

**CONSTITUTION AND BYLAWS  
OF  
AMERICAN LEGION AUXILIARY  
NOVEL UNIT 159, INC.  
DEPARTMENT OF FLORIDA  
1770 VENICE AVE.  
VENICE, FL 34292**

**PREAMBLE**

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 percent Americanism; to preserve the memories and incidents of our association 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 accomplishments of the aims and purposes of The American Legion; to consecrate and sanctify our association by our devotion to mutual helpfulness.

**CONSTITUTION**

**ARTICLE I – NAME**

The name of this organization shall be American Legion Auxiliary, NOVEL Unit 159, Inc., Department of Florida.

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## **ARTICLE II – NATURE**

**Section 1.** American Legion Auxiliary NOVEL Unit 159, Inc. is a civilian patriotic service organization that supports the mission of The American Legion.

**Section 2.** American Legion Auxiliary, NOVEL Unit 159, Inc. shall be absolutely nonpolitical and shall not be used for dissemination of partisan principles or for promotion of the candidacy of any person seeking public office or preferment.

## **ARTICLE III – OBJECTIVE**

The objective of the American Legion Auxiliary, NOVEL Unit 159, Inc., Department of Florida shall be as stated in the Preamble of the Constitution.

## **ARTICLE IV – ELIGIBILITY**

**Section 1.** Eligibility for membership in The American Legion Auxiliary is determined by The American Legion. The eligibility requirements from The American Legion governing documents shall be provided as follows and shall be updated as appropriate.

- (1) Grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion; and
- (2) Grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and woman 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 during either eligibility periods and died in the line of duty or after honorable discharge;
- (3) Grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and woman who were in the Armed Forces of the United States during either of the following periods: April 6, 1917 to November 11, 1918; and any time after December 7, 1941 who 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
- (4) To those women who of their own right are eligible for membership in The American Legion.

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

- (a) Senior membership shall be composed of members over the age of eighteen (18) years; provided, however, that a spouse under the age of eighteen years, who is eligible under Section 1 of this article, shall be classed as a Senior member.
- (b) Junior membership shall consist of that group under the age of eighteen (18) years, whose activities shall be supervised by the Senior membership. Upon reaching the age of eighteen (18) years, 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 V – UNIT OFFICERS**

The Unit shall elect annually a President, First Vice President, Second Vice President, Treasurer, Chaplain, Historian, and Sergeant-at-Arms who shall serve until their successors are duly installed or as otherwise provided. (Or a combination of some of these officers.)

The President shall appoint the Secretary(s) and Assistant Sergeant-at-Arms who shall serve until their successors are duly installed or as otherwise provided.

#### **ARTICLE VI – EXECUTIVE COMMITTEE**

There shall be an Executive Committee, which shall consist of all elected officers and three (3) additional members-at-large elected by the Unit.

#### **ARTICLE VII – FISCAL YEAR**

The fiscal year shall be the same as the Department, July 1 thru June 30

## **ARTICLE VIII – 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 read may be adopted by the unanimous vote of the members present.

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

## **BY LAWS**

### **ARTICLE I – EXECUTIVE COMMITTEE**

**Section 1.** Between meetings, the government and management of the Unit shall be entrusted to the Executive Committee and all proceedings of said committee shall be presented to the Unit at the next meeting for approval.

**Section 2.** A vacancy on the Executive Committee, from any cause other than the expiration of a term, shall be filled by a majority vote of the entire committee which shall be brought to our regular Unit Meeting as a recommendation for approval and vote. A person so elected shall hold office for the unexpired term of the member they succeed.

**Section 3.** A majority of the members of the Executive Committee shall constitute a quorum.

**Section 4.** Special meetings may be called by order of the President, or on written or electronic request of at least three (3) members of the Executive Committee. Uniform notice of such special meetings shall be given to all members of the Executive Committee; and, except in extreme emergency, shall be given at least forty-eight (48) hours in advance. At special meetings only business specified shall be transacted.

### **ARTICLE II – 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 Meetings; to enforce strict observance of the Constitution and Bylaws; to appoint members of Standing Committees; to create such other committees and appoint members thereof as deemed advisable; to perform other such duties as custom and parliamentary usage require; and to appoint all officers not otherwise provided for.

**Section 2.** Duties of the Vice President – The First and Second Vice Presidents, in the order named, shall when called upon, assist the President and in the President’s absence, perform the President’s duties and shall succeed the President in office in case of death, resignation or removal from office.

**Section 3.** Duties of the Secretary – It shall be the duty of the Secretary to receive and answer official mail under the direction of the President; to keep on file, in a comprehensive manner, copies of all correspondence sent and received; and to send and give notice of all meetings. It shall be the duty of the Secretary to record the proceedings and transactions of all meetings of the Unit; and to keep all books, papers and records that are needed to carry on the working of the office and care for the archives of the Unit. The Secretary is hereby vested with such authority as it is necessary to carry out those duties successfully for the good of the American Legion Auxiliary.

**Section 4.** Duties of the Treasurer – It shall be the duty of the Treasurer to receive all monies belonging to the Unit and account for them, to pay the bonding fee as determined by the Department Office, and maintain two (2) separate funds; namely a General Fund and Welfare Fund. All Poppy donations shall be placed in the Welfare Fund and be used to assist the Veteran and his/her children. The Treasurer shall keep an accounting of all receipts and expenditures, making an annual report thereon and such other reports as may be deemed necessary by the Unit Executive Committee. All accounts shall be audited annually. The Treasurer shall pay all current bills before transferring all funds, books, vouchers and papers belonging to the Unit to successor.

