



No. Resolution R20-17 (Revised)
Subject: Amend Department Constitution, Article V., Section 5., Department Fiscal Year
Origin: Department Finance Committee and Department Ad Hoc Constitution & By-Law Committee
Approved: Proposed April 2020 and approved by Department Executive Committee December 5, 2020

WHEREAS, The American Legion Department of Ohio on an annual basis seeks to practice and follow the best financial management and financial policies in place when handling the finances of the Department of Ohio for the membership; and

WHEREAS, The American Legion Department of Ohio on an annual basis also seeks to practice and follow the best financial management and financial policies in place for the financial reporting and financial transactions required by the Department to the Federal, State, and Local financial agencies which the Department is required to by law as well as financial transactions required by the Department to the National American Legion Headquarters; and

WHEREAS, The time frame and calendar deadlines of many financial reporting periods; filing of financial documents; and financial transactions established by Federal, State, and Local financial agencies which the Department is required to follow and report to change by these agencies as well as time frames and calendar deadlines of financial transactions required from the Department to the National American Legion Headquarters also change; and

WHEREAS, Article V – Section 5 of the Department Constitution currently reads: AMENDMENT V – SECTION 5: The fiscal year of the Department shall be from August 1 to July 31.

WHEREAS, The amendment in its' current form, locks the Department into a Fiscal calendar year which at times makes it difficult for the Department to meet financial reporting and financial transaction deadlines of agencies and the National American Legion which fall outside these Fiscal Year dates but yet pertain to this Department Fiscal calendar year; now, therefore be it

RESOLVED, That the Department Finance Committee in conjunction with the Department Executive Committee; the Department Treasurer; the Department Fiscal Officer; and the Department Adjutant be granted the authority to establish the dates of the Department Fiscal Year annually based on the current financial reporting and financial transaction policies and deadlines existing at that time from reporting agencies; and, be it finally;

RESOLVED, That ARTICLE V – SECTION 5 of the Department Constitution be amended to read as follows:

ARTICLE V – SECTION 5: The dates of the Department Fiscal Year shall be established annually by the Department Finance Committee, Department Executive Committee; Department Treasurer; Department Fiscal Officer; and Department Adjutant.

No. Resolution R20-18 (Revised)
Subject: Amend Department By-Laws, Article IV: Discipline
Origin: Department Ad Hoc Constitution & By-Law Committee and Department Judge Advocate
Approved: Department Executive Committee March 14, 2021

WHEREAS, Section 1, Article IV of the By-Laws of the American Legion, provides that “Each Post of the American Legion shall be the judge of its own membership, subject to the restrictions of the Constitution and By-Laws”; and

WHEREAS, Section 2, Article IV of the By-Laws of the American Legion, as amended in 2019, provides that “A post may expel or suspend a member from the American Legion only after providing the member due process and a proper showing of cause. Charges shall be based on disloyalty, neglect of duty, dishonesty, and/or conduct unbecoming a member of The American Legion. All charges must be made under oath in writing by the accusers, and no member in good standing shall lose their membership until given a fair trial by the Post or Department in such manner and form as the Post or Department By-Laws and Post or Department Executive Committee shall prescribe”; and

WHEREAS, The American Legion Department of Ohio has, in Section 2, Article IV of the By-Laws of said Department, provided procedures for the conduct of disciplinary proceedings which includes procedures for conducting trials of members and/or officers of the American Legion charged with misconduct as set forth in the National American Legion By-Laws; and

WHEREAS, The Department Executive Committee finds that said provisions do not provide adequate due process for members or officers charged with misconduct, as required by the amended national By-Laws; and

WHEREAS, The Department Executive Committee finds that, in order to provide a uniform procedure throughout the Department of Ohio that provides adequate due process and fair trials for members and/ or officers charged with misconduct, it is necessary that Article IV of the By-Laws of the Department of Ohio be amended to provide said Executive Committee with Authority to promulgate a “Uniform Code of Procedure for Disciplinary Actions”, as further authorized by the National American Legion By-Laws; and

WHEREAS, The Department Executive Committee is currently considering other amendments to the Department By-Laws which may cause “Article IV: Discipline” to be renumber to “Article V: Discipline”; now, therefore be it

RESOLVED, By The American Legion Department of Ohio, at the Department Executive Committee in regular session on March 14, 2021, approves the amendment to Resolution 20-17, to amend the Department By-Laws, Article IV: Discipline, to state the following:

ARTICLE IV: DISCIPLINE

Section 1. Each Post of The American Legion, Department of Ohio, shall be the judge of its own membership, subject to the restrictions of the National American Legion Constitution and By-Laws and the Department of Ohio Constitution and By-Laws, 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 or remain a member of The American Legion.

