



DEPARTMENT OF INDIANA BY-LAWS

June 2016

AMVETS Department of Indiana

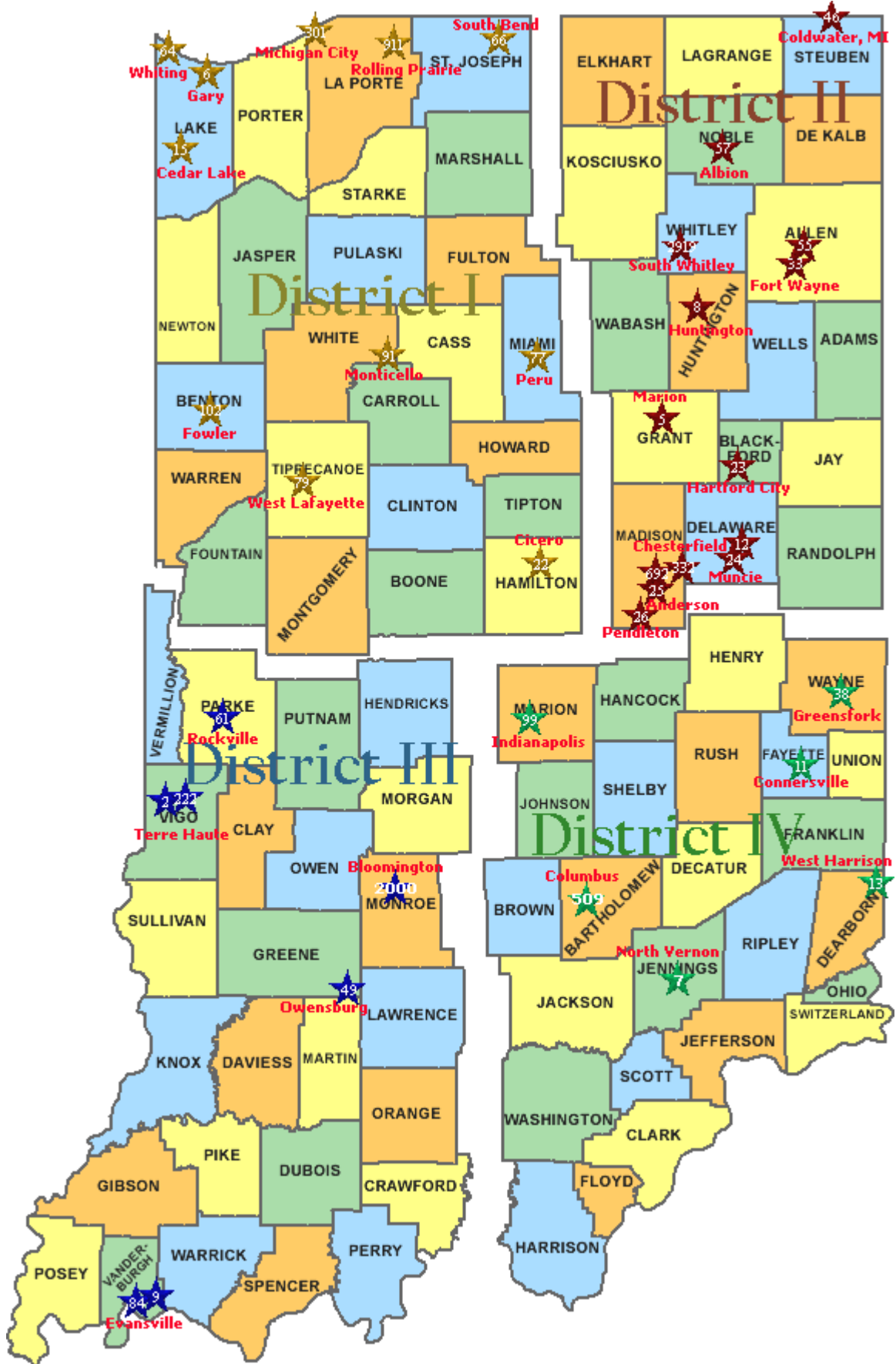


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Article I

Name of Organization

Section 1: The name of this organization shall be AMVETS American Veterans and it shall be hereinafter referred to as AMVETS Department of Indiana.

Section 2: Address:

AMVETS Department of Indiana
2840 Lafayette Road, Suite A
Indianapolis, IN 46222

Section 3: The AMVETS Department of Indiana shall be divided into the following Districts:

District 1: Benton, Boone, Carroll, Cass, Clinton, Fountain, Fulton, Hamilton, Howard, Jasper, Lake, LaPorte, Marshall, Miami, Montgomery, Newton, Porter, Pulaski, Starke, St. Joseph, Tippecanoe, Tipton, Warren and White counties.

District 2: Adams, Allen, Blackford, DeKalb, Delaware, Elkhart, Grant, Huntington, Jay, Kosciusko, LaGrange, Madison, Noble, Randolph, Steuben, Wabash, Wells and Whitley counties.

