



American Legion Post 364 House Rules

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House Rules

1. General

- 1-1. The purpose of the House Rules is to govern the proper conduct of members and guests while present at the Post Home, to ensure good order and discipline are maintained.
- 1-2. The House Rules are a requirement of the Botts, Payne, Murphy Memorial Post 364 Constitution and By-Laws.
- 1-3. The House Rules provide support to the Botts, Payne, Murphy Memorial Post 364 Employment Handbook.
- 1-4. The operation of the Post Home shall conform, in every respect, to the provisions of the Virginia Alcoholic Beverage Commission (ABC) and Virginia Department of Agriculture and Consumer Services gaming laws and regulations.
- 1-5. When used in these House Rules, the masculine references are generic and apply to male and female.
- 1-6. Current facilities will remain designated smoking areas. Phase I spaces are designated non-smoking areas. This is to include the Lounge, Game room, and dining area.
- 1-7. The House Rules shall be available upon request from the bartender on duty and on the Post's website.

2. Definitions

Unless otherwise defined or specified, the following definitions will apply to uses of the specifically defined term with these House Rules.

2-1. General Membership: Term used to indicate and encompass all members in good standing of Woodbridge American Post 364, Auxiliary Unit 364, and Sons of the American Legion Squadron 364. Eligibility for membership is restricted to persons eligible under the National Constitution of the American Legion. There are no associate or honorary memberships in the Woodbridge American Legion Post 364.

2-2. General Public: Anyone not otherwise defined as "Member", "Legion Family", "Guest", or "Immediate Family Member".

2-3. Legion Family: Term used to indicate and encompass all members in good standing of any American Legion post, Auxiliary unit, or Sons of the American Legion squadron.

2-3. Member: Any person who has applied for membership and been accepted under the

provisions of the National Constitution of the American Legion, to include the Sons of the American Legion, and the American Legion Auxiliary. When used in these House Rules, this term may also refer to persons belonging to other Posts of the American Legion who the Management has deemed to be admissible (Legion Family). Members enjoy all Post advantages and unlimited privileges extended by Post 364.

2-4. Guest: Anyone who is not an immediate family member-or member of the American Legion Family but is afforded limited privileges of the Post through the sponsorship and accompaniment of a member.

2-5. Immediate Family Member: Anyone who is not part of the General Membership but is related to a member by blood or marriage (i.e., a wife, husband, brother, sister, son, daughter, parent, or cohabitant of a Member). Immediate family members enjoy limited privileges of the Post only when accompanied by the sponsoring member.

2-6. Post or Post Home: All the premises and grounds owned by Woodbridge American Legion Post 364 including building or buildings thereupon. The premises include the following areas:

- **2-6-1. Hall:** That portion of the Post Home used for conducting special Post activities and/or business. These activities and business include, but are not limited to, meetings, Bingo, dances, parties, receptions or contracting to a member. While conducting special Post activities and/or business, the Hall may be accessible to the general public during specific functions (i.e: bingo), or on a rental basis.
- **2-6-2. Lounges:** The portion of the Post Home housing bar facilities and/or game room(s).
- **2-6-3. Legacy Lounge:** Original construction bar and lounge facility.
- **2-6-4. Legacy Game Room:** Original construction game room facility.
- **2-6-5. Main Lounge:** Phase 1 (new) construction bar and lounge facility.
- **2-6-6. Main Game Room:** Phase 1 (new) construction game room facility.
- **2-6-7. Storage Rooms:** The portions of the Post Home used for storage of supplies and equipment. Such rooms are considered limited access areas.
- **2-6-8. Office:** The portions of the Post Home established as an office for Post administration. Such rooms are considered limited access areas.
- **2-6-9. Kitchens:** The portion of the Post Home established and equipped for the storage, preparation, and serving of food. There are two kitchen facilities, one each in the Legacy Lounge area (known as the Legacy Kitchen) and the Main Lounge area (known as the Main Kitchen). Such rooms are considered limited access areas.

