

VIETNAM VETERANS OF AMERICA

CODE OF DISCIPLINARY POLICY & PROCEDURES



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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 be able to remedy inappropriate behavior that can bring discredit to the organization.

This policy identifies the mechanism and procedures for addressing acts of misconduct, neglect or dishonesty, and violations of the VVA Constitution, State Council or Chapter articles of incorporation and by-laws, and other applicable requirements.

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 Disciplinary Policy and Procedures are designed to allow both the accuser and the accused ample time to comply with the requirements of this policy. Any questions on the procedures, terminology, or time frames, should be directed immediately to the appropriate Chair.

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's assigned Disciplinary Review Committees and Disciplinary Hearing Panels in interpreting and/or applying this Procedure once the appeal process is complete.

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.

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SECTION I – CHARGES

A. There are three (3) classifications of offenses for which charges may be filed:

1. Misconduct:

- a. An act by the accused in the course of conducting business, or participating in any activity or function which is in violation of any provision of the VVA Constitution, State Council or Chapter articles of incorporation or by-laws, or other applicable requirement which is of such seriousness and consequence as to damage or jeopardize the reputation, good will, security, community standing, facilities and equipment, or the purpose and mission of the Corporation or VVA State Council or Chapter.
- b. Intentional or reckless conduct by the accused, which results in harassment, annoyance, or alarm to any member, Chapter, State Council or the Corporation; or the intentional and undue interference with any conduct of business or activity within the Corporation or VVA State Council or Chapter
- c. Violation of federal, state or local law by any member or group of members that result in damage to the Corporation or any VVA State Council or Chapter, or members. Such violation of law must have occurred while the member(s) is acting in his or her capacity as a member or officer.

2. Gross Neglect:

- a. Gross neglect is more than simple negligence. Gross neglect is:
 - i) a failure to perform any duty that is required by the VVA Constitution, VVA State Council or Chapter articles of incorporation and by-laws and;
 - ii) reckless disregard of the consequences of failing to perform the duty.
- b. Both a "failure to perform any duty. . ." and "reckless disregard of the consequences. . ." are necessary to establish gross neglect.

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3. Dishonesty

Any intentional act of fraud, deceit, untruthfulness, trickery, forgery, embezzlement, theft, or any other act of moral turpitude, which could result, or has resulted, in damage to the reputation, good will, security, community standing, facilities and equipment, or the purpose and mission of the Corporation.

B. All charges brought against the accused must be brought in the following manner:

1. Against a member who did not hold any office at the time of the offense may be brought by:
 - a. A majority vote of the individual 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
2. 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. Any National Officer.

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3. 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.
 - d. Any member or Chapter who may have evidence that a violation of this policy may have occurred through misconduct, gross neglect or dishonesty can present their evidence to the appropriate Regional Director or a National Officer and request that he or she bring charges against the individual(s), regardless of the position the accused may hold.
4. 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.
5. Any charges brought forth by the National Board of Directors or any National Officer shall be processed by the National Disciplinary Committee. (There is no Review Panel at the national level of this policy).

C. Procedure:

1. All charges must be set forth in writing in a formal Statement of Charges (SOC) in the form prescribed in Attachment #1 – Statement of Charges.
2. The SOC must be signed by the complainant under oath before a Notary Public, Commissioner of Deeds, or similar officer.
3. When charges are authorized by a group (e.g., vote of chapter members or State Council delegates), a representative designated by that entity will sign the SOC and act as the complainant.
4. 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, Chapter articles of incorporation or by-laws, the policy alleged to have been violated, the conduct giving rise to the charges, or the federal, state or local

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law alleged to have been violated and (b) state the conduct giving rise to the charges that is alleged to have been violated the provision/s.

5. 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.
6. The SOC and all evidence will be sent by the complainant to the Chair of the appropriate Disciplinary Review Panel. A copy of the statement of charges (NO EVIDENCE) will be sent, by the complainant, to the VVA National Secretary and the appropriate Regional Director. **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 Code of Disciplinary Policy & Procedures. 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. Mere suspicion or belief, unsupported by facts or circumstances, is insufficient to establish good cause shown. The temporary suspension of membership shall be in writing, shall state the good cause shown that makes the temporary suspension necessary, and shall be given, or sent to the suspended member with a copy sent to the National Membership Director and National Secretary.

