

AMERICAN GUILD OF ORGANISTS

Discipline

Approved by the AGO National Council January 27, 2017

The *Discipline* is to be used when an individual Member of the AGO or an AGO Chapter Executive Committee wishes to file a complaint against another Member for a violation of the *Code of Ethics*. The procedures in the AGO Discipline may not be used to address a complaint that relates to competitive matters that would be prohibited by the terms of the AGO's settlement with the Federal Trade Commission. They may be employed, however, where a member's actions may put the AGO at risk of violating the terms of the AGO's settlement with the FTC.

Neither the complainant nor the accused may participate through legal counsel. If either party insists upon involving legal counsel in the *Discipline*, the procedures shall be terminated.

Confidentiality: The proceedings relating to the *Discipline* are to be considered confidential. The final determination will be made known to both parties, but all discussions and any supporting documentation will remain confidential.

I. AT THE CHAPTER LEVEL

- A. The complaint should be filed, in writing, with the Dean of the accused Member's chapter, the District Convener, or the Regional Councillor. It should be filed within 30 days of the time the alleged violation becomes known. The complaint should outline the nature of the alleged violation, and be accompanied by any supporting documentation. The Member filing the complaint agrees to cooperate fully with this process. Independent Members shall be considered as members of the Chapter which is nearest to their primary residence. "Nearest" shall be defined as the residence of the closest Chapter Dean at the time an incident occurred which gave rise to the use of the Discipline.
- B. The officer who receives the complaint shall forward a copy of the letter and a copy of the *Discipline* to the accused Member, and request a response in writing within 15 days. The *Discipline* process will continue with or without a response from the accused Member.
- C. The officer who received the original complaint shall provide copies of both Members' letters and accompanying documentation to the following individuals, who shall together promptly decide if the complaint should be acted upon:
 - Chapter Coordinator for Professional Development (or another chapter officer if there is no Chapter Coordinator for Professional Development)
 - Regional Councillor
 - Regional Coordinator for Professional Development
 - National Councillor for Membership/Convener of the Regional Councillors

- D. If it is determined that the complaint deserves no further consideration, no other proceedings are necessary. The Regional Councillor shall notify both Members promptly, in writing, of this determination.
- E. If it is determined that the complaint deserves further consideration, the Regional Councillor shall appoint a Committee director, who shall convene the Committee and sign all correspondence. The Committee, appointed to carry out the *Discipline*, shall be made up of the following individuals:
- two members of the chapter, appointed by the Dean (the Dean may be one)
 - Councillor for the Region (or his/her representative)
 - Regional Coordinator for Professional Development (or his/her representative)
 - National Councillor for Membership/Convener of the Regional Councillors (or his/her representative)

II. AT THE COMMITTEE LEVEL

- A. Within 30 days of the decision to proceed, the Committee shall have a meeting with both the complainant and the accused Members present. At least 3 of the 5 members of the Committee must be present. Both Members should be given adequate opportunity to discuss the situation with those members of the Committee present. A written record of the meeting should be kept, and distributed to all members of the Committee as soon as possible following the conclusion of the meeting.
- B. The entire Committee shall meet within 15 days of the above meeting to discuss the case. If a majority of the Committee feels that further investigation is necessary, such investigation should be undertaken and completed within 30 days, at which time the entire Committee will reconvene. The Committee will decide on an appropriate response:
- Exoneration, meaning that no wrongdoing was found.
 - Censure, including a written reprimand from the Committee. The Committee may also determine that certain conditions should be met in order to maintain AGO membership. Those might include a letter of apology or compensation for lost income. If the censured Member fails to comply with the conditions within a reasonable length of time, the Committee may recommend expulsion.
 - Expulsion, an extraordinary remedy that is applied in the most extreme circumstances. If the Committee decides to recommend this response, that decision must be ratified by the National Council.
- C. The Committee shall notify both Members of their decision immediately.
- D. The Committee shall formulate a final report that includes their recommendation and the reasons for it, as well as the supporting documentation from the investigation. This report will remain in the chapter files of the accused Member's chapter.

III. AT THE NATIONAL LEVEL

- A. If the recommendation of the Committee is expulsion, the National Councillor for Membership/Convener of the Regional Councillors will forward the Committee's report to the National Council. The Council will consider the case as soon as possible. It may vote to uphold the Committee's recommendation of expulsion, or take other action as it deems appropriate. The National Council's determination is final.
- B. The decision of the National Council will be reported by the National Councillor for Membership/Convener of the Regional Councillors to the investigating Committee. The National President will inform both Members in the case of the National Council's determination.

IV. REINSTATEMENT

A person who has been expelled from membership in the AGO may seek to reapply for membership after 3 (three) years have passed. The application should include a statement from the expelled Member outlining the reasons why his/her readmission is merited. It should also include letters in support of the application from three voting Members in good standing. The application should be addressed to the National President, for consideration by the National Council at its next meeting.

NOTES

Geographical Considerations: The Regional Councillor may determine that E-mails, teleconferencing and/or video-conferencing may be used at certain points in this process if the distances involved in travel for Committee members, the complainant or the accused would constitute an unreasonable financial burden.

Overt actions designed to circumvent the *Code of Ethics* may subject a Member to disciplinary action.