

CHAPTER PRESIDENTS' HANDBOOK



By

**VIETNAM VETERANS OF AMERICA, INC.
AND
VVA CONFERENCE OF STATE COUNCIL PRESIDENTS**

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Chapter Presidents' Handbook Introduction

This handbook was originally developed for chapter presidents by the Vietnam Veterans of America Conference of State Council Presidents (CSCP). It is based on many years of combined expertise from the CSCP, VVA board members, committee chairs, and staff, to provide you with as much guidance as is available.

The purpose of this handbook is to provide assistance on a variety of issues pertaining to the proper procedures, operations, and management of a VVA Chapter. The handbook will walk the new president through each sequence of events, from the conduct of New Business during the Annual Meeting and concluding with the transition once his or her term is completed. For leadership to be productive, one must provide a foundation of information on which to draw from. This handbook will cover many key functions, such as administration, the conduct of meetings, disciplinary issues, required forms, and reports. The number of meetings and Chapter bylaws may vary from chapter to chapter, but the techniques discussed in this handbook are necessary to keep the Chapter in compliance with *The Constitution of Vietnam Veterans of America* and to assist the new Chapter President in becoming an effective leader.

Please send any recommendations for changes or improvement to the VVA National Office, Attn: Membership Affairs.

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Chapter 1: Transition To/From Office

Transition To Office – Day of Election

Every Chapter will hold their Annual Meeting in April of each year for the purpose of electing officers. The officers shall serve for a term of one (1) or two (2) years as per the Constitution of Vietnam Veterans of America, **Article III: Chapter Provisions, Section 6--Officers, Paragraph B**. The members of the Chapter will determine the date and location of the meeting. After verification of the prescribed credentials for each candidate, the Chapter Election Committee conducts the elections in accordance with the National Constitution, the Chapter bylaws, and any chapter membership-approved election procedures.

1. Election Results Announced: The Oath of Office optional. It is a ceremonial function that anyone can administer.

2. Immediate Actions: The new Chapter President will assume the position of Chair immediately upon announcement of the election results unless otherwise specified in the bylaws say differently. The chapter may choose to orient new officers, arrange future meetings, sign signature cards for bank accounts, and conduct any other business requiring immediate attention.

3. Appointment or Reaffirmation of Committee Chair: The newly elected president appoints or reappoints the chairpersons of all chapter committees, including any membership-approved special or ad hoc committees, subject to the approval of the Chapter, as defined in **Article III: Chapter Provisions, Section 7--Committees** and as per **Appendix II** to the *Constitution of Vietnam Veterans of America, Inc.* The committee chairpersons then appoint the members of committees.

Transfer of Records and Equipment – To and From Office

All records necessary for operating the chapter must always be brought to the meeting at which elections are to be carried out in the event they need to be given to another person.

A new Treasurer should immediately take possession of checkbooks, credit cards, and any financial records available at the annual meeting. Other records and equipment, including but are not limited to computer(s), printer(s), scanner(s), fax machine(s), file cabinet(s), flags, banners, and archival as well as current records, and any inventory of items for sale by the Chapter, should be transferred and delivered within the thirty-(30)-day period. The delivery of the above items should be in person or by means of an appropriate postal or delivery service and should be documented by a written inventory signed by both the outgoing and incoming officers responsible for the records and equipment.

Summary of Pending Disciplinary Actions

Should there be pending disciplinary actions by the state council or chapter, the outgoing administration should provide to the incoming officers a summary report of the pending cases as well as all files and records associated with those cases. The outgoing officers should also make themselves available to answer questions from the newly elected officers about any particular case in order to prevent confusion and any reciprocal action by an accused.

The outgoing administration, in the person of the Secretary, with the assistance of the President, should provide a list of names of the current members of the Regional Disciplinary Committee, as well as the name of the chair.

Summary of Current Suspensions in Effect

The outgoing administration should provide a list of suspended members along with any files and records associated with a suspension to the incoming Secretary. In the case of the Chapter's suspension due to failure to submit an election report or a financial report on a timely basis, the outgoing administration should apprise the new officers of all actions taken to resolve the suspension of that chapter.

