



# INTERNATIONAL ASSOCIATION OF BLOODSTAIN PATTERN ANALYSTS

## CODE OF ETHICS ENFORCEMENT POLICY Adopted October 5, 2011

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### I. STATEMENT OF PRINCIPLES

It shall be the duty and responsibility of the International Association of Bloodstain Pattern Analysts (hereafter "IABPA") to supervise, investigate, and enforce its members' adherence to the IABPA Code of Ethics. Such enforcement shall be fair and impartial, and shall be conducted in accordance with the procedures specified in Section II.

### II. THE ALLEGATION AND ITS INVESTIGATION

#### A. The Allegation:

1. An allegation of violation by an IABPA member of the IABPA Code of Ethics (hereafter "allegation"), must be submitted in writing to the President. An allegation sent to any IABPA member other than the President shall be forwarded immediately to the President and shall not be officially deemed received by the IABPA until it is received by the President. ("President," as used herein, shall mean that person then serving as President or such person who shall assume the duties of the President in his or her absence.) While an allegation is being evaluated by the President or under investigation by the Ethics Committee, the allegation shall not be discussed by Officers except as their official duties might require.
2. An allegation may be submitted by any person, regardless of whether he or she is a member of the IABPA. The author of an allegation shall hereafter be called the "Complainant."
3. An allegation must be submitted in writing and must divulge the identity of the Complainant. While it need not be in any particular format, it must refer to facts and circumstances as specifically as possible. It must list the section or wording of the IABPA Code of Ethics which the Complainant believes has been violated and his or her reasons for concluding that a violation was committed. Complainants are encouraged to provide substantiating documents along with the written allegations.
4. It shall be proper for the President to contact the Complainant in order to clarify an allegation.
5. If the Complainant has not identified his or her self, the President shall discontinue further consideration. If an allegation does not, in the President's opinion, constitute a potential violation of the IABPA Code of Ethics, the President may discontinue its further consideration, provided that he or she first obtains the written concurrence of the Immediate Past President, the Vice President of the region in which the accused claims membership, and the Ethics Committee Chair (hereafter "Chair"). The President shall advise the Complainant in writing via a "Notice of Discontinuation" (by hardcopy delivery with return receipt requested or by e-mail with delivery receipt requested) within 30 days of the discontinuation and the reason(s) therefore.
  - 5.1. Within fifteen days from receipt of the Notice of Discontinuation, the Complainant may send to the President a written, signed request for appeal of this decision. This appeal shall be heard by the Executive Board (hereafter "Board") within 30 days following its receipt. The following procedures shall be followed during this 30-day period.
    - 5.1.1. The President shall convene the Board in order to consider the propriety of the allegation and accompanying Notice of Discontinuation. For the purposes of this paragraph, the President may convene the Board by poll in such manner as he or she deems appropriate (by telephone, e-mail, Internet meeting, or other means).
    - 5.1.2. Officers of the Board must vote on the Notice of Discontinuation by responding in writing to the President. If two-thirds of all the Officers of the Board vote to overrule the Notice of Discontinuation, the allegation shall be forwarded to the Ethics Committee for investigation pursuant to Section II.B. A vote of less than two-thirds of all the Officers of the Board is a denial of the appeal.
    - 5.1.3. The President shall advise the Complainant in writing (by hardcopy delivery with return receipt requested or by e-mail with delivery receipt requested) of the Board's decision. There shall be no right of appeal or of reconsideration by any person whomsoever from this decision.



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### **B. Referral to the Ethics Committee:**

