



**AMERICAN LEGION AUXILIARY  
JOSEPH J. DUNCAN, JR UNIT 119**

## **CONSTITUTION AND BYLAWS**

### **STANDING RULES**

**DEPARTMENT OF COLORADO  
DISTRICT FOUR**

**2020  
(Approved May 11, 2020)**

**AMERICAN LEGION AUXILIARY  
JOSEPH J. DUNCAN, JR. UNIT 119**

**PREAMBLE OF THE CONSTITUTION**

For God and Country, we associate ourselves together for the following purposes:

To uphold and defend the constitution of the United States of America;

To maintain law and order;

To foster and perpetuate a one hundred per cent Americanism;

To preserve the memories and incidents of our associations during all wars;

To inculcate a sense of individual obligation to the community, state and nation;

To combat the autocracy of both the classes and the masses;

To make right the master of might;

To promote peace and goodwill on earth;

To safeguard and transmit to posterity the principles of justice, freedom, and democracy;

To participate in and contribute to the accomplishment of the aims and purposes of The American Legion;

To consecrate and sanctify our association by our devotion to mutual helpfulness.

(10-19-2019)

AMERICAN LEGION AUXILIARY  
JOSEPH J. DUNCAN, JR. UNIT 119

## **CONSTITUTION**

### Article I

The name of this organization shall be American Legion Auxiliary, Joseph J. Duncan, Jr. Unit 119 of Estes Park, Department of Colorado.

### Article II Nature

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

Section 2. The American Legion Auxiliary, Joseph J. Duncan, Jr. Unit 119 shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles nor for any promotion of the candidacy of any person seeking public office or preferment. The object of this organization shall be stated in the Preamble of the Constitution.

### Article III Eligibility

Section 1. Eligibility for membership in the American Legion Auxiliary is determined by The American Legion. Membership in the American Legion Auxiliary shall be limited to the:

- a. Grandmother, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion; and
- b. Grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who served in either of the following periods; April 6, 1917, to November 11, 1918 and any time after December 7, 1941, who being a citizen of the United States at the time of their entry therein served on active duty in the Armed Forces of any of the governments associated with the United States and/or served on active duty in the Armed Forces of the United

States during either eligibility periods and died in the line of duty or after honorable discharge; and

- c. To those women who of their own right are eligible for membership in The American Legion.

Section 2. There shall be two (2) classes of membership, Senior and Junior.

- a. Senior membership shall be comprised of members age eighteen (18) and older; provided, however, a member of eligible under Section 1 of this article and who is under the age of eighteen (18) years and married shall be classified as a Senior member.
- b. Junior membership shall be comprised of members under the age of eighteen (18) years, whose activities shall be supervised by the Senior membership. Upon reaching the age of eighteen (18), Junior members shall automatically be admitted into Senior membership with full privileges.
- c. Dues of both classes shall be paid annually or for life.

#### Article IV Unit Officers

The Unit shall elect annually a President, Vice President, Secretary, Treasurer, Chaplain, Historian and Sergeant-at-Arms who shall serve until their successors are duly elected or as otherwise provided.

#### Article V Executive Committee

Section 1. There shall be an Executive Committee, which shall consist of the officers, and additional members-at-large elected by the Unit. The term of office for members of the Executive Committee shall be for one year.

Section 2. All Past Presidents in good standing with the Unit shall be members of the Executive Committee, but without a vote.

Section 3. A vacancy existing in the Executive Committee from any cause other than the expiration of term shall be filled by a majority vote of the entire Committee. A person so elected shall hold office for the unexpired term of the member who he/she succeeds.

Section 4. Meetings of the Executive Committee may be called by order of the President or on written request of at least three (3) members of the Executive Committee.

Section 5. A quorum shall consist of a majority of attending members of the Executive Committee.

#### Article VI Fiscal Year

The fiscal year of the Unit shall be the same as that of the Department, July 1<sup>st</sup> through June 30<sup>th</sup>.

#### Article VII Amendments

Section 1. This constitution may be amended by a two-thirds (2/3) vote of the members present at a regular Unit meeting, provided the proposed amendments shall have been read at the previous meeting.

Section 2. Amendments not having been previously read may be adopted by the unanimous vote of the members present.

Section 3. This Constitution may be automatically amended to conform to the National and Department Constitution and Bylaws and the Standing Rules of the American Legion Auxiliary.

AMERICAN LEGION AUXILIARY  
JOSEPH J. DUNCAN, JR. UNIT 119

**BYLAWS**

Article I  
Organization

Section 1. The Unit shall hold their annual election prior to the Department Convention; however, such Officers elected shall not assume their offices until after the Department Convention.

