

**REPORT AND OPINIONS OF THE ATTORNEY GENERAL TO  
THE 78<sup>TH</sup> GRAND ARCH COUNCIL ON PROPOSED  
AMENDMENTS TO THE CONSTITUTION, BYLAWS AND  
RULES OF THE PHI KAPPA PSI FRATERNITY**

**New York, New York**

**July 6-10, 2016**

**Submitted by David S. Moyer, Attorney General, Alabama Alpha 1991**

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In accordance with Bylaws, Article IV, Section 4, Clause 4(c), the Attorney General hereby submits his Report and Opinion as to the proposed amendments to the Constitution, Bylaws and Rules of the Phi Kappa Psi Fraternity (the “CBRs”). Pursuant to this provision of the Bylaws, the Attorney General is tasked with reporting on every proposed amendment to the CBRs, or to the Ritual of the Fraternity, which have been timely filed with the Attorney General not less than sixty (60) days [May 8, 2016] prior to the date of the convening of the Grand Arch Council, together with his opinion thereon.

On preparing the Report and Opinion on every proposed amendment to the CBRs or to the Ritual of the Fraternity, it is not the province or the function of the Attorney General to pass judgment or offer recommendation as to the wisdom, efficacy, benefit or ramification of any such proposed amendment. Rather, the Attorney General is only charged with: (1) reporting on the scope of the proposed amendment; (2) identifying the means by which the proposed amendment will change, alter or amend the existing state of the CBRs or Ritual; and (3) opining on whether the proposed amendment conflicts or is otherwise inconsistent with the Fraternity’s Governing Documents. To the extent available, some authors of proposed amendments have expressed their intent with the respect to each amendment, and where said author has expressed his intent, it is provided; however, most amendments did not provide the intent of the author, and the Attorney General will refer each member with a question to the author of any such amendment.

Each of the proposed amendments set forth below was timely submitted to the Attorney General pursuant to Bylaw Article IV, Section 4, Clause 5(c). As such, each of the proposed amendments set forth below shall be referred to the Committee on the Constitution for consideration, discussion and recommendation pursuant to Bylaw Article III, Section 6, Clause 3. Upon the recommendation of the Committee on the Constitution, whether favorably, or unfavorably, it is the sole province and responsibility of the Grand Arch Council, after the opportunity for full and open debate and deliberation on the floor of the Grand Arch Council, to pass judgment on each of the proposed amendments set forth below. Please see Constitution Article IX; Bylaws Article XVI.

For any proposed amendment to pass and be thereafter incorporated in the CBRs or the Ritual, a two-thirds (2/3) affirmative vote of the organizations represented at and entitled to vote at the Grand Arch Council is required. See Constitution Article IX; Bylaws Article XVI.

However, any Chapter or Alumni Association that has not met its financial obligations to the Fraternity, although it may be present at the Grand Arch Council, is not entitled to vote on any proposed amendment, or any other matter coming before the Grand Arch Council including the election of new officers. See Constitution, Article IX; Bylaws Article XIV, Section 4, and Section 5, Clause 4; and Article XVI.

Should any proposed amendment, not otherwise submitted to the Attorney General sixty (60) days prior to convening the Grand Arch Council, be brought to the floor of the Grand Arch Council, such proposed amendment may be considered by the Grand Arch Council upon the unanimous affirmative vote of all organizations present and entitled to vote at the Grand Arch Council. See Constitution, Article IX; Bylaws, Article XVI. Should the Grand Arch Council grant unanimous consent to the consideration of any such proposed amendment, the proposed amendment likewise will require a two thirds (2/3) affirmative vote to be passed by the Grand Arch Council. Furthermore, any offered amendment (i.e. addition, deletion, modification, amendment to, etc.) to any of the proposed amendments set forth below (all of which were timely submitted to the Attorney General) at least sixty (60) days prior to the Grand Arch Council) will, in itself, constitute a **new** proposed amendment which will not have been submitted to the Attorney General within sixty (60) days prior to the convening of the Grand Arch Council as required. Therefore, such an ‘amendment’ to a properly and timely submitted proposed amendment will require unanimous and affirmative consent of the organizations represented at and entitled to vote at the Grand Arch Council to be even considered for debate and a vote.

The Bylaws of the Fraternity provide that all matters involving the meaning, interpretation or construction of the law of the Fraternity shall be referred to the Attorney General of the Fraternity, and he shall provide his opinion thereon within thirty (30) days. Any such submission to the Executive Council or the Grand Arch Council is merely advisory. See Bylaws Article IV, Section 4, Clause b. Thus, in addressing the proposed amendments set forth below, the Attorney General has considered each in the context of the CBR, the Fraternity’s other governing documents (e.g. prior edicts of the Executive Council, trust indentures of Canonsburg Corporation, prior Attorney General Opinions, etc.), as well as state and federal law.

Should any member of the Fraternity or Chapter or Alumni Association delegate(s) have questions or issues in regard to any of the proposed amendments set forth below, or in regard to the process or procedure for the consideration of same, the Attorney General requests that all such questions or issues be directed to the Committee on the Constitution. Sponsors of proposed amendments should generally appear before the Committee on the Constitution to explain the reasoning for their proposed amendments. Moreover, the Attorney General will be available in committee to answer and response to any such questions or issues.

Each of the following proposed amendments will be presented to the 78<sup>th</sup> Grand Arch Council for consideration. All proposed amendments to the CBR are set forth herein by providing the entire article or clause to be amended, except in the case of proposed new sections and clauses, additional language is denoted herein by double underline and deleted text is denoted herein by ~~strikethrough~~.

The Attorney General received sixty-five (65) separate proposals for amending the Constitution, Bylaws and Rules of the Fraternity. Some of the submissions contain multiple proposed changes. To assist the reader in understanding the proposals, the following summary of each proposal is provided, along with a brief expression of the Attorney General's Opinion on the proposal. For a fuller understanding of each proposal, the reader is referred to the detailed discussion of each proposal contained herein.

#### **Proposed Amendment No. 2016-01**

Summary: A proposal to change the method of considering amendments to the Fraternity's Constitution, Bylaws and Rules; to permit the Executive Council, subject to ratification of the GAC to amend the Constitution, Bylaws and Rules of the Fraternity.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

#### **Proposed Amendment No. 2016-02**

Summary: A proposal to change the method of considering amendments to the Fraternity's Constitution, Bylaws and Rules; to permit the Executive Council, subject to ratification of the GAC to amend the Constitution, Bylaws and Rules of the Fraternity.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

#### **Proposed Amendment No. 2016-03**

Summary: A proposal to increase the fee paid by Alumni Associations to \$1,000.00 and to tie the fee increases to an annual adjustment of the Consumer Price Index.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

#### **Proposed Amendment No. 2016-04**

Summary: A proposal to increase the Pledge Fee to \$100.00 and to tie the fee increases to an annual adjustment of the Consumer Price Index.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

### **Proposed Amendment No. 2016-05**

Summary: A proposal to raise the Initiation Fee to \$300.00 and to tie the fee increases to an annual adjustment of the Consumer Price Index.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

### **Proposed Amendment No. 2016-06**

Summary: Prohibits Archons from accepting employment with EC members and provides sanctions for same.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

### **Proposed Amendment No. 2016-07**

Summary: Places a prohibition on EC members from accepting a position with the Fraternity for a period of two years.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. However, this provision may be in contravention of existing federal employment law, and may be considered an unfair restraint on employment. Therefore the Attorney General objects to adoption of the proposal, based upon current federal employment law.

### **Proposed Amendment No. 2016-08**

Summary: Removes penalties for an organizations failure to submit its report to *The Shield*.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

### **Proposed Amendment No. 2016-09**

Summary: Removes the annual \$5 alumni contribution.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

### **Proposed Amendment No. 2016-10**

Summary: Provides for a greater notice period for meetings of the Executive Council.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

#### **Proposed Amendment No. 2016-11**

Summary: Requests that the composition of Districts be assessed every ten (10) years.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

#### **Proposed Amendment No. 2016-12**

Summary: Requires that the Executive Director's annual report be published annually in *The Shield*.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

#### **Proposed Amendment No. 2016-13**

Summary: Deletes the exemption for Chapters from contributing to the Canonsburg Corporation.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

#### **Proposed Amendment No. 2016-14**

Summary: Provides limitations on the Executive Council's ability to revoke charters.

Opinion: If adopted, the proposal would conflict with Article IV, Section 5, Clause 1 of the Bylaws. Therefore the Attorney General objects to adoption of the proposal.

#### **Proposed Amendment No. 2016-15**

Summary: Provides limitations on the Executive Council's ability to revoke charters.

Opinion: If adopted, the proposal would conflict with Article IV, Section 5, Clause 1 of the Bylaws. Therefore the Attorney General objects to adoption of the proposal.

#### **Proposed Amendment No. 2016-16**

Summary: Provides limitations on the Executive Council's ability to revoke charters.

Opinion: If adopted, the proposal would conflict with Article IV, Section 5, Clause 1 of the Bylaws. Therefore the Attorney General objects to adoption of the proposal.

**Proposed Amendment No. 2016-17**

Summary: Provides for the creation of additional districts.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents; however, could conceivably create, as of current date, 10 Districts, conceivably with ten (10) Archons. The Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-18**

Summary: Changes the requirement the Executive Council have a minimum of four (4) meetings per year.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-19**

Summary: Provides for the prompt publication of Executive Council meeting minutes.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-20**

Summary: Provides the Fraternity use *Robert's Rules of Order, Newly Revised Edition*.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-21**

Summary: Provides for the publication of the 3 highest employees of Phi Kappa Psi.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-22**

Summary: Requires four annual issues of *The Shield*.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-23**

Summary: Provides for how our chapters conduct officer elections.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-24**

Summary: Outlines the functions of the Executive Board for our chapters.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-25**

Summary: Outlines the function of the Governing Committee for chapters.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-26**

Summary: Outlines the function of the Grievance Committee for chapters.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-27**

Summary: Outlines the function of the Grievance Committee for chapters.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-28**

Summary: Provides for the creation of an Alumnus and Public Relations Committee for chapters.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-29**

Summary: Provides for the appointment of a Law Review Board every two years.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-30**

Summary: Shortens the reporting period for new members.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-31**

Summary: Deletes the appointment of Editor of *The Shield*.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-32**

Summary: Provides for notice period for the dates of the Grand Arch Council, and how that notice is to be provided.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-33**

Summary: Provides for the composition of delegations for meetings of Phi Kappa Psi.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-34**

Summary: Provides for the elimination of the Committee on Extension.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-35**

Summary: Changes the way reports are delivered and presented.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-36**

Summary: Changes the voting of delegations.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-37**

Summary: Provides that the books and records of the Fraternity are to be made available to the brotherhood upon request.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-38**

Summary: Provides for the publication of amendments to the Constitution, Rules and Bylaws prior to the Grand Arch Council.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal. However, due to the volume of amendments received this biennium, if the membership wants this done, you will need to find a team of suckers, I mean lawyers, to accomplish this.

**Proposed Amendment No. 2016-39**

Summary: Provides for noticing meetings of the Executive Council.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-40**

Summary: Places a requirement the Executive Director live within thirty (30) miles of headquarters.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-41**

Summary: Provides for delivery of reports to the Executive Council.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-42**

Summary: Provides parameters for chapter advisors to serve the Fraternity.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-43**

Summary: Provides for publication of notice of District composition.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-44**

Summary: Requires disclosures and method for payment of fees.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-45**

Summary: Establishes a membership tax on Alumni Associations.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-46**

Summary: Provides for a change of time for issuing charters as well as the notice procedures for same.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-47**

Summary: Provides for a written report for the cost of *The Shield*.

Opinion: The Attorney General objects to this Amendment as this is already required by law.

**Proposed Amendment No. 2016-48**

Summary: Shortens the time to provide a pledge pin and manual to new members.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-49**

Summary: Requires initiation fees be paid electronically within forty-eight hours of initiation.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-50**

Summary: Provides for an increase in fees paid by Alumni Associations.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-51**

Summary: Increases the fine to an organization for failure to submit a report to *The Shield*.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-52**

Summary: Provides for an online only subscription to *The Shield* for new initiates.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-53**

Summary: Requires all candidates for the Executive Board announce their candidacy prior to the Grand Arch Council.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-54**

Summary: Provides for an increase of fees paid by Alumni Associations.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-55**

Summary: Changes a portion of the initiation fee to be directed to the Fraternity.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-56**

Summary: Provides the Fraternity have a balanced budget.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-57**

Summary: Provides parameters on who may serve as GP of chapters.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-58**

Summary: Provides for limitations of the Executive Council in revoking charters.

Opinion: If adopted, the proposal would conflict with Article IV, Section 5, Clause 1 of the Bylaws. Therefore the Attorney General objects to adoption of the proposal.

**Proposed Amendment No. 2016-59**

Summary: Gives the Executive Council the power to increase fees.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-60**

Summary: Provides for the increase in fees paid by Alumni Associations.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-61**

Summary: Provides for annual reports of Archons.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-62**

Summary: Provides for the increase in fees paid by Alumni Associations.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-63**

Summary: Increases the alumnus fee to \$50.00.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-64**

Summary: Changes how the Fraternity authorizes the use of its intellectual property.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-65**

Summary: Provides methodology for naming Alumni Associations.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-66**

Summary: Provides methodology for naming Alumni Clubs.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-67**

Summary: Shortens the time to respond to charges and provides for email notification of charges.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-68**

Summary: Shortens the time to respond to charges and provides for email notification of charges.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-69**

Summary: Shortens the time to respond to charges and provides for email notification of charges.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-70**

Summary: Shortens the time to respond to charges and provides for email notification of charges.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-71**

Summary: Shortens the time to respond to charges and provides for email notification of charges.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-72**

Summary: Shortens the time to respond to charges and provides for email notification of charges.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-73**

Summary: Shortens the time to respond to charges and provides for email notification of charges.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-74**

Summary: Shortens the time to respond to charges and provides for email notification of charges.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-75**

Summary: Changes the way proposed amendments to the Constitution, Bylaws and Rules of the Fraternity may be made, by allowing friendly amendments to otherwise properly submitted changes.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

**Proposed Amendment No. 2016-76**

Summary: Changes the way proposed amendments to the Constitution, Bylaws and Rules of the Fraternity may be made, by changing the voting requirements to create new amendments.

Opinion: If adopted, the proposal would not conflict with any other provision of the Fraternity's governing documents. Therefore the Attorney General expresses no objection to adoption of the proposal.

Proposal 2016-01

Bylaws Article XVI

Submitted by Barrett J. Anderson, Iowa Alpha, '05

Article XVI of the Bylaws of the Fraternity governs amendments to both the Bylaws and the Rules. The proposed amendment would move the power to amend the Bylaws and the Rules from the Grand Arch Council to the Executive Council, and obligate the Executive Council to publish amended Bylaws and Rules on two occasions: once after an amendment has been adopted and once prior to the next Grand Arch Council. The proposed amendment would further provide a mechanism by which the Grand Arch Council may, upon proposal by the Committee on the Constitution and with the consent of the Attorney General, rejected amendments adopted by the Executive Council during the previous Biennium.

Current Text:

These Bylaws and the Rules may be amended by the Grand Arch Council, by the affirmative vote of two-thirds of the organizations represented thereat and entitled to vote: Provided that a proposed amendment to or repeal of an existing Bylaw or Rule, shall not be considered without unanimous consent unless it shall have been filed with the Attorney General at least sixty (60) days prior to the convening of such Grand Arch Council; and provided that any amendment so adopted by a Grand Arch Council shall be submitted to a referendum vote upon the request thereof in writing by not less than twenty percent of the organizations in good standing filed with the Executive Director of the Fraternity not later than sixty (60) days after the receipt of notice from the Executive Director of the adoption of such amendment, and unless such amendment shall upon such referendum ballot receive the affirmative vote of two-thirds of the chapters and alumni associations in good fraternal standing, it shall be lost, notwithstanding such adoption by the Grand Arch Council.

