

**STANDING RULES  
CARROLL POST 31  
THE AMERICAN LEGION  
DEPARTMENT OF MARYLAND**

**Standing Rule 1 - Use of Standing Rule Authority**

While the major advantage to an organization in using Standing Rules is the flexibility to add, amend, or delete Rules without prior notice, and by a majority vote at the same meeting in which a motion on a Standing Rule is made, Carroll Post 31 may give advance notice of a motion on a Rule, and the Commander at the Executive Committee Meeting will be receptive to a request to table a motion on a Standing Rule in order to give the members additional time to consider and discuss such a motion.

**Standing Rule 2 - Eligibility**

**Section 1.** A member in good standing is one with a paid up American Legion membership card for the current membership year. A member is considered delinquent if dues are not paid by January 1st for the new membership year. All membership benefits will be suspended effective February 1st if the dues are not brought current. The delinquent member will be dropped from the rolls if his/her dues are not paid by June 30th for the new membership year.

**Section 2.** Any member of this Post shall be expelled or suspended from membership by a two-thirds vote of the Post. The methods for this action shall be prescribed in the Post By-laws.

**Standing Rule 3 - Post Officers**

**Section 1.** The Post Officers except for the four (4) Executive Committee members whose terms have not expired as well as the Historian, Service Officer and the Chaplain who are appointed by the Post Commander shall be elected at the June regular Post meeting.

**Section 2.** Installation of officers will be conducted immediately following the results of the election and in any event, prior to the adjournment of the annual department convention.

**Section 3.** In accordance with the Post Constitution, Article IV, Section 1, this Post shall appoint the following officers: Post Historian, Service Officer and Chaplain. Appointed Officers do not have a vote on the Post Executive Committee, but may have voice on matters, and can exercise their right to vote on matters at all Post meetings.

**Section 4.** Vacancies for any reason other than death or disability shall be filled in the same manner as prescribed in Article II of the Post Bylaws.

**Standing Rule 4 - Post Executive Committee**

**Section 1.** In accordance with the Post Constitution, Article V, Section 2, the Post Executive Committee shall consist of: Commander, 1st Vice Commander, Second Vice Commander, Judge Advocate, Adjutant, Finance Officer, Sergeant-at-Arms, and the (6) Members elected at large. Members

**Section 2.** The Post shall elect (6) Executive Committee Members. The term of office will be (3) years staggered so two new members are elected each year.

**Section 3.** The Post Commander, Executive Committee and Post Officers may hold discussions and votes in between scheduled meetings via email, phone or text. Votes accomplished between meetings will be added to the next post Executive Committee meeting agenda for incorporation into minutes by the Post Adjutant.

**Section 4.** In cases of emergency (weather, natural disaster, epidemic, or pandemic) the Post Commander, Executive Committee and Post Officers can hold emergency and regular meetings of the Executive Committee

at places other than the Post established meeting location. These meetings can also be held using other means of communication such as teleconference and videoconference if all persons participating in the meeting can hear each other at the same time. Participation in a meeting by these means constitutes presence in person at the meeting. Members of the Executive Committee that miss three (3) consecutive meetings in a row can be removed by a two-thirds (2/3) vote of the Post Executive Committee. The Post Adjutant will send a letter to the member after missing two (2) consecutive meetings.

**Section 5.** The Executive Committee will be responsible for the hiring and discharging of all employees.

### **Section 6. Carroll Post 31 Executive Committee Elected Members (PECMs)**

**(a). Eligibility.** Any Member, other than the officers who are members of the PEC ex officio, may serve as a Carroll Post 31 PECM.

**(b). Election to the Post Executive Committee.** Elections to fill a PECM office shall be at the same time (i.e., at the same meeting), and in the same manner, as the election of Officers.

**(c). Vacancy in a PECM Office.** A vacancy in an office of the PECM shall be treated as a vacancy in an elected office.

**Section 7.** The Post Executive Committee is the administrative authority and manages Carroll Post 31 in accordance with the Constitution and By-Laws of The American Legion, of the Department of Maryland, and of Post 31, but they manage the Post on behalf of the Carroll Post 31 Membership. The Post Executive Committee has the responsibility, and commensurate authority, on matters such as, but not limited to, the Post's compliance with the rules and regulations of The American Legion and the Department of Maryland; compliance with external laws and regulations (e.g., environmental and safety laws and regulations, alcohol license regulations and gaming permits, etc.); supervising the financial management and ensuring the audit of the Post's affairs; the daily operations of the Post, to include employment and compensation decisions, and the obtaining of insurances as appropriate.

