

# Disabled American Veterans

Department of  
Rhode Island

Department Constitution  
and  
By-Laws



April 25, 2014

# TABLE OF CONTENTS

	<b><u>PAGE</u></b>
<b>CONSTITUTION AND BY-LAWS</b>	
Article I: Name.....	3
Article II: Policy.....	4
Article III: Department Convention.....	4
Article IV: Membership.....	12
Article V: Department Officers.....	13
Article VI: Department Officer’s Duties.....	16
Article VII: Department Executive Committee....	25
Article VIII: Chapter Organization.....	27
Article IX: Finances.....	30
Article X: Auxiliaries.....	34
Article XI: Amendments.....	34
Article XII: Adoption.....	34

# CONSTITUTION AND BY-LAWS

Department of Rhode Island  
Disabled American Veterans  
January 14, 2014

## **Article I – Name**

The name of this organization shall be called the “Disabled American Veterans”.

### **SECTION 1.1: Governing Bodies**

Each such bodies of the organization shall be the Department Convention and the Department (State) Executive Committee and its Chapters.

### **SECTION 1.2: Records; Inspection**

Each such body shall keep records of its proceedings which shall be open for inspection to any recognized officer of the Organization.

### **SECTION 1.3:**

This Department recognizes the National Organization known as Disabled American Veterans, incorporated by an act of Congress,

and affirms its allegiance, and subordination to the National Organization, it's Constitution, By-laws and all rules, mandates and regulations promulgated pursuant thereto. Upon dissolution of the Department, the assets remaining after the payment of its debts shall be distributed as provided in Article 6, Section 6.4, and Paragraph 5 of the "National By-laws", adopted at the National Convention, August 10-13, 2013. All ensuing references to the National By-laws refer to this version.

## **Article II – Policy**

### **Section 2.1: Non-partisanship**

This Organization shall be a non-political and non-sectarian and the name of this organization or name of any subdivision thereof shall not be used in representing the desires or wishes of its membership in any political, sectarian or labor dispute, except as herein after provided. Provided, however that the foregoing shall not prevent this organization or any subdivision thereof from participating in political issues which have a direct bearing upon the welfare of America's disabled veterans.

### **Section 2.2: Legislative Activities**

No member shall appear before any legislative body or speak in the name of this Organization or any subdivision thereof propounding a position contrary to any resolution then in effect with regard to such legislation, which resolution has been regularly adopted by the National Convention, the National Executive Committee, a Department Executive Committee or state department.

## **Article III – Department Convention**

### **Section 3.1: Supreme Power**

The supreme power of the Department of Rhode Island is vested in the Department Convention.

### **Section 3.2: Duration of Mandates**

Mandates and resolutions adopted at each department convention shall be effective only until the next department convention. Its annual convention shall be held at least two (2) months prior to the National Convention.

### **Section 3.3: Time and Place**

The time and place committee shall be a standing committee of five (5) members. The members of this committee shall be: 2<sup>nd</sup> Jr. Vice Commander who is the Chairperson, Treasurer, Adjutant, 1<sup>st</sup> Jr. Vice Commander, and one Past Department Commander. The time and place committee shall choose a department convention site at least one (1) year (preferably two (2) years) subsequent to the current convention site and provide these selections to the Executive Committee for approval. In the event an unforeseen problem arises, the Executive Committee must take immediate action to prepare for the Department Convention and notify each chapter within a reasonable time frame of the convening convention.

### **Section 3.4: Composition**

The Department Convention shall be composed of all the elected officers, Past Department Commanders, appointed officers, chapter and Department Executive Committee members and chapter delegates and alternates.

### **Section 3.5: Registration Fee**

Each authorized delegate and/or alternate delegate attending the Department Convention shall pay a registration fee of \$3.00 each. Unless otherwise changed by the convention committee with the approval of the executive committee sixty (60) days prior to the convention and the chapters properly notified. Those individuals who have not paid this registration fee are not entitled to vote or voice at any convention proceeding.

### **Section 3.6: Delegates**

At each Department Convention, each chapter shall be entitled to one delegate and one alternate for each twenty-five (25) recognized members or major fraction thereof as specified in the monthly membership report supplied by the National Membership Department sixty (60) days prior to the convening of the Department Convention. Any chapter which is under suspension, indebted to the Department or the National Organization or members involved in Article 16 – Disciplinary Actions, shall have no entitlement to a voice or vote.

### **Section 3.7: Election of Delegates: Credentials**

Chapter delegates and alternates shall be elected by their respective chapters prior to the Department Convention and shall be certified by the Chapter Commander and Adjutant on forms provided by the Department Credentials Officer. Typed or printed names of the delegates and alternates must be submitted in alphabetical order to the Department Adjutant at least thirty (30) days before the call of the convention for the purpose of certifying delegates and alternates membership in the organization and the proper format of the credentials. These individuals must be listed on the credential forms returned to the Department Adjutant, after certification by the Chapter Commander and Chapter Adjutant.

### **Section 3.8: Voting**

1. Each elected Department officer, Past Department Commander, Department Service Officer(s), Department Inspector(s), Department Legislative Officer, VAVS representative(s), Hospital Service Coordinator and each certified chapter delegate to the convention shall be entitled to one (1) vote at the Department Convention.

