

The American Legion
Pendleton Post #117

Constitution and By-Laws

As Amended & Revised
(XXXXXXXX)

Constitution of The American Legion
Pendleton Post 117

PREAMBLE TO THE CONSTITUTION

"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-percent Americanism; to preserve the memories and incidents of our associations in all 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."

Article I - Name of Post

Section 1. Post existing under these By-Laws is to be known as PENDLETON AMERICAN LEGION POST #117, The American Legion; Department of Indiana.

Article II - Organization

Section 1. This Post is a civilian organization, and membership therein does not affect or increase liability for military or police service.

Section 2. The American Legion, Department of Indiana, shall be 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.

Section 3. Each member shall perform his/her full duty as a citizen according to his/her own conscience and understanding. Military rank does not exist in this Post. No member shall be addressed by his or her prior military title in any Post meeting.

Article III - Eligibility

Section 1. Eligibility for membership in this Post shall be set forth in Article IV: Eligibility, of the National Constitution.

Section 2. An applicant for membership in The American Legion shall be required to show an honorable discharge or an active military ID card to any designated Post official.

Section 3. A member whose dues for the current year have not been paid by January 1 shall be classed as delinquent. If his/her dues are paid on or before February 1, he/she shall be automatically reinstated. If he/she is still delinquent after February 1, he/she shall be suspended from all privileges. If he/she is still under such suspension on June 30 of such year, his/her membership in The American Legion shall be forfeited.

Section 4. The American Legion Auxiliary (AUX)

Sub Section 1. The American Legion Post 117 recognizes an auxiliary organization known as "The American Legion Auxiliary."

Sub Section 2. Membership in The American Legion Auxiliary shall be as prescribed in the Constitution and By-laws of the national organization of The American Legion.

Sub Section 3. The Auxiliary 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.

Sub Section 4. Each Auxiliary shall be an independent Unit and shall, always, be subject to regulation by the National and Department Auxiliary Executive Committees. The Commander of Post 117 shall appoint a member of the Executive Board to be a liaison with the American Legion Auxiliary and advise the Commander on matters pertaining to the Auxiliary.

Section 5. The Sons of The American Legion (SAL). The American Legion Post 117 recognizes an organization known as "The Sons of The American Legion."

Sub Section 1. All male descendants, adopted sons and stepsons of members of THE AMERICAN LEGION, and such male descendants of veterans who died in service during delimiting periods set forth in Article IV, Section 1, of the National Constitution of The American Legion, or who died subsequent to their honorable discharge from such service, shall be eligible for membership in the Sons of The American Legion.

Sub Section 2. The Sons of The American Legion shall be absolutely non-sectarian political and shall not be used for and non the dissemination of partisan principles nor for the promotion of the candidacy of any person or group seeking public office or preferment.

Sub Section 3. The organization of the Sons of The American Legion shall be known and designated as the "Sons of The American Legion, Post 117." The Commander of Post 117 shall appoint a member of the Executive Board to be a liaison with the "Sons of The American Legion, Post 117" and advise the Commander on matters pertaining to the SAL.

Section 6. This post recognizes The American Legion Riders Chapter of American Legion Post 117 and acts as a supervising committee, through the designation of an official sponsor.

Section 7. Membership in the American Legion Riders shall be prescribed by American Legion National Resolution 5, adopted May 5-6, 2021, and the Indiana American Legion Riders operating document.

By-Laws

Article I – Elective Offices & Committees

Section 1. The managing body of this Post shall be known as the "Executive Board". This board shall be comprised of elected and appointed members of this Post.

Section 2. The term of "Elected Officers" of this Post shall be 2 years.

