

# **VIETNAM VETERANS OF AMERICA**

## **NATIONAL DISCIPLINARY POLICY**



**Adopted June 2001**  
**Amended March 23, 2002**  
**Amended November 15, 2003**  
**Amended April 24, 2004**  
**Amended April 23, 2005**  
**Amended October 7, 2005**  
**Amended October 7, 2006**  
**Amended January 21, 2007**  
**Amended April 21, 2007**  
**Amended April 20, 2013**  
**Amended April 10, 2015**  
**Amended April 9, 2016**  
**Amended January 20, 2023**

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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 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 shall be available to each member, Chapter, and State Council on-line or upon request to the National Office, Director of Administrative and Personnel Services. By paying the membership fee or becoming chartered, every member, Chapter and State Council agrees to abide by the rules of the Corporation, which includes this policy, 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.
4. Retaliation against any member, who, in good faith, files disciplinary charges, testifies or participates in disciplinary hearings, or reports actual or perceived violations of the VVA policy or unlawful acts.

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

1. Any member who alleges retaliation for filing disciplinary charges, testifying or participating in disciplinary hearings or reporting actual or perceived violations of the VVA policy or unlawful acts may file charges of retaliation against the perpetrator regardless of any office held by the perpetrator. The statement of charges should be filed directly with the national disciplinary chair who will decide where and by whom the charges will be heard.
2. Any member having evidence of other types of misconduct by an officer, director, or member may present it to any person or entity authorized below to bring a charge against the accused and request that a charge be brought.
  - a. A charge against a member who did not hold any office at the time of the alleged offense may be brought by:
    - 1) a majority vote of the members present and voting at a regular or special meeting of the member's chapter; or
    - 2) a majority vote of the Directors present and voting at a regular or special meeting of the Board of Directors of the member's Chapter; or
    - 3) the appropriate state council president; or
    - 4) a majority vote of the delegates present and voting at a regular or special meeting of the appropriate state council; or

- 5) the appropriate regional director; or
  - 6) a majority vote of the national board of directors present and voting at a regular or special meeting; or
  - 7) any national officer.
- b. A charge against a chapter or a chapter officer/director may be brought by:
    - 1) the appropriate state council president; or
    - 2) a majority vote of the delegates present and voting at a regular or special meeting of the appropriate state council; or
    - 3) the appropriate regional director; or
    - 4) a majority vote of the national board of directors present and voting at a regular or special meeting; or
    - 5) any national officer.
  - c. A charge against a state council or state council officer/director 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.
  - d. A charge against a national officer, member of the national board of directors, or a chairperson of a national committee, sub-committee or taskforce may be brought by a majority vote of directors present and voting during a regular or special meeting of the national board of directors.

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.
  - a. 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.
- b. The SOC must specify in detail the facts upon which the charges are based. The SOC shall:
  - (1) reference the provisions of the VVA Constitution, VVA State Council or Chapter articles of incorporation or by-laws, or the VVA policy, or the federal, state or local law that is alleged to have been violated and
  - (2) state the conduct giving rise to the charges of such violations.
  - (3) 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.

2. The SOC and all evidence will be sent by the complainant to the appropriate Disciplinary Committee Chair by signature-confirmation delivery service<sup>1</sup>. **The complainant does not send a copy of the SOC to the accused.**
  - a. The SOC and related evidence are considered to be confidential documents and are not to be distributed or discussed except as authorized in this policy.
  - b. The Chair of the Disciplinary Committee will inform the appropriate State Council President, in the case of charges against a member, Chapter or Chapter Officer/Director, and the appropriate Regional Director, in the case of Charges against a State Council or State Council Officer/Director, **only** of the identification of the person or entity being charged and who filed the charges unless a temporary suspension is being requested. See Section II.

## SECTION II – TEMPORARY SUSPENSION

- A. In order to maintain the good of the order within the Corporation, it may be necessary to suspend temporarily someone being charged under the National Disciplinary Policy. Temporary suspension is not automatic when charges are filed and often may not be necessary.
  1. Sound judgment should be used before deciding that a temporary suspension is necessary. Mere suspicion or belief, unsupported by facts or circumstances, is insufficient to establish cause for a temporary suspension.
  2. The facts and circumstance must be sufficient to convince a reasonable person:
    - a. 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
    - b. that a prehearing suspension of the person or entity is necessary to reduce or eliminate the likelihood of disruption, damage, or discredit.
- B. Procedure for Temporary Suspension of a Charged Member or Entity
  1. When charges are filed with the Chair of the appropriate Disciplinary Committee, the person filing the charges also may request a temporary suspension. To do so the request must contain the justification for a suspension and must be signed by the complainant under oath before a Notary Public, Commissioner of Deeds, or similar officer.
  2. After charges have been filed, and the Disciplinary Hearing Panel has reviewed the SOC and evidence and decided that the administrative requirements of this policy have been met and that the evidence is sufficient to proceed, the Chair of the Hearing Panel will immediately contact the person or entity who can authorize a temporary

