**Constitution and Bylaws** **of the**



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Affiliated with the

Combined Law Enforcement Association of Arizona

(CLEAA)

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**Article I: Mission Statement & Purpose**

**Section 1**: *Mission Statement*- The mission of our association is to support those brave men and women that constitute our membership by assisting them in their times of need, providing legal representation, ensuring fair & equitable treatment, advocating for job security and fair and decent pay and benefits. We face a perilous job and never know what is around the corner. Our members may die in the line of duty protecting this community. This is a truth we know and accept, and we are committed to serve those that serve this community in order to make our community better for our future and the future of generations to come.

**Section 2:** *Purpose-* The Tucson Police Officers Association (TPOA) believes that Police Officers have the same Constitutional rights as other citizens of the United States and will work scrupulously to protect those rights.

**Section 3:** The Association believes that Tucson Police Officers are professionals and will strive to upgrade standards, wages, benefits and working conditions to reflect this professional status on a competitive national standard.

**Section 4:** The Association will promote the interests of Tucson Police Officers and Community Service Officers in the Tucson Police Department, Tucson Civil Service Commission, Tucson City Council, Arizona Police Officers Standards and Training (AZPOST), Arizona State Legislature, and U.S. Congress.

**Article II: Membership**

**Section 1:** *Active Member* – Any commissioned member of the Tucson Police Department or non-commissioned Community Service Officer who holds the rank of Community Service Officer, Police Officer, Detective, Sergeant or Tucson City Marshal provided such member remains a member in good standing with valid TPOA registration. Active members may hold any elected office, serve on any committee and vote on any issue before the membership in accordance with Article VIII Section 5. Active Members shall receive all benefits provided by the Association.

1. *Probationary Officer Member* – Any non-commissioned Community Service Officer or commissioned member of the Tucson Police Department who is currently on Probationary Employee Status with the Police Department. The Probationary Member will not be allowed to hold elected office in the Association, but will be entitled to all other benefits of the Association except those prohibited by the provisions of these By-Laws, Tucson City Ordinance, Civil Service Rules or Tucson Police Rules and Procedures.

**Section 2:** *Retired Members –* Any City of Tucson Community Service Officer, Police Officer, Detective, Sergeant or Tucson City Marshall who is retired from the Department may continue as a retired member. Retired members may serve on any committee, but may not vote on an issue before the membership. Retired Members are not entitled to any benefits related to legal coverage.

**Section 3:** *Written Notice of Resignation –* Members shall submit a Written Notice of Resignation to the Association. Their benefits and privileges will not terminate based on a letter of resignation, but will continue until the member’s requested date of resignation unless the member promotes beyond an eligible rank. Additionally, any member who submits a letter of resignation to the Association may retract the request at any time prior to their requested effective date. All written notices of resignation shall have a requested effective date of resignation which must be received by the Association not less than three (3) business days prior to the effective date. A Member who has paid their dues and is in good standing will still be entitled to all the benefits and privileges for the pay period that their dues are current. Cancellation of payroll deductions shall be considered an immediate resignation and any payments will be considered as surrendered to the association.

**Article III: Board Members**

**Section 1:** *Executive Board* – Shall consist of the Executive Officers and Trustees. The Executive Officers shall consist of the following: President, Vice President, Secretary, and Treasurer. The President will serve as the Chairman of the Board unless unable to continue those duties. The President will assign board members to chair committees.

**Section 2:** *Removal from the Board* – Any officer shall be subject for removal at any time by an affirmative vote of a majority of the members responding to a mail/electronic ballot or by a super majority vote of the executive board (defined for the purpose of these by-laws as 2/3 vote). Any request to remove an officer of the Board shall be submitted in writing to the Board at the next regularly scheduled monthly meeting. The membership ballot process will be initiated upon receipt of ¼ of the Active Members signatures for that purpose, and will be at no cost to the petitioner once the required number of signatures have been gathered. A copy of the petition shall be provided to the officer subject to removal. After presenting the proposal to have a Board member removed, petitioning members will have sixty (60) calendar days to collect Active Members signatures to initiate a removal process.