Section 3. Appointed officers will be appointed by the Commander and approved by over 51% Executive Board vote. Newly appointed officers to a position have a 90 day probationary period and can be removed during that time by the Commander without cause. During the probation period appointed officers cannot vote on the Executive Board. After 90 days an appointed officer can be voted on to remove the probation (over 65% affirmative) and allowed to vote. A vote of 51% of the Executive Board in "loss of confidence" of any appointed officer at any time will remove them immediately. If at any time during the term an appointed position is vacate, the Commander may appoint a member to the position with 51% of the Executive Board concurrence under the same rules of probation if they are new to the position. Appointments are renewed with each yearly election cycle. At that time an appointed officer can be renewed or replaced with a vote of 51% of the elected officers. If they are new to the position, they will serve the 90 day probation described above.

Section 4. Members of the Board must be bonded as required.

Section 5. The elected officers of this Post shall be as follows: Commander, First Vice Commander, Second Vice Commander, Finance Officer, Adjutant, and Sergeant at Arms. These elective officers shall be members of this Post in good standing.

Section 6. The appointed officers of this Post shall be as follows: Chaplain, Service Officer, Judge Advocate. These appointed officers shall also be members of this Post in good standing.

Section 7. Each voting member of the Executive Board may create a committee consisting of Members of the Legion that can include (Legionnaires, Auxiliary, and Sons) known as "Managers" to help them in their assigned roles. Managers are responsible for reporting to their board members and skilled in specific technical areas to enhance the performance and coordination of the Legion for its membership. (For Example: A member of the Son could be the "facility manager and report to the 1st Vice, A member of the Aux could be the media manager and report to the 2nd Vice). Each manager must have a Board Member (elected or appointed) as their supervisor.

Section 8. No member shall hold more than one (1) elected officer position at any time. Elected officers may do temporary work in another area in the absence of an elected or appointed officer as required by the Commander.

Section 9. Nominations for elections will occur at Executive Board meeting in

May, and elections will occur at the Executive Board meeting in June. Each year ending in an odd number the Commander, 2nd Vice, and Treasure will be elected. Each year ending in an even number or zero the 1st Vice, Adjutant, and Sergeant at Arms will be elected. Other positions may be voted upon if they are unoccupied or have a position that is unelected (filled due to absence) prior to the nominations being announced. These dates and positions will be publicly announced to all Legionnaires at least 30 days prior to the event. Nominations can be received at both the nomination meeting and the election meeting. The elections will consist of an opportunity for questions for any nominated individual prior to the voting or any comment from Legionnaire membership that is present. The election of officers shall be by secret ballot. Ballots should be given to an identified voting Legionnaire who is in good standing only. The voter will write the name of choice on the ballot for each elected office. The identity of the voter must not be indicated in any way as a ballot is a secret vote. Candidates receiving the highest number of votes shall be elected to the office for which they applied or were nominated. Counting of votes will consist of review and confirmation of two executive board members, and finally tally's may be announced. Any tie in voting will be decided by the highest elected position not in contention from the previous Executive Board (Commander, 1st Vice, 2 Vice, Finance…). The newly elected officers will be sworn in no later than 30 days prior to the state convention; and all elected officers will immediately assume their positions. Appointed officers will be voted on by the Executive Board at the next Executive Board meeting or whenever the Commander has a valid candidate for an appointed position

Section 10. A vacancy for an elected or appointed office shall exist when an officer is absent from Executive Board meetings three (3) consecutive times without due cause or fails to carry out the duties of their office as determined by the Commander and validated by 51% of the Executive Board. All vacancies in elected officers may be filled by a majority vote of the remaining voting members of the Executive Board, and the person appointed shall hold office until the next election.

Section 11. No one will make or render decisions based on their individual gain or profit. All decisions will be based on what is good for the Legion.

Section 12. The Commander or any member of the Executive Board may motion (needing a 2nd) to remove anyone from elected or appointed position upon a proper showing of cause. Such causes shall be based upon disloyalty, neglect of duty or dishonesty. The removal of such person from office will take a majority vote (51%) of the membership.

Section 13. Any items donated to the post will become property of the post.

