



TRC Discipline Policy

****As approved by TRC board of Trustees****

8/8/2008



Disciplinary Action Policy

Preamble

The President and the Board have broad discretion to implement and enforce TRC's Safety Policy, to take disciplinary action for other unsafe conduct and for conduct detrimental to the Toledo Rowing Club. In exercising their discretion, the President and the Board will be guided by the need to prevent and remedy unsafe conduct or conditions in order to ensure the safety of persons and property. They will consider all facts and circumstances, including, without limitation, the nature of the safety violation, the risk of harm created, whether persons were injured or property was damaged, and any prior safety violations.

Investigation of Safety Violation or Complaint

The President, or the President's designee, may inquire or investigate respecting any information that the Safety Policy has or may have been violated. The inquiry or investigation may include, without limitation, requesting written statements from all parties, witnesses, and others having pertinent information, and conferring with the Safety Committee.

Action by President

1. The President may take disciplinary action as provided in paragraph 2 (Summary Action) or paragraph 3 (Recommendation for Disciplinary Action), or under both paragraphs 2 and 3, if the President concludes that any person, coach, or team, has either:
 - a. violated the safety policy;
 - b. engaged in conduct, or failed to take action that reasonably should have been taken, that caused or contributed to a safety violation or unsafe condition; or
 - c. engaged in conduct that is detrimental to the Toledo Rowing Club.
2. **Summary Action.**

If at any time during the course of the inquiry or investigation the President determines that Summary Action is necessary in order to protect any person or property from serious harm or the risk of serious harm, the President may impose Summary Action against any person, coach, or team.

The Summary Action may include, without limitation, the following:

- a. an immediate cease and desist order;
- b. an immediate suspension of membership privileges, including the use of the boathouse and other TRC property and equipment; and
- c. other action which, in the President's discretion, is reasonable and necessary to protect against the risk of serious harm to persons or property.

Summary Action is intended to be limited to instances where remedial action is necessary to protect persons or property from the risk of serious harm before a hearing can be held by the Board. The President, therefore, should exercise discretion in order to limit the nature and duration of the remedial action to that which is necessary to avert the risk. But Summary Action may not extend beyond ten days unless the Board conducts a hearing upon notice to the person, coach, or team against whom the action is taken within the ten-day period. The hearing is to be under the procedures stated in section 4b.



The President is to report the Summary Action taken to the Board as soon as practicable and submit a written report respecting the Summary Action and further recommendation for disciplinary action, if any, to the Board.

The written or electronic report to the Board is to include a short, plain statement of the Summary Action, the alleged safety violation, a statement of the facts, and the names of known persons, coaches, teams, and witnesses involved. If written statements or summaries were obtained during the inquiry, they should be included or provided with the report or recommendation. The report of Summary Action and further recommendation, if any, is to be served upon the person, coach, or team against whom the Summary Action has been taken, and the further recommendation, if any, is being made. In the case of a team, the report is to be served upon the coach, parent representative, and school athletic director.

3. Recommendation for Disciplinary Action

The President may recommend to the Board that disciplinary action be taken against a person, coach, or team. The recommendation must be made in writing to the Board and a copy sent to the person, coach, or team against whom the adverse recommendation is being made. In the case of a team, the notice is to be sent to the coach, parent representative, and the school athletic director. The recommendation is to include a short, plain statement of the alleged violation, statement of facts, and names of known persons, coaches, teams, and witnesses involved. If written statements or summaries were obtained during the inquiry, they should be included or provided with the recommendation.

The recommendation for disciplinary action may, without limitation, include the following:

- a. verbal reprimand;
- b. written reprimand;
- c. cease and desist order;
- d. suspension of membership privileges, including the use of the boathouse and other TRC property and equipment;
- e. in the case of a coach, the suspension or other disciplinary action may include: (a) suspending all or part of a coach's privilege to coach or assist any team, team member, or TRC member; and (b) suspending the team's membership privileges, including the use of the boathouse and other TRC property or equipment; and
- f. expulsion and non-renewal of membership.

Board Action

1. Upon receipt of either a report of Summary Action and recommendation for further action, or a recommendation for disciplinary action, the Board will schedule a hearing within 30 days (within ten days if Summary Action is to be extended for more than ten days). Notice of the hearing will be provided to all persons, coaches, and teams against whom Summary Action has been taken or a recommendation for disciplinary action is made. In the case of a team, the notice will be provided to the coach, parent representative, and the school's athletic director.

The notice will include the date, time, and place of the hearing, and a copy of the President's Summary Action report and recommendation, if any, or recommendation for disciplinary action that is to be reviewed at the hearing. The notice will also include a statement that the parties to whom the notice is directed may appear at the hearing (and have a representative at the hearing, including a lawyer), may present a verbal or written statement to the Board, and may present additional evidence as provided in the hearing procedure.



2. Hearing Procedure

The hearing will be conducted by a hearing officer appointed by the Board; the hearing officer need not be a member of the Board. The hearing officer is to conduct the hearing (which may, within the hearing officer's discretion, be conducted in whole or in part in person, by email, telephone, or video conference), maintain decorum, and determine the admission of evidence consistent with these procedures. The hearing officer may not vote on the matter that is the subject of the hearing. The formal rules of evidence used by courts of law do not apply.

The procedure to be followed is this:

- a. The President's report of Summary Action and further recommendation, if any, or recommendation for disciplinary action, will be presented by or on behalf of the President, together with any additional evidence supporting the recommendation.
- b. The persons, coaches, or teams against whom the Summary Action was taken and further recommendation is made, if any, or against whom the recommendation for disciplinary action is made, may present written or verbal statements, call witnesses, or present other evidence in support of their respective positions, as deemed admissible by the hearing officer.
- c. Witnesses called by one party may be asked questions or cross-examined by any other party and by members of the Board.

Burden of Proof

The person, coach, or team against whom the Summary Action has been taken and further recommendation is made, if any, or against whom the recommendation for disciplinary action is made, has the burden to prove by clear and convincing evidence that the adverse action or recommended disciplinary action is not supported by the facts or that there is just cause to reject or modify the President's Summary Action and further recommendation, or the recommended disciplinary action.

Board's Decision

The Board may affirm, reject, or modify – in whole or in part – the President's Summary Action or recommended disciplinary action. The Board's decision must be in writing and a copy served upon all interested parties. The Board's decision is final.