



**AMVETS (AMERICAN VETERANS)**

**DISCIPLINARY PROCEDURES**

**UPDATED JULY 2024**

## Disciplinary Actions for Dummies 101

I don't mean to make light of the subject that is not enjoyable to discuss. However, it is necessary for an organization such as AMVETS to establish rules and procedures for the protection of the organization and its members. In a perfect world there would be no need for procedures of this type. But unfortunately, there are individuals and groups of individuals who will act in a manner to the detriment of our organization.

This booklet is put together to point out the various articles that set the protocols for disciplinary action concerning individual members, posts, departments, and officers. The key to all of these is to be fair to the organization, to the accused party and to the accusers.

This booklet includes direct quotes from the National Constitution and Bylaws as well as common language explanations of each of these. You should all be familiar with the Appendix A and Appendix B which are the two most quoted portions of the National Bylaws but there are other articles that affect how discipline is handled. We will be covering these articles in the order that they appear in our National Constitution and Bylaws.

The last page of this handout provide space for any notes you may desire to take during this session. We will have a question-and-answer session at the end of this presentation. If at any time you don't understand or you have a comment, feel free to raise your hand and I'll call on you and if you would identify yourself as to your name and your position, I would give you an answer to your question. You may not like the answer, but you will get one.

## National Constitution, Article VI: NATIONAL OFFICERS

This article does not directly deal with discipline. It is included in here however to emphasize something that is often misunderstood. That is, the National Districts have no administrative jurisdiction over the Departments within that district, per Section 1, (f).

### **National Constitution, Article VI: NATIONAL OFFICERS**

#### Section 1

(f) The state Departments of recognized districts are to organize on a district basis as authorized for the express purpose of furthering the aims and purposes of the national organization as set forth in Article II.

Each recognized national district shall conduct at least one district Executive meeting between the annual meetings. Each recognized national district shall establish and adopt a constitution to govern its own organization.

No recognized national district shall have administrative authority over its state Departments and local posts; however, a district commander's duties include acting as a national deputy inspector general.

All duly elected national district commanders shall report, in writing, to each meeting of the National Executive Committee. In the event the duly elected national district commanders fail to submit reports herein required, then such expenses as they may be otherwise authorized to receive under the terms of this Constitution and Bylaws shall be forfeited.

## National Constitution, Article XII, DISCIPLINE

This article of the constitution establishes general rules for dealing with disciplinary issues for posts, departments, and individual members.

It refers to Appendix A for disciplinary rules relative to posts. Also states that the Department Executive committee can suspend or expel any member for misappropriation of AMVETS funds.

Also provides authority for the National Executive Committee to cancel suspend or revoke the charter of a department for good and sufficient cause after a proper hearing. Suspended body may appeal to the next National Convention.

### **National Constitution, Article XII, DISCIPLINE**

Section 1. Disciplinary rules relative to posts are prescribed by Appendix A.

(a) A state Executive committee may suspend or expel any Department member for misappropriation of AMVETS Department funds.

Section 2. The National Executive Committee, after notice and hearing before a

subcommittee, may cancel, suspend or revoke the charter of any Department for good and sufficient cause. Procedure for any such action shall be prescribed by the National Judge Advocate.

In the event of the cancellation, suspension, or revocation of any charter of any department, the suspended body shall have the right of appeal to the next National Convention.

Section 3. On revocation or cancellation of the charter of a post in any department of AMVETS, or a Department, said post or Department shall immediately cease operation and, on revocation or cancellation, turn over its charter and assets to its Department or National Commander or National or Department Executive Committee.

### **National Bylaws, Article III, Duties of Officers**

Section 11 of this article establishes the office of National Inspector General and provides guidelines for performance of the Inspector General's duties. It is important to remember that the Inspector General performs investigations only when directed by the National Commander or the National Executive Committee.

When performing these investigations, the Inspector General has access to all records, financial and others and meeting minutes. Inspector General would then report back to the National Commander and the Commander would, if necessary, refer this to the National Executive Committee. The National Inspector General is appointed by the National Commander with the National Executive Committee's approval

### **National Bylaws, Article III, Duties of Officers**

Section 11. National Inspector General. The national inspector general shall be the investigating officer of the organization.

By direction of the National Commander or the National Executive Committee, the national inspector general shall make any necessary investigations pertaining to grievances, disciplinary cases, fraud or dishonesty within the organization and charges of conduct unbecoming an AMVET and shall be empowered to have access to all records, financial and otherwise, of all Departments, post officers or members when necessary for the discharge of the national inspector general duties.

In making such investigations, the national inspector general shall report to the National Commander who shall, in turn, review the findings with the national judge advocate and, if warranted, report to the National Executive Committee.

The national inspector general shall serve at the pleasure of the National Commander and the National Executive Committee.

### **National Bylaws, Article IV, Charters**

Section 1 of this article establishes protocol for meetings during times of national or state emergency.