Executive Committee and/or Board of Directors Meeting

Depending on the state's corporate statutes and/or individual chapter bylaws, the chapter may or may not have an executive committee composed of the officers elected by the membership at the annual meeting. Chapter bylaws may permit the addition of other elected chapter officials, in addition to the elected officers, to form a Board of Directors. Frequency of meetings of the Executive Committee and/or Board of Directors can be addressed by the Chapter bylaws or be determined by the Executive Committee and/or Board of Directors. Meeting(s) should be used to keep chapter officers informed and to implement, assign, or follow-up on any business approved by the chapter members.

Chapter 2: Administration

Duties of Office

The Chapter President's duties are stated in the *Constitution of Vietnam Veterans of America, Article III: Chapter Provisions, Section 6--Officers, Paragraph C*. As the principal executive officer of a Chapter, the President shall preside at all meetings of the Chapter and is the official representative of the Chapter to the Corporation. Each President of a Chapter has the authority to ensure that the chapter is in compliance with all governmental statutes, rules, and regulations. Another exposition of the Chapter President's duties may also be defined in the individual chapter bylaws, which may provide further requirements pertaining to the duties of the office, but any additional requirements may not be in conflict with the Constitution of Vietnam Veterans of America, Inc.

Chapter Bylaws

During the process to incorporate as a Vietnam Veterans of America Chapter, each chapter shall draft a set of bylaws. These bylaws provide additional guidance regarding officers, delegates, meetings, and procedures. The Chapter bylaws may elaborate on issues such as term of the fiscal year, mailing address, membership in the chapter, number of meetings, attendance by members, reporting, correspondence, credentials of candidates, and further requirements of the duties of office for the officers. The Chapter bylaws may not be in conflict with the Constitution of Vietnam Veterans of America, Inc.

Filing of Required Forms and Reports

As an incorporated subsidiary of a not-for-profit Veterans Service Organization (Vietnam Veterans of America, Inc.), a Chapter is subject to the rules and regulations of the Internal Revenue Service and those of the state in which it is incorporated. The chapter president is responsible for ensuring all reports required by Federal or State law are submitted in a timely manner. The chapter president is also responsible for ensuring timely reporting to Vietnam Veterans of America, Inc. pertaining to elections, financial matters, chapter membership, disciplinary issues, and any national program involvement such as Household Goods Donation Program as required.

- 1. Internal Revenue Service:** Vietnam Veterans of America Chapters are incorporated as tax-exempt 501(c)(19) organizations. As an incorporated subsidiary of Vietnam Veterans of America, Inc., the Chapters are covered by the Internal Revenue Service Group Tax Exemption granted to VVA, Inc. Beginning in 2008, all chapters are required to file either an Electronic Notice 990-N, a Form 990EZ, or a Form 990, and chapters with Exempt Organization Business Income must file Form 990T.
- 2. State Income Tax and Registration:** The Chapter is issued a Federal Employee ID number and must register with the appropriate office within the state of incorporation. In addition, tax-exempt status may qualify a Chapter for state and local benefits, such as exemption from state sales tax. Consult with an attorney familiar with your local law to determine if additional benefits are available and the procedure for application. The IRS

Group Tax Exemption Ruling does not relieve a Chapter from its federal, state, and local charity registration and reporting requirements. Your exemption is in lieu of the sales tax on taxable items purchased if the items relate to the purpose of the exempt organization and are not used for the personal benefit of a private individual.