District 3: Clay, Crawford, Davies, DuBois, Gibson, Greene, Hendricks, Knox, Lawrence, Martin, Monroe, Morgan, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spencer, Sullivan, Vanderburg, Vermillion, Vigo and Warrick counties.

District 4: Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Hancock, Harrison, Henry, Jackson, Jefferson, Jennings, Johnson, Marion, Ohio, Ripley, Rush, Scott, Shelby, Switzerland, Union, Washington and Wayne counties.

Article II

Department Executive Committee

Section 1: The Department Executive Committee (DEC) is composed of:

- (a) all elected Department Officers
- (b) all past Department Commanders
- (c) all District Commanders
- (d) all Post Commanders
- (e) the Department Chaplain

Each of the above officers shall be entitled to one vote except the Department Commander shall only vote in case of a tie. The Department Chaplain shall be a member but without vote. Any individual holding more than one office within this group shall have only one vote.

Section 2: Stated meetings of the Department Executive Committee shall be held as follows:

- (a) in conjunction with the Department Convention and in the months of March or April and the months of November or December;
- (b) on reasonable notice, special DEC meetings may be held at the call of the Department Commander. Those in attendance constitute a quorum for special meetings;
- (c) the Department Commander shall call a meeting of the Department Executive Committee on the written request of Department Executive Committeemen from at least 25 percent of the organized posts.
- (d) all DEC meetings will be held within the state of Indiana.

Section 3: A majority of its members shall constitute a quorum of the Department Executive Committee.

Section 4: The Department Finance Committee shall be charged with the preparation of the annual budget and the handling of funds, subject to the approval of the Department Executive Committee and the limitations set forth in the constitution.

Section 5: No member may hold more than one elected department office at one time. All questions affecting the eligibility for office and conduct of Department officers shall be referred to and determined by the Department Executive Committee. All questions affecting the eligibility for office and conduct of Department Executive Committeemen, department officers or members of the Department Executive Committee shall be referred to and determined by the Department Executive Committee. Any Department Executive Committeeman elected to a department office by a Department Convention shall, if the individual accepts the department elective office, be deemed to have resigned the office as Department Executive Committeeman.

Section 6: From among the membership of the Department Executive Committee, the Department Commander shall appoint a Department Grievance Committee, consisting of three members, to hear grievances and appeals as are provided for in this constitution and by-laws and to report its findings and recommendations to the proper authorities. The Department Commander shall designate the chairman. This committee shall function during the Department Convention and meetings of the Department Executive Committee. Such appointees shall serve at the pleasure of the Department Commander. The Department Commander and Department Judge Advocate shall serve as ex-officio members of this committee without vote.

Article III

Committees

Section 1: Department Committees. The following committees are hereby identified as Department committees. The Department Commander shall appoint (except where otherwise indicated) a chairman, vice chairman and such members of AMVETS to each committee as are necessary to accomplish its objectives. The Department Commander shall prescribe the duties and responsibilities of said committees unless otherwise indicated. All committees will receive and develop and consider resolutions. Appointments are effective July 1 and are for a period of one year (except where otherwise indicated). The member composition, duties and responsibilities of the Department Executive Committee, Department Finance Committee and Department Grievance Committee are described elsewhere in the Department By-Laws.

Community Services and Activities Committee

By-Laws

Credentials Committee: To supervise the registration of delegates, alternates, members and guests at the Department convention and to set forth the voting strength of the convention in accordance with the provisions of the AMVETS Department Constitution and By-Laws. The Department commander shall appoint at least one member to the Credentials Committee as recommended by each candidate for Department commander.

Honors and Awards Committee

Membership Committee: To consider all matter relating to the development of AMVETS through membership activities.

POW/MIA Committee

Programs Committee

Resolutions Committee

VAVS Committee

Women Veterans Committee

Convention Rules Committee:

- (1) To review annually the Rules of the Annual Convention, and present said rules, with any recommended changes, to the Spring Department Executive Committee meeting for approval by the DEC.
- (2) Besides the members appointed to the committee by the Department Commander, the committee shall include the Chairman of the By-Laws Committee.

Section 2: Special Committees.

- (a) The Department commander may appoint such special committees as deemed necessary to the proper conduct of organizational affairs, subject to the approval of the Department Executive Committee.
- (b) Such appointees shall serve during the term of the administration appointing them and terminate on expiration of the term of the appointing administration.

Section 3: Each committee authorized by these constitution and by-laws must report its activities and recommendations at each DEC meeting and at the annual Department convention.

Article IV

Duties of Officers

Article IV

Duties of Officers

Section 1: All elected and appointed Department officers shall be administered the Oath of Office at the end of the Department Convention. All Post and Department Officers and shall take office immediately after the Department Commander is sworn in, serving until new officers are sworn in at the next convention. The Commandeer shall not have a right to vote except in the case of a tie. This includes all elections.

