

VIETNAM VETERANS OF AMERICA

NATIONAL DISCIPLINARY POLICY



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PURPOSE

In order to maintain the highest degree of integrity for Vietnam Veterans of America, Inc. (VVA), it is necessary to remedy misconduct by officers, directors, or members that affects the organization. This policy identifies the disciplinary policy and procedures for addressing such alleged misconduct.

All aspects of the disciplinary process must be performed with integrity, competence, and fairness to the accused. VVA must strive for consistency in carrying out the disciplinary process and in applying sanctions where necessary. The VVA National Disciplinary Policy is designed to allow both the accuser and the accused time to comply with the requirements of this policy. Any questions on the procedures, terminology, or time frames, should be directed immediately to the Chair of the National Disciplinary Committee.

This Policy & Procedure shall be available to each member, Chapter, and State Council on-line or upon request. By paying the membership fee, every member, Chapter and State Council agrees to abide by the rules of the Corporation, which includes this procedure, and to accept all final decisions of the Corporation.

Use of the word “State” in this document will also mean “Commonwealth”, “Territory” and the “District of Columbia”.

Use of the word “Corporation” will also mean the National Corporation, State Council or a Chapter.

SECTION I – CHARGES

A. Misconduct is:

1. Conduct that is a crime or intentional wrongdoing under federal law or the law of the State or locality in which the conduct occurred, if the Corporation or an officer, director, or member, in his or her capacity as such, is a victim of the crime or damaged by the wrongdoing
2. Violation of the VVA Constitution, State Council or Chapter articles of incorporation or by-laws, or other written Corporation policy, if the violation is gross neglect of duty, more than simple negligence, with reckless disregard of the consequences, or is intentional
3. Dishonesty in dealing with, acting on behalf of, or appearing to act on behalf of the Corporation

B. A charge of misconduct against an officer, director, or member must be brought in the following manner:

1. Any member having evidence of misconduct by an officer, director, or member may present it to any person or entity authorized by paragraph 2, 3, 4, or 5 below to bring a charge against the accused (or more than one of them) and request that a charge be brought.
2. A charge against a member who did not hold any office at the time of the alleged offense may be brought by: a) a majority vote of the members present, and voting, or a majority vote of the Directors present, and voting, at a regular or special meeting of the appropriate Chapter; or b) the appropriate State Council President; or a majority vote of the delegates present, and voting, at a regular or special meeting of the appropriate State Council; or c) the appropriate Regional Director; or d) a majority vote of the National Board of Directors present and voting at a regular or special meeting; or e) any National Officer.
3. A charge against a Chapter or a Chapter Officer/Director may be brought by: a) the appropriate State Council President; or b) a majority vote of the delegates present, and voting, at a regular or special meeting of the appropriate State Council; or c) the appropriate Regional Director; or d) a majority vote of the National Board of Directors present and voting at a regular or special meeting; or e) any National Officer.
4. A charge against a State Council or State Council Officer may be brought by: a) the appropriate Regional Director; or b) a majority vote of the National Board of Directors present and voting at a regular or special meeting; or c) any National Officer.

5. A charge against a National Officer, member of the National Board of Directors, a Chairperson of a National Committee, Sub-committee or Task-force may be brought by a majority vote of Directors present, and voting, during a regular or special meeting of the National Board of Directors.
6. Any charges brought forth by the National Board of Directors shall be processed by the National Disciplinary Committee.

C. Procedure for Bringing Charges:

1. All charges must be set forth in a formal Statement of Charges (SOC) in the form prescribed in Attachment # 1 – Statement of Charges and the SOC must be signed by the complainant under oath before a Notary Public, Commissioner of Deeds, or similar officer.
2. When charges are authorized by a group (e.g., vote of chapter members or state council delegates or national board of directors) a representative designated by that entity will sign the SOC and act as the complainant.
3. The SOC must specify in detail the facts upon which the charges are based. The SOC shall a) reference the provisions of the VVA Constitution, or VVA State Council, and Chapter articles of incorporation or by-laws, or the policy, or the federal, state or local law that is alleged to have been violated and b) state the conduct giving rise to the charges of such violations.
4. The SOC must be accompanied by evidence substantiating the charges. Evidence may consist of copies of documents or records or other written documentation that is verified as true and accurate; or sworn statement(s) of witnesses in the form prescribed in Attachment # 2 – Witness Affidavit.
5. The SOC and all evidence will be sent by the complainant to the appropriate Disciplinary Committee Chair. A copy of the SOC (NO EVIDENCE) will be sent by the Disciplinary Committee Chair to the appropriate State Council President and/or Regional Director when the charges involve a member or Chapter. **The complainant does not send a copy of the SOC to the accused.**

SECTION II – TEMPORARY SUSPENSION

In order to maintain the good of the order within the Corporation, it may be necessary to suspend temporarily anyone being charged under the National Disciplinary Policy. Temporary suspension is not automatic when charges are filed and it often may not be necessary. Sound judgment should be used before deciding that a temporary suspension is necessary.

