

Definition of the Relationship Between The Chapters of The Pi Kappa Alpha Fraternity and The Members of the Chapter

Introduction

This document has been composed to help both the Pi Kappa Alpha Fraternity and its Chapters and its members understand the relationship which exists between and among the Chapters of the Fraternity and members of the various Chapters. The Fraternity recognizes the value of students who are motivated by the commonly expressed need for belonging – students who want to advance their educational interests and to promote leadership development and to make, maintain and uphold a high standard of life, happiness and integrity by uniting them in closer bonds of friendship and brotherly union.

The growth of The Pi Kappa Alpha Fraternity came about when the first Chapter established a second Chapter, and the undergraduates served as the entire general Fraternity organization, sharing their common beliefs through rituals and purposes, and issuing charters and permission to use a common name, Pi Kappa Alpha. In time, these students determined there should be volunteer leaders and advisors, and staff, who knit the individual Chapters together in a non-profit organization, and that there should be a permanently staffed administrative office for the purpose of promoting the purposes of the Fraternity and to administer to its needs and to encourage student undergraduate achievement.

The inherent value of the Fraternity lies in the willingness of its individual members to achieve the goals of the Fraternity which are idealistic and worthy. Presented here is the meaning and non-meaning of each Chapter's power to initiate members into the Fraternity; the relationship of the member to the Chapter; the function and scope of the Chapter's activities and the basic rights and responsibilities between and among the Chapter and its members.

1. The Initiation of a Member by a Chapter into The Fraternity: The Member's Privileges and Obligations

When a Chapter initiates a member into the Fraternity, the member is granted the right to call himself an initiated member of the Fraternity and to wear and to display the distinctive Fraternity logos and insignia on a personal basis. An initiated member becomes entitled to participate in membership meetings, to participate in authorized Chapter functions, to use, in a proper manner, the facilities and premises which belong to or are occupied by the Chapter, to engage in brotherly fellowship and discourse with other member; and, in general, to participate as a member in an unincorporated association of the law of the state where located. The exercise of these rights as a member of a Chapter carries with it the responsibility and obligation to maintain membership in the Chapter in good standing. Good standing generally means that the member has fulfilled his financial obligation for dues or other expenses to the Chapter and has not created any problem for the Chapter, such as through the violation of any Chapter policies or similar matters. Thus, the failure to maintain good standing could result from a failure to achieve, for example, a certain grade point average, or improper conduct or suspension as a student by the school. Maintenance of active undergraduate student status is a requirement of being a member of a Chapter in good standing. A student who drops out of school after having been initiated will remain a member of the Fraternity and will remain an initiate of a particular Chapter, but the ex-student will no longer be deemed an active member of his Chapter and will automatically be placed on alumnus status with the Fraternity, as opposed to undergraduate active status.

The Chapter functions as a group composed of undergraduate students. Specifically, the Chapter is an unincorporated association under the laws of the state where it is located. The Chapter, acting through its own duly constituted procedures and pursuant to the actions of its members functioning as a group, selects its own officers, assesses dues, operates a Chapter house or meeting facility, selects pledges and initiates new members. Other activities in which Chapters engage are to promote fellowship, promote education, participate as teams in intramural athletics, participate in campus and interfraternity programs, sponsor candidates for school officers, conduct social events and send delegates to international conventions, regional leadership conferences and other seminars. The Chapter operates its own organization on a day-to-day basis and is responsible for compliance with all applicable rules and regulations of the college or university where it is located and with all applicable laws of the various governmental bodies, local, state and federal.

1.(a) Initiation of a Member: What is Not Meant

The initiation of a member does not give the member the right to sell or license the use of the Fraternity logo or its insignia or its name to third parties or to use the name in any commercial or other manner which is detrimental to the Fraternity or to the Chapter or to bind the Fraternity or the Chapter to any agreements or obligations of any nature whatsoever. The fact of initiation into membership does not make the member an authorized agent, employee, servant (as that term is used in the law) or representative of the Chapter or a person for whose conduct the Chapter becomes legally responsible.

