



## Advocate Training Manual

The Council Advocate acts a parliamentarian for his council and needs a working knowledge of:

- **The laws of the Order** - [Charter Constitution Laws - 2019](#)
- **Council Bylaws** – Go to Officers' Online / Officers' Desk Reference / Council and Assembly Issues / 2. By-Laws Online.
- [Roberts Rules of Order](#) also reference [Method of Conducting Council Meetings](#) for additional information.  
Specifically understand the rules for making a motion including:
  - 4 kinds of motions
  - How to make a motion
  - How to Amend a motion
  - 4 ways of Voting
  - The Grand Knight does not initially vote, but he does vote in the case of a tie.
- [Guidelines for Conducting Meetings](#)
- [Protocol Handbook](#) – Please ensure you are familiar with the following:
  - Dignitaries at meetings
  - Council meeting chamber set-up
  - Head table (at banquets)
  - Protocol for head table seating
  - Flags: The American Flag is always to the right of the speaker. The Council banner would be placed to the left of the speaker.

All of these (except your council Bylaws) can be ordered from the Supreme Council Supply Department. You should also have the council by-laws that should be updated, approved and ordered from the Supreme Council every ten years or sooner if the council has approved changes.

Additional information can be found on the home page of the Supreme Council website [www.kofc.org](http://www.kofc.org) under

- FOR MEMBERS
- FRATERNAL OPERATIONS
- MEETINGS & PROTOCOL

The Michigan State Council website [www.mikofc.org](http://www.mikofc.org) also has training manual information that is useful to advocates. Watch [Navigating Michigan State Website](#) to see an overview of how the Michigan State Council website is laid out and how to find training. Specific training material for Advocates (like this document) can be found under: RESOURCES / Training Material / Council Officers



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## CHAIN OF COMMAND

The Advocate must follow the chain of command. He would not request information from the District Deputy, State Advocate or Supreme Advocate without first posing the question to his Grand Knight.

Whenever possible, the council Advocate should seek to resolve issues at the local council level, using principals of common sense, reasonableness and fair play. If the State Advocate is required to intervene in a local council matter, bad feelings may result and persist for years to come. In summary, consult with the following (in this order):

1. **Officers' Desk Reference** – The Advocate gets fraternal guidance from the Officers' Desk Reference in Officers' Online, where he can find up-to-date guidance on a variety of issues.
2. **His Grand Knight** – If an issue comes forth that needs additional guidance, the Advocate should seek assistance from the council Grand Knight
3. **His District Deputy** – District Deputies have experience working with multiple councils and the majority of District Deputies have also had experience as a Grand Knight. The Council Grand Knight (with the assistance of the Advocate) should take the lead in contacting the District Deputy if his assistance is required.
4. **His State Advocate** – If a matter is brought to the State Advocate, the council Advocate should be prepared to supply him a detailed response including a history and the material facts pertinent to the issue.

## OFFICERS' DESK REFERENCE

Grand Knights, Financial Secretaries and District Deputies apply their User Name and Password to enter Officers' Online on the Supreme Council website. A tab near the top of the page reads Officer Desk Reference. This resource will provide updated information useful to the proper conduct of the council. Advocates can ask their Grand Knight or Financial Secretary to refer to the Officer Desk Reference for information that is provided under the following headings:

1. WHO WE ARE
2. PRINCIPLES OF FRATERNALISM
3. FRATERNAL PROGRAMS
4. MEMBERSHIP ISSUES
5. ONLINE MEMBERSHIP
6. COUNCIL AND ASSEMBLY ISSUES
  1. The Legal Nature of Councils and Assemblies; Restrictions on Nonprofit Incorporation
  2. By-Laws Online
  3. Quorum for a Council Meeting
  4. Amendments to State Council By-Laws
  5. Resolutions
  6. Record Retention Policy
  7. Insurance
  8. Suspension of a Council
  9. Guidelines for Local Elections
  10. Eligibility to Run for Office in an Adjacent State
  11. Interstate Solicitations
  12. Guidelines For Selecting Names for Councils
  13. Guidelines For Council Name Changes
  14. Medals of Offices (Jewels)