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 VVA name and logo; continue to receive unsolicited tax-deductible contributions; conduct chapter, council business only for the purposes of calling

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meeting for disbursing funds previously raised in VVA's name to pay chapter/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 Solicitation Program funds; send delegates to the national convention; send delegates to state council conventions.

C. All such actions must be reported to the National Membership Director immediately upon effect. A letter via verifiable delivery system must be sent to the accused from the National Membership Director confirming the effective date of the temporary suspension and stating the reason or reasons for the temporary suspension.

SECTION III – DISCIPLINARY REVIEW COMMITTEES

A. Responsibility:

1. The Disciplinary Review Committee reviews the Statement of Charges and the evidence submitted by the complainant to determine if:
 - a. The alleged offense meets the definition of misconduct, gross neglect, and/or dishonesty as defined in this procedure; and
 - b. The charges have been filed in accordance with the administrative requirements specified in this policy & procedure, i.e., a formal statement of charges executed by the complainant under oath; and
 - c. The evidence submitted is sufficient to proceed.
2. The Disciplinary Review Committee shall not discuss the statement of charges with any parties involved in the alleged allegations; nor make any decision as to guilt or innocence of the accused.

B. Jurisdiction and Appointment of Disciplinary Review Committee

1. The Regional Disciplinary Review Committee will conform to the regions as set forth in Appendix I of the Vietnam Veterans of America Constitution. A Regional Disciplinary Review Panel will review all charges originating from their region, or may review other charges assigned to the region by the Chair of the National Disciplinary Committee.

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- a. The Regional Disciplinary Review Committee shall consist of ten (10) members from within the Region;
 - i. The Committee will consist of the State Council Presidents or State Council Vice Presidents within the region;
 - ii. The remaining unfilled positions shall be appointed by the Regional Director;
 - iii. The Chair shall be appointed by the Regional Director.
 - b. A Regional Disciplinary Review Panel shall be selected by the Chair – Regional Disciplinary Review Committee – consisting of no less than three (3) members; and no more than five (5) members to review filed charges.
 - c. A list of the Chair and members shall be forwarded to the Chair, National Disciplinary Committee and the VVA National Secretary by the appropriate Regional Director.
2. Members of the Regional Disciplinary Review Committees will serve for a term of two (2) years.
- a. The term of any member of a Disciplinary Review Panel engaged in a proceeding under this procedure will be automatically extended until the conclusion of the proceeding upon which they are reviewing.
 - b. Any vacancy occurring in the membership of a Disciplinary Review Committee will be filled in the same manner that the position was originally filled.

SECTION IV – DISCIPLINARY REVIEW PANEL PROCEDURES

- A. The written Statement of Charges and all evidence will be submitted to the Chair of the appropriate Disciplinary Review Committee by the complainant.
- B. The Chair (Disciplinary Review Committee) is responsible for ensuring that the members selected to review the complaint do not have conflicts of interest.

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- C. The Disciplinary Review Panel will have thirty (30) days from receipt of the Statement of Charges, and support documents, to sustain or reject the charges. Under no circumstances will the Disciplinary Review Panel conduct hearings, question the complainant, the accused, any witnesses or request additional information.
- D. If the Disciplinary Review Panel 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 complainant in writing, outlining the deficiencies. (See attachment #3 – Letter from Disciplinary Review Panel to Complainant-Requirements of Disciplinary Policy Not Met). A copy of the deficiency letter will be sent to the VVA National Secretary, the National Disciplinary Committee Chair and the appropriate Regional Director.
 - 1. The matter will be considered closed unless the complainant resubmits documentation, within thirty (30) days, which corrects the deficiencies noted by the Disciplinary Review Panel.
 - 2. The Chair of the Disciplinary Review Panel will return the original copies of the charges, and all evidence, to the complainant.
- E. If the Disciplinary Review Panel determines that the charges meet the administrative requirements of this policy & procedure, and the evidence submitted is sufficient to proceed, the Chair of the Disciplinary Review Panel will send a copy of the written Statement of Charges, and all evidence, to the accused at his/her last known address by certified mail.
- F. When charges are being brought against a Chapter or State Council, the written Statement of Charges, and all evidence, will be sent to all Officers of the accused Chapter or State Council at their last known address. (See Attachment #4 – Letter of Disciplinary Review Panel to Accused – Charges Filed).
- G. Notify the National Secretary, the National Disciplinary Committee Chair, and the appropriate Regional Director, by regular mail, of the action taken by the Disciplinary Review Panel.
- H. The original copies of the charges, and all evidence, submitted by the complainant, and a copy of the determination letter of the Disciplinary Review Panel, will be sent by certified mail to the Chair of the Disciplinary Committee that will hear the charges.

