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### **I. ADMINISTRATIVE: *Board Meetings***

A. Board meetings will be conducted by the policies in section 6 of the AVVA Policy and Procedures Manual, or if not addressed, under the current edition of Roberts Rules of Order.

1. As stated in the Bylaws, the national board must have a quorum (defined as 2/3 of the whole number of board positions filled) in order to vote on any issue.
2. A majority of 51% of the number of voting members present, voting either “yea” or “nay”, is required for any vote to pass or fail.
  - a. Example: a board of 12 requires either 7 yeas, or 7 nays to pass or fail a vote.

### **B. EMAIL MOTIONS BETWEEN BOARD MEETINGS**

1. The members of the AVVA National Board of Directors (BOD) recognize that due to the geographical diversity of the board, business will need to be conducted and management decisions made between regular board meetings. The following guidelines have been established concerning Electronic Motions (E-motions) and will apply only during time frames NOT within fourteen (14) business days of the date of a scheduled BOD meeting.
  - a. Subjects that are known to be controversial, adversarial, or which are likely to involve in depth discussion or amendments, will not be presented as E-Motions.
  - b. Persons wishing to submit motions between meetings that do not qualify as an e-motion may request that the national president call a special meeting to be held online. The national president will determine if that motion is too controversial and would need to be held for the next regular board meeting.
2. When E-motions are made via email, the motion maker, who shall request it be sent out to the board, shall send the motion to the secretary.
3. The national secretary will print the email for filing in the national office. The national secretary will, as soon as is possible, send the exact wording of the motion to the members of the BOD in the form of an email, requesting a second, or if the motion is coming out of a committee, stating that no second is required.
  - a. Example: “We have a motion out of the Elections Committee to \_\_\_\_\_ . No second is required.”
  - b. Example: “We have a motion by member John Smith to \_\_\_\_\_. This motion will require a second”.
4. A discussion time will be set at the time the motion is sent to the BOD, or if a second is required, at the time the second is made. Discussion times shall be not less than forty-eight (48) hours, or more than ten (10) days. During the discussion



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time the national secretary will prepare the information needed for form F-Adm06.03, to be sent via email to each voting board member.

- a. Form F-Adm06.03 will contain the scanned legal signature of the individual who will be submitting it as their official vote.
5. During the discussion time every member of the board should respond to the e-mail to acknowledge receipt of the motion, by use of the “reply all” or similar function, regardless of whether they have any comments or questions on the motion. This will establish a quorum of participation.
  - a. If the motion is one that is of a non-confrontational nature, and a quorum has been confirmed, the president may move, via e-mail, that the motion be adopted without objection at any time after the first twenty-four (24) hours of discussion. When that happens, a member of the board would be required to respond, “So moved”. If a member responds with “so moved”, no vote will be required.
  - b. If the discussion becomes complicated, or if any amendment is offered, the process may be suspended by the chair until an online meeting of the board can be set to continue the motion, or until the next regular board meeting. If used, the online meeting will be set up within seven (7) calendar days of the suspension.
6. Once the discussion time has ended, the national secretary will notify the board members that they must now vote on the motion and will include the needed information for the voting form. The board members will respond by use of the “reply all” or similar function, to the notice to vote. Voting time will be thirty-six (36) hours, unless approved circumstances require more time.
  - a. The BOD members shall fill out their voting form (F-Adm06.03) to include all necessary information and attach the form to the email in which they are voting.
  - b. While the voting email must be received within the published deadline, if circumstances prevent the BOD member from sending their voting form attached to said email the national secretary *must* receive the voting form within forty-eight (48) hours of the end of the voting time allotted.
7. Once the e-vote has concluded the national secretary will respond with the outcome of the vote, and a statement that the E-Motion has either passed or failed.
8. The national secretary shall make sure all votes are received and copied and shall attach the printed original email of the maker to the vote forms. The E-Motion form packet shall be numbered and filed in the national office at the time of the next scheduled board meeting.
9. All E-motions shall be recorded in the motion log(s) appropriate to the subject of the motion. All E-motions shall be listed and reaffirmed at, and recorded into the minutes of, the next scheduled board of directors meeting.



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10. If the initial vote *responses* do not total at least 2/3 of the current board members, the E-motion shall be recorded as defeated without a vote. If a quorum is achieved, as with any motion, 51% of the responding members is required to pass.

#### **C. ONLINE BOARD MEETINGS**

1. When there is a need, an online meeting may be called by the national president, or by written request of no less than five (5) members of the board, to be held via the use of online meeting software, such as 'Go-To-Meeting'.
  - a. Online meetings will be called with as much prior notice as possible, but not less than seven (7) calendar days.
  - b. Two or more date and time choices will be offered. The one during which the most members are available, and a quorum can be achieved, will be chosen.
2. Online meetings will require minutes to be taken, as is required in an in-person board meeting.
3. Online meetings will be handled with rules made clear at the beginning of each meeting, that will ensure all business conducted is conducted within the policies and procedures of AVVA.
4. All votes on motions shall be recorded on a standard Motion Voting Record Form (Adm06.03) in order to validate the actions of the board on specific decisions.
5. Actions taken, and decisions made by board members during online board meetings will be considered official and as binding as decisions made during in-person board meetings.

#### **II. ADMINISTRATIVE: *Certificates of Appreciation***

- A. The Associates of Vietnam Veterans of America, Inc. has Certificates of Appreciation available on the AVVA Website. These certificates can be filled in and printed for presentation to deserving members, or members of your community.  
(<http://www.avva.org/forms/general/certificate.pdf>)

#### **III. ADMINISTRATIVE: *Confidentiality***

- A. There are certain matters that come before the board of directors and at all levels of management of the Corporation that must be kept in confidence. The reasons for the need for confidentiality cover a broad spectrum of possibilities. It may include, but not be limited to the following reasons:
  1. A policy that is being developed but is not ready to be released to the membership.



