



GUIDE TO DISCIPLINARY ACTION

August 2025

Table of Contents

Forward		Page 3
Section 1	Incident Report and Investigation	Page 5
Section 2	How to Notify When No Disciplinary Action is to be Taken	Page 7
Section 3	Who and How to Initiate	Page 8
Section 4	Information for the Accused	Page 11
Section 5	Options for the Accused	Page 12
Section 6	Hearing – What to Expect	Page 18
Section 7	Suspension from Office	Page 28
Section 8	Appeals	Page 29
Section 9	Sample Script for Hearing	Page 34

Foreword:

Prior to taking formal Disciplinary Action, an Auxiliary, District, or Department must document the following attempts for solution:

- Discussion and/or verbal warning of offense based on Bylaws.
- Written warning of offense based on Bylaws.

Article XI Disciplinary Action is how we, as an organization, hold each other accountable when members have allegedly committed offenses as listed in Section 1102 of the National Bylaws.

A disciplinary action is initiated only when an incident has been reported in writing and an investigation into the incident has established that reasonable grounds exist to believe a member has committed a recognizable offense under Section 1102 and where the penalty being sought affects the member's right of membership.

A disciplinary action does not apply when the intent of the action is solely to suspend a member's Post privileges such as access to the canteen/clubroom. Such actions are subject to separate regulations by the pertinent Post, District or Department and **cannot** be appealed to the VFW Auxiliary.

The following forms, or any revisions, shall be used in conjunction with this Guide:

- Incident Report (DA-1)
- Report of Disciplinary Action Investigating Committee (DA-1a)
- Special Order Initiating Disciplinary Action (DA-2)
- Charges and Specifications (DA-3)
- Request for Summary Disposition and Findings (DA-4)
- Request for Hearing (DA-5)

- Order Appointing a Disciplinary Hearing Panel Special Order (DA-6)
- Findings and Sentence (DA-7)
- Notification of Penalties – No Hearing Requested (DA-7a)
- Form of Record of Disciplinary Action (DA-8)
- Request and Findings of Resolution Agreement (DA-9)

Forms are available from your Department Secretary or Department President. Note: not all forms are pictured in this Guide.

Purpose and Use of This Guide:

The Bylaws provide the rules for disciplinary actions, and this guide is designed to supplement those rules. This guide is designed to provide both suggestions and instructions for the procedures set forth in Article XI of the Bylaws. This guide does not replace the Bylaws which should always be consulted first.

Offenses

The recognized offenses shall be as provided in Section 1102 of the Auxiliary Bylaws.

Section 1 Incident Report and Investigation

A DA-1 or equivalent written complaint may be completed by any person who files a report on a VFW Auxiliary member and sent to the appropriate President. The DA-1 or equivalent written complaint must be signed by the complainant. Anonymous complaints will not be investigated. If the accused is the President, the Senior Vice-President shall act as the President for purposes of this Disciplinary Action.

INCIDENT REPORT

DATE OF INCIDENT: _____

CREATED BY: _____

DEPARTMENT _____ AUXILIARY NO. _____

Use this page to document the incident(s) leading up to the consideration of disciplinary action. Use a separate sheet for each person witnessing/ involved in the incident(s). Use additional pages if necessary.

Signature: _____ Date: _____

DA-1

The President in receipt of the complaint with the exception of a written harassment complaint (sexual or otherwise) shall determine if the complaint can be resolved through internal mediation within fifteen (15) days of receipt of complaint prior to appointing a Disciplinary Action (DA) Investigating Committee. All forms of harassment (sexual or otherwise) submitted in writing to the appropriate President or Department Council of Administration **must** be investigated by an Investigating Committee consisting of three (3) impartial members prior to any disciplinary action being initiated. An Auxiliary, District, or Department must document the following attempts for resolution:

- Discussion and/or verbal warning of offense based on Bylaws.

- Written Warning of offense based on Bylaws.

The President or Senior Vice-President (hereinafter referred to as the appropriate President) shall appoint a committee of no less than three (3) **impartial** members, one of which will serve as the DA Investigating Committee Chairman, to investigate the reported incident as received on DA-1 or equivalent and internal mediation has failed.

1. The DA Investigating Committee shall interview the accused, the complainant, and witnesses.
2. The interviews shall be conducted in person or by electronic means (e.g., conference call, Zoom, etc.). The interview shall not be conducted via email and/or text.

The DA Investigating Committee prepares and submits a written report (DA-2) to the appropriate President within fifteen (15) days from appointment for determination on whether to initiate Disciplinary Action per Section 1103 of the Bylaws. In the case of extenuating circumstances, an extension of time may be granted by the President appointing the DA Investigating Committee.

The DA Investigating Committee shall make one of the following recommendations to the appropriate President:

1. Does not go forward.
2. Proceed with Disciplinary Action.

REPORT OF DISCIPLINARY ACTION INVESTIGATING COMMITTEE		
DATE:	_____	
CREATED BY:	_____	
COMMITTEE CHAIRMAN AND MEMBERS (Minimum 3 up to 5):		
Position	Name	Auxiliary#
Chairman:	_____	
Member:	_____	
Use this page to recommend if further action is necessary. Use a separate sheet for each person witnessing/involved in the incident(s) that you interviewed.		
Recommendation of Committee (choose one):		
<input type="checkbox"/>	Does Not Go Forward	
<input type="checkbox"/>	Proceed with Disciplinary Action	
Submitted by: _____		
	(Print Name)	Chairman
Signature: _____	Date: _____	
DA-1a		

SECTION 2

How to Notify When No Disciplinary Action is to be Taken

If the appropriate President or the body decides not to initiate disciplinary action, the Secretary shall send a letter to the Accused and the member who filed the Incident Report within fifteen (15) days of the decision to not proceed with disciplinary action. This action is not subject to appeal, nor can the accused be investigated again for the same incident.

SECTION 3

Who and How to Initiate Disciplinary Action

Who May Initiate

- A. The Auxiliary may, acting by two-thirds (2/3) vote at a regular or special meeting, instruct the Auxiliary President to initiate such action with respect to a member of the Auxiliary.
- B. A Department President may initiate such action with respect to any member within the Department.
- C. The Convention or Department Council of Administration may, by two-thirds (2/3) vote, instruct the Department President to initiate such an action.
- D. The National President may initiate such action with respect to any member of the Auxiliary to the Veterans of Foreign Wars of the United States.
- E. The National Council of Administration may, by two-thirds (2/3) vote, instruct the National President to initiate such an action.
- F. If the President is the accused, action shall be initiated by the Senior Vice-President.
- G. If the respective President fails or refuses to initiate a disciplinary action after being instructed to do so, the Senior Vice-President shall be instructed to initiate the action.

How to Initiate Disciplinary Action

A. Charges and Specifications shall be drafted and signed by the appropriate President bringing Disciplinary Action and attested to by the Secretary. (See DA-3.)

B. Charges and Specifications are defined as follows:

CHARGES AND SPECIFICATIONS	
Charge (1):	
Specification (1):	
Specification (2):	
Charge (2):	
Specification (1):	
Specification (2):	
<small>On my oath or affirmation as a member of the Veterans of Foreign Wars of the United States Auxiliary, I declare that I have a reasonable belief that the above, described act or acts have been committed.</small>	
_____	_____
<small>printed name and signature</small>	<small>Initiating Officer</small>
_____	_____
<small>printed name(s) and signature (s)</small>	<small>Accuser(s)</small>
Date: _____	
<small>(If additional Charges and Specifications are required, continue on a separate page and attach to this form.)</small>	
<small>DA-3</small>	

- i. A “Charge” is one of the twelve offenses as listed in Section 1102 of the National Bylaws.
- ii. A “Specification” is a concise description of the specific incident related to the corresponding charge.

