



Rules of Disciplinary Procedure of the Tulare County Stonewall Democrats

Adopted
February 8, 2021

RULES OF DISCIPLINARY PROCEDURE OF THE Tulare County Stonewall Democrats

The procedures established in these Rules shall govern proceedings conducted pursuant to Article VII, § B of the Bylaws of the Tulare County Stonewall Democrats concerning membership in the Club. The procedures set forth in these Rules are subordinate to the Bylaws of the Club. In the event of any conflict, the provisions of the Bylaws shall prevail.

Section 1 - Definitions - As used herein:

- A. "Club" means the Tulare County Stonewall Democrats.
- B. "Members" means the members of the Tulare County Stonewall Democrats.
- C. "Secretary" means the Tulare County Stonewall Democrats Secretary, or his/her designee. (Designee in the event of a Conflict of Interest)
- D. "Party" means the complainant or the respondent in a disciplinary proceeding referred to herein.
- E. "Rules" means these Rules of Disciplinary Procedure. "Hearing Panel" means the duly selected Hearing Panel of the Tulare County Stonewall Democrats.
- F. "Board" or "Executive Board" means the Tulare County Stonewall Democrats Executive Board.
- G. "Chair" means the Chair of the Tulare County Stonewall Democrats.

Section 2 - Initiation of Proceedings

- A. A complaint against any member may be filed with the Secretary by any member.
- B. In order to be considered, a Complaint must be filed with the Secretary, in writing, dated and signed by the complainant. It must allege facts which constitute a basis for disciplinary action under any of the criteria set forth in . Allegations must be set forth with specificity and include adequate evidence to substantiate the allegations, including copies of pertinent documents and statements from witnesses.
- C. A Complaint must be filed within one year after the facts became known to the complainant or could have been known in the exercise of reasonable diligence. After a complaint has been filed with the Secretary, it may be withdrawn by the complainant only with the consent of the Chair.
- D. The Secretary shall promptly review every complaint to determine whether to:

1. refer the matter to the appropriate regulatory agency; or
2. respond with one of the standard responses previously approved by the Chair, such as requesting additional information; or
3. refer the matter to the Chair to determine if the complaint meets the criteria in the Bylaws and these Rules.

E. Upon receipt of a complaint, the Chair:

1. may dismiss the complaint if it does not meet the criteria for a complaint set forth in the Bylaws and these Rules; or
2. direct the Secretary to send to the respondent member by certified mail, registered mail, postage pre-paid return receipt requested, or courier to the last recorded address of the member, a copy of the complaint and the evidence submitted with the complaint and advise that the respondent may file a written response with the Secretary within thirty (30) days.

F. The notice to the respondent should include a copy of these Rules, and the Bylaws. The notice should also inform the respondent that if the complaint is sustained, in whole or in part, the respondent's membership in the Club may be disciplined, up to and including expulsion from the Club. If contested, the response must refute the allegations with specificity and include adequate evidence, including copies of pertinent documents. If the respondent does not file a reply within thirty (30) days, the complaint may be addressed as uncontested. The Chair may accept a late response in his/her sole discretion.

G. The Secretary shall promptly deliver copies of all accepted responses to the complainant and the Chair. The complainant may not submit a reply to the respondent's response without the Chair's permission. Any reply submitted without the Chair's permission may be disregarded.

H. After reviewing the complaint and response (if any), the Chair:

1. may dismiss the complaint if the evidence clearly demonstrates that the complaint is not valid or without merit; or
2. convene a hearing panel, consistent with these Rules, to consider the matter and issue a written recommendation to the Executive Board, including the reasons for the recommendation.

I. Hearing panels shall be selected by a selection committee consisting of the Chair, the Vice Chair of the Executive Board, and the Member At Large. The selection

committee shall determine if the hearing panel will have three or five members. All members of the hearing panel shall be members of the Club and at least one member of the Club at large.

