

1 ASSOCIATED STUDENTS OF ASU
2 GPSA ASSEMBLY
3 NINTH LEGISLATURE

OCTOBER 21, 2011

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6 ASSEMBLY BILL # 10

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9 INTRODUCED BY
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11 THE GOVERNMENT OPERATIONS COMMITTEE

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14 AN ACT Adopting the Code of Discipline

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17 THE GRADUATE AND PROFESSIONAL STUDENT ASSOCIATION,

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19 WHEREAS there is currently no well-defined procedure for discipline and impeachment
20 issues;

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22 NOTING THAT this lack of procedure can lead to confusion and unfairness,

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24 THEREFORE THE ASSEMBLY ADOPTS the “Code of Discipline”, to apply to the
25 entire Graduate and Professional Student Association:

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27 “Article I: Purpose and General Guidelines

28 A. The purpose of the Code on Discipline is to ensure a well-defined and fair process
29 for GPSA members and officers accused of wrongdoing that merits rebuke,
30 warning , punishment, or removal from office. The Code also seeks to define
31 types of wrongdoings and incorrect actions, and implications and repercussions
32 thereof.

33 B. This Code is a legal instrument that is on the same level as, although separate
34 from, the Bylaws. It seeks not to define offenses, but rather to define the process
35 for disciplinary hearings and the punishments/warnings that may be adopted.

36 C. The right for the Assembly to punish and/or dismiss members is established
37 within the ASASU Constitution and GPSA Bylaws. As such, all operations
38 concerning member discipline and removal shall be conducted through the
39 auspices of the Assembly.

40 D. Though processes for discipline and dismissal are to be conducted in a fair,
41 transparent and reasonable manner, they are inherently not judicial proceedings;
42 as such, specific legal tests, standards of proof, levels of culpability, issues of
43 intent, and other jurisprudence—American or otherwise—are not applicable. As
44 a result, individuals are free to bring about disciplinary proceedings for any

45 reason they see fit, and the Assembly has the right to convict, warn, punish and
46 remove based upon the opinions and votes of members of the Assembly, without
47 regard to the judicial standards mentioned above.

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49 Article II: Levels of Wrongdoing and Incorrect Actions, and Implications Thereof

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51 A. There are no specific tests adopted here to determine which classification listed
52 below should be applied to a given scenario. Rather, it is a deliberative issue left
53 to the Assembly. The warnings and punishments below are the only ones that the
54 Assembly may adopt, and adopting one of them connotes that the Assembly
55 believes that the disciplined individual acted with the level of incorrectness or
56 wrongdoing associated with the classification.

57 B. Sanctions.

58 a. A notice is defined as a formal notice or formal warning; a punishment is
59 defined as a censure, a strong censure, or conviction upon impeachment..

60 i. A **formal warning** warns the receiving party that his or her
61 conduct is wrong, and must improve at once. A formal warning
62 must be affirmatively approved by a majority vote of the Assembly.

63 ii. A **censure** is imposed when an individual has acted with
64 negligence, fault, malfeasance or guilt, but insufficiently so as to
65 merit removal from office. A censure serves to specifically rebuke,
66 condemn and express strong disapproval towards the individual's
67 conduct and character. The censure must be affirmatively
68 approved by a 2/3 vote of the assembly.

69 C. Note on Impeachments:

70 a. Impeachment and the process regarding its execution shall be considered
71 within Article V of the Discipline Code.

72 Article III: The Discipline Committee

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74 A. The Committee on Discipline, a committee within the Assembly, is established to
75 consider matters of discipline in accordance with this Code.

76 a. All matters concerning notices and punishments as listed in Article II of
77 the Code will be handled by the Committee in accordance with Article IV
78 of the Code.

79 b. The Committee will manage the impeachment process as described in
80 Article V of the Code.

81 c. The Committee will handle issues of expulsion of members of the
82 Assembly as described in Article VI of the Code.

