



Associates of Vietnam Veterans of America, Inc. *POLICIES and PROCEDURES*

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PURPOSE:

This policy is a formal mechanism for remedying inappropriate behaviors and serious disputes. The policy also identifies mechanisms and procedures that address significant acts of misconduct, neglect, dishonesty or breach of confidentiality.

When appropriately administered, this policy provides operational guidelines that promote fairness to all involved parties while maintaining the integrity and functioning abilities of the Associates of Vietnam Veterans of America, Incorporated. “Appropriately administered” is interpreted as the consistent and competent application of the procedures and policies described herein.

The filing of charges as a result of these disputes or inappropriate behaviors should not be considered until all attempts at informal resolution have failed. *Filing of charges under this policy shall be limited to the most serious offenses or situations.* Any sanctions, or penalties, imposed pursuant to violations of this code shall be proportionate to the atrociousness of the alleged offense.

Within this policy, use of the word “State” shall, also mean Commonwealth, Territory, and the District of Columbia.

I. DISCIPLINARY CODE: *Four Classifications of Charges*

A. “Misconduct” shall mean:

1. An act, or failure to act, by the accused member, or group of members in the course of conducting business or participating in any activity or function of the Corporation; or
2. Violation of any provision of the AVVA governing documents which is of such seriousness and consequence as to intentionally, or recklessly damage or jeopardize, the reputation, good will, security, community standing, facilities and/or property, or the purpose and mission of the Corporation, or any of its subsidiaries or members, or associated organizations; or
3. Intentional or reckless conduct by the accused member, which results in harassment, extreme annoyance, or alarm to any member, Chapter, State Association, associated organization or the Corporation; or
4. Intentional and undue interference with any conduct of business or activity within the Corporation or its subsidiaries; or



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5. Violations of Federal, state, or local law by any member, or group of members, resulting in damage to the Corporation, or directed against the Corporation or any of its subsidiaries or members; or
6. Reckless, or intentional, conduct which, at any time, reflects negatively upon the good name and reputation of the Corporation, its members, or any of its subsidiaries or associated organization.

B. “Gross Neglect” shall mean:

1. Intentional failure to perform any duty that is prescribed by the AVVA governing documents, or that is required of the accused member in accordance with his or her standing in the Corporation, or
2. That is in reckless disregard of the consequences of potential or actual damage to the Corporation, or to any of its subsidiaries, members, or associated organizations; or
3. Conscious indifference to the rights and privileges of others during the course or conduct of the business and activities of the Corporation or its associated organizations; or
4. Utter forgetfulness of the legal obligations and duties required of the accused member, or failure to exercise even the least degree of care reasonably expected of an ordinary person under the same circumstances.

C. “Dishonesty” shall mean:

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

D. “Extreme or Repetitive Breach of Confidentiality” shall mean:

1. Extreme Breach of Confidentiality exists when the breach of confidential information could pose a threat to the AVVA and/or its subsidiaries, or endangers the name, reputation and goodwill of the Corporation and/or its subsidiaries or members.



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2. Repetitive Breach of Confidentiality occurs when there is a documented breach of confidential information, followed by documented counseling with the accused member, that is followed by further documented breaches of confidentiality in complete and total disregard for any counseling, warnings, or offers of assistance.

II. DISCIPLINARY CODE: *Hierarchy of Charges*

- A. Charges, as set forth in **I Classifications of Charges**, are processed at one of two (2) levels within the Corporation:
 1. **Regional Level:** Charges are processed at the Regional level when generated from a dispute within an AVVA Chapter or Associated Chapter, or between members of a Chapter, a Chapter Officer, Chapter Representative or Point of Contact, or against a State President or State Representative, or any other elected State Officer.
 2. **National Level:** Charges are processed at the National level when brought against a National Officer, a member of the National Board of Directors, the Chair of a National Committee or Sub-Committee, Task Force, or against any member who exhibits such behavior and actions as to be detrimental to the Corporation. In such instances, Charges may be filed on behalf of the Corporation and its members.