1. If a Notice of Discontinuation has not been issued, or if a Notice of Discontinuation has been issued and successfully appealed, the President shall forward the allegation to the Chair (by hardcopy delivery with return receipt requested or by e-mail with delivery receipt requested). This shall be done within 30 days of receipt if no Notice of Discontinuation was issued, or within 75 days of receipt if a Notice of Discontinuation was issued and successfully appealed.
2. Upon receiving an allegation, the Chair shall send (by hardcopy delivery with return receipt requested or by e-mail with delivery receipt requested) a "Notice of Referral" to the President, and the person against whom the allegation has been made (hereafter "Accused"). The Notice need not be in any particular format, but shall contain the following:
  - the entire text of the allegation;
  - indication that the allegation is under investigation by the Ethics Committee;
  - the apparent Ethics Code section(s) involved;
  - an invitation to the Accused to provide the Ethics Committee with any written statement or other documentation which the Accused might deem appropriate;
  - a specification of the date (which shall be no later than 90 days from the date of the Notice, subject to the provisions of Section II, C, 4) by when the Chair shall forward the Report of Investigation to the President;
  - a link to the Code of Ethics Enforcement Policy or an attachment containing the full text of the Policy; and
  - reference to Section II.B.3 of the Code of Ethics Enforcement Policy regarding resignation of the accused before the ethics matter is resolved.
3. If at any time following the issuance of the Notice of Referral the Accused resigns from the membership, the President shall forthwith issue an "Order of Exclusion," which shall bar the Accused from membership in the IABPA until said Order is rescinded thereafter by a two-thirds vote of all the Officers of the Board, and all proceedings or investigations then being conducted with reference to the Accused shall be suspended. Upon notification of the Order of Exclusion, the Ethics Committee will prepare and submit a signed Interim Report of Investigation to the President. The Interim Report of Investigation shall be included with any potentially supporting or refuting documentation that the Ethics Committee had gathered, and then secured within the Association archives. A copy of the Interim Report of Investigation shall be filed in the accused's membership file, as shall a note that an Order of Exclusion had been issued against the Accused. Should the Accused be reinstated to membership, the Ethics Committee in place at that time shall retrieve available archived materials, and all proceedings that had earlier been conducted with reference to the Accused shall proceed forward from that point at which they were suspended. The Interim Report of Investigation will meet with the format guidelines stated in Section II.D.1.

### **C. Investigation by the Ethics Committee:**

1. The investigation shall be one of fact-finding, not advocacy. The investigation shall be as thorough, objective, and comprehensive as possible. During the investigation, the Ethics Committee may investigate any potential ethical violations which come to its attention. Before pursuing the investigation with a contact, an Ethics Committee member shall inform him or her that contacts' names and e-mail or postal addresses will be listed in a report supplied to the Board, this report may be viewed by the Accused, and the Accused may be provided an additional similar listing prior to a Board hearing (Ref. II.D.1, II.D.3, and II.A.3).
2. It shall be proper for the Ethics Committee to change the charges (add to or remove from the list of Code of Ethics sections that the Accused is alleged to have violated), or to bring additional charges based upon considerations of any events encountered during the investigation, whether or not such events were contained in the original written allegation. Any such change of charges requires that the Chair send (by hardcopy delivery with return receipt requested or by e-mail with delivery receipt requested) an amended Notice of Referral within seven days of the decision to effect such changes to the President and the Accused. The President shall notify the Complainant of the changes within seven days of receipt of the amendment.
3. Determination of the manner of investigation and of investigative assignments within the Ethics Committee shall be the responsibility of the Chair.



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4. The Chair shall provide the President with the Report of Investigation no later than 90 days after the date of the Notice of Referral, except that the Chair shall receive a 60-day extension by sending (by hardcopy delivery with return receipt requested or by e-mail with delivery receipt requested) a Notice of Extension to the President and the Accused: the Notice of Extension shall specify the new date when the Report of Investigation shall be forwarded to the President. Further extension may be granted thereafter by the President, at his or her discretion, but only for good cause.
5. While an allegation is under investigation by the Ethics Committee, the allegation shall not be discussed by the President or by members of the Ethics Committee except as their official duties might require.
6. In no event shall an investigation be discontinued by changes in the membership of the Ethics Committee or the identity of the Chair. Once an investigation has commenced, the term of any Ethics Committee member whose term has expired may be extended by the Chair until the submission of the Report of Investigation. If the Chair's term expires, he or she shall, with his or her consent, be appointed "Investigating Officer" by the President and shall have, for such investigation, all the duties and powers of the Chair; if this appointment is declined, these powers and duties shall be assumed by the new Chair.
7. No members of the Ethics Committee shall serve in that capacity in any matter pertaining to an accusation of ethical violations when the Accused is employed in the same laboratory as that member. In the event that a member of the Committee is disqualified from serving by the provisions of this paragraph, the President shall appoint another member to the Committee to serve in all aspects of Committee activities pertaining to the relevant individual. The regularly appointed member shall continue to serve on the Committee in other matters. The provisions of this paragraph shall not serve to disqualify any member who shares a common employer with the Accused, but whose place of employment is in a different laboratory from that of the Accused.
8. When a request is made by the Ethics Committee, acting in its official fact-finding capacity, it shall be the duty of every member to assist the Committee to the extent that the member is reasonably able to do so.