How to Deliver to the Accused

The following forms must be sent in writing to the accused member within fifteen (15) days from the date the appropriate President receives the DA Investigating Committee’s report or the date the body votes to initiate disciplinary action by certified or registered mail with a return receipt:

- A. Incident Report (DA-1)
- B. Report of Disciplinary Action Investigating Committee (DA-1a)

- C. Special Order Initiating Disciplinary Action (DA-2)
- D. Charges and Specifications Form (DA-3)
- E. Request for Summary Disposition Form (DA-4)
- F. Request for Hearing Form (DA-5)
- G. Request and Findings of Resolution Agreement (DA-9)

It is advisable to send an electronic mail (email) containing the same required documentation that is to be mailed by certified or registered mail with return receipt. However, email is NOT the official method of Notice of Charges and Specifications.

SECTION 4

Information for the Accused

You have been informed that a Disciplinary Action has been initiated against you; what does that mean exactly?

In short, there has been an allegation that you did something that violated one or more of the offenses listed in Section 1102 of the National VFW Auxiliary Bylaws.

For this to happen an allegation was documented also known as an Incident Report and was sent to the appropriate President who then authorized an investigation into the alleged offense or offenses and the investigation found reasonable belief that you committed the offense(s).

After conducting their investigation, a written report on the results of their investigation was submitted to the appropriate President who authorized the investigation.

As a result of the findings of the investigation a decision was made to initiate Disciplinary Action against you. This does not mean that you have been found guilty, what it does is ensure that your right to respond to the allegations is protected, but only for a limited time. This will not go away no matter how much you ignore it.

First and foremost, as a member of this organization, you have rights. As the accused, Section 1101 of the National Bylaws states, “no member shall be subject to the penalties prescribed in Section 1107 unless such member shall have been advised in writing of the charges against them and afforded the opportunity to request that such charges be heard and determined at a Disciplinary Hearing as hereinafter provided”.

In other words, the Bylaws entitle you to notice of the charges levied against you as well as any evidence or materials relied upon used to support those charges. The Bylaws also provide you with the opportunity to resolve the action through a method of your choosing.

SECTION 5

Options for Accused

No Hearing Requested

- A. In the event that the accused member does not properly request a Disciplinary Hearing within fifteen (15) calendar days from receipt of the Charges and Specifications or advises the appropriate President that a hearing is not desired prior to the expiration of the fifteen (15) calendar day period the appropriate President, may take such action as is deemed suitable including the ordering of any prescribed penalties in Section 1107 of the Bylaws.
- i. If initiated by the Auxiliary, the appropriate President, must have concurrence by two-thirds (2/3) vote of the Auxiliary to order any prescribed penalties.
 - ii. If initiated by the Department President, they may order any prescribed penalties.
 - iii. The Department Council of Administration or the Department Convention causing the Charges to be initiated shall, by two-thirds (2/3) vote, order any prescribed penalties.
 - iv. If initiated by the National President, they may order any prescribed penalties.
 - v. If the National Council of Administration initiated the charges, they can by two-thirds (2/3) vote, order any prescribed penalties.
- B. Any action taken must be in writing and delivered by registered or certified mail, return receipt requested to the last known address of the accused member. Such action shall include notification of appellate rights.

A copy thereof must also be forwarded to the next higher authority.

NOTIFICATION OF PENALTY (NO HEARING REQUESTED)

Date: _____ Certified Mail Return Receipt Requested

To: Name: _____ Tracking No. _____

Address: _____

Address: _____

Address: _____

Special Order No. _____ initiated an Article XI Disciplinary Action against you. The order, along with the required copies of the DA-1 Incident Report, DA-1a Report of Investigating Committee (report only), DA-3 Charges and Specifications, DA-4 Request for a Summary Disposition, DA-5 Request for Hearing, and DA-9 Request for Resolution Agreement, were sent to you by certified mail, return receipt requested pursuant to the VFW Auxiliary Bylaws and/or the Guide to Disciplinary Action.

In the event that the accused member does not properly request a Disciplinary Hearing within fifteen (15) calendar days, the designated member initiating the charges, may take such action as is deemed appropriate, including the ordering of any penalties pursuant to Section 1107 of the National Bylaws.

Therefore, the designated member (choose one):

Auxiliary President (by 2/3 Vote of the Auxiliary) _____ Auxiliary No. _____
(printed name)

Department President _____ Department of _____
(printed name)

National President _____
(printed name)

Has imposed the penalty of _____.

Note: A Disciplinary Action is not subject to appeal when no Hearing is requested, or the Accused or their Representative fail to appear at the scheduled Hearing.

All parties concerned understand that this form (DA-7a) and all other documents related to this action must be forwarded to the National President, for the issuance of a Special Order imposing the above penalty. **There is no appeal.**

By order of: _____ Date _____
(Signature of Auxiliary, Department or National President)

Official: _____ Date _____
(Signature of Auxiliary Secretary, Department Secretary or National Secretary-Treasurer)

cc: _____

DA-7a

Form DA-7a (Notification of Penalties – No Hearing Requested)

All forms will be retained for three (3) years after the case is adjudicated per the retention guide.

Summary Disposition Requested

Essentially what this means is you do not want to fight the charges, or the charges have merit, and you want VFW Auxiliary members outside your Auxiliary (Assessment Panel) to look at the charges, listen to you and look at your evidence if you have any. You are pleading guilty and they in turn after reviewing the evidence will make a decision about what type of punishment to render under Section 1107.

Request for Summary

Disposition shall be made on a DA-4 form that will have been included with the documents sent to you. You must return the DA-4 form via registered **or** certified mail and it is imperative that you keep a copy of the receipt showing date of mailing to establish that you did so within the 15-day window for responding.

PART 1 REQUEST FOR A SUMMARY DISPOSITION	
I am requesting a Summary Disposition.	
(Accused)	_____
Date	_____
<small>(Note: This request must be mailed within fifteen (15) days of receipt of Charges and Specifications.)</small>	
PART 2 FINDINGS OF THE SUMMARY DISPOSITION	
As a result of the Summary Disposition having now been completed, the following are the findings:	
All parties concerned understand that this form (DA-4) and all other documents related to this action must be forwarded to the National President, for the issuance of a Special Order imposing the above penalty. There is no appeal.	
(Assessment Panel Chairman)	_____
(Assessment Panel Member)	_____
(Assessment Panel Member)	_____
(Accused)	_____
Date	_____
DA-4	

This is not an opportunity for you to review the evidence the prosecution will use against you. It is also not an opportunity to see what the other side has before deciding to ask for a Hearing. All the evidence to be used against you has been submitted and must be shared with you as the prosecution comes into possession of it after the Disciplinary Action has been started.

When you agree to a Summary Disposition you are agreeing that the charges have merit and that you are guilty of one or more of the charges. You, however, will have the opportunity to discuss what your punishment will be with the Assessment Panel members that hear your case. This is where you can explain your actions and the situation to an unbiased group of members not from your Auxiliary.

Please note no appeal can be made if you agree to Summary Disposition from the Summary Disposition itself or the punishment the Assessment Panel decides on.