III. DISCIPLINARY CODE: *Filing of Charges*

- A. **All charges against the accused member, or group of members, must be brought as follows:**
 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 Associated Chapter; or
 - b. The appropriate State Associate President or State Associate Representative; or a majority vote of the delegates present, and voting, at a regular or special meeting of the appropriate State Association or group; or



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- 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. Charges against a Chapter, Associated Chapter, a Chapter Officer/Director, or the Associated Chapter Representative may be brought by:
 - a. The appropriate State Association President or State Associate Representative; or
 - b. A majority vote of the delegates present, and voting, at a regular or special meeting of the appropriate State Association or State Associated meeting; or
 - c. The appropriate Regional Director; or
 - d. Any National Officer.
3. Charges against a State Association or State Association Officer, or State Associate Representative 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; or
4. Charges against a National Officer, member of the National Board of Directors, Chairperson of a National Committee, Sub-committee, or Task Force may be brought by:
 - a. A majority vote of Directors present, and voting, during a regular or special meeting of the National Board of Directors
5. Any member, or Chapter or Associated Chapter, having evidence that a violation of this policy may have occurred, can present evidence to the appropriate Regional Director, or a National Officer, and request that he or she bring Charges against the individual(s) alleged to have committed said violation(s), regardless of the position the accused member may hold.



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B. Procedure for Filing Charges:

1. All charges against the accused member, or group of members, must be set forth in writing in a formal *Statement of Charges*. The form *Statement of Charges* (SOC) is to be used for this purpose. The SOC is available as Attachment "1" of this policy and procedure.
2. The completed SOC must include all required information and shall be signed by the complainant under oath, before a Notary Public, Commissioner of Deeds, or similar officer.
3. In the event that Charges are brought on behalf of a group, a representative designated by that entity is to sign the SOC and will stand as the complainant.
4. The complainant shall forward the completed SOC and all related documents to the Chair of the National Disciplinary Committee. Copies of the SOC, less supporting evidence, shall also be provided to the AVVA National Secretary and the appropriate Regional Director.
5. The Chair of the **National Disciplinary Committee** shall forward copies of the SOC and supporting documentation to the appropriate **Disciplinary Committee**.
6. The appropriate **Disciplinary Committee** will sustain or reject the Charges within thirty (30) days of receiving the SOC.
7. If the Charge(s) fail to meet procedural requirements of this policy, or the evidence is insufficient to proceed, the Chair of the **National Disciplinary Committee** will send a certified letter, return receipt requested, to the complainant summarizing applicable deficiencies. The letter will also be copied to the AVVA National Secretary and, as appropriate, to either the affected Regional Director or the AVVA National President.
8. ***If the complainant fails to resubmit properly amended or corrected documentation within thirty days of receiving the deficiency letter, then the matter is considered closed.*** The original SOC, and supporting documentation, shall then be returned to the complainant.
9. If the Charges meet procedural requirements of this policy and there is sufficient evidence to proceed, the Charges will be deemed filed and the appropriate disciplinary processes will continue pursuant to **IV. Disciplinary Processes and Timelines**, Section 5c.



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10. The Director of the Region in which the accused member resides, or the President of the Corporation, may, upon the filing of charges as defined in **I. Classifications of Charges**, immediately suspend all membership rights and duties of the accused member pending final disposition of the charges.
11. In the event that immediate action is required to maintain and preserve the good name, reputation, goals, and purposes of the Corporation, the President of the Corporation may, upon establishing good cause, immediately suspend the membership rights and duties of any member, for a period not exceeding five (5) calendar days pending the filing of formal charges. Following the five (5) day suspension, (unless restored by the President sooner) all rights and duties of the accused shall be automatically restored, unless continuing or additional suspension under **III. Filing of Charges, Section B, Paragraph 9**, has been invoked.

