

## **PROPOSED AMENDMENT No. 1**

Sponsor: Brandon Dorsey, The Stonewall Brigade #1296

**PURPOSE:** The Office of Division Treasurer was created in whom all funds of the Virginia Division are to be vested. It now appears that under Article XIII (Finance) that Section 3 requires the funds of the Division to be held by the Adjutant which contradicts the language creating the office of Treasurer which should have been amended as well.

### **ARTICLE XIII - FINANCE**

**OLD Section 3.** The annual per capita assessment shall be collected by the Division Adjutant, in whose custody it shall remain, and who shall assure that the monies collected are paid into the Division treasury no later than the time of the Convention.

**STRIKE:** the office of Division Adjutant and replace it with Division Treasurer.

**ADD:** *The Division Adjutant may take receipt of funds sent to him for late renewals, new members, and other funds which he shall turn over to the Division Treasurer in a timely manner.*

**REVISED Section 3.** The annual per capita assessment shall be collected by the Division Treasurer, in whose custody it shall remain, and who shall assure that the monies collected are paid into the Division treasury no later than the time of the Convention. The Division Adjutant may take receipt of funds sent to him for late renewals, new members, and other funds which he shall turn over to the Division Treasurer in a timely manner.

## **PROPOSED AMENDMENT No. 2**

Sponsor: The Nelson Grays #2123

**PURPOSE:** To perfect the membership renewal billing process for the Virginia Division Sons of Confederate Veterans.

### **ARTICLE IV - MEMBERSHIP**

**ADD THE FOLLOWING SECTION:**

The Virginia Division of the Sons of Confederate Veterans may not institute any membership renewal billing system, policy or procedure that operates in any manner so as to prevent, impede, obstruct or deny membership in the International Sons of Confederate Veterans. Specifically, no officer, appointee, agent or Virginia Division staff may withhold funds from the International Sons of Confederate Veterans tendered to the Division for the purpose of membership dues. This applies to any member who has established his qualifications for membership in the Sons of Confederate Veterans and has not been previously removed, or is under the penalty of suspension from the Sons of Confederate Veterans. The penalty for willfully withholding such funds is removal from office either elected or appointed.

### **PROPOSED AMENDMENT No. 3**

Sponsor: George Rogers, Captain Jack Adams #1951

**PURPOSE:** To establish the standard method on how we send amendments to each Camp. This will prevent an occurrence that happened at the 2007 Convention when the mailing date was challenged, and because every Camp does not have a mail address, or a Web site, or every officer does not have e-mail, and it brings our Constitution in line with General Headquarters Constitution.

### **ARTICLE XVIII - AMENDMENTS**

INSERT after the last sentence of Section 1:

*Amendments are to be sent United States (USPS) mail to either the Commander or the Adjutant at the Postal Address of that individual(s) on record with General Headquarters.*

**Revised Section 1.** This Constitution may be amended at any Division Convention by a two-thirds vote, provided that the amendment has been submitted to the Chairman of the Resolutions committee at least forty-five (45) days prior to the Convention and sent to each camp in good standing at least thirty (30) days prior to the Convention.

Amendments are to be sent United States (USPS) mail to either the Commander or the Adjutant at the Postal Address of that individual(s) on record with General Headquarters.

### **PROPOSED AMENDMENT No. 4**

Sponsor: B. Frank Earnest of the Norfolk County Grays #1549

**PURPOSE:** The current disciplinary rules within the Virginia Division Constitution contradict or are not in alignment with the recently adopted disciplinary articles of the national SCV Constitution. The existing language is also contradictory and presents significant opportunities for expensive legal challenge. The Division has been advised in the past to clarify its disciplinary procedures. While it is hoped that this language will be rarely needed, its procedures should be clear and in conformity to the National SCV Constitution.

