

# CONSTITUTION

## Preamble

We, the members of the various law enforcement agencies of the United States, State of North Carolina, and of the several states and political subdivisions thereof, as Representatives and Delegates of the Subordinate Lodges in this State, do hereby associate the Lodges we represent and the members thereof together for the following purposes:

*To support and defend the Constitution of the United States; to inculcate Loyalty and allegiance to the United States of America; to promote and foster the enforcement of law and order; to improve the individual proficiency of our members in the performance of their duties; to encourage social, charitable, and educational activities among law enforcement officers; to advocate and strive for better retirement, benefits, and uniform application of the civil service system for appointment and insuring fidelity to duty under all conditions and circumstances; to cultivate a spirit of fraternalism and mutual helpfulness among our members and the people we serve; to increase the efficiency of the law enforcement profession and thus more firmly establish the confidence of the public in the service dedicated to the protection of life and property.*

This is an organization for law enforcement officers, managed by law enforcement officers actively engaged in law enforcement for the Federal, State, City, County, Town, or Municipality, and Political Subdivisions thereof.

All terms used herein to denominate gender shall be generic and, whenever appropriate, the singular shall include the plural and the plural shall include the singular.

## ARTICLE I

### Name

**Section 1.** This organization is incorporated under the laws of the State of North Carolina as the Gaston County Lodge 6, Fraternal Order of Police of North Carolina, Incorporated.

**Section 2.** The North Carolina State Lodge Board of Directors shall have the sole and exclusive right to authorize, control, license and restrict the use of the name, insignia or emblem and mark, trademark or service mark of the Fraternal Order of Police of North Carolina, Incorporated. The State Secretary shall police the trademark of the Order and shall grant or refuse to grant permission to use the trademark of the order as hereinafter set forth or may be, from time to time, prescribed by the State Board of Directors.

**Section 3.** The Gaston County Lodge, Fraternal Order of Police, by virtue of its affiliation with the North Carolina State Lodge and the Grand Lodge shall have the right to use the name, insignia, emblem and mark, trademark or service mark of the Fraternal Order of Police in order to signify or denote our affiliation therewith. In the case of prospective for profit uses of the name, insignia, emblem or mark, trademark or service mark of the Fraternal Order of Police, or such other use that may place the Gaston County Lodge in competition with the North Carolina State Lodge and/or Grand Lodge, the Gaston County Lodge must obtain such permission from the North Carolina State and/or Grand Lodge. Such permission may be withheld by the State Board of Directors and/or the National Board of Trustees.

## ARTICLE 2

### Character

**Section 1.** The Fraternal Order of Police is an organization of professional law enforcement officers dedicated to the advancement and protection of law enforcement officers, and the promotion of improved law enforcement methods, and the teaching of respect for law and order.

**Section 2.** The Fraternal Order of Police is a fraternal organization composed of professional law enforcement personnel who have joined together for their common good. In no event shall the Fraternal Order of Police join or be controlled by any labor organization, provided, however, that this Section shall not prohibit cooperative efforts with labor organizations for the common good.

**Section 3.** The Fraternal Order of Police shall not strike or by concerted action cause a cessation of the performance of police duties, or induce its members to do likewise

**Section 4.** This Constitution shall be the fundamental law of the Order and, with the Rituals adopted at the North Carolina Biennial Conferences, and such By-Laws as may be adopted from time to time, shall govern the conduct of the Gaston County Lodge, Fraternal Order of Police, Incorporated.

**Section 5.** There shall be By-Laws that shall govern the day to day operation and administration of the Gaston County Lodge, Fraternal Order of Police, Incorporated. The By-Laws of the Order may only be promulgated, amended, or revised by a vote of two-thirds (2/3) of the members voting in the General Election of the Gaston County Lodge.

## ARTICLE 3

### Definitions

**Section 1.** The following words and phrases as used in this Constitution and By-Laws, unless a different meaning is plainly required by the context, shall have the following meanings:

- A. **“Active Member”** shall mean any regularly appointed law enforcement or retired law enforcement officer of the United States, State of North Carolina or any political subdivision thereof.
- B. **“Affiliate Membership”** shall be comprised of such individuals who are employed as full time detention officers, support personnel and part-time/reserve officers of a law enforcement agency.
- C. **“Associate Lodge”** The Gaston County Lodge may form an associate lodge to be known as the Fraternal Order of Police Associates Lodge, the membership of which shall be comprised of public spirited citizens from Gaston County who are interested in the welfare of law enforcement officers, in the advancement of the Gaston County Lodge, and who have such other qualifications as the lodge may fix. No person shall become a member of an associate lodge until he or she has been approved by a majority vote of the members of the Gaston County Lodge who attend a meeting at which the name of such person is submitted for approval.
- D. **“Associate Members”** shall refer to non-law enforcement members who are interested in assisting the Gaston County Lodge in its endeavors. They may have a voice but no vote and cannot hold office in the lodge. They may hold office in their own Associate Lodge.
- E. **“Auxiliary Lodge”** means the lodge provided for in the Fraternal Order of Police of North Carolina, Incorporated Constitution and By-Laws.
- F. **“Auxiliary”** shall mean the organization comprised of the non-law enforcement spouses and family of Lodge members.

