



## PROPOSED LEGISLATION

As submitted by the Judiciary Committee

April 15, 2017

Fellow Fraters,

In accordance with Chapter I, Section 11 of the Black Book of Tau Kappa Epsilon International Fraternity, the Judiciary Committee presents the following items of proposed legislation to be considered by the Grand Chapter at the 2017 Conclave of the Fraternity found to have been submitted in proper form, along with the advisory recommendation of the Grand Council.

All Fraters are reminded of the following provision within Chapter I, Section 11 of the Black Book: “Proposed legislation shall be submitted to a vote of the Grand Chapter at Conclave, but may not be amended from the floor unless the amendment is solely for the purpose of clarification of language. Any questions of whether a proposed amendment is solely for the purpose of clarification of language shall stand referred to the Judiciary Committee.”

All proposed legislative changes to the International Constitution require approval by three-fourths of the votes cast at Conclave (Art. XVI, Section 1), and changes to the International Bylaws and Traditions require approval by a majority of the votes cast at Conclave (Chapter XXXII, Section 1). Additionally, this year’s legislation packet includes language previously passed by the Grand Council, in response to a Statement of Emergency, and which now requires ratification by a three-fourths vote at Conclave (Art. III, Section 4 (Second)). Language to be removed is signified by ~~striketrough~~ and language to be added is signified by underlining.

On behalf of the Judiciary Committee, I thank all Fraters who have submitted proposed legislation, and hope that you will join us in New Orleans this August for what will be a great Conclave.

Yours In The Bond,



Jason B. Blank, Esq.  
Alpha Pi #688  
Judiciary Chairman  
Life Loyal Teke

**Proposed Legislation #1**  
**Proposed Amendment to the Bylaws and Traditions**  
**(Must pass by majority vote)**

*Proposed by:*

*Fraters Tony Clemens, Grand Hegemon and Robert Guarini, Grand Council Member-at-Large*

DIVISION FOUR: ALUMNI ORGANIZATIONS CHAPTER XVII: Alumni Associations

SEC. 7. Alumni ~~Involvement~~ Advisory Committee. The Alumni ~~Involvement~~ Advisory Committee shall be appointed by the Grand Prytanis to ~~provide alumni programming, including outreach, development, and training of all alumni~~ advise the Grand Council on planning, outreach, and programming efforts that support the Fraternity. The committee shall also assist in the development, certification, and operations of alumni associations. This committee shall update the Grand Council on pertinent matters.

*Purpose and Scope:* With over 200,000 living alumni, Tau Kappa Epsilon International Fraternity must have an experience for members beyond the collegiate years.

A majority of alumni are not engaged with Tau Kappa Epsilon International Fraternity beyond the collegiate years leaving significant gaps in member participation, organizational funding, and advisement for collegiate members.

This committee will model the ideals of volunteer and staff collaboration to further relationship building and other strategic initiatives related to TKE alumni, broadly, and also to TKE volunteers. Committee members are expected to support planning, outreach, and programming efforts to support all three dimensions of the alumni “triangle” – alumni connecting with other alumni, alumni connecting with collegiate groups, and alumni connecting with the international organization.

This committee serves as a partner in the planning/advising process along with the staff serving on the alumni engagement team. Committee members also play an active role in project/action teams taking on responsibilities and completing assignments related to their area. It is ideal for committee members to utilize their knowledge, professional and personal experiences, acumen, skillset and individual resources for further advancement of the Fraternity. The committee member, once assigned a project, is to be involved in the planning, discussions, solicitation of feedback, recommendation and the implementation phase of the assigned project. This will allow for all committee members to serve as visible ambassadors for the Fraternity’s initiatives.

TKE and TEF work in close partnership at the international level and, though the efforts of this committee will certainly support TEF-related issues and active collaboration will occur at times, the committee’s focus and primary efforts are directly related to the Fraternity.

*Grand Council Recommendation- Yes to pass.*

**Proposed Legislation # 2**  
**Proposed Amendment to the International Constitution**  
**(Must pass by three-fourths vote)**

***Proposed by:***

***Frater James Hickey, Grand Crysophylos***

**ARTICLE VI: Membership**

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

**SEC.6. *Honorary Members Initiates.***

(a) An honorary ~~member~~ initiate is one of the following who, having been nominated by a collegiate chapter or the Grand Chapter and confirmed by the Chief Executive Officer, is not a member of any other national social fraternity and who has been regularly initiated into Tau Kappa Epsilon: (1) male members of the faculty of the school where the chapter making the nomination is located, (2) male persons who have rendered or are rendering important service to the school, the community, the state, or province, or the nation, who are of good moral character; or (3) male persons who have rendered important service to the chapter making the nomination or to the Fraternity.