### **Standing Rule 5 – Post Operations Committee**

**Section 1.** The Operations Committee shall consist of the Post Commander, serving as the Chair, and two (4) members of the Post Executive Committee selected by the Post Executive Committee at the Executive Committee meeting in June of each year by the process below ascribed.

**Section 2.** Every year at the June Executive Committee meeting two (2) new members shall be elected to fill the vacancy on the Operations Committee created by the expiration of the current term of two (2) members. Such members will be qualified members of the general post membership (don't need to be serving on the executive committee) and will serve for a 2-yr term.

**Section 3.** Any member of the Operations Committee can be removed from the committee by a two-thirds (2/3) vote of the Post Executive Committee. Vacancies occurring in the Operations Committee shall be filled by the Post Executive Committee and the term of office shall be the same as the member vacating the office. All power and operations of the Operations Committee shall be suspended, and the powers vested in them shall reside with the Executive Committee until such time as a three-member Committee is restored.

**Section 4.** All actions and decisions of the Operations Committee can be reversed by majority vote of the Post Executive Committee or a two-thirds (2/3) vote of the quorum at a regular Post meeting.

**Section 5.** The Operations Committee shall have the function of operating the lounge and social hall at Carroll Post #31. They shall have the power to make day-to-day operating decisions of the lounge in accordance with the provisions contained herein. They shall not have power to take any action or shall not incur, or cause to be

incurred, any liabilities or obligations whatever which shall subject to liability, any Post, subdivision group of members of the American Legion or other individuals, corporations or organizations.

**Section 6.** All decisions of the Operations Committee must be a unanimous decision of **all five (5) members**. If a unanimous decision cannot be reached the issue shall be referred to the Post Executive Committee, postponed, or withdrawn.

**Section 7.** The Operations Committee has no power to obligate funds of the Post except as permitted in Section 8 and 9 of this Article. The Committee may make donations of goods and services to other affiliated organizations, programs, or non-profit organizations. An example would be donation of the hall rental fee or soda to the American Legion Auxiliary for a benefit dance, or other good or service provided by Post.

**Section 8.** The Operations Committee shall also have power to approve donations to individuals or groups up to two hundred fifty dollars (\$250.00) per month, provided no single individual receives a donation larger than one hundred dollars (\$100.00). These donations must be reported at the next Post Executive Committee meeting.

**Section 9.** The Operations Committee shall further have power to approve one-time donations to Veterans with certified emergency needs up to one thousand dollars (\$1000.00). These donations must be reported at the next Post Executive Committee meeting. Emergency is herein defined as a situation that endangers a Veteran's ability to provide for basic needs of food and shelter.

**Section 10.** Reports of all Operations Committee decisions, except for day-to-day operational decisions, shall be presented to the Executive Committee and Post membership at the subsequent meeting of each body in writing.

**Section 11.** Failure to provide the report of decisions to the Post Executive Committee for two consecutive months shall cause all power and operations of the Operations Committee to be suspended immediately and the powers vested in them shall then reside with the Post Executive Committee until such time as the reports are delivered to the Post Executive Committee.

**Section 12.** The Operations Committee shall meet at the discretion of the Post Commander, and at minimum of twice (2x) monthly. A special meeting of the Operations Committee shall be conferred upon the request of the Executive Committee and/or by the request of at least two (2) Operations Committee members.

#### **Standing Rule 6 – Finance Officer – Duties and Responsibilities**

**Section 1.** The Finance Officer will serve as the custodian of the post funds. The duties and responsibilities include the following:

##### **Investments / Policy Statement**

- Review the Post investment policy statement and ensure all funds are being maintained in accordance with the investment policy statement.
- Review the investment policy statement at a minimum yearly and recommend any changes to the policy to the executive committee and subsequently the membership.
- The investment policy statement will be voted on and approved yearly at the September regular membership meeting.
- Interview and recommend an investment adviser to the executive committee to custodial and manage the appropriate portion of Post 31 assets.

- Review the management of the funds managed by any third-party investment manager to ensure the assets are managed within the approved investment policy.