- **2-6-10. Grounds:** The land and structures on the Post Home Property excluding the Post Home facility itself. The grounds include the following areas:
- **2-6-11. Parking Lots:** The paved portion of the Post grounds where vehicles may be parked.
- **2-6-12. Ball Field:** The portion of the Post grounds maintained as a baseball field.
- **2-6-13. Memorial Ellipse:** The portion of the Post grounds upon which the Post flagpole is erected and housing the anti-aircraft gun.
- **2-6-14. Pavilion:** The portion of the Post grounds bearing a covered picnic pavilion.
- **2-6-15. Storage sheds and containers:** Approved storage structures used for authorized storage of property and equipment belonging to the American Legion Post, the Sons of the American Legion Squadron, the Auxiliary Unit, and sponsored organizations, such as the Scouts, U.S.A.
- **2-6-16. Forested areas:** Undeveloped areas of the Post Home property that are maintained in their natural settings.
- **2-6-16. Roadways and Driveways:** Paved areas for the movement of motor vehicles where parking is not authorized.

2-7. Management: As applied to these House Rules, this term shall refer to the elected Third Vice Commander. In the absence of the elected Third Vice Commander, this term shall refer to the following individuals in the listed order of succession: Club Manager (if applicable), Assistant Club Manager, Bartender on duty (as ABC manager), or any elected Post Officer present.

2-8. Club Manager: This term is used to indicate a person, other than the elected Third Vice Commander of Woodbridge American Legion Post 364 who has been retained, through contract or salary, and tasked with club management responsibilities and duties. In the absence of a retained “Club Manager” this term shall be synonymous with the title “Third Vice Commander of Woodbridge American Legion Post 364” and in this case, used to indicate the person elected to, and currently holding, that position. It also refers to the Assistant Club Manager, a person who has been retained, through contract or salary, and tasked with assisting the Club Manager.

2-9. Minors: Those persons declared “minors” within the provisions of the Virginia Alcoholic Beverage Commission and Virginia Department of Agriculture and Consumer Services Division of Consumer Protection Charitable Gaming Programs laws and regulations.

2-10. Hours: The posted hours that the various portions (lounges, game rooms, kitchens, etc) are open for business and/or patronage.

2-11. Privileges: Advantages extended by Post 364 to members, immediate family members, and guests. Privileges are either Unlimited or Limited based upon the category of affiliation:

2-11-1. Unlimited Post Privileges: Those advantages extended to members include, but are not limited to, use of the Post Home facilities, use of Post Home game rooms and equipment, purchase and consumption of alcoholic beverages at the Post Home (subject to Virginia ABC age requirements), purchase and consumption of tobacco products in authorized smoking areas, storage of personal liquor bottles in the Post social quarters, participation in and claiming winnings from sponsored gaming activities (for those over the age of 18), sponsorship of immediate family members & guests, enjoyment of Post libraries, televisions, Wifi access, restaurant offerings, and all other unenumerated Post advantages.

2-11-2. Limited Post Privileges: Certain Post member advantages may be extended to sponsored immediate family members and guests while accompanied in the Post Home by the sponsoring member. These limited privileges are: use of Post Social Quarters, Game Rooms and equipment, purchase and consumption of alcoholic beverages at the Post Home (subject to Virginia ABC age requirements), purchase and consumption of tobacco products in authorized smoking areas (subject to Virginia age requirements), enjoyment of Post libraries, televisions, Wifi access, and restaurant offerings. Participants of Post-sponsored competitions i.e., dart league, pool league, cornhole league, etc) who are not members may only purchase and consume alcoholic beverages (subject to Virginia ABC age requirements), purchase and consume tobacco products in authorized smoking areas (subject to Virginia age requirements), use the Post Social Quarters and Game Rooms, WiFi access, and restaurant offerings only during the times of their competitions at the Post.

2-12. Intoxicated: Affected by alcohol or drugs especially to the point where physical and mental control is markedly diminished.

2-13. Preponderance of the Evidence Standard: the standard requires the plaintiff (i.e., the Management or complainant) to prove, based on evidence and witness testimony presented, that there is a greater than 50 percent likelihood that the accused committed the alleged violation of the Standards of Conduct.

2-14. Aggravating Circumstances: A circumstance relating to the commission of Standards of Conduct violation that increases the degree of liability or culpability.

2-15. Mitigating Circumstances: Facts that do not excuse a person's liability or culpability in committing a Standards of Conduct violation, but which may show that the person had some valid reasons for his actions.

3. Post Operation

3-1. Post Home Property: The entire premises of the Post Home property are private property. Presence on and use of Post Home property by the general public is at the express consent of the Post elected officers and/or management officials.

