

DISABLED AMERICAN VETERANS
DEPARTMENT OF PUERTO RICO
CONSTITUTION



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DISABLED AMERICAN VETERANS
DEPARTMENT OF PUERTO RICO

CONSTITUTION



THE FOLLOWING IS THE LATEST APPROVED DEPARTMENT OF
PUERTO RICO CONSTITUTION AND BY-LAWS AS AMENDED AT THE
2023, # 49th ANNUAL CONVENTION, 21-23 April 2023, PONCE,
PUERTO RICO.

CONSTITUTION

ARTICLE I — NAME

The name of this organization shall be called the "Disabled American Veterans Department of Puerto Rico".

ARTICLE II — PURPOSE

To uphold and maintain the Constitution and the laws of the United States; to realize the true American ideals and aims for which those eligible to membership fought; to advance the interests and work for the betterment of all wounded, gassed, injured and disabled veterans; to cooperate with the United States Department of Veterans Affairs and all other public and private agencies devoted to the cause of improving and advancing the condition, health and interest of all wounded, gassed, injured and disabled veterans; to stimulate a feeling of mutual devotion, helpfulness and comradeship among all wounded, gassed, injured and disabled veterans; to serve our comrades, our communities and our country; and to encourage in all people that spirit of understanding which will guard against future wars. The Disabled American Veterans of Puerto Rico is a part of and submits to the National Constitution of the Congressional chartered organization known as "Disabled American Veterans".

ARTICLE III — MEMBERSHIP

Any man or woman, who was wounded, gassed, injured, or disabled in line of duty during time of war, while in the service of either the military or naval forces of the United States of America, and who has not been dishonorably discharged or separated from such service, or who may still be in active service in the armed forces of the United States of America is eligible for membership in the Disabled American Veterans. Others, who are disabled while serving with any of the armed forces of any nations associated with the United States of America as allies during any of its war periods, who are American Citizens and who are honorably discharged, are also eligible. The Department of Puerto Rico, DAV, shall not have honorary members.

ARTICLE IV — POWERS

The Department shall have perpetual succession so long as it remains a part of the National Organization, with power to sue and be sued in courts of law and equity; to receive, hold, own, use and dispose of such real estate and personal property as shall be necessary for the efficient and economical operation of the Department Puerto Rico, Disabled American

Veterans, to adopt an official seal and alter same subject to the approval by the National Organization; to adopt a constitution, bylaws, and regulations to carry on its purposes, not inconsistent with the laws of the United States, the Commonwealth of Puerto Rico, the National Organization; to establish and maintain offices in San Juan metropolitan area for the conduct of its business; to establish chapters throughout the Commonwealth of Puerto Rico. In accordance with the requirements of the National Organization, to publish a newspaper or other publication devoted to the purpose of the Disabled American Veterans and generally do all such acts and things as maybe necessary and proper in carrying into effect the purposes of the Organization.

ARTICLE V — ADMINISTRATION

Section 5.1: The administrative affairs of this organization shall be vested in the Department Executive Committee.

Section 5.2: The Department Executive Committee shall be composed of elected Department Officers as follows: The Department Commander, Senior Vice-Commander, (4) Junior Vice-Commanders, East and West District Officers, and one Committeeman from each chapter from within to Commonwealth of Puerto Rico. The Immediate Past Department Commander, in good standing, shall be accorded a place on the Executive Committee with voice and vote.

Section 5.3: Each Department Convention shall elect a Department Commander, Senior Vice-Commander, (4) Junior Vice-Commanders and East and West District Officers.

Section 5.4: The Department Commander, with consent of the Department Executive Committee, shall appoint an Adjutant, a Service Officer, a Treasurer, a Director of Legislation (Benefits Protection Team Leader), an Officer of the Day, a Sergeant of Arms, a Chief of Staff, a Judge Advocate, an Inspector General, a Chaplain and such other officers as he/she deem necessary, whose duties would not conflict with those of the elected officers. These appointed officers shall have voice but no vote thereat. Only elected officers, Immediate Past Department Commander and Chapter Committeeman are vested with the power of voice and vote.

Section 5.5: The Department Commander shall not serve in office more than two terms as Commander and final, Past Commander are by right eligible to run and be elected Department Commander. ~~however, they should refrain from running after two terms as Department Commander. Junior Vice-Commander, moving up in seniority and in good standing, should be afforded the opportunity to become Commander as soon as they are qualified.~~

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Section 5.6: All meetings of the Department Executive Committee shall be open to any member in good standing and who has a valid membership card to prove such standing. At no time during any such meeting shall any member of the Department of Puerto Rico, Disabled American Veterans be asked to leave a meeting except for act of unbecoming a member of DAV. Visitors shall have not voice thereat, unless invited to do so by unanimous consent of the Executive Committee, and without cost to the state organization.

ARTICLE VI — LEGISLATIVE

Section 6.1: The supreme legislative powers of this organization shall be vested in the Annual Department State Convention which shall be composed of the Department Officers, and Chapter Delegates or Alternates.