Section 2 of this article establishes certain protocols for suspension, cancellation or revocation of a post charter. It establishes National Bylaws Appendix A, as the uniform procedure for revoking, canceling or suspending post charters. It also authorizes the National Commander to allow a post to continue operating pending an appeal is made to the National Commander and National Executive Committee. If the suspension cancellation or revocation of a charter is upheld by the appellate body the post is required to cease operation.

The Department Executive Committee can reinstate the post charter that has been suspended provided the post corrects the events causing the suspension within 60 days of its suspension. If it does not clear these issues the Executive Committee can take action to revoke the post charter.

The National Commander can request that a department discipline a post for good reason and if the department fails to do so they are in violation of the National Constitution and Bylaws. The National Commander can then suspend the post charter by notifying the post, the department and the National Executive Committee. The National Executive Committee will determine at its next meeting whether the post charter is to be suspended, revoked or reinstated.

If a post fails to meet its constitutional requirements or fails to function as a post for more than six months, the department may demand that the post surrender its charter. If a post fails to pay department dues within 60 days after collecting them the department can demand that the charter be surrendered.

Sections 3 and 4 of this article deal with trusteeship for departments and sets out guidelines for the trusteeship. Fortunately, this is something that is very seldom exercised.

If disciplinary action is appealed, all pertinent paperwork shall be forwarded to National Headquarters for review by the National Judge Advocate.

### **National Bylaws, Article IV, Charters**

Section 1. In cases where face to face meetings are not possible due to a national emergency or pandemic post charter suspension protocols contained herein will be altered per procedures established as Appendix F to AMVETS National Bylaws.

Section 2.

(a) A Department Executive committee may suspend, cancel or revoke a post charter in accordance with the UNIFORM CODE OF PROCEDURE FOR THE REVOCATION, CANCELLATION OR SUSPENSION OF POST CHARTERS (Appendix A).

In the event that an appeal is taken by a post from the action of the Department Executive committee, the National Commander at personal discretion—on application properly made to the National Commander and for just cause—is hereby authorized to allow the post to continue to operate, pending a final decision of the appellate body.

If the decision of the appellate body sustains the suspension, cancellation or revocation of the post charter, then the post shall be required to cease operation, pending

determination of the appeal to the next higher level.

(b) A post charter that has been thus suspended may be reinstated by action of the Department Executive committee if that post purged itself of the offense within 60 days of its suspension.

If the delinquency is not cleared to the satisfaction of the Department Executive committee within 60 days, appropriate action shall be taken by the committee to affect revocation or cancellation of the charter.

(c) In the event a Department fails or refuses to discipline a post after the National Commander has requested such action, it is violating the rules of the Constitution and Bylaws.

After demand has been made on said Department for action, the National Commander may suspend the charter of such post by notice, accompanied by written notice, a copy of which shall be forwarded to the Department and the National Executive Committee.

The determination of whether the charter shall be suspended or revoked shall be considered at the next meeting of the National Executive Committee.

Section 3. Any post failing to meet the obligations imposed on it by the constitution and Bylaws or ceasing to function for six months as a post of AMVETS or voluntarily ceasing to function as a post, or merging with one or more other posts, or refusing or failing to pay the Department and national per capita dues within 60 days after collection by the posts, shall, on order of the Department Executive committee, surrender its charter.

Section 4. With the approval of the National Executive Committee, the National Commander, after written notice to the Department Commander, may invoke and formulate a trusteeship to take over the operation of a Department for good and sufficient reasons and for the well-being of the AMVET Organization.

(a) the Commander will appoint a Lead Trustee and up to two (2) additional trustees, if necessary, to correct the issues leading up to the trusteeship. The Commander's notice must detail in writing the exact reason(s) for invoking the trusteeship.

(b) Within 15 days of appointment, the Lead Trustee must submit a Corrective Action Plan (CAP) addressing all issue(s) that are identified to remove the trusteeship. Each issue addressed must have a plan that, when implemented will correct the deficiency. Each of the issues in the CAP should have an estimated timeframe of when it will be implemented and how long will it take to rectify the issue. This plan will be presented to the National Commander for review by the National Executive Board.

(c) The Trustee(s) are authorized, empowered, and directed by and through the National Commander to remove and appoint any normally elected or appointed officers. The CAP may include suspending the Department charter until certain conditions are corrected. If so, the National Executive Board will authorize the suspension. Trustees will have unaccompanied and unrestricted access to any and all areas of the Department and any and all records of the Department.

(d) The Trustees will schedule and conduct a town hall meeting for all Department Executive board officers advising them of the trusteeship, the process needed to lift the

trusteeship and the estimated time it will take.

(e) When the results of the CAP have been accomplished, the number of the trustees may be reduced with only the Lead Trustee ensuring that the plan stays in effect and the Department is truly on the way to recovery.

