

# REPORT TO THE FRATERNITY CONVENTION

## PERMANENT COMMITTEE ON FRATERNITY LAWS

### FOREWORD

The following are the recommendations of the Permanent Committee on Fraternity Laws for those proposals to amend or repeal the Fraternity Laws that were duly and timely submitted to the Eminent Supreme Recorder pursuant to Section 58A of the Fraternity Laws.

Proposals are ordered by the major section of the Fraternity Laws that the proposal amends or repeals. Text in underline will be added to the Fraternity Laws and text in ~~strikeout~~ will be deleted from the Fraternity Laws.

Should the collective actions of the Fraternity Convention result in conflicting language or sectioning, the Supreme Council may codify the actions of the Fraternity Convention pursuant to Section 58D of the Fraternity Laws.

### PROPOSALS

#### PROPOSAL 1

##### AMEND SECTION 12 (SESSIONS AND VOTING), SUBSECTION E, AS FOLLOWS:

E. Voting Between Conventions. The Eminent Supreme Archon, with the advice and consent of the Supreme Council, may submit to a direct vote of the Fraternity such measures as may benefit from resolution before the next Convention. Such direct vote shall be submitted by an e-mail/internet ballot to each individual and group entitled to representation in a Fraternity Convention at the latest address of record at the Fraternity Service Center. ~~If any group or individual fails to vote within twenty-one (21) days after the date the vote is solicited, an affirmative vote will be implied, and the ballot shall make clear this stipulation.~~

##### AMEND SECTION 26 (PROVINCE CONVENTION), SUBSECTION F, AS FOLLOWS:

F. Direct Vote. Questions arising between sessions of the Province Convention may be submitted by the Province Archon to a direct vote of the Province. ~~If any group or individual fails to vote by any means within twenty-one (21) days after the date the vote is solicited, an affirmative vote will be implied, and the ballot shall make clear this stipulation.~~

##### AMEND SECTION 31 (CHARTER), SUBSECTION B (PROCEDURE FOR GRANTING CHARTER), SUBSECTION 6, AS FOLLOWS:

6. Granting of Charter. On receipt of a petition and the report of the investigation team, the Supreme Council shall submit them to the next Fraternity Convention meeting not less than six (6) months thereafter or may by a majority vote of the Supreme Council submit them to a direct vote by e-mail/internet ballot to each individual and group entitled to membership in the Fraternity Convention as provided in Section 11. If the petition is submitted to the Fraternity Convention and as many as two-thirds (2/3) of the accredited delegates present and voting vote in favor of granting the charter, or if the petition is submitted to a direct vote of the Fraternity and is approved by as many as two-thirds (2/3) of the individuals and groups entitled to vote thereon within twenty-one (21) days after the date of e-mailing of the ballots from the Fraternity Service Center, then the Supreme Council shall be authorized to sign and issue a charter and to install the group to which it is issued as a Chapter Collegiate of Sigma Alpha Epsilon. ~~If any group or individual fails to vote within twenty one (21) days after the date the vote is solicited, an affirmative vote will be implied, and the ballot shall make clear this stipulation.~~

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**RATIONALE:** Mail ballots should be a means for the Fraternity Convention between its meetings, but they should not be either automatic or burdensome. As currently written, the Supreme Council has the authority to authorize a mail ballot; given the implied yes votes as currently written, those opposing a proposal would need to mount a significant effort to defeat a mail-ballot vote. Instead, mail-ballot votes should be decided on their merits, and the measures typically submitted to the Realm for approval (i.e., charter authorizations) already receive significant approval before factoring in implied votes. This proposal will boost the legitimacy of mail-ballot votes for all measures.

**SUBMITTED BY:** Austin Evans (Wisconsin '05).

**RECOMMENDATION:** An equally divided Permanent Committee on Fraternity Laws makes no recommendation on the proposal.

## PROPOSAL 2

**AMEND SECTION 13 (FINANCES) BY CREATING SUBSECTION D TO READ AS FOLLOWS:**

D. Usage of Funds. No Fraternity funds shall be used to purchase alcohol. The Fraternity shall not purchase alcohol for any volunteer, staff, or other member, nor shall it purchase alcohol for any event or reimburse any expenses related to the purchase of alcohol. Alcohol may still be present at Fraternity events, so long as its presence complies with the health-and-safety policies of the Fraternity.

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**RATIONALE:** This policy has already been adopted by the Supreme Council. The purpose of this law is to ensure that all Fraternity funds are used in compliance with our health-and-safety guidelines. Furthermore, the law protects the usage of funds paid in by the Fraternity's members.

**SUBMITTED BY:** Daniel Gammon (Middle Tennessee '06).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws does not recommend adoption.

## PROPOSAL 3

**RENUMBER SECTION 15 TO BE SECTION 15, SUBSECTION A (QUALIFICATION).**

**AMEND SECTION 15 BY CREATING SUBSECTION B TO READ AS FOLLOWS:**

B. Regional Representation. Each Region is entitled to representation on the Supreme Council, and no more than one member of the Supreme Council may reside in any Region.

**AMEND SECTION 20 AS FOLLOWS:**

20. Membership. The Supreme Council shall consist of the same number of individuals as the number of Regions designated by the Fraternity Convention, consisting of the following Fraternity Officers and at-large members, none of whom shall be a voting member of the Board of Trustees or the Advisory Council of Sigma Alpha Epsilon Foundation or of the Board of Directors of the Sigma Alpha Epsilon Financial and Housing Corporation:

- A. Eminent Supreme Archon
- B. Eminent Supreme Deputy Archon
- C. Eminent Supreme Warden
- D. Eminent Supreme Herald
- E. Eminent Supreme Chronicler
- F. Any necessary additional at-large members

**AMEND SECTION 25 AS FOLLOWS:**

25. Province. There ~~shall will~~ be geographical districts, known as Provinces, embracing such territory and chapters, and there will be at least five geographical districts, known as Regions, embracing such Provinces, as the Fraternity Convention determines.

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**RATIONALE:** Currently, there is no provision for Supreme Council members to have a regional balance or a prohibition that all members do not come from a single region. Furthermore, ensuring each region has a voice on the Supreme Council balances the regional issues we all face and offers different perspectives on how to solve them. The current system of having Supreme Council liaisons lacks sustained relations with these regions, if the Supreme Council members even foster that relationship to begin with. This proposal spreads the decision-making authority of our Supreme Council across the Realm and formalizes and vests the region apportionment with the Fraternity Convention.

**SUBMITTED BY:** Austin Evans (Wisconsin '05), Patrick Fredricks (Central Michigan '10), Daniel Gammon (Middle Tennessee '09), Steve Kronenberg (North Georgia '06), Jesus Maldonado (Occidental '00), Gavin Maxfield (New Haven '12), John Sebalos (SUNY Oswego '05), Shay Stewart (Sonoma State '96).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws does not recommend adoption.

## PROPOSAL 4

**RENUMBER SECTION 15 (QUALIFICATION) TO BE SECTION 15, SUBSECTION A.**

**AMEND SECTION 15 BY CREATING SUBSECTION B TO READ AS FOLLOWS:**

B. Term Limits. No individual may serve on the Supreme Council for more than three consecutive terms.

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**RATIONALE:** This proposal will limit the career nature of Supreme Council members. Currently, members are elected to the Eminent Supreme Chronicler role in sometimes—but not always—competitive elections then progress “up the chain” to the higher rungs, effectively enjoying election to the board for a ten-year term. Additionally, challenges to Supreme Council members in these latter elections is viewed as hostile and combative instead of part of a democratic process. This proposal limits the repetitive nature of members’ terms to keep them better accountable to the Realm that elects them.

**SUBMITTED BY:** Austin Evans (Wisconsin ’05), Patrick Fredricks (Central Michigan ’10), Daniel Gammon (Middle Tennessee ’09), Steve Kronenberg (North Georgia ’06), Jesus Maldonado (Occidental ’00), Gavin Maxfield (New Haven ’12), John Sebalos (SUNY Oswego ’05), Shay Stewart (Sonoma State ’96).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws does not recommend adoption.

## PROPOSAL 5

### **AMEND SECTION 18 (DUTIES), SUBSECTION D, AS FOLLOWS:**

D. Eminent Supreme Warden. The Eminent Supreme Warden shall 1) act as the Eminent Supreme Archon in case of the absence or disability of the Eminent Supreme Archon and the Eminent Supreme Deputy Archon, 2) exercise particular supervision over the finances of the Fraternity and ensure the financial reports and budgets are published in accordance with Section 18G3f and 18H2 in a timely manner, and 3) perform any other duties assigned to him by the Eminent Supreme Archon.

### **AMEND SECTION 18 (DUTIES), SUBSECTION G (EMINENT SUPREME RECORDER), SUBSECTION 3 (AS FINANCIAL CUSTODIAN:), SUBSECTION F (FINANCIAL REPORTING TO THE REALM), SUBSECTION (1), AS FOLLOWS:**

(1) To communicate the financial condition of SAE to all members, the Eminent Supreme Recorder shall publish ~~at least semi-annually~~ within 30 days of the end of each fiscal quarter, on a secure website, a report of the financial operations and condition of each unit of the Fraternity.

### **AMEND SECTION 18 (DUTIES), SUBSECTION H (REPORTS, AUDITS, AND BONDS), SUBSECTION 2, AS FOLLOWS:**

2. Audits. The accounts of Sigma Alpha Epsilon Fraternity and any other entities associated with Sigma Alpha Epsilon shall be audited at least annually by a certified public accountant who shall make his report to the Eminent Supreme Recorder, who in turn shall make available such reports to the Board of each entity, the Fraternity Convention, and all members of the Fraternity within 90 days of the end of the fiscal year.