Section 2. Generally the Nomination Committee shall present to the membership a slate of officers in April and election of officers are then held in May with installation following immediately. Elections should be completed before the Department Convention generally held in June.

Section 3. The Secretary shall present Department a directory with the newly elected officers and their contact information on a form selected by the Department within ten (10) days of their election & installation.

Article II  
Emergency Operations

Section 1. In the event of a natural disaster created by weather or a health related pandemic, considerations shall be taken as to the Unit transacting business and elections.

Section 2. Business and elections shall be handled with possible conference calls, electronic meetings, voting by email or mail in ballots and other selected venues by the Executive Committee.

Section 3. The meetings will include an agenda, reports presented before the meeting, roll call check for a quorum and minutes taken and sent out as soon as possible.

Article III  
Duties and Powers of Officers

Section 1. Duties of the Unit President:

It shall be the duty of the President to preside at all meetings of the Unit and the unit Executive Committee, to enforce strict observance of the Constitution and Bylaws; to appoint members of standing committee; to create such other committees and appoint duties as custom and parliamentary usage require; and to appoint all officers not otherwise provided for.

Section 2. Duties of the Unit Vice-President:

The Vice-President shall, when called upon, assist the President and, in his/her absence, perform the duties and shall succeed the office in case of death, resignation, or removal. Be ready to take over the Presidency for the next year and preside over at least one meeting during the current term in office.

Section 3. Duties of the Unit Secretary:

It shall be the duty of the Unit Secretary to record the proceedings and transactions of all meetings of the Unit and the Unit Executive Committee meetings; to act as custodian of all books, papers, and records; to conduct the correspondence of the Unit; to keep on file in a comprehensive manner copies of all correspondence sent and received. He/she shall care for the archives of the Unit; and perform other duties as shall be required by the President.

Section 4. Duties of the Unit Treasurer:

It shall be the duty of the Unit Treasurer to receive all money belonging to the Unit and to account for the same. He/she shall also keep a record of all money received from all members for per capita assessments or from other sources i.e. the membership chairman. He/she shall see that all Unit members are bonded through the yearly fee paid to Department Headquarters by the Unit. The Treasurer shall pay all orders signed by the President or Secretary and shall retain these orders as vouchers. All checks are to be signed by two authorized signers for each account that is to be drawn upon. He/she shall keep account of receipts and expenditures, making annual report thereof, and account(s) shall be audited annually. He/she shall pay over to and deliver to successor, all money, vouchers, books, and papers belonging to the Unit.

Section 5. Duties of the Unit Chaplain:

It shall be the duty of the Chaplain to offer prayer at the opening and closing of each meeting, and to perform such other duties as the President may direct.

Section 6. Duties of the Unit Historian:

It shall be the duty of the Unit Historian to compile historical records for the year of the Unit and to make a report to the Department. The Historian shall be in charge of the yearbook.

Section 7. Duties of the Sergeant-at-Arms:

It shall be the duty of the Sergeant-at-Arms to be custodian of the colors and to be in charge of the presentation and retirement of said colors during Unit meetings. It shall be his/her duty to preserve order at the meetings of the Unit and such other duties as may be prescribed by the President.

Article IV

Dues

Section 1. The annual membership dues of this Unit shall be at \$50.00 for Seniors and at least \$10.00 for Juniors, which shall include the Department and National per capita. Dues shall be payable annually following the close of each Department Convention for the next ensuing calendar year.

Section 2. A member failing to pay annual dues, including the Unit, Department and National assessments, by January 31, is classed as delinquent and shall be suspended from all membership privileges; provided, however, such suspended member shall be notified by the Secretary of the Unit of such suspension hereto. Payment of back dues after suspension shall reinstate such member to active membership. Any member delinquent to December 31, of the year of delinquency, shall automatically be dropped from the membership rolls and may be reinstated only by paying all back dues or by re-establishing eligibility and making application as a new member.

Section 3. Life or Permanent Membership is payable to Department.



Article V  
Unit Meetings

Section 1. The regular meeting of this Auxiliary Unit shall be held on the 2<sup>nd</sup> Monday of each month, and shall be called to order at 5:30pm.

Section 2. An annual meeting of this Unit shall be held in the month of May of each year for the purpose of installing officers and receiving annual reports. It is to be noted that Department requests year-end reports by April 15<sup>th</sup>.

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

Section 4. The Senior members present shall constitute a quorum at any meeting of the Unit.

Section 5. It shall be the duty of each Officer and Chairman to submit a report at each meeting. If one is unable to attend the meeting, then the report shall be given to a member to present the report. After the reading of the Officer and/or Chairman report, they should ask that the report be accepted and then handed to the Secretary.

