

**BY-LAWS
DETACHMENT OF SOUTH DAKOTA
SONS OF THE AMERICAN LEGION**

**ARTICLE I
DUTIES OF OFFICERS**

SECTION 1: DETACHMENT COMMANDER - The Detachment Commander shall be the chief executive officer of the Sons of the American Legion Detachment of South Dakota with full power to enforce the provisions of the Detachment Constitution, Detachment By-Laws and the mandates of the Detachment Convention. He shall appoint all necessary committees, subject to the ratification of the Detachment Executive Committee and Department Executive Committee, and shall perform such other duties as are usually incident to the office.

SECTION 2: DETACHMENT VICE COMMANDER(s) - The Detachment Vice Commander(s) shall act as representative of the Detachment Commander on all matters referred to them by him and shall, on his request, preside over the meetings of the Detachment Convention/Mid-Winter Conference or Detachment Executive Committee and perform such other duties as are usually incident to the office. The First Vice Commander will also be in charge of membership.

SECTION 3: DETACHMENT ADJUTANT - The Detachment Adjutant is the chief administrative officer and shall give notice of all Detachment Conventions/Conferences and of all meetings of the Detachment Executive Committee. He shall conduct the correspondence and keep the records of the Detachment Organization, including lists of names, serial numbers and addresses of all Squadrons in the Detachment of South Dakota and lists of members, officers and committeemen of the Detachment. He shall also be authorized, in the event of the death or resignation of the Detachment Commander, to summon the Detachment Executive Committee for the election of a successor.

SECTION 4: FINANCE OFFICER - The Finance Officer is the chief financial officer and will be in charge of all Detachment funds, all deposits and records. he will report all financial records to Detachment Conventions, Mid-Winter Conferences, and Detachment Executive Committee meetings.

SECTION 5: DETACHMENT CHAPLAIN - The Detachment Chaplain shall perform such Divine and non-sectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by National and Detachment Headquarters from time to time.

SECTION 6: DETACHMENT HISTORIAN - The Detachment Historian shall collect, from year to year, all records and data of value and interest of the Detachment of the Sons of the American Legion and shall compile, during his term of office, a complete history of the years activities.

SECTION 7: DETACHMENT SERGEANT-AT-ARMS - The Detachment Sergeant-at-Arms shall be charged with the responsibilities of preserving order at all meetings and shall be given the custody and responsibilities of the Detachment colors. He shall perform such other duties as are usually incident to the office.

ARTICLE II
DETACHMENT EXECUTIVE COMMITTEE

SECTION 1: Subject to the provisions of the Detachment Constitution, the Detachment Executive Committee shall fill any vacancy in the membership of the Committee for the remainder of the unexpired term.

SECTION 2: The Detachment Executive Committee shall meet at regular periods to include at least a fall and spring meeting and a pre and post Convention and Conference meeting or on at least ten (10) day written notice (verified by post mark) by the Commander and Adjutant, or upon written or vocal request of at least three voting members of the Detachment Executive Committee independently or as a result of an informal meeting of at least three voting members of the Committee.

ARTICLE III
MEMBERSHIP

SECTION 1: Membership in the Sons of the American Legion Detachment of South Dakota shall be acquired only affiliation with a Squadron within its jurisdiction.

SECTION 2: The membership of the Detachment shall be organized into Squadrons as prescribed in the Detachment Constitution.

SECTION 3: Only persons eligible to membership in the Sons of the American Legion shall be members of this Detachment or of any Squadron within its jurisdiction.

SECTION 4: Each application for membership must enroll in the Sons of the American Legion and pay his dues to the Squadron in this Detachment to which he applies before becoming a member in the Sons of the American Legion Detachment of South Dakota or in any Squadron of this Detachment.

ARTICLE IV
SQUADRONS

SECTION 1: Each Squadron shall be the judge of its own membership, subject to the restrictions of the National and South Dakota Detachment Constitution and By-Laws, respectively, and may restrict its membership as it desires, subject to the approval of the Detachment Executive Committee, except that no person who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence or who subscribes to the principles of any group opposed to our form of government shall be eligible to become a member of the Sons of the American Legion.

