



## UNIFORM POST CONSTITUTION FOR THE AMVETS DEPARTMENT OF OHIO

### Constitution

In accordance with Article IX, Section 10 of the AMVETS National Constitution, AMVETS Department of Ohio abides by the Uniform Department Constitution and By-Laws (Appendix E of the National Constitution). AMVETS Posts in Ohio abide by the AMVETS National Constitution/Bylaws and AMVETS Department of Ohio Constitution/Bylaws.

### PREAMBLE

We, the American Veterans who have served or are serving in the Armed Forces of the United States during and since World War II, fully realizing our responsibility to our community, to our State, and to our Nation, associate ourselves for the following purposes: To uphold and defend the Constitution of the United States; to safeguard the principles of freedom, liberty, and justice for all; to promote the cause of peace and goodwill among nations; to maintain inviolate the freedom of our Country; to preserve the fundamentals of democracy; to perpetuate the friendship and associations of these veterans; and to dedicate ourselves to the cause of mutual assistance, this by the Grace of God.

### Article 1. Amendments

The Constitution may be amended at any State Convention or State Conference by a sixty (60) percent vote of the total authorized voting delegates registered. Proposed amendments must be submitted by a Post, or individual member, to the State Executive Committee and Executive Director 60 days prior to the Conference or Convention in which they are to be presented. and the Director shall notify all Posts and the Constitution and By-Laws Committee members in writing at least thirty (30) days prior to the State Conference or Convention of all proposed changes. The State Constitution and Resolutions Committee shall report the same for action at the State Conference or Convention. The Constitution may, however, be amended by any State Convention, without prior notice, by unanimous vote.

**UNIFORM POST BY-LAWS FOR THE AMVETS DEPARTMENT OF OHIO**

**Article I. Name**

The name of this organization shall be AMVETS Post "*Number,*" Inc. and it shall be hereinafter referred to as the Post.

**Article II. Aims**

The aims and purposes of this organization are as follows:

- To serve our Country in peace as in war; to build and maintain the welfare of the United States of America toward lasting prosperity and peace for all its inhabitants.
- To encourage, in keeping with the policies of our government, the establishment of a concrete plan to secure permanent international peace and to assist in the maintenance of international peace.
- To inspire in our membership a sense of responsibility, and to develop leadership for the preservation of our American democratic way of life.
- To help unify divergent groups in the overall interest of American democracy.
- To train our youth to become purposeful citizens in a democracy with full knowledge of the responsibilities as well as the privileges of citizenship.
- To cooperate with all duly recognized existing veterans' organizations in the furtherance of the aims of the veterans who have served or are serving in the Armed Forces of the United States during and since World War II.
- To ensure the orderly return of the veteran to civilian life by protecting the veteran's rights as an individual while still in uniform.
- To expedite and assist veterans' rehabilitation of the veteran by maintenance of employment services, sponsoring educational opportunities, and providing counsel in matters of insurance, housing, recreation, personal problems, hospitalization, and veterans benefits.
- To function as a liaison agent between the veteran and the Government.
- To provide an organization to encourage fellowship among all American

veterans who have served or are serving in the Armed Forces of the United States during and since World War II.

- To keep the public forever reminded that the veterans of World War II, Korea, Vietnam, and those serving in the Armed Forces of the United States thereafter fought or served to preserve peace, liberty, and democracy for their nation.

### **Article III. Post Organization**

**Section 1** This Post shall be governed by the officers chosen in accordance with this constitution and By-Laws and will annually revalidate its charter prior to July 15th. Such revalidation shall be evidenced by the issuance of a Revalidation Certificate from the National Department upon satisfactory completion of all requirements. Aside from any other requirements imposed in the Department or National Constitution and By-Laws, this Post shall:

- Furnish National and Department Headquarters with a certified list of current Post Officers (AMVETS Officers Form) not later than July 15<sup>th</sup> annually.
- File all required IRS Forms.
- Furnish Department Headquarters with a copy of the Post's current Standing Rules.
- Be fully paid up in all accounts with National and State Headquarters.
- Comply with applicable liability insurance and bonding mandates; and
- Always have a minimum of ten (10) members in good standing.

### **Article IV. Membership**

**Section 1.** Any person who served or is currently serving in the Armed Forces of the United States of America at any time after September 15, 1940, is eligible for regular membership in AMVETS provided such service, when terminated by discharge or release from active duty, be by honorable discharge, honorable separation, or general discharge under honorable conditions.

Any American citizen, as an American citizen, who served in the Armed Forces of an allied nation of the United States at any time after September 15, 1940, and before May 8, 1975, is eligible for regular membership in AMVETS provided such

service when terminated by discharge or release from active duty be by honorable discharge or separation.

No person who is a member of, or who advocates the principles of any organization believing in, or working for the overthrow of the United States Government by force, and no American citizen or permanent resident alien in the United States, one of its territories, possessions or the District of Columbia who refuses to uphold and defend the Constitution of the United States, shall be privileged to become, or continue to be a member of this organization.

All United States Reservist and National Guardsmen who are now serving, or have been honorably discharged since September 15, 1940, are eligible for regular membership in AMVETS provided such service when terminated by discharge or release from active duty be by honorable discharge or honorable separation.

**Section 2.** Honorary Membership shall not be granted after the adoption of this Amendment. In lieu thereof, certificates of merit may be awarded by a suitable inscribed award given to those rendering distinct service to the community and to the American Veterans who have served or are serving in the Armed Forces of the United States during and since World War II.