In the event the alleged misconduct is of such a serious nature that exigent circumstances exists, as determined by the Board, and requires immediate action, any member of the Board may call an emergency meeting of the Board. The Board may suspend the accused Board member pending the outcome of the disposition of the charges.

**Section 3:** *Professional Consultants/Agents* – The Board may appoint and/or hire, remove or terminate, consultants/agents, as deemed necessary.

**Section 4*:*** *President* – The President shall be the Executive Officer and spokesperson of the Association and shall exercise general supervision over its property and affairs. The President shall sign all legal documents on behalf of the Association and shall perform all acts, which the Board may require. The President may appoint alternate spokespersons as needed. The President shall be the ex-officio of all committees.

**Section 5:** *Vice President* – In the event of the President’s absence, or inability to act, the Vice President shall have all the powers of the President. The Vice President shall perform all duties the Board may require. The Vice President will also chair all motions relating directly to or referring to the President, either complementary or in condemnation of the President, and shall put all such motions to a vote.

**Section 6:** *Secretary* – The Secretary shall keep minutes of the Association meetings. The Secretary shall keep such books and records as the Bylaws and any Resolution that the Board may require. The Secretary may appoint an assistant to be approved by the Board. The Assistant Secretary, in the event of the Secretary’s absence or inability to act, shall perform the duties of the Secretary. The Secretary shall maintain a current membership list and advise on the status of members. The Secretary will review any Bylaws changes that are brought before the Association at membership and Board meetings.

**Section 7:** *Treasurer* – The Treasurer shall have custody and control of all funds of the Association, subject to the action of the Board, and shall report in writing the state of the finances at each monthly Board meeting and present it at all membership meetings. The Treasurer shall perform other services as the Board may require. The Treasurer shall be responsible for the collection of dues and maintaining the budget and expenditures in accordance with the Constitution and Bylaws of the Association.

**Section 8:** *Public Affairs Director*- Shall be responsible for managing the political action committee as well as keeping apprised of city council actions and items agendized for upcoming council meetings. The Public Affairs Director is also responsible for the recommendations of the PAC account and being informed of the legal requirements of this accounting and reporting.

**Section 9:** *Trustees* – The number of Trustees shall be determined by the Executive Board based upon the growth of the Department and/or the needs of the Association. All Trustees shall serve on the Executive Board.

Unless there are no other qualified candidates available or desiring to fill the FSB trustee positions, these positions will be filled by Community Service Officers, Officers or Detectives. Sergeants will have their own at-large trustee position. Trustees must be assigned to the rank and/or the division they represent at the time of their election or appointment.

Trustees may serve as chair of any committees or serve on any committee at the pleasure of the President with the approval of the majority of the Board.

Trustees may be appointed by the President if due to the event of a promotion, transfer or other unanticipated unavailability the elected trustee becomes unable to continue in their position.

1. Trustee duties include, but are not limited to: attending regularly scheduled trustee meetings (Monthly Membership Meeting, Monthly FSB Meeting, Committee Meeting), meet with Division Commanders at least on a bi-monthly basis, assisting with TPOA volunteer functions and speaking with Sergeants/Detectives/Officers in their respective areas.

**Section 10:** *Employee Status-* The President, Vice-President, Secretary, Treasurer, Trustees, Grievance Chair and Public Affairs Director are employees of the Association.

1. Employees shall, at all times, conduct themselves in a manner that represents the best interests of TPOA Leadership and membership. It is the duty of Employees to carry the message of TPOA Leadership to their respective divisions. Failure to adhere to this section may result in removal of office or position by the Executive Board as provided for in Article III, Section 2.

**Section 10:** Each member of the Board shall be given editing privileges of the Association web site. The President may also assign editing privileges to any member, at any time.