2. Each duly registered and recognized delegate is entitled to one (1) vote. The vote of the chapter delegate who is absent and not represented by their respective alternate shall be cast in the same proportion as those of delegates present. No delegate or alternate representing any chapter whose charter has been suspended or revoked and has not been reinstated prior to the first business meeting of the Department Convention shall not be entitled to a vote or voice.
3. No person shall cast a vote at a Department Convention in more than one representative capacity, or be registered as a delegate from more than one representative capacity, or be registered as a delegate from more than one chapter.
4. In the absence of any delegate, their vote shall be cast by their alternate.
5. There shall be no form of unit rule or voting by proxy.
6. No recognized and registered guest is entitled to a vote.

### **Section 3.9: Rules of Convention**

The rules of the Convention shall be published in the Convention yearbook and distributed to each duly recognized and registered delegate, alternate and guest if any changes are made to the previous years adopted rules of convention by the Executive Committee. Each chapter must be notified sixty (60) days prior to the call of the Convention of these changes.

### **Section 3.10: Quorum**

A quorum will be determined by a roll call of chapters and delegates by the Adjutant and at least two-thirds (2/3) of all chapters in good standing must be present.

### **Section 3.11: Convention Yearbook**

The Department of Rhode Island shall sponsor an annual convention yearbook. This sponsoring shall be on a state-wide basis in accordance with National Constitution By-laws and Regulations of the National Executive Committee, Regulation 3: Other Contracts.

### **Section 3.12: Convention Committees**

#### **Convention Committee:**

The Department will have a standing Convention Committee for the purpose of planning each annual Department Convention. The 1<sup>st</sup> Jr. Vice Commander shall be the chairperson; other members will include the 2<sup>nd</sup> Jr. Vice Commander, Department Treasurer, Credentials Officer, chairperson of the Committee on Resolutions, chairperson of the Committee on Awards, chairperson of the Scholarship committee and chairperson of the Fundraising Committee. The DAV Auxiliary Commander, or designee, will also be included. The Department Commander shall reserve the right to appoint other members to this committee at his/her discretion. (see **Section 3.14: Commander's Appointments**).

It is the responsibility of this committee to ensure that all details of the convention have been properly addressed to include the booking of rooms, selection of meals and their pricing, formulation and preparation of the convention yearbook, set-up of meeting rooms and special needs of the delegates and guests and all the other duties assigned by the Department Commander.



### **Credentials Officer:**

It is the responsibility of the Credentials Officer to verify the eligibility of all persons attending the convention with the Department Adjutant and to notify the convention and delegates as to the number of votes to which each chapter is entitled. This position shall be appointed by the Department Commander. (see Section 3.7: Election of Delegates: Credentials and **Section 3.14: Commander's Appointments**).

### **Committee on Constitution and By-laws:**

It is the responsibility of this committee to review and provide proposed recommendations to the convention delegates of the Department Constitution and By-laws and to ensure they are in compliance with the National Constitution and By-laws. The 1<sup>st</sup> Jr. Vice Commander shall be the chairperson; other members will include the Department Judge Advocate, Department Adjutant and at least one (1) Past Department Commander. The Department Commander shall reserve the right to appoint other members to this committee at his/her discretion. (see **Section 3.14: Commander's Appointments**).

### **Committee on Resolutions:**

It is the responsibility of this committee to review and provide recommendations to the Convention delegates of proposed resolutions submitted by chapters or individuals and to insure they are in compliance with current policies of the National Organization and are germane to the principles of the organization as a whole. The Sr. Vice Commander shall be the chairperson; other members will include at least one (1) Past Department Commander, the Department Adjutant and other at-large members appointed by the Department Commander. The Department Commander shall reserve the right to appoint other members to this committee at his/her discretion. (see **Section 3.14: Commander's Appointments**).

### **Committee on Awards:**

It is the responsibility of this committee to review recommendations from individuals and chapters for the purpose of awards. The committee will notify such organizations involved for recommendations for awards and see that these awards are prepared and ready for presentation at the appropriate time of the convention. This committee shall be chaired by a Past Department Commander, with other at-large members appointed by the Department Commander. The Department Commander shall reserve the right to appoint other members to this committee at his/her discretion. (see **Section 3.14: Commander's Appointments**).

### **Fundraising Committee:**

The Department Commander shall appoint a fundraising committee, with a Past Department Commander as the chairperson with other at-large members appointed by the Department Commander. The Department Commander shall reserve the right to appoint other members to this committee at his/her discretion. (see **Section 3.14: Commander's Appointments**).

All fund-raising activities must conform to the National By-laws, Regulation 2: Contracts for Fundraising, Regulation 3: Other Contracts, and Regulation 5: Income from Fundraising.

### **Scholarship Committee:**

It is the responsibility of this committee to continue the tradition of awarding scholarships, in accordance with the trust fund established as the Larry DeFrancisco Scholarship Awards. The Department Chaplain shall be the chairperson; other members will include at least one (1) Past Department Commander, the Department Treasurer, one (1) Trustee and other at-large members appointed by the Department Commander. The

Department Commander shall reserve the right to appoint other members to this committee at his/her discretion. (see **Section 3.14: Commander's Appointments**).

Eligibility for the LDF Scholarship award(s) will be to all active members of the DAV and DAV Auxiliary and their immediate family members (spouse, child and grandchild). Applicants must be a senior in high school or current college student who will be attending a college, university or vocational school. The quantity and amount of each scholarship will be determined by this committee on an annual basis, with collaboration and input from the Department Treasurer on such information as the present account balance, interest accrued and other general funds which may be available for this purpose. Use of other general funds will require the approval of the Finance Committee.

