Council shall be invested only in United States government securities or financial institutions providing adequately insured deposit accounts. Any funds realized by virtue of the dissolution of any affiliate corporation or chapter which are held by The Phi Kappa Tau Fraternity, the Phi Kappa Tau Foundation, or Phi Kappa Tau Properties, Inc. are to be separately accounted for by the National Council or Board of Trustees for a period of 25 years and should the opportunity arise to reestablish the chapter at that institution, within that time frame, funds at least equal to the amount deposited plus interest earned on the amount deposited will be committed to the re-colonization effort.

## TITLE VI RISK MANAGEMENT

60. The Risk Management Policy adopted by the Convention and/or the National Council shall be considered as part of this Title VI of the Statutes. Said Policy shall be printed and distributed to all Chapters, Chapter Advisors, House Corporations and Boards of Governors and to others within the Fraternity as deemed appropriate. The Risk Management Policy shall be reviewed at least annually by the Chief Executive Officer and the National Council to keep it current with legal and policy changes.

Punishment for violation of Phi Kappa Tau's Risk Management Policy may include: probation, suspension or revocation of Chapter charter; probation, suspension or expulsion of the individual(s) involved; removal from office of those officers of the Chapter involved, and the denial of membership to associate members who allow themselves to be involved in any of the aforementioned.

Each Resident Council shall have explicit statements within their Bylaws which implement the requirements of Title VI, Article 59.

## TITLE VII DISCIPLINARY STATUTES

61. *Expulsion of a Member.* A member may be expelled from the Fraternity only after investigation and due fraternity trial in accord with the Process for Expulsion from membership for a brother of The Phi Kappa Tau Fraternity.

62. *General Statute Relating to Conduct and Discipline.*

(a) *Offenses.* Members of the Fraternity may be disciplined for the following offenses:

1. Conduct prejudicial to the Fraternity and tending to bring it into disrepute.
2. Violation of a Statute of the National Fraternity.
3. Violation of the Risk Management Policy.
4. Financial Delinquency.

(b) *Application of Public Statutes.* A member shall not be subjected to discipline or fraternity trial, nor shall he be penalized or punished by the National Fraternity or by the Council of which he is a member, for violation of the laws of the state or nation, unless the offense is also a violation of the law of the Fraternity, and a separate fraternity trial based on fraternity law shall be required in every instance.

(c) *Penalties.* A member found guilty of an offense may be punished by suspension or expulsion, or by a lesser penalty at the discretion of the trial court. However, failure to achieve a locally determined grade point average is not grounds for expulsion. A sentence of suspension shall become effective immediately after due fraternity trial by any regularly constituted court fraternity trial having jurisdiction. A sentence of expulsion, after due fraternity trial, shall not become effective until all related documentation has been forwarded to the CEO, and until such time, the penalty shall be considered as a suspension. It shall be the duty of the presiding justice of a court who has voted to expel a member to forward immediately a complete record of the trial to the CEO. This record shall include a copy of the charges and a summary of the evidence and arguments presented. Once received, the CEO will send notification to the member and the presiding justice.

(d) *Rights of the Accused*

1. Any initiated member of The Phi Kappa Tau Fraternity who is accused of conduct subject to consideration for expulsion has the right to the essential elements of due process; namely:

- (i) the right to timely notification of the charges
- (ii) the right to counsel
- (iii) the right to see the evidence against him
- (iv) the right to present evidence in his favor

2. In imposing a penalty other than expulsion from membership, The Board of Governors shall have the authority given in Title V, number 47 of the Statutes of The Phi Kappa Tau Fraternity.

*(e) The Accusation*

1. Upon receiving accusations signed by three initiated members of The Phi Kappa Tau Fraternity about a brother that would make him subject to consideration for expulsion, the president, or if he be the one accused, the next senior un-accused officer, of the resident council of the chapter is to communicate the matter to the chairman of the Board of Governors of the chapter, who is to convene, in writing to each member, the Board of Governors for determining whether the accusations state probable cause.