Article II – Discipline of Members

Section 1. Infractions of behavior detrimental to the purpose of the Legion or Sons will be reported to the Post Judge Advocate or any member of the Executive Board. Once the Commander is notified the Judge Advocate may (depending on the severity of the infraction) work with the parent organization of the offending individual. The Leader of the organization (Commander) will confer with the individuals involved and if an infraction exists, consult with the governing board to determine on the egregiousness of the offense and if can be resolved between parties or if a trial needs to occur (formal or informal handling). The outcome will be documented and filed with Post Judge Advocate.

If the offense is not egregious enough for a trial the Commander of the organization with consultation from their board may issue (based on the severity) a verbal or written censure. If repeated offenses occur, the Post Commander has the option to pursue charges. The Commander of Post 117 will be notified of all informal censures from either the Legionnaires or SAL and has the option to appeal it to the Executive Board. Any illegal activity will be reported to the appropriate Federal, State, County or City jurisdiction.

Section 2. If the Commander determines formal trial is necessary, **c**harges against any member shall be made in writing. Charges shall be based upon disloyalty, neglect of duty, dishonesty or conduct unbecoming a member of THE AMERICAN LEGION. Said charges shall specify with reasonable particularity of the act, or omission, constituting the offense complained of, together with a definite statement as to the time and place of said act or omission.

Charges shall be presented to the Commander of the Post to which the member belongs, or in whose jurisdiction he/she may reside, if a sojourning member. The Post Commander shall then, without making the nature of the charges or names of the parties thereto known to the Post, submit the same to a committee of three (3) members of the Post, to be by him/her appointed, who shall investigate the matter and endeavor to reconcile the parties making the charges and the accused, if the matter be merely personal, and, should they fail to effect an amicable arrangement, or the charges be of such nature to require the action of the Post, they shall report accordingly. If the Post Commander is charged, then the Vice-Commander shall appoint the Investigating Committee.

When the Committee has reported that enough evidence exists that a trial is prudent, the Post Adjutant shall serve upon the accused a copy of the charges, the names of the witnesses relied upon to prove the same, and summon him/her to appear and answer the charges in writing within ten (10) days from the time the same shall have been served upon him/her, and to furnish the names and residences of such witnesses as he/she may wish to examine in his/her defense.

After the expiration of ten (10) days, whether the accused has answered or not, the Post shall fix a time for trial and summon all the members of the Post then living in its jurisdiction, the party accused, and all witnesses who are members of THE AMERICAN LEGION, to appear at a time appointed; and should there be witnesses who cannot attend the meeting, the Post Commander shall appoint a committee of three (3) members to take testimony of such witnesses. This committee shall give due notice to the accused of the time and place of taking such testimony, shall reduce the same to writing, and cause it to be sworn to by the party giving it.

At the time fixed for the trial, if either the accuser or the accused show cause why a continuance is necessary, the Commander of the Post or the person he/she selects to preside at that meeting shall grant a reasonable continuance and shall declare the case

continued to a subsequent specific date. Other necessary continuances may be made in the same manner, but only with the consent of the Post. If either the accuser or the accused is not present at the time a continuance is granted, the Adjutant of the Post shall forthwith notify him/her thereof by a registered letter mailed to his/her last known place of residence.

In all Posts having a Judge Advocate, it shall be his/her duty, whenever called upon by the Commander or the acting Commander of the Post, to handle the prosecution of the accused. In Posts not having a Judge Advocate, any member of the Post may be designated by the Commander or acting Commander of the Post to handle the prosecution of the accused. If at the time set for the trial, or the date to which the same has been continued, the accused shall not be present and providing the notices here and before mentioned have been given, the trial shall nevertheless proceed and the verdict or decision shall be rendered on the evidence introduced, and the penalty, if any, shall be fixed the same as if the accused were present.

At the trial, both the accuser and the accused may be represented by counsel, if they desire. Trial shall be by the Post of which the accused is a member and it shall take a two thirds (2/3) vote of the members thereof who attend the trial, and who are neither accuser, accused, nor the counsel nor material witness of either, to find the accused guilty, and a like vote to fix the penalty.

