

Petition for Bylaws Amendment regarding “Hearings Committee/Acts Inimical” in Article IX Sec (5)-(7)

In accordance with Article XII Section (2)(a) of the American Mensa, Ltd. bylaws, we, the undersigned on the attached pages, do hereby affix our names, signatures, addresses, and membership numbers in order to place the following bylaws amendment proposal up for ballot by the American Mensa, Ltd. membership, to occur with the 2009 American Mensa, Ltd. elections.

The following is passed to a referendum of the membership:

In Article IX Sections (5) through (7) of the Bylaws of American Mensa, rearrange and renumber sections as indicated, and delete the language indicated in ~~strike through~~ and insert the language indicated in underline, keeping that language which is in black plaintext:

(5) Efforts should be made to resolve any disputes, in accordance with dispute resolution guidelines as the American Mensa Committee may adopt. In the event that these efforts are ineffective and the complainant believes that charges of acts inimical are warranted, Regional Hearings and/or National Hearings may be convened in accordance with this Article.

(6) Regional Hearings: A member whose recurring inappropriate conduct has been demonstrably harmful to a local group, to a Region, or to individual members inasmuch as such harm to individual members is also demonstrably harmful to the local group or Region, to the extent that it may be considered inimical to the society, may be censured, may also be suspended from office in that local group, or barred from its functions, or suspended from the local group itself upon recommendation of a Regional Hearings Committee and concurrence by a majority of the American Mensa Committee. by the American Mensa Committee upon recommendation of a Regional Hearings Committee. A Regional Hearings Committee may also impose lesser sanctions as warranted by the offense, such as barring a member from functions in the local group or Region, or refusal to publish the member's material in the local group's newsletter. Any Such recommendations shall be made, and sanctions imposed, only after the member has been given a fair and impartial hearing Regional Hearing at which hearing the member shall have the right to present his/her case.

(a) If good-faith efforts to end the harmful conduct have failed, officers and/or members of the local group may request their Regional Vice-Chairman to convene a Regional Hearings Committee to consider charges against the member. The request shall be in writing, shall describe fully the recurring inappropriate conduct deemed harmful, and the specific harm alleged, and shall be signed by officers and/or members of the local group numbering no less than 150% of the number of elective officers of the local group. Within 15 days of receipt of the request for a Regional Hearing, the Regional Vice-Chairman shall decide whether a hearing is warranted.

(b) If the Regional Vice-Chairman decides that a hearing should be held, he or she shall appoint a Regional Hearings Committee composed of three local group Ombudsmen members, each from a different group, exclusive of the accused member's group, from the region involved, provided those local group Ombudsmen are not members from the local group(s) of the complainant(s) or accused member(s) and not involved in the matter(s) in controversy. If there is an insufficient number of committee members, then additional local group Ombudsmen not involved in the matter(s) in controversy shall be selected from the geographically closest local groups until the committee is filled. Within five days of selecting the committee, the Regional Vice-Chairman shall notify the committee, the complainant, and the accused member of the impending hearing, the names of the committee members and list of expected possible replacements, the charges inclusive of the specific harm alleged, and his or her right to be heard and to present witnesses. Copies of this notification shall be sent to the Local Secretary of the accused member's group, the Chairman of the American Mensa Committee, and the National Ombudsman. The accused member(s) or the complainant(s) may file a written protest against inclusion of one or more of the members of the Regional Hearings Committee and the list of expected possible replacements, composed in accordance with this Section.

(c) The hearing shall commence between 21 and 30 days after notification to the accused member- Unless, unless extended for good cause by the Regional Vice-Chairman, the The hearing decision shall

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be completed within 45 days from ~~its~~ the commencement of the hearing. The hearing shall be conducted in accordance with rules and procedures promulgated by the American Mensa Committee.

(d) A member's violation of sanctions imposed by the American Mensa Committee following a regional hearing shall constitute an act inimical to Mensa for which further sanctions may be imposed by the ~~national~~ National Hearings Committee.

(e) The accused member(s) or the complainant(s) may file a written protest with the National Ombudsman if either feels that the hearing was conducted unfairly or with prejudice. The National Ombudsman shall investigate the protest and report to the American Mensa Committee, ~~the accused member(s), and the complainant(s), and shall make recommendations to the American Mensa Committee based on this report.~~

(57) National Hearings: A member whose actions have been demonstrably harmful to American Mensa or to a local group, a Region, or individual member(s) inasmuch as such harm to the local group, Region, or individual member(s) is also demonstrably harmful to American Mensa, may be suspended from specific activities, offices, positions or functions, for a specified time, or suspended from membership for a specified time, or expelled from membership, for acts inimical to the society, upon recommendation of a National Hearings Committee and concurrence by a majority of the American Mensa Committee. A National Hearings Committee may also impose lesser sanctions as warranted by the offense; such lesser sanctions also require a concurrence by a majority of the American Mensa Committee. No member shall be suspended or expelled from American Mensa, Ltd. have sanctions imposed upon him/her except following a fair and impartial hearing by the National Hearings Committee at which hearing the member shall have the right to present his/her case. A decision by the Hearings Committee to suspend or expel a member from American Mensa, Ltd., shall require the concurrence of the American Mensa Committee.

