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BY-LAWS 900-999

ARTICLE X - EXPULSION

900 - POLICY AND PROCEDURES FOR DISCIPLINARY ACTIONS *(Approved on December 12, 2002)*

A member that is found tending to injure the good name of ASO, disturb its well-being, or hamper it in its work is subject to disciplinary measures taken by the ASO.

Section 1 - General Principles

A. Rights of ASO

Since an assembly has the right to prescribe and enforce its standards for membership, it has a right to investigate the character and actions of its members as may be necessary to this enforcement.

B. Rights of the Accused

1. A member's right to due process shall never be violated. The accused shall be informed of the charge and given time to prepare adequate defense, to appear and defend him/herself, and to be fairly treated.
2. Neither the ASO, nor any member, has the right to make public any information obtained through such investigation, unless required by law. If it becomes common knowledge within the ASO, it shall not be revealed to any non-member. Consequently, a trial must be held in closed session, and the introduction and consideration of all resolutions leading up to the trial also shall take place in the absence of non-members.

Section 2 - Resignation Before Charges Are Preferred

It is usually best for all concerned to offer the member the opportunity to resign quietly before charges are preferred. However, the ASO has no obligation to suggest or accept such a resignation at any stage of the case, even if it is submitted on the offender's own initiative. Nonetheless, resignation should only be denied if such action would hamper just compensation to the offended party(ies).

Section 3 - Confidential Investigation by Committee

- A. A member should, in a closed session, offer a written resolution to appoint an investigation committee of five members, selected for known integrity and good judgment. For the protection of parties that may be innocent, the first resolution should avoid details as much as possible and shall not prefer charges against the accused.
- B. Either, the President, upon confirmation of the Senate, shall appoint committee members; or they shall be elected, by ballot, after preliminary nominations have been made. Committee members shall be selected by whichever method is preferable by majority consent of the Senate.
- C. Although the investigation committee has no power to require the accused or any other relevant parties to appear before it, it shall exhaust all reasonable efforts to quietly conduct a complete investigation, making an effort to learn all relevant facts.
- D. Upon a majority vote of the investigation committee, they shall come to a conclusion either exonerating the accused or preferring specific charges.

Section 4 - Report Of Resolutions Either Exonerating The Accused Or Preferring Specific Charges

- A. If after the investigation the committee's opinion is favorable to the accused the accused, it should prepare and report a resolution exonerating him. However, if the committee, from its investigations, finds substance to the accusations and cannot resolve the matter satisfactorily in any other way, it should make a report, in writing, outlining the course of its investigation and preferring specific charges. Every committee member that agrees with the resolution shall sign this document.
- B. Upon a majority vote of the Senate, an appropriate date, time, and location shall be established for the court trail.
- C. The accused shall be given no less than two weeks after the vote was taken to prepare his/her defense.

Section 5 - Court Trial

- A. A Court trial shall be held to confirm or deny the charges that the member is accused of.

- B. After the ASO adopts resolutions ordering trial before the ASO Court, the Administrative Assistant shall immediately send, by registered mail, a letter notifying the accused of the date, hour, and place of the trial. The letter shall contain an exact copy of the charge(s) and specifications with the date of their adoption, and directing him to appear as cited.
- C. The Court trial shall be conducted as stated by the constitution and by-laws governing courtroom procedure.

Section 6 - ASO Review of Court Trial Findings and Imposition Of Punishments

- A. The ASO Court shall report its decision to ASO during a closed Senate meeting where the accused is present. The report shall be prepared in writing and should include, to the extent possible without disclosing confidential information, a summary for the basis of Court ' s findings.
- B. If the accused is found guilty, the Court shall also recommend penalties for the consideration of the Senate.
- C. The accused shall then be permitted, with council if he/ she prefers, to make his arguments against the case.
- D. The Court shall be given an opportunity to present a statement in rebuttal, with equal consideration of time.
- E. The accused, and any nonmembers acting as defense council, shall be asked to leave. During this time, the ASO can decline to impose any penalty, notwithstanding the Court's recommendation; or it can reduce the recommended penalty; but it cannot increase the penalty. A penalty may be imposed by a simple majority vote of the Senate. However, expulsion of the member requires two- thirds consent.

901 – SUSPENSION OF A.S.O. MEMBERS *(Approved on April 22, 2004 and takes effect on May 3, 2004)*

All members who have not fulfilled the minimum requirements to serve on the ASO in accordance with the Constitution and By-Laws shall have all privileges revoked and membership shall be suspended until the individual is able to fulfill their minimum requirements.

If a member is prolonged in their suspension, such member is eligible for expulsion upon a 2/3-majority vote of the Senate pursuant to the ASO Constitution, Article X, Section 2.

The Elections Committee and ASO Advisors shall review on a case by case basis and decide on whether previously removed, dismissed, or expelled members of ASO should be allowed to participate in elections. The Elections Committee and ASO Advisors reserve the right to withhold such cases from entering elections depending on severity.