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**RATIONALE:** One of the important means of understanding the financial health of the Fraternity is to have periodic and timely financial reports of the organization. These allow a review of the effectiveness of the operations and programs to the undergraduates, who provide the majority of the revenues. Other for-profit and not-for-profit incorporated entities publish their quarterly financial reports within 30 days of the end of their fiscal quarters.

The addition to the Eminent Supreme Warden’s duties in Section 18D serves to define one aspect of his “supervision over the finances” by ensuring the financial reports continue to be published. Section 18G3a requires that the budget for the upcoming year shall be prepared for the information of the membership of the Fraternity

Convention and Section 18G3b states the budget for the following year shall be submitted to the Supreme Council for information and approval. Within the SAE Strategic Plan of 2016-18, Goal 4 stated that a three-year financial budget should be drafted to achieve the strategic initiatives; therefore, the cycle for the budget approvals could become at least become aligned with the biennial meeting the Fraternity Convention membership.

The changes proposed herein are intended to set a timeliness for reporting that is similar to standard reporting practices that other organizations have to their corporate membership (i.e., our membership of the Fraternity Convention, which exists in the interim between the biennial meeting of the membership of the Fraternity Convention). It also affords the opportunity for the FSC to “Lead by Example” to show how important the documenting, reporting and understanding of the financial health of the fraternity is at all levels.

**SUBMITTED BY:** Jonathan K. Witter (Rensselaer Polytechnic '82).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws does not recommend adoption.

## PROPOSAL 6

**AMEND SECTION 18 (DUTIES), SUBSECTION G (EMINENT SUPREME RECORDER), SUBSECTION 5, AS FOLLOWS:**

5. Any of the foregoing duties may be delegated by the Eminent Supreme Recorder to other employees or members of the Fraternity, ~~except the duty to audit the accounts and countersign the checks of those employees authorized to draw checks.~~

**RATIONALE:** As the Fraternity’s Financial Custodian, the Eminent Supreme Recorder has the inherent duty to ensure that the Fraternity always stay current with obligations owed and that the Fraternity Service Center is always paying any bills in a timely fashion. Requiring that he countersigns all checks is an unnecessary burden, especially given his travel requirements. Money spent to accommodate his travel schedule and this requirement are not cost-effective, especially with allowing checks to be signed in his absence have no cost.

Additionally, having the Eminent Supreme Recorder as the sole auditor of accounts is a poor business practice. He should have the ability to dictate the Fraternity’s internal business practices, including these duties to members in his accounting and finance department so as to be briefed and brief the members of the Supreme Council regularly of the Fraternity’s financial performance. The Fraternity undergoes an external audit yearly. These external audits, coupled with the various routine internal audits already done by the accounting and finance department (including the routine posting of financial information), are more than sufficient.

These antiquated business rules hinder the Eminent Supreme Recorder from establishing proper financial policies and should be removed from Fraternity Law.

**SUBMITTED BY:** Patrick Stiff, Jr. (Loyola-Chicago '04).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws recommends adoption.

## PROPOSAL 7

**AMEND SECTION 21, SUBSECTION A, AS FOLLOWS:**

21. Duties. The Supreme Council shall:

A. Represent the Fraternity Convention in all capacities in the interval between sessions. As part of representing the Fraternity Convention in the interval between sessions, if doing so is deemed time-sensitive and necessary to preserve and protect the Fraternity, the Supreme Council may amend the Fraternity Laws between sessions of the Fraternity Convention, except in regard to changes in the Ritual, by a two-thirds majority vote. If the Supreme Council amends the Fraternity Laws pursuant to this subsection, the amendment shall be presented for ratification to the next Fraternity Convention. A two-thirds majority, affirmative vote of those entitled to vote at the subsequent Fraternity Convention shall be necessary to ratify the Supreme Council's action taken pursuant to this subsection. If the Fraternity Convention does not ratify the Supreme Council's action, then the Fraternity Laws shall read exactly as they did before the Supreme Council acted pursuant to this subsection.

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**RATIONALE:** Under Section 58A, a two-thirds (2/3) vote of the Fraternity Convention is required to amend or repeal the Fraternity Laws. As Section 21A currently exists, it is implicitly stated that the Supreme Council may provisionally amend the Fraternity Laws with a simple majority as opposed to a two-thirds majority, as required for amendments to the Fraternity Law made by the Fraternity Convention. Similarly, provisional amendments to the Fraternity Laws made by the Supreme Council may currently be ratified by a simple majority of the Fraternity Convention, whereas all other changes made to the Fraternity Laws require a two-thirds majority. This proposal allows the Supreme Council to maintain its ability to amend the Fraternity Laws in the interval between Fraternity Conventions, as it deems necessary, but ensures that such amendments are held to the same standard as any amendment to the Fraternity Laws proposed by the Fraternity Convention.

**SUBMITTED BY:** Benjamin Carter (Maryland '15).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws recommends adoption.

## PROPOSAL 8

**AMEND SECTION 23 AS FOLLOWS:**

23. Removal from Office. The Supreme Council may by a majority vote remove from office any Fraternity, Province, Chapter Collegiate or alumni association officer, any Chapter Advisor, Faculty Advisor or Alumni Advisor, or the Eminent Supreme Recorder for neglect of duty or other offense against the laws, dignity, or interest of the Fraternity. Due notice of such intended action shall be given to the officer, member, or employee concerned and to all members of the Supreme Council.

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**RATIONALE:** Although the vast majority of our advisors are supportive of the Fraternity's mission and vision, there currently exists a loophole for these advisors who actively work against this mission to remain part of the chapter's advisory apparatus. This provision closes such a loophole and subjects our advisors to the same removal accountability that elected officers have.

**SUBMITTED BY:** Austin Evans (Wisconsin '05).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws recommends adoption.

## PROPOSAL 9

### AMEND SECTION 27 (PROVINCE COUNCIL), SUBSECTION D, AS FOLLOWS:

D. Term. Officers shall assume their duties immediately after the adjournment of the session at which they are elected and shall continue in office until their successors qualify. No Province Archon shall serve more than two consecutive biennial terms. If appointed within a biennium, time served shall not be counted against him and he shall have the opportunity to be elected by the Province body and serve two complete terms before being unable to run again. If passed, this Fraternity Law shall take effect on January 1, 2018, the beginning of the calendar year when Province Conventions will be held to elect new Province leadership.

**RATIONALE:** The Province, like any governance body (Fraternity or otherwise), needs fresh and rejuvenated leadership regularly. A four-year term provides sufficient time to promote, attain and achieve goals and objectives. For a Province to thrive and grow within the Fraternity, new leadership opportunities and new volunteers are needed. Past Province Archons are allowed to be voting members of Province Conventions under Section 41A1 and may continue to assist and serve the Province in a myriad of other ways.

**SUBMITTED BY:** Daniel H. Gladding (Salisbury '78).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws does not recommend adoption.

## PROPOSAL 10

### AMEND SECTION 28 (DUTIES OF PROVINCE OFFICERS), SUBSECTION A, BY CREATING SUBSECTION 12 TO READ AS FOLLOWS:

A. Province Archon. The Province Archon shall:

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12. Not hold any other office(s) within his province structure and/or under his direct purview to avoid any potential conflicts of interest. These offices may include, but may not be limited to: Alumni Advisory Board, Alumni Association, Alumni Commission, Chapter Adviser, House Corporation Officer, etc. If passed, this Fraternity Law shall take effect on January 1, 2018.

**RATIONALE:** The Province Archon needs to be an unbiased officer of the Province at all times and not be put in any potential position or situation where he might be perceived as showing favoritism or bias based on the direct office he holds under his own Province's structure. Furthermore, some universities have questioned why a regional president is able to hold local offices within the Fraternity due to the same rationale. Sigma Alpha Epsilon has reinstated/created two alumni services' Fraternity Service Center staff members to bolster and enhance alumni interaction and volunteer opportunities within the Fraternity. By adding this stipulation to the Fraternity Laws, it provides the appropriate governance to help avoid potential conflicts of interest and bias within a Province and the Fraternity as a whole while creating additional volunteer opportunities.

**SUBMITTED BY:** Daniel H. Gladding (Salisbury '78).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws does not recommend adoption.