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2. A disciplinary matter.
3. A matter relating to personnel issues.
4. A matter that is taken into Executive Session.
  - a. Corporate law does not require that meetings of a nonprofit corporation board of directors be open to the public or even to voting members of the corporation. Board material properly classified as confidential may be withheld from the public and from members.
5. Reports, budgets, commentaries and plans prepared for committee or board deliberation.
6. Professional contacts with attorneys or other legal representatives. (Attorney-client privilege.)

#### **B. LEGAL PRINCIPALS**

1. Confidentiality policy must be based on the following legal principles:
  - a. Directors, officers, employees, agents and members of the Corporation, authorized by the board of directors to receive information, have fiduciary duties of care and loyalty, to protect the best interests of the Corporation. These duties arise when they enter into a fiduciary relationship with the Corporation, and may even continue after the relationship has ended.
  - b. Part of the fiduciary duty of care is the duty to protect the confidences of the Corporation. After a person ceases to be a director, officer, employee, agent or member of the corporation authorized by the board of directors to receive the information, he or she may possess information received while in a capacity of a fiduciary. If the person uses or reveals such information in a manner damaging to the Corporation, the Corporation may take legal action.
    - (i) The decision as to when and to whom confidential information, received in a fiduciary relationship with a corporation, is disclosed to others belongs to the corporation, not the individual. Only those officers, directors, employees, agents, or members of the corporation authorized by the board of directors to disclose confidential information may do so.

C. The ability to work with confidential matters, and to keep those confidences, is a basic requirement for board members and officers of all levels of the Corporation. Due to the fact that much business is transacted between board meetings via email, the AVVA National Board of Directors strongly recommends that the following verbiage be displayed at the bottom of board emails:

1. "CONFIDENTIALITY NOTE: The information contained in this message, and any attachments, may contain proprietary and/or privileged material. It is intended



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solely for the person or entity to which it is addressed. Any review, retransmission, dissemination, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.”

- D. Any person who violates the rules of confidential information, particularly the details or proceedings of an Executive Session other than what was reported out when the meeting was resumed, is subject to sanctions listed in the AVVA Disciplinary Code, which may or may not include removal from office.

#### **IV. ADMINISTRATIVE: *Conflict of Interest***

##### **A. PURPOSE**

1. The purpose of the Conflict of Interest Policy is to protect the interest of the Associates of Vietnam Veterans of America, Inc. (the “Corporation”) when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the Corporation, or might result in a possible excess benefit transaction.
2. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

##### **B. DEFINITIONS**

1. *Interested Person*: An interested person is any director, principal officer, or member of a committee of the board of directors with delegated powers, who has a direct or indirect financial interest, as defined below, or any of such persons’ siblings, spouses, significant others, life partners, descendants, parents or in-laws.
2. *Financial Interest*: A person has a financial interest if the person has, directly or indirectly, through business, investment or family:
  - a. An ownership or investment interest in any entity with which the Corporation has a transaction or arrangement.
  - b. A compensation arrangement with the Corporation or with any entity or individual with which the Corporation has a transaction.
  - c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Corporation is negotiating a transaction or agreement.
  - d. Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.
  - e. A financial interest is not necessarily a conflict of interest. As set forth in section 6.IV.C, a person who has a financial interest may have a conflict of interest only if the board or committee decides that a conflict of interest exists.



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### **C. PROCEDURE**

#### **1. DUTY TO DISCLOSE**

- a. In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial or other significant interest and be given the opportunity to disclose all material facts to the board, the president, or members of committees considering the proposed transaction or arrangement.
- b. After disclosure of the financial or other significant interest and all material facts, and after any discussion with the interested person, that person shall leave the board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists unless otherwise provided in the Bylaws.

#### **2. PROCEDURES FOR ADDRESSING THE CONFLICT OF INTEREST**

- a. An interested person may make a presentation at the board of directors or committee meeting, but after the presentation, that person shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest unless otherwise provided in the Bylaws.
- b. The president shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- c. After exercising due diligence, the board or committee shall determine whether the organization can obtain, with reasonable effort, a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
  - (i) If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Corporation's best interest, for its own benefit, and whether it is fair and reasonable unless otherwise provided in the Bylaws.

### **D. VIOLATIONS OF THE CONFLICT OF INTEREST POLICY**

1. If the president, board of directors or committee has reasonable cause to believe a person has failed to disclose actual or possible conflicts of interest, it shall inform the person of the basis for such belief, and afford the person an opportunity to explain the alleged failure to disclose.
2. If, after hearing the person's response and after making further investigation as warranted by the circumstances, the board or committee determines the person has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.



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### **E. RECORDS OF PROCEEDINGS**

1. The minutes of the board of directors or committee session shall contain the names of the persons who disclosed or otherwise were found to have a financial or other significant interest in connection with an actual or possible conflict of interest, the nature of the financial or other significant interest, any action taken to determine whether a conflict of interest was present, and the president's, board's, or committee's decision as to whether a conflict of interest, in fact, existed.
2. The minutes of the board of directors or committee session will also contain the names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

### **F. COMPENSATION DECISIONS**

1. A voting member of the board who receives compensation, directly or indirectly, from the Corporation for services is precluded from voting on matters pertaining to the member's compensation.
2. A voting member of any committee whose jurisdiction includes compensation matters, and who receives compensation, directly or indirectly, from the Corporation for services is precluded from voting on matters pertaining to that member's compensation.
3. A voting member of the board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Corporation, either individually or collectively, shall not be prohibited from providing information to any committee regarding compensation.

