



**Department of Michigan
Governing Document
Recommended Amendments
And Non-Governing Document
Resolutions**

July, 2024

Sault Ste. Marie, Michigan



RECEIVED APR 08 2024

RESOLUTION FORM

This form must be filled out in triplicate and signed by two qualified delegates or by vote of a Unit or District.

DEPARTMENT HEADQUARTERS, AMERICAN LEGION AUXILIARY

Date

The members of the Special Committee of the Department Executive Committee submit the following resolution for consideration by the Constitution and Bylaws Committee.

SUBMITTED BY Anita Mennel

TITLE: Special Committee Chairman

(ALL RESOLUTIONS ARE ROUTED TO THE RESOLUTIONS COMMITTEE)

Resolution Number _____ Subject _____

(Do Not fill in resolution number or subject)

RESOLUTION

WHEREAS, the American Legion Auxiliary, in National Convention assembled in August, 2023 determined each American Legion Auxiliary Department will be responsible for determining the number of members necessary to maintain a Unit charter, and _____

WHEREAS, the American Legion Auxiliary, Department of Michigan Executive Committee appointed a Special Committee to explore options, and _____

WHEREAS, the appointed Committee recommends the following: "The minimum membership of a Unit necessary to maintain its' Charter shall be not less than five (5) Senior members, which include at least that the offices of President, Vice President, Secretary, Treasurer (or Secretary/Treasurer) and Chaplain are filled. and _____

WHEREAS, the Unit must participate in a minimum of two (2) American Legion Auxiliary recognized programs, with reporting every year, and _____

THEREFORE BE IT RESOLVED: with the approval of this resolution, all necessary changes will be made to the Department of Michigan Constitution, Bylaws, Uniform Unit Constitution and Uniform Unit Bylaws as are required for full implementation.

Adopted by Department of Michigan Executive Special Committee at a meeting held _____
February 9, 2024 _____ at Flint, Michigan

(Date)

(Place)

Signature Anita L. Mennel Signature Suzanne Knapp

(DO NOT WRITE BELOW THIS LINE)

ROUTING: (For use of Department Resolution Committee)

1. _____ Committee ___ Rejected ___ Approved

2. _____ Committee ___ Rejected ___ Approved

REVISION: If necessary, committee or Resolutions Committee will re-write and submit.

CONVENTION ACTION:

DATE _____ SIGNATURE _____

Resolutions Chairman or Secretary

Minimum Unit Membership Resolution

Resulting changes upon approval

Department Constitution

Article VI- Department Convention

Section 3 Now reads: Each Unit of ten (10) or more members shall be entitled to one (1) delegate and one (1) additional delegate for every one hundred (100) members or major fraction thereof.

Change to Read: Each Unit of five (5) or more members shall be entitled to One (1) delegate and one (1) additional delegate for every one hundred (100) members or major fraction thereof.

Department Bylaws

Article VI- Unit Organization

Section 2 Now Reads: The minimum membership of a Unit shall be ten (10) Senior members.

Change to read: The minimum membership to charter or recharter a Unit shall be ten (10) Senior members.

New Section 2 A shall read: The minimum membership to maintain a Unit charter once granted, shall be not less than five (5) Senior members, which will include at least the offices of President, Vice President, Secretary, Treasurer (or Secretary/Treasurer) and Chaplain. The Unit must participate in a minimum of two (2) American Legion Auxiliary recognized programs with mandatory reporting each year.

Department Standing Rules

No Changes

Uniform Unit Constitution

Article IV- Unit Officers

New Section 2 shall read: A currently chartered Unit with between five (5) Senior members and nine (9) senior members shall have a President, Vice President, Secretary, Treasurer (or Secretary/Treasurer) and Chaplain who are elected not less than thirty (30) days prior to the opening of the Department Convention and who shall hold office for one (1) year or until their successors are elected. The Unit may elect or appoint the Secretary, Treasurer (Secretary/Treasurer); said decision to be governed by a Standing Rule within the Unit. The Secretary, Treasurer or Secretary/Treasurer shall be a member of the Executive Committee with vote.

Article V- Executive Committee

New Section 2 shall read: In a Unit with between five (5) and nine (9) Senior members the Executive Committee shall consist of the officers and one (1) additional member to be elected at the annual meeting. The committee shall hold office for one (1) year or until their successors are chosen.

Current Section 2 becomes Section 3

Uniform Unit Bylaws

Article V- Executive Committee

New Section 4A shall read: In a Unit with between five (5) and nine (9) Senior members, three (3) members shall constitute a quorum of the Executive Committee.