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15. Priest Attendance at Council Meetings and Ceremonials
16. Women's Groups ("Ladies Auxiliaries")
17. Responding to Requests to Provide Security Services
18. Fraternal Activity During Pandemic Conditions
7. COUNCIL AND ASSEMBLE ACTIVITIES
8. FOURTH DEGREE ISSUES
9. NAME AND EMBLEM
10. MEDIA PUBLICITY AND COUNCIL PUBLIC RELATIONS
11. SOCIAL COMMUNICATIONS
12. POLITICAL ISSUES
13. TAX ISSUES
14. FINANCIAL ISSUES
15. CHARITABLE GIVING
16. PROTECTION OF MEMBERSHIP AND FINANCIAL INFORMATION
17. STATE COUNCIL CHARITABLE CORPORATIONS

### ROLES AND RESPONSIBILITIES

The position of Advocate is not just an honor or ceremonial title, it is an important job. He may not have to do anything for months or years, but when the situation arises, he must be prepared.

- The [Grand Knight Guide \(#5085\)](#) describes the Advocate as a parliamentarian.
- He must be familiar with the laws of the Supreme Council, Michigan State Council and his local council.
- He must supervise and lead any revision of the council bylaws, must possess a working knowledge of Robert's Rules of Order, and when needed seek assistance from the council Grand Knight.

It is not necessary to be a lawyer to be the council Advocate. In fact, it may make the job more challenging. One who has studied the laws of our country and state may assume he knows all there is to know of law. The laws of our Order are different. While the Knights of Columbus has great respect for its individual members, individual rights are not the focus of our Constitution as they are in the United States Constitution. The laws of our Order are designed to protect and sustain the Order. When a man joins our Order, he agrees to subordinate his individual rights for the "good of the Order." He takes an oath to subject himself to "all things lawful..." according to our *Charter Constitution Laws*.

As council Advocate, the use of common sense is crucial to success. Read and interpret the intent behind a particular law, beyond its mere text. Advocates should also avoid getting bogged down in minute details or by formal rigidity and inflexibility of interpretation. Overzealousness should be avoided; for example, continually interrupting and critiquing the Grand Knight's observation of procedures during a council meeting. In this case public comment on protocol by the Advocate should be made only at the Grand Knight's request, unless it is apparent that the current course of action will lead to greater, more complicated problems. A better course of action for the Advocate is to offer input and suggestions to the Grand Knight in private or at an officers meeting, rather than interrupting him during a general meeting of the council.

While a reasoned, deliberate process governs the vast majority of situations, there is always the risk of emergencies or situations requiring immediate action to avert harm. If something happens that will potentially receive outside negative publicity, the grand knight and council Advocate should immediately, and jointly, contact the District Deputy and the State Advocate (or the State Deputy, if the State Advocate is unavailable).



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## STRUCTURE OF THE ORDER'S LAWS

The legal system of the Order is very much like the United States legal system.

The United States laws are organized by three successive tiers:

1. The United States Constitution
2. State Constitution and state laws
3. Municipal Constitution (usually a charter) and municipal codes/ordinances (laws)

The Order also has three successive tiers:

1. Supreme Council Charter, Constitution & Laws
2. State Council Bylaws and regulations
3. Local Council Bylaws

In the Order, no lower-level law may supersede a higher-level law.

## SUPREME COUNCIL CHARTER CONSTITUTION AND LAWS QUICK REFERENCES

Eligibility for Office: Sections 92, 93 and 94

Laws governing subordinate councils: Section 124

*Elections:* Section 128

In elections the first office voted upon is that of the grand knight. Upon election, nominations for deputy grand knight are taken. After elected the process continues until all elected offices are filled. Using this style, unsuccessful candidates for higher offices have the opportunity to serve in other positions, ideally giving the council the best man for each elected office.

Neither Advocates nor the admissions committee determines whether an applicant or a member is a practical Catholic. Only the member himself may do this. However, if there is a question about this, the council chaplain or parish priest is the final authority. A priest may issue a statement in writing declaring a member no longer a practical Catholic. The letter can be submitted with a member's Form 100 to suspend him. The suspension will not count against a council's membership quota.

*Vacancies:* Section 131

Nominate a qualified member when a vacancy is created, and elect him at the next regular council meeting. The District Deputy declares an office vacant when an officer is absent 3 times without providing a reason for the absence(s). In case of an officer's absence, as appropriate he should arrange for reports, books, records, etc. to be conveyed to the council for use during the meeting.

