

Kansas Society  
Sons of the American Revolution



Handbook

Volume III:  
Ethics Violations and Procedures

Website: [kssar.org](http://kssar.org)

Drafted January 22, 2024  
BOG Approved February 3, 2024  
Kansas SAR Confirmed March 16, 2024

## **Section 1. Effective Date for Disciplinary and Ethics Procedure**

Since KS SAR Bylaw 12 involving Member Ethics and Discipline is new and is only effective after adoption at a KS SAR Annual Meeting, the application of Bylaw 12 to disciplinary matters starts from the effective date. Similarly, the procedure for handling disciplinary matters stated below is effective only after adoption. If a KS SAR Compatriot feels the necessity to file a Complaint against another KS SAR Compatriot concerning a matter that occurred before the effective date of either Bylaw 12 or the Disciplinary Procedure stated below, the matter will be deemed to have occurred before the effective date of the procedure and is not reviewable under KS SAR Bylaw 12 or the supporting Disciplinary Procedure. In short, Bylaw 12 and Disciplinary Procedure is effective only after adoption by the KS SAR and applies to matters after the effective dates.

- A. If a KS SAR Compatriot or applicant has had a criminal conviction prior to the effective date of Bylaw 12 or the Disciplinary Procedure, the effective date cutoff noted above would apply if the KS Compatriot or applicant has fully complied with their sentence and been re-instated to their full civil rights and privileges prior to the effective date of Bylaw 12 or the Disciplinary Procedure.
- B. If the KS SAR Compatriot or applicant is still listed on a Kansas or other states' listing as a violent criminal, drug criminal or criminal sexual predator, the effective date cutoff noted above would not apply since the KS SAR Compatriot or applicant would still be noted as a criminal after the effective date of Bylaw 12 or the Disciplinary Procedure.
- C. KS SAR is cautioned about solely using the lists noted above in B. as the basis for disciplinary procedure. Actions less than a formal Ethics or Conduct complaint may provide sufficient protection for the KS SAR.

## **Section 2 - Disciplinary Procedures for dealing with Conduct, Ethics, or Conflict of Interest Matters**

- A. Complaint Procedure.
  - 1. A KANSAS SAR Compatriot may have a complaint filed against them. The complaint would allege violations of either the NATIONAL SAR or the KANSAS SAR Bylaws.
  - 2. The Complaint shall be presented by a KANSAS SAR Compatriot who is in good standing with the KANSAS SAR. The KANSAS SAR Membership Secretary will decide any issues concerning "good standing." If the Membership Secretary finds the Compatriot is not in good standing, the Compatriot may appeal the decision to the KANSAS SAR Treasurer and two (2) available officers, other than the Membership Secretary.
  - 3. The Complaint will be presented to the Recording Secretary of the KANSAS SAR unless the person charged is the Recording Secretary. In this latter situation, the charge will be presented to the KANSAS SAR Chancellor.

4. Filing a Complaint against a fellow Compatriot is to be treated as a serious and final step since it involves the reputations and resources of multiple Compatriots and the KANSAS SAR. It is incumbent upon the Compatriot reporting the Complaint to first seek alternative methods to resolve any dispute including intervention or mediation from other Compatriots or third parties.

B. Applicability of NATIONAL SAR Codes and Jurisdiction.

1. NATIONAL SAR Bylaw 33, Section 1 as of (effective August 1, 2022), dealing with “Charges” states:

“A Compatriot may be charged for (1) violating the (a) Code of Business Ethics and Conduct; (b) Conflict of Interest/Code of Organizational Conduct; (c) Whistleblower Policy; (d) Record Retention Policy; or (e) Guidelines For NATIONAL SAR General Officer Candidates; or (2) for rendering himself unworthy of membership by engaging in felonious conduct or conduct disloyal to the ideals or prejudicial to the interests of the Sons of the American Revolution.”