Proposed Text:

Section 1. These Bylaws and the Rules may be amended by the Grand Arch Council, by the affirmative vote of two-thirds of the organizations represented thereat and entitled to vote: Provided that a proposed amendment to or repeal of an existing Bylaw or Rule, shall not be considered without unanimous consent unless it shall have been filed with the Attorney General at least sixty (60) days prior to the convening of such Grand Arch Council; and provided that any amendment so adopted by a Grand Arch Council shall be submitted to a referendum vote upon the request thereof in writing by not less than twenty percent of the organizations in good standing filed with the Executive Director of the Fraternity not later than sixty (60) days after the receipt of notice from the Executive Director of the adoption of such amendment, and unless such amendment shall upon such referendum ballot receive the affirmative vote of two-thirds of the chapters and alumni associations in good fraternal standing, it shall be lost, notwithstanding such adoption by the Grand Arch Council.

SECTION 2. Power to Amend.

These Bylaws and the Rules may be amended by affirmative vote of two thirds of the full Executive Council.

SECTION 3. Publication of Amendments.

Once adopted by the Executive Council, the text of any amendment to these Bylaws or the Rules shall be promptly published to the Fraternity.

SECTION 4. Grand Arch Council Review.

Clause 1. The text of any and all amendments to these Bylaws or the Rules adopted by the Executive Council during a Biennium shall be compiled and published to the Fraternity prior to the convening of the succeeding Grand Arch Council. The Committee on the Constitution shall thereafter consider and report to the Grand Arch Council regarding each Amendment.

Clause 2. Each amendment to these Bylaws or the Rules adopted by the Executive Council during a Biennium shall be subject to a vote at the succeeding Grand Arch Council, and each amendment shall be considered valid unless rejected by a majority of the organizations represented and entitled to vote at the Grand Arch Council.

**A. Summary of the Proposed Amendment**

This amendment alters the way the Constitution, Bylaws and Rules of the Fraternity are amended, and give the Executive Council the authority to make changes to the governing documents of the Fraternity.

**B. Governing Law**

Bylaws Article XVI

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XVI.

## **Proposal 2016-02**

### Bylaws Article XVI

Submitted by Barrett J. Anderson, Iowa Alpha, '05

Article XVI of the Bylaws of the Fraternity governs amendments to both the Bylaws and the Rules. The proposed amendment would move the power to amend the Bylaws and the Rules from the Grand Arch Council to the Executive Council, and obligate the Executive Council to publish amended Bylaws and Rules on two occasions: once after an amendment has been adopted and once prior to the next Grand Arch Council. The proposed amendment would further provide a mechanism by which the Grand Arch Council may, upon proposal by the Committee on the Constitution and with the consent of the Attorney General, rejected amendments adopted by the Executive Council during the previous Biennium.

#### Current Text:

These Bylaws and the Rules may be amended by the Grand Arch Council, by the affirmative vote of two-thirds of the organizations represented thereat and entitled to vote: Provided that a proposed amendment to or repeal of an existing Bylaw or Rule, shall not be considered without unanimous consent unless it shall have been filed with the Attorney General at least sixty (60) days prior to the convening of such Grand Arch Council; and provided that any amendment so adopted by a Grand Arch Council shall be submitted to a referendum vote upon the request thereof in writing by not less than twenty percent of the organizations in good standing filed with the Executive Director of the Fraternity not later than sixty (60) days after the receipt of notice from the Executive Director of the adoption of such amendment, and unless such amendment shall upon such referendum ballot receive the affirmative vote of two-thirds of the chapters and alumni associations in good fraternal standing, it shall be lost, notwithstanding such adoption by the Grand Arch Council.

#### Proposed Text:

Section 1. These Bylaws and the Rules may be amended by the Grand Arch Council, by the affirmative vote of two-thirds of the organizations represented thereat and entitled to vote: Provided that a proposed amendment to or repeal of an existing Bylaw or Rule, shall not be considered without unanimous consent unless it shall have been filed with the Attorney General at least sixty (60) days prior to the convening of such Grand Arch Council; and provided that any amendment so adopted by a Grand Arch Council shall be submitted to a referendum vote upon the request thereof in writing by not less than twenty percent of the organizations in good standing filed with the Executive Director of the Fraternity not later than sixty (60) days after the receipt of notice from the Executive Director of the adoption of such amendment, and unless

such amendment shall upon such referendum ballot receive the affirmative vote of two-thirds of the chapters and alumni associations in good fraternal standing, it shall be lost, notwithstanding such adoption by the Grand Arch Council.

SECTION 2. Power to Amend.

These Bylaws and the Rules may be amended by affirmative vote of two thirds of the full Executive Council.

SECTION 3. Publication of Amendments.

Once adopted by the Executive Council, the text of any amendment to these Bylaws or the Rules shall be promptly published to the Fraternity.

SECTION 4. Grand Arch Council Review.

Clause 1. The text of any and all amendments to these Bylaws or the Rules adopted by the Executive Council during a Biennium shall be compiled and published to the Fraternity prior to the convening of the succeeding Grand Arch Council. The Committee on the Constitution shall thereafter consider and report to the Grand Arch Council regarding each Amendment.

Clause 2. Each amendment to these Bylaws or the Rules adopted by the Executive Council during a Biennium shall be subject to a vote at the succeeding Grand Arch Council, and each amendment shall be considered valid unless rejected by two thirds of the organizations represented and entitled to vote at the Grand Arch Council.

**A. Summary of the Proposed Amendment**

This amendment alters the way the Constitution, Bylaws and Rules of the Fraternity are amended, and give the Executive Council the authority to make changes to the governing documents of the Fraternity.

**B. Governing Law**

Bylaws Article XVI

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XVI.

### **Proposal 2016-03**

Bylaws Article XIV, Section 4. Alumni Associations Amendment

Submitted by the Executive Council of the Phi Kappa Psi Fraternity

Current Text:

No alumni association shall be entitled to vote, or to representation at a Fraternity Council, unless it shall have paid for two consecutive years immediately preceeding, to the Executive Director of the Fraternity on or before the first day of May of each year, the annual sum of one hundred dollars (\$100.00) for the general uses of the Fraternity.

Proposed Text:

No alumni association shall be entitled to vote, or to representation at a Fraternity Council, unless it shall have paid for two consecutive years immediately preceeding, to the Executive Director of the Fraternity on or before the first day of May of each year, the annual sum of ~~one hundred dollars (\$100.00)~~ one thousand dollars (\$1,000.00) for the general uses of the Fraternity.

This Alumni Association Fee shall be adjusted annually pursuant to the Consumer Price Index.

#### **A. Summary of the Proposed Amendment**

This amendment increases the annual alumni association fee to \$1,000.00, and ties that fee increase to the annually to the Consumer Price Index.

#### **B. Governing Law**

Bylaws Article XIV, Section 4. Alumni Associations Amendment

#### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XIV, Section 4.

## **Proposal 2016-04**

### Bylaws Article XIV, Section 1. Pledge Fee

Submitted by the Executive Council of the Phi Kappa Psi Fraternity

Current Text:

Before the date of pledging, each individual to be formally pledged by a chapter shall pay to the treasurer of that chapter, and the treasurer shall forthwith pay to the Executive Director of the Fraternity within seven (7) calendar days of the pledging ceremony by guaranteed instrument such as a cashier's check, money order, credit card or check drawn on the chapter's account, the sum of \$50 as a pledge fee for which the pledge shall receive a copy of the Fraternity manual.

Proposed Text:

Before the date of pledging, each individual to be formally pledged by a chapter shall pay to the treasurer of that chapter, and the treasurer shall forthwith pay to the Executive Director of the Fraternity within seven (7) calendar days of the pledging ceremony by guaranteed instrument such as a cashier's check, money order, credit card or check drawn on the chapter's account, the sum of ~~\$50~~ \$100 as a pledge fee for which the pledge shall receive a copy of the Fraternity manual.

This Pledge Fee shall be adjusted annually pursuant to the Consumer Price Index.

#### **A. Summary of the Proposed Amendment**

This amendment increases the Pledge Fee to \$100.00, and ties that fee increase to the annually to the Consumer Price Index.

#### **B. Governing Law**

Article XIV, Section 1. Pledge Fee

#### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XIV, Section 1.

### **Proposal 2016-05**

Bylaws Article XIV, Section 2. Clause 2 and Clause 3. Initiation Fee

Submitted by the Executive Council of the Phi Kappa Psi Fraternity

Current Text:

Clause 2. The maximum initiation fee to be charged by a chapter shall be \$300.00 and the minimum 250.00.

Clause 3. \$250 of each initiation fee charged by the chapter shall be remitted at once by the treasurer of the chapter to the Executive Director of the Fraternity by guaranteed instrument such as a cashier's check, money order, credit card or check drawn on the chapter's account, which sum shall constitute payment in full of each initiation fee, recording fee, life membership and all other fees and taxes charges by the Fraternity to members and for which each shall receive:

- a. The official badge
- b. A membership certificate
- c. A paid-up life subscription to *The Shield*

Proposed Text:

Clause 2. The initiation fee to be charged by a chapter shall be \$275.00. This initiation fee shall be adjusted annually pursuant to the Consumer Price Index.

Clause 3. ~~\$250 of each~~ The initiation fee charged by the chapter shall be remitted at once by the treasurer of the chapter to the Executive Director of the Fraternity by guaranteed instrument such as a cashier's check, money order, credit card or check drawn on the chapter's account, which

sum shall constitute payment in full of each initiation fee, recording fee, life membership and all other fees and taxes charges by the Fraternity to members and for which each shall receive:

- a. The official badge
- b. A membership certificate
- c. A paid-up life subscription to *The Shield*

#### **A. Summary of the Proposed Amendment**

This amendment increases the Initiation Fee to \$275.00, and ties that fee increase to the annually to the Consumer Price Index.

#### **B. Governing Law**

Bylaws Article XIV, Section 2. Clause 2 and Clause 3. Initiation Fee

#### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XIV, Section 2, Clause 3.

### **Proposal 2016-06**

Bylaws Article IV, Section 5, Clause 16 (Proposed New Provision)

Submitted by: Matthew Bratsch, New Jersey Epsilon '11

Proposed Text:

Article IV, Section 5, Clause 16. All Executive Council members are prohibited from offering employment, and/or monetary compensation to any Archon during their tenure.

Violation of this bylaw will result in immediate removal from the Executive Council.

**A. Summary of the Proposed Amendment**

This amendment prohibits and Archon from accepting or a member of the EC from offering employment to a member of the Archonate, and provides for any parties immediate removal from the EC for violation.

**B. Governing Law**

Article IV, Section 5, Clause 16 (Proposed New Provision)

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article IV, Section 5, New Clause 16.

**Proposal 2016-07**

Bylaws Article IV, Section 1, Clause 3 (Proposed New Provision)

Submitted by: Kevin Marks, Valpo '92

Amendment Purpose as Stated by the Author: Article IV, Section 1 of the Bylaws of the Fraternity governs membership of the Executive Council. The proposed amendment shall place a restriction on Executive Council members from being eligible for immediate employment on the professional staff of the Fraternity.

Having a separation period eliminates the possibility of a conflict of interest situation to arise and force staff changes for personal gain. This proposal also allows a board member a separation period from being on the board to having to report to the board which can be difficult transition going from a peer to an employee of the Executive Council.

Proposed Text:

Clause 3. Membership on the Executive Council as President, Vice President, Treasurer, Secretary or Archons shall preclude for a minimum period of two (2) years after leaving office, the ability to be employed on the professional staff of the Fraternity.

**A. Summary of the Proposed Amendment**

This amendment prohibits members of the Executive Council from accepting a position as a staff member of the Fraternity for a period of two years. The intent is to prevent EC members from making staff changes for their own personal benefit.

**B. Governing Law**

Bylaws Article IV, Section 1, Clause 3 (Proposed New Provision)

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. However, this provision may violate federal employment law as an unreasonable restraint on trade. Therefore, the Attorney General objects to adoption of the proposal to amend Bylaws Article IV, Section 1, New Clause 3.

**Proposal 2016-08**

Bylaws Article XIV, Section 5, Clause 7

Submitted by: Kevin Marks, Valpo '92

Amendment Purpose as Stated by the Author: Article XIV, Section 5, Clause 7 of the Bylaws of the Fraternity governs the penalty for failure of a chapter to communicate with *The Shield* as directed. The listed penalty has not been enforced by the Executive Council for some period of time. As the administrative cost for collecting \$2 far outweighs the effectiveness of collecting the fee, this proposal shall remove the clause from the Bylaws and place the responsibility of communication upon the chapter itself.

Current Text:

Clause 7. Failure by any chapter to have a communication to *The Shield* as directed by the Executive Council shall involve a penalty of two dollars (\$2) for each omission, which shall be collectible forthwith by the Executive Director of the Fraternity.

Proposed Text:

~~Clause 7. Failure by any chapter to have a communication to *The Shield* as directed by the Executive Council shall involve a penalty of two dollars (\$2) for each omission, which shall be collectible forthwith by the Executive Director of the Fraternity.~~

#### **A. Summary of the Proposed Amendment**

This amendment deletes Clause 7 of Article XIV, Section 5, which provided for penalties for failure to submit a report to *The Shield*. The deletion eliminates the penalty.

#### **B. Governing Law**

Bylaws Article XIV, Section 5, Clause 7

#### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore,

the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XIV, Section 5, Clause 7.

**Proposal 2016-09**

Bylaws Article XIV, Section 8

Submitted by: Kevin Marks, Valpo '92

Amendment Purpose as Stated by Author: Article XIV Section 8 of the Bylaws of the Fraternity governs a request by the Executive Council for an alumnus fee from all alumni. As this Section has been neglected by the Executive Council for years and all fundraising responsibilities abdicated to the Phi Kappa Psi Foundation, the proposed amendment is to remove it from the Bylaws.

Current Text:

Every alumnus shall be requested by the Executive Council to contribute five dollars (\$5) or more annually to the Fraternity. All moneys so collected from the aforesaid contributions shall be paid into and become part of the General Fund of the Fraternity.

Proposed Text:

~~Every alumnus shall be requested by the Executive Council to contribute five dollars (\$5) or more annually to the Fraternity. All moneys so collected from the aforesaid contributions shall be paid into and become part of the General Fund of the Fraternity.~~

**A. Summary of the Proposed Amendment**

This amendment deletes Section 8 of Article XIV, which provided for annual contribution of \$5 per alumnus.

**B. Governing Law**

Bylaws Article XIV, Section 8

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XIV, Section 8.

## **Proposal 2016-10**

### Bylaws Article IV, Section 6, Clause 2

Submitted by: Kevin Marks, Valpo '92

Amendment Purpose as Stated by Author: Article IV, Section 6, Clause 2 of the Bylaws of the Fraternity governs the required notice to be provided for Executive Council meetings. In order to allow member organization representatives (undergraduate chapters, advisory teams, house corporations and alumni associations) a reasonable opportunity to make travel plans it is recommended to increase the time period for providing this notice.

Additionally in order to provide greater transparency it is recommended that the Executive Council provide a meeting agenda ahead of time so the member organizations may have time to review and contact their Archon regarding items that may pertain to them.

Current Text:

Clause 2. The Executive Council shall notify the organizations of the Fraternity of the times and places of its meetings at least fifteen (15) days prior thereto.

Proposed Text:

The Executive Council shall notify the organizations of the Fraternity of the times and places of its meetings at least ~~fifteen (15)~~ thirty (30) days prior thereto. The Executive Council shall provide the proposed agenda to all organizations of the Fraternity at least ten (10) calendar days prior thereto.

#### **A. Summary of the Proposed Amendment**

This amendment deletes expands the notice time required for Executive Council meetings.

## **B. Governing Law**

Bylaws Article IV, Section 6, Clause 2

## **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article IV, Section 6, Clause 2.

## **Proposal 2016-11**

Bylaws Article IX, Section 1, Clause 2

Submitted by: Kevin Marks, Valpo '92

Amendment Purpose as Stated by Author: Article IX of the Bylaws of the Fraternity governs the division of the Fraternity into Districts. The current time frame for redistricting is open ended and has not been reviewed in over 20 years during which time the Fraternity has grown significantly. The lack of District review has allowed for districts of greatly varying size, both geography and number of organizations. This proposal will introduce a set period into the division of Districts to allow for regular review and rebalancing of the Districts.