- J. The hearing panel shall select a date for an in-person meeting to discuss the complaint and response (if any), along with all other materials properly submitted by the parties in accordance with these Rules. At least thirty (30) days before any such meeting, the respondent member shall be provided with a written notice of the meeting time and place, including the charges the hearing panel will consider. The notice shall inform the respondent member of his/her right to appear in person (or via teleconference or similar electronic means) at the meeting and/or be represented by counsel to present any defense to such charges. The hearing panel may, in its sole discretion, invite the complainant to appear in person (or via teleconference or similar electronic means) at the meeting and/or be represented by counsel to present a summary of the charges. At any such meeting, formal rules of evidence and civil procedure shall not apply, and the hearing panel shall have sole discretion to determine all procedures regarding the meeting, including the presentation of all evidence and witness testimony, if any. The hearing panel's deliberations regarding the complaint shall be confidential and held in executive session. The hearing panel may have legal counsel present to provide advice regarding procedural matters, including during deliberations.
- K. No more than thirty (30) days following the meeting, the hearing panel shall issue its written decision on the complaint, including findings in support of its decision, which may include disciplinary action against the respondent member. The Secretary shall provide a copy of the hearing panel's decision to the parties (by overnight, registered, or certified mail, return receipt requested). The Secretary shall also provide a copy to the Executive Board.
- L. If the hearing panel's decision includes disciplinary action, the Secretary shall notify the affected member of the procedures for requesting Executive Board review, including the timeframe for requesting such review.
- M. If no written request for review is received by the Secretary within thirty (30) days after the member receives a copy of the hearing panel's decision, the member shall have waived his or her right to appeal. The Executive Board may nevertheless decide to review the hearing panel's decision.
- N. Before conducting a hearing, the Hearing Panel may:
 - 1. Informally investigate the matter in an attempt to resolve the situation, including contacting any party or witness. Such investigation should only focus on resolving the situation, not on developing facts to support a complaint that otherwise fails to meet the criteria set forth in Section 2.B. above.

2. Direct the Secretary to send by certified mail, registered mail, postage pre-paid return receipt requested, or courier to the last recorded address a copy of the complaint and the evidence submitted with the complaint to the party complained against and advise that the respondent may file a written response with the Secretary within thirty (30) days. If contested, the response must refute the allegations with specificity and include adequate evidence, including copies of pertinent documents and notarized statements of witnesses. If the respondent does not file a reply within thirty (30) days, the charges may be addressed as uncontested. The Hearing Panel may accept a late response at its discretion. The Secretary shall promptly deliver copies of all accepted responses to the complainant and the Council.
 3. After a complaint has been filed with the Secretary, it may be withdrawn by complainant only with the consent of the Hearing Panel.
- O. At its next meeting the Hearing Panel will review the information provided along with any additional information, including its own investigation.
1. If the Hearing Panel finds the complaint to be valid or not to be supported by the evidence presented, the Hearing Panel may dismiss the complaint or hold it pending further investigation.
 2. If the Hearing Panel, at its discretion, finds that the evidence before it is sufficient it may render a preliminary determination, which may include disciplinary action against the member. Where the Council makes a preliminary determination that includes disciplinary action, it will notify the member of its preliminary determination, which will be deemed accepted by the member and become final unless the member notifies the Secretary that the member requests a hearing before the deadline specified in the notice.
 3. The Council may schedule a hearing to acquire additional evidence and information.
 4. The Secretary will notify all parties of the Council's action.

Section 3. - Hearings.

- A. The Hearing Panel Chair shall designate the time and place of the hearing, and the Secretary shall notify the complainant and the respondent of the designated time and place. An appearance at a hearing, without objection by a party, will constitute a waiver of any defect in the notice of that hearing. If either party fails to appear at a duly noticed hearing without obtaining a continuance or adjournment thereof, the Hearing Panel may proceed with the hearing.
- B. At any hearing, every party has the right to present witnesses, to submit evidence pertinent to the case, and to cross-examine any witness. Witnesses who give oral testimony shall be sworn by the chair. Before permitting testimony relating to

anyone's character or general reputation, the Hearing Panel shall satisfy itself that the testimony has a direct bearing on the case.

Each party may be represented in person and/or be represented by counsel. The Judicial Council may, at its discretion, have legal counsel present to advise.

Section 4 - Decisions of Hearing Panel

- A. Disciplinary decisions of the Hearing Panel shall be by majority vote; by secret ballot if requested by a majority of the council; and presented in writing that clearly states the findings of fact and any disciplinary action. A failure of secrecy shall not invalidate the decision.
- B. If the Hearing Panel determines that disciplinary action should not be taken, the matter shall be closed.
- C. If the Hearing Panel determines that the affected member has engaged in activity in violation of Article VII, § A of the Bylaws, the Hearing Panel shall recommend to the Executive Board that disciplinary action be taken against the affected member. Such recommendation shall be in writing and shall set forth the the Hearing Panel's findings and recommend disciplinary action.
- D. The affected member shall be provided with a copy of the Hearing Panel's recommendation and shall have the right to have the Board of Directors review the recommendation.
- E. The Chair of the Hearing Panel shall notify the following individuals of the Hearing Panel's recommendation: the affected member (by overnight, registered, or certified mail, return receipt requested), the complaining party, the President of the AVMA, and the Executive Vice President. Further, the Chair shall notify the affected member of the procedures for requesting Executive Board review.
- F. If no written request for review is received by the Secretary within thirty (30) days after the Hearing Panel notifies the member of its recommendation and the member's right to a review, the member shall have waived his or her right to appeal. The Executive Board may nevertheless decide to review the recommendation. If the Executive Board fails to review the Hearing Panel's decision within sixty (60) days, the decision shall be final and implemented.

