

## **CCD Policy for Reviewing Allegations of Violations of the CCD Code of Participation and Taking Disciplinary Action**

This policy is to provide guidance to the CCD Membership Committee and Board of Directors for reviewing allegations that a member organization has violated the CCD Code of Participation (Code). Although CCD is a broad-based consortium, strives to be as inclusive as possible, and derives its strength out of the diversity of its membership, it is necessary for the proper functioning and preservation of the reputation of CCD that all member organizations follow the CCD Code.

**Reasons for Initiating a Review:** The Membership Committee should initiate a review of an individual organization membership whenever:

- The Chair or a member of the Membership Committee believes that an organization has taken an action that violates the Code, outlines the alleged violation in writing, and asks for a review; OR
- The Membership Committee receives a complaint in writing from a CCD member organization or from all current co-chairs for a specific CCD task force alleging that another member organization has violated the Code. The written request must include details about why the organization believes that the other organization has violated the Code based on the criteria outlined below.

The Membership Committee shall review all written allegations regarding the possible violation of the Code. After reviewing the complaint, the Membership Committee shall either initiate a full review of the organization as outlined below or provide the requester with a response as to why no additional investigation will occur. In the event that a full investigation is warranted, the Membership Committee may share the complaint with the accused organization and provide the organization with an opportunity to respond.

**Criteria for investigating a complaint and taking disciplinary action:** The Membership Committee shall investigate the alleged violations contained in the complaint using the process outlined below and make a determination as to what, if any, disciplinary action will occur against the member organization based on the following criteria:

- a. Has the membership organization violated the Code by:
  - i. Ascribing positions to CCD or a CCD task force that do not represent the official CCD or task force position?
  - ii. Participating in task force discussions in bad faith by revealing non-public information concerning individual or agency positions or strategies learned during task force discussions?
  - iii. Failing to temporarily withdraw their participation from specific task force activities regarding a CCD position with which the member

organization disagrees and the failure to do so has resulted in damage to the reputation of CCD?

- iv. Engaging in personal attacks by an individual or the member organization on an individual member, organization, chair of a particular task force, or CCD as a whole.
- b. If the answer to any subpart of a. is yes, the Membership Committee shall conduct additional investigation to determine:
- i. The duration and extent of the violation – is this a single event or is it an ongoing pattern of behavior?
  - ii. Is this the first time that a complaint has been raised against the member organization?
  - iii. Was the organization given the opportunity to correct the violation previously and if so, what was its response?

**Guidelines for Applying the Criteria:** The Membership Committee will review the allegations against an organization based on the criteria above. The Membership Committee should do its best to gather sufficient evidence to ensure that it has all the information necessary to make a fully informed decision, including as applicable, talking to the official representative of the member organization to answer any questions the Committee has regarding the member organization's alleged violations, contacting the appropriate task force co-chair(s), if applicable, to determine the veracity of claims alleged in a complaint, and complete any other information gathering activities it deems necessary. The Membership Committee shall take all evidence it gathers into account to make a recommendation to the Board of Directors regarding what if any disciplinary action should be taken against the member organization. Such recommendation shall be in writing, include an analysis of the alleged violation, all information the investigation revealed that is relevant to the Committee's findings, and what, if any, action the Committee recommends the Board to take. The recommended actions can include:

- **No action:** The Membership Committee can recommend the Board take no action if:
  - No violation: The investigation revealed that the allegation was unfounded and no violation of the Code occurred; or
  - Violation was inadvertent and Membership Committee does not believe it will occur again: The Membership Committee believes that the member organization did not intend to violate the Code, the violation that did occur was a minor violation, the organization has never violated the Code before, and the Committee does not believe that the organization will violate the Code again.

- **Board Warning:** The Membership Committee can recommend the Board issue a written warning to the member organization that repeated violations will lead to further disciplinary action if not remedied if:
  - Willful Violation: The Membership Committee can recommend the Board issue a written warning if the investigation determines that the organization knew it was taking an action that violated the Code and proceeded with that action despite that fact; or
  - Inadvertent Violation Likely to Be Repeated: The Membership Committee can recommend the Board issue a warning letter if the investigation determines that the member organization did not intend to commit the violation but reveals in the course of the investigation that they might take the same action if a similar circumstance arises in the future.
  
- **Suspension of Membership:** The Membership Committee can recommend that the membership of the organization that violated the Code be suspended until such time as the Board believes that the violations have been cured if:
  - Repeated Violation after Warning Issued: The Membership Committee can recommend the Board suspend an organization's membership if it violates the same provision of the code after being warned that it had previously violated the code AND the Membership Committee believes that the organization might still remedy the violation if given time under a suspension to do so; or
  - Multiple Violations of Code Requirements: The Membership Committee can recommend that the organization's membership be suspended if the organization previously violated a specific requirement of the Code and then violates a different requirement of the Code.
  - Flagrant and Egregious Violation of the Code: The Membership Committee can recommend the Board suspend an organization's membership even if no warning has been issued if it finds in its investigation that the organization took action(s) it knew to violate the Code, knew the action could damage the reputation of CCD or another member organization, or the Membership Committee investigation revealed the violation(s) to be so significant that it believes the membership should be suspended immediately so as to prevent additional violations and damage to CCD.
  
- **Revocation of CCD Membership:** The Membership Committee can recommend the Board revoke an organization's membership if:
  - Organization Was Suspended and Took No Action to Cure Violations: A suspension was issued to the organization and they took no action to reassure the Board that the organization would follow the code if membership was reinstated.

- Continued and Repeated Violations Following a Warning: A member organization received a warning for violating the Code within the last 24 months and continues to violate the Code. Revocation should only occur following a warning without suspension if the violations are repeated and the Membership Committee believes a suspension would be futile.
- Flagrant and Egregious Violation of the Code and Suspension Not Likely to Result in Behavior Change: The Membership Committee can recommend that the Board revoke an organization's membership if it has not previously issued a warning or suspension to the organization if it finds in its investigation that the violation of the Code was intentional, the organization knew the violation(s) would damage the reputation of CCD or another member organization and committed the violation anyway, and was uncooperative or hostile during its investigation or the Committee has reason to believe that a suspension of membership would not result in any behavior change.

**Board Action:** The Board shall review the recommendation made by the Membership Committee and take a full Board vote (requires a two-thirds majority of the full Board) on the recommendation either at a regularly scheduled Board meeting or at a special meeting as determined by the Chair. The Board should give significant weight to the findings of the Membership Committee and should adopt the decision of the Committee unless it finds that the Committee did not properly apply the above criteria when making the recommendation or new information has been obtained since the Committee made its recommendation that changes which criteria apply. The Board shall provide a written response to every complaint, regardless of action taken, outlining the reasoning and rationale for the Board's decision.

**Appeals process:** The Board shall provide an organization with the opportunity to appeal a Board decision to issue a warning, suspension, or revocation of CCD membership. Any appeal must be made within 14 calendar days of receiving written notification of the Board's decision. Any request for the Board to reconsider must be made in writing and provide a rationale for why the Board's decision should be changed. The Board must consider any appeal of a disciplinary decision within 30 calendar days of receiving the written request. The Board may, if it elects to do so, invite a representative(s) of the organization to attend the meeting in which it considers the request, but may also make its decision based solely on the written appeal submitted. The Board must provide a decision on the appeal request to the organization in writing.

**Recusal:** Any member of the CCD Membership Committee or the CCD Board who is a representative of the accusing member organization or a co-chair of the accusing task force or is a member of the accused member organization must recuse himself or herself from adjudication of the complaint.

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