### **G. AFFIRMATION**

1. Each director, principal officer, and member of a committee with board delegated powers shall annually receive a copy of the Conflict of Interest Policy. Each of these persons shall sign a form which affirms that he/she:
  - a. Has received a copy of the Conflict of Interest Policy.
  - b. Has read and understands the policy.
  - c. Has agreed to comply with the policy.
  - d. Understands the Corporation is charitable and in order to maintain its federal tax exemption it must engage primarily in activities that accomplish one or more of its tax-exempt purposes.

### **H. REVIEW OF TAX-EXEMPT STATUS**





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1. To ensure the Corporation operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted.
2. The periodic reviews shall, at a minimum, include the following subjects:
  - a. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining.
  - b. Whether contractual relationships and other partnerships conform to the Corporation's written policies, are properly recorded, reflect reasonable investment of payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit, or in an excess benefit transaction.
3. When conducting the periodic reviews as provided for above, the Corporation may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the board of its responsibility for ensuring periodic reviews are conducted.
4. Subsidiaries of AVVA are equally governed by the constraints of this Conflict of Interest Policy.
5. The Conflict of Interest Policy Acknowledgement Form (F-Adm06.06), containing the signature block and is available AVVA website, [www.avva.org/boardforms.html](http://www.avva.org/boardforms.html)

#### **V. ADMINISTRATIVE: *Use of Letterhead***

- A. Only the executive officers will use Associates of Vietnam Veterans of America, Inc. letterhead, unless the national president has given specific permission.
- B. If a regional director, wishes to create a letterhead for official correspondence, it must be approved by the national president prior to use.

#### **VI. ADMINISTRATIVE: *Use of Logo***

- A. The AVVA logo may not be used by any AVVA subsidiary or by any other organization or group without express permission from the AVVA Vice-President and Treasurer.
  1. The face of the AVVA logo must not be altered or added to in any way, unless detailed in writing and expressly approved.
- B. When requests are made and approved, the AVVA Vice-President will notify the national president of the outcome.



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### **VII. ADMINISTRATIVE: *Sexual Harassment***

- A. This policy applies to all Associates of Vietnam Veterans of America, Inc. (AVVA) members, employees, contract employees, temporary employees, and visitors at all levels of the Corporation.
- B. AVVA is committed to maintaining a professional work environment, free of harassment based on sex. Conduct constituting sexual harassment (exemplified below) is offensive to employees, contrary to law, and against the best interest and policies of the Corporation.
- C. Sexual harassment violates both federal and state anti-discrimination Laws. The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment (Quid Pro Quo), or
  2. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual (Quid Pro Quo), or
  3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment (Hostile Environment).
- D. EXAMPLES OF SEXUAL HARASSMENT
  1. A form of Sexual Harassment in which the submission to, or rejection of, the harassing behavior is used as the basis for employment decisions.
  2. A form of Sexual Harassment in which the workplace atmosphere makes it difficult for people to concentrate on their jobs because of the overtly sexual nature of conversations, pictures, actions, or other interactions that take place at work. Insults, offensive sexual material or language, jokes, unwanted comments on one's anatomy, unwanted requests for dates or for sex, and unwanted touching are all examples of behavior which can contribute to a hostile or offensive work environment.
  3. For conduct to be harassment, it must be unsolicited and unwelcomed or unwanted. When someone says "no" or "don't do that", or gives other clear physical or verbal indication that he/she is rejecting or discouraging the conduct, this is an indication of an unwelcome action. Other indications of unwelcome conduct are demonstrated by behaviors such as flares, cool reception, and avoidance.
  4. Repeated, unsolicited, derogatory sexual comments.



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5. Continued request for social or sexual contact after being advised it is unwelcome.
6. Discussing sexual exploits or asking about a person's sexual practices.
7. Sexually patronizing comments (e.g. honey, babe, doll).
8. Commenting on body parts or making obscene or suggestive sounds or gestures.
9. Telling vulgar or sexist jokes.
10. Sexually offensive posters, cartoons, drawings, magazines, pictures, computer graphics/email messages, etc.
11. Unwelcome notes, love, letters, greeting cards, invitations, etc.
12. Physical interference, or contact, which impedes normal movement when directed at a person, unwelcome touching (e.g. back or neck rubs, hugging, grabbing, patting, kissing, and brushing up against an individual).

#### **E. RESOLUTION GUIDELINES**

1. Employees who believe they have been subjected to Sexual Harassment should follow these resolution guidelines:
  - a. Directly tell the person to stop the behavior.
  - b. Inform the person that the behavior is offensive.
  - c. Inform management or the AVVA president.
  - d. Keep incident records including dates, times, events, and witnesses.

#### **F. RESPONSIBILITIES**

1. Employees should be familiar with the policy and understand the procedure defined therein.
2. Employees should also know and understand their rights and responsibilities relative to this policy.
3. Employees are required to treat this policy seriously; do not condone inappropriate behavior in others and do not encourage the instigation of the inappropriate behavior.
4. Employees are to provide support to others, and report harassment to the appropriate individuals.
5. Management is responsible for the implementation of the policy and for adherence to it by those employees under their supervision.



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### **G. EDUCATION REGARDING SEXUAL HARASSMENT**

1. The Corporation provides education about sexual harassment to all employees annually to ensure that each employee's conduct complies with the Standard of Personal Conduct set forth in the Corporation's policy.

