

AYSO Dispute Resolution – Handout No. 4 A – Detailed Steps to be Followed for Due Process

Purpose:

- To give details to be followed for Due Process.
- To help Regions, Areas, and Sections deal with challenging situations and people in the organization.
- To give the managers processes and tools for dealing with situations that involve disciplining a Non-Executive Member when the discipline involves limiting, suspending or removing/terminating the Non-Executive Member's participation in AYSO.
- These are the types of situations when an internal administrative proceeding is required under California administrative law and due process must be given to the Non-Executive Member. AYSO is a California non-profit and subject to California law.

We may refer to a “Regional” process and “RCs”, but the same process applies if the incident occurs at an Area or Section level.

Regions should seek to resolve all disputes involving people in an amicable fashion. Compromise is preferable to more severe forms of resolution. Almost all problems in the Region can be addressed without the need for a formal process.

There are many types of things that can be done to help handle and remedy day-to-day problems if they are identified early and handled fairly. Some of these remedies include:

- Evaluation
- Additional education/training
- Additional supervision
- Mentoring
- Counseling
- Behavioral and performance contracts
- Restitution (financial and in-kind service)
- Warnings

When all else fails and you determine that a **Non-Executive Member** involved in the Region, Area or Section needs to be disciplined in excess of the above, or that his or her participation in the Region (Area or Section) should be limited, suspended or terminated, the RC (AD or SD) should ensure that the **procedures used provide for appropriate fairness and due process.** This can be accomplished by following the procedures that we will discuss in this course.

Executive vs. Non-Executive Members. While this material will deal with discipline and due process as it relates to Non-Executive Members, we want (1) to briefly point out how Executive Members are disciplined or removed and (2) to describe who are “Non-Executive Members” for due process purposes.

The following will present the two categories of members for due process purposes (e.g. Executive vs. Non-Executive Members), and their major differences as they relate to sanctions, discipline and removal. Provide a clear distinction of sanctions/discipline that result in limiting, suspending, or removing/terminating a member's participation in AYSO.

Executive Members of AYSO:

Who are Executive Members of AYSO?

(Source: Advanced Management – LP 2009 FINAL REV (2-9-2009))

Regional Commissioners – Area Directors – Section Directors – Special Directors. These members are voting members, nominated by their local governance (Bylaws 7.01 – 7.05), and appointed by the National Board of Directors, thus can only be **removed** by the National Board of Directors. However, they can be **suspended (temporary) or otherwise sanctioned** by the next higher managerial level or by the National Board of Directors.

- AYSO Executive Members are appointed by the National Board of Directors and the removal of an Executive Member (RC for example) must be done through a special procedure outlined in the AYSO Reference Book.
- **A Regional Board does not have the authority to remove a Regional Commissioner or to sanction or discipline an RC.**
- Suspension or sanction of an Executive Member for cause must be done from a level higher than that of the Executive Member. (For example, an RC may be suspended (temporarily) by an Area Director or above but only when the program is in imminent danger, or a crime has been committed.)
- ***Members of the National Board of Directors (except for Outside Directors) are also Executive Members. They can only be removed by following the procedures set forth in the National Bylaws.***

Non-Executive Members of AYSO for Due Process Purposes:

Now that everybody knows who are Executive Members, who are Non-Executive Members who are entitled to due process – (entitled to notice and an opportunity to be heard if their participation in AYSO will be limited, suspended or terminated)?

In this section we will identify **WHO** are “Non-Executive Members” that are entitled to due process if their participation in AYSO will be limited, suspended, or terminated by imposing the proposed discipline or sanction.

- The term “Non-Executive Members” is used in this material to describe the people to whom due process should be provided, even though some of those individuals are not official “members” as defined under AYSO’s National Bylaws.
 - For example, parents are not “members” unless they are registered volunteers but, as we discuss in this lesson plan, AYSO gives them due process rights.
- 1. **All Regional, Area, and Section personnel who are registered volunteers (including all Board, staff, and volunteer positions), but excluding Executive Members:**
 - These individuals are non-voting members appointed by their local governance for a certain period of time (normally for a one-year term), and have a current volunteer application on file with the National Office.
 - Remember that each year the Region’s CVPA must present the proposed volunteers to the Regional Board for acceptance of the volunteers for the particular volunteer position and each of the volunteers must have submitted a completed and signed volunteer application for that season.
 - If the individual is not a registered volunteer as described above, the individual is not entitled to due process (e.g., must have submitted a signed volunteer application for that season and have been accepted/appointed by the Region, Area, or Section to serve in an assigned volunteer capacity).
 - Sanctions, discipline and removal can occur at the local level of governance or higher.