- G. **"Board of Directors"** shall refer to the collective body consisting of the President, the Immediate Past President, the Vice President, the Secretary, the Treasurer, the 2<sup>nd</sup> Vice President, the Sergeant at Arms, the State Trustee and Trustees.
- H. **"Constitution and By-Laws"** shall refer to the Constitution and By-laws of the Gaston County Lodge, Fraternal Order of Police, Incorporated.
- I. **"Elected Law Enforcement Officer"** shall mean for purposes hereof any law enforcement officer who meets the minimum standards, has received the training and education required by the United States, the state, the political subdivision or agency by which they are appointed and is granted arrest powers, or who by law is exempted from meeting the minimum training standards.
- J. **"Executive Board"** shall mean and consist of the President, Vice President, Secretary, Treasurer, 2<sup>nd</sup> Vice President, Sergeant at Arms and State Trustee.
- K. **"Full-time Employed"** shall mean a person commissioned, sworn, appointed, and/or otherwise lawfully enjoined, whose primary responsibility is to uphold the laws of the United States, State of North Carolina, or any state or political subdivision thereof and whose primary employment is derived from and their full-time occupation as a law enforcement officer.
- L. **"Good Cause"** shall mean nonfeasance, malfeasance, dishonesty, or refusal to carry out the will of the Fraternal Order of Police.
- M. **"Good Standing"** shall refer to the status of any Active Member who has paid all dues and assessments due and payable to or for the Grand Lodge, State Lodge or Gaston County Lodge, and who is not more than 30 days in arrears of such payment as of the date specified for the payment.
- N. **"Grand Lodge"** means the Fraternal Order of Police, a national organization.
- O. **"Honorary Membership"** shall be individuals recognized by the Gaston County Lodge for exceptional service or contribution to the nation, the state, political subdivision, the law enforcement community or the Fraternal Order of Police but does not have the same rights and privileges as an active member, that is no voice or vote in the Order.
- P. **"Law Enforcement Officer"** means any person actively employed by any branch of government to engage in law enforcement work in North Carolina, and those who have been retired there from because of length of service or disability.
- Q. **"Legal Aid Committee"** the committee shall be to review and pass upon all requests for legal aid from the Gaston County Lodge and the Fraternal Order of Police of North Carolina, Incorporated.
- R. **"Member in Good Standing"** shall mean a member who fulfilled all requirements of membership in good standing in his respective subordinate and state lodges and for whom appropriate per capita tax has been paid to the Grand Lodge. Any member belonging to a state or subordinate lodge that is delinquent or has been suspended shall not be a member in good standing.
- S. **"Past President"** shall be defined as any person elected to the office of President of the Gaston County Lodge and who served not less than one (1) full term and was not removed from office.
- T. **"Regularly Appointed Law Enforcement Officer"** shall mean, for purposes hereof, any law enforcement officer who meets the minimum standards, has received the training and

education required by the United States, the state, the political subdivision or agency by which they are appointed, and is granted arrest powers.

- U. **“Retired Membership”** if established will be comprised of retired regularly appointed or elected law enforcement officers who withdraw from active membership upon or after retirement from their law enforcement agency.
- V. **“State Lodge”** means the Fraternal Order of Police of North Carolina, Incorporated.
- W. **“State Trustee”** shall mean the individual elected by the subordinate lodge who shall attend all business meetings and the Biennial Conference of the Fraternal Order of Police of North Carolina, Incorporated.
- X. **“Subordinate Lodge”** means any lodge which is granted a charter by the Fraternal Order of Police of North Carolina, Incorporated as a subordinate lodge.

## ARTICLE 4 Membership

**Section 1.** Any regularly appointed or elected and full-time employed law enforcement officer of the United States or political subdivision thereof, or any agency, or person(s) who have been honorably retired from such employment because of length of service or disability, may be eligible for membership in the Fraternal Order of Police, subject to the provisions of this Constitution. No person shall be denied membership on account of race, religion, color, creed, sex, age or national origin.

**Section 2.** Subject to the provisions of this Constitution, the Gaston County Lodge shall be the judge of its membership. The Gaston County Lodge shall establish requirements for membership in good standing of its respective membership, which requirements shall not be inconsistent herewith.

**Section 3.** There shall be three (3) classes of membership: Active, Retired and Honorary.

### A. Active Membership

- Shall include regularly appointed or elected full-time law enforcement officers.
- Shall include retired regularly appointed or elected law enforcement officers.
- May include, subject to the approval of the Gaston County Lodge, regularly appointed or elected law enforcement officers who have resigned from their law enforcement duties and who have remained in good standing with their subordinate lodges and approved by the State Lodge.
- Only active members, as herein defined, shall have voice and vote.

B. **Retired Membership** shall be comprised of retired regularly appointed or elected law enforcement officers who withdraw from active membership upon or after retirement from their enforcement agency.

C. **Honorary Membership** shall be comprised of individuals recognized by the State Lodge or the Gaston County Lodge for exceptional service or contribution to the nation, the state, political subdivision, the law enforcement community or the Fraternal Order of Police but does not have the same rights and privileges as an active member, that is no voice or vote in the Order.

**Section 4.** Any member who resigns from active law enforcement may retain his membership as long as he remains in good standing, if approved by the State and Gaston County Lodge except Affiliate members. When Affiliate members leave their law enforcement position, their membership benefits will cease.

**Section 5.** No person shall be a member of more than one state or subordinate lodge at the same time nor shall any member who is delinquent, or who has been suspended by a state or subordinate lodge for any reason, be eligible for membership in the Gaston County Lodge until such suspension has been lifted.

**Section 6.** The Fraternal Order of Police may deny membership to anyone who is or has been, a member of the Communist party, or of any party regardless of what name known which advocates the abolition, destruction or violent overthrow of the government of the United States or any state or political subdivision thereof.

**Section 7.** Any active member may be granted a transfer from one subordinate lodge to another, provided that he or she is in good standing and has severed his or her connections with the law enforcement agency in the city in which he or she holds membership.

**Section 8.** The Fraternal Order of Police may deny any membership, or continuation of membership to anyone convicted of a felony crime in any court of the United States, or any state court, once all appeals have been exhausted.

**Section 9. Associate Lodge.** The Gaston County Lodge may form an Associate Lodge to be known as the Gaston County Associates Lodge, the membership of which shall be comprised of public spirited citizens who are interested in the welfare of law enforcement officers, in the advancement of the Gaston County Lodge, and who have such other qualifications as the subordinate lodge may fix. No person shall become a member of an associate lodge until he or she has been approved by a majority vote of the members of the Gaston County Lodge who attend a meeting at which the name of such person is submitted for approval.