### **H. All employees have the right to be free from discrimination in their work environment, including freedom from Sexual Harassment.**

1. AVVA strongly disapproves of all forms of Sexual Harassment and any violation of this policy committed by a supervisor or any other employee, male or female, will result in disciplinary action, up to and including discharge.
2. No supervisor shall threaten or insinuate either explicitly or implicitly that any employee's submission to, or rejection of, sexual advances will in any way affect that employee's employment, wage, promotional opportunities, evaluations, work assignments, or any other condition of employment.
3. Other sexually harassing or offensive conduct or conditions in the workplace are also prohibited on the part of all employees. This includes, but is not limited to, sexual advances and propositions, abuse of a sexual nature, graphic verbal commentary about a person's body, sexually degrading words to describe an individual, and the display in the workplace of sexually suggestive objects or pictures.
4. It also includes mistreatment of employees or subjecting them to intimidating or hostile conduct or attitudes because of their sex.

### **I. Sexual Harassment is prohibited in all AVVA locations, and in any location that can reasonably be regarded as an extension of the workplace, such as a Chapter/State/Regional meeting, an off-site social business function, or any other non-AVVA facility where AVVA business is being conducted and discussed.**

### **J. Employees who believe they have been subjected to Sexual Harassment should report the incident as soon as possible to their supervisor, or if not established, to the president of AVVA.**

### **K. FILING A CLAIM AND INVESTIGATION**

1. Charges of Sexual Harassment shall be investigated by the supervisor, or if not established, the president of AVVA. They will ensure that Corporate General Counsel is informed.
2. The investigation will be conducted, as confidentially as possible and only those who have a "need to know" will be informed of the proceedings.



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3. Should an employee choose to file a formal complaint with the Corporate General Counsel, he/she may be asked to submit a signed, written statement describing the incident.
4. Any employee may also request an informal meeting with the Counsel or the president to discuss, in confidence, issues concerning or related to Sexual Harassment.
5. Employees who express complaints of Sexual Harassment will be protected against retaliation and insofar as possible, their complaints will be treated confidentially.
6. Employees are cautioned against making knowingly false accusations of Sexual Harassment as they can have serious effects on innocent persons and may result in severe disciplinary action, up to and including discharge.
7. Form F-Adm06.04, which is required to be signed by all Directors, Officers, Committee Chairs and employees, is available on the AVVA website, Board Forms [www.avva.org/boardforms.html](http://www.avva.org/boardforms.html) .

#### **VIII. ADMINISTRATIVE: *Code of Ethics/Whistleblower Policy***

A. This Policy reflects a code of conduct that requires directors, officers, and employees of Associates of Vietnam Veterans of America, Inc., herein referred to as 'AVVA', to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of AVVA, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations. Additionally, it is our responsibility to report violations of this Code in accordance with this Policy. No director, officer or employee who in good faith reports a violation of the Code shall suffer harassment, retaliation or adverse employment consequences.

#### **B. CONDUCT**

##### **1. GENERAL**

- a. The directors, officers and employees of this organization are expected to adhere to high standards of ethical conduct. Although it is impossible to describe all conduct that may be addressed, this policy specifically requires that:
  - b. Dedication to AVVA's Mission, Vision and Core Values.
  - c. The responsibility and prudent management of AVVA's funds and assets.
  - d. Honest and ethical conduct, including the ethical handling of actual or apparent conflicts of interest between personnel and within professional relationships.



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- e. Full, fair, accurate and timely disclosure of relevant facts in all reports and documents dealing with matters of program services, governance and business administration.
- f. Compliance with all applicable governmental laws, rules and regulations.
- g. Treatment of all persons with respect, equity and fairness, regardless of race, religion, gender, ability, age or national origin.
- h. Respect and protection of confidential and/or privileged information to which we have access in the course of our duties.
- i. Prompt internal reporting of code violations to an appropriate person or persons within the Corporation.
- j. Personal accountability for adherence to this Code of Conduct.

#### **C. REPORTING RESPONSIBILITY**

1. It is the responsibility of all directors, officers and employees to comply with the Code and to report violations or suspected violations in accordance with this Ethics and Whistleblower Policy.
2. Under this policy it is a disciplinary issue for an employee to know of ethical misconduct and stay silent.

#### **D. RETALIATION**

1. **No** director, officer or employee who in good faith reports a violation of the Code shall suffer harassment, retaliation or adverse employment consequences. An employee, Director, or Officer who retaliates against someone who has reported a violation in good faith is subject to disciplinary action, up to and including termination of employment and/or loss of membership in the Corporation.
2. The Code of Ethics/Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within AVVA prior to seeking resolution outside the Corporation.

#### **E. REPORTING VIOLATIONS**

1. The Code addresses AVVA's open door policy and suggests that employees share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address an area of concern.
2. If the employee is not comfortable speaking with their supervisor, or if they are not satisfied with the response, they are encouraged to speak with the next level of



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management, the AVVA national president, or any manager or officer with whom they feel comfortable.

3. Supervisors and managers are required to report suspected violations of the Code of Ethics/Whistleblower Policy to the AVVA Compliance Officer, who has specific and exclusive responsibility to investigate all reported violations.
4. For suspected fraud, or when the reporting person is not satisfied, with or is uncomfortable with, following AVVA's open door policy, individuals should contact the Compliance Officer Directly.

#### **F. COMPLIANCE OFFICER**

1. AVVA's Compliance Officer is the AVVA Vice-president. The compliance officer is responsible for investigating and resolving all reported complaints and allegations concerning violations of this Code, and shall advise the AVVA national president of the result of the investigation.

#### **G. ACCOUNTING AND AUDITING**

1. Matters involving accounting practices:
  - a. In the event that a reported concern or complaint involves corporate accounting practices or internal controls of auditing, the compliance officer shall immediately notify the AVVA treasurer and president of said complaint and work with them until the matter is resolved.
  - b. The AVVA Treasurer and/or the Board of Directors shall address all reported concerns or complaints regarding corporate accounting practices or internal auditing.

