



**AMERICAN LEGION**  
***Joseph P. Kennedy, Jr. POST 11-11***

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*9959 Wadsworth Blvd. • Broomfield, CO 80020 • 303.466.1278*

**CONSTITUTION AND BY LAWS OF AMERICAN LEGION**

**JOSEPH P. KENNEDY JR., POST 11-11**

**DEPARTMENT OF COLORADO**

**Approved by a vote of the membership on February 13, 2007**

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**Red is Deletion**

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## **SECTION I - PREAMBLE**

### **I: Preamble**

For God and Country, we associate ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred per cent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

## **SECTION II - CONSTITUTION**

### **ARTICLE I - NAME**

#### **II-I-1: Name:**

The name of this organization shall be Joseph P. Kennedy Jr., Post **No.** 11-11, The American Legion, Department of Colorado. **The location of Joseph P. Kennedy, Jr. Post 11-11 is 9959 Wadsworth Boulevard, Broomfield, Colorado 80021. The legal council for the Post has requested this addition.**

### **ARTICLE II – OBJECTIVES**

#### **II-II-1: Objectives & Purpose:**

The objectives and purpose of this post shall be to promote the principles and policies as set forth in the foregoing preamble, and the National and Departmental Constitutions of the American Legion.

### **ARTICLE III – NATURE**

#### **II-III-1: Civilian Organization:**

This post is a civilian organization and membership therein does not affect or increase liability for military or police service.

#### **II-III-2 Non-Political:**

This organization shall be absolutely non-political and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

#### **II-III-3: Rank:**

Rank does not exist in the American Legion; no member shall be addressed by his military title in any meeting of this post.

### **ARTICLE IV – MEMBERSHIP**

#### **II-IV-1: Eligibility:**

Eligibility to membership in this post shall be as prescribed by the National Constitution of the American Legion.

#### **II-IV-2: Application**

Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee.

**II-IV-3: Application Approval or Rejection:**

All applications for membership shall be acted upon at the next post meeting following the making of such application and shall at such executive committee meeting be accepted, rejected or referred for further investigation and consideration. The Senior Vice-Commander will accept applications for membership and recommend approval or rejection of the applicant on the behalf of the Executive Committee. A rejected applicant may appeal to the Executive Committee for membership. A rejected application by either Senior Vice-Commander or the Executive Committee shall not again be considered until after the expiration of six months from date of such rejection. **This is not being done. We should either do it or remove this item from the Constitution.**

**II-IV-4: Expulsion:**

No person who has been expelled by a post shall be admitted to membership in this post, without the consent of the expelling post, except that where such consent has been asked for and denied by such post, he may then appeal to the State Executive Committee of the department of the expelling post for permission to apply for membership in this post, and shall be ineligible for membership until such permission is granted.

**ARTICLE V - OFFICERS****II-V-1: Administrative Affairs:**

The administrative affairs of this post of the American Legion shall, except as may be otherwise provided by the By Laws, be under the supervision of an Executive Committee which shall consist of all elected officers of the post, the immediate Past Commander, the District Executive Committeeman and One Member at Large. **If an elected officer's (s') or District Executive Committeeman positions are vacant, the position may be filled for the remaining term by an approved Post 11-11 member or until the vacant position is filled. Who is the District Executive who never attends a meeting? We should either expand the Executive Committee membership to include more Post members or replace the District Executive with a Post member at large. The Post needs active members on the Executive Committee to run the Post affairs.** All of the members of the Executive Committee will have only one vote each. The term of office of members of the Executive Committee shall be for one year. This post, by it's By Laws, may provide for such other standing committees as the business of the organization may require. The Post Executive Committee will oversee the administration of the financial policy, preparation of budget recommendations, and the supervision of, receiving, disbursing and accounting of all post funds.

**II-V-2: Officers of the Post:**

The officers of this post shall be: (1) Commander, (2) Senior Vice Commander, (3) Junior Vice Commander, (4) Adjutant, (5) Finance Officer, (6) Post Historian, (7) Post Chaplain, (8) Post Service Officer (9) Sergeant at Arms, and such other officers as may be deemed necessary by this organization, who will be nominated from the floor at the meeting preceding the annual election and at the meeting of the election. **What other**

**officers are needed at this organization. Should this be deleted or would it tie the hands of the organization.** An Election Committee shall have ballots printed with names of all nominated for each post office. Any additional names that are nominated at the meeting of elections shall be printed on each ballot prior to the voting by the membership.