2. A two-thirds majority vote of the members of the Board of Governors present and voting is required to determine that the accusations state probable cause.

3. Should the chapter lack a Board of Governors, the matter should be submitted to the Domain Director or, if the office of Domain Director be vacant, to the CEO of The Phi Kappa Tau Fraternity. Either the Domain Director or the CEO is to consult with at least two brothers in good standing of his choice to determine whether the accusations state probable cause. A two-thirds majority is required for this.

4. If the Board of Governors or those mentioned in (e) 3, determine that the accusations state probable cause, the chapter president or next senior unaccused officer, if it be the president or another officer who is accused, shall ask the accused member whether he wants to withdraw membership voluntarily or whether he wants a trial.

5. If the brother chooses voluntary withdrawal, the chapter president or other officer as above shall transmit that brother's signed petition form for voluntary withdrawal to the CEO of The Phi Kappa Tau Fraternity, who shall process the petition in the usual manner. For matters of financial delinquency, the amount in arrears must be recorded on the petition.

6. If the accusation be against a graduate member, the chairman of the Board of Governors, or Domain Director if there be no Board of Governors, or another national officer of The Phi Kappa Tau Fraternity if there be no Domain Director, shall notify the CEO of The Phi

Kappa Tau Fraternity, who shall inform the National President. The CEO shall determine the make-up of the tribunal that will try the case.

7. The tribunal designated to hear the case of a graduate member is to follow the process established in this Title.

*(f) Constituting the tribunal*

1. When it has been determined that a trial is to take place, the accused is to be notified in writing of the charges against him, the time and place of the trial and his rights as stated in (d) of this procedure. The notification is to be made in person, with the accused signing a document that he has received it or the notification is to be sent to him by registered mail.

2. If he refuses to accept the notification within 10 days or if he fails to appear on the day and at the time and place designated, the presiding officer is to issue a decree declaring him absent from the trial. The trial shall proceed as set forth herein, always preserving the right of the accused to intervene at any time up to the sentencing and preserving his right of appeal at any level.

3. The president, and four members of the executive council, are to serve as judges of the tribunal. No one who has a special friendship with the accused that would impair his impartiality of judgment is to serve on the tribunal.

4. If one or more of the members of the executive council cannot serve for any reason whatever, the one who presides over the trial shall appoint as many other undergraduate brothers to serve on the tribunal as is necessary to complete the number of five members.

5. The president presides at the trial. If the president be the one accused, the next senior un-accused officer shall preside. If all of the officers have been accused, the chairman of the Board of Governors shall appoint an undergraduate member of the resident council to preside. He, in turn, is to appoint, in writing, four undergraduate members to serve on the tribunal with him. If the matter at hand involve the entire Resident Council, the BOG, in conjunction with the CEO, may exercise a Chapter Reorganization (see Title VII.67.Reorganization)

6. If there be no Board of Governors, the Domain Director shall appoint, in writing as above, an undergraduate member of the resident council to preside. He, in turn, is to appoint, in writing, four undergraduate members to serve on the tribunal with him.

7. If there be no Domain Director, the matter is to be referred to the CEO of The Phi Kappa Fraternity, who shall appoint an undergraduate member of the resident council to preside. He, in turn, is to appoint, in writing, four undergraduate members to serve on the tribunal with him.

*(g) The Order of the Trial*

1. Initiated members of The Phi Kappa Tau Fraternity may be present at the trial; however, they are not permitted to intervene in the procedure unless called as witnesses.

2. All proceedings of the trial are to be electronically recorded, and then put in writing by the secretary of the chapter or other person designated by the one who presides over the trial.

3. The one who presides over the tribunal shall read the charges brought against the accused and shall set forth the evidence in support of these charges.

4. The accused then has the right to offer evidence rebutting the evidence against him and to place additional evidence in his favor before the tribunal.

5. At the conclusion of this part of the process, the presiding officer is to decree, in writing, that it has concluded and that the accused is to have up to three hours to prepare and set forth in writing any additional argument he shall have in his favor.