- A. For good cause shown, after charges have been filed, a temporary suspension of a member may be imposed by the State President, of the appropriate state, the Regional Director, of

the appropriate region, or any National Officer. Good cause shown means that the facts and circumstance are sufficient to convince a reasonable person: 1) That there is a substantial likelihood that a member who has been charged may attempt to disrupt, damage or discredit VVA, a State Council, a Chapter or another member before the hearing on the charges; and 2) That a prehearing suspension of the member's VVA membership is necessary to reduce or eliminate the likelihood of disruption, damage, or discredit.

1. Mere suspicion or belief, unsupported by facts or circumstances, is insufficient to establish good cause shown.
 2. The temporary suspension of membership shall be in writing, shall state the good cause shown (facts or reasons) that makes the temporary suspension necessary, and shall be given, or sent to the National Secretary by the person initiating the temporary suspension.
 - a. If the charges are determined to proceed to a determination on the case, then the National Secretary will send the suspended member notification that a temporary suspension has been imposed until the completion of the disciplinary process.
 3. Any and all temporary suspensions imposed by a State Council President, Regional Director, or National Officer may not be reversed prior to the completion of the appropriate disciplinary action other than by a majority vote of the National Board of Directors.
- B. The National Board of Directors shall have the exclusive right, upon the filing of charges, to suspend any State Council or Chapter when it is in VVA's best interest to take such action before a hearing on the charges.
1. While under temporary suspension a Chapter or State Council may continue to use the VVA name and logo; continue to receive unsolicited tax-deductible contributions; conduct Chapter, State Council business only for the purposes of calling a meeting for disbursing funds previously raised in VVA's name to pay Chapter/State Council obligations.
 2. While under temporary suspension a chapter or state council **MAY NOT** engage in fund-raising activities, regardless of contractual arrangements; receive revenues generated by VVA, to include member dues rebates or Household Goods Donation Program funds; send delegates to the national convention; and send delegates to state council conventions.
 3. All such actions must be reported by the National Secretary to the National Membership Administrator immediately upon effect.

SECTION III – DISCIPLINARY COMMITTEES

- A. Disciplinary Committee Jurisdiction and Appointment of Disciplinary Committees:

1. The Regional Disciplinary Committee shall consist of ten (10) members from within the region and will conform to the regions as set forth in Appendix I of the VVA Constitution. Each committee will consist of the Region's State Council Presidents with remaining unfilled positions appointed by the Regional Director from members within the Region. The Chair will be appointed by the Regional Director.
2. The National Disciplinary Committee will consist of fourteen (14) members; seven (7) of which will be members, three (3) State Council Presidents and three (3) Directors; the additional member, the Chair, shall be appointed by the National President, the Committee members shall be appointed by the Chair of the National Disciplinary Committee, with the concurrence of the National Board of Directors no later than the first duly scheduled (Oct/Nov) National Board of Directors meeting following the convention.
3. Members of the Disciplinary Committees (Regional & National) will serve for a term of two (2) years.
 - a. The term of any member of a Disciplinary Committee engaged in a proceeding under this policy & procedure will be automatically extended until the conclusion of the proceeding.
 - b. Any vacancy occurring in the membership of the Disciplinary Committee will be filled in the same manner that the position was originally filled.

SECTION IV – CONFLICT OF INTEREST

No person who has a conflict of interest in a matter before a Disciplinary Committee or a Disciplinary Hearing Panel may take any action, exercise any judgment, or make any decision under the provisions of this Procedure. Prior to charges being filed, the complainant will contact the Chair of the National Disciplinary Committee as to where (the appropriate Disciplinary Committee) the Statement of Charges (SOC) and all of the evidence will be assigned. If the Chair of the National Disciplinary Committee determines that there is a conflict of interest (real or perceived), the Chair shall order appropriate action to eliminate the conflict, such as precluding a person from participating in the case or reassigning it to another region for processing.

V SECTION – DISCIPLINARY HEARING PANEL

A. Procedure:

The Chair of the appropriate Disciplinary Committee will have fifteen (15) days from receipt of the SOC, and supporting documents, to approve or reject the charges. The Chair will select a Hearing Panel of no less than three (3) members, nor more than five (5) members of the committee to hear the complaint. The Chair is responsible for ensuring that the members selected to hear the complaint do not have conflicts of interest.