The Chapter is not given any right of control over a member's day-to-day activities by initiation or otherwise. The Chapter does not assert any right of control over the member's day-to-day activities. The Chapter acquires no inherent right to punish a member by virtue of initiation.

However, the Chapter does retain the right to stipulate standards which the member must perform or abide by as a condition of retaining his membership with the Chapter. The sanction for violating the standards or failing to meet the conditions, as the case may be, is loss or suspension of membership. A Chapter retains the basic right, based upon the member's commitment to remain in good standing, to suspend or terminate the active relationship and membership of the member in the Chapter or to stipulate certain conditions which the member must meet to keep his membership with the Chapter, such as fines, community work, or loss of certain privileges. (This list is meant to give examples and is not meant to be exclusive.) This is a similar right which all unincorporated associations inherently retain which is to set standards, policies, rules and/or guidelines regarding membership and what is needed to stay in good standing to retain membership in that unincorporated association. Simply stated, the Chapter retains the right to terminate a member's association with the Chapter. This is a right which is inherent in all unincorporated associations and exists separate and apart from the fact that a member may have been initiated into The Pi Kappa Alpha Fraternity. The Chapter retains the right to disassociate a member.

Different Chapters have different guidelines and standards whereby a member may fall out of good standing, and each Chapter is left to decide and evaluate when those situations and circumstances occur. Chapters have the right, but not the obligation, to propose to the Fraternity that a member be suspended and expelled from the Fraternity itself. In so doing, the Chapter must comply, in line with its charter commitment to the Fraternity, with the constitution and bylaws of the Fraternity. (The final decision on expelling a member from the Fraternity, as opposed to expulsion from a Chapter, can only be made by the Supreme Council of the

Fraternity.) Beyond that, the establishment of the criteria for maintaining good standing rests with the Chapter and the policies and procedures of its membership.

2. Authorized Chapter Functions: Their Scope and Meaning

As discussed earlier, the Chapter might engage in a number of activities and functions which are duly authorized and engaged in by the Chapter, acting as a group. Among these activities might be the maintenance of a facility or premises used by the Chapter for meetings, scholarship, dining, residence, social events and as a place for members to congregate. The Chapter might engage, as a group, in the fielding of an intramural athletic team. The Chapter might hold, as a group, social events. The Chapter, as a group, might engage in rush functions whereby prospective members are met and entertained and selected. The Chapter, as a group, might engage in a project for the benefit of the community.

When the Chapter acts in an authorized capacity, such actions are approved by the membership through its established procedures. Usually, unincorporated associations such as Chapters will hold regular meetings at which the matters involving Chapter functions, activities, expenses and similar matters are discussed and voted upon and approved or disapproved, as the case may be.

As with any organization, the administrative details and the executive details of carrying out the Chapter functions fall to officers who are elected by members. These officers become vested with certain limited and restricted powers and responsibilities by virtue of their position.

However, the undergraduate students who are elected to become officers only possess those powers and responsibilities which are necessary to carry out the policies and procedures of the Chapters. It should be noted that these students do not become official spokesmen or agents for the Chapter, except in a limited degree, and then only to the extent which falls within their specific duties.

Stated another way, the Chapter officers are undergraduate students whose primary purpose is the pursuit of their education and their degree who have incidental duties in carrying out certain Chapter functions. However, Chapter officers only function as Chapter officers in a limited scope of their daily lives and not as Chapter officers in everything they do. Thus, an act by a member who is a Chapter officer is not an act on behalf of the Chapter unless it is done in the member's capacity as an officer and within the authority of that office.

2.(a) What is Not an Authorized Chapter Function and Other Misconceptions

As discussed earlier, the fact that an undergraduate student is initiated as a member of a Chapter does not make the member an agent, employee, servant or a representative of the Chapter who is entitled to speak for the Chapter or whose conduct is authorized by the Chapter or for whose conduct the Chapter becomes legally liable. Before a member has any authority to speak for the Chapter or to conduct any activity on behalf of the Chapter, the Chapter should give that individual specific, explicit, and unambiguous responsibility and authority to carry out some part of a duly authorized Chapter function. Even when the Chapter or a Chapter officer asks a member to perform a task on behalf of the Chapter, the member does not become the employee or servant of the Chapter, but only, for that limited purpose, an agent of the Chapter. Furthermore, when a member volunteers to do a specific task for the Chapter and the Chapter expects the volunteer to perform the task in a proper manner, the Chapter does not thereby gain any right of control over how that activity is to be performed by the member/volunteer, and the

Chapter will not be liable to third persons for the manner in which the member performs that task. Should the member perform that task in a negligent capacity or in an intentional capacity, the Chapter would not be liable to that third person because the Chapter has not made the volunteer its servant or employee.