In cases where the punishment is termination of membership, then the matter must be reviewed by the National President who will either agree or disagree with the punishment. If the National President disagrees with terminating your membership, then the National President will determine what the lesser punishment will be as listed in Section 1107 of the National Bylaws.

Why would I choose a Summary Disposition instead of a Panel Hearing?

You believe that you will not get a fair trial even with impartial members or that you will get punishment not commensurate with the allegations.

If the accused requests a Summary Disposition, then upon receipt by the appropriate President the request must be forwarded within five (5) calendar days to the National President who shall appoint three (3) members of the National Council of Administration to act as the Assessment Panel who will evaluate the matter and decide on the prescribed penalty. This decision is not subject to appeal by the accused.

All forms will be retained for three (3) years after the case is adjudicated per the retention guide.

Disciplinary Hearing Requested

A properly filed request (Form DA-5) must be made in writing and mailed by registered or certified mail, return receipt requested, postmarked no later than fifteen (15) days from the receipt of the Charges and Specifications and must be addressed to the President initiating the action or, in the event that the charges are not initiated by the President, to the person initiating the charges.

REQUEST FOR HEARING

I have received Special Order No. _____ dated _____ with attached Charges and Specifications, indicating that a Disciplinary Action has been initiated.

I request a Disciplinary Action hearing.

(Accused)

Date

(Note): This request must be mailed to the Initiating Officer certified or registered mail with return receipt requested within fifteen (15) days of receipt of Charges and Specifications.

DA-5

Resolution Agreement Requested

A Resolution Agreement can be requested at any time after a Hearing is requested by the accused.

It is an agreement entered into by you, the Prosecutor, and the Hearing Panel President to resolve the disciplinary action without the need for a hearing.

This is much like a pretrial diversion in that you can visit with the Prosecutor and the Panel President for the purpose of having the issues decided before it is formally presented in front of the Panel members. If you

agree to a Resolution meeting, you are not obligated and can withdraw from the negotiations at any time and proceed to the panel hearing. Once Resolution is agreed upon, it is final and cannot be appealed. This request must be made on Form DA-9.

All forms will be retained for three (3) years after the case is adjudicated per the retention guide.

PART 1 REQUEST FOR A RESOLUTION AGREEMENT	
I am requesting a Resolution Agreement.	
(Accused)	_____
Date	_____
(Note: This request may be made any time after the hearing request and prior to adjudication.)	
PART 2 FINDINGS OF THE RESOLUTION AGREEMENT	
As a result of the Resolution Agreement having now been completed, the following are the findings:	
All parties concerned understand that this form (DA-9) and all other documents related to this action must be forwarded to the National President, for the issuance of a Special Order imposing the above agreed upon penalty. <u>There is no appeal.</u>	
_____ No agreement has been reached during this Resolution the hearing will move forward.	
(Panel President)	_____
(Prosecutor)	_____
(Accused)	_____
Date	_____

DA-9

SECTION 6

Hearing - What to Expect

How to Handle a Hearing

All appointments to include the Panel President, Panel members, Prosecutor and Recording Officer are made by the Department/National President. The accused shall have the right to appoint the Defense Counsel.

I. Appointment of Panel

If the action is initiated at the Auxiliary or Department level, the Department President will select the disciplinary panel members, date, time, and location by issuance of an order. If the action is initiated at the National level, the National President will select the disciplinary panel members, date, time, and location by issuance of an order. The order shall detail at least five (5) members to the panel to include the Panel President. (DA-6) Section 1101D of the VFW Auxiliary National Bylaws, Article XI, in regard to expenses refers to expenses for Hearing Panel members only. Expenses need to be agreed upon prior to the Hearing.

ORDER APPOINTING A DISCIPLINARY HEARING PANEL AND SPECIAL ORDER BY DEPARTMENT OR NATIONAL PRESIDENT	
Special Order No. _____	
Department of: _____	
Place: _____	
Date: _____	
Time: _____	
Upon orders of _____ (Name) _____, President of (Department or National) _____, Veterans of Foreign Wars Auxiliary, a Disciplinary Hearing Panel is appointed to meet at the above Place, Date, and Time for the purpose of trying such person or persons as may be properly brought before it: Name(s) _____	
Prosecutor: _____ of Aux No. _____	
Defense Counsel: _____ of Aux No. _____ <small>(Note: If Defense Counsel is not an Auxiliary Member, provide address and phone number.)</small>	
DETAIL FOR THE PANEL	
President of the Panel _____ of Aux No. _____	
Brother/Sister _____ of Aux No. _____	
Brother/Sister _____ of Aux No. _____	
Brother/Sister _____ of Aux No. _____	
Brother/Sister _____ of Aux No. _____	
Brother/Sister _____ of Aux No. _____	
Brother/Sister _____ of Aux No. _____	
Brother/Sister _____ of Aux No. _____	
Brother/Sister _____ of Aux No. _____	
Brother/Sister _____ of Aux No. _____	
By order of (choose one):	
<input type="checkbox"/> Department President, Department: _____ <small>(printed name and signature)</small>	
<input type="checkbox"/> National President _____ <small>(printed name and signature)</small>	
Official Secretary: _____ <small>(printed name and signature)</small>	

DA-6

In the event the Department President initiating the disciplinary action is the accuser or expects to be a witness, the Department Sr. Vice-President will issue the order.

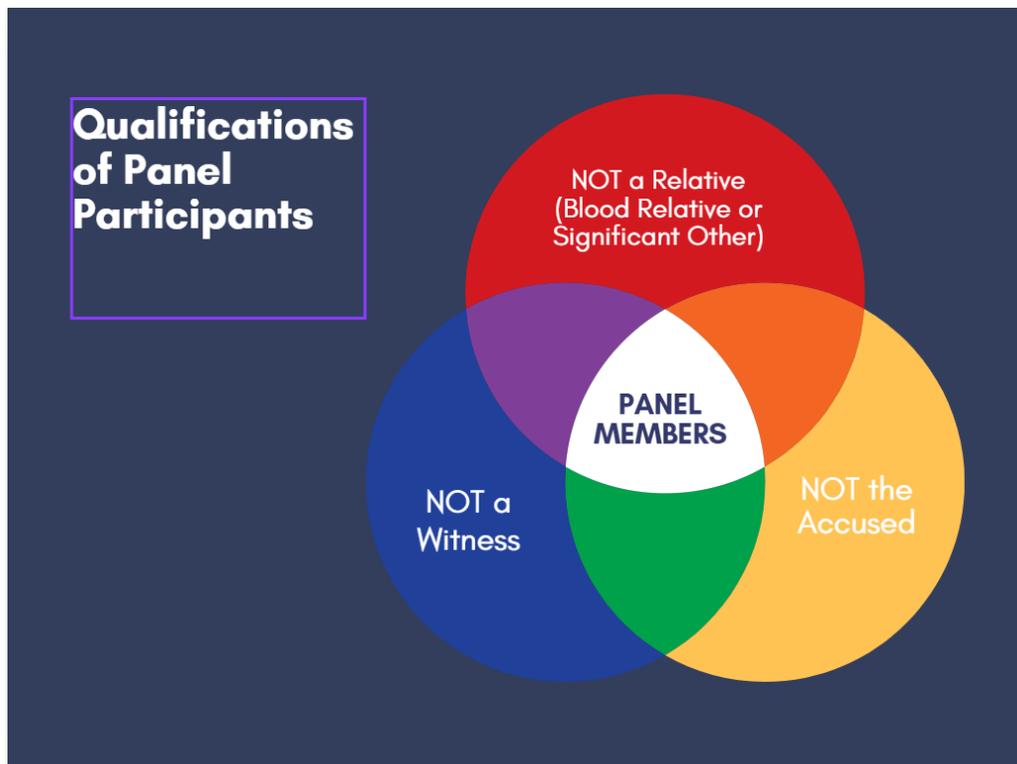
Qualifications of Panel Members

Panel members:

- Must be members in good standing of the Veterans of Foreign Wars of the United States Auxiliary.
- Cannot be a blood relative, significant other of the accused, accuser, or a witness for the prosecution.
- Must be impartial.

