

42nd Legislative District Democratic Committee Procedures for Code of Conduct Violations (adopted July 28, 2020)

I. Purpose

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

II. Definitions

As used in these procedures:

- A. “**42nd LDDC**” means The Washington State 42nd Legislative District Democratic Committee
- B. “**Executive Board**” means The Executive Board of the Washington State 42nd Legislative District Democratic Committee
- C. “**Code**” refers to The Code of Conduct adopted by the Washington State Democratic Central Committee at its September 10, 2017 meeting as thereafter amended from time to time
- D. “**42nd LDDC Member(s)**” means The Washington State 42nd Legislative District Democratic Committee Member(s) pursuant to Article III of the ByLaws
- E. “**Chair**” means The Chair of the Washington State 42nd Legislative District Democratic Committee

III. Scope

- A. All elected members of the **42nd LDDC**, members of any **42nd LDDC** standing or special committee, the elected officers of the **42nd LDDC**, the **42nd LDDC Members**, and members of any Democratic organization are expected to abide by the **Code** and may, if warranted after review of an alleged violation of the **Code**, be subject to one or more penalties specified herein for violation of the **Code**. The **Executive Board** may decline to review alleged violations by members in circumstances in which the allegations are being reviewed by government agencies, courts, or local organizations. The scope of these procedures shall be limited to complaints that pertain to **42nd LDDC** party affairs. Other party organizations are expected to handle internal complaints, either under a local Code of Conduct consistent with the Code or Robert’s Rules.
- B. A complaint alleging violation of the Code by a person described in Section A is not required to be dismissed solely because subsequent to the submission of the complaint the alleged violator severs their connection with the Party or changes their status to be no longer described in Section A.

IV. Initiation of Complaint

- A. *Who Initiates*: A complaint is initiated by a member of the **42nd LDDC**, members of any **42nd LDDC** standing or special committee, the elected officers of the **42nd LDDC**, the **42nd LDDC Members** but the member need not be the alleged victim of a violation in order to initiate a complaint.

- B. *Form:* A complaint must clearly identify the portion of the **Code** alleged to be violated, describe the violation, and identify the alleged victim and any witnesses known to the submitting member. The requirements of this subsection may be waived by the **Executive Board**.
- C. *Submission:* A complaint must be submitted to the **Chair** with a copy to one 42nd LDDC Member unless the complaint alleges a violation by the **Chair**, in which case the complaint shall instead be submitted to one or more of the **42nd LDDC Member(s)**.
- D. In advance of accepting any complaint, the complainant will be advised that in the case of potential criminal conduct the complainant may request that no notification is made to law enforcement, but such notification will be at the discretion of the **Chair** in consultation with the **Executive Board**.
 - 1. If the allegation involves a situation requiring mandatory reporting to any authority under state law, it will be reported as required by statute.

V. Initial Procedures

- A. The **Chair** (or **42nd LDDC Member(s)** if relevant) with consultation of at least one additional member of the **Executive Board**, shall review within five business days of receiving the complaint and shall make a recommendation to the **Executive Board** whether there should be a formal investigation.
- B. If the **Chair** (or **42nd LDDC Member(s)** if relevant) recommends that the **Executive Board** shall review the complaint, the complainant and the alleged violator shall be notified, provided with an outline of the next procedural steps, and reminded about the confidential nature of the proceedings.
- C. The **Chair** (or **42nd LDDC Member(s)** if relevant) may, with agreement of at least one additional member of the **Executive Board**, pending an investigation, make an interim suspension of an alleged violator for a period of up to 72 hours from all State Party activities and appointments, with the exception of business meetings of the **42nd LDDC** at which the alleged violator has a right to vote. The **Executive Board** may by two thirds vote extend the interim suspension until the conclusion of the investigation. Nothing in this provision limits the inherent authority of the **42nd LDDC** to further govern the participation of one of its members during a meeting.
- D. Action by the **Executive Board** may be suspended during any criminal investigation.

