

BYLAWS OF

The HAMS Harm Reduction Network, Incorporated.

A Nonprofit Corporation in New York State

PREAMBLE

The HAMS Harm Reduction Network, Inc is structured as a constitutional democratic republic which espouses the principles of harm reduction as defined by organizations such as The United Kingdom Harm Reduction Alliance and The Harm Reduction Coalition. The HAMS Harm Reduction Network, Inc supports each member in their individual goal vis a vis their use of alcohol or other mood altering substances whether that goal be safer use, reduced use, moderate use, or abstinence. Better is always better.

The HAMS Harm Reduction Network, Inc is ultimately the property of the membership and not the administration. The membership of The HAMS Harm Reduction Network, Inc will have input into its policies and governance in a lawful manner as described in the body of this document.

ARTICLE 1 - PURPOSES

The purposes of The HAMS Harm Reduction Network Inc--hereinafter referred to as the Corporation--are:

- 1) To provide support to individuals who wish to reduce or eliminate the harm in their lives caused by the use of alcohol or other mood altering substances. Support is provided by means of online resources such as email groups, forums, and chat rooms as well as other electronic resources. Support is also provided by means of live meetings. Each support group whether live or online shall have at least one facilitator who shall be an employee of the corporation. Each support group--whether live or online--shall have its own bylaws and officers. The Corporation shall keep a listing of live meeting facilitators and the live meetings with which they are associated.
- 2) To support any goal chosen by the individual member whether that goal be harm reduction, abstinence or moderation. The Corporation and its attendant support groups never prescribe a goal for an individual member vis a vis alcohol or drug use.
- 3) To disseminate information to the public regarding harm reduction and information about substance use and abuse.
- 4) To provide information to individuals who use alcohol or other mood altering substances about ways and means to reduce the harm in their lives associated with the use of these substances.
- 5) To provide support to anyone affected by the alcohol or drug use of another person.

ARTICLE 2 - NAME

The names HAMS and The HAMS Harm Reduction Network shall be available for use by any group whether live or online recognized by the Corporation as practicing the principles of HAMS as defined by the 14 elements of HAMS which can be found on the Corporation's web site. Any groups using the name HAMS or The HAMS Harm Reduction Network, Inc must have at least one facilitator who shall be an employee of the corporation. No group using the name HAMS shall charge fees or dues. Professionally led groups charging fees shall identify themselves as "HAMS friendly" as specified in Article 6 below.

ARTICLE 3 - OFFICES

The registered office of the Corporation shall be located in the state of New York. The Corporation may have any number of offices at such places as the Board and Officers may determine.

ARTICLE 4 - SEAL

The Seal of the Corporation shall be in such form as the Board may determine.

Except as otherwise required by statute, the affixation of the Seal shall not be necessary to the valid execution, assignment, or endorsement by the Corporation of any instrument in writing.

ARTICLE 5 – MEMBERSHIP

A member of the Corporation is defined as a natural person who meets any one of the three following criteria:

- 1) The person is a member of an email list or forum governed by the Corporation and has made a minimum of three posts totaling a minimum of 200 words.
- 2) The person is registered with a chat room governed by the Corporation and has sent at least one message per chat in a minimum of three chats.
- 3) The person has attended a minimum of three live meetings.

All rights of any member who has ever been placed under disciplinary action are revoked until those rights are explicitly reinstated by the Corporation through one of its officers.

Each ancillary group of the Corporation shall contain in its bylaws explicit provisions for the revocation and reinstatement of membership rights which shall be modeled on the bylaws for the HAMSHRN Yahoo group which are found in the appendix.

Members who feel that they have been treated unfairly by the facilitator(s) of an ancillary group have the right to appeal to core officers of the Corporation.

Rights of the members of the Corporation include proposing changes in bylaws of the Corporation, voting in general elections, proposing the creation of new officers or directors of the Corporation, and proposing the impeachment of officers or directors of the Corporation. Any member may request that a board meeting be convened.

There shall be no membership fees or dues for members of the corporation.

ARTICLE 6 – GROUPS

An ancillary group is defined as a body of members who meet together either in person or via electronic resources such as a chat room or email group.

HAMS ancillary groups are support groups whose primary purpose must be to achieve at least one of the five goals stated in Article 1. Groups formed for other purposes such as purely social purposes shall not be recognized as official organs of the Corporation.

Each ancillary group of the corporation shall be under the direction of at least one officer of the Corporation known as a facilitator. All facilitators shall be under contract to the Corporation. An email indicating acceptance of the contract is considered binding—a signature is not required. Facilitators may choose to identify themselves only by email address rather than by full name.

Any natural person wishing to form a live or electronic HAMS meeting shall apply to the corporation via phone, fax, email, or regular mail. Barring any difficulties the person applying shall be made a facilitator and officer of the corporation.