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- 84 B. Membership- The Committee on Discipline shall have five regular members and
85 one ex-officio member.
- 86 a. Regular members-
- 87 i. 1 member from the Government Operations Committee, appointed
88 by that committee.
- 89 ii. 1 member from the Assembly Operations Committee, who is not
90 the Assembly President, appointed by that committee.
- 91 iii. 3 members elected by a majority vote of the Assembly; only one of
92 these 3 additional members may be from either the Government
93 Operations or Assembly Operations Committee. None of these 3
94 additional members may be the Assembly President.
- 95 b. Ex-officio member-
- 96 i. The Assembly President, who shall have the right to attend
97 meetings, sit on the committee and partake in discussions. The
98 Assembly President may make no motions and may not vote. The
99 Assembly President may not sit on the committee when it is
100 considering charges brought by the Assembly President
101 him/herself.
- 102 C. The committee shall elect a Chairman from amongst its regular members.
- 103 D. The Assembly shall have the right to remove a regular member from the
104 Committee with a 2/3 vote of all present and voting members of the Assembly
105 during an Assembly meeting.
- 106 E. Miscellaneous:
- 107 a. The Committee requires a quorum of 3 out of 5 regular members to
108 convene, consider business, and vote.
- 109 b. Members of the Committee who accused of wrongdoing and whose case is
110 being considered before the committee may not sit with the committee
111 during the investigation.
- 112 c. The Committee should seek to conduct its business in a cordial demeanor.
113 All involved parties should deliver all information reasonably requested
114 by the committee.
- 115 d. The Committee is authorized to subpoena any document or item produced
116 by or for GPSA, or to subpoena the testimony of any member of the
117 Assembly, Executive Officer, or employee of an Executive Officer. A
118 subpoena can be issued by a majority vote of regular committee members.
- 119 i. The subpoena can be challenged before the Supreme Court, which
120 may quash the subpoena on the grounds that the information
121 requested was not produced by or for GPSA.
- 122 ii. If the subpoenaed party does not comply with the subpoena, and no
123 remedy was issued by the Supreme Court, the Committee may

124 recommend sanctions be adopted by the Assembly for contempt of
125 committee (which may be any of the aforementioned sanctions), in
126 addition to sanctions germane to the issue at hand.

127 Article IV: Discipline Process for Items Other than Impeachment

- 128 A. This article applies only to matters of discipline related to punishments and
129 notices in Article II of the Code.
- 130 B. The number of members present and voting at an Assembly meeting is
131 required to issue a sanction is noted in Article II. Such a notice or punishment
132 is not subject to the veto of the President.
- 133 C. All efforts that attempt to bring about a notice or punishment to a member of
134 the organization must first be referred to the Committee on Discipline for
135 review.
- 136 a. Disciplinary issues cannot be voted on in the Assembly before review
137 by the Committee on Discipline.
- 138 D. Methods for referral to the Committee:
- 139 1. On referral from the Assembly. If the Assembly, with a majority vote,
140 refers a matter to the Committee on Discipline, it is required to
141 investigate the matter, and report back to the Assembly at the next
142 Assembly meeting with a recommendation.
- 143 2. Through command of the Assembly President. If the Assembly
144 President so directs, the Committee is required to investigate, and
145 present a recommendation to the Assembly at the next meeting.
- 146 3. On motion of at least two members of the Assembly. If two members
147 of the Assembly send a written motion to the Committee calling for an
148 investigation, the Committee is required to investigate, and required to
149 present a recommendation to the Assembly at the next meeting.
- 150 4. Of its own volition. The Committee may investigate matters that have
151 come to its attention. It is not required to submit a recommendation to
152 the Assembly, but may do so if deemed necessary.
- 153 5. From a tip or accusation from any individual not listed above. The
154 Committee must at least perform a cursory investigation to test the
155 validity of the claims, and may proceed to a full investigation of
156 deemed necessary. The Committee is not required to submit a
157 recommendation to the Assembly.
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- 159 E. The requirement to investigate and report shall be waived if a unanimous vote
160 of the committee concludes that the accusations are superfluous and entirely
161 without substance.
- 162 F. If the committee decides that an investigation is needed, or if it is required to
163 undertake an investigation, it will follow these protocols:

- 164 1. Notify the accused that he or she has been accused of wrongdoing, and
165 the substance of the complaint brought before them.
166 2. Ask the accuser and the accused to each provide information, both
167 written and in the form of testimony, to the committee for
168 consideration.
169 3. The accuser and the accused shall be granted the inviolable right to
170 address the Committee.
171 4. The Committee shall deliberate its findings in Executive Session.
172 5. A majority vote is needed to forward a recommendation to the
173 Assembly for approval.

- 174 G. Upon completing an investigation and deliberation, the Committee will refer
175 to the Assembly its findings of fact and its recommendation of what sanction,
176 if any, should be applied. The Committee may also refer a matter to the
177 Assembly with no recommendation.
178 a. Recommendations shall be issued with a majority vote of the
179 committee. A remedy in subsection g is defined as a notice or
180 punishment as defined by this code.
181 b. Where the committee is not required to report a recommendation to
182 the Assembly, it may dismiss the matter entirely with a majority vote.

