

ARTICLE IX - DISCIPLINE

Sec. 901 - Discipline of Members.

Except as otherwise provided in the Congressional Charter, these Bylaws and the Manual of Procedure, no member shall be subject to the penalties authorized in Section 907 unless such member has been advised in writing of the Charges and Specifications, including any Materials Relied Upon with respect to those Charges, and afforded the opportunity to request that such charges be heard and determined at a Disciplinary Hearing or otherwise resolved, as provided and prescribed in this Article.

Sec. 902 - Offenses.

Members who have committed offenses recognized by the Veterans of Foreign Wars of the United States may be subject to Disciplinary Action and may be assessed the penalties provided in this Article. Offenses recognized by the Veterans of Foreign Wars of the United States are:

1. Disloyalty to the United States of America.
2. Failure to fulfill the Member's Obligation as stated in the VFW Ritual or the obligations taken upon installation to any office.
3. False representation or deliberate concealment concerning eligibility for membership or for any office, or knowingly acquiescing in or permitting ineligible persons to become members or officers.
4. Disobedience or disregard of the provisions of the Congressional Charter, Bylaws, Manual of Procedure, Ritual, or General Orders or any of the laws and usages of the Veterans of Foreign Wars of the United States or order of the Commander-in-Chief or the Bylaws or general orders of any Post, County Council, District or Department or the lawful orders of any Commander thereof.

5. Conviction of, or entering a guilty or no contest plea to, a felony, or to a misdemeanor or ordinance violation involving moral turpitude, in any court in the United States.
6. Conduct prejudicial to good order and discipline or conduct unbecoming a member in their relations to the Veterans of Foreign Wars of the United States or other members.
7. Divulging any of the private business of the Veterans of Foreign Wars of the United States or any Post, County Council, District or Department, without proper authority.
8. Preparing or signing any false record, return, order or other official document of or concerning the Veterans of Foreign Wars of the United States or any Post, County Council, District or Department, knowing it to be false, or making any other false official statement.
9. Selling or otherwise disposing of money or property without proper authority or willfully or negligently damaging, destroying or losing any such money or property belonging to the Veterans of Foreign Wars of the United States, or any Post, County Council, District, or Department.
10. Aiding, abetting, counseling, concealing, commanding, conspiring, soliciting, procuring or causing to be done any act which, if done, would be punishable under this Article.
11. Knowingly conveying or causing to be conveyed in any form false information concerning military records.
12. Knowingly providing false information or statements in connection with the initiation of charges against any member or with respect to Disciplinary Actions under this Article.

Sec. 903 - Procedure for Disciplinary Actions.

(a) Preliminary Requirements with Respect to the Initiation of Disciplinary Actions.

1. Disciplinary Actions may be initiated only when there are reasonable grounds to believe that an offense recognized in Section 902 of these Bylaws has been committed by the person charged and an incident report and other appropriate documentation demonstrating the commission of the offense has been submitted to the appropriate Post or Department Commander or Commander-in-Chief.
2. Prior to the initiation of a Disciplinary Action, a Post or Department or its respective Commander or the Commander-in-Chief, shall appoint an individual or committee to investigate alleged offenses and report the results of the investigation in writing.
3. No Disciplinary Action may be initiated with respect to the act or acts of a member that have been the subject of an ongoing or completed Disciplinary Action.

(b) Authority to Initiate Disciplinary Action:

1. A Post may, acting by two-thirds vote at a regular or special meeting, instruct the Post Commander to initiate an action with respect to a member of the Post.
2. A Department Commander may initiate an action with respect to any member within the Department.
3. The Department Council of Administration may, by two-thirds vote, instruct the Department Commander to initiate an action with respect to any member within the Department.
4. The Commander-in-Chief may initiate such action with respect to any member of the Veterans of Foreign Wars of the United States.
5. The National Council of Administration may, by two-thirds vote, instruct the Commander-in-Chief to initiate an action with respect to any member.
6. If the respective Commander fails or refuses to initiate a disciplinary action after being instructed to do so, another member may be designated to initiate the action.
7. If the Commander is the accused, the action must be initiated by higher authority. In the event the Commander-in-Chief is the accused, the National Council of Administration shall designate a member to initiate the Disciplinary Action.

(c) Procedure for Initiating a Disciplinary Action:

1. Disciplinary Actions must be initiated by the preparation and delivery of written Charges and Specifications and Materials Relied Upon with respect to those Charges and Specifications to the accused member.
2. The Charges and Specifications shall be issued under and attached to a Special Order of the Initiating Officer or designated initiating member. The Special Order shall make specific reference to the right to a Hearing or Summary Disposition and the rights of appeal afforded by these Bylaws. The Special Order shall also inform the accused concerning the manner in which copies of Article IX of the Bylaws and Manual of Procedure and the Guide to Conducting Disciplinary Actions may be obtained electronically.
3. Charges and Specifications and Materials Relied Upon with respect to those Charges and Specifications shall be prepared and delivered in the manner described in Section 903 of the Manual of Procedure. Materials Relied Upon will include any incident report, the investigative report and documentary or other evidence demonstrating reasonable grounds that an offense has been committed.
4. The written Charges and Specifications and Materials Relied Upon shall be delivered personally to the accused or delivered by registered or certified mail return receipt requested to the last known address of the accused member. A copy thereof must be forwarded to the next higher authority. Posts shall forward a copy to the Department Commander. If delivered to the accused in person, the member making such delivery shall sign and submit a report attesting to same. The Adjutant shall retain copies of any mail receipt or attestation of personal delivery.
5. Prescribed forms for the initiation and conduct of Disciplinary Actions under this Article shall be as described in the Manual of Procedure.
6. Guide to Conducting Disciplinary Actions. The Adjutant General shall prepare, and amend as necessary, a Guide to Conducting Disciplinary Actions. The Guide will supplement the Manual of Procedure and will provide explanation and direction concerning Disciplinary Action proceedings.
7. Upon mutual written consent of the initiating officer or designated initiating member and the accused, delivery of documents, including the initiating documents may be electronic.

(d) Procedure if Summary Disposition or Disciplinary Hearing is not Requested. If the accused member does not properly request a Summary Disposition or Disciplinary Hearing as provided, in these Bylaws, within fifteen (15) calendar days of the receipt of the Charges and Specifications or, if the accused member, prior to the expiration of the fifteen (15) day period or after requesting Summary Disposition or Disciplinary Hearing, advises the Commander or the designated initiating member that a Summary Disposition or Disciplinary Hearing is not desired or fails to participate in those procedures, the accused will be deemed to acknowledge the sufficiency of the evidence and guilt of the Charges and the Commander or the designated initiating member may then take such action as is deemed appropriate, including the ordering of any penalties prescribed in Section 907 of these Bylaws, subject to the following provisions:

1. If initiated by the Post, the Commander or the designated member initiating the charges, must have concurrence by majority vote of the Post to order any penalties prescribed in Section 907 of these Bylaws.
2. If initiated by the Department Commander, the Department Commander may order any penalties prescribed in Section 907 of these Bylaws, subject to the concurrence of a majority of the Department Council of Administration.
3. If Charges were initiated by the Department Council of Administration, the Council shall, by majority vote, order any penalties prescribed in Section 907 of these Bylaws.

4. If initiated by the Commander-in-Chief, the Commander-in-Chief may order any penalties prescribed in Section 907 of these Bylaws, subject to the concurrence of a majority of the National Council of Administration.
5. If Charges were initiated by the National Council of Administration, the Council shall, by majority vote, order any penalties prescribed in Section 907 of these Bylaws.

Notification of penalty shall be mailed to the accused's last known address by registered or certified mail return receipt requested.

No appeal is authorized if the accused does not request a Disciplinary Hearing or Summary Disposition.

(e) Procedure for Summary Disposition.

The accused may request Summary Disposition instead of requesting a Disciplinary Hearing. Under this procedure the accused cannot contest that the facts alleged in the Charges and Specifications support a finding that the accused has committed an offense under one or more provisions of Section 902 of these Bylaws, but requests an assessment of the penalty by a Panel of members of the National Council of Administration independent of the initiating officer or designated initiating member.

1. Procedure for requesting Summary Disposition. Summary Disposition must be requested in writing within fifteen (15) calendar days of the receipt of the Charges and Specifications by the accused. Summary Disposition must be requested by directing the request to the initiating officer or designated initiating member, who shall, within five (5) calendar days of receipt of the request, forward it through proper channels to the Commander-in-Chief, all as prescribed in the Manual of Procedure.
2. Upon receipt of a timely request for Summary Disposition, the Commander-in-Chief shall appoint three (3) members of the Committee on Appeals of the National Council of Administration to the Assessment Panel, designating one (1) member as the Chairman. The Panel members appointed must not be members of the same Department or geographical area as the accused or the initiating officer or designated initiating member.
3. The Assessment Panel may hear the matter electronically. The procedure for conducting the Summary Disposition shall be as set forth in the Manual of Procedure.
4. Disposition by the Assessment Panel. After reviewing the evidence presented and arguments of the parties, the Panel will separately determine the appropriate penalty and the Chairman will notify the parties and the Commander-in-Chief in writing.
5. No Appeal shall be permitted from the decision of the Assessment Panel, provided, however, a decision to terminate the member is subject to concurrence by the Commander-in-Chief.

(f) Procedure if Disciplinary Hearing is Requested.

If the accused member desires a Disciplinary Hearing, the accused member must, within fifteen (15) calendar days of the receipt of the Charges and Specifications, request the Hearing. The request must be in the manner prescribed in the Manual of Procedure.

1. The Disciplinary Hearing shall be supplemented by the Guide to Conducting Disciplinary Actions.
2. In the event a Disciplinary Hearing is requested and the accused fails to appear, the action shall continue as if no Hearing had been requested.

(g) Resolution prior to Hearing or during Appeal.

The Prosecutor, with concurrence of the Panel President, and accused may enter into an Agreement finally resolving the Disciplinary Action from which no appeal may be taken. The Agreement shall be reduced to writing signed by the parties. The Agreement shall set forth in detail the terms of the Agreement, including any penalties that are agreed by the parties.