1. If the Disciplinary Committee Chair determines that the administrative requirements of this policy & procedure have not been met, or the evidence submitted is not sufficient to proceed, the Chair will notify the Chair of the National Disciplinary Committee, and the complainant in writing outlining the deficiencies as to why the charges are rejected. The Disciplinary Committee Chair will return the original copies of the charges, and all evidence, to the complainant.
2. If the charges and evidence comply with this policy & procedure, the Disciplinary Committee Chair will notify in writing the Chair of the National Disciplinary Committee that a Hearing Panel will proceed with determination on the case. The appropriate Disciplinary Committee Chair will send the accused by certified mail at his/her last known address, a copy of the written Statement of Charges, and all evidence with a letter describing the procedure to follow. The accused will have twenty (20) days from receipt of the SOC/all evidence to respond to the Chair of the Hearing Panel.
 - a. The Disciplinary Committee Chair will notify the National Secretary that the Disciplinary Committee will proceed with determination on the case. The National Secretary will send in writing notification to the suspended member if a temporary suspension has been imposed by the State President, of the appropriate state, the Regional Director, of the appropriate region, or any National Officer.
3. Within twenty (20) days of receipt of the Statement of Charges, the accused may file with the Chair of the Hearing Panel, by registered or certified mail, a signed, notarized, written statement admitting or denying the charges or showing that the charges should be rejected in whole or in part for failure of the charges or evidence to comply with this policy & procedure. If a showing is filed, the Hearing Panel shall afford the complainant reasonable opportunity to respond to it, and the accused reasonable opportunity to reply to the response. The Hearing Panel thereafter shall in writing determine the validity of the showing and either reject the charges in whole or in part or reaffirm their approval and afford the accused ten (10) days from receipt of the reaffirmed charges to submit a written statement admitting or denying them.
 - a. If the accused admits the charges in a signed and notarized, written statement, the members of the Hearing Panel selected to hear the charges will determine the sanction(s) to be imposed. The Hearing Panel will forward a copy of its finding and the sanction(s) to the accused, the complainant, the VVA National Secretary, the National Disciplinary Committee Chair, the appropriate Regional Director and the appropriate State Council in case of member.
 - b. If the accused fails to timely file a signed, and notarized, written statement admitting or denying the charges with the appropriate Disciplinary Hearing Panel, the accused is deemed to have waived the right to a hearing.

- i. When the accused fails to admit or deny the charges, the Hearing Panel will determine if the evidence submitted by the complainant sustains the charges. If the charges are sustained, the Hearing Panel will determine the sanction(s) to be imposed.
 - ii. The Hearing Panel will provide a written statement of its determination within fifteen (15) days following the expiration of the time the accused had to respond. The Hearing Panel will send a copy of its determination to the accused, the complainant, the VVA National Secretary, the National Disciplinary Committee Chair, the appropriate Regional Director and the appropriate State Council in case of member.
 - iii. The Chair of the Hearing Panel will keep the original copies of the charges, evidence and the Hearing Panel's determination until the accused files an appeal; or until the time allotted for filing an appeal has expired. After forty-five (45) days the Chair of the Hearing Panel will forward all documents pertaining to the charges to the VVA National Office – Attention of the VVA National Secretary.
 - iv. Charges that are not sustained may not be resubmitted.
- c. If the accused files a timely signed, and notarized, written statement denying the charges, the Hearing Panel will schedule a hearing.

B. Hearings:

1. The Chair of the Hearing Panel that will hear the charges will schedule a hearing within thirty (30) days of the date the accused files a signed, and notarized, written statement denying the charges. The Chair should make every effort to schedule the hearing at a time and place convenient to both the accused and the complainant.
 - a. If there is any delay due to unforeseen reasons (medical, weather conditions, family illness, holidays, etc.) in conducting the scheduled hearing within the required thirty (30) days, the Chair of the Hearing Panel will contact all parties involved in the hearing stating the reason(s) for the delay and then reschedule the hearing. The timeframe for filing will adjust to the revised hearing date.
2. At least twenty (20) days prior to the date of the hearing, the complainant, and the accused, must file with the Chair of the Hearing Panel, and with each other, the following:
 - a. The name and address of the representatives, if any, chosen by the complainant, and the accused, to present witnesses and evidence.

- b. A written list of witnesses that each party intends to present in support of his/her position. The Hearing Panel may refuse to hear any other witnesses unless the proponent is able to show good cause for failure to include such person on the witness list filed with the Hearing Panel.
 - c. Copies of any documents, photographs, or other tangible evidence, which can be copied that each party intends to present in support of his/her position. The Hearing Panel may refuse to accept any other evidence at the hearing, unless the proponent of such evidence is able to show good cause for the failure to provide the evidence prior to the hearing.
 3. Hearings will be conducted in an informal fashion, and rules of evidence will not apply. Hearing may be audio or videotape recorded. The order of the hearing will be as follows:
 - a. Opening statement of the complainant, unless waived;
 - b. Opening statement of the accused, unless waived;
 - c. Presentation of witnesses and evidence by the complainant, subject to cross examination of the witness by the accused or his/her representative;
 - d. Presentation of witnesses and evidence by the accused, subject to cross examination of the witness by the complainant or his/her representative;
 - e. Closing statement of the complainant, unless waived;
 - f. Closing statement of the accused, unless waived.
 4. A majority vote of the Hearing Panel present is required to sustain the charges.