IV. DISCIPLINARY CODE: *Committee Processes and Timelines*

A. Selection of the Appropriate Panel

1. Upon receipt of the SOC and supporting documents, the Chair of the **National Disciplinary Committee** will immediately notify the National President that Charges have been received.
2. Within five (5) business days of receiving the SOC, the Chair of the **National Disciplinary Committee** will determine at which level of the Corporation the Charges will be reviewed. Since the appropriate **Disciplinary Committee** must sustain or reject the Charges within thirty (30) days of receipt, the following task matrices and timelines shall apply:
 - a. The Chair of the **National Disciplinary Committee**, and either the affected Regional Director or the National President, will select the appropriate **Review Panel** immediately.
 - b. Within five (5) business days of seating the **Review Panel**, the Chair of the **National Disciplinary Committee** shall forward to the panelists, copies of the SOC and all supporting documents.
 - c. The **Review Panel** shall complete its review of the SOC and supporting documents within ten (10) calendar days of receipt. All documents and discussions related to the SOC must be treated with the highest regard for confidentiality. ***Breach of such confidentiality is chargeable under this policy.***



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B. Procedure

1. Within five (5) business days of completing its review, the **Review Panel** will provide the Chair of the **National Disciplinary Committee** with a written summary of its findings.
2. The Chair of the **National Disciplinary Committee** shall then, in accordance with the findings of the **Review Panel**, process the Charges as stated in III Filing of Charges- B - 7, 8, & 9 of this Code.
3. If the **Disciplinary Review Panel** finds that the Charges have merit, and have been submitted in accordance with the procedural requirements of this policy, the Charges will be deemed filed and disciplinary processes will proceed accordingly.
4. The Chair of the **National Disciplinary Committee** shall immediately send to the accused by certified mail, return receipt requested, to his or her last known address, and by regular mail to the Secretary of the Corporation, a package that contains:
 - a. Copies of the SOC and all supporting documents
 - b. Copy of the AVVA policy, "Code of Disciplinary Procedure"
 - c. Copy of the form *Statement of Affidavit*
 - d. A document describing the procedures to be followed
5. Concurrently, a **Hearing Panel** will be created, and put on standby, to support anticipated disciplinary processes. Members of the **Disciplinary Committee** who served on the **Review Panel** that investigated the Charges are ineligible for the **Hearing Panel**
6. When the Charges are brought against an Affiliated or Incorporated Chapter, or State Association, the SOC and aforementioned set of documents will be sent to all Officers of the accused Affiliate or Incorporated Chapter, or State Association, at their last known addresses.

C. The Accused's Rights and Responsibilities

1. Within thirty (30) working days of receiving the SOC, the accused may file a signed and notarized statement that either admits or denies the Charges. If the accused denies the Charges, supporting evidence must accompany the statement. The notarized statement must be filed with



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the Secretary of the Corporation and the Chair of the **National Disciplinary Committee**.

2. If the accused admits the Charges, all submissions, including the findings and recommendations of the **Review Panel**, shall be forwarded to the appropriate **Hearing Panel**. The **Hearing Panel** will evaluate the submissions and provide recommendations regarding imposition of sanctions and/or costs.
3. The **Hearing Panel** shall enter its recommendations within thirty (30) days of completing its review. These shall be forwarded to the National Board of Directors, the accused, and the complainant, in the form of a certified letter, return receipt requested.
4. The National Board of Directors shall then examine the charges, and consider recommendations from the **Hearing Panel** to determine which sanctions(s) and costs, if any, shall be imposed. A copy of the National BOD decision will be sent to the accused and the complainant by certified mail, return receipt requested, and by regular mail to the Secretary of the Corporation.
5. If the accused files a proper and timely statement denying the charges, and provides supporting evidence to that effect, he or she may request a full hearing, or elect to refer the matter directly to the **Hearing Panel** for a decision. If a hearing is requested, the accused, and the complainant, shall be notified of the hearing date and provided with a copy of the procedures outlined in **VII. Guidelines for Conducting Hearings**. Hearings shall be scheduled within 45 days of the date the accused files the notarized denial statement. Notification will be in the form of a certified letter, return receipt requested, and shall provide the accused the opportunity to object to the date of the hearing.
6. Should the accused fail, or elect not to request a hearing in the denial statement, the **Disciplinary Hearing Panel** may:
 - a. Schedule a full hearing and notify the accused and the complainant of the hearing date. Notification will be pursuant to the stipulations outlined in paragraph 8 above, or;
 - b. Move forward with a final review of the evidence and provide recommendations regarding disposition of the Charges. If the **Hearing Panel** exercises this option, the accused shall be informed accordingly.
7. If the accused fails to accept delivery of the package containing the SOC and the accompanying documents, or fails to file a proper and timely statement denying or admitting the charges, the Chair of the **National Disciplinary Committee** shall then notify the appropriate **Hearing Panel**, the accused member, and the complainant of the next action to be taken. Such action may be;



