# 21st Legislative District Democratic Organization Procedures for Code of Conduct Violations

## Purpose

These procedures govern the handling of complaints that arise under the Code of Conduct guidelines.

## Definitions

As used in these procedures:

**21st LD** - The 21st Legislative District Democratic Organization

**Executive Board** – The Executive Board is defined in the 21st LD Bylaws

**Code** - The Code of Conduct adopted by the 21st Legislative District Democratic Organization as amended

**Chair** - The Chair of the 21st Legislative District Democratic Organization

**Complainant** – The person or persons directly involved in the incident(s) covered in a complaint that are not alleged to have made any violations

**Respondent** – The person or persons alleged to have violated the code of conduct

**Involved Parties** – The complainant, respondent, and any witnesses directly involved in an incident covered in a complaint. Casual bystanders are not considered involved parties.

**Recipients** – The two Executive Board members that receive the complaint and function as liaisons between the Executive Board and the Investigatory Committee

**Investigatory Committee** – An investigatory committee may be either standing or ad hoc and any appointments shall be made by the Executive Board

## Scope

All members of the 21st LD, members of any 21st LD standing or ad hoc committee, and the elected officers of the Executive Board are subject to the Code and this process for handling complaints.

## Initiation of Complaint

* *Who Initiates:* Any voting member of the **21st LD** may initiate a complaint and need not be an **Involved Party**.
* *Form:* A complaint must provide details of the alleged violation, identify the **Involved Parties**, any witnesses to the alleged offense, and, if applicable, the portion of the **Code** alleged to be violated.
* *Submission:* A complaint must be submitted using the 21st LD Code of Conduct Complaint Request Form *(see Appendix below in this document)*, and sent to two **Executive Board** members, one of which must be the chair or one of the vice-chairs. These officers will serve as **Recipients** of the complaint.
* *Reporting Requirements:* If the allegation involves a situation requiring mandatory reporting to any authority under state law, it will be reported as required by statute.

## Initial Procedures

* The **Recipients** shall jointly review the complaint within five business days of receipt and offer mediation or review by the Executive board.
  + If mediation resolves the complaint, no further action need be taken.
  + If the complaint is not withdrawn, it is taken to the Executive board for review
* The Executive Board will decide will decide with an investigation, or not, and will see that the Complainant is notified.
* The **Involved Parties** shall be notified, provided with an outline of the next steps, and reminded about the confidential nature of the proceedings.The **Recipients** may, but are not obligated to, temporarily suspend an alleged violator for a period of up to 3 days from all **21st LD** activities, with the exception of meetings of the **21st LD** at which the alleged violator has a right to vote.
* The **Investigatory Committee** may by two thirds vote extend the interim suspension until the conclusion of the investigation. This suspension is subject to appeal to the Executive Board who may overturn the suspension by a majority vote or refer the vote to the membership at the next meeting.
* The **Investigatory Committee** may, by majority vote, suspended the investigatory process during any criminal investigation into the allegations.

## Procedural Rules & Responsibilities

* The **Executive Board** shall be informed about any complaints submitted since the last meeting of the **Executive Board**. Details given to the **Executive Board** relating to the case shall be kept to a minimum, "need-to-know".
* The Executive Board may decide to accept or reject the alleged complaint.
  + The complainant wishes to pursue the complaint the can bring a motion before the general membership.
* The **Executive Board** shall ensure all properly submitted complaints are handled in accordance with these rules and Robert's Rules of Order.
* The **Investigatory Committee** may retain or utilize professional resources or refer to an appropriate agency if deemed necessary.
* **Involved Parties** and members with a substantive conflict of interest may be excluded from serving on the Investigatory Committee, by a majority vote of the **Executive Board**. Any members so disqualified shall have their replacements appointed by the **Executive Board**.
* Members of the **Investigatory Committee** shall continue serving through the disposition of the complaint, even if their term of office has expired.
* Unless there are extraordinary circumstances, all investigations of the **Investigatory Committee**, shall conclude within 60 days from the receipt of the complaint by the Investigatory Committee.
* Trial rules will be consistent with Roberts Rules of Order.
* Only voting members of the 21st LD may serve on the investigatory committee and participate in any trial or penalty proceedings.