C. Sanctions:

If the Hearing Panel sustains the charges against the accused, the Hearing Panel, after consideration of the facts in the matter, will determine the appropriate sanction(s) to be imposed. Sanctions are limited to one, or more, of the following:

1. If the accused is a member, including a member serving in any elected, or appointed office or position, at any level within the National Corporation, State Council and Chapter:
 - a. Suspension of membership in the National Corporation, for a specified period of time, no less than one (1) year and no more than three (3) years. This will automatically suspend the member's Chapter membership, if any;

- b. Revocation of membership in the National Corporation. A member whose membership in the National Corporation has been revoked may be readmitted to Vietnam Veterans of America, Inc., upon written request and approval of the National Board of Directors;
- c. Removal of the member from all elected, or appointed positions held within the National Corporation, State Council and Chapter, and prohibition of holding an elected, or appointed position in the future;
- d. Restitution of any monetary loss to the Corporation, or any State Council, Chapter or member due to conduct, which formed the basis of the charges against the accused.
- e. The revocation of accreditation of a VVA Service Officer is the responsibility of the VVA Director, Veterans Benefits Program, and the Service Officer Grievance Sub-committee and will not be considered as a sanction.

2. If the accused is a Chapter or State Council:

- a. Suspension of the Charter of the Chapter or State Council for a specified period of time, not to exceed one (1) year from the date of Suspension;
- b. Provisions governing what a chapter or state council MAY or MAY NOT do while under temporary suspension are addressed in Section II – Temporary Suspension, Paragraph B., sub-paragraph 1 & 2 of this Procedure.
- c. Revocation of the Charter of the Chapter or State Council.

D. Costs:

The Hearing Panel is empowered to direct that the losing party pay all, not to exceed fifteen hundred (\$1500) dollars, or a portion of, the costs incurred by the successful party in prosecuting, or defending, any complaint brought under this procedure. For the purpose of this provision, “costs” shall not include attorney fees for either party.

(If restitution is desired, the successful party will submit documentation of the costs (photocopying, postage, travel and lodging, etc.) incurred to the Hearing Panel within ten (10) days of being notified of the Hearing Panel’s determination.)

E. Documentation of Findings:

- 1. The Hearing Panel will provide its written findings within fifteen (15) days after the hearing and will send a copy of its determination to the accused, complainant, VVA National Secretary and the National Disciplinary Committee Chair. When the

charges are sustained, the written findings will include the sanction(s) and any costs levied.

2. The Chair of the Hearing Panel will keep the original copies of the charges, evidence, and the Hearing Panel's determination until an appeal is filed, or the time allotted for appeal has expired. If an appeal is not filed within the specified time frame, the Chair of the Disciplinary Hearing Panel will send **all** records of the matter to the VVA National Secretary, who shall maintain them on file in the National Office.

SECTION VI – APPEALS

A. The accused, or accuser, or both, may appeal the decision of the Disciplinary Hearing Panel on the following grounds:

1. New substantial evidence not reasonably available at the time of the hearing;
2. Conflict of interest of a member of the Disciplinary Hearing Panel that heard the case;
3. Misinterpretation or misapplication of the VVA Constitution, State Council or Chapter Articles of Incorporation or By-laws, the VVA National Disciplinary Policy, another written Corporation policy, or law;
4. Inappropriateness of a sanction;
5. In an appeal by the accused, insufficiency of the evidence to sustain a charge.

B. Appeals will be heard as follows:

1. Cases heard by Regional Hearing Panel will be appealed to the National Disciplinary Committee.
2. Cases heard by a National Disciplinary Hearing Panel will be appealed to the Special National Disciplinary Appeal Panel composed of three (3) members of the National Disciplinary Hearing Committee who did not participate in or decide the initial appeal hearing and decision.
3. When a charge or charges was/were approved by or filed by or on behalf of the National Board of Directors, a Special National Disciplinary Hearing Panel Will, in the interests of a fair and impartial appeal, be the final appellate authority instead of the National Board of Directors.

C. Procedure for Appeals:

1. A written, sworn, notice of appeal prescribed in Attachment # 11 – Notice of Appeal must specify one or more of the grounds for appeal and must be filed with

the VVA National Secretary by verified delivery service, postmarked within fifteen (15) days of receipt of the Disciplinary Hearing Panel's decision.