Similarly, a member who is elected to serve in the capacity as a Chapter Officer is given only a limited degree of authority to act on behalf of the Chapter under limited times and circumstances. Unless and until the Chapter Officer is placed in circumstances where he is authorized to act in his capacity as officer on behalf of the Chapter, that student is not an agent, employee, servant or representative of the Chapter. Furthermore, the actions of a Chapter Officer do not bind the Chapter and are not attributable to the Chapter until and unless circumstances under which the Officer was functioning are those in which the individual was authorized to undertake in such capacity as a Chapter Officer.

In addition to the above points regarding the conduct of individual members or members who have been elected to Chapter office, it should be further understood that any conduct by one or more Chapter members does not constitute an action authorized on behalf of the Chapter unless it is done in pursuit of an activity which has been duly authorized by the Chapter through its proper procedures or, in the case of an officer, the action by the officer is in furtherance of a specific task which the officer is authorized to perform on behalf of the Chapter.

There is no implication that the conduct of, for example, three students who happen to be members of a Chapter is an authorized activity by the Chapter merely because of the fact that all three are members of the Chapter or by the fact that all three are acting together. This distinction is particularly important because of the exuberance which some undergraduate students might display in their personal conduct due to their particular personalities.

It is important to note that a Chapter, merely by initiating one or more members, does not endorse or authorize or condone or sponsor or pre-approve or sanction the infinite variety of daily conduct or personal activities in which those students may engage. This is a point which is readily accepted on college campuses when it is applied to student organizations in general, such as political groups like the Young Republicans or Young Democrats or church groups, such as the Baptist Student Union or the Newman Club or even to groups of students who are on athletic or academic teams, such as the basketball or debating team. Unfortunately, for no logical reason, when one or more members of a Chapter perform an activity on a college campus, particularly an aberrational activity, the conclusion is often reached, particularly by those who do not think or analyze the situation, that the Chapter was engaged in the activity, whereas the same conclusion is not drawn if one or more students happen to be members of a political or church group or an athletic team engaged in the very same activity.

To demonstrate this point, suppose three students who are members of a Chapter of Pi Kappa Alpha are also members of the Young Republicans Club and the Baptist Student Union, and are on the basketball team and are good friends because of their several common activities and interests. Suppose these three individuals ride through town hurling rotten eggs onto other automobiles as an adolescent stunt. This aberrational activity is no more an authorized activity of the Chapter of Pi Kappa Alpha than it is an authorized activity of the Young Republicans Club or the Baptist Student Union or the basketball team or the University. Of course, the situation would be different if the Young Republicans or the Baptist Student Union or the basketball team and its coach or the Chapter had met and discussed and approved and authorized this egg-throwing activity. Then, the particular groups which had met and discussed and approved and authorized the activity should be deemed responsible.

The illustration can be expanded by adding an additional fact. Suppose the driver of the vehicle was the duly elected president of The Young Republicans, and the president of the Baptist Student Union, and the captain of the basketball team and the president of the Chapter. Certainly, no one could say that an egg-throwing activity was in furtherance of the purpose for which those organizations exist. Furthermore, absent specific authorization, no one should say that the driver of that vehicle was acting in the capacity of president of the Young Republicans or as president of the Baptist Student Union or as captain of the basketball team or as the Chapter President of the Chapter when he threw eggs or assisted his two friends in throwing eggs.