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- a. Schedule a full hearing and notify the accused and the complainant of the hearing date. Notification will be pursuant to the stipulations outlined in paragraph 8 of this Article, or;
- b. Move forward with a final review of the evidence and consider its final recommendations regarding disposition of the Charges. If the **Hearing Panel** exercises this option, the accused shall be informed accordingly. Notification will be pursuant to the stipulations outlined in paragraph 8 of this Article. Charges shall be heard in accordance with procedures defined in **VII. Guidelines for Conducting Hearings.**

D. Findings

1. The **Disciplinary Hearing Panel** shall enter written findings within thirty (30) days of completing its review, or of conducting a disciplinary hearing. These findings shall be forwarded to the National Board of Directors, the accused, and the complainant, in the form of a certified letter, return receipt requested. Additionally, the accused and the complainant shall each be provided with a copy of the form *Notice of Objection*.
2. Within thirty (30) working days of receiving said findings, either the accused or the complainant may file an objection with the National Board of Directors. Objections shall be filed pursuant to **IX. Filing Objections.**
3. The National Board of Directors shall examine the charges, and consider recommendations from the **Hearing Panel** to determine which sanctions(s) and costs, if any, shall be imposed.
 - a. If a Notice of Objection is filed, the Board of Directors shall issue its final determination of the Charges within thirty (30) days of receiving the objection.
 - b. If no objection is filed, the Board of Directors shall issue its final determination within forty-five (45) days of receiving the findings and recommendations of the **Hearing Panel.**
4. A copy of the Board of Directors' final determination will be sent to the accused and the complainant by certified mail, return receipt requested, and by regular mail to the Secretary of the Corporation. The decision of the Board of Directors under this paragraph shall not be subject to objection.



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V. DISCIPLINARY CODE – *Definitions/Descriptions of Bodies*

- A. **Disciplinary Committees** are established at both the National and Regional levels.
- B. The **National Disciplinary Committee Chair** is appointed by the National President. The National Chair presides over the National and Regional Disciplinary Committees as a non-voting member and ensures that disciplinary processes are exercised with integrity, consistency, and fairness.
- C. The **Disciplinary Committees** process charges filed within their respective levels of the Corporation.
- D. The **Review Panels** investigate the charges to determine if they have merit, and verify that the procedural and evidentiary requirements of this policy are met. When Charges pass review, the charges are designated as officially filed.
- E. The **Hearing Panels** process the filed charges and may determine settlement terms or conduct a hearing of the charges. If the Charges are sustained by a majority vote of its members, the Hearing Panel will recommend which sanctions and/or costs to impose.

VI. DISCIPLINARY CODE – *Establishing Disciplinary Bodies*

A. Regional Disciplinary Committees

- 1. The Regional Disciplinary Committee shall hear all charges originating in their respective Regions. **Regional Disciplinary Committees** shall conform to the nine (9) AVVA Regions, as outlined in the AVVA National By-Laws.
- 2. **Regional Disciplinary Committees** will consist of at least seven (7) regular members and the National Chair.
- 3. A minimum of three (3) will be State Officers. Ideally, each should be from different states. However, in special circumstances two (2) officers from the same state may serve.
- 4. Special Advisors, or other non-voting AVVA members, may not serve on a **Regional Disciplinary Committee**.



