

Amendment #2023-01

**Subject:** Changing Venue

**Source:** Patrick Holcombe, Department of Florida IPDC

**WHEREAS,** it is unclear what, if any, authority a Department has when a Squadron outright refuses to hear charges; and

**WHEREAS,** this question has been brought up often in Florida, Ohio and less often in other Departments; and

**WHEREAS,** it should be the right of the victim to also get their day in court; therefore be it

**RESOLVED,** That the following verbiage shall be added to the National By-Laws, Article VI as Section 3 “In the event that charges have been filed against a member and that Squadron is unwilling or unable to hold a hearing within a reasonable time frame as set forth in Appendix B, the following shall apply:”; and therefore be it further

**RESOLVED,** That the following verbiage shall be added to the National By-Laws, Article VI as Section 3, subsection a: “In the event that a Squadron is unwilling to hold said hearing as above, the accuser may request that the State Department (National for non-Department Squadrons) step in and hold the hearing themselves. Such action shall require a majority vote of the Executive Board at that level. A Department may also choose to file charges against the Squadron as a whole under Appendix A.” and therefore be it further

**RESOLVED,** That the following verbiage shall be added to the National By-Laws, Article VI as Section 3, subsection b: “In the event that a Squadron is unable to hold said hearing as above, the Squadron may request that their State Department (National Department for non-Department Squadrons) hold the hearing in their stead. Squadrons may only exercise this section for good cause which may only include significant conflicts of interest amongst many members of the Squadron Executive Committee, natural disasters and the like. This shall not include conflicts in scheduling. The decision to accept or reject these explanations rests solely with the Executive Committee at the higher level.” and therefore be it further

**RESOLVED,** That the following verbiage shall be added to the National By-Laws, Article VI as Section 3, subsection c: “In the event that a Department refuses to hold a hearing as above, the accuser may request that the National Department step in and hold the hearing themselves. Such action shall require a majority vote of the National Executive Board. If this would require a special meeting, the National Department may choose to invoice said Department for the travel expenses required for said hearing.” and therefore be it further

**RESOLVED,** That the following verbiage shall be added to the National By-Laws, Article VI as Section 3, subsection d: “The decision to assign hearings falling under National By-Laws, Article VI, Section 3 shall be the purview of the Commander at the hearing level, subject to the will of his Executive Board. That Commander may assign the hearing to his Grievance Committee, Executive Board or Executive Committee, whichever he deems most practical.” and therefore be it further

**RESOLVED,** That the following verbiage shall be added to the National By-Laws, Article VI as Section 3, subsection e: “While the State/National Department should strive to hold said meeting in conjunction with a regularly scheduled Executive Board or Executive Committee Meeting, if holding said would require a special meeting, the State/National Department may choose to invoice said Squadron for the travel and lodging expenses required for said hearing.”