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184 H. The Committee's report shall be presented at the next Assembly meeting, or at
185 a special session of the Assembly called for the purpose of considering this
186 issue.
187 i. The report must be submitted to the Assembly no later than
188 three calendar days before the Assembly meeting, and must be
189 disseminated electronically to all members of the Assembly
190 immediately upon its submission to the Assembly.
191 ii. Consideration of this issue shall be in the "New Business"
192 section of the agenda.
193 iii. If the committee recommends a sanction, it shall draft a
194 resolution requiring such.
195 iv. If the committee does not recommend a sanction, it shall not
196 draft such a bill.
197 b. After the Committee issues its report, the accuser (if multiple accusers,
198 then only one may present according to this section) and accused shall
199 each be given a chance to address the Assembly, each with seven
200 minutes afforded to them.
201 c. After each party has presented, discussion on the issue shall ensue, and
202 be governed by the general rules regulating debate of an Assembly Bill.

- 203 d. If the Committee has put forth a resolution as described in section G,
204 part iii of this Article, the Assembly may vote directly upon the
205 resolution as they would any other Assembly Bill. If the resolution is
206 passed, the Assembly member is immediately sanctioned in
207 accordance with the resolution. If the resolution is defeated, the
208 allegation is immediately dismissed with prejudice, and not open to
209 further consideration.
- 210 i. The Assembly may amend the sanction on the resolution per
211 the procedures used for amending main motions.
- 212 e. If the Committee did not put forth a resolution as described in section
213 G, part iv of this Article, a member of the Assembly may, during the
214 discussion period, move that the member be sanctioned with a sanction
215 in Article II. This motion shall require a second by at least three other
216 members of the Assembly.
- 217 i. Upon this motion and second, a vote shall be first taken to
218 indicate whether or not the Assembly is ready to vote on the
219 matter. A 2/3 vote in the affirmative of all present and voting
220 Assembly members is required for a vote on the main motion
221 to be taken.
- 222 ii. If the vote passes, a vote shall then be held immediately on
223 whether or not to expel the accused Assembly member. If the
224 required number of present and voting members of the
225 Assembly vote for a sanction, the member shall be sanctioned.
226 If the total number of votes for expulsion is less than the
227 required number of present and voting Assembly members, the
228 motion shall be defeated, and the allegations shall be dismissed
229 with prejudice, and not open to further consideration.
- 230 f. If the committee did not put forth a resolution as described in section
231 G, part iv of the Article, a member of the Assembly may, during the
232 discussion period, move that the allegations against the member be
233 dismissed with prejudice. This motion shall require a second by at
234 least three other members of the Assembly.
- 235 i. This motion is not debatable, and requires a majority vote to
236 pass.
- 237 1. If the motion passes, the allegation is immediately
238 dismissed with prejudice.
- 239 2. If the motion fails, discussion shall resume.

240 Article V: Impeachment
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- 242 1. Executive Officers, and all employees that work for an Executive officer, may be
243 subject to impeachment.
- 244 a. Per the ASASU Constitution, this shall also include the Assembly
245 President.
- 246 2. Members of the Assembly are not subject to impeachment.
- 247 3. Impeachment Process-
- 248 a. Petition and Initiation of Impeachment:
- 249 i. As per the ASASU Constitution, impeachment shall commence
250 with a petition containing the signatures of twenty-five percent
251 (25%) of the membership of the Assembly.
- 252 1. Twenty-five percent of the Assembly shall be calculated
253 from the membership of the Assembly at the time that the
254 petition has been delivered.
- 255 ii. A petition shall be considered delivered when, after obtaining all
256 of its signatures it is given to in a reasonable manner to the
257 President of the Assembly, a member of the Assembly Operations
258 Committee, or the President Pro Tempore of the Assembly.
- 259 1. The petition must be conveyed to the President of the
260 Assembly unless it seeks to impeach the President of the
261 Assembly. In such a case, the petition must be conveyed to
262 the President Pro Tempore of the Assembly.
- 263 iii. Upon receipt of the petition, the President of the Assembly or the
264 President Pro Tempore of the Assembly shall declare the named
265 officer impeached and will notify the following:
- 266 1. the President of the GPSA;
267 2. the accused officer;
268 3. the membership of the Assembly; and
269 4. the public.
- 270 a. Public notification may be achieved by sending an
271 e-mail or other written notification to an editor of
272 the State Press.
- 273 iv. Petitions for impeachment, if successful, shall be made public and
274 are not secret.
- 275 b. The Disciplinary Committee and Pre Hearing Matters:
- 276 i. The Chair of the Disciplinary Committee shall, upon impeachment
277 of any officer, call a meeting of the Disciplinary Committee.
- 278 ii. The Disciplinary Committee shall have the following powers:
- 279 1. to set the date of the Impeachment Hearing no sooner than
280 fourteen (14) calendar days after impeachment and no later
281 than forty-five (45) days after impeachment;