2. Players and their Parents and Guardians:

- Registered players are non-voting members of AYSO.
- In addition, although a player's parents and guardians are not "members" of AYSO as defined in the National Bylaws unless they are registered as volunteers, they should be afforded due process if they are being sanctioned/disciplined in a way that limits, suspends or terminates their ability to be a spectator at the AYSO events in which the player is participating.
 - In effect, by limiting the parents' and guardians' participation as spectators, the registered player is being denied "full" participation as a player (e.g., parents and guardians not being allowed to watch the player at games or practice).
 - Parents and guardians are treated as being associated with the program through the player's registration.
- Sanctions, discipline and removal can occur at the local level of governance or higher.

3. Other Spectators are **NOT** considered "Non-Executive Members" for purposes of determining whether they are entitled to due process if imposing sanctions and limiting their role as spectators.

- For example, even though a person may have been named as a Coach of a team and may have been coaching, if the person has not submitted a completed volunteer application for that season and has not been accepted as a Regional volunteer in the Coach position, the person is not entitled to due process if the person is to be sanctioned and their role as a Coach is to be limited, suspended or terminated: the person was not a registered volunteer and is not a "Non-Executive Member" who is entitled to due process.
- Although a spectator who is not a player's parent or guardian is not entitled to due process, if the RC (AD or SD) thinks that, under the facts and circumstances of a particular situation, it may be prudent for the spectator to be afforded due process, the RC (AD or SD) may want to consult with their next level of Executive Member (e.g., RC consult with AD) and/or raise the question with the Legal Commission's Due Process Task Force. (This is done by contacting the Risk Management Coordinator at the National Office (currently Holly Veach).)

Now that we have established **who** are "Non-Executive Members" entitled to due process, we will outline how you ensure that due process is given.

First, there are some overall guidelines to keep in mind when disciplining or sanctioning Non-Executive Members. [Most of these are taken from Chapter 8 in the Reference Handbook in the section relating to "Guidelines for the Suspension/Removal of Other Program Participants."]

1. The minimum rather than the maximum remedy should always be considered. Difficulties should be minimized and localized.
2. Avoid punishing players for the "sins" of their parents except where there is no other solution (for example, where the parent refuses to cease his or her disruptive conduct).
3. Do not wipe out years of good memories of AYSO and good service to AYSO by use of the removal/suspension procedure. It is a last resort. – Voluntary resignation is preferable in most cases.
4. If there is a dispute between a volunteer and the Regional commissioner, the RC should not act as arbiter in the matter. Thus, an RC (AD or SD) should not act as the arbiter or decision-maker if they are a witness, or are involved in the dispute/incident, or are not disinterested.

- **If not disinterested, RC/AD/SD should appoint another person from Region/Area/Section to take the place of the RC/AD/SD**
 - **For example, an RC could appoint the Asst. RC/RCA/RRA/CVPA/ other volunteer**
5. Banishing a parent or other adult from AYSO events may not be enforceable if the events are held on public property.
 6. Do not publicize/discuss the proceedings beyond those persons who need to know and respect the privacy of the individuals involved.
 7. Remember to keep your CVPA informed of issues and review proceedings.
 8. Keep your AD (SD or Board Liaison) informed of review proceedings. Contact the Risk Management Coordinator at the National Office (who can assist and refer the issue to the Legal Commission or one of the Legal Commission’s task forces (e.g., Legal Commission’s Due Process Task Force) for advice as to how to handle a specific situation. The information provided to your AD (SD or Board Liaison) should not be given in great detail since these individuals may need to review a decision if appealed, but give sufficient information to keep them informed.

Often, situations dealing with difficult people escalate to the point where sanctions/discipline or removal is the only recourse you have. Indicate that the workshop will cover the procedures for sanctions, discipline or removal of Non-Executive Members of AYSO.

Here are some reasons why due process is necessary when serious disciplinary action is being considered or taken? [Due Process means notice plus an opportunity to be heard plus needs to be fair = fairness.]