Article VI- Meetings

New Section 2A shall read: In a Unit with between five (5) and nine (9) Senior members, a Special Meeting may be called by the President or by written request of three (3) Unit members, provided due notice of such meetings and their purpose has been given all members in good standing. Only such

business as called for in said notice shall be transacted.

New Section 3 A shall read: In a Unit with between five (5) and nine (9) Senior members, three (3) members shall constitute a quorum.

Article VII- Unit Organization

Section 2 Now Reads: The minimum membership shall be ten (10) Senior members. The said charter shall be closed thirty (30) days after application. There shall be no honorary membership or associate membership of any type. Non-residents may be admitted to this Unit on the same basis as residents.

Change to read: The minimum membership to charter or recharter shall be ten (10) senior members. Balance to remain the same.

Article IX- Convention Delegates

Section 3 Now reads: Each Unit of ten (10) or more members shall be entitled to one (1) delegate and one (1) additional delegate for each one hundred (100) members or major fraction thereof. The Unit will pay a delegate fee for each authorized delegate to the Department Convention.

Change to read: Each Unit of five (5) or more members shall be entitled to one (1) delegate and one (1) additional delegate for each one hundred (100) members or major fraction thereof. Balance to remain the same.



RESOLUTION FORM

This form must be filled out in triplicate and signed by two qualified delegates or by vote of a Unit or District.

DEPARTMENT HEADQUARTERS, AMERICAN LEGION AUXILIARY

Date 5-9-2024

The members of Department Constitution and Bylaws Committee submit the following resolution for consideration by the American Legion Auxiliary Department Convention, duly assembled

SUBMITTED BY Sharon Schulte

TITLE Chairman, Department Constitution and Bylaws Committee

(ALL RESOLUTIONS ARE ROUTED TO THE RESOLUTIONS COMMITTEE)

Resolution Number _____ Subject _____

(Do Not fill in resolution number or subject)

RESOLUTION

WHEREAS, the American Legion Auxiliary, National organization highly recommends each Department add a specific Disciplinary Action Policy to their governing documents and _____

WHEREAS, the American Legion Auxiliary, Department of Michigan believes a detailed

procedure will be beneficial to all members to clarify rights and responsibilities and _____

WHEREAS, a detailed, readily available procedure will aid in ensuring consistent application in all situations

THEREFORE BE IT RESOLVED: a new section be inserted into the Department Standing Rules entitled Discipline, to follow Whistleblower Protection and the document to also be inserted into the Uniform Unit Bylaws Article XII, Discipline as a new Section 2

Adopted by Constitution and Bylaws Committee at a meeting held May 6, 2024 via email

Signature Sharon Schulte

Signature Julie Becker

(DO NOT WRITE BELOW THIS LINE)

ROUTING: (For use of Department Resolution Committee)

1. _____ Committee ___ Rejected ___ Approved

2. _____ Committee ___ Rejected ___ Approved

REVISION: If necessary, committee or Resolutions Committee will re-write and submit.

CONVENTION ACTION:

DATE _____ SIGNATURE _____

Resolutions Chairman or Secretary

New Standing Rule

To be Inserted following Whistleblower Protection, Department Standing Rules

Also to be inserted in the Uniform Unit Bylaws, Article XII Discipline New Section 2

Discipline

All American Legion Auxiliary members are expected to uphold and follow the governing documents of the American Legion Auxiliary: The Department and Unit Constitution, Bylaws and Standing Rules as well as Department and Unit policies and procedures. Conduct that is a violation of its governing documents or detrimental to the best interests of the organization may be referred to the Unit Executive Committee or designated sub-committee for review.

Should the individuals and the Unit exhaust all other avenues of conflict resolution, the Unit may choose to pursue disciplinary action. The Unit has the responsibility for the discipline of its members. All disciplinary actions must be fundamentally fair. Fundamental fairness means a member receives advance notice and the opportunity to be heard.

A member disciplined by the Unit may appeal the Unit's disciplinary action, in writing, to the Department Executive Committee. Discipline by a Unit may include punishment up to and including suspension (up to one (1) year), expulsion and legal action.

Procedure for Disciplinary Action of a member of the American Legion Auxiliary

1.Process

The first step in the process of all disciplinary actions against a member of the American Legion Auxiliary in good standing shall be the filing with the secretary of the Unit written charges, in triplicate, properly verified by the affidavit of the accuser or accusers. It shall then be the duty of the Unit to employ legal counsel, preferably a practicing member of the bar in the state in which the Unit is located, if deemed necessary.