*Financial Secretary compensation*

Financial Secretaries are paid an amount equal to not less than eight percent and not more than ten percent (to be determined by the council) of the monies collected for dues from both insurance and associate members. The financial secretary is free to waive this compensation at his discretion. He does not receive compensation from the council for initiation fees or any other receipts.



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### *Disbursement of council and assembly funds: Section 122*

The procedure of disbursement of funds in excess of \$500 from the treasury of a council or an assembly is set forth in Section 122(b) of the Laws of the Order and Section 24(k)(2) of the Laws and Rules Governing the Fourth Degree. Any such disbursement requires the approval of two-thirds of the members present at a regular business meeting held after a regular meeting at which notice was provided in writing, of a resolution of intention to make such a disbursement.

A council or assembly may make disbursements of amount of \$500 or less upon the vote of only a simple majority of the members present at a regular business meeting and no advance notice is required.

Section 122(b) applies only to funds that are held in the treasury of a council or assembly. To the extent that a council or assembly raises funds for a specific cause or a recognized charity (e.g., Special Olympics), the council or assembly may, by a simple majority vote, direct that the funds collected be paid directly to the selected charity or recipient. This vote may be proscriptive, for funds to be collected in the future, or retrospective, for funds already collected.

Finally, it should be noted that a grand knight and a faithful navigator may disburse council or assembly funds only with the consent of the members.

It is recommended that councils publish an annual budget and submit it to the membership. This will assist in monitoring council finances.

### *Misconduct: Suspension from the Order Section 166 and Reasons for Suspension Section 167*

Suspended members may return from suspension after one year following the appeal process.

### *Right to Trial and the Process: Sections 170-181*

The Advocate may present the council's case at a trial in the role of a prosecuting attorney. If the council's Advocate cannot function effectively, the grand knight can ask the State Advocate to step in. If there is no trial, the grand knight determines the punishment. The grand knight may also give recommendations to the judges if a trial is conducted. An insurance member is automatically allowed back in after a suspension. A non-insurance member has to be accepted back by the council. A defendant should be advised to seek clemency from the grand knight first and try to resolve the issue in-house. A felony conviction is an automatic expulsion from the Order.

## **CHANGES TO COUNCIL BYLAWS**

Council by-law changes are not legal until the new changes are published in an updated set. In practice, councils operate as if the change was approved by the Supreme Council, unless the new by-law is challenged by a member or the District Deputy (who should be informed of all proposed local council by-law changes before adoption by the council membership). By-law changes must be voted upon at a regular council meeting, published in the council newsletter and voted upon a second time at a regular council meeting before the council submits the new by-laws to Supreme for official review and approval.

Council by-laws should state: "The annual dues shall be set by council action." instead of stating a dollar amount. Thus, new by-laws need not be reprinted when only the amount of dues change.



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**THE FOLLOWING INFORMATION IS TAKEN DIRECTLY FROM THE OFFICERS DESK REFERENCE ON THE SUPREME COUNCIL WEBSITE AVAILABLE TO GRAND KNIGHTS, FINANCIAL SECRETARIES AND DISTRICT DEPUTIES. THESE ITEMS ARE A SAMPLE OF THE TYPES OF INFORMATION AVAILABLE IN THE CATEGORIES THAT ARE LISTED AT THE BEGINNING OF THIS DOCUMENT.**

### **Use of the Order's Name and Emblem**

#### *Requests For Use Of Name and Emblem*

If a council wishes to use the trademarked name and/or emblem of the Knights of Columbus in connection with any business or social or other enterprise that does not constitute "Ordinary Fraternal Use," it must first obtain authorization from the Office of the Supreme Secretary. "Ordinary Fraternal Use" means use of the marks of the Knights of Columbus by a subordinate unit to: increase public recognition of the Order; promote charitable, fund raising, or civic activity; enhance the fraternal bond among members; or cultivate goodwill in the local community. If a proposed use does not constitute "Ordinary Fraternal Use," the procedure for obtaining authorization is as follows:

The Grand Knight submits a written request to his State Deputy, including all relevant details relating to the proposed use of the name and emblem;