(b) Alumni of any local fraternity which has been installed as a chapter may be initiated as honorary ~~members~~ initiates by a collegiate chapter.

(c) The Chief Executive Officer shall designate the place of initiation, and which collegiate chapter scroll such honorary ~~member~~ initiate shall sign when initiated, and the manner his signature shall be affixed thereto.

(d) Upon the approval of the Grand Prytanis, alumni of a school where a chapter is held in suspension may be initiated by a chartered alumni association, and such initiates shall sign the scroll of the collegiate chapter designated by the Grand Prytanis.

(e) Upon being initiated, H shall have all the privileges of alumni members.

*Purpose and Scope:* Tau Kappa Epsilon has always distinguished itself as being a Fraternity of equality. TKE has never had exclusionary policy. The current language in the Black Book regarding honorary initiates implies we have classes of membership; TKE does not. It never has.

Some of TKE's most distinguished men -- from those who led us as Grand Prytanis, to professional athletes, to the Founder of St. Jude Children's Hospital -- were initiated into our bond as alumni. There is nothing about these men or any other TKE that makes their membership "honorary." Every TKE assumes the same bond. There isn't a special oath for those who join our ranks after college. The Black Book should be amended in word so that it can reflect what we practice in deed. Not for wealth rank or honor, but for personal worth and character. Many men as one man.

*Grand Council Recommendation- Yes to Pass.*

**Proposed Legislation #3**  
**Confirmation of amendments to the Black Book already passed by the Grand Council on**  
**January 26, 2017 in response to Judiciary Committee's Statement of Emergency**  
**(Must pass by three-fourths vote)**

Int'l Const. Art. IV, §2: ***Eligibility***. A candidate for Grand Office ~~Grand Officer~~ at the time of his election ~~nomination~~ or succession to office must be an ~~alumni~~ alumnus or honorary member, and have completed an approved background check and application through the Offices of the Grand Chapter, to be declared eligible by the Judiciary Committee. Items which would cause a person to be ineligible would include, but are not limited to: (1) a conviction for a felony in any jurisdiction; (2) a conviction for a crime of dishonesty in any jurisdiction; (3) pending criminal charges in any jurisdiction; (4) pending warrants out of any jurisdiction. A declaration of ineligibility by the Judiciary Committee is appealable to the Grand Prytanis and must be received in writing no later than seven (7) days after notice of the ineligibility is sent by the Judiciary Committee.

Int'l Cons. Art. IV, §7: ***Other Grand Council Members***. In addition to the eight Grand Officers, one representative selected by the Collegiate Advisory Committee and two other alumni selected by the Grand Officers shall serve as ex-officio, voting members of the Grand Council. All ex-officio members contemplated in this section shall submit to an approved background check through the Offices of the Grand Chapter and be declared eligible by the Judiciary Committee prior to taking office.

Int'l Bylaws Ch. I, §9: ***Deadline for Application for Candidacy to the Grand Council***. Any eligible alumnus or honorary member wishing to present himself as a candidate for the Grand Council must submit an appropriate application and signed release provided by the Offices of the Grand Chapter, and submit to an approved background check through the Offices of the Grand Chapter for determination of eligibility by the Judiciary Committee, at least ~~10~~ thirty (30) business days in advance of the first day of Conclave for the purpose of conducting appropriate background screening for members of the corporate board of directors.

Int'l Bylaws Ch. II, §6: ***Procedure in Election of Grand Officers***.

...