3-2. Purpose of Post Home: The purpose of the Post Home is to facilitate the Post's sponsored activities, and to extend advantages and hospitality towards, & social interactions among, its members, and their guests.

3-3. Pets are not permitted in the post facilities with the exception of certified service or emotional support animals, as defined in the Americans With Disabilities Act of 1990 (42 U.S.C. 12101) and applicable Virginia law.

4. Use of Post Home Parking Lots:

4-1. The Post Home parking lots are reserved at all times for the members, immediate family members, guests, and patrons of the Post, as well as for those organizations sponsored by the post (such as the Prince William County-sponsored softball program participants, Scouts U.S.A. troops and Junior Shooters) during their scheduled events and meetings. Vehicles will park within designated parking spaces.

4-2. Liability.

Parking or storage of vehicles on the Post Home property will be at the owner's sole risk and liability. The Post assumes no liability for loss, theft, damage, or destruction of any vehicle or its contents.

4-3. Storage of Vehicles.

4-3-1. Privately-owned vehicles of the general membership and guests may be temporarily left in the post parking lots overnight, for up to 48 hours, without any additional authorization.

At the sole discretion of the Post, vehicles may be stored in designated parking spaces for a period of time, from 48 hours up to one year. Application for storage of vehicles (Enclosure 1) will be submitted through the Third Vice Commander to the Post Executive Committee.

Executive Committee approval must be granted prior to vehicle storage. The application will specify the make, model, type, and license plate number of the vehicle to be stored, the name, address, email address, and phone number of the owner/operator of the vehicle, the proposed date(s) for vehicle storage, and the type of affiliation of the owner/operator with the Post.

Vehicles approved for storage must be limited in size (both length and width) to the dimensions of Post Home parking spaces. In addition, for storage trailers, the applicant will state the general contents of the trailer and certify that no hazardous or flammable materials will be stored within. The vehicle owner/operator shall inform the Club Manager of any changes/updates to his contact information.

4-3-2. Because of limited parking at the Post Home, authorized vehicle storage will be limited. Applications will be prioritized in the following order: (1) vehicles belonging to Post members during deployment with the U.S. military or U.S. Government; (2) vehicles belonging to other Post members not deployed; (3) vehicles belonging to organizations sponsored by the Post (such as the Scouts, U.S.A.); (4) vehicles belonging to organizations affiliated with, but not sponsored by, the Post (such as sister Legion posts, VFW posts, etc.).

4-3-3. Upon Executive Committee approval of a storage request, the vehicle may only be stored in a space specifically designated by the Executive Committee. Authorizations to store vehicles

will specify the date by which the vehicle must be removed from the Post parking lots, unless a renewed authorization is granted.

4-3-4. The Executive Committee, at its sole discretion, may terminate any vehicle storage authorization at any time upon giving the vehicle owner/operator 14 calendar days' notice. Any vehicle not authorized to be stored on the Post parking lots or whose authorization has expired, after attempts to notify the vehicle owner/operator in writing have failed to result in the vehicle's removal, will be considered abandoned. Abandoned vehicles are subject to removal from the Post Home at the owner's sole risk and expense.

4-3-5. Approved vehicle storage applications will remain on file with the Club Manager for the duration of their effective period.

5. Lounge Operations. The Post Social Quarters are a private club, open to members, immediate family members, guests, and Legion-sponsored activities. It may only be open to the public during events so designated by the Executive Committee.

5-1. Lounge Hours.

5-1-1. Lounge and game room hours of operation will be posted and will be strictly enforced by the Management. Posted hours will only be permanently modified by the Third Vice Commander with the approval of the Executive Committee. Post hours may be temporarily curtailed or canceled by the Club Management only in the event of exigent inclement weather conditions (e.g., a snowstorm, ice storm, or similar weather events that would increase risk of harm to members, guests, or employees in traveling to/from the Post), extended power outages or failures of other post systems (plumbing, HVAC, etc.) that render the occupation or operation of the Post untenable, or as approved in advance by the Executive Committee. Any such temporary curtailment/closure of the Post shall be communicated to the Third Vice Commander within 24 hours. The Third Vice Commander will report all such temporary curtailments/closures to the Executive Committee by its next meeting.

5-2. Admittance.