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2. to, after consideration of the facts, evidence, and statements made by officers, recommend a procedural course of action of the assembly or recommend the consideration of certain issues regarding the accusation;
 3. to, call a special session of the Assembly for the consideration of any preliminary issues regarding the impeachment hearing;
 4. to, recommend to the Assembly the consideration of any evidence presented;
 5. to appoint and direct a Impeachment Hearing Presiding Officer of the Assembly for the purposes of acting as President of the Assembly during impeachment proceedings provided that the individual is:
 - a. not the President of the Assembly;
 - b. not the President pro tempore of the Assembly;
 - c. not an Executive Officer of the GPSA;
 - d. not a director in the GPSA;
 - e. not a manager appointed for the purposes of the hearing at hand;
 - f. not impeached;
 - g. not previously impeached and removed; and
 - h. one of the following:
 - i. a member of the GPSA as defined by the ASASU Constitution and in good academic standing;
 - ii. a licensed attorney able to practice before the Supreme Court of the State of Arizona; or
 - iii. a professional parliamentary officer holding active certification from professional society for parliamentarians;
 6. to, make public statements regarding the nature, and timing of the proceedings; and
 7. to enforce the provisions of these bylaws to allow for a fair hearing.
- iii. It shall be the duty of the Disciplinary Committee to:
1. make any meeting preparations for the hearing;
 2. decide preliminary matters before the hearing; and
 3. make a recommendation to the Assembly.

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- iv. Any member of the Disciplinary Committee who is impeached must recuse themselves and not vote on matters until they are acquitted.
 - v. Members of the Disciplinary Committee shall not communicate with the accused officer or the manager except as part of official business and in meetings that are open and publically announced.
 - 1. The chair is exempt from this rule for purposes of representing the committee when they are not meeting.
 - vi. If no charges are listed in the petition to impeach, then the Disciplinary Committee shall present charges after investigating the intention of the petitioning Assembly Members.
- c. Hearing before the Assembly
- i. No hearing before the Assembly shall be held unless the accused officer has:
 - 1. been given notice of the charges they are called to defend;
 - 2. been given no less than fourteen (14) calendar days to prepare; and
 - 3. been given e-mail or written notification of the time, date, and location of the hearing.
 - ii. Impeachment hearings are special sessions of the Assembly.
 - iii. Impeachment hearings will have the following agenda items in order:
 - 1. Call to Order
 - 2. Attendance
 - 3. Reading of the Charges
 - 4. Opening Statements
 - 5. Presentation of Evidence
 - 6. Closing Statements
 - 7. Deliberation on the Charges
 - 8. Motion to Remove
 - 9. Adjournment
 - iv. Procedure
 - 1. Call to Order
 - a. The presiding officer shall call the meeting to order at the specified time and location.
 - i. The call to order may be delayed for no more than thirty (30) minutes for the purpose of ensuring quorum.
 - 2. Attendance

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- a. Attendance of the Assembly membership and the accused shall be taken and recorded in public record.
 - b. Two-thirds (2/3) of the seated members of the Assembly must be present for quorum.
 - i. If there is no quorum the present members, by a majority vote, may take the following actions:
 - 1. Call the Quorum
 - a. This shall have the affect of resolving to contact all assembly members and imploring them to attend.
 - 2. Postpone the hearing for a specified time
 - a. The hearing may be postponed for no more than seven (7) days.
 - 3. Adjourn to Committee of the Whole
 - a. The membership may adjourn to committee of the whole and openly engage in discussion and debate on the issues.
 - b. Committee of the whole may not take action as an assembly, but may submit motions and legislation to the Assembly for consideration when a quorum is present.
 - ii. If the attendance is in excess of the quorum threshold by less than two (2) members in attendance, then the presiding officer shall inform the Assembly of such a condition and implore the members to take care when leaving the room.
 - c. If the accused officer or his/her representative is not in attendance, the hearing shall continue nonetheless.
3. Reading of the Charges