2. NATIONAL SAR, by its “Member Discipline” section in Volume III, NATIONAL SAR Handbook (effective August 1, 2022) stated the difference between state and national jurisdiction for member discipline. A summary is below.

- a. State Jurisdiction. Any acts violating NATIONAL SAR or KANSAS SAR codes or principles of conduct committed within a state society by and concerning the members of that state society shall be investigated and decided by that state society.
- b. National Jurisdiction. Any acts violating NATIONAL SAR codes committed at a national society meeting or event, including a District event, or committed by a National General Officer, Trustee, Alternate Trustee, Vice President General, NATIONAL SAR committee member, SAR Foundation Board member, or other National Officer while performing their official national duties shall be investigated and adjudicated by NATIONAL SAR.
- c. If an act is not defined or included within the KANSAS SAR jurisdiction, it is deemed to be within the national jurisdiction.

3. If KANSAS SAR decides to discipline a Compatriot by expulsion, the decision of expulsion is automatically reviewable by NATIONAL SAR. The KANSAS SAR Secretary will forward all necessary information specified by the “Member Discipline” section of NATIONAL SAR Handbook, Volume III, to the NATIONAL SAR President General or Executive Director if the decision of the KANSAS SAR BOG is to expel the member.

C. Initial Review of Complaint

The receiving KS SAR officer will present the Complaint to the next meeting of EXCOM. EXCOM will determine if there is sufficient information stated in the Complaint to believe that a violation of NSSAR or KS SAR Bylaws has occurred and that a further investigation is necessary. EXCOM's vote concerning the Complaint will be recorded. EXCOM's initial review is similar to the review conducted by the NSSAR President General when NSSAR receives a disciplinary or ethics Complaint. See NSSAR Official Handbook, Vol. III.

1. If EXCOM believes there is insufficient information to proceed, EXCOM may vote to reject processing the Complaint through the KS SAR Disciplinary Complaint Process.
2. If EXCOM determines there is sufficient information to believe that a violation occurred, EXCOM shall direct that an investigation should be made and a record developed for presentation to the KS SAR BOG, EXCOM shall, then, appoint an investigator.
3. EXCOM's vote shall be memorialized in the minutes of the EXCOM.
4. EXCOM's decision concerning the disciplinary or ethics Complaint is reviewable by the KS SAR BOG in an executive session closed to the public. If the Compatriot who is the object of the Complaint is present at the KS SAR BOG session conducting the review of the EXCOM decision, the Compatriot who is the object of the Complaint will be excused from the KS SAR BOG.

#### D. Investigation Procedure

1. All allegations in the Complaint will be investigated by an elected officer not associated with the situation, excluding the KANSAS SAR President and any officer from the accused's chapter. The investigator will be appointed by EXCOM. The investigator will determine if there is sufficient evidence of a violation of the NATIONAL SAR or KANSAS SAR Bylaws.
  - a. The investigator will accurately transcribe any electronic or audio evidence to physical evidence to memorialize the electronic or audio evidence.
  - b. The investigator will reduce any witness statement(s) to a sworn written affidavit signed by the witness and duly acknowledged before a Notary Public.
  - c. If a witness declines to sign a written affidavit, the investigator will prepare a written version of his notes from the interview with the witness and include the observation that the witness refused to sign a sworn affidavit acknowledging the truth of the statements from a witness.
2. If the investigator concludes that there is sufficient evidence to believe a violation occurred, the investigator will present the evidence to the Compatriot who is the object of the Complaint and request a response from the Compatriot. The Compatriot does not have to respond.
3. In the event that a Compatriot has been convicted of a felony crime relevant to the charge being investigated, the investigator may provide evidence concerning the conviction as part of the investigation. The investigator will note whether the effective date restrictions noted in Section 1 apply.
4. After investigation by the investigator and response, if any, by the Compatriot, if the investigator determines whether the filing of the Complaint appears to be a

form of intimidation or bullying by the accuser, the investigator will report such determination to the KANSAS SAR special committee that will hear and decide whether to refer the Complaint to the KS SAR BOG. This special committee is defined in subparagraph 6 below. KANSAS SAR reserves the right to charge the Compatriot reporting the Complaint with a violation of the NATIONAL SAR or KANSAS SAR Bylaws if there is evidence of the use of the Disciplinary Procedures as a way to improperly injure another KS SAR Compatriot.