Such awards may be made by Posts, internal administrative groups, Departments, the National Executive Committee, or National Convention. Awards by Posts and internal administrative groups must be approved by the SEC.

No member of AMVETS shall be entitled to receive a certificate of merit.

**Section 3.** No person shall be a member of more than one Post at any one time.

**Section 4.**

- A. Any member of AMVETS classified as a member-at-large may not hold an elected or appointed office at any level of the AMVETS organization.
- B. No person expelled by one post shall be eligible for membership in another post without the consent of the expelling post or the consent of the State Executive Committee (hereinafter referred to as the "SEC") after hearing an appeal.

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- C. No member may be expelled from membership in AMVETS without due process as provided for in the National Constitution and By-Laws Uniform Code for Suspension or Expulsion of a Member.

**Section 5.** Membership shall run from September 1 through August 31. Eligibility for membership and the rights and privileges of membership shall be as provided in the Constitution and By-Laws and the terms of membership and requirements for holding office within AMVETS shall not be discriminatory based on race, color, religion, sex, or national origin.

**Section 6.** There shall be but one form of membership and that shall be active, regular membership.

### **Article V. Conventions and Conferences**

*Refer to AMVETS Department of Ohio By-Laws page 11.*

### **Article VI. State Executive Committee (SEC)**

*Refer to AMVETS Department of Ohio By-Laws page 11.*

### **Article VII. Delegates to Convention/Conference**

**Section 1.** Delegates to State and National conventions or conferences shall be elected in accordance with the State and National Constitution and Bylaws. The number of delegates will be in accordance with the National and Department delegate strength guidelines.

**Section 2.** Delegates to the State convention or conferences shall be elected in accordance with the State Constitution and Bylaws. At least three weeks prior to the Department Convention, delegates and alternates shall be elected to attend said Conventions.

### **Article VIII. Quorum**

**Section 1.** At all regular and special meetings, at least six (6) members present shall constitute a quorum, providing at least one elected officer is present to preside.

**Section 2.** A quorum at Executive Committee meetings shall consist of five (5) voting members of the committee.

**Section 3.** A quorum of the Board of Trustees meeting shall consist of five (5) voting members of the committee.

### **Article IX. Committees**

**Section 1.** The following standing Committees shall be appointed by the Commander with the approval of the State Executive Committee: Membership, Programs, VAVS/Veterans Welfare, Americanism, Finance, and Legislative. The Post Commander shall appoint a Chairman and such members of the Post to each committee as are necessary to accomplish the Post objectives.

**Section 2.** Temporary committees may be appointed by the Commander to expedite projects for the good and welfare of the Post.

### **Article X. Meetings**

**Section 1.** There shall be three types of Post meetings: the general monthly meeting, special meetings, and the annual meeting. Post members will be notified in advance of all meetings.

**Section 2.** The Executive Board and the Board of Trustees shall meet at least once per month.

**Section 3.** The Post's annual and general monthly meeting shall be conducted at a time and place as designated in the standing rules.

**Section 4.** The order of business in all meetings (except when in executive session) shall be conducted as follows:

- Call the Meeting to Order
- Invocation
- Pledge of Allegiance
- Recitation of AMVETS Constitution Preamble
- Roll Call of Officers
- Finance Report and Canteen Reports Read
- Meeting Opened to Guests/Subordinate Organizations
- Introduction of guests
- Minutes of the Previous Meeting
- Minutes of the Executive Committee Meeting
- Applications for new Members

- Initiation of new Members
- Bills and Communications
- Reports of Officers, Committees and Delegates
- Unfinished Business
- New Business
- Good and Welfare
- Benediction
- Adjournment

**Section 5.** Special meetings may be called by the Commander or by written notice of at least three members of the Post Executive Board, provided proper notification has been given to the membership or to the Executive Board, and provided notice is not less than ten days. At special meetings, members can only discuss business that was stated in the notification. If some emergency business is transacted for which no notice was given, that business must be ratified by the organization at a regular meeting or at another special meeting.

**Section 6.** Special meetings may be called by the chairman of the Board of Trustees or by written notice of at least three members of the Board of Trustees, provided proper notice be sent to all board members. At special meetings, members can only discuss business that was stated in the notification. If some emergency business is transacted for which no notice was given, that business must be ratified by the organization at a regular meeting or at another special meeting.

**Section 7.** All meetings and all matters and proceedings not otherwise provided for herein shall be conducted pursuant to Robert's Rules of Order.

### **Article XI. Election and Appointment of Officers**

**Section 1.** A Commander, three Vice Commanders designated as first, second and third Vice Commanders, Adjutant, Finance Officer, Provost Marshal, and Judge Advocate shall be elect-ed annually by members of the Post. A Chaplain, Historian, Service Officer, and Public Relations Officer shall be appointed annually by the newly elected Commander with the approval of the Executive Committee.

**Section 2.** Three Trustees are to be elected from the membership. At the first annual meeting following the adoption of this amendment, one to be elected for a

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three-year term, one for a two-year term and one to be elected for a one-year term. Thereafter, at the annual meeting one Trustee will be elected to serve a three-year term.