## PROPOSAL 11

### AMEND SECTION 31 (CHARTER) BY CREATING SUBSECTION D TO READ AS FOLLOWS:

#### D. Alumni Advisory Board.

1. Each chapter shall have an Alumni Advisory Board (AAB) to assist the chapter in the various Core Areas of the fraternity and to assist with fostering its ongoing growth and perpetuation.
2. Members shall initially be selected from local area alumni, members of the host university or community members with the assistance of the Extension Coordinator (and/or other FSC staff) assigned to develop the Colony or Phoenix Chapter.
3. The mission of the Advisory Board is:
  - a. To advise the chapter as it, and its members, conduct the business of the chapter.
  - b. Assist chapter officers in their roles and help develop them as leaders of the Fraternity.
  - c. Work with chapter members to help develop them as True Gentleman in all endeavors, as set forth by our creed.
  - d. To be loyal to the interests of the chapter and officers.
  - e. To hold all members to a high academic standard.
  - f. To demonstrate leadership and community outreach.
4. The AAB is constituted to serve only in an advisory function to the Chapter. The members of the AAB are to conduct themselves only in advisory roles and in assistance of chapter officers to fulfill their duties. At no time is an AAB member to supplant duly elected chapter officers in the carrying out of their duties as assigned by the Chapter By-Laws or the Fraternity Laws of Sigma Alpha Epsilon.
5. The AAB will be comprised of at least five individuals who have been elected by the chapter. The individuals can be alumni of Sigma Alpha Epsilon or members of the University or community. SAE alumni must be in good standing with the Fraternity. The Eminent Archon of the Chapter shall be an ex-officio member.
6. Election of AAB members shall take place in April of each year (concurrent with those specified elsewhere in the Fraternity Laws for Chapter Adviser) and those elected will serve a one-year term of office. Elections are to be held in the following manner:
  - a. The Chapter Executive Board will work with the current Chapter Adviser to develop a slate of candidates for the chapter to consider. The slate cannot be less than five candidates. Candidates can be SAE alumni from the chapter or from other chapters, university professors or staff, or other community leaders interested in assisting the chapter.
  - b. Once the slate is set, the Executive Board presents the slate to the chapter for approval. The chapter can elect the slate in totality, or can amend or modify the slate by individually electing each candidate by making a motion to divide the candidates. No candidate can be nominated from the floor; all candidates must be presented to the chapter by the Executive Board. The slate, or individual candidates, need only attain a majority vote to be approved.
  - c. If, at the end of the election process, there are not five elected members, the Executive Board and Chapter Adviser should work to identify further candidates to meet at least the minimum number and present those additional candidates to the chapter for approval.
  - d. After a slate of at least five candidates is approved, either in a single election or over multiple elections, the chapter immediately moves into election for Chapter Adviser. All candidates on the approved slate are automatically considered for Chapter Adviser unless they have specifically removed themselves from consideration. The Chapter Adviser must be chosen from the candidates selected to sit on the AAB. Each candidate elected to the AAB can submit a written statement to the Eminent Archon of the Chapter as to why he



or she feels they are the best candidate for the Chapter Adviser which the Eminent Archon will read to the chapter prior to discussion.

e. The Chapter Adviser must receive a majority vote of those brothers of the chapter in good standing and present (50% +1). If no candidate receives a majority vote after two ballots, the candidate with the fewest votes is dropped and election continues in this manner until one candidate receives the prescribed vote amount.

7. Any vacancy on the AAB that occurs between elections can be appointed by the Chapter Adviser with consent and approval of the Chapter's Executive Board.

8. The Chapter can remove a member of the Advisory Board by a 3/4 vote of the chapter at a special meeting called by the Eminent Archon or the Executive Board in accordance with Chapter By-Laws. The Eminent Archon should present evidence of a valid reason for removal of the member of the Advisory Board prior to a vote.

9. Any Advisory Board member can resign his position on the Board at any time. If the Chapter Adviser resigns, the chapter should elect a new Chapter Adviser from the remaining Board members at the next scheduled meeting of the chapter.

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**RATIONALE:** The Chapter needs a group of dedicated alumni from day one to assist it with the teachings and positive traditions of the Fraternity. The AAB provides a group of alumni volunteers who can assist with the chartering process and preparations for its installation. A group of alumni from day one will also help to prevent a single advisor from burning out and will create a pool of volunteers to ensure the Chapter has alumni presence and guidance at all meetings and events. This will also provide a level of redundancy to the Chapter should an alumnus become sick or have to move out of the immediate area, thus maintaining a continuity of alumni volunteers thus preventing any temporary setbacks to the Chapter's forward progress and stability.

**SUBMITTED BY:** Daniel H. Gladding (Salisbury '78).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws does not recommend adoption.

## PROPOSAL 12

### AMEND SECTION 32 (MEMBERSHIP), SUBSECTION A, AS FOLLOWS:

A. Election. Election of collegiate members shall be the sole prerogative of the individual Chapters Collegiate, provided that no Chapter Collegiate may discriminate on a potential new member due to his race, his color, his religion, his sexual orientation, his national origin, his age or his physical ability, and that no Chapter Collegiate's requirements for election shall fall below a positive vote by one half plus one of the members of the Chapter who are eligible to vote.

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**RATIONALE:** At the 159<sup>th</sup> Anniversary Convention, the Fraternity Convention unanimously declared itself to be an exclusive organization:

An organization that is exclusively for those men who live the True Gentleman each and every day of their lives; an organization that is exclusively comprised of members who are their brothers' keeper; an organization that builds brotherhood among all in its ranks and not to the detriment of its newer generation; an organization that is exclusively for collegiate students who put their faith, family and academic work above their fraternal lives; an organization that is exclusively for alumni members who will continue to provide whatever form and

amount of support they can to leave the Fraternity better than they found it; and an organization that is exclusively for those leaders who desire to have a positive impact on a global scale.

This same resolution declared that a member's experience should not be affected by those qualities embodied in this proposal. This proposal formalizes this sentiment in the most critical decision affecting a member's status: his election as a brother in Sigma Alpha Epsilon.

**SUBMITTED BY:** Austin Evans (Wisconsin '05), by and for the Permanent Committee on Fraternity Laws.

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws recommends adoption.

## PROPOSAL 13

### AMEND SECTION 32 (MEMBERSHIP), SUBSECTION B, AS FOLLOWS:

B. Pledge Programs Prohibited. Each newly elected member shall be fully initiated into Sigma Alpha Epsilon no later than ~~96 hours~~ four (4) weeks after he accepts an invitation to join the Chapter, unless his invitation is rescinded prior to initiation. ~~Pledge programs in any form are prohibited by the Fraternity. No chapter may operate a pledge program of any sort, no matter the duration or content of the program. Under no circumstances whatsoever may a newly elected member participate in a pledge program, even if he agrees to do so voluntarily. The invitee shall be inducted to the Chapter Collegiate in a mutually agreed probationary period and be considered an Associate Member with rights and responsibilities to the Chapter; however, not fully engaged with the privileges of the full formal initiation ritual ceremony.~~ No newly elected member may be referred to as a pledge.

### AMEND SECTION 32 (MEMBERSHIP), SUBSECTION D (INITIATION), SUBSECTION 1 (REQUIREMENTS FOR INITIATION), SUBSECTION A, AS FOLLOWS:

a. All newly elected members of the Fraternity shall be fully initiated into Sigma Alpha Epsilon no later than ~~96 hours~~ four (4) weeks after he accepts an invitation to join the Chapter and has completed the Baseline Experience modules of the True Gentleman Experience program, unless his invitation is rescinded or the individual resigns prior to initiation.

### AMEND SECTION 33 (FEES, DUES AND FINES) BY CREATING A NEW SUBSECTION A, AND RE-LETTERING ALL SUCCESSIVE SUBSECTIONS ACCORDINGLY, TO READ AS FOLLOWS:

A. Associate Membership Fee. Every newly elected Associate Member is subject to an associate membership fee of eighty-five (\$85.00) made payable to Sigma Alpha Epsilon Fraternity, to be collected and submitted by the Chapter Collegiate no later than ten (10) days after induction of said candidates.

### AMEND SECTION 33 (FEES, DUES AND FINES), SUBSECTION A, RE-LETTERED TO SUBSECTION B ABOVE, AS FOLLOWS:

B. Membership Fee. Every newly ~~elected-initiated~~ member is subject to a membership fee of ~~three hundred and ten dollars (\$310.00)~~ two hundred and twenty-five dollars (\$225.00) made payable to Sigma Alpha Epsilon Fraternity, to be collected and submitted by the Chapter Collegiate no later than ten (10) days after initiation of said candidates.

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**RATIONALE:** This proposal is to extend time between accepting a bid for membership and the formal initiation ceremony into the secrets of the Fraternity by incorporating the completion of the Baseline Experience modules of the True Gentleman Experience program as a prerequisite to full initiation. The implementation of the True Gentleman Experience (TGE) by the Supreme Council in March of 2014 with no vote by the membership of the Fraternity Convention caused dramatic changes to the intake and assimilation of the new members and the development of sustainable and healthy chapter operations for the brotherhood. Many other not-for-profit, for-profit, religious and governmental organizations have a period of familiarization, assimilation and/or vesting that helps to ensure the decisions made by the organization and the recruit were sound and appropriate. Because each campus has different rush/recruitment timelines and the ability to offer bids for membership is often limited by campus rules and protocols, it is frequently the case that potential new members and the chapter membership find themselves in quite the bind with the 96-hour bid-to-initiate requirement.

Membership is intended to be for life and thus it is prudent to have some period of time for the associate members to learn more about Sigma Alpha Epsilon nationally and locally and for the Chapter to learn more about the associate member outside the pressure of the campus formal rush period before the full formal initiation ritual ceremony occurs. By allowing some period of time for assimilation and affinity building with the Chapter, it gives the opportunity for Chapters to more effectively deal with the situation in which a new member reconsiders and wants to drop out. The maximum of four weeks for the vesting period fits within the academic semester or trimester of most colleges to allow completion to not extend into the academic break periods.

With the current 96-hour requirement for formal initiation, in order to relinquish membership, it requires the expulsion or resignation of the member. This also requires, however, an obligation of the full membership fee due to the Fraternity Service Center within 10 days of the initiation. The proposal, therefore, includes splitting the membership fees back to the two-stage process, which should make a more practical logistical situation for the finances and the enrollment of the new members into the local Chapter.

Additionally, at the time of the change to the prohibition of pledge programs in 2014, it was stated there would be reporting and engagement on the assessment of the success or faults of the TGE in terms of membership numbers, retention and chapter strength. Some good evolutions of the TGE programming have occurred; however, there are some logistical and sustainability aspects that still need to be addressed. In this proposal, by extending the time between bid acceptance and the full initiation into the Realm of SAE, it can lend confidence to the decisions made by the Chapter and the new member as well as strengthen the fundamentals of chapter operations and esprit de corps of the brotherhood.

**SUBMITTED BY:** Jonathan K. Witter (Rensselaer Polytechnic '82).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws does not recommend adoption.

