



Disciplinary Procedure

This Disciplinary Procedure is used when a Capital Referees Member is accused of alleged violation of Capital Referees Bylaws, Operating Procedures, and other rules, the Code of Ethics of Capital Referees or an Affiliate Organization, or other conduct that may bring the Member, Capital Referees, or an Affiliate Organization into disrepute (collectively, “Misconduct”).

Complaint Process. Any Member, coach, or third party may file or make a Complaint with any Board Member alleging a Member (the “Respondent”) committed Misconduct. The Complaint will be forwarded to the President, who will review the totality of the circumstances to determine whether further action is appropriate, including whether the:

- Respondent is or was a Member;
- Facts, if true, might constitute Misconduct;
- Amount of time since the alleged Misconduct;
- Availability of relevant, reliable information concerning the alleged Misconduct;
- Witnesses are willing to provide evidence or information regarding the alleged Misconduct;
- Respondent admits or denies the alleged Misconduct;
- Mitigating factors identified by the Respondent.

The President will then Accept or Reject the Complaint.

Accepted Complaints. If the President Accepts the Complaint, the President will issue a Notice outlining the complaint and possible disciplinary action and deliver it to Respondent in person, by email, or certified mail (return receipt requested) to Respondent’s last-known address, with a copy to the Board.

Status During Proceedings. The President may temporarily suspend the Respondent from games. Respondent may within seven days appeal in writing the temporary suspension to the Board. The Board will review the appeal of the temporary suspension within seven days of receipt of the appeal. The temporary suspension will continue until lifted by the Board or upon final resolution of the Complaint by the Board.

Rejected Complaints. If the President Rejects the Complaint, the President will notify party making the Complaint, Respondent, and Board in writing of the basis for the Rejection. Within thirty days of Rejection, a party may appeal the Rejection to the Board in writing why the charge should not be rejected. If the Board Accepts the Complaint on Appeal, the matter will proceed as if the President accepted the Complaint.

Investigation. The Vice President will act as Complainant and is responsible for investigating and presenting the Complaint to the Disciplinary Committee. The Complainant will contact the person making the Complaint, Respondent, and witnesses to ascertain relevant facts and obtain statements.

Disciplinary Committee. Disciplinary Committee determines whether the Member engaged in Misconduct and, if so, recommends appropriate discipline. The Board appoints the Chair of the Disciplinary Committee as set out in the Bylaws. The Chair will appoint two or more additional Members in good standing to serve on the Committee. Board Members (other than the President and Vice President) may serve, if called. Three Committee Members are required for hearings.

The Hearing. The Respondent has the right to be heard at a hearing. The Chair will schedule the hearing and determine whether it will be held by teleconference or in-person. Unless the Committee determines otherwise, the following will be the order of presentation at the hearing.

- Brief Opening Statement by Complainant and then Respondent (No more than 5 minutes each recommended.)
- Presentation of investigation and any witnesses by Complainant
- Presentation of witnesses by Respondent
- Rebuttal witnesses by Complainant and then Respondent
- Closing Argument by Complainant, then Respondent, with last argument by Complainant (No more than 10 minutes [total] for each recommended.)

There are no formal rules of evidence or procedure, and the Committee may consider hearsay. The parties may respectfully cross examine witnesses. Members of the Committee may ask questions of Respondent and witnesses. The Committee may request further investigation or witnesses, if it deems appropriate.

The Committee will deliberate in private. A majority of the Committee is required to find that a Member committed Misconduct. The Chair votes only if needed to create or break a tie. If a majority the Committee finds misconduct, the committee will recommend the appropriate sanction. If a majority of the Committee does not agree on the sanction, the recommendation of each Member and the Chair will be included in the Committee's report. Any dissenting Member may also file a report. The Chair will email the Committee's report (along with any dissent) to the Board with a copy to the other Committee Members, the Complainant, and Respondent.

Possible Sanctions. A Member found to have committed Misconduct will face one or more sanctions, which may include: Reprimand (private or public), fine (not the exceed the greater of \$100 or the actual damages incurred by any party as result of the Misconduct), and reduction in rank. The Member may also may put on probation, suspended, or expelled. Probation or suspension may be for a period of up to two years. These sanctions may be used in combination and other appropriate sanctions may be considered.

Board Action. The Complainant and Respondent have seven days to respond to the Committee's report. Within seven days after the expiration of the time to submit a response, the Board will consider the report. The Board will adopt the Committee's finding of Misconduct (or not) absent clear and convincing evidence that the Committee reached the wrong result. Upon the Board's finding of Misconduct, the Board will consider the Committee's recommendation and impose the sanction it deems appropriate. The Board's actions are final. There is no appeal to any Affiliate Organization or court.

Resignation. If the Respondent resigns their membership prior to the Board's final determination of the Complaint, the Respondent is deemed to have admitted the Misconduct and accepted the most serious sanction in the Notice. The Respondent must apply to the Board for reinstatement, which is in the Board's sole discretion. The Board may impose any sanction as a precondition of reinstatement.

Negotiated Resolution. If the Complainant and Respondent agreed on a finding of Misconduct and proposed sanction prior to the end the Committee hearing, that agreement may be presented to the Board for approval. The Chair may, but is not required to abate the Committee process, pending Board approval.

Conflicts of Interest. If the President, Vice President, or any Committee Member is the Respondent, a necessary witness to a significant, contested fact issue, or a close, personal friend of the Respondent, that person should recuse themselves from their role in the disciplinary procedure. If the person declines to recuse them self, a Member may request that a majority of disinterested Board Members recuse them. In the event of recusal, the

Vice President will fulfill the President's role (in addition to the Complainant's role). Disinterested Board Members will appoint a person to fulfill any other recused person's role in the procedure.

Confidentiality. Alleged Misconduct and this discipline procedure are serious matters. The parties involved are strongly encouraged not to gossip about pending discipline matters and to keep the process confidential. Committee Members may not disclose specific information about the Respondent or the alleged Misconduct until final determination of the matter by the Board. Unauthorized release of information prior to final Board action may be considered Misconduct. After the Board's final action, the Board (in its discretion) determine the extent to what information will be released and by whom. At a minimum, a summary of the Misconduct and the sanction imposed, but not necessarily the names of those involved, will be reported in the Board's minutes and reported to the Members at the next Member meeting. The parties are encouraged to not to gossip about the matter even after the Board's final action.

Expenses. Any party must get prior approval from the Board before incurring expenses relating to a discipline matter. Approved expenses will be reimbursed upon submission of an Expense Report with proper documentation.