2. The National Secretary will forward a copy of the Notice of Appeal to the Chair of the National Disciplinary Committee or in the case of an appeal of a decision of the National Disciplinary Hearing Panel the National Secretary will present the Notice of Appeal to the Special National Disciplinary Hearing Panel.
3. The Chair of the National Disciplinary Committee will set a bond to cover the costs of the appeal and notice of the bond amount will be sent by verified delivery service, postmarked within ten (10) days after receipt of the notice of appeal:
 - The minimum bond amount will be Five Hundred Dollars (\$500.00) and
 - No greater than Two Thousand Five Hundred Dollars (\$2500.00)

The bond amount will be certified funds and the appeal process will not commence until the set bond amount is received by the National Treasurer.

4. A copy of the appeal and any new evidence shall be served on the other side by the National Secretary and the other side will be allowed ten (10) days from date of receipt to file a reply.
5. If the Notice of Appeal does not comply with this section, the Chair of the National Disciplinary Committee shall promptly notify the appellant in writing by verifiable delivery means and shall state the reason or reasons the Notice of Appeal does not comply with this section. No further action shall be taken on a Notice of Appeal that does not comply with this section.
6. The Chair of the appropriate Disciplinary Hearing Panel **shall** forward "all" files related to the case, including copies of all evidence considered and/or introduced at the hearing of the case, to the chair of the National Disciplinary Committee.

D. Determination of Appeals:

1. The appellate body will examine the written appeal;
2. If based on examination of the written appeal a majority of the appellate body determines that the grounds for appeal **do not** have merit, the appellate body will issue its findings in a written statement and the matter will be closed.
3. If a majority of the appellate body determines from examination of the written appeal that the grounds for appeal may have merit, the appellate body will review all evidence submitted to the Hearing Panel, the audio or video recording of the hearing held by the Hearing Panel and any new evidence submitted. If the appellate body determines a hearing is necessary, it may question the appellant, members of

the Hearing Panel, who heard the case and such other individuals, as it deems appropriate to its deliberations.

- a. After reviewing all evidence, and if needed, conducting a hearing, the appellate body will, by majority vote, reject or sustain the original charges;
 - b. If the charges are rejected, the sanction(s) and any cost imposed by the Hearing Panel will be voided;
 - c. If the charges are sustained, the appellate body will determine if the sanction(s) imposed by the Hearing Panel are still appropriate in light of any new evidence that was presented, or if they should be modified.
4. The appellate body will provide its written finding within fifteen (15) days after the conclusion of its review or hearing. The appellate body will send a copy of its determination to the accused, the complainant, the VVA National Secretary, the National Disciplinary Committee Chair, the appropriate Regional Director and the appropriate State Council in case of member.
- a. When the charges are sustained, the written findings will include the sanction(s) and any cost levied;
 - b. If the appellate body vacates the determination of the Disciplinary Hearing Panel, or modifies the sanction(s) imposed, the reasons for doing so will be set forth in its determinations.
5. The determination of the appellate body will be final.
6. The Chair of the appellate body will send all records regarding the matter to the VVA National Secretary who shall maintain them on file in the VVA National Office.

SECTION VII – PROCEDURES FOR FRAUDULENT OR ALTERED PROOF OF SERVICE

- A. In order to preserve the integrity of Vietnam Veterans of America, and its membership, this mechanism will be used to address fraudulent or altered DD Form 214/215's, or other proofs of service, used to obtain membership in VVA, or used after membership has been obtained, that causes discredit to VVA.

Mere suspicion or belief, unsupported by facts or documentation, is insufficient to comply with this section and will factor into the determination as to the validity of the claim.

1. In the case of a Chapter member, all accusations are to be addressed to the Chapter President;

2. In the case of any Chapter Officer/Director, all accusations are to be addressed to the appropriate State Council President;
 3. In the case of any State Council or National Officer, Director, Chair of any State Council or National Committee, Sub-committee or Task Force, all accusations are to be addressed to the National President;
 4. In the case of the National President, all accusations are to be addressed to the National Vice President.
- B. This procedure will be followed upon receiving and reviewing allegations:
1. The appropriate person listed in Section VII.A. 1-4 will make a determination as to the validity of the claim;
 2. If the appropriate person listed in Section VII.A. 1-4 determines the evidence fails to support a claim of falsification, he/she will notify the accused and the accuser by mail of the decision;
 3. If the appropriate person listed in Section VII.A. 1-4 determines that the evidence supports a possible case of fraudulent or altered documents the President will:
 - a. Notify the Chair of the National Disciplinary Committee, by mail, of the decision and forward the appropriate evidence;
 - b. Notify the accused by mail of the decision to forward the allegations to the National Disciplinary Committee.
 4. Upon receipt of the allegations, the Chair of the National Disciplinary Committee will send the accused, by certified mail, return receipt requested, a Standard Form 180 (SF-180) to be completed and returned.
 5. The accused will have fourteen (14) days from receipt to return the completed SF-180 to the Chair, as directed. If the accused fails to respond to the request within the fourteen (14) days, the accused membership will be immediately revoked.
 6. Upon receipt of the completed SF-180, the Chair will send it to the National Personnel Records Center (NPRC) for an “undeleted report of separation” to include issuance of awards/medals. The VVA National Membership Administrator will be designated for receipt of information from NPRC.
 7. Upon receipt of the records provided by the NPRC, the VVA National Membership Administrator will send the records to the Chair of the National Disciplinary Committee for review;