The award of any LDF scholarships will be in certificate form, and cash disbursements will not be made until a "letter of registration" has been presented, addressed to the applicant, from the institution of higher learning to which the applicant has been successfully accepted. Once received, the Department Treasurer may then issue a check in the amount determined by the Scholarship Committee, countersigned by the Department Commander.

### **In Ending:**

At the conclusion of the convention, the Commander shall discharge all committees with gratitude and thanks.

### **Section 3.13: Election of Officers**

At each Department Convention, immediately prior to adjournment on the last day, the following officers will be elected for a term of one (1) year: Department Commander, Senior Vice Commander, 1<sup>st</sup> Junior Vice Commander, 2<sup>nd</sup> Junior Vice Commander, Department Treasurer, Department Adjutant, Department Judge Advocate, delegate to the United Veterans

Council of Rhode Island, one (1) 3-year trustee, and two (2) 3-year Finance Committee members, as well as any other office in which resignation has been tendered or left vacated due to sickness or death.

### **Section 3.14: Commander's Appointments**

1. At the close of the election of officers at the Department Convention, the Department Commander will announce (and provide to the Department Adjutant in writing) his or her prospective appointments for the purpose of the body to accept and certify such appointments. These appointments are to include assistant Adjutant, Chaplain, Chief of Staff, Department Inspector, Deputy Inspector, Sergeant-At-Arms, Legislative Officer, Department Service Officer, Officer-of-the-Day, and any other appointments the Commander deems necessary for the good of the order. All appointees shall serve at the pleasure of the appointing power, the Commander and convention delegates and the Executive Committee. All past appointed officers terms will be terminated automatically at the adjournment of the election.

The Commander-elect shall, with the approval of the Convention delegates or the first convening Executive Committee, appoint an award committee consisting of four members and a chairperson; a constitution and by-laws committee consisting of four members and a chairperson; and a resolutions committee consisting of four members and a chairperson. (see **Section 3.12: Convention Committees**).

## **Article IV: Membership**

### **Section 4.1: Qualifications**

Qualification for membership in the Disabled American Veterans will be the same as found in the National By-laws, Article 11-Membership. No chapter officer or member has the right to refuse a member assigned to their chapter by the National Organization or certified for membership by a National Service Officer.

## **Section 4.2: Department and Chapters**

The Department of Rhode Island shall consist of all chapters of the Disabled American Veterans which has been duly organized within the State of Rhode Island and have met the provisions of the National By-laws, Article 9, Section 9.1: Chapter Constitution and By-laws; regulations and all the appropriate references therein.

## **Article V: Department Officers**

### **Section 5.1: Authority**

The authority for the election or appointment of a Department Officer is contained in Article III; section 3.13 and 3.14 of these by-laws and the authority of the National Constitution and By-laws.

### **Section 5.2: Adjutant**

After completing any one-year term of office, the Department Adjutant may run for additional terms being duly elected by the Convention delegates. In the event of death or resignation, the Department Commander will appoint an interim Adjutant with the approval of the Department Executive Committee until the next convening Department Convention.

### **Section 5.3: Other Officers**

Vacancies occurring of elected or appointed officers between state conventions by reason of death or resignation shall be filled by

recommendation of the Department Commander and the majority of the members of the Department Executive Committee.

The absence of any member elected or appointed to the Department Executive Committee, from three (3) consecutive meetings of the committee as outlined in Article V, Section 5.4 of these by-laws is not permissible, unless the Department Executive Committee shall find the excuse acceptable. If the excuse of the member is found unacceptable and a cause for dismissal is found, the member shall be notified as indicated in Article V, Section 5.4 and a majority vote of the Department Executive Committee shall instruct the Adjutant that an office is vacant and the proper notification by mail to the chapters be made for the nomination and election of a new member.

#### **Section 5.4: Disciplinary Actions against Officers**

Any Department officer or member of the Department Executive Committee, whose actions are determined to require disciplinary action or recall, shall be notified and the provisions of Article 16 - Disciplinary Actions, section 16.1 through 16.4, of the National Constitution and By-laws shall be followed.

#### **Section 5.5: Rights and Privileges of Officers - National Convention**

The Department Commander shall be the Department's delegate to the National Convention and the Department Adjutant shall be the alternate. In the event the Department Commander is not able to attend, the Senior Vice Commander shall become the Department's delegate or any other immediate line officers from the 1<sup>st</sup> Junior Vice Commander and 2<sup>nd</sup> Junior Vice Commander will become the next ranking officers based on elected chair positions. An advance appropriation covering air coach travel and lodging may be made prior to departure to the National Convention with approval of the Finance Committee. A per diem allowance for food and incidentals shall be paid to the Department delegate and alternate attending the National

Convention not to exceed that approved by the National Organization. These expenditures must be approved by the department Finance Committee and the Department Executive Committee. The delegate or alternate will reimburse the department if they do not register and attend meetings of the National Convention. A mandatory written report shall be submitted by both the Department Commander and Department Adjutant to the Department Executive Committee for official record after returning from convention. All written reports will be submitted to the Department Adjutant in writing ten (10) days prior to the opening of the scheduled Department Executive meeting which is held on the 2<sup>nd</sup> Tuesday of September.