The State Deputy reviews the written request and decides whether to endorse the proposed use. If the State Deputy endorses the proposed use, the State Deputy then forwards the Grand Knight's request to the Office of the Supreme Secretary, along with his own written statement of endorsement, via email to [nameandembleminquiries@kofc.org](mailto:nameandembleminquiries@kofc.org); and the Supreme Secretary then considers the request in consultation with the Name and Emblem Committee, which then notifies the State Deputy and the Grand Knight by email whether the proposed use has been authorized. *Rev. Dec 2013*

#### *Use Of Name and Emblem*

Section 162.11 prohibits members from using the name and emblem of the Knights of Columbus in connection with "any business, or social, or other enterprise, without permission of the Board of Directors." As a general policy, the Board of Directors does not permit and will not authorize any member or any subordinate council or assembly to enter into any contract, agreement, or informal arrangement, or to use one's membership in the Order, in connection with the promotion of any goods and services other than the financial products and services offered by the Knights of Columbus.

The purpose of this policy is to preclude the use of, among other things, the Order's name, emblems, events, meetings, membership lists, and facilities to promote goods and services other than the financial products and services offered by the Knights of Columbus. The Board wishes to minimize the risk that anyone would draw the mistaken conclusion that the Knights of Columbus (a) has endorsed the good or service being offered or (b) has guaranteed the integrity of that good or service. Obviously, the Board cannot make any such endorsement or guarantee about any good or service other than those offered by the Knights of Columbus. The Board also wishes to avoid any business association that might expose the Order to liability if a good or service does not meet a customer's expectations.

The Board's position with respect to such proposed contracts, agreements, informal arrangements, and membership is based on Section 162.11 of the Laws of the Order, which regulates the use of the name and emblems of the Order. On August 2, 2009, the Board reaffirmed this provision, adopting a broad rule of interpretation with respect to Section 162.11. Attached below is a link to a document setting forth Section 162.11 and the Board's definitive rule of interpretation, which shall be binding on all members of the Order and all subordinate units.  
SECTION 162.11 and August 2, 2009 Board Statement. *Rev October 2011*

#### *Use Of Name, Emblem, And Membership To Promote Independent Associations And Political Candidates*

Members of the Knights of Columbus occasionally form independent associations based on common interests. Such





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associations generally center on a shared hobby, recreational activity, or other business, civic, or social interest. In accordance with Section 162.11 of the Laws of the Order, it is the long-standing policy of the Knights of Columbus that use of the trademarked name and emblem of the Order by independent associations is strictly prohibited, unless expressly authorized in writing by the Supreme Board of Directors.

The rationale for this policy is simple: Such independent associations are not the Knights of Columbus. If such associations wish to seek authorization to use the trademarked name and/or emblem of the Order to publicly identify and promote the association and its connection to the Knights of Columbus, the association is required to submit its request in writing to the Supreme Secretary. The association's request should also include a copy of the association's by-laws, financial statement(s), annual report, and an indication of whether the request is endorsed by the State Deputy. Any authorization granted will be for a period of one year, unless otherwise specified.

In reviewing a request by an independent association to use the trademarked name and emblem of the Knights of Columbus, the Board will carefully consider whether the proposed use will create a substantial risk of misleading or confusing the public about the well-defined identity and mission of the Order. There are two principal aspects to the Order's identity and mission. First, as members of the world's largest Catholic men's fraternal organization, Knights, working through their councils, perform countless corporal and spiritual works of mercy and contribute substantial amounts of time, labor, and financial resources in service to the Church and their communities. Second, as a fraternal benefit society, the Knights of Columbus helps members and their families obtain economic security and stability through its highly-rated financial products and services, including life insurance, annuity, disability income insurance, and long-term care programs.

The Board will also carefully weigh other risks associated with particular hobbies, recreational activities, or other business, civic, or social interests pursued and promoted by independent associations. The Board strongly disfavors using the trademarked name and emblem of the Knights of Columbus to promote hobbies, recreational activities, or other business or social interests that pose a high risk of injury to life and limb. Such activities and interests are inconsistent with the core identity and mission of the Knights of Columbus as a leading provider of quality life insurance, annuity, disability income insurance, and long-term care programs.

