

**CONSTITUTION OF THE  
PENNSYLVANIA STATE CORRECTIONS  
OFFICERS ASSOCIATION**

**APPENDIX B**

**CHARGES, TRIALS AND APPEALS**

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**Section 1.** The basis for charges against members, officers, Local Unions or any subordinate body of the Association may consist of the following:

- (a) Violation of any provision of the Constitution or of any rule or regulation promulgated by the Executive Board.
- (b) Violation of membership obligations;
- (c) Disloyalty to the Association;
- (d) If an officer – neglect, inefficiency or incompetence in the performance of the officer’s duties; failure to advance and promote the interests of members of the Association; performing acts detrimental to the interests of the Association; utilizing the officer’s official position to engage in enterprises which are inimical to the welfare of the Association and contrary to the interests of its members
- (e) Misappropriation; embezzlement; misuse or improper handling of Association funds; altering or tampering with membership records or Association books or making false official reports; or failure to account for receipts and disbursements in accordance with Association financial policies.
- (f) Abusing fellow members or officers in or near an Association meeting or disrupting Association meetings.
- (g) Engaging in any activities which tend to bring the Association or its subordinate bodies into disrepute or which tend to reflect upon its good name, standing and reputation.
- (h) Violation of lawful instructions or directives issued by officers or representatives of the Association.
- (i) Conducting the affairs of a Local Union or subordinate body, or permitting its officers to so conduct its affairs, as to hinder, prejudice or injure the rights or interests of members of the Association.

- (j) Such other acts and conduct which shall be considered inconsistent with the duties, obligations and responsibilities of a member, officer or subordinate body of this Association.

**Section 2.** Charges against Association officers and Executive Board members:

- (a) Any officer or member of the Executive Board of the Association who violates the Constitution or is negligent in the performance of his or her duties may be charged and tried when such charges are preferred by a Motion made by any Local Union and seconded by five (5) Local Unions. If, after an impartial trial by the Association Executive Board, an officer is found guilty by that body, he or she shall be appropriately disciplined, up to and including removal from office.
- (b) If the officer or Executive Board member charged, or the Local Union or Local Unions that preferred the charges, are not satisfied with the result of the trial, they may appeal the decision of the Executive Board to the State Board. The decision of the State Board shall be final and binding in relation to such charges.
- (c) If an appeal to the State Board is filed by an officer or Executive Board member who has been found guilty under this provision, and where the State Board is not otherwise scheduled to meet within a period of thirty (30) days from the date of filing of the appeal, the Executive Board shall convene a Special Meeting of the State Board to consider the appeal.
- (d) An officer or Executive Board member who, following trial, has been suspended or removed from office, shall stand suspended from office pending such time as the appellate body has issued a final ruling in the case.

**Section 3.** Charges against Local Union or subordinate body officers:

- (a) Any Local Union officer or officer of any subordinate body (other than an Association officer or Executive Board member) who violates the Constitution or is negligent in the performance of his or her duties may be charged and tried when such charges are preferred by a member. If, after an impartial trial by the Association Executive Board (or the Association Judicial/Ethics Committee to whom the Executive Board may delegate the matter, in its discretion), the officer is found guilty by that body, he or she shall be appropriately disciplined, up to and including removal from office.
- (b) If the officer or officers charged, or the member(s) that preferred the charge, is not satisfied with the result of the trial, they may appeal the decision of the Executive Board (or the Judicial/Ethics Committee) to the

State Board. The decision of the State Board shall be final and binding in relation to such charges.

- (c) If an appeal to the State Board is filed by an officer who has been found guilty under this provision, and where the State Board is not otherwise scheduled to meet within a period of sixty (60) days from the filing of the appeal, the Executive Board shall convene a Special Meeting of the State Board to hear the appeal.
- (d) An officer who, following trial, has been suspended or removed from office, shall stand suspended from office until such time as the appellate body has issued a final ruling in the case.

**Section 4.** Charges against a member (other than officers or Executive Board members covered by Sections 2 and 3):

- (a) A member who violates the Constitution may be charged and tried when such charges are preferred by another member. If, after an impartial trial by the Local Union Executive Board, a member is found guilty by that body, he or she shall be appropriately disciplined.
- (b) If the member so charged, or the member(s) that preferred the charge, is not satisfied with the result of the trial, he or she may appeal to the Association Executive Board.
- (c) If the member so charged, or the member(s) that preferred the charge is not satisfied with the result of the Executive Board decision on appeal, he or she may appeal the matter to the State Board. The appeal shall be considered by the State Board at its next regularly scheduled meeting. The determination by the State Board shall be final.

**Section 5.** The Association Executive Board, upon review by the Judicial/Ethics Committee, shall develop and publish rules and regulations for the conduct of trials of members and officers under this Article, consistent with provisions set forth in the Constitution and this Appendix B.

**Section 6.** When, in its judgment, the interests of the Association so require, the Executive Board may exercise original jurisdiction to act as a Trial Board in any pending case involving charges against any member.