3. If any nomination is made from the floor, and after nominations have been closed:
  - a. The Judiciary Committee shall confirm each nominee's eligibility for office pursuant to Art. IV, §2 of the International Constitution.
  - a. b. each eligible candidate for the subject Grand Office shall be presented to the Grand Chapter in alphabetical order, and permitted to speak for not more than five (5) minutes each, outside the presence of the other candidate(s), in support of his candidacy.

b. c. the presiding officer shall thereafter, outside the presence of all candidates, present the names of the eligible candidates in alphabetical order for discussion by the voting members of the Grand Chapter. A total of thirty (30) minutes shall be allowed for such discussion, divided equally between the number of candidates for such Grand Office after official statements on each candidate are given by the Nominations Committee and Judiciary Committee.

e. d. after expiration of the discussion period, or all voting members of the Grand Chapter desiring to speak have been recognized, whichever shall occur first, the presiding officer shall declare the discussion of candidates closed, and the Grand Chapter shall proceed to ballot upon said nominees.

Int'l Bylaws Ch. IV, §7 ***At-Large Grand Council Members.*** The Grand Officers may select two alumni members, in good standing, to serve as ex-officio, voting members of the Grand Council pursuant to Art. IV, §7 of the International Constitution.

This proposed legislation is subject to confirmation in its entirety and may not be bifurcated.

*Purpose and Scope:*

See press release which follows and was originally published on Friday, February 3, 2017:

INDIANAPOLIS – The Venerable Grand Prytanis Rod Talbot and the Grand Council address an urgent governance issue requiring immediate attention.

“Pursuant to Article II, Section 4 (Second) of the International Constitution of TKE, we identified an urgent governance issue impacting the Fraternity. As previously written, there was no protection for the Grand Chapter expressly prescribed in The Black Book against someone with a criminal history, or other pending criminal matter, from serving on the Grand Council or holding a volunteer position,” said TKE Grand Prytanis Rod Talbot.

“In an extreme example, the potential existed for a Grand Council member to have been unable to adhere to his fiduciary duty as an elected member of the International Board of Directors of the Fraternity. This could have placed the entire Fraternity at risk. Upon recommendation of the Judiciary Committee, on January 26, 2017, the Grand Council unanimously approved amendments to both the International Constitution and International Bylaws in The Black Book to protect the Fraternity from this serious vulnerability,” added Talbot.

There were no immediate concerns with any current member of the Grand Council, each of whom has already undertaken background checks and vetting consistent with the amendments. This vulnerability was discovered after the Grand Council tasked the Judiciary Committee to review The Black Book in preparation for the 2017 Conclave.

“During our review of The Black Book prior to Conclave, the Judiciary Committee identified a clear danger and alerted the Grand Council to the lack of protection for the Fraternity. The Grand Chapter has placed the utmost trust and confidence in the Grand Council to manage and protect the Fraternity. Acting within their fiduciary duty to manage and protect Tau Kappa

Epsilon, the Grand Council asked the Judiciary Committee to draft amendments earlier this month,” said Judiciary Committee Chairman Jason B. Blank, Esq.

“We appreciate the thorough efforts of the Judiciary Committee in their review of The Black Book that brought this concern to our attention. As a fiduciary board, we were out of alignment with best practices in the business world. This vote by the Grand Council remedies the matter,” said Talbot.

In accordance with Article III, Section 4 (First) of the Black Book, the changes will need to be expressly confirmed at the 2017 Conclave of the Grand Chapter on August 3-6 in New Orleans. The amendments will be included in the legislative packet released prior to Conclave.

[An updated version of the Tau Kappa Epsilon Black Book can be downloaded here.](#)

*The Grand Council of Tau Kappa Epsilon consists of eight (8) elected officers, two at-large members, and the Chairman of the Collegiate Advisory Committee. It is their obligation to maintain loyalty to TKE, exercise sound judgement, comply with the expectations normally placed on a director of a nonprofit corporation, hold confidentiality of information, serve the members of the Fraternity impartially, and to abide by the Grand Council Code of Conduct. Each member of the Grand Council agrees to attend up to three (3) board meetings each year, assume the financial responsibility for travel costs, as well as participate in monthly committee meetings and contribute to the TKE Educational Foundation. Each nominee for Grand Council is subject to a background check.*

*Applications for Grand Council will open on May 1, 2017.*

*Grand Council recommendation- Yes to ratify.*

**Proposed Legislation #4**  
**Proposed Amendment to the Bylaws and Traditions**  
**(Must pass by majority vote)**

*Proposed by:*

*Frater David Velleux, Lambda Pi #175 (Northeastern Illinois University)*

CHAPTER XXII: Traditions

SEC. 2. *Traditions.* The following are hereby adopted as traditions of the Fraternity:

**First:** ~~*Death of Members.* Upon the death of a member of a collegiate chapter, the members of such chapter shall wear the black ribbon under their badges for a period of fourteen days.~~

*Death of Current and Alumni Members.*

Prerequisites:

To ensure things proceed smoothly during a time certain to be filled with stress for family and friends, please perform the following tasks:

Current Member:

Upon the death of a member of a collegiate chapter, the members of the departed's chapter shall wear a black ribbon under their TKE badges for a period of fourteen days.