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<sup>1</sup> Signature-confirmation delivery service may be United State Postal Service, FedEx or any other delivery service which will require a signature for delivery and provide verification of delivery to the sender.

suspension, providing the SOC, associated evidence, and the request for temporary suspension.

- a. Except in the case of charges brought by the National Board of Directors, the person/entity filing charges against a person **may not** impose a temporary suspension. Authority to impose a temporary suspension rest only with a higher level within the Corporation (e.g., if the State Council President is filing the charges, the temporary suspension may be imposed only by the Regional Director or a National Officer; if a Regional Director is filing the charges, only a National Officer may impose a temporary suspension.)
  - b. The National Board of Directors, by majority vote, may impose a temporary suspension after voting to bring charges against a person. This will be accomplished by a separate vote after the SOC is approved.
  - c. The National Board of Directors shall, upon the filing of charges, have the exclusive right, by majority vote, 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.
3. Notice of temporary suspension shall be in writing (Attachment #4 – Notification of Temporary Suspension), stating that charges have been filed and providing the reason for the charges, the justification for imposing the suspension, and appeal rights available to the accused. Such notice shall be sent to the accused by signature-confirmation delivery service by the person imposing the temporary suspension.
  4. Any and all temporary suspensions imposed by a State Council President, Regional Director, or National Officer may be appealed to the National Board of Directors. Temporary suspension 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. Suspension by the National Board of Directors may not be appealed.

#### C. Conditions of Suspension

1. While under temporary suspension, a member may not attend any VVA function or represent themselves as member of VVA, a Chapter, or a State Council.
2. While under temporary suspension a Chapter or State Council:
  - a. 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.
  - b. **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.
  - c. All violations of the conditions of suspension will be reported to the National secretary with witness statements and/or other documentary evidence.

### **SECTION III – DISCIPLINARY COMMITTEES**

#### **A. 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, except that no State Council President appointed to the National Disciplinary Committee will also serve on a Regional Disciplinary Committee. The Chair will be appointed by the Regional Director. Appointments will be made following the biennial National Convention and reported to the National Secretary no later than the Fall meeting of the National Board of Directors following the convention.
2. The National Disciplinary Committee will consist of fourteen (14) members. The Chair will be appointed by the National President. Thirteen (13) VVA members (excluding the state council presidents) shall be appointed by the Chair of the National Disciplinary Committee, with the concurrence of the National Board of Directors no later than the Fall meeting of the National Board of Directors meeting following the convention.
3. Term of Appointment
  - a. The term of any member of a Disciplinary Committee engaged in a proceeding under this policy 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.

#### **B. Jurisdiction of Disciplinary Committees**

1. Regional Disciplinary Committees will hear charges against individual members, chapters or chapter officer/directors, state councils or state council officers/directors except for charges of retaliation.
2. If charges are brought against individual members, chapters or chapter officer/directors, state councils or state council officers/directors by the national board of directors, the chair of the National Disciplinary Committee will determine which Regional Disciplinary Committee will hear the charges.
3. The National Disciplinary Committee will hear all charges against National Officers, members of the National Board of Directors, and Chairpersons of National Committees, Sub-committees, or taskforces and any charges of retaliation.



#### **SECTION IV – CONFLICT OF INTEREST**

- A. 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 policy.
- B. If the Chair of a Regional Disciplinary Committee has a conflict of interest, the Vice Chair shall consult the other members of that Committee to select the members of the Hearing Panel. If so many members of the Regional Disciplinary Committee believe they must recuse themselves due to personal relationship with the accused or the person filing the charges, the Chair of the Regional Disciplinary Committee must refer the matter to the Chair of the National Disciplinary Committee who will select another region to hear the matter.
- C. If the Chair of the National Disciplinary Committee has a conflict of interest, the Vice Chair shall consult the other members of the Committee to select the members of the Hearing Panel.
- D. No member of the National Board of Directors who voted on a temporary suspension or to bring charges may sit on the Hearing Panel that will hear those charges.