Section 2: Department Commander. The Department Commander shall be the executive head of Department of Indiana AMVETS, with full power to enforce the provisions of the Department By-Laws and the will of the Department Convention and Department Executive Committee. The Department Commander shall serve as an ex-officio member without right to vote on all committees. The Department commander shall perform such other duties as are usually incident to the office.

Section 3: Department Vice Commanders. The Department Vice Commanders shall act as representatives of the Department Commander in all matters referred to them by the Department Commander and, on the Department Commander's request, preside over sessions of the Department Convention or the Department Executive Committee.

- (a) **Department First Vice Commander.** The Department First Vice Commander shall be primarily responsible for the membership of the organization and shall coordinate with all post membership directors or vice commanders in charge of membership. The Department First Vice Commander shall also:
- (1) correlate the convention mandates on membership between the state department and posts;
 - (2) review and reevaluate current membership programs and report his recommendations to the Department Commander, the Department Executive Committee and the Department Convention;
 - (3) endeavor to create and present new membership incentives to the Department Commander and the Department Executive Committee;
 - (4) be informed as to the membership strength of the department and all posts within the Department of Indiana. The Department First Vice Commander shall be responsible for seeing that this information is circulated monthly to all posts and to all Department officers.
 - (5) perform such other duties in connection with membership as the Department Commander shall direct.
- (b) **Department Second Vice Commander.** The Department Second Vice Commander shall be primarily responsible for the programs of the Department of Indiana and shall coordinate all department program chairmen. The Department Second Vice Commander shall also:
- (1) review and reevaluate the existing programs and convey recommendations to the Department Commander, the Department Executive Committee and the Department Convention;
 - (2) coordinate all programs between Department and post levels;
 - (3) be responsible for studying and recommending new programs to the Department Commander and the Department Executive Committee for consideration;
 - (4) be indoctrinated on all programs instituted by the Department of Indiana, especially those involving contact with the general public.

- (5) perform such other duties in connection with AMVETS programs as the Department Commander shall direct.

Section 4: Department Executive Director. The Department Executive Director shall:

- (a) be charged with the administration of the policies and mandates of the Department Convention, the Department Executive Committee and the Department Commander;
- (b) supervise all Department activities and issue such directives as mandated by the Department Commander or Department Executive Committee;
- (c) oversee the everyday operation of the Department Headquarters;
- (d) serve at the pleasure of the Department Commander and the Department Executive Committee;
- (e) be the personnel officer for all employees at the Department Headquarters;
- (f) be proficient in the operation of a computer;
- (g) be appointed by the Department Commander at the Department Convention with the approval of the Department Executive Committee by a simple majority.

Section 5: Department Finance Officer. The Department Finance Officer shall be custodian of the funds of the Department. All checks disbursing the funds of the Department organization shall be signed by two or more persons as designated by the Department Executive Committee, and the Department Finance Officer shall make reports on the condition of the department treasury when called for by the Department Commander or Department Executive Committee. The Department shall provide a surety bond for said position. The Department Finance Officer shall perform such other duties as are usually incident to the office.

Section 6: Department Judge Advocate. The Department Judge Advocate shall advise the department officers and the Department Executive Committee on all legal matters, including the construction and interpretation of the National and Department Constitution and By-Laws, and shall perform such other duties as are usually incident to the office. The Department Judge Advocate shall review all contracts prior to execution by the organization and serve as an ex-officio member without right to vote on all committees.

Section 7: Department Chaplain. The Department Chaplain shall perform such religious and nonsectarian services as may be necessary, adhering to the appropriate ceremonial rituals, and discharge of other duties incident to the office.

Section 8: Department Provost Marshal. The Department Provost Marshal shall maintain order at the Department Convention, DEC meetings and such other ceremonies/functions as directed by the Department Commander.

Section 9: Department Inspector General. The Department Inspector General shall be the investigating officer of the department. By direction of the Department Commander or the Department Executive Committee, the Department Inspector General shall make any necessary investigations pertaining to grievances, disciplinary cases, fraud or dishonesty within the department and charges of conduct unbecoming an AMVET, and shall be empowered to have access to all records, financial and otherwise, of all posts, post officers or members when necessary for the discharge of the Department Inspector General duties. In making such investigations, the Department Inspector General shall report to the Department Commander who shall, in turn, review the findings with the Department Judge Advocate and, if warranted, report to the Department Executive Committee. The Department Inspector General shall serve at the pleasure of the Department Commander and the Department Executive Committee.

Section 10: Department National Executive Committeeman (NEC) and Alternate NEC. The National Executive Committee Representative shall be the representative of the department of Indiana at the National executive Committee Meetings and shall be responsible for making a full report of the National Executive Committee's actions and other pertinent information on the National level to the Department of Indiana. In the absence of the N.E.C., the Alternate N.E.C. will assume the duties of the N.E.C.

