

CONSTITUTION AND BYLAWS CHECKLIST

Private organizations serve a very important function within the military community. They encourage, support, and entertain soldiers, family members, and others. Many private organizations also provide humanitarian services for the military and civilian communities. They enrich the quality of life for everyone.

The efficient management of private organizations is so important to the military mission that several regulations have been promulgated especially for them. For private organizations to operate effectively and legally, they must all have written constitutions and bylaws that detail their functions, ideals, procedures, and operations. These regulations occasionally change to meet new conditions, laws, or needs. Therefore, constitutions and bylaws must be reviewed every two years to ensure that they continue to comply with the applicable regulations.

Basically, a constitution outlines the ideals, functions, and structure of an organization. The bylaws refine the terms of the constitution and detail the day-to-day operation of the organization. Well-written bylaws should answer nearly every question concerning the efficient operation of the organization. Although they are usually more detailed, the bylaws are subordinate to the constitution in terms of authority. This means that any conflict between the bylaws and the constitution must be resolved in favor of the constitution.

This form is designed to make the initial and biannual legal reviews of private organizations' constitutions and bylaws faster and easier for everyone involved in the process. The required provisions for all constitutions and bylaws are set forth herein, along with their appropriate regulation citation.

PLEASE NOTE: Constitution and/or bylaws lacking the required information will be returned to the organization, with deficiencies noted, for correction. The appropriate changes must be made by the organization as soon as possible.

INSTRUCTIONS

Space is provided beside each requirement for you to write the page number and clause (or paragraph) of your constitution or bylaws which satisfies the stated requirement. This helps the private organization (PO) to ensure that all necessary provisions are addressed and expedites the legal review and approval process.

PAGE	CLAUSE	
1. _____	_____	Name and location of the PO. If affiliated with a national, regional or State organization, include documentation of the parent organization. Army Regulation (AR) 210-22, para. 2-1a(2)(a).
2. _____	_____	Include the following statement: “This organization is established according to Army Regulation (AR) 210-22, Army in Europe Regulation (AER) 210-22, and Department of Defense Instruction 1000.15.”
3. _____	_____	Include the following statement: “The approval authority is the Commander, US Army Garrison Rheinland-Pfalz. The approval authority may revoke permission to operate at any time.” AR 210-22, paras. 2-1a and 2-1e; Army in Europe Regulation (AER) 210-22, para. 4b.
4. _____	_____	Include the following statement: “This organization is not an instrumentality of the United States, will be self-sustaining, and may not receive financial assistance from the Department of the Army or any nonappropriated fund (NAF) activity in the form of contributions, repairs, services, dividends, or other donations of money or other assets.” AR 210-22, paras. 1-5, 5-2 and 5-3; DODI 1000.15.
5. _____	_____	Include the following statement: “This organization will not use army services, including legal, audit, transportation, postal (APO), printing, information management activities, clerical, financial, copying, management and procurement services.” AR 210-22, para. 5-3.
6. _____	_____	Include the following statement: “The United States government, the Army, USAREUR, and USAG Rheinland-Pfalz will not assume liability for any of the organization’s activities or debts.” AR 210-22, para. 2-1a(1)(a); DODI 1000.15.

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7. _____	_____	Include the following statement: “Neither NAF nor appropriated funds (APF) activities may incur or assume any obligation of the organization, except as may arise out of contractual relationships.” AR 210-22, para. 5-2.
8. _____	_____	Include the following statement: “The organization will comply with applicable host nation laws, fire and safety regulations, environmental laws, and any other applicable statutes or regulations. The organization is responsible for obtaining private counsel to provide assistance in determining whether the organization is in compliance with such laws.” AR 210-22, paras. 3-4 and 3-5; AER 210-22, para. 9.
9. _____	_____	Include the following statement: “The organization shall comply with AR 600-29, AER 210-22 and DOD 5500.7-R in fundraising activities.”
10. _____	_____	Include the following statement: “Members, according to host nation laws, may be personally liable to creditors if the assets of the PO are insufficient to discharge liabilities.” AR 210-22, para. 2-1a(2)(d); DODI 1000.15.
11. _____	_____	Include the following statement: “The organization will obtain adequate insurance as protection against public liability, claims, property damage claims, or other legal actions arising from organization activities, one or more of the organization’s members acting on its behalf, or the operation of any equipment, apparatus, or device under the control and responsibility of the PO. Any member of the PO with access to cash on hand, cash in the bank, or merchandise with a value of over \$500.00 will be bonded at PO expense in an amount sufficient to provide full protection of assets.” AR 210-22, para. 3-2.
12. _____	_____	Include the following statement: “This organization does not discriminate on the basis of race, color, creed, sex, disability, or national origin.” AR 210-22, para. 3-7; DODI 1000.15.
13. _____	_____	Include the following statement: “This organization will neither propagate extremist activities nor advocate violence against others or the violent overthrow of the Government.” AR 210-22 para 2-1a(2)(f).