- To ensure that all of the facts are identified and reviewed, and fair consideration has been offered to the member.
- To allow all parties the opportunity to tell their side of the story.
- To avoid the possibility of disciplining an innocent person.
- To ensure that the discipline administered is appropriate in terms of the alleged offense (not arbitrary and capricious).
- To protect confidentiality.
- To avoid litigation/lawsuits.
- To ensure the final outcome of the difficult situation is a WIN –WIN for everyone involved. (Ask/Explain who “everyone” is.)
- **“Review Proceeding”** - The process constitutes an “internal administrative proceeding” pursuant to California administrative law. We will refer to the process as a “review proceeding” in this course.

Next section will review the steps in the process.

Step 1 - Fact-Finding/Investigation. Explain that the entire process begins when you are faced with an issue or incident in your Region, area or section that requires management intervention.

- As an initial course of action, the RC should assign an appropriate person to conduct a thorough investigation.
- Although the RC may conduct the investigation, the recommended practice is to delegate it to an appropriate volunteer.

- For example, if a Coach is involved, typically the Coach Administrator will investigate and, if a Referee is involved, the Referee Administrator will investigate.
- The RC may want to ask other appropriate Board Members or volunteers to investigate, including asking the CVPA to conduct the fact-finding.
- The person should be neutral and not directly involved in the incident they are investigating.
- Explain that there is more detail about conducting the investigation in the Management Handbook, but emphasize that the fact-finder should make certain that individuals being interviewed actually have first-hand knowledge of the incident and facts and are not simply reporting what they have been told by others.

Step 2 – Determining the Discipline/Sanction.

Due process requires that the Non-Executive Member who is the subject of the potential discipline be provided with (1) notice and (2) an opportunity to be heard if the discipline would limit, suspend or terminate the person’s participation in the AYSO program.

RC Imposes Discipline After Investigation Complete. After the investigation is complete and the fact-finder has reported to the RC, the RC may determine what discipline may be appropriate.

- When considering whether and what discipline may be appropriate, the RC is free to consult with others, (e.g., the fact-finder, Assistant RC, CVPA, AD, or other AYSO “trusted advisor” of the RC), but should keep in mind the need to respect the privacy of individuals involved to the extent possible.
- If the RC determines that the Non-Executive Member should be disciplined ***in a way that limits, suspends or terminates their participation in the program****, then due process is required.
 - The RC must give the Non-Executive Member notice of the proposed discipline and provide the member with an opportunity to contest the discipline and to have it reviewed.
 - The content of the notice and the type of review proceeding will be discussed in later steps in this lesson plan.

RC Imposes Discipline Before Investigation Complete. Before the investigation is complete, there may be circumstances under which the RC may decide that he or she needs to immediately impose discipline that limits, suspends, or terminates the person’s participation in AYSO.

- The RC (AD or SD) may immediately impose the discipline that he or she believes is appropriate if, for example, the RC (AD or SD) has a good faith basis to believe that (1) the safety of volunteers or players is at risk, (2) there is material economic harm being suffered by the Region, (3) a crime may have been committed, (4) there is an imminent danger to the program or (5) the operations, policies or philosophies of the program are being subverted or the program is otherwise at risk.
 - Examples of grounds for immediate suspension (temporary):
 - Suspected child abuse;
 - Suspected commission of a crime, such as theft; or
 - Suspected imminent danger to the program, such as violating basic AYSO principles – “Everyone Plays[®]” or “Open Registration” – or attempting to move the program out of AYSO.

- The RC must give the Non-Executive Member notice of the discipline and provide the member with an opportunity to contest the discipline and to have it reviewed.

RC Appoints a Disciplinary Review Panel to Review Incident and Make Recommendation Regarding Whether to Discipline and, If So, What Discipline the Review Panel Recommends RC to Impose. Rather than deciding on the discipline, in some cases, the RC may prefer to appoint a “disciplinary review panel” to conduct a review proceeding and provide a recommendation to the RC as to whether the individual should be disciplined and, if so, what discipline the Review Panel recommends that the RC should impose.

A “***Disciplinary Review Panel***” or “***Review Panel***” is a group of disinterested individuals assembled for the purpose of determining or reviewing the appropriate discipline. (The review proceedings conducted by a Review Panel are discussed in the Management Handbook and will be discussed in more detail later in this course.)