SECTION 2: Each Squadron shall have a headquarters with a Post Office address to which all notices and documents may be sent. It shall be the duty of the Squadron at the time of application for a charter or at any time of changing its headquarters to notify the Detachment organization of such address and all notices and documents shall be held to have been duly sent to or served upon such Squadron when mailed to it at the address so furnished. In default of a Squadron having furnished such address, any notice or document shall be held to have been duly served upon a Squadron if the same is mailed to it at the address of its Commander or Adjutant or other member signing application for charter.

SECTION 3: Each Squadron shall have a Constitution and By-Laws to govern its affairs and shall have officers known as Commander, Vice Commander, Adjutant, Finance Officer and an Executive Committeeman. The Squadron shall subscribe to the Constitution and By-Laws and regulations of the Detachment organization. A Squadron shall not incur obligation in the name of any other Squadron, subdivision, organization, branch, committee, group of members of the Sons of the American Legion, or the Post of The American Legion to which said Squadron is attached.

SECTION 4: Squadrons shall submit copies of their Constitutions and By-Laws and all amendments thereto for approval to the Detachment organization.

ARTICLE V
DISCIPLINE OF SQUADRONS
CANCELLATION AND SUSPENSION OF CHARTERS

SECTION 1: The Detachment Executive Committee may suspend, cancel, or revoke a Squadron Charter. The Action taken by the Detachment Executive Committee shall be final and conclusive unless an appeal is taken to the Department Executive Committee within thirty (30) days from the date of said suspension, cancellation or revocation. The action taken by the Department Executive Committee upon appeal shall be final.

SECTION 2: Any Squadron failing to meet the obligation imposed upon it by the Constitution and By-Laws or cease to function for six (6) months as a Sons of the American Legion Squadron, or voluntarily ceasing to function as a Squadron, or merging with one (1) or more other Squadrons, or refusing to pay the Detachment and National per capita dues, or under such other conditions as might make such action necessary shall, upon order of the Detachment Executive Committee, surrender its charter for cancellation, upon failure to surrender such charter, immediate steps may be taken for its revocation, cancellation or suspension.

SECTION 3: Upon revocation, cancellation, or suspension of the Charter of a Squadron, said Squadron shall immediately cease operations and shall turn over its charter to the Detachment Commander or the Detachment Executive Committee and the Post to which the Squadron is attached is authorized, imposed and directed by and through its duly authorized agent to take possession, custody and control of all records, property and assets of said Squadron; provided, however, that nothing herein shall be construed as requiring any Post to which the Squadron is attached to take over or assume any financial responsibility to such property. The Detachment Executive Committee may provide for the transfer of the members of said Squadron to another Squadron of their choice subject to the approval of such other Squadron.

SECTION 4: In taking action pursuant to this Article, the Squadron, Bodies and Officers of the Detachment shall be governed by the uniform code defining the procedure to be followed in the revocation, cancellation or suspension of Squadron charters and providing for a method of appeal having been adopted by the National Executive Committee of the American Legion.

ARTICLE VI
DISCIPLINE OF DETACHMENT OFFICERS,
CHAIRMEN AND SQUADRON MEMBERS

SECTION 1: Detachment Officers may be dismissed, suspended or expelled from the Sons of the American Legion by a roll call vote of the Detachment Executive Committee. Charges shall

be based upon disloyalty, neglect of duty, dishonesty, or other conduct unbecoming a member of the Sons of the American Legion. All charges must be made under oath in writing by the accusers and no member in good standing shall lose his membership until given a fair trial in such manner and from as the Department By-Laws and the Department Executive Committee shall prescribe. This section shall govern procedure whenever charges are brought against any Detachment officer or committee chairman.