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SECTION V – DISCIPLINARY COMMITTEES

A. Responsibility:

The Disciplinary Committee will conduct a hearing on Statement of Charges referred from the Disciplinary Review Panel; render a decision sustaining or rejecting the charges, and determine the appropriate sanction to be imposed against the accused when charges are sustained.

B. Jurisdiction and Appointment of Disciplinary Committees:

1. The Regional Disciplinary Committees will conform to the regions as set forth in Appendix I of the Vietnam Veterans of America Constitution. The Regional Disciplinary Committee will hear all charges referred from the appropriate Disciplinary Review Panel.
 - a. Regional Disciplinary Committees will consist of ten (10) members, of the appropriate region, in good standing, in which they are appointed to serve. At least one (1) member will be appointed from each of the states within the region.
 - b. The Regional Director will select the Chair and the members of the Regional Disciplinary Committee.
 - c. A list of Chair and members shall be forwarded to the Chair National Disciplinary Committee and the VVA National Secretary by the appropriate Regional Director.
2. The National Disciplinary Committee will hear all charges referred by the Chair of the National Disciplinary Committee.

The National Disciplinary Committee will consist of ten (10) members; nine (9) of which will be three (3) individual members, three (3) State Council Presidents and three (3) Regional Directors; the additional member, the Chair, shall be appointed by the National President, 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.

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- 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 VI – DISCIPLINARY HEARING PANEL PROCEDURE

- A. The Chair of the Disciplinary Committee 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. Within thirty (30) days of receipt of the Statement of Charges from the appropriated Disciplinary Committee, the accused may file with the Chair of the appropriate Disciplinary Hearing Panel, by registered or certified mail, a signed, notarized written statement admitting or denying the charges.
 - a. A copy of written notarized statement will be sent to the VVA National Secretary by regular mail
 - b. If the accused admits the charges in a signed and notarized written statement, the members of the Disciplinary Hearing Panel selected to hear the charges will determine the sanction/s to be imposed. The Disciplinary Hearing Panel will forward a copy of its finding and the sanction to the accused, the complainant, the VVA National Secretary and the National Disciplinary Committee Chair.
 - c. If the accused fails to file a signed, and notarized, written statement admitting or denying the charges with the appropriate Disciplinary Hearing Panel within thirty (30) days, of receipt of the charges, the accused is deemed to have waived the right to hearing.
 - i. When the accused fails to admit or deny the charges, the Disciplinary Hearing Panel will determine if the evidence submitted by the complainant sustains the charges. If the charges are sustained, the Disciplinary Hearing Panel will determine the sanction/s to be imposed.

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- ii. The Disciplinary Hearing Panel will provide a written statement of its determination within thirty (30) days following the expiration of the time the accused had to response. The Hearing Panel will send a copy of its determination to the accused, the complainant, the VVA National Secretary, the National Disciplinary Committee Chair and the appropriate Regional Director.
- iii. The Chair of the Disciplinary Hearing Panel will keep the original copies of the charges, evidence and the Hearing Panel's determination until the accused files an appeal; or the time allotted for filing an appeal has expired. After forty-five (45) days the Chair of the Disciplinary Hearing Panel will forward all documents pertaining to the charges to the VVA National Office – Attention of National Secretary.
- iv. Charges that are rejected may not be resubmitted.
- d. If the accused files a signed, and notarized, written statement denying the charges within thirty (30) days of receiving the charges, the Disciplinary Hearing Panel will schedule a hearing.

2. Hearings

- a. The Chair of the Disciplinary Hearing Panel that will hear the charges will schedule a hearing within forty-five (45) days of the date the accused files a signed, and notarized, 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.
- b. At least twenty (20) days prior to the date of the hearing, the complainant, and the accused, must file with the Chair of the Disciplinary Hearing Panel, and with each other, the following:
 - i. The name and address of the representatives, if any, chosen by the complainant, and the accused, to present witnesses and evidence.
 - ii. A written list of witnesses that each party intends to present in support of his/her position. The Disciplinary 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.