The same panel may be appointed to hear more than one (1) case.

Related cases may be heard at the same time, provided that the Recording Officer maintains a complete and separate record for each accused. In the event appointees are unable to serve or the time or place of a hearing must be changed, and a supplemental order may be issued.



Panel President. (Specified in Form DA-6) Is the presiding officer over the panel and not subject to challenge. They shall be acquainted with the hearing procedures, maintain order and give the necessary directions for the conduct of the proceedings.

The Panel President shall rule upon all questions concerning the admissibility of evidence, the competency of witnesses, continuances, adjournments, recesses, motions, challenges and orders, the propriety of any argument or statement of counsel and on any other matter deemed appropriate for the official and efficient conduct of the hearing to include a closed hearing.

The Panel President shall take notes or instruct that notes to be taken that summarize the substance of the testimony of the witnesses and exhibits, the arguments of counsel, the objections and rulings on matters brought to the attention of the panel and other matters of significance occurring during the proceedings.

Prosecutor. (Specified in Form DA-6) They shall not be a member of the panel. The prosecutor should not be a witness with respect to disputed factual matters. They may, however, provide evidence concerning procedural matters. They shall provide to the Defense Counsel a list of all witnesses and evidence to be presented not less than fifteen (15) days prior to the hearing. They shall present the evidence supporting the Charges and Specifications, even if the member has pled guilty.

Defense Counsel. (Specified in Form DA-6) The accused may select their own professional or lay counsel, at their own expense. The accused may serve as their own Defense Counsel. Defense Counsel shall not be a member of the panel nor an accuser. Defense Counsel should not be a witness with respect to disputed factual matters. The accused or their Defense Counsel may, however, provide evidence concerning procedural matters. They shall provide to the Prosecutor a list of all witnesses and evidence to be presented not less than fifteen

(15) days prior to the hearing.

Continuance. The Panel President may, for reasonable cause, postpone, reschedule and/or relocate the hearing. A party desiring that the Panel President postpones, reschedules, or relocates the hearing shall make such request in writing, stating the reasons for such request. All parties and panel members shall be advised in writing of the rescheduled date and/or location. The Panel President's decision to postpone, reschedule and/or relocate is final and not subject to appeal.

Recording Officer. The Recording Officer shall record all the proceedings, and the recordings shall be retained and included as record. Can be recorded by the following means: tape recorder, video recorder and remote teleconference. The recording officer should take reasonable steps to assure that all testimony is recorded and that all speakers and exhibits are adequately identified in the record. The Panel President's notes shall be retained with the record of the proceedings.

A complete record should include copies of:

- A. Incident Report (Form DA-1)
- B. Special Order advising of the initiation of a disciplinary action. (Form DA-2)
- C. Charges and Specifications. (Form DA-3)
- D. The copy(ies) of postal delivery and receipt by the accused in accordance with the Procedure for Disciplinary Action.
- E. The request for Disciplinary Hearing made by the accused. (Form DA-5)
- F. The order appointing the Panel. (Form DA-6)
- G. The tape recording or videotape of the proceedings.
- H. The Panel President's notes of the proceedings.
- I. Any exhibits admitted into evidence.

J. The findings and sentence. (Form DA-7)

K. The form of record of disciplinary action. (Form DA-8)

The record shall be provided to the accused for purposes of appeal and delivered within seven (7) calendar days and maintained by the Auxiliary, Department and National Secretary. These records will be provided by the Department or National Secretary depending on who initiated the disciplinary action.

II. The Accused Fails to Appear for the Hearing.

In the event the accused requested a hearing and fails to appear, the action **must** continue as though no hearing was requested at all. Therefore, the disciplinary hearing panel should **not** continue with the hearing process and simply annotate on the DA-5 that the accused did not appear and defer the action back to the Initiating Officer so they may prescribe any penalties pursuant to Section 1107 of the Bylaws.

Note: Ensure that the accused is properly notified of all prescribed penalties. Also understand that these penalties do not take effect until the accused has been informed of and afforded every right to appeal and the action is properly adjudicated by a Special Order issued by the National President.

III. Procedure at Hearing. In the event that a Disciplinary Hearing is requested, the procedure for conducting such hearing shall be as follows:

Selection of the Panel – Challenges. The entire panel shall initially be seated unless/until challenged.

Each side may challenge any member or members but those members may be removed only for good cause. Good cause includes, but is not limited to, prejudice for or against a party, financial or other interest in the outcome or inability to afford an impartial hearing. The challenging party shall state the reasons upon which that party believes good cause exists. The other party may rebut the challenge. When a member of the

panel is challenged for cause, the Panel President will decide on the question. No further panel member may be excused for cause when the effect is to reduce the number of panel members below three (3).

HEARING PARTICIPANTS				
PARTICIPANTS	APPOINTED BY	PART OF PANEL	CAN BE CHALLENGED	VFW AUXILIARY MEMBER IN GOOD STANDING
PANEL PRESIDENT	APPROPRIATE PRESIDENT	✓	X	✓
PANEL MEMBERS (can not be reduced past 3 members)	APPROPRIATE PRESIDENT	✓	✓	✓
PROSECUTOR	APPROPRIATE PRESIDENT	N/A	N/A	✓
RECORDING OFFICER	APPROPRIATE PRESIDENT	N/A	N/A	✓
DEFENSE COUNCIL	ACCUSED	N/A	N/A	N/A
WITNESSES	PROSECUTOR OR ACCUSED	N/A	N/A	N/A

KEY: X - NO, ✓ - YES, N/A - NOT APPLICABLE

Members of the panel shall swear or affirm they will judge the case fairly and impartially. The Panel President should protect every witness from insulting or improper questions, harsh or insulting treatment and necessary inquiries into private affairs and/or irrelevant matters.

Plea to the Charges. After the panel is confirmed, the Charges and Specifications shall be read to the accused by the Panel President unless the accused advises the panel, they have read the charges, and they need not be read. The accused shall be required to plead guilty or not guilty to each charge and specification separately. The plea will be recorded on the Form of Record of Disciplinary Action (DA-8).

Objections. If there have been procedural errors in initiating the disciplinary action, preparing and delivering the Charges and Specifications, appointing the panel, scheduling the time and place of the

hearing or any other matter occurring prior to the hearing, Defense Counsel or the accused must make their objections known to the panel before the opening statements are given and evidence heard. Similarly, objections must be made to errors in procedure or in the admission of evidence occurring during the course of the hearing at the time that the error occurs or, the alleged error will not be considered in the event of an appeal.

Opening Statement. The Prosecutor, followed by the Defense Counsel, shall be permitted to make opening statements which outline for the panel what each believes the issues to be and what each expects to show by the evidence to be introduced.