Each ancillary group shall have its own bylaws. These bylaws must include provisions for members to vote in local elections, to propose amendments to the bylaws and user policies of the ancillary group, to propose the creation of new officers of the ancillary group, and to propose impeachment proceedings of officers of the ancillary group.

Ancillary groups are intended to be self supporting through member contributions which cover fees such as room rental or payment for forum or chat hosting.

The Corporation may at its discretion make up a shortfall for an ancillary group. The ancillary groups may at their discretion pass on a surplus to the Corporation.

There shall be no membership fees or dues for members of the ancillary groups.

All ancillary groups shall be lay led. Professionals wishing to teach the principles of HAMS shall apply to the Corporation for the status of an associated group. Professionals wishing to lead a HAMS ancillary group shall do so as laymen only.

The facilitator of an ancillary group shall make a semi-annual accounting report available to the Corporation.

These reports shall be due no later than June 31 and December 31.

All ancillary electronic groups such as chat rooms or forums shall be paid for with a debit card from a bank account owned by the Corporation.

The Corporation shall not govern any HAMS group. All groups shall have the equal status of ancillary groups. The Directors of Electronic Resources shall however have passwords and billing information for all electronic ancillary groups.

All HAMS Yahoo groups shall have as a co-owner one email address which is owned by the Directors of Electronic Resources.

The Directors of Electronic Resources shall not govern any electronic group. The sole functions of the Directors of Electronic Resources are to see that bills are paid for electronic resources, to recruit new Facilitators when old Facilitators leave office, or to shut down groups which have been abandoned or which no longer represent the principles of HAMS.

Ancillary groups may own and operate their own web sites. When these sites are approved by the board of directors they shall be linked from the HAMS Corporate web site. Passwords to these sites must be shared with the Directors of Electronic Resources.

Facilitators of ancillary groups which maintain a web site shall immediately inform the Executive Director of any changes made in these web sites.

Associated groups may be formed by professionals who wish to teach the principles of HAMS for a fee. These groups shall not refer to themselves as HAMS meetings or meetings of the HAMS Harm Reduction Network. Professionals leading such groups must clarify to their clients that HAMS meetings are free and lay led, and that these are professionally led groups which teach the principles of HAMS. Professionals must apply to the Corporation for permission to create an associated group. Associated groups shall be listed on the HAMS web site.

Lay led affiliated groups may be formed which are friendly to the ideas of HAMS. These groups shall not charge fees. These groups shall be listed on the HAMS web site as affiliated groups. These groups shall apply to the Corporation for the status of affiliated groups

The Corporation may also at its discretion choose to list other organizations not connected to HAMS on its web site.

ARTICLE 7 - BOARD OF DIRECTORS

The business and affairs of the Corporation shall be managed under the direction of the Board. The powers of the Corporation shall be exercised by, or under the authority of, the Board, except as otherwise provided by statute, these Bylaws, or a resolution of the Board.

Each Director shall be a natural person of full age who need not be a resident of the New York state.

The Board shall consist of not fewer than three Directors. There is no maximum number of directors.

The board shall meet semiannually. Additional board meetings may be called as required. Any officer of the Corporation may call for a board meeting at his own discretion if so requested by a member.

The duties of the board shall be:

- 1) To review the finances of the Corporation.
- 2) To ratify proposed changes in the bylaws of the Corporation.
- 3) To review the content of the Corporations website and official literature.
- 4) To elect new board members.
- 5) To conduct impeachment proceedings.
- 6) To review any proposed policy changes proposed by members which are presented to the board by the officers of the Corporation.
- 7) To ratify the appointment of new officers.
- 8) To ratify changes in the assignment of duties of an officer of the corporation. Neither the Executive Director nor any other officer of the corporation shall arbitrarily change the duties of office assigned to an officer of the corporation.
- 9) To ratify new local groups as a part of the Corporation.

Each Director shall hold office for a term of 5 years and until his or her successor has been elected and qualified or his or her earlier death, resignation, or impeachment. Directors may serve any number of successive terms.

Any director or core Officer of the corporation may nominate a person for election as a director. Nominations need not be seconded.

Directors shall be elected by a simple majority vote of a quorum of the Board

Vacancies in the Board, including vacancies resulting from an increase in the number of Directors, shall be filled by a majority of the remaining Directors though less than a quorum. Each person so elected shall be a Director to serve until the next Board meeting when a replacement shall be elected.

Any Director may be removed from office without assigning any cause by the vote of a majority of the Board at any meeting of the Board.

Any Director may resign at any time by giving written notice to the Corporation. The resignation shall be effective upon receipt by the Corporation or at such subsequent time as may be specified in the notice of resignation.

Directors shall not be compensated for serving on the board.

Every Director shall be entitled to one vote.

There is no proxy voting.

Board meetings may be held in a password protected chat room or via conference call instead of in person.

ARTICLE 8 - MEETINGS OF DIRECTORS

Meetings of the Board may be held at such place within or without the state of New York as the Board may appoint or as may be designated in the notice of the meeting. Meetings may be held electronically rather than in person.