**ARTICLE IV: EXECUTIVE BOARD**

**Section 1:** *Duties of the Board*- To set policy of the Association, to manage all business and other decisions and to direct meetings by outlining decisions of the President and committees for the placement on the agenda of any Association meeting. The Board will also review any decision of any Board member as to its legality under the Constitution and Bylaws of the Association

**Section 2:** *Vacancy on Board*- Will be filled by appointment by the President and approved by a majority of the Board. In the event of the President’s post becoming vacant, the Vice President will fill the post for the remainder of the term. In the event that both the President and Vice President’s post become vacant, the President’s position will be filled by any remaining member of the board selected by a majority vote of the remaining board. In the event that it is not practical to hold a vote of the remaining board members then an emergency nomination/election will take place to fill the vacant positions.

**Section 3:** *Regular Meetings* Regular meetings shall be monthly at such places and times as the Board may resolve and shall be open to all members as provided in Article I. The President as needed may call special meetings.

1. Employees shall be required to attend all Membership meetings. If unable to attend a meeting, the employee will advise the President or Vice President of their intended absence.
2. Attendance will be kept of all FSB and Membership meetings. If an employee fails to attend meetings on a regular basis, it could result in a removal from the Board upon a super majority vote by the Executive Board.
3. Employees will be required to attend a minimum of 60% of all regularly scheduled meetings. Excused absences will only be for TPOA related duties/business or unforeseen emergencies (family illness, etc.). Failure to meet these standards could result in the employees’ removal from the board in accordance with Article III, Sec. 2.
4. Employees will be required to be available for any necessary TPOA related response involving members. Employees are required to answer their phones or call back as soon as possible when contacted by another TPOA employee.

**Section 4**: *Quorum*- A quorum for the transaction of business at any Board meeting shall be a minimum of 5 Association Board members to include the President or their designee.

**Section 5:** *Membership Challenge*- The membership, in disagreement with Board policy, or Board decisions, may challenge the policy or decision(s) by circulating a petition signed by one fourth (1/4) of the active membership, to challenge a Board decision that includes a recommended solution. The petition will be circulated and submitted no more than 90 days after the monthly meeting when it is initially presented or past the next election cycle (whichever comes first). This petition must be delivered to the Secretary upon completion for verification of membership status of petitioners. Verification will be done by the Secretary and the lead petitioner. Once the required number of signatures has been verified then the Secretary will be responsible for coordinating a full membership vote at the earliest reasonable opportunity. Any cost associated with the vote will be incurred by the Association (does not include costs associated with the signature gathering). Majority vote of the membership responding by secret ballot, will be required to change a Board decision. Additionally, the Secretary shall provide to the membership the total votes received pertaining to the petition and number of votes for and against said petition. It will be the responsibility of the petitioner, with concurrence of the Secretary, to set a suspense date of the reply(s) from the date of mailing of the postmarked date of response.

**ARTICLE V: ELECTION OF EXECUTIVE BOARD**

**Section 1:** *Election* – Board members of the Association shall be elected by the active membership in person or electronic ballot by the majority of those responding. All association members will be allowed to vote for the Executive Board positions. Tie votes will result in a runoff election for that post. In the event of a second tie vote then a majority vote of the Executive Board will be the tiebreaker.

**Section 2:** *Elections Committee*- The President shall appoint an Elections Committee to be set up, supervise, and count ballots for the election of officers. Current Board members will not be eligible to sit on the election committee. Only Active Members, excluding present Board Members, shall be selected to sit on Elections Committee.

**Section 3:** *Eligibility of Board members***-** Association members who hold office in another local police Association are not eligible to hold office in this Association.

**Section 4:** *Term of Office*- The term of office for all elected Board Members shall be for a period of two (2) years and for the position of President term limitations shall be no more than three (3) consecutive terms. Nominations shall be made and returned to the Association Secretary in writing three (3) months prior to the annual meeting. All ballots will be returned and counted by the monthly meeting prior to the annual meeting. New Board Members will take office at the annual meeting held no later than March of each calendar year. All nominees for office will be notified by the Secretary that their name has been placed in nomination for office, to include the particular office(s) the nominee has been nominated for, and the nominee will reply in writing or via public statement at a membership meeting of his/her acceptance of the nomination prior to the individuals name appearing on a ballot.

After the nominations are announced each nominee will have the option of preparing a campaign paragraph outlining his or her qualifications for the position. All paragraphs submitted within two week of the nomination announcement will be incorporated with the ballot.