### **Post 31 Financial Accounts**

- Reconcile monthly all post accounts to ensure accuracy
- Provide a report to the executive committee monthly the condition of post assets and cash flow.

### **Post 31 Reporting**

- Prepare financial reports indicating the condition of finances of the post to be distributed to the executive committee and post membership during regular post meetings.
- Ensure that the federal and state tax returns are completed and file necessary forms to maintain the non-profit status.

### **Risk Management**

- Yearly review and recommend any changes for all insurance policies maintained by the post to ensure the post maintains adequate insurance policies to protect post assets.

### **Physical Security of Post Financial Assets**

The finance officer will ensure there is adequate security of the cash maintained in the post and develop a policy for cash management and security. This will include the following:

- A properly working safe
- Periodically changing the combination to the safe
- Maintaining a list of individuals authorized to have the combination to the safe,
- Overseeing the disbursement, use and return of cash to members chairing various fundraising activities
- Reporting any concerns immediately to the commander of the post.
- The Finance Officer will maintain all log on account credentials for all financial accounts and share those credentials with the Commander, 1<sup>st</sup> Vice Commander, Adjutant and the Post Manager.

### **Cash Ledger Journal**

- All transfers of cash will be maintained in the cash ledger journal
- Any officer/member who has collected cash will count the cash and seal it in an envelope and sign the back of that envelope. That cash will then be entered into the cash journal. The person taking receipt of that cash will prior to making deposit open and count the cash sign in the book agreeing with the original count and make the deposit. In the event there is a cash discrepancy a post the finance officer will be contacted. For an example:

*Legion Member John Jones is chairing a feed. At the end of the feed he has \$2,500 in cash. He puts the \$2,500 in a sealed envelope signing the back of the envelope. John then enters that amount in the cash ledger journal and drops the funds into the safe. The next morning the manager (Sally Smith) is making a trip to the bank to make deposits. The manager opens the envelope and counts the money agreeing with John's count. The manager signs off on the ledger and makes the deposit.*

- The Finance officer will review and sign off on the journal after verifying the deposit was made in the bank. The entry will look like below:

Date	Cash Entered	From	By	Cash Verified By	Cash Deposited	Date	Finance Officer
<i>Jan 15<sup>th</sup></i>	<i>\$2,500</i>	<i>Scholarship Feed</i>	<i>John Smith</i>	<i>Sally Smith</i>	<i>\$2,500</i>	<i>Jan 16<sup>th</sup></i>	<i>JEM</i>

### **Post Disbursements**

- The finance officer shall sign or review the signing of all check disbursed by the post to ensure all expenditures of funds were authorized to be disbursed.

### **Authorized Disbursement**

- There will obviously be a need between meeting for various disbursement of money for maintenance/operational items. The following table is the amounts permitted to be authorized for these urgent issues. The authorized amounts are per incident in a month.

Position	Authorization for Repair (Per Incident)	Authorization for Purchase (Per Incident)
Post Officer	\$1000.00	\$250.00
Executive Member	\$1000.00	\$250.00
Post Manager	\$1000.00	\$250.00

### **Standing Rule 7 – Finance (Budget & Procurement)**

**Section 1.** The amount of such annual Post dues shall be fixed and determined by the Executive Committee subject to the approval of the Post membership. The annual dues of this Post shall be maintained at a minimum of **five dollars (\$5.00)** above the amount paid to National and Department of Maryland.

**Section 2.** The Post Finance Officer shall have the authority to pay the normal daily operating expenses of the Post and businesses out of the Post general fund including payment of items that are approved in the post annual operating budget.

**Section 3.** All contemplated expenditures beyond the normal daily operational expenses, other than those approved in the annual budget, of this Post must be approved by a majority vote of members present at a regular or special meeting of the Post. All expenditures exceeding one thousand dollars (\$1,000.00) not entailing normal daily operational expenses shall be referred to the Post Executive Committee for recommendation before consideration at a regular or special Post meeting for a vote by the membership

**Section 4.** The Post Executive Committee shall have the power to make emergency expenditures of up to five thousand (\$5,000.00) dollars by a unanimous vote of a quorum of the Post Executive Committee. Emergency is herein defined as a need that endangers the safe continued operation of the Post Lounge or Social Hall.