- The RC may decide to appoint a Review Panel either before or after the fact-finding/investigation is complete.
 - For example, the incident may be a “high profile” or sensitive issue that the RC prefers to have considered by a Review Panel, and for the Non-Executive Member to be able to explain why no discipline should be imposed, before a decision has been made regarding whether or not discipline is needed.
- The Non-Executive Member should be given an opportunity to participate in the review proceeding conducted by the Review Panel.
 - By providing the opportunity, this review proceeding will provide the Non-Executive Member with the required due process.
- Typically, the chairperson of the Review Panel should give the Non-Executive Member notice of the review proceeding and provide the individual with an opportunity to participate.
 - Although the RC may give notice, consistent with AYSO management training, this task should be delegated to the Review Panel chair.

Step 3 – Providing the Notice

Disciplinary actions should be properly documented and communicated in writing to assure all parties concerned know what decisions were made and what actions were taken. In order to satisfy due process requirements, appropriate notice must be given.

Notice of RC’s Imposition of Discipline. If discipline has been determined by the RC, a written notice should be provided to the Non-Executive Member that:

- notifies them of the discipline imposed or to be imposed and the reason therefore;
- gives them the opportunity to request a review of the decision within a specified period of time (typically, two weeks after the date of the written notice) but other notice may be appropriate under the particular circumstances;
- states the effective date of the discipline (e.g., suspension or removal effective immediately and, if imposed for temporary period of time, state the period in which discipline will be in effect);
- if applicable, for example with suspensions or removals, explains that the discipline will be enforced throughout AYSO and may be enforced as well by other member organizations of the United States Soccer Federation; and

- explains that, if a review has been requested, the discipline already imposed will continue in full force and effect and discipline that is scheduled to be implemented will be imposed as originally scheduled, unless a change in the effective date of the discipline is provided in writing to the individual facing discipline.

The RC may provide notice of the discipline and the opportunity to request a review by telephone or in person, but the written confirmation and notice must be provided.

Notice of Review Panel Initial Review. If a Review Panel has been formed and the individual facing discipline is being afforded an opportunity to participate in the review proceeding before discipline has been determined, a written notice (typically sent by Review Panel Chair) should be provided to the Non-Executive Member that:

- notifies them of the review to be conducted by the Review Panel and the reason therefore, and notifies the individual of the types of discipline that may potentially be imposed (e.g., the *potential* discipline could include, among other things, limiting, suspending or terminating the individual's involvement in AYSO);
- states the location and time of the review proceeding by the Review Panel;
- gives the individual the opportunity to provide information and documents to the Review Panel and to have the Review Panel consider information from interested parties;
- explains that the individual will be given a reasonable opportunity to explain why he or she should not be disciplined;
- informs the individual that the response may be made in person, in writing or by telephone if unavailable to attend the review proceeding; and
- explains that, if it is determined that discipline will be imposed, the discipline will be enforced throughout AYSO and may be enforced as well by other member organizations of the United States Soccer Federation.

Delivery Methods for Notices

- **USPS Mail:** Obtain proof of mailing and/or proof of delivery.
 - For example, you may request a "Delivery Confirmation" receipt for an additional **65-cent** charge if you send the letter by priority mail. No signature is required: the post office confirms delivery.
 - You may also send by certified mail, registered receipt required, a signature of someone at the delivery address is required and obtained. (You do not need to send it restricted delivery or obtain the signature of the Non-Executive Member.)
- **Overnight FedEx, UPS, etc.:** Keep the confirmation of delivery from the courier service. The signature of the Non-Executive Member is not required.
- **In person:** Delivery in person is generally not necessary unless immediate notice is needed, or other circumstances warrant special handling. If deliver in person, recommend at least two volunteers need to deliver the letter for witness and protection depending on the situation.
- **Electronically:** Send with a "read receipt" notifier active. Must follow-up with an actual letter delivered by any of the above methods.
- **Telephone:** Must follow-up with an actual letter delivered by any of the above methods (other than email).

The address used for notices should be the current address on record for the Non-Executive Member. If the member claims they didn't receive the notice, and you have proof of mailing and/or proof of delivery to the current address, it does not negate proper notice and it does not extend the time in which the person is required to respond to the notice.