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5. Appointees to any **Regional Disciplinary Committee** must be regular AVVA members in good standing.
6. Each Regional Director will select candidates for appointment to his or her respective **Regional Disciplinary Committee**.
7. Each Regional Director will submit his or her candidates to the National Board of Directors. Upon confirmation by the National BOD, the names of appointees to each **Regional Disciplinary Committee** shall be forwarded to the **National Disciplinary Committee** Chair and the AVVA National Secretary.
8. The two-year term of service on each **Regional Disciplinary Committee** is concurrent with that of the National Board of Directors.
9. At the end of their terms, if members of a **Regional Disciplinary Committee** are engaged in pending disciplinary proceedings, their respective terms of service will be extended until such proceedings are concluded.
10. Vacancies occurring on a **Regional Disciplinary Committee** will be filled as stipulated in this policy and procedure.

B. The National Disciplinary Committee shall process charges brought forth by the National Board of Directors, or any National Officer, as well as any charges referred by the National Disciplinary Chair.

1. The **National Disciplinary Committee** shall consist of seven (7) members of the National Board of Directors and a Chair.
2. Members of the BOD will be selected by lot to consider a particular Statement of Charges.
3. Special Advisors or non-voting members of the Board of Directors may not serve on the **National Disciplinary Committee**.
4. The **National Disciplinary Committee** Chair shall be appointed by the National President.
5. Term of service for the National Chair shall be at the pleasure of the AVVA National President.
6. With the exception of the National Chair, term of membership in the **National Disciplinary Committee** is contingent upon the time required to process and conclude a particular Statement of Charges.
7. Should any member of the **National Disciplinary Committee** be engaged in pending disciplinary proceedings during BOD transition, his, or her, term of service shall be extended until such proceedings are concluded.



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C. Disciplinary Review Panels and Disciplinary Hearing Panels are created as needed to investigate and hear Charges filed under the provisions of this policy.

1. Disciplinary Review Panels

- a. Membership on **Disciplinary Review Panels** consists of not fewer than three (3) members nor more than five (5) members and the **National Disciplinary Committee Chair**.
- b. Review Panelists are selected from his or her respective **Disciplinary Committee**.
- c. The **National Disciplinary Committee Chair** will appoint the **Review Panel**.
- d. The National Chair will ensure that all appointees are free from any conflict of interest. Representatives from the State from which the charges were filed are excluded from serving on the **Review Panel**.
- e. The Chair will ensure that all documents and details of discussions related to the charges under review shall be treated with the highest regard for confidentiality. **Breach of such confidentiality is chargeable under this policy.**

2. Disciplinary Hearing Panels

- a. The **Hearing Panel** consists of three (3) members of the appropriate **Disciplinary Committee**.
- b. Members of the **Hearing Panel** may not have served on the **Review Panel** that sustained the Statement of Charges against the accused.
- c. The Chair is responsible for ensuring that the members selected to hear the complaint do not have conflicts of interest.
- d. The Chair will ensure that all documents and details of discussions related to the Charges being heard are treated with the highest regard for confidentiality. **Breach of such confidentiality is chargeable under this policy.**
- e. The definitions, processes, timelines, and procedures outlined in this Code, shall be applicable to, and utilized by, all AVVA Disciplinary Bodies.