**Section 5.** The Post Finance and Budget Committee will present a proposed budget of expected expenses at the first meeting of the new legion year. A majority vote of members present is required for approval after which the finance officer may pay out funds as per Article VI, Section 2 of the Standing Rules.

**Section 6.** Two (2) signatures are required on all financial check disbursements, except:

- a. The post operational account only requires one (1) signature when expenses are less than \$1000.00; \$1000.00 or more requires two (2) signatures, and

b. Recurring bills (electricity, water, phone and internet) substantiated by a hard copy bill, regardless of amount, only requires one (1) signature.

c. The only authorized signers are: Commander, Adjutant and Finance Officer

**Section 7. Procurement.** Procurement is the purchase of supplies or services, either with or without a formal written contract; it is not the hiring of employees.

**Section 8. Procurement Scenarios and Spending limits for non-budgeted items.** There are four scenarios of procurement.

**(a). Small Purchases.** These are purchases below \$2,500.00. The Post Executive Committee may approve these purchases as approved by Post membership. These purchases will be reported to the Membership at the next Regular Membership Meeting.

**(b). Purchases in Emergency Circumstances.** Purchases in excess of the budgeted emergency circumstance line item, up to an additional \$5,000.00, may be approved by a unanimous vote of Post Executive Committee, without additional approval of the Post Membership, if the Post Executive Committee determines that exigent circumstances warrant that purchases commence, or contracts be entered without delay. Exigent circumstances include things such as, but not limited to, the emergency repair of electrical, plumbing, heating and cooling, and security systems. These purchases shall be reported to the Membership at the next Regular Membership Meeting.

**(c). Purchases Effecting Health, Safety, and Compliance.** Non-Budgeted purchases, up to an additional \$5,000.00, that are needed to ensure health, safety, or compliance with law or regulation, may be approved by the Post Executive Committee additional approval of the Post Membership. These purchases shall be reported to the Membership at the next Regular Membership Meeting.

**(d). Major Purchases.** These are non-budgeted purchases that do not qualify under (a), (b) or (c) above. Major purchases are subject to approval by a majority vote of the Membership at a Regular or Special Membership Meeting. While it may be advisable to give notice and have discussion at least one Membership Meeting before a vote on a major purchase, there is no requirement to do so, i.e., the major purchase can be introduced and voted on at the same Membership Meeting.

**Section 9. Non-budgeted Expenditures without Executive Committee Recommendation.**

Non-budgeted Expenses, exceeding \$1,000.00, proposed at Post Membership Meeting without Post Executive Committee recommendation, shall automatically be referred to the Post Executive Committee for consideration and recommendation. No such expense may be voted upon by the Post Membership meeting until the next Regular Membership Meeting following the initial motion. This rule may be suspended with a unanimous vote at any Post Membership meeting.

**Section 10. Contracting with Members of Carroll Post 31 or Their Relations.** Contracts with, or compensation for services or supplies from, Members of Carroll Post 31 or their relations, are subject to the same restrictions and considerations on employment in Standing Rule 9. This does not preclude using volunteer labor of members or their relatives.

**Section 11. Criteria for Purchases.** Purchases, in any amount, can only be made if it is determined that the prices to be paid are fair and reasonable; that the market survey and competition considerations were appropriate for the type and value of the purchase; and that the purchase is free from real or apparent conflicts of interests. Factors other than lowest price may be considered in purchasing a supply or service, and in selecting the contractor (i.e., a value/cost trade off).

## **Standing Rule 8 – Other Post Expenditures**

**Section 1. Expenditures for Routine Post Operations.** Budgeted expenditures necessary for the operations of the Post, such as utilities for the Post headquarters, require additional approval by the Membership, and the Post Executive Committee shall ensure such payments are proper and are made as a part of its management of the Post. These payments shall be reflected in the course of financial reporting at Regular Membership Meetings. Any project or purchase exceeding \$3000.00 requires 3 bids. The QuickBooks software program with four (4) licensed users has been authorized for purchase. The cost of the program is \$77.00 a month.

**Section 2. Expenditures for Carroll Post 31 Initiatives.** Subject to the approval of the Membership, Carroll Post 31, like all posts of The American Legion, may sponsor on-going activities, such as but not limited to, sports teams and scouting organizations. The Post may budget such expenses. However, The Post may also support occasional activities, e.g., of a social, patriotic, or fund-raising nature. In the cases of non-budgeted expenditures, the approval of the Membership is required to engage in, or support, such activities, and the Members' approval is the authority to incur and pay the reasonable and necessary expenses associated therewith. These expenses will be reflected in the course of financial reporting at Regular Membership Meetings.

