

# ASAP-NJ:

## Rules for Handling Complaints and Reporting Ethical Violations

(Following the American Institute of Parliamentarians procedures as our guide)

*These Rules apply to both the general membership as well as the Executive Committee*

- Rule I Complaints:** Complaints alleging a violation of the “Code of Ethics” against a member of ASAP-NJ:
- A. shall be in writing, dated and signed by the complainant.
  - B. shall be sent to either the President of ASAP-NJ or to the Chairperson of the Ethics Committee
  - C. shall state fully the facts surrounding the incident complained of and the nature and extent of violations alleged, names of witnesses and/or other documentation, and
  - D. may be referred to the Chairperson of the Ethics Committee by an individual member of ASAP-NJ or the assembly of the Executive Committee if the violations occurred during a scheduled meeting.
- Rule II Processing of Complaint:** Copies of a complaint with any accompanying documents shall be sent by the Chairperson of the Ethics Committee to all members of the Ethics Committee who:
- A. may request that the Chairperson obtain any necessary additional information, and
  - B. shall decide by vote (which may be by mail) one of the following:
    1. that the complaint be dismissed as clearly failing to present a proper claim of violations of the “Code of Ethics” or
    2. that efforts be made to resolve the alleged violation without the necessity of a hearing, or
    3. that the accused be afforded a hearing on charges and specifications growing out of the complaint.

**When a complaint that is received against a member is determined by the Ethics Committee to warrant a hearing then that member will be notified immediately via certified mail. Sanctions will not be issued until the case is disposed.**

- Rule III Arrangements for Hearing:** When a hearing is to be afforded on an accused:
- A. The Chairperson of the Ethics Committee shall:
    1. draft appropriate charges and specifications governing the nature and extent of the alleged violations, and
    2. serve a copy of the charges and specifications signed by the Chairperson, on behalf of the Ethics Committee, to the accused.
  - B. The Chairperson of the Ethics Committee shall:
    1. schedule a hearing immediately preceding any other ASAP-NJ Executive Committee meeting, or at any other time before

- those meetings and at a place agreeable to the majority of the Ethics Committee.
2. notify the accused and the complainant no less than thirty (30) days before the hearing of the time and place so that they may appear and present evidence, and that they may be represented by legal counsel, if desired, and notify any necessary witnesses to appear and present evidence.
- C. The hearing shall be conducted as provided in Robert's *Rules of Order Newly Revised, Trial Procedure*. The Ethics Committee shall act as the managers for ASAP-NJ unless another is appointed by the President.

#### **Rule IV**

##### **Report of the Committee:**

- A. After the hearing, the Ethics Committee shall:
1. inform the accused and complainant of its findings
  2. prepare a written report of its findings to be presented to the Executive Committee, and
  3. recommend appropriate disposition of the matter to the Executive Committee
- B. The Ethics Committee may recommend dismissal of the complaint, or issue appropriate penalties, which may include:
1. require that the accused take certain remedial action, failing which, a further penalty may be imposed
  2. reprimand with or without the requirement that an apology be made to an aggrieved party
  3. suspension from membership for a definite period
  4. suspension from membership status for a definite period
  5. suspension from membership status with or without the right to apply for reinstatement appeal after expiration of a definite period, or
  6. expulsion from membership.

#### **Rule V**

##### **Disposition by the Executive Committee:**

- A. A penalty or any form of expulsion shall require a two-thirds vote for its imposition. Any other action less than expulsion shall be by majority vote.
- B. The President shall inform the accused of the Executive Committee's decision within thirty (30) days.

#### **Rule VI**

##### **Appeal:**

- A. An accused may appeal the decision of the Executive Committee by written notice to the President within thirty (30) days of the mailing of the decision of the Executive Committee.
- B. Documents shall be available at the Executive Committee meeting which is considering the appeal, and
- C. A penalty of any form of expulsion shall require a two-thirds vote for its imposition. Any other action less than expulsion shall be by majority vote.

- D. The President shall promptly notify the accused of the decision of the Executive Board.

**Rule VII Confidentiality of Proceedings:** All proceedings and documents connected with disciplinary procedures shall be sealed and held in the ASAP-NJ archives in strict confidence except:

- A. Appropriate officers, members or consultants of ASAP-NJ may be given such information regarding a disciplinary proceeding as is necessary for the execution of their responsibilities, and
- B. With respect to any penalty of expulsion, notice shall be published in *The ASAP-NJ Newsletter* that the subject of the penalty is no longer a member or holder of membership status, as the case may be.

**Rule VIII Notification to the Accused.** All notices required by these rules to be given an accused shall be by certified mail, to the address of record, return receipt requested.  
Delivery restricted to addressee.

Adopted by the ASAP-NJ Executive Committee, April 1, 2004.