This basic point applies to all conduct which involves one or more undergraduates who are members of a Chapter. For example, if one or more members who reside in an apartment (on or off campus) engage in misconduct, there is no basis for that misconduct to be attributed to the Chapter or to the school or to the landlord or to any other organization to which the students belong, absent specific and unequivocal approval by that group. Likewise, if that same misconduct occurs in a room rented at the Chapter house by those same students, there is no basis to attribute that misconduct to the Chapter or to the school or to any other organization or to the landlord without specific and unequivocal approval by that group.

3. The Concept of Personal Responsibility and Self-Discipline for Members

One of the important goals of the Pi Kappa Alpha Fraternity is that the undergraduate's initiation into the brotherhood and participation in the fellowship of a Chapter carries with it the opportunity to enhance the undergraduate's total education experience beyond the academic and into the realm of learning to accept personal responsibility and to learn how to live and interact with others. In short, the college experience is to continue preparation for the student's adult life, both in learning academic skills and acquiring and developing interpersonal skills.

In this respect, the Fraternity believes that the Chapters serve an important function in the overall education and development of an undergraduate student and that the Chapters assist the student's parents, families, school faculty, school staff, other peer groups, churches, other students, student organizations and interested persons in contributing to a student's educational and overall learning experience.

One of the cornerstones of this foundation is that undergraduate members of the Chapters should realize that, even with the assistance from these support groups, only the undergraduate student can attend the classes and perform the necessary studies and pass the tests to obtain the requisite academic education and, similarly, only the student can learn to appreciate and to contribute to the fellowship and brotherhood, to enjoy the social experience, to follow responsible behavior, to develop good work habits and a pattern of setting and achieving goals, to meet deadlines, to bear responsibilities, to function as a contributing member in the world about him, and in general, to become a better person. No one can do that for the undergraduate student but the student himself. In other words, the Fraternity is based upon self-discipline, and the Chapter expects self-discipline from its members.

The undergraduate member has the choice to participate, in varying ways, in a number of activities available to him as an undergraduate student. His activities are not controlled. The Fraternity and the Chapter set worthy goals, but do not take any duty of prevention enforcement of their rules and regulations. The Chapter does not undertake any duty to prevent aberrational personal conduct of students who are members of the Chapter. Neither the school nor the Chapter nor the Chapter Officers have the right to control the student's choices or conduct. As

far as the student's conduct is concerned, both the school and the Chapter expect that the student would obey any and all applicable laws and regulations of the school and of the municipality and community where the school is located, and any other applicable laws, including those of the United States.

Should any of those laws, rules or regulations be violated by an individual member or members, the responsibility and accountability lies solely with that member or members. The Chapter does not assume any duties of a police force or to prevent individuals from breaking laws or rules or regulations or other conduct which harms other people or their property.

The recognition of the general possibility that one or more of the many individual members of a Chapter or of the student body could conceivably violate a law or rule or regulation does not constitute notice to the Chapter that such will occur or is likely to occur. Rather, it is recognition that, in the human experience, from time to time, it is possible that some individuals might conduct themselves in ways which might violate laws, rules, regulations, and/or harm others or their property. Such behavior is beyond the scope of any authorized activity for a Chapter or its members on behalf of the Chapter or the Chapter Officers.

3.(a) Member's Conduct and Personal Responsibility: What is Not Meant

As discussed above from several different perspectives, the individual conduct of one or more members does not constitute an authorized activity or an endeavor on behalf of a Chapter or its Officers. Instead of all actions of a member being assumed to be on behalf of the Chapter unless shown otherwise, the reverse is actually the case. All actions of a member of a Chapter are solely the individual act of the member, unless and until it is established affirmatively that such individual was acting upon due authority of a Chapter or, for that matter, any other student organization of the school, and, even under those circumstances, the Chapter or the student organization or the school should not be responsible for any improper conduct of the activity unless it can be demonstrated or shown affirmatively that the Chapter had designated the member as an employee or servant who was subject to the asserted right of control of the Chapter or the other student organization, as that term is used to denote legal responsibility for the harm done by others to third parties.

There are a number of rules and regulations of the Fraternity which the Chapter has agreed to abide by and which the initiated member has also agreed to abide by or to not violate. Some of these are hazing, abuse of alcohol and sexual misconduct. This list is not meant to be exhaustive, but illustrative. Any time that a member participates in the violation of any of those rules, that member cannot be performing an authorized function of the Chapter because such functions and activities are explicitly and specifically prohibited and unauthorized.