## **ARTICLE 5 Organization**

**Section 1.** The Gaston County Lodge shall be composed of the elected officers and State Trustee, who while so serving, must be in good standing in the lodge, and must have maintained such good standing at the time of nomination and election, and for a period of one (1) year or more immediately prior thereto.

**Section 2.** The Gaston County Lodge shall hold an election in even-numbered years. The election shall be held in the month of June at such a place as shall be determined by the Executive Board in the month of April of the same year.

**Section 3.** The fiscal year of the Gaston County Lodge shall be from January 1 to December 31 inclusive, of each calendar year.

## **ARTICLE 6 Officers and Election**

**Section 1.** The officers of the Gaston County Lodge shall be the President, Immediate Past President, Vice President, Secretary, Treasurer, 2<sup>nd</sup> Vice President, Sergeant at Arms, and State Trustee.

**Section 2.** The term of office of the President, Vice President, Secretary, Treasurer, 2<sup>nd</sup> Vice President, Sergeant at Arms and State Trustee of the Gaston County Lodge shall be two (2) years or until his successor is elected and qualified. When there is no Immediate Past President, the office shall be filled by the most recent eligible person to hold office of President.

**Section 3.** An officer who resigns from office during any elected term shall relinquish all right to and privilege of that office and shall revert to the status of "member". An officer who resigns from active police duty for any reason other than to retire on pension, either for length of service or disability or otherwise becomes ineligible as a member of the Fraternal Order of Police, shall automatically forfeit his office.

**Section 4.** Any active member of the Gaston County Lodge shall be eligible to nomination and election to any office, providing, however, that any member nominated for office shall have been a member in good standing for a period of at least one (1) year prior to nomination.

- A. General** The Officers of the Gaston County Lodge shall be elected in even-numbered years at a time and place designated by the Executive Board. No member shall run for more than one office during an election.
- B. Nomination** Candidates for election to the offices of President, Vice President, Secretary, Treasurer, 2<sup>nd</sup> Vice President, Sergeant at Arms and Trustee shall be nominated at the General Membership Meeting in April of even-numbered years and, after being declared closed, such nominations shall not be re-opened. Immediately following the closing of nominations, each candidate (but only the candidate himself) for office shall be permitted to speak to the membership for not more than three (3) minutes.
- C. Ballot** The name of each duly nominated candidate for office shall be placed on the ballot in an order determined by lottery conducted by the Election Committee.
- D. Election** The officer, except State Trustee, shall be elected by a vote of the qualified members at the election held in June of even-numbered years. The State Trustee shall be nominated and elected by the Board of Trustees at the time and place as provided. However, the State Secretary shall be notified no later than August 1 preceding the State Biennial Conference and be given the Trustee's name.
- Voting shall be by printed ballots upon which each member. Ballots shall not be taken from the election site.
  - The President shall announce the results of the elections reported by the Election Committee and shall declare elected those candidates receiving a plurality of the votes cast for each respective Office.
  - In case of a tie vote of officers, a subsequent election will be held within 30 days of the general election.
- E. Installation** Officers-elect shall be installed by a State Officer and shall take office in accordance with the regular order of business.
- F. Succession** In the event of a vacancy in the office of the President, the Vice President shall automatically assume the office of President and complete the unexpired term thereof. A vacancy in any office of the Lodge, except the office of State Trustee, shall be filled by a majority vote of the Executive Board. The Executive Board shall thereafter elect, by a majority vote and from among its members, a successor Vice President who shall serve for the unexpired term of the previous Vice President. Should a vacancy occur in the office of a State Trustee, the vacancy shall be filled by an election conducted by the Board of Trustees.

## ARTICLE 7

### Executive Board

**Section 1.** There shall be an Executive Board, consisting of the President, Vice President, Secretary, Treasurer, 2<sup>nd</sup> Vice President, Sergeant at Arms and State Trustee.

**Section 2.** The Executive Board shall conduct the business of the Gaston County Lodge.

**Section 3.** The Executive Board shall establish a budget of line items in respect to each and every financial activity of the Gaston County Lodge for the next following fiscal year and shall submit same to the Board of Trustees by November 1<sup>st</sup> of each year.

**Section 4.** In case an urgent matter should come to the attention of the members of the Executive Board between meetings, the Executive Board shall have the authority to act in the best interest of the Gaston County Lodge.

**Section 5.** The President shall be the Chief Executive Officer of the Gaston County Lodge, Fraternal Order of Police, Incorporated.

**Section 6.** The Executive Board shall meet at the call of the President.

**Section 7.** The Secretary shall be the Secretary of the Executive Board.

**Section 8.** A majority of members of the Executive Board shall constitute a quorum for the conduct of its business.

**Section 9.** A majority vote of all members present shall be necessary for the taking of any action, unless specially provided for in the Constitution and Bylaws.

**Section 10.** Any officer or member of the Executive Board who resigns from active law enforcement duty for any reason other than to retire on pension, either for length of service or disability, or otherwise becomes ineligible as a member of the Fraternal Order of Police, shall automatically forfeit his or her office as a member of the Executive Board.

**Section 11.** Any vacancy in office shall be filled by a plurality vote of the Executive Board, except for the office of State Trustee.

**Section 12.** The Executive Board shall meet at least quarterly in addition to the meetings held in April, May and June, and shall transact such business as may come before it. The Executive Board shall keep minutes.

**Section 13.** In the event of an emergency which requires a decision by all members of the Executive Board, the President is authorized to call an Emergency Meeting.

**Section 14.** An Emergency Meeting of the Executive Board shall be called at the written request of the majority of the Executive Board.

**Section 15.** Each member of the Executive Board shall perform such duties as prescribed for their respective offices by the Constitution and By-laws hereof.

## ARTICLE 8

### President

**Section 1.** The President shall be the Chief Executive Officer of the Gaston County Lodge. He shall preside at all meetings of the Executive Board.

**Section 2.** He shall administer and manage the business of the Order between meetings of the Executive Board. He shall ensure that the resolutions and Bylaws of the Fraternal Order of Police and the orders and actions of the North Carolina Fraternal Order of Police and/or Grand Lodge are carried out. He shall execute all contracts into which the Order may enter.