Section 6. The Unit Parliamentarian should be a Past President.

Article VI  
Election

Section 1. Nominating Committee shall have a slate of officers filling each position; President, Vice President, Secretary, Treasurer, Chaplain, Historian, Sergeant-at-Arms and if a name is vacant for any position, a member in good standing can be nominated from the floor to be added to the slate. When there is but one candidate for each office, the nominee(s) placed on the slate of officers may be elected by voice vote. If a position remains open with no nominee, the Executive Committee at a later date can elect and fill the empty position. If there are more than one nominee for a certain office then a paper ballot is used and a majority of the votes cast selects the nominee to be placed on the slate of officers for the final voice vote for election.

Section 2. In order to participate in the election of Unit Officers, a member shall have paid their dues for the current fiscal year with which the election is held, at the time of nomination of candidates for office and, in any event, at least two weeks prior to the election.

Section 3. Delegates and alternates to the Department Convention shall be elected at a Unit meeting duly called for that purpose not less than three weeks prior to the convention. Alternates shall have priority in the order of their election.

### Article VII Transfer

Transfer of membership from one Unit to another in the Colorado Department shall be upon application of the member to, and acceptance by, the other Unit, in conformity with National and Department Constitution and Bylaws.

### Article VIII Discipline

Section 1. Expulsion of a Member: For any violation of the Unit, Department, or National Constitutions, or for conduct improper and prejudicial to the welfare of the Auxiliary or The American Legion, any member may be expelled from membership or any officer removed from office by a two-thirds (2/3) vote of a Unit meeting duly called for that purpose. Said expulsion or removal to be binding only in the event said member or officer shall have been given at least thirty (30) days' notice in writing by the Unit Executive Committee of the charges and the hearing. Either party may have the right of appeal to the Department Executive Board, or its action shall be final. The expense of said appeal shall be borne by the appellant.

Section 2. Expulsion from one Unit does not prevent a member from applying for membership in any other Unit.

Article IX  
Parliamentary Authority

The Unit organization shall be governed by the “Roberts Rules of Order, ‘Newly Revised’ “ on all points not covered by this Constitution and Bylaws.

Article X  
Committees

Section 1. Nomination committee is elected by the members at the first meeting in September.

Section 2. Standing and special committees shall be appointed by the President after the annual meeting for installation.

Section 3. A Budget committee composed of the Treasurer and two other members shall be appointed. It shall be the duty of this Committee to prepare a budget for the fiscal year.

Section 4. An Auditing committee of three members shall be appointed by the President, whose duty it shall be to audit the Treasurer’s accounts at the close of the fiscal year and report to the Executive Board of its findings starting the new fiscal year.

Section 5. Such other committees, standing or special, shall be appointed by the President or the Executive Committee as shall from time to time deem necessary to carry on the work of the Unit.

Section 6. The President shall be ex officio, a member of all committees, except the Nomination Committee.

American Legion Auxiliary  
Joseph J. Duncan, Jr. Unit 119

## **STANDING RULES**

1. A Legion Post has no authority to regulate a Unit and vice versa per National Judge Advocate.
2. There shall be a committee, consisting of a Courtesy Chairman and/or Chaplain with three other members, to be appointed by the President. The committee shall be in charge of getting flowers and meals as provided in the Standing Rules and making courtesy visits, if called for.
3. In case of serious illness or accident of a member including any hospitalization, the committee shall send an appropriate greeting card suggesting flowers, candy or beverage, not to exceed \$25.00.
4. In case of a member's death or a death in the immediate family (spouse or children), the Auxiliary will provide one full meal, if desired; the meat to be paid for by the Unit and the accompanying dishes to be donated. If a meal is not warranted then a donation in the amount of \$25.00 will be made to an organization designated by the family or to the American Legion Auxiliary Emergency Fund.
5. Any member knowing of illness or death in a member or spouse's family should notify the President or the Courtesy Chairman and/or Chaplain so a card can be sent.
6. The Courtesy Chairman or Chaplain will send a card signed by Members of the Unit to all Legion members, Sons of the Legion and Legion Riders who are hospitalized.
7. The Unit shall purchase the Past President's pin and shall present it to her at the May installation.
8. The Unit shall purchase a small token of appreciation for District President and District Officer visits to the Unit, Department President, and the Invited Installing Officer for installation. These gifts shall be purchased and presented by the Courtesy Chairman at the visitation of these Officers. The cost of each gift shall not exceed \$25.00.
9. The Executive Committee shall be limited to a \$50.00 expenditure without a vote of the membership.
10. All Unit expenditures shall be limited to a \$50.00 expenditure without a vote of the membership.
11. The Unit shall pay for official lunches and banquets at Department

Conventions and Conferences for attending delegates, plus the motel rent, and transportation up to an overall limit set in the budget. If these expenses exceed the budgeted amount, the money shall be divided equally among the attending delegates.