(f) The Lead Trustee will submit a final report to the National Executive Board suggesting that the Commander lift the trusteeship. This report will be a recap of the actions that were successful in removing the Commander's issues for invoking the trusteeship. The decision to lift the trusteeship will be made by the National Executive Board.

(g) If the trusteeship is to continue longer than a year, it must be renewed by a 2/3 vote of the National Executive Board.

(h) The Trusteeship must not violate any Federal, State, County, or City law, statute ordinance or any other condition that affects trusteeship operations.

(i) No one who is a member of the department or post being placed in trusteeship can be appointed as a trustee.

Section 4. Departments may appeal the Trusteeship within 15 days of notification. Appeals will be forwarded to the AMVETS National Executive Director by Certified Mail, Return Receipt Requested using the guidelines published in AMVETS National Bylaws, Appendix C.

Section 5. On appeal of disciplinary actions, all pertinent moving papers, including transcripts and other supporting documentation of said hearings, shall be directed to National Headquarters for review by the national judge advocate.

## National Bylaws, ARTICLE V: DISCIPLINE OF POSTS & POST MEMBERS

A post as the judge of its own members within the provisions of the National Constitution and Bylaws.

If a member is acting in a manner detrimental to AMVETS the Department Commander should bring the matter to the attention of his/her post for disciplinary action. If the post fails to take action to protect the name of AMVETS the Department Commander can suspend the charter of the post pending a hearing by the Department Executive Committee. Said hearing shall be conducted within 30 days of the notice to an offending post. Please note that that is less than 30 days which is different from most disciplinary actions which say at least a 30-day interval is required. If the Department Executive Committee fails to act the National Executive Committee can suspend the charter of this post.

Members may be suspended or expelled by post, a Department Executive Committee or the National Executive Committee. Written charges shall be furnished to the member accused at least 30 days prior to the date set for hearing which could be based on disloyalty, neglect of duty, dishonesty or conduct unbecoming an AMVET.

This article establishes Appendix B of the National Bylaws as a uniform code of procedure for suspension or expulsion of members.

A member who has been suspended or expelled has the right of appeal. If the suspension or revocation of membership has been imposed by a post, the appeal goes to the Department Executive Committee. If their suspension or revocation has been adjudicated by the Department Executive Committee the appeal would go to the National Executive Committee. If the discipline has been handed out by the National Executive Committee the appeal would go to the next National Convention. Decision of the appellate body at the proper level is final.

A member who has their membership suspended or revoked or resigns shall have their name reported to the National Membership Department. Nothing in this article shall limit in any way the powers of Article IV, Section 1, of the National Bylaws

National Bylaws, Appendix C is established as procedures for the National Grievance Committee to operate.

## **National Bylaws, ARTICLE V: DISCIPLINE OF POSTS & POST MEMBERS**

Section 1. Each post of AMVETS shall be the judge of its own membership, subject to the provisions of the Constitution and Bylaws of the national and Department organizations.

(a) When the conduct of any member of AMVETS is such that it in any way will reflect discredit on, or invite criticism of, the organization, or [any member] who belongs to or joins any group, organization or party that is not compatible with the aims and principles of AMVETS, the Department commander shall immediately bring the matter to the attention of the post of which the individual is a member.

If the post fails to act and protect the name of AMVETS, the Department commander may suspend the charter of the post involved, pending a hearing by the Executive committee that shall be conducted within thirty (30) days of the notice thereof to an offending post, officer, or member relative to any infringement or breach of the rules established in the AMVETS National Constitution or in the Uniform State Constitution and Bylaws.

(b) In the event the Department Executive committee fails to act in accordance with paragraph (a) of this article, the National Executive Committee may suspend the charter of the post involved, pending a hearing and final action by the National Executive Committee.

Section 2.

(a) Members may be suspended or expelled by a post, a state Executive committee or the National Executive Committee on a proper showing of cause.

Written charges, which shall be furnished the member involved at least 30 days prior to the date set for the hearing, shall be based on disloyalty, neglect of duty, dishonesty or conduct unbecoming a member of AMVETS.

(b) The National Executive Committee shall provide a uniform code of procedure to be followed in effecting the suspension or expulsion of members and said code of procedure



shall establish a method of appeal (Appendix B).

(c) The National Executive Committee shall provide a uniform code of procedure for the National Grievance Committee to be known as (Appendix C).

Section 3. Any member who has been suspended or expelled in accordance with Section hereof has the right of appeal.

In the event the suspension or expulsion is imposed by the post, the appeal shall be to the Department Executive committee.

In the event the suspension or expulsion is by the Department Executive committee, the appeal shall be to the National Executive Committee.

In the event the suspension or expulsion is by the National Executive Committee, the appeal shall be to the National Convention.

The decision of the appellate body shall be final.

Section 4. Any member resigning, being suspended or whose membership is revoked shall have that member's name directed to the state and the national headquarters.

Section 5. Nothing contained in this article shall be construed to limit in any way the powers conferred by Article IV, Section 1, of the National Bylaws.