**Section 3. Post Donations.** The Post's charitable donations, not contained in the Post budget, are subject to the approval of the Post Executive Committee for up to \$500.00.

## **Standing Rule 9 – Post Employees**

**Section 1. Employees of Carroll Post 31.** An employee of the Post is an employee within the meaning of the guidelines of the State of Maryland Department of Labor, Licensing, and Regulation. In short, a Post employee is a person for whom the Post submits income tax reports – other than a Standard Form 1099.

**Section 2. Employment Authority.** The Post Executive Committee has hiring and discharge authority over employees. This includes setting the qualifications for, and the terms and conditions of, employment. Employment with Carroll Post 31 is a personal services contract, and the Post Executive Committee has supervisory and disciplinary authority over Post employees. The Post Manager has been delegated the authority to hire for any position within the approved hourly wage.

### **Section 3. Employment Considerations**

**(a). Employment of Carroll Post 31 Members or Relations.** Subject to the considerations and restrictions set forth in this Standing Rule, Members of the Post and their relations may be a full or part-time employee of the Post.

**(b). Conflicts of Interest.** All employment decisions shall consider the need to avoid real or apparent conflicts of interests, and to ensure fairness and consistency in the exercise of hiring and compensation authority.

**(c). Employment of Post Officers and PEMs.** Post officers and PEMs shall not be employees of the Post. Any officer who becomes an employee shall surrender his or her office.

**(d). Recusal from Employment Decisions.** If a person that cohabitates with, is a relation of, or significant other of a Post Officer or PEM and is an employee of the Post, the Officer or PEM shall recuse himself or herself from all decisions affecting such person's employment.

**Section 4. Discharge of Post Employees.** While Maryland is an "employment-at-will" state, the Post Executive Committee will ensure that employees are afforded pre or post discharge access to the Post Executive Committee concerning their proposed or effected discharge.

### **Standing Rule 10 – Honorary Life Member Committee**

**Section 1. The Honorary Life Membership Committee** shall be established and composed of all honorary life members of the Post. The Chairman shall be elected by the Life Membership Committee and shall serve for a term of one year or for a lesser period as determined by the Life Membership Committee. This committee shall act as the nominating committee for selecting honorary life members of the Post.

**Section 2.** The Committee shall make recommendations to the Post Executive Committee for individuals deserving Post designated Honorary Life Membership. The Post Executive Committee shall have the power to amend such recommendation, and the final recommendation must be approved by the Post membership. The Post shall pay any PUFL fees for the approved members, and forward letter naming the individuals to Department Headquarters.

**Section 3.** Five (5) members of the Committee shall constitute a quorum

### **Standing Rule 11 – Post Auxiliary, SAL, and Legion Riders**

**Section 1.** The President of the American Legion Auxiliary Unit, or their designated representative, shall be allowed to attend the Post meetings and make a report on their activities. The Auxiliary representative shall have no vote at any Post meeting.

**Section 2.** The Commander of the S.A.L. Squadron, or their designated representative, shall be allowed to attend Post meetings and make a report on S.A.L. activities. The S.A.L. representative shall have no vote at any Post meeting if they are not a Post member.

**Section 3.** The National Constitution of the Sons of The American Legion shall prescribe membership in Squadron #31.

**Section 4.** This Post recognizes a program to be known as Chapter #31, The American Legion Riders.

**Section 5.** The National Constitution of The American Legion Riders shall prescribe membership in Chapter #31.

**Section 6.** If the Director of the ALR Chapter is not a Legion member, the Director, or their designated representative, shall be allowed to attend Post meetings and make a report on ALR. activities. The ALR representative shall have no vote at any Post meeting if they are not a Post member.

### **Standing Rule 12 – Appointments and Post Committees**

**Section 1.** The newly elected Post Commander shall appoint the Office of Post Chaplain. Any vacancy occurring in this Office for any reason will be filled by an appointment by the Post Commander.