Unless the Board provides by resolution for a different time and date, the semi-annual meetings of the board, for the election of Directors, the election of officers, or the transaction of any other business which may be brought before the meeting, shall be held January 31 and July 31. Notice of the regular meetings need not be given.

Immediately after each election of Directors, the newly constituted Board shall meet for the purposes of the ratification of Officer appointments or the transaction of any other business.

Special meetings of the Board may be called by the any core Officer or by any Director and shall be held at such time and place as shall be designated in the call for the meeting. Five days' notice of any special meeting shall be given to each Director pursuant to Article 11 or by telephone. Such notice shall state the time and place of such special meeting but need not state the purpose of the special meeting.

A quorum for the transaction of business is obtained when at least three directors and a majority of the board is present. The acts of a majority of the Directors present at a meeting at which a quorum is present shall be the acts of the Board.

In the event that the number of Directors on the Board numbers less than three a quorum is obtained when all members are present. In this event the Board shall conduct no business until new directors are chosen such that the number of Directors comprising the Board is at least three.

One or more Directors may participate in a meeting of the Board or a committee thereof by means of conference telephone, interactive computer network, or similar communications equipment by means of which all persons participating in the meeting can communicate with each other.

Every meeting of the Board shall be presided over by the Executive Director of the Corporation. The Secretary or, in the absence of the Secretary, a person appointed by the Executive Director, shall act as Secretary. The Treasurer or, in the absence of the Treasurer, a person appointed by the Executive Director, shall act as Treasurer.

Any action which may be taken at a meeting of the Directors may be taken without a meeting, if a consent or consents in writing, setting forth the action so taken, shall be signed by all Directors and filed with the Secretary of the Corporation.

Any member or peripheral Officer may request any core Officer or any Director to convene a meeting of the Board. Any core Officer or Director may convene a meeting of the board.

ARTICLE 9 - OFFICERS

The core Officers of the Corporation shall consist of an Executive Director, a Program Director, a Secretary, a Treasurer, a Webmaster, and two Directors of Electronic Resources. The peripheral officers of the Corporation shall consist of Facilitators of ancillary meetings and other offices which the core Officers may see fit to implement. Any number of offices may be held by the same person. The Executive Director may only create a new core Office with consent of the Board by majority vote. New peripheral offices created by the Executive Director shall be reviewed and ratified by the Board at the next Board meeting. In accordance with New York state statute law the office of secretary and the office of Executive Director may not be occupied by the same person.

The officers shall be natural persons. The officers may be, but are not required to be, Directors of the Corporation.

The core Officers of the Corporation shall be appointed by the Executive Director and these appointments shall be ratified by a majority vote of the Board at any meeting of the Board and each shall serve at the pleasure of the Board. The peripheral officers of the Corporation shall be appointed by the Executive Director or by an Officer designated by the Executive Director. Appointments of peripheral Officers shall be reviewed by the Board at the next Board meeting.

Any Officer may be removed from office without assigning any cause, by a majority of the Board at any meeting of the Board.

Any Officer may resign at any time by giving written notice to the Corporation. The resignation shall be effective upon receipt by the Corporation or at such subsequent time as may be specified in the notice of resignation. Officers leaving the Corporation are encouraged to nominate their own replacements.

In the event that the office of Executive Director is empty the Board shall elect a new Executive Director.

The Executive Director shall be the chief executive officer of the Corporation and shall have general supervision over the business and operations of the Corporation, subject to the control of the Board. The Executive Director shall execute, in the name of the Corporation, deeds, mortgages, bonds, contracts, and other instruments authorized by the Board, except in cases where the execution thereof shall be expressly delegated by the Board or by the Executive Director to some other officer or agent of the Corporation. In general, the Executive Director shall perform all duties incident to the office of Executive Director and such other duties as may be assigned by the Board. The Executive Director shall attend all meetings of the Board and shall function as chair.

The Program Director shall be consulted for all decisions regarding the HAMS program.

The Secretary shall attend all meetings of the Board. The Secretary shall record all votes of the Board and the minutes of the meetings of the Board in a book or books to be kept for that purpose. The Secretary shall see that the required notices of meetings of the Board are given and that all records and reports are properly kept and filed by the Corporation. The Secretary shall be the custodian of the Seal of the Corporation and shall see that it is affixed to all documents to be executed on behalf of the Corporation under its Seal. In general, the Secretary shall perform all duties incident to the office of Secretary and such other duties as may be assigned by the Board or the Executive Director. The Secretary shall have the option of using chat transcripts for minutes if the Board meeting is held in a chat room owned by the Corporation. Such transcripts shall be printed out, signed, and dated by the Secretary.