- a. If no discrepancies are found, the accused and the person referring the case to the Chair of the National Disciplinary Committee will be notified by mail;
- b. If discrepancies are found, disciplinary charges may be filed against the accused, following the procedures set forth in this Procedure.
- c. All records obtained during process must be handled, and stored, in a confidential manner in order to protect the privacy of the accused.
- d. Any person, whose membership is revoked, under this section, is permitted to reapply for membership, supported by appropriate documented evidence of military service. An application for membership, under these circumstances, must be approved by the National Board of Directors.

C. Sanctions applicable are addressed in Section V – Disciplinary Hearing Panel Procedure, Paragraph C. Sanctions, Item 1, sub-paragraph a, b, c & d. of this Procedure.

SECTION VIII – SPECIAL EXCEPTION FOR SOC AGAINST A CHAPTER OR STATE COUNCIL SUSPENDED FOR TWELVE (12) CONSECUTIVE MONTHS FOR FAILURE TO FILE FINANCIAL AND ELECTION REPORTS

A. A special exception is made when a SOC is filed against a Chapter or a State Council that has already been suspended for twelve (12) consecutive months for failing to file the annual financial report and/or the election report. The VVA Constitution authorizes VVA to terminate the suspension of a Chapter or a State Council suspended for failing to file an annual financial report and/or election report by revoking the Chapter’s or State Council’s Charter “upon the filing of the charges.”¹

Notwithstanding any other provision of this policy & procedure, the National Disciplinary Committee has exclusive jurisdiction over charges brought to accomplish the revocation of a Charter.

- 1. If the charges and the evidence in a special case comply with this policy & procedure, the Chair of the National Disciplinary Committee:
 - a. Will not process the case as provided in Section IV (Disciplinary Hearing Panel Procedures), but will send the accused, by certified mail at the Chapter’s or State Council’s last known address, a copy of the written Statement of Charges, all evidence, and notification that the charges are deemed filed; and

¹ Financial report required by Article IV (General Provisions), Section 1 (Finance), Paragraph A of the VVA Constitution; and
 Election report required by Article II (State Provisions), Section 12 (Reporting) and Article III (Chapter Provisions), Section 9 (Election Results) of the VVA Constitution.

(Seal) Notary Public or Commissioner of Deeds

Attachment #2: Witness Affidavit

VIETNAM VETERANS OF AMERICA, INC.

WITNESS AFFIDAVIT

IN THE MATTER OF THE DISCIPLINARY ACTION AGAINST

(Name of Accused)

STATE (COMMONWEALTH) OF _____
COUNTY OF _____

(Your Name) duly sworn deposes and says:

1. That I am a witness to the above referenced matter, and my home address and telephone number are:
2. The facts and statements contained in this affidavit are based upon my personal knowledge and my review of any and all relevant papers, documents and records;
3. That my relationship with the accused is:
4. That the following facts are submitted in support of the above referenced charge(s);

(Signature) _____ Date: _____

Sworn before me this ____ day of _____ :

(Seal)
Notary Public or Commissioner of Deeds

Attachment # 3: Letter of Determination from Disciplinary Hearing Panel to Accused Who Neither Admits nor Denies Charges – Charges Sustained

**VIETNAM VETERANS OF AMERICA, INC.
(Region or National) Disciplinary Committee**

(Date)

Name of Accused
Address of Accused

Dear (name of accused) :

As you neither admitted nor denied the charges against you, you waived your right to a hearing. The (Region or National) Disciplinary Hearing Panel has reviewed the charges and the evidence, which was submitted by (name of complainant). The Disciplinary Hearing Panel has determined that the evidence sustains the charges and that the appropriate sanction(s) is (are):

(Specify the sanction: suspension or revocation of membership, offices from which the accused is suspended or removed, restitution. Include the specific beginning and ending dates for suspensions or the specific date of revocation, and details regarding to whom restitution is to be made.)

