

HOUSE COMMITTEE HANDBOOK



“Designed to aid Members with their work”



BENEVOLENT AND PROTECTIVE ORDER OF ELKS

“A Fraternal Organization”

January 2018

SUCCESSFULLY MANAGING A HOUSE COMMITTEE *(from Statutes Annotated, §16.040)*

These are the best practices for successfully managing a House Committee as outlined and understood by the Statutes of the Order and the Leadership of the Elks.

Section 16.040 of our Grand Lodge Statutes gives options on the setting up of a Club governing body.

- (a)** By the Exalted Ruler, elected chair officers (Leading, Loyal & Lecturing Knights) and the Trustees; or
- (b)** By the Trustees of the Lodge; or
- (c)** By a House Committee (of not fewer than 3 or more than 13) to be appointed by the Exalted Ruler of the Lodge (the exact number must be set forth in the By-Laws) (*most common*); or
- (d)** By the Board of Directors of a corporation formed under Section 16.030.

The method of supervision of the Club must be specified in the By-Laws and expressly provide that the actions of the House Committee shall always be subject to the control and direction of the Lodge, except those actions and decisions pertaining to an employment relationship and the fixing of prices for goods and services.

First order of business of a new House Committee is to **elect a Chairman and Secretary**. Get all contact information on committee members, including e-mail address and cell, home, and work phone numbers, and distribute to all other committee members.

Establish a time to hold at least one regular meeting each month and any needed special meetings as called by the Chairman. The Exalted Ruler and all committee members should be notified in advance of each meeting and provided an agenda.

The Secretary shall **keep minutes** of each meeting of the Committee, noting those in attendance, business discussed and the result of any votes taken. The minutes should be dated and signed by the Committee Secretary and should be read and formally approved at the next subsequent meeting. A copy of the minutes should be filed in the Lodge Secretary's office and be available for review by the District Deputy during his/her visit.

A House club, bar, and foodservice can be supervised by the Chairman of the committee or a designated member of the committee.

If a **Manager** is employed by the House Committee, at the first meeting of the committee, a contract with specific terms of employment should establish salaries and bonuses, evaluation processes and the goals and expectations of the House. The governing body may employ a manager, who need not be a Member of the Order, whose employment ends upon expiration of the term of the governing body. The succeeding governing body determines his re-employment. (*Opinion 03*)

While the governing body of the Club may not contract to employ a manager for more than one year, the Lodge itself may expressly authorize a contract of employment by the Committee for a term of more than one year. The resolution should specify the term, salary, duties and basic essentials for the contract. (*Opinion 04*)

All meetings should have an agenda sent out by the Chair to all members before the meeting. (*Recommended*)

No member of the supervising or managing body shall be employed in any capacity by the supervising or managing body, nor shall any Exalted Ruler be employed, etc.

It is the responsibility of the Chair and his/her designee to deal with the employees of the Club. No other member should ever correct an employee or demean or belittle an employee. That is the responsibility of the Chair of the House or his/her designee.

A **budget** is to be presented **at the final regular meeting of the Lodge in April** of each year which includes separate and comprehensive budgets for the proposed operation of the club, social parlor, or other facility.

Each month, the Committee should review **House financials** and **write a report to the Lodge** showing the financial condition of the Club, with a comparison to each budget item.

An **inventory** of bar alcohol, food, and supplies should be taken monthly, preferably by someone other than the manager or other employees. The inventory should be reviewed by the House Committee on a regular basis.

All **Funds** derived from club operations are **Lodge funds**. The Lodge Treasurer is Treasurer for all Lodge Committees and shall handle all Lodge funds and pay all bills on vouchers approved by the Exalted Ruler and Secretary. Whoever oversees the club should keep accurate daily records and prepare vouchers for payment as stated above.

Where the Lodge operates a club facility under a House Committee form of government, the **Committee has power to purchase supplies** for the club, subject to the control of the Lodge. The provision that the Trustees shall purchase all supplies does not control in this instance.

Generally, meetings of the managing body are open to Members; Closed Executive Session may be called by a simple majority vote of the body, but should be used sparingly, for matters including employment and discipline, pricing of goods, and suspensions at the request of the Accused. **Voting must be done on the record and during the Open Session.**

The House Committee is responsible **for managing the social activities of the Club** including scheduling and conducting events and coordinating with the Lodge on Lodge events. The committee sets the program of events, coordinating events of the Lodge PER events, DOES events and special committee events must be considered and coordinated.

The House Committee is also charged with **managing the daily operations** of the Club in accordance with approved House Rules. Acts of Conduct Unbecoming an Elk on **Lodge property** is subject to control of the House Committee.

ENFORCEMENT OF APPROVED HOUSE RULES

The House Committee has the power to suspend a Member from Club privileges for violation of House Rules or Conduct Unbecoming an Elk. The suspension cannot exceed one (1) year.

To discipline a Member, the House Committee must give the Member a 10-day written notice of the hearing before the House Committee.

