

PROPOSED CONSTITUTION AMENDMENT

Article Number: Article II

Article Title: Officers

Section Number: Section 2e

Section Title: Removal of Elected Officials from Office

Page Number: 5 – 6

Current Language:

Removal of Elected Officials from Office – Elected Officials of the Association (the President, the Vice Presidents, the Secretary, and the Treasurer) may be removed from office for: (1) acts contravening the Constitution and By-Laws of the Association, (2) for being unable to discharge duties and responsibilities of respective office, (3) for habitually neglecting to discharge the duties and responsibilities of the respective office, (4) for acts the Council deems to be harmful to the Association, (5) for malfeasance in office, or (6) upon conviction of a felony or serious misdemeanor.

Petitions for removal of an elected official from office may originate in the Executive Council by affirmative action of two-thirds of the members of the Council or may be submitted to the Council, bearing the signature of at least one hundred members of the Association who are in good standing. The petitions must be accompanied by a list of charges and a file of particulars specifying the offenses of the officeholder. By certified mail, the officeholder against whom the charges are being brought shall be furnished with a statement of the charges and a bill of particulars and shall be given an opportunity to respond within a reasonable time not to exceed fifteen (15) days.

The response may be in writing or in a hearing before the Executive Council or both, according to the preference of the officeholder. In a hearing before the Executive Council, the petitioners and the officeholder may have representatives in attendance to present their cases, but procedures shall not adhere to formal judicial rules. Thus, pre-hearing “discovery” shall not be allowed. Procedures to be followed shall be prescribed by the Executive Council.

If, following the response of the officeholder to the charges, or in the absence of the response within the specified time, two-thirds of the members of the Executive vote to remove the officeholder from office, the Executive Council shall submit its recommendation to the membership for approval. Unless a majority of the membership votes against the recommendation of the Executive within a prescribed period of time, but no more than 21 working days following the mailing of the recommendation to the members, the office in question shall be declared to be vacant.

In cases involving the removal of the President from office, the Vice President for Membership shall preside over the Executive Council unless this officeholder also is facing removal proceedings. If both the President and the Vice President are facing removal proceedings, the Council shall elect a presiding office. In all other cases, the President shall preside over the Council.

Proposed Language:

Removal of Elected Officials and Executive Council Members from Office – ~~Elected Officials of the Association (the President, the Vice Presidents, the Secretary, and the Treasurer) and Executive Council Members~~ may be removed from office ~~and the Executive Council~~ for: (1) acts contravening the Constitution and By-Laws of the Association, (2) for being unable to discharge duties and responsibilities of respective office, (3) for habitually neglecting to discharge the duties and responsibilities of the respective office, (4) for acts the Council deems to be harmful to the Association, (5) for malfeasance in office, or (6) upon conviction of a felony or serious misdemeanor.

Petitions for removal of an ~~elected official and Executive Council members~~ from office ~~and the Executive Council~~ may originate in the Executive Council by affirmative action of two-thirds of the members of the Executive Council or may be submitted to the Executive Council, with the support of ~~bearing the signature of~~ at least one hundred members of the Association who are in good standing. The petitions must be accompanied by a list of charges and a file of particulars specifying the offenses of the officeholder. By certified mail and email, the ~~officeholder individual~~ individual against whom the charges are being brought shall be furnished with a statement of the charges and a bill of particulars and shall be given an opportunity to respond within a reasonable time not to exceed fifteen (15) days.

The response may be in writing or in a hearing before the Executive Council or both, ~~according to the preference of the individual.~~ **If the individual does not respond, the Executive Council will move forward to review the charge.** In a hearing before the Executive Council, the petitioners and the individual against whom the charges are being brought may have representatives in attendance to present their cases, but procedures shall not adhere to formal judicial rules. Thus, pre-hearing “discovery” shall not be allowed. Procedures to be followed shall be prescribed by the Executive Council.

If, following the response to the charges from the individual against whom the charges are being brought ~~the officeholder to the charges, or in the absence of the response within the specified time~~, two-thirds of the members of the Executive Council vote to remove the ~~officeholder individual~~ individual from office, the Executive Council shall submit its recommendation to the membership for approval. Unless a majority of the membership votes against the recommendation of the Executive Council within a prescribed period of time, but no more than 21 working days following the mailing of the recommendation to the members, the office in question shall be declared to be vacant.

In cases involving the removal of the President from office, the Vice President for Membership shall preside over the Executive Council unless this officeholder also is facing removal proceedings. If both the President and the Vice President are facing removal proceedings, the Executive Council shall elect a presiding officer. In all other cases, the President shall preside over the Executive Council.

Rationale:

The existing bylaws provide for the removal of elected officers but there is no provision for the removal of Executive Council members who do not serve as an elected officer. To be consistent with the existing provision for the removal of elected officers, the propose amendment provides for the same process to remove Executive Council members. Since elected officers also serve on the Executive Council, the proposed amendments eliminates the use of the term "elected officer." The proposed amendment also eliminates the requirement for actual signatures on the petition submitted by an Association member.

Proposed Amendment Resource Impact (Personnel, Time) None

Proposed Amendment Submitted By Governance Committee Date 6/5/2020