- Section 3.** Nominations for officers shall be entertained at the general monthly meeting one month preceding the annual meeting. The membership of the Post shall be notified of the dates and times for nomination of officers and the election of officers at least 30 days prior to said nominations and election.
- Section 4.** Final nominations and the election of officers shall be held at the annual meeting of the Post between May 1 and June 30, in accordance with the procedure in the Standing Rules. National and Department Headquarters shall be notified of the election of new officers by the Post Adjutant within thirty {30} days, no later than July 15, after the said elections have been completed.
- Section 5.** The term of office for the newly elected and appointed officers shall be July 1 to June 30, and they shall be administered their oath of office prior to assuming the duties of their respective offices.
- Section 6.** Any elected officer or appointed officer who has three {3} unexcused absences from any required meeting will be removed from the office by the members at the next general monthly meeting. The vacated position shall be filled within the guidelines prescribed in the AMVET UPCBL, Article XVII, Sections 1, or 2.

### Article XII. Officers

- Section 1.** Post officers shall consist of a Commander, First Vice Commander, Second Vice Commander, Third Vice Commander, Adjutant, Finance Officer, Provost Marshal, Judge Advocate, Public Relations Officer, Chaplain, Historian, Service Officer, and Quartermaster, and such other officers as may be prescribed by the By-Laws. Elected officers of this Post shall consist of a Commander, not more than three Vice Commanders, Adjutant, Finance Officer, Provost Marshal, and Judge Advocate.
- Section 2.** No officer of any Post can be an employee of that Post since such employment could be a conflict of interest.
- Section 3.** Nomination and Election of officers shall be held annually between May 1 and June 30 at a date fixed by the standing rules. Nominations shall be made from the



floor at the general monthly meeting preceding the annual meeting. The membership of the Post shall be notified of the dates and times for nomination of officers and the election of officers at least 30 days prior to said nominations and election.

### **Article XIII. Post Executive Committee**

- Section 1.** The elected and appointed officers of the Post, and the immediate Past Post Commander able and willing to serve, shall constitute the Executive Committee which will be charged with the administrative affairs and property of the Post. The Executive Committee shall formulate the policy of the organization for approval by the members and review all prior and existing contracts in place within thirty {30} days of taking office, to ensure contracts are beneficial/not beneficial to the Post. Upon review, a decision will be made to continue or terminate contracts.
- Section 2.** Voting members of the Post Executive Committee shall be all Post elected officers and the most immediate Past Commander able and willing to serve as determined by the Executive Committee.

### **Article XIV. Finance**

- Section 1.** The total annual and life dues of this Post shall be as prescribed in the standing rules of which the required amount shall be paid to National and the Department.
- Section 2.** All Post fund raising activities must be approved in advance by the Post Executive Committee. Any fundraising activity which requires entering a contract or if anticipated gross revenues of said activity are expected to exceed \$2,500\*, must be submitted as a proposal through the Department to National Headquarters for approval.
- Section 3.** No public fundraising project or program of any kind or character shall be undertaken by or on behalf of any Post or combinations of Posts or subordinate thereof unless the contract, agreement or other arrangement under which such a project or program is to operate has first been submitted for the prior approval of the department judge advocate and then to a standing committee of the national organization comprised of the president of the National Service Foundation, the national judge advocate and the national commander. The national executive director and the executive director of the National Service Foundation shall be ex-officio members of this committee. The committee shall decide within three

weeks on all matters submitted to it. In the event of an adverse decision by said committee, an appeal may be made to the National Executive Committee at its next session. A public fundraising project is defined as any project or program involving a solicitation or request to non-members of AMVETS for a donation or pertaining to the sale of merchandise, goods, tickets, or advertising matter of any kind or character. In the event of an adverse decision by the department judge advocate, an appeal may be made at the next state executive committee meeting. Its action shall be final. Any fund-raising project or program conducted by a Post or any combination of Posts or subordinates thereof in which there is no other person, firm or corporation involved, and in which such fund-raising project or program is conducted solely by the Post, shall not be deemed to be within the purview of this section, provided that the anticipated gross receipts from such fundraising project or program do not exceed the sum of \$2,500; in the event it is anticipated that the gross receipts will exceed \$2,500 in any fiscal year, then said project or program shall be submitted as described above. Failure of a Post or combination of Posts or subordinates thereof to adhere to the provisions of this section shall be considered grounds for disciplinary action.

**Section 4.** The Finance Officer shall render a report of receipts and disbursements to each meeting of this Post. This office is also responsible for filing all required IRS Forms. Copies of the required IRS Forms shall be sent to the National and Department Headquarters as required by the National Constitution and By-laws.

- National has increased this amount to \$10,000.

**Section 5.** Post officials handling AMVETS funds shall be properly bonded with a good and solvent bonding surety company, acceptable by the U.S. Treasury, as surety to cover the average amount of funds managed in a in a single year.

### **Article XV. Duties of Officers**

#### **Section 1. Post Commander**

- The Commander, as the senior executive officer of the Post, shall preside at all meetings of the Post and executive committee but may delegate a vice commander to serve as a temporary substitute when needed.
- The Commander is an ex officio member of all committees. The commander directs and supervises the activities of all elected and

- appointed officers and committees. Together with the finance officer, the commander is responsible for all monies received by the Post.
- The Commander will ensure that the Post meets regularly on the appointed dates unless otherwise dictated by the Post membership. It is the commander's responsibility to disseminate to the membership all pertinent information that is sent from the Department and National Headquarters. In addition to announcements at Post meetings, all information should be displayed on Post bulletin boards and published in the Post newsletter.
  - The Commander, or a member appointed by the commander, shall represent the Post at memorial services and community functions, where it is customary that AMVETS or a Veterans organization be represented.
  - The Commander shall be the official Post spokesperson on all matters of public interest concerning Post activities. The public relations officer (PRO) may be called on to assist with press releases, position statements and speech preparation. The position of commander is filled in regular elections as prescribed in the Post Standing Rules.