### **D. Report of Investigation:**

1. The report need not be in any particular format, but shall contain the following in separate sections:
  - a summary of each purported ethical violation investigated (with specific reference to applicable Code of Ethics sections);
  - facts in support of each allegation;
  - facts in contravention of each allegation;
  - a listing of the names of all persons contacted by the Ethics Committee (including e-mail or postal mail addresses and telephone numbers);
  - a listing of, and copies of, supporting documents (if any) possessed by the Ethics Committee;
  - a listing and location of other documents (if any) referred to by the Committee during its investigation; and
  - a chronology of events such as interviews, continuances (with the reason(s) why), and the receipt and distribution of documents.
2. The report of Investigation shall be comprehensive and shall contain all relevant facts and topics discovered by the Ethics Committee, notwithstanding the extent to which, if at all, such facts or topics were addressed in the allegation.
3. The Report of Investigation shall contain a recommendation(s) to the Board regarding whether or not a basis for consideration of Ethics violation exists. In addition, the Report shall include a recommended sanction in instances where a basis for consideration does exist.
4. The Report of Investigation shall be sent (by hardcopy delivery with return receipt requested or by e-mail with delivery receipt requested) to the President within the time limits specified above and shall be signed by the Chair. At the same time, a copy of the Report shall be sent to the Accused (by hardcopy delivery with return receipt requested or by e-mail with delivery receipt requested). Copies of the Report shall be sent by the President to all Officers of the Board.



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### III. POWERS AND PROCEDURES OF ENFORCEMENT OF ETHICS BY THE BOARD

#### A. Board Consideration of the Report of Investigation:

1. Within the first 30-day period following receipt of the Report of Investigation, questions may be directed by Officers of the Board through the President to the Chair. Written responses to such questions shall appear as addenda to the Report. A copy of these addenda shall be sent (by hardcopy delivery with return receipt requested or by e-mail with delivery receipt requested) by the Chair to the Accused and to each Officer of the Board at the closure of the 30-day period. Within 90 days following receipt of the Report of Investigation, the President shall convene the Board in executive session (closed to non-Officers of the Board except for members of the Ethics Committee) in order to consider the Report and any addenda. For the purposes of this paragraph, the President may convene the Board by poll or in such manner as he or she deems appropriate.
2. After consideration of the Report, the Board in its sole discretion by a vote of its Officers of the Board shall determine the action to be taken.
  - 2.1. If the Board, by a two-thirds vote, determines that a basis for consideration of ethics violation exists, it shall issue a "Notice of Ethics Hearing," signed by the President, to the Accused (by hardcopy delivery with return receipt requested or by e-mail with delivery receipt requested). The Notice of Ethics Hearing shall specify the time, date, and place of the hearing, shall include a copy of Sections III.A.3 and III.B of the Code of Ethics Enforcement Policy, and shall itemize the acts or omissions for which the Accused is to be held to account. In addition, it shall issue a Notice of Ethics Hearing to the membership, which Notice shall specify only the time, date, and place of the hearing. The date of the Ethics Hearing shall not be sooner than 60 days nor later than 120 days from the date of the Notice. However, the President may grant such earlier or later date as deemed appropriate upon written request from the Accused (provided that no later date shall be greater than 180 days from the date of the Notice) or such later date as deemed appropriate upon written notice from the Chair (provided that no later date shall be greater than 180 days from the date of the Notice).
  - 2.2. If a two-thirds vote is not obtained, the Board thus determines that a basis for consideration of ethics violation does not exist. It shall then issue a "Notice of Dismissal of the Allegation" signed by the President, to the Accused, and further consideration of the allegations shall terminate forthwith. The President shall send (by hardcopy delivery with return receipt requested or by e-mail with delivery receipt requested) a copy of the Notice of Dismissal of the Allegation to the Complainant. There shall be no right of appeal or of reconsideration by any person whomsoever from this decision.
  - 2.3. The Board can also elect to take a course of action other than that described above in III.A.2.1 and III.A.2.2. The Board may determine by a two-thirds vote that the incident(s) reported on has (have) been dealt with in a constructive manner and, as such, causes it not to require the application of additional procedures of the Enforcement of the Code of Ethics. It shall then issue a "Notice of Procedural Termination of the Allegation" signed by the President, to the Accused and further consideration of the Allegations shall terminate forthwith. The President shall send (by hardcopy delivery with return receipt requested or by e-mail with delivery receipt requested) a copy of the Notice of Procedural Termination of the Allegation to the Complainant. There shall be no right of appeal or of reconsideration by any person whomsoever from this decision.
3. At any time at least fourteen days prior to the date of the hearing, upon written request to the Chair, the Accused shall be supplied with copies of the names, e-mail or postal mail addresses, and telephone numbers of all persons contacted by the Ethics Committee during the investigation, copies of all documents (including affidavits or declarations) obtained by the Ethics Committee during the investigation, and a specification of the last known location of all other documents or things examined by the Ethics Committee during its investigation that have not already been provided as attachments to the Report of Investigation. Such written request shall be honored by the Chair within ten days from the receipt thereof. Requests for discovery shall be honored, in a spirit of openness and fairness, whenever practical to do so.