2.Notice and Copies of Charges to Accused

The secretary shall deliver to the Accused member, by registered mail or in person, one copy of the charges and written notice to appear at a specific time and place to show cause why they, the accused, should not be subject to disciplinary action. These items shall be delivered to the Accused at least 15 days in advance of the scheduled appearance. the secretary shall cause a note to be made of delivery of the charges and notice. Whenever the accused cannot be found, subsequent copies of the charges and notice may be served.

3.Charges

The accuser or accusers must be members of the same Unit as the accused, and they shall set forth the charges of disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of the American Legion Auxiliary in terms of simplicity and understanding in order that the accused May properly prepare for a defense.

4.Appearance

Before the accused member defends themselves in person or by counsel, they shall enter their

defense by filing an answer to said charges on or before the date on which they have been summoned to appear.

5.Failure to Answer

If the accused member fails to answer the charges and the manner and form as hearing set forth, the charges and matters therein stated Shall be taken as confessed, and the request for action granted.

6.Continuanace

Either party may apply for a continuance before the day set for trial. However, it should be accompanied by a written motion and supported by an affidavit of the party applying. Good and substantial cause must exist before said motion is granted. It'll be the duty of the unit Council to pass upon said motion and determine from the pleadings whether or not sufficient cause exists for continuance.

7.Trial

The Unit Council shall preside at the trial, shall have the power and authority to pass upon the material materiality and relevance of all evidence presented, and shall have general power to prescribe necessary rules and regulations for the orderly procedure of said trial, except that no rule or regulation in violation of these rules shall be permitted.

8.Unit Members to Act as Jurors

Members of the Unit shall act as jurors under the guidance of the Unit Counsel to ascertain the truth of the charges preferred. Their province is strictly limited to questions of fact, and within the province they are still further restricted to the exclusive consideration of matters that have been proven by the evidence introduced in the course of the trial. At the conclusion of the evidence, the members of Unit in attendance so acting as jurors shall determine by ballot (2/3 vote) whether or not the accused is guilty as charged, and shall produce their decision in writing, signed by one of their number as chairman, and return same to the Unit secretary who shall enter the same in the Unit records.

Findings and recommended response levels will be based on an assessment of all relevant factors. Depending on the severity of the conduct violation, the response may include any of the following: Verbal counseling; written or verbal apology, written or verbal censure from the Unit; Probation with corrective terms that encourage restorative justice (for example, additional training); suspension from participation in or exercising voting rights for a defined period of time; termination of membership.

Any disciplinary action taken by the American Legion Auxiliary, on a District or Department level, shall only be a result of infractions on that specific level. The response to those charges will not affect member standing on a Unit level.

9.Challenge

If either party shall make affidavit that a certain member of the Unit cannot fairly and impartially try the case and render a fair and impartial verdict, and the Unit Counsel shall be satisfied as to the truth of such statement, said member or members shall be challenged for cause and dismiss from the service as jurors, but in no event shall the number present for the trial be reduced below a majority of the members present for the hearing. Neither the accused or the accuser nor their Counsel shall be permitted to sit as jurors.

10.Amendments

At any time before the final decision is made by the members sitting as a jury, amendments to the

pleading may be Allowed by the Unit Counsel, such terms as are just and reasonable.

11. Appeal

Any member who has been suspended or expelled has the right of appeal to their Department Executive Committee provided that the set appeal must be taken by the preparation of a transcript of the proceedings within 40 days after a judgment of expulsion or suspension. Such a transcript shall contain a copy of the charges, the notices to the accused, and a record and copies of all other actions or pleadings introduced, together with a statement of the evidence in substance to be prepared by the party appealing. The Unit counsel shall be the judge of the correctness of the statement of evidence.

As an alternative, either party may demand a stenographic report, providing that timely request before trial is made, and provide further that the party requesting the stenographic report shall pay for same. The Unit Council shall determine the correctness of said stenographic report.

12. Notice by Department Secretary

When an appeal is taken, as herein provided, to the Department, it shall be the duty of the Department Secretary to notify all parties of the date, exact time, and place of the next Department Executive Committee meeting, provided at least 10-day notice shall be given. The Department Executive Committee shall hear the appeal. Evidence may not be introduced before the Department Executive Committee, though arguments may be heard, and the evidence as shown by the transcript shall be the only evidence considered by the Executive Committee. The Department Council shall preside at the trial, should have power and authority to grant continuance to either party upon just cause being shown and shall have power to make all necessary and reasonable rules and regulations for the orderly procedure of said trial.

13. No Further Appeal

The decision of the Department Executive Committee shall be final.