6. When the accused has submitted his additional argument or the three hours have elapsed, the presiding officer shall issue a written decree that the presentation of the case has been concluded.

7. The tribunal is then to convene in private and determine the guilt or innocence of the accused. A four-fifths majority vote of the members of the tribunal is required to convict the accused.

8. The presiding officer of the tribunal has a maximum of five days in which to put forth the decision of the tribunal in writing.

*(h) The Process Following the Trial*

1. The presiding officer of the tribunal is to submit all of the documents of the case to the chairman of the Board of Governors; or, if there be no Board of Governors, to the Domain Director; or, if there be no Domain Director, to the CEO of The Phi Kappa Tau Fraternity.

2. The chairman of the Board of Governors is to convene, in writing the members of the board who shall serve as a review tribunal in the matter.

3. In this review, the one who presided over the trial shall present the case to the Board of Governors but shall not have a vote.

4. If there be no Board of Governors, the Domain Director shall preside over the review and is to appoint, in writing, two other graduate members of the Phi Kappa Tau Fraternity to serve on the review tribunal with him.

5. If there be no Domain Director, the matter is to be referred to the CEO of The Phi Kappa Fraternity, who shall appoint a graduate member of The Phi Kappa Tau Fraternity to preside. He, in turn, is to appoint, in writing, at least two other graduate members of The Phi Kappa Tau Fraternity to serve on the review tribunal with him.

6. The review tribunal can either ratify the original tribunal's sentence or can decide that the case is to be retried according to the procedure in (i).

7. If the review tribunal ratifies the original sentence, the convicted brother has the right to appeal the matter to the National Council of The Phi Kappa Tau Fraternity ((j)). This appeal must be entered within 60 days of his receiving notification of the sentence.

8. Such an appeal is to be submitted by the one who presided over the review tribunal, along with a copy of all of the documents of the case, to the CEO of The Phi Kappa Tau Fraternity, who shall transmit it to the National President of the Phi Kappa Tau Fraternity.

9. After review, the National Council shall decide by two-thirds majority vote whether to uphold the sentence or retry the case.

*(i) The Retrial by the Board of Governors*

1. If the Board of Governors, or other review tribunal described in (h) 4 and (h) 5 of this procedure, decide to retry the case in accord with (h) 6, the tribunal is to follow the same process as followed in the first trial, (g), of this procedure, with the exception noted in (h) 2.

2. For a re-trial by the Board of Governors, the tribunal is to be composed of no less than three members.

3. If the sentence of this tribunal concurs with that of the first tribunal, the matter is settled and there can be no further appeal.

4. A sentence of expulsion is to be put in writing and communicated, along with all of the documents of the case, to the CEO of The Phi Kappa Tau Fraternity, who shall process the expulsion in the usual manner to amend the membership status.

5. A sentence of exoneration is to be put in writing and communicated to the brother and to the one who presided over the first trial.

6. There is no further appeal from a sentence of exoneration issued by the review tribunal.

*(j) Appeal of Ratification by the Board of Governors*

1. If the convicted brother appeals the ratification by the Board of Governors or other review tribunal, the National Council is to review all of the documents of the case and decide the matter by a two-thirds majority of those voting.

2. Their decision is to be communicated in writing by the National President to the brother in question, with copies to the president of his chapter, the chairman of his chapter's Board of Governors and the Domain Director.

(k) *Statutory Suspension.* Nothing in the Statutes relating to the trial of members shall supersede or modify the Statutes requiring automatic suspension of a member.

(l) *Summary Discipline for Minor Offenses.* A Resident Council whose bylaws permit summary discipline for minor offenses may enforce such discipline without trial in the form hereinbefore specified.

(m) *Privilege of National Officers.* Elected or appointed officers of the National Fraternity are responsible only to the National Council during their terms of office.

