



DISCIPLINARY PROCEDURES

POLICY

What

The East Grand Rapids Parks & Recreation Department (“EGRPRD”) disciplinary procedures, as outlined below, establish our plan for responding to alleged violations of child physical or sexual abuse and other misconduct and set forth our commitment to a fair and transparent process.

Why

It prepares our department and its participants to know, in advance of a report, how it will handle alleged violations of our Participant Safety Handbook and other related policies.

The “EGRPRD” will not investigate an allegation of child physical or sexual abuse if it undermines or interferes with a pending legal investigation or criminal prosecution.

DISCIPLINARY RULES

We recognize that there are varying levels of misconduct. For example, physical and sexual misconduct are serious violations that may result in immediate dismissal. In contrast, a youth participant who tells a single sexually risqué joke constitutes less serious misconduct and depending on the circumstances, might be dealt with more appropriately through dialogue and a verbal warning. In all cases, our disciplinary procedures and actions will be proportionate, reasonable and applied fairly and equally.

DISCIPLINARY PROCEDURE

On receipt of an allegation, we will determine in its discretion the appropriate steps to address the conduct based on several factors, including (i) the age of the complainant or victim, (ii) the age of the accused and (iii) the nature, scope, and extent of the allegations.

Our disciplinary response will depend on the nature and seriousness of the incident and in extreme cases, misconduct will result in immediate summary dismissal, provided that the accused individual shall be advised of their right to a hearing. If the accused individual is a minor, we will contact his or her parents or guardians.

DISCIPLINARY ACTION

Sanctions for violations of the Participant Safety Handbook will be proportionate and reasonable under the circumstances. In addition to day-to-day guidance, we may take the following disciplinary actions, without limitation:

- Inform the individual’s direct-line supervisor or, in the case of a youth participant, the youth’s parent or guardian

- Provide the individual with guidance, redirection and instruction
- Temporary suspension from competition
- File a formal incident report
- Issue a verbal warning
- Issue a written and/or final written warning
- Implement a limited access agreement (e.g., limiting an individual's access to certain buildings or to youth)
- Engage in restorative practices, i.e., creation of a respectful and safe dialogue when a misunderstanding or harm has occurred
- Suspend or terminate employment or volunteer responsibilities

ONGOING EMPLOYMENT AND/OR PARTICIPATION

On receipt of a credible and specific allegation of child abuse or other serious misconduct (e.g., physical and sexual abuse as defined in our Participant Safety Handbook), we may immediately suspend or terminate the accused individual to ensure participant safety.

COMPLAINANT PROTECTION

Regardless of outcome, we will support the complainant(s) and his or her right to express concerns in good faith. We will not encourage or tolerate attempts to retaliate, punish or in any way harm any individual(s) who report(s) a concern in good faith. Such actions will be grounds for disciplinary action.

INVESTIGATION AND ADJUDICATION

We utilize the following Investigation and Adjudication procedure

On receipt of:

- (1) an allegation of misconduct, as defined in Participant Safety Handbook that does not involve child physical or sexual abuse
- (2) an adverse employment determination by a local organization for emotional, physical or sexual misconduct as set forth in the Participant Safety Handbook

The "EGRPRD" shall determine the appropriate steps to address the conduct based on several factors, including (i) the age of the complainant or victim, (ii) the age of the accused and (iii) the nature, scope and extent of the allegations. Such steps may include, without limitation:

- The collection of additional information from the individual in question, other individuals with potential knowledge or evidence of the incident or the accused individual
- Formal investigation and hearing
- Retention of legal counsel or investigation services to investigate and/or make a recommendation as to whether a violation of the relevant policy has occurred and/or a recommendation as to the appropriate sanction

Where serious allegations of misconduct are at issue (e.g., physical and sexual misconduct as defined in our Participant Safety Handbook), we may elect in our discretion to undertake a full investigation and hearing before determining the appropriate disciplinary action. This investigation and/or hearing will in no way interfere with an ongoing criminal investigation or prosecution.

SUSPENSION BEFORE FINAL RESOLUTION

If the reported complaint or employment/membership decision by a local member club indicates that an individual's continued employment, membership or participation poses a risk of ongoing physical or emotional harm, we may wish to suspend the accused individual pending final resolution of the complaint to eliminate any danger to an athlete, sport participant or other individual. In such instances, we will provide the individual with notice and offer her/him an opportunity to contest the suspension.