**Section 3.** He shall appoint, with the advice and consent of the Executive Board, a majority of each committee and name the chairman. He shall serve as an *ex-officio* member of all committees of the Order.

**Section 4.** When he deems it necessary or upon petition of a majority of the Executive Board, or upon receipt of notice from the Secretary, that probable cause has been found by the Executive Board to proceed with an inquiry in respect to charges against an Officer, the President shall call a special meeting of the Board.

**Section 5.** He shall, together with the Treasurer, attest warrants and vouchers for disbursements from any fund of the Gaston County Lodge. He shall also be bonded.

**Section 6.** He shall have a \$500.00 maximum spending authority.

**Section 7.** He shall devote his best efforts to promote interest in the Gaston County Lodge and to increase the membership therein.

**Section 8.** He shall call the meetings of the Executive Board when he deems it necessary or upon petition of a majority of the Board. Notice of such special meetings shall be mailed or electronically transmitted by the Secretary to each member of the Board at least fifteen (15) days prior to such meetings; however, in emergency cases (as declared by the President) notice of emergency special meetings may be waived when the President deems a special meeting necessary in less than fifteen (15) days. The President is to make all efforts to notify the Board, concerning the special meeting, through the office of the Secretary by telephone, electronic transmission or any other method available.

## ARTICLE 9

### Immediate Past President

**Section 1.** There shall be an office of Immediate Past President, which office shall be held by the living person who most recently held the office of President, who completed one (1) full term, who was not removed from office and does not currently hold another office.

**Section 2.** The Immediate Past President shall attend all meetings of the Board of Directors or Executive Board. He shall advise and assist the President, the Board of Directors or Executive Board in the performance of their duties and shall undertake such assignments as may be delegated thereby. He shall have voice and vote.

## ARTICLE 10

### Vice President

**Section 1.** The Vice President shall be a member of the Board of Directors and Executive Board.

**Section 2.** The Vice President shall, in the absence of the President, preside at the Board of Directors or Executive Board and shall otherwise generally perform the duties of the President in his absence.

**Section 3.** The Vice President shall succeed to the office of the President in the event of the death, resignation or other vacation of such office during an unexpired term thereof.

**Section 4.** He shall, with the advice and consent of the Board of Directors or Executive Board, appoint a minority of all committees of the Order.

**Section 5.** The Vice President shall perform such other duties as shall be ordered by the President.

## ARTICLE 11

### Secretary

**Section 1.** The Secretary shall have custody of the books, records, documents, Seal of the Gaston County Lodge and office paraphernalia and equipment under the general authority and orders of the President, the Board of Directors and Executive Board.

**Section 2.** He shall make a record and transcribe minutes of each meeting of the Board of Directors, the Executive Board, and other meetings as needed and shall submit same for approval or rejection at the next meeting of the Board of Directors or Executive Board, as the case may be.

**Section 3.** He shall conduct the general correspondence of the Lodge.

**Section 4.** He shall furnish a bond for the faithful performance of the duties in such form and amount as approved by the Board of Directors to be paid for by the Lodge.

**Section 5.** All revenues of the Lodge shall be delivered to the Secretary, who shall record the same and then forward said monies to the Treasurer for deposit in the proper accounts of the Order.

**Section 6.** He shall, together with the Treasurer, attest to all warrants and vouchers in respect to the disbursement of funds relating to the administration of the office of the Secretary.

**Section 7.** He shall have a \$100.00 maximum spending authority.

**Section 8.** He shall attest, under the Seal of the Order, to all duly authorized contracts of the Order.

**Section 9.** He shall be the official custodian of this Constitution and Bylaws of the Order and amendments thereto, each of which shall be authenticated by the Seal of the Order and the signatures of the President and Secretary.

- The Secretary shall maintain a book of amendments to this Constitution and a like volume in respect to the Bylaws.
- He shall be responsible for preparation of amendments to this Constitution and the Bylaws prior to presentation to the Biennial Conference and shall ensure that each said amendment conforms to the document it seeks to amend in respect to form, placement and syntax.
- He shall be responsible for the publication of this Constitution and the By-laws of the Order, as amended, and shall include therein notations or history denoting the date of each amendment and the content thereof.

**Section 10.** He shall police the use of the name, insignia or emblem and mark, trademark or service mark of the Fraternal Order of Police in order to protect the same.

**Section 11.** The Secretary shall maintain the official list of membership of the Order and shall not release the same unless specifically authorized or directed to do so by the Board of Directors or Executive Board. Such direction or authorization shall be entered in the minutes of the meeting wherein such authorization is granted and notice thereof shall be given to the

members by publication of same in the official publication of the Order. Any officer or member of the Fraternal Order of Police who violates this section by giving the membership list to anyone, or who uses the membership list for any purpose other than official Fraternal Order of Police business shall be ordered to stand trial before the Board of Directors. If found guilty of such violation, he shall be suspended from the Fraternal Order of Police for a period of not less than one (1) year.

**Section 12.** The Secretary shall mail to each member of the Board of Directors or Executive Board notice of special meetings thereof not less than fifteen (15) days prior to such meeting. This can also be accomplished through electronic transmission.

**Section 13.** He shall attend all meetings of the Board of Directors and Executive Board.

## ARTICLE 12

### Treasurer

**Section 1.** The Treasurer shall be the custodian of the funds of the State Lodge, and pay all vouchers as duly authorized, and keep an accurate account of all funds received and expended.

**Section 2.** He shall furnish a bond in an amount and form approved by the Board of Directors which shall be paid for by the Lodge.

**Section 3.** He shall, together with the President, attest to all warrants and vouchers for disbursement from any fund of the Lodge which do not relate to the administrative responsibility of the Secretary and shall, together with the Secretary, attest to all warrants and vouchers for the disbursement of funds relating to the administrative responsibilities of the Secretary.