**Section 2.** The Post Commander shall appoint the following standing committees; Internal Affairs, Finance and Budget, Americanism, National Security and Legislative, Veteran Affairs and Rehabilitation, and House and Entertainment. The Executive Committee shall appoint members to serve on these committees. All committee chairpersons shall be made and announced by the September Post meeting.

**Section 3. The Internal Affairs Committee** shall consist of responsibilities to include the Constitution and By-laws, Membership Recruitment and Retention, Sons of The American Legion and Legion Riders affairs.

**Section 4. The Finance and Budget Committee** shall be responsible with creating an annual budget of the Post pursuant to Article VI, Section 9 of the Post Constitution. be charged with the auditing of all Post accounts

and funds at the direction of the Executive Committee. The chairman of the auditing committee shall be appointed yearly by the Executive Committee.

**Section 5. The Americanism Committee** shall consist of the Boys State, Children and Youth, Oratorical, Scholarship, ROTC, Halloween Parade, and Memorial Day Parade programs. The Americanism Committee shall be responsible for all programs and services that promote Americanism and Children and Youth support. They shall administer and supervise the Post scholarship program. The Americanism Committee shall be charged with aiding and providing service to children in the community; cooperating with other established agencies; laboring for the betterment of child conditions and coordinating services and agencies in the community for the above purposes. This Committee will act as an intermediary for any needy child of a veteran in obtaining the fulfillment of the Legion's pledge.

**Section 6. The National Security and Legislative Committee** shall consist of the Legislative, National Security and Blood Donor responsibilities for the Post. They shall be charged with providing information and recommendations on legislative affairs, those issues regarding National Security, as well as local and state affairs as well as creating and administering Post Blood Drives.

**Section 7. The Veteran Affairs and Rehabilitation Committee** shall consist of the Graves and Registration, Visiting and VAVS, Honor Guard, Four Chaplains and Color Guard programs and services. The Graves Registration program shall be charged with the registration and decoration of veterans' graves on Memorial Day and other appropriate occasions.

**Section 8. The House and Entertainment Committee** shall consist of the Feeds, House Improvement and Maintenance, and Hall and Lounge Entertainment responsibilities. The House and Entertainment Committee shall have charge of all matters pertaining to the care of the Post quarters and grounds and arrangements for social activities. At the discretion of the Post Commander, the Post Executive Committee may also serve as the House and Entertainment Committee.

**Section 9. A Membership Committee** shall be under the chairpersonship of the 1<sup>st</sup> Vice Commander, with one or more members appointed by the Post Commander. This committee is charged with securing membership to meet or surpass the quota set by The American Legion, Department of Maryland. To support this effort, the 1<sup>st</sup> Vice Commander will schedule and coordinate events that support recruitment such as revitalizations and participation in local events.

**Section 10. A Public Relations Committee** shall be under the chairpersonship of the 1<sup>st</sup> Vice Commander and be charged with dissemination of news of Post activities to the local community through local media sources. All publications and materials will be given to the Post Historian.

**Section 11. An Achievement Awards Committee** shall be under the chairpersonship of the 1<sup>st</sup> Vice Commander, with two Post members (other than elected officers) to be appointed by the Post Commander. This committee shall convene at the discretion of the chairperson, and will be governed by the following:

**Section 11.1.** To recognize and present awards for outstanding feats, praiseworthy efforts and achievements.

**Section 11.2.** Awards may be presented to any Post member, as well as the members of associated Post units and individuals with civic and community programs as prescribed in the Americanism Manual of The American Legion.

**Section 11.3.** Presentation of awards in writing: Requests will be complete with all facts and pertinent data to substantiate the recommendation. The committee will be guided in all its actions with the thought of promoting The American Legion within the organization and associated Post units, as well as the community. This committee will state its findings and recommendations as an endorsement on the original request and forward

the same to the Executive Committee for final action.

**Section 11.4.** This committee, with the approval of the Executive Committee, will devise and design the type of award(s) to be presented.

### **Standing Rule 13 – Discipline of Post Members**

**Section 1.** Members may be suspended or expelled from The American Legion, and/or Carroll Post #31 only upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of the American Legion. All charges must be made under oath, in writing, by the accuser or accusers, and no member in good standing shall lose his/her membership until given a fair trial by the members of the Post Executive Committee, excluding those on the Committee involved and/or witnessing the alleged violation(s).