Section 2. Members may be reprimanded, suspended, or expelled from The American Legion, and officers may be reprimanded, removed from elected office, suspended or expelled from membership only upon providing the member due process and a proper showing of cause. Charges shall be based upon disloyalty, neglect of duties, dishonesty, and conduct unbecoming a member or officer of The American Legion. All charges must be made under oath in writing by an accuser, and no member in good standing shall be reprimanded, suspended, or expelled, nor shall any elected officer be reprimanded or removed from office, suspended or expelled, until given a fair trial in such manner and form as the Department Executive Committee shall prescribe in the Department of Ohio Uniform Code for the Conduct of Disciplinary Proceedings. The trial proceedings shall be recorded by visual or sound recording or by verbatim transcription. The trial board verdict shall be announced at the next regular meeting of the post membership, whereupon the membership may, except in the case of an acquittal, affirm, modify or reverse the findings and sentence of the trial board.

Section 3. If the accused is suspended or expelled, or is removed from office, the accused person may appeal such decision to the Department Executive Committee. Said appeal must be filed with the Department Adjutant within thirty (30) days of the decision of the post membership on the trial verdict. The Department Executive Committee shall hear the appeal, with the Department Judge Advocate presiding, and determine the issue at its meeting next following the action of the Post. The Department Executive Committee shall conduct its hearing solely upon the evidence considered by the trial board, and oral argument of the parties. The decision of the Department Executive Committee shall be final, if appeal to it be made; otherwise the decision of the Post shall be final. The Post Executive Committee shall appoint a member or members of the Post or may retain counsel to prosecute the charges and the disciplined member may be represented by person or by counsel of their own choosing.

Section 4. Procedure as to removal from officer of County, District and Department elected officers. Charges shall be filed in writing, under oath, with the Department Adjutant. The Department Executive Committee shall appoint a trial board and the matter shall proceed to trial in substantially the same form and manner as set forth in the Department of Ohio Uniform Code for the Conduct of Disciplinary Proceedings. The trial verdict, except in the case of acquittal, shall then be presented to the Department Executive Committee for affirmation, modification or reversal. The decision of the Department Executive Committee shall be final. Nothing herein shall deprive the

accused persons' post of jurisdiction to hear and determine charges against any of its members. insofar as it may relate to expulsion or suspension of membership of removal from post office.

No. Resolution 21-02

Subject: Amend Department Constitution, Article XI, Section. 1., The Post (Reduce Membership from 25-15)
Origin: Department Membership Committee and Department Ad Hoc Constitution & By-Law Committee
Approved: Department Executive Committee March 14, 2021

WHEREAS, Article XI, Section 1., of the American Legion National Constitution establishes that the minimum membership of a Post shall be determined by the Executive Committee of the Department in which a Post is located; and WHEREAS, The American Legion Department of Ohio has established in Article XI, Section 1., of the American Legion Department of Ohio Constitution that each Post shall have a minimum membership of twenty five (25) members; and

WHEREAS, Records of The American Legion Department of Ohio Headquarters in May 2020, reflected that twenty-five (25) of the 528 American Legion Posts chartered in the Department each had a membership of less than the required twenty five (25) established by Article XI, Section 1 of the Department Constitution; and

WHEREAS, Approximately 5% or more of all the Posts in the Department could be now or in the future in jeopardy of having action taken by the Department of Ohio in compliance with the provisions of the American Legion National Constitution pertaining to the operation of Posts to have the Post charter cancelled and the Post to face closure; and

WHEREAS, The possible loss of 5% or more of all the American Legion Posts in the Department of Ohio would severely diminish the impact and significance of the American Legion organization in those communities served by the American Legion as well as the entire state of Ohio; and

WHEREAS, The closure of any American Legion Post will result in the loss of valuable resources, services and programs to the veterans, and their families in these communities, further diminishing the overall impact and presence of the American Legion in and to the state of Ohio; and

WHEREAS, If the minimum membership of an American Legion Post could be reduced to fifteen (15) members from twenty five (25) members to keep the Post chartered, that American Legion Post may still be able to be a part of its community rather than the Post being closed and the American Legion no longer having any presence or value in and to that community; and

WHEREAS, Ongoing actions continue to be taken by each District and the Department to work with each American Legion Post with less than twenty five (25) members to try, exploring all options, to work with the Post membership to grow the membership and strengthen that Post before action be taken necessary to permanently strike that Post from the roster of chartered Posts in the Department; now, therefore be it

RESOLVED, By The American Legion Department of Ohio, at the Department Executive Committee in Delaware, Ohio, on March 14, 2021, that Article XI, Section 1., of the American Legion Department Constitution be amended to change the minimum membership a Post shall have from twenty five (25) to fifteen (15) members; now, be it finally

RESOLVED, That Article XI, Section 1., shall now read: Section 1. The local unit shall be the Post, which shall have a minimum membership of fifteen (15).