After the evidence and the arguments have been concluded, the accuser and the accused and the material witnesses and counsel of both, shall be excluded from the meeting so that the deliberation of the members shall not be interfered with. The Post shall proceed at once to vote on the guilt or innocence of the accused, taking a separate vote on each specified charge. If found guilty, the vote shall then be taken in the following order, on the different degrees of punishment:

- First: Expulsion;
- Second: Indefinite Suspension;
- Third: Suspension of a fixed period of time, taking the vote first on the longest proposed period;
- Fourth: Reprimand.

In no case shall a member be allowed to vote who is not present at the commencement and during the whole progress of the trial. The result of the trial and the penalty, if any, shall be written into the minutes of the Post by the Adjutant prior to the next regular meeting of the Post.

Any person convicted shall have the right to appeal within thirty (30) days to the Department Executive Committee and no sentence shall be pronounced and judgment rendered until such period has elapsed or sentence has been confirmed by the Department Executive Committee.

Any member who has been suspended or expelled shall, on giving notice in writing, within thirty (30) days after receiving notice of his/her sentence, be allowed an appeal, by record only, to the Department Executive Committee, and shall immediately forward to the Department Adjutant the grounds upon which he/she relies for a reversal of the verdict and judgment of the Post; whereupon, the Post Commander within thirty (30) days after the reception of such notice, shall cause to be made up and forwarded to the Department Adjutant, a complete transcript of all proceedings, documents, and testimony in the case.

Should the Department Adjutant, upon advice of the Department Judge Advocate, find the transcript incomplete, he/she shall, under the instructions of the Department Commander, order the Post forthwith to complete the transcript and in case the Post should neglect to send in the transcript in the first instance, within the time required, or should refuse to that effect, the Post Commander shall be held guilty of contempt and be punished accordingly; and any member taking an appeal from a sentence against him/her, failing to forward to the Department Adjutant his/her reason for a reversal shall have his/her appeal dismissed by the Department Executive Committee.

Should any of the grounds for a reversal be that the trial was not conducted in conformity with these By-Laws, the papers shall be referred at once to the Department Judge Advocate, who shall proceed to examine the case, and if he/she finds that the proceedings have been irregular, he/she shall report the same to the Department Commander, who shall remand the case to the Post for a new trial in conformity with the By-Laws, the Department Adjutant furnishing the Post with a copy of the report made by the Department Judge Advocate.

If a sentence of expulsion or suspension be reversed and annulled by the Department Executive Committee, it shall restore the party to membership in his/her Post. A member who has been expelled and sentence affirmed, cannot be restored to membership except by the Department Executive Committee, and on the recommendation of the Post which expelled him/her by the vote required for expulsion, provided, that an application for reinstatement, in cases other than suspension for non-payment of dues, shall be read at a stated meeting, due notice having been given in writing to members of the Post of intended action.

No Post shall give any other notice of the expulsion or suspension of a member than to the Department Adjutant, which it shall do immediately, and the Department Adjutant shall notify National Headquarters and take such other action as the Department Executive Committee may prescribe.

Article III - Management of the Post

Section 1. The managing body of this Post shall be entrusted to an Executive Board.

Section 2. The Executive Board shall consist of the elected and appointed members who are in good standing.

Section 3. All Executive Board meetings will be open to any Legionnaire to attend. The Commander may approve a member of SAL, AUX, ALR to attend for comment only as well as outside organizations but they have no vote on matters of the Legion. The Commander may close the meeting attendance to only the Executive Board due to a sensitive topic of discussion.

Section 4. The Commander may authorize virtual tools for board attendance (zoom, dial-in etc) and recording.