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### **B. Ethics Hearing:**

1. The Ethics Hearing shall be conducted by no less than two-thirds of the entire membership of the Board exclusive of the President who presides over the hearing.
2. Members of the IABPA may attend the hearing except as otherwise stated herein. Such attendance shall be that of an observer, not a participant.
3. The hearing shall be conducted in accordance with the following rules:
  - 3.1. The Accused may be represented by one counsel of his or her choice ("counsel" is defined as any member of the Association in good standing, chosen by the accused to represent him or her). Questioning of witnesses and making statements to the Board may be done by either the Accused or the Accused's counsel, but not by both. Unless the President specifically so allows, the designation of the Accused or counsel shall be made by the Accused at the beginning of the hearing upon request from the President. Requests made by the Accused during the hearing to change attorneys or questioning rights shall be considered by the President.
  - 3.2. The evidence developed in the Report of Investigation shall be presented by such person (hereafter "Moderator") who is designated to do so by the President: a member of the Ethics Committee shall be so designated and the President is encouraged, but not required, to so designate the person who signed the Report of Investigation.
  - 3.3. The Accused may summon and present evidence in his or her own behalf after the Moderator has concluded the presentation of evidence. Upon the written request given in the same manner specified in "Discovery" (Section III.A.3), the Moderator shall cooperate with the Accused in arranging for the appearance at the hearing of any witness contacted by the Ethics Committee when it is practical to do so and when it creates no extreme hardship on any other person.
  - 3.4. Evidence considered by the Board must be relevant; it may be real, testimonial, or documentary. Written declarations, if given under penalty of perjury, may be received and considered with the same force and effect as if given orally under oath at the hearing. Oral testimony shall be given under oath. Real and documentary evidence shall be required to be authenticated by the person who presents such evidence.
  - 3.5. The admissibility of evidence shall be determined solely by the President. The President may, in his or her discretion, exclude relevant evidence or prevent questioning which is cumulative, unduly prejudicial to the Accused, misleading, or dilatory. It shall be proper for the Moderator to advocate the propriety of the investigation by the Ethics Committee.
  - 3.6. Both the Moderator and the Accused shall have the right to examine and cross-examine the evidence of the other, subject to the restrictions stated herein. The Moderator may call the Accused as a witness, provided that the Accused has not already testified orally in his or her own behalf and further provided that the Accused has concluded his or her presentation, if any, of evidence pursuant to Section III.B.3.3 herein.
  - 3.7. Both the Moderator and the Accused, in that order, shall have the right to present a summation, or closing argument, for a reasonable length of time which shall be generally specified, in advance, by the President. The Moderator shall have a right to present a rebuttal argument for a length of time no greater than one-half of the time of the Accused's summation.
  - 3.8. The President shall exclusively determine the format and conduct of the hearing, including, but not limited to, number and duration of recesses, presence of spectators and witnesses, decorum, times of adjournment, marking of the exhibits, and ruling on objections. However, the President shall not adjourn the proceedings during normal business hours except to accommodate Sunday and legal holidays or for such period as that to which both the Moderator and the Accused may agree.