**II-V-3: Officer Election:**

All officers and executive committeemen shall be elected annually and they shall hold office until their successors are installed or as otherwise provided. Any officer or executive committeeman may be removed for inefficiency by the Executive Committee, a two-thirds vote of said committee being necessary to effect such removal.

**II-V-4: Good Standing:**

Every member of this post in good standing shall be eligible to hold office in this post.

**II-V-5: Officer Duties:**

The duties of officers and the executive committeemen shall be those usually appertaining to such officers or committeemen and as further provided by the By Laws.

**II-V-6: Chairman of Executive Committee:**

The chairman of the Executive Committee will be elected by the members of the Executive Committee at their first meeting after assuming office.

**ARTICLE VI - FINANCE**

**II-VI-1: Post Revenue:**

The revenue of this post shall be derived from annual membership dues and from such other sources as may be approved by the Post Executive Committee.

**II-VI-2: Annual Dues:**

The amount of such annual dues shall be fixed and determined by the *Executive Committee*.

**II-VI-3: Per Capita Dues:**

This post shall pay to Departmental Headquarters the District, the National and Department annual per-capita dues for every member of the post.

**II-VI-4: Post Finances:**

The Finances of Post 11-11 shall be entrusted to the Executive Committee as elected by the Post 11-11 members, and accounted for by the Finance Officer as stated in the Post

11-11 By-Laws. No standing committee, committee member, Post 11-11 member or person shall be authorized to manage Post 11-11 funds or finances except as noted in the Post 11-11 By-Laws.

## **ARTICLE VII - CHARTER MEMBERS**

### **II-VII-1: Charter Members:**

Charter members for the permanent charter are 56, the number of signers of the Declaration of Independence.

## **ARTICLE VIII - AMERICAN LEGION AUXILIARY**

### **II-VIII-1: Auxiliary:**

This post recognizes an auxiliary organization to be known as the Auxiliary Unit of Joseph P. Kennedy Jr., Post No. 1 1-1 1, The American Legion.

### **II-VIII-2: Auxiliary Membership:**

Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

## **ARTICLE IX - SONS OF THE AMERICAN LEGION**

### **II-IX-1: Sons of the American Legion (SAL):**

This post recognizes a squadron of The Sons of the American Legion (SAL) known as The Sons of The American Legion Squadron of Joseph P. Kennedy Jr. Post No. 1 1-1 1.

### **II-IX-2: SAL Membership:**

Membership in the squadron shall be as prescribed by the National Constitution of Sons of The American Legion.

## **ARTICLE X - AMENDMENTS**

### **II-X-1: Conflict With The American Legion:**

This constitution is adopted subject to the provisions of the National Constitution of The American Legion and the Department Constitution of the Department of Colorado, The American Legion. Any amendment to said National Constitution or Department Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this constitution to the extent of such conflict.

**II-X-2: Constitution Amendments:**

This Constitution may be amended at any regular meeting by a vote of two-thirds of the members attending such regular meeting, providing that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said post, and providing further, that written notice shall have been given to all members at least 15 days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon.

**SECTION III - POST 11-11 BYLAWS**

**ARTICLE I - NAME**

**III-I-1 Name:**

The Post existing under these Bylaws is to be known as Joseph P. Kennedy Jr., Post No. 11-11, The American Legion, Department of Colorado.

**III-I-2 Objectives:**

The objectives of this post are as set forth in the Constitution.

**ARTICLE II - MANAGEMENT**

**III-II-1 Entrustment:**

The government and management of the Post are entrusted to an Executive Committee of 12 members to be known as the "Executive Committee."

**III-II-2 Executive Committee Members:**

The Executive Committee shall consist of up to 12 members including the Officers of the Post as stated in Section II, Article V of the Constitution. Officers of this post shall be elected annually with nominations at the regular **May** post meeting and elections held at the regular **June** post meeting. All elections of post officers and Executive Committeemen shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates. Installation will follow elections prior to assuming office. Assumption of office will take place at the **July** regular meeting following election. **Should this schedule be backed up one month to April, May and June? The Past Commander can still attend the Colorado Convention, and this gives the new officers one month to orient themselves before the fiscal year begins.**