#### **H. ACTING IN GOOD FAITH**

1. Good Faith defined:
  - a. Acting in Good Faith shall mean that any person filing a complaint concerning a violation or suspected violation of the code must have reasonable grounds for a belief in the actions they are taking. They must have a reasonable belief in the information they are disclosing.
  - b. Any allegations that prove unsubstantiated due to malicious or false statements of fact will be viewed as a serious disciplinary offense.

#### **I. CONFIDENTIALITY**

1. Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected



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violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

#### **J. HANDLING REPORTED VIOLATIONS**

1. The compliance officer will notify the sender and acknowledge receipt of the reported violation or suspected violation within five (5) business days. All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation.

#### **K. ACKNOWLEDGEMENT/DISTRIBUTION**

1. As it is the intent of AVVA to strive for high ethical standards of conduct from all board and staff, the board of directors is particularly sensitive to the fact that some individuals hold management and governance positions of trust and confidence in fulfilling the mission and goals of AVVA. These positions include all members of the board of directors, executive officers, and key senior staff members designated by the Board. Therefore, each of the above staff will receive a copy of this policy and any subsequent updates and will be requested to sign an acknowledgement form each year, immediately upon new elections, and/or at any time a new person comes to a key position. This acknowledgement will be kept on file in the AVVA files in the National Offices. (Form F-Adm06.09.)

### **IX. ADMINISTRATIVE: *Document Retention Policy***

#### **A. PURPOSE**

1. The purpose of this policy is to ensure the most efficient and effective handling of documents and records pertaining to the proper operation of Associates of Vietnam Veterans of America, Inc., herein referred to as 'AVVA'. Any document produced, including emails, calendars and memos, may be an essential record of business conducted by AVVA, and therefore should be handled in accordance with this policy.

#### **B. POLICY GOAL**

1. The goal of this policy is to:
  - a. Insure retention of important documents for reference and future use.
  - b. Delete/destroy documents which are no longer necessary for the proper functioning of AVVA.
  - c. Organize important documents for efficient retrieval.
  - d. Ensure that employees, officers, and staff of AVVA know what documents should be retained, the length of their retention, means of storage, and when and how they should be destroyed.





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##### **C. APPLICABLE LAWS**

1. Federal and state law requires corporations to maintain certain types of records for particular purposes and particular periods of time. Failure to maintain such records could result in serious consequences, such as penalties, fines, civil or criminal charges, spoilage of legal evidence, and/or serious harm to AVVA's status.
2. It is imperative that all employees, officers, and staff fully understand and comply with this policy. Documents should be kept or destroyed according to the retention schedule unless:
  - a. You have been given different instructions in writing by AVVA leadership;
  - b. You believe that such records are or could be relevant to future litigation;
  - c. There is a dispute that could lead to litigation, *OR*
  - d. AVVA is a party to a lawsuit, in which case you must preserve all records until legal counsel determines that the record(s) are no longer needed.
3. Records referred to herein are defined as all business records of AVVA, including written, printed, recorded, or electronic documentation such as emails and computer-generated documents.

##### **D. GENERAL RETENTION TIMES**

1. At the end of this policy there appears a listing of specific documents (Schedule A). For the most accurate retention times, refer to this listing before destroying any document about which you are unsure. This is the list that is referred to in sub-section VIII.J.
2. All business records shall be retained for a period no longer than necessary for the proper conduct and functioning of AVVA. No business record shall be retained longer than ten (10) years EXCEPT:
  - a. Records that have retention periods specifically provided for herein.
  - b. Specific records that are listed with a longer period in the Retention Schedule found in this policy.
  - c. Records that are specifically exempted by your supervisor or an officer of AVVA.

##### **E. MANAGEMENT**

1. To ensure compliance with this policy, the AVVA Board of Directors is responsible for the following oversight functions:
  - a. Ensuring that all affected parties to the Corporation are properly notified of this policy and have received a copy thereof.
  - b. Providing oversight on actual retention and destruction of documents.
  - c. Ensuring the availability of proper storage.
  - d. Periodic follow-up with counsel or others to ensure proper retention periods are in place.



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- e. Suspending the destruction of documents upon foreseeable litigation.
- f. Keeping corporate officers, directors and employees informed of changes to this policy.

#### **F. TYPES OF DOCUMENTS**

##### **1. TEMPORARY RECORDS**

- a. Temporary records shall include all business documents that have not been completed, or that have no long-term value. These records may include, but are not limited to:
  - (i) Hand-written notes or memos that are to be typed in the future.
  - (ii) Reminders to oneself.
  - (iii) "To-Do" Lists.
  - (iv) Drafts of reports, case studies, calculations.
  - (v) Inter-office correspondence regarding clients or business transactions.
- b. Temporary records can be physically destroyed or can be deleted from electronic files when a project or case closes. Review all such documents before you destroy them to ensure that the information contained in the records has been used where needed, and/or that the information is, in fact, irrelevant to any future business of the Corporation.

##### **2. FINAL RECORDS**

- a. Final records include all business documents that are not superseded by modification or addition. Such documents include, but are not limited to:
  - (i) Documents provided to any third-party not employed by AVVA or to government agencies.
  - (ii) Final memos and reports.
  - (iii) Correspondence.
  - (iv) Handwritten telephone messages not further transcribed.
  - (v) Minutes.
  - (vi) Design Plan Specifications.
  - (vii) Journal entries.
  - (viii) Cost estimates.
  - (ix) Accounting records.
- b. Except as provided for in this policy, all final documents are to be discarded ten (10) years after the close of a project, case, or file.

##### **3. PERMANENT RECORDS**

- a. Permanent records include all business documents that define AVVA's scope of work, expressions of professional opinions, and research and reference materials. Such documents include but are not limited to:



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- (i) Contracts or proposals.
- (ii) Materials referencing expert opinions.
- (iii) Annual Financial Statements.
- (iv) Federal Tax Returns.
- (v) Payroll registers.
- (vi) Copyright registrations, patents and trademarks.

b. Except as provided for in this policy, all permanent documents will be retained indefinitely.