Current text:

Clause 2. The basis of District division shall be geographical proximity and administrative efficiency. The Fraternity organizations which shall belong to each District are to be determined from time to time by the Executive Council.

Proposed text:

The basis of District division shall be geographical proximity and administrative efficiency. The Fraternity organizations which shall belong to each District are to be determined from time to time by the Executive Council. This determination shall occur during the last full biennium of each decade and shall be complete and placed in effect at the last Grand Arch Council of each decade.

**A. Summary of the Proposed Amendment**

This amendment requires a regular period for evaluation of District composition.

**B. Governing Law**

Bylaws Article IX, Section 1, Clause 2

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article IX, Section 1, Clause 2.

**Proposal 2016-12**

Bylaws Article V, Section 2, Clause 4.

Submitted by: Kevin Marks, Valpo '92

Amendment Purpose as Stated by Author: Article V, Section 2, Clause 4 pertains to the issuance of an annual report by the Executive Director of the Fraternity. There is no timetable expressed

in the documents. The proposed amendment codifies a timetable for the issuance of this annual report.

Current text:

Clause 4. The Executive Director shall publish and annual report setting forth the general conditions of the Fraternity and showing number of alumni, undergraduates, initiates, transfers, dismissions,suspensions, expulsions, chapter houses and other matters of general interest.

Proposed text:

Clause 4. The Executive Director shall publish and annual report in the first published issue of *The Shield* each calendar year setting forth the general conditions of the Fraternity and showing number of alumni, undergraduates, initiates, transfers, dismissions, suspensions, expulsions, chapter houses and other matters of general interest.

#### **A. Summary of the Proposed Amendment**

This amendment requires the annual report of the Fraternity be published in the first yearly edition of *The Shield*.

#### **B. Governing Law**

Bylaws Article V, Section 2, Clause 4

#### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article V, Section 2, Clause 4.

## **Proposal 2016-13**

### Bylaws Article XIV, Section 9. Housing Fee

Submitted by: Steve Nieslawski, Illinois Delta 1978

#### Current Text:

Clause 1. Fees Assessed. Effective February 4, 2009 and each January 1 thereafter, each chapter shall be assessed a fee of \$20.00 per member based on the most recent membership census. One-half of said fee shall be billed in the spring semester and the remaining one half shall be billed in the fall semester. All fees shall be remitted to the Executive Director, to be dedicated exclusively to The Canonsburg Corporation.

Clause 2. Exemptions. Those chapters that do not pay property insurance may be exempted from said fee, upon application to and approval by the Executive Council.

#### Proposed Text:

Clause 1. Fees Assessed. Effective February 4, 2009 and each January 1 thereafter, each chapter shall be assessed a fee of \$20.00 per member based on the most recent membership census. One-half of said fee shall be billed in the spring semester and the remaining one half shall be billed in the fall semester. All fees shall be remitted to the Executive Director, to be dedicated exclusively to The Canonsburg Corporation.

~~Clause 2. Exemptions. Those chapters that do not pay property insurance may be exempted from said fee, upon application to and approval by the Executive Council.~~

#### **A. Summary of the Proposed Amendment**

This amendment eliminates the exemption that organizations pay to the Canonsburg Corporation.

#### **B. Governing Law**

Bylaws Article XIV, Section 9. Housing Fee

#### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XIV, Section 9.

## **Proposal 2016-14**

Bylaws Article IV, Section 7. Clause 1. Rights Reserved to Chapters

Submitted by: David A. Jones, Texas Beta '55

Current Text:

The Amendment proposes to add a new Section 7, Clause 1, to Article IV of the Bylaws.

Proposed Text:

Article IV, Section 7, Rights Reserved to Chapters. The Executive Council or the Executive Board shall not suspend or revoke charters, appoint chapter supervisory committees, or take any other action against a chapter without due process, which shall include:

1. Providing the chapter with a copy of the complaint against the chapter;
2. Allowing the chapter to present a defense; and
3. Providing the chapter the date and location of the Executive Council meeting at which the action was taken and a copy of the motion or resolution that was passed authorizing the action.

### **A. Summary of the Proposed Amendment**

This amendment places limitations on the Executive Council's ability to suspend or revoke charters, as well as appoint supervisory committees.

### **B. Governing Law**

Bylaws Article IV, Section 7. Clause 1. Rights Reserved to Chapters

Bylaws Article IV, Section 5, Clause 1

### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment conflicts with Bylaw Article IV, Section 5, Clause 1. Therefore, the Attorney General objects to adoption of the proposal to amend Bylaws Article IV, Section 7. Clause 1.

### **Proposal 2016-15**

Bylaws Article IV, Section 7. Clause 2. Rights Reserved to Chapters

Submitted by: David A. Jones, Texas Beta '55

Current Text:

The Amendment proposes to add a new Section 7, Clause 2, to Article IV of the Bylaws.

Proposed Text:

Clause 2. The Executive Council or the Executive Board shall not suspend or revoke charters, appoint chapter supervisory committees, or taken any other action against a chapter solely to conduct an investigation.

#### **A. Summary of the Proposed Amendment**

This amendment places limitations on the Executive Council to suspend or revoke charters.

#### **B. Governing Law**

Bylaws Article IV, Section 7. Clause 2. Rights Reserved to Chapters

Bylaws Article IV, Section 5, Clause 1

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment conflicts with Bylaw Article IV, Section 5, Clause 1. Therefore, the Attorney General objects to adoption of the proposal to amend Bylaws Article IV, Section 7. Clause 2.

**Proposal 2016-16**

Bylaws Article IV, Section 7. Clause 3. Rights Reserved to Chapters

Submitted by: David A. Jones, Texas Beta '55

Current Text:

The Amendment proposes to add a new Section 7, Clause 3, to Article IV of the Bylaws.

Proposed Text:

The Executive Council or the Executive Board shall not suspend or revoke charters, appoint chapter supervisory committees, or take any other action against a chapter solely or primarily because of the desire of the college at which the chapter is located.

**A. Summary of the Proposed Amendment**

This amendment places limitations on the Executive Council to suspend or revoke charters.

**B. Governing Law**

Bylaws Article IV, Section 7. Clause 3. Rights Reserved to Chapters

Bylaws Article IV, Section 5, Clause 1

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment conflicts with Bylaw Article IV, Section 5, Clause 1. Therefore, the Attorney General objects to adoption of the proposal to amend Bylaws Article IV, Section 7. Clause 3.

### **Proposal 2016-17**

Bylaws Article IX, Section 1. Clause 3. Rights Reserved to Chapters

Submitted by: David A. Jones, Texas Beta '55

Current Text:

The Amendment proposes to add a new Section 1, Clause 3, to Article IX of the Bylaws.

Proposed Text:

Clause 3. There shall average at least one District for every 10 active chapters.

#### **A. Summary of the Proposed Amendment**

This amendment requires the creation of a new district for each ten (10) chapters of the Fraternity. The amendment would greatly expand the archonate.

#### **B. Governing Law**

Article IX, Section 1, Clause 3.

#### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article IX, Section 1, Clause 3.

## **Proposal 2016-18**

### Bylaws Article IV, Section 6, Meetings

Submitted by: David A. Jones, Texas Beta '55

Current Text:

Clause 1. The Executive Council shall hold at least one stated meeting each calendar year.

Clause 2. The Executive Council shall notify the organizations of the Fraternity of the times and places of its meetings at least fifteen (15) days prior thereto.

Clause 3. A majority of the members of the Executive council shall constitute a quorum.

Clause 4. The Attorney General shall attend all meetings of the Executive Council. Other appointed officers shall attend meetings of the Executive Council upon the invitation of the President.

Proposed Text:

Clause 1. The Executive Council shall hold at least ~~one~~ four stated meetings each calendar year.

Clause 2. The Executive Council shall notify the organizations of the Fraternity of the times and places of its meetings at least fifteen (15) days prior thereto.

Clause 3. A majority of the members of the Executive council shall constitute a quorum.

Clause 4. The Attorney General shall attend all meetings of the Executive Council. Other appointed officers shall attend meetings of the Executive Council upon the invitation of the President.

## **A. Summary of the Proposed Amendment**

This amendment requires the Executive Council hold four (4) meetings per year.

**B. Governing Law**

Bylaws Article IV, Section 6, Meetings

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article IV, Section 6.

**Proposal 2016-19**

Bylaws Article IV, Section 6, Meetings

Submitted by: David A. Jones, Texas Beta '55

Current Text:

The Amendment proposes to add a new Section 6, Clause 5, to Article IV of the Bylaws.

Proposed Text:

Clause 5. Minutes of the meetings of the Executive Council shall promptly be published, announced and readily available to any member of the Fraternity.

**A. Summary of the Proposed Amendment**

This amendment requires the prompt publication of meeting minutes of the Executive Council.

**B. Governing Law**

Bylaws Article IV, Section 6, Meetings

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article IV, Section 6.

**Proposal 2016-20**

Bylaws Article XV, Section 1. Clause 1. Parliamentary.

Submitted by: David A. Jones, Texas Beta '55

Current Text:

Clause 1. *Roberts Rules of Order-Revised* shall be the parliamentary authority in all cases not provided for in this Constitution or the Bylaws of the Fraternity.

Proposed Text:

Clause 1. *Roberts Rules of Order-Newly Revised* shall be the parliamentary authority in all cases not provided for in this Constitution or the Bylaws of the Fraternity.

**A. Summary of the Proposed Amendment**

This amendment requires use of the *Newly Revised* version of Robert's Rules of Order.

**B. Governing Law**

Bylaws Article XV, Section 1. Clause 1. Parliamentary.

### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XV, Section 1.

### **Proposal 2016-21**

Bylaws Article IV, Section 3, Clause 5, Executive Board

Submitted by: David A. Jones, Texas Beta '55

Current Text:

The Amendment proposes to add a new Section 3, Clause 5, to Article IV of the Bylaws.

Proposed Text:

Clause 5. The Executive Board shall publish annually the amounts of the salaries, allowances, compensations and pensions of the three highest paid Fraternity officers or employees.

#### **A. Summary of the Proposed Amendment**

This amendment requires publication of the three highest salaries of Fraternity employees.

#### **B. Governing Law**

Bylaws Article IV, Section 3, Clause 5, Executive Board

### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article IV, Section 3, Clause 5.

### **Proposal 2016-22**

Bylaws Article XIII, Section 1, Clause 2. The Shield

Submitted by: Kevin Marks, Valpo, 92

Amendment Purpose as Stated by Author: Article XIII, Section 1, Clause 2 governs the frequency of publication of *The Shield*. The proposed amendment quantifies the number of publications per year at four (4) which will allow the Fraternity to take advantage of quarterly non-profit mailing rates. Creating a set number of issues will allow for proper annual budgeting.

Current Text:

Clause 2. *The Shield* shall be edited and published under the direction and control of the Executive Council, which body shall designate the number of issues of *The Shield*.

Proposed Text:

Clause 2. *The Shield* shall be edited and published under the direction and control of the Executive Council, ~~which body shall designate the number of issues of *The Shield*.~~ There shall be four (4) issues of *The Shield* published each calendar year.

#### **A. Summary of the Proposed Amendment**

This amendment requires *The Shield* be published four times per year.

#### **B. Governing Law**

Bylaws Article XIII, Section 1, Clause 2. The Shield

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XIII, Section 1, Clause 2.

**Proposal 2016-23**

Bylaws Article VI, Section 6, Clause 2.

Submitted by: Matt Goldsmith, Ohio Theta, '09

Current Text:

Section 6. Officers.

Clause 2. Each officer shall be chosen semi-annually, through majority vote, and not otherwise, at such times as may be prescribed in the chapter Bylaws, except the P, the AG, and SG, who shall be elected annually, and except the GP, who shall be elected either annually or semi-annually. The P shall be elected at a meeting held subsequent to the first of January of each year to be determined by the Bylaws of each chapter, and the AG and the SG shall be elected at the meeting before the last regular meeting of the chapter of each collegiate year, or at such other time or times for election of officers as the Executive Board of the Fraternity shall approve. Provided, however, each elected officer of the chapter, except in exceptional circumstances, meet personally the Fraternity's standard for grades required of chapters, effective September 1989.

Proposed text:

~~Clause 2. Each officer shall be chosen semi-annually, through majority vote, and not otherwise, at such times as may be prescribed in the chapter Bylaws, except the P, the AG, and SG, who shall be elected annually, and except the GP, who shall be elected either annually or semi-annually. The P shall be elected at a meeting held subsequent to the first of January of each year to be determined by the Bylaws of each chapter, and the AG and the SG shall be elected at the~~

~~meeting before the last regular meeting of the chapter of each collegiate year, or at such other time or times for election of officers as the Executive Board of the Fraternity shall approve. Provided, however, each elected officer of the chapter, except in exceptional circumstances, meet personally the Fraternity's standard for grades required of chapters, effective September 1989.~~

Each officer shall be chosen semi-annually, through majority vote, and not otherwise, at such times as may be prescribed in the chapter Bylaws, except the GP, VGP, AG, BG, P and SG, who shall be elected annually at a meeting held prior to the first of January of each year to be determined by the Bylaws of each chapter, or at such other time or times for election of officers as the Executive Board of the Fraternity shall approve. Provided, however, each elected officer of the chapter, except in exceptional circumstances, meet personally the Fraternity's standard for grades required of chapters, effective September 1989.

**A. Summary of the Proposed Amendment**

This amendment changes how officers of chapters are elected.

**B. Governing Law**

Bylaws Article VI, Section 6, Clause 2

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article VI, Section 6, Clause 2.

**Proposal 2016-24**

Bylaws Article VI, Section 7, Executive Board

Submitted by: Matt Goldsmith, Ohio Theta, '09

Amendment Purpose as Stated by Author: Article VI, Section 6 of the Bylaws of the Fraternity governs chapter officers. The proposed amendment would create a new section between Sections 6 and 7, which creates a chapter Executive Board. This will require standard renumbering of current Sections 7-15 to reflect this addition. This aligns our chapters with the Fraternity's structure nationally, and recognizes what is already commonplace among chapters.

Current Text:

There is no current text, this Amendment will add a new provision to the Bylaws.

Proposed Text:

### Section 7. Executive Board.

#### Clause 1.

- a. The Executive Board of each chapter shall consist of the chapter's GP, VGP, AG, BG and P, and shall have the authority to provide oversight and direction to the officers and committees, and to examine the chapter books of the various chapter officers and committees at least twice a year, and shall perform such other duties as the chapter may require.
- b. The GP shall be the Chairman of the Executive Board. The Chairman shall be considered a non-voting member of the Board except in the case of tied votes.
- c. The BG shall serve as the secretary of the Executive Board, and shall keep minutes.

Clause 2. The Executive Board shall recommend candidates to fill any vacancies in chapter offices, subject to the approval by two-thirds of undergraduate chapter members in good standing.

#### **A. Summary of the Proposed Amendment**

This amendment establishes the composition of the Executive Board.

#### **B. Governing Law**

Bylaws Article VI, Section 7, Executive Board

#### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article VI, Section 7.

## **Proposal 2016-25**

Bylaws Article VI, Section 10, Clause 2. Committees

Submitted by: Matt Goldsmith, Ohio Theta, '09

Amendment Purpose as Stated by Author: Article VI, Section 10 of the Bylaws of the Fraternity governs chapter committees. The proposed amendment would change Section 10, Clause 2, which describes the Governing Committee. This amendment removes judicial/investigative power from the committee, but explicitly grants legislative authority over the Code of Conduct.

Current Text:

Clause 2. The Governing Committee shall consists of the GP, VGP ad at least three other undergraduate members of the chapter, and the GP shall serve as Chairman; It shall be the duty of this committee to exercise general supervision over the conduct of chapter affairs and the individual conduct of the undergraduate members of the chapter, and to examine the chapter books of the various chapter officers and committees at least twice a year.

Proposed Text:

~~Clause 2. The Governing Committee shall consists of the GP, VGP ad at least three other undergraduate members of the chapter, and the GP shall serve as Chairman; It shall be the duty of this committee to exercise general supervision over the conduct of chapter affairs and the individual conduct of the undergraduate members of the chapter, and to examine the chapter books of the various chapter officers and committees at least twice a year.~~

Clause 2. The Governing Committee shall consist of the GP, VGP and at least three undergraduate members of the chapter, and the GP shall not serve as Chairman. It shall be the duty of this committee to exercise general supervision over the conduct of chapter affairs and determine and maintain the Code of Conduct of the chapter.