## **Section 2. Vice Commanders**

- The First Vice Commander serves as the membership chairperson, the membership chairman's duties include but are not limited to retention, recruitment, membership incentive programs, and the first vice commander shall chair the membership committee.
- The Second Vice Commander shall be responsible for the VAVS/Veterans Welfare programs conducted by this Post. The second vice commander shall chair the VAVS/ Veterans Welfare committee, which is required to have a minimum of two programs per fiscal year. The second vice commander shall also be the liaison between the AMVETS Department of Ohio V.A.V.S. and this Post.
- The Third Vice Commander is responsible for programs and their promotion. In the absence of the commander, the vice commanders-in order of their rank-shall preside at meetings and represent the commander.

### **Section 3. Adjutant**

- The Adjutant provides the administrative support for the Post and is charged with taking minutes and maintaining all records. The adjutant is also responsible for correspondence. Among the adjutant's responsibilities, the adjutant should:
- Maintain one complete membership primary file.
- Maintain records of current and past officers. Forward a new list of officers to the department and national headquarters within 30 days, no later than July 15, of the election. Any changes made at the Post level must be documented and forwarded to headquarters.
- Notify the department and National Headquarters promptly of a member's change of address, change of membership status, disciplinary action, or death.
- Keep the membership informed of all Post functions and activities. Ensure that all members are notified in advance of the time, place, and date of Post meetings. Take particular care to ensure that all members are properly notified at least 30 days in advance of all elections of officers, changes in Standing Rules, etc.
- Be present at all meetings (or have an assistant in attendance) to record all business transacted. Report on the minutes of the previous Post meeting and executive committee meetings.
- Present all communications and correspondence at regular Post and executive committee meetings.
- File and maintain all pertinent correspondence.
- Maintain separate files for members, correspondence, D&R Forms, as well as for Post publicity and fund-raising programs and any other topics relating to Post activities.

### **Section 4. Finance Officer**

The Post finance officer is the treasurer. The Finance Officer's responsibilities include:

- Receiving membership dues, banking, disbursement of monies and accounting for all Post funds. The finance officer and one other Post officer - usually the commander - sign and countersign all Post checks only after the Post has authorized payment.

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- The Post finance officer should collect all monies due to the Post and keep an account of receipts. The finance officer should see that all Post funds are secured in a bank account. Before a new Post finance officer assumes the duties of office, the previous finance officer must have been given a "clean opinion" by the auditors, the audit committee, or the finance committee.
- The finance officer shall make a financial report at all regular meetings and prepare a complete financial statement and budget for approval at the first general meeting in September. The finance officer should also report to the Post on all receipts collected and, on all bills, outstanding and paid. Major expenditures, and those not within the current budget, should first be reported to the executive committee and at a Post meeting.
- The finance officer will be assisted and guided by a finance committee appointed by the commander with the approval of the executive committee. The primary duty of a finance committee is to provide an annual audit of the books and assist in the preparation of the annual budget. The commander, being a member of all committees by virtue of office, may assist the finance committee.
- Another important function of the finance officer is to coordinate duties relating to membership with the adjutant or membership contact. The finance officer receives and dispenses all money and should work with whoever is responsible for issuing membership cards. At least once each month, the Finance Officer shall transmit to the department any monies collected from dues during the preceding month. Such payment shall be accompanied by transmittal or remittance forms.
- The finance officer or membership contact assumes the responsibility for the membership cards. Each card (and its copies) has a name and/or a serial number and may be filed in alphabetical or numerical order.
- **BONDING** - Bonding is mandated in the National AMVETS Bylaws, Article VII, Section 1: All Post officials handling Post funds shall be properly bonded with a good and solvent bonding and surety company, acceptable to the United States Treasury, as surety to cover the average amount of Post funds, handled by such individual in a single year.

### Section 5. Judge Advocate

- The Post judge advocate is responsible for interpreting the Post's Standing

Rules, Post, State and National Constitution and bylaws (CBL), and to advise the Post on issues that pertain to Robert's Rules of Order.

**Section 6. Historian**

- The historian shall compile and maintain complete historical records of Post activities and will submit a full historical report annually, or as requested.

**Section 7. Provost Marshal**

- The provost marshal is responsible for keeping order at post meetings, for the care of post colors, and for carrying out other duties as assigned.

**Section 8. Service Officer**

General duties of an AMVETS service Officer include the following:

- Sharing information about veterans' benefits at post meetings and other AMVETS functions.
- Referring veterans to an AMVETS National or Department Service Officer or an accredited representative for assistance in filing for veterans' benefits.
- Assisting all Veterans and their dependents in obtaining information and benefits to which they are entitled under law.

**Section 9. Public Relations Officer**

The community will not know of the special and outstanding activities sponsored by AMVETS without being told; therefore, it is the job of the public relations officer (PRO) to spread the word. There are many avenues of publicity available; those found most useful are outlined in the AMVETS Public Relations Manual. The PRO should take advantage of opportunities to enhance the prestige of the Post.