#### **4. ACCOUNTING AND CORPORATE TAX RECORDS**

a. Accounting and corporate tax records include, but are not limited to:

- (i) Financial statements, ledgers, audit forms, invoices, and expense records.
- (ii) Federal, state, and property tax returns.
- (iii) Payroll, gross receipts, purchases.
- (iv) Accounting Procedures, Customer records.

b. Unless otherwise specified in this policy, such records shall be retained for a minimum of six (6) years, or until the statute of limitations for a particular record expires.

#### **5. WORKPLACE RECORDS**

a. Workplace records include, but are not limited to:

- (i) Articles of Incorporation, Bylaws, Policy.
- (ii) Meeting Minutes, contracts, MOUs, other agreements.
- (iii) Deeds, titles, leases.

b. Unless otherwise specified in this policy, these records shall be retained in perpetuity.

#### **6. EMPLOYMENT, EMPLOYEE, AND PAYROLL RECORDS**

a. Employment records include, but are not limited to:

- (i) Job announcements, advertisements, employee applications.
- (ii) Resumes, letters of recommendation.
- (iii) Background investigations.

b. Unless otherwise specified in this policy, these records shall be retained for a minimum of three (3) years.



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- c. Payroll records such as wage rate tables, salary history, current pay rates, payroll deductions, bonuses, time cards, and W-2 and W-4 forms shall be retained for a minimum of eight (8) years.

#### **7. BANK RECORDS**

- a. Bank records include but are not limited to:
  - (i) Deposits, check copies, withdrawals.
  - (ii) Stop payment orders, individual account statements, signature authorizations, reconciliation forms.
  - (iii) Credit Card statements.
- b. Unless otherwise specified in this policy, these records will be retained for a minimum of three (3) years.

#### **8. LEGAL RECORDS**

- a. Legal records will include, but are not limited to:
  - (i) All contracts, legal statements, legal correspondence.
  - (ii) Trademarks, copyright registrations, patents.
  - (iii) Personal Injury records, connected statements, press releases, public findings.
- b. Unless otherwise specified in this policy, these records shall be retained for a minimum of ten (10) years.

#### **9. HISTORICAL RECORDS**

- a. Historical records are those documents that are no longer of any use to AVVA, but by virtue of their age or research value may be of historical interest or significance.
- b. Historical records shall be retained indefinitely.

#### **G. RETENTION SCHEDULE**

1. Schedule "A", attached at the end of this policy, lists several categories of records, as well as specific records, that require specific retention periods. This is referred to as a Document Retention Schedule ("DRS"). All records not provided for in the DRS or described herein, shall be classified into three types, (1) Temporary Records, (2) Final Records, and (3) Permanent Records.

#### **H. RECORD STORAGE**



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### 1. TANGIBLE RECORDS

- a. Tangible records are those which can be physically touched, such as paper documents, photographs, receipts, audio recordings, etc.
- b. Physical storage space such as file cabinets, shelving, etc., must be made available for tangible records.

### 2. ELECTRONIC RECORDS

- a. Electronic records are those created and held by computer or similar electronic device. Such records include emails, spreadsheets, and like documents.
- b. These records may be printed and stored physically, or they may be downloaded to specific computer files, and must be backed up on central servers, and on discs or other backup devices.
- c. Electronic records must be kept on network drives, as well as on individual computers, particularly if a notebook or laptop is used. Employees must be sensitive to any business records that are kept on laptop, notebook, notepad, or other electronic devices, as they must be considered confidential in the sense that persons outside the Corporation, or not employed by the Corporation, should not have access.
- d. Because electronic files are generally stored in many locations, the AVVA I.T. department will be responsible for permanently removing deleted files from the computer system.

### I. CESSATION OF DESTRUCTION/DELETION OF RECORDS

1. If a lawsuit is filed or imminent, or if a legal document request is made upon AVVA, **all record destruction and deletion must cease immediately.**
2. AVVA Executive Officers may suspend this policy in order that documents relating to potential legal issues may be retained and organized. Should the Corporation fail to follow this protocol, directors, officers, staff and employees may be subject to fines and penalties, among other sanctions.

### J. SCHEDULE "A" – SPECIFIC DOCUMENT RETENTION TIMES

The documents listed in Schedule A will have specific or individual retention periods assigned, whether they are listed in any other area of this policy or not. Documents not specifically listed in this Schedule will be retained for the periods listed in the category in which they appear.

#### 1. ACCOUNTING RECORDS



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|                                       |                             |
|---------------------------------------|-----------------------------|
| a. Annual Financial Statements        | Permanent                   |
| b. Monthly Financial Statements       | Permanent                   |
| c. General ledger                     | 20 years                    |
| d. Annual audit records               | Permanent                   |
| e. Journal entries                    | 8 years                     |
| f. Special reports                    | 8 years                     |
| g. Cancelled checks                   | 8 years                     |
| h. A/P paid invoices                  | 8 years                     |
| i. Business expense records           | 8 years                     |
| j. Credit Card receipts               | 7 years                     |
| k. Cash receipts                      | 7 years                     |
| l. A/R invoices                       | 8 years                     |
| m. Data for acquired/divested         | Permanent                   |
| n. Data for non-acquired/non-divested | 5 years                     |
| o. Accounts payable                   | 7 years                     |
| p. Accounts receivable                | 7 years                     |
| q. Audit reports                      | 7 years                     |
| r. Chart of accounts                  | Permanent                   |
| s. Expense records                    | 7 years                     |
| t. Inventory records                  | 7 years                     |
| u. Loan documents                     | 7 years after final payment |
| v. Purchase orders                    | 7 years                     |
| w. Sales records                      | 7 years                     |
| x. Stop payment orders                | 7 years                     |
| y. Bank reconciliations               | 7 years                     |