“CC’s” on the Letter/Notice -- The letter/notice should have the following individuals as “cc’s”: all levels of governance “up” (e.g., AD, SD, Section Liaison to the National Board, plus a copy to the Risk Management Coordinator at the National Office (currently, Holly Veach).

Step 4 – Completion of Discipline and Due Process or Providing Review.

If the Non-Executive Member does not exercise their due process rights by requesting the review of proposed discipline within the time limit stated in the notice of discipline, THERE IS NO NEED FOR A REVIEW PROCEEDING. YOUR JOB IS DONE! THANK YOU!!!

If the Non-Executive Member requests the review of proposed discipline within the time limit stated in the notice, then a review must be conducted **either** by the RC or by a Review Panel. The request for review **MUST BE IN WRITING**.

NEW -- Note that the ability of an RC (AD or SD) to provide due process by conducting the review proceeding themselves, without the need to establish a Review Panel, is a new process that is intended to help RCs (ADs or SDs) more effectively and efficiently deal with discipline issues.

Review by RC (AD or SD) - An “Executive-Member Review”. If the RC (AD or SD) determines that a person should be disciplined and notifies the person of the discipline, due process will be satisfied if the RC (AD or SD) also gives the person an opportunity to present information and documents to the RC (AD or SD) for his or her review of the matter and reconsideration of whether the discipline is warranted. This review by the Executive Member may be called an “Executive-Member review.”

- If, upon reconsideration, the RC (AD or SD) decides that the discipline is warranted and appropriate, the RC (AD or SD) would give the person notice of the decision and let them know that they have the right to appeal the decision to the next level of Executive Member.
- In this case, due process is satisfied by giving the person (1) notice and (2) the opportunity to have the discipline reviewed and reconsidered by the RC (AD or SD).
- **Therefore, a Review Panel is not needed.**

Review by Disciplinary Review Panel. Due process may also be satisfied through a review by an assembly of disinterested individuals in a Review Panel. In this case, the Review Panel would be reviewing the facts and circumstances **after** the RC has determined the discipline.

As we mentioned earlier, a Review Panel may be formed **before** any discipline has been determined or imposed in order to initially review the facts relating to the incident and to make a recommendation to the RC regarding whether the Review Panel recommended discipline and, if so, what discipline.

- **Due process was satisfied through the review proceeding conducted by the initial Review Panel. – A second Review Panel is not required.**
- Written notification of the review proceeding must be provided to the individual facing discipline similar to the notice for a Review Panel described previously. (e.g., the notice must include the specific actions that may be taken and the reasons for such actions. The proceeding location and time must be included. The notice must also indicate that the individual will be given a reasonable opportunity to explain why such discipline should not be administered. The response may be made in person, in writing or by telephone if unavailable to attend the proceeding.)

***SUMMARY.** There are **three ways of providing a due process review**:

- (1) review and reconsideration of the discipline by the RC (AD or SD) (an “Executive-Member review”);
- (2) review of the discipline by a Review Panel (in which the Non-Executive Member is given an opportunity to participate); and
- (3) review by a Review Panel of the incident before any discipline has been determined (in which the Non-Executive Member is given an opportunity to participate) (i.e., where the Review Panel recommends to RC whether the individual should be disciplined and, if so, what discipline is recommended).

Don’t Recommend Review by Entire Regional Board. Although an entire Regional Board sitting as a Review Panel may conduct a review, **this approach is discouraged.** The better approach is to have the RC, or a Review Panel formed by the RC, conduct the review because of the following concerns. Respect privacy of individuals involved in review proceeding.

- Review by Regional Board can cause division and dissention among Board Members as people begin taking sides.
- Having an entire Regional Board conduct a review proceeding is inefficient. – Regional Board Members have their own work to do – don’t unnecessarily add to their workload. Instead, create efficient management by delegating to a Review Panel or by conducting an Executive-Member review.

Remember, it is the RC’s decision as to whether a review will be conducted by the RC or by a Review Panel appointed by the RC.

Step 5 – Notice of Review Decision and Right to Appeal

After the review proceeding has been completed and the RC determines whether the individual will be disciplined and, if so, what that discipline will be, the RC should send a final letter to the individual, as well as to the Review Panel if a Review Panel conducted the review proceeding.

