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.4 **Requirements, Rights and Benefits of “Associate” Chapters**

*Adopted November 1990*

- .01 To qualify for “Associate Chapter” status, the chapter must retain at least five (5) members in Associate member status, and shall designate a steering committee to work with Association representatives towards a decertification attempt within the bargaining unit(s).
- .02 The Association shall retain a “Communications” Roster for the Associate Chapter, and said chapter shall receive such Association bulletins and other communications as are approved by the Board of Directors as being appropriate for distribution to such chapters, for the purpose of keeping the steering committee apprised and knowledgeable about relevant representational matters, Association benefits, and actions undertaken on behalf of classified school employees.
- .03 The appropriate Regional Representative and assigned staff representative(s) shall meet with the chapter on a regular basis to keep the membership informed of Association activities and direct the activities of the steering committee.
- .04 The chapter steering committee shall have use of Field or Service Office facilities and services in support of its approved activities. The assigned Labor Relations Representative shall submit claims for reimbursement of necessary expenditures incurred by or on behalf of the chapter’s steering committee in its approved activities for payment by the Association. Payment of such claims shall be charged against the Organizing budget.
- .05 The “Associate Chapter” shall have no official voice, vote, or other participation in the Association’s internal affairs.

613 **MEMBER DISCIPLINARY ACTION**

C-II, 7.

*Adopted August 1981*

.1 **General**

*Revised June 1997*

This policy is adopted in conformance with Section 7, Article II of the Constitution, to establish procedures governing the expulsion, suspension and discipline of members for actions determined to constitute “conduct detrimental to the Association.”

- .2 **Who May Bring Charges.** Any Active member, Association Life member, or member of the Retiree Unit may bring charges against any member covered in Article II of the Constitution.

1           .3   **Offenses Subject to Charges**

2                   *Revised March 2006*

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4           .01   **Intentional** violation of any provision of the Constitution & Bylaws or written poli-  
5                   cies of the Association or of the Constitution & Bylaws or written policies of a Chapter  
6                   or retiree council that impose a specific and mandatory duty on a person holding an  
7                   elective or appointive position. This charge shall be restricted as applicable only to  
8                   members holding an elected or appointed position within the Association at any level at  
9                   the time such violation occurred. For purposes of this section, conduct shall be consid-  
10                  ered “intentional” if the charged party knew or has reason to know that his/her conduct  
11                  would violate a specific constitutional or policy standard, but nevertheless engages in  
12                  such conduct.

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14                  (a)   Charges shall not be filed that are frivolous, not in good faith, or not supported  
15                   by a substantial factual basis. If the Board Subcommittee, the Judicial Panel, or  
16                   the Board of Directors determines any charge or charges violate this standard it  
17                   may, in its discretion, issue a reprimand to the charging party.

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19           .02   Working as a strikebreaker when a CSEA sanctioned strike has been instituted.

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21           .03   Participating in a decertification attempt against the Association or any chapter.

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23           .04   Misappropriation of funds or property of the Association, any chapter or retiree council.

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25           .05   **Wilfully** using the influence of an office to the detriment of the welfare of the  
26                   Association or its members.

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28           .06   Acts of disloyalty to the Association, which shall include the following:

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30                  (a)   Advocating or attempting to bring about withdrawal from the Association of any  
31                   chapter or any member, if holding an elected or appointed position within the  
32                   Association at any level at the times such acts occurred.

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34                  (b)   Unauthorized release of membership or officer mailing lists to other organiza-  
35                   tions or outside interests for the purpose of personal gain or profit or assisting a  
36                   representational effort.

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38           .4   **Penalties.**

39                   *Last revised September 2004*

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41           Penalties which may be imposed under this policy include, but are not limited to, fines  
42                   (including restitution), written reprimand, suspension of membership rights, disqualifica-  
43                   tion from holding Association offices at any level, and/or expulsion from membership in the  
44                   Association, subject only to the following limitations:

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46           .01   A fine may not be imposed on any member for charges brought under Section .3.03  
47                   above, nor for any other charge unless the offense has or could have resulted in finan-  
48                   cial gain for the member.

