

# **AMERICAN LEGION RICHARD DINGLE POST 98**

## **STANDING RULES OF ORDER**

## **DISCIPLINARY PROCEDURES**

The Policies and Procedures contained herein are not in any way meant to limit the responsibilities of bartenders, bar manager or Post Officers or to supersede Minnesota State Law or the By-Laws and Constitution of Richard Dingle American Legion Post 98, nor are they all encompassing. They are only meant provide guidance for Post bartenders, the Post bar manager and Post Officers in dealing with patrons or members who display disruptive or abusive behavior toward other patrons, Post employees or members; are excessively intoxicated; who physically or orally harass other patrons, Post employees or members or otherwise display conduct unbecoming to other patrons, Post employees or members or their guests.

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## **DEFINITION OF TERMS**

**Bar Manager:** Paid employee hired by the Post to manage the day-to-day operation of the Post Club Room / Bar / Kitchen;

**Assistant Bar Manager:** Paid employee hired / appointed by the Bar Manager to manage the day-to-day operation of the Club Room / Bar / Kitchen in the absence of the Bar Manager;

**Bartender:** Either a paid employee or volunteer that is serving patrons / members in the Club Room, Pull Tab Room, or Hall areas.

**Executive Committee:** As stated in the Post 98 Constitution and By-Laws, (Post 98 Constitution, Article III) the government and management of this Post, all Post property, and all Post activities shall be under the supervision of the Executive Committee.

**Disciplinary Board / Review Committee:** The Disciplinary Board / Review Committee shall consist of the Judge Advocate (or the most recent past Judge Advocate, in the event the Judge Advocate is unavailable); and four (4) other individuals plus two (2) alternates, consisting of members in good standing of the Post 98 American Legion, Unit 98, Auxiliary or Squadron 98, Sons of the American Legion. Members of the Board / Review Committee shall be selected by the most recent Judge Advocate (or most recent past Judge Advocate in the event that the current Judge Advocate is unavailable) and shall serve for one year. The term of the Disciplinary Board / Review Committee shall begin on July 1<sup>st</sup> of the current year and end on June 30<sup>th</sup> of the following year.

**Habitual Offender:** Any patron or member who has received three (3) or more disciplinary actions for any reason within a five (5) year period.

**Member:** Active member of Post 98, American Legion; Unit 98, Auxiliary; or Squadron 98, Sons of the American Legion;

**Offender:** Any patron, member or guest of member that exhibits excessive intoxication, disruptive or abusive behavior toward other patrons, Post employees, or members or their guests; that physically or orally harasses other patrons, Post employees, or members or their guests; or any person that in the opinion of the bartender/bar manager/assistant bar manager/post officers exhibits conduct unbecoming to other patrons, Post employees, members or their guests.

**Repeat Offender:** Any patron or member who has received two or more disciplinary actions for any reason in the past twelve (12) months.

**Patron:** Any individual that is not a member of Post 98, American Legion; Unit 98, Auxiliary; or Squadron 98, Sons of the American Legion (i.e. member of the public).

**Post Employee:** Any person employed by Richard Dingle Post 98 in any capacity or volunteering for a Post function.

## **DISCIPLINARY POLICY AND PROCEDURES**

**SCOPE:** Authority for any disciplinary action against any patron or member unless otherwise described below, falls upon the Bar Manager or the Executive Board. This document is to be used **as a guideline in determining appropriate disciplinary action.** It is not all encompassing and in no way is intended to supersede Minnesota State Law or the Constitution and Bylaws of Richard Dingle Post 98.

**State Law:**

- a. **Excessive Intoxication:** Minnesota Statutes, Section 340A.502 makes it unlawful for any bartender or server to serve another alcoholic beverage to an obviously intoxicated person. Minnesota Statutes, Section 340A.704 makes it a Gross Misdemeanor, punishable by up to a year in jail and up to a \$3,000.00 fine for violating Section 340A.502. Minnesota Dram Shop Law defines Obviously Intoxicated Persons as follows:

A person under the influence is not necessarily an obviously intoxicated person. An individual is obviously intoxicated when the seller, “using his/her reasonable powers of observation can see or should see that such person has become intoxicated.” Obvious intoxication is measured by the alleged intoxicated person’s loss of control of his or her mental or physical faculties to a degree which can be reasonably observed.