5. Following the investigation and response (see Paragraph 2 above), if the charge is deemed by the investigator to be more likely true than not true using a preponderance of the evidence standard, the investigator will recommend referral of the charge to the KANSAS SAR special committee.
6. The investigator's referral will be reviewed by the KANSAS SAR special committee consisting of the President, Vice President, Regional Vice Presidents, Recording Secretary, Treasurer, and Chancellor. The presiding officer may add other individuals to this group for the purposes of making a decision, particularly if the matter requires unique knowledge or expertise. The special committee, after a majority vote in favor, will refer the matter to the KANSAS SAR BOG for a decision. If one of the members of the special committee is being charged, that Compatriot shall not participate in this review and decision.
7. If the KS SAR special committee refers the matter to the KS SAR BOG, the Compatriot who is the object of the Complaint will be referred to as the charged Compatriot.

#### E. Hearing Procedure

1. The KANSAS SAR BOG may hear and decide the disciplinary matter at a regular quarterly meeting if the meeting will occur within 60 days of the special committee decision. If there is more than 60 days between the special committee decision and the next regularly scheduled KANSAS SAR BOG quarterly meeting, the KANSAS SAR President, or KANSAS SAR Vice-President, if the President is the charged, may schedule a special KANSAS SAR BOG meeting. BOG Quorum requirements do not apply to a disciplinary hearing.
  - a. The meeting may be held virtually by use of electronic communications, hardware and software.
  - b. Only Compatriots of the KANSAS SAR BOG (identified in Volume I Article VII Section 3) who are in good standing are permitted to attend the meeting. The KANSAS SAR BOG meeting will not be open to the public, including the KANSAS SAR general membership. The meeting will be described as an "Internal KANSAS SAR Matter" on any agenda, communications, or meeting invitation.

- c. The KANSAS SAR President or President's designee will act as the moderator for the meeting.
- d. The charged Compatriot will be invited to appear and may be represented by one or more KANSAS SAR Compatriots or a Kansas-licensed attorney.
- e. If there is any new information after the investigator has presented the charges to the charged Compatriot, the investigator must provide the updated investigation report, including any documents and affidavits, to the charged Compatriot by the KANSAS SAR investigator no later than seven (7) days before the BOG meeting that will hear the disciplinary matter.
- f. The charged Compatriot may provide additional information or evidence at the KANSAS SAR BOG meeting on the member discipline matter.
- g. The KANSAS SAR BOG members are permitted to ask questions of the charged Compatriot and the investigator. The charged Compatriot does not have to answer questions.
- h. The KANSAS SAR Recording Secretary will receive all documents presented and maintain those documents as part of the record of the disciplinary hearing. These records will be labeled "Internal KANSAS SAR Matter" without naming the charged Compatriot.
- i. The KANSAS SAR Recording Secretary, or Secretary's designee, will prepare a written summary of the hearing.
- j. The hearing will be recorded by the KANSAS SAR Recording Secretary. The Recording Secretary may choose the mode of recording. The recording shall be kept for two (2) years.
- k. If requested by the charged Compatriot, the hearing may be transcribed by an official court report paid for by the charged Compatriot.
- l. The charged Compatriot will be excused from the meeting prior to any KANSAS SAR BOG deliberations, and voting.
- m. The charged Compatriot will return to the meeting and BOG's decision will be announced to him by the Recording Secretary or the Chancellor.
- n. The charged Compatriot may request a stay. The charged Compatriot shall explain the purpose of the stay. BOG will meet in private to determine whether a stay is permitted. If the purpose of the stay is to delay the decision until the next Annual Meeting, the BOG will decide if that is appropriate. The stay decision will be announced to him by the Recording Secretary or the Chancellor.
- o. The "Disciplinary Procedures" of the most recent edition of *Robert's Rules of Order, Newly Revised* will be used to conduct the disciplinary meeting subject to the above procedures and any applicable NATIONAL SAR procedures. See

