



## **COMMITTEE LEADER DISCIPLINARY ACTIONS AND FAIR HEARING POLICY**

**Board Approval Date:** November 4, 2022

**Revisions:**

### **PURPOSE**

The Board has established this policy which defines the approved disciplinary procedures for individuals that hold committee leadership positions within the Society. The Society may remove any committee leader for good cause, including failure to meet or adhere to the standards, policies, or procedures of the Society.

For purposes of this policy, committee leader may refer to Committee Chairs, Vice Chairs, YP Chairs, and Subcommittee Chairs.

### **POLICY VIOLATIONS, NONCOMPLIANCE AND OTHER CAUSES**

A committee leader may be disciplined or removed from a position for good cause including but not limited to policy violations, failure to adhere to procedures and other serious noncompliance actions and will be handled in accordance with the Complaint Process and Fair Hearing Guidelines.

### **DISCIPLINARY ACTION**

The Board may remove, suspend, or otherwise discipline any committee leader for cause following a two-thirds (2/3) vote of the members of the Board present at the meeting at which such action is considered. Violation of the Association's Bylaws, unethical practices, or conduct inconsistent with the Mission and Vision of the Society shall be sufficient cause for suspension or default.

### **COMPLAINT PROCESS AND FAIR HEARING GUIDELINES**

1. **Purpose.** The purpose of this Fair Hearing Guidelines is to set forth the procedures for reviewing allegations of committee leader misconduct and disciplining committee leaders for cause(s) which are not subject to automatic removal as defined in the Bylaws or Operations Manual.
2. **Initiation of Inquiry Proceedings.** An inquiry proceeding may be initiated by the filing of a complaint submitted to the Executive Director against any individual holding a committee leadership position, including but not limited to Chair, Vice Chair, YP Vice Chair, Subcommittee Chair. Upon the filing of a complaint the Executive Director will notify the USSD President within two (2) business days to determine whether it meets the requirements of Section 3 (Complaint Requirements). If it meets those requirements, the President will notify the USSD Executive Committee. The USSD President will present the complaint to the Executive Committee within three (3) business days, who will consider the complaint and determine if there is sufficient cause to escalate before the Board.



3. **Complaint Requirements.** Complaints must be in writing and signed by the complainant(s). Complaints must specify in reasonable detail the alleged violation by the committee leader. If warranted, reasonable, and appropriate, complaints must also describe any and all actions taken by the complainant to first resolve the issue through reasonable discussion, if appropriate, and describe how these efforts have failed. Initiating this complaint process should be considered a final step towards a remedy.

Complaints must specify who, what, where, and when, and include evidence, documentation, and all knowledge the complainant has of the alleged violation including dates, locations, corroboration, description, and impact of the violation(s).

A complainant should generally expect to have the complainant's identity disclosed to the accused committee leader if an Inquiry Task Force is appointed to investigate. However, at the request of the complainant, the Board may decline to disclose the identity of the complainant to the accused committee leader if the need for confidentiality is determined compelling and sufficient by the Board.

4. **Appointment of Inquiry Task Force.** Inquiry Task Forces are appointed by the President, with Board approval. An Inquiry Task Force shall consist of five USSD members: one shall be a member of the Executive Committee (excluding the President); two shall be a member of the Board not serving on the Executive Committee; and two shall be members of a technical or standing committee related to the complaint. The USSD Executive Committee member shall serve as Chair of the Inquiry Task Force and shall preside at meetings of, and at any hearing held by, the Inquiry Task Force.
5. **Preliminary Factual Investigation.** The Inquiry Task Force will conduct a preliminary factual investigation of the allegations. In connection with its investigation, the Task Force may, in its discretion, request additional information from the complainant or conduct other due diligence.

Following completion of the preliminary factual investigation, the task force will determine whether there is sufficient preliminary evidence of conduct in violation, to warrant further proceedings.

- a. If the Inquiry Task Force determines that the complaint does not allege sanctionable conduct or that there is insufficient evidence to proceed, it will report this determination to the Board via the President, and the inquiry will be terminated. In this situation, the documents and other materials relating to the inquiry proceedings will be maintained by USSD as confidential documents for a period of three (3) years. The complainant will be notified of the Task Force's decision.
- b. If the Task Force determines that there is sufficient evidence to proceed with an inquiry, it will do so in accordance with this Fair Hearing Guidelines.

- 6. Notice of Right to Hearing.** If the Inquiry Task Force determines that there is sufficient evidence to proceed with the inquiry, it will provide the USSD Executive Director a written notice which will be sent by certified mail or other comparable means, to the accused committee leader. Unless determined by the Executive Committee as outlined in Section 3 above, the notice will disclose the complainant's name, the accused's alleged misconduct, the preliminary findings of the Inquiry Task Force, and the possible disciplinary action that may be imposed. The Inquiry Task Force will offer the accused committee leader an opportunity to appear at a virtual hearing at a date and time to be set at the discretion of the Inquiry Task Force. The notice should further state that a hearing, if requested by the member, will not take place less than thirty (30) calendar days following the date of receipt of the notice.

The notice will also give the committee leader the opportunity to resign or submit additional evidence and/or a written statement of the committee leader's position at least seven (7) calendar days prior to the hearing date. It will also include a copy of this Fair Hearing Policy.

The notice will state that a committee leader who does not respond in writing within ten (10) business days after receipt of the notice, or who chooses not to have a hearing, will waive the right to a hearing. The notice will further state that any committee leader who has waived the right to a hearing will be deemed to have waived the right to an appeal to the Board.

- 7. Response from Committee Leader; Waiver.** The committee leader shall advise the task force in writing within ten (10) business days after receipt of the notice whether he or she requests a hearing. If the committee leader chooses to have a hearing, the committee leader must specify his or her preference for the hearing to take place in person, by video or conference call. The committee leader must also advise the Executive Director and the Task Force Chair whether the committee leader will have legal counsel present at the hearing.