14. Effect of Decision

Where an appeal taken by the Accused at the Department Executive Committee sustains the appeal, the expelled member automatically becomes a member in good standing of said Unit, and it is mandatory that the secretary reinstate said member upon the Unit membership roll.

After completing a procedure for the expulsion of a member of the American Legion Auxiliary; as set forth on the Unit Guidebook, National Headquarters requires the guidelines listed below to be followed:

1. All Department requests to National Headquarters for expelling a member must come in writing from the Department Secretary. In the event that the member being expelled is the Department Secretary the request must come from the Department President.
2. The written request must contain the following;
 - Name and membership ID number of person being canceled
 - Reason for Expulsion
 - Effective date of Expulsion
 - A clear statement that all procedures have been conducted with fundamental fairness and that the Department has written copies of all documentation regarding the expulsion in their files.
3. Departments are required to submit this documentation to the National secretary's mailbox at ALA National Headquarters at NatlSecy@ALAforVeterans.org

RESOLUTION FORM

This form must be filled out in triplicate and signed by two qualified delegates or by vote of a Unit or District.

DEPARTMENT HEADQUARTERS, AMERICAN LEGION AUXILIARY

Date 5-9-2024

The members of Constitution and Bylaws Committee submit the following resolution for consideration by the ALA Department Convention, duly assembled _____

SUBMITTED BY Sharon Schulte _____

TITLE Chairman, Department Constitution and Bylaws _____

(ALL RESOLUTIONS ARE ROUTED TO THE RESOLUTIONS COMMITTEE)

Resolution Number _____ Subject _____
(Do Not fill in resolution number or subject)

RESOLUTION

WHEREAS, it is the policy of the National American Legion Auxiliary that any member in good standing is eligible to run for election to any office and _____
WHEREAS, the Department of Michigan Constitution Article IV Section 3 leaves room for an interpretation that is in conflict with National policy and _____
WHEREAS, it is unfair to require a Vice President to give up the plans for their term of office due to events beyond their control _____

THEREFORE BE IT RESOLVED: that the phrase "if the unexpired term is less than six (6) months" be deleted with the balance of the section to remain the same. _____

Adopted by _____ at a meeting held _____ at _____
(Unit or District) (Date) (Place)

Signature Sharon Schulte Signature Marcy Jorae

(DO NOT WRITE BELOW THIS LINE)

ROUTING: (For use of Department Resolution Committee)

1. _____ Committee ___ Rejected ___ Approved

2. _____ Committee ___ Rejected ___ Approved

REVISION: If necessary, committee or Resolutions Committee will re-write and submit.

CONVENTION ACTION:

DATE _____ SIGNATURE _____

Resolutions Chairman or Secretary

Revision of Department Constitution

Article IV Department Officers

Section 3 Now Reads: In the event of the death or resignation of the Department President, the First Vice President shall automatically succeed to the office of President. The Second Vice President shall automatically succeed to the office of First Vice President. In the event of succession, if the unexpired term is less than six (6) months, they shall be eligible for election to that office the next year. Vacancies in the office of Chaplain or Historian shall be filled by the department President, to be ratified by the Executive Committee by mail or email vote.,

Change to read: In the event of the death or resignation of the Department President, the First (1st) Vice President shall automatically succeed to the office of President. The Second (2nd) Vice President shall automatically succeed to the office of First Vice President. In the event of succession, they shall be eligible for election to that office the next year. Vacancies in the office of Chaplain or Historian shall be filled by the department President, to be ratified by the Executive Committee by mail or email vote.

RESOLUTION FORM

This form must be filled out in triplicate and signed by two qualified delegates or by vote of a Unit or District.

DEPARTMENT HEADQUARTERS, AMERICAN LEGION AUXILIARY

Date 5-9-2024

The members of Constitution and Bylaws Committee submit the following resolution for consideration by the _____ Committee.

SUBMITTED BY Sharon Schulte _____

TITLE Chairman, Constitution and Bylaws _____

(ALL RESOLUTIONS ARE ROUTED TO THE RESOLUTIONS COMMITTEE)

Resolution Number _____ Subject _____
(Do Not fill in resolution number or subject)

RESOLUTION

WHEREAS, Over the last ten (10) years more than 95% of all Resolutions presented at Department Convention related to the Constitution, Bylaws and Standing Rules and _____

WHEREAS, The Resolutions Committee generally only acts at Department Convention _____

THEREFORE BE IT RESOLVED: Resolutions be removed from the Standing Rules as a Standing Committee and the duties of the current Resolutions Committee be transferred to the Constitution and Bylaws Committee. _____

Adopted by Constitution and Bylaws Committee at a meeting held May 6, 2024 via email

Signature Sharon Schulte Signature Suzanne M Knapp

(DO NOT WRITE BELOW THIS LINE)

ROUTING: (For use of Department Resolution Committee)

- 1. _____ Committee ___ Rejected ___ Approved
- 2. _____ Committee ___ Rejected ___ Approved

REVISION: If necessary, committee or Resolutions Committee will re-write and submit.

