



Department of Ohio Plan of Action

CONSTITUTION & BYLAWS

CHAIRMAN

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REPORT DUE: April 15, 2022

Department Report Form

This Form should be attached to each narrative that is submitted for information, Citation of Merit requirements and possible Department award. Please fill out the information as completely and accurately as possible. A Unit must submit a this report form with boxes completed and answer the questions below in order to earn the Citation of Merit. Narrative- word count must follow directions given in award guidelines. Simple or elaborate stories will be accepted as a report.

Please complete the following. Be sure to give the complete name of your Unit: _____

District _____	Unit # _____	Unit Membership Goal _____	Unit Membership Total As of Report _____		
Name of Person Completing Report: _____			Unit Chair. _____	Unit Pres. _____	_____
Phone # _____	Email _____	Membership ID (if available) _____			
Specific Award Name(if applicable) _____					

Answer the following Questions in your narrative.

Narrative must be typed written in narrative form.

Narrative must not exceed 1,000 words. (Can be fewer words if program dictates)

Narrative may include photographs and news articles.

- When was the last annual review of your Unit Constitution, Bylaws, and Standing Rules at the Unit level? _____
- Please list the date of the last approval of your Unit Constitution, Bylaws, and Standing Rules by the Department Constitution & Bylaws Chairman? _____
- Does your Unit hold meetings in accordance with your Bylaws? _____
- Was the Department template useful? Please explain. _____
- After the update of your Constitution and Bylaws, how did you inform your members? _____
- Do all members of your Unit have a copy of the Unit Constitution, Bylaws, and Standing Rules? _____

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CONSTITUTION AND BYLAWS

Key Program Statements

- The Constitution & Bylaws program informs and educates members of the American Legion Auxiliary on the importance and power of having properly written and regularly reviewed and updated governing documents at all levels of the organization.
- Your governing documents include your articles of incorporation (if incorporated), constitution, Bylaws, standing rules, and policies.
- These fundamental rules of the organization state how the membership agrees to govern itself, how it will choose its leaders, hold its meetings, and policies of the administration of the organization.
- Knowing the non-profit laws in your state provides the essential foundation for your governing documents at the department, district, county, and unit level.
- The importance of having governing documents in place to allow operations to continue in an emergency has become absolutely vital.
- Keeping your governing documents up to date and making them available to all members are key to a healthy organization that functions as a team to support our veterans, military, and their families.
- Remember that department, district, county, and unit constitution, Bylaws, and standing rules cannot be in conflict with national governing documents.
- When the national constitution, Bylaws, and standing rules change, departments, districts, counties, and units should automatically update their governing documents.
- Contact your Department Constitution & Bylaws Chairman for assistance. The National Association of Parliamentarians is a good resource to find a professional registered parliamentarian near you.

1. **Objective Goal:** Constitution

- Action Step:** Select a review committee
- Action Step:** Name and location (including city and state)
- Action Step:** Purpose, mission membership
- Action Step:** Authority and procedures

2. **Objective Goal:** Bylaws

- Action Step:** Select a review committee
- Action Step:** Board members and officers
- Action Step:** Election procedures
- Action Step:** Quorum

3. **Objective Goal:** Standing Rules

- Action Step:** Select a review committee
- Action Step:** Time, date, and location of meeting
- Action Step:** Yearly dues
- Action Step:** Make up and duties of committees

4. **Objective Goal:** Change/Update

- Action Step:** Constitution and Bylaws read to body twice before vote
- Action Step:** All required signatures on last page
- Action Step:** Send to Department Chairperson for approval

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Constitution, Bylaws, and Standing Rules

All organizations are organized and conduct business and mission service according to the organization's governing documents. In ALA, the vital governing documents are its Articles of Incorporation – its Constitution; its Bylaws – its fundamental structure and fundamental rules; and its Standing Rules – its process and detailed rules that “stand” for all to follow yet can be amended as frequently needed to keep the unit functioning well.