#### **SECTION V– DISCIPLINARY HEARING PANEL**

- A. Procedure:
  - 1. The Chair of the appropriate Disciplinary Committee will have seven (7) calendar days from receipt of the SOC and supporting documents to select a Hearing Panel of no less than three (3), nor more than five (5) members of the committee to hear the complaint. The Chair of the Disciplinary Committee is responsible for ensuring that the members selected to hear the complaint do not have conflicts of interest.
  - 2. The Hearing Panel will have seven (7) calendar days from receipt of the SOC and supporting documentation to determine if the administrative requirements of this policy have been met and the evidence is sufficient to proceed. Documents, including the SOC and evidence, may be sent electronically to members of the Hearing Panel and members of the Hearing Panel may choose to communicate among themselves via telephone or email.
    - a. If the Hearing Panel determines that the administrative requirements of this policy have not been met, or the evidence submitted is not sufficient to proceed:
      - 1) The Chair of the Hearing Panel will notify the Chair of the Disciplinary Committee and the complainant in writing by signature-confirmation delivery service outlining the administrative deficiencies leading to rejection of the charges and inform the complainant of the right to correct the deficiencies and

- refile. The Hearing Panel Chair will return the original copies of the charges, and all evidence, to the complainant.
- 2) A copy of the notification will be sent to the National Secretary for filing.
  - 3) The complainant retains the right to correct any administrative deficiencies and refile the complaint at a later time. Charges dismissed for lack of sufficient evidence may not be refiled.
- b. If the Hearing Panel determines the filing complies with this policy and the evidence is sufficient to proceed, the Chair of the Hearing Panel will:
- 1) Notify in writing the Chair of the Disciplinary Committee that a Hearing panel will proceed with the case.
  - 2) Send the accused by signature-confirmation delivery service 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.
  - 3) Notify the complainant by signature-confirmation delivery service to his/her last known address that the Hearing Panel will proceed with the case and describe the procedure to follow.
  - 4) If a temporary suspension has been requested, inform the individual authorized to impose such suspension that charges have been filed, the reason for the charges, and provide the written request for temporary suspension. If the temporary suspension is authorized, the person imposing the suspension will notify the accused in writing following the instructions in Section II. B.3.
3. At no time during the disciplinary process shall the accused or the complainant contact each other or anyone providing supporting statements or evidence to the other side. The complainant and the accused may have contact only with the Chair of the Hearing Panel and only for the purposes of clarifying procedures or the status of the complaint.
  4. Within twenty (20) calendar days of receipt of the Statement of Charges, the accused may file with the Chair of the Hearing Panel, by signature-confirmation delivery service, a signed, notarized, written statement admitting or denying the charges.
  5. If the accused admits the charges in a signed and notarized, written statement, the members of the Hearing Panel will determine the sanction(s) to be imposed.
    - a. The Hearing Panel, within ten (10) calendar days, will provide a written statement of its determination and the sanction(s) to the accused, the complainant, the Disciplinary Committee Chair, the appropriate Regional Director and the appropriate State Council and Chapter President in case of a member.
    - b. The Chair of the Hearing Panel will send all records regarding the matter to the VVA National Secretary, who will maintain the records on file in the National Office and notify the National Membership Administrator of the actions as appropriate.

6. If the accused fails to timely file a signed, and notarized, written statement admitting or denying the charges with the Hearing Panel, the accused is deemed to have waived the right to a hearing.
  - a. The Hearing Panel will determine if the evidence submitted by the complainant sustains the charges.
    - 1) If the charges are sustained, the Hearing Panel will determine the sanction(s) to be imposed.
    - 2) The Hearing Panel will provide a written statement of its determination within fifteen (15) calendar 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 Disciplinary Committee Chair, the appropriate Regional Director and the appropriate State Council and Chapter President in case of member.
    - 3) The Chair of the Hearing Panel will forward all documents pertaining to the charges to the VVA National Secretary, who maintains the records on file in the National Office and notify the National Membership Administrator of the actions as appropriate.
  - b. Charges that are not sustained may not be resubmitted.
  - c. When the accused has failed to file a statement denying the charges, the accused is deemed to have waived the right to appeal the decision of the Hearing Panel.
7. 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 will schedule a hearing within thirty (30) calendar 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.
  - b. The timeframe for filing will adjust to the revised hearing date.
2. At least twenty (20) calendar 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 a 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. Hearings may, but are not required, to be audio or videotape recorded.
4. 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.
5. 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 suspension or 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 under this policy.