Section 11: Department District Commander. The District Commander shall:

- (a) report on his/her District at the Department Executive Committee Meeting;
- (b) be the representative of the Department Commander in the District;
- (c) file written reports with Department Headquarters and shall perform such other duties as the Department Commander may require.

Section 12: Department Legislative Officer. The Legislative Officer shall assist the Department Commander and the Department Executive and Service Director in carrying out the Legislative Programs of the Department. He shall be the Chairman of the Legislative Standing Committee and be responsible for communicating with Committee members and all Indiana AMVETS as necessary.

Section 13: Department Aide-De-Camp. The Department Aide-De-Camp shall be the personal aide to the Department Commander and shall perform such duties as the Department Commander may require.

Section 14: Department Service Officer. The Department Service Officer shall be the Welfare Officer of AMVETS Department of Indiana. He/she shall be directly concerned with all matters pertaining to the social and material welfare of members and shall be particularly concerned in the assistance of all members securing rights and benefits accorded them by law. He/she shall act as Liaison Officer between the Department Executive Committee and all agencies charged with veterans' affairs and shall also act in direct assistance to Post Service Officers.

Section 15: Department Public Relations Officer. The Department Public Relations Officer shall keep the public informed relative to the activities of this organization in order to build and maintain good will toward the organization.

Section 16: Department Historian. The Department Historian shall compile from year to year all records of historical value and interest for the AMVETS Department of Indiana Headquarters. He/she shall also assist Post Historians so as to coordinated and unify the work of these officials.

Section 17: Department National Convention Delegate. The Department National Convention Delegate shall be the official representative of the Department delegation and shall attend all business sessions of the National Convention. If a delegate demands a roll call of any Department delegation, a poll will be conducted and the results of the vote will be announced. The delegate shall call a caucus of the delegation at any such time as deemed necessary. A verbal and written report of all activities and business conducted at the National Convention shall be presented at the annual Fall Conference.

Section 18: Department Alternate National Convention Delegate. In the absence of the delegate, the Alternate National Convention Delegate shall perform his duties.

Section 19: Department Adjutant. The Department Adjutant shall take the minutes at all scheduled DEC meetings and/or any special called DEC meeting. The Adjutant shall perform duties at all conferences and Department Convention at the direction of the Department Commander.

Section 20: No paid employee of the Department and/or the Service Foundation and/or Post shall be eligible for election or appointment to any Post or Department Office in AMVETS nor shall he/she participate in the election or pre-election activities on the part of any candidate for election to office in AMVETS. However, said employee shall have the right to vote. Any violation of this provision shall be cause for dismissal from his/her paid position.

Article V

Charters

Section 1:

- (a) The 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 (NATIONAL BY-LAWS, *Appendix A*).
- (b) To retain an active charter within the Department of Indiana each post must meet the following requirements and send copies of the National Post Revalidation and Officers Change forms to the Department Headquarters.
 - (1) Must revalidate as per requirements of the National Headquarters.
 - (2) File a Business Entity Form (Incorporation) with the Indiana Secretary of State yearly and send proof to the Department Headquarters at the time of revalidation.
 - (3) Provide a written statement for all bank accounts handled by the post that they have been reconciled and that all required insurance for bonding and Workers Compensation are current and in effect. The written statement will be signed by the Commander and Finance Officer.
 - (4) Provide a written statement for all bank accounts handled by the Ladies Auxiliary, Sons of AMVETS, Sad Sacks, Juniors and Riders that they have been reconciled and that all required insurance for bonding are current and in effect. The written statement will be signed by the Commander (President) and Finance Officer of each group.
 - (5) Provide a copy of the current IRS Form 990 or 990-EZ.
 - (6) Send a Change of Officers form to the Department any time there is a change in the post's officers.
 - (7) Each article of this section will be completed before Post Revalidation will be approved.
- (c) 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.

Section 2: Any post failing to meet the obligations imposed on it by the By-Laws, 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 3:

- (a) On revocation or cancellation (or suspension of the charter of a post, said post shall immediately cease operation and, on revocation or cancellation, turn over its charter and assets to the Department Commander or Department Executive Committee. The Department Executive Committee is authorized, empowered and directed by and through its duly authorized agent to take possession, custody and control of all records, property and assets of said post. So much of the said assets as are required for the purpose shall be applied to any indebtedness of said post, provided, however, that nothing contained herein shall be construed as requiring the Department of Indiana to take over or to assume any financial responsibility of such post. Assets are to be held in trust for a period of 12 months and in the event the post charter is not reissued within the 12-month period, said property, money and effects shall become the absolute property of the Department of Indiana.
- (b) When the charter of a post is canceled or revoked for any reason, said charter shall be returned to the department within 30 days.