Article IV – Executive Board Responsibility

Section 1. The Executive Board meetings should be scheduled for the Second

Tuesday of each month. 2/3 of the Executive Board voting members shall constitute a quorum. The Executive Board shall meet on the 2nd Tuesday of the month. By exception the Executive Board being able to meet by the call of the Commander, or the request of one (1) Executive Board member to the Commander or written request from a minimum of three (3) members from membership.

Article V - Duties of the Post Officer

Section 1. DUTIES OF THE 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 shall be recognized as the Chief Executive Officer of the Post. The Commander shall have input into approval of all orders directing the disbursement of funds and shall make an annual report to the Legionnaires covering business of this Post for the year. The Commander is a non-voting member of the Executive Board unless there is a tie.

The Commander shall make recommendations for the ensuing year, which shall be read at the Annual Meeting and a copy thereof immediately forwarded to the Department Adjutant. He/she shall perform such duties as directed by the Executive Board. The Commander shall appoint all appointed position with a 51% consent of the Executive Board. He/she shall direct such committees, programs et cetera, to make regular meeting reports of their progress

Section 2. DUTIES OF THE POST FIRST VICE COMMANDER

The First vice Commander shall assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by the Post Commander. In addition, he/she shall assist the Post Adjutant or Membership chairman in developing programs and activities to help build the Post membership for the upcoming year. He/she will also help the Post Commander oversee all committee The First vice will lead the Facility and Retail Committee. He/she will also conduct other responsibilities as directed by the Commander.

Section 3. DUTIES OF THE POST SECOND VICE COMMANDER

The Second vice Commander shall assume and discharge the duties of the office of Commander in the absence or disability of the Post Commander and First vice Commander. In addition, he/she will assist Committees in creating programs that enhance the meetings and attracting attendance. The Second vice Commander shall lead the committee on Events and Media outreach. He/she will also conduct other responsibilities as directed by the Commander.

Section 4. DUTIES OF THE POST ADJUTANT

The Adjutant shall have charge of membership and keep a full and correct, record of all proceedings of all meetings of the Executive Board, and Legionnaire membership

meetings. All meeting records will be in writing and reviewed by the Committee or Board within 10 days and approved by the Commander and approved by the Commander at the next meeting. Keeping such records as the Department of Indiana and National organization may require and render reports of membership annually or when called upon at a meeting. The Adjutant will ensure a monthly newsletter is published via electronic means to the members (or paper when requested) consisting of the Commanders Comments, an update of Veteran Opportunities, Financial standing, and events. The Adjutant shall be under direction of the Commander to handle all correspondence of the Post.

The Post Adjutant shall be responsible to lead the membership and outreach committee for the recording of membership of this Post. Such responsibility shall include membership annual dues, membership cards, a current roster of paid member's names, addresses, and contact information for each member. The Post Adjutant will be responsible for ensuring all officers are bonded. In addition, The Post Adjutant shall perform other duties as directed by the Commander or Executive Board.

Section 5. DUTIES OF THE POST FINANCE OFFICER

The Post Finance Officer shall have charge of all finances and see that they are safely deposited in the proper bank account(s). He/she shall also see that all disbursements are made in the best interest of the Post. The Finance Officer shall submit a finance report once a month or upon request, by the Executive Board; to be available to any member in good standing. This report shall display the condition(s) of all finances within the Post. He/she will make recommendations deemed expedient or necessary for raising funds to continue and carry on the activities of this Post.

The Post Finance Officer shall not pay out additional funds that are not appropriated within the operations budget set by the Executive Board. Indebtedness shall not be incurred by the Finance Officer, or any committee, or member of this Post unless such indebtedness is previously approved by a majority vote of the Executive Board. The accounting and bookkeeping of this Post may be delegated to a certified accounting service, as recommended by the Executive Board. Should the Executive Board approve such services, the accounting service shall be an impartial service with no relationship to any member of the Executive Board. Such accounting services will make regular reports (as established and approved by the Executive Board) to the Finance Officer, who will, in turn provide a copy to be kept on file at the Post and presented to the Executive Board for review and evaluation of Post's profit/loss progress. In addition, The Post Finance Officer shall perform other duties as directed by the Commander or Executive Board.

