

DEMOCRATIC PARTY OF SACRAMENTO COUNTY

RULES COMMITTEE REPORT

6/13/2019 – Curtis Hall, Sacramento

The following is a proposal to repeal and replace Article V of the DPSC Bylaws, “Discipline & Removal,” along with Article VI’s Sections 2 & 7, “Definitions” and “Truancy,” respectively. The Rules Committee will continue to consider this proposal and also an accompanying “Code of Conduct,” to be adopted as a Standing Rule, which will inform additional grounds for Member discipline. This written proposal is to serve as notice of a possible vote, if it remains substantially unchanged by the Rules Committee, at the July Central Committee meeting.

ARTICLE V. DISCIPLINARY PROCESS

SECTION 1. Causes for Complaints & Punishments for Violations

- A. Any Member who endorses or materially supports a Republican running against a Democrat, or who endorses a non-Democrat running against a Democrat endorsed by the Central Committee, shall be removed from the Central Committee and shall also be ineligible from being seated on the Central Committee during the next term of office of the Elected Members.
- B. Any Member who misses at least three Central Committee meetings within a five month period, or five meetings within a twelve month period, without providing an Alternate who attends in their place or notifying the Chair or Secretary that they request to be Excused, shall be removed from the Central Committee for the remainder of the term of the Elected Members. Any elected Officer who misses at least three Executive Board meetings within a five month period, or five meetings within a seven month period, without notifying the Chair or Secretary that they request to be Excused, shall be removed from their office for the remainder of the term of the Officers.
- C. Any Member found to have violated the Code of Conduct adopted by the Central Committee as a Standing Rule shall be subject to the following possible punishments:
 1. Censure, reprimand, or restorative justice;
 2. Monetary fine, which shall prevent the Member from voting or participating in the DPSC until the fine is paid;
 3. Suspension of any or all privileges, including voting and attending events, for a defined period of time;
 4. Removal from their position as an Officer; or
 5. Removal from the Central Committee.

SECTION 2. Complaints

- A. Any Member (hereinafter referred to as the Complainant) may file a complaint alleging that another Member (hereinafter referred to as the Respondent) has engaged in conduct that may subject the Respondent to this Disciplinary Process. A complaint must detail each charge against the Respondent, so that they may prepare an adequate defense.
- B. The complaint must be filed with the Secretary, unless the Secretary is the main subject of the complaint and the Chair is not also a subject of the complaint, in which case the complaint should be filed with the Chair. Upon receipt of a complaint, the Secretary shall notify the Executive Board, the Respondent, and the Complainant of receipt of the complaint and all charges contained therein.
- C. After receiving notice that a complaint has been filed, the Executive Board shall, within seven (7) days, appoint an Investigatory Committee of at least three (3) Members to produce a report detailing any facts and evidence relating to the complaint, and detailing the preponderance of each charge, which shall be presented to a Tribunal. Nobody named in a complaint shall be a

member of the Investigatory Committee concerning that complaint.

SECTION 3. Executive Board Tribunal

- A. The Secretary (or Chair) shall provide at least fourteen (14) days notice of an impending Tribunal to the Respondent, which shall be held during the next regularly scheduled Executive Board meeting after notice is given, or as otherwise scheduled by the Board, and shall be composed of all voting members of the Executive Board.
- B. The Respondent shall have the right to:
 - 1. At least three (3) days before the Tribunal is to begin, request that the Tribunal be rescheduled to a date before the next regularly scheduled Central Committee meeting, subject to approval by a majority of the Executive Board;
 - 2. Confront all witnesses and evidence provided against them; and
 - 3. Speak in their own defense.
- C. The Tribunal shall hear the facts of the complaint, and based upon the preponderance of evidence, by simple majority vote, shall:
 - 1. Rule as to whether a violation was committed; and then
 - 2. Determine the appropriate disciplinary action as proscribed in Section 2 of this Article.

SECTION 4. Ad Hoc Tribunal

- A. The Complainant shall have the right to request that the complaint be heard before an Ad Hoc Tribunal instead of before an Executive Board Tribunal. In such cases, the Tribunal process shall proceed in the manner described in Section 3 of this Article, excepting that the Tribunal shall be composed of Arbiters as described in this section.
- B. The Complainant and Respondent shall have up to fourteen (14) days after receiving notice of a complaint to each select one Member as an Arbiter, and the Secretary (or Chair) shall also select a Chief Arbiter. If the Respondent or Complainant do not appoint their Arbiter, then the Secretary (or Chair) shall appoint one on their behalf.
- C. The Arbiters chosen by the Complainant and Respondent shall both agree to the selection of two additional Members as Arbiters. In the event that there is no agreement among the Respondent's and Complainant's Arbiters regarding the appointment of two additional Arbiters, the Arbiters chosen by the Complainant and Respondent shall each choose one Arbiter from a list of five (5) Members proposed by the Secretary (or Chair).

SECTION 5. Appeal to the Central Committee

- A. The Respondent or Complainant may appeal the decision of the Tribunal to the Central Committee by informing the Secretary (or Chair) before the date required to send notice for Central Committee meeting agendas, and the appeal shall be added to the agenda of the next regularly scheduled Central Committee meeting.
- B. The Central Committee shall only consider the material facts of the case as presented to the Tribunal, which shall be presented to the Central Committee by the Investigatory Committee. The Respondent shall also be provided equal time to speak.
- C. After deliberation among only the members of the Central Committee, the Central Committee shall vote to uphold or overturn decision of the Tribunal:
 - 1. If a simple majority of those present and voting vote to uphold the Tribunal's decision, then the decision shall be upheld; and
 - 2. If a two thirds (2/3rds) majority of those present and voting vote to overturn the Tribunal's decision, then the decision shall be overturned; but
 - 3. If there are neither enough votes to uphold or overturn the Tribunal's decision, then the decision shall be returned to the Tribunal so that they may modify the decision, which shall create another possibility for an appeal to the Central Committee.