### **Section 5.6: Rights and Privileges of Officers – Mid-Winter Conference**

The Department Commander, the Department Adjutant and Legislative Officer(s) shall be authorized to attend the Mid-Winter Conference. Appropriations for these events cannot exceed air coach travel and the per diem set forth by the National Organization and a double occupancy room rate at the host hotel. All expenditures for these events are approved by the Finance Committee and are part of the annual budget. In the event the Department Commander or the Department Adjutant is unable to attend, no alternate will be allowed to attend the Mid-Winter conference unless special approval is proposed by the Finance Committee and approved by the Department Executive Committee.

The Department Commander and Adjutant are authorized to attend the Commander/Adjutant Conference which is held at National Headquarters prior to the scheduled DAV National Convention. An advance appropriation covering air coach travel and lodging and per diem for food and incidentals will be authorized by the Finance Committee and approved by the Department Executive Committee. Commander or Adjutant who attended the Commander/Adjutant Conference on first term

election will not be authorized to attend a second year in consecutive years.

## **Section 5.7: Exclusions and Limitations**

If either the Department Commander or the Department Adjutant are employees of the Disabled American Veterans National Organization and their expenses are being paid to include airfare, room and per diem, no expenditures will be authorized by the Department for these except those not covered by the National authorized budget. All projected expenditures will be approved by the Finance Committee after the convention and substantiated by receipts. Anyone who is on a standing committee or appointed by the National Commander and is also paid by the National Organization for travel and expenses is not authorized reimbursement from the Department.

## **Article VI: Department Officers Duties**

### **Section 6.1: Department Commander**

The Department Commander is the executive officer of the Department. He/she, or, in their absence, the next highest officer, shall preside at all State Conventions, and at all Department Executive Committee meetings. He shall maintain order and dispatch such business as may legally come before him at such meetings. All checks issued by the Department must be countersigned by the Commander. He shall perform all such other duties as may be reasonably assumed to be incident to this office, or as delegated to him by the last preceding Department Commander or the Department Executive Committee. The Commander or the Adjutant is to ensure that all committees are being responsive to the Department's needs and are following through with their prescribed duties. The Commander must and shall ensure that all subordinate chapters and auxiliaries are conforming to the National Constitution and By-laws and directives. The Department Commander may serve two terms in succession, if so elected.



## **Section 6.2: Senior Vice Commander**

The Senior Vice Commander shall be the Department's membership chairperson and work closely with the Department Adjutant in all matters pertaining to the advancement of membership in the organization. He/she shall, in the absence of or at the request of the Department Executive Committee, perform the duties of the Department Commander. He/she shall represent the Commander at all functions and events as may be assigned by the Commander. He or she should attend all committee meetings and keep abreast of the current matters before the Department as to make for sound judgment in matters that may need his or her attention, in the absence of the Commander.

## **Section 6.3: First Junior Vice Commander**

In performance of these duties, he or she will prepare and present to the convention delegates the information needed to provide for a smooth running convention. He or she will work closely with the Department Commander and Department Adjutant on all matters concerning the convention and submit periodic reports to the Department Executive Committee detailing the advancement of the convention. He or she may assume the duties of the Department Commander in his absence and that of the Senior Vice Commander. He or she is not authorized to sign checks or vouchers on behalf of the Commander.

## **Section 6.4: Second Junior Vice Commander**

The principle duties of the Second Junior Vice Commander is to chair the Time and Place Committee and to work closely with the First Junior Vice Commander in the preparation of the annual Department Convention. He or she should familiarize themselves with matters pertaining to membership and assist in recruitment of members. In the absence of the First Junior Vice Commander, he or she will assume the duties of that position.

## **Section 6.5: Department Treasurer**

The Department Treasurer shall receive from the Department Adjutant and/or the Fundraising Chairperson all funds received by the Department. He or she shall ensure that all deposits are made in a timely manner and to prepare authorized disbursements in relationship to Article IX of the Department Constitution and by-laws and the provisions of the National Constitution and by-laws.

He/she shall retain one copy of all vouchers submitted for his or her files and shall submit one copy to the Department Adjutant. He or she shall keep and maintain one (1) checking account and preserve all receipts and vouchers for payments made in compliance with the annual budget approved by the Department Executive Committee and the Finance Committee. He/she shall prepare a written report at least one week prior to the Department Executive Committee meeting for inclusion in the agenda reflecting all the current budgets and line item balances. Prior to the annual Department Convention, an annual report should be prepared and submitted to the Department Adjutant for inclusion in the agenda for review and approved by the convention delegates. The official financial records should be submitted quarterly to the audit committee trustees for review and certified that such audit has taken place by the members of the audit committee notating so in the official records.

## **Section 6.6: Department Adjutant**

The Department Adjutant (administrative director) shall keep a true and complete record of all business conducted by the Department, its Executive Committee and its Finance Committee. He/she shall execute all necessary correspondence, carry into effect the motions, orders and resolutions of the Department convention and Department Executive Committee and be available to all committees for assistance. He/she shall keep lists of chapter members and so far as possible, lists of all eligible