Section 4: On appeal of disciplinary actions, all pertinent documents, including transcripts and other supporting documentation of said hearings, shall be directed to National Headquarters for review by the National Judge Advocate.

Article VI

Transfer of Post Charters

No Post of AMVETS Department of Indiana may transfer its Charter to another location except upon prior approval of the Department Executive Committee.

Article VII

Discipline of Posts and Post Members

Section 1: Each Post of AMVETS Department of Indiana shall be the judge of its own membership subject to the provisions of the Constitution & By-Laws of National and the Department of Indiana.

(a) Provided, however, that when the conduct of any member of AMVETS is such that it in any way will reflect, discredit, or invite criticism of the organization or who belongs to or joins any group, organizations, 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 Executive Committee may suspend the charter of the Post involved pending a hearing and final action by the Department Executive Committee.

(b) In the event that 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 Department Executive Committee.

Section 2: Members may be suspended or expelled by a Post, the Department Executive Committee, or by the National Executive committee upon a proper showing of cause. Written charges which shall be furnished to the member involved at least thirty (30) days prior to the date set for the hearing shall be based upon disloyalty, neglect of duty, dishonesty or conduct unbecoming a member of AMVETS. The National Executive Committee shall provide a uniform code of procedure to be followed in effecting the suspension or expulsion of members which said code of procedure shall establish a method of appeal.

Section 3: Any member who has been suspended or expelled in accordance with Section 2 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. The decision of the appellate body shall be final.

Section 4: Any member resigning, being suspended or whose membership is revoked, shall have his/her name directed to the Department and National Headquarters.

Section 5: Delinquency of dues shall be subject to the same rules and discipline as promulgated by National Headquarters.

Article VIII

Membership

Membership in AMVETS constitutes membership in the Department of Indiana AMVETS through post affiliation or membership-at-large. All AMVETS shall, prior to their acceptance as members, pledge allegiance to the United States of America and its Constitution and certify that they have read, or have had read to them, the Principles of AMVETS, that they accept and subscribe to same and that they shall not advocate or belong to any group or organization advocating the overthrow of the United States government by force. The requirement of pledging allegiance to the United States and its Constitution do not apply to foreign nationals who are not permanent residents of the United States, one of its territories, possessions or the District of Columbia.

Any person who served or is currently serving in the Armed Forces of the United States of America and all United States Reservists and National Guardsmen who are serving or have served at any time after September 15, 1940, is eligible for regular membership in AMVETS, provided such service when terminated by discharge or release from active duty was by honorable discharge, honorable separation or general discharge under honorable conditions.

Article IX

Monies & Collections

Section 1: All department and post officials handling AMVETS funds shall be properly bonded with a good and solvent bonding and surety company, acceptable to the U.S. Treasury as surety to cover the average amount of AMVETS funds handled by such individual in a single year. In case of delinquencies in the payment of accounts due Department or National Headquarters, action shall be taken at once by the proper officials to bring about an immediate and complete settlement. The bonds provided by Department and Post officials shall be approved by the Department Executive Committee.

Section 2:

- (a) No contracts involving expenditures in excess of \$2,000 of Department of Indiana AMVETS funds shall be negotiated without inviting a reasonable number of competitive written bids and where the required products are of equal quality, the contract shall be awarded to the lowest bidder.
- (b) All contracts to be executed by the Department of Indiana AMVETS shall be approved by the Department Executive Committee and signed by the Department Commander and attested to by the Department Executive Director after said contract has been reviewed by the Department Judge Advocate.

Section 3:

- (a) No public fund-raising project or program of any kind or character shall be undertaken by or on behalf of any post or combination of posts or subordinate thereof unless the contract, agreement or other arrangement under which such a project or program is to operate has first been submitted for the prior approval of the Department Judge Advocate and then to a standing committee of the national organization composed of the President of the National Service Foundation, the National Judge Advocate and the National Commander. A public fund-raising project is defined as any project or program involving a solicitation or request to nonmembers of AMVETS for a donation or pertaining to the sale of merchandise, goods, tickets, or advertising matter of any kind or character. In the event of an adverse decision by the Department Judge Advocate, an appeal may be made at the next Department Executive Committee meeting. Its action shall be final. Any fund-raising project or program conducted by a post or any combination of posts or subordinates thereof in which there is no other person, firm or corporation involved, and in which such fund-raising project or program is conducted solely by the post, shall not be deemed to be within the purview of this section, provided that the anticipated gross receipts from such fund-raising project or program do not exceed the sum of \$10,000; in the event it is anticipated that the gross receipts will exceed \$10,000 in any fiscal year, then said project or program shall be submitted as described above. Failure of a post or combination of posts or subordinates thereof to adhere to the provisions of this section shall be considered grounds for disciplinary action.
- (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 trustees shall be elected by and from among the members of the post to supervise its activities, operation and finances.
- (c) Any post operating a clubroom as mentioned in Section 3(b) hereof shall be required to carry workers' compensation insurance (in accordance with the laws of the state of Indiana and public liability insurance, including product liability and personal injury

coverage, with a minimum single limit of \$300,000. Posts that maintain a building primarily for meeting purposes shall be required to carry public liability insurance, including product liability and personal injury coverage with a minimum single limit coverage of \$100,000 or the minimum local amount prescribed by state law. The Department of Indiana AMVETS and the National Department of AMVETS shall be included as additional insured in all policies and a certificate of said insurance shall be furnished to the State Department and to National Headquarters.

