

[CR&R-ARTICLE IV DISCIPLINE SECTION]



Auxiliary to Sons of
Union Veterans of the
Civil War

JUNE 2015

ARTICLE IV Discipline

Section 1. The offenses cognizable by the Auxiliary to Sons of Union Veterans of the Civil War shall be:

- First -- Disloyalty to the United States of America, or any other violation of any pledge given at the time of initiation or obligation taken at the time of assuming any office of the Order.
- Second -- Disobedience of the Constitution, Rules and Regulations, By-Laws, and Policies or other lawful orders issued by the Auxiliary to Sons of Union Veterans of the Civil War, emanating from proper authority.
- Third -- The commission of a serious misdemeanor or any felony crime against the laws of the United States or any State or Commonwealth thereof.
- Fourth -- Conduct unbecoming a Sister in her relation to the Order.
- Fifth -- Conduct prejudicial to good order and discipline.

Section 2. The penalties allowed shall be the following, in order of severity:

- First – Reprimand.
- Second -- Degradation from office.
- Third -- Degradation of honors.
- Fourth -- Suspension from membership for a specified period.
- Fifth – Dishonorable discharge from the Order.

If any of the above penalties are found to be applicable by a hearing council; it will be issued in duplicate by the hearing council chair with a copy retained by the secretary of the auxiliary, department, or national, and a copy given to the offender.

Section 3. All accusations shall be made in the form of charges alleging a violation of one or more of the offenses as contained in Section 1 of this Article and specifications as to the specific acts that are alleged to constitute the violations.

Section 4. When a Sister brings charges against a Sister of the same Auxiliary, the charges and specifications shall be submitted in writing to the President of the Auxiliary.

Section 5. When a Sister brings charges against a Sister of another Auxiliary within the same Department, the charges and specifications shall be submitted in writing to the Department President.

Section 6. When a Sister brings charges against a Sister of another Auxiliary in another Department, the charges and specifications shall be submitted in writing to the Department President in which the accused is a Sister.

Section 7. All accusations must be made by one or more Sisters against one or more Sisters. Charges cannot be filed against an Auxiliary, a Department or the National Organization, nor can charges be filed by an Auxiliary or Department. When charges are filed against a Sister who maintains multiple memberships, the charges shall be filed within the jurisdiction where the offense occurred. If the offense occurred at a location outside the jurisdiction of those localities where the accused has membership, the Sister

filing the charges may file them with any competent jurisdiction having the right to hear the charges.

Section 8. When a complaint is received consisting of charges and specifications, the President so receiving the Complaint shall appoint a hearing council within 45 days, which shall consist of five (5) Sisters who can fairly and justly hear the matter and issue a fair and just decision. If the President so appointing cannot locate sufficient Sisters within her command, she may call upon adjoining commands to furnish Sisters for the hearing council. The President so receiving the Complaint shall insure that the accused is provided a copy of the charges and specifications to the accused within 21 days and these charges and specifications shall not be disclosed to anyone until the accused has been provided with a copy thereof.

Section 9. The party preferring charges and the accused may challenge for cause the membership of the hearing council and may request the hearing council to remove one or more members of the hearing council. The party making the request must show actual bias and likelihood that the hearing council member cannot fairly hear and decide the issues. An affirmative vote of the majority of the remaining members of the hearing council is necessary to remove a member from the hearing council. If a member of the hearing council is removed or resigns, then the appointing authority shall select another Sister of the Order to replace the removed/resigned member. After resolution of the composition of the hearing council, the hearing council shall proceed with their hearings.

Section 10. Upon appointment of the hearing council, the hearing council shall elect a chairman. The hearing council shall then convene within 90 days unless all parties agree to a later date, and shall give at least ten days' notice to the party preferring the charges and to the accused by certified mail, and shall state in such notice the time and place for the hearing. The hearing council shall have the power to postpone or continue the hearing, subpoena witnesses and shall impartially ascertain all the facts relative to the issue. A party to the issues may submit their evidence and argument by written statement, rather than personally attend a hearing.