NATIONAL SAR Bylaw No. 33, Section 2 that specifies the use of this version of *Robert's Rules of Order, Newly Revised*.

2. For a decision on discipline to be considered valid, the KANSAS SAR BOG hearing the charge against the KANSAS SAR Compatriot must include, at least, seven (7) Compatriots in good standing. The deciding Compatriots may include ones from the chapter of the charged Compatriot if those Compatriots from the charged Compatriot's chapter are not a majority of the KANSAS SAR BOG present and hearing the matter. Voting on the level of discipline and stay will be by secret ballot. No polling of BOG members will be allowed.
3. If a Compatriot (other than the charged Compatriot) is an attendee at a regular KANSAS SAR BOG meeting when the KANSAS SAR BOG starts to consider the member disciplinary matter in closed session, the Compatriot can advise the President or chair of the meeting that they will not participate in the consideration of the disciplinary matter. Such a Compatriot will be excused from the KANSAS SAR BOG meeting for this portion of the meeting agenda.

#### F. Decision and Penalty Procedures.

1. The KANSAS SAR BOG, by a majority vote and noting the exception stated in subparagraph 2 below, will:
  - a. determine whether a violation of the NATIONAL SAR or KANSAS SAR Bylaws occurred;
  - b. identify the evidence in the record that supports the BOG's determination of a violation;
  - c. specify the penalty to be applied in the matter; and
  - d. determine the stay, if requested.
2. If the penalty is expulsion from the KANSAS SAR, a 2/3 majority of the voting members of the KANSAS SAR BOG hearing the member discipline matter is required.
3. The decision of the KANSAS SAR BOG will be reduced to a written decision signed and dated by the KANSAS SAR Recording Secretary, and mailed to the charged Compatriot.
  - a. The written decision will specifically identify which NATIONAL SAR or KANSAS SAR Bylaws were violated by the charged Compatriot.
  - b. The written decision will specifically identify the evidence supporting the decision of the KANSAS SAR BOG.

- c. The written decision will specifically state the penalty to be imposed and, if the penalty is expulsion, note that the vote was supported by 2/3 of the voting members present.
- d. The written decision will also include whether a stay was approved if requested.
- e. The KANSAS SAR Recording Secretary will receive the original decision for maintenance in the official records of the KANSAS SAR.

#### 4. Mailing.

- a. The written decision will be copied and mailed to the charged Compatriot at the mailing address contained in the KANSAS SAR Membership Secretary records within fourteen (14) days of the KANSAS SAR BOG decision. The Recording Secretary will use a traceable method that includes evidence of delivery.
- b. If requested by the charged Compatriot, a copy of the written decision may be sent as an attachment to an email address provided by the charged Compatriot. The use of email will not substitute for mailing the written decision to the charged Compatriot.
- c. Courtesy copies will also be provided to the special committee referenced in Section D. 1. and the affected Compatriots Chapter President and Secretary.

#### 5. Penalties

- a. KANSAS SAR is guided by details provided on sanctions and penalties from the “Member Discipline” section of the NATIONAL SAR Handbook, Vol. III.
- b. Sanctions include, and limited to the following:
  - 1. Expulsion from KANSAS SAR;
  - 2. Suspension from KANSAS SAR activities for up to two years;
  - 3. Removal from a KANSAS SAR position;
  - 4. Suspension from a KANSAS SAR position for a specific period of time, not to exceed two years;
  - 5. A public reprimand to be read at the next annual meeting by either the Recording Secretary or the Chancellor; or
  - 6. A private admonition
- c. A stay may be requested by the Compatriot after the sanctions are announced by the KANSAS SAR BOG. The stay must be requested as part of the hearing.