### **A. Summary of the Proposed Amendment**

This amendment clarifies the composition of the Governing Committee.

## **B. Governing Law**

Bylaws Article VI, Section 10, Clause 2. Committees

## **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article VI, Section 10, Clause 2.

## **Proposal 2016-26**

Bylaws Article VI, Section 10, Clause 4. Committees

Submitted by: Matt Goldsmith, Ohio Theta, '09

Amendment Purpose as Stated by Author: Article VI, Section 10 of the Bylaws of the Fraternity governs chapter committees. The proposed amendment would change Section 10, Clause 4, which describes the Grievance Committee. This amendment unifies judicial power of the chapter into this committee.

Current Text:

Clause 4. The Grievance Committee shall consist of at least three undergraduate members of the chapter appointed by the GP, and it shall be the duty of this committee to examine, without delay, all complaints and charges referred to it, and to report thereon to the chapter at the next regular meeting.

Proposed Text:

Clause 4.

- a. The Grievance Committee shall consist of at least three undergraduate members of the chapter appointed by the GP, and it shall be the duty of this committee to examine, without delay, all complaints and charges referred to it, and to report thereon to the chapter at the next regular meeting.
- b. The Grievance Committee shall exercise the sole judicial authority of the chapter, with decisions subject to approval by 50 percent of the undergraduate members in good standing, except in cases of Offenses against the Fraternity.

#### **A. Summary of the Proposed Amendment**

This amendment clarifies the Grievance Committee.

#### **B. Governing Law**

Bylaws Article VI, Section 10, Clause 4. Committees

#### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article VI, Section 10, Clause 4.

#### **Proposal 2016-27**

Bylaws Article VI, Section 10, Clause 4. Committees

Submitted by: Matt Goldsmith, Ohio Theta, '09

Amendment Purpose as Stated by Author: Article VI, Section 10 of the Bylaws of the Fraternity governs chapter committees. The proposed amendment would change Section 10, Clause 4, which describes the Grievance Committee. This amendment unifies judicial power of the chapter into this committee.

Current Text:

Clause 4. The Grievance Committee shall consist of at least three undergraduate members of the chapter appointed by the GP, and it shall be the duty of this committee to examine, without delay, all complaints and charges referred to it, and to report thereon to the chapter at the next regular meeting.

Proposed Text:

Clause 4.

- a. The Grievance Committee shall consist of at least three undergraduate members of the chapter appointed by the GP, and it shall be the duty of this committee to examine, without delay, all complaints and charges referred to it, and to report thereon to the chapter at the next regular meeting.
- b. No member of the Grievance Committee shall be a member of both the Governing Committee and the Executive Board.
- c. The Grievance Committee shall exercise the sole judicial authority of the chapter, with decisions subject to approval by 50 percent of the undergraduate members in good standing, except in cases of Offenses against the Fraternity.

#### **A. Summary of the Proposed Amendment**

This amendment outlines the procedures for the Grievance Committee.

#### **B. Governing Law**

Bylaws Article VI, Section 10, Clause 4. Committees

#### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore,

the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article VI, Section 10, Clause 4.

**Proposal 2016-28**

Bylaws Article VI, Section 10, Clause 1 and new Clause 7.

Submitted by: Matt Goldsmith, Ohio Theta, '09

Amendment Purpose as Stated by Author: Article VI, Section 10 of the Bylaws of the Fraternity governs committees. The proposed amendment would create a new section between Clauses 6 and 7, which creates a chapter Fraternity Education Committee. This will require the standard renumbering of current Sections 7-8 to reflect this addition.

Current Text:

Section 10. Committees.

Clause 1.

- a. Governing
- b. Membership
- c. Grievance
- d. Scholarship
- e. Alumni and Public Relations

Proposed Text:

Section 10. Committees.

Clause 1.

- a. Governing
- b. Membership
- c. Grievance
- d. Scholarship
- e. Alumni and Public Relations
- f. Fraternity Education Committee

Clause 7. The Fraternity Education Committee shall consist of at least three undergraduate members appointed by the GP, and it shall be the duty of this committee to oversee, according to the National Fraternity's guidelines, member and new member education for the chapter.

**A. Summary of the Proposed Amendment**

This amendment creates a Fraternity Education Committee.

**B. Governing Law**

Article VI, Section 10, Clause 1 and new Clause 7.

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article VI, Section 10, Clause 2.

**Proposal 2016-29**

Bylaws Article VII, Section 3

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

Every ten (10) years, beginning in 1970, the president of the Fraternity shall appoint, with the approval of the Executive Council, a board known as the Law Review Board which shall consist of five (5) members, three (3) of whom shall be undergraduates when appointed, and no member of this board shall be an elected or appointed officer of the Fraternity at any time while serving on the board, though the Attorney General shall be an ex officio member.

It shall have the duty and responsibility of reviewing and studying the laws and statutes of the Fraternity and suggest deletions, alterations, and/or changes to eliminate ambiguities, contradictions, improper language, or to suggest other changes it deems necessary.

It shall serve for a period of two (2) years or until it has made its report and recommendations to the next Grand Arch Council, and said report and recommendations shall be referred to the Committee on the Constitution at the Grand Arch Council.

Proposed Text:

~~Every ten (10) years, beginning in 1970, the president of the Fraternity shall appoint, with the approval of the Executive Council, a board known as the Law Review Board which shall consist of five (5) members, three (3) of whom shall be undergraduates when appointed, and no member of this board shall be an elected or appointed officer of the Fraternity at any time while serving on the board, though the Attorney General shall be an ex officio member.~~

~~It shall have the duty and responsibility of reviewing and studying the laws and statutes of the Fraternity and suggest deletions, alterations, and/or changes to eliminate ambiguities, contradictions, improper language, or to suggest other changes it deems necessary.~~

~~It shall serve for a period of two (2) years or until it has made its report and recommendations to the next Grand Arch Council, and said report and recommendations shall be referred to the Committee on the Constitution at the Grand Arch Council.~~

Every two (2) years, beginning in 2016, the newly elected President (incoming as of July 10, 2016 and hereafter known as the 'New SWGP') shall appoint with the approval of the newly elected Executive Council, a board known as the Law Review Board.

It shall consist of ten (10) members, six (6) of whom shall be undergraduates at the time of appointment, and four (4) alumni. All members in good standing are eligible to apply; however, no member of the Law Review Board shall serve as an elected or appointed officer of the Executive Council or his chapter at any time while serving on the board to avoid any/all conflicts of interest. The Attorney General shall be an ex officio member and shall only be eligible to vote in the event of a tie.

The Law Review Board shall meet at the first Executive Council meeting and solicit comments and suggestions from them as well as from the general membership through all mediums including official Fraternity email and social media regarding changes to our Constitution, Bylaws and Rules. It shall review and study all laws and statues and suggest alterations, deletions, or edits to eliminate ambiguities, contradictions, improper language, or to make other proposals it deems necessary.

The Law Review Board shall serve for a period of two (2) years until the subsequent Grand Arch Council. It shall with the Attorney General publish via fraternity email and social media and website a list of proposed edits and minutes of its meetings both in person and ad interim.

The reports and recommendations of the Law Review Board shall be made available to all members upon written request to the Attorney General, and all matters to be discussed and voted

upon shall be referred to the Committee on the Constitution at the Grand Arch Council.

Each subsequent biennium beginning at the 2018 Grand Arch Council, a different district's undergraduate delegate shall be named chairman of the Law Review Board so that all 6 districts shall have an opportunity to lead discussion, call for suggestions and edits, call meetings to order, and ask for motions and votes as needed.

The minutes of the Law Review Board shall be available upon written request to the Attorney General, who must be present in person or via conference call to all meetings.

**A. Summary of the Proposed Amendment**

This amendment requires a Law Review Committee be held every two years.

**B. Governing Law**

Bylaws Article VII, Section 3

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article VII, Section 3.

**Proposal 2016-30**

Bylaws Article I, Section 4, Clause 1

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

Not later seven (7) calendar days following the date a person is formally pledged by a chapter, the name of such person, or all persons so pledged shall be reported by each chapter to the Executive Director, on forms provided by the Executive Director for said purpose.

Proposed Text:

Not later than two ~~seven~~ (2) calendar days following the date a person is formally pledged/pinned by a chapter, the name of such person, or all persons so pledged/pinned shall be reported via the fraternity website member portal and fees pertaining to said pledgeship remitted electronically to the Fraternity. ~~by each chapter to the Executive Director, on forms provided by the Executive Director for said purpose.~~

**A. Summary of the Proposed Amendment**

This amendment shortens both the reporting period of new members as well as changes the reporting method.

**B. Governing Law**

Bylaws Article I, Section 4, Clause 1

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article I, Section 4, Clause 1.

**Proposal 2016-31**

Bylaws Article II, Section 2

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

In addition to the foregoing officers, there shall be appointed by the Executive Council an Attorney General, who shall be an attorney at law in good standing, a Director of Scholarship, a Director of Fraternity Education, an Editor of the Shield, and such other editors, officers and assistants as the Executive Council may deem necessary, who shall hold office at the pleasure of the Executive Council, or until the adjournment of the Grand Arch Council.

Proposed Text:

In addition to the foregoing officers, there shall be appointed by the Executive Council an Attorney General, who shall be an attorney at law in good standing, a Director of Scholarship, a Director of Fraternity Education, ~~an Editor of the Shield~~, and such other editors, officers and assistants as the Executive Council may deem necessary, who shall hold office at the pleasure of the Executive Council, or until the adjournment of the Grand Arch Council.

**A. Summary of the Proposed Amendment**

This amendment removes the appointment of an Editor to *The Shield*.

**B. Governing Law**

Bylaws Article II, Section 2

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article II, Section 2.

**Proposal 2016-32**

Bylaws Article III, Section 1, Clause 1

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

The Grand Arch Council shall be held biennially on the dates fixed and at the place designated by the voted of the Executive Board of the Fraternity. Notice of the dates fixed and the place designated shall be given by the Executive Director of the Fraternity to all chapters and alumni associations in good fraternal standing not less than sixty (60) days prior to the holding of the Grand Arch Council. Publication of notice of the dates fixed and the place designated for the holding of the Grand Arch Council in an edition of The Shield, published and mailed more than sixty (60) days prior to the dates fixed and place disgnated for the holding of the Grand Arch Council, shall be deemed notice to all brothers and organizations of the Fraternity for the purposes hereof.

Proposed Text:

The Grand Arch Council shall be held biennially on the dates fixed and at the place designated by the voted of the Executive Board of the Fraternity. Notice of the dates fixed and the place designated shall be given by the Executive Director of the Fraternity to all chapters and alumni associations in good fraternal standing not less than three hundred sixty-five ~~sixty~~ (365) days prior to the holding of the Grand Arch Council. Publication of notice of the dates fixed and the place designated for the holding of the Grand Arch Council in an edition of The Shield and all electronic social media, published and mailed more than one hundred eighty ~~sixty~~ (180) days prior to the dates fixed and place disgnated for the holding of the Grand Arch Council, shall be deemed notice to all brothers and organizations of the Fraternity for the purposes hereof.

**A. Summary of the Proposed Amendment**

This amendment requires changes the notification period for the dates of the Grand Arch Council.

**B. Governing Law**

Bylaws Article III, Section 1, Clause 1

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article III, Section 1, Clause 1.

### **Proposal 2016-33**

Bylaws Article III, Section 2, Clause 2.

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

Each chapter shall be entitled to three delegates, two of whom shall be undergraduates, and one an alumnus, and wherever practicable at least one of the undergraduates shall be a probable undergraduate member of the chapter the following year.

Proposed Text:

Each chapter is entitled to 3 delegates: 2 undergraduate, of which one must be a member of the chapter's Executive Board and one alumnus, preferably a member of the Chapter Advisory Committee.

#### **A. Summary of the Proposed Amendment**

This amendment requires establishes who may be a delegate for Fraternity meetings.

#### **B. Governing Law**

Bylaws Article III, Section 2, Clause 2

#### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any

Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article III, Section 2, Clause 2.

**Proposal 2016-34**

Bylaws Article III, Section 6, Clause 1.

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

The order of business of the Grand Arch Council shall be as follows:

- a. The appointment by the SWGP of the following committees, each of which shall consist of at least seven members;
  1. Committee on the State of the Fraternity.
  2. Committee on the Constitution.
  3. Committee on Finance.
  4. Committee on Grievances.
  5. Committee on Extension.
  6. Committee on Membership
  7. Committee on Dispatch of Business.
  8. Committee on Scholarship.
  9. Committee on Alumni Affairs.
  10. Committee on Fraternity Education.
  11. Committee on Communications.
  12. Special Committees.
- b. Report of the President.
- c. Report of the Treasurer.
- d. Report of the Secretary.
- e. Report of the Vice President.
- f. Report of the Attorney General.
- g. Report of the Editor of the Shield.
- h. Reports of other appointed officers.
- i. Reports of District Archons.
- j. Miscellaneous Business.
- k. Reports of Committees.
- l. Election of officers of the Fraternity.
- m. Final Report of Committee on Grievances.
- n. Oaths of office administered.
- o. Adjournment.

Proposed Text:

- a. The appointment by the SWGP of the following committees, each of which shall consist of at least seven members;
  1. Committee on the State of the Fraternity.
  2. Committee on the Constitution.
  3. Committee on Finance.
  4. Committee on Grievances.
  5. ~~Committee on Extension.~~
  6. Committee on Membership
  7. Committee on Dispatch of Business.
  8. Committee on Scholarship.
  9. Committee on Alumni Affairs.
  10. Committee on Fraternity Education.
  11. Committee on Communications.
  12. Special Committees.
- b. Report of the President.
- c. Report of the Treasurer.
- d. Report of the Secretary.
- e. Report of the Vice President.
- f. Report of the Attorney General.
- g. Report of the Editor of the Shield.
- h. Reports of other appointed officers.
- i. Reports of District Archons.
- j. Miscellaneous Business.
- k. Reports of Committees.
- l. Election of officers of the Fraternity.
- m. Final Report of Committee on Grievances.
- n. Oaths of office administered.
- o. Adjournment.

**D. Summary of the Proposed Amendment**

This amendment deletes the Committee on Extension.

**E. Governing Law**

Bylaws Article III, Section 6, Clause 1.

**F. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article III, Section 6, Clause 1.

### **Proposal 2016-35**

#### Bylaws Article III, Section 7

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

Clause 1. The reports of officers of the Fraternity and of the Districts shall not exceed fifteen (15) minutes in length.

Clause 2. The reports of the editors of the Fraternity shall not exceed ten (10) minutes in length.

Proposed Text:

~~Clause 1. The reports of officers of the Fraternity and of the Districts shall not exceed fifteen (15) minutes in length.~~

~~Clause 2. The reports of the editors of the Fraternity shall not exceed ten (10) minutes in length.~~

Reports of the officers of the fraternity, districts and of the entire committees shall be published to the Fraternity's website portal. Reports of the editors should also be published to the portal.

#### **A. Summary of the Proposed Amendment**

This amendment requires all Fraternity reports be published and delivered electronically.

**B. Governing Law**

Bylaws Article III, Section 7

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article III, Section 7.

**Proposal 2016-36**

Bylaws Article III, Section 8

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current text:

Each delegate shall be entitled to one vote.

Proposed text:

Each delegation shall be entitled to one vote.

**A. Summary of the Proposed Amendment**

This amendment changes voting at Fraternity meetings.

**B. Governing Law**

Bylaws Article III, Section 8

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article III, Section 8.

### **Proposal 2016-37**

Bylaws Article IV, Section 4, Clause 3(d).

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

The books of record and account of the Treasurer shall be audited annually by an approved Certified Public Accountant, whose complete report shall be submitted in triplicate to the Executive Council and to the Finance Committee of the Grand Arch Council for study and approval.