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- iii. 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 Disciplinary 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 the strict rules of evidence will not apply. Hearings will 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 witnesses 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 Disciplinary Hearing Panel hearing the charges is required to sustain the charges.

B. Sanctions:

If the Disciplinary 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;

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- 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 the opportunity to hold an elected, or appointed position for an unspecified period of time;
- 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.

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;
 - i. While under suspension a chapter or state council may continue to use VVA name and logo; continue to receive unsolicited tax-deductible contributions; conduct chapter, state council business only for the purposes of calling meetings for disbursing funds previously raised in VVA's name to pay chapter/council obligations.
 - ii. While under 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 Solicitation Program funds; send delegates to the national convention; send delegates to state council conventions.
- b. Revocation of the Charter of the Chapter or State Council.

C. Costs:

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The Disciplinary 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 incurred to the Disciplinary Hearing Panel within ten (10) days of being notified of the Disciplinary Hearing Panel's determination).

D. Documentation of Findings:

1. The Disciplinary 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.

All suspensions, revocations of membership, suspension or revocation of Chapters or State Councils Charters shall be reported to the VVA National Membership Director.

2. The audio or videotapes of the hearing and the written determination of the Disciplinary Hearing Panel will be sent to the Chair of the Disciplinary Committee having jurisdiction by certified mail. The Chair of the Disciplinary 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.

E. Option for Mediation.

- (i) Within seven (7) days of a Disciplinary Review Panel sending a Statement of Charges and all evidence to an accused (Section IV.E.) and providing required notice and copies to others (Section IV. F.-G.), a designated member of the National Disciplinary Committee shall contact the complainant and the accused; offer to serve as a neutral mediator; and determine whether mediation would obviate the need for the Disciplinary Hearing Panel to hold a hearing in the case. When a Disciplinary Review Panel sends a Statement of Charges and all evidence to an accused (Section IV.E.), it shall also send a copy of the Statement of Charges and all evidence to the Chair of the National

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Disciplinary Committee.

- (ii) If: (a) the mediator facilitates a mutually acceptable written agreement resolving the dispute; (b) the agreement is signed by the complainant and the accused and signed by the mediator; and (c) the mediator files the signed agreement with the Disciplinary Hearing Panel within twenty-five (25) days of the scheduled hearing, then the Disciplinary Hearing Panel shall deem the matter resolved; cancel the scheduled hearing; and send a copy of the signed agreement to the accused, the complainant, the VVA National Secretary, and

the National Disciplinary Committee Chair **within twenty (20) days of the date of the canceled hearing.**

- (iii) If mediation does not result in a written agreement or if no written agreement is filed within thirty (30) days of the National Disciplinary Committee's receipt of the Statement and Charges and evidence from the Disciplinary Review Panel, then the hearing shall go forward as scheduled. The mediator from the National Disciplinary Committee shall recluse himself or herself from any appeal in the case he or she attempted to mediate.

- (iv) The mediator shall not be a witness at the hearing and any offers, concessions, admissions, or statements made for purposes of mediation shall not be admissible as evidence in the hearing or in any appeal.

SECTION VII – 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 Disciplinary Procedure, or other applicable statute, regulation, or policy.

B. Procedure:

1. A written, sworn, notice of appeal, in the form prescribed in Attachment #14, Notice of Appeal, must be filed with the VVA National Secretary by verified

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delivery service, postmarked within fifteen (15) days of receipt of the Disciplinary Hearing Panel's decision. The Notice of Appeal must specify one or more of the grounds for the appeal set forth in Section VII.A. and must be accompanied by evidence relevant to the grounds upon which the appeal is based. Documentation of evidence must meet the criteria in Section 1, paragraph C.5.

2. If new substantial evidence was not reasonably available at the time of the hearing, a copy of the appeal and the new evidence shall be served on the other side and the other side will be allowed ten (10) days to file a reply limited to addressing the new evidence.
3. The National Secretary, upon receipt of a Notice to Appeal will:
 - a. 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.
 - b. Upon receipt of a notice of appeal that complies with this section, the Chair of the National Disciplinary Committee will set a bond to cover the costs of the appeal. The minimum bond amount will be Five Hundred Dollars (\$500.00) and no greater than Two Thousand Five Hundred Dollars (\$2500.00). The appeal process will not commence until the set bond amount is received by the National Treasurer. Bonding may only be posted by certified funds.
 - c. 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.
 - d. Instruct the Chair of the appropriate Disciplinary Hearing Panel to 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.