ARTICLE VII — AUXILIARIES

Section 7.1: This Department should recognize a DAV Auxiliary within the jurisdiction of this Department, as Auxiliaries Units of the Disabled Americans Veterans, subject to supervision and recommendations, as provided for by the National Constitution and By-Laws.

ARTICLE VIII — AMENDMENTS

Section 8.1: This Constitution may be amended at any Department State Convention by a two- thirds majority vote of the regularly elected and qualified delegates assembled, provided that the proposed amendments shall have been read to the Department State Convention at a prior session before they are voted upon.

Section 8.2: Should it ever be shown that a section of this Constitution conflicts with a section of the National Constitution, then that section of the National Constitution shall supersede and govern without changing the force and effect of the remaining articles or sections of this Constitution. No amendment to this Constitution and/or By-Laws will be effective until approved by the National Judge Advocate.

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DEPARTMENT OF PUERTO RICO

BY-LAWS

ARTICLE I - ORGANIZATION

Section 1.1: The governing bodies of the Organization shall be the Annual Department State Convention with his dully elected and qualified delegates, and the Department Executive Committee with authority between Conventions.

Section 1.2: Each chapter and the Department of Puerto Rico shall keep records of its proceedings, which shall be open for inspection by any member in good standing of this Organization at any Annual Department State Convention or Executive Committee meetings.

Section 1.3: Each chapter and the Department of Puerto Rico shall keep a complete record of all money received, expended, and remitted; all money must be deposited in the name of the local chapter. The Department Treasurer shall keep a bond volume with the Department Finances properly recorded therein.

Section 1.4: This Department recognizes the National Organization known as Disabled American Veterans, incorporated by Act of Congress, and affirms its allegiance, and subordination to the National organization, it is Constitution, Bylaws and all rules, mandates and regulations promulgated pursuant thereto. Upon dissolution of the Department, the assets remain after payment of its debts shall be distributed as provided in Article 6, Section 6.4, Paragraph S, of the National Bylaws.

ARTICLE II — CHAPTER CHARTERS

Section 2.1: Each chapter shall adopt a Constitution and By-Laws provided however, none of these, conflict with those of the Department or National Organization. Such Constitution and By-Laws shall be submitted to the Department and National organization for approval.

Section 2.2: Chapter charters may be only revoked by the National Commander. The Department Executive Committee does not have such authority, the Department Commander can suspend for up to 90 days.

Section 2.3: Each chapter shall elect a Commander, Senior Vice Commander, Junior Vice Commander, and may elect or appoint such other officers as may be necessary to operate the chapter. In electing Department Officers (Committeeman and Alternate), all nominations shall be made from the floor and there will be not secret voting. The elected Committeeman or his/her Alternate should have voice and vote at Department Executive Committee

meetings but will not hold in his own chapter any other elected or appointed office, to avoid conflict of interest between chapter and Department administrations.

Section 2.4: The National Commander may suspend the charter of this Department, a chapter or subordinate for a period of 60 days or more, but no exceed 180 days in accordance with the provisions of Article 6, Section 6.4, and other applicable provisions of the National Bylaws.

ARTICLE III - MEMBERSHIP

Section 3.1: Membership shall conform to the requirements as set for in the National Constitution and Bylaws. There shall be no associate, special, or honorary membership in this organization.

Section 3.2: Transfers are only effective upon approval of the receiving chapter.

Section 3.3: A member of a revoked chapter shall become a member of the Department of Puerto Rico Chapter or he/she may transfer to an active chapter.

ARTICLE IV — DEPARTMENT CONVENTION

Section 4.1: Commencing with the 2010, Department State Convention, shall be held annually, in the month of April, at location within the Commonwealth of Puerto Rico, with the times and place of each such State Convention be determined by the Department Executive Committee, said Department State Convention to be conducted in accordance with the provision of Article 8, Section 8.6, Para. 1 and Para.2 of the National Bylaws.

Section 4.2: Each chapter shall be entitling to one delegate and one alternate as such. In addition, each chapter shall be entitled to one delegate and one alternate for each twenty-five members thereof, or major portion thereof. Provided, however, that such delegates and alternates shall have paid their current dues no later than fifteen days prior to the meeting of said convention. In determining chapter strength, as herein provided, a transfer shall in no way affect the strength of the receiving chapter unless such transfers are received from a revoked chapter or as member of the Department of Puerto Rico Chapter.

Section 4.3: Each elected department officer and chapter commander shall be entitled to one vote: but will no vote as a Department Officer and at the same convention vote as a chapter delegate or commander.

Section 4.4: The Department Commander shall have full power, with the approval of the Executive Committee, to prescribe the form of credential, the rule and regulations, and all other matters with respect to the convention not specifically covered by the Department Constitution and By-Laws.

Section 4.5: The Department Adjutant shall request from National Headquarters the

number' of members in good standing of all chapters in this jurisdiction prior to the Department Convention.

Section 4.6: No delegate or alternate representing any chapter which is indebted to the Department of Puerto Rico or National Organization in any amount shall be seated with the privilege of voting in the Department of Puerto Rico Convention.