VI. Duties of the Executive Board

- A. The **Executive Committee** shall cause to be investigated all properly submitted complaints to the extent reasonable considering the seriousness of the violation alleged, the specificity of the factual statement and the availability of recipient witnesses but may determine that no further investigation is necessary. The **Chair** or **42nd LDDC Member(s)** may call such special meetings of the **Executive Board** as are necessary.
- B. The **Executive Board** shall offer the alleged violator an opportunity to provide their version of events.
- C. The **Executive Board** may retain or utilize professional resources or refer to an appropriate agency if deemed necessary.
- D. The **Executive Committee** may establish a disciplinary subcommittee(s) that will be available if requested to assist it to further investigate complaints and/or recommend to

the **Executive Board** disposition of the complaint, including, if the recommendation is not to dismiss the complaint, the penalty the disciplinary committee recommends be pursued by the **Executive Board**.

1. Any such disciplinary subcommittee must be created by the second meeting of the **Executive Board** following the reorganization of the **42nd LDDC** and must reflect appropriate gender equity and include representation of at least a majority of congressional districts.
 2. Alleged violators, victims, and complainants cannot serve on the disciplinary committee.
 3. Members of the disciplinary committee shall continue serving through the disposition of the complaint, even if their term of office has expired.
- E. Unless there are extraordinary circumstances, all investigations of the **Executive Board**, and any disciplinary subcommittee(s), shall conclude within 90 days from the initial filing of the complaint.
- F. In the event a complaint is summarily dismissed the **Executive Board**, the complainant shall be notified of the extent of investigation undertaken and the reason the complaint was summarily dismissed.
- G. The **Executive Board** shall be informed in summary fashion about any complaints submitted to the **Chair** since the last meeting of the **Executive Board**.
- H. If a member of the **42nd LDDC** is suspended or expelled, the **Chair** shall give notice to the chair of the Local Party Organization (LPO) within 72 hours of the action taken.

VII. Penalties for Violation

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

- A. *Warning/Reprimand*. The **Chair** (or **42nd LDDC Member(s)** if relevant) shall review with the violator (in the presence of the complainant at the complainant's option) the violator's conduct, clearly indicate to the violator that the conduct was inappropriate, and advise the repetition will lead to further and more serious disciplinary action, and obtain from the violator a plan to reform the inappropriate conduct. The **Executive Board** of the **42nd LDDC** may also choose to adopt a resolution, which shall be made part of the minutes of the **Executive Board** meeting, describing the conduct determined to be violative of the **Code** and formally reprimanding the violator.
- B. *Suspension*. By affirmative two-thirds vote the **Executive Board** may, in include in its resolution of Reprimand, or in connection with any recommendations of expulsion by the **42nd LDDC**, immediate suspension of the violator from all State Party appointments and activities for a duration of up to one year unless the **42nd LDDC** by subsequent resolution determines that the suspension should end sooner.
- C. *Expulsion*. By affirmative two-thirds vote of the entire **42nd LDDC** at a meeting after special notice of at least 14 days a violator may be expelled from the body and the organization previously represented by the violator notified that it is required to elect a new representative in order to participate in further meetings of the **42nd LDDC**. Both the violator and the complainant shall be entitled but not required to address the **42nd LDDC** during debate on the motion to expel.

VIII. Confidentiality

- A. All parts of these procedures shall remain confidential, if so requested by either the complainant or the alleged violator, except for any required votes for any sanction by the **42nd LDDC**, which shall occur in a public session.
- B. Violation of the confidentiality of these procedures shall be a violation of the **Code** provided, however, that by requesting confidentiality a party agrees to cooperate with the **42nd LDDC** in maintaining confidentiality and will, if requested, participate in state committee meetings only by proxy during the pendency of an investigation or interim suspension.
- C. Confidentiality will be waived in the case of a criminal investigation or court subpoena.

IX. Robert's Rules

In matters not expressly addressed in these Rules, Robert's Rules may be consulted for guidance but need not be followed if, in the opinion of the **Executive Board**, it would be more appropriate in the specific circumstances to follow an alternative course.