At the hearing, the Member must be given due process of law which will include, but not be limited to, the House Committee strictly following the provisions of Section 16.041. If the decision of the House Committee is to suspend, a notice of suspension in writing must be served personally or by registered first-class mail to the Member. The vote to suspend shall be in Open Session.

The Member may appeal suspension to the Lodge by written notice to the Lodge Secretary not later than ten (10) days after receipt of written notice of suspension. Suspension is stayed pending disposition of appeal by the Lodge.

After a disciplinary hearing, a warning may be issued; however, no form of deferred or suspended discipline is permitted.

A member of the managing body should recuse himself or herself in matters directly involving a family member, or in actions where the member of the managing body is the accuser.

CLUB MANAGING BODY SUSPENSION ORDERS

(from Guide to the Courts of the Order; Part VII)

A. AUTHORITY OF MANAGING BODY.

GLS §16.040 provides:

Each Lodge is to have a managing body for “the Club, social parlor, or other facility established in connection with the Lodge.” [§16.040]

The composition of that body must be established by a Lodge in its By-Laws in one of the forms prescribed by §16.040, pars. a, b, c or d.

GLS §16.041 provides:

The supervising or managing body of the Club, social parlor or other facility shall have power to suspend a Member from Club, social parlor, or other facility privileges for a period not exceeding one (1) year, for violation of rules duly adopted by the Lodge and approved by the Committee on Judiciary for such club, social parlor or other facility (Elks facility, building, parking lot, etc.), or Conduct Unbecoming An Elk on such premises, after ten (10) days written notice to the Member served personally or by regular first-class mail and after a hearing before the supervising or managing body.

A complaint can be made by any Member having knowledge of the alleged violations. The managing body itself can initiate charges where an allegation of violation is made by a non-Elk. [GF 1135, 1110]

To be grounds for a managing body suspension, Conduct Unbecoming an Elk must be on the premises of the Club, social parlor, or other facility. [GF 1280, 1188, 1140, 897] A suspension proceeding cannot be based on alleged misconduct on the Lodge floor [GF 897], or conduct that takes place completely outside the Club premises. [GF 1140] For alleged misconduct that does not occur on Club premises, the proper remedy is by complaint to the Local Forum.

The Grand Forum [in GF 978 and 1002] has set forth the necessary procedures to follow for a managing body suspension proceeding as follows:

- 1.** A Hearing is held after giving the Member ten (10) days' written notice served either personally or by regular first-class mail. Said notice should specifically state the charges.
- 2.** The Hearing is before the managing or supervisory body.
- 3.** At the Hearing before the managing or supervisory body, the Member must be given his or her due process of law which will include, but not be limited to, the managing or supervising body of the Lodge strictly following the provisions of Section 16.041 if there is an intention to suspend a Member from privileges of the Club or home.
- 4.** The managing or supervisory body would then decide whether or not suspension is appropriate. A notice of suspension in writing must be served personally or by registered first-class mail to the Member.
- 5.** The Member may Appeal the Suspension to the Lodge if done so within ten (10) days of receipt of the Notice of Suspension by filing a Notice of Appeal either by personal service or first-class mail to the Lodge Secretary.
- 6.** If the Member appeals a suspension to the Lodge, the suspension is stayed until the appeal to the Lodge has been completed.
- 7.** After a Notice of Appeal has been filed with the Secretary, the Secretary reports the appeal to the Exalted Ruler and to the Lodge at the next regular meeting.
- 8.** The Exalted Ruler at that meeting shall then order a hearing of appeal, the hearing to be held at a regular meeting of the Lodge within 45 days.
- 9.** Notice in writing must be sent to all Lodge Members not less than ten (10) days prior to the Hearing of the Appeal.
- 10.** At the Hearing, the managing or supervisory body of the Club must present the evidence and the appealing Member then has an opportunity to defend or refute the charges.

- 11.** After the Hearing portion is completed, a motion to modify or reverse the action of the supervisory or managing body must pass by an affirmative secret ballot of two-thirds vote of the Members present. The Secretary should be prepared to distribute paper ballots in the event a motion is made.
- 12.** If no motion is made, the decision of the supervisory or managing body is affirmed.

(NOTE: *These procedures are reproduced from the Statutes Annotated, Appendix II: House Committee Suspension—Hearing Procedure.)*

The managing body is required to strictly follow the procedures of Section §16.041 if there is an intention to suspend a Member from privileges of the club or home. [GF 1145, 1110, 1046, 1042, 1039, 1036] The managing body cannot vote to suspend a Member without first giving that Member a full and fair hearing. [GF 1213, 1145]

A claim of emergency circumstances will not excuse a failure of compliance with those procedures. “No matter how pressing an emergency may appear, the provisions of that section must be strictly followed.” [GF 1036; see also GF 1046]

Numerous Grand Forum decisions have held that the requirement of ten (10) days written notice to a Member before the hearing of the managing body is essential to due process. The failure to provide written notice of not less than the full ten (10) days constitutes a violation of due process and will require reversal of the suspension decision. Such failure renders all subsequent proceedings a nullity. [GF 1248, 1240, 1193, 1187, 1145, 1046, 1042, 1039] Oral notice is not sufficient. [GF 1276, 986]