5-2-1. No person shall be permitted in the Lounges who is not a part of the General Membership or the Legion Family, or member-sponsored immediate family members and guests, or participants in Legion-sponsored activities or competitive groups, with the following exceptions:

- A member in good standing shall be allowed to bring into the Lounge a maximum of five (5) guests at any one time who shall be legibly signed in on the guest register provided by the Post. These visits shall not exceed three (3) times per Legion Year for any one individual who qualifies to become a member.
- A member shall not be limited as to the number of immediate family members he may bring into the lounge at any one time. Immediate family members must be signed in on the Post guest register. Immediate family members are not permitted to remain in the Post

Home after the departure of the sponsoring member from the Post Home.

- Guests must be accompanied, and signed in as guests, by the sponsoring member. Guests are not permitted to remain in the Post Home after the departure of the sponsoring member from the Post Home.
- No person under the age of twelve (12) will be permitted in the Lounge after 10:00 PM except on nights of special Post functions.

5-2-2. When the Post is sponsoring a special function, the Third Vice Commander may propose to the Executive Committee to suspend normal operations of the Lounges during the function. A majority vote by the Executive Committee approving the suspension of normal operations is required and reasonable notice of such action must be announced to the General Membership. The Executive Committee must remain mindful that a suspension of normal operations of the Lounges should be kept to a minimum to avoid denying the membership of its Post-provided privileges and advantages.

5. Limited Access Areas.

6-1. Storage rooms, kitchens, bars, and the office are for official use only for the administration of the Post Home and Post programs. Access to these areas by the general membership, significant others, and guests is not authorized. Only Post officers, club management, Post employees, and authorized volunteers assisting in the administration of post programs and functions may access these areas for official business purposes.

6. Alcoholic Beverages.

7-1. Prevailing Virginia Alcohol Beverage Commission (VA ABC) rules govern all consumption of alcohol on Post Home premises.

7-2. No alcoholic beverages will be served to a minor.

7-3. Alcoholic beverages licensed for sale by the Post must be purchased at the Post if consumed at the Post.

7-4. No alcoholic beverages will be sold or served to anyone who, in the opinion of the on-duty bartender or Management, appears to be intoxicated, per Virginia Alcohol Beverage Commission guidance.

7-5. A corking fee will be charged for wine and champagne brought into the Post home in accordance with the Virginia Alcohol Beverage Commission (ABC) rules and guidelines.

8. Smoking.

8-1. Smoking, which includes cigarettes, cigars, pipes, and vapes, is permitted only in authorized areas of the Post Home. Areas in which smoking is not authorized include:

- Kitchens
- Main lounge
- Main game room
- Restrooms
- Storage rooms
- The Hall except for Post-sponsored cigar events

8-2. Smoking is permitted in the following areas:

- All outdoor areas of the Post Home, to include balcony, deck, parking lots, and pavilion.
- Legacy lounge
- Legacy game room
- Office in Legacy Game Room
- Hall only for Post-sponsored cigar events.

8-3. The proper use of ashtrays and designated metal receptacles for the disposal of tobacco ashes and butts is required. Because of the risk of fire, tobacco ashes and butts must not be disposed of within normal trash cans or receptacles.

7. Dress.

9-1. Members, immediate family members, and guests must be appropriately dressed within Post Home facilities (in addition to clothing, shoes are required at all times).

9-2. The Management reserves the right to specify reasonable and appropriate dress.

8. Game Rooms.

10-1. Unless otherwise approved by the Executive Committee, the use of the Game Room areas and equipment shall be for entertainment purposes only. All rules governing the use of the Game Room area and equipment will be established by the Post House Committee and approved by the Executive Committee. The Club Manager may restrict the use of the Game Room area and equipment during the period of a scheduled special event or function. Unless otherwise specified, the use of the Game Room area and equipment shall be on a first come basis.

10-2. Game Room equipment must only be used as intended. Any Game Room equipment that is damaged must be immediately reported to Management.

10-3. All Game Room equipment must be returned to its designated storage location upon completion of use.

10-4. Individuals under the age of twelve (12) are not allowed to use the Game Room area unless supervised by an adult.

10-5. Unless approved by the Management, the moving of any Game Room equipment, with the

exception of table and chairs, is not allowed.

1-6. Any disputes relating to the use of the Game Room area or equipment should be referred to the Management. The decision of the Management is final.

10-7. The Game Room Rules shall be posted in each Game Room.

9. Gaming and Games of Chance.

11-1. Games of Chance are governed by the Virginia Department of Agriculture and Consumer Services laws and regulations and the Post.