The Treasurer shall have custody of corporate funds and securities and shall keep full and accurate accounts of receipts and disbursements in books belonging to the Corporation. The Treasurer shall have full authority to receive and give receipts for all money due and payable to the Corporation, and to endorse checks, drafts, and warrants in its name and on its behalf and to give full discharge for the same. The Treasurer shall deposit all funds of the Corporation, except such as may be required for the current use, in such banks or other places of deposit as the Board may designate. In general, the Treasurer shall perform all duties incident to the office of Treasurer and such other duties as may be assigned by the Board or the Executive Director.

The Webmaster shall be responsible for the form and content of the Corporate web site. Minor changes such as the correction of misspellings etc. may be made by the Webmaster without requiring approval. All major changes to the web site must be approved by a general election of the membership. The procedure for this is as follows: the Webmaster shall create a sample page which is not linked from the Corporate web site. The webmaster shall post a link to this site on the HAMS yahoo group located at <http://health.groups.yahoo.com/group/hamshrnl> and a general election shall be held. A simple majority vote shall constitute approval of the changes in the corporate web site. The form and content of the web sites of any ancillary HAMS groups shall be the responsibility of the ancillary group and not of the Corporate Webmaster. However the web sites of ancillary groups must be approved by the Board of Directors as conforming to the principles of HAMS and the passwords to these sites must be shared with the Directors of Electronic Resources.

The Directors of Electronic Resources shall have passwords and billing information for all chat rooms, forums, email groups, etc. which constitute ancillary online groups of the Corporation. The Directors of Electronic Resources shall also have passwords to all web sites operated by the Corporation and to the Corporation's Paypal account(s). The Directors of Electronic Resources shall also maintain a Yahoo ID which shall be a co-owner of any ancillary HAMS Yahoo Group. The Directors of Electronic Resources shall not create user policies or bylaws for any HAMS online group nor otherwise govern them. The Directors of Electronic Resources are solely responsible for finding new facilitators for ancillary HAMS online groups or for shutting down abandoned or renegade groups. All ancillary groups are to be self-governed. There shall be two Directors of Electronic Resources.

Facilitators shall govern each ancillary group in accordance with the bylaws of the local group and the bylaws of the Corporation. User policies of a local group shall be set by the Facilitator(s) and members in accordance with the bylaws of the local group. User policies and bylaws of local groups must be in accordance with the Ground Rules and the 14 Elements of HAMS which are included as an appendix here. User policies and bylaws of local groups shall not be set by core Officers of the Corporation nor by the Board of Directors of the Corporation.

Officers of the Corporation may be compensated by the Corporation for their time or for expenses incurred for goods or services obtained for the corporation. The total compensation of Officers for time shall not exceed 20% of the revenue of the Corporation. 80% of the revenue of the Corporation shall be reinvested in the maintenance and growth of the Corporation. Compensation shall be approved by the Executive Director.

All officers of the corporation shall be bound by contract as employees of the Corporation. Real names and signatures are not required to enter into this contract—an email address and an acceptance of terms via email is sufficient.

ARTICLE 10 - ADVISORY BOARD

The Board or a core Officer authorized by the Board may appoint an Advisory Board to counsel the Board with respect to matters relating to harm reduction, moderation, abstinence, drug or alcohol use or abuse, and any other matters as may be determined by the Board.

The Board of Directors shall confirm the members of the Advisory Board at any meeting of the Board and each shall serve at the pleasure of the Board and/or authorized Officer.

Any member of the Advisory Board may be removed from office without assigning any cause, by a majority vote of the Board at any meeting of the Board.

Any member of the Advisory Board may resign at any time by giving written notice to the Corporation. The resignation shall be effective upon receipt by the Corporation or at such subsequent time as may be specified in the notice of resignation.

ARTICLE 11 - NOTICE

Whenever written notice is required to be given to any person, it may be given to such person, either personally or by sending a copy thereof by first class or express mail, postage prepaid, or by telegram (with messenger service specified), Telex, or TWX (with answer back received), or email (with answer back received), or courier service, charges prepaid, or by facsimile transmission, to his or her address (or to his or her Telex, TWX, or facsimile number) appearing on the book of the Corporation or, in the case of Directors, supplied to him or the Corporation for the purpose of notice. If the notice sent by mail, telegram, or courier service, it shall be deemed to have been given to the person entitled thereto when deposited in the United States mail, or with a telegraph office or courier service for delivery to that person or, in the case of Telex, email or TWX, when dispatched. A notice of meeting shall specify the place, day, and hour of meeting and any other information required by the Act. Except as otherwise provided by the Act or these Bylaws, when a meeting is adjourned, it shall not be necessary to give any notice of the adjourned meeting, or of the business to be transacted at an adjourned meeting, other than by announcement at the meeting at which such adjournment is taken.

Whenever any written notice is required to be given, a waiver thereof in writing, signed by the person or persons entitled to the notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of notice. Neither the business to be transacted at, nor the purpose of, a meeting need be specified in the waiver of notice of the meeting.