## PROPOSAL 14

**AMEND SECTION 32 (MEMBERSHIP) BY CREATING A NEW SUBSECTION D, AND RE-LETTERING ALL SUCCESSIVE SUBSECTIONS ACCORDINGLY, TO READ AS FOLLOWS:**

D. Any Chapter in good standing may petition the Eminent Supreme Recorder for approval to extend the "bid to initiation" period by no more than eight days in order for the Chapter to initiate its new members at the Levere Memorial Temple. Chapters must present a logistics need for the extension.

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**RATIONALE:** There needs to be a way for chapters to extend the bid to initiate 96 hours so they can initiate at the Levere Memorial Temple. Any extension would not exceed 8 days (we had 8 founding fathers).

Our school (University of Evansville) has a structured rush and bid night for all the Fraternities that has traditionally been on a Saturday night. Due to the distance between the Temple and our Chapter, initiating at the Temple can only be done on a weekend. Ever since the 96-hour limit, our Chapter has not initiated at the Temple. We would like the opportunity to initiate at Temple again by allowing us to have enough time to visit the Temple the following weekend.

**SUBMITTED BY:** Richard Shipley (Evansville '79).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws does not recommend adoption.

## PROPOSAL 15

**AMEND SECTION 32 (MEMBERSHIP), SUBSECTION D (INITIATION), SUBSECTION 1 (REQUIREMENTS FOR INITIATION), SUBSECTION B, AS FOLLOWS:**

b. No member shall be initiated until he has attained at least a cumulative grade-point average of ~~2.5~~2.7 or its equivalent on a grading system under which a 2.0 represents a C grade unless the newly elected member is a first-term freshman or transfer student in which case he may be initiated upon successful completion of requirements for initiation during the same term he joined the Chapter. The grade-point requirement set forth herein may be waived by the Chapter Advisor or Province Archon for a newly elected member with a documented learning disability.

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**RATIONALE:** This proposal increases the cumulative grade point average from 2.5 to 2.7, in order to align with the requirements set forth by the National Interfraternity Conference (NIC), as detailed by the below excerpt from the NIC Standards. With the member GPA requirement set at 2.7, the Fraternity is better equipped to meet and exceed the chapter GPA requirement issued by the NIC. For reference, the national SAE average for spring 2016 was 3.02, with seventeen (17) out of 232 chapters with cumulative GPAs below 2.7. Comparatively, twenty-three (23) chapters were below the 2.7 cumulative GPA in spring 2015.

“ESTABLISHMENT AND ENFORCEMENT OF POLICY ON MINIMUM UNDERGRADUATE CHAPTER ANNUAL CUMULATIVE GPA REQUIREMENTS

“Each member organization shall:

- Have and enforce a policy establishing a minimum annual cumulative GPA requirement for its undergraduate chapters by requiring either a cumulative GPA:
  - of 2.70 or higher; or
  - that is at or above the all men’s GPA for the host institution where an undergraduate chapter exists, if the all men’s GPA for the host institution is below a 2.70.
- Provide ongoing education to its undergraduate chapters on its chosen policy establishing minimum annual cumulative GPA requirements.”

**SUBMITTED BY:** Jeffery D. Hall (Christian Brothers '07), Clark J. Brown (Arkansas '07), James P. Irwin (Nicholls State '05).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws recommends adoption.

## PROPOSAL 16

### **AMEND SECTION 33 (FEES, DUES AND FINES), SUBDIVISION B, AS FOLLOWS:**

B. Annual Fraternity Dues. Every Chapter Collegiate is subject to annual Fraternity dues effective July 1, 2007, of ~~one hundred and five dollars (\$105.00)~~ one hundred and fifty dollars (\$150.00) for each collegiate member, made payable to Sigma Alpha Epsilon Fraternity on the first day of February for every collegiate member, whether fully initiated or newly elected, in the Chapter Collegiate as reported in the latest Active Membership Roster (formerly Form C) due in the Fraternity Service Center the previous November 15.

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**RATIONALE:** The Annual Dues have not been raised since 2007, thus eroding the ability of the Fraternity to properly fund the programs and resources of the general Fraternity business unit line items in the annual budget. Using an average inflation rate of ~3.25% over the last 10 years

([http://inflationdata.com/Inflation/Inflation\\_Rate/Long\\_Term\\_Inflation.asp](http://inflationdata.com/Inflation/Inflation_Rate/Long_Term_Inflation.asp)) and looking forward one more year, results in the annual dues needing to be set at \$150. According to the fiscal reports posted online, the Fraternity has experienced at least this amount of growth in its operating expenses. The increase of \$45 will add more than \$425,000 to the general fraternity budget (assuming current reported membership numbers). An option to keep the "total cost of membership" constant would be to reduce the baseline fee of the Health & Safety program by \$45, since it has recently had excess income as reported in the CPA Audit reports. The feasibility to do this adjustment could be realized after a review of the operations by either the Finance and Audit Committee or the Strategic Plan team as instituted by Goal IV in the Strategic Plan 2016-18 (<http://data.sae.net/docs/StrategicPlan.pdf>).

**SUBMITTED BY:** Jonathan K. Witter (Rensselaer Polytechnic '82).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws does not recommend adoption.

## PROPOSAL 17

### **REPEAL SECTION 36 (CHAPTER OFFICERS), SUBSECTION C.**

~~C. Trustees or House Corporation. For the purpose of acquiring and holding title to or for the lease of real property, acquiring or erecting a chapter house, and conducting all such transactions as may be necessary for the proper maintenance, administration, or disposition thereof, a Chapter Collegiate may either 1) elect a Board of Trustees consisting of not more than five (5) Trustees, in addition to whom the Eminent Archon and the Eminent Treasurer shall act as ex officio members, or 2) organize a corporation to be known as a house corporation in accordance with the laws of the state where such chapter is located.~~

~~1. Chapter House Forever to Benefit Chapter. A chapter house, other real property interest or any portion thereof (a "Chapter House") held by a Board of Trustees, a House Corporation or any other entity holding title to such property for the primary benefit of a Chapter Collegiate (collectively, a "House Corporation"), including any assets derived directly or indirectly from the sale, exchange or casualty of such Chapter House, shall forever be held in trust for the primary benefit of said Chapter Collegiate, subject to the terms of subsection 2 below. Any House Corporation that has accepted consideration from a Chapter Collegiate or its members in exchange for their occupancy of a Chapter House or that has accepted a donation from a member of the Chapter Alumnus for~~

the betterment of the Chapter House shall be subject to the terms of this Section 36C. Furthermore, any member of a Chapter Collegiate or the Chapter Alumnus who serves in any capacity on a House Corporation shall be compelled to adhere to the terms of this Section 36C and, upon request, shall provide the Eminent Supreme Recorder with reasonable evidence that the applicable organizational documents of the House Corporation comply with these Fraternity Laws, as the same may be amended from time to time. This Section 36C shall be subordinate to any mortgage loan.

2. ~~Conveyances Prohibited.~~ Except for a Permitted Transfer described below, each House Corporation shall be prohibited from making a Chapter House Conveyance and any attempt to make an unauthorized Chapter House Conveyance shall be null and void and shall be deemed an unauthorized and unlawful act of the House Corporation. All House Corporations shall notify the Eminent Supreme Recorder at least ninety (90) days prior to marketing for sale a Chapter House, prior to transferring ownership of a Chapter House by any manner to a third party, including by threatened foreclosure sale or a taking by eminent domain, or prior to leasing a Chapter House to a third party for a term, including all options to extend, of greater than five years (collectively, a "Chapter House Conveyance"). Upon such notice, the Eminent Supreme Recorder shall consult with the Board of Directors of SAE Financial and Housing Corporation on the proposed Chapter House Conveyance, and SAE Financial and Housing Corporation shall timely advise the House Corporation in good faith as to viable alternatives to the proposed Chapter House Conveyance so as to maintain the Chapter House for the future use and benefit of the affiliated Chapter Collegiate, whether or not said Chapter Collegiate is then active and in good standing with the Fraternity. A "Permitted Conveyance" shall mean one of the following:

- a. A Chapter House Conveyance made to a newly comprised House Corporation as part of a corporate reorganization of the original House Corporation;
- b. A Chapter House Conveyance made pursuant to a binding asset maintenance agreement by and between the House Corporation and SAE Financial and Housing Corporation that provides for all assets derived from the Chapter House Conveyance, including net sale proceeds and all other forms of personal and real property, to be held in trust by the House Corporation for the future acquisition and/or construction of a Chapter House for the affiliated Chapter Collegiate, whether or not said Chapter Collegiate is then in good standing with the Fraternity; provided, however, said agreement shall specify that the assets so being held by the House Corporation (i) shall be transferred to Sigma Alpha Foundation to provide scholarships to the members of the affected Chapter Collegiate if, at any time and in the reasonable opinion of SAE Financial and Housing Corporation, it is not likely that the Chapter House can be timely replaced (for example only, the host university mandates on campus fraternity housing), and (ii) shall be transferred to SAE Financial and Housing Corporation if, within two years of the date of the asset maintenance agreement (as such time period may be extended for any period of suspension of the Chapter Collegiate), the House Corporation fails to acquire or commence construction on a replacement Chapter House. SAE Financial and Housing Corporation is expressly authorized to prepare and prescribe a form asset maintenance agreement that incorporates the above and other reasonable terms which, upon acceptance of the Supreme Council, shall be deemed reasonable and binding upon all affected House Corporations that may choose to enter into said asset maintenance agreement;
- c. A gift donation of the Chapter House to SAE Financial and Housing Corporation, which accepts the same subject only to the then existing encumbrances on the Chapter House, including but not limited to any existing mortgage loan, whether or not in default and subject to a pending foreclosure action, and any pending taking by power of eminent domain;
- d. A Chapter House Conveyance made within one hundred and eighty (180) days after SAE Financial and Housing Corporation refuses in writing (or within sixty (60) days of a written offer being so made and not accepted) to accept the Chapter House by gift donation as described in subsection c above; and