- 3. Annual Financial Report:** Annual Financial Reports are due in the National Office no later than **July 15** of the year in which the fiscal year ended. There is only one format for the VVA Annual Report and the form (revised 1-13/14-12) is self-explanatory. The IRS Form 990, 990EZ or 990T that was filed with the IRS must be submitted with the Chapter Financial Report. Additionally the IRS e-mail acknowledging acceptance of the 990-N submission must be submitted with the Chapter Financial Report. The form requires the dated signatures of the Chapter President and the Chapter Treasurer. Annual Financial Report should be sent to the VVA Membership Department by certified mail with return card requested. The return receipt should be kept with a copy of the report in the Chapter records. The deadline for filing the State Council or Chapter annual financial report with the Corporation and/or the State Council may be extended 3 months by submitting a copy of the “Application for Extension of Time to File an Exempt Organization Return,” which was filed with the IRS, to the State Council or Corporation by July 15th. This extension only applies to State Councils and Chapters who file an IRS 990 form and not the 990-N. The Charter of any Chapter that fails to file its financial report within the specified period will automatically be suspended upon written notice of suspension to the National Board of Directors by the VVA Membership Department. In such cases, no disciplinary charges under the National Disciplinary Policy are required for the suspension to be effective. Written notice of suspension shall be sent to the Chapter at its last-known address. Suspension shall continue until (1) the Chapter files its financial report for the year which caused the suspension; or (2) the Board of Directors of the Corporation relieves the Chapter of the responsibility for the filing of a financial report for the year in question; or (3) the Charter of the Chapter is revoked upon the filing of charges under the National Disciplinary Policy.
- 4. Election Report:** Election of Chapter Officers is held at the annual meeting of the members. Officers elected shall hold office for a term of one (1) year unless the Chapter, by resolution of the membership taken at least sixty (60) days prior to the election, shall have determined that all officers shall serve for a term of two (2) years. The Chapter shall submit the election results to the State Council and the National Membership Department not later than July 15th of the year in which the elections take place. *The VVA Constitution* in **Article III Chapter Provisions, Section 9 – Elections Results** states that the Charter of any Chapter that fails to file its election report within the specified period will automatically be suspended upon written notice of suspension to the National Board of Directors by the VVA Membership Department. In such cases, no disciplinary charges under the National Disciplinary Policy are required for the suspension to be effective. Written notice of suspension shall be sent to the Chapter at its last-known address. Suspension shall continue until (1) the Chapter files its election report for the

election year which caused the suspension; or (2) the Board of Directors of the Corporation relieves the Chapter of the responsibility for the filing of a report for the election year in question; or (3) the Charter of the Chapter is revoked upon the filing of charges under the National Disciplinary Policy.

- 5. Household Goods Donation Program:** If your chapter participates in VVA's Household Goods Donation Program, all questions and concerns relative to the operation of the program should be directed to VVA's HGDP Manager at: 800-882-1316, Ext. 123. All financial reporting requirements are to be directed to VVA's CFO at: 800-882-1316, Ext. 126. The chapter president must sign an agreement annually and is responsible for ensuring that HGDP funds are used only for purposes approved under the agreement.

Fidelity Bonding

Vietnam Veterans of America, Inc., will secure and maintain fidelity bonding which is good for three years for Chapters up to the amount of \$10,000 at no expense to the Chapter. Additional bonding over that amount may be secured by the Chapter at its own expense. Such bonding is for the purpose of restitution or reimbursement of Chapter funds due to dishonesty, fraud, deceit, forgery, embezzlement, theft, or other act of moral turpitude which could result in a monetary loss to the Chapter. For further details, consult the *Constitution of Vietnam Veterans of America, Article III: Chapter Provisions, Section 6--Officers, Paragraph G.*

Establishing Lines of Communication

Numerous means of communication are available to ensure that contact among every level of Vietnam Veterans of America and the general membership is continuous. The Internet, the use of email, CD, and cell-phones has advanced everyday communication, but mail correspondence, telephone, and fax are still used.

- 1. National:** The chapter must maintain lines of communication with National regarding membership, election and financial reporting, and disciplinary issues. Other communication regarding information on Veterans benefits, legislative matters, national programs, training, and committee work are also important. *The VVA Veteran* and the VVA web page (vva.org) are essential tools of communication National. Chapters should ensure that information regarding resources at National is available to their membership.
- 2. Regional:** The chapter should maintain communication with its regional director regarding advocacy at the national board meetings and updates on policy or procedural changes.
- 3. State:** The state council president is responsible for communication within the state in order to keep the chapter officers updated on state council or VVA business matters. Updates could come from a group e-mail contact list with the chapters.
- 4. Membership:** The chapter president is responsible for maintaining communications with

the chapter membership. Use of a Chapter newspaper can be used communication tool will help to keep the membership updated. Your availability by e-mail, phone, and fax will keep you in tune with the members you represent.

