

The Pi Kappa Alpha Fraternity

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AFFIDAVIT OF EXPULSION

The *Constitution & Chapter Codes* has been revised according to convention legislation concerning expulsion proceedings. In order to expedite the process in which an expulsion proceeding is reported to the Memorial Headquarters, the completion of a signed **Affidavit of Expulsion**, prepared in form by the Legal Counsel to the Supreme Council has been substituted for the prior method of providing a tape-recording of the proceeding.

In the event a chapter votes to expel a member from the Fraternity, an **Affidavit of Expulsion** shall be completed, notarized, and sent to the Executive Vice President of The Pi Kappa Alpha Fraternity within five (5) days of the expulsion proceeding. In addition to making certain you complete each section of the **Affidavit of Expulsion**, you should give meticulous attention to the requirements for the **Notice of Expulsion** that you are to provide to the accused member prior to the expulsion proceeding.

A copy of this written notification of the expulsion proceeding must be attached to the **Affidavit of Expulsion** and be identified as Exhibit A. The requirements for the **Notice of Expulsion** are presented in the *Constitution & Chapter Codes*, Code 3, Section 13 (attached as Exhibit B).

If you should have any questions or concerns regarding this process, please contact the Executive Vice President.

AFFIDAVIT OF EXPULSION

(1)

Personally appeared before me the undersigned officer duly authorized by law to administer oaths,
_____ (*insert the printed name of the person making this Affidavit*), who, after being duly sworn, deposes and states as follows: I am over the age of eighteen (18) and have personal knowledge of the facts set forth herein.

(2)

I hold the office of _____ of the _____ Chapter of The Pi Kappa Alpha Fraternity.

(3)

My address is _____

(4)

On _____ 20____, at _____ o'clock _____.m., I notified _____ (*insert name of the "Expelled Member"*) of an **Expulsion Proceeding** to be conducted by our chapter, at which certain evidence would be presented against the **Expelled Member**, and at which the **Expelled Member** would be permitted to present evidence on his behalf. This notification was given to the **Expelled Member** (*check one*) _____ in person, or _____ by letter posted in the United States (or Canada) Certified Mail, Return Receipt Requested, with proper postage attached, on _____, 20____, addressed to the Expelled Member at his last known address. The notification included a written statement, as required by The Pi Kappa Alpha Fraternity *Constitution and Chapter Codes*, Code III, Section 13 (A)(a)(i), of which a photocopy is attached and identified as *Exhibit "A"*.

(5)

The notification included the presentation to the Expelled Member, either in person or in the mailed notification letter, a photocopy of the Pi Kappa Alpha Fraternity *Constitution*, Article VI Sections 1-4, and *Chapter Codes*, Code III, Sections 12-14, a photocopy of which is attached and identified as *Exhibit "B"*.

(6)

The **Expulsion Proceeding** was conducted beginning at _____ o'clock _____ .m. on _____, 20_____, at _____.

(7)

A total of _____ members of our chapter were recorded as present at the **Expulsion Proceeding**.

(8)

A quorum was present.

(9)

The evidence on which the **Expulsion Proceeded** was based upon was presented by _____

(Name(s) of member(s) who presented evidence.)

(10)

The Expelled Member was invited to present evidence on his behalf.

(11)

After the conclusion of the presentation of all evidence, the chapter discussed the matter and a vote was taken.

(12)

The number of members voting in the **Affirmative for Expulsion** was _____ which is at least two-thirds (2/3) of the members present.

(13)

This **Affidavit** and its attachments shall be sent to the Expelled Member at his last known address by letter posted in the United States (or Canada) Certified Mail, Return Receipt Requested, with proper

postage attached. A copy of this **Affidavit** must be completed, signed, and sent to the Executive Vice President of The Pi Kappa Alpha Fraternity within five (5) days of the **Expulsion Proceeding**.

(14)

This Notification process and the **Expulsion Proceeding** were conducted in strict compliance with The Pi Kappa Alpha Fraternity *Constitution* and *Chapter Codes*, Code III, Section 13.