Section 4.7: The registration fee at the state Convention shall be \$ 25.00 for each delegate alternate and guest. Before the delegates of any chapter can be seated in any Department of Puerto Rico Convention, the Adjutant or delegates shall prove to the satisfaction of the Credential Committee that all indebtedness to the National Organization or the Department has been paid in full.

Section 4.8: In the absence of a delegate the following applies: Chapter elected delegates who are physically present and duly registered at the time of the election and shall be entitled to one vote at the convention. The number of delegates and voting strength for chapter during the convention is based on (1) one delegate and alternate per 25 members of the chapter, or major portion thereof. Example: Chapter "Z" has 240 members in good standing, 240 divided by 25=9.60 (rounds to 10) and the result is (10) Delegates and (10) Alternates permitted. As result 240 divided by 25=9.60 (rounds to 10) +plus (1) one vote for the chapter's charter= 11 (eleven) total votes to be cast. If only (2) two Chapters Delegates are present during voting, the votes are split between the (2) two delegates for a total of (5.5 each). Votes by proxy will not be accepted even if the delegate is dully registered but not present.

ARTICLE V — DEPARTMENT OFFICERS

Section 5.1: In the event that only one candidate is nominated for an office, he/she must receive the majority of the votes cast in the Convention, to be elected.

Section 5.1.1: No two Department Vice-Commander shall be elected from the same chapter.

Section 5.1.2: To be eligible for Department Commander, candidate must be in good standing. He/she shall perform duties as may reasonably be assigned and any additional duty appointed by the Department Commander.

Section 5.2: Each officer shall serve until their successor is duly elected and installed. Vacancies occurring between Department State Convention shall be filled by automatic elevation in accordance with seniority. In case of vacancies for Junior Vice Commander and for Treasurer, the vacancies shall be filled through appointment by the Commander with the approval of a majority of the Executive Committee.

Section 5.3: The Department Commander shall appoint such officers and employees as may be deemed necessary, with the approval of the Executive Committee.

Section 5.4: Unexcused absence from two (2) meetings shall be cause for removal and the Commander is empowered to appoint a member to serve the unexpired term with the approval of the Executive Committee.

Section 5.5: All legislative, administrative, and executive matters not otherwise specifically covered by the provisions of this Constitution and By-Laws, or resolutions of Department Executive Committee shall be responsibility of the Department Commander.

Section 5.6: The Department Executive Committee shall hold its first meeting immediately following the adjournment of the Department State Convention. Meetings thereafter will be called by the Department Commander.

Section 5.7: The Commander, with the approval of any one member of the Executive Committee, is authorized to call a special meeting of the Committee at any time there is an extreme and exceptionally important matter pertaining to the welfare of the Organization to be determined. Not less than four days' notice shall be given prior to such meeting.

Section 5.8: The quorum shall consist of one-third of the Department Executive Committee.

Section 5.9: All Department Executive Committee meetings shall be presided over by the Senior Elected Department Officer present.

Section 5.10: The Department Delegates to the National Convention shall attend all National Convention Business meetings regularly. When assigned to a committee, he/she shall attend such committee meetings regularly. When the delegate is attending committee meeting, the alternate, if present, shall attend all Convention Business Meetings and report to the delegate all that takes place.

Section 5.11: The delegate shall be vested in all Department resolution and be ready to give detailed information as to the aims and purposes of the resolutions submitted. The delegate shall be able to defend and advocate their merits and urge their adoption.

ARTICLE VI — DUTIES OF ELECTED OFFICERS

Section 6.1: Department Commander

Para 1: The Commander shall normally be the presiding officer of the Department of Puerto Rico State Convention, Conferences, and Department Executive Committee meetings. If he/she shall, with the approval of the Executive Committee, be the public spokesman for the Department and fulfill the duties as prescribed by the National and Department Bylaws.

Para 2: The Commander, with the approval of the Executive Committee, shall appoint such officers, chairmen, committee members, and other individuals as prescribed by these Bylaws or as he/she in his/her judgment deems necessary, with the exception of the Nominating Committee, which must be elected by the body of the Convention.

Para 3: The Commander shall be an ex-officio member of any committee, which he/she appoints and shall be informed of the meeting time and place of all meetings held within the Department.

Para 4: The Commander will be a member of the Department Finance Committee, but shall not be the Chairman of that Committee. He/she shall have signature authority for Department banking accounts.

Section 6.2: Department Senior Vice Commander

Para 1: The Senior Vice Commander shall perform duties as may be reasonably assigned him/her by the Commander, the Department Executive Committee, and these Bylaws. In the absence of the Department Commander for any reason, he/she shall perform the duties of the Department Commander.

Para 2: The Senior Vice Commander shall be a member of the Department Finance Committee.

Para 3: The Senior Vice Commander shall be a representative of the Department as a member of the State Veterans Council.

Para 4: The Senior Vice Commander shall perform any additional duties assigned by the Department Commander, including assisting with Information Seminars, Chapter Service Officers assemblies, prepare monthly report of his/her activities.