- (d) Upon renewal of insurance policies which either incorporate liquor liability coverage within general liability coverage or have stand alone liquor liability coverage, a copy of the new policy will be forwarded to Department of Indiana AMVETS within 30 days of the renewal date. If a renewal confirmation is not received within 45 days of the renewal date, the Post becomes suspended until such time as the confirmation is received.
- (e) Any post operating a clubroom as stated in Section 3(b) hereof shall be mandated to incorporate under a business not-for-profit corporation law, in accordance with existing Indiana state statutes. All post clubrooms desiring to be included in the AMVETS group tax-exempt status under Internal Revenue Service Code as a 501(c)(19) organization shall provide, on incorporation, a point of contact, employer identification number, mailing address and letter of authorization to the Department of Indiana AMVETS and AMVETS National Headquarters.
- (f) Any post failing to comply with these provisions shall be deemed to have violated the Department of Indiana AMVETS By-Laws and the charter of said post shall, in accordance with adopted procedure, be subjected to suspension or revocation.

Section 4: All post and department accounts shall be kept in accordance with generally accepted accounting procedures.

Section 5: The minimum annual membership dues shall be \$20.00 payable to the post, of which sum \$14.00 shall be forwarded to National Headquarters and \$6.00 to the Department of Indiana. Dues above the minimum set forth here shall be fixed by the post. Members-at-large will remit the minimum dues to department headquarters, from which sum the national department will be paid the minimum national dues.

Section 6: Life membership dues shall be not less than that as prescribed by National AMVETS, nonrefundable and payable to the post, of which 50 percent shall be forwarded to National Headquarters and 25 percent to the Department of Indiana. Dues above the minimum set forth herein shall be fixed by the post.

Section 7: Annual members who paid their annual dues between September 1 and August 31 may convert to life membership and receive credit for their prepaid annual dues at any time during that period.

Section 8: The Department of Indiana shall:

- (a) remit to each district within the Department the sum of \$1 for each renewal or new membership submitted to the Department
- (b) require that fifty percent (50%) of the dollar allotted to the District be documented for Post extension work or returned to AMVETS Department of Indiana
- (c) not allot or budget additional monies for each District
- (d) remit quarterly the funds owed each district.

Section 9: Department Officers Budget

- (a) Each Department Officer authorized a budget set on the finance report shall use their budget as they fit to operate, maintain and perform the duties of their office.
- (b) Expenditures will be reimbursed by the Finance Officer as soon as reasonably possible upon receipt of written proof of the expense incurred.

- (c) No reimbursement will be paid in excess of that office's stated budget without approval of the Department Executive Committee.
- (d) All reimbursement requests must meet current IRS requirements as a recognized legitimate corporate deductible expense.

Article X

Restricted Use of Organization

The AMVETS Department of Indiana, or any component part thereof, shall not be used to promote the interest of any individual who is a candidate for public office or to promote otherwise any individual, political party, faction or product. This includes but not limited to donations to or from any political entity or candidate. Any violation of this provision shall be sufficient cause for disciplinary action against the offending member or post.

Article XI

Meetings

All meetings and all matters and proceedings not otherwise provided for herein shall be conducted pursuant to ROBERT'S RULES OF ORDER, NEWLY REVISED.

Article XII

Accounting for Monies

All monies received by this department shall be strictly and accurately accounted for and a report shall be made available to all members, at each meeting of the DEC, showing the sources of all such income and expenditures thereof, Once each year the Finance Officer shall submit to the Commander, the Adjutant and the Department Executive Director a copy, certified by an independent outside CPA of the current IRS 990 by October 31".

Article XIII

Policy

Section 1: The policy of AMVETS shall be determined by:

- (a) the National Convention, as reflected in the resolutions adopted;
- (b) the Department Executive Committee, when not in conflict with Convention mandates;
- (c) the compilation of the results of periodic polls of Posts on current issues.

The Department, Posts, Sons, Ladies Auxiliary and subsidiaries shall be notified by National Headquarters of policy so adopted.

Section 2: No member of AMVETS shall represent or purport to represent any Department, Post, Sons, Ladies Auxiliary or subsidiary of AMVETS in opposition to other than in complete consonance with policy so determined and notified.

Article XIV

Personnel Committee

The Department Personnel Committee shall be comprised of the five (5) immediate Past Department Commanders who are able and willing to serve. The Department Committee shall recommend such personnel as may be needed to maintain the Department Headquarters.