1 .02 Suspension of membership rights may be imposed for a period of no greater than five  
2 (5) years for any one offense.

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4 (a) "Suspension of membership rights" means:

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6 (1) Loss of all voting rights;

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8 (2) Loss of the right to participate in internal affairs of the Association at any  
9 level;

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11 (3) Loss of the right to attend any meeting(s) or other functions conducted  
12 by the Association at any level, except for contract ratification meetings  
13 affecting the suspended member's bargaining unit;

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15 (4) Loss of the right to hold any elected or appointed office in the Association  
16 at any level.

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18 (b) A member under penalty of suspension shall, however, retain the right to all mem-  
19 ber benefit programs available to members generally, contingent upon continued  
20 payment of the full membership dues.

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22 (c) A member under penalty of suspension shall have the right to resign member-  
23 ship without jeopardizing his/her employment rights, but in such event s/he shall  
24 be bound by all other provisions of a collective bargaining agreement, including  
25 payment of service fees where applicable.

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27 .03 Disqualification from holding Association office may be imposed for a period of no  
28 greater than three (3) years for any one offense, and shall mean disqualification from  
29 holding any and all offices, either elected or appointed, at any level of the Association.

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31 .04 Individuals who are expelled from membership shall retain full entitlement to such  
32 representational services for which the Association is obligated under its duty of fair  
33 representation, and shall be bound by all other provisions of a collective bargaining  
34 agreement, including payment of service fees where applicable.

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36 **.5 Submission of Charges**

