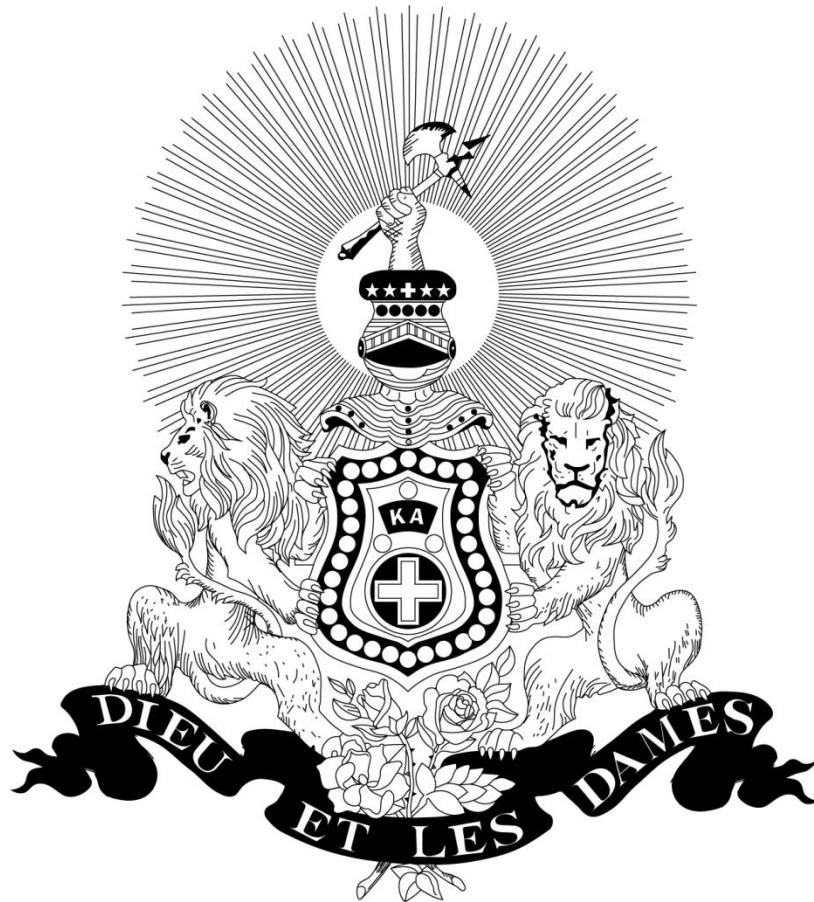


**KAPPA ALPHA ORDER  
NATIONAL ADMINISTRATIVE OFFICE**



**CHAPTER JUDICIAL**

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## THE IDEOLOGY OF MINOR AND MAJOR OFFENSES

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**Title 12** of the *Kappa Alpha Laws* may be referred to as the criminal code of the Order. In it, offenses of members are outlined, trial procedures explained, and penalties fixed. The Number I and the Number VII should become familiar with this Title and the procedures required for trial.

Though the thought of pressing charges against a brother is something no one relishes, a leader must realize that this is sometimes the most appropriate course of action. Therein lies a quality of leadership. The Order is bigger than any member, and when a chapter realizes that a brother is willfully disregarding the obligations of membership, it should act to preserve our standards. Too often the pull of fraternal bonds will cause us to close our eyes and ears to duty.

**Title 12** is designed to protect both the chapter and the member when sanctions are filed against a brother, and strict observance of its provisions is always necessary. It is important to note that, under our laws, the provisions of **Title 12** apply to alumni as well as undergraduate members.

The difference between major and minor offenses against the Order lies mainly in the degree of the offense, the procedure for the trial, and the penalty if guilt is determined.

## WHAT CONSTITUTES A MINOR OFFENSE

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**12-111. Definition:** Minor offenses are those which are committed by a member of an Active Chapter against his chapter or its members and are informally tried before, and are subject to imposition of penalty by, the Number I of his chapter.

**Minor offenses are:**

- Absence of a member from any regular or special meeting of his Active Chapter.
- Improper conduct or language at a chapter meeting.
- Failure to meet any financial obligations of the Order or to a chapter within 10 days after due.
- Attempting to influence other members to miss chapter meetings or to commit any other offense.
- Mutilation or destruction of or damage to any chapter property.
- Commission of any act contrary to the provisions of the Constitution, Bylaws or customs of the Order.
- Conduct contrary to the best interest of the Order or of the chapter.
- Neglect or abuse of authority in performing the duties of any office.
- Drunkenness, swearing, obscene language, gambling, or any other act contrary to any federal, state, municipal, college or university law, ordinance, rule or regulation applicable thereto, in, about or upon the premises occupied or used by the active chapter as a chapter house, meeting place or residence.

An Active Chapter may provide in its bylaws for other minor offenses not inconsistent with the *Kappa Alpha Laws* or customs of the Order.

## MINOR OFFENSE TRIAL

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Minor offenses are defined in Section 12-111 and 112. Sections 12-113 and 114 prescribe the trial procedure and the limits of punishment. While the procedure is relatively simple, it is nevertheless the subject of much confusion.

For the trial, the Number I is the judge, the Number VII is the prosecutor, and the offending member, who has the right to be represented by any other active member of his selection, is the defendant. A minor offense need not be tried in front of the chapter. The trial may take place at anytime, as long as, if a guilty verdict is found the chapter is the “court of appeals.” Most often, though, the trial takes place immediately following the censor’s report and decisions. The censor’s report is actually an indictment or charge against the offending member.

After making his report, the Number VII presents to the Number I whatever evidence is available that the defendant has committed a minor offense as defined in Section 12-112 of the *Kappa Alpha Laws*. The accused member then presents his side of the matter. The Number I decides whether or not the offense has been committed. If the defendant is guilty, the Number I then fixes punishment for the offense in accordance with the provisions of Sections 12-114 of the *Kappa Alpha Laws*.

If the convicted member wishes, he may appeal the decision of the Number I to the chapter. To appeal, the defendant, or someone on his behalf, needs to make a motion that the Number I be overruled. The chapter, acting as the court of appeals, votes. If three-fourths vote in favor of the motion to overturn the Number I’s decision, then he is overruled. (Section 12-115 of the *Kappa Alpha Laws*)

Remember, though, that the correct place in the order of business for an appeal of a minor offense is during Special Orders of Business. Therefore, if the appeal is made immediately following the trial, a motion must be made to return to Special Orders of Business or to suspend the rules of the meeting.

However, this procedure does not apply when a specific bylaw of the undergraduate chapter is violated. For example, Omega Omega chapter has a bylaw which calls for an automatic \$10 fine for breaking a window, and for payment of repairing the damage. The only way a penalty so provided can be avoided is by removal of specific bylaw. Given this, it is important that the chapter regularly update the bylaws.

### **Points to Remember concerning Minor Offense Trials:**

- Can only be tried once
- Any member can charge another
- Charges can be either verbal or written
- Presented to the Number I

- Failure to meet financial obligations can be made by a province commander, Executive Director or ADCS
- Number VII or another member designated by the Number I will prosecute
- The accused can be represented by any initiated brother
- The Number I is JUDGE and JURY

**Penalties for a Minor Offense:**

- A fine not in excess of \$100.00
- Suspension not in excess of 3 months
- Or BOTH!!!

If it is a chapter bylaw, maximum fine is \$50.00

## **MINOR OFFENSE CHECKLIST**

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- ❑ Minor offense charge is documented. Charge can be provided either verbal or written.
- ❑ Ensure charge constitutes minor offense. If so, proceed.
- ❑ Set time and place for minor offense trial if needed.
- ❑ If trial is needed, designate Number VII or another active member to prosecute.
- ❑ Ensure another active member of the chapter represents accused.
- ❑ Based on findings from trial, ensure penalty is handed down if found guilty.
- ❑ Document all recordings and evidence from trial.
- ❑ If the accused appeals verdict, ensure vote is taken with entire chapter to determine outcome of appeal.

## WHAT CONSTITUTES A MAJOR OFFENSE

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**12.122. Definition:** Major offenses are those committed by, a member, which are formally tried before his Active Chapter or the Executive Council. A member may be tried by an Active Chapter for a major offense committed while he was associated with the Active Chapter within six months after his association with his Active Chapter has terminated, but a major offense charged, under Section 12-122 (a) committed while he was associated with the Active Chapter, may be tried by the Active Chapter within two years after his association with his Active Chapter has terminated. All offenses, which are not minor offenses are major offenses. Any offense penalized as set forth in 12-114 shall be a minor offense regardless of the original charge.

**Major Offenses are:**

- Willful and persistent neglect to meet financial obligations to the Order or to an Active Chapter or to comply with the lawful requirements made in accordance with the *Kappa Alpha Laws* or customs of the Order.
- Disparagement or defamation of the Order, a member or a chapter of the, Order, or damage to Order property.
- Drunkenness at a chapter meeting.
- Hazing.
- Pawning any badge, insignia or other jewelry bearing the name, initials or coat-of-arms of the Order.
- Unnecessary or ill-advised conversation about the affairs of the Order with a person who has been suspended or expelled from the Order.
- Discussing unnecessarily any affairs of the Order or of a chapter with persons not members of the Order.
- Criminal or ungentlemanly conduct.
- Failure of the Number I and the Number VI to remit to the Executive Director an initiation fee within seven days prior to initiation or an uninitiated member fee within thirty days of its payment to the active chapter.
- Conduct which is vitally against the best interest of the Order, including commission of any act contrary to the provisions of the Constitution, Bylaws or customs of the Order.



## MAJOR OFFENSE TRIAL

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When dealing with major offense charges, it is important to ensure the due process is accorded and that an accurate record of the event is maintained. You will find in the appendices samples of all material which need to be mailed to the Executive Director should the member be found guilty and expelled. The expulsion of a member is not official according to the *Kappa Alpha Laws*, until the Executive Director has received that information and has properly filed the paperwork at the National Administrative Office.

The procedure for a major offense trial is outlined in Section 12-127 of the *Kappa Alpha Laws* and is attached in this section. Before entering a trial, the involved parties should be familiar with that outline. After the arguments for and against have been made, the chapter conducts a secret ballot vote to determine guilt or innocence.

If the accused is found guilty, another secret ballot (majority vote) shall be taken to determine the penalty. That penalty may be suspension for not less than three months or more than one year, or expulsion from the Order. If the member is not expelled or suspended by vote of the chapter, the Knight Commander or the Number I may set the penalty as a minor offense, except in the case of hazing. In a trial for hazing, if the required votes cannot be obtained from the trial body to suspend the member a penalty of at least three months suspension shall be set forth by the Knight Commander (if the trial is conducted before him) or the Number I.

Article 12-3 of the *Kappa Alpha Laws* specifies the status of expelled and suspended members. While a member is suspended he is to be carried on the rolls of the chapter and shall pay all financial obligations which are charged against him during that period. However, he shall not be entitled to vote on any question in a chapter meeting.

Members who have been suspended or expelled may be reinstated. The procedure and requirements for this are explained in Section 12-313.

### **Points to Remember Concerning Major Offense Trials:**

- A member can not be tried twice for a single major offense
- The accused is automatically given a trial, unless he waives his trial in writing
- An immediate trial may be ordered for any offense committed in an Active Chapter meeting or in the presence of a majority of the members of the Executive Council, upon personal notice to the offending member
- Any member can charge another
- Charges can be verbal or written to the trial body
- Number VII or another designated member by the Number I will prosecute
- The accused can be represented by any initiated member
- The Number I is the judge in a trial before the Active Chapter
- The Knight Commander is judge in a trial before the Executive Council

### **Submission of Major Offense Charge to Trial Body:**

- Charge shall be referred to the trial body which shall set a date, time and place for the trial
- Notice clearly stating the charges and the date, time and place of trial shall be served upon the accused in person or by certified mail to his last known address, with return receipt requested, at least 10 days prior to the trial
- The Number II shall preside if the Number I is the accused before the Active Chapter
- The Senior Councilor shall preside if the Knight Commander is the accused before the Executive Council

### **Order of a Major Offense Trial:**

- (1)Submission of evidence by the prosecutor
- (2)Submission of evidence by the accused
- (3)Submission of rebuttal evidence by the prosecutor (any new facts to be excluded)
- (4)Argument for the prosecution
- (5)Argument for the accused
- (6)Rebuttal argument for the prosecution
- Evidence at the trial may be either oral testimony or affidavits or depositions

### **Penalties for a Major Offense:**

- Expulsion from the Order
- Suspension for a period no less than 3 months
- Fine

## MAJOR OFFENSE CHECKLIST

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- ❑ Major offense charge is documented. Charge can be provided either verbal or written.
- ❑ Ensure charge constitutes major offense. If so, proceed.
- ❑ Refer charge to trial body (active chapter or executive council).
- ❑ Trial body has set a date, time and place for trial.
- ❑ Notice clearly stating the charges and the date, time and place of trial served upon accused in person or by mail (certified return receipt) at least 10 days prior to trial.
- ❑ Designate Number VII or another active member to prosecute.
- ❑ Ensure another active member of the chapter represents accused.
- ❑ Ensure order of a major offense trial is followed exactly as stated in the *Kappa Alpha Laws*.
- ❑ Majority vote obtained for guilt or innocence of accused.
- ❑ If found guilty, second vote taken to determine penalty.
- ❑ Document all recordings and evidence from trial.
- ❑ If accused is expelled from the Order; the major offense trial paperwork is filed with Executive Director.