- a) Upon notification and receipt of written charges against the member, the Detachment Adjutant shall set a date within 90 days. The Detachment Executive Committee shall convene on that date at the prescribed time.
- b) The Detachment Commander or his assigned alternate will preside over the meeting/trial.
- c) The Detachment Adjutant or his assigned alternate shall maintain a written record that may be forwarded as necessary.
- d) The Detachment Judge Advocate will act as the advisor to the party that levies the charges.
- e) The Detachment Executive Committee voting body shall be composed of the three elected Detachment officers (including Past Detachment Commanders) and one representative of three Squadrons. The Detachment Commander or his assigned alternate shall only vote in event of a tie.
- f) The member may, at his own expense, consult with a private lawyer on his defense.
- g) Each side may present their evidence and witnesses to their case.
- h) The Detachment Executive Committee will be given sufficient time to review the information presented.
- i) After the Detachment Executive Committee's review, the members of the committee will be polled by a roll call vote.
- j) The member may appeal the decision of the Detachment Executive Committee to the American Legion, Department of South Dakota Internal Affairs Committee and the Department Executive Committee, in turn. The Department decision shall be final.

SECTION 2: Members may be suspended or expelled from the Sons of the American Legion only upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty, or other conduct unbecoming a member of the Sons of the American Legion. All charges must be made under oath in writing by the accusers and no member in good standing shall lose his membership until given a fair trial in such manner and form as the Department By-Laws and the Department Executive Committee shall prescribe. This section shall govern procedure whenever charges are brought against any person at any time appearing upon the rolls of a Squadron as member upon the grounds of his ineligibility to membership either in the Squadron or in the Sons of the American Legion.

SECTION 3: A member whose dues for the current year have not been paid by February 1st shall be classed as delinquent. If his dues are paid on or before April 1st, he shall be automatically reinstated. If he is still delinquent after April 1st, he shall be suspended from all privileges. If he is still under such suspension on December 31st of such year, his membership in the Sons of the American Legion shall be forfeited. A member suspended or whose membership had been so forfeited may be reinstated to active membership in good standing by vote of the Squadron and payment of current dues for the year in which the reinstatement occurs. Provided, however, that the Squadron, Detachment and the National Organization may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs,

with reference to former members who have been prevented from the payment of dues by reason of active military service.

SECTION 4: Any member who had been suspended or expelled has the right of appeal to the Department Internal Affairs Committee and the Department Executive Committee of The American Legion, Department of South Dakota, in turn, in accordance with the manner prescribed by the said Committee. The decision of the Department shall be final.

ARTICLE VII
LIMITATION OF JURISDICTION OF SQUADRON MEMBERS,
COUNTIES, DISTRICTS AND DETACHMENT

SECTION 1: No individual member of the Sons of the American Legion, unless specifically previously authorized by the proper body, shall have the right to speak in the name of the Sons of the American Legion Detachment of South Dakota or any Squadron of the Sons of the American Legion. His individual action is full and unhampered, being that of an American citizen, but he shall not present such action to be that of any Sons of the American Legion organization.

SECTION 2: All matters of state, national, or international scope that appeal to the Sons of the American Legion, Squadron or Detachment, may be treated, discussed and acted upon by any unit of the Sons of the American Legion, provided however, that such action shall be submitted for approval through the prescribed Sons of the American Legion and the American Legion channels to the body having jurisdiction thereof.

SECTION 3: A Squadron may discuss the action taken by the Detachment of National Organization and adopt a resolution protesting against any action taken by the Detachment or National Organization and request through channels that such action be reversed.

SECTION 4: The principles set forth in this Article shall be observed by all Sons of the American Legion, by all Squadrons, and by this Detachment. A violation of any of the provisions of this Article by a member of the Sons of the American Legion or by a Squadron shall be sufficient cause for investigation and disciplinary action by the Detachment Executive Committee and in the case of a Sons of the American Legion by a Squadron of which he is a member.

Article XIII
Background Checks For The
Protection of Our Children & Youth

SECTION 1: All Detachment officers, coaches, managers, chairmen, and volunteer staff for American Legion Family Children & Youth programs must have background check screening conducted each prior to any involvement in meetings, activities, events, practices or games that involve youth participants;

a. Background check screening must be conducted at the following minimum level:

- 1) Social security number verification and address history trace
- 2) Alias names national search
- 3) National sex offender registry search
- 4) National criminal database search

SECTION 2: Disclosure during background check screening that contains one or more of the following disqualifying criteria will preclude an individual from serving as a Detachment officer, coach, manager or volunteer staff of an American Legion Family Children & Youth Programs:

- 1) Conviction of a felony
- 2) Conviction of a crime involving a minor, regardless of the offense
- 3) Conviction of a crime involving force or threat of force against a person
- 4) Conviction of a crime in which sexual behavior is an element
- 5) Conviction of a crime involving controlled substances (not paraphernalia or alcohol)
- 6) Conviction of a crime involving cruelty to animals
- 7) Any sex offender registrant
- 8) Refusal to undergo background screening as mandated

SECTION 3: Background check screening must be conducted by the exclusive commercial vendor engaged by The American Legion National Headquarters for the screening of all Detachment level officers, Children & Youth program chairmen and volunteer staff of American Legion branded Children & Youth Programs in order to provide screening consistency and enhanced confidentiality.