Units determine how their Constitution and Bylaws will be written and adopted, including key provisions of its governance structure including offices, the number of officers, terms, the composition of the governing board, the minimum required meetings per year, who can call meetings, and how, what constitutes a quorum, roles, and responsibilities, etc. However, nothing in the unit’s Constitution and Bylaws can conflict with or oppose anything in the ALA Department and National Constitution and Bylaws. Remember Constitution and Bylaws should align with the national organization's mission and general overall structure and function.

Complying with your governing documents (Constitution and Bylaws and Standing Rules) is critical. Any decision that does not follow the provisions outlined in the Constitution and Bylaws are unconstitutional and therefore invalid. Decisions made by the unit that do not follow its Constitution and Bylaws could be ruled invalid if challenged in a court of law. A unit's decisions and actions that are contrary to the Constitution and Bylaws can have serious consequences. A pattern of decisions and acts contrary to a unit’s Constitution and Bylaws or severe violations of its Constitution and Bylaws can be grounds for a lawsuit and/or suspension or revocation of the unit’s charter.

Constitution

The Constitution is the unit’s Articles of Incorporation. It is a legal document that states the fundamental reason the unit was incorporated and its core structure. The Constitution is the first document you file with your state when incorporating; it is the founding documents of your unit. The Constitution is the core purpose and structure of the unit and should rarely be amended.

Bylaws

Bylaws describe how your unit governs itself. Bylaws are also a legal document. Therefore, Bylaws are fundamental rules on governance and should not be frequently amended. It is recommended that Bylaws only be amended every five (5) or ten (10) years.

Standing Rules

Standing Rules are more “process-focused” and more specific and administrative than Bylaws. Standing Rules provide details about provisions in the Bylaws. In addition to the Constitution and Bylaws, Standing Rules are also important. They must be followed, but they have the flexibility to be amended more frequently as needed to maintain the unit's effectiveness.

NOTE: If there is ever a conflict between your governing documents, the Constitution supersedes Bylaws, and Bylaws supersede Standing Rules. Your governing body or Bylaws committee must review the governing documents periodically to ensure that the Constitution, Bylaws, and Standing Rules are compatible and do not conflict with each other or with the Department or National Constitution, Bylaws, and Standing Rules.

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RESOURCES

- American Legion Auxiliary, Department of Ohio: www.alaohio.org
Go to Department/Programs/Constitution & Bylaws
- American Legion Auxiliary, National website: www.ALForVeterans.org
Go to website to locate the National Constitution, Bylaws, and Standing Rules
- Robert's Rules of Order, Newly Revised: <https://robertsrules.com>

Year-End Reports

Year-End Reports reflect the annual program work of units. Each Constitution & Bylaws Unit Chairman is required to submit a narrative report by **April 15, 2022**, to the Department Constitution & Bylaws Chairman, at the address found on the cover page of this plan of action.

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CONSTITUTION OF

(Unit Name)

(District Number, Unit Number)

**American Legion Auxiliary
Department of Ohio, Inc.**

(Unit Address)

(Today's Date)

PREAMBLE

For God and Country, we associate ourselves together for the following purposes; to uphold and defend the Constitution of the United State of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in all Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and goodwill on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to participate in and contribute to the accomplishment of the aims and purposes of The American Legion; to consecrate and sanctify our association by our devotion to mutual helpfulness. *(Mandatory, use exact wording).*

ARTICLE I

Name

Section 1. The name of this organization shall be (Unit Name) Unit No. () American Legion Auxiliary, Department of Ohio, Inc.

ARTICLE II

Nature

Section 1. The American Legion Auxiliary is a civilian patriotic service organization of women that supports the mission of The American Legion.

Section 2. The American Legion Auxiliary shall be absolutely non-political and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

Section 3. The object of (*Unit Name) Unit No. (), American Legion Auxiliary, Department of Ohio, Inc. shall be as stated in the Preamble of the Constitution.

