

## **ARTICLE 10**

### **Charges**

#### **Section 1.**

Any member of the Branch who shall violate the Constitution or By-Laws of the Association or Branch may have charges preferred against him/her, and if such charges are proved shall be fined, reprimanded, suspended or expelled as the laws may direct or the Branch determine. Any officer of the Branch who shall fail or neglect to discharge the duties of his/her office, or who may be guilty of gross misconduct, may be removed from office. These determinations shall be made by the members present and voting at the next regular Branch meeting after which said charges were read to the Branch. The vote regarding any of the above matters may be continued once, by motion, to the following regular Branch meeting.

#### **Section 2.**

Charges must be made in writing, specifying the offense, failure, neglect, or misconduct so as to fully apprise the member or officer of the nature thereof, and shall be signed by a member of the Branch; and a copy of said charges, under seal of the Branch, shall be served upon him/her. Said charges shall be read by the recording secretary at the first regular Branch meeting after service on the member or officer.

#### **Section 3.**

The president, or if the president be the person against whom charges are made, the vice president, shall then appoint a committee of three disinterested members, who shall forthwith summon the parties, hear and take down or cause to be taken down or recorded, the testimony and/or documentary evidence presented. It shall be the duty of the committee to find the true facts and report to the Branch. The parties are entitled to be heard by the committee, to present evidence, and to cross-examine all witnesses who make statements to the committee, but rules of evidence and rules of judicial procedure need not be observed. The committee, after completing its fact-finding duty will present to the Branch a written report of the facts elicited, and immediately thereafter disband and be eligible to vote. The Branch shall then decide, by simple majority vote, the issue of whether or not the facts, as found by the committee, sustain the charge. The charged party is entitled to defend himself/herself before the Branch immediately before the vote is taken. If the Branch decides that the facts sustain the charge, then the Branch shall entertain a motion to fix the penalty, if any be required.

#### **Section 4.**

Questions of expulsion or removal from office shall be decided by ballot, and require a two-thirds vote. If less than two-thirds of the ballots are for expulsion or removal from office, the Branch shall proceed to determine whether the punishment shall be suspension, fine or reprimand. A fine and the amount thereof must be approved by a two-thirds secret ballot vote. If suspension be determined upon, the Branch shall fix the term of suspension. If reprimand be determined upon, the President or the Vice-President, if the President be the person against whom the charges were made, shall reprimand the accused in open meeting.

#### **Section 5.**

During the suspension for an offense, a member is not exempt from dues, and he/she shall be subject to all the penalties of Article 7, Section 4, for the non-payment of the same.

#### **Section 6.**

Any member or officer suspended for any offense shall be reinstated on the removal of the cause and the payment of all demands against him/her, or at the expiration of the term for which he/she was suspended, without action of the Branch, and the president or vice president, as the case may be, shall declare in open meeting his/her reinstatement. This provision does not apply where the member is suspended pursuant to charges brought by the National Association or by any officer or representative by authority of the President or Executive Council of the National Association.

#### **Section 7.**

An expelled member can be reinstated only after the manner of a new applicant.

#### **Section 8.**

Any National, State, or Branch Officer or member of a Branch who, having first been charged under this Article with using or attempting to use the Branch, or any portion of it, or his/her influence therein, for political purposes, is determined by the Branch in accordance with the procedures prescribed in this Article to be guilty of the charge, shall be guilty of perjury and shall suffer expulsion.