members with their addresses. He/she shall collect all income and other moneys and turn the revenue over to the Department Treasurer for deposit. He/she shall keep a record of all income and all disbursements approved by the Finance Committee, which shall pass through his/her hands to the Treasurer. He/she shall notify, in writing, all members of the Executive Committee of the time and place of all regular meetings. This may be accomplished however the Adjutant sees fit with the approval by the Department Executive Committee. He/she shall keep all members of the Executive Committee informed as to such actions as may have been taken by the Department line officers in a sub-executive committee meeting or discussions. He or she shall attend all meetings of the Department Executive Committee. In addition to other duties specifically assigned, he or she shall render such services as may be incidental and necessary to increase the membership of the National and Department organizations of the Disabled American Veterans. He or she shall upon receiving the chapters financial reports will forward a copy of the financial report to the Department Inspector or Deputy Inspector for his or her review, upon acceptance and approval the Department Adjutant shall file the report at the Department headquarters. All formal officer reports can be defined as follows: Commander, Adjutant, Senior Vice Commander, both 1<sup>st</sup> and 2<sup>nd</sup> Junior Vice Commanders, Finance Committee chairperson, HSC Transportation coordinator, and National Service Officer(s) to include reports presented by Department Service Officers, Inspector and Deputy Inspector reports (relating to chapters financial business), standing committee reports and finally the chaplain's monthly report relating to deceased members who have passed away from this department's roster.

## **Section 6.7: Department Chaplain**

The Department Chaplain shall perform all duties as prescribed in the official ritual of the National Organization. He/she shall maintain a list of deceased veterans and turn these over periodically to the Department Adjutant for recording and proper notification of the National Organization concerning the deletion

of the deceased members. He/she will represent the Department at the Bourne National Cemetery meetings and the Rhode Island State Veterans Memorial Chapel. He/she shall perform all tasks as prescribed by the Officer-of-the-Day. The chaplain shall ensure the altar is properly prepared for the opening ceremonies of the Department Convention and the Department Executive Committee meetings.

### **Section 6.8: Department Judge Advocate**

The Department Judge Advocate shall be the legal and parliamentary advisor and counselor of the Commander and the Executive Committee. He/she shall maintain records pertaining to issues before the Department Executive Committee concerning the Department constitution and by-laws. He/she will be authorized by order of the Department Executive Committee or the Department Commander to clarify issues concerning regulations.

### **Section 6.9: Department Trustees**

The Department Trustees may assist the Department Inspector, when necessary, in the annual audit of chapter books. The Trustees will serve under the Department Inspector in so far as the auditing of the Department Treasurer records. The Trustees shall inspect the Department books quarterly and immediately prior to the first monthly meeting following the close of the convention and report to the Department Inspector or the Department Commander any irregularities found or for the need of clarification of records maintained by the Treasurer.

### **Section 6.10: Department Finance Committee**

The duties of the Department Finance Committee shall be performed as outlined in Article IX: Finances, of the Department of Rhode Island Disabled American Veterans Constitution and By-laws.

### **Section 6.11: Department United Veterans Council Delegate**

The Department delegate to the United Veterans Council of Rhode Island shall attend all regular meetings of the council as the Department representative and verbally report the events and discussions of that organization affecting the veteran population it represents at each meeting of the Department Executive Committee. He/she shall report to that council the positions of the Department in regards to all matters and its proposals and act on behalf of the Executive Committee at all times. If the delegate is not able to attend, the appointed alternate shall perform all of the duties of the appointed representative conforming to the rules set forth in this section.

### **Section 6.12: Department Chief of Staff**

The Department Chief of Staff shall be responsible for the Department Commander's schedule during his tenure of office and to work closely with the Department Adjutant in determining the Commander's schedule. He/she is to assist and accompany the Commander in the performance of the Commander's ceremonial duties to include but not limited to, the Department annual convention, installations, parades, DAV day, and all other duties that may arise to involve the Department Commander.

### **Section 6.13: Department Inspector**

The Department Inspector shall directly (or indirectly through the Deputy Inspector or the Department's Trustees) when necessary; conduct annual inspection of the books, records, and accounts of each of the chapters as come due. The Inspector and/or the Deputy Inspector shall also be available to each chapter for consultation assistance or advice relating to matters under their jurisdiction pertaining to the financial matters of the chapter to include all provisions as set forth in the National and Department by-laws. The Inspector and Deputy Inspector are required to report to the Commander and the Department Executive

Committee any irregularities found that is not in compliance with the by-laws. The Department Inspector shall be the main investigating officer of all complaints received by the Department for non-compliance of the by-laws.

### **Section 6.13(a): Department Deputy Inspector**

The Department Deputy Inspector may serve in place of the Department Inspector if he/she is not available to perform his/her duties. The provisions of Article VI, section 6.13 apply to the Deputy Inspector with no exception other than he/she must report his/her finding to the Department Inspector before communicating to the Department Commander or the Department Executive Committee.

### **Section 6.14: Department Sergeant-At-Arms**

The Department Sergeant-At-Arms shall be responsible to the Department Commander for those in attendance at the State Department annual Convention and at meetings of the Department Executive Committee. It is his/her duty to ascertain whether any individual is not eligible for admittance to the meeting as a Department Executive Committee member or invited guest. He or she must report to the Department Commander any violations that may require appropriate action. A record will be annotated to reflect the presence of any visitors and report this to the body at the appropriate time. He/she shall obey and enforce the orders of the Department Commander in preserving order at the Department Executive Committee meetings and the annual Department Convention in accordance with State and National constitution and by-laws. Robert's Rules of Order will be observed to enforce law and order during the deliverance of Department Executive Committee meetings, ceremonies and special meetings called to order.

### **Section 6.15: Department Legislative Officer**

The Department Legislative Officer shall be responsible for all state veterans legislative action and attend all United Veterans Council of Rhode Island regular and special meetings, reporting all proposed legislative action to the Department Executive Committee. He/she is to take all appropriate action pertaining to the issues presented by Congress concerning benefits for disabled veterans and their families as requested by the DAV National Legislative Director. It will be his/her responsibility for lobbying efforts on Veterans Affairs as directed by the Department Executive Committee. Failure to comply with the wishes of the Department Executive Committee will result in removal of the individual with approval of the Department Executive Committee.

