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SUBJECT: Class Constitution

CONSTITUTION

Class of 1989

ARTICLE I - Name and Purpose

Section 1. The name of this organization is the Class of 1989.

Section 2. The purpose of the Constitution of the Class of 1989 is to provide a vehicle for administration of class affairs for the West Point Class of 1989.

ARTICLE II - General Provisions

Section 1. The Class of 1989 is a private organization, established in accordance with Army Regulations for the establishment of private organizations on Department of the Army installations (AR 210-1 and USMA Supplement 1 to AR 210-1) and is not connected with the U.S. Government or the U.S. Military Academy.

Section 2. The Class of 1989 is an independent, self-sustaining organization receiving no financial assistance from the United States Army except that appropriated and provided for in Army Regulations for Funding and Personnel Support for Morale, Welfare and Recreational Programs and Facilities (AR 210-1 and AR 215-1).

Section 3. If the assets of the private organization are not sufficient to meet that organization's contractual liabilities or to pay other debts owed by the private organization, all regular members, regardless of office, will be equally liable for such liabilities or debts and will pay them in equal shares. However, an individual regular member of the private organization will not be personally bound on any contract entered into by the private organization unless he has ratified that contract. Because regular members of the private organization are required to have read and assented to its regular constitution and by-laws which state the authority of the organization officers, a regular member will be held to have ratified a contract lawfully entered into or a debt lawfully incurred by an officer of the private organization on its behalf unless the regular member expressly disaffirms the contract or debt.

Section 4. With the written permission of the Superintendent of the United States Military Academy, the Class of 1989 will establish a permanent headquarters on the Military Reservation at West Point, New York.

Section 5. The Class of 1989 is not an instrument of the United States Government. It exists solely to serve the members of the Class of 1989. It shall be administered by individuals not acting within their official capacity as officers, employees, or agents of the United States Government.

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Section 6. An individual member of the private organization will not be personally liable for the tortious or negligent conduct of the private organization or its members unless he authorizes, assents to, participates in, or otherwise ratifies such conduct. A regular member is presumed to have ratified conduct of officers and members of the private organization authorized by specific provisions of the constitution and by-laws. The individual member will be personally liable for his own tortious or negligent conduct that he commits or participates in.

Section 7. The term "Class of 1989" in the text of the constitution and by-laws is to be understood to be a private organization. This is to avoid confusion, between members of the Class of 1989 as a private organization and the entity known as the Class of 1989 which is part of the Corp of Cadets.

ARTICLE III - Officers and Governing Body

Section 1. The governing body for the Class of 1989 is the Class Committee. The Class of 1989 Class Committee shall consist of a maximum of forty-five members.

Section 2. During the Spring of the Third Class Year, each of the thirty-six cadet companies will elect a representative to the Class Committee. The body of the thirty-six elected representatives will elect, from the same body, a Regimental Representative for each regiment. The four Regimental Representatives' companies will then elect new company representatives.

Section 3. The permanent class officers shall consist of a President, Vice-President, Secretary, Treasurer, and Historian. The class officers shall make use of the Class Committee in handling the affairs of the class, and direct the committee in successful completion of its business. Class officers shall be elected in the Spring of 198* in accordance with the Class of 1989 By-Laws.

Section 4. The members of the Class Committee shall act in a permanent status and will be changed only in the event of death, incapacitation, impeachment, or resignation from the United States Military Academy.

Section 5. Regular Army officers will be designated as the "Class Advisor," and "Officer-in-Charge" of the Class Committee until Graduation Day, 1989. The OIC shall function as an advisor to the Class Committee. The Class Advisor will be senior to the OIC and shall function as a Senior Advisor.

Section 6. Prior to the election of permanent company representatives and class officers, temporary company representatives and class officers will be elected. The officers shall consist of the Chairman, Vice-Chairman, Secretary, Treasurer, and Historian. The duties of the company representatives and officers will be as outlined for the permanent officers and representatives as outlined in the By-Laws of this Constitution.

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Section 7. Before graduation, the Class Committee shall be the decision making body of the Class of 1989 in all matters, except the election of persons to fill vacancies in permanent class office or in Class Committee itself, matters in a major expenditure of class funds, and amendments to this constitution.