**III-II-3 Executive Committee Vacancies:**

All vacancies existing in the Executive Committee, or in any office of the post from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the committee, and a person so appointed shall hold office for the unexpired term of the member of the Committee or Officer whom he succeeds. A

vacancy shall exist when a member or officer is absent from his post for a continuous period considered detrimental to the interest of the post by the Executive Committee. **What is detrimental to the interest of the post mean? We have had officers that never attend our meetings. Should there be a specific number of unexcused absences?**

## **ARTICLE III - POST EXECUTIVE COMMITTEE**

### **III-III-1 Meetings of the Executive Committee:**

The Post 11-11 Executive Committee shall meet for organization and such other business as may come before it at the call of the Executive Committee Chairman within 10 days after the installation of the new officers. Thereafter, the post Executive Committee shall meet at the call of the Executive Committee Chairman at least every month and as often as said Executive Committee Chairman may deem necessary. The Executive Committee Chairman shall call a meeting of the Post Executive Committee upon the joint written request of three or more members of said Post Executive Committee. Five members of the Committee shall constitute a quorum thereof. The Post Executive Committee shall meet each month prior to the general meeting at a time determined by the Committee unless otherwise designated. Any member of Post 11-11 may attend the Executive Committee meeting, but will not participate in the meeting except at the specific request of the Executive Committee Chairman. However, an Executive Committee meeting shall not be open to the membership in cases where personnel or disciplinary actions are being addressed.

### **III-III-2: Club Management:**

The management of the **Joseph P. Kennedy, Jr. American Legion Post 11-11 affairs and facility at 9959 Wadsworth Boulevard, Broomfield, Colorado 80021, Club** shall be under **a Business Committee the Executive Committee. The Executive Committee may delegate such authority as it deems necessary for the operation of the Post affairs and facilities to the Business Committee, Building Committee and Bingo Committee.**

## **ARTICLE IV - DUTIES OF OFFICERS**

### **III-IV-1: Duties of Post Commander:**

It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post, and such officer shall be the Chief Executive Officer of the Post. He shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy immediately forwarded to the department adjutant. He shall perform such other duties as directed by the Post.

### **III-IV-2: Duties of the Senior Vice Commander:**

The Senior Vice Commander shall assume and discharge the duties of the office of

Commander in the absence of, or when called upon by the Post Commander. The Senior Vice Commander is in charge of membership. He will, as is deemed necessary, appoint a membership committee to assist in a membership drive.

### **III-IV-3: Duties of the Junior Vice Commander:**

The Junior Vice Commander shall assume the duties of the office of Commander in the absence or disability of both the Commander and the Senior Vice Commander. Particularly, he should be interested in patriotic observances of all kinds, in developing post activities, and in the entertainment features which mark all meetings. He will be concerned with the pageantry so closely associated with the Legion. He will assist the Post in providing social functions.

### **III-IV-4: Duties of Post Adjutant:**

The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the department and national organizations may require, render reports of membership annually or when called upon at a meeting and, under the direction of the Commander, handle all correspondence of the Post **except as delegated. The Commander, Finance Officer Bingo, Building and Business Committee Chairman's also receive and send correspondence. The Adjutant will keep minutes of Post meetings and records of membership in a permanent book which is located at the Post 1-11 office at 9959 Wadsworth Boulevard. These records are not now readily available at the Post 11-11 office.**

### **III-IV-5: Duties of the Finance Officer:**

The Finance Officer of the Post shall **have charge monitor** of all finances of Post 11-11 and **see recommend** that they **are be** safely deposited in some local bank or banks and shall report once a month to the Executive Committee the condition of the finances of the Post, with such recommendations as he may deem expedient or necessary for raising funds with which to carry on the activities of the Post. **He shall furnish such surety bonds in such sums as shall be fixed by the Post Executive Committee. This has never been done. To whom and when should this be accomplished.** The Finance Officer **shall prepare and present to the regular membership by November 1 of each year, an annual budget, and** shall present to the membership at each monthly meeting, a monthly and year-to-date revenue and expenses statement. **Although the current Finance Officer has the budget prepared and made it available to the Executive Committee, this is a function that is typically not done at other American Legion Posts. The Finance Officer should have the information available and use it as a tool for analyzing Post finances, but not necessary to formerly present it to the Executive Committee.** The Finance Officer shall **distribute monitor** Post funds **to of** each of the operating committees (Business, Building, and Bingo Committees), and any other sub-committees that may have an operational budget such as the Commander's Fund, etc. The Finance Officer may request an audit of Post 11-11 finances every 3 months, but shall implement an audit a minimum of one time each year.