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C. Appeals will be heard as follows:

1. Cases heard by Regional Disciplinary 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 Hearing Panel composed of three (3) members of the National Disciplinary Hearing Committee who did not participate in or decide the initial appeal. 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.

D. Determination of Appeals:

1. The appellate body will examine the written appeal;
2. If 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 that the grounds for appeal have merit, the appellate body will review all evidence submitted to the Disciplinary Hearing Panel, the audio or videotape of the hearing held by the Disciplinary Hearing Panel and any new evidence submitted. If the appellate body determines a hearing is necessary, it may question the appellant, members of the Disciplinary Hearing Panel, which 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 may, by majority vote, reject or sustain the original charges;
 - b. If the charges are rejected, the sanction/s and any cost imposed by the Disciplinary Hearing Panel will be voided;
 - c. If the charges are sustained, the appellate body will determine if the sanction/s imposed by the Disciplinary Hearing Panel are still appropriate in light of any new evidence that was presented, or if they should be modified.

Adopted June 2001
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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 and the National Disciplinary Committee Chair.
 - 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 determination.
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 national office.

SECTION VIII – CONFLICT OF INTEREST

No person who has a conflict of interest in a matter before a Disciplinary Review Panel or a Disciplinary Hearing Panel may take any action, exercise any judgment, or make any decision under the provisions of this Procedure. If the Chair of the National Disciplinary Committee, with the concurrence of one of the four National Officers, determines that there is a conflict of interest (real or perceived), a case may be reassigned to another region for processing

SECTION IX – 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.
 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;

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Amended March 23, 2002
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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.

B. This procedure will be followed upon receiving and reviewing allegations:

1. The appropriate President will make a determination as to the validity of the claim;
2. If the appropriate President determines the evidence fails to support a claim of falsification, the President will notify the accused and the accuser by mail of the decision;
3. If the appropriate President 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 National Membership Office will be designated for receipt of information from NPRC.
7. The records provided by the NPRC will be reviewed by the Chair of the National Disciplinary Committee;
 - a. If no discrepancies are found, the accused and the appropriate President will be notified by mail;

Adopted June 2001
Amended March 23, 2002
Amended November 15, 2003
Amended April 24, 2004
Amended April 23, 2005
Amended October 7, 2005

- 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:

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 or Chapter, sanctions may include one or more of the following:
 - 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 or Chapter, and the opportunity to hold an elected, or appointed position for an unspecified period of time;
 - 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.

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Amended March 23, 2002
Amended November 15, 2003
Amended April 24, 2004
Amended April 23, 2005
Amended October 7, 2005

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) being 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

Adopted June 2001
Amended March 23, 2002
Amended November 15, 2003
Amended April 24, 2004
Amended April 23, 2005
Amended October 7, 2005

Attachment #3: Letter from Disciplinary Review Panel to Complainant – Requirements of Disciplinary Policy Not Met

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

(Date)

Name of Complainant
Address of Complainant

Dear (name of complainant):

The (Region or National) Disciplinary Review Panel has reviewed the charges that you submitted against (name of accused). The charges do not meet the following administrative requirements of the VVA Disciplinary Policy:

(Specify the deficiencies and what is needed to correct the deficiencies.)

If you submit the documentation needed to correct these deficiencies, the (Region, National) Disciplinary Review Panel will again review the complaint. If you cannot or do not correct these deficiencies within 30 days of receipt of this letter, this matter will be closed.

A copy of the current VVA Disciplinary Policy is enclosed for your information. The requirements for complaints are found in Section 1: Charges.

Sincerely,

(Signature of Chair)
Typed and signed Name of Chair
(Region, National) Disciplinary Review
Committee

cc: National Secretary
Accused

Encl: VVA 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**

Attachment #4, Letter from Disciplinary Review Panel to Accused – Charges Filed

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

(Date)

Name of Accused
Address of Accused

Dear (name of accused) :

The (Region or National) Disciplinary Review Panel has received and reviewed charges against you. The charges meet the administrative requirements of the VVA Disciplinary Policy and the evidence submitted appears to be sufficient to proceed. The Statement of Charges and the evidence submitted are enclosed.