Similarly, the fact that such an unauthorized, aberrational act may occur at a Chapter house facility or during the time and scope of a Chapter activity, such as a social function, does not cancel the prohibition or convert the automatic prohibition into acceptance by tolerance or by implication or otherwise. Any such activities are prohibited and cannot be authorized by a Chapter Officer or by a Chapter vote or by implication or failure to take action to prevent such activity. Any attempt at authorization, either direct or indirect or by implication, is beyond the scope and authority of a Chapter Officer or Member, and no Chapter can be organized for any of the prohibited purposes or activities because such activities are, by their very nature, unauthorized and beyond the scope of appropriate group purpose or activity. Should a member or members be found to have violated any of such prohibitions or rules, those members would

have acted solely on their own behalf and not as any representative, agent, employee, or servant of the Chapter.

Another example of where members' conduct cannot be deemed to be engaged in as an agent, employee, servant or representative of a Chapter or of the Fraternity is in connection with altercations. By their nature, altercations usually stem from individual disagreements. The fact that an individual disagreement occurs on the grounds of a Chapter premises or during the time and scope of a Chapter function do not make the individual participants agents, employees, servants or representatives of the Chapter and any individuals who engage in altercations shall be deemed to be doing so strictly on an individual basis and not as an agent, servant, employee or other representative of the Chapter or of the Fraternity.

Another example of where a member's conduct, acting individually or with one or more other persons, which cannot be deemed to be done as an agent, employee, servant or representative of the Chapter or of the Fraternity is where there are violations of any school regulation or the law of any municipality, state or federal government or duly constituted regulatory agency, because it is the policy of all Chapters and the Fraternity for all members to obey all laws at all times and to avoid harming others or their property, and there is no authority to do otherwise.

At the same time, the Chapter expects all members to abide by its rules and regulations through self-discipline, and the Chapter and its officers and members do not undertake any duty to prevent one or more individuals from violating laws, rules, regulations or harming others or their property. The Chapter does not stand in any form of parental or control relationship whatsoever with students who are members. If a member were to engage in any conduct which violated the law or harmed anyone or anyone's property, then that member would automatically be outside the scope of any authority which they could have otherwise possessed.

4. Assistance to Members: What is Meant

From time to time, one or more members of Chapter may jeopardize their good standing with their Chapter and become subject to the loss of their privilege of association with the Chapter or even subject to recommendations of expulsion by the Fraternity due to violations of laws, rules, regulations or otherwise. A natural tendency of this person's friends in the Chapter might often be to help the person cure whatever problem is involved. This may extend to finding out the cause of the problem, the facts and circumstances of the problem and to assist the person in curing or solving the problem or to prevent a recurrence of the problem. These are typical acts of human kindness and friendship. When assistance by one or more members to another member occurs, it is not because such assistance is mandated by the Chapter or the Fraternity. These are the kinds of things which are not mandated, but naturally flow from the human experience. It is not part of the rules and regulations of the Fraternity or the Chapter, because they cannot control one's behavior and have no right of control over the individual's decisions. Notwithstanding that clarification, assistance to these friends who are in a time of need is a valuable and worthwhile trait.

4.(a) Assistance to Members: What is Not Meant

When members render help to other members for personal problems, such help, which can vary from direct assistance to understanding and sympathy, with degrees in between, does not amount to any ratification, condemnation, disapproval, approval or authorization of such conduct by the Chapter or by the Fraternity. Likewise, any attempt by the Chapter or members

to determine the facts and circumstances surrounding the problem does not amount to any acknowledgment of responsibility by the Chapter or the other members for the problem, but only a desire to assist in solving the problem. Furthermore, such actions do not amount to any undertaking of a responsibility to solve the problem, but only reflect a desire to render assistance. The ultimate responsibility for the cause and solution of the student's problem remains that of the individual perpetrator and not that of the Chapter.