## **APPEAL OF MAJOR OFFENSE**

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*Kappa Alpha Laws 12-211-12-213* deals with the appeal in the case of expulsion.

An individual who has been expelled from membership in the Order may appeal that action to the Knight Commander as provided in Section 1-422. A notice of the expulsion should be given in writing to the expelled members, which writing shall include a copy of this section. Action shall be deemed completed 10 days after mailing the notice with a copy of this section to his last known address by certified mail, whether or not accepted by him. Upon receipt of an appeal, the Executive Director shall notify the Knight Commander who shall designate three Former Knight Commanders to serve on the Board of Review, and shall designate the Chairman of that Board.

The Knight Commander shall then, after designating a Chairman of the Board, direct the trial body by which the member was expelled to file the record of the trial forthwith with the Chairman. The Chairman shall thereupon make all necessary arrangements for consideration of the appeal by the full Board. The Board shall reach its decision on the appeal, in the exercise of its independent judgment, within 30 days after receipt of the trial record.

The Board has the option to:

- 1) Approve the expulsion
- 2) Direct a new trial or reverse, for errors in procedure in the trial that create a substantial injustice

The Board shall promptly communicate its decision to the Executive Director and the trial record shall thereupon be forwarded to him. The Executive Director shall notify the individual who filed the appeal of the Board's decision, shall so endorse the trial record and return it to the trial body with instructions to be governed thereby and to conduct a new trial if that be the decision of the Board of Review.

## CHAPTER VOTING GUIDE

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This guide is designed to be a ready reference to chapters in determining the vote necessary to carry motions at meetings. You may also find the tabular voting guide in the back of the *Kappa Alpha Laws* to be of use.

No business may be transacted and no vote may be taken on any meeting if a quorum is not present at the meeting. A quorum for any meeting of a chapter is a majority or one more than one half of the members on the chapter roll (Section 9-214 of the *Kappa Alpha Laws*). For example, Omega Omega chapter has 80 members; therefore, 41 members must be present at a meeting to constitute a quorum for the transaction of business.

Ordinarily a simple majority vote, that is, more than one half of those present, is all that is required to carry a motion. For example, in Omega Omega chapter, 41 members constitute a quorum. If there are 46 members present, there is a quorum and it would take 24 votes to pass a motion. Keep in mind, however, that under the *Kappa Alpha Laws* there are some matters, which require more than a simple quorum and other matters, which require more than a majority vote:

- **Expulsion or suspension of an active or alumni member for major offense:** (Section 1-421 and 12-312 of the *Kappa Alpha Laws*). Expulsion requires a three-quarters vote of the chapter roll; suspension requires a majority vote. In the case of a trial for a major offense (Section 12-127 of the *Kappa Alpha Laws*), it is advisable that all chapter members be present, even though it is not required. In any trial for suspension or expulsion, the member on trial shall not vote as a member of the chapter.
- **Acquisition of alumnus status by an active member:** Two thirds of members of the chapter (Section 8-213(c) of the *Kappa Alpha Laws*). This means that at least two thirds of the chapter must be present at the meeting and vote favorably to pass. This is only applicable if the member has been an active member for seven regular semesters or eleven regular quarters.
- **Election of the Number I, II and III:** Four fifths of the members of the chapter must be at the meeting and a majority vote of the total membership of the chapter is required to elect (Section 9-112 of the *Kappa Alpha Laws*). For example, in Omega Omega chapter, 64 members must be present to constitute a quorum for election and 41 affirmative votes are required to elect the Number I, II and III.
- **Removal of the Number I, II, and III:** Three-fourths vote of all of the members of the chapter (Section 9-124 of the *Kappa Alpha Laws*). This means that three fourths of the chapter roll must vote in favor for the motion to pass.
- **Fixing of initiation fees, dues and assessments:** Majority vote of all members of the chapter (Section 9-222 of the *Kappa Alpha Laws*). This means that if a simple quorum (26 in our hypothetical chapter) is present, and no more, all members must vote in favor of a motion concerning initiation fees, dues and assessments (including room rent and

board if the chapter fixes those charges) in order to have it approved by the chapter. Remember, however, that the chapter may not change National fees.

- **Election to membership:** Unanimous vote of the active chapter (Section 1-413 of the *Kappa Alpha Laws*). This means a unanimous vote of all members on the chapter roll, not just those present, is necessary to elect membership. Section 8-113 of the *Kappa Alpha Laws* provides for obtaining the votes of those members who are absent from a meeting at which an election to membership is held. Any member who has received adequate notice of a meeting for the election of members must, within 24 hours, indicate his vote to the Number I or it shall be recorded as favorable. The vote is not unanimous until those absent members have cast ballots with the Number I.
- **Terminating a new member:** Two-thirds vote of the active chapter (Section 8-132 of the *Kappa Alpha Laws*). See second bullet point above.
- **Deferring a new member:** One-third vote of the active chapter (Section 8-132 of the *Kappa Alpha Laws*).
- **Open ballot on election to membership:** Three-fourths vote of the chapter (Section 8-115). CAUTION: An open ballot on election to membership is not a ballot that may be voted as a matter of course. It should be proposed only if there is reasonable belief that there is considerable opposition to the necessary growth of the chapter. The Number I, on his own initiative, or on the suggestion of the Number VII, should rule out of order any motion made for an open growth ballot when there is no reasonable indication that growth of the chapter is opposed.
- **Sustaining objection to a candidate upon open ballot:** When an open ballot is called, a member may state privately to the Number I his objections to a particular candidate. If the Number I feels the objection is invalid, he can reject the objection and declare the ballot favorable. When that takes place the member may state his reason openly to the chapter. If more than five members or more than one fourth of the chapter, whichever is less, sustain the objection (by a show of hands or otherwise), the ballot shall be declared unfavorable.
- **Overruling the Number I on penalty for minor offense:** Three-fourths vote of all active members (Section 12-115 of the *Kappa Alpha Laws*).
- **Reinstatement of member suspended for three months or longer:** Three-fourths vote of the trial body (which is the active chapter if it conducted the trial resulting in suspension) (Section 12-313 of the *Kappa Alpha Laws*).

## APPENDIX AND RESOURCES

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### *Title 8-MEMBERSHIP*

#### ARTICLE 8-1 NEW MEMBERS

##### **Part 1. Election of new members**

**8-111. Chapter duty to elect new members.** Each Active Chapter has a duty to elect to membership persons who appear to be worthy of membership in the Order to preserve its continued successful existence, operation and reputation.

**8-112. Investigation of new members.** An Active Chapter, through designated officers or members, shall contact all possible sources of information regarding the eligibility of any individual for membership prior to presentation of his name to the Active Chapter for consideration. It shall acknowledge all recommendations made by alumni members and contact every individual so recommended for purposes of his consideration by the chapter. An Active Chapter shall, in considering an individual who has attended another institution where there is an Active Chapter of the Order, make appropriate inquiries of that chapter as to his eligibility. *Amended by 67th Convention, 1997.*

**8-113. Balloting.** Election of new members shall be by secret ballot of the active members and shall be conducted in the manner prescribed by the Active Chapter. An active member who anticipates that he may be absent from a meeting at which balloting upon candidates for membership may be conducted may privately request the I to cast his ballot at the meeting. The I, by private individual conference, shall receive the ballots of all active members who were absent from a meeting at which the chapter favorably considered candidates for membership. The I shall not disclose to any person the vote of any absent active member on any candidate. He shall report any negative vote to the chapter and record it. Subject to compliance with any applicable rushing regulations under which the Active Chapter operates, an active member, having had adequate advance written or oral notice of a meeting of his Active Chapter at which the election of new members occurred, who was absent from the meeting and fails, within 24 hours after the adjournment of the meeting, to indicate his vote to the I on each candidate favorably voted upon, shall be recorded as voting in the affirmative. *Amended by 58th Convention 1979.*

**8-114. Reconsideration of a candidate.** Except as may be further limited in the Active Chapter bylaws, any candidate for membership who is not elected may be reconsidered by the Active Chapter, but no candidate may be considered more than four times in any period of 24 hours. This Bylaw may be suspended by the Active Chapter by unanimous consent.

**8-115. Opposition to chapter growth and open ballots thereon.** No member of an Active Chapter may lawfully oppose the necessary growth of his chapter acting upon his individual opinion as to its limit in membership. Whenever it may appear that any member is obstructing the growth of the chapter, in an Active Chapter in which election to membership is by unanimous vote, the chapter may, by a three-fourths vote of its active members, order an open ballot upon any candidate for membership apparently rejected without valid reason. Upon any open ballot, reasons for opposition to any candidate by any member shall be stated privately to the I, and if, in the opinion of the I, the reasons be insufficient, the ballot in opposition to the candidate shall be declared to be a favorable ballot. The opposing member may then appeal, and state his reason, to the chapter and if either more than five active members or more than one-fourth of the active members of the chapter, whichever is lesser, shall sustain the sufficiency of the reason, the I shall be overruled and the ballot shall be considered to be in opposition to the candidate as originally cast. If the I be the objector, the II shall determine the sufficiency of the reason. Should the candidate be an old acquaintance known to be unfriendly or offensive to the objecting member, the objection shall be deemed valid and sufficient. When the existence of an Active Chapter is threatened by the capricious and willful inertia of its members, such members or chapter shall be dealt with by the Knight Commander for activity detrimental to the best interest of the Order.

**8-116. Invitation to membership and acceptance.** The I of the chapter shall designate a member or members of the chapter to extend an invitation to membership to a candidate who has been elected to membership. An individual who accepts an invitation to membership shall be inducted as a member awaiting initiation by the

induction ceremony of the Order and shall be presented with and shall wear the insignia of the Order manifesting his acceptance of the membership invitation extended to him. *Amended by 72<sup>nd</sup> Convention, 2007.*

## **Part 2. Preparation for initiation**

**8-121. Initial preparation.** A member preparing for initiation shall familiarize himself with the manners, principles, history, tradition, organization and institutions of the Order, as well as the general history and present status of the American College Fraternity System and the relation of the Order to other college fraternities.

**8-122. Supervision of pre-initiation education.** The I of each Active Chapter shall designate an active member to supervise and conduct complete pre-initiation education. From time to time during the period of education and at its conclusion, the supervisor shall report the development, interest, activities and conduct of the member awaiting initiation to the active members of the chapter and make whatever recommendations he deems appropriate. *Amended by 72<sup>nd</sup> Convention, 2007.*

**8-123. Conclusion of pre-initiation education.** At the conclusion of pre-initiation education, each member preparing for initiation shall be given an examination covering his familiarity with the manners, principles, history, tradition, organization and institutions of the Order, as well as his familiarity with the American College Fraternity System. No member may be initiated unless he shall pass such examination.

**8-124. Report for initiation.** A report that a member preparing for initiation has met all of the requirements prescribed by the Kappa Alpha Laws, the Executive Council, the bylaws of the particular Active Chapter and the rules and regulations of the institution upon the campus of which the chapter exists shall entitle that member to be initiated at the next regular initiation meeting of the Active Chapter unless his initiation is deferred or his membership is terminated.

## **Part 3. Deferral of initiation and termination of membership**

**8-131. Deferral of initiation.** The initiation of any member otherwise eligible for initiation may, upon a one-third vote of all of the active members of the Active Chapter, be deferred until such time as the Active Chapter shall determine his initiation is in order for any cause the active members of the chapter may at that time determine to be sufficient for that action.