**Section 4.** He shall keep an itemized accounting of all receipts and disbursements. A copy of all records shall be filed with the office of the Secretary.

**Section 5.** He shall deposit the funds of the Order in a financial institution approved by the Executive Board in such instruments of deposit as shall ensure their safety and shall retain in his office, for the purpose of paying emergency current expenses, a contingency fund not to exceed One Hundred Dollars (\$100.00) established by the Bylaws.

**Section 6.** He shall establish such special accounts as shall become necessary and allocate to each the amounts collected or appropriated thereof.

**Section 7.** He shall report to the Executive Board and Board of Directors, at each board meeting, in writing, reports of the financial condition of the Lodge.

**Section 8.** He shall perform such other duties as are usual and incident to the office of the Treasurer or as shall be delegated by the President, the Board of Directors or Executive Board.

**Section 9.** He shall attend all meetings of the Board of Directors and Executive Board.

## ARTICLE 13

### 2<sup>nd</sup> Vice President

**Section 1.** He shall attend all meetings of the Board of Directors and Executive Board.

**Section 2.** The 2<sup>nd</sup> Vice President shall perform such other duties as are usual and incident to his office or as shall be delegated by the President, the Board of Directors or Executive Board.

## ARTICLE 14 Sergeant At Arms

**Section 1.** He shall assist the 2<sup>nd</sup> Vice President in the execution of such duties as the President may order.

**Section 2.** He shall attend all meetings of the Board of Directors and Executive Board.

## ARTICLE 15 Chaplain

**Section 1.** Upon appointment of the President, he shall serve as an *ex-officio* member of the Board of Directors and the Executive Board.

**Section 2.** He shall perform any duties as directed by the President.

## ARTICLE 16 State Trustee

**Section 1.** Each subordinate lodge shall be entitled to elect one (1) State Trustee in the manner provided herein. The State Trustee shall represent the Gaston County Lodge and shall serve as the lodge's representative at the State Board of Directors meetings, the State Conference and National Convention.

**Section 2.** The State Trustee shall attend meetings of the State Trustees and State Board of Directors. He shall have voice and vote at these meetings. He shall serve upon the committees to which he may be appointed by the State President and the State Vice President.

**Section 3.** The State Trustee will be elected by the Board of Trustees of the Gaston County Lodge in July, following election of the Board of Trustees in even-numbered years.

**Section 4.** When a State Trustee is unable to attend any meeting or function called by the State President, the President of the Gaston County Lodge shall be permitted to attend the meeting or function in the place of the State Trustee. If neither the State Trustee nor the President is able to attend the meeting or function, the President shall, in his discretion, appoint a member to attend in his place from within the Executive Board. The officer attending in lieu of the State Trustee shall have voice and vote for the meeting or function only and shall be reimbursed in the same manner as would be the State Trustee.

## ARTICLE 17 Delegates

**Section 1.** The Biennial Conference of the State Lodge shall be held during the month of June or July in even-numbered years.

**Section 2.** The Gaston County Lodge shall elect delegates to the Biennial Conference, each of whom shall have one vote. Each member organization having fifty (50) or less members in good standing shall be entitled to one (1) delegate and one (1) alternate. Each subordinate lodge having more than fifty (50) members shall have one (1) delegate and (1)

alternate for the first fifty (50) members and one (1) delegate and one (1) alternate for each additional fifty (50) members or greater portion thereof. In computing the number of delegates which the Gaston County Lodge may elect, only its members in good standing as of November 1 of each year shall be considered. An alternate delegate shall act and vote only in the event of absence or incapacity of the regular delegate.

## ARTICLE 18

### Discipline and Hearings

**Section 1.** This article shall govern discipline of officers and members of the Fraternal Order of Police of North Carolina, Incorporated and the Gaston County Lodge and shall be interpreted in such manner as to afford equity and fairness total affected thereby.

**Section 2.** Discipline shall be initiated by the Gaston County Lodge and imposed upon an individual member for good cause where the member has acted or failed to act in respect of a matter of direct and significant importance to the Gaston County Lodge, the North Carolina State Lodge or has violated this Constitution, the By-laws or the Ritual of the Order.

### Section 3. Individual Members

- A. Except as otherwise provided herein, individual members shall only be disciplined by the Gaston County Lodge or the State Lodge, and the Gaston County Lodge and State Lodge shall develop and promulgate rules that provide for the fair and appropriate discipline of its members and are not inconsistent with this Constitution. However any member suspended or expelled by the Gaston County Lodge for any reason except for nonpayment of dues shall have the right of appeal to the Executive Board of the North Carolina Fraternal Order of Police.
- B. In the case of discipline imposed upon an individual member involving suspension, expulsion or removal from office by the Gaston County Lodge, an appeal may be taken by the member to the State Lodge and an appeal may be taken from the decision of the State Lodge by the non-prevailing party to the National Board of Trustees and, ultimately, to the Biennial Conference.
  - 1. An appeal to the State Lodge may be brought by the filing of a written notice of appeal with the State President not more than thirty (30) days after the member's receipt of official notification of his suspension, expulsion or removal from office. Unless continued or delayed for good cause, such appeal shall be heard by the State Lodge at the next Board meeting following the State Lodge Presidents receipt of such notice of appeal and unless waived in writing by both the appealing member and the responding lodge, a written decision shall be rendered by the board within ten (10) days after such meeting. Both the appealing member and the lodge from whose action the appeal is brought shall have the right to a hearing at which both parties may be heard and may present witnesses and documents. Such hearing shall be conducted in conformity with Article 23 of the Bylaws. The parties to the appeal shall receive notice of the date of the hearing by registered mail not less than ten (10) days before such hearing.
  - 2. The State Lodge may sustain, modify or reverse the disciplinary action against the member or order the immediate reinstatement of a member. Both the member and the President of the Gaston County Lodge shall be notified immediately by registered mail of the decision of the State Executive Board.