Proposed Text:

The books of record and account of the Treasurer shall be audited annually by an approved Certified Public Accountant, whose complete report shall be submitted in triplicate to the Executive Council and to the Finance Committee of the Grand Arch Council for study and approval. The books of record and account, and the audit report shall be made available to the brotherhood upon written request to the Executive Director of the Fraternity.

#### **A. Summary of the Proposed Amendment**

This amendment requires the books and records of the Fraternity be made available to the brotherhood.

#### **B. Governing Law**

Bylaws Article IV, Section 4, Clause 3(d).

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article IV, Section 4, Clause 3(d).

**Proposal 2016-38**

Bylaws Article IV, Section 4, Clause 5(c)

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

Not less than sixty (60) days prior to the date of the convening of a Grand Arch Council, all members, organizations or Councils intending to propose amendments to the Constitution, Bylaws, Rules or Ritual of the Fraternity shall file two true copies thereof with the Attorney General, who shall report ever such amendment, together with his opinion thereon, in writing, to such Grand Arch Council.

Proposed Text:

Not less than sixty (60) days prior to the date of the convening of a Grand Arch Council, all members, organizations or Councils intending to propose amendments to the Constitution, Bylaws, Rules or Ritual of the Fraternity shall file two true copies thereof with the Attorney General, who shall report ever such amendment, together with his opinion thereon, in writing, to such Grand Arch Council, and published on the Fraternity portal for delegation review.

**A. Summary of the Proposed Amendment**

This amendment requires all proposed Amendments to the CBR's be published online 60 days prior to the GAC.

## **B. Governing Law**

Bylaws Article IV, Section 4, Clause 5(c)

## **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection, to adoption of the proposal to amend Bylaws Article IV, Section 5, Clause 5(c).

## **Proposal 2016-39**

Bylaws Article IV, Section 6, Clause 2.

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

The Executive Council shall notify the organizations of the Fraternity of the times and places of its meetings at least fifteen (15) days prior thereto.

Proposed Text:

~~The Executive Council shall notify the organizations of the Fraternity of the times and places of its meetings at least fifteen (15) days prior thereto.~~

The Executive Council shall notify member publics of the date, time and location of its meetings at least 45 days in advance by both electronic media and email to all member publics.

**A. Summary of the Proposed Amendment**

This amendment requires the time and methods for announcing Executive Council meetings.

**B. Governing Law**

Bylaws Article IV, Section 6, Clause 2.

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article IV, Section 6, Clause 2.

**Proposal 2016-40**

Bylaws Article V, Section 3, New Clause 3.

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Proposed New Text:

Clause 3. The Executive Director, once hired, shall reside within thirty (30) miles of the FraternityHQ. The Executive Director shall possess at time of hiring a Masters degree or Doctoral degree from an accredited institution of higher learning.

The Executive Director may not hold any other occupation during his term as Executive Director, and may not serve in any volunteer capacity with any other Phi Kappa Psi member public to avoid conflicts of interest.

**A. Summary of the Proposed Amendment**

This amendment requires additional qualifications and burdens on the Executive Director.

## **B. Governing Law**

Bylaws Article V, Section 3, New Clause 3.

## **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article V, Section 3, Clause 3.

## **Proposal 2016-41**

Bylaws Article VI, Section 7, Clause 3.

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

The P shall be the Treasurer of the chapter. He shall file reports as the Executive Council may from time to time require. Failure to follow out this provision by the end of the next succeeding month shall automatically subject the chapter to a penalty of \$5.00 with an additional penalty of \$5.00 for each ten (10) days' delay, and the failure to file the projected annual budget within one month after its due date subject the chapter to a \$25.00 penalty.

Proposed Text:

The P shall be the Treasurer of the chapter. He shall file reports as the Executive Council may from time to time require. Failure to follow out this provision by the end of the next succeeding month shall automatically subject the chapter to a penalty of ~~\$5.00~~ \$10.00 with an additional penalty of \$5.00 for each ten (10) days' delay, and the failure to file the projected annual budget within one month after its due date subject the chapter to a ~~\$25.00~~ \$100.00 penalty.

All reports and budgets of the chapter treasurer submitted to the Executive Council and Executive Director and his staff shall be also sent from the treasurer to his chapter's officers, his Chapter Advisor, Faculty Advisor, and Alumni Corporation Board officers via electronic or print media as requested.

**A. Summary of the Proposed Amendment**

This amendment requires penalties and methods relating to submission of Fraternity reports.

**B. Governing Law**

Bylaws Article VI, Section 7, Clause 3.

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article VI, Section 7, Clause 3.

**Proposal 2016-42**

Bylaws Article VI, Section 11, Clause 1.

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

Each chapter shall have a chapter Advisor, and may have a Faculty Advisor, who shall be elected by the chapter, subject to the approval of the Executive Council. These Advisors shall act as direct representatives to the Executive Council, and shall maintain close contact with the Headquarters of the Fraternity.

Proposed Text:

~~Each chapter shall have a chapter Advisor, and may have a Faculty Advisor, who shall be elected by the chapter, subject to the approval of the Executive Council. These Advisors shall act as direct representatives to the Executive Council, and shall maintain close contact with the Headquarters of the Fraternity.~~

Each chapter shall have a minimum of one chapter advisor and one faculty advisor, and an advisory committee of up to (5) five alumni is preferable to assist with Finance, Fraternity Education, Risk Management and Membership duties.

All advisors' terms are 2 years/1 biennium from one GAC until the next: chapters must vote to approve its advisors at least sixty (60) days prior to the GAC for approval by the Executive Council. No alumnus may serve as chapter advisor for more than 1 two-year term although he may serve on the advisory committee indefinitely.

No chapter advisor may hold additional advisory positions with other chapters.

#### **A. Summary of the Proposed Amendment**

This amendment requires term limits and composition of Fraternity Advisors.

#### **B. Governing Law**

Bylaws Article VI, Section 11, Clause 1.

#### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article VI, Section 11, Clause 1.

**Proposal 2016-43**

Bylaws Article IX, Section 1, Clause 2.

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

The basis of District division shall be geographical proximity and administrative efficiency. The Fraternity organizations which shall belong to each District are to be determined from time to time by the Executive Council.

Proposed Text:

The basis of District division shall be geographical proximity and administrative efficiency. The Fraternity organizations which shall belong to each District are to be determined from time to time by the Executive Council.

The composition of the Districts of Phi Kappa Psi Fraternity is to be determined and all changes made by the Executive Director and the Executive Council. These changes shall be published via all Phi Kappa Psi media no later than thirty (30) days prior to a Grand Arch Council and shall be adopted by a simple majority vote of the Grand Arch Council.

**A. Summary of the Proposed Amendment**

This amendment requires the time period and method for publication of District composition.

**B. Governing Law**

Bylaws Article IX, Section 1, Clause 2.

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore,

the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article IX, Section 1, Clause 2.

**Proposal 2016-44**

Bylaws Article XI, Section 1.

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

Each colony established after the effective date of this Article shall be established for a period of two years, by which time it shall either be granted a charter or disbanded as otherwise provided by these Bylaws. The Executive Council may grant an extension of one year if, in the evaluation of the Executive Council, circumstances warrant.

Proposed Text:

Each colony established after the effective date of this Article shall be established for a period of two years, by which time it shall either be granted a charter or disbanded as otherwise provided by these Bylaws. The Executive Council may grant an extension of one year if, in the evaluation of the Executive Council, circumstances warrant.

All fees associated with membership in Phi Kappa Psi Fraternity shall be explained to all colony members who will sign promissory notes to that effect stating that no charter will be granted until all fees are remitted to the Executive Director and chartering petition unanimously approved by the Executive Council.

**A. Summary of the Proposed Amendment**

This amendment requires colony members to sign promissory notes to the Fraternity.

**B. Governing Law**

Bylaws Article XI, Section 1.

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XI, Section 1.

### **Proposal 2016-45**

Bylaws Article XII, Section 2, Clause 2.

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

A fee of one dollar (\$1) per capita shall be paid to the Fraternity before the issuance of an alumni association or club charter.

Proposed Text:

A fee of one dollar (\$1) per ~~capita~~ member shall be paid to the Fraternity before the issuance of an alumni association or club charter.

#### **A. Summary of the Proposed Amendment**

This amendment proposes a tax on Alumni Association.

#### **B. Governing Law**

Bylaws Article XII, Section 2, Clause 2.

#### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XII, Section 2, Clause 2.

## **Proposal 2016-46**

Bylaws Article XII, Section 3, Clause 1.

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

A new chapter shall be established within thirty (30) days after its application shall have been approved by the Fraternity, unless the Executive Council shall direct otherwise.

Proposed Text:

A new chapter shall be established within ~~thirty~~ ninety (90) days after its application shall have been approved by the Fraternity, unless the Executive Council shall direct otherwise, and notice of the initiation ceremony date, time and location shall be made public via electronic media/email no later than thirty (30) days prior to its occurrence.

### **A. Summary of the Proposed Amendment**

This amendment requires the time and the methods for noticing and granting of new charters.

### **B. Governing Law**

Bylaws Article XII, Section 3, Clause 1.

### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XII, Section 3, Clause 1.

### **Proposal 2016-47**

Bylaws Article XIII, Section 1, Clause 5.

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

There is no current text. This provision will add a new clause 5.

Proposed Text:

Clause 5. The written report required by the Indiana Non-Profit Act listing circulation numbers shall be published on a full page of The Shield and on the Fraternity portal along with all costs associated with its production and mailing on an annual basis.

#### **A. Summary of the Proposed Amendment**

This amendment requires circulation numbers of *The Shield* be published in *The Shield*.

#### **B. Governing Law**

Bylaws Article XIII, Section 1, Clause 5.

#### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. However, this proposed amendment is already required by law, making the amendment superfluous.

Therefore, the Attorney General objects to proposed Bylaw Article XIII, Section 1, Clause 5.

**Proposal 2016-48**

Bylaws Article XIV, Section 1, Clause 1.

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

Before the date of pledging, each individual to be formally pledged by a chapter shall pay to the treasurer of that chapter, and the treasurer shall forthwith pay to the Executive Director of the Fraternity within seven (7) calendar days of the pledging ceremony by guaranteed instrument such as a cashier's check, money order, credit card or check drawn on the chapter's account, the sum of \$50 as a pledge fee for which the pledge shall receive a copy of the Fraternity Manual.

Proposed Text:

Before the date of ~~pledging~~pinning, each individual to be formally pledged by a chapter shall pay to the treasurer of that chapter, and the treasurer shall forthwith pay to the Executive Director of the Fraternity within seven (7) calendar days of the pledging ceremony by guaranteed instrument such as a cashier's check, money order, credit card or check drawn on the chapter's account, the sum of \$50 as a pledge fee for which the pledge shall receive a copy of the Fraternity Manual. Within two business days of receipt of funds and paperwork a pledge pin and Manual of Phi Kappa Psi shall be mailed to the new member care of the chapter mailing address on file.

**A. Summary of the Proposed Amendment**

This amendment requires a the time period and method for reporting of new members to the Fraternity.

**B. Governing Law**

Bylaws Article XIV, Section 1, Clause 1.

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XIV, Section 1, Clause 1.

### **Proposal 2016-49**

Bylaws Article XIV, Section 2, Clause 1.

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

Each individual to be formally initiated into the Fraternity shall pay an initiation fee to the chapter prior to the date of his initiation under the terms set forth in this Section.

Proposed Text:

Each individual to be formally initiated into the Fraternity shall pay an initiation fee to the chapter ~~prior to the date~~ within 48 hours after initiation, remitted electronically by guaranteed instrument. ~~of his initiation under the terms set forth in this Section.~~

#### **A. Summary of the Proposed Amendment**

This amendment requires the time and payment method of initiation fees to the Fraternity.

#### **B. Governing Law**

Bylaws Article XIV, Section 2, Clause 1.

#### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XIV, Section 2, Clause 1.

## **Proposal 2016-50**

### Bylaws Article XIV, Section 4

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

No alumni association shall be entitled to vote, or to representation at a Fraternity Council, unless it shall have paid for two consecutive years immediately preceding, to the Executive Director of the Fraternity on or before the first day of May of each year, the annual sum of one hundred dollars (\$100) for the general uses of the Fraternity.

Proposed Text:

~~No alumni association shall be entitled to vote, or to representation at a Fraternity Council, unless it shall have paid for two consecutive years immediately preceding, to the Executive Director of the Fraternity on or before the first day of May of each year, the annual sum of one hundred dollars (\$100) for the general uses of the Fraternity.~~

By May 1st of each calendar year, each Alumni Association of Phi Kappa Psi Fraternity shall remit the sum of one hundred (\$100) dollars per association plus a ten (\$10) dollar dues fee per alumnus member of each Alumni Association. All fees and monies collected from Alumni Associations shall be fully restricted to fund Alumni Association programming, staffing, training, and development of new alumni associations both within the United States and abroad.

#### **A. Summary of the Proposed Amendment**

This amendment provides for how much money Alumni Associations are to pay to the Fraternity.

## **B. Governing Law**

Bylaws Article XIV, Section 4

## **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XIV, Section 4.

## **Proposal 2016-51**

Bylaws Article XIV, Section 5, Clause 7.

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

Failure by any chapter to have a communication to the *The Shield* as directed by the Executive Council shall involve a penalty of two dollars (\$2) for each omission, which shall be collectible forthwith by the Executive Director of the Fraternity.

Proposed Text:

~~Failure by any chapter to have a communication to the *The Shield* as directed by the Executive Council shall involve a penalty of two dollars (\$2) for each omission, which shall be collectible forthwith by the Executive Director of the Fraternity.~~

Failure by any chapter or alumni association to submit a newsletter or report to *The Shield* as directed by the Executive Council shall involve a penalty of \$50.00 payable by the officer responsible for submitting said report or newsletter (the chapter AG and AA Secretary).

**A. Summary of the Proposed Amendment**

This amendment provides a penalty for failure to submit reports to *The Shield*.

**B. Governing Law**

Bylaws Article XIV, Section 5, Clause 7.

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XIV, Section 5, Clause 7.

**Proposal 2016-52**

Bylaws Article XIV, Section 6.

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

Each and every member of the Fraternity, having fully paid all fees required by the Bylaws of the Fraternity shall be entitled to a subscription to *The Shield* for and during life, so long as his current address is on file with the Fraternity, and so long as he has not been suspended, expelled, or dishonorably dismissed from the Fraternity and has not resigned or requested that his name be removed from the mailing list.

Proposed Text:

Each and every member of the Fraternity, as of August 31, 2016, having fully paid all fees required by the Bylaws of the Fraternity shall be entitled to an online only subscription to *The Shield* for and during life, so long as his current address is on file with the Fraternity, and so long

as he has not been suspended, expelled, or dishonorably dismissed from the Fraternity and has not resigned or requested that his name be removed from the mailing list.

**A. Summary of the Proposed Amendment**

This amendment provides that all new initiates get an online only copy of *The Shield*.

**B. Governing Law**

Bylaws Article XIV, Section 6.

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XIV, Section 6.

**Proposal 2016-53**

Bylaws Article XV, Section 9.

Submitted by: Christopher Hammer, NJ Delta '91, NJ Epsilon '03

Current Text:

The "slating" of candidates for office at any Grand Arch Council or District Council by an appointed committee is prohibited.

Proposed Text:

~~The "slating" of candidates for office at any Grand Arch Council or District Council by an appointed committee is prohibited.~~

Section 9. Nominating and Electing Procedures. All candidates for District Council and the Grand Arch Council shall be required to submit their names for consideration no later than (30) days to the Executive Director of Phi Kappa Psi. Each member must be in good standing with his chapter and the list of all those considered must be published to the Fraternity's website and communicated through electronic media no later than seven (7) days prior to the District Council or GAC.

Brothers who are nominated for District Council or Grand Arch Council positions must be present at the District Council or Grand Arch Council to accept nomination and, if elected, to be immediately sworn in.

No brother may hold the same position for more than one biennium.

**A. Summary of the Proposed Amendment**

This amendment requires all candidates for the EC announce their candidacy in advance of the Grand Arch Council.

**B. Governing Law**

Bylaws Article XV, Section 9.

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XV, Section 9.