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ARTICLE III

Eligibility

(Exact wording must be used throughout Article III Eligibility)

Section 1. Eligibility for membership in the American Legion Auxiliary is determined by The American Legion. The eligibility requirements from The American Legion governing documents shall be provided as a footnote to this Constitution for information purposes and shall be updated as appropriate.¹

¹ Membership in the American Legion Auxiliary shall be limited to the: (1) Grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion; and (2) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who served in either of the following periods: April 6, 1917, to November 11, 1918 and any time after December 7, 1941 who being a citizen of the United States at the time of their entry therein served on active duty in the Armed Forces of any of the governments associated with the United States during either eligibility periods and died in the line of duty or after honorable discharge; (3) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who were in the Armed Forces of the United States during either of the following periods: April 6, 1917, to November 11, 1918; and any time after December 7, 1941 who served on active duty in the Armed Forces of the United States during either eligibility periods and died in the line of duty or after honorable discharge; and (4) to those women who of their own right are eligible for membership in The American Legion.

Section 2. There shall be two classes of membership, Senior and Junior. Senior membership shall be composed of members eighteen years or older; provided, however, that a wife under the age of eighteen years, who is eligible under Section 1 of this Article shall be classed as a senior member.

- (a) Junior membership shall consist of that group under the age of eighteen years, whose activities shall be supervised by the Senior membership. Upon reaching the age of eighteen years, Junior members shall automatically be admitted into Senior membership with full privileges.
- (b) Dues of both classes shall be paid annually or for life.

Section 3. Each Unit of the American Legion Auxiliary shall be the judge of its own membership subject to the restrictions of the Constitution and Bylaws, except that no person who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence or who subscribes to the principles of any group opposed to our form of government shall be eligible to become and remain a member of the American Legion Auxiliary.

Section 4. A member may belong to only one Unit at the same time.

ARTICLE IV

Unit Officers and Elections

Section 1. The Unit shall elect, at a meeting in May, a President, First Vice-President, Second Vice-President, Secretary and Treasurer for a term of one year. These officers shall be installed immediately following elections or at a meeting held as soon as possible. Officers elect shall not take over the duties of their Unit offices before being installed into the offices to which they have been elected in accordance with provisions for "Installation of Officers" in the current Unit Guidebook. *(Mandatory)*

Section 2. In order to participate in the election of Unit officers, a member shall have paid his/her dues for the current fiscal year within which the election is held. *(Mandatory, use exact wording).*

Section 3. The Unit shall (elect or appoint) a Sergeant-at-Arms, Historian, and Chaplain.

Section 4. The Executive power shall be vested in an Executive Committee comprised of the President, First Vice-President, Second Vice-President, Secretary, Treasurer and at least three (3) additional members-at-large elected by the Unit. The term of office for members of the Executive Committee will be one year.

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Section 5. An audit report shall be presented for approval at a regular meeting prior to the installation of new officers.

Section 6. Each officer, committee chairman, and committee member of a Unit shall be a member of the Unit he/she is serving. *(Mandatory, use exact wording)*.

Section 7. The office of Secretary may be combined with that of Treasurer and called "Secretary-Treasurer".

ARTICLE V Amendments

Section 1. This Constitution may be amended by a two-thirds vote of the members present at a regular Unit meeting, provided the entire membership has been notified of the proposed amendments by medium of the press, Unit notice, or _____ and also read at the previous meeting. *(Mandatory)*

Section 2. This Constitution shall be automatically amended to conform to the National and Ohio Department Constitution and Bylaws, Standing Rules and Policy Statement of the American Legion Auxiliary. *(Mandatory, use exact wording)*.

Section 3. The Constitution and Bylaws committee has the authority to make technical changes for readability.

Section 4. This Constitution shall be reviewed annually by a committee of three or more members appointed by the President. If there are changes to be made an update will be done in a timely manner.

(a) Any Unit Member may submit additions or changes to the Constitution to the committee.

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BYLAWS

Unit No. _____,
American Legion Auxiliary
Department of Ohio, Inc.

ARTICLE I

Meetings

Section 1. The regular meetings of this Unit shall be held at (place) on (date). *(Mandatory, use exact wording).*

Section 2. The Annual Meeting of the Unit shall be in May for the purpose of electing officers and receiving annual reports.

Section 3. Special meetings of this Unit may be called by the President; by majority of the Executive Committee; or upon written request of members of the Unit.

Section 4. _____ members, one of whom is able to preside, shall constitute a quorum at any meeting of the Unit.