A committee leader who does not respond in writing within ten (10) business days after receipt of the notice, or who chooses not to have a hearing, shall waive the right to a hearing.

If the committee leader waives the right to a hearing, the Inquiry Task Force shall make its findings and recommendations based on the material available to it.

- 8. Hearing Procedures.** At the hearing, the accused committee leader may make a presentation explaining their actions or providing additional information relevant to the complaint and explaining why disciplinary action, or a particular form of disciplinary action, should not be imposed. The presentation may be no more than thirty (30) minutes in duration and shall take the form of an oral statement supplemented by such



additional relevant evidence or written material that the committee leader may choose to provide. Written material presented by the committee leader must be provided to the Inquiry Task Force at least seven (7) business days prior to the date of the hearing.

The committee leader may choose to have legal counsel present, but the Inquiry Task Force will decide whether and to what extent the member's legal counsel may address the Task Force directly. The Inquiry Task Force may document the hearing either by electronic notation or by other form of recording. The committee leader may choose to record the hearing at his/her own expense and with prior written notice of at least seven (7) business days.

All expenses incurred by the committee leader in connection with the hearing shall be borne exclusively by the member. Any member of the Inquiry Task Force may question the committee leader under investigation during the hearing. Questions may be asked during the presentation or following it but not outside the forum of the hearing.

**9. Disciplinary Action Following a Hearing.** The Inquiry Task Force may recommend any of the sanctions described below against a committee leader. The Board shall consider the Task Force's recommendation.

- a. Reduction in term: The reduction is intended to be least disruptive to the workflow of the committee impacted and allow time to appoint a replacement. The onset of the reduction shall commence on a date set by the Board who will make an effort to align with the USSD Annual Conference.
- b. Immediate Removal: The removal will begin immediately upon the vote of the Board. This will require immediate appointment of a replacement. A Board member may be appointed to fill in temporarily if needed.
- c. Any other remedy deemed appropriate by the Inquiry Task Force and Board.

**10. Inquiry Task Force Findings and Recommendations.** Within thirty (30) business days after the committee leader's hearing or the Inquiry Task Force's receipt of the committee leader's written response, as applicable, or the expiration of the time to request a hearing or submit a written response, as applicable, the Inquiry Task Force shall submit to the President and Executive Director, or their designees, a written report of its Final Findings and Recommendations to the Board along with any dissenting opinion(s). Any recommendation to impose disciplinary action against a committee leader shall require the affirmative vote of a majority of the Task Force.

The President or Executive Director shall within three (3) business days of receipt of the report of the Inquiry Task Force transmit a copy of the Final Report, by certified mail or other comparable means, to the committee leader under investigation.

**11. Notice of Right to Appeal; Appeal Procedures.** If the Inquiry Task Force Final report contains a recommendation for disciplinary action against the committee leader, the



Inquiry Task Force will give the committee leader notice of the right to submit a written appeal to the Board within thirty (30) business days following the date of receipt of the Final Report. However, any committee leader who was entitled to a hearing but waived his or her right to a hearing shall be deemed to have waived the right to an appeal to the Board.

The committee leader may exercise the right to appeal by so notifying the Executive Director, in writing, within ten (10) business days after receiving the Final report of the Inquiry Task Force. If the committee leader does not timely exercise the right to appeal, the Board may adopt the recommendation of the Inquiry Task Force or may modify it in accordance with the procedures specified below in Section 12. If the committee leader timely exercises the right to appeal, the Executive Director shall give the committee leader not less than thirty (30) business days to submit a written explanation of the basis for the committee leader's appeal.

12. **Decision of the Board.** The Board's review of an appeal will be limited to a determination of whether in its sole discretion a material and/or procedural error may have contributed to the Inquiry Task Force's decision, or if in its determination, the Inquiry Task Force's decision was arbitrary or capricious.

Imposition of a sanction against a committee leader requires the affirmative vote of two-thirds (2/3) of the Board present at the meeting at which the action is taken.

The Board may:

- a. remand the matter to the Inquiry Task Force;
- b. adopt the Final Recommendation of the Inquiry Task Force;
- c. reject the Final Recommendation of the Inquiry Task Force and exonerate the committee leader; or
- d. modify the Final Recommendation of the Inquiry Task Force. The Board will set forth in writing its decision and the reasons for the decision.

A copy of the decision of the Board will be sent by the Executive Director or his/her designee to the committee leader by certified mail or other comparable means to the complainant, the accused, and to the Inquiry Task Force, within ten (10) business days after the decision is issued.

A decision by the Board to impose, or not to impose, disciplinary action will constitute the final decision of USSD relating to the matter under investigation and is not subject to any further appeal.

13. **Reapplication to USSD.** Unless the committee leader is permanently prevented in holding future leadership positions, nothing in this Fair Hearing Guidelines precludes a committee leader that is disciplined from consideration for future committee leadership



positions following the conclusion of these proceedings and any outlined waiting period. USSD will consider such appointments in accordance with applicable leadership criteria in effect at the time of the new appointment.

**14. Responsibility for Notification of Address Change.** Committee leaders are solely responsible for providing timely notification of changes of address for purposes of receiving notice, requests, or other written materials related to membership or any USSD affiliation, including under this Fair Hearing Guidelines. If the committee leader does not receive notice(s) related to a disciplinary review or action due to his or her failure to provide timely notification of a change of address, that lack of notification will not be considered as the basis for an appeal or reconsideration of any decision in the matter.

15. Information related to complaints should be submitted to:

United States Society on Dams  
Attention: Executive Director  
13918 E. Mississippi Ave., #61160  
Aurora, CO 80012