## Procedure for Accepted Complaints

1. Upon formation of the committee, the **Investigatory Committee** shall convene within 7 days to review the complaint.
2. Upon review, if deemed appropriate by majority vote, the Investigatory Committee may, with the consent of the **Involved Parties**, refer the complaint to mediation.
   1. If mediation resolves the complaint to the satisfaction of all **Involved Parties**, the complaint shall be deemed resolved and no further action shall be taken.
3. The **Investigatory Committee** shall, to the best of its ability:
   1. Meet with and take testimony from the **Involved Parties** and any witnesses
   2. Investigate the allegations as necessary
   3. Investigate any patterns of behavior or past incidences that are pertinent to the investigation
4. Upon concluding its investigation, the **Investigatory Committee** shall prepare a report and if charges are recommended, draw up resolutions recommending charges.
5. With the consent of the **Involved Parties**, the **Investigatory Committee** shall conduct a *Post-Investigation Review* with the **Involved Parties** where it will review the report and any resolutions recommending charges and proposed penalty and attempt to reach a mutually agreed upon settlement before proceeding to trial.
   1. If charges are preferred, the **Respondent** shall be given the opportunity to accept the report of the committee and plead no-contest to the charges.
   2. If the **Respondent** pleads no-contest:
      1. If the **Involved Parties** unanimously consent, the penalty shall be imposed and no further action shall be taken.
      2. If the **Involved Parties** do not unanimously consent to the penalty proposed, trial will be skipped and the process will advance to the penalty phase before the membership as in the case of trial by committee.
6. If no settlement can be reached at the *Post-Investigation Review*, the **Respondent** shall have the option to have a trial by the **Executive Board** or a trial by the 21st LD voting membership. If the **Respondent** is a member of the Executive Board, the matter will be tried by the 21st LD voting membership.
7. Any trial so ordered shall take place within 14 days of the *Post-Investigation Review* and all voting members must be notified within 7 days of the time and place of the trial.
8. If trial is by committee, the results and any proposed penalty shall be reviewed with the 21st LD voting membership at the next general meeting or special meeting called for such a purpose. The voting membership may vote on the proposed penalty, may amend the penalty to a lesser one, or may waive penalties, but may not increase the proposed penalty.
9. If trial is by the 21st LD voting membership, the Chair shall call a special meeting for the purpose of conducting the trial and, if found guilty, determining the any penalty it deems appropriate.

## Penalties for Violation

The penalties that may be imposed for violation of the Code are the following:

1. **Resolution of Censure**: A *Resolution of Censure* is a formal statement of disapproval. It carries with it no further penalty on its own but is recorded in the minutes and remains a record of the organization and may be used as evidence in future disciplinary committees to establish a pattern of behavior that may justify more harsh penalties in the future for repeated violations. The censured member shall work with the executive board to establish a plan to reform the inappropriate conduct and avoid future incidents.
2. **Suspension of Privileges and/or Parliamentary Rights:** Similar to a resolution of censure, a resolution may be adopted that temporary suspends specific privileges or parliamentary rights for a period of time not to exceed 3 months or the next reorganization meeting. Rights granted by the Washington State Democratic Party charter or bylaws may not be suspended.
3. **Suspension of Membership:** A member may have their membership suspended for a period not to exceed 6 months. Suspension of Membership removes all 21st LD privileges and rights, excluding those granted by state party charter and bylaws.
4. **Removal from Membership:** Removal from membership is effective immediately. Any member so removed may petition the membership for re-admission by means of a written letter to the chair, no sooner than 6 months from the date of removal and no more often than every 6 months thereafter. The letter will be reviewed with the membership under executive session and readmission may be granted by a majority vote of the entire membership.

#### Statutory Rights

No penalty imposed may remove any statutory rights granted by state law. In the event that a vote must be taken involving a statutory right granted by local, state, or federal law, any individual granted such rights whose 21st LD membership has been removed or suspended shall be notified of the vote in accordance with any notification period required and shall be eligible to participate in procedures and votes directly related to the statutory right.

## Confidentiality

Through the duration of the disciplinary process, all parts of these procedures shall remain confidential, except for any required votes for any sanction by the 21st LD, which shall occur in Executive Session. Violation of the confidentiality of these procedures shall be considered a violation of the Code of Conduct. A finding of guilt for breaking confidentiality carries with it a minimum penalty of 2 months suspension of membership.

Confidentiality may be waived by unanimous consent of the **Involved Parties** and is automatically waived in the case of any inquiries pursuant to an active criminal investigation, court subpoena, or any other legal requirements.

## Robert’s Rules

In matters not expressly addressed in these Rules, Robert’s Rules shall guide the process.

*Appendix – A flow chart to graphicly represent the process will be added here (WIP), and Request form:*

1. *Code of Conduct Procedure Flow Chart (insert link here)*
2. *Code of Conduct Complaint Request Form (*[**link here**](https://drive.google.com/open?id=1aBNZ9FAfW7h0qdHDBZ0cgRIokbsHFMQWRPA4r9DORck)*)*