

North Carolina SAR Discipline, Procedure, and Due Process Policy

Section 1. State Ethics Committee. When necessary, the NCSSAR President will appoint a State Ethics Committee. The committee will be composed of no fewer than five voting members including at least two (2) past State Presidents, and such other members as needed to have an odd number of committee members. The President will appoint one of the committee members as the committee chairman who will preside over any investigations or hearings. One member of the committee will be appointed as the secretary for the purpose of recording and taking notes of the testimony before the committee. If any member of the committee recuses himself because of a conflict of interest, then the President will appoint a replacement member.

Section 2. State Ethics Committee Procedures. After referral of a report or complaint to the State Ethics Committee, it shall review the information presented including the reports of any investigations. The Committee will first consider whether the conduct alleged in the report or complaint, if true, constitutes a material violation of the ethical standards of the NCSSAR, as defined in Article XV §2 of the NCSSAR Bylaws. The State Ethics Committee will review the report or complaint, reports of the investigation and all evidentiary materials submitted or generated during such investigation to determine whether there is a sufficient basis to proceed with a hearing.

a. If the Committee determines that the alleged conduct does not constitute a material violation of any of those ethical standards, they will take no further action and dismiss the report or complaint.

b. If the Committee determines that the alleged conduct may constitute a violation, they will provide the factual allegations to the respondent (or “subject”) and request that the subject respond to those allegations. The response must be in writing and must be signed and dated by the subject.

c. If the Committee determines that a hearing is necessary, the chairman will notify the subject of the alleged violation, the complainant (if applicable), and any potential witnesses of the hearing time, date, and location. The notices shall be made in a manner designed to ensure that everyone is apprised of the hearing and may be made by multiple methods but at least one notice to each person must be sent by USPS registered mail return receipt requested. The method of notice shall be documented. The hearing is closed to the public and to other SAR members, and the only people permitted in the hearing are the State Ethics Committee members, any investigators who participated in the investigation, the subject of the report or complaint and his attorney (if applicable), or his advocate, and any witnesses while they are giving testimony. The subject of the complaint may retain an attorney so long as he is a member of the SAR. Alternatively, the subject may have an advocate to assist him who must be a member of the SAR. All participants in the hearing must preserve the confidentiality of the proceedings. At the conclusion of the hearing the Committee will consider the materials and testimony and make a decision that will be transmitted to the NCSSAR President.

The hearing will be conducted as follows:

1. The hearing will be recorded, and a transcript made of the proceedings. The Ethics Committee may employ a court reporter, a recording device, or any other method legal in North Carolina.
2. The hearing will be informal and the rules of evidence and procedure, which may be applicable in North Carolina, are not in effect.
3. The order of the hearing will be as follows:
 - i. All witnesses will be sworn in.

ii. The investigator for the NCSSAR will make an opening statement.

iii. The subject, his attorney or his advocate may make an opening statement.

iv. The chairman shall call any witnesses who have information relevant to the complaint. The investigator may ask questions of any witnesses and any members of the committee may ask questions.

v. The subject, or his attorney or advocate may ask questions of any witnesses for the committee.

vi. The subject may then call witnesses on his behalf, and the members of the committee may ask questions of the subject's witnesses.

vii. At the conclusion of all witness testimony the chairman will allow the investigator and the subject or his attorney or advocate to make a closing statement.

viii. After all witness testimony and closing statements the committee will deliberate in private and reach a decision by majority vote.

ix. At the conclusion of the hearing all written materials introduced into the hearing will be collected and made a part of the record of the proceedings, along with a recording.

d. If the Committee finds that the subject of the report or complaint did violate ethical rules, then the Committee will send the complete record of the hearing as well as any recommended sanctions to the NCSSAR President who will forward this record to the Board of Managers. The

President must also notify the subject of the decision of the Ethics Committee. The Committee may recommend a sanction that may include but is not limited to the following:

1. If the subject is a state officer, director, or appointed official, they may recommend that he be removed from that office permanently or for a specific period of time.
2. If the subject is a chairman of any committees or a member of any committees, then they may recommend that he be removed from those committees permanently or for a specific period.
3. If the subject is involved in any activities on behalf of the NCSSAR such as color guard, participating in youth activities or participating in parades or other public events, then they may recommend that he be prohibited from participating in those activities permanently or for a specific period.
4. They may recommend that he be suspended from any or all chapter and state activities, meetings, or events permanently or for a specific period of time.
5. They may recommend probation for a specific period, stating the basis for the probation and setting forth any provisions of the probation. The subject will be advised that if the terms of probation are violated that the State Ethics Committee will take up the matter again and may recommend additional sanctions.
6. They may recommend that the subject be given a private admonition setting forth the prohibited conduct. A private admonition is confidential.
7. They may recommend that the subject be given a public reprimand setting forth the prohibited conduct and the reprimand

may be promulgated in any manner specified by the Board of Managers.

8. They may recommend that the subject be expelled from the NCSSAR.

e. A Compatriot who is the subject of a report or complaint is entitled to a hearing before the State Ethics Committee on the proffered allegations. However, the compatriot may waive his right to a hearing and agree to accept a sanction offered by the State Ethics Committee. The agreement must contain a statement in which the subject of the report or complaint waives his rights to a hearing and accepts the sanction. The agreement must contain the following provisions:

1. The agreement must be in writing and signed by the Compatriot and the chairman or vice-chairman of the State Ethics Committee;

2. The subject must acknowledge that the agreement is in lieu of a pending disciplinary proceeding;

3. The subject must agree to waive his right to appeal the sanction to the Board of Managers;

4. The type of sanction will be clearly specified and must conform to the sanctions listed in this Policy. Upon execution of the agreement by both parties the State Ethics Committee will retain jurisdiction over the report or complaint until the successful completion of the requirements in the sanction;

5. If the agreement is for the subject to resign from the NCSSAR, then it may also contain a provision that he not be allowed to reapply for membership for a period not to exceed 24 months;

6. The agreement shall be confidential, unless subsequent proceedings require that confidentiality provisions be removed for purposes of further enforcement;

7. The agreement is subject to approval by a two-thirds (2/3) majority vote of the Board of Managers.

f. The report of the State Ethics Committee is a recommendation. Any sanction will be determined by the Board of Managers, as detailed in NCSSAR Bylaws, Article XVI.

Approved by the 1/25/2025 BOM