**Proposal 2015-54**

Bylaws Article XIV, Section 4 Alumni Associations

Submitted by: Michael M. Flechas, IV, MS Alpha '99

Amendment Purpose as Stated by the Author: Article XIV of the Bylaws of the Fraternity governs taxes and assessments for the Chapters, Alumni Associations, and Members. Whereas alumni associations provide an opportunity for alumni activity and events for participation before and after graduation, it is important to promote alumni associations in all areas of the country, even in the absence of a local chapter. Large or small, alumni associations bring together Brothers from all chapters, active and inactive, near and far, who would otherwise never meet or be able to promote the ideals of the Fraternity as a unified group. As alumni associations have little need to amass or maintain sizeable reserves in excess of their usual expenses, it is important to equally distribute the burden of alumni association dues based on active membership as to not stifle or discourage developing alumni associations by completely depleting their financial resources with a single annual payment to the Fraternity that would be in excess of many Association's means.

Including a per member assessment will increase funds contributed to the Fraternity and better identify the effectiveness of Fraternity's staff to promote and support increase alumni participation at all levels.

Current Text:

No alumni association shall be entitled to vote, or to representation at a Fraternity Council, unless it shall have paid for two consecutive years immediately preceeding, to the Executive Director of the Fraternity on or before the first day of May of each year, the annual sum of one hundred dollars (\$100.00) for the general uses of the Fraternity.

Proposed Text:

No alumni association shall be entitled to vote, or to representation at a Fraternity Council, unless it shall have paid for two consecutive years immediately preceeding, to the Executive Director of the Fraternity on or before the first day of May of each year, the annual sum of ~~one~~ two hundred dollars (~~\$~~\$2400.00) for the general uses of the Fraternity. The funds shall be used for the support and development of alumni associations as well as for the general uses of the Fraternity.

**A. Summary of the Proposed Amendment**

This amendment prescribes the fee that must be paid by Alumni Associations.

**B. Governing Law**

Bylaws Article XIV, Section 4 Alumni Associations

### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XIV, Section 4.

### **Proposal 2016-55**

Bylaws Article XIV, Section 7, Clause 1(2). Permanent, Scholastic, Educational, Charitable and Fraternal Fund.

Submitted by: Michael M. Flechas, IV, MS Alpha '99

Current Text:

2. Such portion of the initiation fee payable under the provisions of Section 2, Clause 3, as the Executive Council may from time to time designate, provided, however, that the amount so designated shall not be less than \$10.00 of that amount payable as an initiation fee under section of this ARTICLE XIV.

Proposed Text:

2. Such portion of the initiation fee payable under the provisions of Section 2, Clause 3, as the Executive Council may from time to time designate, provided, however, that the amount so designated shall not be less than twenty-five dollars ~~\$10.00~~ of that amount payable as an initiation fee under section of this ARTICLE XIV.

### **A. Summary of the Proposed Amendment**

This amendment provides for an increased amount of the initiation fee which is to be paid to the Permanent Fund.

## **B. Governing Law**

Bylaws Article XIV, Section 7, Clause 1(2). Permanent, Scholastic, Educational, Charitable and Fraternal Fund.

## **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XIV, Section 7, Clause 1(2).

## **Proposal 2016-56**

### Bylaws Article XV, Section 11

Submitted by: Steven E. Nieslawski, Illinois Delta 1978.

Current Text:

There is no current text, as this is a new proposed provision.

Proposed Text:

Section 11. Transparency in Budgeting and Operations. The Fraternity's budgeted expenses shall not exceed revenue reasonably expected to be received by it, based on generally accepted accounting principles, from the Fraternity operations, including but not limited to reserves and surpluses retained and available to be spent, and distributions expected to be paid to the Fraternity from the Permanent Fund and the Endowment Fund of Phi Kappa Psi for the budgeted period. For the purposes of this Article, revenue shall not include any voluntary, unenforceable or revocable contributions, grants or gifts promised, whether or not earmarked for a particular purpose, from any individual donor or groups of individual donors, or from any other entity not expressly referenced herein.

**A. Summary of the Proposed Amendment**

This amendment provides the Fraternity maintain a balanced budget.

**B. Governing Law**

Bylaws Article XV, Section 11

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XV, Section 11.

**Proposal 2016-57**

Bylaws Article VI, Section 6, Clause 2.

Submitted by: Marc Alexander Sebastian Dumas, Illinois Zeta '93

Current Text:

Clause 2. Each officer shall be chosen semi-annually, through majority vote, and not otherwise, at such times as may be prescribed in the chapter Bylaws, except the P, the AG, and SG, who shall be elected annually, and except the GP, who shall be elected either annually or semi-annually. The P shall be elected at a meeting held subsequent to the first of January of each year to be determined by the Bylaws of each chapter, and the AG and the SG shall be elected at the meeting before the last regular meeting of the chapter of each collegiate year, or at such other time or times for election of officers as the Executive Board of the Fraternity shall approve. Provided, however, each elected officer of the chapter, except in exceptional circumstances, meet personally the Fraternity's standard for grades required of chapters, effective September 1989.

Proposed Text:

Clause 2. Each officer shall be chosen semi-annually, through majority vote, and not otherwise, at such times as may be prescribed in the chapter Bylaws, except the P, the AG, and SG, who

shall be elected annually, and except the GP, who shall be elected either annually or semi-annually. All candidates for the office of GP shall have been initiated members of the Fraternity for a minimum of eighteen (18) months upon their election. Special dispensation for a member that has not achieved that milestone but has been enrolled in college for a minimum of 24 months can be made by the Executive Director or his designee. The election of a GP for a Colony or a newly chartered Chapter shall not be subject to this Bylaw. The P shall be elected at a meeting held subsequent to the first of January of each year to be determined by the Bylaws of each chapter, and the AG and the SG shall be elected at the meeting before the last regular meeting of the chapter of each collegiate year, or at such other time or times for election of officers as the Executive Board of the Fraternity shall approve. Provided, however, each elected officer of the chapter, except in exceptional circumstances, meet personally the Fraternity's standard for grades required of chapters, effective September 1989.

**A. Summary of the Proposed Amendment**

This amendment establishes requirements for serving as Chapter GP.

**B. Governing Law**

Bylaws Article VI, Section 6, Clause 2.

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article VI, Section 6, Clause 2.

**Proposal 2016-58**

Rules Article I, New Section 11. Actions Taken By Colleges.

Submitted by: Scott Noble, Cal Gamma '65

Amendment Purpose as Stated by the Author: This amendment is offered because it is important for the Fraternity to assure each local chapter that any final disciplinary action taken against it will be based on the Fraternity's own independent investigation and consideration of the relevant evidence and not on deference to an arbitrary action or determination of a college administration. It does not diminish any of the powers of the Executive Council that are granted in Article IV, Section 5, of the Bylaws of the Fraternity.

Article I of the Rules of the Fraternity prescribes the procedure to be followed when charges are proffered against a chapter. The proposed amendment, which would add section 11 to Article I, would prohibit the suspension or revocation of a chapter's charter, or the imposition of any other penalty or restriction against the chapter, based on the termination of the chapter's relationship or affiliation with the college at which it is located or any suspension or disciplinary action initiated, imposed or taken by the college. It would also prohibit the Executive Council, a Judicial Committee, the Judicial Panel or the Grand Arch Council from considering or using as evidence any finding or determination made by the college in connection the termination of the chapter's relationship or affiliation with the college or any suspension or disciplinary action initiated, or taken by the college. It would not prohibit suspension or revocation of a chapter's charter, or the imposition of any penalty or restriction, based on the conduct or activities of the chapter that resulted in the termination of its relationship or affiliation with the college or that resulted in a suspension or other disciplinary action being initiated, imposed or taken by the college, provided that the conduct or activities at issue is established by evidence presented to the Executive Council, a Judicial Committee, the Judicial Panel or the Grand Arch Council. It also would also give Executive Council the power to cancel, postpone or suspend chapter activities or operations pending for the completion of an investigation and the disposition of any charges when there is a potential for irreparable harm or damage.

The intense media coverage of a handful of incidents involving tragic deaths or injuries or serious misconduct has created a distorted perception of fraternities, generated a substantial amount of hostility toward fraternities and caused college administrators to feel that they are under pressure to take swift, decisive action and mete out strong punishments when a local chapter of a fraternity is accused of misconduct. In many cases, college administrators have acted without affording local chapters notice of the charges or an opportunity for a hearing. In those colleges that have established some sort of formal or informal hearing procedures, the hearing procedures typically deny the local chapters fundamental rights that are essential to a full and fair hearing; fail to provide any rational or meaningful basis for distinguishing between the acts of the chapter, the organization, and the acts of its individual members, frequently resulting in the chapter being sanctioned for conduct it did not cause or condone and took steps to prevent; and are pervaded by a heavy presumption of guilt. As the Fraternity's Attorney General observed in the latest edition of *The Shield*:

*Our host institutions are increasingly taking a zero-tolerance policy towards fraternities. They suspend and remove first, and investigate second. We have*

*seen this repeatedly play out across the country. Our chapters are put in a position of proving themselves innocent and not the universities or courts proving them guilty.*

Current Text:

This is a new provision to the Rules of the Fraternity and there is to current text.

Proposed Text:

## **SECTION 11. ACTIONS TAKEN BY COLLEGES**

Clause 1. The Fraternity--whether acting through the Executive Council, a Judicial Committee, the Judicial Panel or the Grand Arch Council--may not suspend or revoke the charter of a chapter based on the termination of the chapter's relationship or affiliation with the college at which it is located or any suspension, penalty, restriction or disciplinary action initiated, imposed or taken by the college.

Clause 2. In determining whether to suspend or revoke a chapter's charter or to impose any other restriction or penalty on a chapter, the Fraternity--whether acting through the Executive Council, a Judicial Committee, the Judicial Panel or the Grand Arch Council--may not consider or use as evidence any finding or determination made by the college at which the chapter is located in connection with the termination of the chapter's relationship or affiliation with the college at which it is located or in connection with any suspension, penalty, restriction or disciplinary action initiated, imposed or taken by the college.

Clause 3. Nothing in this Section 11 precludes the Fraternity—whether acting through the Executive Council, a Judicial Committee, the Judicial Panel or the Grand Arch Council— from suspending or revoking the charter of a chapter, or imposing a penalty or restriction on the chapter, based on the conduct or activities that resulted in the termination of the chapter's relationship or affiliation with the college at which it is located or any suspension, penalty, restriction or disciplinary action initiated, imposed or taken by the college, provided that the conduct at issue is established by evidence presented to the Executive Council, a Judicial Committee, the Judicial Panel or the Grand Arch Council.

Clause 4. Notwithstanding the foregoing, the Executive Council shall have the power to cancel, postpone or suspend any or all of a chapter's events, activities or operations for a period not to exceed 30 days when there is reason to believe that such an action may be necessary to prevent physical or mental harm to chapter members or others, to avoid or minimize a potential civil liability, to prevent ongoing illegal activities, or to protect the chapter or the Fraternity from irreparable harm or damage. If charges are proffered against the chapter during this 30-day

period, the Executive Council shall have the power to maintain the cancellation, postponement or suspension in effect until the charges result in an initial determination or are dismissed.

Clause 5. The term “college,” as used in this Section 11, shall have the meaning specified in Article VI, Section 2, of the Bylaws of the Fraternity and shall include any office, department or division of a college at which a chapter is located, and any Interfraternity Council or other organization affiliated with the college.

**A. Summary of the Proposed Amendment**

This amendment provides for limitations with respect to the Executive Council’s ability to revoke charters.

**B. Governing Law**

Rules Article I, New Section 11. Actions Taken By Colleges.

Bylaws Article IV, Section 5, Clause 1

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity’s Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment conflicts with Bylaw Article IV, Section 5, Clause 1. Therefore, the Attorney General objects to adoption of the proposal to amend Rules, Article I, Proposed New Section 11.

**Proposal 2016-59**

Constitution Article VI, Section 3.

Submitted by J. Tryon Hubbard, Alabama Alpha ‘64

Current Text:

Notwithstanding any Constitutional, Bylaw or Rules provision specifying, an exact dollar fee, contribution or cost for any service, dues or fee, the Executive Council shall have the power by an unanimous vote of overriding such specific cost, when in the opinion of the Executive Council, such specific dollar figure is in imbalance with the cost of such service, dues, or fee. Any such increase shall be limited to a maximum increase of fifteen (15%) percent and shall be subject to review at the next ensuing Grand Arch Council. The effective date of such increase shall not be less than six (6) months from the date of such action.

Proposed Text:

- a. Notwithstanding any Constitutional, Bylaw or Rules provision specifying, an exact dollar fee, contribution or cost for any service, dues or fee, the Executive Council shall have the power by an unanimous vote of overriding such specific cost, when in the opinion of the Executive Council, such specific dollar figure is in imbalance with the cost of such service, dues, or fee. Any such increase shall be limited to a maximum increase of fifteen (15%) percent and shall be subject to review at the next ensuing Grand Arch Council. The effective date of such increase shall not be less than six (6) months from the date of such action.
- b. The Executive Council shall have the power, by a two-thirds (2/3) majority vote, to increase any existing fee, assessment, tax, dues, service charge or other costs for which the Constitution, Bylaws or Rules does not specify an exact dollar amount by no more than ten percent (10%) per fiscal year. Any such increase(s) shall be subject to review at the next ensuing Grand Arch Council. The effective date of such increase shall not be less than six (6) months from the date of such action.
- c. The Executive Council shall have the power, by a two-thirds (2/3) majority vote, to institute any new fee, assessment, tax, dues, service charge or other costs for any service in an amount not to exceed Twenty Dollars (\$20.00) per fiscal year. Any such new fee, ensuing Grand Arch Council. The effective date of such new fee, assessment, tax, dues, service charge or other costs shall not be less than six (6) months from the date of such action.

#### **G. Summary of the Proposed Amendment**

This amendment outlines the powers the Executive Council has to change fees.

#### **H. Governing Law**

Constitution Article VI, Section 3.

#### **I. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Constitution Article VI, Section 3.

## **Proposal 2016-60**

### Bylaws Article XIV, Section 4

Submitted by: J. Tryon Hubbard, Alabama Alpha '64

Current Text:

No alumni association shall be entitled to vote, or to representation at a Fraternity Council, unless it shall have paid for two consecutive years immediately preceeding, to the Executive Director of the Fraternity on or before the first day of May of each year, the annual sum of one hundred dollars (\$100.00) for the general uses of the Fraternity.

Proposed Text:

Clause 1. No alumni association shall be entitled to vote, or to representation at a Fraternity Council, unless it shall have paid for two consecutive years immediately preceeding, to the Executive Director of the Fraternity on or before the first day of May of each year, the annual sum of ~~one hundred dollars (\$100.00)~~ two hundred fifty dollars (\$250.00) for the general uses of the Fraternity.

Clause 2. The alumni association fee stated in Clause 1 shall be the only tax, fee, or assessment levied against alumni assoications.

#### **A. Summary of the Proposed Amendment**

This amendment provides for the fee that must be paid by Alumni Associations.

#### **B. Governing Law**

Bylaws Article XIV, Section 4

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XIV, Section 4.

**Proposal 2016-61**

Bylaws Article IX, Section 3, New Clause 3.

Submitted by: Kevin Marks, Valpo '92

Amendment Purpose as Stated by the Author: Article IX, Section 3 of the Bylaws of the Fraternity governs the duties of the District Archons. The candidates for Archon typically run on a platform of providing greater communication. This communication often fails to happen, or falls off after a rapid start. Placing a minimum requirement upon the Archon to report back to the member organizations in the District shall create a mechanism for holding the elected officer of the District Accountable.

Current Text:

There is currently no text in Article IX, Section 3, Clause 3.

Proposed Text:

Clause 3. Each Archon shall provide a quarterly update of their work within and on behalf of the District. This update shall be provided to each active organization within the district within fourteen (14) calendar days of the end of the quarter.

**A. Summary of the Proposed Amendment**

This amendment requires Archons to provide a quarterly update of their work.

## **B. Governing Law**

Bylaws Article IX, Section 3, New Clause 3.

## **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article IX, Section 3, Clause 3.

## **Proposal 2016-62**

Bylaws Article XIV, Section 4. Alumni Associations.