Alumni Member:

Within each Alumni Association, please perform the following:

- 1 - Verify each Alumni member is registered on the Alumni Association email list.
- 2 - Name at least one Brother as an Initial Point of Contact, and inform a family who this Brother is, so he can notify the Alumni Association of your passing.

Personal Procedures for all

Brothers in attendance Flowers:

Each Brother shall have a single Red Carnation, for tossing into a grave or location, after ceremonies have reached a conclusion.

TKE Badge:

All Brothers in attendance shall wear a black ribbon behind their TKE Badge on their shirts. The TKE Badge should only be worn on a shirt under any suit coat, with the Badge tipped by its top to the wearer's left, symbolizing the geographical location of the First Three Chapters.

TKE Flag:

A TKE Flag of five foot by nine foot dimensions shall be used to drape the departed's coffin. A TKE Flag of three foot by five foot dimensions shall be used for folding, or to be displayed on a guidon pole near a funeral urn for the departed's cremated remains.

### Christian Burial Procedures

There is to be a minimum of two Brothers in attendance for all events.

#### Funeral Home Wake (if held)

A representative of the Alumni Association shall give the Funeral Director a TKE Flag to be placed on the departed's coffin or nearby. In case of cremation, the TKE Flag will be placed nearby.

#### Church Ceremony (if held)

The Funeral Home will be requested to drape the TKE Flag over the coffin, or be placed near the urn. Once inside the Church, a Church Flag, if there is one, will be placed on the coffin. Once leaving the Church, the TKE Flag will be placed on the coffin again.

#### Internment Site

When it is an appropriate time in the farewell ceremony, two Brothers shall stand to the right side of the casket/funeral urn, seen by any assembled group to their left. The two Brothers shall each take one end of the TKE Flag, present it vertically, then fold said Flag into a Triangle, in an identical manner as the American Flag. Once the ends of the TKE Flag are tucked inside, the Brother who performed the folding procedure shall hold the TKE Flag in both hands, preparing to present the now folded TKE Flag to the departed's pre-determined recipient. The Brother now holding the folded TKE Flag may briefly say whatever he so wants to the Brother in Resting, and then proceed to the surviving Family member who will receive the folded TKE Flag.

The determination of who shall receive the TKE Flag is as follows: (1) the surviving parent(s), if any; (2) the surviving spouse or Significant other, if any; or (3) the surviving eldest child, or sibling, if any.

The Brother shall hold the TKE Flag with both hands, right hand under for support, left hand on top to protect, with the middle triangle point pointing away from his body, then shall proceed to the Flag Recipient and state as follows:

***In fond remembrance of Frater (First Name Middle Name Last Name), we, the Brothers of Tau Kappa Epsilon Fraternity, (Chapter Letters) Chapter/(Alumni Association Name) Alumni Association hereby present the TKE Flag, to you, to show our Brotherhood, and our respectful admiration for your (Son/Husband/Father) as he joins the Chapter Eternal.***

At an appropriate point during the ceremony afterwards, all assembled Brothers will drop a red Carnation into the open grave. Each Brother may briefly say something aloud or silently while doing so.

### Jewish Burial Procedures

There is to be a minimum of two Brothers in attendance for the event.

Since a person of the Jewish faith must be buried or cremated within twenty-four hours of passing, a fraternity presence will only be made known during the period of mourning, or *shiva*. To not interfere in any way with kosher rules, if the departed Brother followed them or in respect to the

departed's family, a basket of uncut, unpeeled fruit shall be given as a sign of peace and respect.

The aforementioned procedures for folding the TKE Flag and determining the Flag recipient shall be followed, excepting for dropping red carnations into a grave. In such case, an appropriate vessel or basket will be used to place the carnations in. The flowers can then either be disposed of or kept as a remembrance.

*Purpose and Scope:* There is no set procedure in place to honor a current or Alumni member after he has passed.