**Section 10. Chaplain**

The Chaplain is a member of the commander's staff and acts as advisor and consultant to the commander in all matters relating to, "Spirituality", morals, and morale as affected by religion. The chaplain assists the commander and the chaplain's staff with integrating the principles of good moral conduct and citizenship in the Post. The chaplain represents "Spirituality", which teaches fortitude, reverence, and justice, as well as

kindness, sympathy, and humility. The mission is to provide - or to see that provisions are made - for the spiritual and moral needs of AMVETS members, their dependents, and constituents. The chaplain should stimulate and guide the growth of a spiritual and moral sense of obligation, to enable a member of AMVETS to be a more faithful citizen and devoted defender of the nation.

### **Section 11. Quartermaster**

The Quartermaster acts as a liaison between the members and the department and national quartermaster. The Post Quartermaster may carry numerous mail order items such as caps and jackets, flags, insignia, decals, AMVETS jewelry and more. The Post Quartermaster should refer to the national Quartermaster Catalog for additional information. For a copy of the Catalog and a price list, the post Quartermaster may contact the national Quartermaster.

## **XVI. Board of Trustees**

- Section 1.** Wherever a Post clubroom is maintained and operated for the convenience and pleasure of its members and the name of AMVETS, or its insignia, is displayed or used, a board of trustees shall be elected by and from among the members of the Post to supervise its activities, operations, and finances.
- Section 2.** The board of trustees shall consist of 3 trustees, Commander, the most immediate Past Commander able and willing to serve as determined by the Executive Board, Adjutant, Finance Officer, and Judge Advocate.
- Section 3.** Members of the Board of Trustees shall be the Chairperson, Vice Chairperson, Treasurer, and Secretary. They shall be elected from among the members of the Board at the first meeting in the month of July. The chairperson shall vote only in the event of a tie. The Board of Trustees will review all prior and existing contracts in place within thirty (30) days of taking office, to ensure contracts are beneficial/not beneficial to the Post. Upon review a decision will be made to continue or terminate the contracts.

## **Article XVII. Vacancies**

- Section 1.** In the event of a vacancy in the office of Post commander, the first vice

commander shall temporarily succeed to that office. Within forty five (45) days, the Post, at a regularly scheduled general monthly meeting, shall nominate, and elect a person to complete the unexpired term of the Post commander.

**Section 2.** In the event of a vacancy in the office of the Post trustee, the Post, within forty-five (45) days, at a regularly scheduled general monthly meeting shall nominate and elect a person to complete the unexpired term of the Post trustee.

**Section 3.** In the event of a vacancy in any Post office regardless of the reason for such vacancy, the commander shall appoint a Post member to fill the vacant office. Such appointment shall follow all the qualifications and restrictions regarding the holding of said office as set forth in any other article of the AMVET UPCBL or standing rules of the Post, except the requirement of election. On approval of the Post Executive Committee, the appointee shall assume all duties and responsibilities pertaining to the office as though elected.

#### **Article XVIII. Procedures for Removal of a Post Officer**

**Section 1.** Any member in good standing of a Post may file charges against an officer of said post. Said charges must be notarized and submitted in writing to the Post Executive Committee.

**Section 2.** Charges may be filed on an officer of a post for any one or more of the following reasons:

- Failure to comply with any obligation imposed on members under the constitution and by-laws.
- Any violation of the law that reflects unfavorably on the name of AMVETS.
- Any other conduct unbecoming an AMVET.
- Ineligibility for membership at the time of acceptance in membership:  
or
- Procurement of membership by fraud or deception.
- Within five (5) days of receipt of said charges, the Post Commander shall send a copy thereof by certified mail to the officer complained about, together with a notice with the date, place, and time of a hearing. Said hearing will not be held sooner than 30 days from the date the certified letter was mailed.



Said charges shall be heard by the Post Executive Committee, at which hearing, the officer complained about shall have the right to be represented by counsel and to cross-examine the accuser or accusers and witnesses presented against the officer. No officer against whom charges have been preferred or who has preferred charges on another officer, shall sit in judgment on any panel hearing or deciding the matter.

**Section 3.** The Post Judge Advocate shall prosecute the charges and the attendance of a court reporter shall be permitted.

**Section 4.** Upon conclusion of the hearing, a vote shall be taken as to whether there is a basis for charges. If no basis is found, charges may be dismissed. If charges are not dismissed, a vote shall be taken as to the guilt or innocence of each of the charges. A two-thirds (2/3) vote of the members of the executive committee hearing the charges shall be required to sustain any charge.

**Section 5.** If charges are sustained, the officer shall be deemed guilty thereof and the officer presiding at the hearing shall then put forth the question of removing the officer from office.

**Section 6.** If the officer is removed from the office by majority vote of the post executive committee, the office shall be filled according to provisions of Article XVII of the Post Uniform Constitution and By-Laws. Said removed officer may appeal the decision of the post executive committee to the state hearing and grievance committee. Said appeal must be submitted in writing to the Department Commander or Executive Director not later than fifteen (15) days after the imposition of the penalty.

**Section 7.** The decision of the appellate body shall be binding and final.

### **Article XX. Discipline of Members**

**Section 1.** The discipline of Post members shall be as provided in the National By-Laws, Article V and the Uniform Code of Procedure for the Suspension or Expulsion of a Member.