### National Bylaws, Article VII, Section 3, (b), Monies and Collections

Although this portion of the National Bylaws does not specifically address discipline, the role of post canteen trustees is often misunderstood. This is to provide clarification as to the duties and authority of canteen trustees.

Rules governing operation and conduct of a post canteen should be adopted by the members of a post at a regular meeting. Trustees are empowered to enforce these regulations. If a member, whether it be an AMVET, a Ladies Auxiliary member, or a Sons of AMVETS member, violatess the rules established for conduct and accounting, the trustees have the authority to suspend that person's right to visit the canteen. This is generally for a specified period of time and does not affect the member's ability to attend meetings and other functions of the organization.

Appeals of the trustees decisions may be taken to the floor of the post meeting. More serious misconduct may result and disciplinary action under appendix B, if warranted.

### **ARTICLE VII: MONIES & COLLECTIONS**

Section 3.

(b) Wherever a post clubroom is maintained and operated for the convenience and pleasure of its members and the name of AMVETS or its insignia is displayed or used, a board of at least three trustees shall be elected by and from among the members of the post to supervise its

activities, operation and finances.

## National Bylaws, Appendix A: Revocation, Cancellation or Suspension of Post Charters

Now we get to Appendix A of the National Bylaws. This sets protocols for revoking, canceling or suspending post charters. It is detailed and all the steps in this appendix should be followed.

Post charters can be suspended for failure to properly revalidate annually as required in Article X, Section 3 of the AMVETS National Constitution, for failure to comply with all federal state and local statutes or for failing to protect the organization by applying discipline to an errant member as previously discussed, Post charters can be cancelled if they were obtained fraudulently.

Any AMVETS member in good standing can prefer charges against a post. Charges against a post cannot be filed by a Ladies Auxiliary member or a Sons of AMVETS member. At the same time, AMVETS cannot file charges against a Sons of AMVETS Squadron or Ladies Auxiliary Local.

Charges are to be made in writing, sworn to, signed and notarized and they should be delivered to the Department Executive Director or Department Judge Advocate who shall send notice by mail to all members of the State Executive Committee setting a date and place for a meeting to be held not less than five nor more than 20 days from the day the notice is mailed. This meeting is held to determine whether the charges should be accepted and the post put on trial.

Charges are presented to the State Executive Committee and the name of the accuser does not appear in the notice. When the charges have been presented and read the State Executive Committee will decide by majority vote if they should be accepted.

If the State Executive Committee accepts the charges the Department Commander sets a time and place for a hearing to be held not less than 15 days after the date of the acceptance of the charges. The commander of the offending post should be notified by certified mail with a copy of the charges and specifications included. Comment: anytime you send a certified letter to a post or to an individual be sure to send the same letter via first-class US mail also. Certified mail can be refused but first-class mail is considered to be delivered. If the accused post is not represented at the hearing the State Executive Committee can go ahead without the post present to pursue the charges.

The State Judge Advocate serves as prosecutor for the charges. The accused post may be represented by counsel and the attendance of a court reporter is permitted. Questions concerning relevancy of evidence and regularity of the proceedings is determined by the Department Commander or who is chairing the meeting.

At the end of the hearing the Department Commander puts the question of guilty or not guilty to the members of the State Executive Committee on each charge and specification. It takes two thirds majority of the voting members to sustain charges or specifications and if any charges are sustained the post is declared guilty.

The commander then puts the question of degree of punishment beginning with charter revocation. If that is not sustained, an indefinite suspension is offered and if that is not sustained, then reprimand would follow without further vote. A 2/3 majority would be required to apply anybody's punishment besides a reprimand.

Any post whose charter is suspended or revoked may appeal that ruling to the National Executive Committee within 15 days by certified mail to the National Executive Director. Procedures for handling such appeals should be prescribed by the National Judge Advocate.

## **National Bylaws, Appendix A: Revocation, Cancellation or Suspension of Post Charters**

### **UNIFORM CODE OF PROCEDURE FOR THE REVOCATION, CANCELLATION OR SUSPENSION OF POST CHARTERS**

(Adopted Pursuant to Article IV, Section 4, of AMVETS National Bylaws)

Section 1. In addition to the provisions of Article X, Section 3, of the AMVETS National Constitution, post charters may be suspended or revoked for any one or more of the following reasons: misconduct considered unbecoming an ambas post or 4 violations of other provisions of the amvets national constitution bottles.

- (a) Failure to comply with any of the provisions of Article X of the Constitution.
- (b) Failure to comply with Article V, Sections 1(a) and (b), of the AMVETS National Bylaws.
- (c) Any violation of law that reflects unfavorably on the name AMVETS, in which case the Department commander may seize the post charter prior to the hearing provided herein;
- (d) Any misconduct unbecoming an AMVET post; or
- (e) Violation of any other provisions of the AMVETS National Constitution and Bylaws.

Section 2. Any post charter may be canceled if it was obtained by fraud or deception.

