

## Article IX. Disciplinary Procedures

### **Section 1. General Provisions**

- A. All disciplinary action taken by Mock Trial at the University of Iowa shall be done through due process following this procedure:
  - a. An investigation by the Office of the Independent Counsel, followed by a recommendation to the Executive Board.
  - b. A vote by the Executive Board regarding whether or not to create an ad hoc disciplinary committee.
    - i. No ad hoc disciplinary committee shall have as a member any person who is also a member of the OIC.
    - ii. Ad hoc disciplinary committees shall have at least three (3) members, including the chairperson.
  - c. A hearing before the ad hoc disciplinary committee.
    - i. The case favoring disciplinary action against a member of MT@UI shall be presented by the chairperson of the OIC or by a member of the OIC assigned by the chairperson.
    - ii. The accused member shall have equal opportunity to present a defense or mitigation to the charges offered by the OIC.
- B. All decisions of any ad hoc disciplinary committee concerning a member of MT@UI shall be final.
  - a. Certain penalties may be mitigated by appealing to the Executive Board, as outlined in §5 of this Article.
- C. The chairperson of the OIC shall be excluded from any votes taken by the Executive Board in the course of disciplinary procedures.
  - a. The vote of the President in such matters shall be assumed by the Head Coach.
    - i. If there is no Head Coach to assume that vote, then it shall be assumed by a Disciplinary Representative elected by the General Assembly.

### **Section 2. Impeachment and Conviction of Officers**

- A. Any officer against whom disciplinary action is being taken shall be excluded from any votes taken by the Executive Board in the course of those disciplinary procedures.
  - a. The vote of that officer in such matters shall be assumed by an Assistant Coach.
    - i. If there is no Assistant Coach to assume that vote, then it shall be assumed by a Disciplinary Representative elected by the General Assembly.
- B. If the OIC builds a case against an officer of MT@UI, and the Executive Board votes to commission a disciplinary committee as a result of that case, then that officer shall be considered “impeached.”

- C. If an officer of MT@UI is convicted by a disciplinary committee, then they shall be:
  - a. Permanently removed from their office.
  - b. Prohibited from running for any other office of MT@UI at any time.
  - c. Subjected to the same penalties for an offense that other members of the organization are subjected to.

### **Section 3. Conviction of Committee Members**

- A. A person who is a member of a committee shall be removed from that committee upon conviction of any Constitutional violations, violation of any bylaws passed by the Executive Board, or incompetence in the execution of their duties and powers.
  - a. “Incompetence” shall include any actions which unduly impede the committee from efficiently carrying out its official responsibilities.
- B. The chairperson of a committee shall not be removed by this mechanism.
- C. If the person against whom action is being taken under the provisions of this Section is also an officer of MT@UI, that person shall be excluded from any votes taken by the Executive Board in the course of this action.
  - a. The vote of that officer in such matters shall be assumed by an Assistant Coach.
    - i. If there is no Assistant Coach to assume that vote, then it shall be assumed by a Disciplinary Representative elected by the General Assembly.
- D. If a member of a committee is convicted by a disciplinary committee, then they shall be:
  - a. Permanently removed from the committee in which the offense was committed.
  - b. Subjected to the same penalties for an offense that other members of the organization are subjected to.

### **Section 4. General Offenses and Penalties**

- A. There shall be three (3) types of offenses for which any member of MT@UI shall be penalized.
  - a. These three offenses are:
    - i. Felonies, defined as a violation of any MT@UI Constitutional provision.
    - ii. Aggravated misdemeanors, defined as a violation of any bylaw passed by the Executive Board which was defined as being punishable as an aggravated misdemeanor.
    - iii. Misdemeanors, defined as a violation of any bylaw passed by the Executive Board which was defined as being punishable as a misdemeanor.
- B. The penalties for these three offenses are as follows:
  - a. If convicted by a disciplinary committee of a felony offense, a person shall face a mandatory lifetime suspension from MT@UI.

- b. If convicted by a disciplinary committee of an aggravated misdemeanor, a person shall face a mandatory minimum of a one-year suspension from MT@UI, and up to a maximum of a five-year suspension from MT@UI.
  - c. If convicted by a disciplinary committee of a misdemeanor, a person shall face a mandatory minimum of a one-tournament suspension from MT@UI, up to a maximum of a one-semester suspension from MT@UI.
- C. At no time may a disciplinary committee impose a monetary penalty.

### **Section 5. Appeals of Disciplinary Action**

- A. Persons facing suspension may attempt no more than one (1) appeal to the Executive Board of MT@UI.
- B. Such an appeal can only be made after the last tournament of the competitive season during which the person was sentenced, and before the next General Election.
- C. The Executive Board may only mitigate a sentence of a disciplinary committee, and may only do so by a unanimous vote.
- D. Success of such an appeal shall reduce the sentence to a suspension from MT@UI of the fall semester of the next competitive season, after which the person may resume active MT@UI membership.