Also enclosed is a copy of the VVA Disciplinary Policy. Within 30 days of receiving this letter and under this policy, you may do one of three things:

(1) Deny the charges by filing a signed and notarized statement to that effect with the Chair of the (Region, National) Disciplinary Committee with a copy to the VVA National Secretary. Their addresses are:

 (name of Disciplinary Committee Chair)
Chair, (Region, National) Disciplinary Committee
 (Mailing Address of Chair)

National Secretary
Vietnam Veterans of America, Inc.
8605 Cameron St., Suite 400
Silver Spring, MD

If you deny the charges, the (Region, National) Disciplinary Committee will be in touch with you to schedule a hearing. Information on hearings is in Section 6; paragraph A2 of the Disciplinary Policy.

(2) Admit the charges by filing a signed and notarized statement to that effect with Chair of the (Region, National) Disciplinary Committee with a copy to the VVA National Secretary at the addresses above. If you admit the charges, the (Region, National) Disciplinary Committee will determine the sanctions to be imposed and will notify you of their decision.

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Amended March 23, 2002
Amended November 15, 2003
Amended April 24, 2004
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(3) If you fail to file a signed and notarized statement either denying or admitting the charges, you are deemed to have waived the right to a hearing. The (Region, National) Disciplinary Committee will determine if the evidence submitted by the complainant sustains the charges. The Disciplinary Committee will notify you if it rejects or sustains the charges and, if the charges are sustained, of the sanctions to be imposed.

Sincerely,

(Signature of Chair)
Typed and signed Name of Chair
(Region, National) Disciplinary Review
Committee

cc: National Secretary
Complainant

Encl: Statement of Charges and evidence
VVA 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

**Attachment #5, Letter of Determination from Disciplinary Review Panel to
Accused Whom Admits Charges**

**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 reviewed the charges that were submitted by (name of complainant). The (Region or National) Disciplinary Hearing Panel has reviewed the charges and the evidence, which were submitted by (name of complainant). As you admitted the charges, the Disciplinary Hearing Panel has determined 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

**Adopted June 2001
Amended March 23, 2002
Amended November 15, 2003
Amended April 24, 2004
Amended April 23, 2005
Amended October 7, 2005**

**Attachment #6, 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

**Adopted June 2001
Amended March 23, 2002
Amended November 15, 2003
Amended April 24, 2004
Amended April 23, 2005
Amended October 7, 2005**

**Attachment #7, 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 (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 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

Adopted June 2001
Amended March 23, 2002
Amended November 15, 2003
Amended April 24, 2004
Amended April 23, 2005
Amended October 7, 2005

Attachment #8, 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 6, paragraph A2. 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

**Adopted June 2001
Amended March 23, 2002
Amended November 15, 2003
Amended April 24, 2004
Amended April 23, 2005
Amended October 7, 2005**

Attachment #9, 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 6, paragraph A2. 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

Adopted June 2001
Amended March 23, 2002
Amended November 15, 2003
Amended April 24, 2004
Amended April 23, 2005
Amended October 7, 2005

Attachment #10, 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)

Adopted June 2001
Amended March 23, 2002
Amended November 15, 2003
Amended April 24, 2004
Amended April 23, 2005
Amended October 7, 2005

Attachment #11, 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

**Adopted June 2001
Amended March 23, 2002
Amended November 15, 2003
Amended April 24, 2004
Amended April 23, 2005
Amended October 7, 2005**

Attachment #12, 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)

Adopted June 2001
Amended March 23, 2002
Amended November 15, 2003
Amended April 24, 2004
Amended April 23, 2005
Amended October 7, 2005

Attachment #13 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)__

Adopted June 2001
Amended March 23, 2002
Amended November 15, 2003
Amended April 24, 2004
Amended April 23, 2005
Amended October 7, 2005

Attachment #14, Notice of Appeal

VIETNAM VETERANS OF AMERICA, INC.

NOTICE OF APPEAL

National Secretary
Vietnam Veterans of America, Inc
8605 Cameron St., Suite 400
Silver Spring, MD

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 Procedure, or other applicable statute, regulation, or policy.

My appeal is based on the attached 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

Adopted June 2001
Amended March 23, 2002
Amended November 15, 2003
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Amended April 23, 2005
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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

Adopted June 2001
Amended March 23, 2002
Amended November 15, 2003
Amended April 24, 2004
Amended April 23, 2005
Amended October 7, 2005