37 *Revised March 2006*

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39 .01 Charges against any member or officer of the Association may only be brought  
40 after the charging party has conferred with his or her Regional Representative in an  
41 effort to conciliate or otherwise resolve the dispute that gives rise to the charges. If  
42 the Regional Representative is unavailable or is a party to the alleged charge, the  
43 Association President, upon request, shall assign another Regional Representative  
44 to attempt to conciliate or otherwise resolve the dispute. Charges shall be in writing  
45 and shall specify the offense(s) alleged to have been committed, and/or the specific  
46 section(s) of the Constitution or Bylaws or written policies alleged to have been vio-  
47 lated. The charges must be submitted on Forms F-2042 and F-2042A, and shall out-  
48 lined specifically the dates, times, places and the witnesses involved in each offense  
49 charged, and shall contain a statement of the specific facts constituting each offense.  
50 The charging party shall certify in writing that s/he has conferred with the appropriate  
51 Regional Representative, as required by this subsection. If any charge alleges violation  
52 of the Constitution or Bylaws or written policies of a chapter or retiree council, a copy  
53 of the section(s) alleged to have been violated shall be attached to the charge form.  
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- 1 .02 Forms F-2042 and F-2042A may be obtained upon request to the CSEA Headquarters  
2 Executive Department.  
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- 4 .03 Charges must be filed within three (3) months of the date of the alleged offense; except  
5 that charges alleging misappropriation of funds or property under .3.04 may be filed  
6 within three (3) months of the date the charging party became aware of the alleged  
7 offense.  
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- 9 **.6 Processing of Charges**  
10 *Last revised June 1997*  
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- 12 .01 The charging party shall prepare the charges and forward them to the Association Presi-  
13 dent. If the Association President is the charged party, the charges may be forwarded  
14 directly to the Executive Director.  
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- 16 .02 The President shall forward the charges to the Executive Director who shall cause  
17 them to be reviewed for sufficiency and investigated toward determining whether the  
18 alleged facts, if proved to be true, are sufficient to constitute conduct detrimental to the  
19 Association such as would warrant disciplinary action. The investigation shall afford  
20 the charged party an opportunity to state his/her position regarding the charges.  
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- 22 (a) Said investigation shall be conducted by Association legal staff and shall be  
23 completed no later than thirty (30) days following receipt of the charges. The  
24 Executive Director shall have the authority, however, upon request and good  
25 cause shown, to extend the time for completion of the investigation for up to an  
26 additional 30 day period.  
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- 28 .03 When the charges are fully developed, the Executive Director shall submit the  
29 results of the investigation in a confidential report to a subcommittee of the Board of  
30 Directors as designated below. The report shall summarize the evidence submitted and  
31 responses from both sides, and shall contain an evaluation based solely on whether the  
32 alleged offense(s), if proved to be true after hearing, would in fact constitute conduct  
33 detrimental to the Association and a chargeable offense under this Policy, and whether  
34 or not sufficient evidence exists to proceed to a hearing.  
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- 36 (a) The Board subcommittee shall consist of the Association President, the 1st Vice  
37 President, and the Jr. Past President.  
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- 39 (b) Should any of the above officers be the charged party, the charging party, or have  
40 direct knowledge of or otherwise be a party to the charge, the Executive Director  
41 shall select another member of the Board to serve.  
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- 43 .04 If the Board subcommittee finds that the charges and the evidence submitted constitute  
44 sufficient grounds for disciplinary action, it shall take such action as it deems appropri-  
45 ate under subsection (a) or (b), below:  
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- 47 (a) Direct the Judicial Panel Secretary to prepare the charges for forwarding to  
48 the charged party.  
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- 50 (1) The notification to the charged party shall fully outline:  
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- 52 (i) The charges brought and specific facts alleged on which the charge  
53 is based;  
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- (ii) The identity of the charging party(ies);
  - (iii) The composition of the Judicial Panel;
  - (iv) The date, time, and place established for the Panel to hear the matter, which shall not be earlier than 21 days from the date of the notification, and which shall be held at a location reasonably convenient to the charged party.
  - (v) The right of the charged party to be represented at the hearing by any member of the Association or private legal counsel of his/her choosing, the right to present evidence and/or witnesses in his/her behalf, and the rights of confrontation and cross-examination of witnesses.
  - (vi) The fact that if the charged party chooses to engage a private attorney or to select another member of the Association to represent him/her at the hearing s/he must notify the Judicial Panel Secretary of the name and address of said member or attorney at least ten (10) days prior to the date set for the hearing, and that all costs and/or fees relevant thereto shall be the responsibility of the charged party.
- (2) The notification shall be sent by certified mail to the last known address of the charged party.
  - (3) The charging party shall be notified of the time, date, and place of the hearing.
  - (4) The charging party and the charged party shall be responsible for notifying any witnesses to testify on their behalf of the time, date, and place of the hearing, and for ensuring their attendance. All costs relative to attendance of all witnesses shall be at their own expense or as may otherwise be agreed to by the respective parties.
- (b) Direct that such other administrative procedure as it determines to be appropriate be undertaken to address the concerns set forth in the charges.
    - (1) Referral of such a case to the Judicial Panel shall be deferred for six months, or such earlier time as the Board subcommittee determines to be appropriate, while a matter is considered pursuant to such other administrative procedure.
      - (i) In exceptional circumstances, referral of a matter to the Judicial Panel can be deferred for an additional six months when the Board subcommittee determines that doing so would facilitate resolution of the matter.

.05 If the Board subcommittee finds that the evidence submitted does not substantiate the charges, or if the charges are such that do not warrant disciplinary action, it shall dismiss the complaint and so notify the charging party and the charged party, including the reasons for its decision.