Order of Presentation. The prosecutor introduces evidence first. When the prosecution rests, the defense may introduce their evidence. The prosecutor may then present evidence to rebut such evidence as may have been presented by the defense and the defense shall be given an opportunity to rebut any rebuttal evidence presented by the prosecution. Counsel for both sides shall have the opportunity to cross-examine each witness after direct testimony is given.

Rules Concerning Evidence. Evidence may be testimonial or documentary. Testimonial evidence is evidence given in the form of testimony by witnesses. All testimony shall be taken under oath or by written affirmation .

Documentary Evidence. Includes items other than documents and are presented in the form of exhibits which show or demonstrate factual matters. An adequate showing of authenticity (i.e., that the document is an original or a true and correct copy of the original) must be made with respect to documentary evidence.

A Disciplinary Hearing Panel may base its decision on either direct, circumstantial or hearsay evidence.

Direct evidence consists of testimony or documents which, if believed, would directly prove or disprove facts.

Circumstantial evidence consists of testimony or documents which, if true, would prove or disprove facts or circumstances from which, either alone or in connection with other facts, the existence or nonexistence of a fact in issue could be inferred.

Hearsay evidence consists of testimony based upon the out-of-court statements of persons or documents, i.e., what some other person told the witness or upon something seen by the witness in a document that is not presented. The reason that hearsay testimony is given less credence is there may be no opportunity to cross-examine the person who actually heard or saw the incident or wrote the document. While hearsay evidence can be considered by the Disciplinary Hearing Panel, because of a belief that a sufficiently trustworthy basis exists for considering the evidence, it should be considered with an appreciation that the evidence is less credible. Hearsay evidence may be fully considered without that limitation if the witness is testifying concerning something the accused has said, or the evidence consists of reinforcing documents or letters prepared or signed by the accused.

Books of account or business records are generally admissible. Evidence must be relevant and material. Evidence is not relevant or material when it does not tend to prove or disprove an issue in the case or the Panel President rules that it's not material to the issue at hand.

The panel will exclude improper evidence to which an objection is sufficiently made. It may, on its own initiative, exclude other improper evidence. Excluded evidence should not be considered by the Hearing Panel. The Panel President should note any evidence which was offered but excluded, giving the reason therefore, and any instances where objection was made but the evidence was admitted over such objection, noting the objection.

Closing Arguments. After both sides have rested, the prosecution commences its closing arguments. The defense follows and the prosecution closes with rebuttal argument.

Deliberations of the Panel. The panel sits in closed session during the deliberation on the findings and sentence. This should include full and free discussion of the evidence at hand. The panel must consider each charge and specification separately and make a determination whether the accused is guilty or not guilty on each charge and specification.

In deciding the case, the sentence should be commensurate with the offense committed. In any event, each case shall be decided on its own merits and the panel shall give due regard to all of the circumstances.

Reasonable doubt. In order to convict the accused of an offense, the panel must be reasonably satisfied that the accused is guilty of the offense.

Two-thirds Majority Required. There must be a two-thirds (2/3) majority vote in order to convict on any charge and specification. If, in computing the number of votes required, a fraction results, such fraction will be counted as one (1); thus, where five (5) members are to vote, the requirement that two-thirds (2/3) concur is not met if less than four (4) concur. The sentence must likewise be determined by a two-thirds (2/3) majority vote.

Findings and Sentence (DA-7). The findings and sentence shall be announced by the Panel President in open hearing after deliberations are complete. In the event the accused or their counsel was not present at the hearing, but the accused has been found either guilty or not guilty, a copy of the Findings and Sentence (Form DA-7) shall be mailed to the last known address within seven (7) days after the hearing.

Record of Hearing of Disciplinary Actions (DA-8).

In addition to the notes to be maintained by the Panel President, they shall also prepare a Form of Record of Disciplinary Actions (Form DA-8).

FORM OF RECORD OF DISCIPLINARY ACTION

Proceedings of a Disciplinary Hearing Panel convened at _____
on _____, 20____, pursuant to an order issued by _____

PRESENT

Brother/Sister _____ of Aux No. _____ President of Panel
Brother/Sister _____ of Aux No. _____ Prosecutor
Brother/Sister _____ of Aux No. _____ Defense Counsel
Brother/Sister _____ of Aux No. _____ Member
Brother/Sister _____ of Aux No. _____ Recording Officer

ABSENT

Brother/Sister _____ of Aux No. _____ Reason: _____
Brother/Sister _____ of Aux No. _____ Reason: _____
Brother/Sister _____ of Aux No. _____ Reason: _____
Brother/Sister _____ of Aux No. _____ Reason: _____

The accused received notice of the charges and specifications in accordance with Section 1103 of the National Bylaws and requested a hearing: Yes _____ No _____

Challenges for cause were made on panel member(s) _____

Such challenges were sustained as to panel member(s) _____

The members of the panel were sworn: Yes _____ No _____

DA-8 Page 1

The Charges and Specifications were read to the accused, or the accused stated that they had read the charges, and they responded as follows:

PLEAS

To all Charges and Specifications: _____

Or

To Charge _____, Specification _____: _____

To Charge _____, Specification _____: _____

To Charge _____, Specification _____: _____

The following witnesses testified:

The following documents were used in evidence:

The defense was given full opportunity to examine each witness. Yes _____ No _____

The rights of the accused as a witness were explained to them. Yes _____ No _____

An argument was made by the Defense Counsel on behalf of the accused. Yes _____ No _____

The accused did (not) take the witness stand in their own defense.

The accused was (not) present at the trial.

President

Date this report was prepared

DA-8 Page 2

SECTION 7

Suspension from Office

Suspension from office during a disciplinary action is optional per Bylaws Section 1105.

- A. At any time after charges are initiated against a member holding office, the National President or Department President having jurisdiction, may suspend the accused member from any office pending a final decision on the disciplinary action.
- B. During the suspension of an Auxiliary, District or Department President, the office shall be temporarily filled by the Senior Vice-President. For any other office vacated due to suspension from office, this office shall be filled by an pro-tem until the case is adjudicated.
- C. The suspended officer is only suspended from the office not from voting or running for an office.
- D. In the event a suspension carries from one year to the next, the suspended officer can be elected, however, cannot hold that office until the case has been adjudicated. In the event the officer is elected to the Office of President (any level) all rights and privileges of the Office of President are on hold. Therefore, any appointments or decisions usually made by the Office of President will be made by the Senior Vice-President or a higher level.
- E. Suspensions affected under this Section shall not be subject to appeal.

SECTION 8

Appeals

Any member on which Disciplinary Action is taken shall have the right to appeal such an action.

Appeals Initiated From Auxiliary Actions

Appeals to the Department President shall be made within fifteen (15) days of the imposition of penalties by a Disciplinary Hearing Panel.

All appeals shall be made in writing and be mailed by registered or certified mail, return receipt requested, to the Department President at the Department Headquarters or mailing address of the Department President.

The written appeal criteria shall:

1. State the facts of the case based on the evidence introduced at the hearing.
2. Make a clear and concise statement of the reason or reasons upon which the member claims the case was erroneously decided.
3. State the relief requested by the member.

Failure of the member to address any one of the aforementioned requirements in their appeal are grounds for denying the appeal.