12. Unit's Gaming Fund:

- a. The Unit's Games Manager's fees for training will be paid out of the Games Fund.
- b. The Unit's Gaming License will be paid out of the Gaming Funds.
- c. Game Funds will be maintained in a separate bank account and managed according to the Gaming Rules for the State.
- d. The Game Funds Account signatures will include the current Game Manager plus two to three others to have two signatures sign each check. The accounting will be maintained by the Unit Treasurer and included in the Unit's budget.

## **Code of Ethical Conduct**

(Note: in 2018 ALA National, Department, & District adopted this document and is mandated to be inserted as an amendment to all ALA C&B's)

### **Ethics**

When acting as agents or members of the American Legion Auxiliary, the members shall comply with National, Department, District, and Unit governing documents and comport themselves in such a manner that reflects positively on the American Legion Auxiliary.

The following items will serve as a guide to the individual member to describe acceptable behaviors. These items are applicable to all American Legion Auxiliary members whether they are elected to an office, appointed to a position, or employed by the organization.

All Auxiliary Members shall:

- A. Perform their assigned duties with honesty, and openness.
- B. Work to create an atmosphere that will build respect, creditability, and importance of the American Legion Auxiliary to the public.
- C. Be knowledgeable of all applicable federal, state, and local laws, including, but not limited to human resources, financial accountability, taxes, fundraising, trademark protection, and licensing.
- D. Comply with the regulations identified in item C.

- E. Be responsible to manage and preserve the assets and moneys and spend the moneys prudently.
- F. When requested, provide comprehensive and timely information to the public.
- G. Recuse themselves from any deliberation or voting on any business item that may benefit themselves directly or indirectly.
- H. Ensure that all fundraising events accurately reflect the mission and objectives of the American Legion Auxiliary.
- I. Recognize the values of the diverse backgrounds of the members and utilize these talents for the betterment of the American Legion Auxiliary.
- J. Be knowledgeable of these code of ethics and shall take steps to ensure the compliance of each member. If possible, any violations of this code should be handled on a one to one basis or on the unit level.
- K. If these steps do not work, the member may report any violations to a higher authority using the “whistleblower protection”.
- L. A whistleblower is any member who, in good faith, promptly reports instances of any suspected violation of this code and is protected from retaliation. The alleged violation will be investigated by the appropriate people.
- M. Any member who acts maliciously, by making known information she knows, or reasonably believes to be false, is not a whistleblower and will not be protected under the whistleblower policy.
- N. Upon election to a department office or appointment as a department committee chairman, the member shall sign the confidentiality agreement and the conflict of interest compliance statement.
- O. All Auxiliary members shall not create mail or email list from the Department Directory for distribution of personal opinions or correspondence. Failure to comply can lead to disciplinary action. District leaders are allowed to advertise local and Veteran events.

### **Code of Conduct**

The ALA Code of Conduct describes the principles of good behavior expected by all ALA members. Participation in the ALA is a privilege, not a right. The ALA expects every member to understand and abide by the Code of Conduct in order to foster and sustain a spirit of goodwill in this organization.

The following items will serve as a guide to describe acceptable behaviors. These items are applicable to all ALA members whether they are elected to an office, appointed to a position, or employed by the organization.

All Auxiliary Members shall:

- A. Conduct herself (himself) with dignity, displaying good manners and morals at all times.
- B. Respect the dignity of all persons and not bully, not physically, mentally, or psychologically abuse any other person.
- C. Demonstrate a high regard for the ALA mission, rendering quality service to veterans and all others.
- D. Value all members regardless of their ability to participate in ALA meetings or events.
- E. Be kind, considerate, and welcoming to members of all ages, ethnicities, and abilities.
- F. To be a good citizen by obeying local, state, and federal laws and regulations.
- G. Abide by all governing documents of the ALA and to respect the property of the ALA and the American Legion Family.
- H. Not abuse or tolerate the abuse of alcohol or illegal drugs.
- I. Honor and fulfill commitments and financial obligations to the American Legion Auxiliary in a timely manner.
- J. Challenge all members to abide by this code and appropriately address those who violate the ALA Code of Conduct.
- K. Upon election to a department office or appointment as a committee chairman, the member shall sign the Code of Conduct pledge.