ARTICLE II

Executive Committee

Section 1. The Executive Committee shall be comprised of the President, First Vice-President, Second Vice-President, Secretary, Treasurer, and at least three (3) other members to serve on this committee. This Committee shall act in emergencies between meetings of the Unit and may offer recommendations to be acted upon at the Unit meetings. **This committee shall act during emergencies, such as state and community shutdown, pandemics, etc. until mandated to reopen for business.** All proceedings of said committee shall be presented to the unit at the next regular meeting for approval.

Section 2. A vacancy existing in the Executive Committee from any cause other than the expiration of a term shall be filled by a majority vote of the entire committee. A person so elected shall hold office for the unexpired term of the member he/she succeeds.

Section 3. The President may call a meeting of the Executive Committee as needed or on written request of at least three (3) of its members. Uniform notice of special meetings shall be given to all members of the Executive Committee.

Section 4. A majority of the members of the Executive Committee shall constitute its quorum.

Section 5. Unexcused absence from _____ regular Unit meetings or Executive Committee meetings shall be sufficient cause for removal of an Executive Committee member from office.

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ARTICLE III Duties of Officers

Section 1. The President shall preside at all Unit regular and special meetings and at meetings of the Unit Executive Committee; appoint members of standing and other special committees except the nominating committee; appoint all officers not otherwise provided for with the approval of the Executive Committee; serve as ex-officio member of all committees except the nominating committee; enforce strict observance of the Constitution and Bylaws; bring to the Unit's attention all pertinent communications; and perform such other duties as custom and parliamentary usage require.

Section 2. The First and Second Vice President in the order named, when called upon, shall assist the President and in her/his absence perform her/his duties and shall succeed her/him in office in case of death, resignation or removal and assume such duties as the Unit determines.

Section 3. The Secretary shall conduct all official Unit correspondence; shall keep a record of proceedings and transactions of all Unit and Executive Committee meetings; shall act as custodian of all books, paper, applications, and records; shall keep a roster of names and address of all the members. The Secretary shall send out such notices as are directed by the President; process correspondence of the Unit; keep on file copies of all correspondence sent and received; and perform other such duties as shall be required by the President. In the event of absence of the President, First and Second Vice President, the Secretary shall call the meeting to order and preside until the Unit members select a temporary chairman.

Section 4. The Treasurer shall receive all money belonging to the Unit and to account for them. He/she shall maintain two separate funds, namely a General and a Poppy Fund. All Poppy donations shall be placed in the Poppy Fund and be used to assist the veteran and his/her children. He/she shall keep an accounting of receipts and expenditures, making reports as requested and have a report for annual audit. He/she shall pay over and deliver promptly to the successor all money, voucher, books and papers belonging to the Unit.

Section 5. The Chaplain shall offer prayer at opening and closing of each meeting and perform such duties as the President or custom may direct.

Section 6. The Historian shall compile pertinent records of all Unit and American Legion Auxiliary activities having historical value.

Section 7. The Sergeant-at-Arms shall preserve order at Unit meetings and perform such duties as the President or custom may direct. He/she may be designated as custodian of Unit colors and other property.

ARTICLE IV Finance

Section 1. The Annual dues for Senior and Junior membership shall be determined by vote of membership upon recommendation of the Unit Executive Board. These dues shall include the Department and National per capita, and the Department assessments for Veterans Affairs and Rehabilitation and Children and Youth and are listed in the Unit Standing Rules. The annual Department and National per capita and assessments shall be transmitted to the Department.

Section 2. Dues shall be payable annually for the succeeding calendar year or for life. A member failing to pay such annual dues by January thirty-first of that year shall be classed as delinquent and shall be suspended from all membership privileges. Payment of back dues, after suspension, shall reinstate such member to active

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membership. Any member delinquent to December thirty-first of the year of delinquency shall automatically be dropped from the rolls and may be reinstated only by paying all back dues or by re-establishing eligibility and making application as a new member.

Section 3. The Unit shall transmit annually to Department Headquarters money for coverage by the mandatory National Schedule Blanket Position Bond for the loss of money, securities and other property up to the contracted limit, which the Unit sustains through any fraudulent or dishonest act by handling funds.