**Section 5:** *Eligibility for Nomination-* No person shall be eligible for nomination unless the member has attended four (4) membership meetings in the twelve (12) month period prior to December 1, and has been a member in good standing for six (6) months prior to the nomination

**Section 6:** *Oath of Office-* Each newly elected or appointed Board member shall be required to recite the following oath of office upon their appointment:

*I do solemnly swear or affirm that I will faithfully execute the office entrusted to me and will, to the best of my ability, uphold the Constitution and Bylaws of this organization, acting only in the best interest of all members of the association.*

The outgoing President shall administer this oath. In the event a President is re-elected the newly sworn in Vice-President shall administer the oath to the President.

**ARTICLE VI: COMMITTEES**

**Section 1:** *Appointment of Committee Chairs-* Except as otherwise designated in the Bylaws, the President shall appoint, or remove, all Chairs of committees on approval of a majority of the vote of the Board. Additionally, the Board may call for the removal of any committee Chair by majority vote. Any Board member shall be able to call for a vote at any time.

**Section 2:** *Grievance Committee-* Regulates the grievances and legal representation procedure of the Association. The Chair of the Grievance Committee is also responsible for the Grievance Representatives. Members of the Grievance Committee shall be appointed by the Grievance Chair.

**Section 3:** *Wage and Hour Committee*- Researches and proposes issues before the membership in regard to wages, benefits, and working conditions. Members of the Wage and Hour committee shall be appointed by the President.

**Section 4:** *Political Action Committee-* Advancing our mission and goals through legislative change, evaluating candidates that are campaigning for local office to determine if an endorsement/investment is warranted. Recommending the expenditure of funds for a political candidate’s campaign or for a citizen’s campaign initiative.

**Section 5:** Benefits Committee- Researches and proposes positions on any changes to the vision, dental, or healthcare plans as well as PSPRS. Attends or provides input to the attending member representative for the city negotiations involving any of the above benefit plans.

**ARTICLE VII: GRIEVANCE REPRESENTATIVES**

**Section 1:** *Duties-* The Grievance Representative shall keep members informed on the Association activity and assist members with problems concerning the Association. The Grievance Representative actively recruits new members and shall assist any member during a grievance. If during the course of a grievance, information is brought forth for the purpose of advocating for the grieved member that may result (if reasonably known at the time) in discipline for another member, then that grievance shall be reviewed by separate Association board member prior to submission and the rank of the reviewing Board member should be of an equivalent rank if possible.

**Section 2:** *Meetings-* Grievance Representatives will be required to attend a minimum of four (4) Association Meetings each year. Failure to attend a meeting without notifying the Secretary or the President prior to a scheduled meeting may constitute cause for removal of the representative and appointment of a new representative. If a Grievance Representative who has been removed requests reinstatement, he/she must appear before the Executive Board and formally request reinstatement.

**Section 3:** *Vacancies-* Will be filled by the Grievance Chair and approved by the President. The Grievance Chair shall be subject for removal at any time at the discretion of the President or by an affirmative vote of the majority of the Association Board members. In the absence of a Grievance Chair, vacancies will be filled by the President with preference given to current Trustees or identified grievance representatives.

**Article VIII: Association Meetings**

**Section 1:** *Meeting Notice-* Such notice may be published in the Association newsletter and web site.

**Section 2:** *Board Meeting Notice-* Special meetings of the Board may be called by the President, or by a majority of the quorum of the Board. Notice of such meetings shall be given orally or in writing forty-eight (48) hours prior to the meeting and shall advise the time, place and general nature of the meeting. Regularly scheduled Board meetings will not require this notice.

**Section3:** *Annual Meeting-* Shall be held each year in the Month of March. The Secretary shall set the date, and time and location.

**Section 4:** *Special Meetings-* Special meetings of the membership may be called in writing by the President, majority of the total Board, or petition of 25% of the membership. Special meetings may be called to discuss and vote on all important matters concerning the membership as a whole on issues not subject to a vote by mail ballot.