**Section 2.**

A. When a post executive board for any reason sufficient to the

Department Commander, the Dept. Judge advocate, and the Dept. Inspector General cannot hear a post violation. The Dept. Commander through the Dept. Judge Advocate or Dept. Inspector General may assign the District Executive Board from the district in which the original complaint originated to hear the proceedings.

- B. Within ten (10) days of receipt of notice the Department Executive Director will notify the Department District Commander and the accused of receipt of the request by the deficient post under section 2a of this Article. The District Commander within five (5) days from receipt of the notice from the Executive Director will notify the Post Commander and accused by Certified mail of the time, date and location of the meeting will be scheduled to hear the case at the next regularly scheduled district meeting that is at least thirty (30) days from the date of the notification mailings. The proceedings will be conducted as set forth under the National Constitution and By-Laws appendix B, UPCBL articles XVIII and XX.

## **Section 2. Appeals**

- A. A member who files an appeal is referred to as an appellant. The appellant must file a Notice of Appeal in writing within 15 days after the imposition of the penalty to the Executive Director of the Department. The Executive Director will present to request to the SEC who will hear the appeal as may be required or assign the appeal to be heard to the District Executive Board from which the original complaint was heard or the Department Hearing and Grievance Committee. The notice must include the specific grounds on which the appeal is predicated. These grounds typically include errors following the Constitution and Bylaws, procedural errors, or due process.
- B. All appeal requests must confirm to CBL Article XX. Section 4.
- C. Appeals on hearing held by the district under Section 2A. of this article will be referenced to the Department Hearing and Grievance Committee, who will hear the appeal where required or refer it to the SEC.

Appeals on post violations heard by the district under section 2A. of this article will be referred to the Department Hearing and Grievance committee or District Executive Board are not trials but only consideration of the statements

of the appellant, the appellee (Post Judge Advocate), witnesses, record of the notarized depositions and written evidence presented to the Grievance Committee and dispositions and written evidence presented to the Grievance Committee and disposition recommendations by must be referred to the SEC for ratification.

All appeals filed under UPCBL Article XVIII will be heard by the Department Hearing and Grievance Committee.

Appeals on hearings heard by the Department Hearing and Grievance committee will be before the SEC.

### **Article XXI. Board of Trustees/Duties**

- Section 1.** The Board of Trustees shall consist of eight (8) members, who shall be members in good standing of this Post. The eight (8) members shall be as described in Article VII of the Post constitution.
- Section 2.** The term of office for the elected trustees shall be for a period of three (3) years, provided, however that in the first election of such trustees, one will be elected for a three-year term, one will be elected for a two (2) year term, and one will be elected for a one-year term. The most Immediate Past Commander, able and willing to serve as determined by the Executive Board, Commander, Adjutant, Finance Officer, and Judge Advocate, as mentioned in Article VI of the Constitution, shall serve on the Board of Trustees for the duration of their term of office.
- Section 3.** For reasons satisfactory to the membership, anyone (1) or all three (3) of the elected Trustees may be removed from office upon a two-thirds (2/3) vote of the members present at a general, specific, or annual meeting of this Post; provided, however, that the trustee(s) in question shall not have a vote as to the removal.
- Any Trustee who is absent for three (3) consecutive meetings of the Board of Trustees, without just cause, will be automatically removed from the office.
- Section 4.** Whenever a vacancy shall occur for whatever reason, the vacated position shall be filled in accordance with the provisions of Article XVII, Section 2, of the AMVET UPCBL.

**Section 5.** Five (5) members of the Board of Trustees shall constitute a quorum for all meetings of this board. A simple majority vote of those members in attendance shall be final and binding on all questions or matters brought to the attention of this board.

**Section 6.** Officers of this Board of Trustees and their election to office shall be as prescribed in Article XI, Section 2 of the AMVET UPCBL.

**Section 7.** Duties of the Board of Trustees shall be as follows:

- house rules shall be drafted by the Board of Trustees and be posted in a conspicuous place in the Post club room.
- Minutes of all Board of Trustees meetings shall be maintained and submitted with the financial statement to the Post each month.
- All records pertaining to this board shall be kept on the post premises.
- No member of the Board of Trustees may be an employee of the Post.
- The Board of Trustees shall make a yearly audit of the Post club room operation and render a report of such audit to the Post at the post annual meeting.
- The board shall review all clubroom purchases, expenses, and income and certify said review by signing the monthly club report.
- The board Chairperson shall be the direct supervisor of the club manager and the club manager shall supervise the club room employees. In the absence of a club room manager, the Board of Trustees shall assume the supervisory duties.
- The board shall be responsible for the physical property of the club and make sure said property is maintained in a good, clean orderly manner always.
- The board shall provide for the proper bonding of employees, and/or agents which it deems necessary to protect the funds that have been entrusted to the board.
- The Board will review all prior and existing contracts in place within thirty (30) days of taking office, to ensure contracts are beneficial/not beneficial to the Post. Upon review a decision will be made to continue or terminate the contracts.
- The board shall enter contracts directly relating to the operation of the club rooms for the following purposes:
  - Securing funds to operate the club room.