Section 3. Any member in good standing may prefer charges against an offending post. These charges shall be made under oath, alleging the time and place of the offense and signed by the accuser.

Section 4. All charges and specifications shall be filed with the Department Executive director or judge advocate who shall without delay send a notice by mail to all members of the state Executive committee of the filing of said charges and the date and place of the meeting to be held, not less than five days nor more than 20 days after the date said notice was mailed.

At such meeting, the charges shall be read, and their acceptance or rejection acted on, but the name of the accused or the accusers shall not appear in said notice.

Section 5. When the charges have been presented and read, the state Executive

committee shall decide by majority vote whether they shall be accepted, and the accused post placed on trial.

If the state Executive committee accepts the charges, the Department commander shall set a time and place for a hearing.

A notice thereof shall be sent by registered mail to the commander of the offending post together with a copy of the charges and specifications.

The date of the hearing shall not be less than 15 days from the date of the acceptance of the charges by the state Executive committee.

Section 6. If, after notice has been duly served, the offending post is not represented at the time and place of the hearing, the state Executive committee may conduct the hearing to a final conclusion.

Section 7. The state judge advocate shall prosecute the charges. The offending post shall be entitled to counsel. The attendance of a court reporter shall be permitted.

Section 8. The Department commander shall decide all questions as the relevancy of the evidence and the regularity of the proceedings.

Section 9. At the conclusion of the hearing, the commander shall immediately put the question of "guilty" or "not guilty" on each charge and specification.

Section 10. It shall require a vote by ballot of two-thirds of the state Executive committee members present to sustain any charge or specification.

Section 11. If any charge or specification is sustained, the post shall be declared guilty and the commander shall put the question of the degree of punishment, beginning with charter revocation.

If that not be sustained, then indefinite suspension and if that not be sustained, definite suspension and if that not be sustained, reprimand shall follow without further vote.

Section 12. With the exception of reprimand, which must follow a finding of guilty unless a more severe penalty is imposed, a vote of two-thirds of the members of the state Executive committee present at the hearing shall be necessary to decide the degree of punishment.

Section 13. Any post whose charter is revoked or suspended may appeal to the National Executive Committee by notifying the National Executive Director within 15 days by certified mail of its desire to appeal.

The action of the National Executive Committee shall be binding, pending appeal to the next National Convention.

Section 14. Procedures for the handling of any such appeal shall be prescribed by the national judge advocate

In addition to the previously discussed article XII, Section 1, (b) of the AMVETS National Constitution and Article V, Section 2 of the National Bylaws members may be suspended or expelled for failing to comply with any obligations under the Constitution and Bylaws, violation of law that reflects unfavorably on AMVETS or any other conduct unbecoming an AMVET, Membership can also be revoked for procuring membership through fraud or non-eligibility for membership at the time of joining.

Any AMVETS member in good standing may file charges against any other AMVET. AMVETS members cannot file charges against Ladies Auxiliary members or Sons of AMVETS members. Conversely, Sons of AMVETS members and Ladies Auxiliary members cannot file charges against AMVETS.

Charges shall be made under oath specifying the date, time and location of the offense, sworn to, signed and notarized. Filing frivolous charges as determined by the hearing authority constitutes conduct unbecoming an AMVET

Charges and specifications should be filed with the post commander or in the case of a member at large with the Department Commander. The proper commander shall within five days send a copy by certified mail to the member complained about with a notice setting a date, time and place for a hearing to be held not less than 30 days after date of mailing. Again, it is best to send same notice by first class US mail to ensure delivery.

Charges and specifications to be heard by the executive committee of the post or in case of a member at large by the Executive Committee of the Department. The member complained about has a right to be represented by counsel and cross examine the accuser and any witnesses presented

No member against whom charges have been preferred or who has preferred charges against another member shall sit in judgment on any panel hearing on deciding an issue. Charges shall be prosecuted by the Post Judge Advocate or in the case of a member at large the Department Judge Advocate. Use of a court recorder is permitted. Presiding officers are to determine the relevancy of evidence and regularity of procedures.

At the end of the hearing a vote is to be taken to determine whether there's basis for the charges and if not, the charge may be dismissed. If they are not dismissed votes must be taken on guilt or innocence on each of the charges and specifications. A 2/3 majority vote of the Executive Committee is required to sustain any charges or specifications. Voting can be open or secret ballot to be determined by a majority vote of the committee.

If any charges or specifications are approved the member is deemed to be guilty. Presiding officer will then put the question to the degree of punishment and whether it should be a suspension and if so, how long, or expulsion from the membership.

Any member whose membership is suspended or forfeited may appeal to the next higher level organization from that which punishment is meted. Notice of this appeal must be in writing with the appellate body not later than 15 days after the hearing. Decision of the appellate body at either level shall be considered final binding and final.

If national elected or appointed officers are charged the charges will be heard by the National Executive Committee or a subcommittee appointed by it. Right of appeal in an event of guilty verdict would be to the next National Convention.