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 C.
  - c. Revocation of the Charter of the Chapter or State Council.

D. Costs:

1. The Hearing Panel is empowered to direct that the losing party pay all or a portion of the costs, not to exceed fifteen hundred dollars (\$1500) 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.
2. If either party wishes to have restitution of costs considered, documentation of the costs (photocopying, postage, travel and lodging, etc.) incurred must be submitted to the Hearing Panel within seven (7) calendar days of completion of the hearing.

E. Documentation of Findings:

1. The Hearing Panel will provide its written findings within fifteen (15) calendar days after the hearing and will send a copy of its determination to the accused, complainant, and the 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 and notify the National Membership Administrator of the actions as appropriate. At that time, a copy of the determination will be sent to the appropriate Regional Director and in the case of a member, the appropriate State Council and Chapter Presidents.

## **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. Appeal Panels

1. Cases heard by a Regional Hearing Panel will be appealed to the National Disciplinary Committee. The Chair of the National Disciplinary Committee will select an Appeal Panel of not less than three (3) nor more than five (5) members of the committee to hear the appeal.
  - a. The Chair of the National Disciplinary Committee is responsible for ensuring that the members of the National Disciplinary Committee selected to hear the appeal do not have a conflict of interest.
  - b. If the Chair of the National Disciplinary Committee has a conflict of interest, the other members of the Committee shall consult to select the members of the Appeal Panel.
2. Cases heard by a National Disciplinary Hearing Panel will be appealed to a Special National Disciplinary Appeal Panel composed of three (3) members of the National Disciplinary Committee who were not involved in bringing the charges, did not participate in the initial hearing and who do not have a conflict of interest.

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 Chair of the National Disciplinary Committee by signature-confirmed delivery service, postmarked within fifteen (15) calendar days of receipt of the Disciplinary Hearing Panel's decision.
2. The Chair of the National Disciplinary Committee will set a bond to cover the costs of the appeal.
  - a. The minimum bond amount will be Five Hundred Dollars (\$500.00) and the maximum no greater than Two Thousand Five Hundred Dollars (\$2500.00).
  - b. The Chair of the National Disciplinary Committee will send notice of the bond amount and instructions for payment to the appellant by confirmed- signature delivery service, postmarked within ten (10) calendar days after receipt of the notice of appeal.

- c. The appeal process will not commence until the set bond amount is received by the VVA Accounting Office in certified funds. Funds must be received at the National Office within fifteen (15) calendar days of the date the appellant received the notice of the bond amount. If funds are not received within that time, the case is closed.
3. A copy of the appeal and any new evidence shall be served on the other side by the Chair of the Appeal Panel and the other side will be allowed ten (10) calendar days from date of receipt to file a reply.
4. The Chair of the Disciplinary Hearing Panel which heard the case shall forward all files related to the case, including copies of all correspondence, evidence considered and/or introduced at the hearing of the case, any audio or video recording of the hearing, and documentation of the determination to the Chair of the Appeal Panel
5. There will be no contact or any discussion between members of the Hearing Panel which heard the case and the Appeal Panel.

D. Determination of Appeals:

1. If, based on examination of the written appeal, a majority of the Appeal Panel determines that the Notice of Appeal does not comply with this policy or the grounds for appeal **do not** have merit, it will issue its findings in a written statement and the matter will be closed.
  - a. The Appeal Panel will issue its findings within twenty (20) calendar days of receiving the Notice of Appeal. The findings will be sent to both the appellant and the other side by signature-confirmation delivery service.
  - b. No further appeal is allowed.
2. If a majority of the Appeal Panel determines from examination of the written appeal that the grounds for appeal may have merit:
  - a. The Appeal Panel will review all evidence submitted to the Hearing Panel and any new evidence submitted.
  - b. If the Appeal Panel 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 including the other side and witnesses who appeared at the original hearing. Such a hearing may be conducted in person or by telephonic or electronic means provided both the appellant and the other side agree to the telephonic or electronic method for conducting the hearing and all members of the Appeal Panel must be present to hear the information to be presented.
3. After reviewing all evidence and, if needed, conducting a hearing, the Appeal Panel will, by majority vote, reject or sustain the original charges.
  - a. If the charges are rejected, the sanction(s) and any cost imposed by the Hearing Panel will be voided.
  - b. If the charges are sustained, the Appeal Panel will, by majority vote, 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. However, the

Appeal Panel may not increase the sanctions imposed by the Hearing Panel nor impose additional costs.