**8-132. Involuntary termination of membership.** The active members of an Active Chapter or the members awaiting initiation of a provisional chapter may terminate the membership of a member awaiting initiation at any time by a vote of two-thirds of the active members of the active chapter or by a vote of two-thirds of the members of the provisional chapter. Additionally, the Knight Commander or his designee, in the exercise of his discretion, may terminate the membership of a member awaiting initiation, having found that the continuance of such association is undesirable to the member or to the Order. *Amended by the 69<sup>th</sup> Convention, 2001.*

**8-133. Automatic termination of membership.** When a member awaiting initiation

- (a) shall cease to be a student at the institution at which is located the Active Chapter by which he was elected to membership; or
- (b) shall have remained unqualified for initiation for one year after the date he accepted the invitation to membership, by reason of
  - (1) failure to meet the requirements of the pre-initiation examination, or
  - (2) failure to meet any required pre-initiation scholastic requirements, or
  - (3) failure to meet the financial requirements for initiation,

his membership shall be automatically terminated. Any member whose membership is terminated for reasons stated in (b) above may be forthwith re-elected to membership. Nothing herein, however, shall prohibit any Active Chapter, at its option, from initiating any person whose membership terminates pursuant to (a) above, provided (i) such person otherwise meets all of the requirements for initiation and (ii) the Province Commander consents to such initiation. *Amended by 57<sup>th</sup> Convention, 1977 and the 72<sup>nd</sup> Convention, 2007.*

**8-134. Voluntary termination of membership.** Any member awaiting initiation may voluntarily relinquish his membership by letter to the Active Chapter of which he is a member or by any other method reasonably calculated to indicate his intention to terminate his membership. *Amended by 72<sup>nd</sup> Convention, 2007.*



**Part 4. Academic requirements for initiation.**

**8-141. College or University Average. *Repealed.*** *Adopted by 67th Convention, 1997; repealed by 68th Convention, 1999.*

**8-142. Provisional Chapter.** *Adopted by 67th Convention, 1997; repealed by the 69th Convention, 2001.*

ARTICLE 8-2 INITIATED MEMBERS

**Part 1. Active members.**

**8-211. Chapter association.** Active members of the Order are those initiated members who are associated with an Active Chapter.

**8-212. Obligation of active membership.** An initiated member is obligated to remain an active member of an Active Chapter for at least seven regular semesters or eleven regular quarters, or the equivalent, whether or not consecutive. *Amended by 65th Convention, 1993.*

**8-213. Termination of Active Membership.** A member shall cease to be an active member upon the termination of his association with an Active Chapter. The association of a member with an Active Chapter shall terminate when

- (a) he ceases to be a student at the institution where the Active Chapter is located, or
- (b) at the election of the member, he is graduated and continues to be a student at the institution where the Active Chapter is located, or
- (c) at the election of the member and the consent of two-thirds of the Active Chapter, he has been an active member for seven regular semesters or eleven regular quarters, or the equivalent, whether or not consecutive, or
- (d) the Knight Commander or his designee, in the exercise of his discretion, directs that such association shall terminate, having found that the continuance of such association is undesirable to the member or to the Order. *Amended by 60th Convention, 1983; 61st Convention, 1985; and 65th Convention, 1993.*

**8-214. Report upon termination of active membership.** Upon the termination of active membership for ~~any reason~~, the Active Chapter shall transfer the name of the member to its alumni roll and promptly notify the Executive Director of the transfer, giving the name of the member, his membership record and his permanent address insofar as it is known. If the Knight Commander or his designee terminates active membership, he shall promptly notify the Executive Director. *Amended by the 70th Convention, 2003.*

**8-215. Reinstatement to active membership.** A member whose active membership has terminated may be reinstated in the Active Chapter from which his membership was terminated by a majority vote of that chapter; provided, however, that if the termination was effected under Section 8-213(d) hereinabove, the Knight Commander or his designee consents to the reinstatement.

**8-216. Transfer of an active member.** A member whose active membership in an Active Chapter has terminated under the provisions of Section 8-213 may become an active member of another Active Chapter by transfer. A transfer of active membership may be accomplished if

- (a) the transferring member enrolls in an institution at which an Active Chapter of the Order is located, and
- (b) that transferring member applies to that chapter for membership, and
- (c) that Active Chapter consents to the transfer by a majority vote of its active members, and
- (d) the Knight Commander, or his designee, consents to the transfer in an instance when membership in an Active Chapter was terminated under Section 8-213(d).

The transfer shall not, however, be accomplished, and the transferring member shall enjoy none of the privileges of membership in the chapter to which he has applied for transfer, until that chapter ascertains from the prior chapter that all of the transferring member's financial obligations have been satisfied. The Active Chapter to which transfer is made shall thereupon notify the Executive Director of the transfer. *Amended by the 64th Convention, 1991.*

**8-217. Inability of active member to meet financial obligations to Active Chapter.** An Active Chapter, after thorough investigation to determine the inability of a member to meet his financial obligations to the chapter, may, upon a two-thirds vote of all the active members of the Active Chapter, excuse an active member from all or any part of his financial obligations to the chapter for such a period of time as the chapter deems appropriate. No

chapter shall have the authority to alter a member's financial obligation to the Order. *Amended by 58th Convention, 1979.*

**8-218. Good standing of Active Members.** An Active Member shall be in good standing with his Active Chapter and with the Order if he is current in all financial obligations to the Active Chapter and to the Order. A member is not current in his financial obligations if he is thirty days or more delinquent in the payment of any amount owed to his Active Chapter or the Order, provided however, ~~that~~ if an Active Member has entered into a deferred payment plan approved by the Prudential Committee of his Active Chapter and he is current in performing all of the terms ~~of~~ the plan, he shall be considered to be in good standing. *Adopted by 67th Convention, 1997. Amended by the 70th Convention, 2003.*

**8-219. Rights of Active Member not in good standing.** An Active Member who is not in good standing shall

- (a) not have the right to propose new members nor to vote on the proposal of new members,
- (b) not be counted to determine the absence or presence of a quorum for any meeting of his Active Chapter,
- (c) not have the privilege to serve or continue to serve as an officer or committee chairman of his Active Chapter,
- (d) not have the privilege to serve as national or province undergraduate chairman,
- (e) not have the right to vote in the trial of any major offense, nor in the appeal of any minor offense,
- (f) not have the right to vote for officers of his Active Chapter, and
- (g) not be entitled to become an Active Member of any other Active Chapter by transfer

so long as he remains not in good standing. With the exception of social events, an Active Member not in good standing may attend Active Chapter functions at the discretion of the I, and his lack of good standing shall not cause him to be excused therefrom. *Adopted by 67th Convention, 1997.*

## **Part 2. Alumni members**

**8-221. Alumni members.** Alumni members of the Order are those members who have been initiated and who are not associated with an Active Chapter.

**8-222. Relations between Active Chapters and alumni members.** Alumni members at an Active Chapter meeting, chapter house or other chapter premises shall comply with all laws of the Order and of that Active Chapter with respect to their conduct and shall be subject to all of the duties of active members of that chapter in all respects within their knowledge. The Knight Commander or his designee or the Executive Council may prescribe rules governing the relationship of an Active Chapter with an alumnus member who is attending an institution where there is located an Active Chapter.

# ***Title 9-ACTIVE CHAPTERS***

## **ARTICLE 9-1 ACTIVE CHAPTER OFFICERS**

### **Part 1. Designation, election and appointment**

**9-111. Designation of chapter officers.** The officers of an Active Chapter, ranking in the following order, shall be the I, II, III, IV, V, VI, VII, VIII and IX. Additional officers may be established by the Executive Council or by each Active Chapter according to its needs. The I, II and III shall be elected by the active members of the chapter, and the I shall appoint all other Active Chapter officers. If an Active Chapter has fewer than nine active members, the I shall designate the combining of officers below III within the chapter. The absence of any officer or upon his inability to act, the I shall designate an active member of the chapter to perform the duties of such officer temporarily. All Active Chapter officers shall be active members of that chapter. *Amended by 67th Convention, 1997.*

**9-112. Election of I, II and III.** The I, II and III shall be elected annually between November 1 and December 1 or at such interval in time as the Executive Director may approve in writing. Election for each office shall be by secret ballot without nominations. Four-fifths of the active members of the chapter must be present for an election, and a majority of the active members of the chapter is required to elect. After each ballot, if no candidate receives the requisite majority, the names of all active members receiving votes shall be announced, but the number of votes received by each shall not be announced. When votes are cast for three or more candidates and no one has the requisite majority, the name of the candidate or candidates having the smallest number of votes shall be dropped after the third and each succeeding ballot. Any votes cast for a candidate (a) whose name has been dropped or (b) who did not receive any votes on the first, second or third ballot shall not be counted. *Amended by the 70th Convention, 2003.*

**9-113. Ineligibility for chapter office.** A member is ineligible for the office of I, II or III if he is indebted to the Order or one of its chapters. A member is ineligible for the office of I if he has prior knowledge that he will be unavailable for the I's Leadership Institute. *Amended by the 70th Convention, 2003; the 71<sup>st</sup> Convention, 2005; and the 72<sup>nd</sup> Convention, 2007.*

**9-114. [Repealed].** *Repealed by the 70th Convention, 2003.*

### **Part 2. Term of office and vacancies**

**9-121. Term of office.** Active Chapter officers shall serve terms of one year or until their successors are elected or appointed and have qualified, and shall take office not later than 30 days after the I, II and III are elected. An officer may be re-elected or reappointed for any number of terms.

**9-122. Resignation.** An elected Active Chapter officer may resign by submitting his resignation to the chapter. An appointed Active Chapter officer may resign with the consent of the I.

**9-123. Automatic vacancy in Active Chapter office.** The suspension of any officer of an Active Chapter for a period of 30 days or more or the neglect of any Active Chapter officer to meet his financial obligations to the Order or to the chapter during a period of three months automatically vacates his office.

**9-124. Removal from office.** For cause, the I, II or III of an Active Chapter may be removed by a three-fourths Vote of all of the active members of the chapter or by the Knight Commander, the Province Commander or the Executive Director. For cause, any appointed officer in an Active Chapter may be removed by the I, the Executive Director, the Province Commander or the Knight Commander. Any elected Active Chapter officer removed from office shall not be eligible to hold office in that chapter without the approval of the officer who removed him.

**9-125. Vacancy in Active Chapter office.** If any Active Chapter office becomes vacant, a successor shall be elected by the chapter or appointed by the I for the unexpired term in the same manner provided for original elections and appointments.

### **Part 3. Duties of Active Chapter officers**

**9-131. The I - President.** The I shall cause the chapter to obey the laws of the Order and the lawful requirements of its officers; preside at all meetings of the chapter; maintain good order and decorum; secure in discussion the observance of parliamentary rules; submit questions to vote at the proper stage; cause meetings to be held as prescribed; privately counsel with and advise the chapter officers concerning the discharge of their duties; require respect for and compliance with the customs of the Order; and exercise, in a fraternal spirit, a general supervision and control over all of the business and workings of the Active Chapter. The I shall be responsible for all of the property of his chapter of whatever nature and shall provide for its safekeeping during all vacations.

**9-132. The II - Vice President.** The II shall perform any of the duties of the I in his absence or inability to act and generally assist the I in the discharge of his duties; count the votes on questions submitted to the chapter; report to the chapter violations of the laws of the Order when the same are not reported by the VII; and privately counsel with and advise the I concerning the discharge of his duties.

**9-133. The III – Recording Secretary.** The III shall keep full minutes of the chapter proceedings in a permanent minute book; call the roll at the opening and closing of each meeting of the chapter or the active members thereof; furnish the VII during the progress of each meeting with a list of absentees upon all roll calls not theretofore presented to him; read the minutes of the previous meeting; submit his minutes to the I for his approval and signature; supervise the IV in keeping the files of chapter correspondence; and be responsible to the I for the minute book and other records of the chapter used directly in connection with chapter meetings. He shall also serve as the scholarship officer for the Active Chapter. *Amended by the 72<sup>nd</sup> Convention, 2007 to take effect on December 1, 2007.*

**9-134. The IV - Corresponding Secretary.** The IV shall have charge of and be responsible to the I for the safekeeping of all of the files and correspondence of the chapter and shall write or supervise the writing of all correspondence in behalf of the chapter as the I or the chapter shall direct. He shall also serve as the membership recruitment officer for the Active Chapter. *Amended by the 72<sup>nd</sup> Convention, 2007 to take effect on December 1, 2007.*

**9-135. The V - Historian.** The V shall accumulate material for the history of the chapter and its members, past and present; keep the prescribed chapter register up to date; act as contact officer between the chapter and its alumni, performing such duties in this regard as may be required of him by the chapter or by the Executive Director; and be responsible to the I for the safekeeping of the chapter register, records of historical data, chapter library, pictures and other properties of a historical nature.

**9-136. The VI - Purser.** The VI shall collect all fees, dues, fines and assessments; keep the financial records of the chapter; have custody of the funds of the chapter; be responsible to the I for the safekeeping of all property of the chapter for which another officer of the chapter, exclusive of the I, is not responsible; and report to the chapter as often and in such detail as may be required by the chapter or the I, at least once a month, the status of each member's account with the chapter or with the Order, the accounts of the chapter, and such other matters as may be disclosed from the chapter's financial records.

**9-137. The VII - Parliamentarian.** The VII shall master the laws of the Order and the chapter with respect to duties of officers and members; report to the chapter the failure of any officer of the chapter to perform any duty required of him; and report to the chapter all violations of or failure to comply with the laws or the customs of the Order or the chapter for appropriate action to be taken.