### **III-IV-6: Duties of the Post Service Officer:**

The Post Service Officer is responsible for the benefit of members of this Post and for

those war veterans particularly in need of his service. Assist veterans with various claims, make all veterans of the Post aware of the rights and benefits granted them by law. Assist veterans in need of employment. Make veterans needs known to the professionals who can help them. The Post Service Officer shall appoint ad hoc committees as needed for: (1) Veteran Affairs and Rehabilitation, (2) Graves and Registration and Memorial Services, (3) Economic Committee to assist veterans and visit veterans in hospitals.

**III-IV-7: Duties of Post Historian:**

The Post Historian shall be responsible for the individual records and incidents of the Post and Post members shall perform such other activities and or duties as may properly pertain to the office as may be determined by the Post or the Executive Committee.

**III-IV-8: Duties of the Post Chaplain:**

The Post Chaplain shall be responsible for the spiritual welfare of the Post comrades and will offer divine but non sectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the National or Department Headquarters from time to time.

**III-IV-9: Duties of the Sergeant at Arms:**

The Sergeant at Arms shall preserve order at all meetings and shall perform such other duties as may be from time to time assigned to him by the Post Executive Committee. He is the custodian of the Colors.

**ARTICLE V - DELEGATES**

**III-V-1 Delegates:**

Delegates and alternates to a Department Convention shall be elected by ballot by the Post at a regular meeting of the Post to be held at least 20 days prior to the date of such conventions.

**ARTICLE VI - APPOINTMENTS**

**III-VI-1 Standing Committees:**

The Post Commander, immediately upon taking office each year, shall appoint the following standing committees: (1) Americanism and Youth Committee, (2) Ceremonials Committee, (3) Business Committee, (4) Building Committee, (5) Legislative Committee (6) Sons of The American Legion Committee and (7) Bingo Committee. Such standing committees shall consist of such members and the chairman thereof as shall be designated by the Post Commander, or other committees as deemed necessary. The Executive Committee shall approve or disapprove the Post Commander's appointments.

**III-VI-2: Americanism and Youth Committee:**

Shall be charged with the inspiration or patriotism and good citizenship by arrangements for proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools, Americanization of Aliens; combating anti-American

propaganda by education of the general public in American ideals through public forums, etc., and activities for community and civic betterment. Shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community; laboring for the betterment of child conditions and in coordinating services and agencies in the community for the above purposes. to act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion's pledge that "NO CHILD OF A WAR VETERAN SHALL BE IN NEED OF THE NECESSITIES OF LIFE" and "a square deal for every child."

### **III-VI-3: Ceremonials Committee:**

The principal duty of the Ceremonials Committee is to insure that all new members are properly initiated; the committee must also concern itself with the proper presentation of other rituals outlined in the Manual of Ceremonies -- burial detail and the wearing of Legion regalia.

### **III-VI-4: Business Committee:**

Business Committee shall arrange and organize for the carrying on of the affairs, management, and business of the Post Club as provided for in the Post By-Laws. The Business Committee shall have charge of all matters pertaining to the operation of the club (includes the bar, kitchen and hall), promotion of club advantages and arrangement for Post 11-11 social activities. The Areas of responsibility shall include, but shall not be limited to the following: Hiring of a Bar Manager, salaries of all employees, vacation and sick leave policies, hours of operation, pricing of all merchandise sold, **work with the Finance Officer regarding** accounting and/or bookkeeping services, and recommend disciplinary action to the Executive Board of members and guests. The Business Committee shall be comprised of five members: three (3) shall be members of Post 11-11, one (1) member appointed by the Post 11-11 American Legion Auxiliary and one (1) member appointed by the Post 11-11 Sons of the American Legion (SAL) **and approved by the Executive Committee**. It is recognized that the Auxiliary and SAL are an integral part of Post 11-11 and have a vested interest in the business operations of Post 11-11. The Business Committee shall determine the voting rights of all committee members. The Business Committee Post 11-11 member terms shall be three years, and shall be staggered such that one member term expires each year. **Only a Legion member of the Committee shall be appointed Chairman, and Legion members of the Committee shall be authorized to expend Legion funds as approved by the Executive Committee. No member of the Committee shall serve two or more consecutive terms without having a one year hiatus between the terms. The Business Committee shall prepare and present to the regular membership by November 1 of each year, an annual budget, and shall present to the membership at each monthly meeting, a monthly and year-to-date revenue and expenses statement. A budget is not being prepared by the committees, and does not appear to be required considering the Finance Officer prepares an informal budget. However, a budget is a useful tool for each committee. .**

