

National Association of Parliamentarians®
Procedures to Consider Member Discipline Complaints
Adopted by the NAP Ethics Committee on 16 March 2015

Rule I. COMPLAINTS

- A. Member discipline complaints, which may be submitted only by an NAP member or members, shall:
 - 1. be submitted on a standard complaint form approved by the Ethics Committee and distributed by the NAP Headquarters office;
 - 2. be sent to the NAP Headquarters office in a sealed envelope marked “Confidential—Ethics Committee”;
 - 3. set forth with specificity the conduct alleged:
 - a. to be injurious to NAP or its object (and how it is alleged to injure NAP or its object),
 - b. to bring disrespect on NAP (and how it is alleged to bring disrespect on NAP), or
 - c. to willfully violate NAP bylaws (specifying the section or sections of the bylaws alleged to have been violated); and
 - 4. state when and where the conduct occurred and give the names and contact information for those who witnessed or otherwise have information relevant to the alleged conduct.
- B. The Executive Director shall maintain a log of all membership discipline complaints received. The log shall indicate the source of the complaint, the date received, and the date that the complaint was referred to the Ethics Committee.
- C. The sealed complaint shall not be opened at the headquarters office. It shall be forwarded, unopened, to the Chairman of the Ethics Committee.
- D. All documents, including electronic materials, relative to membership discipline complaints shall be sealed and held at the headquarters office in strict confidence, except that:
 - 1. Appropriate officers, members, or employees of the organization may be given such information regarding a disciplinary proceeding as is necessary and proper for the effective execution of any penalty imposed;
 - 2. When a complaint is filed, the Chairman of the Ethics Committee shall receive from the Executive Director a statement whether any prior complaints have been filed regarding the conduct of this parliamentarian and the disposition of these. If deemed relevant by the committee, the committee may request a copy of the file regarding the complaint or complaints previously disposed of by the committee.

Rule II. PROCESSING OF COMPLAINTS

The following procedures shall apply to Ethics Committee resolution of Member Discipline Complaints:

- A. The Ethics Committee will employ a two-stage process. In the first stage, the committee will determine by vote whether the conduct alleged in the complaint, assuming all factual allegations were to be true and considering the complaint in the light most favorable to the complainant, could reasonably be deemed injurious to NAP or its object, to bring

disrespect on NAP, or willfully to violate its bylaws (to the extent the complaint alleges any of these). If the committee votes that it could, the proceedings will move to the second stage; otherwise, the complaint will be dismissed. In the second stage, the committee will consider evidence concerning the validity of the factual allegations and further argument concerning whether the respondent's conduct was injurious to NAP or its object, brought disrespect on NAP, or willfully violated its bylaws, and if the committee votes to find the respondent guilty, will determine by vote what disciplinary penalty is to be imposed.

- B. Upon receipt of the written Member Discipline Complaint, the Chairman of the Ethics Committee shall:
1. forward copies of the complaint to all members of the Ethics Committee;
 2. forward a copy of the complaint to the respondent, together with a copy of these procedures, and notify the respondent of the member's right to submit a preliminary response within thirty days after mailing the notification, preferably in writing but at the respondent's option orally (to the committee, or for the committee in a recording), which preliminary response is not to contest the alleged facts but instead is to be restricted to giving reasons why the alleged conduct, were it to be true as alleged in the complaint, could not reasonably be deemed injurious to NAP or its object, to bring disrespect on NAP, or willfully to violate its bylaws, to the extent the complaint alleges any of these; and
 3. inform the President of the nature and scope of the Member Discipline Complaint.
- C. Upon receipt of the respondent's preliminary response, the Chairman of the Ethics Committee shall:
1. forward copies of the respondent's preliminary response (in writing if written, and in a recording if orally) to all members of the Ethics Committee;
 2. similarly forward a copy of the respondent's preliminary response to the complainant, together with a copy of these procedures, and notify the complainant of the complainant's right to submit a written preliminary rejoinder within thirty days after the notification has been sent, which rejoinder is to be restricted to giving reasons why the alleged conduct, were it to be true as alleged in the complaint, could reasonably be deemed injurious to NAP or its object, to bring disrespect on NAP, or willfully to violate its bylaws, to the extent the complaint alleges any of these. The Ethics Committee Chairman shall forward a copy of the complainant's rejoinder to the respondent.
- D. The Ethics Committee shall thereupon make the first stage determination described in Section A, and the Ethics Committee Chairman shall notify the complainant and respondent of that determination, together with an explanation of its reasoning.
- E. If the Ethics Committee does not dismiss the complaint in its first-stage proceeding, the Ethics Committee Chairman shall inform the respondent, with a copy to the complainant, that the respondent has thirty days in which to elect to be heard either in writing or orally.
- F. If the respondent elects to be heard in writing the Ethics Committee Chairman shall notify the complainant and respondent a) that the complainant has thirty days after the notification is sent to submit written argument and additional information (such as unsworn witness affidavits or relevant documents) supporting the complaint, which must not go beyond the allegations in the complaint, b) that the respondent has thirty days after