Upon receipt of a proper written appeal, the Department President shall request that the Department Secretary maintaining the Hearing Record forward the Appeal to the initiating Auxiliary within five (5) calendar days. The Department President will also provide a copy of the written appeal to the prosecutor, who shall have fifteen (15) days from the receipt of the copy to make a written response directly to the Department President. The prosecutor will also mail a copy of their written response to the accused. The accused or their counsel shall then have fifteen (15) days from the date of such response to make a further written submission to the Department President. Once accomplished, the

Department President shall decide the appeal and inform the accused and the Auxiliary President in writing as to their determination. The decision of the Department President is final unless within fifteen (15) days an appeal is made to the National President. Such an appeal must be made in writing and mailed by registered or certified mail, return receipt requested, to the National President at National Headquarters in Kansas City. The appeal must include the three (3) criteria previously listed.

Upon receipt of a properly written appeal, the National President shall request the Department President forward to them the Hearing Record, together with any papers submitted by the parties on appeal. The National President will, within fifteen (15) days, unless extenuating circumstances exist (Example: foreign travel), decide the matter and inform the member, the pertinent Auxiliary President and the Department President of that decision. The decision of the National President is final unless an appeal is made to the National Council of Administration within fifteen (15) days of the National President's decision. Such appeal shall be in writing and shall be mailed by registered or certified mail, return receipt requested, to the Chairman of the Committee on Appeals of the National Council of Administration at National Headquarters in Kansas City. The appeal must include the three (3) criteria previously listed.

Upon receipt of a properly written appeal, the Chairman of the Committee on Appeals shall request the National President forward the Hearing Record and any papers submitted by the parties on appeal(s). The Chairman shall advise the committee members of a time and place the matter will be considered and decided. Upon a recommendation by the Committee on Appeals, the National Council of Administration shall decide the appeal and subsequently inform all concerned of its decision in writing. The member shall have the right to appear, at their own expense, personally or by counsel, at such time and place as the matter is considered.

Appeals From Department President/Department Council of Administration Initiated Actions

Appeals from disciplinary actions initiated by the Department President shall be to the National President. Such an appeal must be made within fifteen (15) days of the imposition of a sentence by the Disciplinary Hearing Panel. All appeals will be made in writing and shall be mailed by registered or certified mail, return receipt requested, to the National President at National Headquarters in Kansas City. The appeal must include the three (3) criteria previously listed in the Appeal from Auxiliary President Actions. Upon receipt of a properly written appeal, the National President shall request that the Secretary maintaining the Hearing Record forward the same to them within fifteen (15) days. The National President will provide a copy of the written appeal to the prosecutor, who shall have fifteen (15) days from the receipt of the copy to make a written response directly to the National President. (A copy will be mailed to the accused and their counsel.) They shall have fifteen (15) days to submit a reply. Thereafter, the National President shall decide the appeal and inform the accused and the Department President. The decision of the National President is final unless an appeal is made to the National Council of Administration within fifteen (15) days. Such appeal shall be made in the manner specified in the foregoing subsection for appeals to the National Council of Administration for cases initially appealed to the Department President.

Appeals From National President

Appeals from disciplinary actions initiated by the National President shall be addressed to the National Council of Administration. Such an appeal must be made within fifteen (15) days of the imposition of sentence, by the Disciplinary Hearing Panel. All appeals shall be in writing and mailed by registered or certified mail, return receipt requested, to the Chairman of the Committee on Appeals of the National Council of Administration at National Headquarters in Kansas City. The appeal must include the three (3) criteria previously listed.

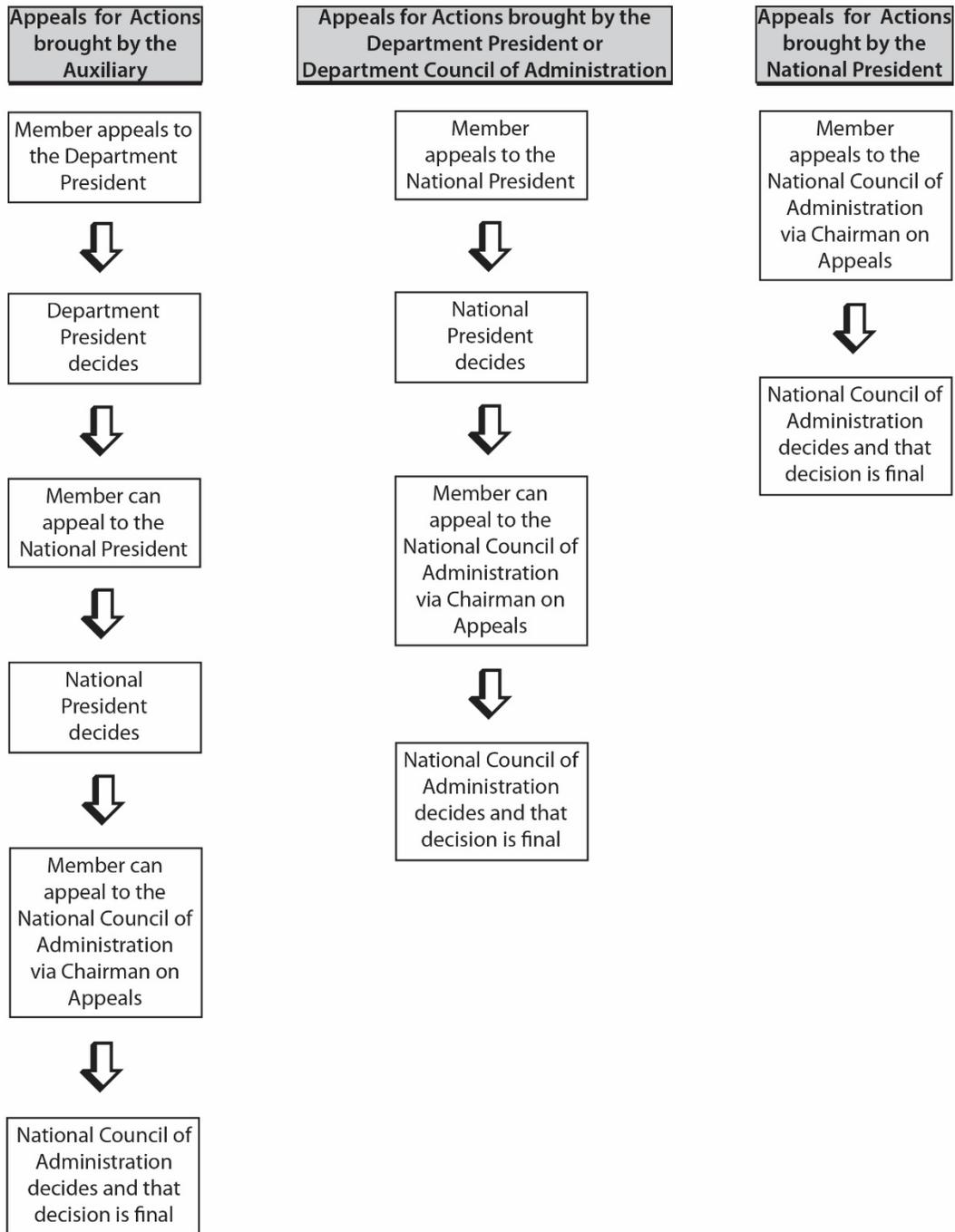
Upon receipt of a properly written appeal, the Chairman of the Committee on Appeals of the National Council of Administration shall request the Secretary maintaining the Hearing Record forward the same to the National Secretary within fifteen (15) days.

The Council will provide a copy of the written appeal to the prosecutor who may, within fifteen (15) days, submit a written response directed to the National Council of Administration. If a response is submitted, it shall be mailed to the accused and Defense Counsel, who may file a response thereto within fifteen (15) days. The National Council of Administration shall advise the member of a time and place the matter will be considered and decided. The National Council of Administration shall determine the manner in which the matter will be considered. The member shall have the right to appear, at their own expense, personally or by counsel, at such time and place where the matter is considered.