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4. The Ethics Hearing shall be divided into an "Accusation Phase" and a "Sanction Phase."
  - 4.1. During the Accusation Phase, the Board shall consider all properly admitted evidence and, having so considered, shall determine if one or more ethical violations have been demonstrated by clear and convincing proof. It shall determine each such ethical violation by a number of votes no less than two-thirds of all the Officers of the Board, exclusive of the President, who shall not be empowered to vote.
  - 4.2. If there is no such determination of ethical violation, the Hearing shall be terminated by order of the President and the President shall issue and sign a "Notice of Exoneration" to the Accused. Further consideration of the allegation and investigation thereof shall cease forthwith. Within fourteen days, the President shall send (by hardcopy delivery with return receipt requested or by e-mail with delivery receipt requested) a copy of the Notice of Exoneration to the Complainant. While the Notice of Exoneration need not be in any particular format, it must contain a complete and detailed description of the allegation. There shall be no right of appeal or of reconsideration by any person whomsoever from this decision.
  - 4.3. If the Board does determine that one or more ethical violations have been committed by the Accused, then it shall forthwith convene the Sanction Phase. During the Sanction Phase, the Board may also consider such additional evidence as the Moderator or the Accused may wish to present, subject to the hearing rules stated above, concerning the Accused's prior acts, professional background, character, or mitigating circumstances, which may be instructive to the Board in determining any appropriate sanction. The Moderator is discouraged from doing so unless such evidence is first offered by the Accused. Upon request of the Accused, all members who are present at the hearing pursuant to Section III.B.2 shall be excluded during the Sanction Phase.
5. Determination and Notification of Sanctions:
  - 5.1. The Board will determine, based on the ethical violation proven and other evidence as presented pursuant to Section III.B.4.3, which of the following sanctions shall be imposed:
    - 5.1.1. Letter of Reprimand.
    - 5.1.2. Suspension of the rights and privileges of membership in the Association for a period of time determined by the Board.
    - 5.1.3. Removal of Distinguished Membership status.
    - 5.1.4. Expulsion from the Association.
  - 5.2. The sanction shall be determined by two-thirds of all Officers of the Board. But, if two-thirds of the Officers of the Board do not approve sanction 5.1.2 or 5.1.3, 5.1.1 shall be imposed.
  - 5.3. Within ten days following the determination of sanctions, the Board shall send (by hardcopy delivery with return receipt requested or by e-mail with delivery receipt requested) a "Finding of Ethical Violation and Specification of Sanctions," signed by the President, to the Accused. Said Finding shall state the ethical violation(s) determined and shall specify all terms and conditions imposed on the Accused by the sanctions. It shall also state, verbatim, the provisions of Section IV.A.1 and 2 pertaining to the Accused's right of appeal from the Finding.
  - 5.4. The Board's finding(s) of ethical violation and determination of sanctions shall be final; there shall be no right of appeal or of reconsideration, except as stated in Sections IV.A.1 and 2.
6. Sanctions will go into effect after 35 days if no appeal is filed. If an appeal is filed, the sanctions shall be stayed until the disposition of the appeal hearing.



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### **C. Notification of Results to Membership:**

Following the disposition of the case by the Board or the membership (in the event of an appeal), a summary of the facts and sanctions, if any, in each case will be prepared by the Board and distributed to the membership. Specific names, places, and like identifying information will not be included, except at the written request of the Accused, in the summary of a case where either the Board determines that an ethics violation has not occurred or where the matter is Procedurally Terminated. But this information shall be so included where the Board or membership has determined that an ethics violation has occurred.