We may suspend the accused individual where there is a reasonable belief that the individual has committed emotional, physical or sexual misconduct. Evidence which may be found sufficient to support a reasonable belief includes, at a minimum:

- the suspension or termination of employment or membership by another local organization serving youth
- a Misconduct Incident Reporting Form with specific and credible information
- other legal documentation or report supporting a reasonable belief that the individual has committed emotional, physical or sexual misconduct, including abuse of a child (e.g., a criminal indictment)

For the purposes of this Policy, a suspension from recreational sports and program involvement shall mean that for the duration of the period of suspension, the accused individual may not participate in any capacity or in any role in the business, events, or activities of the East Grand Rapids Parks & Recreation Department.

Any suspension before final resolution may be appealed to the City Commission at the written request of the accused individual within five days of the suspension.

INVESTIGATION

As appropriate, and at our discretion, we may institute a formal investigation and hearing procedure to address serious allegations of misconduct (e.g., physical and sexual misconduct). However, we anticipate that an investigation and hearing will be undertaken to address only the most serious allegations and patterns of behavior that warrant significant sanctions. Accordingly, we anticipate that this disciplinary procedure will be used rarely.

If an investigation is conducted, the complainant, victim and accused individual shall have the right to:

- (1) Receive written notice of the report or complaint, including a statement of allegations

- (2) Present relevant information to the investigator(s)
- (3) Legal counsel, at his or her own expense

HEARING

Procedural Safeguards

The adjudication shall further conform to the provisions and principles set out hereafter. However, deviations in one or more of the procedural safeguards are permitted, provided the following conditions are satisfied:

- (1) The individual is informed of the allegations and evidence brought against him or her
- (2) The individual is given a reasonable opportunity to respond to the allegations brought forward
- (3) The individual may be represented by legal counsel at his or her own expense
- (4) The panel member(s) who make the determination are free of conflicts of interests and render an unbiased decision
- (5) There is a right to appeal the panel's decision

Evidence

At the hearing, the accused individual will be allowed to present any reasonable evidence or argument that he or she wishes the Review Panel to consider. The Panel may require or permit documentary evidence, such as the written report of any investigator or other fact-finder, before the hearing and that the names of any witnesses be disclosed before the hearing. The Panel may also consider a local organization's employment determination as evidence to be considered.

If the complainant/alleged victim(s) is a minor, the investigator's or other fact-finder's report may substitute for the minor witness's direct testimony, provided that the accused had an opportunity to present and respond to relevant information collected during the investigation and before the report was transmitted to the Review Panel.

The Review Panel may proceed in the accused individual's absence if it cannot locate the individual or if the individual declines to attend the hearing.

Findings and Sanctions

The Review Panel has the discretion to impose sanctions on the individual if it finds based on a preponderance of the evidence that emotional, physical or sexual misconduct has occurred.

The Review Panel will communicate its finding to the individual. The Panel may impose sanctions on the individual in its findings.

Any sanctions imposed by the Review Panel against the individual must be proportionate and reasonable, relative to the content that is found to have occurred. The decision regarding the appropriate sanction shall be up to the panel deciding each complaint. In imposing a sanction, the Review Panel shall consider:

- (1) The legitimate interest of providing a safe environment for its participants
- (2) The seriousness of the offense or act
- (3) The age of the accused individual and alleged victim when the offense or act occurred
- (4) Any information produced by the accused individual, or produced on behalf of the individual, in regard to the individual's rehabilitation and good conduct
- (5) The effect on our reputation
- (6) Whether the individual poses an ongoing concern for the safety of our athletes and participants
- (7) Any other information, which in the determination of the Review Panel, bears on the appropriate sanction

Sanctions may range from a warning and a reprimand to suspension from sport involvement with the "EGRPRD" for a period of time. Suspensions from sport or program involvement with us may be temporary or permanent. The most severe sanction possible to impose will be permanent suspension from sport or program involvement and expulsion from the East Grand Rapids Parks & Recreation Department.

For the purposes of this Policy, a suspension from sport or program involvement shall mean that the individual may not participate in any capacity or in any role relating to the business, events or activities of the "EGRPRD", or its affiliated members for the duration of the period of suspension.

Confidentiality

The hearing WILL NOT be private. If the Review Panel determines that the individual has violated policy, it may publish its decision or a brief summary of its decision, unless the accused is a minor. However, if the individual appeals, the summary of the review panel's decision will not be disclosed until an appellate decision has been made.

If the Review Panel determines the accused individual did not violate the relevant policy, the panel will publish a summary only at the individual's written request.

We will consult with counsel before making any such report public.

APPEAL

If the individual disagrees with the finding or sanction of the review panel and wishes to appeal, he or she may file an appeal with the City Commission within five days of the "EGRPRD" finding. On appeal,

the City Commission will address the merits of our decision de novo, and not the process that was utilized. A decision rendered by the City Commission shall be final and binding on all parties.