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VII. DISCIPLINARY CODE: *Jurisdiction*

- A. The power to terminate membership of any member of AVVA will be vested in the Board of Directors, pursuant to the By-Laws of AVVA, Article VI §6.04 or in the case of National Board Officers, and members, will be determined in accordance with the District of Columbia Nonprofit Corporation Act, title 29-301.25. Accordingly, the Board of Directors shall be the final authority in the execution of all Charges under this Disciplinary Code, and shall either dismiss, suspend, or act upon such charges.
- B. A member of the National Board of Directors cannot be removed from office unless so removed by the voting members who have the authority to elect them, in compliance with the District of Columbia Nonprofit Corporation Act. Therefore, the termination of membership of a member of the Board of Directors may only follow if such action has already been completed.
- C. The National Disciplinary Committee shall hear charges brought against a National Officer, or a member of the National Board of Directors, or the Chairperson of a National Committee, Sub-Committee, Task Force, or any member against whom the National Board has deemed it necessary to file charges.
- D. A National Disciplinary Review Panel, which is a sub-committee of the National Disciplinary Committee, shall review all such charges.
- E. Any sub-committee (Panel) of the National Disciplinary Committee, and those of each Regional Disciplinary Committee, shall have full authority to investigate the basis of the charges filed with that sub-committee for appropriate follow-up disciplinary action.

VIII. DISCIPLINARY CODE: *Guidelines for Conducting Hearings*

- A. Hearings will be scheduled within forty-five (45) days of the date the accused files a signed and notarized denial statement
- B. At least thirty (30) days prior to the date of the hearing, the complainant and the accused shall file, by certified mail return receipt requested with the Disciplinary Committee hearing the matter, and with each other, the following:



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1. The name and address of the representative, if any, chosen by the respective party to present his or her witnesses and evidence.
 2. A written list of the witnesses that each party intends to present in support of their respective positions.
 3. Copies of any documents, photographs or other tangible evidence, which is capable of being copied, that each party intends to present in support of their respective positions.
- C. Hearings pursuant to this Code shall be conducted in an informal fashion and strict rules of evidence shall not apply.
- D. The National Disciplinary Chair shall preside over the hearing.
- E. The Review Panel *may* tape, or a recording secretary, or court reporter *may* be asked, or hired, to record the proceedings.
- F. The majority decision of Hearing Panel shall be required to sustain the Charges against the accused.
- G. The Hearing Panel shall issue to the Chair written decision, and any recommendation for action to be taken, within thirty (30) days of the conclusion of the hearing. The Chair will forward the Hearing Panel's determination to the Complainant and the Accused within three (3) calendar days of receiving it from the Disciplinary Committee.

IX. DISCIPLINARY CODE: *Sanctions and Costs*

- A. Upon finding that the Charges against the accused have been sustained as supported by the evidence, the Disciplinary Hearing Panel shall forward its findings and recommendations to the National Board of Directors.
- B. The Board shall examine all submissions and determine the appropriate sanction(s), if any, to be imposed against the accused.
- C. Revocation of membership has serious consequences and should therefore be imposed for only the most egregious offenses. These include, but are not limited to intentional acts that defraud, take from, or otherwise seriously harm other members or the Corporation, or that violate corresponding State or Federal statutes.
- D. Sanctions shall be 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 Corporation:

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- a. Removal of the member from an elected or appointed position within the Corporation;
 - b. Suspension of the member from any elected or appointed position within the Corporation, for a specified period of time, not to exceed one (1) year from the date of suspension;
 - c. Suspension of the membership of the member in the Corporation, for a specified period of time, not to exceed one (1) year from date of suspension;
 - d. Restitution of any monetary loss to the Corporation, or any State Council or member due to the conduct of the Accused, which formed the basis of the charges against him or her.
 - e. Revocation of membership in the National Corporation.
 - f. An individual whose membership has been revoked may petition the Associates of Vietnam Veterans of America, Inc., for reinstatement. A majority vote by the National Board of Directors is required to approve reinstatement. Said petition may be submitted by the party affected, or by any current member in good standing.
2. If the accused is a State Association or an incorporated Chapter:
 - a. Suspension of the operations and Charter (or if not Chartered, suspension of all operations) of said State Association or an incorporated Chapter for a period of time, not to exceed one (1) year from the date of suspension.