**Section 5.** Duties of the Chaplain – It shall be the duty of the Chaplain to offer prayer at the opening and closing of each meeting, and perform such other duties as directed by the President and to notify Department of any deceased members on a monthly basis.

**Section 6.** Duties of the Historian – It shall be the duty of the Historian to compile the historical records of the Unit and to make a report to the Department.

**Section 7.** Duties of the Sergeant-at-Arms – It shall be the duty of the Sergeant-at-Arms to preserve order at the meeting of the Unit and to perform such duties as may be requested by the President.

### **ARTICLE III – DUES**

**Section 1.** The annual Senior membership dues of the Unit shall be as stated in the Standing Rules, which shall include the Department and National per capita. The annual dues for the Junior membership shall be as stated in the Standing Rules to include the Department and National per capita.

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

### **ARTICLE IV – UNIT MEETINGS**

**Section 1.** The regular scheduled meeting of American Legion Auxiliary, NOVEL Unit 159, Inc. shall be held as stated in the Standing Rules. An Executive Committee meeting shall be held as stated in the Standing Rules.

**Section 2.** The number of members of a Unit that shall constitute a quorum at any regular scheduled meeting of the Unit shall be as stated in the Standing Rules.

**Section 3.** Special meetings of the Unit may be called by the President, by a majority of the Executive Committee, with the President notified, of upon written request of three (3) members of the Unit.

## **ARTICLE V – ELECTION**

**Section 1.** Elections shall be held annually. In order to participate in the election of the Unit Officers, a member shall have paid dues for the current fiscal year within which the election is held.

**Section 2.** Election shall be by ballot, and a majority of the votes cast shall be necessary with the nominee declared. If there is only one person nominated for an office the ballot may be dispensed with and that nominee declared a winner.

**Section 3.** All Officers and Executive Committee members shall be elected at a meeting duly called for the purpose not more than ninety (90) days prior, nor less than fifteen (15) days prior to Department Convention.

**Section 4.** The Unit shall notify the Department Secretary of the names and addresses of such newly elected officers, not less than ten (10) days prior to Convention, certification to be made on forms furnished by Department.

**Section 5.** Vacancies in office between annual elections shall be filled by the Executive Committee.

**Section 6.** Delegates and Alternates to District Constitutional Conference or Department Convention shall be elected not less than two (2) weeks prior to the Conference or Convention. Past-President/President/Secretary have first priority. Alternates shall have priority in the order of election.

## **ARTICLE VI – COMMITTEES**

The Unit shall have the following Core Committees – Americanism, Children & Youth, Constitution and Bylaws, Membership, National Security, Audit, Veterans Affairs and Rehabilitation, and such other mission and member/organizational standing committees as provided in the Standing Rules.

## **ARTICLE VII – TRANSFERS**

**Section 1.** Transfers of membership from one Unit to another in the Department of Florida shall be upon application of the member to, and acceptance by, the other Unit, in conformity with National and Department Constitution and Bylaws.



**Section 2.** No person shall be a member of more than one unit at any time.

## **ARTICLE VIII – DISCIPLINE**

**Section 1.** Bullying in the American Legion Auxiliary has become a pervasive problem that can have negative consequences for the organization and for the rights of members to participate without fear, and one that can have negative lifelong consequences, both for members who bully and for their targets.

Bullying is comprised of direct behaviors such as slandering, ridiculing, threatening, retaliation, humiliating, intimidating, isolating or physically excluding or disregarding a member in activities that are initiated by one or more members against a target member; as well as indirect behaviors such as spreading rumors, writing letters, posting disparagement on social media, or acting in other ways to cause a member to be socially isolated through intentional exclusion, with all such behaviors, direct or indirect, occurring repeatedly over time to create an ongoing pattern of harassment and abuse; therefore

Any member may report a violation of bullying in writing without fear of retaliation to the Department Office. The organization considers all inquiries and complaints about actions of members to be strictly confidential. The complaint provides a process for the Department Executive Committee to investigate and act on the violation. The Committee shall render discipline appropriate to the violation. Said discipline shall be binding. However, the disciplined member has the right to appeal the discipline and its ultimate action shall be final.

**Section 2.** For any violation of the Unit, State or National Constitution, or for conduct improper and prejudicial to the welfare of the Auxiliary or The American Legion, any member may be expelled from membership or removed from any office by two-thirds (2/3) of the vote cast at 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 fifteen (15) days' notice in writing by the Unit Secretary of the charges and the hearing thereon. Either party may have the right of appeal to the Department Executive Committee and their action thereon shall be final. The expense of said appeal shall be borne by the appellant.

**Section 3.** Neither this Unit in the Department or any member thereof, shall circularize any other Unit or member thereof without the consent of the Department Executive Committee.

**Section 4.** No member or group of members shall subject this Unit to liability without authorization of the Unit.

#### **ARTICLE IX – PARLIAMENTARY AUTHORITY**

The Unit organization shall be governed by “Robert’s Rule of Order, Newly Revised” on all points not covered in National and/or Department Constitution and Bylaws.

#### **ARTICLE X – AMENDMENTS**

**Section 1.** These Bylaws 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 a previous Unit Meeting.

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

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

**Section 4.** Since Units are separate entities that operate independently as affiliates of the ALA National Organization, one (1) original signed copy by the Unit President and Unit Secretary and/or Unit Constitution and Bylaws Chairman, showing the date of Unit approval will be sent to the Department of Florida every ten (10) years.

THESE CONSTITUTION AND BYLAWS WERE READ, VOTED ON AND APPROVED AT

OUR REGULAR UNIT MEETING ON August 10, 2021

X Joanne Arman

Unit President

X Paula Kyzwal

Unit Secretary

X Theray Buffington

Unit Constitution & Bylaws Chairman

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