A member may not use his membership in the Knights of Columbus, including the name and emblem, for political advantage or to imply that the Order supports a candidate for public office. Specifically, Section 162.23 of the Laws of the Order prohibits a member from "issuing or soliciting by virtue of his membership in the Knights of Columbus, aid, or assistance or support by or in behalf of . . . candidates for public office . . ." Consistent with this Law, the Board of Directors will not authorize any use of the name and emblem of the Order, or one's membership in the Order, to promote any political affiliation or candidate for public office. To the extent that a member wishes to express his public support for a candidate or political party, he may not identify himself as a member of the Knights of Columbus. Failure to observe this rule may expose the member to disciplinary action under Sections 162.11 and 162.23 of the Laws of the Order. *Rev. March 2012*

### *Prohibition Of Advertisements For Other Financial Products And Services*

Fraternal publications are prohibited from accepting advertisements that are directly or indirectly related to the sale of financial products and services other than those offered by the Knights of Columbus.

The Knights of Columbus, a fraternal benefit society, provides financial assistance to widows and orphans of members through highly-rated financial products and services. The Board of Directors has determined that publication of advertisements for other financial products and services in fraternal publications impedes this purpose. For this reason, fraternal publications of the Knights of Columbus should not accept advertisements for other financial products and services. *Rev January 2013\**



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## Guidelines for Charitable Fundraisers

In planning and conducting charitable fundraising events, councils should be guided by the following principles:

1. Councils may use the name “Knights of Columbus” in conjunction with the charity fundraiser, so long as the individual council is clearly identified within the name, i.e. “Knights of Columbus [Name of Council] Council No. \_\_\_\_.” The councils are not to use the name “Knights of Columbus” standing alone.
2. Fundraising activities should be used only to raise money for a worthy charitable organization, consistent with the mission of the Order and our first principle of Charity. The beneficiary organization should be identified in advertising for the event.
3. Proceeds from a charity fundraiser cannot be used to pay for ordinary council expenses or liabilities. The proceeds must be disbursed as follows.
  - a. Payment of the expenses associated with the event;
  - b. Gift to charitable organization.
4. Councils should obtain event insurance to cover all potential liabilities associated with the event.
5. If a council uses the services of a professional fundraiser, event organizer, or similar entity, such services should be obtained on a one-time basis. The council should not enter into a joint venture with any company or organization.

## Home Corporations Are Not Subordinate Units of the Knights of Columbus

Numerous local councils have formed home corporations (also known as home associations) to purchase and own real property. Home corporations are not subordinate units of the Knights of Columbus, are not tax-exempt under the Order's group ruling, and are separate legal entities formed under the applicable laws of the jurisdictions in which local councils are situated. Although home corporations are legally distinct, membership in home corporations is confined to council members in good standing.

Home corporations should support the mission and activities of the council. They should provide a meeting place for Catholics and for people interested in joining the Catholic Church. In addition, they provide facilities for councils and assemblies to host meetings, programs and conduct degrees. Home corporations should focus on supporting Catholic parish life.

As a general matter, a home corporation should:

1. Avoid using the name and emblem of the Knights of Columbus in its legal corporate name;
2. Maintain separate records and bank accounts;
3. Maintain sufficient property/casualty/liability insurance coverage;
4. Maintain any liquor license in its own name (councils are prohibited from holding liquor licenses); and
5. Remember that donations to home corporations are not tax-deductible.

The Knights of Columbus discourages councils from creating new home corporations and urges all new and existing councils to focus on greater involvement in their parishes.





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### **Tax Compliance for all Councils in the United States**

The Internal Revenue Service (IRS) requires the Supreme Council and each of its subordinate councils, assemblies, and chapters in the United States (referred to collectively as councils) to file an annual informational tax return (IRS Form 990, 999EZ or 990N). The Knights of Columbus as a fraternal benefit society holds tax exempt status under Section 501(c)(8) of the Internal Revenue Code. This means that revenues received by a council for fraternal, recreational, or charitable purposes are not subject to federal income tax. If forms are not completed annually, the council may be subject to penalties and have their tax-exempt status revoked.

In order to be recognized as tax exempt, each council must provide its Employer Identification Number (EIN) to the Home Office Legal Department of the K of C which will report the EIN to the IRS for inclusion in the Order's group exemption listing. Thus, a council must do three things to comply with the IRS filing requirement: 1) Obtain an EIN from the IRS; 2) Register its EIN with the Home Office Legal Department; and, 3) File an annual return with the IRS.