Attendance of a person at any meeting shall constitute a waiver of notice of the meeting, except where a person attends a meeting for the express purpose of objecting, at the beginning of the meeting, to the transaction of any business because the meeting was not lawfully called or convened.

ARTICLE 12 - CONFLICTS OF INTEREST

A contract or transaction between the Corporation and one or more of its Directors or officers or between the Corporation and any other corporation, partnership, association, or other organization in which one or more of its Directors or officers are directors or officers, or have a financial interest, shall not be void or voidable solely for such reason, or solely because the Director or officer is present at or participates in the meeting of the Board which authorizes the contract or transaction is authorized, or solely because his, her, or their votes are counted for that purpose, if:

1. the material facts as to the relationship or interest and as to the contract or transaction are disclosed or are known to the Board and the Board in good faith authorizes the contract or transaction by the affirmative votes of a majority of the disinterested Directors even though the disinterested directors are less than a quorum; or
2. the contract or transaction is fair as to the Corporation as of the time that it is authorized, approved, or ratified by the Board.

Common or interested Directors may be counted in determining the presence of a quorum at a meeting of the Board which authorizes the contract or transaction

ARTICLE 13 - INDEMNIFICATION

The corporation shall, to the extent legally permissible, indemnify each person who may serve or who has served at any time as an officer, director, or employee of the corporation against all expenses and liabilities, including, without limitation, counsel fees, judgments, fines, excise taxes, penalties and settlement payments, reasonably incurred by or imposed upon such person in connection with any threatened, pending or completed action, suit or proceeding in which he or she may become involved by reason of his or her service in such capacity; provided that no indemnification shall be provided for any such person with respect to any matter as to which he or she shall have been finally adjudicated in any proceeding not to have acted in good faith in the reasonable belief that such action was in the best interests of the corporation; and further provided that any compromise or settlement payment shall be approved by a majority vote of a quorum of directors who are not at that time parties to the proceeding.

The indemnification provided hereunder shall inure to the benefit of the heirs, executors and administrators of persons entitled to indemnification hereunder. The right of indemnification under this Article shall be in addition to and not exclusive of all other rights to which any person may be entitled.

No amendment or repeal of the provisions of this Article which adversely affects the right of an indemnified person under this Article shall apply to such person with respect to those acts or omissions which occurred at any time prior to such amendment or repeal, unless such amendment or repeal was voted by or was made with the written consent of such indemnified person.

This Article constitutes a contract between the corporation and the indemnified officers, directors, and employees. No amendment or repeal of the provisions of this Article which adversely affects the right of an indemnified officer, director, or employee under this Article shall apply to such officer, director, or employee with respect to those acts or omissions which occurred at any time prior to such amendment or repeal.

ARTICLE 14 - SEMIANNUAL REPORT

The Executive Director and Treasurer shall present the Board at its semiannual meeting a report, verified by the Executive Director and Treasurer or by a majority of the Board, showing in appropriate detail the following:

1. The assets and liabilities, including trust funds, of the Corporation as of the end of the fiscal year immediately preceding the date of the report.
2. The principal changes in assets and liabilities, including trust funds, during the year immediately preceding the date of the report.
3. The revenue or receipts of the Corporation, both unrestricted and restricted to particular purposes, for the year immediately preceding the date of the report, including separate data with respect to each trust fund held by or for the Corporation.
4. The expenses or disbursements of the Corporation, for both general and restricted purposes, during the year immediately preceding the date of the report, including separate data with respect to each trust fund held by or for the Corporation.

The semiannual report of the Board shall be filed with the minutes of the annual meetings of the Board.

ARTICLE 15 - TRANSACTION OF BUSINESS

The Corporation shall make no purchase of real property nor sell, mortgage, lease away, or otherwise dispose of its real property, unless authorized by the vote of two-thirds (2/3) of the Board. If the real property is subject to a trust, the conveyance away shall be free of trust and the trust shall be impinged upon the proceeds of such conveyance.

All checks or demands for money and notes of the Corporation shall be signed by such officer or officers as the Board may designate.

ARTICLE 16 - CORPORATE RECORDS

The Corporation shall keep at its registered office or at its principal place of business (a) an original or duplicate record of the proceedings of the Board, (b) the original or a copy of its Bylaws, including all amendments thereto to date, and (c) appropriate, complete, and accurate books or records of account.

ARTICLE 17 - AMENDMENTS

Any amendments to the Bylaws of the Corporation which would transfer powers from the membership or the ancillary groups to the Board of Directors or to the Officers of the Corporation must be approved by a two thirds majority of the membership voting in a general election.

Any other amendments to the Bylaws of the Corporation may be amended by a majority vote of the Board at any meeting after written notice of such purpose has been given.

ARTICLE 18 – GENERAL ELECTIONS

General elections shall be held using the polling feature of the HAMSHRN Yahoo group located at <http://health.groups.yahoo.com/group/hamshrn> .

All members wishing to vote in general elections must join this yahoo group even if they choose to be set at “no mail”.