#### 63. *Scholarship Probation.*

(a) *Membership Probation.* The Resident Council shall, under supervision of the Board of Governors, upon the basis of official records of the institution, suspend any Resident Council member whose scholastic record is such that he has been placed upon probation by the administration of his institution for more than one term. In the absence of such a system, any member who has not received passing grades in at least sixty (60) percent of his total number of hours carried shall also be suspended. In the event of such suspension, the Resident Council or Board of Governors shall take the badge of the suspended member and shall hold it in safekeeping. A member thus suspended shall be reinstated when the official records of the institution show that his scholastic average has removed him from probation or that he has passing grades in more than sixty (60) percent of the total hours carried.

#### (b) *Chapter Probation.*

1. The overall Resident Council annual cumulative grade point (GPA) average must be at least a 2.5 for each chapter or at or above each campus all men's average.

2. If a chapter fails to maintain these standards, it will be placed on scholastic probation. Failure to comply with these standards for more than two (2) consecutive terms may result in suspension of the Chapter's charter.

(c) The Board of Governors may, in the event of illness or justifiable cause, petition the Chief Executive Officer to suspend the operation of this Statute.

64. *Suspension Defined.* Suspension of Resident Council members, under the Statutes, involves surrender of the badge, the loss of vote, and the loss of such other privileges of membership as may be determined by the Resident Council. A member under suspension shall not be relieved of any Fraternity or financial obligations.

65. *Collection of Alumni Accounts.* When a graduate member is delinquent to a Chapter for dues, board, room, or any other regular or specific Fraternity assessments, the Resident Council Treasurer or the Board of Governors shall notify him to pay said indebtedness, or arrange for collection by the National Headquarters. If the member fails or neglects to pay or liquidate his obligation after thirty (30) days from the date first notice is sent by National Headquarters, he shall be notified by registered letter with return receipt that he will be suspended by the National Council for financial delinquency unless he pays the obligation or shows cause why he should not be suspended. The National Council shall have full power of attorney from Chapters in the operation of this Statute and their decision is final. This Statute does not provide for the collection of donations or promissory notes to building funds and other such obligations which partake of the nature of gifts.

66. *Chapter Probation.* The Chief Executive Officer, with the approval of the National Council, shall have the power to place on probation any chapter which fails to file reports, fulfill the requirements of sound chapter management which includes, but is not limited to, the Fraternity's Risk Management Policy, or which is guilty of conduct unbecoming to Phi Kappa Tau. The National Council may specify remedial action as needed in such cases. The chapter involved shall have the right of a rehearing by the National Council for the purpose of explanation of circumstances that mitigate any disciplinary action provided filed within thirty (30) days.

67. *Chapter Reorganization.* The Chief Executive Officer shall have the authority to effect reorganization when a chapter consistently fails to fulfill the requirements of sound chapter management which includes, but is not limited to, abeyance to the Fraternity's Risk Management Policy or conduct unbecoming to Phi Kappa Tau.

An Alumni Board of Inquiry of not less than two (2) or more than five (5) members of the Fraternity shall be appointed by the Chief Executive Officer and shall investigate the operation of the chapter, shall interview the members, and shall specify and recommend needed remedial action to the Chief Executive Officer. Such action may include, but is not limited to, temporary cessation of chapter activity, suspension of members, expulsion of members, transfer of members to the Graduate Council, and/or additional remedial action to improve chapter management.

The Chief Executive Officer will review the recommendations of the Alumni Board of Inquiry and put into effect appropriate action. Appeals regarding any recommendation of a Board of Inquiry must be made in writing to the CEO and can be forwarded to the National Council upon request.

## TITLE VIII AMENDMENTS



68. *Amendments to Statutes.* The Statutes may be amended, repealed, or new ones enacted by majority vote of those present in a National Convention or by the National Council between conventions.

69. *Administrative Procedure.* It shall be the responsibility of the Chief Executive Officer to publish and disseminate to the Chapters current copies of the Constitution and Statutes as needed and he shall be responsible for administrative preparation, printing, and conforming terminology of all such copies.

70. *Interpretations of the Statutes.* When provisions of the National Constitution or National Statutes are silent as to interpretation or procedure regarding the Constitution or Statutes of the Fraternity, the general provisions of Robert's Rules of Order and its interpretations shall prevail and govern the actions of the Fraternity.