**Section 7.** When original jurisdiction is exercised by any trial body under this Constitution, the procedure for the filing and processing of charges shall be as follows:

- (a) Charges must be filed within a reasonable time after the occurrence of the alleged violation or its occurrence became known or should have been known.
- (b) The party preferring the charges shall present them in writing, in duplicate, and file them with the Secretary of the trial body.

- (c) Such charges shall be sufficiently explicit as to reasonably inform the accused of the nature of the accusations against him or her.
- (d) The Secretary shall promptly forward a copy of the charge(s) by registered or certified mail to the party charged, together with a notice of the date, time and place of the hearing, such date not to be less than fourteen (14) days or more than sixty (60) days after the charges have been mailed. At the same time, the Secretary shall also send, by mail, notice of the date, time and place of the hearing to the party preferring the charges, and a copy to all other interested parties.
- (e) The party charged may file a written statement explaining or opposing the charges. However, failure to file such written statement shall not deny such party the right to appear at the hearing and defend.
- (f) The parties to the proceeding may appear at the hearing personally and with witnesses. Any person who can give evidence concerning the charge can be called as a witness, regardless of whether the person is a member or not.
- (g) Each party shall have the right to select a member of the Association to act as counsel in the case. The member selected as counsel shall not be a lawyer.
- (h) The Trial Board may, if it deems advisable, exclude all other witnesses from the hearing room while a witness is testifying, except the parties directly interested and their counsel.
- (i) Rules relating to the conduct of all trials shall be in accordance with policies adopted by the Executive Board.
- (j) At the conclusion of any trial, hearing or appeal, a decision shall be rendered by a majority of the members of the Trial or Appeal Board in each case.
- (k) Every decision of a trial or appellate body shall be reduced to writing and a copy thereof furnished to each directly interested party.

**Section 8.** Records of all proceedings below, including the charges, transcript or summary of evidence and Trial Board decision must be forwarded, duly attested by the Secretary of such trial or appellate body, to the Secretary/Treasurer of the Association who shall file same for future reference. Upon the filing of an appeal under any provision set forth in this Article, the record of the trial or appellate body must be forwarded, duly attested by the Secretary of such trial or appellate body, to the Secretary of the next appellate body.

**Section 9.** The Findings and Conclusions of the Trial Board of a Local Union shall be conclusive on such Local Union and shall not be subject to review by the Local Union

membership. Such Findings and Conclusions can be reviewed only as specified in this Constitution.

**Section 10.** Decisions and penalties imposed upon the members, officers, Local Unions or other subordinate bodies found guilty of charges, may consist of reprimands, fines or other monetary penalty, suspensions, expulsions, removal from office or position, revocations of Charters or demands to do or perform, or refrain from doing or performing, specified acts. If the penalty is by way of fine or command to pay or reimburse a sum of money, the penalty shall be held in suspense until all appeals are exhausted. If no appeal is taken, the penalty by way of fine or command to pay or reimburse a sum of money shall be effective immediately.

**Section 11.** Appeals:

- (a) Any directly interested party to a proceeding in which a decision has been rendered, feeling aggrieved over such decision, may take an appeal therefrom in accordance with provisions set forth in this Constitution Appendix B.
- (b) Appeals from decisions of Trial Boards of Local Unions shall be taken to the Association Executive Board. Appeals from the decisions of the Association Executive Board shall be taken to the State Board.
- (c) Every appeal must be taken within thirty (30) days from the date the decision of the lower tribunal or body is rendered. It shall be presented in writing and signed by the appellant. There shall be annexed to the appeal a copy of the decision below. A copy of the appeal should be filed with the Secretary of the body to which the appeal is taken. Failure to take an appeal within the thirty (30) day period shall be grounds for disallowing the appeal by the appellate body.
- (d) Promptly upon receipt of notice of appeal, the Secretary of the body from which the appeal was taken shall prepare all the papers and documents in the case which constitute the record and shall forward same to the Secretary of the body to which the appeal is taken.
- (e) The parties to the appeal shall have fifteen (15) days in which to file, with the Secretary of the appellate body, a written statement and written argument in support of their contentions. The appellate body may then, at its convenience, but without unnecessary delay, proceed to consider the appeal and decide it. The appellate body may consider the appeal on the record as presented; or it may permit the parties to appear and present oral argument; or it may determine the appeal by a retrial of the entire case. An appellate body may, with or without opinion, affirm or reverse the decision below, alter the penalty or remand the case for further proceedings or alteration of penalty consistent with its direction or opinion.

**Section 12.** Failure on the part of any interested party to appear at any trial, appeal or hearing, when an appearance is required before the tribunal or body which has the matter before it, at the time and place designated in the notice for appearance, shall constitute a waiver of appearance and defense, and the trial, appeal or hearing shall proceed in the absence of such party. No member may be found guilty, even if the member fails to appear, unless evidence proving the charge is presented to the Trial Board.

**Section 13.** An expelled member shall not be admitted again to membership in the Association, except upon the written permission of the Executive Board.

**Section 14.** Members or officers of the Association and its subordinate bodies who may have controversies relating to Association affairs, or against whom charges have been preferred or against whom disciplinary or adverse action has been taken, shall be obligated to exhaust all remedies provided for in this Constitution before resorting to any court or tribunal.