**9-138. The VIII - Sergeant-at-Arms.** The VIII shall act as the sergeant-at-arms for all chapter meetings and shall admit only persons lawfully permitted to be present at a chapter meeting. He shall also serve as the primary risk management officer for the Active Chapter. In this capacity he shall be responsible for education and enforcement of the Order's risk management policy. *Amended by the 70th Convention, 2003*

**9-139. The IX - Marshal.** The IX shall be responsible to the I for the safekeeping and preservation of the paraphernalia and chapter room properties of the chapter and shall introduce to the chapter at each chapter meeting any alumni or other visiting brothers present.

## ARTICLE 9-2 CHAPTER OPERATIONS

### **Part 1. Chapter bylaws and meetings**

**9-211. Chapter bylaws.** Each Active Chapter shall prescribe for its own government a set of bylaws which shall not conflict with the laws or customs of the Order.

**9-212. Regular Active Chapter meetings.** Regular meetings of the active members of each Active Chapter shall be held at least once in each two weeks of each college or university term or session, at a regular time and place designated by the chapter.

**9-213. Special Active Chapter meetings.** Special meetings of the active members of an Active Chapter may be held without notice if ordered by a majority vote of the chapter at any regular meeting or upon call of the I by posting a notice thereof at the regular meeting place at least 24 hours, or such lesser time which may be prescribed by the chapter bylaws, prior to the holding of such special meetings.

**9-214. Quorum.** A majority of the active members of an Active Chapter shall constitute a quorum, and a quorum must be present for the transaction of business.

**9-215. Program and Order of Business.** The program of each regular meeting of an Active Chapter shall include the reading and explanation of some portion of the customs and the Kappa Alpha Laws by the VII or some other designated member. The order of business for any Active Chapter meeting shall be:

- (a) Call to Order;
- (b) Roll Call and Reading of the Minutes;
- (c) Report of Correspondence;
- (d) Report of Officers;
- (e) Reports of Committees;
- (f) Special Orders of Business;
- (g) Unfinished Business;
- (h) New Business;
- (i) Voluntary Remarks;
- (j) Parliamentary Report and Decision;
- (k) Closing Ceremony; and
- (l) Adjournment.

**9-216. Records of Active Chapters.** Each Active Chapter shall keep a minute book, chapter register, and financial records in such form as may be prescribed by the Executive Director. *Adopted by 67th Convention, 1997.*

### **Part 2. Chapter Finances**

**9-221. Chapter revenue.** The revenue of an Active Chapter shall be derived from dues, initiation fees, fines, assessments, gifts and such other income as may be obtained.

**9-222. Chapter initiation fees, dues and assessments.** In addition to the initiation fee paid to the Order pursuant to Section 13-111 of the Kappa Alpha Laws, each Active Chapter may collect from each member prior to his initiation, an initiation fee for the chapter. Each Active Chapter shall prescribe dues and special assessments of its members. Upon all questions of the fixing of initiation fees, dues and assessments, any action taken by the Active Chapter shall require a majority vote of all of the active members, present and absent, of such Active Chapter. An Active Chapter may, in its bylaws, provide that all of its members shall vote on all questions of fixing dues and assessments.

**9-223. Chapter depositories and disbursements.** The funds of an Active Chapter shall be deposited by the VI in such depositories as may be determined by the chapter, and shall be disbursed by the VI in accord with such procedures as may be prescribed by the chapter. All drafts and checks drawn on the deposited funds of an Active Chapter shall be signed by the VI or his assistant and countersigned by the I, II or III.

**9-224. Funds of the Order.** The Active Chapter shall collect from the member the member awaiting initiation fee and the initiation fee prescribed by the Executive Council and forward such fee immediately to the Executive

Director. No funds of the Order collected by an Active Chapter shall be co-mingled with funds of the chapter, but all funds of the Order shall be held by the chapter and its officers as trustees for the benefit of the Order. In any case where an Active Chapter is delinquent by more than 60 days in the remittance of an y payment due to the Order, the Executive Director shall notify such Active Chapter in writing directed to the I that the matter of the delinquency in payment will be referred to the Executive Council for action against the appropriate chapter member or against the Active Chapter itself 30 days from the date of the letter. *Amended by 67th Convention, 1997; amended by the 69th Convention, 2001.*

**9-225. Prudential Committee.** Each Active Chapter of more than five members shall have a Prudential Committee composed of active members of the chapter excluding the VI. The I shall appoint and be chairman of the Prudential Committee. The Prudential Committee shall supervise the financial affairs of the chapter so that expenditures shall not exceed income, prepare an annual chapter budget, consult with the VI and inspect his books, and advise then chapter on all financial matters. The Prudential Committee shall procure from each member at the end of each school year written evidence, as in its discretion may be necessary and proper, of his indebtedness to the chapter or to the Order at that time.

**9-226. Excessive financial obligations.** Upon complaint of any member or officer of an Active Chapter, or of any officer of the Order, or upon his own motion, the Knight Commander may declare void the action of any Active Chapter which he determines places an unreasonably high financial obligation upon the individual members of the chapter or which may tend to the insolvency of the chapter.

**9-227. Monthly billing of members.** On or before the first day of each calendar month of the school year, the VI of each Active Chapter shall render a statement to each member thereof showing his indebtedness to the chapter. Each statement shall show accurately the balance due at the beginning of the previous month, an itemized list of charges for the current month, the dates and amounts of all payments made during the previous month and the balance due as of the first day of the calendar month for which the statement is prepared. The VI shall further cause a copy of each such statement to be sent to the parent, guardian, scholarship committee or other person primarily furnishing the funds in support of any member named in a statement who is 30 days in arrears.

**9-228. Delinquencies of alumni.** The VI shall report to the Executive Director any delinquent financial obligations of any member who becomes an alumnus member. The Executive Director shall advise any alumnus member so reported of the authority of the Active Chapter under Kappa Alpha Laws to require payment of his account.

**9-229. Insolvency of Active Chapter.** So long as an Active Chapter shall remain solvent and have paid up all of its obligations to the Order, such chapter shall have full powers to manage its own internal financial affairs; but when such a chapter shall be in arrears with its obligations to the Order or shall be insolvent, the Executive Council, acting through or upon the recommendation of the Province Commander of the province in which such chapter is located, shall have full power to direct, control and adjust the financial affairs of such chapter, setting the amount of dues and assessments upon members for all purposes, the expenditures for all purposes, and the conditions of operating the chapter, the chapter house, or the dining room so as to pay all of its obligations and become solvent. The Executive Council, except in cases of gross negligence or willful mismanagement, shall first give reasonable notice to the offending chapter and its Province Commander before executing this direction and control over a chapter. *Adopted by 67th Convention, 1997.*

### **Part 3. Alumnus Adviser and Alumni Advisory Committee**

**9-231. Appointment.** Each Province Commander shall appoint for each Active Chapter in his province an alumnus member to be Alumnus Adviser. The Alumnus Adviser shall periodically attend the meetings of the chapter and advise the chapter officer and members upon matters of chapter affairs when he deems such advice to be in the best interest of the chapter or the Order, or when requested to do so by the chapter, the Province Commander or any other officer of the Order.

**9-232. Visits and reports.** The Alumnus Adviser shall report from time to time, in his discretion or upon request, to the Province Commander of the province in which his Active Chapter may be located with respect to the affairs of the chapter, its officers, its members or its activities.

**9-233. Call of special meetings.** The Alumnus Adviser shall have the authority to call special meetings of the Active Chapter or of its Prudential Committee.

**9-234. Audit of chapter books.** The Alumnus Adviser shall have authority to audit the chapter books monthly or at any time he deems such action is necessary.

**9-235. Province Commander's representative.** The Alumnus Adviser shall be the Province Commander's personal representative and may exercise such of the Province Commander's authority over the chapter as the Province Commander may expressly delegate to him in writing. A copy of the writing delegating such authority shall be filed with the Executive Director and given to the chapter.

**9-236. Alumni Advisory Committee.** The Province Commander shall annually appoint for each Active Chapter in his province an Alumni Advisory Committee consisting of not less than three (3) alumni members. Members of the Alumni Advisory Committee shall periodically attend the meetings of the chapter and advise the chapter officers and members upon matters of chapter affairs when they deem such advice to be in the best interest of the chapter or the Order, or when requested to do so by the chapter, the Province Commander, Executive Director, or by a General Officer of the Order. The Alumnus Adviser shall serve as chairman of this Alumni Advisory Committee. *Adopted by 67th Convention, 1997; amended by the 69th Convention, 2001 and the 70th Convention, 2003.*

#### **Part 4. Chapter residence facilities**

**9-241. Chapter House Corporation.** Each Active Chapter that occupies a chapter house or other property for which any contract for purchase, mortgage, or lease is required must be represented by a house corporation, and under no circumstances shall a chapter enter into a housing contract in the name of the Order. Such housing corporations shall be organized as a non-stock, non-profit organization under the laws of the particular state where the Active Chapter is located and shall have a slate of directors and officers who are alumni of the Order. The president and treasurer of the Active Chapter may serve as non-voting, non-office holding directors of the house corporation. Each chapter house corporation shall file its bylaws and articles of incorporation with the Executive Director. *Adopted by 61st Convention, 1985; amended by 64th Convention, 1991 (final sentence added) and by 67th Convention, 1997. The original Section 9-241 was repealed by the 61st Convention, 1985; the substance of this section was revived as regulation, R9-241. Amended by 71st Convention, 2005.*

**9-242. Approval of Housing Contracts.** No Active Chapter shall enter into any contract involving a consideration in excess of \$5,000 for the purchase, mortgage, lease, ownership, use, occupancy, improvement or repair of a chapter house, real estate or other premises unless such contract and all of the terms thereof shall be approved in writing by the Commander of the province in which the Active Chapter is located and by the Executive Director. *Adopted by 67th Convention, 1997.*

#### **Part 5. Community relations**

**9-251. College or university relationships.** Each Active Chapter shall comply with the rules and regulations of the institution in which it exists relative to its conduct, rushing, initiation of new members, entertainment and other activities as a chapter.

**9-252. Interfraternity matters.** Where an Active Chapter is a member of a local interfraternity council or other similar organization of campus fraternities, it shall abide by all rules and regulations established by such organization. Every Active Chapter is charged with the duty of cooperating with other fraternities on its campus for the betterment of fraternities in general.

**9-253. Conflict with Kappa Alpha Laws.** In any case where there appears to be a conflict between the Kappa Alpha Laws and the applicable rules and regulations of any institution in which is located an Active Chapter, or the rules and regulations of any interfraternity council of which an Active Chapter is a member, the Active Chapter shall consult with its Province Commander before committing itself to any definite course of compliance in conflict with the Kappa Alpha Laws.

## **Part 6. Prohibitions in chapter operations**

**9-261. Prohibition against hazing.** The practice of hazing in any form is forbidden. Hazing is any conduct, activities or action by a member, by members of the Kappa Alpha Order or by an Active Chapter as a unit, performed or carried out on or off chapter premises which

- (a) causes, is likely to cause or is intended to cause physical or mental discomfort, chagrin, embarrassment, ridicule or personal displeasure to another person upon imposed or
- (b) is otherwise prohibited by any applicable governmental or institutional law or regulation. *Amended under Section 15-212, February 3, 1981.*

**9-262. Penalties for Violation of Hazing Prohibition.** The charter of a chapter which participates in or condones hazing may be suspended or be withdrawn under the provisions of Section 1-324 of the Constitution. A member who is guilty of hazing, or of condoning or otherwise disregarding the prohibition, shall be penalized by expulsion or by suspension for more than three months. *Amended by 60th Convention, 1983.*

**9-263. Concealed weapons.** Each Active Chapter shall comply with all laws of the State in which it is located (and any subdivision thereof) to prevent concealed weapons from being brought into any chapter house or onto property occupied by an Active Chapter. *Adopted by 67th Convention, 1997.*

**9-264. Display of Confederate Battle Flag.** The display of the Confederate Battle Flag shall be prohibited from any chapter house, lodge, or meeting place: a "display" shall mean a visible presence from the exterior of said property and from the common areas within. The Confederate Battle Flag shall not be displayed at any fraternity function or gathering, on or off property associated with Kappa Alpha Order. The Confederate Battle Flag shall not be associated with Kappa Alpha Order by any medium including, but not limited to, fabric pattern, printed material, painted or stenciled surfaces, or computer Web sites. The Confederate Battle Flag shall not be incorporated into the design of clothing or any other items bearing symbolism of Kappa Alpha Order. *Adopted by the 69th Convention, 2001.*

## **Part 7. Maintenance of scholarship standards by Active Chapters**

**9-271. Scholarship standards.** Each Active Chapter of the Order is expected to and shall maintain the highest possible scholarship standards. ~~An Active Chapter that~~ does not pursue appropriate efforts to preserve acceptable scholastic standards and which falls below the scholarship standards of the Order may be placed upon probation by the Knight Commander, the Province Commander, or the Executive Director. *Adopted by 67th Convention, 1997. Amended by the 70th Convention, 2003.*