- b. **Disorderly Conduct:** Minnesota Statutes, Section 609.72 makes it unlawful for anyone who does any of the following in a public or private place, knowing, or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others or provoke an assault or breach of the peace: is guilty of disorderly conduct, which is a misdemeanor:
- (1) engages in brawling or fighting; or
  - (2) disturbs an assembly or meeting, not unlawful in its character; or
  - (3) engages in offensive, obscene, abusive, boisterous, or noisy conduct or in offensive, obscene, or abusive language tending reasonably to arouse alarm, anger, or resentment in others.

Anyone who engages in any of the above described behavior is guilty of disorderly conduct, a misdemeanor, punishable by up to ninety (90) days in jail and a \$1,000.00 fine.

- c. **Trespass Notices and Orders for Protection:** Nothing in these rules-or the By-Laws of Post 98 and Post 98 family membership-can override the effect of a Criminal Trespass Notice or an Order of Protection. If any person has received a criminal trespass notice from the property, they will be arrested if they come on the property. Membership in the Post 98 Legion is not a defense.

**Constitution:** Article IV, Section 5 of the Richard Dingle Post 98 Constitution states: “The privilege of use of the club facilities may be revoked or suspended for any reason deemed detrimental to the interests of the Post. This shall include, but is not limited to: excessive intoxication, disruptive behavior, physical or oral harassment, conduct unbecoming to other members or guests, or by violation of any By-Laws or Standing Rules.

In support of creating and maintaining a family friendly, supportive environment, the following

Standards are hereby adopted. Any violations of the following shall be quickly and efficiently administered for the betterment of the Post.

**Standards of Conduct:**

1. We treat **ALL** persons with respect.
2. We recognize the diversity of opinion regarding veterans' issues as well as politics; religion; race; gender; management of the Post and Clubroom; and other topics. We discuss topics with mutual respect, even when our views differ significantly.
3. We do not raise our voices in anger or create a disturbance.
4. We create and maintain a friendly, supportive environment.
5. We do not tolerate actions that create a hostile environment and promptly report unacceptable behavior.
6. We are a family-friendly organization and watch our language.
7. We provide constructive criticism and, when possible, offer suggestions. We provide suggestions for the management of the clubroom and property to the Clubroom manager, Assistant Clubroom manager, or Post 98 Executive Committee and do so in a respectful, constructive manner either in a Post 98 meeting or in private, not publicly.
8. We graciously accept the decisions made even if our suggestions are not adopted.
9. We comply with all federal, state, and local laws and regulations.

**Serious Offenses:** In the event that a patron or member commits any of the following offenses, at the discretion of the Bar Manager or Executive Committee, that patron / member shall be barred from the club room, Halls and all recreational Post activities (such as Bingo / playing pull tabs...etc.) a minimum of thirty (30) days (except as stated for physical assault below) or for repeat offenders, as directed by the Disciplinary Board. These offenses include but are not limited to:

- a. Physical or verbal assault of another patron / member or Post employee anywhere on the premises of the Post or the premises of a Post function if not being held at the Post. (In the event of physical assault, a trial may be held to determine permanent expulsion of the member from the Post).
- b. Physical or verbal harassment of another patron / member or Post employee anywhere on the premises of the post or the premises of a Post function if not being held at the Post.
- c. Any type of threat, either verbal or physical toward another patron, member, or Post employee while on the premises of the Post or on the premises of a Post function if the function is not being held at the Post;
- d. Any crime (as defined by Minnesota Statutes) committed against the Post or a patron, member or Post employee on the premises of the Post or at the premises of a function of the post if not being held at the Post, not otherwise described herein.

**Offenses:** Anytime any patron or member, in the opinion of the bartender or Bar Manager, displays excessive intoxication, or engages in disruptive behavior (e.g. taking over the television remotes, foul language, loud and obnoxious conversation), or conduct unbecoming of a patron or member, the following action shall be taken.

1. The bartender / Bar Manager shall immediately stop serving any patron / member that

exhibits, in the bartender's / Bar Manager's opinion, excessive intoxication as per State Law.

2. For other offenses listed above, the bartender / Bar Manager shall ask the patron / member to stop the behavior immediately. Should the patron / member fail to stop the behavior or stop for a period of time and then begin the behavior again, the bartender / Bar Manager shall stop service for the patron / member and ask them to leave the premises, If the patron / member fails to leave, the bartender / Bar Manager shall call the police to assist in the removal of the patron / member.
3. Anytime a member is asked to leave the premises due to any of the behavior listed above, at the discretion of the Bar Manager / Executive Committee, the patron / member shall be barred from the club room, Halls and any off site Post activities (as described above) as outlined below.