Section 6.3: Department First Junior Vice Commander

Para 1: The Junior Vice Commander will help the Senior Vice Commander establishing, coordinating, and chairing the Department Membership Program.

Para 2: He/she shall perform other duties as may reasonably be assigned him/her by the Commander, the Department Executive Committee, and these Bylaws.

Para 3: The First Junior Vice Commander shall perform any additional duties appointed by the Department Commander, including assisting with Information Seminars, Chapter Service Officers assemblies, prepare monthly report of his/her activities.

Section 6.4: Department Second Junior Vice Commander

Para 1: He/she will perform such duties as may be reasonably assigned to him/her by the Commander, the Department Executive Committee, and these Bylaws

Para 2: The Second Junior Vice Commander shall perform any additional duties appointed by the Department Commander.

Para 3: The Second Junior Vice Commander shall perform any additional duties appointed

by the Department Commander, including assisting with Information Seminars, Chapter Service Officers assemblies, prepare monthly report of his/her activities.

Section 6.5: Department Third Junior Vice Commander

Para 1: He/she will perform such duties as may be reasonably assigned to him/her by the Commander, the Department Executive Committee, and these Bylaws.

Para 2: The Third Junior Vice Commander shall perform any additional duties appointed by the Department Commander.

Para 3: The Third Junior Vice Commander shall perform any additional duties appointed by the Department Commander, including assisting with Information Seminars, Chapter Service Officers assemblies, prepare monthly report of his/her activities.

Section 6.6: Department Fourth Junior Vice Commander

Para 1: He/she will perform such duties as may be reasonably assigned to him/her by the Commander, the Department Executive Committee, and these Bylaws.

Para 2: The Fourth Junior Vice Commander shall perform any additional duties appointed by the Department Commander.

Para 3: The Fourth Junior Vice Commander shall perform any additional duties appointed by the Department Commander, including assisting with Information Seminars, Chapter Service Officers assemblies, prepare monthly report of his/her activities.

Section 6.7: Department District Officer West

Para 1: He/she will perform such duties as may be reasonably assigned to him/her by the Commander, the Department Executive Committee, and these Bylaws including, assisting with Information Seminars, Chapter Service Officer (CSO) assemblies, membership recruitment, serve as liaison between the Chapter and the Department without vote, but with voice, must visit all Chapters within their jurisdiction.

Para 2: The Department District Officer West will perform any additional duties appointed by the Department Commander.

Para 3: The (2) two elected Department District Officers, will be part of the Department Executive with voice and vote.

Para 4: Each District will elect the Department District Officer on the state convention for one year.

Section 6.8: Department District Officer East

Para 1: He/she will perform such duties as may be reasonably assigned to him/her by the Commander, the Department Executive Committee, and these Bylaws including, assisting with Information Seminars, Chapter Service Officer (CSO) assemblies, membership recruitment, serve as liaison between the Chapter and the Department without vote, but with voice, must visit all Chapters within their jurisdiction.

Para 2: The Department District Officer East will perform any additional duties appointed by the Department Commander.

Para 3: The (2) two elected Department District Officers, will be part of the Department Executive with voice and vote.

Para 4: Each District will elect the Department District Officer on the state convention for one year.

Section 6.9: Appointive Officers

Para 1: With the consent and approval of the Department Executive Committee, the Commander shall appoint a Department Treasurer, a Department Judge Advocate, a Department Inspector General, a Department Chaplain, a Department Officer of the Day, a Department Sergeant-at-Arms, a Department Adjutant, a Department Benefits Protection Team Leader, and other such officers as he may deem necessary.

Para 2: The tenure of appointed officers shall be at the pleasure of the appointive power, provided that no term of office shall exceed that of the appointive power, except as otherwise expressly provided for elsewhere in these bylaws.

Para 3: In the event of a vacancy in an appointive office, the Commander shall appoint a member to fill the vacancy, subject to the approval of the Department Executive Committee.

Duties of Appointed Officers

Department Treasurer

Para 1: The duties of the Department Treasurer generally correspond to those of a treasurer of a corporation. He/she shall be a member of the Department Finance Committee, but shall not be chairman of that committee.

Para 2: The Treasurer shall keep the financial record of all receipts and disbursements of the Department, dispensing Department funds only upon receipt of an approved voucher from the Department Adjutant. He/she shall have signature authority for Department banking accounts.

Para 3: All checks shall require two (2) authorized signatures. He/she is responsible for the

annual financial reports to Federal, State and DAV National Headquarters.

Para 4: The Treasurer shall receipt for and properly safeguard all Department monies.

Para 5: The Treasurer shall maintain his/her accounts and records in condition for audit at all times. He/she shall render a report of the financial status of the Department at all Executive Committee meetings and the Department State Convention.

Para 6: He/she shall have his books and accounts audited at the close of the accounting year in accordance with the policies prescribed by the Bylaws of the National Organization.

Para 7: He/she shall produce his/her records for inspection at any time during office hours by any elected Department officer and/or the Department Finance Committee, and to any other Department member in good standing, subject to prior approval of the Executive Committee.