Procedure for handling of hearings by the National Executive Committee and National Convention shall be prescribed by the National Judge Advocate.

Department grievance committee will hear appeals as stated in Appendix E, Section 19 or Appendix B, Section 4.

No procedure at any level can conflict with the National, Department or Post Constitution and Bylaws.

### **National Bylaws, Appendix B: Suspension or Expulsion of Members**

#### **UNIFORM CODE OF PROCEDURE FOR THE SUSPENSION OR EXPULSION OF A MEMBER**

(Adopted Pursuant to Article V, Section 2, of AMVETS National Bylaws)

Section 1. In addition to the provisions of Article XII, Section 1(b), of the AMVETS National Constitution and Article V, Section 2, of the AMVETS National Bylaws, members may be suspended or expelled for any one or more of the following reasons:

- (a) Failure to comply with any obligation imposed on members under the Constitution and Bylaws;
- (b) Any violation of law that reflects unfavorably on the name AMVETS;
- (c) Any other conduct unbecoming an AMVET.
- (d) Ineligibility for membership at time of acceptance into membership; or
- (e) Procurement of membership by fraud or deception.

Section 2. Any member of AMVETS may prefer charges against any other member, alleging any of the foregoing causes for suspension or expulsion.

Such charges shall be made under oath, setting forth the time and place of the offense or other basis for the charges, as near as may be practicable, and signed by the accuser.

Filing of charges determined by the hearing authority to be frivolous shall constitute conduct unbecoming an AMVET.

Section 3. All charges and specifications shall be filed with the post commander of the post to which the member complained about belongs or if said member be a member-at-large, then with the Department commander.

On receipt of said charges and specifications, said respective commander shall, within five days, send a copy thereof by certified mail to the member complained about, together with a notice fixing a date, place and time of a hearing to be held not less than 30 days after said date of mailing.

Section 4. Said charges and specifications shall be heard by the Executive committee of

the post or, in the instance of a member-at-large, by the Executive committee of the Department, at which said hearing the member complained about shall have the right to be represented by counsel and to cross-examine the accuser or accusers and witnesses presented against the member.

No member against whom charges have been preferred, or who has preferred charges against another member, shall sit in judgment on any panel hearing or deciding the matter.

Section 5. The post or state judge advocate, as the case may be, shall prosecute the charges and the attendance of a court reporter shall be permitted.

Section 6. The presiding officer of said Executive committee shall decide all questions as to the relevancy of evidence and the regularity of the proceedings.

Section 7. On the conclusion of the hearing, a vote shall be taken first as to whether there is a basis for the charge or charges and, if by the vote hereinafter mentioned, it is determined that there is none, the charges may be dismissed. If the charges are not dismissed, then a vote shall be taken on the guilt of innocence of each of the charges and each of the specifications.

A two-thirds vote of the members of the Executive committee hearing the charges and specifications shall be required to sustain any charge or specification. Voting herein provided for shall be secret or open as said Executive committee may, by majority vote thereof, determine.

Section 8. If any charge or specification is sustained, then the member shall be deemed to be guilty thereof and the officer presiding at the hearing shall then put the question of the degree of punishment as to whether there shall be a suspension from the benefits of membership and, if so, for how long; or an expulsion from membership.

Section 9. Any member whose membership is suspended or forfeited may appeal to the next highest level applicable from that which heard the charges and specifications, i.e., from post Executive committee to state Executive committee, from Department Executive committee to National Executive Committee.

Notice of appeal must be filed in writing with the appellate body not later than 15 days after the imposition of the penalty.

Section 10. In the event charges are filed against any national elected or appointed officer, such charges shall be heard by the National Executive Committee, or a subcommittee appointed by it in accordance with the general outline set forth above, with the right of appeal in the event of a suspension or expulsion to the next National Convention.

Section 11. The decision of the appellate body at either level shall be binding and final.

Section 12. The procedure for the handling of any appeal to be heard by the National Executive Committee or the National Convention shall be prescribed by the national judge advocate.

The Department grievance committee shall hear grievances and appeals as stated in

Appendix E, Section 19 except as provided in Appendix B, Section 4 and Appendix E, Section 6.

No such procedure at any level, however, shall be inconsistent or in conflict with the national, Department or post constitution and bylaws or this code.

**National Bylaws, Appendix C: Procedures National Grievance Committee**  
A notice of appeal must be filed within 15 days of the penalty being imposed. The appeal must be sent to the National Executive Director stating the grounds for the appeal such as violation of Constitution and Bylaws, procedural errors or lack of due process. If the appeal is not postmarked within 15 days, the appeal will be denied.

The notice of appeal must include names of witnesses, notarized statements from any witnesses who are unable to appear and any documents that need to be presented in evidence.