**STRIKE - ARTICLE XVI - REMOVAL OF OFFICERS OR MEMBERS**

**INSERT - NEW ARTICLE XVI - DISCIPLINE and ADMINISTRATION**

**Section 1.** Members and/or elected officers of the Virginia Division and its Camps may be censured or suspended or removed from office or expelled from membership within the Virginia Division and its Camps upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty, conduct unbecoming a member of the Sons of Confederate Veterans, or the commission of an act repugnant to the Constitution

and Standing Orders of The Sons of Confederate Veterans or of the Virginia Division. Charges may be proffered by their Camp or by action of the Division Executive Council or the Division Convention. Officers which are appointed or not elected may be removed from office by their appointing officer or body with or without cause.

**Section 2.** Each camp shall be the judge of its own members and officers subject to review and appeal to the Division Executive Council and subject to the provisions of the Constitution and Standing Orders of the Sons of Confederate Veterans and the Virginia Division. A two-thirds majority vote of the membership of a Camp present at a disciplinary hearing shall be necessary to effect removal or censure unless the camp has adopted a disciplinary procedure and has incorporated it within its bylaws. Such action shall require a minimum of thirty (30) days notice to the accused and the membership of the respective Camp of the proposed disciplinary procedure. A report of the disciplinary proceedings of any camp must be submitted to the Division Adjutant and to the National Headquarters of the Sons of Confederate Veterans as soon as practicable. A member removed from membership in his respective camp should be transferred to the Virginia Division Headquarters Camp #530 (Alexander L. Hensley Camp).

### **Section 3. Disciplinary Procedure by the Division Executive Council**

**Section 3.1** Charges proffered against a member and/or an elected officer within the Virginia Division to the Division Executive Council shall be handled as follows: The Division Executive Council shall review the specific charges and shall determine if the charges are of sufficient merit in its judgment to proceed with disciplinary action which shall require a majority vote. If the charges are deemed to be of sufficient merit, the Division Inspector shall investigate the charges and prepare a report of his findings to be presented to the Division Executive Council at a disciplinary hearing which shall be held within ninety (90) days of the decision of the Division Executive Council to continue with disciplinary action unless both parties agree to a later date or a catastrophic event occurs. The accused officer or member shall be notified of the charges against him within fifteen (15) days of the decision to proceed with disciplinary action and shall be notified of the date and location of the disciplinary hearing at least thirty (30) days prior to its convening. The accused member or officer shall be invited to respond to the charges to the Division Inspector. All notices to the accused member or officer shall be presented in person by an officer of the Virginia Division or shall be sent via U.S. Mail with delivery confirmation.

**Section 3.2** If a disciplinary action is under consideration against an officer or member within the Virginia Division, said officer shall stand suspended from his office and/or membership upon a vote of the Division Executive Council that the charges proffered against said member are of sufficient merit to proceed to a disciplinary hearing. Said member shall be deemed a member not in good standing until the final resolution of the disciplinary hearing is determined.

**Section 3.3** The disciplinary hearing shall be convened in a closed session of the Division Executive Council. The charges against the accused member and/or officer

shall be read, then the report of the Division Inspector shall be presented. The accused shall then be given the opportunity to present a defense for himself against the charges. Witnesses shall only be called that can provide specific material to the charges and shall only be allowed into the hearing during their testimony. The Division Executive Council shall then consider the evidence presented and shall vote on the specific charges and determine the punishment for any charges deemed true in its own judgment. A two-thirds majority vote of all voting members of the Division Executive Council is required to remove an elected officer from office or to expel a member. A majority vote is required to issue a censure. A secret ballot may be used to conduct such voting.

**Section 3.4** A transcript of all removal proceedings shall be recorded by the Division Archivist or the Division Adjutant in the absence of the Archivist. Transcripts of removal proceedings shall, in normal circumstances, be sealed for a period of not less than 25 years. The membership shall be entitled to a report of any charges which are found to be true against an officer or member and the action taken as a result.

**Section 3.5.** Any actions resulting in the removal of membership from the Virginia Division shall be reported to National Headquarters of the Sons of Confederate Veterans and said member shall be deemed immediately transferred to the SCV Headquarters Camp #584.