Submitted by: David A. Jones, Texas Beta '55

Current Text:

No alumni association shall be entitled to vote, or to representation at a Fraternity Council, unless it shall have paid for two consecutive years immediately preceeding, to the Executive Director of the Fraternity on or before the first day of May of each year, the annual sum of one hundred dollars (\$100.00) for the general uses of the Fraternity.

Proposed Text:

No alumni association shall be entitled to vote, or to representation at a Fraternity Council, unless it shall have paid for two consecutive years immediately preceeding, to the Executive Director of the Fraternity on or before the first day of May of each year, the annual sum of ~~one hundred dollars (\$100.00)~~ five hundred dollars (\$500.00) for the general uses of the Fraternity.

The Alumni Association Feee shall be adjusted annually to the consumer Price Index.

**A. Summary of the Proposed Amendment**

This amendment provides for the fees which must be paid by Alumni Associations, and ties the fees to the Consumer Price Index.

**B. Governing Law**

Bylaws Article XIV, Section 4. Alumni Associations.

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XIV, Section 4.

**Proposal 2016-63**

Bylaws Article XIV, Section 8. Alumnus Fee

Submitted by: David A. Jones, Texas Beta '55

Current Text:

Every alumnus shall be requested by the Executive Council to contribute five dollars (\$5) or more annually to the Fraternity. All moneys so collected from the aforesaid contributions shall be paid into and become part of the General Fund of the Fraternity.

Proposed Text:

Every alumnus shall be requested by the Executive Council to contribute ~~five dollars (\$5)~~ fifty dollars (\$50.00) or more annually to the Fraternity. All moneys so collected from the aforesaid contributions shall be paid into and become part of the General Fund of the Fraternity.

The Alumnus Fee shall be adjusted annually pursuant to the Consumer Price Index.

**A. Summary of the Proposed Amendment**

This amendment increases the annual Alumni Fee to \$50.00 and ties that fee to the Consumer Price Index.

**B. Governing Law**

Bylaws Article XIV, Section 8. Alumnus Fee

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XIV, Section 8.

**Proposal 2016-64**

Bylaws Article XV, Section 10. Intellectual Property

Submitted by: Dick Starr, Ohio Delta '65

Amendment Purpose as Stated by the Author: Article XV, Section 10-Intellectual Property, Clauses 1-6, defines in negative language how certain intellectual property may not be utilized by third parties and the controls of such usage. However, it does not address the broader scope of intellectual property that Phi Kappa Psi, Inc. owns, controls and has the right and obligation to utilize and protect. The proposed amendment expand the definition of intellectual property, and authorizes the means by which revenue is generated for its usage. The proposed amendment authorizes the creation of a fee schedule to be applied to third party use of the intellectual property, such revenue to be used for business operations and programs of Phi Kappa Psi.

Current Text:

**SECTION 10. INTELLECTUAL PROPERTY**

**Clause 1.** The design or representation in any form, medium or type of reproduction of the Badge, the SC Badge, the Coat-of-Arms, the Seals, the Pledge Pin, Flag and any other insignia of the Fraternity and the words "Phi Kappa Psi" and "Phi Psi" and their associated Greek Letters, shall not be manufactured, created, reproduced, used, advertised, marketed or offered for sale by any person, company or firm except as specifically authorized in writing by the Executive Council, which power to authorize may be delegated to a Licensing Committee or a suitable individual such as the Attorney General, his deputies or the Executive Director. The Executive Director shall maintain a list of authorized persons, companies and firms.

**Clause 2.** . Subject to the limitations of the Constitution, Bylaws and Rules, only the Executive Director may authorize commercial reproduction of the Fraternity's Badge, the SC Badge, the Coat-of-Arms, the Seals, the Pledge Pin, Flag and any other insignia of the Fraternity and the words "Phi Kappa Psi" and "Phi Psi" and their associated Greek letters, which power to authorize may be delegated by the Executive Council to a Licensing Committee or suitable individual such as the Attorney General, his deputies or the Executive Director.

**Clause 3.** . Anyone wishing to acquire merchandise bearing any insignia of the Fraternity shall obtain those items only from the vendors which are currently authorized to produce, market or sell official Phi Kappa Psi merchandise.

**Clause 4.** . Any Chapter, Alumni Association, Alumni Club or House Corporation currently in good standing with the Fraternity may utilize local commercial firms to produce merchandise for their own needs from time to time so long as the merchandise meets the standards for quality and good taste as set from time to time by the Executive Council, and which shall not cast the Fraternity in a negative light or otherwise be contrary to the ideals of the Fraternity, specifically including but not limited to any merchandise which glorifies alcohol use or illegal substance use or any material, depiction or statement which is sexist or demeaning of women, minorities or any other person or group.

**Clause 5.** . No member, group of members or constituent group of the Fraternity including but not limited to Chapters, Alumni Association, Alumni Clubs and House Corporations, nor any agents or affiliates of the foregoing, shall use any registered trademark or any other name, seal, symbol, or insignia associated with the Fraternity for their personal use, benefit or advantage, regardless of whether financial or otherwise, for any purpose or in any jurisdiction whatsoever without first having obtained authorization to use the same pursuant to Section 2 of this Rule.

**Clause 6.** . In addition to penalties which may be imposed by civil or criminal law, any member, group of members or constituent group who, whether individually, collectively or through their agents or affiliates, violates any provision of this Rule, or otherwise in any fashion misappropriates any Fraternity trademark or copyright shall be deemed to have committed an offense against the Fraternity, punishable pursuant to the provisions of the Constitution, Bylaws and Rules on the Fraternity.

Proposed Text:

## **SECTION 10. INTELLECTUAL PROPERTY**

**Clause 1.** The design or representation in any form, medium or type of reproduction of the Badge, the SC Badge, the Coat-of-Arms, the Seals, the Pledge Pin, Flag and any other insignia of the Fraternity and the words "Phi Kappa Psi" and "Phi Psi" and their associated Greek Letters, shall not be manufactured, created, reproduced, used, advertised, marketed or offered for sale by any person, company or firm except as specifically authorized in writing by the Executive Council, which power to authorize may be delegated to a Licensing Committee or a suitable individual such as the Attorney General, his deputies or the Executive Director. The Executive Director shall maintain a list of authorized persons, companies and firms.

**Clause 2.** . Subject to the limitations of the Constitution, Bylaws and Rules, only the Executive Director may authorize commercial reproduction of the Fraternity's Badge, the SC Badge, the Coat-of-Arms, the Seals, the Pledge Pin, Flag and any other insignia of the Fraternity and the words "Phi Kappa Psi" and "Phi Psi" and their associated Greek letters, which power to authorize may be delegated by the Executive Council to a Licensing Committee or suitable individual such as the Attorney General, his deputies or the Executive Director.

**Clause 3.** . Anyone wishing to acquire merchandise bearing any insignia of the Fraternity shall obtain those items only from the vendors which are currently authorized to produce, market or sell official Phi Kappa Psi merchandise.

**Clause 4.** . Any Chapter, Alumni Association, Alumni Club or House Corporation currently in good standing with the Fraternity may utilize local commercial firms to produce merchandise for their own needs from time to time so long as the merchandise meets the standards for quality and good taste as set from time to time by the Executive Council, and which shall not cast the Fraternity in a negative light or otherwise be contrary to the ideals of the Fraternity, specifically including but not limited to any merchandise which glorifies alcohol use or illegal substance use or any material, depiction or statement which is sexist or demeaning of women, minorities or any other person or group.

**Clause 5.** . No member, group of members or constituent group of the Fraternity including but not limited to Chapters, Alumni Association, Alumni Clubs and House Corporations, nor any agents or affiliates of the foregoing, shall use any registered trademark or any other name, seal, symbol, or insignia associated with the Fraternity for their personal use, benefit or advantage, regardless of whether financial or otherwise, for any purpose or in any jurisdiction whatsoever without first having obtained written authorization to use the same pursuant to Section 2 of this Rule.

**Clause 6.** . In addition to penalties which may be imposed by civil or criminal law, any member, group of members or constituent group who, whether individually, collectively or through their agents or affiliates, violates any provision of this Rule, or otherwise in any fashion

misappropriates any Fraternity trademark or copyright shall be deemed to have committed an offense against the Fraternity, punishable pursuant to the provisions of the Constitution, Bylaws and Rules on the Fraternity.

Clause 7. Intellectual property including, but not limited to, the design or representation in any form, medium or type of reproduction of the Badge, the SC Badge, the Coat-of-Arms, the Seals, the Pledge Pin, Flag and any other insignia of the Fraternity and the words “Phi Kappa Psi” and “Phi Psi” and their associated Greek Letters, shall not be utilized by any person or entity for the purpose of posting notices, soliciting donations of money or property, or to promote participation in programs connoting any affiliation with the Fraternity or its affiliates without the express written consent of the Executive Director of the Fraternity or the President of the Fraternity. The written consent for use of the intellectual property may require compliance with payment for such usage pursuant to the fee schedule approved by the Executive Board of the Fraternity and applied at the discretion of the Fraternity’s Executive Director or its President. These restrictions and requirements shall be applied to any and all express or written agreements that are governed by prior use.

#### **A. Summary of the Proposed Amendment**

This amendment sets forth how the intellectual property of the Fraternity may be used.

#### **B. Governing Law**

Bylaws Article XV, Section 10. Intellectual Property

#### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity’s Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article XV, Section 10.

## Bylaws Article VII, Section 1

Submitted by: Samuel Ashdown, Florida Alpha '63

Amendment Purpose as Stated by the Author: We are all interested in energizing our PHI PSI 'virgin' Alumni Brothers to become involved in Fraternity activities. (My definition of a 'virgin' Alumnus Brother is one who, since his initiation and/or graduation from College, has never attended a Founders Day event, or any other Fraternity activity, so by definition, he could NOT "become MORE involved".)

The current primary physical vehicle for 'virgin' Alumni contact is quarterly editions of 'The Shield'. When it arrives in the mail, most will look up their Chapter News brief before chucking it in the recycle bin. After all, it is pretty easy to find the Chapter News slot, right?

Unfortunately, it is not easy to find an Alumni Association. Why you ask? Because of the Alumni Association/Club naming convention.

Unlike the alphabetical list of Chapter News briefs by State in 'The Shield', the list of Alumni Associations is alphabetical by the first major word of the Name, with many not even having the name of the State in it.

The scenario of a 'virgin' Alumnus getting the Fall and/or Winter edition of 'The Shield' might hopefully be accompanied by a mild remembrance of Chapter life and a brief possibility of his wondering what it would be like to attend a Founder's Day event nearest to his current residence. Those thoughts are all quickly dashed however when he is confronted by the 'list' of Founders Day events all alphabetized by Alumni Association Name.

We probably have 10, maybe 15 seconds, to allow him to locate the nearest Founders Day event before he gives up in frustration because it isn't EASY to find. This proposed simple amendment will make it as easy to find as a Chapter News brief and hopefully complete step one on his journey to rekindling interest in Old Phi Psi.

Amending the By-Laws to make this Naming Convention official means that it is required of the Fraternity Administration that they use it on all lists forever more, whether in 'The Shield', online or in any other media, just as they do now for Chapters.

One could argue that it is unnecessary to clutter up the Bylaws with something that could be handled administratively. If so, why couldn't we declutter the existing Bylaws and remove the Chapter naming convention?

The Fraternity has benefitted from its use of a Naming Convention for its Chapters. This proposed amendment simply adds Alumni Associations and Clubs, and it allows continued use of the current name alone in any manner desired except when it becomes part of a 'list'.

Current Text:

An alumni association shall be known by the name of the town, city or locality wherein it is situated, such name to be subject to the approval of the Executive Council.

Proposed Text:

~~An alumni association shall be known by the name of the town, city or locality wherein it is situated, such name to be subject to the approval of the Executive Council.~~

An Alumni Association shall be known by the name of the state, territory, province, or district where it is situated followed by the name of the town, city, or locality where the annual Founders Day observance, as defined by Article XV, Section 2 of these Bylaws, is held, followed by a name that is geographic and/or descriptive in nature and that may also be used alone, if desired, except when a listing of Alumni Associations is made for publication in any media, such name to be subject to the approval of the Executive Council.

**A. Summary of the Proposed Amendment**

This amendment sets for the parameters for how Alumni Associations are named.

**B. Governing Law**

Bylaws Article VII, Section 1

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article VII, Section 1.

**Proposal 2016-66**

Bylaws Article VIII, Section 1

Submitted by: Samuel Ashdown, Florida Alpha '63

Amendment Purpose as Stated by the Author: We are all interested in energizing our PHI PSI 'virgin' Alumni Brothers to become involved in Fraternity activities. (My definition of a 'virgin' Alumnus Brother is one who, since his initiation and/or graduation from College, has never attended a Founders Day event, or any other Fraternity activity, so by definition, he could NOT "become MORE involved".)

The current primary physical vehicle for 'virgin' Alumni contact is quarterly editions of 'The Shield'. When it arrives in the mail, most will look up their Chapter News brief before chucking it in the recycle bin. After all, it is pretty easy to find the Chapter News slot, right?

Unfortunately, it is not easy to find an Alumni Association. Why you ask? Because of the Alumni Association/Club naming convention.

Unlike the alphabetical list of Chapter News briefs by State in 'The Shield', the list of Alumni Associations is alphabetical by the first major word of the Name, with many not even having the name of the State in it.

The scenario of a 'virgin' Alumnus getting the Fall and/or Winter edition of 'The Shield' might hopefully be accompanied by a mild remembrance of Chapter life and a brief possibility of his wondering what it would be like to attend a Founder's Day event nearest to his current residence. Those thoughts are all quickly dashed however when he is confronted by the 'list' of Founders Day events all alphabetized by Alumni Association Name.

We probably have 10, maybe 15 seconds, to allow him to locate the nearest Founders Day event before he gives up in frustration because it isn't EASY to find. This proposed simple amendment will make it as easy to find as a Chapter News brief and hopefully complete step one on his journey to rekindling interest in Old Phi Psi.

Amending the By-Laws to make this Naming Convention official means that it is required of the Fraternity Administration that they use it on all lists forever more, whether in 'The Shield', online or in any other media, just as they do now for Chapters.

One could argue that it is unnecessary to clutter up the Bylaws with something that could be handled administratively. If so, why couldn't we declutter the existing Bylaws and remove the Chapter naming convention?

The Fraternity has benefitted from its use of a Naming Convention for its Chapters. This proposed amendment simply adds Alumni Associations and Clubs, and it allows continued use of the current name alone in any manner desired except when it becomes part of a 'list'.

Current Text:

A club shall be known by the name of the college, town, city or locality wherein it is situated.

Proposed Text:

~~A club shall be known by the name of the college, town, city or locality wherein it is situated.~~

A club shall be known by the name of the state, territory, province, or district where it is situated, followed by the name of the town, city, or locality where the annual Founders Day observance, as defined by Article XV, Section 2 of these Bylaws, is held, followed by a name that is geographic and/or descriptive in nature and that may also be used alone, if desired, except when a listing of Clubs is made for publication in any media, such name to be subject to the approval of the Executive Council.

**A. Summary of the Proposed Amendment**

This amendment sets forth how Alumni Clubs are to be named.

**B. Governing Law**

Bylaws Article VIII, Section 1

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Bylaws Article VIII, Section 1.

**Proposal 2016-67**

Rules Article I, Section 6, Clause 1.

Submitted by: Brian T. Kochheiser, Bowling Green '12

Amendment Purpose as Stated by the Author: Article I, Section 5 of the Rules of the Fraternity governs the procedure upon charges proffered against an organization. The proposed amendment would change Section 5, Clause 1 which discusses how charges are filed against a defendant.

Current Text:

Clause 1. If the Executive Board shall decide that the charges proffered constitute an offense against the Fraternity, the Executive Director of the Fraternity shall serve the defendant with a certified copy of the charges, together with a notice to file an answer thereto with the Executive Council, in writing, personally or by a member of the Fraternity as his representative, within thirty (30) days after the date of service. Such service may be made personally or by certified mail.