#### **2. TAX RECORDS**

|  |  |
|--|--|
| a. Federal tax returns (not payroll)   | Permanent                                |
| b. State and local tax returns   | Permanent                                |
| c. Form 990 & supporting records   | Permanent                                |
| d. Form 990 T & supporting records   | Permanent                                |
| e. Supporting documentation for taxes  | 4 years                                  |
| f. City & State excise tax reports & supporting documents                        | 5 years or State required time if longer |
| g. Unclaimed property filings & Supporting documents                             | 6 years or State required time if longer |
| h. 1099 forms  | 8 years                                  |
| i. Magnetic tape & similar records   | 1 year                                   |
| j. Payroll taxes (W2s, W3s)  | Permanent                                |
| k. Payroll taxes (Form 941, state withholding forms, state unemployment returns) | 8 years or State required time if longer |

#### **3. PAYROLL RECORDS**



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|                                     |           |
|-------------------------------------|-----------|
| a. Wage rate tables                 | 3 years   |
| b. Cost of living tables            | 3 years   |
| c. Wage                             | 6 years   |
| d. Salary                           | 6 years   |
| e. Payroll deductions               | 6 years   |
| f. Time cards or forms              | 5 years   |
| g. W-2 forms                        | 8 years   |
| h. W-4 forms                        | 8 years   |
| i. Payroll registers                | Permanent |
| j. State employment forms           | 4 years   |
| k. State unemployment tax records   | Permanent |
| l. Cancelled payroll checks         | 8 years   |
| m. Deduction register               | 8 years   |
| n. Earnings records                 | 8 years   |
| o. Changes or adjustments to salary | 8 years   |

#### **4. INSURANCE RECORDS**

|                                 |           |
|---------------------------------|-----------|
| a. Policies (including expired) | Permanent |
| b. Claims for loss/damage       | 5 years   |
| c. Accident reports/appraisals  | 5 years   |

#### **5. WORKPLACE RECORDS**

|  |           |
|--|-----------|
| a. Incorporation & reorganization records, Articles of Incorporation, Bylaws, etc. | Permanent |
| b. Meeting Minutes   | Permanent |
| c. Policy Statements   | 10 years  |
| d. Employee directories  | 5 years   |

#### **6. LEGAL RECORDS**

|                                    |                                 |
|------------------------------------|---------------------------------|
| a. General contracts               | 3 years after termination       |
| b. Real Estate contracts & records | 20 years to permanent           |
| c. Personal injury records         | 8 years                         |
| d. Trademark registrations         | Permanent                       |
| e. Litigation claims               | 5 years following close of case |
| f. Court documents & records       | 5 years following close of case |
| g. Deposition transcripts          | 5 years following close of case |
| h. Discovery materials             | 3 years following close of case |
| i. Leases                          | 6 years after termination       |

#### **7. PERSONNEL RECORDS**



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|   |                                     |
|---|-------------------------------------|
| a. Employment applications<br>(persons <i>not</i> hired)        | 1 year                              |
| b. Employment applications<br>(persons hired)                   | 7 years following hire date         |
| c. Employment resumes & history                                 | 3 years following employment period |
| d. Evaluations  | 3 years following employment period |
| e. Promotions, raises, reclassifications,<br>& job descriptions | 7 years following employment period |
| f. Disciplinary warnings, demotions,<br>Lay-offs & discharge    | 7 years following employment period |
| g. Employment & termination<br>agreements                       | Permanent                           |
| h. Beneficiary information                                      | 3 years following employment period |
| i. Medical & safety records                                     | 7 years                             |
| j. Accident reports   | 7 years                             |
| k. Education assistance   | While employed                      |
| l. Sick leave benefits  | While employed                      |
| m. Retirement plans   | 6 years after expiration            |
| n. Incentive plans  | 6 years after expiration            |
| o. Pension plans  | 6 years after expiration            |

(\* Required acknowledgement form available on the AVVA website.)

#### **X. ADMINISTRATIVE: *Staff Members***

A. Any staff member hired directly by AVVA shall report to, and is under the direct supervision of, the AVVA national president. That AVVA staff member shall aid and assist the executive board, the board of directors, and the AVVA committee chairs as directed by the president.

#### **B. SKILLS, KNOWLEDGE, ABILITIES, AND EXPERIENCE**

1. All positions require a high school diploma or GED, and at least three (3) years of previous work experience.
2. The individual must have knowledge of modern office practices, procedures, technology and equipment. Receptionist/Customer Service experience would be helpful.
3. The staff person should have a working knowledge of Microsoft Office components, including Word, Excel, Outlook, and Power Point.
4. She/he must have a proper phone etiquette, positive attitude, be a self-starter, be flexible, be reliable, work well with others, be able to work with and maintain highly





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confidential documents and knowledge, dress in a professional manner, and conduct herself/himself in a professional manner.

5. A background in or knowledge of accounting would be a plus.

#### **C. MAJOR FUNCTIONAL DUTIES AND RESPONSIBILITIES**

1. Answers all telephone calls and takes complete messages, which are then given to the appropriate people. The messages must include the correct spelling of the name, date of call, and telephone number.
2. Opens and distributes mail.
3. Maintains a daily work log of incoming phone calls and workload progress.
4. Provides administrative support for the national president (e.g. drafting and editing written correspondence) as requested.
5. Establishes and maintains a good communications file. Revises and maintains address and telephone listings for the organization. Included in this is to establish a Rolodex for the office.
6. Assists with correspondence, when approved by the president, to the Board of Directors, Committees, etc.
7. Responsible for maintaining a neat and orderly work environment, and order office supplies when approved and needed.
8. Works cooperatively with others in the VVA National Office to promote teamwork.