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14. _____	_____	Include the following statement: “This organization’s activities will not seek to deprive individuals of their civil rights.” AR 210-22 para 2-1a(2)(g).
15. _____	_____	State the nature, functions, objectives, purpose and activities of the PO. AR 210-22, para. 2-1a(2)(b).
16. _____	_____	Include the following statement: “The PO will not engage in activities that compete with those of any APF or NAF activity.” AR 210-22, paras. 2-1a(2)(b) and 3-1b; DODI 1000.15.
17. _____	_____	Identify specific types of membership, qualifications for each type, application methods, procedures for withdrawal of membership, and rules about guests. AR 210-22, paras. 2-1c and 3-7; AER 210-22, para. 5; DODI 1000.15.
18. _____	_____	State the percentage of the membership that may be non-U.S. Forces personnel (in no case may it exceed 49 percent). AER 210-22, para. 5.
19. _____	_____	Specify the number of individuals in the governing body, their position titles, and an explanation for all management functions, including the accountability for assets, satisfaction of liabilities, disposition of any residual assets on dissolution, and other documentation that shows responsible financial management. AR 210-22, para. 2-1c; AER 210-22, para. 5c; DODI 10001.15.
20. _____	_____	Include the following statement: “The organization must have a treasurer who is an elected officer or who serves as a member of its governing board. The treasurer must be an active member and must have SOFA status if the organization has an account with a military banking facility.” AER 210-22, para. 5c.
21. _____	_____	Include the following statement: “The president or vice president must have SOFA status.” AER 210-22, para. 5c.

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22. _____	_____	<p>Include the following statement: “Individual members of this organization will not personally profit from the organization’s income except through salaries and wages of the organizations employees, award recognition for services rendered to the organization or community, or membership in an investment club as defined in AR 210-22.”</p> <p>AR 210-22, para. 2-1b.</p>
23. _____	_____	<p>Include the following statement: “The organization will arrange for an audit at its own expense on the change of its treasurer, regardless of the time elapsed since its last audit.”</p> <p>AR 210-22, para. 3-3.</p>
24. _____	_____	<p>Include the following statement: “The organization will arrange for an audit, at the organization’s expense, every two years if the organization has a gross annual revenue of \$1,000 or more.”</p> <p>AR 210-22, para. 3-3.</p>
25. _____	_____	<p>Include the following statement: “Audits will be conducted in accordance with Army Regulation 210-22, para. 3-3.”</p>
26. _____	_____	<p>Include the following statement: “If the organization is dissolved, all funds in the treasury at the time will be used to meet any outstanding debts, liabilities, or obligations. The balance of these assets will be disposed of as determined by the membership.”</p> <p>AR 210-22, para. 2-1a(2)(c), figure 2-1.</p>
27. _____	_____	<p>Include the following statement: “The organization agrees to reimburse the Army for utility expenses, unless use is incidental (would cost more to bill and collect than it costs to provide the utility).”</p> <p>AR 210-22 para 2-1a(2)(e).</p>
28. _____	_____	<p>Include the following statement: “On request of the Garrison Commander (but not less than annually) the organization will supply to the Garrison Commander or his/her designee the information set forth in AR 210-22, para. 2-1c.”</p> <p>AR 210-22 para 2-1c.</p>

IF APPLICABLE, include the following statements:

PAGE	CLAUSE	
29. _____	_____	Employees of this organization are not employees of the United States or of an instrumentality of the United States. Applicable laws on labor standards for employment shall be observed, including worker's compensation insurance. Employees of the organization shall not participate in NAF employee benefit programs based upon their affiliation with the organization. DODI 1000.15.
30. _____	_____	Background checks are required for employees and volunteers of the organization who have contact with children under the age of 18 in DoD-operated, -contracted, or community based programs that are used to supplement or expand child care or youth services, according to DoD Instruction 1402.5 (Reference (i)). DODI 1000.15.
31. _____	_____	The organization will comply with applicable laws that apply to private sector employment. The organization does not discriminate in employment practices on the bases of sex, age, religion, race, color, national origin, marital status, lawful political affiliation, labor organization membership, or physical handicaps. AR 210-10, para. 3-6.