### **III-VI-5: Building Committee:**

The Building Committee shall have charge of all matters pertaining to the care of the Post

quarters. The Building Committee shall arrange and organize for the stewardship of the property owned by Post 11-11. This shall include the building improvements, site improvements and personal property. The Building Committee shall perform an inventory of all Post 11-11 property once every two years and shall keep accurate records regarding the addition of inventory items and the decommissioning of inventory items. The committee shall suggest repairs, renovations, and improvement to the property on a monthly basis at the monthly meeting of the regular membership. The committee can authorize emergency repairs without having a regular meeting, but all best effort must be made to contact other Building Committee members, Post Officers, Building Committee Chairperson and/or Bar Manager. The Building Committee shall be comprised of five members: three (3) shall be members of Post 11-11, one (1) member appointed by the Post 11-11 American Legion Auxiliary and one (1) member appointed by the Post 11-11 Sons of the American Legion (SAL) **and approved by the Executive Committee**. It is recognized that the Auxiliary and SAL are an integral part of Post 11-11 and have a vested interest in the Post 11-11 facilities. The Building Committee shall determine the voting rights of all committee members. The Building Committee Post 11-11 member terms shall be three years, and shall be staggered such that one member term expires each year. **Only a Legion member of the Committee shall be appointed Chairman, and Legion members of the Committee shall be authorized to expend Legion funds as approved by the Executive Committee. No member of the Committee shall serve two or more consecutive terms without having a one year hiatus between the terms. The Business Committee shall prepare and present to the regular membership by November 1 of each year, an annual budget, and shall present to the membership at each monthly meeting, a monthly and year-to-date revenue and expenses statement. A budget is not being prepared by the committees, and does not appear to be required considering the Finance Officer prepares an informal budget. However, a budget is a useful tool for each committee. .**

### **III-VI-6: Legislative Committee:**

The Legislative committee needs to have knowledge of what is going on in congress -- what we favor or oppose, and should be ready to initiate action in support of our position when requested by the National or Department organization.

### **III-VI-7: Sons of The American Legion Committee:**

This committee shall have supervision over the operations of the Post's squadron of Sons of The American Legion, and may consist of no more than 3 members.

### **III-VI-8: Bingo Committee:**

The Bingo Committee shall have charge of all matters pertaining to the operation of the bingo operations. The Bingo Committee shall be comprised of five members: three (3) shall be members of Post 11-11, one (1) member appointed by the Post 11-11 American Legion Auxiliary and one (1) member appointed by the Post 11-11 Sons of the American Legion (SAL) **and approved by the Executive Committee**. It is recognized that the Auxiliary and SAL are an integral part of Post 11-11 and have a vested interest in the bingo operations of Post 11-11. The Bingo Committee's responsibility shall include the

efficient operation of the gaming machines. The Bingo Committee shall prepare and present to the regular membership by November 1 of each year, an annual budget, and shall present to the Executive Committee at each monthly meeting, a monthly and year-to-date revenue and expenses statement. **Only a Legion member of the Committee shall be appointed Chairman, and Legion members of the Committee shall be authorized to expend Legion funds as approved by the Executive Committee. No member of the Committee shall serve two or more consecutive terms without having a one year hiatus between the terms. The Business Committee shall prepare and present to the regular membership by November 1 of each year, an annual budget, and shall present to the membership at each monthly meeting, a monthly and year-to-date revenue and expenses statement. A budget is not being prepared by the committees, and does not appear to be required considering the Finance Officer prepares an informal budget. However, a budget is a useful tool for each committee.**

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**A minimum of three** members of the Bingo Committee must be licensed by the State of Colorado **as Bingo/Raffle Managers**, and Post 11-11 shall assure that the members are trained and certified at the Post expense. The disbursement of bingo pay-outs shall be held STRICTLY CONFIDENTIAL by Bingo Committee, Bar Manager, and/or Bar employee/volunteer, and no Bingo Committee member, Bar Manager, and/or Bar employee/volunteers shall not purchase pull tabs while on duty.