Article XV

Elections

Section 1: Any AMVET who is a candidate for a Post or Department of Indiana AMVET elected or appointed office must be in good standing* and present a DD214 or an Honorable Discharge (or both) to the Post Adjutant at the Post level or Department Executive Director at the department level before they can assume any AMVET office.

Section 2: All elections at the Indiana Department Conventions shall be done by oral roll call vote cast by Post Commander or designated representatives with the winner determined by simple majority.

Section 3: There will be no absentee Ballots or Proxy votes allowed at any level in the Department of Indiana AMVETS.

Section 4: Elected Department of Indiana offices include: Commander, First Vice Commander, Second Vice Commander, Finance Officer, Judge Advocate, Provost Marshall, Inspector General, National Executive Committee Representative, Alternate National Executive Committee Representative, Legislative Officer, Alternate National Convention Delegate.

Section 5: The National Convention Delegate shall be the Immediate Past Department Commander.

- * “good standing” means membership is not under current suspension or probation from any Post, Department, or National level.

Article XVI

Record Retention And Destruction Policy

Section 1: The purpose of this Policy is to ensure that necessary records and documents of AMVETS Department of Indian are adequately protected and maintained and to ensure that records that are no longer needed by the Department, that are of no value, are discarded at the proper time. This Policy is also for the purpose of aiding DEC and members of AMVETS Department of Indiana in understanding their obligations in retaining electronic documents - including e-mail, Web files, text files, sound and movie files, PDF documents, and all Microsoft Office or other formatted files.

- (a) all permanent records shall be hard copied and stored at the Department Headquarters
- (b) all permanent electronic records shall be stored on hard drives in the department headquarter with a hard copy backup.
- (c) all other documents describe below shall also be backup and stored in the department headquarters either electronically or hard copied
- (d) districts and posts are required to follow the same record retention failure to follow policy can result in discipline action being taken.
- (e) an annual inspection can be called by the Department Commander to ensure compliance of policy

Section 2: The Executive Director of the Department of Indiana is the officer in charge of the administration of this article and the implementation of processes and procedures to ensure that the Record Retention Schedule is followed.

- (a) all modifications to the Record Retention Schedule from time to time to ensure that it is in compliance with local, state and federal laws and includes the appropriate document and record categories for Department; shall be brought forth to the D.E.C.
- (b) this applies to all physical records generated in the course of Department of Indiana operation, including both original documents, reproduction and electronic document describe above

Section 3: Department of Indiana record retention schedule as follows:

- (a) accounting and finance shall follow this retention schedule:
bank statements, budgets interim financial statements shall be retained 7 years
- (b) general ledgers, annual audit reports and related document shall be retained permanent
- (c) investment records shall be retained 7 years after sale of investment
- (d) corporation records (minute books, signed minutes of the DEC and all committees, articles of incorporation, bylaws, 990's and any licenses and permits shall be retained permanent.
- (e) most correspondence shall be retained for 2 years
- (f) correspondence pertaining to routine matters and having no significant, lasting consequences should be discarded *within two years*. Some examples include:
 - Routine letters and notes that require no acknowledgement or follow-up, such as notes of appreciation, congratulations, letters of transmittal, and plans for meetings
 - Form letters that require no follow-up
 - Letters of general inquiry and replies that complete a cycle of correspondence
 - Letters or complaints requesting specific action that have no further value after changes are made or action taken (such as name or address change)
 - Other letters of inconsequential subject matter or that definitely close correspondence to which no further reference will be necessary

- (g) electronic mail needs to be retain, depending on the subject matter and all email from internal or external source is to be deleted after 12 months
 - (h) insurance and bonding records shall be retained permanently
 - (i) property records shall be retained permanently
 - (j) electronic documents such as PDF document, Text formatted file shall be retained depending on subject matter describe above
- (k) all permanent records shall be hard copied and stored at the Department Headquarters

Section 4: Department of Indiana disposes of records

- (a) Department shall secure the destruction whenever an association disposes of records, it must ensure that the records are completely destroyed, preferably by shredding or incineration. Simply throwing them into the trash can result in potential liability

Article XVII

Department Convention

Section 1: The Department of Indiana shall establish a Convention Committee consisting of a convention chairman and two (2) trustees for the purpose of investigating and recommending to the Convention Corporation future sites for all Indiana Department Conventions.

Section 2: A Department Convention shall be held annually at least thirty (30) days prior to the National AMVETS Convention. The site of said Department Convention shall be held in or near Indianapolis, hosted by the Department. This site is subject to change by majority vote. One Convention body may select a Convention site in advance for more than one year but not more than three years. In the absence of the Convention site by a Convention b, or in the event the date or place becomes unavailable or any provision of the Convention is changed, the Department Executive Committee shall not make such selection if there will be an intervening Convention. The said Department Convention shall function as the Legislative Department of the AMVETS Department of Indiana. The site of the DEPARTMENT Convention, Fall and Spring Conferences will be held in or near Indianapolis in a hotel selected by the Convention Committee.