Sincerely,

 (Signature of Chair)
Typed and signed Name of Chair
(Region, National) Disciplinary Hearing Panel

Cc: National Secretary
Complainant

Attachment # 4: Letter of Determination from Disciplinary Hearing Panel to Accused Who Neither Admits nor Denies Charges – Charges Rejected

**VIETNAM VETERANS OF AMERICA, INC.
(Region or National) Disciplinary Hearing Panel**

(Date)

Name of Accused
Address of Accused

Dear _____:

As you neither admitted nor denied the charges against you, you waived your right to a hearing. The (Region or National) Disciplinary Hearing Panel has reviewed the charges and the evidence, which was submitted by (name of complainant). The Disciplinary Hearing Panel has determined that the evidence does not sustain the charges and the charges are therefore rejected. This matter is now closed.

Sincerely,

(Signature of Chair)
Typed and signed Name of Chair
(Region, National) Disciplinary Hearing Panel

cc: National Secretary

Complainant

Attachment # 5: Letter from Disciplinary Hearing Panel to Accused Who Denies Charges – Notice of Hearing

**VIETNAM VETERANS OF AMERICA, INC.
(State, Region or National) Disciplinary Hearing Panel**

(Date)

Name of Accused
Address of Accused

Dear *(name of accused)* :

The *(Region or National)* *Disciplinary Hearing Panel* has received your statement denying the charges filed against you. The hearing on these charges will be held *(date, time, place)* . Directions to the hearing location are enclosed.

The VVA Disciplinary Policy, which you were previously sent, contains information on the conduct of hearings in Section V, paragraph B. Please review this information. You are required to file with the Chair of the Disciplinary Hearing Panel and the Complainant, *(name of complainant)* , the names and addresses of your representative(s), if you desire one; a written list of witnesses you plan to call, and copies of any evidence you wish to submit no later than twenty (20) days prior to the hearing. The Disciplinary Hearing Panel may refuse to accept any evidence or witnesses not submitted by *(date 20 days prior to the hearing)* .

Sincerely,

(Signature of Chair)

Typed and signed Name of Chair

(Region, National) Disciplinary Hearing Panel

cc: National Secretary

Complainant

Encl: Directions to hearing location

Attachment # 6: Letter from Disciplinary Hearing Panel to Complainant – Notice of Hearing

**VIETNAM VETERANS OF AMERICA, INC.
(Region or National) Disciplinary Hearing Panel**

(Date)

Name of Complainant
Address of Complainant

Dear *(name of complainant)* :

The *(Region or National)* Disciplinary Review Panel has reviewed the charges you filed against *(name of accused)*. The Review Panel has determined that the charges meet the requirements of the VVA Disciplinary Policy and that the evidence is sufficient to proceed. The hearing on these charges will be held *(date, time, place)*. Directions to the hearing location are enclosed.

The VVA Disciplinary Policy, which is enclosed, contains information on the conduct of hearings in Section V, paragraph B. Please review this information. You are required to file with the Chair of the Disciplinary Hearing Panel and the Accused, *(name of accused)*, the names and address of your representative(s), if you desire one; a written list of witnesses you plan to call, and copies of any evidence you wish to submit no later than twenty (20) days prior to the hearing. The Disciplinary Committee may refuse to accept any evidence or witnesses not submitted by *(date 20 days prior to the hearing)*.

Sincerely,

(Signature of Chair)

Typed and signed Name of Chair
(Region, National) Disciplinary Hearing Panel

cc: National Secretary
Accused

Encl: Directions to hearing location
VVA National Disciplinary Policy

Attachment # 7: Letter of Determination from Disciplinary Hearing Panel to Accused Following Hearing – Charges Sustained

**VIETNAM VETERANS OF AMERICA, INC.
(Region or National) Disciplinary Hearing Panel**

(Date)

Name of Accused
Address of
Accused

_____ Dear (name of accused):

The _____ (Region or National) Disciplinary Hearing Panel, as a result of the evidence presented at the hearing held (date, time, place) has determined that the evidence sustains the charges and that the appropriate sanction(s) is (are):

(Specify the sanction: suspension or revocation of membership, offices from which the accused is suspended or removed, restitution. Include the specific beginning and ending dates for suspensions or the specific date of revocation, and details regarding to whom restitution is to be made.)

As stated in the VVA Disciplinary Policy, which you previously received, you have the right to appeal if you can provide new substantial evidence which was not available at the time of the hearing, or if you have evidence that any member of the Disciplinary Hearing Panel which heard your case had a conflict of interest. A notice of appeal (Attachment # 12 to the VVA Disciplinary Policy) must be filed with the National Secretary by registered or certified mail within fifteen (15) days of receiving this letter.

The Disciplinary Hearing Panel is empowered to direct you to pay all or a portion of the costs, not to exceed fifteen hundred (\$1500) dollars, that the Complainant incurred as a result of filing this complaint. If the Complainant requests such reimbursement, you will receive a letter from me within two (2) weeks.