Upon recommendation by the Committee on Appeals, the National Council of Administration will decide the appeal and subsequently will inform the accused in writing of its decision. That decision is final.

Timeliness of Appeals to the National Council of Administration:
Normally, appeals received greater than thirty (30) days before the next scheduled regular meeting will be heard at that meeting. Appeals not within this timeframe may, at the discretion of the National President, be referred to the council for deliberation at a future scheduled meeting.

Appeals Flowchart



SECTION 9
Sample Script for Hearing

INTRODUCTORY STATEMENT
FOR THE
PRESIDENT OF A DISCIPLINARY HEARING PANEL

1 GAVEL RAP

- This Hearing is called to order.

- Brothers and Sisters, please take your places.

- This proceeding shall be conducted pursuant to the Booklet of Instructions for Discipline & Disciplinary Actions of the Veterans of Foreign Wars of the United States Auxiliary.

- This proceeding is a Disciplinary Action Hearing for the accused, XXXXXXXXXXXXXXX, Members of VFW Auxiliary XXXX, located in _____, _____.

- This action was initiated by the VFW Auxiliary President of the Department of _____.

- The accused has invoked their right under the Bylaws to request a Disciplinary Hearing.

- Special Order No. _____, issued by VFW Auxiliary _____ President appointed this Disciplinary Hearing Panel.

- That Order reads as follows: *(Read the Special Order appointing the Disciplinary Panel (DA-6). If there has been a later order issued changing the detail for the Panel, the President should also read*

the new order or at least the names of any substituted members or other changes.)

- **The primary purpose of this hearing is to afford ~~XXXXXXXXXXXXXX~~ notice of the Charges and evidence against them and give them the opportunity to respond to those Charges and that evidence.**
- **This hearing will be closed to spectators.**
- **Before we start, I would like to explain our process for today's hearing.**
- **As indicated in the order appointing a disciplinary hearing panel, I have been designated to act as President of the Panel.**
- **In addition to having the same duties, powers and privileges as other members of the Panel, I am charged with maintaining order and giving the necessary directions for the conduct of this Hearing.**
- **Questions and objections should be directed to me, the President.**
- **I will rule upon all questions concerning the admissibility of evidence, the competency of witnesses, continuances, adjournments, recesses, motions and orders as well as on the propriety of any argument or statement of counsel.**
- **I may consult with other members of the Panel before ruling upon some matters.**

- If a member of the panel objects to the ruling, that member may request that a vote be taken by the Panel on that ruling.
- Under our procedures, it is not necessary to have a verbatim transcript of these proceedings as the hearing will be tape recorded and/or video recorded.
- I would ask that all participants cooperate in not talking over one another and in using their best effort to ensure that the proceedings are properly recorded.
- Please identify yourself when you first speak on a matter.
- The witnesses will identify themselves as part of their testimony.
- Exhibits and other documents are always referred to by some identifying information such as the exhibit number or the date of the document so people listening to the tape will know who is talking and what they are talking about.
- PLEASE NOTE: These proceedings are not intended to be held as a formal court proceeding.
- We are all not lawyers and this isn't a courtroom; however, we do have rules to follow that are intended to help provide for a full and fair hearing and to move this proceeding along in an orderly and efficient manner.
- Persons to be called as witnesses, will be sequestered if possible until called upon.

- **Once they have provided their testimony and it's been determined that they are not subject to being recalled by either the prosecutor or the defense, they shall be dismissed.**
- **The first order of business will be the selection of the Panel.**
- **The entire panel shall initially be seated.**
- **Each side may challenge any member or members, but those members may be removed only for good cause.**
- **Good cause includes, but is not limited to, prejudice for or against a party, financial or other interest in the outcome or inability to afford an impartial hearing.**
- **The challenging party shall state the reasons upon which that party believes good cause exists.**
- **When a member of the panel is challenged for cause, I, as Panel President will decide on the question.**
- **No further panel members may be excused for cause when the effect is to reduce the number of the panel members below three.**
- **The Panel President cannot be challenged.**
- **After the Panel is selected, they will swear to judge the case fairly and impartially and will be seated.**

- After the Panel is confirmed, the Charges and Specifications shall be read to the Accused by myself unless the Accused advises the Panel that they have read the charges and need not be read.
- The Accused shall be required to plead guilty or not guilty to each charge and specification separately.
- The pleas will be recorded on the Form of Record of Disciplinary Action (DA-8).
- After the Charges are read and the defendant(s) have plead, the Defense Counsel will have an opportunity to raise and have considered by the panel any objections they have to the procedure as far as the initiation of the Charges, the adequacy of the Charges to fairly inform the Defendants of the offenses, and the conduct of the hearing to that point.
- Defense Counsel or the Accused must make their objections know to the Panel before the opening statements are given and evidence heard.
- Hopefully, any procedural problems can be straightened out to everyone's satisfaction at the time.

(The Panel President should have a Stopwatch to time statements)

- After that, each side, beginning with the Prosecutor, will have an opportunity to make a 5 minute¹ opening statement outlining

¹ The Panel can decide how long to allow. Five to ten minutes would usually be sufficient.

what each believes the issues are and what each expects to show by the evidence.

- **After their opening statement, the Prosecutor will introduce their evidence.**
- **The Prosecutor must introduce evidence and witnesses that will support the Charges and Specifications in order to prove an offense.²**
- **When the Prosecution rests, the Defense may proceed to introduce evidence.**
- **Each side may then present rebuttal evidence, with the Prosecutor going first.**
- **Counsel for both sides shall have the opportunity to cross-examine each witness.**
- **If an objection is made, I, as Panel President, will rule on that objection, consulting with the members of the Panel, as necessary.**
- **After all of the evidence is completed, each side will have an opportunity to make a 5-minute closing argument.³**

² The President should make sure that the prosecutor realizes they have an obligation to demonstrate, with testimony or other evidence, even if it consists only of testimony by a witness of what the defendant said that might constitute an admission of the offense. The prosecutor cannot simply state or argue the facts to the Panel.

³ Again, the Panel can decide how long to permit for closing arguments. Additionally, all parties should be reminded that the Disciplinary Panel has an obligation to receive, review, and evaluate the testimony of all parties. If testimony or evidence is presented indicating that additional violations of the By-Laws may have occurred, or obviously false statements have been placed into the record, they will be referred to the Department President or National President for further review and action as appropriate.

- The Prosecutor will go first and may save a part of their allotted time for rebuttal.
- After closing arguments, the Panel will retire and deliberate.
- This concludes my introductory statements.
- Are there any questions?
- If not, then we shall proceed with the Panel Selection.

PANEL SELECTION

- The list of Panel Members appointed was provided to the Prosecutor and the Defense Counsel and/or to the Accused.
- I am now going to pose some questions to the Panel Members. If your answer is “yes,” please raise your hand.
 - a.* Are any of you related to the Accused?
 - b.* Do any of you know the Accused, either of the lawyers, or any of the witnesses in this case?
 - c.* Do any of you have an interest or stake of any kind in this case?
 - d.* To the extent that you have heard anything about this case, have any of you expressed or formed any opinions about it?
 - e.* Are any of you aware of any bias or prejudice that you have toward either the defendant or the prosecution?
 - f.* Do any of you NOT understand that in a disciplinary hearing the defendant is presumed innocent until proven guilty?

