

PROPOSED AMENDMENTS: ARTICLE XI. REMOVAL FROM OFFICE

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SECTION 1. Three (3) consecutive absences to properly called meetings of the National Executive Board without proper and justifiable cause shall constitute grounds for removal from office upon a three-fourth (3/4) majority vote of the National Executive Board.

SECTION 2. Any member of APALA shall have the right to file charges against a National Executive Officer or Member of the National Executive Board for reasons of malfeasance or maladministration, including but not limited to:

- o willfully violating the APALA Constitution;
- o willfully disobeying a lawful decision or order of the APALA Convention or of the National Executive Board between Conventions;
- o misappropriating money or property of APALA;
- o willfully violating the APALA Standard of Conduct by acting in a discriminatory or harassing manner with regard to APALA members or employees;
- o other offenses of an equally serious nature that bring APALA into disrepute or seriously compromise APALA's interests.

A. Such charges must be made in writing, signed and sworn by the accuser and filed with a National Executive Officer within ninety (90) days of the last alleged offense. comes to the attention of the charging an APALA Member. There is no statute of limitation for prior offenses, but they must be relevant to the charges. Charges shall contain an allegation of the facts constituting the offense(s) and the approximate date or dates the offense(s) is alleged to have occurred and appropriate supporting evidence (emails, texts, etc).

B. Once notified, the National Executive Officer shall; notify the other National Executive Officers within twenty-four (24) hours to review the charges. The Officers will then have ten (10) days to discuss the charges with the accuser to see if mediation would be accepted. If the accuser opts for this route, the National Executive Officers will work with the accuser and the accused to determine a process and timeline that is mutually agreed upon by all parties. Should mediation fail, the process outlined in Section C should be followed.

C. Should the accuser choose to bypass mediation and submit the charges as a formal Article XI charge (or in cases where mediation fails), the following written notification to all other National Executive Officers will formally advise the National Executive Board in writing within ten (10) days of the receipt of such charges and provide a copy of the charges to each Member of the National Executive Board.

SECTION 3. At the next ~~regularly scheduled~~ meeting of the National Executive Board scheduled upon at least 14 days written notice, the National Executive Board shall review such charges. Following this review, the National Executive Board shall, by majority vote of the Members present and voting, either: dismiss said charges based on a finding of untimely or insufficient evidence or cause; or impanel an Investigating Committee as stipulated in Section 4 below to further investigate said charges. The Executive Officer(s) or Executive Board Member so charged shall not be eligible to vote on the issues of dismissal or empanelment, nor to serve on the Investigating Committee.

SECTION 4. The Investigative Committee shall be composed of five (5) National Executive Board Members, with preference to members with no direct interaction with the charges that have been submitted, and chosen by a majority vote of the National Executive Board. Members of the Investigative Committee may recuse themselves as needed for portions of the investigation. Depending on the nature of the charges, the Board may choose to impanel a third or independent party as the Investigative Committee, subject to a two-thirds majority of the National Executive Board.

SECTION 4-5.

A. Upon a vote to impanel an Investigating Committee, the National Executive Board shall take a separate vote to determine whether, in order to safeguard the interests of APALA, its officers, members or staff, the Officer(s) or National Executive Board Member(s) who is/are the subject of the inquiry shall be relieved of their duties as an officer and/or National Executive Board member, subject to the decision of the Board, until such time as the National Executive Board has reviewed and acted upon the findings of the Investigating Committee. The Executive Officer(s) or Executive Board Members so charged may not participate in that vote.

B. Once impaneled, the Investigating Committee shall determine their rules and process and submit them to the Board within fourteen (14) days. The rules must be approved by a majority vote of the Board within ten (10) days of submission from the Committee.

C. The Investigating Committee is bound to gather and consider evidence, and, without bias or prejudice, make factual findings and tentative conclusions regarding whether malfeasance or maladministration has been proven. The Investigating committee will determine the timeliness of alleged offenses and may choose to dismiss some, or all, as it pertains to relevance to the Article XI charges.

D. The Investigating Committee may shall not consider any evidence unless it is offered at a hearing or investigative interview(s) at which the accused shall have been notified and been given a reasonable opportunity to be present. Those accused shall be given every reasonable opportunity to be heard, to testify, to present witnesses and evidence in their defense, and to cross-examine or pose questions of witnesses. All witness testimony shall be under oath. The accused may be assisted by a Counsel or

Representative of their choosing. The accused may waive any or all of the rights set forth in this subsection.