Proposed Text:

Clause 1. If the Executive Board shall decide that the charges proffered constitute an offense against the Fraternity, the Executive Director of the Fraternity shall serve the defendant with a certified copy of the charges, together with a notice to file an answer thereto with the Executive Council, in writing, personally or by a member of the Fraternity as his representative, within thirty (30) days after the date of service. Such service may be made personally or by certified mail and electronic mail.

**A. Summary of the Proposed Amendment**

This amendment requires that charges may also be served via email.

**B. Governing Law**

Rules Article I, Section 6, Clause 1.

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Rules Article I, Section 6, Clause 1.

**Proposal 2016-68**

Rules Article I, Section 5, Clause 2.

Submitted by: Brian T. Kochheiser, Bowling Green '12

Amendment Purpose as Stated by the Author: Article I, Section 5 of the Rules of the Fraternity governs the procedure upon charges proffered before the Executive Council. The proposed amendment would change Section 5, Clause 2, which discuss the number of days a defendant has to respond to charges and delivery method.

Current Text:

Clause 2. At the expiration of thirty (30) days from the receipt of such copy of charges and the notice, as indicated by the date of receipt thereof on the return of the certified letter, if no answer be filed, or if the charges not be sufficiently denied in the answer, the Executive Director of the Fraternity shall submit the charges and answer, if any, to the Executive Council for investigation and adjudication.

Proposed Text:

Clause 2. At the expiration of ~~thirty (30)~~ seven (7) days from the receipt of such copy of charges and the notice, as indicated by the date of receipt thereof on the return of the electronic certified letter, if no answer be filed, or if the charges not be sufficiently denied in the answer, the Executive Director of the Fraternity shall submit the charges and answer, if any, to the Executive Council for investigation and adjudication.

**A. Summary of the Proposed Amendment**

This amendment shortens the period in which to respond to charges, as well as provide service may be accomplished electronically.

**B. Governing Law**

Rules Article I, Section 5, Clause 2.

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Rules Article I, Section 5, Clause 2.

### **Proposal 2016-69**

Rules Article I, Section 5, Clause 2.

Submitted by: Brian T. Kochheiser, Bowling Green '12

Amendment Purpose as Stated by the Author: Article I, Section 5 of the Rules of the Fraternity governs the procedure upon charges proffered before the Executive Council. The proposed amendment would change Section 5, Clause 2, which discuss the number of days a defendant has to respond to charges and delivery method.

Current Text:

Clause 2. At the expiration of thirty (30) days from the receipt of such copy of charges and the notice, as indicated by the date of receipt thereof on the return of the certified letter, if no answer be filed, or if the charges not be sufficiently denied in the answer, the Executive Director of the Fraternity shall submit the charges and answer, if any, to the Executive Council for investigation and adjudication.

Proposed Text:

Clause 2. At the expiration of ~~thirty (30)~~ ten (10) days from the receipt of such copy of charges and the notice, as indicated by the date of receipt thereof on the return of the electronic certified letter, if no answer be filed, or if the charges not be sufficiently denied in the answer, the Executive Director of the Fraternity shall submit the charges and answer, if any, to the Executive Council for investigation and adjudication.

#### **A. Summary of the Proposed Amendment**

This amendment shortens the period in which to respond to charges, as well as provide service may be accomplished electronically.

#### **B. Governing Law**

Rules Article I, Section 5, Clause 2.

### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Rules Article I, Section 5, Clause 2.

### **Proposal 2016-70**

Rules Article I, Section 5, Clause 2.

Submitted by: Brian T. Kochheiser, Bowling Green '12

Amendment Purpose as Stated by the Author: Article I, Section 5 of the Rules of the Fraternity governs the procedure upon charges proffered before the Executive Council. The proposed amendment would change Section 5, Clause 2, which discuss the number of days a defendant has to respond to charges and delivery method.

Current Text:

Clause 2. At the expiration of thirty (30) days from the receipt of such copy of charges and the notice, as indicated by the date of receipt thereof on the return of the certified letter, if no answer be filed, or if the charges not be sufficiently denied in the answer, the Executive Director of the Fraternity shall submit the charges and answer, if any, to the Executive Council for investigation and adjudication.

Proposed Text:

Clause 2. At the expiration of ~~thirty (30)~~ fourteen (14) days from the receipt of such copy of charges and the notice, as indicated by the date of receipt thereof on the return of the electronic certified letter, if no answer be filed, or if the charges not be sufficiently denied in the answer, the Executive Director of the Fraternity shall submit the charges and answer, if any, to the Executive Council for investigation and adjudication.

**A. Summary of the Proposed Amendment**

This amendment shortens the period in which to respond to charges, as well as provide service may be accomplished electronically.

**B. Governing Law**

Rules Article I, Section 5, Clause 2.

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Rules Article I, Section 5, Clause 2.

**Proposal 2016-71**

Rules Article I, Section 6, Clause 1.

Submitted by: Brian T. Kochheiser, Bowling Green '12

Amendment Purpose as Stated by the Author: Article 1, Section 6 of the Rules of the Fraternity governs the procedure upon charges proffered against an organization. The proposed amendment would change Section 6, Clause 1 which discusses how charges are filed against an organization.

Current Text:

Clause 1: If the Executive Council shall decide that the charges proffered are such as would warrant the suspension or revocation of the charger of an organization, the Executive Director of the Fraternity shall serve the Corresponding Secretary or action Corresponding Secretary of the defendant organization with a certified copy of the charges, together with a notice to file an answer thereto with the Executive Council, in writing, personally or by a member of the Fraternity as its representative, within thirty (30) days after the date of service. Such service may be made personally or by certified mail.

Proposed Text:

Clause 1: If the Executive Council shall decide that the charges proffered are such as would warrant the suspension or revocation of the charter of an organization, the Executive Director of the Fraternity shall serve the Corresponding Secretary or action Corresponding Secretary of the defendant organization with a certified copy of the charges, together with a notice to file an answer thereto with the Executive Council, in writing, personally or by a member of the Fraternity as its representative, within thirty (30) days after the date of service. Such service may be made personally or by certified mail and electronic mail.

**A. Summary of the Proposed Amendment**

This amendment provides service of charges may be made electronically.

**B. Governing Law**

Rules Article I, Section 6, Clause 1.

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Rules Article I, Section 6, Clause 1.

**Proposal 2016-72**

Rules Article I, Section 6, Clause 2.

Submitted by: Brian T. Kochheiser, Bowling Green '12

Amendment Purpose as Stated by the Author: Article I, Section 6 of the Rules of the Fraternity governs the procedure upon charges proffered against an organization. The proposed

amendment would change Section 6, Clause 2 which discuss the number of days a defendant has to respond to charges and the delivery method.

Current Text:

Clause 2: At the expiration of thirty (30) days from the receipt of such copy of the charges and the notice, as indicated by the date of the receipt thereof on the return of the certified receipt, if no answer be filed, or if the charges not be sufficiently denied in the answer, the Executive Director of the Fraternity shall submit the charges and answer, if any, to the Executive Council for investigation and adjudication.

Proposed Text:

Clause 2: At the expiration of ~~thirty (30)~~ seven (7) days from the receipt of such copy of the charges and the notice, as indicated by the date of the receipt thereof on the return of the electronic mail ~~certified receipt~~, if no answer be filed, or if the charges not be sufficiently denied in the answer, the Executive Director of the Fraternity shall submit the charges and answer, if any, to the Executive Council for investigation and adjudication.

#### **A. Summary of the Proposed Amendment**

This amendment shortens the time to respond to charges, as well as provides the charges may be served electronically.

#### **B. Governing Law**

Rules Article I, Section 6, Clause 2.

#### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Rules Article I, Section 6, Clause 2.

## **Proposal 2016-73**

### Rules Article I, Section 6, Clause 2.

Submitted by: Brian T. Kochheiser, Bowling Green '12

Amendment Purpose as Stated by the Author: Article I, Section 6 of the Rules of the Fraternity governs the procedure upon charges proffered against an organization. The proposed amendment would change Section 6, Clause 2 which discuss the number of days a defendant has to respond to charges and the delivery method.

Current Text:

Clause 2: At the expiration of thirty (30) days from the receipt of such copy of the charges and the notice, as indicated by the date of the receipt thereof on the return of the certified receipt, if no answer be filed, or if the charges not be sufficiently denied in the answer, the Executive Director of the Fraternity shall submit the charges and answer, if any, to the Executive Council for investigation and adjudication.

Proposed Text:

Clause 2: At the expiration of ~~thirty (30)~~ ten (10) days from the receipt of such copy of the charges and the notice, as indicated by the date of the receipt thereof on the return of the electronic mail ~~certified receipt~~, if no answer be filed, or if the charges not be sufficiently denied in the answer, the Executive Director of the Fraternity shall submit the charges and answer, if any, to the Executive Council for investigation and adjudication.

#### **A. Summary of the Proposed Amendment**

This amendment shortens the time to respond to charges, as well as provides the charges may be served electronically.

#### **B. Governing Law**

Rules Article I, Section 6, Clause 2.

#### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Rules Article I, Section 6, Clause 2.

### **Proposal 2016-74**

Rules Article I, Section 6, Clause 2.

Submitted by: Brian T. Kochheiser, Bowling Green '12

Amendment Purpose as Stated by the Author: Article I, Section 6 of the Rules of the Fraternity governs the procedure upon charges proffered against an organization. The proposed amendment would change Section 6, Clause 2 which discuss the number of days a defendant has to respond to charges and the delivery method.

Current Text:

Clause 2: At the expiration of thirty (30) days from the receipt of such copy of the charges and the notice, as indicated by the date of the receipt thereof on the return of the certified receipt, if no answer be filed, or if the charges not be sufficiently denied in the answer, the Executive Director of the Fraternity shall submit the charges and answer, if any, to the Executive Council for investigation and adjudication.

Proposed Text:

Clause 2: At the expiration of ~~thirty (30)~~ fourteen (14) days from the receipt of such copy of the charges and the notice, as indicated by the date of the receipt thereof on the return of the electronic mail ~~certified receipt~~, if no answer be filed, or if the charges not be sufficiently denied in the answer, the Executive Director of the Fraternity shall submit the charges and answer, if any, to the Executive Council for investigation and adjudication.

#### **A. Summary of the Proposed Amendment**

This amendment shortens the time to respond to charges, as well as provides the charges may be served electronically.

#### **B. Governing Law**

Rules Article I, Section 6, Clause 2.

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Rules Article I, Section 6, Clause 2.

**Proposal 2016-75**

Constitution Article IX, Amendment

Submitted by: James H. Grove, III, California Beta '89

Amendment Purpose as Stated by the Author: Under the current constitution, no amendments may be considered unless they were submitted in final form at least 60 days before the GAC, or if the delegates agree in a unanimous vote to allow discussion and voting on a new or modified amendment.

This proposal would permit an amendment to be considered so long as it passes a four-fifths vote (which is 90% of the ballots cast by those present, excluding abstentions), where they agree to allow the amendment to come to floor for discussion. This would replace the current unanimous (100%) vote required to consider any new amendments.

Current Text:

This Constitution, and the Ritual, may be amended by the Grand Arch Council, by the affirmative vote of two-thirds of the organizations represented thereat and entitled to vote: Provided that a proposed amendment to or repeal of any portion of the Constitution or the Ritual shall not be considered without unanimous consent unless it shall have been filed with the Attorney General at least sixty (60) days prior to the convening of such Grand Arch Council; and provided that any amendments so adopted by a Grand Arch Council shall be submitted to a referendum vote upon the request thereof in writing by not less than twenty percent (20%) of the organization entitled to vote, filed with the Executive Director of the Fraternity not less than

sixty (60) days after the receipt of notice from the Executive Director of the adoption of such amendment, and unless such amendment shall upon such referendum ballot received the affirmative vote of two-thirds (2/3) of the chapters and alumni associations in good fraternal standing, it shall be lost, notwithstanding such adoption by such Grand Arch Council.

Proposed Text:

This Constitution, and the Ritual, may be amended by the Grand Arch Council, by the affirmative vote of two-thirds of the organizations represented thereat and entitled to vote: Provided that a proposed amendment to or repeal of any portion of the Constitution or the Ritual shall not be considered without ~~unanimous consent~~ a four-fifths vote, unless it shall have been filed with the Attorney General at least sixty (60) days prior to the convening of such Grand Arch Council; and provided that any amendments so adopted by a Grand Arch Council shall be submitted to a referendum vote upon the request thereof in writing by not less than twenty percent (20%) of the organization entitled to vote, filed with the Executive Director of the Fraternity not less than sixty (60) days after the receipt of notice from the Executive Director of the adoption of such amendment, and unless such amendment shall upon such referendum ballot received the affirmative vote of two-thirds (2/3) of the chapters and alumni associations in good fraternal standing, it shall be lost, notwithstanding such adoption by such Grand Arch Council.

#### **A. Summary of the Proposed Amendment**

This amendment changes the way proposed amendments to the Constitution, Bylaws and Rules of the Fraternity may be made, by allowing friendly amendments to otherwise properly submitted changes.

#### **B. Governing Law**

Constitution Article IX.

#### **C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Constitution Article IX.

## **Proposal 2016-76**

### Constitution Article IX, Amendment

Submitted by: James H. Grove, III, California Beta '89

Amendment Purpose as Stated by the Author: Under the current constitution, an amendment passes only if 2/3 of all accredited groups vote yes. This means that any absentions or absent voters count as an automatic "No" vote.

This proposal would change the vote to a standard 2/3 vote as defined by *Robert's Rules of Order*, where the number of Yes votes required to pass is 2/3 of the ballots cast, excluding abstentions.

Current Text:

This Constitution, and the Ritual, may be amended by the Grand Arch Council, by the affirmative vote of two-thirds of the organizations represented thereat and entitled to vote: Provided that a proposed amendment to or repeal of any portion of the Constitution or the Ritual shall not be considered without unanimous consent unless it shall have been filed with the Attorney General at least sixty (60) days prior to the convening of such Grand Arch Council; and provided that any amendments so adopted by a Grand Arch Council shall be submitted to a referendum vote upon the request thereof in writing by not less than twenty percent (20%) of the organization entitled to vote, filed with the Executive Director of the Fraternity not less than sixty (60) days after the receipt of notice from the Executive Director of the adoption of such amendment, and unless such amendment shall upon such referendum ballot received the affirmative vote of two-thirds (2/3) of the chapters and alumni associations in good fraternal standing, it shall be lost, notwithstanding such adoption by such Grand Arch Council.

Proposed Text:

This Constitution, and the Ritual, may be amended by the Grand Arch Council, by ~~the affirmative vote of~~ a two-thirds ~~of the organizations represented thereat and entitled to~~ vote: Provided that a proposed amendment to or repeal of any portion of the Constitution or the Ritual shall not be considered without unanimous consent unless it shall have been filed with the Attorney General at least sixty (60) days prior to the convening of such Grand Arch Council; and provided that any amendments so adopted by a Grand Arch Council shall be submitted to a

referendum vote upon the request thereof in writing by not less than twenty percent (20%) of the organization entitled to vote, filed with the Executive Director of the Fraternity not less than sixty (60) days after the receipt of notice from the Executive Director of the adoption of such amendment, and unless such amendment shall upon such referendum ballot received the affirmative vote of two-thirds (2/3) of the chapters and alumni associations in good fraternal standing, it shall be lost, notwithstanding such adoption by such Grand Arch Council.

**A. Summary of the Proposed Amendment**

This amendment changes the voting threshold for successfully passing an amendment to the Constitution.

**B. Governing Law**

Constitution Article IX.

**C. Opinion of the Attorney General**

The supreme legislative, judicial and executive functions of the Fraternity shall be vested in the Grand Arch Council subject to the limitations imposed by the Fraternity's Constitution, Bylaws and Rules. See, Constitution, Article VI, Section 1.

The Grand Arch Council is granted the authority to adopt, modify and repeal, from time to time, a Ritual, Bylaw or Rule, not inconsistent with this Constitution, for the government of the Fraternity. See, Constitution, Article VI, Section 2.

The proposed amendment does not conflict with any other provision of the Constitution, Bylaws, Rules, Ritual or principles of the Fraternity, and is not inconsistent with any Official Opinion rendered by any prior Attorneys General of the Fraternity. Therefore, the Attorney General expresses no objection to adoption of the proposal to amend Constitution Article IX.