- C. The State Secretary shall maintain a complete and accurate record of all disciplinary proceedings.
- D. Both the member and the Gaston County Lodge shall have the right of appeal from the decision of the State Lodge officers to the State Lodge Board of Directors. Furthermore, the member of Gaston County Lodge may appeal the Board of Directors' decision to the Grand Lodge Board of Directors. The member or the Gaston County Lodge may further appeal the decision of the Grand Lodge Board of Directors to the Biennial Conference. The appeal shall be heard and the decision rendered in the same manner as prescribed in the preceding paragraphs. The decision of the Biennial Conference shall be final.
- E. In any case of discipline involving suspension, expulsion or removal from office of an individual member initiated by the North Carolina Fraternal Order of Police, or upon the decision of the State Lodge in respect to an appeal from the action of the Gaston County Lodge, an appeal may be taken to the National Board of Trustees and, ultimately, to the Biennial Conference. The appeal will be made in accordance with Grand Lodge Constitution and By-laws.

#### **Section 4. Subordinate Lodges**

- A. The Charter of the Gaston County Lodge may be cancelled, suspended, or revoked for good and sufficient cause after notice and hearing by the Board of Directors of the North Carolina Fraternal Order of Police.
- B. Except as otherwise provided herein, the Gaston County Lodge shall only be disciplined by the State Lodge. Such discipline may be imposed only upon a showing of good and sufficient cause after a fair hearing by the Board of Directors of the North Carolina Fraternal Order of Police.
- C. The Gaston County Lodge may appeal from the imposition of discipline by its respective State Lodge to the National Board of Trustees and, ultimately, the Biennial conference. The appeal will be made in accordance with Grand Lodge Constitution and Bylaws.

### **ARTICLE 19**

#### **Legal Aid**

**Section 1.** The purpose of this plan is to provide Participants in the Plan with legal representation with regard to claims relating to (1) the performance of their official duties and (2) disciplinary or other job-related administrative proceedings relating their performance.

### **ARTICLE 20**

#### **Official Order of Business**

**Section 1.** The Order of Business for meetings shall be:

1. Call meeting to Order
2. Roll Call of Officers.
3. Reading of Minutes
4. Treasurer's Report.

5. Officers' Reports
6. Committee Reports.
7. Old Business.
8. New Business.
9. Good of the Order
10. Adjournment.

## ARTICLE 21 Parliamentary Procedure

**Section 1.** Except as provided in the Constitution and Bylaws, the latest edition of "Roberts' Rules of Order" shall govern the conduct and deliberations of the Conferences, meetings of the Board and Committees of the Order.

**Section 2.** Every member of the Board of Directors and Executive Board of the Gaston County Lodge shall have a right to speak upon any subject on the meeting's business agenda or on any subject which is introduced as new business, subject to the following limitations and conditions:

- A. The President, before any subject is opened to discussion at the Board Meeting of the Gaston County Lodge, shall have the right to set down reasonable time limitations, which shall be applied uniformly, on each member who desires to speak. Considerations shall be given to the importance of the subject matter raised for discussion, its complexity, and other pertinent factors in fixing such time limitations.
- B. The right to engage in discussion at meetings of the Board of Directors or Executive Board shall in no way authorize any member who had not heretofore had the right to vote at such meetings to do so.

### Section 3. Parliamentarian

- A. If deemed necessary, the President shall appoint a Parliamentarian with the advice and consent of the Executive Board.
- B. It shall be the duty of the Parliamentarian to advise the presiding officer on points of parliamentary law and also give similar advice to the members, and the Board of Directors or Executive Board when they request it.

## ARTICLE 22 Official Ritual

**Section 1.** There shall be an official Ritual of the Order, which shall be known as the Fraternal Order of Police Ritual, as set forth by the Grand Lodge.

## ARTICLE 23 Amendments

**Section 1.** Any member of the Gaston County Lodge may propose an amendment to this Constitution, which proposed amendment shall be submitted for consideration and vote at an announced time certain by the Executive Board. No proposed amendment shall become a part of this Constitution except upon a two-thirds (2/3) vote of the members who are present at the time of the vote.

**Section 2.** A proposed amendment to this Constitution may be submitted by the Gaston County Lodge in writing to the State Secretary not less than sixty (60) days prior to the Board of Directors of the North Carolina State Lodge. The proposed amendment shall be signed by the President and Secretary. It shall bear the official seal of the Gaston County Lodge and shall bear the dates of the meetings at which it was read and voted on.

**Section 3.** A proposed amendment shall contain the precise language of the proposed amendment, shall specifically set forth the language to be added, deleted and/or revised, and shall identify each and every article and section of this Constitution affected thereby. Proposed amendments shall not be set forth in resolution form but shall be accompanied by a statement, not to exceed one (1) page in length, setting forth the basis for the proposed amendment.

**Section 4.** The Constitution and By-laws Committee of the North Carolina State Fraternal Order of Police shall receive proposed amendments to this Constitution and shall review same for form, grammar, placement within this Constitution and substance and shall report to the State Board of Directors its conclusions and recommendations thereon.

## ARTICLE 24 Membership Dues

**Section 1.** Each member shall pay to the Gaston County Lodge an annual sum of \$85.00. The payment shall become due and payable on October 31<sup>st</sup> of the same year and will maintain a member in good standing from November 1<sup>st</sup> through October 31<sup>st</sup> of the following year.

**Section 2.** Each applicant shall pay to the Gaston County Lodge a sum of \$85.00 upon application to the Order for membership. Said payment will maintain a member in good standing for a period ending on October 31<sup>st</sup>.

## BY-LAWS

### ARTICLE 1 Name and Insignia

**Section 1.** No member of the Gaston County Lodge shall use the name, insignia or trademark of the Fraternal Order of Police except as authorized by the Constitution, the Board of Directors of the North Carolina Fraternal Order of Police, or set forth herein.

**Section 2.** The unauthorized use or the abuse of the name or insignia of the Fraternal Order of Police or the infringement of the trademark thereof by a member, state or local lodge, shall be grounds for discipline, including suspension, expulsion, removal from office, or revocation of lodge charter.