~~C. E.~~ Once its investigation is complete, the Investigating Committee shall serve its written report on the National Executive Board, and the National Executive Board shall immediately serve the report on the accused. The Investigating Committee shall report its findings at the next regularly scheduled meeting of the National Executive Board. Upon a minimum of fourteen (14) days written notice, the National Executive Board shall convene to consider the report. The accused shall be given the same minimum fourteen (14) days written notice ~~as well as to give them~~ a reasonable opportunity to be present at such a meeting. Both the charges and the ~~finding of the Investigating Committee, if any, shall be read~~ report of the Investigating Committee shall be considered at such meeting, and the accused shall be permitted a reasonable opportunity to argue their case before it is put to a vote of the National Executive Board. Said vote shall be taken at the same meeting at which the Investigating Committee ~~presents its findings~~ report is considered.

~~D. E.~~ Upon the conclusion of the consideration of the Investigating Committee report, a secret ballot vote shall be conducted among the National Executive Board Members present to determine the guilt or innocence of those charged on each such charge. The accused or charging party may not be present during the deliberations or vote.

~~E. G.~~ A two-thirds (2/3) majority vote of those voting shall be necessary to convict.

SECTION 6.

A. If any of the charges are sustained, or if the accused pleads guilty, a vote shall then be taken as to the appropriate penalty, if any. The accused or charging party may not be present during the deliberations or vote.

B. A simple reprimand may be imposed by majority vote.

C. A three-fourth (3/4) majority vote of the National Executive Board voting thereon is necessary to disqualify an Executive Board Member found guilty from holding office for the remainder of their elected term and/or to invoke suspension or expulsion from the National Executive Board for such elected term and/or to revoke their membership.

SECTION 7. Any action of the National Executive Board taken under SECTIONS 5 and 6 may be appealed to the Convention in writing to the presiding Officer at least sixty (60) days in advance of the Convention. However, the penalties imposed by the National Executive Board shall remain in full force and effect pending the outcome of any such appeal.

ARTICLE III. MEMBERSHIP

SECTION 1. MEMBERSHIP

J. Members may be held accountable for failure to comply with the Constitution and/or such rules as are adopted by the National Executive Board or their Chapter with the approval of the National Executive Board and/or are found guilty of charges in an Article XI investigation. Any discipline shall reflect degree of harm and responsibility taken and may go up to and include permanent revocation of membership. Disciplinary actions shall be taken by the Chapter to which a Member belongs or by the National Executive Board in the case of At-Large Members: or members who have been found guilty or charges in an Article XI investigation.

FINAL AMENDED: ARTICLE XI. REMOVAL FROM OFFICE

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- o other offenses of an equally serious nature that bring APALA into disrepute or seriously compromise APALA's interests.

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would be accepted. If the accuser opts for this route, the National Executive Officers will work with the accuser and the accused to determine a process and timeline that is mutually agreed upon by all parties. Should mediation fail, the process outlined in Section C should be followed.

C. Should the accuser choose to bypass mediation and submit the charges as a formal Article XI charge (or in cases where mediation fails), the National Executive Officers will formally advise the National Executive Board in writing within ten (10) days of the receipt of such charges and provide a copy of the charges to each Member of the National Executive Board.

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SECTION 4. The Investigative Committee shall be composed of five (5) National Executive Board Members, with preference to members with no direct interaction with the charges that have been submitted, and chosen by a majority vote of the National Executive Board. Members of the Investigative Committee may recuse themselves as needed for portions of the investigation. Depending on the nature of the charges, the Board may choose to impanel a third or independent party as the Investigative Committee, subject to a two-thirds majority of the National Executive Board.

SECTION 5.

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B. Once impaneled, the Investigating Committee shall determine their rules and process and submit them to the Board within fourteen (14) days. The rules must be approved by a majority vote of the Board within ten (10) days of submission from the Committee.

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E. Once its investigation is complete, the Investigating Committee shall serve its written report on the National Executive Board, and the National Executive Board shall immediately serve the report on the accused. Upon a minimum of fourteen (14) days written notice, the National Executive Board shall convene to consider the report. The accused shall be given the same minimum fourteen (14) days written notice to give them a reasonable opportunity to be present at such a meeting. Both the charges and the report of the Investigating Committee shall be considered at such meeting, and the accused shall be permitted a reasonable opportunity to argue their case before it is put to a vote of the National Executive Board. Said vote shall be taken at the same meeting at which the Investigating Committee report is considered.

F. Upon the conclusion of the consideration of the Investigating Committee report, a secret ballot vote shall be conducted among the National Executive Board Members present to determine the guilt or innocence of those charged on each such charge. The accused or charging party may not be present during the deliberations or vote.

G. A two-thirds (2/3) majority vote of those voting shall be necessary to convict.

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