

SUBMITTED BY: OCSEA Board of Directors

SUBJECT: Article IX – Charges

RATIONALE: This clarification incorporates language from Article X of the International Constitution to provide a charged member with notice of the allegations that are being made against them.

BE IT RESOLVED THAT ARTICLE IX OF THE OCSEA STATE BY-LAWS BE AMENDED AS FOLLOWS:

1 **Article IX – Charges**

2 **Section 1. Basis for Charges**

3 Charges may be brought against a member or officer solely for the reasons set forth in
4 Article XIII of the State Constitution. **The person bringing the charge shall file the original**
5 **charge in sufficient detail as to afford the accused person full opportunity to prepare a**
6 **defense.**

7 **Section 2. Due Process**

8 (A) When charges are filed against a member, they shall be reviewed by the Judicial
9 and Internal Affairs Committee (JIAC) and, if actions are to be taken, a hearing shall be
10 scheduled. All members involved shall be given written advance notice of the date, time and
11 location of any hearing to be held, together with a written copy of the allegations and an
12 invitation to attend the hearing.

13 (B) In such hearing, the JIAC will hear and review all evidence and, by a majority
14 vote of those present, based on the preponderance of the evidence, shall determine the guilt or
15 innocence of the affected member to each allegation in the charge. At the hearing, no member or
16 charging party may be represented by any person who is a member of, representative of, or in
17 any way connected with a competing organization. The hearing shall be conducted pursuant to
18 rules established by the JIAC.

19 (C) If the member is found guilty, the committee may recommend to the Board of
20 Directors that the member be warned, fined, suspended from membership for a period certain,
21 removed from office, or expelled from membership permanently. No suspension, fine, removal
22 from office, or expulsion from membership shall be effective until the Board of Directors
23 concurs in the recommendation.

24 (D) Where JIAC recommends to fine, suspend, remove or expel a member, JIAC shall
25 present their recommendation in writing to the Board of Directors no later than one (1) day prior

Committee Assign _____ Committee Recommend _____ Convention Action _____ Requires Majority Vote

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26 to the Board voting on JIAC's recommendation and shall include at least the following separate
27 items:

- 28 1. A statement of charges;
- 29 2. A summary of the evidence;
- 30 3. A finding of fact;
- 31 4. The recommendation of a penalty.

32 (E) At the next meeting of the Board of Directors following any hearing, action shall
33 be taken on the committee recommendation. A two-thirds (2/3) vote of the Board of Directors
34 present shall be required to modify the recommendation of the committee. The member involved
35 shall be permitted to attend such Board of Directors' meeting and state his or her views, before
36 both the Judicial and Internal Affairs Committee and the Board of Directors.

37 (F) Appeal and due process procedures shall be provided to all interested parties
38 when any matter pertaining to irregularities and/or disputes in the various Chapters, District
39 Councils, or Assemblies is brought before the Judicial and Internal Affairs Committee. All
40 interested parties shall be afforded the following procedural rights: (1) timely notice of hearing,
41 (2) an opportunity to testify before the committee at the hearing, (3) the right to have
42 representation, if desired, (4) the right to appeal, and (5) the right of the accused to choose either
43 an open or closed hearing.

44 (G) Should the Judicial and Internal Affairs Committee determine that dissolution of a
45 Chapter, District Council or Assembly is imminent; the Committee may consider the internal
46 irregularities and make a recommendation to the Board of Directors relative to imposition of
47 trusteeship without affording interested parties one or more of the procedural rights set forth
48 above.

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Committee Assign _____ Committee Recommend _____ Convention Action _____ Requires Majority Vote