~~e. Any other Chapter House Conveyance made with the advance written consent of the Eminent Supreme Recorder, which consent shall be provided pursuant to a duly adopted resolution of SAE Financial and Housing Corporation.~~

**REPEAL SECTION 37 (DUTIES OF CHAPTER OFFICERS), SUBSECTION N.**

~~N. Trustees and House Corporations. The Trustees or House Corporation shall be responsible for providing to the Eminent Supreme Recorder each year a written statement from a licensed inspector proclaiming the chapter house, hall, and facilities safe for habitation or regular use.~~

~~1. Trustees. The Trustees Shall:~~

~~a. Hold and administer such property as may be placed under their control.~~

~~b. Furnish, if required by the Chapter Collegiate, bonds for the faithful performance of their duties, the premiums therefor to be paid by the Chapter Collegiate. All leases and conveyances of land or buildings shall be in the name of the Trustees and their successors. No change shall be made by the Trustees in any investment of the Chapter Collegiate funds or in the title of the Chapter Collegiate property without the written approval of all the Trustees.~~

~~2. House Corporations:~~

~~a. House Corporations organized as provided in Section 36C shall have not less than five (5) Directors who shall elect officers from their own membership including a president, a vice-president, a secretary, and a treasurer, except that the offices of secretary and treasurer may be combined if desirable.~~

~~b. Each such House Corporation shall make an annual report as of October 30 of each year to the Supreme Council on a form prescribed by the Supreme Council, with the advice of the Fraternity Service Center, such report to be forwarded to the Eminent Supreme Recorder not later than November 30 of each year. Copies of such report shall be furnished to the Chapter Collegiate and the Fraternity Service Center.~~

~~c. Each Treasurer of a House Corporation shall be under corporate security bond of not less than ten thousand dollars (\$10,000) and maintain 1) comprehensive liability insurance of not less than five hundred thousand dollars (\$500,000) and 2) separate and additional umbrella liability coverage of not less than ten million dollars (\$10,000,000), for both of which the Chapter shall pay the premiums. Said bonds and insurances are to be handled through the Fraternity Service Center as required for Eminent Treasurers under Section 36G.~~

~~d. Each House Corporation must prepare or have prepared the appropriate IRS Form 990 as required by IRS regulations at the close of the House Corporation's fiscal year. A copy of this form must be sent to the Fraternity Service Center.~~

**RATIONALE:** House corporations are incorporated under the laws of the states where they hold property title. As separately incorporated entities, like the SAE Foundation and SAE Financial & Housing Corporation, they should be removed from Fraternity Laws so to avoid similar legal concerns as were present when the other two entities were removed.

**SUBMITTED BY:** Richard Shanahan (Fort Hays State '03).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws does not recommend adoption.

**PROPOSAL 18**

**REPEAL SECTION 36 (CHAPTER OFFICERS), SUBSECTION C (TRUSTEES OR HOUSE CORPORATION), SUBSECTION 2.**

~~2. Conveyances Prohibited. Except for a Permitted Transfer described below, each House Corporation shall be prohibited from making a Chapter House Conveyance and any attempt to make an unauthorized Chapter House Conveyance shall be null and void and shall be deemed an unauthorized and unlawful act of the House Corporation. All House Corporations shall notify the Eminent Supreme Recorder at least ninety (90) days prior to marketing for sale a Chapter House, prior to transferring ownership of a Chapter House by any manner to a third party, including by threatened foreclosure sale or a taking by eminent domain, or prior to leasing a Chapter House to a third party for a term, including all options to extend, of greater than five years (collectively, a "Chapter House Conveyance"). Upon such notice, the Eminent Supreme Recorder shall consult with the Board of Directors of SAE Financial and Housing Corporation on the proposed Chapter House Conveyance, and SAE Financial and Housing Corporation shall timely advise the House Corporation in good faith as to viable alternatives to the proposed Chapter House Conveyance so as to maintain the Chapter House for the future use and benefit of the affiliated Chapter Collegiate, whether or not said Chapter Collegiate is then active and in good standing with the Fraternity. A "Permitted Conveyance" shall mean one of the following:~~

- ~~a. A Chapter House Conveyance made to a newly comprised House Corporation as part of a corporate reorganization of the original House Corporation;~~
- ~~b. A Chapter House Conveyance made pursuant to a binding asset maintenance agreement by and between the House Corporation and SAE Financial and Housing Corporation that provides for all assets derived from the Chapter House Conveyance, including net sale proceeds and all other forms of personal and real property, to be held in trust by the House Corporation for the future acquisition and/or construction of a Chapter House for the affiliated Chapter Collegiate, whether or not said Chapter Collegiate is then in good standing with the Fraternity; provided, however, said agreement shall specify that the assets so being held by the House Corporation (i) shall be transferred to Sigma Alpha Foundation to provide scholarships to the members of the affected Chapter Collegiate if, at any time and in the reasonable opinion of SAE Financial and Housing Corporation, it is not likely that the Chapter House can be timely replaced (for example only, the host university mandates on-campus fraternity housing), and (ii) shall be transferred to SAE Financial and Housing Corporation if, within two years of the date of the asset maintenance agreement (as such time period may be extended for any period of suspension of the Chapter Collegiate), the House Corporation fails to acquire or commence construction on a replacement Chapter House. SAE Financial and Housing Corporation is expressly authorized to prepare and prescribe a form asset maintenance agreement that incorporates the above and other reasonable terms which, upon acceptance of the Supreme Council, shall be deemed reasonable and binding upon all affected House Corporations that may choose to enter into said asset maintenance agreement;~~
- ~~c. A gift donation of the Chapter House to SAE Financial and Housing Corporation, which accepts the same subject only to the then existing encumbrances on the Chapter House, including but not limited to any existing mortgage loan, whether or not in default and subject to a pending foreclosure action, and any pending taking by power of eminent domain;~~
- ~~d. A Chapter House Conveyance made within one hundred and eighty (180) days after SAE Financial and Housing Corporation refuses in writing (or within sixty (60) days of a written offer being so made and not accepted) to accept the Chapter House by gift donation as described in subsection c above; and~~
- ~~e. Any other Chapter House Conveyance made with the advance written consent of the Eminent Supreme Recorder, which consent shall be provided pursuant to a duly adopted resolution of SAE Financial and Housing Corporation.~~

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**RATIONALE:** The SAE Supreme Council, SAE Fraternity and Financial & Housing Corporation and the SAE Foundation should not have authority over where a state-registered corporation (e.g., local Housing Corporation – property



owner) deposits or utilizes proceeds from the sale of a property previously used as fraternity housing/lodge. The aforementioned state-registered corporation is governed by the laws of the state, and the governing board of the body may or may not consist of SAE members (i.e., there may be certain board members who are not SAE members). Further, the sale of property could be the result of an endless series of actions outside of the control of the House Corporation but that affect the properties' viability, financial survival and physical condition. Examples could include, but not be limited to, the following: chapter closure/suspension, host institution's elimination of Greek student groups as a whole, litigation and liability due to chapter/tenant behavior, change in local governance ordinance (zoning, rental, cohabitation laws/policies), catastrophic loss not fully covered by property insurance and/or chapter alumni (supporters) deciding to eliminate property for any number of sound reasons. For many of these corporations, their Articles of Incorporation specifically differ from this Fraternity Law and were established prior to the creation of the current Fraternity Law.

Another reason for the change is based on recent action taken at and surrounding the last Fraternity Convention. At the 2015 Convention in Newport Beach, the SAE Supreme Council, SAE Fraternity, Financial & Housing Board and the SAE Foundation were formally separated (even more than before) as it relates to Fraternity Laws, IRS-designations identity and with distinct missions and independent modes of operation. It seems that having the Fraternity with a law that requires an outside state-registered corporation (House Corporation) deposit proceeds from a sale of their property based on Financial & Housing Corporation recommendation to enforce a Fraternity Law with the action resulting in a deposit/fund opening with the SAE Foundation. This seems to present a significant amount of shared benefit, oversight and action between the three distinct SAE entities.

**SUBMITTED BY:** James G. Sakers (Maryland – College Park '69), Jason P. Andrick (Frostburg State '97), George C. Fugler (Louisiana State '48), Michael W. Dunn (Frostburg State '90), Michael J. Keane (Johns Hopkins '09), Gary Armstrong (Towson '91), Dwight Marshall (Salisbury '89), Corey Turner (Towson '16).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws does not recommend adoption.

## PROPOSAL 19

### AMEND SECTION 36 (CHAPTER OFFICERS), SUBSECTION C, AS FOLLOWS:

C. Trustees or House Corporation. For the purpose of acquiring and holding title to or for the lease of real property, acquiring or erecting a chapter house, and conducting all such transactions as may be necessary for the proper maintenance, administration, or disposition thereof, a Chapter Collegiate may ~~either 1) elect a Board of Trustees consisting of not more than five (5) Trustees, in addition to whom the Eminent Archon and the Eminent Treasurer shall act as ex-officio members, or 2)~~ organize a corporation to be known as a house corporation in accordance with the laws of the state where such chapter is located.