*Grand Council Recommendation-* Ought not pass.

**Proposed Legislation #5**  
**Proposed amendment to the Bylaws and Traditions**  
**(Must pass by majority vote)**

*Proposed by:*  
*Judiciary Committee of Tau Kappa Epsilon*

CHAPTER II: Rules of Conclave

SEC. 4. ~~Roll Call.~~ Voting. The method of voting on amendments to the Articles of Incorporation, the Constitution or Bylaws, elections for Grand Office, or the granting of a charter shall be as follows:

1. Voting may be made by in-person electronic means, or by such other means as prescribed by this Chapter.

2. The presiding officer shall first ask all those voting members who are opposed to stand. If there are no opposing votes, he shall call for affirmative voice votes and declare the amendment duly adopted or charter granted, upon receipt of any affirmative votes.

~~2.~~ 3. If there are opposing votes, the presiding officer shall call for a vote to be taken by electronic means or by manual count methods. If the vote is to be taken by manual count methods, then the presiding officer shall direct the Official Tellers to count them, and report the number, and he shall then call for those voting members favoring the motion to stand, and be counted by the Official Tellers, who shall then report, and if, the requisite number of votes in favor of the motion, as shown by the Grand Grammateus, are sufficient to approve the motion, that fact shall be reported by the Official Tellers, and the presiding officer shall declare the amendment adopted, or charter granted, without a roll call; otherwise, he shall declare the motion to adopt lost.

~~3.~~ 4. The roll may be called only:

- a. if ordered by the presiding officer on his own motion,
- b. if demanded by not fewer than five voting members of the Grand Chapter,
- or c. as otherwise required by law.

SEC. 5. Elections. The ballots shall be distributed, collected and counted electronically or by the Official Tellers. Vacancies in the board of Official Tellers may be filled by the Grand Prytanis.

SEC. 6. Procedure in Election of Grand Officers.

1. The Nominations Committee shall place the name of its nominee for each Grand Office singly in the order specified in Article IV, Section 1 of the Constitution.

2. The presiding officer shall thereafter request other nominations for the subject Grand Office from the floor.

3. If any nomination is made from the floor, and after nominations have been closed:

a. the Judiciary Committee shall confirm each nominee's eligibility for office pursuant to Art. IV, §2 of the International Constitution;

b. each eligible candidate for the subject Grand Office shall be presented to the Grand Chapter in alphabetical order, and permitted to speak for not more than five (5) minutes each, outside the presence of the other candidate(s), in support of his candidacy;

c. the presiding officer shall thereafter, outside the presence of all candidates, present the names of the eligible candidates in alphabetical order for discussion by the voting members of the Grand Chapter. A total of thirty (30) minutes shall be allowed for such discussion, divided equally between the number of candidates for such Grand Office after official statements on each candidate are given by the Nominations Committee and Judiciary Committee;

d. after expiration of the discussion period, or all voting members of the Grand Chapter desiring to speak have been recognized, whichever shall occur first, the presiding officer shall declare the discussion of candidates closed, and the Grand Chapter shall proceed to ballot upon said nominees. Votes on any such ballot may be tabulated by electronic means.

4. After any ballot on any Grand Office for which there are more than two nominees, and no one nominee has received a majority of the votes, the name of any nominee receiving less than 20 percent of the total votes cast on said ballot shall be eliminated from the succeeding ballot, unless such elimination would result in only one remaining nominee, in which situation the next succeeding ballot shall be on the names of the two nominees receiving the highest number of votes on the subject ballot. Provided further, that should any nominee receive 90 percent of the number of votes cast for the next higher nominee, his name shall be included in the list of nominees to be voted upon on the said next succeeding ballot.

5. At the discretion of the Grand Prytanis, a voice vote may be taken for the election of a Grand Officer. The result of the voice vote shall be decided by the four Official Tellers in unanimous agreement. If the tellers are not in unanimous agreement, there shall be an electronic or written ballot as provided in paragraph 4 of this section.

Purpose and Scope: As technology advances and the size of the Grand Chapter grows, it is necessary to utilize these advancements to allow for more efficient and accurate tabulation of votes cast at Conclave. This amendment allows for the use of a modernized tabulation method which can progress and change over time with further technological advancements.

*Grand Council Recommendation- Yes to pass.*