## **ARTICLE VII - RESOLUTIONS**

### **III-VII- Resolutions:**

All resolutions of state and/or national scope presented to this Post by a member or reported to this Post by a committee shall merely embody the opinion of this Post on the subject and copy of same shall be forwarded to District 5 and Department Headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

## **ARTICLE VIII - MEETINGS**

### **III-VII-1 Regular Meetings:**

The regular meetings of the Post shall be held at the Post 11-11 meeting room on the second Tuesday of each month unless otherwise specified, at which time may be transacted such business as may properly be brought up for action; such meetings may be converted into entertainment meetings, as may be deemed advisable by the officers of the Post.

### **III-VII-2 Special Meetings:**

The Post Commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time.

### **III-VII-3 Special Meet Call:**

Upon written request of 15 members, the Commander shall call a special meeting of the

Post.

**III-VII-4 Quorum:**

Eight members shall constitute a quorum. Such a group must contain four officers.

**ARTICLE IX- NOTICES**

**III-IX-1 Membership Mailing:**

Every member shall furnish the Post Adjutant with his or her address for mailing purposes.

**III-IX-2 Notice of Annual Election:**

The Post Adjutant shall cause notice of the annual election to be given at least two weeks prior to the election. **The postings shall be in the May newsletter and on the bulletin boards located in the Post facility.**

**III-IX-3 Post Newsletter:**

Post newsletters are mandatory.

**ARTICLE X - LIFE MEMBERSHIP**

**III-X-1 Life Membership:**

At the discretion of the Executive Committee, a Post Commander who has fulfilled his term of office and duties of said office in accordance with the Constitution and Bylaws of this Post will be given a life membership in the American Legion as an expression of appreciation of their service.

**ARTICLE XI - RULES OF ORDER**

**III-XI- Rules of Order:**

All proceedings of this Post shall be conducted under the Constitution and Bylaws pursuant to Robert's Rules of Order, except as herein otherwise provided.

**ARTICLE XII - LIMITATION OF LIABILITIES**

**III-XII-1 Prohibition of Liabilities:**

This Post shall not incur, or cause to be incurred, no liability nor obligations whatever which shall subject to liability nor other Post, subdivision, group of men, members of the American Legion, or other individuals, corporations or organizations.

**ARTICLE XIII - AMENDMENTS**

**III-XIII-1 Amendment of By-Laws:**

These Bylaws may be amended at any regular Post meeting by a vote of two-thirds of the members attending such regular meeting; provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post; and provided, further, that written notice shall have been given to all members at least 15 days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Bylaws is to be voted upon.

## SECTION IV – HOUSE POLICIES

### **ARTICLE I – Suspension and Expulsion of Members:**

The Executive Committee shall have the authority to suspend or expel any members of the American Legion, Sons of the American Legion, Jr. or Auxiliary who have been reported for conduct in the club that was in violation of the post Constitution and By-laws, house rules or conduct that disturbed the peace and well being of the members in the club. Suspension or expulsion shall be from club privileges only. The Business Committee will give written notice to any member who has been reported to them for any infraction and they will listen to all evidence concerning the incident and will determine an appropriate action based on the following guide lines:

#### **A. MINOR INFRACTIONS**

1. **FIRST OFFENSE:** verbal or written reprimand with no suspension.
2. **SECOND OFFENSE:** written reprimand with suspension up to 30 days.
3. **THIRD OFFENSE:** automatic minimum 30 day suspension
4. Minor infractions shall include, but are not limited to:
  - a. Bad Language
  - b. Intoxication
  - c. Verbal abuse of other members or employees
  - d. NSF checks that have been unredeemed for a period of 10 days and whose value does not exceed \$100.00.

#### **B. MAJOR INFRACTIONS**

1. **FIRST OFFENSE:** Automatic minimum 30-day suspension.
2. **SECOND OFFENSE:** automatic minimum 90 day suspension.
3. **THIRD OFFENSE:** within a two year period, automatic expulsion or other punishment determined at the discretion of the membership.
4. **Major infractions shall include, but not limited to**
  - a. NSF checks over \$100.00
  - b. Physical abuse of other members or employees
  - c. Destruction, theft or abuse of Post property, or
  - d. Flagrant violation of the house rules.
  - e. Lewd or indecent acts (this was moved from minor infractions)

Members who have been accused of any infractions shall have the right to appear before the Executive Committee and present their case. Any vote taken for suspension or expulsion by the Executive Committee shall be by two-thirds vote of the members present in the quorum. Any expulsion may be reported for possible action against that member in accordance with the rules and regulations for expelling a member from the American Legion.