### **Section 6.16: Department Service Officer(s)**

The Department Service Officer(s) shall be available state-wide to all veterans' wives, widows, and orphan-dependent children for assistance in preparation of their claims. He/she shall, on a weekly basis, visit the Providence VA Medical Center and assist in the preparation of claims at that facility. He/she will forward to the National Service office, in a timely manner, all claims received for review and submission to the VBA VA Regional Office, keeping in mind at all times the effective dates of claims and the end-of-the-month rule. Failure to comply with this request will result in immediate dismissal. The Department Service Officer(s) will assist the National Service office, based on qualifications and duties to be assigned by NSO officer and to assist in open meetings and chapter service officer's seminars.

### **Section 6.17: Department Officer-of-the-Day**

The Department Officer-of-the-Day shall attend all Department Executive Committee meetings as well as the annual Department Convention, to prepare the altar for the opening and closing ceremonies and to escort the visiting dignitaries for the

Department Commander. If the Officer-of-the-Day is not appointed, these duties will pass to the Sergeant-at-Arms or Chaplain.

**Section 6.18(a): Deputy Chief of Staff (National Appointment)**

The National Deputy Chief of Staff shall be the senior officer in charge of communicating with the National Commander or his or her appointed representative when visiting the Disabled American Veterans annual Department Convention or other visits as scheduled within the given elected year of the Department Commander serving. Money appropriated by the annual budget shall be used exclusively for meals, if any, and reasonable travel expenses for the receptions committee and visiting landmarks of this State such as Newport Naval Station, State Capitol, state Governor and other ranking officials, etc.

**Section 6.18(b): National Aide-de-Camp (National Appointment)**

The National Aide-de-Camp shall assist the National Deputy Chief of Staff in responsibilities for meeting and escorting the national officers upon their arrival. Money appropriated by the annual budget shall be used exclusively for meals, if any, and reasonable travel expenses for the reception committee and visiting landmarks of this State such as Newport Naval Station, State Capitol, state Governor and other ranking officials, etc.

**Section 6.18(c): VAVS Representative (National Appointment)**

The VAVS Representative will provide a monthly report to National on the accepted form regarding the number of volunteer hours reported each month at the Providence VA Medical Center accredited to the DAV. The VAVS Representative will also have use of the VAVS funds described in Section 9.4 for donations to the medical center for patient needs. Prior approval of the



Department Executive Committee will only be required if the expenditure of such funds exceeds the remaining balance in the VAVS account, as reported by the Department Treasurer.

## **Article VII: Department Executive Committee**

### **Section 7.1: Composition of the Department Executive Committee**

There shall be a Department Executive Committee consisting of all elected Department officers, the National Service Officer(s) and the following appointed department officers, Inspector, Deputy Inspector, Legislative Officer, Department Service Officer(s), VAVS hospital representative, Hospital Service Coordinator, Past Department Commander(s) and one executive committee member (or alternate) from each chapter in good standing. Chapter executive committee members may be appointed by each Chapter commander or elected from the chapters, as well as a designated alternate. All of the above-named individuals will be entitled to a vote on all matters before the Department Executive Committee. Chapter adjutants must notify the department adjutant, in writing, of those delegates to the Department Executive Committee if they are to be recognized as the official chapter representative. All appointed department officers, other than those named in this section, shall serve on the Executive Committee without any vote.

### **Section 7.2: Voting**

Each member of the Department Executive Committee (as mentioned in section 7.1) shall be entitled to vote on all matters that may come before the body. A voice vote will be the normal manner of casting a vote. However, a roll call vote may be requested, with the majority approval of the committee, on any subject that may come before it. Paper ballots are also authorized with majority approval. Between Department Conventions all legislative, administrative and executive matters not specifically covered by the provisions of this constitution and

by-laws or the resolutions adopted at the preceding state conventions shall be determined by a majority vote of the Department Executive Committee.

### **Section 7.3: Meetings**

Regular meetings of the Department Executive Committee shall be held monthly or as determined by Executive Committee at the first meeting after adjournment of the Annual State Convention. The Department Executive Committee must meet a minimum of six (6) times in a calendar year. Special meetings of the committee may be called by the Department Commander at any time upon the written request of nine (9) members of the committee. These requests shall be in writing and specify the reason. Written notice of the time and place of all meetings, regular or special, shall be provided by the Department Adjutant to all members of the committee. This notice may be published with minutes or the agenda of each convening meeting for at least three months. Notice of special meetings will be forwarded by mail at least five (5) days before the convening meeting indicating the nature of the special meeting and the place and time at which the meeting will be held. When not otherwise indicated on the written notice of the Department Executive Committee, all such meetings shall be open to all members in good standing from any chapter in the state that is also in good standing. Any attending guest who is attending in good standing with the Disabled American Veterans who is not a member of the Department Executive Committee may address the committee for a period of two (2) minutes on any subject before the committee with the consent of a majority vote of the Executive Committee present. Any person whose behavior is deemed inappropriate during the meeting of the Department Executive Committee will be excused and escorted from the meeting by order of the Department Commander with a vote of the majority of the voting members present.