Section 8. After graduation, the permanent class officers shall become the decision making body of the Class of 1989 in all matters except those put forth in Article IV of the By-Laws. The officers are to be held accountable to the Class Committee. The Class Committee may nullify any course of action taken by the class officers with which it disagrees by obtaining a majority vote of the Class Committee against the course of action. A minimum of 75% of the members of the Class Committee must participate in the vote to validate the decision.

Section 9. The Hop, Ring and Crest, and Class Committee shall be directed by an Executive Council whose membership will consist of the Chairmen/President and Vice-Chairman/President of the Hop, Ring and Crest, and Class Committee and the Secretary of the Class Committee. The Class Committee Chairman/President will serve as the Chairman of the Executive Council.

ARTICLE IV - Eligible Membership

Section 1. Eligible Membership in the Class of 1989 shall be defined as anyone enrolled in the Class of 1989. Membership must be voluntary.

a. Regular members shall include all graduates of the United States Military Academy with the Class of 1989 who are officially recorded by the Association of Graduates to include those cadets who were reassigned to the Class of 1989 from a higher class and who subsequently completed the requirements for graduation.

b. Associate members shall include those persons who were members of the Class of 1989 at the time of acceptance of the class into the Corps of Cadets but who are not regular members. Associate membership is attained through a nomination from a regular member and approved by the Class Committee.

c. Honorary members shall consist of all persons to whom the Class Committee has offered membership and who have accepted this offer. This offer will be the result of a two-thirds majority of a quorum of regular members.

Section 2. Regular members shall have all rights guaranteed them by this Constitution. Associate and Honorary members shall have all rights, except the right to vote in class matters and buy the Class Ring.

Section 3. Members of the Class of 1989 may withdraw from the association, if desired. Resignation will be effective upon receipt by the Class Committee of a letter from a member. The act of resignation shall not free members from legal responsibility for class funds incurred prior to resignation.

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ARTICLE V - The Class Fund

Section 1. The Class Fund shall be initiated by a mandatory donation of twenty dollars from every regular member of the private organization during the Spring of the Fourth Class Year.

Section 2. The Class Fund shall be administered by the Class Treasurer and the Class Committee.

Section 3. A certain amount of the Class Fund, fixed by the Class Committee, will be placed in a checking account. The remainder will be placed in a fund most advantageous to the Class of 1989.

Section 4. Should the permanent Treasurer wish to replenish the Class Fund prior to graduation, the Class Committee may levy a maximum fee of twenty dollars upon each regular member of the association. It is mandatory that all regular members pay the amount levied by the Treasurer. Not more than a cumulative total of forty dollars may be levied without a two-thirds consent of the regular members of the association.

Section 5. Prior to graduation day, withdrawals from the Class Fund must be approved by the Class Committee, and be signed by the Treasurer and Chairman/President. While the Class of 1989 are cadets, all expenditures will be reviewed by the Class Officer-in-Charge.

Section 6. After graduation, withdrawals from the Class Fund, not constituting major expenditures, must be approved by three of the five class officers and be signed by the Treasurer.

Section 7. The Class Fund may be drawn upon by the decision making body for the following reasons:

a. To provide for the cost of a funeral wreath, flowers, or contribution in the name of a deceased member.

b. To purchase and engrave a silver cup to be presented to the first child born to a member of the Class of 1989.

c. To cover other expenses incidental to the administrative and social affairs of the Class of 1989 which do not exceed 10% of the existing Class Fund, or is less than \$2,000, whichever is the lesser amount.

Section 8. A major transaction shall be defined as any expenditure which consists of ten percent or more of the existing Class Fund, or is greater than \$2,000, whichever is the lesser amount. A proposal for a major transaction must be submitted in writing to the Treasurer and be approved by the Class Committee for submission to the class as a whole under the provisions of the By-Laws.

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Section 9. Upon graduation of the Class of 1989, the Class Fund will be transferred to the Association of Graduates to be treated as funds in trust for the stated purposes of the Class of 1989. The money may not be used without Class of 1989 approval. Upon death of the last member of the Class of 1989, the remaining money will be turned over, in whole, to the Association of Graduates to be used in the best interest of the Academy. The Class Committee shall be charged with drafting a resolution to effectuate the transfer of the class funds. The resolution shall be voted on by the regular members of the Class of 1989 during the Spring of 1989 and will be decided by a majority vote, which a minimum of two-thirds of the members of the class must vote.