### ARTICLE 9-3 PROBATION, SUSPENSION, WITHDRAWAL, AND REINSTATEMENT OF CHARTER OF ACTIVE CHAPTER

#### **Part 1. In general**

**9-311. Probation of Active Chapter.** An Active Chapter may be placed on probation, with or without restrictions, by the Knight Commander, the Province Commander or the Executive Director for failure to perform its duties and obligations. When an Active Chapter fails to comply with such specified operational provisions, designed to put that chapter in compliance with the standards of the Order under Kappa Alpha Laws, the chapter may be suspended forthwith as prescribed in Section 1-324. *Adopted by 67th Convention, 1997.*

**9-312. Alumni receivership.** The Knight Commander or his designee shall have the power to place full authority of the charter of an Active Chapter in the hands of a receivership committee composed of alumni of the Order for deficiency in chapter operations or a violation of the constitution, bylaws, regulations or policies of the Order. That committee shall manage and govern an Active Chapter-until the Knight Commander or his designee determines the deficiencies are corrected. *Adopted by 67th Convention, 1997. Amended by the 70th Convention, 2003.*

**9-313. Term of suspension of Active Chapter Charter.** Suspension of an Active Chapter charter shall be for a period not longer than one year, but a charter suspension may be extended for an additional year when recommended by the institution where the chapter is located. All charter suspensions shall be reviewed annually by the Executive Council, and withdrawal of the charter of any suspended chapter may be recommended to the Knight Commander. *Adopted by 67th Convention, 1997.*



**9-314. Status of suspended Active Chapter.** The charter and customs shall be returned to the National Administrative Office. The initiation regalia and other properties maybe placed in the custody of the Alumni Advisory Committee as may be determined to be in the best interests of the suspended chapter. A suspended chapter may not, during the period of its suspension, elect or initiate new members or otherwise participate as a unit in the affairs of the Order, except as may be recommended by the institution where that chapter is chartered. *Adopted by 67th Convention, 1997; amended by the 69th Convention, 2001.*

**9-315. Reinstatement of suspended charter.** A suspended charter may be reinstated at any time within one year or the extended period of suspension. At the conclusion of the period, the charter of the chapter shall automatically be reinstated unless charter withdrawal has been recommended to the Knight Commander. When the charter of an Active Chapter has been withdrawn, it may be reinstated as a unit of the Order only by compliance with the provisions of Section 1-325 regarding the establishment of Active Chapters. *Adopted by 67th Convention, 1997.*

#### ARTICLE 9-4 I'S LEADERSHIP INSTITUTE

**9-411. I's Leadership Institute.** The I's Leadership Institute shall meet at least once each year. *Adopted by 67th Convention, 1997; amended by the 69th Convention, 2001. the 70th Convention, 2003, and the 71<sup>st</sup> Convention, 2005.*

**9-412. Attendance requirement.** The I of each Active Chapter shall attend and participate in the I's Leadership Institute and shall satisfactorily complete the prescribed examination. In the event the I is unable to attend the I's Leadership Institute for acceptable reasons, the II, III, or VI, in that order, may be approved by the Executive Director as his chapter's representative. The Knight Commander may, in his discretion, and with the approval of the Executive Council, require an additional officer or officers from any Active Chapter to attend the I's Leadership Institute. *Adopted by 67th Convention, 1997; amended by 68th Convention, 1999, the 70th Convention, 2003, and the 71<sup>st</sup> Convention, 2005.*

**9-413. Failure of I to attend.** Any I failing to attend the I's Leadership Institute without an excuse approved in advance by the Executive Director may be removed by the Knight Commander. Any I who is excused from attending the I's Leadership Institute shall satisfactorily complete the prescribed examination within 30 days after the I's Leadership Institute, or the Knight Commander shall remove him from office. *Adopted by 67th Convention, 1997. Amended by the 70th Convention, 2003, the 71<sup>st</sup> Convention, 2005, and the 72nd Convention, 2007.*

**9-414. Failure of Active Chapter to attend.** *Adopted by 67th Convention, 1997. Amended by the 70th Convention, 2003. Repealed by the 71<sup>st</sup> Convention, 2005.*

# ***Title 12-OFFENSES OF MEMBERS***

## ARTICLE 12-1 CLASSES OF OFFENSES

### **Part 1. Minor offenses**

**12-111. Definition.** Minor offenses are those which are committed by a member of an Active Chapter against his chapter or its members and are informally tried before, and are subject to imposition of penalty by, the I of his chapter.

**12-112. Enumeration of offenses.** Minor offenses are:

- (a) Absence of a member from any regular or special meeting of his Active Chapter;
- (b) Improper conduct or language at a chapter meeting;
- (c) Failure to meet any financial obligations of the Order or to a chapter within 10 days after due;
- (d) Attempting to influence other members to miss chapter meetings or to commit any other offense;
- (e) Mutilation or destruction of or damage to any chapter property;
- (f) Commission of any act contrary to the provisions of the Constitution, Bylaws or customs of the Order;
- (g) Conduct contrary to the best interest of the Order or of the chapter;
- (h) Neglect or abuse of authority in performing the duties of any office; and
- (i) Drunkenness, swearing, obscene language, gambling, or any other act contrary to any federal, state, municipal, college or university law, ordinance, rule or regulation applicable thereto, in, about or upon the premises occupied or used by the Active Chapter as a chapter house, meeting place or residence.

An Active Chapter may provide in its bylaws for other minor offenses not inconsistent with the Kappa Alpha Laws or customs of the Order.

**12-113. Trials for minor offenses.** A member shall not be twice tried for a single minor offense. Charges for minor offenses may be made orally or in writing before the I by any active member and, for failure to meet financial obligations, may be made by a Province Commander, the Executive Director or any of his assistants who are initiated members of the Order. The VII or other active member designated by the I shall prosecute all trials for minor offenses before the I. In the event the I is the accused member, the II shall become the trial officer. An accused member on trial shall have the right to be represented by any other active member of his selection. The I shall inquire into the facts of any charge and determine the guilt or innocence of the accused member and may consider any extenuating circumstances. *Amended by 72<sup>nd</sup> Convention, 2007.*

**12-114. Penalties for minor offenses.** Upon conviction of any minor offense, the I may assess a fine not in excess of \$100.00 or may suspend the offending member for a period not in excess of three months, or both, and a violation of a bylaw of an Active Chapter, which is not otherwise an offense under the Kappa Alpha Laws or customs of the Order, shall be punishable by a fine not in excess of \$50.00. *Amended by the 64th Convention, 1991.*

**12-115. Appeals from conviction of a minor offense.** A member convicted of a minor offense may appeal to the chapter and the chapter may, by a three-fourths vote of its active members, reverse the decision of the I or reduce the penalty fixed by the I. A member convicted of a major offense but penalized for a minor offense may appeal to the Executive Council if penalized by the Knight Commander or appeal to the Active Chapter if penalized by the I within 30 days and the decision of said body will be final. *Amended by 60th Convention, 1983.*

### **Part 2. Major offenses**

**12-121. Definition.** Major offenses are those committed by, a member which are formally tried before his Active Chapter or the Executive Council. A member may be tried by an Active Chapter for a major offense committed while he was associated with the Active Chapter within six months after his association with his Active Chapter has terminated, but a major offense charged, under Section 12-122 (a) committed while he was associated with the Active Chapter, may be tried by the Active Chapter within two years after his association with his Active Chapter has terminated. All offenses which are not minor offenses are major offenses. Any offense penalized as set forth in 12-114 shall be a minor offense regardless of the original charge. *Amended by 59th Convention, 1981 and by 60th Convention, 1983.*

**12-122. Enumeration of offenses.** Major offenses-include:

- (a) Willful and persistent neglect to meet financial obligations to the Order or to an Active Chapter or to comply with the lawful requirements made in accordance with the Kappa Alpha Laws or customs of the Order;
- (b) Disparagement or defamation of the Order, a member or a chapter of the, Order, or damage to Order property;
- (c) Drunkenness at a chapter meeting;
- (d) Hazing;
- (e) Pawning any badge, insignia or other jewelry bearing the name, initials or coat-of-arms of the Order;
- (f) Unnecessary or ill-advised conversation about the affairs of the Order with a person who has been suspended or expelled from the Order;
- (g) Discussing unnecessarily any affairs of the Order or of a chapter with persons not members of the Order;
- (h) Criminal or ungentlemanly conduct;
- (i) Failure of the I and VI to remit to the Executive Director an initiation fee within seven days prior to initiation or an uninitiated member fee within 30 days of its payment to the Active Chapter; and
- (j) Conduct which is vitally against the best interest of the Order, including commission of any act contrary to the provisions of the Constitution, Bylaws or customs of the Order. *Amended by 67th Convention, 1997.*

**12-123. Rights of the accused.** A member shall not be twice tried for a single major offense. Any member accused of a major offense shall be given a trial, unless he waives such trial in writing. An immediate trial may be ordered for any offense committed in an Active Chapter meeting or in the presence of a majority of the members of the Executive Council, upon personal notice to the offending member.

**12-124. Preferment of charges against accused.** A member may be tried for a major offense, except in cases where an immediate trial is authorized, only upon charges preferred against him by one or more members of the Order, including, in the case of willful and persistent neglect to meet financial obligations to the Order or to an Active Chapter, those made by a Province Commander, the Executive Director or any of his assistants who are initiated members of the Order. The charges shall be preferred in writing and be signed by the member or members making the charge. *Amended by 72<sup>nd</sup> Convention, 2007.*

**12-125. Prosecution and counsel for accused.** For trials before the active members of an Active Chapter, the VII or such other active member of the chapter as may be designated by the I shall act as prosecutor. For trials before the Executive Council a member of the Order designated by the Knight Commander shall act as prosecutor. The accused member shall always be entitled to be represented at any trial by an initiated member of his selection.

**12-126. Submission to trial body and presiding member.** The charge shall be referred to the trial body which shall set a date, time and place for the trial. Notice clearly stating the charges and the date, time and place of trial shall be served upon the accused in person or by certified mail to his last known address, with return receipt requested, at least 10 days prior to the trial. The II shall preside if the I is the accused before his Active Chapter. The Senior Councilor shall preside if the Knight Commander is the accused before the Executive Council.

**12-127. Order of trial.** Evidence at the trial may be either oral testimony or affidavits or depositions, and the procedure for the trial shall be:

- (a) Submission of evidence by the prosecutor;
- (b) Submission of evidence by the accused;
- (c) Submission of rebuttal evidence by the prosecutor (any new facts to be excluded);
- (d) Argument for the prosecution;
- (e) Argument for the accused; and
- (f) Rebuttal argument for the prosecution.

The members of the trial body, exclusive of the member on trial, shall, upon the conclusion of the evidence and arguments, proceed to deliberate and determine, in secret ballot by majority vote, the guilt or innocence of the accused; however, should the accused member admit the charges or decline to contest them, such admission or failure to contest the charges shall operate as an adjudication that the accused member is guilty of the charges, whereupon the only question for determination by the trial body shall be the question of the penalty to be imposed. A majority vote that the accused member is guilty which does not specify the penalty to be imposed shall require a

second secret ballot to determine the penalty. An accurate and complete record of the trial shall be kept. No expulsion shall be effective until the record is filed with the Executive Director. If a member shall admit in writing and orally in the presence of the trial body any one or more of the charges preferred against him, it shall not be necessary to conduct a trial and the trial body may proceed to impose such penalty or penalties as it might impose as if it had tried the member and found him guilty of the charges preferred. *Amended by 56th Convention, 1975 and by 67th Convention, 1997.*

**12-128. Penalties for Major Offenses.** A member found guilty of a major offense may be expelled upon a vote as provided in Section 1-421. A member found guilty of a major offense may be suspended for a period not less than three months by majority vote of the trial body by secret ballot. If the member is not expelled or suspended, his penalty may be fixed by the Knight Commander or the I as for a minor offense except for the offense of hazing. As to hazing, if the above set forth required votes of the trial body cannot be obtained a penalty of suspension for at least three months shall be fixed by the Knight Commander or the I. *Amended by 57th Convention, 1977; 60th Convention, 1983; 66th Convention, 1995; and 68th Convention, 1999.*

**12-129. Appeal of Suspension After Conviction of Major Offense.** A member suspended for more than three months may appeal within 30 days after the date of the suspension to the Executive Director. The Executive Director shall refer the appeal to a Former Knight Commander for review and his decision shall be final. *Amended by 60th Convention, 1983.*

#### ARTICLE 12-2 APPEAL IN THE CASE OF EXPULSION

##### **Part 1. Review by independent board**

**12-211. Origin of an appeal.** An individual who has been expelled from membership in the Order may appeal that action to the Knight Commander as provided in Section 1-422. Notice of the expulsion shall be given in writing to the expelled member, which writing shall include a copy of this section. Action shall be deemed completed 10 days after mailing the notice with a copy of this section to his last known address by certified mail, whether or not accepted by him. Upon receipt of an appeal, the Executive Director shall notify the Knight Commander who shall designate three Former Knight Commanders to sit as a Board of Review to consider the appeal and, upon consent of three Former Knight Commanders to serve, shall designate the Chairman of that Board. *Amended by 61st Convention, 1985 and 69th Convention, 2001.*

**12-212. Consideration and action by the Board.** The Knight Commander shall, promptly after designation of the Chairman of the Board, direct the trial body by which the member was expelled to file the record of the trial forthwith with the Chairman. The Chairman shall thereupon make all necessary arrangements for consideration of the appeal by the full Board. The Board shall reach its decision on the appeal, in the exercise of its independent judgment, within 30 days after receipt of the trial records. The Board may either (a) approve the expulsion or (b) direct a new trial or reverse, for errors in procedure in the trial that create a substantial injustice. *Amended by 61st Convention, 1985.*

**12-213. Action upon decision of the Board.** The Board shall promptly communicate its decision to the Executive Director and the trial record shall thereupon be forwarded to him. The Executive Director shall notify the individual who filed the appeal of the Board's decision, shall so endorse the trial record and return it to the trial body with instructions to be governed thereby and to conduct a new trial if that be the decision of the Board of Review.