1. Chapter House Forever to Benefit Chapter. A chapter house, other real property Interest or any portion thereof (a "Chapter House") ~~held by a Board of Trustees~~, a House Corporation or any other entity holding title to such property for the primary benefit of a Chapter Collegiate (collectively, a "House Corporation"), including any assets derived directly or indirectly from the sale, exchange or casualty of such Chapter House, shall forever be held in trust for the primary benefit of said Chapter Collegiate, ~~subject to the terms of subsection 2 below~~. Any House Corporation that has accepted consideration from a Chapter Collegiate or its members in exchange for their occupancy of a Chapter House or that has accepted a donation from a member of the Chapter Alumnus for the betterment of the Chapter House shall be subject to the terms of this Section 36C. Furthermore, any member of a Chapter Collegiate or the Chapter Alumnus who serves in any capacity on a House Corporation shall be compelled to adhere to the terms of this Section 36C and, upon request, shall provide the Eminent Supreme

Recorder with reasonable evidence that the applicable organizational documents of the House Corporation comply with these Fraternity Laws, as the same may be amended from time to time. This Section 36C shall be subordinate to any mortgage loan.

~~2. Conveyances Prohibited. Except for a Permitted Transfer described below, each House Corporation shall be prohibited from making a Chapter House Conveyance and any attempt to make an unauthorized Chapter House Conveyance shall be null and void and shall be deemed an unauthorized and unlawful act of the House Corporation. All House Corporations shall notify the Eminent Supreme Recorder at least ninety (90) days prior to marketing for sale a Chapter House, prior to transferring ownership of a Chapter House by any manner to a third party, including by threatened foreclosure sale or a taking by eminent domain, or prior to leasing a Chapter House to a third party for a term, including all options to extend, of greater than five years (collectively, a "Chapter House Conveyance"). Upon such notice, the Eminent Supreme Recorder shall consult with the Board of Directors of SAE Financial and Housing Corporation on the proposed Chapter House Conveyance, and SAE Financial and Housing Corporation shall timely advise the House Corporation in good faith as to viable alternatives to the proposed Chapter House Conveyance so as to maintain the Chapter House for the future use and benefit of the affiliated Chapter Collegiate, whether or not said Chapter Collegiate is then active and in good standing with the Fraternity. A "Permitted Conveyance" shall mean one of the following:~~

- ~~a. A Chapter House Conveyance made to a newly comprised House Corporation as part of a corporate reorganization of the original House Corporation;~~
- ~~b. A Chapter House Conveyance made pursuant to a binding asset maintenance agreement by and between the House Corporation and SAE Financial and Housing Corporation that provides for all assets derived from the Chapter House Conveyance, including net sale proceeds and all other forms of personal and real property, to be held in trust by the House Corporation for the future acquisition and/or construction of a Chapter House for the affiliated Chapter Collegiate, whether or not said Chapter Collegiate is then in good standing with the Fraternity; provided, however, said agreement shall specify that the assets so being held by the House Corporation (i) shall be transferred to Sigma Alpha Foundation to provide scholarships to the members of the affected Chapter Collegiate if, at any time and in the reasonable opinion of SAE Financial and Housing Corporation, it is not likely that the Chapter House can be timely replaced (for example only, the host university mandates on campus fraternity housing), and (ii) shall be transferred to SAE Financial and Housing Corporation if, within two years of the date of the asset maintenance agreement (as such time period may be extended for any period of suspension of the Chapter Collegiate), the House Corporation fails to acquire or commence construction on a replacement Chapter House. SAE Financial and Housing Corporation is expressly authorized to prepare and prescribe a form asset maintenance agreement that incorporates the above and other reasonable terms which, upon acceptance of the Supreme Council, shall be deemed reasonable and binding upon all affected House Corporations that may choose to enter into said asset maintenance agreement;~~
- ~~c. A gift donation of the Chapter House to SAE Financial and Housing Corporation, which accepts the same subject only to the then existing encumbrances on the Chapter House, including but not limited to any existing mortgage loan, whether or not in default and subject to a pending foreclosure action, and any pending taking by power of eminent domain;~~
- ~~d. A Chapter House Conveyance made within one hundred and eighty (180) days after SAE Financial and Housing Corporation refuses in writing (or within sixty (60) days of a written offer being so made and not accepted) to accept the Chapter House by gift donation as described in subsection c above; and~~
- ~~e. Any other Chapter House Conveyance made with the advance written consent of the Eminent Supreme Recorder, which consent shall be provided pursuant to a duly adopted resolution of SAE Financial and Housing Corporation.~~

**REPEAL SECTION 37 (DUTIES OF CHAPTER OFFICERS), SUBSECTION N (TRUSTEES AND HOUSE CORPORATIONS), SUBSECTION 2 (HOUSE CORPORATIONS), SUBSECTION A.**

~~a. House Corporations organized as provided in Section 36C shall have not less than five (5) Directors who shall elect officers from their own membership including a president, a vice president, a secretary, and a treasurer, except that the offices of secretary and treasurer may be combined if desirable.~~

**RATIONALE:** In 2015, the Fraternity voted to remove the Financial & Housing Corporation from Fraternity Law as it is a separately incorporated entity. This edit furthers that goal by eliminating directions from the Fraternity to the F&H Corporation which would be an improper comingling of the two entities.

Further, Housing Corporations are, likewise, separately incorporated entities. It is improper for the Fraternity Laws to direct one separately-incorporated organization into a superior position to another separately-incorporated organization, specifically when the laws of the several states take precedence over the Fraternity Laws. The laws of the state under which the house corporation is incorporated, and the articles of incorporation that establish the entity, would be more binding on the house corporation than a conveyance of the Fraternity, and the conveyance could be written in a manner that is in opposition to state laws or the articles of incorporation. It must also be up to state laws and the articles of incorporation as to the make-up of the house corporation members, and this directive in Fraternity Law of the number of members is superfluous.

**SUBMITTED BY:** Richard Shanahan (Fort Hays State '03).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws recommends adoption.

**PROPOSAL 20**

**AMEND SECTION 37 (DUTIES OF CHAPTER OFFICERS), SUBSECTION N (TRUSTEES AND HOUSE CORPORATIONS), SUBSECTION 2 (HOUSE CORPORATIONS), BY CREATING A NEW SUBSECTION A, AND RE-LETTERING ALL SUCCESSIVE SUBSECTIONS ACCORDINGLY, TO READ AS FOLLOWS:**

a. Each House Corporation, including its officers, directors and governing documents, must adhere to, recognize and comply with the minimum housing standards as adopted from time to time by the Fraternity in support of insurance carrier directives, building code compliance and life safety best practices as well as any other applicable requirement of these Fraternity Laws relating to House Corporations.  
From time to time, the Eminent Supreme Recorder, with the approval of the Supreme Council, shall develop, modify and distribute to House Corporations such minimum housing standards, and each House Corporation shall promptly adhere to and adopt such minimum housing standards. The Eminent Supreme Recorder shall annually report to the Supreme Council regarding compliance with these minimum housing standards by each House Corporation. The Fraternity is expressly authorized to penalize any House Corporation, House Corporation officer or director and any Chapter Collegiate residing in said Chapter House for a violation of these minimum housing standards, which penalties may include but not be limited to the revocation of the right to use Fraternity trademarks and other intellectual property, withdrawal of Fraternity provided insurance coverage, revocation of the right to use the Fraternity's group tax exemption, excluding the Chapter Collegiate's members from programs and resources intended to promote or enhance Chapter House operations, assessing additional health and safety requirements on the Chapter Collegiate, and any such other penalty or requirement which the Supreme Council may adopt from time to time or as permitted by these Fraternity Laws.

**AMEND SECTION 36 (DUTIES OF CHAPTER OFFICERS) BY CREATING SUBSECTION O (CHAPTERS THAT OCCUPY A HOUSE OWNED BY NON-SAE ENTITY) TO READ AS FOLLOWS:**

O. Chapters that Occupy a House Owned by Non-SAE Entity. Each Chapter that occupies a house owned by a non-SAE entity must adhere to, recognize and comply with the minimum housing standards as adopted from time to time by the Fraternity in support of insurance carrier directives, building code compliance and life safety best practices as well as any other applicable requirement of these Fraternity Laws relating to Chapters Collegiate. The chapter's officers must be assigned duties related to the safety of all members that reside or enter the property and the chapter's governing documents must conform to property and safety standards.

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**RATIONALE:** A Board of Trustees or House Corporation is an independent entity and generally has to comply with individual state law. Created to satisfy the housing needs of Chapters Collegiate, these entities are granted privileges by the Fraternity.

Chapters that occupy a house, whether owned by SAE entities or rented, receive unique benefits from the Fraternity and, as such, they have additional obligations to their alumni and the Fraternity due to the added complexity and risk associated with the property. Similarly, Boards of Trustees or House Corporations receive unique benefits and privileges from the Fraternity and, like-wise, have additional obligations to the Chapter, donating alumni and to the Fraternity due to the added risk and fiduciary responsibility associated with the property:

- The Trustees of a house or a House Corporation set up for the acquiring and holding title to or for the lease of real property, acquiring or erecting a chapter house, and conducting all such transactions as may be necessary for the proper maintenance, administration, or disposition thereof, a Chapter Collegiate house will organize under the laws of the state in which it resides and incorporate under the terms of their Articles of Incorporation.
- A Chapter that resides in a house other than one owned by Trustees or a House Corporation (e.g. school owned, rented, etc.) will organize like all chapters, under a chapter granted by the Fraternity, and managed by a chapter by-law.