## **Section 7.4: Quorum**

A quorum shall be considered present when there are fifteen (15) or more members of the Department Executive Committee present for any scheduled or special meeting that may be called to order. Quorum at a Department Executive Committee will also include the representation of at least one chapter member who has been designated by the same chapter to represent them on the Department Executive Committee. Each person representing the chapter in all business that may concern them will only be allowed one (1) vote from either the primary or alternate present at any given Department Executive Committee meeting. The chapter's representative shall be included as part of the total quorum specified in this section. Total chapters attending any scheduled Department Executive Committee meeting will require to meet a quorum of more than two-thirds (2/3) of any total quantity to be equal to the allowed chapters authorized persons to represent them in any matters that may come before the voting body of the Department Executive Committee.

## **Section 7.5: Department Executive Committee Appointments**

Subject to approval of the Department Executive Committee, the Department Commander shall have the power to appoint any committee to function on any matter which he may deem necessary. In no case is any committee to publicize its findings or recommendations without the consent of the Department Commander and or the Department Executive Committee. No committees shall incur any expense without the specific prior authority from the Department Executive Committee and or the Department Finance Committee.

## **Article VIII: Chapter Organization**

### **Section 8.1: Chapter Charters**

Charters for new state chapters of this Department shall be issued in accordance with procedures as provided for in Article 6 Section 6.1 through 6.2 of the National Constitution and By-laws.

### **Section 8.2: Chapter Authority - Regulations**

Each local chapter under the jurisdiction of this Department must adopt its own constitution and by-laws in accordance with Article 9, Section 9.1 and 9.4 of the National Constitution and By-laws, with no exception.

### **Section 8.3: Officers; Chapter Officer Report**

Each local chapter under the jurisdiction of this Department shall follow without exception the provisions of Article 9, Section 9.2 of the National Constitution and By-laws.

### **Section 8.4: Financial Records, Reports**

Each local chapter under the jurisdiction of this Department shall follow with no exception the provisions of Article 9, Section 9.3 of the National By-laws. The Department will continue to request an annual financial report and a copy of the IRS 990N filing be submitted from each chapter no later than ninety (90) days after June 30 of each fiscal year. Failure to comply with this request will result in suspension.

### **Section 8.5: Meetings**

Each duly recognized and chartered chapter in good standing shall hold at least four (4) meetings per year at which time a quorum is present. Sign-in sheets, signed by each member attending and minutes of these meetings will be presented to the Department Inspector as well as their financial records for annual audit as proof of four meeting requirements.

## **Section 8.6: Quorums**

A quorum will consist of at least two of the elected officers in addition to members in good standing as follows: chapters with 50-100 members - two (2) present; chapters with 101-200 members - three (3) present; chapters with 201-300 members - (5) present; chapters with 301-500 members - six (6) present; chapters with 501-750 with - eight (8) present; chapters with 751-999 members - ten (10) present; chapters with 1,000+ members - twelve (12) present.

## **Section 8.7: Installation of Officers**

All chapters must notify the Department Adjutant, in writing, sixty (60) days prior of their intent to hold an installation of officers. This letter should include the time, place and their choice of installing officer. No chapter will be allowed to go forward with an installation unless their books and records have been properly inspected and approved by the Department Inspector or his appointed representative.

Any infractions must be corrected prior to installation of officers. Failure to comply with these requests could lead to disciplinary actions.

## **Section 8.8: Disciplinary Actions**

All disciplinary action pertaining to chapters is covered under Article 6, section 6.4 of the National Constitution and By-laws and this department will exercise strict compliance.

## **Section 8.9: Chapter Fundraising**

All chapters are expected to comply with all provisions of Article 15, Sources of Income, Section 15.3 and the regulations of the National Executive Committee, regulation 2, 3, 4, 5 and 6 without exception. Any chapter within this Department operating a bar-

lounge operation is granted permission to do so. A bar-lounge operation is considered a fund raising enterprise. It is a privilege to have a bar-lounge operation - not a right. Strict compliance is expected with an all mandatory matters with operation and failure to comply will result in the suspension of the privilege.

## **Article IX: Finances**

### **Section 9.1: Revenues**

The revenues of this Department shall be derived from per capita tax; contributions and such other sources as may be approved by its Department Convention, Department Executive Committee or its Department Finance Committee and the National organization. All fund raising will be in compliance with Article 15, Section 15.2 and 15.3; Regulation of the National Executive Committee, Regulations 2, 3, 4, and 6.

### **Section 9.2: Department Finance Committee**

The Department Finance Committee will be comprised of the Department Commander, the Department Treasurer and six (6) other members, each of whom shall be a member in good standing of a chapter in the department of Rhode Island and shall be elected for an appropriate time as designated by the vacancy year. The committee is compromised by two (2) three-year members, two (2) two-year members and two (2) one-year members.

The Department Finance Committee shall elect a chairman from its membership. Five (5) members of the committee constitute a quorum. The Finance Committee shall meet when necessary with at least one meeting every three months.

The absence of any member elected to the Finance Committee from three (3) consecutive meetings of the committee as outlined in Article V, Section 5.4 of these by-laws is not permissible, unless the Department Executive Committee shall find the excuse

acceptable. If the excuse of the member is found unacceptable and a cause for dismissal is found, the member shall be notified as indicated in Article V, Section 5.4 and a majority vote of the Department Executive Committee shall instruct the Adjutant that an office is vacant and the proper notification by mail to the chapters be made for the nomination and election of a new member.