#### ARTICLE 12-3 STATUS UPON EXPULSION OR SUSPENSION

##### **Part 1. Status upon expulsion or suspension**

**12-311. Expulsion.** An expelled individual shall have no identification with the Order and shall not be entitled to any of its privileges unless he be reinstated. He shall deliver to the Executive Director his official badge, membership certificate, directory and other possessions pertaining to the Order. Any jeweled badge or other jewelry bearing the Order's name, initials or coat-of-arms owned by an expelled individual shall be sold to the Order for the value thereof as determined by the Executive Director.

**12-312. Suspension.** A member who is suspended shall be carried on the rolls of the chapter of which he may be a member during such suspension and shall pay all financial obligations which, as a member, would be charged against him during the period, except that no assessments made by a chapter for purposes of social entertainment

shall be charged against him. A suspended member shall have none of the privileges of membership in a chapter during the period of his suspension. He shall not be considered as a voting member of a chapter upon any question upon which any vote may be taken. He shall not attend any meetings or social functions of any unit or organization of the Order except upon express invitation of such unit. A suspended member who fails to meet financial obligations during the period of his suspension shall be deemed to have committed a major offense.

**12-313. Reinstatement of suspended member.** A member suspended for a period of three months or less may be reinstated at any time during the period of the suspension by the I or the Knight Commander ordering the suspension or his successor in office. A member suspended for a period of three months or longer may be reinstated upon a three-fourths vote of the trial body which ordered his suspension.

**12-314. Reinstatement of expelled individual.** An individual who has been expelled from the Order may be reinstated in accordance with the provisions of the Constitution.

#### ARTICLE 12-4 RISK MANAGEMENT

##### **Part 1. In general**

**12-411. Risk management policy.** Every member of the Advisory Council and their deputy, every member of an Active Chapter or an Alumni Chapter, and all employees of the Order shall comply with the risk management policies and procedures adopted by the Executive Council from time to time. *Adopted by 67th Convention, 1997.*

## *Charge of a Major Offense*

Site the appropriate section of the Kappa Alpha Laws

State the accused brother's relative information

We the undersigned members of Omega Omega chapter of Kappa Alpha Order, Smithtown Florida, hereby charge that Brother Mike Smith, an initiate of Omega Omega chapter, who lives at 123 South Main Street, Smithtown, Florida, did commit the offense of conduct which is vitally against the best interest of the Order, which constitutes a major offense as defined in Section 12-122 (J) of the Kappa Alpha Laws, in that Brother Mike Smith openly and publicly declared that he was no longer affiliated with Kappa Alpha Order and made no efforts of work on behalf of Omega Omega chapter or Kappa Alpha Order during the 2011-2012 academic year.

June 1, 2012

Must be dated to be valid

*John Williams*

John Williams  
VII, Omega Omega Chapter

State what he did; refer to the laws if you need help with the wording

## *Waiver of Right to Trial*

State his full name

Restate the charge. Be specific

I, Mike John Smith III, hereby waive my right to a trial for the major offense preferred against me for conduct contrary to the best interest of the Order, Section 12-122 (J) as provided by Section 12-123 of Kappa Alpha Laws, and agree to the Omega Omega chapter proceedings to affix the penalty for the offense as provided under Section 12-128 of Kappa Alpha Laws which provision, I understand, includes possible suspension or expulsion from membership in the Order.

June 7, 2012

Make sure it is dated

Do not forget this line. This is very important

\_\_\_\_\_  
Mike Smith

Attest: \_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

It must have all three signatures to be valid

## *Notice of Trial for a Major Offense*

It must be dated

June 1, 2012

If sent by mail, it must be  
CERTIFIED MAIL-  
RETURN RECEIPT  
REQUESTED

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Mike Smith  
123 South Main Street  
Smithtown, Florida 32123

Restate the  
charge word for  
word

Dear Brother Smith,

You are hereby notified that a charge has been made against you by Brother John Williams, which alleges that you violated Section 12-122 (J) of Kappa Alpha Laws by committing the offense, which is described in the charge signed by said brother, a copy of which is attached.

You are further notified that a trial will be held on said charge on the 7<sup>th</sup> day of August, 2008, the same being more than ten (10) days hence, in the chapter room of the Omega Omega house, Smithtown, FL at 9:00 pm.

This notice is mailed, return receipt requested, in accordance with Section 12-126 of Kappa Alpha Laws.

Fraternally,

Doug Brown  
Number I

Clearly state  
the date,  
location and  
time



## ***Trial Record***

The first paragraph is key and should include who, what, where, when and why

BE IT REMEMBERED that the trial of Mike John Smith III came to be heard on the 7<sup>th</sup> day of August, 2012, before a specially called meeting of Omega Omega chapter at its chapter house in Smithtown, Florida, where the following proceedings were held:

These 3 paragraphs should accurately detail the events of the trial

- 1) The Number VII, John Williams, read the charge against the accused brother.
- 2) The testimony of Galen G. Craun, VI of said chapter, was heard and he was cross-examined by the accused brother, Mike Smith. Brother Craun testified that Brother Mike Smith had consistently and constantly refused to pay dues and assessments charged against him for the months of October 2011 through January 2012.
- 3) The accused brother testified and was cross-examined by the VII of said chapter. It appeared from his testimony that Brother Smith's failures to pay dues and assessments were occasioned by his failure to receive the money from his parents, with which his dues and assessments would ordinarily be paid.
- 4) Brothers Tommie J. Atkinson, John W. Nix and James W. Steele testified that during the period from August, 2011 to January 2012, they roomed with Brother Smith and frequently saw him open his mail and receive checks in large amounts from his parents, that during that time he operated a high-powered foreign made automobile, bought more clothes than all of them put together, attended every social function with a date to whom he had sent corsages of flowers and frequently spent large sums of money eating at expensive restaurants and attending expensive theatrical and sporting events. There was no cross-examination.
- 5) The Number VII summed up the facts against the defendant and argued both the facts and the law.
- 6) The accused brother summed up the facts and argued both the facts and the law in his favor.
- 7) The Number VII closed the argument with the request that the accused brother be found guilty and punished in accordance with Section 12-128 of Kappa Alpha Laws.
- 8) By a secret ballot and a majority vote, the chapter found the accused Brother Smith guilty of the offense charged. By another secret ballot and a three-fourths vote, the chapter set the punishment at expulsion from the Order, which said action of the chapter was duly recorded in its minutes.

\_\_\_\_\_  
Doug Brown, Number I

Attest: \_\_\_\_\_  
Thomas W. Gilbert, Number III

This paragraph is very important. It must state the guilt and the punishment. Follow this format.

The trial record must be signed by two of the chapter officers. The Number I and III are the most appropriate.

## ***Trial Report***

August 15, 2012

Mr. Larry Stanton Wiese, Executive Director  
Kappa Alpha Order  
P.O. Box 1865  
Lexington, Virginia 24450

Dear Brother Wiese:

Enclosed please find a copy of the charge, the trial notice and the record of the trial of Brother Mike John Smith III conducted before this chapter on August 7, 2008.

It was the decision of the chapter that he be expelled from the Order.

No notice of appeal was filed.

Fraternally yours,

Doug Brown, Number I  
Omega Omega Chapter

IMPORTANT-Remember to include the Waiver of Trial if the accused waived his right to trial.

The trial report should be signed by the Number I. It is also recommended that the Number III or VII sign.

## *Need Expulsion Paperwork from Active Chapter Letter*

March 1, 2012

Number I  
Chapter

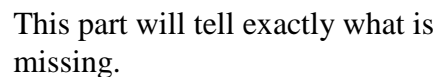
RE: Expulsion of John Jackson

Dear

As you may be aware, the National Administrative Office takes any and all expulsions very seriously. The National Administrative Office has reviewed expulsion documentation for John Jackson. Unfortunately, the file remains open because (Number I) has failed to provide the proper documentation in this matter.

Please forward to me all necessary documentation of the expulsion. In this particular file, the following items are missing:

(Description of missing items)



This part will tell exactly what is missing.

In order for any expulsion to be finalized, the complete documentation needs to be provided. If the above information is not submitted, or other correspondence received explaining the unavailability on or before (30 days), the expulsion file will remain open. Any open files after (30 days) will be discarded and John Jackson will resume the status of good standing in the Order.

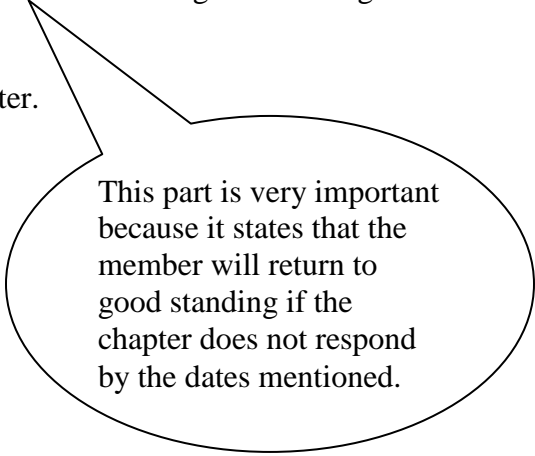
Thank you for your prompt attention to this serious matter.

Fraternally,

Larry Stanton Wiese  
Executive Director

LSW/dd

xc: J. Michael Duncan, Knight Commander  
Province Commander  
Alumnus Advisor  
Associate Director for Chapter Services



This part is very important because it states that the member will return to good standing if the chapter does not respond by the dates mentioned.

***Expulsion Receipt***

RETURN TO NATIONAL ADMINISTRATIVE OFFICE, KAPPA ALPHA ORDER, P.O. BOX 1865, LEXINGTON, VIRGINIA 24450. Attention: Executive Director.

This acknowledges receipt of advices that the proceedings involved in the expulsion of NAME, are on record in the National Administrative Office. Questions pending or additional information required to finally record the expulsion are answered in an accompanying letter and/or below in this form.

The official badge and shingle are:

- 1) Returned herewith \_\_\_\_\_
- 2) Earlier returned \_\_\_\_\_
- 3) Requested but were not obtainable from the expelled member named above \_\_\_\_\_

Notice to the expelled member of the chapter's action in his case was given to him via \_\_\_\_\_ on \_\_\_\_\_ that he will appeal this decision of the chapter \_\_\_\_\_.

Yes                      No

Further response:

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Signature of Number I, III or VII

Witness to this response:

\_\_\_\_\_  
Number I if not signed above

## *Example Improper Paperwork*

February 14, 2007

Mr. Larry S. Wiese, Executive Director  
Kappa Alpha Order  
P.O. Box 1865  
Lexington, VA 24450

Mr. Wiese,

Enclosed you will find a copy of the charge and trial record of Brother NAME which was conducted before this chapter on February 11, 2007.

It was the decision of the chapter that he be expelled from the Order.

Fraternally,

John Williams

John Williams, Number VII  
Omega Omega Chapter

Approved:

Doug Brown

Doug Brown, Number I  
Omega Omega Chapter

\*\*\* NOTICE THAT THE TRIAL REPORT NEEDS TO INCLUDE WAIVER OF TRIAL IF APPLICABLE

## *Example Improper Paperwork*

I, NAME

Do hereby formally charge Brother NAME with a major offense against the Order. As stated in the *Kappa Alpha Laws* 12-122

- (a) Willful and persistent neglect to meet financial obligations to the Order or to an Active chapter...

The accused has continually refused payment of past due payments to the Order and to Omega Omega chapter. Under *Kappa Alpha Laws* 12-124, this major offense warrants an immediate trial. Your trial will be held on Sunday, February 11<sup>th</sup> at 7:00. Under *Kappa Alpha Laws* 12-128 this charge may lead to expulsion upon a three-fourths vote of the active chapter.

Signed,

Doug Brown

Doug Brown, Number I  
Omega Omega Chapter

\*\*\* Notice no date on notice of trial – this does not show proof that accused was given 10 days advance notice.