**Section 3.** The Secretary and State Secretary shall promulgate such rules as he deems necessary to protect, police, regulate and license the trademarks of the Order and to ensure that the name and insignia of the Order is used only for the purposes established by and in accordance with the authority granted by the National Board of Trustees.

## ARTICLE 2

### Character

**Section 1.** The Gaston County Lodge and North Carolina Fraternal Order of Police shall take cognizance of all matters of scope and concern affecting the welfare and interests of law enforcement officers and their departments. The Gaston County Lodge or, in case of emergency, the President, shall take such immediate action as shall be necessary to safeguard their welfare or interests by providing aid and such other services as shall be required.

## ARTICLE 3

### Organization

**Section 1.** There shall be established such committees of the Order as the President shall prescribe and approved by the Executive Board.

**Section 2.** The President and Vice President shall appoint members to committees in accordance with the provisions of this Constitution.

## ARTICLE 4

### Officers and Election

**Section 1.** The officers of the Gaston County Lodge shall be the President, Immediate Past President, Vice President, Secretary, Treasurer, 2<sup>nd</sup> Vice President, Sergeant at Arms, and State Trustee.

**Section 2.** The term of office, nomination and election of the Executive Board shall follow Article 6 of the Constitution of the Gaston County Lodge.

## ARTICLE 5

### Executive Board

**Section 1.** There shall be an Executive Board, consisting of the President, Vice President, Secretary, Treasurer, 2<sup>nd</sup> Vice President, Sergeant at Arms and State Trustee.

**Section 2.** The duties of the Executive Board shall follow Article 7 of the Constitution of the Gaston County Lodge.

## ARTICLE 6

### President

**Section 1.** The duties of the President shall follow Article 8 of the Constitution of the Gaston County Lodge.

## ARTICLE 7

### Immediate Past President

**Section 1.** The duties of the Immediate Past President shall follow Article 9 of the Constitution of the Gaston County Lodge.

## ARTICLE 8

### Vice President

**Section 1.** The duties of the Vice President shall follow Article 10 of the Constitution of the Gaston County Lodge.

## ARTICLE 9

### Secretary

**Section 1.** The duties of the Secretary shall follow Article 11 of the Constitution of the Gaston County Lodge.

## ARTICLE 10

### Treasurer

**Section 1.** The duties of the Treasurer shall follow Article 12 of the Constitution of the Gaston County Lodge.

## ARTICLE 11

### 2<sup>nd</sup> Vice President

**Section 1.** The duties of the 2<sup>nd</sup> Vice President shall follow Article 13 of the Constitution of the Gaston County Lodge.

## ARTICLE 12

### Sergeant At Arms

**Section 1.** The duties of the Sergeant At Arms shall follow Article 14 of the Gaston County Lodge.

## ARTICLE 13

### Chaplain

**Section 1.** The duties of the Chaplain shall follow Article 15 of the Constitution of the Gaston County Lodge.

## ARTICLE 16

### State Trustee

**Section 1.** The duties of the State Trustee shall follow Article 16 of the Constitution of the Gaston County Lodge.

## ARTICLE 17

### Board of Trustees

**Section 1.** Except as otherwise provided, the Trustees shall have charge of and be responsible for all property of the Order. The Board of Trustees, by the body as a whole or by delegation, shall:

- A. Have ultimate responsibility for the physical property of the Order.
- B. Make a complete and itemized inventory and reconcile the same to the books and records of the Order.
- C. Within thirty (30) days after installation of the officers of the Gaston County Lodge, the Board of Trustees, through the State Trustee, files with the Executive Board, a certified copy of such inventory.
- D. Ascertain that all monies received have been allocated to the credit of the proper funds and so deposited in the name and to the credit of the Order.
- E. The State Trustee shall make a full and complete report to the State Board of Trustees of all business transacted by the Gaston County Lodge since the last meeting of the State Board of Trustees.
- F. Program and supervise such fund raising activities as may be necessary to effectuate and maintain the preamble purposes of the Lodge.

G. Upon order of the Executive Board purchase any equipment or supplies deemed necessary.

**Section 2.** The State Trustee shall be reimbursed for ordinary and necessary expenses incident to his office and shall receive a per diem.

**Section 3.** Within thirty (30) days after the expiration of his term of office, the State Trustee shall convey to his successor all unfinished business, books, records and physical property belonging to the Order.

## ARTICLE 18

### National Conference Delegates

**Section 1.** The Gaston County Lodge shall be entitled to one or more delegates to the Biennial Conference of the Grand Lodge, with nomination and election of Delegates following the prescribed method of the Constitution and Bylaws of the Fraternal Order of Police.

## ARTICLE 19

### State and Subordinate Lodges

**Section 1.** The Gaston County Lodge shall maintain a bond or insurance in respect to the fidelity of those officers or members having access to or control over the funds of the lodge.

**Section 2.** Each subordinate lodge shall provide proof of such bond or insurance to the State Lodge with which it is affiliated and each State Lodge shall provide proof of such bond or insurance to the Grand Lodge.

**Section 3.** No state or subordinate lodge shall be eligible for financial aid or assistance from another lodge or the Grand Lodge except upon proof of maintenance of such bond or insurance.

**Section 4.** While the Executive Board of the Gaston County Lodge shall meet at the discretion of the President, the Gaston County Lodge shall hold at least one (1) membership meeting a month.

**Section 5.** The Secretary will provide and maintain a current roster to include name, address and telephone number of members and other such information as requested by the State and Grand Lodge.

**Section 6.** The Gaston County Lodge shall prescribe the time, method and manner of its election of officers and delegates, whereby the State Secretary shall be notified no later than November 10 preceding the North Carolina State Biennial Conference and given the Trustee's name.

## ARTICLE 20 [ASSOCIATE LODGES] [RESERVED]

## ARTICLE 21 [AUXILIARIES] [RESERVED]

ARTICLE 22  
[AFFILIATE LODGES AND MEMBERSHIP]  
[RESERVED]

ARTICLE 23  
Discipline and Hearings

**Section 1.** In respect to any disciplinary hearing conducted by any lodge of the Order, due process shall be afforded the parties thereto.