(15)

This **Affidavit** is given so that it may be implemented by the Executive Vice President of The Pi Kappa Alpha Fraternity.

FURTHER AFFIANT SAITH NOT.

[Signature]

STATE OF: _____ **and COURT OF:** _____

or

PROVINCE OF: _____

Sworn to and subscribed before me this _____ day of _____, 20_____.

Notary Public [Affix Seal and Signature]

EXHIBIT A "Expulsion Notice"

(attach copy of the written statement sent to the expelled member that included: a concise statement of the charges preferred against the member and the names of the persons preferring such charges; a statement of the place and time the proceeding shall be held; a notice of opportunity to be present at the proceeding in order to present a defense as he may deem appropriate; and a recital of *Constitution* and *Chapter Codes*, Article VI, Sections 1-4 and Code III, Sections 12-14 in their entirety which are attached to this form)

EXHIBIT B "Expulsion Proceedings"

**CONSTITUTION, ARTICLE VI
Appeals**

Section 1. HOW MADE

Any member, chapter, or alumni association of the Fraternity may appeal to the Supreme Council the action or ruling of any chapter, alumni association, or International Officer, except the Legal Counsel. All such appeals must be made in writing and contain a complete statement of the matters complained of and must be received by the Executive Vice President of the Fraternity within thirty (30) days from the date of the action complained of; otherwise the Supreme Council shall dismiss the appeal.

Section 2. APPEAL OF SUPREME COUNCIL ACTION

Any action, order or ruling of the Supreme Council may be appealed by a minimum of ten (10) percent of a combination of all chapters, alumni associations and/or international officers of the Fraternity by filing an appeal to the Fraternity's chapters, alumni associations and officers eligible to vote. The appeal shall be in writing and contain a complete explanation of the reasons for the appeal. The appeal must be sent by certified mail, return receipt requested, to the Executive Vice President of the Fraternity within forty-five (45) days from the notice of action, order or ruling of the Supreme Council. If such appeal is not transmitted within the time period stated above, such appeal shall not be considered. Within 15 days of the appeal's receipt, the Legal Counsel shall prepare the question for ballot to be distributed by the Executive Vice President to all eligible to vote. Those eligible to vote shall consist of all qualified chapters, alumni associations and International Officers. Votes must be cast within 30 days of the ballot being sent or at the Convention should the Convention occur within this period of 30 days and if requested by the appeal. An affirmative vote of two-thirds of those eligible to vote shall be necessary to overturn the action of the Supreme Council.

Section 3. CONVENTION ACTION

Any action, order or ruling of the Supreme Council or of the Convention may be appealed by any member, chapter, or alumni association of the Fraternity by filing an appeal to the next Convention. The appeal shall be in writing and contain a complete explanation of the reasons for the appeal. The appeal must be sent by certified mail, return receipt requested, to the Executive Vice President of the Fraternity within thirty (30) days from notice of the action, order or ruling of the Supreme Council or ruling of the International Convention. If such appeal is not transmitted within the time period stated above, such appeal shall not be considered.

Section 4. PENDING APPEAL

Such action may not be reversed until the appeal is granted.

**CHAPTER CODES, CODE III
MEMBERSHIP**

Section 12. EXPULSION: GROUNDS

The following offenses may be grounds for expulsion of a student member or alumnus member who shall:

- A. violate any provision of the *Constitution, Chapter Codes, or Ritual* of the Fraternity, or the by-laws of the chapter to which he belongs;
- B. commit any act contrary to the laws of the land or the laws, rules and regulations of the host institution at which the chapter is located;
- C. violate any order or policy of a regularly constituted body of the Fraternity;
- D. violate the oath or Obligation taken at the time of initiation;
- E. be delinquent in the payment of accounts or financial obligations to a chapter or to the Fraternity;
- F. fall below for a period of two (2) consecutive semesters or three (3) consecutive quarters a minimum grade point average pursuant to his chapter's by-laws. Such minimum grade point average shall not be lower than the minimum grade point average to remain in good academic standing at the host institution at which the chapter is located.