CONVENTION ACTION: _____

DATE _____ SIGNATURE _____

Resolutions Chairman or Secretary

Change in Standing Rules

Committee Organization

Paragraph 2 Now Reads: There shall be the following Standing Committee: Administrative Advisory Board, Americanism, Auxiliary Emergency Fund, Children and Youth, Community Service, Constitution and Bylaws, Education, Finance, Girls State, Junior Activities, Leadership, Legislative, Membership, National Security, Past Presidents Parley, Personnel, Poppy, Public Relations, **Resolutions** and Veterans Affairs and Rehabilitation.

Change to Read: There shall be the following Standing Committee: Administrative Advisory Board, Americanism, Auxiliary Emergency Fund, Children and Youth, Community Service, Constitution and Bylaws, Education, Finance, Girls State, Junior Activities, Leadership, Legislative, Membership, National Security, Past Presidents Parley, Personnel, Poppy, Public Relations, and Veterans Affairs and Rehabilitation.

Obligation

Paragraph 2 Now Reads: Of the Standing Committees named in paragraph 2, the following shall consist of three (3) members, unless otherwise indicated, appointed for one (1) year terms: Administrative Advisory Board (5), Americanism, Auxiliary Emergency Fund (1), Children and Youth, Community Service, Constitution and Bylaws (1), Education, Finance (4), Girls State (6), Junior Activities, Leadership, Legislative, Membership (up to 6), National Security, Past Presidents Parley, Personnel (5), Poppy, Public Relations, **Resolutions (1) and Veterans Affairs and Rehabilitation.**

Change to Read: **Of the Standing Committees named in paragraph 2, the following shall consist of three (3) members, unless otherwise indicated, appointed for one (1) year terms: Administrative Advisory Board (5), Americanism, Auxiliary Emergency Fund (1), Children and Youth, Community Service, Constitution and Bylaws (1), Education, Finance (4), Girls State (6), Junior Activities, Leadership, Legislative, Membership (up to 6), National Security, Past Presidents Parley, Personnel (5), Poppy, Public Relations, and Veterans Affairs and Rehabilitation.**



Non-Governing Document Resolutions

July, 2024

RESOLUTION FORM

RECEIVED MAY 09 2024

This form must be filled out in triplicate and signed by two qualified delegates or by vote of a Unit or District.

DEPARTMENT HEADQUARTERS, AMERICAN LEGION AUXILIARY

Date - May 6, 2024

The members of Unit 153 submit the following resolution for consideration by the Finance Committee.

SUBMITTED BY Marcy Jorae

TITLE Unit President

(ALL RESOLUTIONS ARE ROUTED TO THE RESOLUTION COMMITTEE)

RESOLUTION

WHEREAS, the cost of poppy kits and additional supplies, as well as postage has risen dramatically, and

WHEREAS, it is the fiduciary responsibility of members of this organization to be mindful that expenses do not exceed income,

THEREFORE BE IT RESOLVED: that a new fee structure for poppy orders be charged commencing with the 2024-2025 year as follows: \$250/1000 poppies; \$125/500 poppies; \$50/100 poppies; \$3.00/coin cannister; \$10.00 shipping if ordering 500 poppies or less or coin containers only; \$20.00 for shipping 1,000-2,000 poppies; and orders of more than 2,000 poppies need to contact ALA Department of Michigan Headquarters for shipping cost, and

BE IT FURTHER RESOLVED: that poppy fees be reviewed annually in April and necessary adjustments be prepared for the voting membership to act on at the annual Department Convention.

Adopted by Unit 153 at a meeting held May 6, 2024 in St. Johns, Michigan

SIGNATURE Marcy Jorae

SIGNATURE Deanna Clark

(DO NOT WRITE BELOW THIS LINE)

ROUTING: (For use of Department Resolutions Committee)

1. _____ Committee _____ Rejected _____ Approved

2. _____ Committee _____ Rejected _____ Approved

REVISION: If necessary, committee or Resolutions Committee will re-write and submit.

CONVENTION ACTION: _____

DATE _____ SIGNATURE _____

(Resolutions Chairman or Secretary)