Within 30 days of receipt of the appeal the National Executive Director will notify the appellant, the Department and the members of the National Grievance Committee of the receipt of the appeal and grounds for it. The grievance committee will meet at the next National Executive Committee meeting that is at least 30 days beyond receipt of the appeal for consideration.

The grievance committee will consider statements from the appellant and from the Department Judge Advocate and witnesses and examine any documents that are presented by either side. The committee is not trying to determine guilt or innocence but whether proper procedures were followed,

Department Judge Advocate will present opening remarks first and closing remarks last. And the appellant will have the opportunity to present witnesses and to each party may cross examine each other's witnesses. Opening and closing remarks should be limited to 10 minutes each and statements from witnesses will also be held to 10 minutes with up to 10 minutes cross examination allowed thereafter. The appellant may be allowed to have legal counsel and use of a court recorder is authorized.

Relevance of evidence and procedure will be determined by the committee chair.

After closing remarks, the hearing will be closed and the committee will determine whether the punishment should be upheld, whether the charges against the appellant should be upheld but with reduced punishment or the appeal is upheld. A 2/3 vote the committee members is required to uphold the penalty.

As a subcommittee of the National Executive Committee the grievance committee will report its findings for the National Executive Committee to ratify. The National Executive Committee can ratify the findings of the grievance committee, decline any punishments or reduce the punishment. The National Executive Committee cannot increase the punishment imposed by the department. Decision of this body will be final.

The National Executive Director will notify the appellant and the department of the decision within 15 days in writing.



## **National Bylaws, Appendix C: Procedures National Grievance Committee**

UNIFORM CODE OF PROCEDURE FOR THE NATIONAL GRIEVANCE COMMITTEE  
(Adopted Pursuant to Article II, Section 2 of AMVETS National Bylaws)

REFERENCE:

NATIONAL CONSTITUTION – ARTICLE XII; DISCIPLINE

1. BYLAWS – ARTICLE V: DISCIPLINE OF POST AND POST MEMBERS, and;
2. Appendix C, Section 1: UNIFORM CODE OF PROCEDURE FOR THE SUSPENSION OR EXPULSION OF A MEMBER

Section 1. UNIFORM CODE OF PROCEDURE FOR THE SUSPENSION OR EXPULSION OF A MEMBER.

A member who files an appeal is referred to as an appellant. The appellant must file a Notice of Appeal within 15 days after the imposition of the penalty to the Executive Director of AMVETS National Headquarters, 4647 Forbes Blvd., Lanham, Maryland 20706. The notice must include the specific grounds on which the appeal is predicated. These grounds typically include errors following the Constitution and Bylaws, procedural errors, or due process.

Attached to the Notice of Appeal must be the name of witnesses that will be present, the order that they are to be called, notarized statements of witnesses that will not be in attendance and any other evidence or documents properly numbered.

Appeals not submitted with a post mark within the established time period or not properly prepared in accordance with the reference above will not be considered.

Within 30 days of receipt of a Notice of Appeal the National Executive Director will notify the Department, the appellant and the duly appointed National Grievance Committee of receipt of the appeal and the grounds for the appeal. A National Grievance Committee meeting will be scheduled to hear said appeal at the next regularly scheduled National Executive Committee meeting that is at least 30 days from the date of mailing. The Department, appellant and grievance committee will be notified by mail of the time, date and location of the meeting.

This is not a hearing, only consideration of the statements of the appellant, the appellee (Department Judge Advocate), witnesses, record of the notarized depositions and written evidence presented to the Grievance Committee.

The appellant may be represented by counsel at all stages of the appeal process and may cross-examine all witnesses presented against him.

The Department Judge Advocate shall provide the facts refuting the grounds for the appeal as stated in the Notice of Appeal. The attendance of a court reporter shall be allowed at no charge to the appellant.

The presiding officer of the Grievance Committee shall decide all questions as to the relevancy of evidence and the regularity of the proceedings at that level.

The National Judge Advocate shall decide all questions as to the relevancy of evidence and the regularity of the proceedings at the National Executive Committee.

The accuser and the appellant may call witnesses and present evidence. Notarized depositions may be submitted. The accuser, the appellant or their appointed representatives may make opening and closing remarks not to exceed 10 minutes each. Witness statements will not exceed 10 minutes with 10 minutes allowed for cross-examination.

The Department Judge Advocate shall present opening remarks first and closing remarks last.

Each party to the appeal shall have the right to recall witnesses and re-direct questions witnesses.

At the conclusion of closing remarks the chairman shall close the hearing. A vote shall be taken to determine if (1) the charges and punishment on appeal shall be upheld, (2) The charges are upheld and punishment reduced or (3) charges and punishment are not upheld. A two-thirds vote of the committee shall be required to sustain the charges and punishment on appeal.

The Grievance Committee is a subcommittee of the National Executive Committee and will report its findings to the National Executive Committee. Under this procedure, the National Executive Committee can ratify the Grievance Committee decision, decline to impose any penalty or reduce the penalty. The National Executive Committee cannot increase the penalty. If the Grievance Committee has found the accused not guilty the National Executive Committee cannot impose a penalty.