### **Section 9.3: Duties**

All revenue, expenditures and investments of the Department shall be made under the direct supervision of the Department Finance Committee whose recommendations shall be forwarded to the Department Executive Committee for approval.

### **Section 9.4: VAVS (VA Voluntary Service)**

The VAVS budget is determined by the membership report as supplied by the national organization as of June 30 each year. Based upon this report, \$.50 is designated from the per capita tax for each member for VAVS. Any money received for VAVS from chapters or donations shall be recorded as such and published in the monthly balance sheet as an addition. All donations for the VAVS program must be designated on the check or writing for proper credit in the Department reports and for chapters in expenditure of money for veterans' services.

### **Section 9.5: Budget**

The Finance Committee shall prepare its annual budget and present it to the Department Executive Committee for the June meeting for approval. The Annual budget shall cover the period of July 1 through June 30 and must be approved by a majority vote. The Finance Committee is mandated by the National Constitution and By-laws to ensure the proper expenditure of funds.

It is the obligation of the Finance Committee to make the appropriate recommendations to the Department Executive Committee in the event of a budget deficiency. These recommendations are for the purpose of the perpetuation of the Department Programs and restrict expenditures of funds which are not directly related to veterans' services.

### **Section 9.6: Depository**

The Finance Committee shall designate or approve the depository (bank or banks) for all revenues of this department.

### **Section 9.7: Accountability**

All funds received in the name of this Department by an officer shall be deposited in a reasonable period of time after submission to the Adjutant and, in turn, to the Treasurer, where such funds shall be and remain the property of the Department until such time as they are properly expended in compliance with the National and Department Constitution and By-laws as directed by the Finance Committee with the approval of the Department Executive Committee. All committees in receipt of funds shall provide a complete accounting of all receipts and expenditures to the Department Finance Committee for audit and approval by the Department Executive Committee.

### **Section 9.8: Budgets**

The allowances of all those authorized budget line items by the Department Finance Committee with the approval of the Department Executive Committee shall be determined at the annual Finance Committee meeting that sets the budget for that fiscal year. All moneys expended by any individual or committee shall report monthly their expenditures by a written report or the submission of receipts to the Department Adjutant, or Treasurer for approval at the quarterly audit by the Trustees. In the event of a budget deficiency, the Finance Committee is authorized to restrict or eliminate any budget line item, even though the



budget has been prepared and previously approved by the Department Executive Committee, in writing with specific reasons or explanations as to the reason for the budget deficiency and the restriction of funds.

### **Section 9.9: Department Fundraising**

The Department shall not enter into any fund raising project that requires a contract without the approval of the National Executive Committee as outlined in Article 15, Section 15.2 of the National Constitution and by-laws and regulations of the National Executive Regulation 2 and 3. This department has a covenant with the National organization in regards to National's participation in fund raising on behalf of this Department. This covenant shall not be reversed unless there is a two-thirds (2/3) majority vote of the Department Executive Committee based upon the recommendation of the Department Finance Committee.

### **Section 9.10: Per Capita Tax**

The per capita tax will be determined by the provisions of the National Constitution and By-laws, Article 11, Section 11.10 annually.

### **Section 9.11: Other Expenditures**

All other expenditures not budgeted, over the sum of two hundred fifty dollars (\$250.00), must be approved by the majority vote of both the Finance Committee and the Department Executive Committee. Action by the Finance Committee on motions from the of the Department Executive Committee may be carried through after approval of the Finance Committee on the same night of the motion or at its next convening meeting if the expenditure is in excess of two hundred fifty dollars(\$250.00).

## **Article X: Auxiliaries**

### **Section 10.1:**

The Department recognizes the auxiliary organizations as provided for the National Constitution and By-laws with applicable regulations thereof.

## **Article XI: Amendments**

### **Section 11.1 Amendments to the By-laws**

This Constitution and By-laws may be amended by the Department Convention by a vote of two-thirds (2/3) of the total authorized representation present, provided the proposed amendment(s) shall have been presented in triplicate to the Constitution and By-laws Committee for approval and shall have been preprinted and distributed or read at least two hours before the final reading and vote.


This Constitution and By-laws may be amended at a Department Executive Committee meeting at any time by a referendum vote of two-thirds (2/3) of the Chapters in the Department in good standing, providing each Chapter receives written notice at least sixty (60) days before a vote is taken by the Department Executive Committee by the authorized Chapter executive Committee members.

## **Article XII: Adoption**

### **Section 12.1**

This constitution and by-laws has been previously approved by the Department and Judge Advocate as amended and approved by the Department Convention of the Disabled American Veterans, Department of Rhode Island have voted and approved the aforementioned changes on:

Date: April 25, 2014 [these supersede any previous changes]

  
**HENRY B. WRIGHT, III**  
Commander

  
**ERNEST S. BOISVERT**  
Adjutant

  
**ANTHONY E. RODRIGUES**  
Judge Advocate

I CERTIFY that the within constitution and/or by-laws does not conflict with those of the National Organization, and to that extent, is approved.

DATE   
DAV National Judge Advocate 5-27-14  
DAV National Judge Advocate

~~\_\_\_\_\_  
Notary Public~~

Date signed: 5-27-14

~~Date signed: \_\_\_\_\_~~

I CERTIFY that the within constitution and/or by-laws does not conflict with those of the National Organization, and to that extent, is approved.

~~Date Approved: \_\_\_\_\_~~

~~\_\_\_\_\_  
DAV National Judge Advocate~~