(a) The National Hearings Committee shall be composed of the three most recent Past Chairmen, three local group Ombudsmen, provided that each is a dues paid member of American Mensa, Ltd., not a member of the group or Region of the complainant(s) or accused member(s), and not involved in the matter(s) in controversy. A new National Hearings Committee will be convened in accordance with these procedures with each complaint brought against a member for charges of acts inimical to the society. In the event that one or more of the three most recent Past Chairmen be unavailable—or incapacitated, in the judgment of the remainder of the Hearings Committee, following a challenge by any of the parties involved—vacancies, using the same criteria, shall be filled, in order, from the three most recent First Vice Chairmen who are not currently serving on the American Mensa Committee; and following them, from the three most recent Second Vice Chairmen not currently serving on the American Mensa Committee; and following them, from the three most recent Secretaries not serving on the American Mensa Committee. The Hearings Committee shall be chaired by the least recent Past Chairman and serving on it, or, if none is available, the least recent First Vice Chairman, or, if none is available, the least recent Second Vice Chairman, or, if none is available, the least recent Secretary. The National Hearings Committee shall select the committee’s chairman from among its members. The local group Ombudsmen eligible to serve on the National Hearings Committee shall be randomly sorted and listed in order by the National Ombudsman to decide the matters in controversy. In the event that one or more of the local group Ombudsmen are unavailable, recused, or disqualified – following a challenge by any of the parties involved, in accordance with established rules – vacancies shall be filled, in order, from the same list of randomly sorted local group Ombudsmen. If there are an insufficient number of eligible local group Ombudsmen to create a National Hearings Committee composed of three members, then, in accordance with Article VIII Section (3)(h), the National Ombudsman, at American Mensa, Ltd.’s expense, will contract for an outside arbitrator, mutually agreed upon by the complainant(s) and accused member(s), to serve in place of the National Hearings Committee; any sanctions imposed by the arbitrator require a concurrence by a majority of the American Mensa Committee.

(b) Complaints being sent for a national hearing shall be filed with the National Ombudsman, who will convene a National Hearings Committee in accordance with Section (7)(a) of this Article and will forward the complaint to the committee. Within 15 days, the National Hearings Committee shall select its

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chairman. Within 30 days following receipt of the complaint, a complaint to its chairperson, the National Hearings Committee shall notify all parties concerned and the AMC American Mensa Committee of the names of the hearing committee members and list of expected possible replacements, the charges inclusive of the specific harm alleged, and the parties’ right to be heard and to present witnesses. that a complaint has been made and the specifics of that complaint.

(c) Within 60 days from ~~receipt of the initial~~ notification to all parties concerned and the American Mensa Committee that a complaint has been made, the National Hearings Committee shall decide if the alleged act(s) inimical to the society warrant having a hearing, and establish the location, date, and time of the said hearing if so warranted. There shall be a minimum of 30 days and a maximum of 120 days between the receipt of the notification for a hearing and the date of the hearing.

(d) Summary reports of National Hearings Committee actions shall be given to the complainant(s), the accused member(s), and to the American Mensa Committee, and shall also be made available to the membership upon request to the Chairman of the American Mensa Committee.

(78) If ~~national or regional or national~~ national charges have been filed against a member in accordance with section (56) or (67) of this Article, and the member actively resigns or does not renew membership before the hearings process is completed, the body having jurisdiction ~~at that point in time may complete the hearings process if it feels such action is appropriate, according the accused the same due process as if the resignation or nonrenewal had not occurred. If the body chooses not to continue the hearings process upon the accused’s resignation or failure to renew, and the accused rejoins, the accused shall face the same charges and hearings. shall cease consideration of the charges. If the accused attempts to rejoin, the accused shall face the same charges and hearings prior to dues being accepted and the former member being allowed readmission to the society. Any former member still subject to a hearing attempting to rejoin shall be informed that they are still subject to a hearing on the prior matter and must give their written acceptance to cooperate with such hearings in accordance with established procedures. Such hearings will commence only after the former member’s written acceptance to cooperate is received. Any such former member shall be held civilly liable for expenses of such reinstated hearing if they withdraw their application for readmission prior to the completion of the reinstated hearing.~~

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