the respondent has been sent the complainant's written argument and additional information supporting the complaint, which shall be forwarded to the respondent by the Ethics Committee Chairman, to submit a written response, which may include argument and additional information (such as unsworn witness affidavits or relevant documents) and c) that the complainant has thirty days after receiving a copy of the response, which shall be forwarded to the complainant by the Ethics Committee Chairman, to submit a rejoinder, which must not introduce new arguments or information but must be restricted to rebutting arguments in the response. A copy of the rejoinder shall be forwarded by the Ethics Committee Chairman to the respondent.

- G. If the respondent elects to be heard orally, the Ethics Committee, with at least thirty days written notice to the complainant and respondent, shall establish a date and time for a hearing to be conducted orally in person or in an electronic meeting following a procedure in accordance with a resolution adopted by the Ethics Committee and included with the notice, which procedure shall follow as nearly as the committee deems feasible in the circumstances the trial provisions in RONR (11th ed.), page 664, line 19 to page 668, line 18.
- H. Within twenty days subsequent to completion of the process described in either section F or section G, the Ethics Committee shall decide whether the respondent is guilty and if so, what penalty is to be imposed. In accordance with the bylaws, a two-thirds vote shall be required both to find guilt and to impose any penalty.

Rule III. CONTINGENCIES

- A. If for any reason the Ethics Committee Chairman is unable to fulfill responsibilities described by these rules, those duties shall be fulfilled by another member of the Ethics Committee designated by vote of the Ethics Committee to do so.
- B. The Ethics Committee may vote to extend any deadline set by these rules.
- C. If any party fails to submit a document by the deadline for it (or by an extension of the deadline granted by the Ethics Committee), or if the party provides notification that the party will not submit that document, the Ethics Committee shall move to the next step in the procedure, except that if the respondent does not so submit a preliminary response under Rule II B or a response under Rule II F, the complainant shall not be afforded the opportunity to submit a preliminary rejoinder or a rejoinder, as the case may be.

RULE IV. RECUSAL OF ETHICS COMMITTEE MEMBER

No member of the Ethics Committee may participate in the discussion of or vote on a complaint in which he or she has a direct personal or pecuniary interest not common to other members. Instances in which an Ethics Committee member must be recused include:

- A. The member is a party to the complaint;
- B. The member is related to any party by marriage or within the third degree;
- C. The member has a personal financial interest in the matter;
- D. The member is likely to be a witness; or
- E. The member has a personal bias or prejudice concerning the subject matter or a party.

RULE V. ETHICS COMMITTEE CONDUCT OF BUSINESS.

- A. Within thirty days following the committee's final determination on a complaint, the

Chairman of the Ethics Committee shall forward the following to the headquarters office:

1. the original written complaint;
 2. all correspondence, inclusive of electronic media, among the committee, the complainant, and the respondent;
 3. all documents, inclusive of electronic media, relating to the committee's investigation of the complaint; and
 4. a written report of the committee's final determination to the Board of Directors.
- B. The Executive Director shall add to the log maintained the disposition of the complaint, showing the portion of the bylaws under which the complaint was determined.

RULE VI. PUBLICATION OF MEMBERSHIP DISCIPLINE VIOLATIONS

Any expulsion or suspension from membership shall be published to the membership in a manner determined by the Board to be appropriate and designed to reach all members of the organization.

RULE VII. NOTIFICATION TO THE RESPONDENT AND COMPLAINANT

The initial notice of the complaint to the respondent shall be given to the respondent by certified mail, return receipt requested, delivery restricted to addressee. Thereafter, the Chairman of the Ethics Committee and the respondent may agree on any method of correspondence designed to reach the respondent without notice to others. Similarly, the Chairman of the Ethics Committee and complainant may agree on any method of correspondence designed to reach the respondent without notice to others.