4. The Appeal Panel will provide its written finding within fifteen (15) calendar days after the conclusion of its review or hearing.
  - a. The Appeal Panel will send a copy of its determination to the accused, the complainant, the National Disciplinary Committee Chair, the appropriate Regional Director and, in the case of a member, the appropriate State Council and Chapter Presidents.
  - b. When the charges are sustained, the written findings will include the sanction(s) and/or any cost levied.
  - c. 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 determination.
5. The determination of the Appeal Panel will be final.
6. The Chair of the Appeal Panel will send all records regarding the matter to the VVA National Secretary who shall maintain them on file in the VVA National Office and notify the National Membership Administrator of the actions as appropriate.

## **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 not 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, he/she will:
    - a. Notify the Chair of the National Disciplinary Committee, by mail, of the determination and forward the appropriate evidence.
    - b. Notify the accused by mail of the determination 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, signature-confirmation delivery service, a Standard Form 180 (SF-180) to be completed and returned to the Chair.
  5. The accused will have fourteen (14) calendar 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 Chair will immediately notify the National Membership Administrator and the National Secretary and the accused's 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 policy.
    - c. All records obtained during this 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.

**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 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.

- A. 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.”<sup>2</sup>
- B. Notwithstanding any other provision of this policy, the National Disciplinary Committee has exclusive jurisdiction over charges brought to accomplish the revocation of a Charter for this reason. If the charges and the evidence in a special case comply with this policy, the Chair of the National Disciplinary Committee:
1. Will not process the case as provided in Section V (Disciplinary Hearing Panel), but will send the accused, by signature-confirmation delivery service 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
  2. Will notify the National Secretary, the appropriate Regional Director, the Chair of the Membership Committee, the appropriate State Council President in the case of a Chapter, and the Membership Department, by regular mail, that the charges and that the evidence submitted comply with this policy and are deemed filed.
  3. No appeal is allowed. The determination by the Chair of the National Disciplinary Committee that the charges and evidence comply with this policy completes “the filing of the charges” that is necessary for VVA to revoke the Charter of such a suspended Chapter or a State Council without the time and expense of a hearing. The VVA National Board of Directors, not the Chair of the National Disciplinary Committee, will revoke the Charter of the suspended Chapter or State Council.

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<sup>2</sup> 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.

**Attachment # 1: Statement of Charges**

**VIETNAM VETERANS OF AMERICA, INC.**

**STATEMENT OF CHARGES**

IN THE MATTER OF THE DISCIPLINARY ACTION AGAINST

\_\_\_\_\_  
(Name of Accused)

I, \_\_\_\_(Your Name)\_\_\_\_, on behalf of \_\_\_\_(myself, Chapter, State Council)\_\_\_\_, accuse the above named member or entity of \_\_\_\_(misconduct)\_\_\_\_ under the provisions of the Vietnam Veterans of America Disciplinary Policy.

*(Summarize the facts related to the charge or charges authorized by the Disciplinary Policy, including when the actions occurred and what happened as a result of the actions.)*

The above charge(s) is sustained by the attached evidence: *(List all documents, affidavits, certified records, and other evidence being submitted to support the allegations.)*

I UNDERSTAND THAT THE ABOVE CHARGE(S) MUST BE SUPPORTED BY CREDIBLE EVIDENCE AND MUST FALL WITHIN THE DEFINITIONS OUTLINED IN THE VIETNAM VETERANS OF AMERICA DISCIPLINARY POLICY (Section1, Paragraph A.

I UNDERSTAND I MAY BE SUBJECT TO PENALTIES UNDER THE DISCIPLINARY POLICY FOR KNOWINGLY MAKING FALSE ALLEGATIONS AGAINST THE ACCUSED.

\_\_\_\_\_  
(Signature) Date: \_\_\_\_\_

\_\_\_\_\_  
(Printed name)

Sworn before me this \_\_\_\_\_ day of \_\_\_\_\_:

(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: \_\_\_\_\_

\_\_\_\_ (Printed name) \_\_\_\_\_

Sworn before me this \_\_\_\_ day of \_\_\_\_:

(Seal) Notary Public or Commissioner of Deeds

**Attachment # 3: Notification to Accused that Charges have been filed**

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

(Date)

(Name of accused)

(Address of Accused)

Dear (name of accused):

Charges alleging misconduct have been filed against you by (name of complainant). The Statement of Charges (SOC) has been reviewed by the (Region or National) Disciplinary Hearing Panel and found to meet the requirements of the VVA National Disciplinary Policy. Furthermore, the (Regional or National) Disciplinary Hearing Panel finds that the evidence submitted is sufficient to proceed. The SOC and the supporting evidence are enclosed.