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- a. The presiding officer shall call on the Head Manager and ask for him or her to present the charges.
 - b. The presiding officer shall then have the opportunity to speak to the nature of the hearing.
 - c. The presiding officer shall then give the floor to the chair, or a designee, of the Disciplinary Committee to present their recommendation on the issues at hand.
4. Opening Statements
- a. Opening statements shall give the manager and the accused officer an opportunity speak to the nature of the charges.
 - b. Speaking for each party shall be limited to two (2) minutes and one (1) minute for each charge presented.
 - i. The presiding officer may, at his or her discretion, extend this speaking limit by three (3) minutes.
 - c. The managers shall speak first.
 - d. The accused officer shall speak last.
5. Presentation of Evidence
- a. Both sides shall have an opportunity to present relevant and pertinent evidence to the Assembly as a whole.
 - i. The managers shall present evidence first in this section.
 - ii. The accused officer shall present evidence last shall speak last in the section.
 - b. Evidence must be relevant to the charges
 - c. Witnesses may be called
 - i. Officers, Assembly Members, and student staff of the GPSA may be compelled to testify by motion by one of the parties no less than three (3) days prior to the hearing. Others may volunteer.
 - ii. The party calling the witness shall first have an opportunity to directly question them with.

- 515 e. The Committee shall deliberate after testimony is given and documents are
516 received, and recommend that the Assembly member be expelled or not be
517 expelled.
- 518 f. The Committee's report shall be presented at the next Assembly meeting,
519 or at a special session of the Assembly called for the purpose of
520 considering this issue.
- 521 i. The report must be submitted to the Assembly no later than three
522 calendar days before the Assembly meeting, and must be
523 disseminated electronically to all members of the Assembly
524 immediately upon its submission to the Assembly.
- 525 ii. Consideration of this issue shall be in the "New Business" section
526 of the agenda.
- 527 iii. If the committee recommends expulsion, it shall draft a resolution
528 requiring such.
- 529 iv. If the committee does not recommend expulsion, it shall not draft
530 such a bill.
- 531 g. After the Committee issues its report, the accuser (if multiple accusers,
532 then only one may present according to this section) and accused shall
533 each be given a chance to address the Assembly, each with seven minutes
534 afforded to them.
- 535 h. After each party has presented, discussion on the issue shall ensue, and be
536 governed by the general rules regulating debate of an Assembly Bill.
- 537 i. If the Committee has put forth a resolution as described in section G, part
538 iii of this Article, the Assembly may vote directly upon the resolution as
539 they would any other Assembly Bill. If the resolution is passed, the
540 Assembly member is immediately expelled. If the resolution is defeated,
541 the allegation is immediately dismissed with prejudice, and not open to
542 further consideration.
- 543 j. If the Committee did not put forth a resolution as described in section G,
544 part iv of this Article, a member of the Assembly may, during the
545 discussion period, move that the member be expelled. This motion shall
546 require a second by at least three other members of the Assembly.
- 547 i. Upon this motion and second, a vote shall be first taken to indicate
548 whether or not the Assembly is ready to vote on the matter. A 2/3
549 vote in the affirmative of all present and voting Assembly
550 members is required for a vote on the main motion to be taken.
- 551 ii. If the vote passes, a vote shall then be held immediately on
552 whether or not to expel the accused Assembly member. If 2/3 of
553 present and voting members of the Assembly vote for expulsion,
554 the member shall be expelled. If the total number of votes for

555 expulsion is less than 2/3 of present and voting Assembly members,
556 the motion shall be defeated, and the allegations shall be dismissed
557 with prejudice, and not open to further consideration.

558 k. If the committee did not put forth a resolution as described in section G,
559 part iv of the Article, a member of the Assembly may, during the
560 discussion period, move that the allegations against the member be
561 dismissed with prejudice. This motion shall require a second by at least
562 three other members of the Assembly.

563 i. This motion is not debatable, and requires a majority vote to pass.

564 1. If the motion passes, the allegation is immediately
565 dismissed with prejudice.

566 2. If the motion fails, discussion shall resume.”

567 STRIKES Title I, Article 1, A-E from the Bylaws;

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569 STRIKES Title I, Article 1, Section F, Subsection C from the Bylaws.

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571 RENUMBERS the Bylaws accordingly.