Examples of this subject are numerous. A student who becomes intoxicated and is arrested has broken the law. Members may try to render assistance to him such as bail or assist him in providing a defense, but that does not make those individual acts of kindness and friendship an authorized Chapter function nor does it indicate approval by the Chapter of a violation of the alcohol policy. The same principles apply to an individual member or members who are charged with violating statutes against hazing or the Fraternity's rules against hazing or statutes against sexual abuse or the Fraternity's rules against sexual abuse; those actions remain individual aberrational misconduct which cannot be a purpose or function of the Chapter. The Chapter, while prohibiting such conduct, does not undertake any duty to police or prevent such conduct from occurring.

Another point should be made regarding the response by the Chapter or even the Fraternity to a member who is accused of a crime or a serious violation of the Chapter or Fraternity regulations, such as hazing, alcohol abuse or sexual abuse where someone has been injured. While the Fraternity and the Chapters are not federal or state agencies and as such, are not subject to the requirements of the United States Constitution and its interpretations, the Fraternity and Chapters recognize that those governmental and academic institutions which are enforcing such laws, rules and regulations are subject to the Constitutional rights of the accused.

The Chapters want to emphasize that they reserve the right, but not the obligation, to allow the prosecuting authorities to establish, through due process, whether any accused member was guilty of violating any particular ordinance, statute, law or rule or regulation prior to exercising any rights which the Chapter or the Fraternity may have regarding the continued membership of the accused in the organization.

Both the Fraternity and the Chapter are aware of instances where colleges and universities have deemed guilty and punished until the student proves himself innocent and where the accused is automatically suspended or punished merely upon the accusation.

The purpose of mentioning these situations in this Relationship Statement is so that the undergraduate members and others will know to not make any conclusions or implications or assumptions regarding a postponement by the Chapter or by the Fraternity of their exercise of their respective discretionary rights to declare a member not in good standing or to suspend or revoke a membership or to expel a member. If such inaction occurs, that is solely in the discretion of the Chapter or the Fraternity and does not amount to any ratification or condemnation or implied authorization or actual authorization of the act in question nor does it make the act in question done by an agent, employee, servant or representative of the Chapter or the Fraternity. It merely means that the Chapter and the Fraternity are exercising their discretion in the matter regarding the separate issue of membership retention.

5. Summary

In summary, a Chapter of the Fraternity is an unincorporated association composed of undergraduate students at a particular college or university who have chosen, as part of their

undergraduate experience, to engage in a form of fellowship and brotherhood pursuant to the goals and ideals of the Fraternity. This experience is intended to supplement a student's academic education by giving the student an opportunity to engage in interpersonal social relationships and to practice self-discipline as the student proceeds through the maturation process.

However, the fact is that an undergraduate student does not vest that member with the authority to speak or act for the larger group. No member can speak or act on behalf of a Chapter, and no Chapter can speak or act on behalf of the Fraternity or the other Chapters, absent specific, explicit, unconditional and express authority and then only as limited for that specific purpose.

Furthermore, there is no "right of control" by Chapters over members, so the members cannot be servants, employees or agents of the Chapter in a legal sense so as to render the Chapter responsible for their conduct. When one says that a member of a Chapter is a "representative" of a particular Chapter or of the Fraternity, what is meant is that those who view the member could form an opinion of the Chapter or the Fraternity based, in part, upon the personality, goals and conduct of that member. That use of the word "representative" is not in the legal sense. It does not mean that the goals and conduct of the member are that as an agent, employee, servant or legal representative of the Fraternity for the Chapter.

Each member is solely responsible for his own conduct and no Chapter is responsible for the conduct of any member without a grant of specific, express, unequivocal, unconditional, explicit and duly approved authority for such particular conduct by the Chapter, and then only to the limited extent that such agent was specifically authorized to bind the Chapter, such as to a contract to buy food for the Chapter's kitchen.

Furthermore, no Chapter or member can ever have the authority, as an authorized Chapter pursuant to its Charter or as a member, to engage in activity which violates any applicable law, rule or regulation of any governmental agency or the school where the Chapter is located or the *Constitution*, bylaws and regulations of the Fraternity or of the Chapter or which causes harm to others or their property.

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