Section 13. EXPULSION: PROCEEDINGS

- A. EXPULSION PROCEEDINGS AGAINST A STUDENT MEMBER BY A CHAPTER.
 - 1. Student members may be expelled from the Fraternity for offenses pursuant to Section 12 of this Code, according to the following Procedure for Expulsion Proceedings:
 - a. A chapter may institute expulsion proceedings against a student member, by serving the student member with a written notice of the chapter's intent to expel the student member (hereinafter, "Expulsion Notice") at least forty-eight (48) hours prior to the start of the expulsion proceeding. In the alternative, this Expulsion Notice shall be sufficient if mailed to the student member's last known address, provided that this notice was mailed by certified mail, return receipt requested, at least seven (7) days prior to the expulsion date.
 - b. The written Expulsion Notice shall contain:
 - i. a concise statement of the charges preferred against the student member and the name(s) of the person(s) preferring such charges;

- ii. a statement of the place and time the proceeding shall be held;
 - iii. a notice of the opportunity to be present at the proceeding and to present a defense as the accused may deem appropriate;
 - iv. a recital of Code III, Section 13 and Article VI in their entirety; and
 - v. an attached copy of the then current *Constitution* and *Chapter Codes* of the Fraternity.
- c. A quorum of members must be present at the meeting to conduct the proceeding. If a quorum is not present, the proceeding shall be recessed and rescheduled and each step of Subsection (a) shall be repeated.
- d. The Chapter President shall preside at the proceeding unless the Chapter President is the accused member, or has a personal interest in the subject of the proceeding. In such event, the Chapter Vice President shall preside at the proceeding. If both the Chapter President and Chapter Vice President are accused members, or have a personal interest in the subject of the proceeding, the chapter shall elect a temporary chairman who shall preside at the proceeding. The proceeding shall be conducted as an agenda item at a regular chapter meeting, or may be the agenda item for a specially called chapter meeting, pursuant to the chapter's by-laws. After all allegations, information and testimony have been provided, the chapter shall discuss such allegations, information and testimony and the chapter shall vote in favor of or against the proposed expulsion. In order to expel a member, at least two-thirds (2/3) of the members present at the proceeding must vote in favor of the expulsion.
- e. The chapter shall send a written notice of the expulsion (hereinafter, "Expulsion Action") to the expelled member's last known address. The chapter shall then report the expulsion to the Executive Vice President within five (5) days of the expulsion along with the following information:
- i. A copy of the Expulsion Notice; and
 - ii. A signed Affidavit of Expulsion, approved in form by the International Legal Counsel will be completed by the presiding individual with the result, and shall be submitted to the Executive Vice President within five (5) days.
 - iii. A copy of the "Expulsion Action" mailed to the expelled student.
- f. For archival purposes, the Executive Vice President shall maintain a file for each expulsion.

B. ALTERNATE METHODS FOR EXPULSION

1. A member of the Fraternity may be expelled for the following offenses:
 - a. Due to delinquent payment of accounts or financial obligation to a chapter of the Fraternity;
 - b. Fall below for a period of two (2) consecutive semester or three (3) consecutive quarters a minimum grade point average to his chapter's by-laws. Such a minimum average shall not be lower than the minimum grade point average to remain in good academic standing at the host institution at which the chapter is located.
 - c. The chapter shall provide notice of the expulsion in accordance with Code III, Section 13. A. 1. (e).

C. RIGHT OF APPEAL.

1. Any expelled person shall have the right to appeal to the next Convention. Said appeal must be filed in writing with the Executive Vice President within thirty (30) days from the date of the mailing of the written notice of "Expulsion Action".

Section 15. REINSTATEMENT OF MEMBERSHIP

- A. Any member or former member who has been expelled, suspended, or who has resigned from the Fraternity may be reinstated in good standing provided that a written petition for reinstatement is filed by the expelled, suspended or resigned member and approved by the individual's initiating chapter and the Executive Vice President.
- B. The name of all reinstated members shall be set forth in the next published *Dagger & Key*.