**Section 4.** Any officer or member of the Virginia Division or its Camps may resign his office or membership upon the proffering of charges against him for disciplinary action. If an officer resigns his office, then he accepts and acknowledges that he cannot be considered for future office within the body in which the charges were proffered being either his Camp or the Virginia Division. If a member resigns his membership prior to a disciplinary hearing by the Division Executive Council or his Camp, he accepts and acknowledges that he cannot be considered for future membership within the body in which the charges were proffered being either his Camp or the Virginia Division.

**Section 5.** If a Camp or the Virginia Division wishes to have a member expelled from the Confederation, being expulsion from The Sons of Confederate Veterans in general, they shall proffer charges to the Disciplinary Committee according to the terms of the Constitution of The Sons of Confederate Veterans, within 30 days of the dispensation of the Camp's or Division's action. Such action does not constitute an appeal of the Camp's or Division's action.

**Section 6.** Any member removed from membership within the Virginia Division or any elected Division officer removed from office by the Division Executive Council may appeal this action to the Division Convention unless said member has also been removed from membership or office by The Sons of Confederate Veterans, being the general organization. A two-thirds majority shall be necessary to overturn the decision of the Division Executive Council.

**Section 7.** Any decision by the Virginia Division Convention to censure or expel a member shall be final; a two-thirds majority shall be necessary to decide.

**Section 8.** The Virginia Division Commander may be disciplined by the Division Executive Council or the Virginia Division Convention; a two-thirds majority shall be necessary to decide.

### **Section 9. Camp Suspensions**

**Section 9.1** The suspension of a Camp within the Virginia Division shall not affect the membership in the Sons of Confederate Veterans or the Virginia Division of Compatriots of such Camp, nor impair their tenure of office or eligibility as officers therein during such suspension.

**Section 9.2** The Division Executive Council may suspend any camp within the Virginia Division which fails to meet the obligations imposed upon it by this Constitution or the Constitution and Standing Orders of The Sons of Confederate Veterans, or commits an act repugnant to said constitutions and orders, or commits an act detrimental to the objects and purposes of the Virginia Division and Confederation.

**Section 9.3** Reinstatement for camp suspension shall take effect immediately upon receipt by the Division Commander or Division Executive Council of proper evidence that the issue of cause of suspension has been removed, corrected, or resolved.

**Section 9.4** Any Camp within the Virginia Division whose charter has been suspended or revoked by The Sons of Confederate Veterans or which has been suspended by the Division Executive Council shall not be entitled to any rights and privileges of the Virginia Division. The Division Commander is charged with the duty of working with the Camp or the officers thereof to remove the factors that necessitated the suspension.

**Section 9.5** The Division Executive Council, after suspending a camp from the Virginia Division, may recommend to the General Executive Council and Commander-in-Chief that the camp be suspended from The Sons of Confederate Veterans or have its charter revoked if the cause of such action appears in its judgment to be beyond resolve by other means.

**Section 10.** During the interim between Division Executive Council meetings, the Division Commander shall have the power to suspend any Camp or to suspend any officer from his office for conduct detrimental to the Virginia Division or Confederation upon proper proof; said action must be reported to the next regular meeting of the Division Executive Council which shall review the matter and determine if a disciplinary action should follow or if the suspension shall be rescinded.

### **PROPOSED AMENDMENT No. 5**

Sponsor: Brandon Dorsey, The Stonewall Brigade #1296

**PURPOSE:** The Virginia Division has a high quorum standard which is advisable.

Delegates travel long distances to conduct the business of the Convention. At times, some delegates choose to leave the Convention and to conduct other activities or tourism, etc. It is detrimental to work of the convention when they choose to do so if a quorum is lost and it wastes the time of the delegates which remain. If enough camps in good standing are in attendance to open the convention, then it should remain open until the delegates vote to adjourn. This language also mirrors that of the national constitution.

#### **ARTICLE V - DIVISION CONVENTION**

**ADD** to Section 4: *Once attained, a quorum cannot be lost.*

**REVISED Section 4.** A quorum shall exist at Division Convention when one-half of the total number of camps within the Virginia Division are represented at the Convention. Once attained, a quorum cannot be lost.