Restricted Activities

Chapters are prohibited by the VVA Constitution from certain activities such as telephone solicitation; direct mail; work-place donations; regular and continuous sale of alcoholic beverages; and/or the solicitation of household goods. A detailed interpretation of restricted activities is in *The Constitution of Vietnam Veterans of America, Article IV: General Provisions, Section 3--Restricted Activities, Paragraph A-G.*

Conflict of Interest Policy

In 1998, the VVA Board of Directors adopted a Conflict of Interest Policy which acknowledges that "[t]he mere existence of a conflict of interest is neither inherently illegal nor necessarily a reflection on the integrity of the director or officer" and that "[i]n a situation involving corporate decision-making, it is the manner in which the director or officer and the board deal with a disclosed conflict that determines the propriety of a transaction."

The Policy provides that, "[s]ince board members and officers owe the corporation a duty of loyalty, actual or potential conflicts of interest are best addressed by prior disclosure and abstention from decision-making in the area in which a conflict exists." To implement the requirement for prior disclosure and abstention when necessary, the Policy mandates that all national board members and officers annually complete, sign, and submit a Conflict of Interest Disclosure Report Form.

Since VVA chapters are separate corporations, they should be aware of the possibility that potential or actual conflicts of interest by one or more delegates or officers could directly or indirectly influence the chapter's decision-making. VVA has not required that VVA chapters adopt the same conflict of interest policy VVA uses; however, since one of the hallmarks of good governance of a nonprofit corporation is the existence of a conflict of interest policy, chapters that do not already have one would be well advised to develop and adopt one.

The Internal Revenue Service (IRS) has recently indicated an interest in having nonprofit organizations seeking recognition as an exempt organization under Section 501(c)(3) of the Internal Revenue Code adopt a conflict of interest policy. Although a new war veterans organization seeking tax-exempt status under Section 501(c)(19) would use an IRS Form UC1024 (not a Form 1023) that distinction alone doesn't erase the handwriting on the wall: The IRS thinks it's smart for a tax-exempt organization to have a conflict of interest policy and although the IRS has not yet said a conflict of interest policy is mandatory, it has provided a sample Conflict of Interest Policy at <http://www.irs.gov/instructions/i1023/ar03.html>. If a state's nonprofit corporation law requires a nonprofit corporation incorporated in that state to have a conflict of interest policy (or a conflict of interest provision in its corporate bylaws), a chapter in such a state should comply with the state law.

Chapter 3: Meetings

Scheduled Chapter Meetings

Regular meetings of the Chapter shall be held on a date and location as determined by the Board of Directors of the Chapter or by notice to the members at least ten (10) days prior to the meeting as per the *Constitution of Vietnam Veterans of America* in **Article III: Chapter Provisions, Section 4--Meetings of Chapters, Paragraph A-G**. A Chapter may have as many meetings as is deemed necessary.

- 1. Agendas:** The Chapter President, with input from the Board of Directors, will establish a tentative agenda following a set format. Some chapters establish a timeline for the items on the agenda; others are more informal. **An example of an agenda is contained in the Appendix.**
- 2. Conducting a Meeting:** Meetings should be conducted in accordance with *The Constitution of Vietnam Veterans of America*, the *Chapter Bylaws*, and conduct-of-business and parliamentary procedure as addressed by *Robert's Rules of Order, Newly Revised*. The agenda is a guideline for keeping the meeting in sequence. As the chairperson, the chapter president controls the tempo of the meeting and has the responsibility of maintaining order during the meeting. Distribution of written committee reports and the setting of a time limit on committee reports and updates may also keep the meeting moving. Adding seminars or guest speakers on veteran related issues could be informative and valuable as training tools.