Section 10. With the approval of the decision-making body, the Class of 1989 will accept contributions to the Class Fund.

ARTICLE VI - The Class Ring

Section 1. The retention and wear of the Class Ring shall be governed by the tradition of the United States Military Academy as follows:

a. The 1989 Class Ring may be worn upon its formal presentation to the Class of 1989.

b. The family of any deceased member of the class may retain the ring.

c. The 1989 Class Ring may be purchased and worn only by the class of 1989 graduates who graduate on Graduation Day for Class of 1989 or prior to January 1991.

Section 2. Cadets who have purchased the Class Ring and subsequently resign, or are separated prior to graduation or are turned back to a subsequent class will be required to return their ring through the USMA Treasurer to the manufacturer for reimbursement in accordance with procedures established by the United States Military Academy. In the event reimbursement by the Treasurer, USMA is less than the original purchase price, the Class Fund will incur the liability and reimburse the purchaser the difference in price provided that the cadet submits a letter to the Class President requesting reimbursement. The letter must be submitted within one month of the date the cadet departs West Point.

ARTICLE VII - Meetings and Quorums

Section 1. Prior to graduation, the Class Committee shall conduct at least three meetings per semester. Meetings of the Class Committee will be held at the call of the Class Chairman/President.

Section 2. After graduation, the Class Committee will conduct business by mail.

Section 3. Prior to graduation, all decisions made by the Class Committee, except those involving major financial transactions as outlined in the By-Laws,

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will be determined by a majority vote of the Class Committee. A quorum of 30 members must participate in the voting procedure to ensure the validity of the vote. The Committee Chairman/President will be eligible to vote only in the event of a tie.

Section 4. After graduation, the five class officers constitute the decision-making body. The vote of three of the five officers for or against an issue will be required to determine the outcome of a vote.

Section 5. Each member of the Class Committee shall have the privilege of introducing motions, debating and voting.

ARTICLE VIII - Adoption and Amendments

Section 1. A class vote will be held during the Spring of 1987, to determine the ratification and adoption of this document. A two-thirds majority vote of the regular members in favor of ratification and adoption shall constitute same, subject to final review by the Installation Commander.

Section 2. The following points will provide amendment procedures for the Constitution and By-Laws.

a. Any regular member may submit, in writing, a resolution for amendments to this constitution. Such resolutions will be submitted to the decision-making body.

b. The decision-making body shall study the resolution and vote to see if the resolution should be voted on by the Class of 1989 for approval.

c. In the event the resolution is accepted by the decision-making body, the following procedures will be followed:

(1) Prior to graduation: The resolution will be presented, in writing, to every regular member. Voting procedures for the amendment will be same as for adoption of the Constitution.

(2) After graduation: The resolution will first be presented to every member of the Class Committee. With the affirmative vote of 30 members of the Class Committee, the resolution will be presented, in writing, to every regular member of the Class. A maximum of four months shall be allowed for regular members to return their vote. A two-thirds majority vote, in which a minimum of sixty percent of the regular members of the class vote will be required to adopt the resolution.

d. In the event the resolution is not accepted by the decision-making body, the following procedures will be followed:

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(1) Prior to graduation: The resolution will be returned to the originator.

(2) After graduation: The resolution will be presented, in writing, to every member of the Class Committee. A maximum of two months shall be allowed for Class Committee members to return their votes. With a two-thirds majority vote in which a minimum of 30 members of the Class Committee vote, the amendment will be presented to every regular member of the Class of 1989 in accordance with ARTICLE VIII, Section 2.C.2.

(3) In the event a proposed resolution is not approved by the Class Committee, upon presentation to the Class Secretary of a petition, signed by at least one-tenth of the regular members of the Class of 1989, requesting a class vote on the resolution, it shall be presented in writing to every member of the Class of 1989 for their approval. Voting procedures will be in accordance with ARTICLE VIII, Section 2.C.2.