Para 8: He/she shall preserve all receipts, canceled checks, vouchers, and other records, maintaining them in a manner that will permit a thorough audit. He/she shall forward duplicates of it to the Adjutant for file.

Para 9: He/she shall prepare monthly financial reports and forward a copy of it to the Adjutant, the Finance Committee Chairman, and the Commander. The Adjutant will have published a quarterly report of year-to-date receipts and expenditures.

Para 10: Expenditures shall not exceed the amounts stipulated in the approved budget and it shall be the duty of the Treasurer to see that no expenditure other than those duly approved in the budget are made or contracted to without the written approval of the Department Finance Committee.

Department Judge Advocate

Para 1: The Judge Advocate shall render opinions upon appeal to him/her. He/she shall act as advisor to the Commander in disciplinary cases covered by Article 16 of the National Bylaws. He/she shall review proposed Chapter Constitutions and Articles of Incorporation as prescribed under Sections 9.2 and 9.3 below. The Commander for an advisory opinion shall refer legal matters to him/her. He/she shall serve as a non-voting member of the Department Finance Committee.

Para 2: The Judge Advocate shall be part of the Department Election Committee.

Para 3: Decisions of the Commander, whether or not based on opinions of the Judge Advocate, are subject to appeal to the Department Executive Committee and further appeal to the Department State Convention, if provided notice of intent to appeal is given in writing to the Department Adjutant Within thirty (30) days after the Commander's decision is made

known. The decision of the Commander, the Executive Committee or Department State Convention, if so appealed, shall be final, subject however, to an appeal to the National Commander.

Department Inspector General

Para 1: The Inspector shall, under the supervision and direction of the Commander, investigate any alleged violation of Chapter, Department, or National Constitution, Bylaws or Regulations, including, but not limited to, occurrences in the Department, Chapters, or NOTR Units which may impugn the integrity or reputation of the Organization. Upon completion of an investigation, inspection or audit, the Inspector shall render a written report of his findings and recommendations to the Commander.

Department Officer of the Day

Para 1- The Officer of the Day shall, in addition to his/her other prescribed duties, act as the custodian of National and Organizational colors and accouterments and provide a safe storage for these department items. He/she shall be responsible for placing these items in their proper place at each State Convention and Conference. He/she shall take his rightful place at the podium during the annual installation of newly elected officers.

Department Sergeant-at-Arms

Para 1- The Sergeant-at-Arms shall, in addition to his/her other prescribed duties; preserve order during meetings of the Department and upon direction of the Commander shall escort visitors to the podium. During meetings of the State Convention, he/she shall admit only those persons who are properly registered and identified as delegates or alternates. He/she shall work with the Credentials Committee to meet his objectives.

Department Adjutant

Para 1: The Department Adjutant, subject to the instructions of the Department Commander, Department Executive Committee or Department State Convention shall supervise and direct the activities of the Department Organization.

Para 2: In addition to the other duties and authority set forth in these Bylaws, the Department Adjutant shall be the chief executive officer of this Organization, and shall be the Secretary of and attend the meetings of the Department Executive and Department Finance Committees, and shall have a voice, but no vote.

Department Chaplain

Para 1: The duties of Chaplain shall be as prescribed in the official Ritual of the Disabled American Veterans Organization.

Department Benefits Protection Team Leader

Para 1: The Department Benefits Protection team Leader shall be responsible for establishing, coordinating, maintaining, and chairing the Department Legislative Program.

Para 2: He/she shall perform other such duties as may reasonably be assigned to him by the Commander, the Department Executive Committee, and these Bylaws.

Department other Officers - The duties of other officers the Commander may appoint as he/she deems necessary, shall be those prescribed in the National Bylaws and/or as directed by the Commander or other presiding officer, subject to the approval of the Department Executive Committee.

Section 6.10: Term of Office - Appointed Officers

Para 1: The term of office of the appointed Department Officers shall not exceed that of the appointing power and may be terminated at any time by the appointing power, provided, however, that the removal of the Department Adjutant or the Department Legislative Officer by the Department Commander is subject to approval by a two-thirds vote of the Department Executive Committee. The Department Executive Committee may, by a two-thirds vote of its members, remove the Department Adjutant or the Department Legislative Officer from office for cause.

Para 2: The term of office of all appointed Department Officers terminates automatically at the adjournment of each State Convention, except that Department Officers who are not employees of the Department organization may continue to serve until their successors are installed. There is no right whatsoever to reappointment as a Department Officer.

ARTICLE VII — FINANCE

Section 7.1: All funds of the Department shall be expended under the direction of the Department Executive Committee, or Department State Convention, and in the interest of the Organization only.

Section 7.2: The revenue of the Department of Puerto Rico Headquarters shall be derived from the prescribed dues, and donations.

Section 7.3: The Department Executive Committee shall approve and order payments of accounts; all checks shall be signed by the Department Treasure or Department Adjutant and

counter signed by the Department Commander.

Section 7.4: The Committee on Finance and the Department Executive Committee shall have access at all times to Department books pertaining to accounts.