State Council Meetings

The State Council shall produce a schedule with designated site(s) for the Council to meet not less than twice per year. Besides the mandatory two meetings required by *The Constitution of Vietnam Veterans of America, Inc.* in **Article II: State Provisions, Section 6--Meetings, Paragraph A**, state councils may have as many meetings as they deem necessary as approved by the state council delegates. The chapter shall be represented on the state council as required by *The Constitution of Vietnam Veterans of America, Inc.* in **Article II: State Provisions, Section 3--Membership, Paragraph A**, and chapter representation will be defined in the individual state council bylaws.

Regional Meetings

Some regions hold periodic meetings or conferences for the states/chapters within that region. Others do not. Chapter presidents or members who wish to participate in regional conferences should discuss this with their state council president or regional director.

National Leadership & Education Conference

In each even-numbered year, Vietnam Veterans of America conducts the National Leadership & Education Conference. The conference offers a variety of presentations designed to educate and assist all VVA members. Generally the conference has included instructional seminars focused on state council, chapter and committee operations, presentations related to current veterans' issues, and more.

Chapter 4: National Convention

Preamble

This chapter is designed to assist the chapter president in understanding what should be done during a National VVA Convention.

National Convention

The National Convention is the highest authority of the Corporation. It should be treated with full respect and taken very seriously. It is at National Convention that membership has the opportunity for input on what direction they would like the organization **to** take during the next two years. This is the time when all the changes to the Constitution of Vietnam Veterans of America and resolutions are made and VVA national officers/directors are voted into office. The Chapter Presidents have a big responsibility during this time. The National Conventions have been held every two years since 1983. Refer to **Article I, Section 7-- National Convention of the National Constitution** for a full understanding and entitlements of the National Convention.

Chapter Delegates

The chapter selects or elects delegates based on the number of members it has. If a chapter is not able to fill all of its delegate slots from within its membership, the chapter may, but does not have to, transfer the delegate vote(s) to another eligible VVA member within the state or to the state council president. Transfer authority must be in writing and signed by two (2) of the chapter officers.

Credentials Committee and Guidelines

At each convention, a Credentials Committee, consisting of the nine (9) VVA Regional Directors and a chairperson appointed by the National President, is responsible for ensuring the proper credentialing for all VVA delegates to the National Convention. Rules are issued before each convention but generally **remain consistent on certain points**. The 2013 rules are listed below to provide information on the types of rules the Credential Committee establish.

Rules

1. The VVA member strength as of February 28 of the Convention year shall determine both state council and chapter delegate count for that year's convention in accordance with Article I, Section 6, paragraph E – National Conventions of the VVA Constitution.
2. No transfers of VVA members shall be authorized 90 days prior to the start of the convention and the end of the Convention. Transfers for the purpose of starting new VVA Chapters or transfers into a different chapter when the member changes their residence may continue.
3. If national has not received a copy of a State Council's or a Chapters annual financial report, that State Council or Chapter's delegates will not be credentialed. They will not be allowed on the Convention floor until the annual financial report has been received. Annual financial reports may be turned in at

- Convention. (Suggestion – Have a copy of your financial report with you.)
4. If national has not received a copy of a State Council's or a Chapters annual election report, that State Council or Chapter's delegates will not be credentialed. They will not be allowed on the Convention floor until the annual election report has been received. Annual Election reports may be turned in at Convention. (Suggestion – Have a copy of your Election report with you.)
 5. All Chapters and State Council's will have filed with the appropriate state agency or office in their state, commonwealth or territory any report(s) necessary to maintain their corporate status as a non-profit corporation in good standing. This will have been confirmed by the respective State Council President. If there is any delinquency in any required filings, that State Council or Chapter's delegates will not be credentialed until all required filings have been brought current.
 6. New delegates who are attending their first VVA Convention must attach a copy of their DD Form 214 to their application. Delegates who attended VVA Conventions in 1999, 2001, 2003, 2005, 2007, 2009, 2011 and 2013 or are Life Members or are State Council Presidents do not need to attach a copy of their DD Form 214. All delegates are encouraged to have a copy of their DD Form 214 with them at the convention to assist in answering any potential credentialing questions.
 7. When a chapter elects not to send a delegate, they may transfer the delegate vote(s) to another eligible VVA member in good standing from any chapter within their state or to their state council. If a state council elects not to send a delegate, they may transfer the delegate vote(s) to another eligible VVA member in good standing from any chapter within their state. Transfer authority must be in writing and signed by two (2) of the chapter officers or in the case of a state council signed by two of the state council officers.
 8. All challenges are to be brought to the attention of the Credentials Committee chairperson. The chairperson will then seek the applicable regional director, state council president, and VVA membership staff for clarification of any delegate credentials. If a challenge cannot be resolved at that level; a meeting of the Credentials Committee will convene and arbitrate.
 9. The Credentials Chair will make an oral report each morning to the assembled delegates notifying them of the total number of delegates seated that day.