**Section 5:** *Voting-* Active members and brand new members of the Association must be a member in good standing before casting a ballot on a voting issue for the Association. Any returning member must be in good standing for at least three (3) consecutive months before casting a ballot on a voting issue. All eligible members in good standing shall have one (1) vote.

**ARTICLE IX: DUES**

**Section 1:** *Dues Structure-* The basic dues of the active members will be as follows:

 $19.00 per pay period for Active Members

 $10.00 per month for Retired Members

Dues may be increased by the Board at the start of each year thereafter by an increase equal to the highest percentage increase in salary awarded to any active member of the Association. Increases of more than 10% shall be subject to the approval of the membership by mail or electronic ballot. The Board may elect to forgo or postpone any allowed amount.

**Section 2:** *Special Assessments-* The Association may make a special assessment of its membership to assist any Tucson Community Service Officer, Police Officer, Detective, or Sergeant who is a member of the Association. Such assessment must have a two-thirds (2/3) vote of the full Board. Assessments will be payable within a two (2) month period and will be billed to the member’s address by mail rather than collected via dues check off.

**Article X: Budget and Expenditures**

**Section 1:** *Annual Budget-* The Treasurer will be required to submit an annual budget to the Board for each fiscal year at the annual Membership Meeting. The fiscal year will start July 1st of each year.

**Section 2:** *Financial Status*- A mandatory compilation, review, or opinion audit by a CPA, approved by the Board, is required and must be completed and presented to the Membership at the annual meeting.

**Section 3:** The Treasurer shall be responsible for preparing an expenditure report for presentation at each monthly membership meeting. This report shall be available for review at the union office and may be posted to the association web site.

**Section 3:** *Expenditures-* The Board must approve any expenditure(s) over what has been authorized by the annual budget.

**Section 4:** The Treasurer or any other Executive board member with the concurrence of another board member’s signature will be responsible for signing checks and the treasurer is responsible for implementing and adhering to the above sections.

**Section 5:** *Cell Phones-* It is a requirement for the President, Vice President, Treasurer, Secretary, Public Affairs Director and Grievance Chair to be available to the membership 24 hours a day/7 days a week. In order to satisfy this requirement the Association may provide an Association phone available for usage by Board members for Association business or reimburse the bills for months of extraordinarily high cell phone usage for Association business. The Association will seek to obtain modest plans and phones needed to serve the functions of the board.

**Section 6:** *Stipend-* The Association shall provide compensation in the following amounts, paid in monthly installments. The Executive Board shall affirm by majority vote prior to the beginning of the fiscal year this compensation.

·         President $12,000 ($1,000/Month)

**·**         Vice-President $9000 ($750/month)

·         Secretary $6000 ($500month)

·         Treasurer $9000 ($750/month)

·         Grievance Chair $12,000 ($1,000/month)

·         Public Affairs Director $3000 ($250/ month)

**·**         Trustees $2400 ($200/month)

**Article XI: Benefits**

**Section 1:** *Group Benefits-* The Association may provide benefits such as; insurance, group legal, savings plans, etc. that might serve the general membership, at a reasonable cost.

**Section 2:** *Legal Representation-* The Association shall provide legal assistance/guidance/support in accordance with the Fair Representation and Legal Policy.

**Section 3:** *Insurance-* The Treasurer may purchase, upon approval of the majority of the membership, a group life insurance benefit with the monthly premium to be added/included in that member’s dues who desire that benefit. Any member who does not desire this benefit shall not incur the cost of the premium. This benefit may be offered and available to all members as addressed in Article II of this Constitution and Bylaws. The specific insurance plan will be at a reasonable cost and approved by the Board

**Article XII: Fair Representation and Legal Policy**

To meet its duty of fair representation, the Board has adopted the following policy:

**Combined Law Enforcement Association of Arizona (CLEAA) will have jurisdiction over this Legal Policy.**

It is the Association’s responsibility to support its members to ensure they receive fair representation and legal services consistent with provisions of this article. Members have the right to use legitimate grievance and other administrative procedures when other avenues of redress have failed. The Association intends to offer its member the best and most comprehensive legal services that it can afford. A substantial amount of the member’s dues will go toward legal costs and grievance representation.