Section 7.5: All Department funds shall be deposited by the Department Treasurer in a designated bank depository under the name of the "Disabled American Veterans, Department of Puerto Rico". The treasurer will promptly forward a verified copy of the deposit to the Department Adjutant, when possible, Department, Chapters and Auxiliaries shall avoid opening accounts in the same bank where there are other DAV accounts.

Section 7.6: The Treasurer shall submit at each Executive Committee meeting an itemized and full report showing all receipted and disbursed funds. He/she shall present the cancelled checks, paid voucher, and balanced books, audited by the Finance Committee at each Department State Convention. The State Department shall have an Audit Committee of at least three members of the State Department, who shall conduct an annual audit and submit a report of the same to the National Organization within ninety days after the close of the accounting year, commencing July 1 and ending June 30.

Section 7.7: State officers, whose duties require their attendance to official meetings and the conduct of official business in the best interest of the organization, shall paid travel or per diem expenses as may authorized by the Executive Committee. Reimbursement for actual expenses is authorized as specified by the travel authorization. The number of Delegates traveling to the National Convention shall depend on the availability of funds at the time of approval. Travel and per diem expenses shall be paid as determined by the Executive Committee to the Department Commander, Department Adjutant. The Department Legislative (BPTL) for Mid-Winter only.

Section 7.7.1: The chapter or chapters requesting service from the National Service Office thru the Department will pay travel pay, as authorized, provided that the National Service Officers is not being compensated by the National Headquarters. The Senior NSO will submit a voucher to the chapter through the Department Headquarters for collection.

Section 7.8: Where two or *more* Department Executive Committee members travel together in a private automobile, only the driver of the said vehicle shall be paid travel paid as authorized. The Executive Committee from each chapter will travel at their own his/her chapter's expenses, such arrangement being mutually agreed upon by the members of each chapter.

Section 7.9: The amount of Annual Department per capita dues or taxes shall be as provided by National Executive Committee.

Section 7.10: The Commander of the Department of Puerto Rico shall be compensated his full expenses to the National Conventions.

Section 7.10.1: The Department of Puerto Rico must be represented as minimum by the Department Commander and the Department Adjutant at the four (4) annual official meetings conducted at National Level. Those two officers shall be compensated for their expenses to the National Convention, Mid-Winter Conference, Sixth District Mid-Year Conference, and the Commanders and Adjutants Association Conference. The Commander may authorize the Senior Vice Commander. The Department Legislative (BPTL) only for Mid-Winter, or any other officer to travel depending on the availability of funds, at the time of travel.

Section 7.11: All Forget-Me-Not flower sales and all other funds raising projects conducted by the chapter will be accounted for and a complete report shall be forwarded to the Department Adjutant within thirty (30) days after the close of the project. It shall be mandatory that each chapter of the Department of Puerto Rico makes a written report to the Department Adjutant no later than thirty (30) days before the Department Convention even if they had no funds raising campaign during the fiscal year; in order to have their delegates seated at the Department Convention.

Section 7.12: The Department of Puerto Rico shall not conduct a fund-raising project without first receiving permission from the National Executive Committee.

Section 7.13: The Department of Puerto Rico shall not conduct any fund-raising project in any city where there *is one or more* chapters, without the *consent*, of such local chapter.

Section 7.14: No fund-raising activity shall be conducted by any chapter without the prior approval of the Department, except as outlined in Article XV, Section 15.3, Paragraph 1, of the National By-Laws.

Section 7.15: Five percent (5%) of the gross amount of all money received as income by the Department shall be deposited each quarter by the Department Treasurer in a contingency fund. This money shall be deposited in a federally insured institution at the highest rate of the interest obtainable. A Board of Trustees shall govern this fund. The Board of Trustees shall consist of three (3) members of the Department of Puerto Rico, DAV who are in good standing. They shall be elected by the Department at the Convention for terms as follows: 1 for 3 years, 1 for 2 years, and 1 for 1 year. After the first election, there shall be a trustee elect each year for a three-year term. In case of a vacancy during the DAV year, the Executive Committee shall elect a trustee to serve until the next Department Convention; the Convention shall elect a trustee to fill the vacancy. The one-year trustee shall be the Chairman. The three trustees shall have full power to expend this money in any manner they deem advisable upon notification by the Commander that a state of emergency exists within the Department of Puerto Rico, DAV. It will require a unanimous vote of the trustees to expend this money.

ARTICLE VIII—Policy

Section 8.1: The Department of Puerto Rico and the chapters in the Commonwealth of Puerto Rico, shall be governed by Article 11, Section 2.1, Section 2.2, Paragraph 1 and 2 of the National By-Laws.

ARTICLE IX — DISTRICT RULES AND REGULATIONS FOR ADMINISTRATIVE AND COORDINATION PURPOSES

Section 9.1: The territories under the jurisdiction of the Disabled American Veterans, Department of Puerto Rico will be divided in TWO (2) regional districts embracing the Department chapters as follows:

DISTRIC EAST

- Chapter #1, San Juan
- Chapter #5, Caguas
- Chapter #7, Fajardo
- Chapter #8, Arroyo
- Chapter # 13, Patillas
- Chapter # 16, Bayamon
- Chapter# 23, Guayama

DISTRIC WEST

- Chapter #3, San German
- Chapter #4, Ponce
- Chapter #6, Mayaguez
- Chapter #11, Arecibo
- Chapter #14, Aguadilla
- Chapter #21, Isabela

Section 9.2.: The two elected members will be part of the Department Executive Committee with voice and vote.