**Section 2.** The charges shall be filed with the Post Commander or Adjutant, and a copy of the charges shall be served upon the accused either by an officer of the Post who shall certify delivery of said charges into the presence of the accused, or by registered mail directed to the address of the accused shown on the current year's membership records of the Post. The copy of the charges so served shall contain a notice to the accused of the date, time, and place of the hearing of such charges, such date not to be sooner than 15 days after service has been obtained. A copy of all papers served upon the accused, and the certification of the officer who made the service, or the return receipt, signed by the accused, reflecting the registered mail service, shall be preserved in the Post records for reference in the event of appeal. The accused shall be entitled to obtain representation at the hearing and to cross-examine all witnesses against him/her. Reasonable postponement should be accorded to permit the hearing to be held at such time as will best insure the production of all real evidence bearing on the charges provided, however, that the accused may insist upon a hearing within 30 days of the service of charges upon him/her.

**Section 3.** The Post judge advocate shall preside at the trial, and shall have the power and authority to pass upon the materiality and relevancy of all the evidence presented, and shall have general power to prescribe the necessary and reasonable rules and regulations for the orderly procedure of said trial.

**Section 4.** In case of death, removal, vacancy, resignation or disability of the Post judge advocate, it shall be the duty of the Department commander, when duly notified by the Post adjutant, to appoint a special judge advocate in the Department to fill the vacancy. Such special judge advocate so appointed shall have the authority, right and powers of a duly elected Post judge advocate. The Post shall bear the expenses of any special judge advocate.

**Section 5.** The members of the Post Executive Committee, excluding those on the Committee involved and/or witnessing the alleged violation(s) shall constitute the hearing committee. The Hearing Committee shall present their findings and recommendations to the Post.

**Section 6. Punishment** - By two-thirds (2/3) majority of those present and voting at the Post meeting, upon a finding of guilty a member may be reprimanded or suspended for a time not to exceed one year or expelled from The American Legion. Notice of suspension or expulsion of any member shall immediately be sent to the Department Adjutant. The decision of the Post shall be final unless changed by the Department Executive Committee.

**Section 7. Appeal** - Any member who has been so disciplined has the right to appeal to the Department Executive Committee, whose decision on appeal shall be final. Said appeal must be in writing and filed with the Department within thirty (30) days after the action appealed from is taken, provided however, if the punishment is suspension or expulsion from the American Legion, the accused may also appear personally before an Appeals Committee named by the Department Executive Committee; which Committee shall report its findings and recommendations to the Department Executive Committee.

**Section 8.** When an appeal is taken, the Post shall be notified by Department and given at least twenty days within to answer said appeal. When request is made to appear before the Appeals Committee, the Post shall be given at least twenty days' notice and afforded an opportunity to appear.

**Section 9.** In order to maintain order and decorum within the Post facilities, nothing contained herein shall prohibit the Post Executive Committee, with or without hearing, from suspending a member for the use of the Post facilities for a period not to exceed ninety (90) days, provided however, that the member shall have right to a hearing before the Post Executive Committee or the Post Membership if the member requests same in writing within ten (10) days after being advised of said suspension and said hearing shall be held within ten (10) days after the Post is so notified.

**Section 10.** A Post Officer, after being given 30 days' notice of the intended action, may be removed from office for neglect of duty, or conduct unbecoming the office the member holds, by action of two-thirds of the membership of the Post present and voting at a regular meeting and no formal charges shall be necessary to initiate such removal. Provided, however, that such Post Officer shall be entitled to know the reasons for such action and upon his/her request to be heard at a regular meeting in his/her own defense either before or after the action shall have been taken; and if this defense is first heard after the action has been taken, the membership of the Post shall reconsider his/her removal from office.

**Section 11.** Members of the Sons of the American Legion may be suspended or expelled under the same procedures provided for the suspension or expulsion of a member of The American Legion as per Article IV, Section 3 of the National By-laws of the Sons of the American Legion.

**Standing Rule 14 – Discipline of Affiliated Organization Members or Guests**

**Section 1.** In order to maintain order and decorum within the Post facilities, the Post Executive Committee, shall have the power with or without hearing to suspend a member of an affiliated organization or guest from the use of the Post facilities for any period.

**Section 2.** The Post Executive Committee shall notify the person of the opportunity to present a written or oral statement for consideration by the Post Executive Committee.