11-2. Illegal gambling is strictly prohibited on Post property.

11-3. Games of chance (such as paper pull tabs and virtual pull tabs in video format) authorized by the Virginia Gaming Commission are exclusively for the benefit of members and immediate family members.

11-4. All games of chance (new, existing, or modified) operating within the Post Home must be sponsored or approved by the Post Executive Committee. A concept of operation for approval of a game must be submitted to the Post Commander, detailing the following information:

11-4-1. Type/concept of proposed game (e.g., bar bingo, bar trivia, 50/50 raffle, etc.);

11-4-2. Hosting Organization: Who is running and in charge of the operation, to include its financing and accounting. Hosting organizations could include: 3rd Vice Commander, SAL, Auxiliary, Scouts U.S.A or Girl Scouts troops sponsored by the Post, etc.

11-4-3. Hosting Organization's Responsible Official: the name, title, phone number, email address, mailing address of the official who is responsible to the Post for the legal and proper administration of this program and its revenues;

11-4-4. The percentage of revenues to be paid out to the patrons and a breakdown of expenses anticipated for operating the program (i.e., purchase of bingo sheets, etc.);

11-4-5. Anticipated Game Frequency and Schedule: Is game an ongoing drawing? Only played on a specific weeknight? Is it a one-time activity?

11-4-6. Patron cost to participate;

11-4-7. The custodian (name, title, phone number, email address) of the person who is responsible for safeguarding, securing, and accounting for all funds, especially any "progressive pot" funds;

11-4-8. Acknowledgment that, as a condition of being sponsored by the Post, the program and its funding may be audited by the Post;

11-4-9. Benefit to the Post of Sponsorship/Approval: What is the Post's benefit from sponsoring this program: increased patronage, food & bar sales?

11-5. The Commander will refer the submitted Concept of Operation to the following for their review and respective input before accepting a motion to approve the concept from within the Executive Committee: Second Vice Commander, Third Vice Commander, Finance Officer, Judge Advocate (to certify compliance with Virginia gaming laws and regulations), and the Ways & Means Committee. A majority vote in favor of approving the proposed game by the Executive Committee quorum is required to institute or continue the proposed game in accordance with the Concept of Operation approved. No game may become operational until its approval by the Executive Committee. The Finance Officer may specify internal management controls regarding all games of chance.

11-6. Gaming privileges.

11-6-1. Members: Members enjoy unlimited privilege to participate in all Post-sanctioned gaming.

11-6-2. Immediate Family Members: Immediate family members, over the age of 18, have limited gaming privileges, which are based upon the sponsoring member personally conducting all gaming transactions (i.e., purchase of bar bingo sheets, or paper pull tabs, and cashing in all winning tabs or coupons) with the Management (i.e., bartender). The sponsoring member may purchase gaming paper pull tabs for immediate family members over the age of 18, for their enjoyment; however, all winning pull tabs must be cashed in by the sponsoring member. For virtual gaming, immediate family members may play those games, but any winning receipts must be cashed in by the sponsoring member. The bartender shall ask for proof of membership before redeeming winnings from a game of chance. However, immediate family members may directly purchase and redeem raffle tickets and 50/50 drawings.

11-6-3. Guests: Guests are not extended any gaming privileges and may not participate in them, except for raffles and 50/50 drawings.

10. Post Security Surveillance System

12-1. The Post utilizes a closed-circuit television surveillance system of the Post Home facilities and exterior parking lots. The purpose of this system is to detect and record visual evidence of thefts, property damage, physical injuries and misconduct occurring on post property or to or by Post patrons, employees, or other persons. The Club Manager has been granted real-time remote access to the surveillance feed for the sole express purposes of supervising the conduct of Post employees and determining whether there is an urgent need for club management to respond to an emergency situation (such as an alarm activation). Recorded video feed of an incident may be used to support employee disciplinary actions or as material evidence supporting or refuting a House Complaint. The House Committee is authorized access to review all video recordings deemed to be materially relevant to its investigations. The Chairman of the Post's House

Committee is authorized real-time remote access to the surveillance feed for the sole express purpose of viewing potential violations of the House Rules alleged by incident report or complaint.

11. Standards of Conduct

13-1. Members shall be held wholly responsible for their conduct and actions and for the conduct and actions of their sponsored immediate family member(s) and/or guest(s). Violations of any House Rule by an immediate family member-or guest will be considered a violation of such rule(s) by the sponsoring member.