Section 9.3.: Each district will elect their officer on the state convention for a one-year term.

ARTICLE X- SEXUAL HARASSMENT POLICY

Section 10.1: Department Policy on Sexual Harassment

I. Purpose

The Department of Puerto Rico of the Disabled American Veterans, hereafter The Department, has a strict zero tolerance policy against all forms of sexual harassment. This policy was created as part of our commitment to a safer and more supportive environment to prevent and eliminate all sexual harassment. Anyone can be a victim of sexual harassment regardless of their gender, gender identity, sexual orientation, race, age, or any other factors. This policy covers incidents that can occur inside or outside our meeting locations, offices or during outreach and special events, and covers all DAV members, their families, contractors, vendors, customers, and others. The Department will take every measure within its power to prevent and address any acts of sexual harassment.

The purpose and goals of this policy are to:

1. Provide notice to all DAV members that sexual harassment will not be tolerated, and that violators will be held accountable.
2. Create and enforce policies and procedures to assist DAV members, their families, and customers, who are impacted by sexual harassment.
3. Support a clean environment with education and a training program that prevents sexual harassment and promotes a safe environment for all DAV members, their families, and customers. Prevention is the best tool for the elimination of sexual harassment.
4. Provide immediate assistance and support to victims of sexual harassment, such as information and referrals to community resources, to help ensure safety and support for victims and fellow members.
5. Requiring annual training at the Chapters level on this policy for all members by their chain of command.

II. Description

Sexual harassment can occur in many forms. It may involve unwelcome romantic or sexual advances, requests for sexual favors, visual materials, social media posts, verbal comments, and/or physical contact of a sexual nature. May involve one or more individual and pertains to DAV members, their families, contractors, vendors, customers, or any visitor to our organization. Sexual harassing behavior is a violation of our policy, even in instances where the offending party believed they were acting jokingly. Such communications, comments, gestures or actions of sexual nature or unwelcome advances are prohibited at the Department, whether the receiving party feels offended or not. The most obvious examples of sexual harassment involve physical behavior or physical contact. The following is a non-exhaustive list of physical behaviors that may be considered offensive:

- Touching an individual by massaging their back, neck, or shoulders; hugging, kissing, patting, pinching, fondling, or touch/pulling an individual's clothing or hair.
- Physical gestures that imply or describe a sexual act, or any sexual innuendo. Brushing against another person's anatomy, touching the person, standing too close, or lingering.

However, sexually harassment does not always involve physical contact. The following is a non-exhaustive list of examples of verbal and non-verbal behavior that may be considered offensive:

- Suggestive verbal/visual behavior such as "elevator eyes" (looking a person up and down), leering, staring, sexual gestures, whistling, catcalls, winking, throwing kisses, making kissing sounds, howling, groaning, or smacking/licking lips.

- Sexual comments or innuendoes about clothing, anatomy, appearance, or sexual jokes or stories, or playing or singing sexually suggestive songs.
- Discussions or inquiries about sexual fantasy, preferences, history, or sex life about self or others.
- Displaying pictures, objects, reading materials, or other materials that are sexually suggestive or demeaning. This includes any sexual materials on personal devices including a smartphone or tablet, computers or devices shared in the office or the workplace, or any Department property.
- Repeated invitations, pressuring/coercion for dates or sexual favors; harassing phone calls, emails, texts, social media posts, or other communication. Sending sexually suggestive communications, (emails, texts, instant messages, etc.), displaying or transmitting suggestive visual materials, such as pictures, calendars, and posters.
- Giving personal gifts that imply an intimate relationship. Stalking, following, or blocking an individual's path.

It is a violation of this policy for any DAV member to ever state, imply, or suggest that dating or engaging in sexual conduct with another member could result in a benefit, such as a leadership appointment or position, any form of compensation or gain within the organization. In addition, that the refusal to date, or engage in sexual conduct will negatively affect a person's career within the organization. All DAV members should understand that sexual harassment, as covered by this policy, can occur in any designated workplace, which includes but not limited to the Department and Chapter facilities, conventions, seminars, information tables, vehicles, and using equipment property of DAV, or while on mission related travel. Sexual harassment under this policy covers any incident by a DAV member that occurs outside of the workplace or even outside working hours, such as at a social event, (birth parties, weddings, happy hours, dining out, etc.). With or without a DAV shirt or a cap, every DAV member, life member or partial, needs to always act and behave under the highest standards of conduct. Finally, any violation to this policy may be punishable under Article 16, Disciplinary Actions, of the National Constitution and Bylaws of the Disabled American Veterans.

III. Individuals Covered by this Policy.

This policy pertains to all members of the Department of Puerto Rico, contractors, vendors, volunteers, or temporary workers hired by The Department.