E. Costs

1. If any proceeding brought under this Code, particularly those involving a hearing at the request of the accused, the Board of Directors shall be empowered to assess costs, and direct that the losing party, shall pay all or a portion of the costs incurred by the successful party in prosecuting or defending any complaint brought under this Code.
2. Failure, or refusal, to pay such costs shall be deemed a violation pursuant to **III** above; however, the party so assessed shall be entitled to file an objection pursuant to **X: Filing Objections** below.
3. AVVA is not responsible for attorney fees that may be incurred by either the complainant or the accused.

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X. DISCIPLINARY CODE: *Filing Objections*

- A. The accused shall be entitled to file an Objection with the Board of Directors upon receipt of the findings and recommendations of the National Disciplinary Committee or a Disciplinary Review Panel. The accused, or complainant, or both, may object to the afore referenced findings and recommendations on the following grounds:
1. Availability of new evidence.
 2. Verifiable conflict of interest of any member of **Disciplinary Panels** reviewing or hearing the charges.
 3. Supportable misinterpretation or misapplication of AVVA By-Laws, Policies and Procedures, or other applicable statute, regulation, or policy.
- B. A notice of such Objection in the form prescribed in Attachment 3 (Notice of Objection), herein shall be filed with the Board of Directors by registered or certified mail, return receipt requested, postmarked within thirty (30) working days of receipt of the findings and recommendations objected to. The Notice of Objection must specify the grounds upon which the Objection is based.
- C. Notwithstanding any other provision of this Code, the Board of Directors may, upon its own motion, review the findings and recommendations of the National Disciplinary Committee or any Regional Disciplinary Review Panel.
- D. In the event that the Board of Directors determines that further review of such findings or recommendations submitted is necessary, the Secretary of the Corporation and/or his or her designee shall:
1. Forward a copy of the Notice of Objection to the Chairperson of the National Disciplinary Committee or the Regional Disciplinary Review Panel having jurisdiction in the matter.
 2. Instruct the National Disciplinary Committee or the appropriate Regional Disciplinary Review Panel to forward copies of any and all evidence considered by that body, to the National Secretary.

XI. DISCIPLINARY CODE: *FINAL DETERMINATION*

- A. After examination and review, the Board of Directors, upon majority vote, shall issue a written decision which affirms, modifies, or overrules the findings and recommendations of the National Disciplinary Committee or Regional Disciplinary Review Panel, and shall issue sanctions, if any, and shall assess costs, if any, within thirty (30) days following receipt of the Notice of Objection.

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- B. The Board of Directors shall send written notification of its determination to the Accused, the Complainant by certified mail, return receipt requested, and to the Chair of the National Disciplinary Committee or the Regional Disciplinary Review Panel.
- C. The Board of Directors shall ensure that all parties receive notification of the Board's decision.
- D. The determination of the Board of Directors shall be final, and is not subject to appeal.

XII. DISCIPLINARY CODE: *Conflict of Interest*

- A. In the event that any person or group of persons are responsible, pursuant to the provisions of this Code, for taking any action, exercising any judgment, or making any decisions, and said action would present a conflict of interest to said person or group of persons, said individual(s) will be disqualified from so acting, and the responsibility for such action, or authority, shall be assumed by that person immediately next in line of authority, who shall act in the stead of the person(s) affected by the conflict of interest.
- B. Any member of the Board of Directors who was also a member of a sub-committee of the National Disciplinary Committee reviewing a matter, or the on a particular matter, must abstain from voting on the final determination and sanctions in that matter by the Board

XIII. DISCIPLINARY CODE: *Unsubstantiated Charges*

- A. If charge(s) are found to be vindictive, malicious, vengeful, or frivolous in nature, the Chair will inform the National President, or if appropriate, the affected Regional Director. The offending complainant may be subject to remedial counseling and/or sanctions.

XIV. DISCIPLINARY CODE: *Revisions to the Code*

- A. It is recognized that the Policies and Procedures Manual, including the Disciplinary Code, is updated from time to time. The approved Disciplinary Code that is in effect at the time the Statement of Charges is filed shall be the Code that shall be applied to the case. Any pending revisions, if any, shall not be applicable.