

**AMERICAN LEGION AUXILIARY DEPARTMENT OF
ARIZONA CONVENTION JUNE 26-29, 2025
RESOLUTION**

SUBMITTED BY: Rose Ficklin

SUBJECT: Discipline of a Member

DATE: May 28, 2025

Resolution No. 9
(Assigned by Resolutions Committee)

**DO NOT TRY TO SQUEEZE THE RESOLUTION INTO THIS SPACE. PLEASE ATTACH TEXT OF
RESOLUTION AS A SEPARATE PAGE**

Routing: _____

Submitted by: Name and Signature _____

Submitted by: Name and Signature _____

Submitted by: Name and Signature _____

_____ Approved _____ Rejected _____ Revised _____

_____ Approved _____ Rejected _____ Revised _____

_____ Approved _____ Rejected _____ Revised _____

Convention Action: Approved _____ Rejected _____ Date _____

One "hard" copy, signed by at least two (2) qualified delegates, and an unsigned "soft or electronic" copy of all resolutions are to be forwarded to the Department Secretary before Convention if possible. Resolutions originating at Convention need to be written as a "hard" copy with two delegate signatures, and a "soft or electronic" copy forwarded to the Department Secretary as soon as possible so that discussion and vote may take place. (2013) Resolutions presented by the vote of a unit need to be signed by at least two (2) qualified delegates from the Unit and forwarded to the Department Secretary thirty (30) days prior to Department Convention for registration and classification and issuing to respective committees. A resolution which has not been presented through the proper channels will not be considered.

Whereas, In the American Legion Auxiliary, Department of Arizona Bylaws, Department section, Article V it states,

Sec. 1 For any violation of the State or National Constitution or for conduct improper and detrimental to the welfare of the Auxiliary of The American Legion, any member may be suspended or expelled from membership; or any officer removed from office by a two-thirds vote at a Unit meeting called for this purpose. Said suspension, expulsion, or removal from office shall be binding only in the event said member or officer shall have been given fifteen days' notice in writing by the Unit Executive Committee of the charges and hearing thereon. (2012)

Either party may have the right to appeal to the Department Executive Committee and its action thereon shall be final. The expenses of said appeal shall be borne by the appellant.

Sec. 2 A member subject to suspension or membership revocation is no longer a member in good standing and cannot transfer to another unit. (23) and,

Whereas, in the American Legion Auxiliary Unit Guidebook revised October 2024, chapter 8 talks of how to resolve most conflicts with a private conversation and,

Whereas should the individuals and unit exhaust all other avenues of conflict resolution and conversations, the unit may choose to pursue disciplinary action. The unit has the responsibility for the discipline of its members. A department may discipline a Unit for failure to discipline a member. All disciplinary actions must be fundamentally fair, and

Whereas A member disciplined by the unit may appeal the unit's disciplinary action in writing to the Department Executive Committee. Disciplinary actions against members, however, are not appealable to the National Organization, and

Whereas the unit should follow its governing documents on member discipline. It is strongly recommended that a unit consult a professional parliamentarian or an attorney. If a unit has a defined disciplinary process in its governing documents, it should be followed, and

Whereas according to the ALA National Constitution, Bylaws and Standing Rules, a member subject to suspension or membership revocation is no longer a member in good standing and cannot transfer to another unit. In other words, expulsion from a unit of the ALA is expulsion from the organization, and

Whereas only members of the Accused's post home, Unit, Squadron, Post may bring charges against an ALA member,

Resolved, The first step in the process of all actions of suspension or expulsion against a member of the ALA in good standing shall be filing with the Unit Secretary written charges, properly verified by an affidavit of the accuser or accusers, along with any witness statements. It shall be the duty of the Unit Secretary to forward all paperwork to the Unit President, who shall call an executive Committee meeting, expressly for the purpose of moving forward with a trial or a

written warning. It shall be the duty of the Unit Executive Committee to determine if the Unit needs to retain legal counsel.

Resolved the Unit Secretary shall deliver to the accused member, by registered mail, process server or in person, one copy of the charges and a written notice to appear at a specific time and place to show cause why the accused, should not be suspended or expelled. These items shall be delivered to the accused at least fifteen days in advance of the scheduled appearance. The Secretary shall cause note to be made of the delivery of charges and notice.

Resolved the accuser/accusers must be members of the same Unit as the accused, and she/he 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 a defense. The accused may defend themselves or employ legal counsel for her/his defense,

Resolved If the accused member fails to answer the charges in the manner and form stated, the charges and matters therein stated shall be taken as confessed, and the suspension or expulsion granted.

Resolved the Unit Counsel/President or President of a different Unit shall preside at the trial, shall have relevancy 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.

Resolved members in good standing (must be prepared to show current membership card, and no renewals or replacement cards will be issued the day of the trial) of the Unit shall act as jurors under the guidance of the presiding officer 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.

Resolved the Unit Secretary shall take an accurate record of the proceedings and supply the accused with a transcript of the trial no later than twenty days after the trial has ended,

Resolved at the conclusion of the evidence, the accused will leave the room and the members of the Unit in attendance so acting as jurors shall determine by ballot (two-thirds 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 same into the Unit records.

Resolved neither the Accused or the Accuser, nor their Counsel/Presiding Officer, shall be permitted to sit as jurors.

Resolved, that a member who has been suspended or expelled by a unit will have thirty (30) days to appeal in writing to the Department Executive Committee provided that said appeal must be taken by the preparation of a transcript of the proceedings within twenty days after the judgement of expulsion or suspension, and be it further,

Resolved, that such 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, and be it further

Resolved, that 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, or specially called meeting to hear said appeal, provided at least ten days' notice shall be given, and be it further

Resolved, evidence may not be introduced before the 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 President shall preside at the trial, unless the Department Executive Committee unanimously agrees to hire special counsel, the cost of which would be borne by the party appealing, and be it further,

Resolved, the decision of the Department Executive Committee shall be final, and if the decision of the unit is overturned, the suspended/expelled member automatically becomes a member in good standing of said Unit, and it is mandatory that the Unit reinstates the member upon the Unit Membership Roll.

Resolved, this Discipline procedure shall be added to the Department of Arizona Policies and Procedures Manual under the heading "Discipline of a Member" immediately following "Mediation Guidelines" and before "Past Presidents Parley", and this new "Discipline of a Member" section will be referenced in the Department of Arizona Bylaws, Department section, Article V.