A Grievance Representative will be assigned to assist a member during periods of legal representation on the member’s behalf. A Grievance Representative may represent a member on certain administrative matters as designated by the Board and/or legal council.

**Nonmembers will not be afforded free legal representation.**

**Section 1:***Truthfulness-* Complete and candid disclosure of all facts to any matter being grieved or appealed on a member’s behalf by the Association is absolute. The failure to be completely truthful, or the discovery of a member’s untruthfulness to the Grievance representatives, Board member, or Agents, will be sufficient cause to immediately cease the Association’s involvement in its representation. If a question of untruthfulness arises, a Board meeting shall be called to determine continued representation.

**Section 2:** *Non Members-* **Topic covered in CLEAA Bylaws.**

**Section 3:** *Notification Procedures-* Any member who desires grievance or legal assistance shall contact a Grievance Representative first. The Grievance Representative will assist the member and contact the Grievance Chair who, in turn, will notify the President. Notification will be made to CLEAA on legal representation by the Grievance Chair or if they are unavailable then by another Executive Board Member in the following order: President, Vice President, Secretary, Treasurer, Public Affairs Director. The Grievance Chair shall make weekly reports to the President and monthly reports to the Board.

It is the member’s responsibility to adhere to all time limits imposed under any grievance or appeal procedure.

**Section 4:***Continuation of Dues****-*** Members who have obtained authorized representation for a grievance, appeal, or other legal action, shall keep their dues current. Hardship cases may be brought to the Board for consideration.

**Section 5:***Civil Service Cases-* When a member is subjected to suspension, demotion, or termination, CLEAA will furnish representation at the members request, subject to its guidelines, for the following:

1. To protect the member’s rights prior to any formal charges and to make recommendations to the member.
2. To appeal disciplinary action to the Civil Service Commission. In cases where suspension of more than 80 hours in a twelve-month period is the only reason the suspension will be appealed to the Civil Service Commission, the Board may elect to have a Grievance Representative process the appeal.
3. To appeal any disciplinary action to arbitration pursuant to the City of Tucson Police Labor Agreement.

**Section 6:***Criminal and Civil Litigation*- This section now falls under the bylaws of CLEAA.

**Any member who is convicted of a criminal offense shall not receive further legal consultation, assistance or representation from the Association.**

**Section 7:** *Additional Coverage/Exceptions-*Any additional legal coverage may be provided as determined by the Board, or, in an emergency, by the President, after consultation with the Association’s legal council. Where extraordinary circumstances warrant, the Board may approve exceptions to any portion of this legal policy on a case-by-case, non-precedent setting basis.

**Article XIII: Amendments**

**Section 1:** These Bylaws may be altered, amended or replaced by a majority vote of the members present and voting at a membership meeting of the Association. Notification to the membership will be made by electronic correspondence at the same time the notice for the meeting is sent.

**Section 2:** The Board may also propose changes or additions to these Bylaws by a majority vote. The Board must then notify the membership in writing prior to a membership meeting of said proposed changes or additions. A majority vote at the membership meeting shall be needed to approve any changes or additions.

**Section 3:** Any member may propose changes, additions, or deletions to these Bylaws. Any such change, addition, or deletion shall be submitted, in writing to the Association Secretary for review and presentation to the membership for approval.

**Article XIV: Solicitations**

**Section 1:** The Association may engage in telephone solicitations of any kind for fund raising upon approval of the Board.

1. Approval of solicitation on behalf of the Association must take place at an open membership meeting.

**Article XV: Conflict of Interest**

**Section 1:** A conflict of interest shall exist when an Executive Officer, member, employee, and/or agent of the Association, due to association with any person, association business, and/or legal entity holds an interest with the aforementioned whereby a personal gain may be received by the Executive Officer, member, employee and/or agent of the Association.

When an Executive Officer, member, employee, and/or agent of the Association believes a conflict of interest may exist, he/she shall immediately cease acting on behalf of the Association as it relates to the potential conflict and notify the Board in writing. The Board may or may not, at its discretion, seek an opinion from its legal advisor. The opinion shall be in writing and only the Board shall receive the advisory.