Sincerely,

(Signature of Chair)

Typed and signed Name of Chair
(Region, National) Disciplinary Hearing Panel

cc: National Secretary
Complainant
(Name of complainant)

Attachment # 8: Letter from Disciplinary Hearing Panel to Complainant Regarding Reimbursement of Costs

**VIETNAM VETERANS OF AMERICA, INC.
(Region or National) Disciplinary Hearing Panel**

(Date)

Name of Complainant
Address of Complainant

Dear *(name of accused)* :

The *(Region or National)* *Disciplinary* Hearing Panel, as a result of the evidence presented at the hearing held *(date, time, and place)* has determined that the evidence sustains the charges.

The Disciplinary Hearing Panel is empowered to direct the losing party to pay all or a portion of the costs, not to exceed fifteen hundred (\$1500) dollars, that you incurred as a result of this complaint. Costs do not include attorney fees. If you wish to request reimbursement, you must submit documentation of the costs you incurred within ten (10) days of receiving this letter.

Sincerely,

(Signature of Chair)

Typed and signed Name of Chair

(Region, National) Disciplinary Hearing Panel

cc: National Secretary
Accused

Attachment # 9: Letter of Determination from Disciplinary Hearing Panel to Accused Following Hearing – Charges Rejected

**VIETNAM VETERANS OF AMERICA, INC.
(Region or National) Disciplinary Hearing Panel**

(Date)

Name of Accused
Address of Accused

Dear *(name of accused)* :

The *(Region or National)* *Disciplinary Hearing Panel*, as a result of the evidence presented at the hearing held *(date, time, and place)* has determined that the evidence does not sustain the charges and the charges are therefore rejected.

The Disciplinary Hearing Panel is empowered to direct the Complainant to pay all or a portion of the costs, not to exceed fifteen hundred (\$1500) dollars, that you incurred as a result of this complaint. If you wish to request reimbursement, you must submit documentation of the costs you incurred within ten (10) days of receiving this letter. If I do not hear from you, this matter will be closed.

Sincerely,

(Signature of Chair)

Typed and signed Name of Chair
(Region, National) Disciplinary Hearing Panel

cc: National Secretary
Complainant
(Name of Complainant)

Attachment # 10: Letter to Losing Party Directing Payment of Costs

**VIETNAM VETERANS OF AMERICA, INC.
(Region or National) Disciplinary Hearing Panel**

(Date)

Name of Losing Party
Address of Losing Party

Dear *(name of losing party)* :

The *(Region or National)* Disciplinary Hearing Panel is empowered to direct the losing party in the matter of charges against *(name of accused)* to pay all or a portion of the costs, not exceed fifteen hundred (\$1500) and not to include attorney fees, that the successful party incurred as a result of this complaint.

The successful party in this matter has requested reimbursement. You are hereby directed to reimburse *(name of successful party)* the amount of \$.

Sincerely,

(Signature of Chair)

Typed and signed Name of Chair
(Region, National) Disciplinary Hearing Panel

cc: National Secretary
(Name of Successful Party)

Attachment # 11: Notice of Appeal

VIETNAM VETERANS OF AMERICA, INC.

NOTICE OF APPEAL

National Secretary
Vietnam Veterans of America, Inc
8719 Colesville Road., Suite 100
Silver Spring, MD 20910

IN THE MATTER OF THE DISCIPLINARY ACTION AGAINST
(Your name)

I have reviewed the Disciplinary Policy, and wish to appeal the Disciplinary Hearing Panel's action upon the following grounds: New substantial evidence not reasonably available at the time of the hearing – do not resubmit evidence already on record.

- Conflict of interest of a member of the Disciplinary Hearing Panel that heard the case.
- Misinterpretation or misapplication of the VVA Constitution, State Council or Chapter Articles of Incorporation or By-laws, the VVA Disciplinary Policy & Procedure, another Corporate policy, or law.
- Inappropriateness of sanction.
- Insufficiency of evidence to sustain a charge.

My appeal is based on the attached argument and/or evidence:

(List all documents, affidavits, certified records and other evidence being submitted. If the appeal is based on new substantial evidence not available at the time of the hearing, indicate when you became aware of the evidence and/or it came into your possession.)

I UNDERSTAND THAT ALLEGATIONS OF CONFLICT OF INTEREST AGAINST A MEMBER OF THE DISCIPLINARY HEARING PANEL THAT HEARD THE CASE MUST BE BASED ON CREDIBLE EVIDENCE. I UNDERSTAND I MAY BE SUBJECT TO PENALTIES UNDER THE VIETNAM VETERANS OF AMERICA DISCIPLINARY POLICY, AND/OR CIVIL PENALTIES UNDER LAW FOR KNOWINGLY MAKING FALSE ALLEGATIONS AGAINST THE A MEMBER OF THE DISCIPLINARY HEARING PANEL.

_____ *(Signature)* Date: _____

Sworn before me this _____ day of _____ :

(Seal)
Notary Public or Commissioner of Deeds