#### G. Appellate Rights



1. If the Compatriot disagrees with the decision made by the KANSAS SAR BOG, the Compatriot may request a review of the KANSAS SAR BOG decision at the next scheduled KANSAS SAR annual meeting. The request for review must be in writing and presented to the KANSAS SAR Recording Secretary.
  - a. The request for review must be presented within 30 days of the date of the decision letter as documented by the traceable delivery receipt. No additional days would be allowed for weekends or holidays should the 30<sup>th</sup> day occur on a weekend or holiday. If a request is not received within the 30-day timeline, no future appeal to the KANSAS SAR Annual meeting will occur.
  - b. The written request for a review at the KANSAS SAR annual meeting may be made by electronic means of communication if a written document can be created from the electronic communication to memorialize the request. The request is to be made to the KANSAS SAR Recording Secretary for inclusion on the agenda. The Recording Secretary will acknowledge receipt by responding to the electronic communication from the Compatriot.
  - c. If a KANSAS SAR annual meeting will occur within 45 days of the written decision, the disciplinary matter may be continued to the next annual meeting with the consent of the charged Compatriot. The BOG decision will be in effect until the next annual meeting unless a stay requested by the Compatriot and granted by the BOG.
  - d. The review of the KANSAS SAR BOG decision in a Compatriot's discipline matter at the KANSAS SAR annual meeting will be held as a private meeting and conducted as part of the business meeting of the KANSAS SAR.
  - e. The review will consist of the presentation of the investigator's report, the response of the charged Compatriot, if any, and the Secretary's summary of the KANSAS SAR BOG hearing. The charged Compatriot may present a transcript of the KANSAS SAR BOG hearing for consideration by the KANSAS SAR annual meeting attendees. No new evidence will be introduced. No questions of the Compatriot or of the investigator will occur. The KANSAS SAR Recording Secretary will have the disciplinary file concerning the matter available for review by the attending Compatriots at the KANSAS SAR annual meeting.
  - f. The decision to be made at the KANSAS SAR annual meeting would be to either sustain or overturn the decision made by the KANSAS SAR BOG.
  - g. The review decision at the annual meeting will be made by secret ballot with a majority vote controlling the outcome, except if the decision involves expulsion. For expulsion to be sustained, 2/3 of the voting members at the KANSAS SAR

annual meeting must agree with that level of penalty. No polling of Compatriots will be allowed at the annual meeting. Counting of the vote shall be witnessed by at least three (3) witnesses. The charged Compatriot may request a representative to witness the vote count.

- h. For the review decision at the annual meeting to be valid, there must be, at least, fifteen (15) Compatriots in good standing hearing the matter. No more than 49% of the voting Compatriots can be from the charged Compatriot's primary chapter. The KANSAS SAR Registrar will determine good standing and Chapter memberships. The Registrar's decision concerning good standing and Chapter memberships is final and not appealable.
  - i. A Compatriot hearing the disciplinary matter at the annual meeting will determine the matter. Abstaining, or voting "Present", is not an option when deciding on the matter. The charged Compatriot may be in attendance but will not be counted toward quorum or have voting rights on the matter.
2. Due to the impact on a Compatriot's good repute, expulsions, suspensions, and public reprimands have separate appellate rights involving the NATIONAL SAR. See "Member Discipline" section of the NATIONAL SAR Handbook, Vol. III.

### **SECTION 3 -- Amending Volume III**

- A. To amend Volume III, any modifications shall be approved by BOG at a regular or special meeting with a majority vote.
- B. The text of any modification must be submitted in writing to the Handbook Committee for review and subsequent submission to BOG.
- C. Modifications to Volume III are solely within the province of BOG.