Role of Chapter President

The chapter president should provide guidance to the delegates from the chapter and help them understand issues and procedures. The chapter president may suggest and inform the members on the issues that pertain to convention business, including qualifications of candidates. However, the chapter president may never pressure any delegate to vote a certain way on any constitutional amendment, resolution, or candidate.

Regional Meetings/Caucus

During the convention, each regional director may call the delegates from that region together one or more times to review and discuss the issues the Convention. These are

informative sessions to help delegates understand what is going on throughout the convention and to give the delegates the opportunity to discuss their concerns and ask any question they may have. Candidates for national office usually appear and give delegates an opportunity to ask question of them.

State Council Caucus

State council caucuses may also be held should the state delegates wish to meet to with their State President and other delegates within their state discuss issues. State caucuses are not required.

Chapter 5: Disciplinary Issues

Preamble

*One of the duties of a chapter president is managing disciplinary issues, whether this involves trying to resolve possible disciplinary matters or the filing of charges. This is an unpleasant task, and each president must be prepared to deal with issues that may result in disciplinary action. All chapter presidents are encouraged to use every resource available to resolve issues. **The National Disciplinary Policy** is meant to be the option of last resort after all other means of resolution have been exhausted.*

Regional Disciplinary Committee

Each VVA Region has a Regional Disciplinary Committee. The Regional Disciplinary Committee consists of ten (10) members from within the Region and serves for a term of two (2) years.

1. The Committee consists of the State Council Presidents or State Council Vice Presidents within the region;
2. The remaining positions are appointed by the Regional Director;
3. The Chair is appointed by the Regional Director.

When charges are referred, the Chair of the Regional Disciplinary Committee will select a Hearing Panel, of no less than three members and no more than five members of the committee, to hear the complaint.

Financial and Election Reporting VVA Suspensions

It is the president's responsibility to verify all reports have been filed with national and the state council to avoid chapter suspension. In the event of suspension, the president is responsible for taking immediate action to resolve the problem.

Appendix

Annual Financial Report, State Council Election Report, and HGDP Report

VVA Forms, such as the Annual Financial Report, Chapter Election Report, and HGDP Report for Chapters, are available to download from the VVA web site at <http://www.vva.org>. These forms may also be obtained by fax or mail by contacting the VVA Membership Department at 1-800-585-4000.

State reporting forms are available from the appropriate state office.

VVA Constitution and VVA National Disciplinary Policy

VVA Corporate Documents such as *The VVA Constitution*, *The VVA National Disciplinary Policy*, and current *Resolutions* are available on the VVA web site <http://www.vva.org> and from the VVA Membership Department at 1-800-585-4000.

Example of Tentative Agenda

Chapter Meeting

Opening Ceremony-Pledge of Allegiance/Invocation/POW/MIA Ceremony

Roll Call/Quorum

Approval of Meeting Agenda (President)

Acceptance of Minutes (Secretary)

Treasurer's Report (Treasurer)

Announcements

Committee Reports (chairs) - Membership Affairs, Public Affairs, Government Affairs, Veterans Affairs, Employment, Training and Business Opportunities, Minority Affairs, Constitution, Veterans Benefits, Finance, Women Veterans, POW/MIA and Scholarship

Unfinished Business

New Business