No. Resolution 21-07

Subject: Amend Department Constitution, Article X., Department Standing Committees and create an Article in the Department By-Laws titled "Standing Commissions"
Origin: Department Finance Committee and Department Ad Hoc Constitution & By-Law Committee
Approved: Department Executive Committee December 5th, 2020

WHEREAS, The American Legion Department of Ohio strives to consistently operate in the manner of best practices in all aspects of Department operations; and

WHEREAS, Part of the best practices strived for by the American Legion Department of Ohio is for the infrastructure of Department Committees to be current and consistent with Department Committee procedures established in the Department Constitution and Bylaws and to maintain the Department Constitution and Bylaws current and consistent with the operations of Department Headquarters; and

WHEREAS, The American Legion Department of Ohio currently has within the Department Headquarters administrative/operational infrastructure twenty-three (23) Department program committees operating; and

WHEREAS, Six (6) of these Department Committees have historically been referred to as “Standing Committees” but Article X: Standing Committees of the Department Constitution specifically only designates two (2) Department Committees as “Standing” and the current definition of many other department committees regarded as “Standing” are ambiguous to the definitions of “Standing Committees” outlined in the Department Constitution; and

WHEREAS, The American Legion Department of Ohio feels a better procedural model exists within the National American Legion organization which can be implemented by the Department for the infrastructure of all Department Committees in order to establish better operations of all Department Committees and enable the Department Executive Committee and Department Finance Committee to better budget and supervise the operations of all Department Committees and to allow those serving on Department Committees to better understand where in the Department each Committee functions; and

WHEREAS, The model established by the National American Legion organization as outlined in Article I, Section 6 of the National American Legion Bylaws creates “Standing Commissions” in which National American Legion program committees are organized under each Standing Commission for the purpose of efficient supervision and coordination of activities; and

WHEREAS, The American Legion Department of Ohio for the purpose of more efficient supervision and coordination of committee activities seeks to implement a similar “Standing Commissions” model under Article X of the Department Constitution organized as follows to replace the existing Article X “Standing Committees” currently in place:

The American Legion Department of Ohio shall create eleven (11) Standing Commissions which shall carry out the mission of each Commission as a whole or as a Committee or sub-committee of each Commission, as determined upon the Rules of each Commission, to be adopted each year by the Department Executive Committee.

The eleven (11) Department Standing Commissions shall be: Americanism, Children and Youth, Convention, Finance, Internal Affairs, Legislative, Media/Marketing/Communications, Membership and Post Activities, National Security, Veterans Affairs and Rehabilitation, and Scholarship.

Members of each Commission shall be appointed annually by each District Commander, excluding the members of the Department Finance, Convention, and Department Internal Affairs Commissions, who shall be appointed annually by the Department Commander with such number of members as previously established by the Department Constitution. Respective Committees within Commissions whose membership requirements are already established by the Department Constitution will continue to follow the guidelines established.

The Department Commander shall, each year upon taking office appoint Commission Chairpersons and any other appointments required for each Commission to carry out the duties of the Commission. The Department Commander may also appoint one Department Executive Committee member to each Commission as an Ex-Officio member with voice but no vote in the matters of the Commission.

WHEREAS, To recognize the new “Standing Commission” model of the Department, the heading of Article X shall be changed from Article X: Standing Committees to Article X: “Standing Commissions”; and

WHEREAS, The duties of each Department Standing Commission shall be organized as follows, with a new Article listing these duties to be created as part of the Department Bylaws with said Article to be inserted between the Bylaws Article on Duties of Officers and the Article on Charters:

Section 1. Americanism Commission. The Americanism Commission shall be responsible for the programs carried out by the Commission and staff of Department Headquarters such as; American Legion Baseball, American Legion Buckeye Boys State, Citizens Flag Alliance, Scouting, Religious Emphasis, Four Chaplains, Oratorical, and any other such programs as may be incidental to the Americanism Commission, authorized by the Department Internal Affairs and Finance Commissions with the Executive Committee having final authority.