All active members not under disciplinary action are welcome to vote. An active member is one who has made at least three posts to a forum or yahoo group totaling at least 200 words or who has attended at least three live meetings or three chats and participated.

Polls will be set to close automatically at the end of one week unless otherwise specified.

ARTICLE 19 – RATIFICATION

The bylaws of the Corporation shall be ratified by a simple majority vote of the membership. The poll shall open September 4 2007 and shall close September 28 2007.

ARTICLE 20 – THE CORPORATE WEB SITE

The Webmaster shall be responsible for maintaining the Corporate web site. All major changes in the Corporate web site must be approved by a general election by the membership. The webmaster shall submit sample pages to the membership for approval via the email groups and forums.

ARTICLE 21 – COMMITTEES

Committees may be created by the Executive Director. Committee members shall be appointed by the Executive Director. The creation and membership of all such committees shall be ratified by a majority vote of the Board of Directors.

ARTICLE 22 – THE LITERATURE COMMITTEE

All official HAMS literature must be approved by a literature committee created as per Article 21.

However, fliers for ancillary group meetings or bylaws for ancillary groups or descriptions for ancillary yahoo groups etc. shall all require the approval of the Executive Director, but shall not be subject to approval by the literature committee.

ARTICLE 23 – RIGHT OF APPEAL

Any member who feels that he or she has been wrongly disciplined by a Facilitator of an ancillary group may make an appeal to an appeals committee which shall be formed as per Article 21. In the event that such a committee has not yet been formed the member may appeal directly to the Board of Directors or any core Officer.

ARTICLE 24 – EVOLUTION

The HAMS program is intended to evolve and change with experience and with the publication of new research. All members in good standing are welcome to make suggestions for changes to the HAMS Literature Committee or to the Webmaster. Changes approved by the Literature Committee or Webmaster and the Board shall be incorporated into the official HAMS literature and/or web site.

ARTICLE 25 - FUNDRAISING

The Corporation intends to solicit contributions from persons both natural and corporate, members and non-members, via email, regular mail, live interaction or any other means of communication in order to fund such projects as advertising, distributing information to the public, etc as well as to pay for normal operating expenses.

The Corporation also intends to apply for grants both from the government and from corporate persons.

The Corporation also reserves the right to engage in any other fundraising activities which are sanctioned by the laws of the State of New York and the regulations of the IRS.

The Corporation shall obtain all necessary permissions from the State of New York and the IRS in order to engage in such fundraising activities.

ARTICLE 26 – INTELLECTUAL PROPERTY

The HAMS Harm Reduction Network, Incorporated (hereinafter referred to as the Corporation) shall engage the services of various individuals (who may be members, non-members, or employees of the Corporation) to produce Official Literature for the Corporation. Official Literature must be approved by the Literature Committee. The Official Literature of the Corporation shall be the intellectual property of the Corporation. Revenues generated by Official Literature shall accrue to the Corporation. Official Literature may consist of printed materials, web pages, software, ebooks, or any other

media which the Corporation deems appropriate for Official Literature. Author credit for Official Literature may be given if desired.

Unsolicited materials submitted by anyone to the corporation for use as Official Literature shall become the intellectual property of the Corporation if accepted by the Corporation. The rights to any materials rejected by the Corporation shall be the intellectual property of their creators.

All individuals are welcome to do research on the Corporation and to write materials about the Corporation and the program of the Corporation. All materials whether written by employees, member, or non-members of the Corporation shall be the intellectual property of the authors—except in the case of Official Literature.

Material which are not Official Literature of the Corporation shall not represent themselves as Official Literature of the Corporation.

All other materials which do not infringe on copyrights of the Corporation shall be the intellectual property of their creators.

The Corporation reserves the right to accept donations of intellectual rights to materials produced by anyone.

Revenues produced by intellectual property owned by the Corporation shall be used for the operation of the Corporation.

All posts to email lists or message boards operated by the Corporation shall remain the property of the author unless the author specifically grants rights to reproduce said posts to the Corporation via email or regular mail.

ARTICLE 27 - MISCELLANEOUS

The fiscal year of the Corporation shall begin on the first day of August and end on the last day of July.

The singular when used in these Bylaws shall also refer to the plural, and vice versa, as appropriate.

In interpreting these Bylaws, the headings of articles shall not be controlling.

APPENDIX – THE BYLAWS AND USER POLICY OF THE HAMSHRN YAHOO GROUP

HAMSHRN YAHOO GROUP BYLAWS

PREAMBLE

The hamshrn Yahoo group is a free and independent constitutional democratic republic which shall be governed by its membership in a manner consistent with the bylaws of The HAMS Harm Reduction Network Incorporated.

In order to insure that this independence is maintained and that the affairs of hamshrn are always conducted in a fair and just manner according to due process of law we hereby establish these bylaws

THE NAME

Hamshrn refers to the Yahoo group located at <http://health.groups.yahoo.com/group/hamshrn> .