Section 11. The National President shall be tried for alleged offenses only on the request of three (3) elected or appointed National Officers of the Auxiliary to Sons of Union Veterans of the Civil War and, upon such request, a hearing council shall be convened by the National Vice President and shall consist of the elected members of the National Council and two (2) Past National Presidents. The National Vice President shall preside over the hearing council, but abstain from voting. If an elected National Officer and/or Past National President is the one preferring charges against the National President, she shall not be among those requesting a hearing council and shall not serve on the hearing council.

Section 12. The hearing council shall conduct the hearing in an informal manner so as to do substantial justice between the parties, according to the rules of substantive law. The statutory provisions or legal rules of practice, procedure, pleading, or evidence, except provisions relating to privileged communications, shall not bind the hearing council. The sole object of the hearing is to dispense expeditious justice between the parties. The

hearing council shall conduct the hearing in conformance to the Constitution, Rules and Regulations, policy and any orders as may be issued by the National President. In the absence of the accused, after due notice of the time and place of hearing has been given her, hearing council may proceed in all respects as if she were present and not pled guilty.

Section 13. (A). All Sisters of the ASUVCW when summoned shall attend as witnesses before any hearing council and their testimony shall be taken on their honor as Sisters. Their testimony may be provided by written deposition if the Sister is unable to attend in person.- The hearing council need not make a transcript of the proceedings, but shall make an audio record of the proceedings. Any party submitting exhibits or affidavits to the hearing council shall also provide exact copies of the same to the opposing party.

(B). The hearing council shall then make specific findings of fact and issue their decision as either guilty or not guilty as to each specification, 2/3's affirmative vote necessary to convict. If a guilty verdict is determined, the hearing council shall then determine an appropriate penalty as to the matter. Said penalty shall be effective throughout all Auxiliaries, Departments and the National Organization.

(C). Such sentence may include an assessment of costs actually incurred, to be paid by the accused, so long as the hearing council agrees to such assessment and the amount to be taxed unanimously. Should the accused be found not guilty of all counts, the petitioner may be assessed actual costs of the proceeding, if the hearing council unanimously finds the complaint to have been frivolously filed and agrees unanimously as to the amount of such costs.

Section 14. No sentence of dishonorable discharge from the ASUVCW shall become effective, until the whole proceedings shall have been forwarded to the National President, with the recommendation of the Department President attached, for her confirmation or disapproval. Sentences of less than honorable discharge become effective at the time of the decision. However, if a timely appeal is filed, then the sentence does not become effective until the Appeals Panel renders its decision. This section is not applicable when the hearing council is convened by order of the National President.

Section 15. When charges are preferred against any Sister holding office, the Department President or the National President, in their respective jurisdiction, may suspend the accused from office. During the suspension of an elected Auxiliary or Department officer, their place shall be filled by a Sister appointed by Council to fill the suspended officer's position. During the suspension of an appointed officer, the authority making the original appointment shall appoint someone to fill the office during suspension. If the accused is a Department President, then only the National President may suspend the accused from office. When the accused is the National President, a unanimous vote of the National Council to suspend is required.

Section 16. In case the accused is charged with an offense under Section 1, paragraph 3, of this Article, the record of her conviction by a court of competent jurisdiction shall be prima facie evidence of her guilt of the offense of which she is charged.

Section 17. A National President may take summary discipline under the following procedure:

(A) Complete and file with the National Council, a Complaint with charges and specifications per this Article. A majority vote of the Council is required to support the charges and specifications and authorize the National President to proceed, the National President abstaining from participating in such vote and the National Vice President may only vote to break a tie. Such presentation and vote may be taken by electronic means of communication. Such summary discipline may only suspend a Sister from her status as a Sister in good standing and/or such summary discipline may temporarily suspend an officer of their duties.