Section 2. Children & Youth Commission. The Children & Youth Commission shall be responsible for the programs carried out by the Commission and staff of Department Headquarters such as; Child Welfare Foundation, Special Olympics, Temporary Financial Assistance, National Family Week, Veterans and Children Foundation, Drug and Suicide Education and Prevention, and any other such programs as may be incidental to the Children & Youth Commission, authorized by the Department Internal Affairs and Finance Commissions with the Executive Committee having final authority.

Section 3. Convention Commission. The Convention Commission shall be responsible for carrying out the duties of securing Department Convention sites and to assist National Headquarters if the Department is selected as a host site for a National Convention. The Convention Commission shall act within the guidelines of the Convention Corporation Code of Regulations, updated September 2019, authorized by the Department Internal Affairs and Finance Commissions with the Executive Committee having final authority.

Section 4. Finance Commission. The Finance Commission shall be responsible for the proper oversight of the Department monies and investments and shall fix, budget, and audit all expenditures and disbursements of the Department. The Finance Commission shall be tasked with carrying out the duties of the Department Finance Policies and other duties assigned to it, and authorized by, the Department Executive Committee, as may be incidental to the financial health and wealth of the Department. The Department Executive Committee may overrule the Department Finance Commission by a two-thirds vote.

Section 5. Internal Affairs Commission. The Internal Affairs Commission shall be responsible for the proper oversight of American Legion Riders, Sons of The American Legion, Buckeye American Legion College, Resolutions, Constitution & By-Laws, Trophies and Awards, Commanders Advisory Team, Department Operations, and any other duties as may be incidental to the scope of Internal Affairs, authorized by the Department Finance Commission and Executive Committee.

Section 5a. The Department Adjutant shall serve as Secretary and advisor to the Internal Affairs commission with voice and no-vote.

Section 6. Legislative Commission. The Legislative Commission shall be responsible for legislative matters at state and federal government levels germane to the mission of The American Legion and The American Legion family. The Legislative Commission shall be responsible for encouraging Legionnaires, Posts, and Districts to liaison state and federal legislative offices. The Legislative Commission shall carry out the duties of selecting recipients from the Ohio General Assembly and Ohio Congressional offices for Department and National recognition. The authority of this commission shall be given to it by the Department Internal Affairs and Finance Commissions, with the Department Executive Committee having final authority.

Section 7. Media/Marketing/Communications Commission. The Media/Marketing/ Communications Commission shall be responsible for advancing the internal and external messages of The American Legion utilizing Department publications, public relations, digital, and print media. The Media/Marketing/Communications Commission shall create awareness of the entire American Legion Family, consisting of the Sons of American Legion, American Legion Riders, American Legion Auxiliary, and any subsidiary corporation bearing the name of The American Legion and shall consists of a representative of each of The American Legion Family programs of American Legion Auxiliary, Sons of The American Legion, and American Legion Riders, if available. The authority of this commission shall be given it by the Department Internal Affairs and Finance Commissions, with the Department Executive Committee having final authority.

Section 8. Membership & Post Activities Commission. The Membership & Post Activities Commission shall consist of the Department First and Second Vice Commanders and District Commanders. The Department First Vice Commander shall serve as Chair and Department Second Vice Commander as Vice Chair. The Membership

& Post Activities Commission shall meet at the beginning of each membership year, fourteen days upon the close of Department Convention, to strategize and plan membership and post activities. The authority of this commission shall be given it by the Department Internal Affairs and Finance Commissions, with the Department Executive Committee having final authority.

Section 9. National Security Commission. The National Security Commission shall be responsible for carrying out the duties of Law & Order, POW/MIA, National Emergency Fund, Disaster Preparedness, relationships with all branches of active duty-military and National Guard/Reserve Forces in Ohio, immigration, matters relating to the Blood Donor Program, and any other such duties incidental to the scope of National Security, authorized by the Department Internal Affairs and Finance Commissions, with the Department Executive Committee having final authority

Section 10. Veterans Affairs & Rehabilitation Commission. The Veterans Affairs & Rehabilitation Commission shall be responsible for the oversight of programs and fostering of relationships with entities regarding Gifts For Yanks, System Worth Saving, PTSD and suicide awareness, Department Service Officers and Field Offices, Ohio Veterans Homes, Department of Veterans Affairs, employment and education, and any other such matters concerning Veterans Affairs & Rehabilitation. The authority of this commission shall be given to it by the Department Internal Affairs and Finance Commissions, with the Department Executive Committee having final authority.