13-2. Authorities.

13-2-1. The Management reserves the right to refuse service to anyone who is intoxicated or whose conduct is, in the opinion of the management, detrimental to any person, the Post Home or the American Legion.

13-2-2. The Management has the right to order anyone to leave the Post Home who, in the opinion of the Management, has violated one or more of the House Rules. Such dismissal may range, at Management's discretion, from the remainder of that Post business day on up to 72 hours after the alleged violation, based upon the severity of the situation. Management will document all circumstances of such a dismissal on an Incident Report to be immediately forwarded to the House Committee Chairman and Third Vice Commander.

12-2-3. Members, immediate family members, and guests must not interfere with the duties and orders of Post employees and officers. All complaints and suggestions are to be directed to the Management. Management will provide timely and meaningful feedback regarding resolution of each complaint or suggestion to its originator.

13-2-4. Misuse of any Post equipment shall constitute grounds for immediate dismissal from the Post.

13-2-5. Special parking spaces reserved for the Post Commander, Unit President, the handicapped or any other special designations, as might be approved by the Post Executive Committee from time to time, shall be honored.

13-2-6. The kitchen area is for use by Post employees and the Third Vice Commander only and is off limits to non-employees of the Post. Post members responsible for managing Post events may have temporary use of the kitchen as needed for that event upon coordination with and oversight by the Management.

13-2-7. Management and/or Post Officers will not act in an official capacity while intoxicated.

13-2-8. The House Committee has authority to conduct investigations into allegations of violations of the Standards of Conduct and the considered imposition of disciplinary actions against all persons which it determined violated them.

13-3. Conduct Violations: The following constitute specific standards of conduct violations to be cited in an incident report or complaint to the House Committee. Parenthetical numbers refer

to the required elements of proof to substantiate a standards of conduct violation:

13-3-1. Physical Assault: A person has committed physical assault when the person (1) knowingly (2) makes unwanted (3) physical contact (4) with another (5) with intent to provoke a response or inflict injury.

13-3-2. Sexual Assault: A person has committed sexual assault when the person (1) knowingly (2) makes unwanted (3) physical contact (4) with another person's hair, neck, chest, groin, or buttocks (5) with intent to caress, feel, or stimulate (6) either themselves or the other person.

13-3-3. Theft of Property: A person has committed theft of property when the person (1) willfully (2) takes or deprives something of value (3) known to belong to another (4) without consent of the owner or proper custodian.

13-3-4. Damage to Property: A person has committed damage to property when the person (1) negligently or willfully (2) while on Post Home property (3) inflicts damage (4) to something of value (5) known to belong to another.

13-3-5. Communicating A Threat: A person has communicated a threat when the person (1) communicates (2) to another person (4) a direct, conditional, or veiled threat of action (5) to inflict death, bodily injury, harm, or damage (6) to another person or person's thing of value (7) while on Post Home property.

13-3-6. Using Loud, Obscene, or Abusive Language: A person has used Loud, Obscene, or Abusive Language when the person (1) (a) continues to speak in an unreasonably loud volume, or employs profanity, curse words, or lewd comments (b) after being asked or told by another the comments were not welcome; or (2)(a) directs provoking words, personal insults, or derogatory epithets of a racial, sexual, or ethnic nature (b) towards another.

13-3-7. Unauthorized Entry: A person has committed unauthorized entry when the person (1) enters a posted limited access area of the Post (2) without expressed authority or permission.

13-3-8. Unauthorized Access: A person has committed unauthorized access when the person (1) provides to another or obtains (2) without authority (3) a key, combination, or system log-in and password (4) for any Post lock, security system, or other database.

13-3-9. Conduct Prejudicial to the Good of the Legion: A person has committed conduct prejudicial to the Good of the Legion when the person (1) willfully (2) engages in any conduct that (a) deliberately disrupts or attempts to disrupt Post operations, events, or activities, or (b) by its nature, reflects discredit upon the Post's brand or reputation.

11-3-10. Failure To Comply: A person has failed to comply when: (1) a Post official (Post

officers, club management, or on-duty bartender (2) gives a lawful order or directive (3) to another person at the Post (4) to stop potential violations of the House Rules and (4) the person so ordered refuses or otherwise fails to comply with the order or directive.