### **IV. Procedures for Appeal and Hearing of Appeal**

#### **A. Appeal from Ethics Hearing:**

1. Within 35 days from the date of the Finding, the Accused may send to the President, a written, signed request for appeal from all, or any part of, the Finding. The request for appeal need not be in any particular form, but must specify exactly from what findings or sanctions the appeal is made, if it is not made from all findings or sanctions; absent such specificity, the appeal shall be treated as an appeal from all findings or sanctions.
2. No person other than the Accused shall have a right of appeal from, and no person shall have a right of request for reconsideration of, the Finding. The Accused shall have no right of appeal if, at the time of requesting said appeal, he or she is not a member of, or has resigned from, the IABPA.
3. The appeal shall be heard by the voting membership of the IABPA. As used herein, "voting membership" shall include only those who are entitled to vote in an election of Officers of the Board of the IABPA.
4. Within 30 days following receipt of the Accused's request for appeal, the President shall specify the time, date, and place for the hearing of the appeal. The appeal shall be heard no later than the next regularly scheduled business meeting of the general membership. However, if the President received the Accused's notice of appeal within 60 days prior to said next regularly scheduled business meeting, the President may, in his or her sole discretion, postpone the hearing of the appeal until the next regularly scheduled business meeting thereafter.

#### **B. The Hearing of the Appeal:**

1. The President shall appoint a Hearing Officer, who shall not be an Officer of the Board, the Moderator, the Chair of the Ethics Committee, or the Investigating Officer. The Hearing Officer shall preside over the hearing of the appeal.
2. The hearing of the appeal shall be governed by the same rules as specified in Section III.B.3 above, except that "Hearing Officer" shall be substituted therein for "President."
3. Each voting member present shall be provided with a copy of the Finding, except that any violation or sanction therein from which appeal is not made shall be deleted. Each member shall be provided with a list of all allegations which are the subject of the appeal.
4. Each voting member present shall be provided with a copy of the Report of Investigation.
5. Questions from the voting membership shall be permitted and are to be submitted in writing to and specifically authorized by the Hearing Officer.
6. Each voting member present shall have one vote.
7. After all evidence has been received, the Hearing Officer shall declare the appeal closed.



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8. Following the closing of the appeal and as to each allegation specified pursuant to Section IV.B.3, each voting member shall, by written vote, answer the following: "Did the Accused violate the Code of Ethics as alleged in Allegation No. \_\_\_\_\_? Yes \_\_\_\_\_ No \_\_\_\_\_." If the "Yes" votes exceed two-thirds of the votes cast thereon, the Hearing Officer shall announce that, "An Ethical Violation has been proved as to Allegation No. \_\_\_\_\_." If not, the Hearing Officer shall announce that "An Ethical Violation has not been proven as to Allegation No. \_\_\_\_\_," and further consideration thereof shall cease, except as stated in Section IV.B.9.
9. Immediately following the announcement of the Hearing Officer and prior to the commencement of the provisions of Section IV.B.10, any voting member may request a recount, which must be honored. A second recount will be made only if there is a disparity between the original count and the recount.
10. Following the Finding of any or all allegations and following the completion of procedures authorized pursuant to Section IV.B.9, if applicable, the Hearing Officer shall announce the sanctions which were determined by the Board. Thereafter, each voting member shall, by written vote, answer the following: "Shall the sanctions imposed upon the Accused by the Board of Directors of the IABPA be sustained? Yes \_\_\_\_\_ No \_\_\_\_\_."
  - 10.1. If the "Yes" votes exceed two-thirds of the votes cast thereon, the sanctions shall become final and the Hearing Officer shall issue and sign a "Finding of Ethical Violation and Specification of Sanctions" in the manner described in Section III.B.5.3, except that it shall contain no reference to Sections IV.A.1 and 2.
  - 10.2. If the "Yes" votes do not exceed two-thirds, the Hearing Officer shall request and compile nominations of sanctions from the general membership as they are defined in Section III.B.5.1. If there are more than two nominations, each such nomination shall be thereafter voted upon by show of hands as counted by the Hearing Officer or such other single person as he or she may designate. If there are only two nominations or following the determination of the two nominations which receive the greatest number of hands shown in the manner specified herein, said two nominations shall be identified to the general membership who shall then vote between the two of them in writing. Of the two, the one receiving more than two-thirds of the votes cast shall become final and the Hearing Officer and the Board shall treat it thereafter in the manner specified in Section IV.B.10.1. In no case shall the sanction be less than a "Letter of Reprimand" written by the President.
  - 10.3. Any vote conducted pursuant to this Section IV.B.10 shall be subject to the provisions of Section IV.B.9.
11. The findings and sanctions, if any, by the general membership shall be final and shall not be subject to reconsideration.

ADOPTED: October 5, 2011