\*\*\* No address stated on trial notice.

## *Mock Major Offense Trial*

NUMBER III: Special Orders of Business.

NUMBER VII: There has been a charge brought against Brother Cofax by the Number VI, Brother James.

NUMBER I: Please state that charge, Brother Smith.

NUMBER VII: It is my duty as the Number VII to inform the chapter that Brother Cofax has been charged by Brother James with being in violation of Kappa Alpha Laws Title 12-122 (a): Willful and persistent neglect to meet financial obligations to the Order or to an Active Chapter or to comply with the lawful requirements made in accordance with the Kappa Alpha Laws or customs of the Order. (Number VII hands the paperwork to the Number I). I personally delivered the papers to Brother Cofax on April 15. This was 15 days prior to this evening's trial and the accuser Brother James accompanied me to witness the exchange.

NUMBER I: Thank you. It appears that all of the proper notifications were given in a timely manner, and that they were received by the accused. The trial will proceed. Brother Cofax, you are entitled to defend yourself, or to choose a brother to speak on your behalf, in accordance with KA law 12-125, which states, "The accused member shall always be entitled to be represented at any trial by an initiated member of his selection."

ACCUSED: I want Brother Johnson to speak in my defense.

NUMBER VII: I have enough evidence to prove that Brother Cofax willfully and persistently neglected his financial obligations to this chapter. Brother Maxwell became a member of this chapter two and a half years ago. Since that time, he has amassed a debt to the chapter of \$1,750. Because of that tremendous debt in January of this year, a promissory note was issued by the prudential committee with the understanding that there would be severe repercussions if that note was not honored. (*The promissory note is projected up on the screen.*) As you can see, on January 1<sup>st</sup>, he signed a promissory note for the amount of \$1,750. The document reads that payments of \$200 were made to be made on the first of each month. Unfortunately, this agreement was not kept. It is common knowledge throughout the chapter that Brother Cofax, while owing tremendous amounts of money to the chapter, still makes it out to the bars on a regular basis and continues to buy extravagant gifts for his girlfriend. His account ledger shows that in the past year in a half he has persistently missed payments. He was told that the promissory note was his last chance. He chose not to honor it displaying willful and persistent neglect. That is all at this time.

NUMBER I: Brother Johnson, you may present evidence in defense of the accused at this time.

JOHNSON: We all saw on that account ledger that he has made payments. How can that be persistent neglect? And as for the promissory note, well, he made two payments. Then he missed two. He just needs some time. You all know that he is a good brother. He will pay this

debt off. We all have our faults; this trial has been a wake up call and Brother Cofax is now committed to pay. Don't do this to our brother and friend. Thank you.

NUMBER I: Anything else you would like to add? This is your last opportunity to present any evidence.

JOHNSON: We can't hold Brother Cofax responsible for putting his life on hold just because of a little debt. The money he spends on personal items like alcohol and his girl shouldn't be taken into account.

NUMBER I: Thank you. We will now move on to rebuttal evidence for the prosecutor. Keep in mind that no new facts can be heard. Only facts that have already been presented can be used.

NUMBER VII: It's an open and shut case. For a year and a half now, Brother Cofax has been sporadically missing payments. His current balance is \$1,350. He has missed two consecutive payments on his promissory note, drafted because of his prior debt. In the same months that he was defaulting his promissory note, he also went out and bought his girlfriend several nice things.

NUMBER I: Thank you. The chapter will now hear the argument for the prosecution.

NUMBER VII: My argument is simple. I need to prove that Brother Cofax, violated Kappa Alpha Laws Title 12-122 (a): Willful and persistent neglect to meet financial obligations to the Order or to an Active Chapter or to comply with the lawful requirements made in accordance with the Kappa Alpha Laws or customs of the Order. Neglect to meet financial obligations to the chapter is proven by the fact that he has a balance with the chapter of \$1,350 accumulated over the last year and a half. Willfulness is proven by the fact that he owes money to the chapter while spending it on himself. After falling horribly behind in money owed to the chapter, he signed a promissory note. He must be found guilty, because Brother Cofax is in clear violation of Kappa Alpha Laws.

NUMBER I: The chapter will now hear the argument for the accused.

JOHNSON: This case is about way more than numbers, gentlemen. Sure the Number VII can stand up here, talking about numbers and make you all think that Brother Cofax should get in trouble. It is not very brotherly of anyone to decide Brother Cofax is guilty of being a bad brother just because he ran out of money. Don't try to tell me that no one else in this room ever missed a payment, or haven't been late on a payment to the chapter. This is a temporary problem that will be fixed because Brother Cofax will pay off the debt. I rest my case.

NUMBER I: All right then. Rebuttal argument for the prosecutor.

NUMBER VII: Brother Johnson said that it would be unbrotherly for us to hold Brother Cofax accountable for his financial responsibilities to the chapter. I would argue that Brother Maxwell is being unbrotherly to every one of us here in this room. Brother Cofax is not a victim. He has been victimizing the chapter. Brother Cofax has deliberately let his balance accumulate to



\$1,350. He defaulted his promissory note, and has been taking the chapter for a ride. I rest my case.

NUMBER I: Everyone. The evidence has been presented and the arguments have been made. We will now have a secret ballot to determine the verdict of this trial.

NUMBER I: (*striking his gavel on the table*) The votes have been counted. Brother Cofax has been found to be in violation of the Title 12-122 (a). The chapter must now decide on the consequences. The discussion will begin now.

NUMBER III: I think that we should suspend him for three months, if he signs a new promissory note, and says that he will definitely honor it.

NUMBER II: We have no reason to give him that opportunity. He'll just not pay it like this one. What makes you think that anything would be any different this time around? We need to expel him, and be rid of him forever.

NUMBER I: Does anyone else have anything further to add?

NUMBER I: Anyone else? The discussion is complete. We will now vote on the punishment.

***The Number I strikes his gavel.***

NUMBER I: The vote was in favor of expulsion, and in excess of the necessary three quarters vote. Mister Cofax, you have been found guilty of a major offense, and subsequently expelled from Kappa Alpha Order. Number II, please relieve him of his badge, shingle, and any other vital Kappa Alpha possessions. I remind you, Mr. Cofax, that you have the right to appeal as stated in the Kappa Alpha Laws Article 12-2. I also will take this opportunity to inform you that the remainder of your balance will be referred to a collection agency unless you are able to clear your balance with the chapter within one week. Number VIII, please escort Mr. Maxwell out of the chapter room.

NUMBER III: I would like to remind everyone that his expulsion will not be finalized or official until copies of the charge record, trial notice, trial record and expulsion notice are all properly filed with the Executive Director.

NUMBER I: Thank you for that timely reminder. It has been duly noted. It can be a difficult thing to remove a brother from the chapter. But sometimes it must be done. Adjournment is now in order. (*The Number I strikes the gavel to end the meeting*)

# *White Papers*

The White Papers are a collection of essays that analyze and provide clarity to seven separate issues in the *Kappa Alpha Laws*

Richard B. Wilson, Jr., an initiate of Alpha Upsilon wrote the White Papers in 1995 and revised them for publication after the Convention of 1997. Mr. Wilson has served the Order as the Chairmen of the Ritual Committee, member of the Laws Committee, Commander of Irwin Province, Alumni Advisory Committee member for Alpha Upsilon chapter and as a member of the KAOEF Board of Trustees.

*If you have any questions about the Kappa Alpha Laws and their interpretation, please do not hesitate to contact your Associate Director for Chapter Services or any member of the initiated staff for assistance. If we cannot help you, we will gladly contact members of the Laws Committee for additional assistance.*

**Kappa Alpha Order**

***P.O. Box 1865***

***LEXINGTON, VA 24450***

***(540) 463-1865***

**[WWW.KAPPAALPHAORDER.ORG](http://WWW.KAPPAALPHAORDER.ORG)**

## *White Paper 1 - Voting*

There are several ways in which the requisite vote on a matter is stated in the laws. In some instances the laws speak of a vote of a certain percentage or fraction of the active members of the chapter-or some similar language. In those cases, the percentage or fraction is of the total active membership of the chapter-without regard to the number present and voting. So, for example, in the case of election of officers, a majority of the active membership of the chapter is required for election. Thus when there are 50 members, in order for a I, II or III to be elected, a candidate must receive 26 votes. A quorum for an election is 80% or 40 members. So it is very possible for only two candidates to be in the running and one receive a plurality, but neither receive a majority.

By the same token, to break a pledge requires two-thirds vote of the active membership. A quorum for a regular meeting of the chapter is usually a majority, so in a chapter with 50 active members, if 26 are present and that constitutes a quorum, it is not possible to get the 34 (two thirds of the active members) votes necessary to break a pledge.

On the other hand, when the vote required is not stated, or is stated to be a majority or two thirds without stating that it is a majority (or two thirds) of a particular group; it is taken to be a majority or two thirds of those present and voting, a quorum being present. Thus conviction of a major offense is by a majority of those present and voting, but expulsion is by a three fourths vote of the trial body-which in the case of an active chapter would mean three fourths of the active membership of the chapter.

In 1997 the 67<sup>th</sup> Convention adopted amendments to the Kappa Alpha Laws providing that for failure to pay bills currently, an active member of would cease to be in "good standing" and would, therefore, forfeit his right to vote on certain matters. The "good standing" requirement is treated in another paper.

Richard B. Wilson, Jr.  
October 31, 1995  
Revised March 2, 1998

## *White Paper 2 – Good Standing*

In August 1997, the 67<sup>th</sup> Convention adopted amendments to the Kappa Alpha Laws providing that an active member loses certain rights and privileges if he ceases to be in “good standing” with his chapter. However, he is not excused from any of the obligations he has to the chapter during the time he is not in “good standing.”

Basically, a member is in good standing when he is current in meeting his financial obligations to the chapter OR he and the chapter have entered into an agreement for deferred payment and he is current on that agreement. The new sections of Kappa Alpha Laws are 8-218 & 8-219.

By 8-218 a member is deemed not to be current if he is thirty days or more delinquent in making any payment owed his chapter. Therefore, when chapter bills come out the twentieth of the month, payable by the first, if a member does not pay by the first, he is delinquent; if he fails to pay within thirty days of becoming delinquent, he loses his “good standing” and his rights are AUTOMATICALLY curtailed pursuant to 8-219, of which more discussion follows.

The application of 8-218 may be avoided if the delinquent member has and abides by an agreement with his chapter providing for deferred payments. Therefore, if a member owes \$250 and has an agreement with his chapter providing for the payment of \$50 per month, so long as he pays the \$50 in a timely fashion, he does not lose his “good standing.” The agreement MUST be approved by the Prudential Committee and should-as all action of that committee-be reported to the chapter at a chapter meeting. An agreement may cover amounts already owed-as in example above-or amounts owed and to become owed-so if the monthly bill is \$100, but a member can only pay \$50 until he works during the summer, the agreement may cover amounts not yet coming due, and would continue to protect him so long as he makes the payments in a timely fashion.

Previously in order to collect a bill from a recalcitrant member, the chapter had the various major and minor offense provisions, but really nothing else to use as a sanction on a delinquent member. And a problem with the use of an offense to enforce a bill was that it required the commencement of “legal” proceedings against a member. The “good standing” section operates automatically: if a member is not in “good standing” he automatically loses certain rights and a Number I who does not enforce these provisions may be subject to sanctions himself for failure to enforce the laws.

A member who is NOT in “good standing” (1) may not propose new members, (2) NOR may he vote on new members; (3) he is not counted to determine a quorum; (4) he may not serve or continue to serve as an officer or committee chairman; (5) he may not serve as a National or Province Undergraduate Chairman; (6) he may not vote in any trial or appeal of an offense; (7) he may not vote for officers; and (8) he may not transfer to another active chapters.

A member who is NOT in “good standing” may vote on ordinary business coming before the chapter and he is NOT excused from attending chapter meetings. He may NOT, however, attend social events. The Number I may, however, determine that the member not in “good standing” should not attend certain meetings where, as for example, the sole business may be the election

of officers or new members. The sanctions against a member NOT in “good standing” are set out in 8-219.

Since these provisions operate automatically, so, for example, if an officer or committee chairman is not in “good standing,” his office or committee chairmanship is automatically vacated. Therefore the Number VI and the Prudential Committee have an important roll in making sure the information about all members and their performance of financial obligations is available at all times so that if a determination must be made, the information is at hand.

These sections are very new and should present an active chapter a powerful means to enforce the collection of bills owed it.

Similar provisions regarding “good standing” as it applies to active and alumni chapters were also adopted: an active or alumni chapter who owes an indebtedness to the Order and is not working to pay it off also will lose its right to vote in Convention and Province Council.

