



RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES
Proposed Amendments to the Constitution and Bylaws
To Be Determined at the 2012 National Convention

Proposed Amendment No. 1

Proposed by the National Executive Committee
Not recommended by the majority of the Constitution and Bylaws Committee

SUMMARY

Amends Article A-1 Section 1 of the Constitution to extend ROA membership to enlisted.

NOTES: 1. As an amendment to the Constitution it requires a 3/4 vote to pass.

2. The boxed portions are presented for informational purposes only and are not presented for amendment.

RATIONALE

Extending membership eligibility to enlisted will strengthen ROA's voice on Capitol Hill as elected officials seek testimony from organizations representing enlisted. The Selected Reserve is made up of 114,201 commissioned officers, and 728, 259 enlisted, which shows that growth potential is improved by more than 6 times if enlisted are eligible for membership. With a larger recruiting pool, the cost of each new recruited member will be reduced. All members in federal service take an oath to uphold the U.S. Constitution.

PROPOSED AMENDMENT TO THE CONSTITUTION:

Article A-3: Membership Eligibility

Section 1: Active Membership : Any officer ***or enlisted***, retired ***or former*** officer ***or enlisted***, who at any time ***upon entering the Uniformed Services of the United States took an oath to uphold the U.S. Constitution*** ~~served under a federal commission or warrant~~ and, if no longer serving, whose separation occurred under honorable circumstances, is eligible for active membership.

Section 2: Spousal Membership – Spouses, widows and widowers of active members are eligible for membership.

Section 3: Officer Candidate Membership – Any person who is enrolled in a program leading to a federal commission shall be eligible for officer candidate membership.

Section 4: Other Eligibility – Other eligibility as may be established by nomination by the Executive Committee and approval of the National Convention.

Proposed Amendment No. 2

Proposed by the National Executive Committee
Not recommended by the majority of the Constitution and Bylaws Committee

SUMMARY

Amends Article A-1 Sections 1 and 2 of the Constitution pertaining to the name of the Association.

NOTES: 1. As an amendment to the Constitution it requires a 3/4 vote to pass.

2. The boxed portions are presented for informational purposes only and are not presented for amendment.

3. Consideration of this amendment is conditional on a report on the feasibility of changing the Reserve Officers Association Charter.

4. This will not be presented if addition to the membership of enlisted is defeated.

RATIONALE

With eligibility extended to enlisted to join ROA, the name Reserve Officers Association is no longer broad enough in scope.

PROPOSED AMENDMENT TO THE CONSTITUTION:

Article A-1: Name

Section 1: Full Name — The name of this organization shall be the ~~Reserve Officers Association of the United States~~ **Reserve Organization of America**.

Section 2: Short Reference — The ~~Reserve Officers Association of the United States~~ **Reserve Organization of America** may be referred to in this constitution or in the bylaws as the "Association."

Proposed Amendment No. 3

Proposed by the National Executive Committee
Recommended by the majority of the Constitution and Bylaws Committee *

SUMMARY

Amends Article B-3 Section 2, 3, and 4 of the Bylaws pertaining to the ranks of members of the governing body of the Association. Gives the president the option of appointing an enlisted representative when there is no enlisted member on the Executive Committee.

NOTES: 1. As an amendment to the Bylaws it requires a majority vote to pass.

2. The boxed portions are presented for informational purposes only and are not presented for amendment.

3. This will not be presented if the addition of enlisted to the membership is defeated.

* 4. The C&B committee members who did not recommend this for adoption did so because they do not believe there should be restrictions on eligibility.

RATIONALE

With enlisted personnel eligible for membership, they should also be eligible to run for national office. To assure leadership experience, elected positions should have a qualifying factor of rank. Service section VPs need the same rank qualifications as the president-elect to be able to succeed a president who is unable to serve. Now that the president-elect is stated as a member of the Executive Committee, the phrase re attendance is redundant.

PROPOSED AMENDMENT TO THE BYLAWS:

ARTICLE B-3: DUTIES OF OFFICERS AND RANK ELIGIBILITY

Section 1: President

(d)Appointments – The president may appoint the following officers: historian, chaplain, health services officer, international programs officer, sergeant-at-arms, public relations officer **and enlisted representative** with advice and consent of the Executive Committee

Section 2: President-Elect –The president-elect shall attend all meetings of the Executive Committee and perform such duties as directed by the president.

Rank eligibility shall be: O-5 and above; W-4 or W-5; E-8 or E-9

Section 3: Vice Presidents and Junior Vice Presidents

(a)Vice Presidents – The three vice presidents shall act as representatives of the president on all matters referred to them by the president. At the president’s request, they shall preside over meetings of the National Convention, National Council and Executive Committee and perform such other duties as are usually incident to the office. In addition, each vice president shall preside over meetings of their respective service sections and advise the president on matters of policy and procedures concerning their respective services.