Within twenty (20) calendar days of receipt of this letter, you may file with me, by signature-confirmation delivery service\* a signed, notarized, written statement admitting or denying the charges.

- If you do not reply and do not provide a signed, notarized written statement either admitting or denying the charges, you will be deemed to have waived the right to a hearing. In that case the Hearing Panel will determine if the evidence submitted by the complainant sustains the charges. If you admit to the charges, the Hearing Panel will determine the sanction to be imposed.
- If you admit to the charges in a signed, notarized written statement, the Hearing Panel will determine the sanction to be imposed.
- If you file a signed, notarized written statement denying the charges, the Hearing Panel will schedule a hearing.

More details on the process are available in the VVA National Disciplinary Policy which is enclosed.

At no time during this process shall you or the complainant contact each other or anyone providing supporting statements or evidence for the other side in this matter. If you have any questions regarding this matter or the process to be followed, you should contact me at (email or phone number).

\* United State Postal Service, Fed Ex or any other delivery service which will require a signature for delivery and provide verification of delivery to the sender.

Sincerely,

(Signature of Chair)

Typed and signed Name of Chair

(Region, National) Disciplinary Hearing Panel

## National Disciplinary Policy 2023

Encl: VVA National Disciplinary Policy

Cc: National Secretary  
Complainant (name of complainant)  
Chair, Disciplinary Committee  
Regional Director

**Attachment # 4: Notification of Temporary Suspension**

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

Date

Name of member to be suspended

VVA Member Number

Address

**NOTICE OF TEMPORARY SUSPENSION**

Dear \_\_\_\_\_:

On (date) charges of MISCONDUCT – to wit: (description of charges) were filed against you under the Vietnam Veterans of America Code of Disciplinary Policy.

Due to the seriousness of the alleged offenses, and in order to prevent any substantial likelihood of you disrupting the activities, meetings, or functions of Chapter/State Council XXXX, or causing damage or discredit to VVA, a State Council, Chapter or to any of its members, I am invoking Temporary Suspension of your membership (member number) in Vietnam Veterans of America under Section II of the Vietnam Veterans of America Code of Disciplinary Policy.

The suspension is effective (date of letter) and remains in effect until a final resolution of the Charges by the (Region or National) Disciplinary Committee.

Sincerely,

(Signature of Chair)

Typed and signed Name of Chair

(Region, National) Disciplinary Hearing Panel

Cc: National Secretary  
Complainant (name of complainant)  
Chair, Disciplinary Committee  
Regional Director

**Attachment # 5: 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 (name of complainant)  
Chair, Disciplinary Committee  
Regional Director  
State Council President  
Chapter President



**Attachment # 6: 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 (name of complainant)  
Chair, Disciplinary Committee  
Regional Director  
State Council President  
Chapter President

**Attachment # 7: 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  
Chair, Disciplinary Committee  
Regional Director  
State Council President  
Chapter President

Encl: Directions to hearing location

**Attachment # 8: 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 # 9: 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 # 11 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 that the Complainant incurred as a result of filing this complaint. The Complainant has requested such reimbursement and you are hereby directed to submit payment of \$\_\_\_\_\_ in a certified check or money order to

\_\_\_\_\_ (name and address of complainant.)

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 from Disciplinary Hearing Panel to Complainant Regarding Reimbursement of Costs – Charges rejected**

**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 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.

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 the accused incurred as a result of this complaint. Costs do not include attorney fees. The accused has requested such reimbursement and you are hereby directed to submit payment of \$\_\_\_\_\_ in a certified check or money order to

\_\_\_\_\_ (name and address of accused.)

Sincerely,

(Signature of Chair)

Typed and signed Name of Chair

(Region, National) Disciplinary Hearing Panel

Cc: National Secretary  
Accused

**Attachment # 11: Notice of Appeal**

**VIETNAM VETERANS OF AMERICA, INC. NOTICE OF APPEAL**

Chair, National Disciplinary Committee  
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 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