.7 **Judicial Panel***Last revised January 2001*

- .01 **Composition.** There will be a Judicial Panel consisting of six members and a chairperson, all of whom shall be appointed by the Association President with the advice and consent of the Board of Directors.
- .02 **Terms and Qualifications.** The Judicial Panel members, including the chairperson, shall be appointed for two-year terms.
- (a) Members of the Judicial Panel shall, upon appointment, be active or retired members of the Association as prescribed in Section 1(a) and/or Section 4, or Section 1(e)(2)(I), respectively, of Article II of the Constitution and must remain as such during their term.
- (b) Members of the Board of Directors shall not be appointed to the Judicial Panel.
- .03 **Removal and Vacancies.** The Board of Directors may, by a vote of ten (10) members thereof, remove any member of a Judicial Panel, including the chairperson, at any time and for any reason, except that removal shall not occur at a time when the Judicial Panel member is involved in hearing a disciplinary matter.
- The President, with the advice and consent of the Board of Directors, shall fill vacancies for the unexpired term of any vacancy, which occurs.
- .04 Secretary to the Judicial Panel shall be the Executive Director or his/her designee, for purposes of handling administrative tasks relating to disciplinary action proceedings and coordination of Panel activities. S/he shall not be a member of the Panel.
- .05 **Selection of Judicial Panel.** When the Judicial Panel is required to hear a disciplinary matter, it shall consist of the Chairperson and two panel members who shall be selected by lot by the Secretary to the Judicial Panel.
- (a) Any Judicial Panel member who is a party to the disciplinary action or whose familiarity with the charged party(ies) or the action will impair objectivity shall be disqualified from serving.
- (b) If the Chairperson is disqualified or unable to serve at a hearing for any reason, the Association President will appoint an acting chair from among the Judicial Panel members.
- (c) Should there be less than three Judicial Panel members available to serve at a hearing, due to disqualifications, the Association President shall be authorized to appoint another eligible member (or members) to serve for that particular hearing, upon consultation with the 1st Vice President and Jr. Past President.

**.8 Hearing on Charges***Last revised June 1997*

The Judicial Panel shall hold a hearing on the charges at the appointed date, time, and location.

- .01 The accused may appear in person and with witnesses to answer the charges. S/He may present his/her own defense, or may select a member of the Association or a private attorney to represent him/her in presentation of the defense.
- .02 The charges shall be carried forward by the charging party, to include presentation of the charges, all documentation and oral arguments before the Judicial Panel, unless the charged party has chosen to engage a private attorney to present the defense. In the latter instance, the charges shall be carried forward on behalf of the charging party by a staff attorney designated by the Executive Director.
- .03 The Judicial Panel shall be provided legal assistance by the Association's Chief Counsel, or his/her designee, who shall act in an advisory capacity only, to ensure that due process rights are honored.
- .04 If the accused or his/her designated representative does not appear at the hearing, the Panel shall conduct the hearing in the accused's absence.
- .05 The hearing shall be conducted in closed session with the confidentiality of the proceedings to be strictly maintained. The presence of parties not directly involved or necessary to the hearing process as authorized herein shall be prohibited. Panel members shall not disclose any information relevant to the case except as required by this Policy.
- .06 The proceedings shall be audio-taped by the Panel; a printed transcript shall not be provided. Said audio-tape shall be destroyed following final action by the Board of Directors under Sections .11 or .12 of this policy. No other person shall record the proceedings by any means.

**.9 Withdrawal of Charges***Revised March 1992*

Charges may be withdrawn by the charging part(ies) at any time prior to the date set for hearing by the Judicial Panel upon signed, written request to the Executive Director, unless it is determined by the Board subcommittee designated in .6.03 that the institutional interests of the Association in prosecuting the charges outweigh the individual interests of the charging party(ies) in withdrawing the charge.

In such instances, the Board subcommittee shall become the charging party, and the charges shall be carried forward on behalf of the Association by a staff attorney designated by the Executive Director. The charged party shall be so notified and advised that s/he may select a private attorney of his/her choosing to represent him/her in presentation of the defense, at his/her expense.

Should the charges be withdrawn, all parties will be so notified.