- Purchasing materials and supplies to operate the club room as limited to the amount as set forth in the Standing Rules.
- Provide for adequate maintenance and operation of the club room of the organization for approval by the members.
- Review all prior and existing contracts in place within thirty (30) days of taking office, to ensure contracts are beneficial to the post. Upon review a decision will be made to continue or terminate the contracts.
- The compensated Bar/Clubroom/Facility Manager shall not hold elective office or be a member of the board of trustees. The Bar/Clubroom/Facility Manager shall be allowed to attend the meetings of the board of trustees, but shall not have voting authority, as this would constitute a conflict of interest. The Bar/Clubroom/Facility Manager is not authorized to sign any Contracts/agreements on behalf of or binding.

## **Article XXII. Discipline of Members in Club Room**

**Section 1.** The posted rules and regulations in the club room, approved by the Board of Trustees, apply to all members of AMVETS and AMVET guests.

**Section 2.** Any member may prefer charges against any other member for violation of club rules and/ or regulations and charges shall be made in a format as suggested by the Board of Trustees. The charges shall set forth, as near as possible, the date, time, and the basis for all charges within fifteen (15) days of the alleged violation.

- All charges shall be filed with the Board of Trustees.
- Charges shall be heard by a 3-person panel established by the board of Trustees.
- No member against whom charges have been preferred, or who has preferred charges against, shall sit in judgment on any board, committee, or panel deciding the issue.
- Members may be suspended from the use of the Post club rooms by action of the Board of Trustees.
- Any member under suspension of club room privileges shall not be permitted in the Post until termination of the suspension, however, a member that is serving a suspension of club room privileges shall be

- permitted to attend Post meetings but said member must vacate the premises upon completion of the meeting.
- A member who has been suspended from club room privileges may appeal against the suspension to the Board of Trustees within fifteen (15) days in writing. The members may then present their case to the board for consideration.
  - Notification by the Board of Trustees to the member to whom charges have been preferred against, shall be by certified mail within five (5) days of receipt of charges.
  - Guests of members violating the rules and regulations of this Post shall be automatically suspended, and the member held responsible.
  - Members of a subordinate organization may file a letter of complaint with the chairperson of the board of trustees who shall investigate and take appropriate actions as provided for the constitution and bylaws. If the letter of complaint by a subordinate member is against a Veteran and the complaint is not already cosigned by a Veteran member, The Board of Trustees after completing their investigation deems the incident worthy of adjudication by a majority vote, shall direct the post Judge Advocate to sign the letter of complaint previously signed by the subordinate member.

### **Section 3. Appeal**

- A. Appeals on a clubroom violation will be referred to the Department District Commander only if the Post Board of Trustees cannot for any valid reason hear the appeal. Clubroom violation(s) heard by the District Executive board must first have been presented before the posts three member disciplinary panel and that panel's recommendation of punishment must have been upheld or modified by the post Board of Trustees. (If this is not possible the Chairperson of the board of trustees in writing and served to the appellant).
- B. Attached to the Notice of Appeal from the appellant must be the name of witnesses that will be present, the order that they are to be called, notarized statements of witnesses that will not be in attendance and any other evidence or documents. Appeals not submitted or properly prepared in accordance Dept. CBL. Article **XX will** not be considered.

- C. An appeals meeting will be scheduled to hear the appeal at a time designated by the district executive board that is at least 30 days from the date of notifications mailing. The district executive board will conduct the meeting in accordance with UPCBL art. XX/I. Notification of the date time and place of the appeal hearing will be made by the district commander to the appellant by certified mail in accordance with UPCBL art. XX/I.
- D. If after the meeting the district executive board renders a verdict or acquittal its findings in the matter shall be considered binding and final.

### **Article XXIII. Standing Rules**

Standing Rules may be developed by this Post provided such rules are not in conflict with this Constitution and By-laws, the State Constitution and By-laws, or the National Constitution and By-laws. Post Standing Rules are to be reviewed by the Department Judge Advocate annually or when changes are made.

***NOTE:** Examples of standing rules are voting procedures, meeting dates and times, committees not listed in the Constitution and By-laws, those who are eligible to receive delegate fees and reimbursement for expenses to attend State meetings, and any other items incidental to this Post that may not be addressed in this document.*

### **Article XXIV. Subordinate Organizations**

- Section 1.** A subordinate organization of AMVETS may be established only by a provision of the Constitution.
  - All subordinate organizations shall be under the authority of the AMVETS Post whose name it bears.
- Section 2.** All AMVETS subordinate organizations shall follow the same membership year and pay membership dues in concert with the post.
- Section 3.** All subordinate organizations shall be under the authority of the AMVETS Post whose name it bears.
- Section 4.** A two-thirds (2/3) vote of AMVETS members present at a stated meeting is required to approve and form a subordinate organization.
  - AMVETS Post members must be given written notice of each meeting a

minimum of five (5) days prior to the proposed formation.

**Section 5.** No fundraising activities can be sponsored by any subordinate organization without the approval of the AMVETS Post Executive Committee and if paid activities will be held in the Post club room, then approval of the Board of Trustees shall also be required.

**Section 6.** Public Fundraising activities or any fundraising activities of more than \$2500.00 require the prior approval of the AMVETS Department and National organizations in compliance with National By-Laws, Article VII, Section 3(A).

### **Article XXV. Sad Sacks**

**Section 1.** AMVETS recognizes a subordinate organization known as AMVETS Sad Sacks.

**Section 2.** Membership in Sad Sacks shall be limited to members in good standing of AMVETS.

**Section 3.** The Sad Sacks of this post shall submit to the Finance Officer semiannually a complete itemized report of the financial standing of the Sad Sacks.