Section 11. Scholarship Commission. The Scholarship Commission shall consist of the Department Commander, First Vice Commander, Second Vice Commander, Department Treasurer, Immediate Past Department Commander, Department Adjutant, Chairperson of the Americanism Commission, Chairperson of the Children & Youth Commission, any other Commission Chairman appointed by the Department Commander, and three members also appointed by the Department Commander. The Scholarship Commission shall meet annually (spring) to determine the recipients of the Department Scholarships granted.

Section 11a. The Scholarship Commission shall screen applicants to be awarded scholarships as outlined in the "Scholarship Screening Policies" in the Department Finance and Operations Policy/Manual.

Section 11b. The scholarship investment portfolio consists of a principle balance that shall remain invested from the original donor, the Durward I. Bernhard Estate. The interest income and growth of the scholarship investment portfolio shall be set aside to aide qualified students in attending colleges, universities, vocational schools, and other institutions of higher learning. The investment income shall be used to pay for scholarship grants, necessary costs incurred in managing, investing, and administering the fund, and for no other purpose; and

Section 11c. To uphold and honor the original donor request, there is hereby created a special annual scholarship in the amount of not less than \$1,000 to be known as the "Durward I. Bernhard Scholarship". Recipients of the "Durward I. Bernhard Scholarship", in addition to meeting all the other criteria for eligibility, shall be a bona fide resident of Belmont County, Ohio. If there is no qualified applicant for the "Durward I. Bernhard Scholarship" in any year, no "Durward I. Bernhard Scholarship" is awarded. The Scholarship Screening Committee may recommend use of the fund to award a scholarship grant to other qualified recipients; and

Section 11d. All funds transferred to or received by gift, bequest or otherwise received by The American Legion, Department of Ohio Scholarship Fund shall be held by The American Legion, Department of Ohio and invested by the Department Finance Commission and its Executive Committee. Any income not disbursed in any year shall be set aside in an undisbursed income fund and shall be available for disbursement in future years when needed. No part of such funds shall be co-mingled with any other funds whatsoever and no part of such funds shall ever be transferred to or loaned to the Department of Ohio General fund or any other Department of Ohio activity, loaned to any individual or used for any purpose whatsoever other than the awarding of scholarships to eligible individuals; and

Section 11e. In the event that The American Legion, Department of Ohio should cease to exist, the National Executive Committee of The American Legion National Headquarters is authorized to take possession, custody, and control of all scholarship assets of the Department and to conclude and close the affairs of the Department.

WHEREAS, Existing descriptions of Committee duties currently outlined in Article X shall be removed and inserted where applicable for that Commission in the proper place in the new Article on Commission duties in the Bylaws; and, now, therefore be it

RESOLVED, By The American Legion Department of Ohio general assembly at Department Convention, assembled in Independence, Ohio, July 8th, July 9th, July 10th, and July 11th, 2021, That The American Legion Department of Ohio adopts the changes sought to the Department Constitution and Bylaws to be implemented effective as of the 2021-2022 American Legion membership year.

No. Resolution 21-09
Subject: Amend Department Constitution, Article V., Section 2., Delegate Status
Origin: Department Ad Hoc Constitution & By-Law Committee
Approved: Department Executive Committee March 14, 2021

WHEREAS, Resolution 21-02 to be presented to the Department Convention, will, if adopted, amends Article XI, Section 1., (THE POST) of the Department Constitution to mandate the minimum membership required by a Post from twenty-five (25) members to fifteen (15) members; and

WHEREAS, The adoption of Article XI, Section 1., will change the initial allotment of delegates and alternates to the Department Convention as outlined in ARTICLE V, SECTION 2., (ADMINISTRATIVE) of the Department Constitution, which is based on the minimum number of members for a Post; and

WHEREAS, ARTICLE V, Section 2., as currently worded states "Each Post shall be entitled to one delegate and one alternate for the first twenty five (25) members, two delegates and alternates for sixty six (66) members, and an additional delegate and alternate for each one hundred (100) members"; and

WHEREAS, It is the objective of the Department Executive Committee for the Department Constitution and the Department By-laws to be consistent throughout each document; now, therefore be it

RESOLVED, That The Department Executive Committee meeting in regular session on March 14, 2021, That the initial delegate strength documented in Article V, Section 2., of the Department Constitution shall be changed from:

"Each Post shall be entitled to one delegate and one alternate for the first twenty five (25) members, two delegates and alternates for sixty six (66) members, and an additional delegate and alternate for each one hundred (100) members"

shall now read:

"Each Post shall be entitled to one delegate and one alternate for the first fifteen (15) members, two delegates and alternates for sixty (60) members, and an additional delegate and alternate for each one hundred (100) members."