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BY-LAWS OF THE CONSTITUTION FOR THE CLASS OF 1989

ARTICLE I - Duties of the Permanent Class Officers

Section 1. The permanent Class President shall coordinate the affairs of the class, presiding at class functions and meetings, and preside over the Class Committee. The President will coordinate and conduct the voting of the Class Committee, and shall serve as President of the Executive Council.

Section 2. The permanent Class Vice-President shall assist the President and preside in the President's absence. The Vice-President shall serve as Vice-President of the Executive Council.

Section 3. The permanent Class Secretary shall maintain records of the affairs and business of the Class of 1989 as well as assist the President in any administration pertinent in the class. The Secretary ensures minutes are kept of Class Committee meetings, keeps members of the Class Committee posted on class affairs and business, and forwards copies of the minutes to the Installation Commander for approval.

Section 4. The permanent Class Treasurer shall attend to the finances of the Class Fund and maintain records of all transactions. The Treasurer shall make such disposition from the Class Fund as are authorized by the Constitution, and ensures that the most recent balance of the Class Fund and a record of transactions over the most recent year shall be published annually in the Assembly Magazine. The Treasurer will ensure that the records are audited annually in accordance with the provisions of AR 210-1.

Section 5. The permanent Class Historian shall maintain the class archives and all permanent records of significance to the Class of 1989. The Historian is also to record and report class activities through the class column in the Assembly Magazine and ensure publication of class obituaries. Additionally, the Historian will direct the preparation and maintenance of the Class Locator.

ARTICLE II - Duties of Class Committee

Section 1. The Class Committee is organized to successfully accomplish the business of the Class of 1989. In general, it is to reflect the opinions of the Class of 1989 at large.

Section 2. Specific duties of the members of the Class Committee prior to graduation include:

- a. Solicit the opinions of the Class of 1989 at large on all issues pertinent to the class.
- b. Keep their cadet company classmates informed of class activities.

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Section 5. All decisions which are placed before the class, except those involving major monetary transactions, as described in ARTICLE VII, Section 5 of this Constitution, will be determined by majority vote of the regular members of the class. Major monetary transactions will be decided by a two-thirds vote of the regular members of the class.

a. Before a major monetary transaction involving the Class Fund may be effected, a two-thirds majority vote of the Class Committee in favor of said transaction must be obtained. The proposal shall then be presented to the regular members of the class for approval in accordance with the voting procedures of the By-Laws.

b. If a major monetary transaction does not have two-thirds approval of the Class Committee, it shall be presented to the regular members of the class for approval after presentation to the Class Secretary of a petition signed by one-tenth of the regular members requesting such a class vote.

ARTICLE V - Subcommittee Procedures

Section 1. Issues of importance to the Class as a whole, or to the Class Committee itself, shall be referred to subcommittees for a detailed fact finding investigation before the issue is presented to the decision-making body. Subcommittees will not be empowered with decision making authority.

Section 2. Subcommittees will consist of a minimum of one representative per Regiment and one Class Officer. Membership on subcommittees may include members from the class at large, as well as Class Committee Representatives.

Section 3. The Class President may directly appoint a Chairman for each subcommittee, or he/she may allow the Chairman to be elected by a vote of the Class Committee, or the members of the subcommittee.

Section 4. The Chairman of the Class Committee and the Chairman of the Subcommittee shall have the authority to replace subcommittee members.

Section 5. As a minimum, the following subcommittees will be established and function as required while the Class of 1989 are cadets:

a. Finance: This subcommittee will be chaired by the Treasurer. The committee will be responsible for financial planning for matters pertaining to the Class of 1989 Class Fund.

b. Election Subcommittee: This subcommittee shall establish procedures for, and supervise the execution of, the election of permanent Class Officers.

c. Automobile Subcommittee: This subcommittee shall observe the meeting of the Class of 1989 Class Automobile Committee, its planning, and procedures, for ultimate implementation by the Class of 1989.

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- c. Assist the permanent class officers in all class functions, particularly class meetings and reunions.
- d. Administer all elections.
- e. Prepare and maintain the Class Locator for their respective companies.
- f. Prepare and distribute appropriate correspondence on matters concerning the Class of 1989.
- g. Furnish a class representative for any official duty or function required.
- h. Set up subcommittees as needed to coordinate class affairs.
- i. Before graduation, they shall perform duties listed in USCC Administrative Memorandum 15-1, Class Committees.