(B) The National Vice President then appoints a hearing council as per this Article. The matter shall proceed as per this article, however, a majority vote of the National Council replacing the National President affirms any decision involving dishonorable discharge from the Order.

(C) If the discipline sought includes removal of an elected National Officer from office, two-thirds affirmative vote is required, the National President abstaining from voting and the National Vice President only voting to break a tie. The accused shall not be present in the National Councils meeting room when the vote is taken. Such a vote is to be by secret ballot and the ballots to be destroyed upon the announcement of the vote.

(D) Upon removal of an elected National Officer, the National President, with the concurrence of the National Council, may then make a provisional appointment to fill the vacancy until the next National Encampment. There shall be no appeal of the ruling by the National Council to the next National Encampment, unless the Sister was removed from membership in the Order, in which case, the Sister removed must file notice of appeal within thirty (30) days from the effective date of the order removing her from membership. Nothing herein shall prevent a Sister still in good standing, who has been removed from National Office, from being nominated and elected to the office she was removed from.

Section 18. An appeal may be taken from the action of a hearing council as appointed by an Auxiliary President, to the Department President. An appeal may be taken from the action of a hearing council as appointed by a Department President, or an appeal panel appointed by a Department President, to the National President. Such appeal shall detail the reasons for the appeal and contain appropriate argument as to why the appeal should be granted. Such appeal must be filed within thirty (30) days of the issuance of the final sentence.

Section 19. Upon an appeal, the party appealing to the authority receiving the appeal shall transmit all records and exhibits. The chair of the hearing council shall forward the audiotape of the proceeding to the authority receiving the appeal.

Section 20. Whenever a Department President or the National President shall receive an appeal, they shall appoint a three-member appeals panel within 90 days. Such appeals panel shall consist of Sisters of this Order and shall, so far as practicable, not be acquainted with the individuals involved or as to the factual matters in dispute. Should it not be possible to reasonably find Sisters of the Order who are not acquainted with the individuals or the factual matters, then the appeals panel shall be selected from those Sisters of this Order who can fairly and justly hear this appeal and issue a fair and just decision.

Section 21. The appeals panel shall notify the opposite party on appeal, who shall then be entitled to file written objection to the appeal, accompanied by written argument. The appeals panel may, but shall not be required to, hold a hearing where the parties may appear to present further oral arguments.

Section 22. The appeals panel shall then render their decision. No sentence of dishonorable discharge from the ASUVCW shall become effective, until the whole appeal shall have been forwarded to the National President, for her confirmation or disapproval.

Section 23. The decision of an appeals panel appointed by the National President, upon the conclusion of the process as outlined in Section 22, is final and no further right of appeal exists. A party may request leave to appeal to a National Encampment, which request must be made within 30 days of the issuance of the decision of the appeals panel appointed by the National President. Any decision of the National Encampment is final and may not be reviewed by any authority at any future time.

Section 24. Any Sister of the Order having any type of dispute with another Sister of the Order, concerning any matter involving the Order and not directly involving third parties who are not members of the Order, shall not file any legal action in any court anywhere, unless she shall first exhaust all remedies within the Order, including but not limited to, the filing of charges under this Article.

Section 25. Any Member, Associate, Junior or who (1) resigns while under suspension must receive a majority vote of the Department Encampment to which she belonged at the time of resignation to re-join the Auxiliary to Sons of Union Veterans of the Civil War after receiving the endorsement of the Auxiliary to which she formerly belonged; (2) received an Honorable Discharge for the Good of the Order must receive a majority vote of the Auxiliary or Department Encampment, if a Department Member-at-Large, to which she belonged at the time of resignation to re-join the Auxiliary to Sons of Union Veterans of the Civil War; (3) received a Dishonorable Discharge as the result of a disciplinary procedure shall not be re-admitted to the Auxiliary to Sons of Union Veterans of the Civil War.