**Section 2.** In all disciplinary hearings conducted by any lodge of the Order, the body conducting such hearing shall:

- A. Require the complaint(s), charge(s) or allegation(s) be made under oath and in writing and provide such facts as may enable the charged party to be fairly apprised of the nature of the charge;
- B. Ensure that the party charged is provided with a copy of such complaint, charge or allegation and given sufficient time, which in any event shall be not less than thirty (30) days, to prepare a defense, if any, thereto;
- C. Conduct a hearing upon the matter during which the tier of fact shall limit the scope of the inquiry to the specific complaint(s), charge(s) or allegation(s) set forth in the written notice thereof;
- D. Adhere to an order of procedure which places the burden of proof upon the party charging the member, lodge or national officer;
- E. Permit the parties thereto to introduce documents and exhibits and the testimony of witnesses in accordance with such rules of evidence as may be determined and applied uniformly by such body.

**Section 3.** Discipline may be imposed upon a member or lodge for any violation of the good of the Order, including, but not limited to, the following:

- A. Violation of the Constitution, these By-laws, of the Ritual, Oath or obligations of the Order.
- B. Acts of disloyalty to the Fraternal Order of Police, including, but not limited to, overt attempts to decertify the Fraternal Order of Police where such lodge is the certified bargaining representative of its members, holding office in an organization which encourages members of the Fraternal Order of Police to leave the Order or, where applicable, which attempts to decertify the Order or such other acts as bring disrepute, disgrace or dishonor upon the Fraternal Order of Police;
- C. Distribution or use of the State membership list for any reason without the express permission of the State Board of Directors or the State Secretary; and,
- D. The unauthorized use or the abuse of the name or insignia of the Fraternal Order of Police or the infringement of a trademark thereof.

## ARTICLE 24

### Legal Aid

**Section 1.** The Legal Aid Plan, offers to assist in the legal defense of members in good standing with the North Carolina State Lodge and the Gaston County Lodge when such members face litigation or prosecution for acts within the scope of a member's employment as a law enforcement officer. The Legal Aid Plan is for those situations where the law enforcement officer inflicts fatal or serious injuries upon a person or persons, is sued for civil damages or prosecuted on criminal charges related to any incident that occurs within the member's scope of employment or faces suspension without pay or termination as a result of any incident that occurs within the member's scope of employment.

**Section 2.** By the provision of a Legal Aid Plan, the Gaston County Lodge in no way admits the liability of the officer-member, nor does the Gaston County Lodge admit any liability of the Fraternal Order of Police, North Carolina State Lodge, Incorporated or Grand Lodge of the Fraternal Order of Police in conjunction with the officer-member.

## ARTICLE 25

### Resolutions

**Section 1.** Resolutions submitted for inclusion in the materials to be distributed at the commencement of the Biennial Conference shall be accompanied by a statement, not to exceed one (1) page in length, setting forth the specific basis for the proposed resolution.

## ARTICLE 26

### [PARLIAMENTARY PROCEDURE]

### [RESERVED]

## ARTICLE 27

### Annual Budget

**Section 1.** There shall be an annual budget of the Gaston County Lodge which shall be formulated by the Executive Board in accordance with such rules and regulations as deemed, from time to time, to be prescribed within the By-laws and said budget shall be reported to the Board of Trustees by November 1<sup>st</sup> of every fiscal year. The budget shall remain in full force and effect for the fiscal year (January 1-December 31) unless revised by emergency action of the President or formal action taken at a meeting of the Executive Board.

**Section 2.** The annual budget of the Gaston County Lodge shall include an estimate of anticipated revenue, anticipated expenditures, and line item estimates of the needs of the administrative and operational functions of the Gaston County Lodge.

**Section 3.** Unappropriated funds plus any surplus funds collected above appropriated revenues shall be invested by the Treasurer into the Contingency Fund and shall be subject to appropriation to deficit accounts only upon the declaration and notification to the Executive Board by the President that an emergency exists in respect to a particular account.

**Section 4.** Any other provision of these By-laws notwithstanding, the President shall not approve any warrant or voucher in excess of the budgeted amount for any particular line item or sub-line item account. Each Officer, Committee Chairman, advisor, sub-contractor and employee will cooperate in the institution of and compliance with the annual budget of the Gaston County Lodge and will, upon request therefore, submit an itemized budget with

respect to anticipated revenues and expenses in their area of control or interest for the next fiscal year.

## ARTICLE 28

### By-law Amendments

Proposed amendments to the Constitution and Bylaws shall follow the provisions set forth by the Constitution and Bylaws of the North Carolina Fraternal Order of Police and Grand Lodge.

## ARTICLE 29

### Dues, Assessments and Administration Fees

#### Section 1. Dues

- A. The Secretary of the Gaston County Lodge shall transmit all funds collected in respect of per capita taxes and assessments to the State Secretary for deposit in the proper accounts.

#### Section 2. Assessments

- A. In the event of an emergency, as determined by the State Board of Directors, the State Board of Directors shall determine the amount of assessment required from each member to meet the emergency.

#### Section 3. Administrative Fees

- A. The Gaston County Lodge shall pay through their respective State Lodge to the Grand Lodge, a lodge administrative fee in the amount of Twenty-five Dollars (\$25.00).
- B. The Lodge Administrative fee shall become due and payable on November 1 of each year.

#### Section 4. Late Penalty Fee

- A. Any local lodge in arrears of payment of dues, fees or assessments more than thirty (30) days shall be assessed a ten (10) per cent penalty fee based on the amount owed.

## ARTICLE 30

[NORTH CAROLINA STATE LODGE LABOR COUNCIL]

[RESERVED]

## ARTICLE 35

[TRUSTEESHIP]

[RESERVED]

## ARTICLE 36

[NORTH CAROLINA FRATERNAL ORDER OF POLICE FOUNDATION]

[RESERVED]