Additionally, any member of the association may voice concern that a conflict of interest exists as it pertains to any other Executive Officer, member, employee, and/or agent of the Association. The concern may be brought forward in person at an open membership meeting or by notifying the Board in writing.

Any time a perceived conflict of interest is reported, the Board, except for the effected board member, shall vote to determine if a conflict actually exists. This vote shall be a roll call vote. A majority of the Board members present and voting will determine whether or not a conflict exists.

If after the vote of the Board the conflict of interest is deemed to exist, the Executive Officer, member, employee, and/or agent of the Association shall not resume representation of the Association as it relates to the conflict. However, said Executive Officer, member, employee, and/or agent shall continue to have all authority and powers to act in areas not related to the area of conflict.

This article shall control and supersede all other articles relating to the powers and authority of Executive Officers, members, employees, and/or agents of the association.

**Article XVI: Misconduct, Malfeasance,**

**Misfeasance or Nonfeasance**

**Section 1:** *Misconduct* **-** Refusal or intentional failure to comply with or abide by the provisions of the Constitution and Bylaws or official decisions of the Board.

Committing any act of fraud, embezzlement or misappropriation of any funds or property or other thing of value belonging to the Association. Refusing or intentionally failing to comply with the provisions of the Constitution and Bylaws which require full accurate accounting of all funds, property, books and records for examination, audit or financial review.

Filing false charges against any Executive Officer, member, representative, consultant, agent or employee of the Association. It is understood that for the purposes of this provision false charges are not merely charges of which a person is acquitted, but rather charges, which are filed recklessly or in bad faith without substance, foundation, or reasonable basis of support.

Committing any physical assault upon any Executive Officer, member, representative, consultant, agent or employee of the Association while such person is engaged in the performance of his duties for the Association.

**Section 2:** *Malfeasance-* Any wrong doing or misconduct by any Executive Officer, member, representative, consultant, agent or employee of the Association in the performance of his duties.

**Section 3:** *Misfeasance-*The performance of a lawful action in an illegal or improper manner by any Executive Officer, member, representative, consultant, agent or employee of the Association in connection with his official duties.

**Section 4:** *Nonfeasance –* The intentional or willful failure to act by any Executive Officer, member, representative, consultant, agent or employee of the Association in connection with his official duties or as directed by the Board

**Section 5:** *Who may prefer charges-*Any member in good standing may prefer charges under the provisions of this article.

**Section 6:***Who may be charged***-** Any member of the Association may be charged with misconduct. Any Executive Officer, member, representative, consultant, agent or employee of the Association may be charged with malfeasance, misfeasance or nonfeasance.

**Section 7:** *Proper form filing of charges-* To be properly filed, charges must be filed in writing and signed by the charging member(s). The charging document must specifically state the act(s) alleged to constitute a violation of this section. Also, it must specifically identify by article and section number, the provisions of the Constitution and Bylaws, which are alleged to have been violated. In the event an alleged violation involves established policies, decisions or governing principles of the Association which are not set forth in the Constitution and Bylaws, the charging document shall so state.

**Section 8:** *Response to Charges-*The accused may deny the allegations, in which case a Trial Board shall convene no sooner than thirty (30) calendar days and no later than forty-five (45) calendar days from the postmarked date of the certified letter or date of delivery. If more than one person is charged, the Trial Board may hear the matter in a single session.

**Section 9:** *Trial Boards-*The Trial Boards shall be seven active members selected by lottery, excluding any Trustee or Executive Officer who is excused. The Trial Board shall hear all evidence and arguments presented at the hearing. The Trial Board shall conclude the trial as soon as practical, then assemble in private for consideration of its findings and penalties, if any. In the event the accused files a letter of admission, the Trial Board shall consider the case as submitted and thereafter render a decision as to the penalty, if any, to be imposed. The decision of the Trial Board shall be by majority vote of its members, shall be reduced to writing, and shall contain a statement of the pertinent facts involved, the charging document, and state a penalty to be imposed, if any. Prescribed penalties shall be either a reprimand, suspension from membership, or expulsion from the Association. The decision of the Trial Board is final.