IV. Reporting Sexual Harassment

Complaint Procedure: Allegations of sexual harassment should be reported to the Chapter Commander or a designated person (Women's Advocate) within the chapter as soon as possible; it also needs to be reported directly to the Department Commander as soon as reasonably possible after the conduct occurs, to help ensure an effective investigation. A customer or visitor should report allegations of sexual harassment to Chapter Commander immediately. It is imperative that DAV members give the Department the opportunity to investigate and resolve any reported concerns. The Department will promptly undertake or direct an effective, thorough, and objective

investigation of the complaint. The Department Commander may immediately contact and suspend the DAV member allegedly committing the violation from attending or exercising any DAV function, as required by the National Bylaws. The Department Commander will designate an executive person (Junior Vice) to investigate any incident of sexual harassment under this policy. If the allegation is against any member of the Executive group of the Department, the Inspector General of the Department will conduct the investigation. If the Department determines that a DAV member has engaged in conduct in violation with this policy, the Department shall take prompt, remedial action commensurate with the circumstance, up to and including disciplinary action in accordance with Article 16 of the National Bylaws, against those who engaged in violations of this policy. The Department may provide community referrals and resources to the victim to assist with their concerns or experiences regarding sexual harassment.

Confidentiality: The Department recognizes and respects a DAV member's right to privacy and the need for confidentiality and the freedom to make their own decisions. The Department shall maintain the confidentiality of a member's disclosure regarding sexual harassment to the extent allowed by law, and unless to do so would result in physical harm to any person, and/or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals within the organization, the Department shall limit what information is disclosed as necessary to protect the safety of the alleged victim, disclosing member and others, and to comply with the law. The Department shall provide advance notice to the member who disclosed the information, to the extent possible, if the disclosure must be shared with other parties to maintain safety in the organization. The Department shall also provide the individual with the name and position of the person to whom the Department intends to share the alleged victim's statement and shall explain why the information must be disclosed.

Retaliation: The Department prohibits any retaliation against any DAV member who complains of sexual harassment or who participates in an investigation. Retaliation includes, but is not limited to, taking disciplinary action against the member, reassigning their duties or place of work, denying support, etc. Allegations of retaliation will be investigated, and appropriate remedial action will be taken. Any individual engaging in retaliatory behavior may be subject to disciplinary action. For concerns over any suspected retaliation against a victim of sexual harassment or a member who assisted in the investigation, the Department Commander shall be notified immediately.

V. Investigation Procedures

If the Department receives information that alleges that a member has committed an act of sexual harassment, the Department Commander shall refer the report to a designated executive for the purpose of investigating the allegation. The Department shall order an investigation of the allegation, as soon as reasonably possible. At the conclusion of the investigation, the designated executive will report his/her findings to the Department. If the investigator concludes that there is significant evidence that the member has engaged in sexual harassment, as defined in this policy, then that DAV member may be subject to disciplinary action, under Art. 16 of the National Constitution and Bylaws, with up to and including expulsion from the organization. The Department Commander, or other official designated by the Department, will provide written notice to the

person who filed the complaint and to the accused member, informing them of the outcome of the investigation.

Duty to Cooperate: Every member of DAV shall have a duty to cooperate with an investigation. Failure to do so may result in disciplinary action. Additionally, every member has the duty to be truthful and must disclose all information known to the member when requested to do so by the member designated to conduct the investigation of an alleged incident. Any member who fails to be completely truthful or who withholds information shall be subject to disciplinary action.

Witnessing Sexual Harassment: All members have a duty to cooperate with an investigation of sexual harassment. DAV members who have direct information about, or who witnesses an incident or an act against a victim, are required to report all information to the Chapter Commander, whom will in turn contact the Department Commander. Any DAV member who believes they have been subjected to adverse action by the Department because of making a report pursuant to this policy, should contact the Department Commander or the Department Executive Committee.

VI. Additional Resources

In addition to internal reporting methods, DAV members have the right to file charges of sexual harassment with government agencies. All external charges of discrimination in which the Department is identified as a Respondent, should be immediately directed to the Department Commander.

All members are expected to behave professionally while working or representing the Department and the DAV organization. Members should exercise good judgment in work-related relationships, whether with fellow members and their families, contractors, vendors, customers, or any non-member with whom they come into contact in the course of official duties. Furthermore, all members are expected to take appropriate measures to prevent sexual harassment. Unwelcome behavior of a sexual nature should be stopped before it becomes severe or pervasive and rises to a violation of any individual right.

ARTICLE XI-FUTURE AMENDMENTS TO NATIONAL CONSTITUTION BY LAWS AND NEC REGULATIONS

To the extent to which any provisions of these Constitution and Bylaws are, or may at any time become, inconsistent or in conflict with the provisions of the Constitution and Bylaws and lawful mandates, decisions, and regulations of the governing National Organization, as now in force or as hereafter amended or adopted, this instrument shall be deemed amended as to conform thereto.

I certify, to the best of my knowledge that the Constitution and Bylaws of this Department do not conflict with those of the National Organization and to that extent are hereby approved.