Richard B. Wilson, Jr.  
March 9, 1998

### *White Paper 3 – Active Members with Financial Difficulties*

What happens when an active members gets into financially difficulty and is no longer able-or willing-to meet his financial obligation to the active chapter? Many times, the member, who may be embarrassed, and the Number I or Number VI work out an ad hoc arrangement whereby the member “fades away” and for practical purposes leaves the chapter. In another memorandum the procedures whereby an active member may become an alumnus are discussed, and inability to meet financial obligations is not a grounds for termination of active membership and the rights and privileges belonging to active membership. What should happen?

Section 8-217 provides, in general terms, that by two thirds voted of all its active members, an active chapter may excuse one of its members from all or part of his financial obligations **to the chapter** for such time as the active chapter may determine to excuse him. **No financial obligations of the member to the Order may be affected**

This is a very sweeping power in the hands of the active chapter. First, there are no standards set out in 8-217, but the requirement of a two thirds vote and an investigation should mean that this authority will not be abused. In any event, the active chapter itself is the one to suffer if it abuses this power by over use. Second, a member who receives the benefits of this section does **not lose any of his rights and privileges as an active member**. To put it another way, he may vote on all matters, hold office, participate in social activities and do anything else any other active member can do. Presumably a chapter might even excuse a member from paying board bills.

In case an active chapter does not grant some sort of waiver to a member who is in financial difficulty, he may then seek relief from the Knight Commander or his designee under 8-213 (d).

As an aside, an active chapter should evaluate the lifestyle of an active member seeking a waiver under 8-217 for if he lives well, drives a car, dates, lives in an apartment, etc., one might reasonably infer that his financial difficulty is of his own making, or that he is making a choice regarding the allocation of his financial resources without regard to his obligation of membership imposed in 8-212 under which an active member is obligated to remain an active member for seven regular semesters or eleven regular quarters. This obligation should clearly be explained to new members awaiting initiation so they will not be able to claim they were unaware of it at the end of their second year when the blush might have gone off the bloom.

No changes were made to these sections by the 67<sup>th</sup> Convention in 1997, but an entire new concept of “good standing” based upon financial matters was introduced and will be treated in another paper.

Richard B. Wilson, Jr.  
October 6, 1995  
Revised March 2, 1998

## ***White Paper 4 – Active Members Going “Inactive”***

One of the most vexing problems faced by chapters is that of members “going inactive.” Actually, the matter is simply dealt with in the laws-although the application of the laws is not necessarily easy.

First, one needs to recognize that there are only two types of members of Kappa Alpha Order:

- 1) Initiated members, who may be either (a) active members or (b) alumni
- 2) Members awaiting initiation (commonly referred to as pledges). Section 1-411 of the Kappa Alpha Laws.

The difference between an active member and an alumnus is that an active member is associated with an active chapter (8-211) and an alumnus is not (8-221). Therefore, any active member whose association with an active chapter ceases, *ipso facto* becomes an alumnus.

The question, then, very simply is “how does an active member-associated with an active chapter- cease to be associated with an active chapter?” The answers are in 8-213 and there are four ways in which association with an active chapter may be ended.

- 1) The first is obvious. When an active member ceases to be a student at the school which is the host of his active chapter, his association with the chapter terminates (8-213 (a)). This should need no explanation. In case there should be any question, this provision means that it is essential for an active member to be a student in a school at which an active chapter is located in order for him to be an active member. To put it another way, one cannot drop out of school for a while AND remain an active member.
- 2) The second way is almost obvious. When an active member graduates (i.e. receives a diploma) he **may** elect to terminate his association with his active chapter even though he remains in school (e.g. graduate school or law school), but he **may** also elect to continue his association with his active chapter (8-213 (b)).
- 3) The third method is frequently misapplied. When an active member has been an active member for seven regular semester (or eleven regular quarters) or the equivalent, he may end his association with his active chapter with the consent of two thirds of the active chapter. Consent is not implied and the chapter is not obligated to grant it (8-213 (c)). Many chapters have read-or misread-this provision to impose automatically alumni status upon any fifth year man. Remember: in all cases under this section **a vote of the chapter is required.**
- 4) Finally, in extraordinary cases, the Knight Commander, or his designee, may terminate the association of an active member with his active chapter having found that the termination of association is in the best interest of the member or the chapter (8-213 (d)). This provision may be used in at least two cases: one in which an active member does not qualify under any of the first three methods of becoming an alumnus; the second is to protect the chapter against an active member whose continued status as an active member is no longer desirable to the chapter-but as to whom there may be no actual offense with which he can be charged or of which he might be convicted.

Note carefully: there is no provision whereby an active member might decide on his own to stop paying bills and “go inactive.” If an active member does so, he may well become guilty of an offense and be subject to fine, suspension or expulsion.

## *White Paper 5 – Removal of Chapter Officers*

Section 9-124 of *Kappa Alpha Laws* governs the removal of chapter officers. The text is:

9-124. Removal from office. For cause, the I, II or III of an active chapter may be removed by a three fourths vote of all the active members of the chapter or by the Knight Commander, the province commander, or the executive director. For cause, any appointed officer in an active chapter may be removed by the I, the executive director, the province commander, or the Knight Commander. Any elected active chapter officer removed from his office shall not be eligible to hold office in that chapter without the approval of the officer who removed him.

The first two sentences deal, respectively, with elected then appointed officers of active chapters. Basically the two sentences are identical in substance except for the person or group which may exercise the authority to remove an officer: in the case of an elected officer, he may be “impeached” by a vote of the chapter or removed by the Knight Commander, the province commander or the executive director; in the case of an appointed officer, the authority to remove is placed in the I as well as the Knight Commander, the province commander or the executive director.

Appointed officers may not be “impeached:” if an appointed officer were so bad as to require impeachment, it is probable that the I-who did NOT act to remove him-would also be a candidate for impeachment since the action or inaction of an appointed officer is the responsibility of the I.

Some chapters may, for their own reasons, follow a procedure whereby officers or committee chairmen other than the I, II or III are elected. Only the I, II, and III are “elected officers” within the meaning of 9-124 so any other officer or chairmen is an “appointed officer” and is subject to removal pursuant to 9-124 by the I as well as other officers mentioned.

Regardless of the procedure for removing an officer, the removal must be “for cause.” What constitutes cause? Basically, “cause” is whatever the person exercising the authority to remove an officer determines it to be. If the I were to remove the IV, it would be inappropriate for the IV to appeal to the province commander since the I is on the scene and has made determinations based upon his observations and other sources. Likewise, if the executive director removes an elected or appointed officer, there is no appeal of the removal to the province commander or the Knight Commander-again because it is presumed that the executive director (or Knight Commander or province commander) acted responsibly on information brought to his attention.

Removal from office is not a penalty imposed for the commission of an offense, although the commission of an offense might constitute “cause” for removal. There is a procedure for appealing the determination of guilt of an offense. “Cause” for removal may be ineptitude or inability to perform which would not necessarily be an offense; refusal to perform a job would also be “cause,” but it would constitute an offense.

If an elected officer is removed, the last sentence provides that he is ineligible to hold any “office in that chapter without the approval of the officer who removed him.” Thus there is no appeal



from removal from office by the Knight Commander, province commander, executive director, or, where applicable, the I.

If one who has been removed from office believes that the removing officer did so without “cause,” the officer removed might petition the Knight Commander or the province commander to remove the removing officer and the “cause” would be abuse of discretion in removing the aggrieved former officer. However, such a petition does not constitute an appeal from the removal of office, and the remedy of restoring the removed officer to office does not exist.

The 67<sup>th</sup> Convention in 1997 made no changes in these sections.

Richard B. Wilson, Jr.  
October 6, 1995  
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## ***White Paper 6 – Open Vote on Election of New Members***

One of the most divisive matters that can bedevil a chapter is the so-called open vote for new members provided in limited circumstances by 8-115 of *Kappa Alpha Laws*. The problems caused by this section relate primarily to its over-use and abuse.

Section 8-115 provides, in relevant part:

**Opposition to chapter growth and open ballots thereon.** No member of an active chapter may lawfully oppose the necessary growth of his chapter acting upon his individual opinion as to its limit in membership. Whenever it may appear that any member is obstructing the growth of the chapter, in an active chapter in which election to membership is by unanimous vote, the chapter may, by a three-fourths vote of its active members, order an open ballot upon any candidate for membership apparently rejected without valid reason. Upon any open ballot, reasons for opposition to any candidate by any member shall be stated privately to the I, and if, in the opinion of the I, the reasons were insufficient, the ballot in opposition to the candidate shall be declared to be a favorable ballot . . . [provision relating to appeal to chapter omitted]. When the existence of an active chapter is threatened by the capricious and willful inertia of its members, such members of chapter shall be dealt with by the Knight Commander for activity detrimental to the best interest of the Order.

The most important thing to note about 8-115 is that it deals with the action of a single member who opposes chapter growth based on his notion as to the appropriate size of the chapter. By its very terms, 8-115 does not apply in any chapter acting under 1-414 which permits election to membership by less than a unanimous vote in certain cases. Therefore, the first question to be asked is whether the chapter has a 1-414 waiver; if it does, 8-115 does not apply.

If 8-115 is available, the next question must be-and here is where there is much abuse of this section-how many negative votes did a particular candidate for membership receive? If he received more than one negative vote, it is apparent that you are dealing with members who oppose someone rather than a single member. Section 8-115 deals with the narrow situation in which a single member acts on his own to control the size of the chapter; two or more acting in concert render 8-115 inapplicable insofar as the first provisions are concerned; however, the last sentence of this section may apply and require action by the Knight Commander.

If 8-115 is to apply, it must appear that one member is acting to restrict the size of the chapter. This cannot be made to appear from one negative vote on one candidate for membership-regardless of how popular that prospect may be. Remember, we are dealing with the rights of a member; a prospect has no rights. Other members do have rights under our laws to be protected against the capricious acts of a single member-but not against a single capricious act of a member.

The principle to be remembered here is that each member has rights for himself and responsibilities to his brothers. Only when a member abdicates his responsibilities to his brother

to such an extent that there is no question of his doing so do we take from him his right that is the correlative of the responsibility that he has shirked.

One frequently hears the expression “I call for an open vote.” Even though the term “open vote” is used in 8-115, it is not a public vote before the chapter; it is open only to the I and he must take steps to insure that it is not published to the chapter until the member voting negatively makes the decision to express his reasons for the vote if he must appeal the decision of the I to the chapter.

## *White Paper 7 – Deferral of Initiation*

At the beginning we should note that Kappa Alpha has no such thing as a “pledge;” in 1972 the term “pledge” was removed from the Kappa Alpha Laws and the term “member awaiting initiation” substituted in its place. There are many reasons for this step but the principal one was to make it quite clear that what used to be called a “pledge” is in fact a “member” of Kappa Alpha Order. Now the term “pledge” continues in use colloquially and it will be used in this paper BUT when “pledge” appears, one must understand that “member awaiting initiation” actually describes the relationship between the individual who is not yet initiated and his chapter.

What does one do with recalcitrant pledges? Frequently some chapters routinely “defer” a pledge’s initiation for some infraction of rules and the vote on deferral may occur at any time during the period of pledge ship. This is not supported by 8-131 which states:

**Deferral of initiation.** The initiation of any member otherwise eligible for initiation may, upon a one third vote of all of the active members of the active chapter, be deferred until such time as the active chapter shall determine his initiation is in order for any cause the active members of the chapter may at that time determine to be sufficient for that action.

On its face, 8-131 applies to only members who are *otherwise eligible for initiation*. If a member awaiting initiation has received a report under 8-124 that he has met all the requirements for initiation imposed by the Order, the chapter and the college he is then-and only then eligible for initiation. It is then-and only then that a motion to defer is in order. To put it more succinctly, when a pledge has made his grades, passed his pre-initiation exam, and paid his fees (plus whatever else may be required), then-and *only then* is he subject to deferral.

Some chapters have the misguided notion that deferral of initiation may act as a sort of breaking of the pledge on the theory that if initiation is deferred beyond one year from pledging, the pledge is broken. Not so. If a pledge is deferred, that means that he has met all the objectively stated requirements for initiation that appear in 8-133 (b)), *viz.* he passed the pledge examination, made his grades and has met-or is able and willing to meet-his financial obligations for initiation. Only if a pledge fails to qualify for initiation within the space of one year for one of the reasons stated in 8-133(b) is the pledge automatically broken.

No changes were made in these provisions by the 67<sup>th</sup> Convention in 1997.

Richard B. Wilson, Jr.  
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## ***Web Site Resources***

In addition to all the information and examples provided in this document, you can use the National Administrative Office web site for actual paperwork needed to conduct a proper major offense trial. Simply log on to the internet and go to [www.kappaalphaorder.org](http://www.kappaalphaorder.org). Once you've gotten to the Kappa Alpha Order home page, click on the **RESOURCES** link. There will be downloadable versions of this manual and the *Kappa Alpha Laws* that can be used by you or another member to use in your active chapter.

The process of major and minor offense trials can be very detailed; use the information and resources provided to help you and your chapter become better at governing yourselves internally. The information is free and designed to make your chapter stronger; don't let it go to waste!