

# **Procedure for the Investigation and Adjudication of Conduct Violations**

## **1. Investigative Authority and Recordkeeping**

The Officer responsible for investigations into reported conduct violations shall be the Associate President, who shall serve as Lead Investigator. The Lead Investigator shall gather facts, collect relevant evidence, and interview witnesses as appropriate to the complaint.

The Officer responsible for maintaining the official record of the investigation, including all evidence gathered, shall be the Secretary of The Troth.

## **2. Recusal of Investigative Officers**

If the Associate President or Secretary has a conflict of interest, prior involvement in the matter, a material personal relationship with any party to the complaint, or any other circumstance that would reasonably call their impartiality into question, that Officer shall be recused.

In such cases, the Board of Directors shall appoint another qualified party to carry out the investigative or recordkeeping role.

## **3. Conduct Review Panelist Pool**

The Troth shall maintain a pool of Conduct Review Panelists.

Conduct Review Panelists shall be volunteers from among the membership of The Troth who are members in good standing.

Before serving, Conduct Review Panelists shall complete Board-approved training in implicit bias awareness, confidentiality, the review of evidence, the distinction between conduct violations and interpersonal disputes, and the relevant bylaws, policies, and Codes of Conduct.

## **4. Appointment and Screening of the Conduct Review Panel**

For each complaint, the Lead Investigator shall appoint a Conduct Review Panel of three members from the pool of Conduct Review Panelists.

Panelists must be screened for conflicts of interest, prior involvement in the matter, material personal relationships with any party connected to the complaint, and demonstrated bias.

Any Panelist with such a conflict shall not serve.

## **5. Presentation of the Case to the Conduct Review Panel**

The Lead Investigator shall present the Conduct Review Panel with the complaint, the evidence, and any relevant bylaw, policy, or Code of Conduct at issue.

To the extent reasonably possible, identifying details shall be redacted or limited before presentation to the Panel.

Complete anonymity may not be possible in all cases, especially in a small religious community, but confidentiality shall be preserved to the greatest extent consistent with fairness and responsible review.

## **6. Standard of Evidence and Panel Determination**

The Conduct Review Panel shall determine whether a violation has occurred based on a preponderance of the evidence, meaning that it is more likely than not that the reported violation took place.

The Panel may also offer recommendations for resolution.

## **7. No-Violation Finding and Appeal by Complainant**

If the Conduct Review Panel finds that no violation has occurred, the complainant or complainants may appeal that determination to the Board of Directors.

## **8. Violation Finding and Referral to the Board**

If the Conduct Review Panel finds that a violation has occurred, the matter shall proceed to Executive Session before the Board of Directors.

The subject or subjects of the complaint, the Lead Investigator, and any other persons the Board deems necessary for fair consideration may attend for the portions of the session relevant to their participation.

## **9. Board Review in Executive Session**

The Lead Investigator shall present the complaint, the evidence, the findings of the Conduct Review Panel, and any recommended resolution.

The Board shall have full, unredacted access to all facts and findings gathered during the investigation.

## **10. Rights of the Subject of the Complaint**

The subject or subjects of the complaint shall have the right to review the substance of the allegations against them, to know which bylaw, policy, or Code of Conduct is alleged to have been violated, and to address the Board before it deliberates and determines what, if any, action should be taken.

## **11. Recusal of Board Members**

Any member of the Board of Directors who has a conflict of interest, prior involvement in the matter, a material personal relationship with any party, or any other circumstance that would reasonably call their impartiality into question shall be recused from deliberation and voting on that complaint.

## **12. Board Authority and Departure from Panel Recommendation**

The Board may accept the Panel's recommendation or adopt an alternate resolution.

If the Board departs materially from the Panel's recommendation, it shall record its reasons in writing in the confidential case file.

### **13. Possible Resolutions**

Possible resolutions shall be proportional to the nature and severity of the violation and may include, but are not limited to:

- dismissal of the complaint;
- informal resolution by agreement of the parties;
- education, warning, or corrective guidance;
- temporary limitation of privileges;
- removal from office or appointed role;
- suspension or revocation of membership;
- any other remedy authorized by Troth policy or bylaws.

### **14. Appeal by Subject Found to Have Committed a Violation**

A subject found to have committed a violation may appeal the Board's decision.

The Board of Directors shall determine appeals in accordance with procedures established in policy.

### **15. Appeals from Board Decisions**

If the Board is itself the body whose decision is being appealed, the appeal shall be heard by an appeal body appointed according to separate Board-approved procedure, or, if no such body exists, by a specially appointed panel of disinterested Full Members in good standing.

### **16. Relationship to Conflict Resolution Process**

Nothing in this procedure shall be interpreted to require The Troth to treat every interpersonal dispute as a conduct violation.

Complaints that do not allege a violation of a bylaw, policy, or Code of Conduct may instead be referred to the appropriate conflict resolution process where doing so is more appropriate to the health, peace, and functioning of the community.

## **17. Confidentiality**

All persons involved in investigations under this procedure shall maintain confidentiality to the greatest extent reasonably possible.

Information shall be shared only as necessary to investigate, review, deliberate, resolve, or appeal the matter fairly and responsibly.

## **18. Purpose and Governing Principles**

This procedure is intended to create a fair, consistent, and trustworthy process for the handling of reported conduct violations.

It exists to protect the rights of complainants, respondents, leaders, and members alike, while preserving the diversity, safety, and health of The Troth.