The decision of an appellate body shall be binding and final.

The National Executive Director shall notify the appellant and Department in writing of the results of the appeal within 15 days of the National Executive Committee's decision.

## National Bylaws, Appendix E, AMVETS Uniform Department Constitution

Appendix E is the constitution applied to all Departments within the AMVETS organization. Each Department has adopted its own individual Bylaws to govern local circumstances.

Elected officers can only be removed by 2/3 vote of the Department Executive committee after charges have been preferred, furnished by certified mail to the officer concerned and to the members the Department Executive Committee and a hearing held where that officer has been found guilty. Procedure for removal shall be approved by the Department Executive Committee per recommendations of the State Judge Advocate.

The State Executive Committee is authorized to suspend or revoke post charters following procedures spelled out in Appendix A of the National Bylaws. Any post whose charter is revoked has the right of appeal to the National Executive Committee

Department Commander may establish a trusteeship to take over the organization of a post for good and proper reasons.

The Department Commander shall appoint a grievance committee from among voting members of the State Executive Committee. This committee of 3 members is to hear grievances and appeals as provided for in the Department Bylaws. They will then report their findings and recommendations to the Department Executive Committee. The chairman is appointed by the Department Commander. The committee meets during state convention, State Executive Committee meetings and at the call of the Department Commander. The Department Commander and State Judge Advocate shall be members this committee without a vote.

### **National Bylaws, Appendix E, AMVETS Uniform Department Constitution**

Section 6. (a) An elected officer may be removed from office only by a two-thirds vote of the Department Executive Committee after written charges against such officer shall have been preferred and furnished by certified mail to the officer concerned and to the members of the Department Executive Committee.

A full hearing shall be held by the Department Executive Committee on charges preferred against an elected Department officer. Such hearing shall be held not less than 30 days after the charges are referred and mailed.

(b) The procedure for removal from office of elected officers shall be prescribed by the State Executive Committee on recommendation of the Department judge advocate in accordance with the UNIFORM CODE OF PROCEDURE FOR THE SUSPENSION OR EXPULSION OF A MEMBER (AMVETS National Bylaws, Appendix B)

Section 17.

(a) The State Executive Committee, after notice and hearing, may cancel, suspend or revoke the charter of any post for good and sufficient cause. Procedure for any such action shall be as prescribed by AMVETS National Bylaws, Appendix A.

(b) In the event of the cancellation, suspension or revocation of any charter of any Post, the suspended body shall have the right of appeal to the next Department convention.

Section 18. As prescribed in the Department Bylaws, the Department commander, after notice, may invoke and formulate a trusteeship to take over the operation of a post for good and sufficient reasons and for the well-being of the AMVET organization.

Section 19. From among the voting membership of the State Executive Committee, the state commander shall appoint a State Grievance Committee, consisting of three members, to hear grievances and appeals as are provided for in this constitution and Bylaws and to report its findings and recommendations to the State Executive Committee.

The state commander shall designate the chairman.

This committee shall function during the state convention, meetings of the State Executive Committee, and upon the call of the state commander or State Executive Committee.

Such appointees shall serve at the pleasure of the state commander with the advice and consent of the State Executive Committee.

The state commander and state judge advocate shall serve as ex-officio members of this committee without vote.

## **ADDENDUM**

(Composed by Fred Bates, Department of Georgia)

### **Stages To AMVETS Charges Trial**

- **Jury Selection:** The Post Executive Board will be the panel. Members of the Executive Board, that pressed charges, charges are against them, witness the incident, given a statement on the incident, shall not sit in judgement on the panel. To ensure you have a quorum, you can select members from the post to fill their position. If the Commander is one, the Senior Vice Commander will serve as the Presiding Officer. The Judge Advocate shall prosecute the charges and there will be a court reporter.
- **Opening Statement.** After the jury is empaneled, the trial will begin with opening statements from Judge Advocate and Presiding Officer.
- **State's Case in Chief:** The Member Pressing Chargers will present the Charges under oath, with witness and statements. The defendant has the right to cross-examine the accuser or witnesses presented against the member.
- **The Defense Case:** The Member Complained about will present their case, with witness and statements.
- **Conclusion of the hearing:** Executive Committee will take a vote, first as to whether there is a basis for the charge or charges and, if by the vote hereafter mentioned, it is determined that there is none, the charges may be dismissed. If the charges are not dismissed, then a vote shall be taken on the guilt or innocence of each of the charges. A two-thirds vote of member is required to sustain any charges. Voting herein provided for shall be secret or open as said executive committee may, by majority vote thereof determine.
- **Verdict:**

If any charge or specification is sustained, then the member shall be deemed to be guilty thereof and the officer presiding at the hearing shall then put the question of the degree of punishment as to whether there shall be a suspension from the benefits of membership and, if so, for how long; or an expulsion from membership.

## NOTES