### **Article XXVI. Auxiliary**

**Section 1.** The AMVETS Department of Ohio recognizes a subordinate organization known as the AMVETS Auxiliary.

**Section 2.** Membership eligibility in the AMVETS is limited to:

- A. Mothers, wives, and grandmothers regardless of age and to the daughters, sisters, and granddaughters not less than eighteen (18) years of age of regular members of AMVETS.
- B. Mothers and widows, regardless of age and daughters, sisters, and granddaughters not less than eighteen (18) years of age of deceased veterans who would have been eligible for membership in AMVETS.
- C. Female veterans who are members of AMVETS.

**Section 3.** Any Auxiliary member who qualifies and joins as a member under the criteria in Section 2 (a), (b), or (c) shall be allowed to remain as an Auxiliary member so long as she remains a member in good standing.

**Section 4.** The post Adjutant shall determine membership eligibility of the veteran through whom the Auxiliary has made application.



- Section 5.** The Auxiliary of this post shall submit to the Finance Officer semiannually a complete itemized report of the financial standing of the auxiliary.
- Section 6.** A female veteran who is not eligible for the AMVETS shall not be eligible for membership in the AMVETS Auxiliary.

**Article XXVII. Junior AMVETS**

- Section 1.** The AMVETS Department of Ohio recognizes a subordinate organization known as Junior AMVETS.
- Section 2.** Membership eligibility for Junior AMVETS is limited to those from the age of seven (7), to and including seventeen (17) years, all sons, daughters, brothers, sisters, and grandchildren of AMVETS, deceased members of AMVETS, members of the auxiliary and deceased servicemen who would have been eligible for AMVETS membership, including all children for whom they are legal guardians.
- Section 3.** The Junior AMVETS of this Post **shall submit** to the Finance Officer semiannually a complete itemized report of the financial standing of the Junior AMVETS.

**Article XXVIII. Sons of AMVETS**

- Section 1.** The AMVETS Department of Ohio recognizes a subordinate organization known as Sons of AMVETS.
- Section 2.** Membership eligibility for the Sons of AMVETS shall be limited to all male descendants, grandsons, adopted sons and stepsons, fathers, husbands, widowers, and brothers of members of AMVETS and deceased members of AMVETS, or service personnel who died and would have been eligible for membership in the parent AMVETS organization, and are at least eighteen (18) years of age and not eligible for membership in the parent organization. This is not to include in-laws of any type.
- Section 3.** The applicant for the Sons of AMVETS must be at least 18 years of age and cannot be a member of nor be eligible for membership in the parent organization of AMVETS.
- Section 4.** Any person who has served in the Armed Forces of the United States of America, National Guard or Reserves, shall not be eligible for the Sons of AMVETS.

**Section 5.** The Post adjutant shall determine membership eligibility of the veteran through whom the son's member has made application.

**Section 6.** The Sons of this Post shall submit to the Finance Officer semiannually a complete itemized report of the financial standing of the Sons.

### **Article XXIX. AMVETS Riders**

**Section 1.** The AMVETS Department of Ohio recognizes the subordinate organization known as AMVETS Riders.

**Section 2.** Eligibility for membership in the AMVETS Riders shall be limited to members in good standing of AMVETS, AMVETS Ladies Auxiliary and Sons of AMVETS.

**Section 3.**

- A. The AMVETS Riders shall be under the control of the national commander and the National Executive Committee, if nothing contained in this section shall in anyway remove the jurisdiction, given to the national organization and the department over corresponding chapters of the AMVETS Riders.
- B. Each AMVETS Riders chapter shall be under the jurisdiction of the department whose name it bears. Approval must be obtained from the Department Executive Committee before an AMVETS Riders chapter can be formed. Each chapter of AMVETS Riders shall be identical in geographical limits to its respective AMVETS department and be known and identified by the same name.
- C. Where no AMVETS department exists, an AMVETS Riders chapter may be formed by a Post under the jurisdiction of the National Headquarters.
- D. Each AMVETS Riders chapter shall formulate a Constitution and Bylaws within 30 days of formation. Said Constitution and Bylaws shall contain no less language than contained in the generic AMVETS Riders Constitution and Bylaws provided by National Headquarters.

**Section 4.** All books and records of the AMVETS Riders shall be made available on request to the corresponding department commander or State Executive Committee for either examination or audit.

**Article XXX. Resolutions**

**Section 1.** All resolutions adopted by this Post shall be forwarded to the Judge Advocate at Department Headquarters.

**Section 2.** A simple majority vote of AMVET members present is required to pass any resolution.

**Article XXXI. Amendments**

These Bylaws may be amended at any State Convention or State Conference by a sixty (60) percent vote of the total authorized voting delegates registered. Proposed amendments must be submitted by a Post, or individual member, to the State Executive Committee and Executive Director 60 days prior to the Conference or Convention in which they are to be presented. and the Director shall notify all Posts and the Constitution and By-Laws Committee members in writing at least thirty (30) days prior to the State Conference or Convention of all proposed changes. The State Constitution and Resolutions Committee shall report the same for action at the State Conference or Convention. The Constitution may, however, be amended by any State Convention, without prior notice, by unanimous vote.

**END UPCBL**