GOVERNING STRUCTURE OF HAMSHRN

The governing structure of hamshrn consists of two bodies: the co-moderators and the voting membership.

All members in good standing may vote in polls including co-moderators.

A member in good standing is defined as a member who has made at least three posts totaling at least 200 words to the yahoo group and who has never been subject to disciplinary action.

The co-moderators are three in number consisting of 2 co-owners and one moderator. In case of a disagreement between the two co-owners the moderator casts a tie-breaking vote.

THE POWERS OF THE CO-MODERATORS

In order to prevent trolling of the list the co-moderators are empowered to exercise control over all the "edit member" functions of the group. A majority vote of the co-moderators is required before action is taken unless a state of emergency has been declared. The co-moderators are also empowered to exercise control over switching membership type from open to restricted. Under no circumstances should hamshrn be made "invitation only".

Incidents of trolling are to be dealt with in accordance with the section TROLLING below.

Auto-send files must be approved by a majority vote of

the co-moderators.

Group Description and Appearance may be changed with approval of a majority vote of the co-moderators.

Co-moderators should consult with each other before approving pending messages sent by members under moderated status.

POWERS OF THE MEMBERSHIP

The membership shall be allowed to revise policy such as the policy on use of curse words at any time by a simple majority poll vote. The membership is also empowered to propose constitutional amendments which must be approved by a two thirds majority.

Policy is defined as the content of the User Policy.

Constitutional amendments concern the content of the Constitution—i.e. these bylaws.

POWERS OF THE INDIVIDUAL CO-MODERATORS

Any co-moderator may invite new members and approve new members without consultation with other co-moderators.

JOINT POWERS

Any changes in the Group Settings which consist of * Membership * Web Tools * Messages must be approved by a majority vote of the co-moderators confirmed by a two thirds majority vote of the members. The one exception is the power to switch from open to restricted membership which shall be the exclusive right of the co-moderators and also subject to the exercise of EMERGENCY POWERS. Under no circumstances should this group ever be made "Invitation Only".

EMERGENCY POWERS

Any co-moderator may choose to declare a state of emergency when he/she deems that a circumstance requiring immediate action has arisen. It is incumbent upon the co-moderator declaring the state of emergency to apprise the other two co-moderators via email before taking action. Action may be taken

immediately without awaiting replies. However it is necessary that the action taken be confirmed or dis-confirmed by a vote of the other two co-moderators after the fact.

Typical circumstance which justify a co-moderator include things such as a member posting racial hate speech, sexual predation, or death threats to the email list, in the files section, etc.

Each co-moderator must use his/her own best judgment in exercising emergency powers; the action taken will after the fact be either approved or disapproved by a vote of the other two co-moderators.

USE OF WEB TOOLS

All members in good standing may use web tools freely. Members in good standing may freely add

- # Files
- # Photos
- # Links
- # Databases
- # Polls
- # Calendar events

Members in good standing may also freely make use of the promote feature.

MEMBERSHIP LIST AND ARCHIVE

All members may view the membership list and archive. The archive, calendar and links are not to be made publicly viewable.

POLL VOTES

All poll votes concerning list policy, constitutional amendments, and other legislative matters shall be held open for one week then closed unless otherwise specified in the constitution or in policy.

CONSTITUTIONAL AMENDMENTS

Any member in good standing of hamshrn may propose a constitutional amendment to hamshrn by simply posting a poll. If

at the end of the voting period a two thirds majority is in favor the amendment shall be passed. Polls posted by members not in good standing shall be deleted by one of the co-moderators

GROUP DELETION

The group hamshrn shall only be deleted on unanimous vote of the co-moderators confirmed by a poll vote with a 90% majority of the voters at the close of voting.

CO-MODERATOR SUCCESSION

When a co-moderator decides to resign the choice of a successor must be made by a unanimous vote of the three co-moderators before the resignation takes effect.

In case of complete an permanent unavailability of the third co-moderator (such as in the case of death) a unanimous vote of the two remaining co-moderators is required to decide succession.

TROLLING

Trolling is defined here as deliberate and consistent disruption of the group by people seeking attention rather than help.

Whether or not something is an instance of trolling will be decided on a case by case basis by vote of the co-moderators. A majority vote will result in the appropriate disciplinary action.

Hamshrn reserves the right to inform other ancillary HAMS groups about incidents of trolling. If hamshrn is informed of an incidence of trolling by another ancillary HAMS group hamshrn reserves the right to take action against the offending party.

DISCIPLINARY ACTIONS

These are described in the User Policy.

REVOCATION AND REINSTATEMENT OF MEMBER RIGHTS

All rights of members who have been placed under any disciplinary action (including a formal letter of warning) shall be revoked until the member submits a letter of apology to

the yahoo group which the co-moderators of the yahoo group determine is adequate for the reinstatement of rights.