Rank eligibility shall be of the same as for the the president-elect.

(b) Junior Vice Presidents – The three junior vice presidents shall be assistants to and serve under the direction of the president and vice presidents of their respective service sections.

Rank eligibility shall be E-5 through E-7; W-1 through W-3; and junior officers as defined by each service

Section 4: Executive Committeemen—The executive committeemen shall have duties and responsibilities required of the Executive Committee. To provide continuity within their service section, their terms shall be staggered.

Rank eligibility shall be E-5 or above.

Proposed Amendment No. 4
Proposed by the Department of Georgia
Endorsed by the Executive Committee
Recommended by the Majority of the Constitution and Bylaws Committee

SUMMARY

Amends Article A-7 Section 1 Elected Officers by returning to one year terms for the president, vice presidents and junior vice presidents and returns the president-elect to holding no other elected national office.

NOTES: 1. As an amendment to the Constitution, it requires a $\frac{3}{4}$ vote to pass.
2. The boxed portions are for informational purposes and are not subject to amendment.

RATIONALE

The length of anticipated service is entirely too long with two year terms for each anticipated position (Executive committeeman, service vice president, president-elect, president and CIOR responsibilities). It is therefore recommended that the Association return to the previous terms of one year for all but executive committeeman. Since the previous language regarding the position of president-elect prohibited that individual from holding another elected national office, that language is restored.

PROPOSED AMENDMENT TO THE CONSTITUTION:

ARTICLE A-7: OFFICERS

Section 1: Elected Officers

(a) *Officers* – The elected officers of the Association are a president, president-elect and for each service section: a vice president, a junior vice president and a maximum of three executive committeemen.

(b) *Term of Office* – The term of office for the elected officers is ~~two~~ **one** years, except for the ~~president-elect~~ **executive committeemen**. The term of office of the ~~president-elect~~ is ~~one year~~ **executive committeemen is two years**.

(c) *Endorsement* – Nominees for elected office must have the endorsement of their department.

Section 2: Election of Officers

(a) *Elective Officers* – The Association shall elect all of the elective officers to hold office until their successors are duly elected and qualified.

(b) *Presidents, Presidents-Elect, Vice Presidents, Junior Vice Presidents, Executive Committeemen* – Presidents, presidents-elect, service section vice presidents, junior vice presidents and executive committeemen shall be nominated by members of their respective service sections.

(c) *President* – The president shall be elected by the members of the Association the year before that individual is to take office as president. That individual shall be designated as the president-elect until assuming the office of president at the conclusion of the next convention. Should a president-elect be unable or unwilling to take office, a president shall be elected by the members of the Association for the term that the president-elect would have taken office and a president shall be elected to take office the following year.

The president-elect may ***not*** hold another elected national office while serving as president-elect.

Proposed Amendment No. 5
Presented by the Executive Committee
Endorsed by the National Council
Recommended by the Constitution and Bylaws Committee

SUMMARY

Amends Article A-7 Section 3 pertaining to a vacancy in the office of president, should the service section vice president be unable or unwilling to serve.

NOTES: 1. As an amendment to the Constitution it requires a 3/4 vote to pass.
2. The boxed portions are for informational purposes and are not presented for amendment.

RATIONALE

The change in our constitution increased the elected terms of office to two years for the President and Service Section Vice Presidents. This creates a very long leadership track should a president go through the desired “chairs” of executive committeeman, service section vice president and president-elect. Including the presidential term, this could be a duration of seven years. Further responsibilities follow as a past president for two years and, as it now stands, several years in the position of CIOR Vice President for the US.

This dramatically increases the risk of a president not finishing that term of office so a longer path of succession must be adopted. The constitution states that a vacancy in the office of president shall be filled by the vice president of the same service section. The question then arises how to fill the vacancy of the president, if the service section vice president is unavailable or unwilling to serve the full duration of president, immediate past president and the CIOR responsibility.

PROPOSED AMENDMENT TO THE CONSTITUTION:

Article A-7: Officers

Section 3: Presidential Rotation *and Succession*

(a) The office of president shall be rotated among the service sections. The vice president of the same service section as the president shall assume the duties and have the powers of the president in the event of death, inability to serve, or resignation.

(b) Should the vice president of the service section be unable or unwilling to fill a presidential vacancy, one of the three service section executive committeemen shall be selected to assume the duties and the powers of the president by a caucus of the elected voting executive committee members of that service section with the advice and consent of the Executive Committee.