- g. Do any of you NOT understand that the Prosecution has the burden of proving the Accused is guilty based on reasonable belief that the offense was committed, and the Accused does NOT have to present any evidence in their behalf if they so choose?**
- h. Finally, do any of you know of any reason why you would not be impartial in this case, and be able to render a true and just verdict, based solely on the evidence and the Bylaws of the VFW Auxiliary?**

- Does the Prosecutor wish to challenge any of the Panel Members?**

Wait for response –

If there is a challenge, ask for the grounds. The President decides if the challenge is worthy and may dismiss a panel member. If the President determines the challenge is not worthy of dismissal, they will so state.

- Does the Defense Counsel wish to challenge any of the Panel Members?**

Wait for response –

If there is a challenge, ask for the grounds. The President decides if the challenge is worthy and may dismiss a panel member. If the President determines the challenge is not worthy of dismissal, they will so state.

- We have a Panel at this time.**

Swearing in of Panel

- The Panel members will please rise.**
- Please raise your right hand and repeat after me:**

(President takes the oath along with the other Panel Members)

- **I, *(state your name)*, do hereby solemnly swear or affirm that I will judge this case fairly and impartially.**
- **Please be seated.**

Charges & Specifications

- **We will now have the reading of the Charges and Specifications.**

Reading of Charge 1 Specification 1

- **How does the Accused Plea?**

Accused responds Guilty or Not Guilty

- **Let the record reflect that the Accused has plead _____**

Reading of Charge 1 Specification 2

- **How does the Accused Plea?**

Accused responds Guilty or Not Guilty

- **Let the record reflect that the Accused has plead _____**

NOTE: this must be done for every Charge and every Specification for each Defendant or Accused. Add additional Charges and Specifications as needed.

Identification for the Record of the Prosecutor and the Accused and their Defense Counsel, if any

- **The VFW Auxiliary Department of _____ is represented by _____, who is the Prosecutor in this case.**
- **Please stand.**

- The Defendant is represented by _____ and co-counsel is _____.
- Will the Accused and their Counsel please stand.
- Thank you. You may be seated.

Procedural Objections

- Does the Prosecutor or the Counsel for the Accused have any Procedural Objections?

These would be claims that correct disciplinary action procedure was not followed. The President would then rule on any objections.

Opening Statements

Prosecutor

- The Prosecutor will now make their Opening Statement. Please limit it to _____ (the agreed upon time limit).

Counsel for the Accused

- The Counsel for the Accused will now make their Opening Statement. Please limit it to _____ (the agreed upon time limit).

Introduction of Witnesses and Evidence

- The Prosecutor will call their first witness.

The Panel President will swear in the witness. *The Prosecutor will call witnesses to support the Charges.*

- **Please state your name. Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth in the matter before this panel today?**

Witness will reply.

Witness will answer questions from the Prosecutor. When finished the Counsel for the Accused has opportunity to question the witness.

- **Does the Counsel for the Accused have any questions for this witness?**

The Counsel for the Accused may ask questions of the witness.

If the Counsel for the Accused has no questions for that witness the witness is excused.

If the Counsel for the Accused questions the witness the Prosecutor has opportunity for rebuttal questions.

- **Does the Prosecutor have any further questions for this witness?**

Wait for response.

- **If not, the witness is excused.**

This will continue until the Prosecutor has called all their witnesses.

- **Does the Prosecutor have any further evidence to present?**

Wait to reply.

- **The Counsel for the Accused will call their first witness.**

The Panel President will swear in the witness. The Counsel for the Accused will call witnesses to support the plea of the Accused.

- **Please state your name. Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth in the matter before this panel today?**

Witness will reply.

Witness will answer questions from the Counsel for the Accused. When finished the Prosecutor has opportunity to question the witness.

- **Does the Prosecutor have any questions for this witness?**

The Prosecutor may ask questions of the witness.

If the Prosecutor has no questions for that witness the witness is excused.

If the Prosecutor questions the witness, the Counsel for the Accused has the opportunity for rebuttal questions.

- **Does the Counsel for the Accused have any further questions for this witness?**

Wait for response.

- **If not, the witness is excused.**

This will continue until the Counsel for the Accused has called all their witnesses.

- **Does the Counsel for the Accused have any further evidence to present?**

Wait for reply.

- **Rebuttal Evidence**

- **Does the Prosecutor have any rebuttal evidence to present?**

Wait for reply.

- **Does the Counsel for the Accused have any rebuttal evidence to present?**

Wait for reply.

Closing Arguments

a. Prosecutor

- **The Prosecutor will now make their Closing Statement. Please limit it to _____ (the agreed upon time limit).**

a. Counsel for the Accused

- **The Counsel for the Accused will now make their Closing Statement. Please limit it to _____ (the agreed upon time limit).**

Panel Deliberation

- **The Panel will now deliberate. Any person not on the Panel will leave the room with the exception of the Recorder (and the videographer, if applicable).**

Once the Panel has come to a conclusion, the Prosecutor, Accused and the Counsel for the Accused will be allowed back into the room.

Panel Decision

The President of the Panel will announce the findings of the Panel in the following manner:

If the Panel finds the Accused guilty (or not) of all Charges and Specifications, the President will announce:

- **The Panel has found on all Charges and Specifications – Guilty or Not Guilty**

If the Panel comes to different findings on the Charges and Specifications the President will announce:

- **The Panel has found as follows on the Charges and Specifications:**

On Charge 1 Specification 1: Guilty or Not Guilty

On Charge 1 Specification 2: Guilty or Not Guilty

On Charge 1 Specification 3: Guilty or Not Guilty

On Charge 1 Specification 4: Guilty or Not Guilty

On Charge 1 Specification 5: Guilty or Not Guilty

On Charge 1 Specification 6: Guilty or Not Guilty

On Charge 2 Specification 1: Guilty or Not Guilty

ETC.

The Panel may impose one of the following sentence(s) pursuant to Bylaws Sec. 1107

- *Reprimand*
- *Suspension or removal from office (does not apply in this case as the Accused does not hold an office).*

- *Suspension of certain rights or privileges of membership for a specified period of time.*
- *Suspension from membership for a specified period of time.*
- *Termination of membership*
- *By other administrative action deemed appropriate.*

- **The Panel has imposed the following sentence:**
- **Reprimand**
- **Suspension or removal from office** (*does not apply in this case as the Accused does not hold an office*).
- **Suspension of certain rights or privileges of membership for a specified period of time.**
- **Suspension from membership for a specified period of time.**
- **Termination of membership**
- **By other administrative action deemed appropriate.**

Note: Form of Record of Disciplinary Action (DA-7), and Findings and Sentencing Form (DA-6) must be completed and forwarded to National President.

Read all of the following into the record of the Hearing:

Appeal:

- **Any member on which Disciplinary Action is taken under Article XI shall have the right to appeal such action.**
- **The written appeal shall:**

1. **State the facts of the case based on the evidence introduced at the hearing.**
 2. **Make a clear and concise statement of the reason or reasons upon which the member claims the case was erroneously decided.**
 3. **State the relief requested by the member.**
- **Failure of the member to address any one of the aforementioned requirements in their appeal are grounds for denying the appeal.**
 - **Please refer to the Booklet of Instructions for Discipline and Disciplinary Actions for detailed instructions for an appeal.**
 - **This concludes this hearing. (1 GAVEL RAP)**
 - **I would like to thank the Panel members for their time and commitment to this process.**
-