**Timetable Chart:**

Offender (1 <sup>st</sup> time offense)	Up to 14 days	Non-Appealable
Repeat Offender (2 <sup>nd</sup> Offense)	Up to 30 Days	Non-Appealable
Serious Offenses	Minimum of 30 days (unless physical assault) and may be increased by Disciplinary Board	Non-Appealable
Habitual Offender (3 <sup>rd</sup> or more offenses in a five year period)	Minimum 60 days or more as determined by the Disciplinary Board	Appealable to Disciplinary Board

**Notification Requirements:**

- a. Anytime a patron / member are to receive a disciplinary action, he/she is to be notified within five (5) business days after the Bar Manager has been notified of the offense. In the event that a Discipline Board is to be convened, the patron / member are to be notified within five (5) business days by the Bar Manager or the Executive Committee of the intent to convene a Disciplinary Board.
- b. Post Commander/Post Adjutant: The Post Commander shall be notified within seventy-two (72) hours of any disciplinary action that takes place. The Commander shall notify the Post Adjutant and the Judge Advocate within seventy-two (72) hours of the Commander being notified.
- c. In the event of a referral to the Disciplinary Board, the Judge Advocate shall notify the board within five (5) business days of the need to convene a Board and schedule a meeting of the board as soon as practical thereafter. In any event, at no time should the convening of the Disciplinary Board take longer than ten (10) calendar days to be convened.

**Appeals**

1. For all appealable disciplinary actions, the patron / member has seventy-two (72) hours from the time of notification of the disciplinary action of his / her intent to appeal.
2. ***If they do not appeal within seventy-two (72) hours, he/she gives up his/her right of appeal.***
3. In the event of an appeal, the Disciplinary Board shall convene within ten (10) calendar

- days of the request for appeal.
4. The Judge Advocate shall preside over the hearing to ensure that both sides have had an opportunity to be heard.
  5. The patron is allowed to have witnesses appear on their behalf. Legion Post 98 will be represented by the current Commander of the Post.
  6. The accuser must be in attendance (this would include the bartender / Bar Manager who initiated disciplinary action).
  7. All evidence shall be heard by the Disciplinary Board.
  8. A decision shall be made by written vote of all five (5) members of the Disciplinary Board.
  9. The disciplinary board shall have the authority to reduce or enhance a disciplinary action. However, the Disciplinary Board does not have the power to permanently expel a member. In the event there is a recommendation of permanent expulsion, the Disciplinary Board shall refer the matter to trial in accordance with set trial rules.
  10. The Disciplinary Board shall render the decision within twenty-four (24) hours of the hearing on the matter.
  11. The Disciplinary Board shall notify all parties, appellant, Bar Manager, Executive Committee, Post Adjutant and Post Commander of the decision immediately in writing.
  12. A permanent record shall be kept of all appellate procedures.
  13. There are no appeals for any appellate procedures.
  14. Trials: All Trial procedures shall be conducted as prescribed by the American Legion Officers Guide which is adopted by American Legion National and State Departments.

**Record Keeping:** All records shall be kept indefinitely and may be referred to at any time in the future for determining a disciplinary action.

#### **Post, Auxiliary, Sons of American Legion, Legion Riders Rights**

The ability to use Post facilities is not guaranteed to any person-including Post, Auxiliary, Sons of American Legion, and Legion Riders-and can be suspended or revoked for violating our standards of conduct. All members, even if otherwise banned from the property as outlined above, may attend their respectful monthly membership meeting, as applicable, being escorted by an officer of their organization, as applicable, from their vehicle to the meeting no more than 10 minutes before the scheduled start time and escorted to their vehicle immediately after the meeting.

All members can be denied the right to attend the monthly membership meeting only (1) because of formal disciplinary action undertaken following the applicable By-Laws or (2) by non-membership.

#### **Non-Member (public) rights**

This is a Veterans Service Organization for the benefit of our members. While we greatly appreciate the support of our guests and supporters, non-members have no inherent right to use the Clubroom or other Post facilities; be on the Post property; or take part in offsite Post events.