The only exception to this is the Right of Appeal as defined in the bylaws of the Corporation which shall never be revoked.

Informal requests from the co-moderators shall not be construed as disciplinary actions.

Formal letters of warning must contain the words "Formal letter of warning" in the subject line. Formal letters of warning shall be submitted to the yahoo group and may be posted to the individual as well.

RATIFICATION

A simple majority vote of the members of hamshrn is sufficient for ratification. The poll shall open September 4, 2007 and remain open until September 28, 2007.

HAMSHRN YAHOO GROUP USER POLICY

WHAT WE ARE ABOUT

We are here to support each other in the reduction of harm caused in our lives by alcohol or other substances. We believe that the person most capable of choosing a goal concerning the use of alcohol or other substances is the individual.

We support all goals ranging from abstinence to moderation to harm reduction.

Better is always Better.

THE HAMS GROUND RULES

HAMSters are expected to treat each other with mutual respect and dignity. There is no room in HAMS for discrimination based on race, color creed, or gender.

HAMSters offer support to fellow HAMSters--not judgments or diagnoses. Let us all work together to keep this a place where people can feel comfortable sharing their problems without fear.

Anyone seeking support for an improved relationship with alcohol or drugs is welcome to participate in HAMS. Visitors from other approaches are welcome so long as they do not proselytize.

We have found that telling others what has worked for us is generally a lot more helpful than telling others what they ought to do. Hence we encourage people to post with the first-person "I" rather than the second-person "you".

It is generally better to avoid posting under the influence. However, we realize that many people may need to feel a need to post even when under the influence; hence this is not strictly forbidden. Everyone should feel free to post when they have a need even if they have been drinking.

HAMS is not a place to express personal animosities against others. It is a place to support each other. To steal a phrase from the steppers "principles before personalities".

It is not good manners to tell tales out of school but remember that there can be no confidentiality guaranteed for anything said online. We suggest you choose an alias to post under. But those who pass on tales outside of the group are only hurting themselves. So to twist a stepper phrase "it is better for you that what you hear here stays here".

Trolls will not be tolerated in HAMS.

OFF TOPIC (OT) POSTS

This group is more than just a collection of tips on how to reduce drinking. It is a therapy group/family. For many people here the "Off Topic" posts actually constitute the greatest part of the therapeutic process. For many the fun on the list serves as a replacement for what they used to think was the "fun" of drinking.

However, we recognize that some members may have a limited amount of time to spend on the list and hence we request that all "Off Topic" posts include the "OT" marker in the subject line.

DEBATING, CURSING, AND OFF COLOR HUMOR

Debating, cursing, and off color humor are actually good things when used in moderation. Humor is the glue which holds HAMS listbies together and a few well chosen expletives can help make a vent far more cathartic than one written in language fit for the NY Times. We are, after all, a support group for problem drinkers, not a Sunday School supper. A healthy respectful debate can prove informative to all.

However, list members are expected to bear in mind the core values of Compassion, Pragmatism, Personal responsibility, and Self-Knowledge when posting to this group. Topics which are exceedingly risqué or inflammatory are best posted to the dead horse group rather than to this one. Invective

or personal attacks have no place here either.

Here we rely primarily on members using their own consciences in deciding what to post here, with perhaps an occasional nudge from another listbie when someone is out of line. Trolling is dealt with below.

TROLLING

Trolling is defined here as deliberate and consistent disruption of the group by people seeking attention rather than help.

Whether or not something is an instance of trolling will be decided on a case by case basis by vote of the three list admins (i.e. the list's two co-owners and the list's moderator). A majority vote will result in the appropriate disciplinary action.

SPAM

An individual making a first post on an unrelated subject may be designated by any co-moderator as a spammer and may be removed by any co-moderator without requiring a vote.

Proponents of other programs shall not be considered spammers. However, they may be subject to discipline as trolls as defined above.

DISCIPLINARY ACTIONS

A first offense of trolling will result in the issuance of a formal letter of warning. A second offense will result in a three days suspension from the list. A third offense will result in a weeks suspension. A fourth offense will result in a permanent ban.

Alternatively the co-moderators may choose to place the offending party on moderated status.

EMERGENCY POWERS

Any list admin may place an immediate ban on a member for egregious behaviors such as death threats or sexual predation. In such a case the other two admins will later review the situation and decide whether to uphold or overturn the ban. Emergency powers have constitutional status.

In no case should this power be invoked lightly.

No major administrative change shall be made in the hamshr yahoo group without a poll vote by the membership.

The Bylaws of The HAMS Harm Reduction Network, Incorporated were approved by a unanimous vote of the membership of the Corporation and the Board of Directors of the Corporation on September 28, 2007.

The Bylaws of HAMSHRN Yahoo Group were approved by a unanimous vote of the membership of the Corporation and the Board of Directors of the Corporation on September 28, 2007.

Signed September 28, 2007 by

Kenneth Anderson – Executive Director