Proposed Amendment No. 6
Proposed by the Executive Committee
Recommended by the Constitution and Bylaws Committee

SUMMARY

Amends Article A-8 Section 3 of the C&B pertaining to a vacancy in the position of the last past president.

NOTES: 1. As an amendment to the Constitution it requires a 3/4 vote to pass.

2. The boxed portions are presented for informational purposes only and are not presented for amendment.

RATIONALE

If the last past president cannot fulfill that voting position on the Executive Committee, it could potentially remain vacant for over a year.

PROPOSED AMENDMENT TO THE CONSTITUTION:

Article A-7: Officers

Section 3: Presidential rotation—The office of president shall be rotated among the service sections. The vice president of the same service section as the president shall assume the duties and have the power of the president in the event of death, inability to serve or resignation

Article A-8: Executive Committee

Section 2: Membership — The Executive Committee consists of the president, president-elect, the last past president, vice presidents, junior vice presidents, executive committeemen and the executive director. Each of these individuals, except the president-elect and executive director, has one vote on each matter decided by the committee.

Section 3: Vacancies

(a) In the event of the death, inability to serve or resignation of any member of the Executive Committee, other than the immediate past president or the president, the vacancy shall be filled by the Executive Committee. An individual appointed to fill a vacancy serves until the next national convention when the individual's successor shall be elected for the unexpired term, if any, caused by the vacancy.

(b) The vacancy of the last past president shall be filled by the most recent past president who is willing and able to serve until the next president is sworn into office.

Proposed Amendment No. 7
Proposed by the Constitution and Bylaws Committee

SUMMARY

Adds ARTICLE A-16: AMENDMENT, CHARTER

NOTE: 1. As an amendment to the Constitution, it requires a $\frac{3}{4}$ vote to pass.

2. The Charter was passed as HR5002 and issued on June 30, 1950. It was revised by Congress on August 12, 1998. This was simply a change by Congress to align all the Charters in the same format. There was no content change. The Executive Committee concurred with the recommendation of PWG21 to “tweak” the Charter and hence the revision was approved, with one change during the Congressional process, on December 14, 2009

RATIONALE

The Charter is a legal document. It is important to follow its guidelines and content. If it is changed, the Constitution and Bylaws (C&B) document must be brought into compliance. The Executive Committee does not have the authority to change the C&B. It therefore is logical to have the Convention being the approval body for any requested Charter changes.

PROPOSED AMENDMENT TO THE CONSTITUTION:

ARTICLE A-16: AMENDMENT, CHARTER

Any request to Congress to amend the Charter must be approved by a three-fourths affirmative vote of the Convention.

Proposed Amendment No. 8
Proposed by the Constitution and Bylaws Committee

SUMMARY

Amends Article B-1 Section 1 (b) Transfer and Article B-2 Section 9 Department, Chapter Dues for simplicity and clarification.

NOTES: 1. As an amendment to the Bylaws it requires a majority vote to pass.

2. The boxed portions are presented for informational purposes only and are not presented for amendment.

RATIONALE

The two separate sections each refer to the same topic: Payment of dues. If Article B-1 Section 1 (b) simply refers to transfers having no impact on dues paid to National, there is no need to so specify. If it is meant to refer to department or chapter dues, the entire topic is best left to Article B-2 Section 9. There are areas there that seem open to interpretation. This section should simply state if Departments and Chapters are or are not allowed to collect dues from their active members. The change approved in February of 2011 regarding Life members means all departments and chapters need to check for that date. Also, the specific information regarding chapter dues violates the concept of the departments being responsible for the chapters.

PROPOSED AMENDMENTS TO THE BYLAWS:

ARTICLE B-1 Membership Section 1: Affiliation

(a) Department Affiliation — An applicant for active, spousal or officer candidate membership, upon payment to national headquarters of the prescribed dues or fee, shall become a member of the department, or a member at large, as specified in the application for membership. If neither a department nor the member at large choice is expressed, the applicant shall become a member of the department embracing the area of the address stated on the application.

(b) Transfer — Any member may become a member at large or transfer to another department. ~~without payment of any additional dues for the remainder of the current membership term~~

ARTICLE B-2: Departments, Chapters and Other Structural Entities

Section 8: Department, Chapter Dues — Departments ~~and chapters~~ may levy and collect dues from active members apart from, and in addition to, the dues provided to national headquarters. Life members ~~who became life members prior to February 2, 2011~~, shall be forever exempt from the payment of ~~further~~ **department** dues., except annual chapter dues, if any, in excess of that portion of annual national dues remitted to the chapter by their department. **The collection of dues by chapters shall be within departmental guidelines.**

Proposed Amendment No. 9
Proposed by the National Executive Committee
Recommended by the Constitution and Bylaws Committee

SUMMARY

Amends Article B-1, Section 2, subsection (b) of the Bylaws pertaining to unacceptable behavior of Association members.