Section 3: The Department shall form a Convention Corporation to handle the management of said Convention. This Convention Corporation shall consist of the Executive Director, the immediate Past Department Commander, the Department Commander, Department Adjutant, Department Finance Officer from the AMVETS Department of Indiana, as well as the Department Sons of AMVETS Commander and the Department President of the Ladies Auxiliary. The Department Commander may also appoint additional members to said Convention Corporation as he/she deems fit.

Section 4: The business of the convention shall be conducted by a majority of the delegates present at all sessions thereof at which a quorum is present, and delegates shall be as follows:

- (a) Each elected member of the Department Executive Committee shall be a delegate to the Department Convention with full delegate authority: except however, there can be no alternate to the member of the Executive Committee.
- (b) Each Post shall be entitled to one (1) delegate-at-large and one (1) delegate for the first ten (10) members and one (1) delegate for each fifteen (15) members or fraction thereof up to one hundred (100), and one (1) additional delegate for each additional fifty (50) members or major fraction thereof, paid and in good standing thirty (30) days prior to the time of the date of the Convention.

| # MEMBERS | # DELEGATES |
|-----------|---------------------|
| All Posts | 1 Delegate at Large |
| 1-10 | 1 |
| 11-25 | 1 |
| 26-40 | 1 |
| 41-55 | 1 |
| 56-70 | 1 |
| 71-85 | 1 |

| | |
|---------|---|
| 86-100 | 1 |
| 101-150 | 1 |
| 151-200 | 1 |

Thereafter, each post receives 1 additional delegate for each additional fifty (50) members or major fraction. Example: If a post has 99 members, they receive 8 delegates. If a post has 102 members, they have 9 delegates. If a post has 152 members, they have 10 delegates.

Section 5: Provided further, that in the event a new Post is installed less than one month prior to the Department Convention the number of its delegates shall be determined by the number of members in good standing the date said Department Convention convenes.

Section 6: Provided further, that each Post shall be entitled to the same number of alternate delegates as it has delegates. The alternate delegates shall be numbered starting with the number one (1). In the absence of any Post delegate, the alternate delegate from the same Post, having the lowest number shall represent said delegate in his absence. Said alternate shall have the rights and privileges of a delegate as long as said alternate delegate is representing an absent delegate.

Section 7: The immediate Past Department Commander and other Past Department Commanders present at the Department Convention shall have a vote at the Department Convention.

Section 8: All delegates and persons having voting privileges must be registered.

Section 9: A quorum shall consist of a majority of the votes represented who are present at roll call the morning of each Convention day.

Section 10: Resolutions shall be presented to the Convention assembled, only if they comply with one of the following requirements:

- (a) said resolution shall be presented to the Department Commander at the Department Executive Meeting preceding the Department Convention in typewritten form.
- (b) said resolution has been passed by a duly constituted Post in the AMVETS Department of Indiana.
- (c) said resolution passed by the Department Executive Committee in a duly called meeting with a quorum present.
- (d) A member can submit a resolution on the floor of the Convention with the consent of two-thirds (2/3) of the delegates assembled.
- (e) Resolutions shall be in typewritten form, signed by a delegate or officer of the sponsoring Post or District and submitted to the chairperson of the Resolutions Committee or Department Headquarters prior to the opening of the Department Convention. However, the resolution may be submitted to the Convention body after presenting the Resolution to the Resolutions Committee at the Department Convention.

Section 11: No Post delegate, Department officer from that Post or any other person having a vote at the Department Convention from said Post shall vote at the Department Convention until all accounts with both the AMVETS Department of Indiana and the AMVETS Department of Indiana Service Foundation shall have been paid prior to registration of said delegate.

Section 12: All Past Department Commanders and all registered delegates at our Annual Meeting/ Department Convention, Fall Conference, and Spring Conference shall have one vote each.

Section 13: The Department of Indiana's representative and alternate to the National Convention shall be elected by the Department Convention on even years for two (2) terms and shall be designated as the National Executive Committeeman.

Section 14: All by-laws, mandates and policies enacted by the Convention shall be effective immediately upon adoption unless such by-laws mandates or policies shall by their own terms otherwise provide.

Section 15: In order to qualify as a delegate to an annual convention an AMVETS must be a member of a Post to which he has been transferred for at least six months.

Article XVIII

Amendments

This attachment certifies that the documents contained are a true copy of the By-Laws for the Department of Indiana as passed at the Annual Convention, June , 2016 in Indianapolis, IN.

Jackie Randolph
Department of Indiana Commander
2015 - 2016

Date

Leland K. Williams
Department of Indiana Judge Advocate
2015 - 2016

Date