1       **.10 Determination by Judicial Panel**

2       *Revised September 2004*

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- 4       .01 Upon conclusion of the disciplinary hearing, the Panel shall determine the sufficiency  
5 of the evidence relating to each offense charged and shall find the charged party guilty  
6 or innocent based thereon. If the Panel finds the charged party guilty of any of the  
7 charges, it shall outline the basis for its findings and indicate the penalty to be imposed  
8 as authorized in Section 613.4 and shall direct that the charged party comply with all  
9 relevant Association policies, procedures, and constitutional provisions.
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- 11       .02 A report of the Panel's findings and penalties to be imposed, if any, shall be forwarded  
12 to the Association President and the Judicial Panel Secretary within thirty (30) days of  
13 the conclusion of the hearing.
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- 15       .03 A copy of said report shall be forwarded to both the charging party and the charged  
16 party, via certified mail to the last known address, together with notification that the  
17 matter has been forwarded to the Board of Directors for final disposition, and specify-  
18 ing the procedures by which the charged party may appeal the decision.
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- 20       .04 A copy of the taped record of the proceedings may be made available to the charged  
21 party, upon request, if necessary for the purpose of preparing his/her appeal. The taped  
22 record shall not be disseminated to any other person or for any other purpose.

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24       **.11 Appeal Process**

25       *Revised July 2005*

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- 27       .01 The charged party may appeal the Panel's findings and/or proposed penalties to the Board  
28 of Directors. The procedures for filing and processing such appeal shall be as follows:
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- 30       (a) The appeal shall be in writing, fully outlining the charged party's objections and  
31 arguments against the Panel's findings and/or proposed penalties.
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- 33       (b) The charged party shall forward such written appeal to the Association President  
34 within 21 days of the postmark date of notification of the Panel's findings and  
35 proposed penalties.
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- 37       .02 Upon receipt of the written appeal, the President shall cause the matter to be placed on  
38 the agenda of a regular or special Board Meeting, which shall not be sooner than 21  
39 days following receipt of the written appeal.
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- 41       (a) The President shall notify both parties of the date, time, and place set for the  
42 Board to hear the appeal.
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- 44       (b) The charged party and/or his/her representative may appear in person to present  
45 the arguments before the Board; however, such personal appearance shall not  
46 be required and shall not negate the requirement for submission of written argu-  
47 ments as specified in Section 613.11.01.
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- (c) The charging party shall have the right to submit written rebuttal, and/or to appear in person at the appeal proceedings to submit oral argument.
- (d) The Board shall review the evidentiary record submitted at the hearing, the Judicial Panel’s findings, and oral and/or written arguments submitted by the respective parties.
- (e) The Board shall then determine, in Executive Session, whether or not it sustains the action of the Judicial Panel. The Board may affirm the decision, dismiss the charges, amend the proposed penalties, if any, and/or order the proposed or amended action to be effected. Its decision shall be based upon the evidentiary record submitted to the Judicial Panel together with the oral and/or written arguments submitted by the parties. New evidence shall not be considered at the appeal level, unless exceptional circumstance precluded its submission to the Judicial Panel.
- (f) If penalties are to be imposed, the Board shall set the date on which such penalties shall be effective, which shall not be earlier than five (5) days subsequent to the Board’s final action.
- (g) The President shall notify the charged party, via certified mail to his/her last known address, of the Board’s action and the effective date of any penalties to be imposed. Copies of such notification shall be forwarded to the charging party, concerned Chapter President and Regional Representative.

.03 Members of the Board subcommittee that referred the matter to the Judicial Panel shall disqualify themselves from voting in the appeal action.

.12 If the charged party fails to file a written appeal in accordance with provisions of Section 613.11.01, the Board shall review the matter at its next regular meeting following the 21 day appeal period, and shall declare the decision of the Judicial Panel to be final and order the proposed penalties, if any, to be effected.

The President shall notify the charged party, via certified mail to his/her last known address, of the Board’s action and the effective date of any penalties imposed. A copy of such notification shall be forwarded to the charging party, the concerned chapter president, and Regional Representative.

.13 The Judicial Panel shall submit a written summary of its actions to each Annual Conference, to include a listing of all cases referred to it, a description of the major issues involved, and the judgments of the Panel. The report shall also include the ultimate decision and findings on cases appealed to the Board of Directors. However, no specific person, chapter or district will be identified in such reports. P-106

It shall be the responsibility of the Judicial Panel Secretary to prepare such report.