Section 4. The President shall appoint an Auditing committee of three members who shall audit the books of the Secretary and Treasurer. This report shall be presented for approval at a meeting prior to the installation of new officers.

Section 5. The Unit is required by the IRS to file a 990N e-post card every year. This shall be done after the election of officers and the closing of the books between the months of June and October at www.epostcard.form990.org. IRS Form 8822-B must be filed if there is a change of address or responsible party on the 990N e-post card.

ARTICLE V

Elections

Section 1. Elections shall be by ballot at the annual meeting in May. A plurality vote shall elect. When there is only one candidate, the ballot may be dispensed with and the nominee elected by voice.

Section 2. The Nominating Committee composed of three members shall be elected by the membership at the regular meeting held in (*month*). The Nominating Committee shall present a slate of officers for the ensuing year at the regular meeting held in (*month*)._____.

ARTICLE VI

Initiation

Section 1. New members should be initiated singly or in groups in accordance with Initiation Ceremony in the current Unit Guidebook.

ARTICLE VII

Committees

Section 1. The following shall be Standing Committees (any combination): Americanism, Children and Youth, Community Service, Education, Finance, Junior Activities, Legislative, Membership, National Security, Poppy, Public Relations, Veterans Affairs and Rehabilitation. (*Mandatory*)

Section 2. A nominating committee shall be elected for the purpose of presenting a slate of officers to the Unit for the ensuing year. (*Mandatory*)

Section 3. The President shall appoint an Auditing Committee of three (3) members who shall audit the books of the Secretary and Treasurer at the close of each term. This report shall be presented for approval at a regular meeting prior to the installation of new officers. (*Mandatory, use exact wording*).

Section 4. Committees shall report as required.

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ARTICLE VIII

Fiscal Year

Section 1. The fiscal year shall extend from _____ to _____.

ARTICLE IX

Discipline

(Exact wording must be used throughout Article IX Discipline)

Section 1. For willful violation of the National, State, Unit Constitution or Bylaws or for conduct improper and prejudicial to the welfare of the American Legion Auxiliary or of The American Legion, any member may be expelled from membership or any Unit officer removed from office by two-thirds of the vote at a Unit meeting duly called for that purpose, after the member shall have been given at least fifteen (15) days written notice by the Unit Executive Committee of the charges and a hearing thereon. Either party may have the right of appeal to the Department Executive Committee and their action thereon shall be final. The expense of said appeal shall be borne by the appellant.

Section 2. Neither this Unit in the Department or any member thereof shall circularize any other Unit or member thereof without the consent of the Department Executive Committee.

Section 3. No member or group of members shall subject this Unit to liability without authorization of the Unit.

ARTICLE X

Parliamentary Authority

Section 1. The Unit shall be governed by the current edition of “Robert’s Rules of Order Newly Revised” on all matters to which they are applicable and not covered by the National, the Department of Ohio and this Unit’s Constitutions and Bylaws, Standing Rules and Policy Statement. *(Mandatory)*

ARTICLE XI

Amendments

Section 1. These Bylaws may be amended by a two-thirds vote of the members present at a regular Unit meeting, provided the entire membership has been notified of the proposed amendments by medium of the press, Unit notice, or _____ and also read at the previous meeting. *(Mandatory)*

Section 2. These Bylaws shall be automatically amended to conform to the National and Department of Ohio Constitution and Bylaws, Standing Rules and Policy Statement of the American Legion Auxiliary. *(Mandatory)*

Section 3. The Constitution and Bylaws committee has the authority to make technical changes for readability.

Section 4. These Bylaws shall be reviewed annually by a committee of three or more members appointed by the President. If there are changes to be made an update will be done in a timely manner.

- a. Any Unit Member may submit additions or changes to the Bylaws to the committee.

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Date Approved by Vote of Unit Membership: _____

Signatures Constitution, Bylaws Committee:

1. _____
2. _____
3. _____

Contact Name & Title: _____

Address: _____

Phone: _____

Email: _____

Accepted and Filed at Department Headquarters:

Date: _____

Department
Chairman's Signature: _____

Department Chairman's Name Printed _____

Note: This must be attached to each Constitution, Bylaws, or Standing Rules submitted to your Department Chairman for approval.