A copy of any Agreement must be forwarded by the initiating officer or designated initiating member to the Commander-in-Chief.

- (h) The Adjutant General shall prepare such forms as are necessary to facilitate actions under this Section. Such forms shall be an Appendix to the Manual of Procedure.
- (i) **Computation of Time.**
Whenever in this Article an action is to be taken or completed by a certain number of days it shall be calendar days, unless the final day is a Sunday or National holiday, in which case it shall be the next calendar day that is not a Sunday or a National holiday.

Sec. 904 - Appeal.

Except where otherwise provided in this Article, a member on whom Disciplinary Action is taken under this Article shall have the right to appeal such action. Any appeal under this Section must be made in writing and mailed by registered or certified mail, return receipt requested, and postmarked no later than the date due, as prescribed in the Manual of Procedure. The time for an appeal shall be calculated beginning the date upon which the decision appealed from was delivered to the accused or to the accused last known address. The Commander-in-Chief may grant an extension, provided the request is received prior to the expiration of the time originally prescribed and the request is for good and sufficient cause. If the member fails to properly appeal the action, the appeal will not be considered.

Appeals to the Department Commander. Appeals from Disciplinary Actions initiated by a Post will be to the Department Commander. The decision of the Department Commander shall be final unless an appeal is timely made to the Commander-in-Chief. The decision of the Commander-in-Chief shall be final unless an appeal is timely made to the National Council of Administration. The decision of the National Council of Administration is final.

Appeals to the Commander-in-Chief. Appeals from Disciplinary Actions initiated by a Department Commander or Department Council of Administration shall be to the Commander-in-Chief. The decision of the Commander-in-Chief shall be final unless an appeal is timely made to the National Council of Administration. The decision of the National Council of Administration shall be final.

Appeals to the National Council of Administration. Appeals from Disciplinary Actions initiated by the Commander-in-Chief will be to the National Council of Administration. The decision of the National Council of Administration is final.

Computation of Time. See Section 903(i) of these Bylaws.

Nothing herein shall be construed as preventing the Commander-in-Chief from enforcing the provisions of the Congressional Charter, these Bylaws, the Manual of Procedure, Ritual or laws or usages or the duties of the office, regardless of any pending appeal.

Sec. 905 - Suspension from Office.

At any time after charges are initiated on a member holding office, the Commander-in-Chief or Department Commander having jurisdiction, may at their discretion suspend the accused member from an elected or appointed position pending a final decision on the disciplinary action, provided that, with respect to salaried positions, said suspension will be with pay. During the suspension of a Post, County Council, District or Department Commander, the office shall be temporarily filled by the Senior Vice Commander. Suspensions affected under this section are not subject to appeal under any provision of these Bylaws.

Sec. 906 - Prima Facie Case.

If the accused member has been convicted of a felony, misdemeanor or ordinance violation for conduct that subjects the accused member to discipline under Section 902, certified copies of the judicial record or guilty plea shall be conclusive evidence of a violation subjecting the member to discipline unless the record is proven not to be a true and correct copy or is otherwise subject to challenge as inaccurate.

Sec. 907 - Penalties.

Penalties for offenses recognized by the Veterans of Foreign Wars of the United States shall be:

1. Reprimand.
2. Suspension of certain rights of membership for a specified period of time.
3. Suspension or removal from office.
4. Suspension from membership for a specified period of time.
5. Termination of membership.
6. Other administrative actions deemed appropriate.

Except as provided in Section 905, no penalty in a Disciplinary Action will be effective if an appeal is current and not finally adjudicated. The penalty shall be carried into effect at such time as a decision is final and by execution of an appropriate Special Order by the Commander-in-Chief or the National Council of Administration.

Sec. 908 - Administrative Actions.

A member who has been suspended from any Post by sentence of Disciplinary Action properly executed, will be administratively transferred to Department Member-at-Large. Upon completion of the suspension of membership, a transfer is permitted in accordance with the provisions of Section 107 of the National Bylaws.

In the event that a member transfers their membership and reasonable grounds exist to initiate disciplinary action, for conduct prior to such transfer, the Department Commander or the Commander-in-Chief may transfer the member back to the jurisdiction where the disciplinary action will be initiated.

Any member or former member sentenced will be allowed one opportunity to petition directly to the Commander-in-Chief to have their conviction pardoned or their sentence commuted provided at least five years of the pertinent sentence have been served.

In the event a member or former member sentenced is declared deceased prior to having served at least five years of the pertinent sentence, the Commander-in-Chief shall have the authority, at their sole discretion, to issue a pardon or commute the sentence. Upon a written request submitted by any interested party or initiated independently by the Commander-in-Chief any such pardon or commuted sentence shall only have the effect of restoring the deceased member's good standing for historical and ceremonial purposes.

(End of Article IX)

ARTICLE X - RULES OF ORDER

Sec. 1001 - Rules of Order Governing All Meetings.

Rules governing the conduct of meetings of all units of the Veterans of Foreign Wars of the United States, including the National Convention, shall be as prescribed in the Manual of Procedure and the Ritual.

(End of Article X)