Section 5 - Executive Board Review

- A. If a request for the Executive Board review is submitted by the member, or if the Executive Board decides to review a Hearing Panel the hearing panel's decision, the Board, in a timely fashion, shall review the findings and recommendations decision of the hearing panel Hearing Panel based only on the evidence upon which the recommendation decision was based. New evidence shall not be permitted unless

such evidence could not have been discovered with the exercise of reasonable diligence prior to the meeting of the hearing panel.

- B. The affected member shall be given at least thirty (30) days' notice of the time and place of the meeting at which the Executive Board will consider the decision. The affected member shall have the right to appear before the Executive Board in person and/or be represented by counsel to present reasons why the Hearing Panel's recommendation decision should not be affirmed. The Executive Board, in its sole discretion, may invite the complainant to appear at the meeting at which the Executive Board will consider the hearing panel's decision.
- C. The Executive Board may have legal counsel present at any such hearing to advise on issues of procedure. and represent Club's interests in the disciplinary matter.
- D. Upon the conclusion of its review, the Executive Board shall affirm, overturn, or modify the recommendation of the Hearing Panel's decision. The action of the Executive Board shall be final.
- E. The Secretary shall notify the following individuals of the Executive Board' decision: the affected member (by overnight, registered, or certified mail, return receipt requested), the complaining party, and the hearing panel.

Section 6 - General Provisions

- A. Any party to a disciplinary proceeding may file with the Secretary a written request for disqualification of a member of the hearing panel for cause and stating the grounds for disqualification. Any grounds for disqualification of which the party then has knowledge are deemed to be waived, unless the request is filed before the hearing panel renders its decision. If a majority of the members of the hearing panel finds any valid ground for disqualification, or finds any other facts that may prevent a member of the hearing panel from rendering an impartial decision or may create the appearance that the hearing panel member will not do so, that hearing panel member will be disqualified.
- B. The Hearing Panel will not be bound by the technical rules of evidence employed in legal proceedings. The Hearing Panel, in its sole discretion, may accept or reject any evidence it deems appropriate.
- C. In any proceeding, a transcript may be made at the discretion of the hearing panel.
- C. Any notice required to be given or paper required to be served may be given or served by certified mail, registered mail, postage pre-paid return receipt requested, or courier to the last recorded address. If mailed, the notice shall be deemed to be served, filed, or given when mailed. Notice of any hearing shall include the names of the members of the Hearing Panel and, except for an adjourned hearing, shall be given not less than ten days before the date of the hearing.

E. Communications shall be directed to the Secretary who shall receive, file, and distribute all documents or other papers as appropriate.

F. The complainant and the respondent will pay their own expenses and those of their legal counsel and witnesses. to participate in hearings.

Section 7 – Summary Proceedings

In each instance in which the Hearing Panel determines to discipline a member due to having been convicted of a felony by any court of competent jurisdiction, the member shall be notified that he or she shall be expelled from the Club and shall lose all related rights and privileges sixty days after such notification, unless the member demonstrates in writing to the Hearing Panel that there is a genuine issue as to any material fact with respect to whether the member has been determined to be guilty. Absent such demonstration, the member shall have no automatic right to a hearing, notwithstanding any other provision in these rules.

Section 8 – Membership Reinstatement Following Expulsion

Club members who are expelled from membership for grounds listed in Section VII, § A of the Bylaws, are eligible to reapply for membership after completing all requirements of any criminal sentence. In all cases where an expelled member is seeking membership reinstatement the Executive Board will review the application and may conduct any investigation deemed necessary to determine whether reinstatement of membership is appropriate. All decisions of the Executive Board regarding reinstatement are final.

Section 9 - Confidentiality

The Hearing Panel will maintain as confidential all complaints, investigatory documents, hearing transcripts, notes, discussions, minutes, decisions, and all other disciplinary proceeding materials. Disciplinary decisions of the Hearing Panel will be provided to the complainant and the respondent, but the Club will encourage both parties to keep the decision confidential.