#### **XI. ADMINISTRATIVE: *National Information Distribution List (NIDL) (AKA: Flash Notice List)***

- A. In an effort to move forward with modern technology, the national secretary, working in conjunction with the Public Relations Committee, shall maintain a National Information Distribution List (NIDL) database.
- B. Any AVVA member who wishes to receive information directly from the national organization should contact the national secretary and request to be included in the database. The following information must be provided by the member:
  1. Member's first and last name.
  2. Member's state and chapter #.
  3. Member's e-mail address.



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- C. Membership status in AVVA shall be verified from time to time.
1. Should a member permit his/her membership in the Corporation to lapse, that member will be removed from the NIDL.
  2. It is the responsibility of the member to notify the VVA National Membership Department and the AVVA National Membership Chair should there be any change in the name, mailing address, telephone number or email address. If said member wishes to remain on the information distribution list, they must also notify the AVVA national secretary of such changes.
  3. If emails are repeatedly kicked back and the secretary cannot obtain updated information, that member shall be removed from the database.
- D. The purpose of the NIDL is strictly to facilitate sending critical and valuable information to the members. It is NOT intended as a site to express opinions, ask questions or chat with fellow members, criticism, or requests for change. There are other venues provided for those types of issues.
1. The types of critical and valuable information that may be distributed through the NIDL include but may not be limited to:
    - a. Minutes from national board meetings.
    - b. Minutes from either the national conventions, or leadership conferences.
    - c. Directories of the national board / committees / state representatives and presidents / point of contact persons.
    - d. Officer and committee reports.
    - e. Meeting notifications / invitations.
    - f. Revisions to the Policies and Procedure Manual.
    - g. AVVA's newsletter, UPDATES.
    - h. Any other information that members should be made aware of.
- E. It is recognized that with positive feedback from the membership, AVVA may be able to upgrade its computer technology to expand this area of mass communication.

#### ***XII. ADMINISTRATIVE: Proposed Change to Policies and Procedures***



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- A. The Policies and Procedure Manual is a fluid document that routinely needs updating and revision. Committee chairs, board members and Regular Members are encouraged to read the manual and when change is warranted, a Request for Change in Policies and Procedure form should be submitted to the P&P Committee for consideration.
- B. The forms (F-P&P03.01 and F-P&P03.01a) can be found on the AVVA website ([www.avva.org/forms.html](http://www.avva.org/forms.html)). These forms must be filled out entirely. Additional pages may be added if needed for clarification and explanation.
- C. Forms F-P&P03.01 and F\_P&P03.01a will include instructions for easy and accurate form use.
- D. Once completed, the form should be sent to the P&P chair. Forms may be transmitted electronically or sent through the US Postal Service.
- E. Upon receipt, the P&P chair will acknowledge delivery of the proposal and will forward the proposal to the appropriate committee for review and consideration unless submitted by that committee. This acknowledgement may be in the form of email, written or phone call.
- F. The appropriate committee has the option to return the proposal as presented or suggest appropriate modifications. If said committee makes significant modifications, both their and the original versions of the proposal will be submitted to the Board of Directors for their consideration and discussion.
- G. The national board of directors will discuss the proposal and determine the appropriateness, legality, and effectiveness of the proposal. The board shall vote to adopt or deny the proposal with or without revision. If adopted, the P&P Manual will be revised to reflect the change.
- H. Should the board of directors reject the proposal, the P&P chair will notify the member or committee who submitted the proposal with an explanation as to the board's decision.

#### **XIII. ADMINISTRATIVE: Website**

- A. The AVVA Website shall be a source of information and guidelines for the membership. It is a means by which upcoming events, current bylaws, policies and procedures, forms, programs and contract information can be shared.
- B. The Website Committee Chair shall be appointed by the AVVA National president and approved by the board of directors. The committee chair shall act as Webmaster. The website committee shall consist of the chair and any number of members deemed necessary to accomplish the reasonable upkeep of the National Website.



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- C. The general appearance of the website shall be approved by the board of directors.
- D. The website will always include a true representation of the AVVA logo.
- E. Links will include, but not be limited to, the VVA website, AVVA communications, Facebook, Veteran related sites, and any products available for sale. The national president must approve any links that are added or deleted.
- F. The Webmaster is responsible for maintaining the website with current up-to-date governing documents and forms supplied by the national secretary or the appropriate committee chair.
- G. AVVA's use of social media or Internet business sharing media, such as Facebook, is a subcategory of the Website Committee. Members are encouraged to share events, pictures, questions and other information regarding their AVVA states and chapters. The committee will monitor all comments and entries, and any inappropriate material will be removed out of respect for our membership.

#### **XIV. ADMINISTRATIVE: *Political Activities***

##### **A. POLITICAL ASSOCIATION**

- 1. Associates of Vietnam Veterans of America, Inc. (AVVA), as a Corporation, will not support, campaign for, or donate funds to any political candidate.
- 2. Associates of Vietnam Veterans of America, Inc., as a Corporation, will not align itself with any political party.
- 3. While our members are free to associate themselves with political candidates or parties as individual citizens, they will not use their association with AVVA in any way, in such activities.

##### **B. LOBBYING**

- 1. Associates of Vietnam Veterans of America, Inc. is limited to a Grass Roots approach to lobbying. The Corporation does not hire professional lobbyists, nor does it profess to be a lobbying agency.
- 2. Associates of Vietnam Veterans of America, Inc. does not raise funds for lobbying purposes. Any activity that may be construed as lobbying is limited to individual members or small groups of members visiting or writing to their own representatives of congress, in support of veteran related issues only.