SECTION 4: If during the background screening process it is revealed that a Detachment officer, coach, manager or volunteer staff is charged with or has a case pending that involves any disqualifying criteria set out above, that individual will be prohibited from having contact with the American Legion Children & Youth programs until legal adjudication has been made and the screening has been verified as successfully completed.

SECTION 5: A substitute or replacement for a American Legion Children & Youth program chairman, manager or volunteer staff at any time during the year, cannot assume any duties until background check screening as mandated has been verified as successfully completed.

SECTION 6: If information is acquired during the year that a Detachment officer, children & youth program chairman or volunteer staff may have sustained one of the disqualifying criteria in the interim after a required background check screening has been conducted, that individual will be prohibited from having contact with the participants of American Legion Children & Youth programs until such a time when accuracy of the information has been validated so as to ensure the protection of the youth participants.

SECTION 7: It is strongly urged and recommended that the respective Sons of the American Legion Squadrons within the Detachment of South Dakota or other organization sponsoring American Legion Children & Youth program assume the responsibility for verifying that:

- 1) Each coach, manager or volunteer staff has successfully passed the mandated background check screening requirements for each upcoming year
- 2) An individual charged with or having a case pending involving disqualifying criteria is prohibited from having contact with the team until legal adjudication has been made and the screening has been confirmed as successfully completed
- 3) A substitute or replacement team coach, manager or volunteer staff does not assume any duties with the team until the background check screening is successfully completed
- 4) Validity of information that a team coach, manager or volunteer staff may have sustained one of the disqualifying criteria in the interim after a required background check screening

5) Non-screened adults removed from the field of play have successfully completed a background check screening prior to their return

Section 8: That the National Organizations of The American Legion or the Sons of the American Legion will not fund or collect any costs associated with the mandatory background check screenings of Detachment officers, chairmen and volunteer staff of American Legion Children & Youth programs.

Section 9: Chairmen, Detachment officers, coaches, managers and volunteer staff of American Legion Children & Youth programs must comply with the risk management policies of The American Legion established for the enhanced protection of children and youth.

Section 10: Detachment officers, children & youth chairmen, and volunteers are all inclusive.

ARTICLE IX **REGULATION**

SECTION 1: The Department Executive Committee of the American Legion is authorized to make and publish regulations for the organization, management and conduct of the Detachment and of Squadrons and all other organizations of the Detachment. Such regulations shall be consistent with the Department Constitution and By-Laws and shall be complied with by all concerned.

ARTICLE X **RULES**

SECTION 1: The procedure of the Detachment Convention, Mid-Winter Conference and related meetings shall be governed by the Uniform Code of Procedure for the Organization of Detachment Conventions of the Sons of the American Legion Detachment of South Dakota and Roberts Rules of Order, Revised.

SECTION 2: The Uniform Code of Procedure for the Organization of Detachment Conventions of the Sons of the American Legion Detachment of South Dakota shall be maintained and revised by the Detachment Executive Committee with any revisions made available to the Squadrons at the first possible opportunity.

ARTICLE XI **AMENDMENTS**

SECTION 1: All amendments must conform to the requirements of Article IX of the Constitution.

ARTICLE XII **SAFETY CLAUSE**

SECTION 1: If any section herein shall be determined, by proper authority, to be unconstitutional, such determination shall not be deemed to affect the validity of the remainder of the affected section of these By-Laws.

ARTICLE XIII

REPEAL AND SAVINGS CLAUSE

SECTION 1: These By-Laws were adopted at the Detachment Convention held in Brookings, South Dakota, on June 15, 1997. All previous By-Laws are now therefore declared null and void.