Privileges Granted and Support Provided: A Board of Trustees or House Corporation is granted a number privileges as well as support by the Fraternity. Additionally, a Chapter that resides in a house other than one owned by Trustees or a House Corporation is also granted a number of privileges as well as support by the Fraternity including: 1) Brand - A license to use SAE trademarks and related intellectual property, including, but not limited to, affixing and displaying SAE letters on the exterior and interior portions of the property, affixing and displaying other SAE insignia (such as the coat of arms and badge, for example), use of the True Gentleman creed (either in the entirety or portions) on and within the physical property, flying the SAE flag, and use of the lion, Minerva and Phoenix images in connection with the above. 2) Insurance - To the extent made available to the Fraternity by its insurance carriers, insurance coverage for house corporation volunteers, such as general liability, directors-and-officers liability and fidelity-bond/dishonest-acts coverage. Through the Fraternity's ownership interests in a dedicated insurance cooperative for Greek letter organizations, house-corporation access to competitive property insurance programs. Periodic visits from the SAE owned insurance brokerage firm to inspect chapter house properties in an effort to identify potential liabilities and code-compliance issues (all to minimize the potential for claims against the house corporation and its officers) as well as providing recommendations on chapter-house improvements to provide a safer housing environment for our members. 3) Tax Exempt Status – The Fraternity

group exemption allows house corporations to not have to go and get a tax-determination letter as to their 501(c)7 status as a house corporation. By applying the Fraternity's group exemption to their return each year, the IRS confirms we have them listed as a subsidiary of our group exemption. 4) Service Center Investment - SAE Fraternity Service Center "investment" in SAE chapters, such as regular site inspections and consultative reviews, chapter-officer development (including specific to chapter housing operations), member leadership programs, and health-and-safety resources and training, all of which contribute to a stronger and more "bankable" tenant for each house corporation. 5) Support - SAE Fraternity Service Center efforts and programs to promote strong working relationships with the professional staff of each host institution, including attendance and participation at national and regional programs that cater to collegiate Greek-life staff and involvement with house corporations. 6) Health and Safety - A professional response team to deal with crisis and other risk-management situations involving the chapter and university with the goal of creating the best possible outcome for all involved constituents, including house corporations. Similarly, and when requested, active intervention in matters involving chapter tenant damage to house corporation assets. 7) Trade and Government Programs - Through our membership in national trade organizations, Fraternity sponsored advocacy with state and federal governmental initiatives that benefit fraternity house corporations. For example, Fraternity sponsorship, promotion and funding of the Collegiate Housing and Infrastructure Act, which would amend the federal tax code to allow tax deductible donations to be made directly to house corporations. 8) Tax Deductible Gifts - In cooperation with the SAE Foundation, the promotion of Chapter Allocation Funds which allows alumni members and chapter parents to make tax-deductible gifts that benefit the educational aspects of SAE fraternity houses. 9) Property Management Support - In cooperation with the SAE Financial & Housing Corporation, the development and dissemination of training programs and best practices information for our house corporations as well as the availability of loan funds for emergency repairs to chapter houses.

Compliance - These privileges require that the board of Trustees or House Corporation codify in their Articles of Incorporation their agreement to the following. It also requires that a chapter that resides in a house other than one owned by Trustees or a House Corporation codify in their by-laws their agreement to the following: 1) Governance – A minimum standard of governance for the Trustee and House Corporation and a chapter must be agreed to and implemented both the Trustee and House Corporation governance document, generally through the Articles of Incorporation, and a Chapter through its by-laws, must recognize and require the compliance with minimum Fraternity housing standards as adopted from time to time by the Fraternity in support of applicable insurance carrier directives, as well as building-code compliance and life-safety best practices, and the Trustee and House Corporation governance document, generally through the Articles of Incorporation, must recognize and require the compliance with the minimum requirements of the Fraternity Laws relating to the preservation of house-corporation assets for the benefit of its members in the event of a fraternity house sale. 2) Standards - The house corporation and its directors and officers, as well a chapter officers, must operate the chapter house facility and its business operations in compliance to the minimum standards promulgated by A & B above. When operated poorly or with reckless indifference to the common sense, minimum standards, a chapter house and house corporations put the entire Fraternity and our undergraduate members at risk. As a collective body (including those many chapters that do not have privately owned houses) we must insist on some minimum level of standards: a) the quality of the chapter collegiate housing experience, b) financial fiduciary accountability, including the day-to-day management of the property, long term capital improvements, and the accountability to the many alumni donors, and c) adherence to the ideals of the True Gentleman by the chapter collegiate and alumni members.

Non-compliance - For those that for any reason choose to not accept and implement with the compliance items above: 1) Brand - The license to use Fraternity owned trademarks and other intellectual property may be

withdrawn and denied. 2) Insurance - Coverage under Fraternity insurance policies which extend to and benefit the house corporation and its volunteers (including but not limited to general liability, D&O and fidelity bond) may be withdrawn and denied. Additionally, through cooperation with our insurance carrier partners, potential denial of property insurance coverage for non-compliant properties. 3) Tax Exempt Status – The permissive use of the Fraternity's group tax exemption may be withdrawn and denied. 4) Service Center Investment - SAE Fraternity Service Center regular site inspections and consultative reviews, may exclude chapter-officer development specific to chapter-housing operations. 5) Support – The Fraternity's response to chapter risk-management issues and other crisis situations involving the host university may be made without house corporation representation and without consideration of the impact such responses may have on the house corporation. 6) Health and Safety - A professional response team to deal with crisis and other risk-management situations involving the chapter and university may not be available when the issue is related to housing. Fraternity chapters and their members may be subject to additional health-and-safety requirements, including prohibition of residing in chapter houses that are non-compliant with the minimum standards. 7) Trade and Government Programs – Benefits accrued by involvement in state and federal programs may not be available. 8) Tax Deductible Gifts – Gifts at a Foundation CAF may not be allowed. 9) Property Management – Assets related to property development and management may not be made available.

Non-compliance may also lead to potential disciplinary actions against directors, officers and volunteers of non-compliant house corporations, including expulsion from the Fraternity.

**SUBMITTED BY:** Charles Boyd (Mississippi State '65), by and for the SAE Financial & Housing Corporation, W. Gary Westling (Cal. State – Long Beach '83), Gary L. Garnand (Idaho '70), R. Mark “Hondo” Davids (Maryland – College Park '77), Thomas L. Hodges (Arkansas '64), Steven Churchill (Iowa State '85), Thomas J. Dement II (Middle Tennessee State '90), Gregory D. Brandt (Drake '84), Michael J. Corelli (Northern Illinois '01), Michael S. Rodgers (William & Mary '92), Ed Fuller (Boston '68), Robert H. Watts (Boston '68), Lloyd K. Everson (North Dakota '65), Fred Kleisner (Michigan State '66), Col. William B. Woods (Colorado State '58).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws does not recommend adoption.

## PROPOSAL 21

### AMEND SECTION 43 (CHAPTER ADVISORY BOARD) AS FOLLOWS:

A. Requirement. ~~If the Province Archon or Eminent Supreme Recorder determines, in consultation with the Chapter Collegiate and its Chapter Advisor, that a Chapter Collegiate would benefit from the institution of a chapter advisory board, either the Province Archon or Eminent Supreme Recorder may require the Each~~ Chapter Collegiate ~~to must~~ have a Chapter Advisory Board which ~~shall will~~ advise and counsel the Chapter Collegiate in the administration of its affairs and represent the Supreme Council and the Province Archon in perpetuating the Fraternity's standards, policies, and traditions.

#### B. Members.

1. Ex Officio. The Chapter Advisory Board shall include as ex-officio members the following:

- a. The President of a chapter alumni association with respect to the Chapter Collegiate and the President of any Area Alumni Association located in the area of the college or university at which the Chapter Collegiate is situated.
- b. Any faculty advisor(s) of the Chapter Collegiate on the staff of the college or university at which the Chapter Collegiate is situated, who need not be a member of the Fraternity and who shall be selected by the Chapter Collegiate.

2. Other. The remaining members of the Chapter Advisory Board shall consist of such alumni members in good standing of the Fraternity as the Chapter Collegiate appoints, subject to Province Archon ~~shall deem appropriate approval. Such members shall be appointed by the Province Archon, by the end of the institution's academic year or as soon thereafter as practical,~~ after consultation with the alumni of the Chapter Collegiate or residing in the area where the Chapter Collegiate is located, to serve for the following two (2) academic years. The Province Archon-Chapter Collegiate may replace any such member who resigns or becomes inactive with another member, subject to Province Archon approval, who shall serve for the unexpired duration of the on a new term of office ~~of the member being replaced.~~ Both ex-officio members and members appointed by the Province Archon-Chapter Collegiate shall serve until their respective successors are elected or appointed and shall have the right to vote upon any matter coming before the Chapter Advisory Board.

C. Officers. The Chapter Advisory Board shall elect a President.

D. Meetings. The Chapter Advisory Board shall meet monthly during the regular academic year of the respective college or university. Additional meetings may be called by the President or by any two members of the Board. Reports shall be submitted to the Province Archon and the Eminent Supreme Recorder when requested by either of them or as deemed appropriate by the Chapter Advisory Board. The Board may request assistance from the Province Archon or the Eminent Supreme Recorder with any problems it is unable to resolve.

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**RATIONALE:** To some level, all chapters need an advisory board, not just ones who may be failing in some respects. Requiring chapter advisory boards will supplement the efforts already in place as part of the Fraternity's health-and-safety model and serve as a means for us to fulfill our mission-based and strategic initiatives to increase our alumni involvement.

**SUBMITTED BY:** Austin Evans (Wisconsin '05).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws recommends adoption.

## PROPOSAL 22

### AMEND SECTION 45 (ALUMNI ASSOCIATION), SUBSECTION A, AS FOLLOWS:

A. Charters. An alumni association may be organized only by virtue of a charter granted by the Supreme Council. Such an association may be either an area alumni association, of which members must be alumni who reside in the same city or locale, or a Chapter-Collegiate alumni association, of which members may or may not be alumni of the same Chapter Collegiate. Application for a charter shall be in writing, shall be signed 1) in the case of an area alumni association by at least ten (10) alumni members residing in the same city or locale or 2) in the case of a Chapter-Collegiate alumni association by ten (10) alumni of the same Chapter Collegiate, and shall be accompanied by an application fee of ~~twenty five (\$25.00)~~ fifty dollars (\$50.00) and initial annual dues (for the current calendar year) of ~~one hundred dollars (\$100.00)~~ two hundred fifty dollars (\$250.00).