A change in the scheduled date for the hearing of the managing body cannot be made without sending a new written notice to the accused Member at least ten (10) days prior to the rescheduled date. [GF 1318, 1240]

Notices served in connection with a suspension proceeding under §16.041 are to be served personally or by regular mail to the address of record of the officer. [§16.130]

“The notice to the Member facing a House Committee hearing must be specific.” [GF 1192] The Member must know the charges with sufficient specificity to defend himself. [GF 1242, 1228, 1146] A charge was insufficient that on a specified date House Rules were allegedly breached by “‘Conduct Unbecoming an Elk’ — Numerous allegations including but not limited to contumacy, intimidation, bullying, coercion and willfully making unjustified or untruthful charges against a Member.” [GF 1146]

Suspension of Club privileges cannot be based upon a ground not cited in the notice of hearing. [GF 1192]

The hearing must be open to all Members without exception. [GF 1280]

In the disciplinary hearing, the material witnesses on a factual issue must appear to testify in person and be subject to cross-examination by the accused Member. The absence of any material witness to testify in person against Appellant violates his due process rights. [GF 1244, 1242]

The managing body upon conclusion of the hearing, and without adjournment, can go into closed executive session to discuss, deliberate, consider, and vote upon the matter in issue. But following such closed session the managing body, in open session, must announce their votes, both in total and by each member of the managing body, and render their final decision and penalty if any. [GF 1244, modifying GF 1110]

If the alleged violation involves the Exalted Ruler or a member of the managing body, that person must be disqualified from participation in the matter until final disposition of the alleged violation. Further, the Exalted Ruler in such event cannot appoint or remove members of a House Committee pending final disposition. [GLS §16.041]

Similarly, if a member of the managing body is a witness to the conduct for which complaint is made, or a family member is a complainant or witness, the managing body member should recuse himself. [GF 1242]

The managing body can only suspend Club privileges, and not Lodge membership. [GF 1240, 1135]

The managing body cannot impose sanctions which either require or prohibit actions to be taken or not taken in the future. The suspension order cannot include provision for future suspension of club and social privileges for violation of the provisions of the order. [GF 1244] The managing body has no authority to impose a period of probation. [GF 1046]

Suspension of the Club privileges of a visiting Elk from another Lodge requires compliance with GLS §16.041 procedures the same as for a Member of the home Lodge. [GF 1182]

B. APPEAL TO LODGE.

GLS §16.041 states that a Member who is suspended by the managing body can appeal to the Lodge. The suspended Member must file notice of appeal with the Lodge Secretary, by personal service or mail, not later than ten days after receipt of notice of suspension. The notice of appeal is to be reported by the Secretary at the next regular Lodge meeting. At that time, the Exalted Ruler is to order a hearing on the appeal to be held at a regular Lodge meeting not later than forty-five (45) days thereafter.

While the order is on appeal to the Lodge, the suspension order is automatically stayed pending disposition of the appeal by the Lodge, and the Member retains Club privileges until the Lodge makes a decision. It is improper for the managing body to order suspension of club privileges either prior to its hearing date or during the pendency of an appeal to the Lodge. [GF 1228]

Notice in writing of the Lodge meeting to hear the appeal must be given by the Secretary to all Members not less than ten days prior to the date specified for the hearing. Notice less than ten days before the hearing requires reversal of the suspension order. [GF 897]

At the Lodge meeting, the managing body must present the evidence against the Member who is suspended, and the appealing Member then has an opportunity to defend or rebut the charge. [GF 978]

A motion may be made by any Member, including the suspended Member to modify or reverse a managing body suspension, but if no such motion is made and passed the suspension stands. [GF 845] The vote required to modify or reverse the managing body is two-thirds of the Members present, voting by secret ballot. No action is necessary to affirm the decision of the managing body.

The Grand Forum has held that bringing a complaint in a Local Forum against the managing body members for denial of due process is not an appropriate way to proceed, and has affirmed dismissal of such complaints. The Grand Forum has stated: "The Local Forum is not an appropriate vehicle for a Lodge Member to exercise his or her disagreement with the official actions of a House Committee." [GF 959. In accord GF 1143, 1072, 1069, 771]

C. APPEAL TO GRAND FORUM.

There is no provision in the Grand Lodge Constitution or Statutes providing for an appeal to the Grand Forum from a suspension of club privileges by a managing body. [GF 897]

Because of the absence of specific statutory authority, the Grand Forum has said many times that it has no jurisdiction to review the propriety of a suspension order properly made under §16.041. [See, e.g., GF 1110, 1106, 1047, 1025, 1002, 978]

But the Grand Forum has held that it can and will intervene and grant relief upon proper petition if it clearly appears that in a club suspension proceeding a Member has been deprived of a substantial right of membership without due process of law. [GF 1110, 1046, 1042, 1036, 1002, 978]



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