14. Violations of Standards of Conduct and Disciplinary Actions

14-1. Management Responsibility. It is the responsibility of the Management to report anyone who is deemed by the Management to have violated any of the house rules to the House Committee for possible disciplinary action. Management may administratively dismiss or suspend members from privileges of the Post Home for a period not to exceed 72 hours to deescalate or “cool down” a situation or restore order. The suspending management official shall prepare an incident report to be immediately submitted to the House Committee. The House Committee may further impose a disciplinary suspension from the Post Home as the results of investigation into the incident so warrant. A guest or immediate family member found to have committed a serious violation of the Standards of Conduct may be permanently barred from the Post Home by the House Committee. The submitter of the incident report should specify in the report all relevant identities, Legion affiliations and contact info (phone number & email address) of every person involved (subject, complainant, victim, or witness), a detailed description of the incident, to include when and where it occurred, and any actions taken by Management to resolve or deescalate the incident. It is the responsibility of Third Vice Commander to investigate incidents within seven (7) calendar days and report the results of its investigation to the House Committee for possible disciplinary action.

14-2. Individual Responsibility. It is incumbent upon individual members who experience violations of the Standards of Conduct to report such incidents in writing to the Third Vice Commander and the House Committee. In the case of a complaint alleging misconduct by the Third Vice Commander, the written complaint should be submitted directly to the House Committee, who will investigate the complaint.

14-3. House Committee Responsibility. Within fourteen (14) calendar days of receipt of the written complaint and the investigative results, the House Committee shall meet to determine what additional action, if any, shall be appropriate. The House Committee may collect additional facts bearing on the complaint, if necessary to reach a decision on any action taken by the House Committee. The House Committee will employ the following guidelines for the adjudication of incident reports and complaints:

13-3-1. The burden of proof of a violation of the House Rules rests with the originator of the Incident Report or complaint (the Complainant).

13-3-2. The House Committee will employ a Preponderance of the Evidence standard in weighing all facts, statements, or other evidence collected to draw a conclusion of culpability.

13-3-3. Second-hand testimony (to include hearsay) by subjects, complainants, and witnesses will not be admissible as a consideration. First-hand testimony by a person who saw, heard, or otherwise witnessed or was involved, about the details of the incident is required.

13-3-4. The House Committee, in deciding whether to impose further disciplinary action on a person who it concluded committed a Standards of Conduct violation, may consider any aggravating or mitigating circumstances established by statements or evidence presented in

determining the severity of discipline to impose. An example of a mitigating circumstance would be a victim who was physically assaulted defended himself against attack by the initiator/provocateur. An example of an aggravating circumstance could be a prior formal complaint against the person for a same or similar act of Standards of Conduct violation.

13-5. If additional disciplinary action is appropriate, the member will be so informed of the action, in writing, within fourteen (14) calendar days of the decision of the House Committee. If, in the opinion of the House Committee, additional action is appropriate and determined by the House Committee, that decision becomes effective immediately and remains in effect until satisfied or modified through the appeal process.

13-6. The House Committee will notify the filer of the written complaint and/or any victim identified whether the violation of the Standards of Conduct was considered founded or unfounded. When additional action results in disciplinary action against someone, the filer and/or victim may only be informed that the House Committee imposed disciplinary action, without naming the party disciplined or specifying the disciplinary action taken.

13-7. The House Committee may notify the Commander or President of another Legion Post, Squadron or Unit of disciplinary actions imposed by Post 364 House Committee against a visiting Legion Family member. The House Committee may also request the other Legion Post, Squadron, or Unit for the physical address, email address, and phone number of a visiting Legion Family member accused of violating our standards of conduct in order to formally advise of the House Committee's conclusions.

14. Appeals Process.

14-1. Any person disciplined by the House Committee shall have the right to appeal the decision of the House Committee to the Post Executive Committee. During the period of appeal process, the decision of the House Committee shall be in effect. The written appeal must be received by the Post Executive Committee, from the member, within seven (7) calendar days of receipt of the final decision of the House Committee. The burden of proof for an appeal rests with the appellant. The Commander shall convene the Executive Committee, in special session, at the earliest convenience, to address this appeal. The Executive Committee may examine the investigative record in this incident, along with the House Committee's reasoning in its decision. The Executive Committee may sustain, modify, or reverse the decision of the House Committee by majority vote. The decision of the Executive Committee shall be communicated to the appellant, in writing, and is both final and binding.