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**RATIONALE:** This proposal change takes into account the application fee and annual dues for Alumni Associations have not increased since 2007. This increase helps account for the hiring of 2 additional staff members directly supporting alumni engagement and the increase in resources being made available to support alumni engagement initiatives. The annual dues increase also brings our costs more in alignment with what other large national

organizations charge annually. Our historical data from annual alumni association reports indicates the average association has 54 members, charges \$22 per person for annual dues.

**SUBMITTED BY:** Deran C. Abernathy (Texas – Dallas '04), James Balandran (Texas – Dallas '10).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws does not recommend adoption.

## PROPOSAL 23

**AMEND SECTION 45 (ALUMNI ASSOCIATIONS), SUBSECTION F, AS FOLLOWS:**

F. Annual Dues. Each Alumni Association is subject to annual, calendar-year dues of ~~one hundred (\$100.00)~~ two-hundred fifty dollars (\$250.00), payable to Sigma Alpha Epsilon Fraternity on or before January 15.

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**RATIONALE:** This change aligns the annual dues charge with the submitted law proposal relating to Section 45A. This proposed change takes into account the application fee and annual dues for Alumni Associations have not increased since 2007. This increase helps account for the hiring of 2 additional staff members directly supporting alumni engagement and the increase in resources being made available to support alumni engagement initiatives. The annual dues increase also brings our costs more in alignment with what other large national organizations charge annually. Our historical data from annual alumni association reports indicates the average association has 54 members, charges \$22 per person for annual dues.

**SUBMITTED BY:** Deran C. Abernathy (Texas – Dallas '04), James Balandran, Texas-Dallas '10).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws does not recommend adoption as written, but would recommend adoption of the proposal upon adoption of an amendment changing the increase from \$250.00 to \$125.00.

## PROPOSAL 24

**AMEND SECTIONS 47 (RULES GOVERNING ALL COMMITTEES), SUBSECTIONS A & B, AS FOLLOWS:**

A. Organization. The Fraternity Convention or the Supreme Council may establish committees to advise the Fraternity Convention and the Supreme Council on the state of affairs in the Fraternity, to analyze problems in their respective areas and propose solutions, and to bring forward innovative ideas for improving the Fraternity. Unless prescribed by these Fraternity Laws, each committee's scope of work and a timetable for the completion of that work shall be initially prescribed by the body establishing the same, provided that any committee's scope of work and timetable for completion may be later amended by the Supreme Council.

B. Appointment and Term of Service. ~~Each~~ The members of each Committee and its Chairman shall be appointed by the Eminent Supreme Archon, with the advice and consent of the Supreme Council, and given a scope of work and a timetable for the completion of that work. All committees shall be disbanded at the conclusion of the first Fraternity Convention held after their establishment unless earlier disbanded by the Supreme Council.

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**RATIONALE:** It has been the historical practice of the Fraternity for the Eminent Supreme Archon and the Supreme Council to establish committees that serve on an ad-hoc basis (as opposed to standing committees recognized in



the Fraternity Laws) as well as to appoint committee members to the same. Most of these committees are created, appointed and disbanded between Fraternity Conventions. This law proposal clarifies that either the Fraternity Convention or the Supreme Council (as opposed to just “Fraternity” as presently written) may establish such ad-hoc committees and that the Supreme Council may later amend a committee’s scope of work and timetable for its work to be completed as may be needed (for example, as new issues or tasks arise). Additionally, this law proposal clarifies that the Supreme Council may disband any such committee prior to the next Fraternity Convention (for example, when its work has been completed).

**SUBMITTED BY:** Michael S. Rodgers (William & Mary '92), Gregory D. Brandt (Drake '84).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws does not recommend adoption.

## PROPOSAL 25

### AMEND SECTION 50 AS FOLLOWS:

50. Official Action — Voting. Whenever official action by any regularly constituted body of the Fraternity is required, such action may, unless a different amount or standard is otherwise required by these Fraternity Laws or other lawful authority, be taken by a majority vote at any meeting of such body at which a quorum of members in good standing is present. Only collegiate members who are present and in good standing shall be counted in determining the voting strength of a Chapter Collegiate, and in proceedings taken under Title XII the accused shall have no vote, nor shall he be counted as a member of the Chapter Collegiate. Wherever used in these Fraternity Laws, the term “advice and consent of the Supreme Council” (or any similar derivative of said phrase) shall mean the active participation and deliberation of the Supreme Council in the matter presented as well as the majority vote of the Supreme Council at any meeting duly called and held for such vote.

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**RATIONALE:** The term “advice and consent” as used in the Fraternity Laws was likely adopted from the same term expressed in the U.S. Constitution whereby a President is required to obtain the Senate’s majority vote in favor of certain presidential appointments to executive and judicial branch positions in our government. Inherently, the process of “advice and consent” of the U.S. Senate provides a system of checks and balances on the executive powers of the President. However, this same term is not defined in the Fraternity Laws and, over the past several years, Eminent Supreme Archons have interpreted the phrase “advice and consent of the Supreme Council” differently and inconsistently (for example, sometimes with and sometimes without the vote of the Supreme Council). This law proposal provides a consistent basis for interpreting the terminology going forward.

**SUBMITTED BY:** Michael S. Rodgers (William & Mary '92), Gregory D. Brandt (Drake '84).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws does not recommend adoption.

## PROPOSAL 26

### CREATE A NEW SECTION 57, AND RENUMBER ALL SUCCESSIVE SECTIONS ACCORDINGLY, TO READ AS FOLLOWS:

57. Alcohol Free Housing. All Sigma Alpha Epsilon recognized fraternity houses and lodges shall be alcohol free in the common areas of the chapter house or lodge. Individuals of legal age and in compliance with all Federal, state,

university, and fraternity laws and regulations may drink in the privacy of their own bedrooms in the chapter house.

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**RATIONALE:** This is a compromise from previous law proposals where they want a 100% ban on alcohol in the house. The goal is trying to move the partying out of the chapter house or lodge and into locations that are administered by third parties. This will cut down on legal liability for the Fraternity and decrease damages to the chapter house. This also will allow a 21-year-old to enjoy a beverage in his room while watching sporting events, thus not discouraging upperclassman from living in.

Hopefully the Fraternity will justify a break in Health and Safety fees for eliminating alcohol in the common areas and the Chapters can use those savings to apply towards the cost of events at off-site, third-party locations.

**SUBMITTED BY:** Gregory Somers (Michigan State '98), Ryan Martin (Wichita State '01).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws does not recommend adoption.

## PROPOSAL 27

### AMEND SECTION 60 (JURISDICTION), SUBSECTION A, AS FOLLOWS:

A. Original Jurisdiction. Every member of the Fraternity is under the original jurisdiction of ~~the Chapter Collegiate of which he is, or was last, a member (except as provided for unaffiliated transfers in Section 47E1) and of the~~ Supreme Council, and a member of a Chapter Collegiate is under the original jurisdiction of such Chapter Collegiate. Charges may be filed against such member either with his Chapter Collegiate or with the Supreme Council, and he shall be tried by the body before which the charges are filed, subject, however, to certain exceptions hereinafter set out under "change of venue."

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**RATIONALE:** Based on how this section is read, an alumnus member could be expelled by his chapter because that alumnus brother is still subject to the original jurisdiction of the chapter he was last a member of. Although disciplinary proceedings over alumni are rare, they are sometimes needed. However, a potential for abuse exists where members of the Chapter Collegiate could try an alumnus member without due process for that member.

**SUBMITTED BY:** Austin Evans (Wisconsin '05), by and for the Permanent Committee on Fraternity Laws.

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws recommends adoption.

## PROPOSAL 28

### AMEND SECTION 62 (PENALTIES), SUBSECTION A, AS FOLLOWS:

A. If the accused pleads guilty or is found guilty, the Chapter Collegiate or the Supreme Council shall immediately impose on him one or more of the following penalties: 1) expulsion, 2) suspension, 3) fine, ~~and~~ 4) reprimand, 5) removal from any Fraternity-related position(s) held, whether or not formally recognized by these Fraternity Laws, and 6) suspension from holding any Fraternity-related position(s), whether or not formally recognized by these Fraternity Laws, for a designated term. A two-thirds (2/3) vote of the members of the trial tribunal present and in

good standing at a lawful special meeting is necessary to impose a penalty of suspension or expulsion. A majority vote of the members of the trial tribunal present and in good standing is necessary to impose a fine, ~~or a~~ reprimand or for removal from a position or suspension from holding a position related to the Fraternity. During the pendency of an appeal, the member shall be temporarily suspended from the rights, privileges, and immunities of the Fraternity.

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**RATIONALE:** This law proposal provides two additional and possible sanctions against a member found guilty of a recognized offense. In many instances, particularly with respect to alumni volunteers, a desirable outcome may be to simply remove that member from one or more positions in the Fraternity and, thereafter, prohibit the member from holding a volunteer position for a number of years. Otherwise, the only available remedy to achieve the same result is to suspend the member's membership in the Fraternity which may be overly burdensome given the applicable offense.

**SUBMITTED BY:** Michael S. Rodgers (William & Mary '92), Gregory D. Brandt (Drake '84), Clark J. Brown (Arkansas '07).

**RECOMMENDATION:** The Permanent Committee on Fraternity Laws recommends adoption.