ARTICLE III - Impeachment/Resignations Procedures

Section 1. Permanent Class Officers and Class Committee members may be impeached for the following reasons:

- a. Extended negligence of assigned duties.
- b. Failure to demonstrate a desire to serve in the best interest of the Class of 1989.

Section 2. Negligence is defined as any dereliction of duty that is related to one's Class Committee responsibilities or that results in an inability to perform in the best interest of the efficient operation of the Class Committee or in an inability to properly represent the members of the Class of 1989.

Section 3. Any regular member of the Class of 1989 may ask for impeachment proceedings against a permanent officer or Class Committee member. A request, in writing, must be submitted to the Class Committee in order to obtain the proceedings. Such a request must include the explicit reasons which necessitate impeachment.

Section 4. The Class Committee will then designate a subcommittee to investigate the matter, which will present its findings to the entire Class Committee.

Section 5. A two-thirds vote of the Class Committee against the impeached member is required to obtain removal from office. Removal from office will be in the form of a mandatory resignation from office.

Section 67 Class Officers and Class Committee members may resign by presenting a formal, written letter of resignation from office to the Class President.

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Section 7. The vacated office will then be filled as provided for in these By-Laws, ARTICLE IV, Section III.

ARTICLE IV - Voting Procedures

Section 1. Before graduation, the Class Committee or the Class of 1989, whichever shall constitute the voting body, shall be called together for the vote. The vote then shall take only one day.

Section 2. After graduation, voting will almost always, of necessity, be conducted by mail. To account for this, the time allotted to conduct the vote will be 2 months from the time that the vote is initiated for votes by the Class Committee, and 4 months for votes by the class as a whole.

Section 3. An election to fill a vacant permanent class office shall proceed as follows:

a. Before graduation, elections to fill vacant class offices shall be governed by ARTICLE IV, Section 1 of THESE By-Laws.

b. After graduation:

(1) The Class Committee shall nominate at least three but no more than five candidates to fill the vacated office.

(2) Those candidates who accept their nomination must be voted on by the Class Committee.

(3) The voting shall be considered initiated when ballots are issued to all voting member of the Class Committee.

(4) The candidate receiving the plurality of the votes within the prescribed time shall be declared the victor and assume the duties of that office. A minimum of two-thirds of the members of the Class Committee must vote to validate the election.

Section 4. An election to fill a vacancy in the Class Committee shall be conducted as follows:

a. All members of the affected cadet company shall be notified.

b. Nominations from within the cadet company will be taken.

c. Voting will be conducted within the cadet company. The candidate receiving the plurality of votes shall be declared the victor and become a member of the Class Committee. A minimum of two-thirds of the members of the company must vote to validate the election.

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d. Fund Transfer Committee: This subcommittee shall recommend the procedures for transferring the Class Fund to the custodianship of the Association of Graduates.

e. Class Constitution: This subcommittee will be responsible for ensuring that the Class Constitution is updated as required, and that the class business is executed in accordance with the Class Constitution.

f. Class Gift Subcommittee: This subcommittee shall be responsible for recommending a concept of operations to guide the class in presenting class gifts.

g. In accordance with USCC Admin Memo 15-1, separate subcommittees shall be established to plan for the execution of the following events, or class responsibilities:

- (1) Yearling Winter Weekend
- (2) 500th Night Weekend
- (3) Engineers vs. Coats Football
- (4) Ring Weekend
- (5) 100th Night Weekend
- (6) Graduation Weekend
- (7) Fourth Class System
- (8) Fourth Class Elections

Section 6. Subcommittee Chairmen will be responsible for:

a. Ensuring that their subcommittee conducts a detailed, unbiased, fact finding investigation of their area of responsibility and present the facts and recommendations to the Class Committee as directed by the Class Committee.

b. Ensuring that each of the four Regiments have representation on the subcommittee.

c. Ensuring that minutes of meetings are kept to include attendance records for subcommittee members.

d. Completing an after action report.

e. Replacing, or recommending the replacement of, subcommittee members who are not functioning or participating in the best interests of the subcommittee.

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Section 7. Not later than Spring of 1989, the Class Committee shall meet to determine which, if any, standing subcommittees shall exist after graduation.