NOTES: 1. As an amendment to the Bylaws, it requires a majority vote to pass.

2. The boxed portions are presented for informational purposes only and are not presented for amendment.

RATIONALE

Replacing the current wording with wording from the UCMJ leaves no ambiguity. It also gives a more specific and accepted standard.

PROPOSED AMENDMENT TO THE BYLAWS:

ARTICLE B-1: MEMBERSHIP

Section 2: Discipline

<p>(a) <i>Executive Committee to Judge Discipline</i> — The Executive Committee shall be the judge of the Association's membership, subject to the restrictions of the constitution and bylaws. When allegations are brought to the attention of the Executive Committee that a member has committed misconduct, as outlined in subsection (b), the president shall appoint an inquiry committee. Such committee shall include, among others, the judge advocate, an Executive Committee member from the service section of the member in question and a designee of the executive director. This committee shall conduct an informal investigation, including reviewing the allegations and providing the member with an opportunity to be heard. Within 15 days of the completion of its investigation, the committee shall report its findings and recommendations to the Executive Committee. The member in question then has the right to make a presentation before the Executive Committee. The member in question shall be given written notice of the time and place of the hearing. If the member in question does not appear, such right to make a personal presentation is deemed waived. The Executive Committee shall then take appropriate action to include, but not limited to, no action, suspension or dropping the member from the rolls.</p>

(b) *Charges; Grounds* — Members may be suspended or expelled from the Association or otherwise disciplined only upon a showing of cause. Members must be formally notified of charges for cause. Charges may be based upon one or more of the following grounds: treason, dereliction of duty, ~~dishonesty or conduct unbecoming an officer.~~ **actions or behavior in any capacity which, in dishonoring or disgracing the person, seriously compromises the person's standing in the community, a lack of which is indicated by acts of dishonesty, unfair dealing, indecency, indecorum, lawlessness, injustice, abandonment or cruelty.**

Proposed Amendment No. 10
Proposed by the Constitution and Bylaws Committee

SUMMARY

Amends ARTICLE B-10 COMMITTEES Section 1 Standing Committees by deleting (c) CIOR/CIOMR

NOTES: 1. As an amendment to the Bylaws it requires a majority vote to pass.

RATIONALE

This committee is not, and never has been, appointed by the president. It falls under the topic of CIOR/CIOMR and the purview of their Vice Presidents for the US.

PROPOSED AMENDMENT TO THE BYLAWS:

ARTICLE B-10: COMMITTEES

Section 1: Standing Committees — There shall be the following standing committees which shall act in an advisory capacity to the Executive Committee and the president.

~~(c) CIOR/CIOMR — The CIOR/CIOMR Committee shall act in an advisory capacity on all matters relating to CIOR and CIOMR affairs.~~

Proposed Amendment No. 11
Proposed by the Constitution and Bylaws Committee

SUMMARY

Amends Article B -6 Section 1 by deleting second sentence.

NOTES: 1. As an amendment to the Bylaws it requires a majority vote to pass.
2. The boxed portion is for information only and is not presented for amendment.

RATIONALE

The sentence proposed for deletion is not only a “given” but is inappropriate for Bylaws.

PROPOSED AMENDMENT TO THE BYLAWS:

ARTICLE B-6 NATIONAL HEADQUARTERS AND STAFF

Section 1: National Headquarters—The national headquarters shall be located in Washington, D.C.

~~National Headquarters shall be so organized as to administer the affairs of the Association efficiently and effectively.~~

Proposed Amendment No. 12
Proposed by the Constitution and Bylaws Committee

SUMMARY

Amends Article B-12: General Committees Section 1 Convention Committees by deleting Nominations Committee.

NOTE: 1. As an amendment to the Bylaws it requires a majority vote to pass.

RATIONALE

The service sections nominate their section candidates and those nominations go to the Convention body for the election vote. The Nominations Committee interviewed and nominated the candidates for other national offices. All of those positions are now appointed hence there is no further need for this committee.

PROPOSED AMENDMENT TO THE BYLAWS:

ARTICLE B-12: General Committees

Section 1: Convention Committees – There shall be the following convention committees appointed by the president:

- (a) *Credentials*
- (b) ~~*Nominations*~~
- (c) *Rules*

The president shall appoint other committees as deemed necessary.