Section 6. DUTIES OF THE POST SERGEANT-AT-ARMS

The Post Sergeant-At-Arms shall know how to arrange the Post Meeting Room, shall assist the Post Commander and Post Adjutant with preliminary arrangements for

accommodating members attending said meeting. He/she shall be responsible for proper display of colors and verify that all people in attendance are eligible and in good standing.

The Post Sergeant-At-Arms will be responsible for the orderliness of those attending meeting, as well as other outside events which would disrupt said meeting. He/she shall be in charge of the Post Honor/Color Guard; supervising their training and performance, the overall supervision of veteran's memorial services, parades, and other special ceremonies deemed necessary by the Executive Board. In addition, the Post Sergeant-At-Arms shall perform other duties as directed by the Commander or Executive Board

Section 7. DUTIES OF THE POST CHAPLAIN

The Post Chaplain shall conduct all prayers at Executive Board meetings. He/she shall be responsible for conducting prayers and providing comfort, as the Post Representative during religious events, funerals, sick call, and ceremonial events. In addition, the Post Chaplain shall perform other duties as directed by the Commander or Executive Board.

Section 8. DUTIES OF THE POST JUDGE ADVOCATE

The Post Judge Advocate shall advise the Executive Board and membership on all legal matters, construction and interpretation of the Post Articles and By-Laws, National Constitution, and other legal matters confronted by the Post. In addition, the Post Judge Advocate shall perform other duties as directed by the Commander or Executive Board.

Section 9. DUTIES OF THE POST SERVICE OFFICER

The Post Service Officer shall be responsible to the membership of this Post for veteran affairs. The Post Service Officer will establish and lead a “Giving Committee” which will consist of the Judge Advocate, Chaplain and at least two other members of Post 117. The Committee will develop and manage a fair and equitable process to establish a fund to relieve financial and personal burdens from Veterans in our community. This process will be reviewed and approved yearly by the Executive Board. In addition, the Post Service Officer shall perform other duties as directed by the Commander or Executive Board.

Section 10. DUTIES OF THE POST PAST COMMANDER

The Past Commander of this Post shall help advise the Executive Board of matters necessary for them to perform their duties in the interest of betterment of this Post. The Past Post Commander shall meet the criteria of; completion of elected term of service; without resignation; unless health issues arise; to qualify as a participant of the Executive Board as the Past Commander. The termination prior to completion of full term of service; shall disqualify said member as a participant of the Executive Board. The Past Commander shall also be a member in good standing of this Post. The Past Commander shall have a voice but no vote on the Executive Board. The Past Commander shall offer advice to the Executive Board in proper procedures for conducting their responsibilities in the best interest of this Post.

Article VI – Operation of the Facility & Retail Sales

Section 1. The Facility and Retail Committee shall hold at least one regular meeting a month, Special meetings may be called by Post 1st Vice.

Section 2. The Facility and Retail Manager shall be appointed by the Post Commander with the advice of 1st Vice, and consent of the Executive Board. The intent of the Facility and Retail Committee is to provide guidance on business practices of the legion as it pertains to managing retail sales and ensuring the facility is in proper and safe working order. The Commander or 1st Vice may designate two managers if needed since this is a larger requirement.

Article IX - Amendments

Section 1. These Constitution and By-Laws may be amended at any regular Post meeting by two-thirds (2/3) vote of the members of this Post attending such regular meeting provided that the proposed amendment shall have been submitted in writing and read at the immediately preceding meeting of this Post, and further provided that written notice of proposed amendment vote shall have been mailed or electronically mailed by the Post to the last known address of all members in good standing at least thirty (30) days prior to the date when such amendment is to be voted on. This notice shall indicate that a proposed Constitution and By-Law amendment is to be voted on at such meeting.

Bylaws voted into use on: Signed as

approved:

NANCY
POST COMMANDER