- If the individual disagrees with the discipline to be imposed, an appeal to the next higher level (Area, Section or National President or designee) would be the next step.
- **There is only one such appeal allowed.**
- The decision should only be overturned on appeal if it can be shown that, 1) the Review Panel had one or more interested parties, 2) there was a lack of notice or there were unfair procedures, or 3) the sanctions were arbitrary or capricious (for example, the discipline is so excessive that it is grossly unfair under the circumstances).
- If the decision is upheld at the next highest level in the organization, the decision is final and binding.

The Management Handbook contains details about forming a Review Panel and about the entire review process involving a Review Panel. We are going to highlight some points relating to Review Panels and preparing for a review proceeding involving Review Panel.

A Review Panel –

- Typically comprised of members from the Regional Board, other AYSO volunteers, neighboring AYSO Regional/Area volunteers who have expertise in their responsibilities on their respective boards (e.g., Coach and Referee Administrators, Assistant Regional Commissioners, Child and Volunteer Protection Advocates, Division Coordinators, etc.)
 - Former Regional Board Members (even those who are “retired” because their kids are in college, etc.) may be excellent candidates to serve on Review Panels.

- Regions should consider designating and training individuals in advance so that they are available for appointment to Review Panels as the need arises.
- The number sitting on the Review Panel should always be an odd number to prevent tie votes.
- The panel members should be disinterested.
- The RC should appoint a chairperson of the Review Panel.
- The RC/AD should not be a part of the Review Panel.
 - The RC will be reviewing the recommendation of the Review Panel and determining what action he or she will take. Since the RC formed a Review Panel, it was most likely done to get the perspective of others in assessing the incident and the need for discipline. Thus, the RC should not be part of the Review Panel.
 - Remember, the RC has the right to determine discipline and conduct a review and reconsideration of discipline for due process purposes, so appointment of a Review Panel would not be needed if the RC wanted to review the incident and consider discipline himself or herself.
 - The AD (or SD) should not be a member of the Review Panel since they will potentially be required to review a final determination on appeal and they should remain neutral.

Before the Review Proceeding –

- **Gather information** – We discussed a fact-finder is appointed by the RC to gather facts regarding the event(s) that resulted in the review proceeding.
- **Share all information** – All Review Panel members and the individual who is subject to discipline should have equal access to information about the event and people involved if it is needed to ensure a fair recommendation.
 - Great care must be exercised to keep all information that is collected and all discussions of the Review Panel confidential.
- **Review information and establish questions** – (e.g., who, what, when, where, and why)
- **Select a location and time** – Select a private neutral setting that will lend itself to protecting confidentiality. Give some examples of good and bad locations (e.g., good = church, school, community center and bad = private home, restaurant in an open room, any public space that will not secure privacy).

During the Review Proceeding –

- A review proceeding conducted by a Review Panel is not a court hearing, however, the individual has the right to bring anyone who may speak on his or her behalf.
- **Special Note:** A person who is an attorney may be present during the review proceeding, but not in the capacity of an attorney representing the participant.
 - They can be there for solicited support for the participant.
 - If the attorney attempts to treat the review proceeding as a formal court trial, they should not be permitted to do so.
 - If the attorney continues to treat the review proceeding as a formal trial, the person who is the subject of the review proceeding should be warned that the attorney's misconduct

will be treated as a waiver and the Review Panel may terminate the review proceeding and render its findings and recommendation based on the material already submitted.

- **If a Review Panel is required by circumstances to terminate a review proceeding, the chair of the Review Panel or RC, AD, or SD should contact the Risk Management Coordinator (currently Holly Veach) at the National Office at the earliest opportunity.**
- Allow each person sufficient time to “tell their side of the story.”
- At the end of the Review Proceeding you should ask all parties if they had sufficient time to present their information. (This information should be included in the review proceeding report or minutes as it is important and may be needed during the appeal process.)
- Recommend each party be given separate times to present and that you provide for a short interval of time between each party’s allotted presentation time.
- Take detailed notes. Consider having a non-panel member take notes so the panel members can concentrate on the information without having to take notes.

After the Review Proceeding

- Discuss findings. The Review Panel must deliberate in private.
- If follow-up is necessary, establish plan for follow-up and when deliberations will continue.
- Establish preliminary recommendation and assign panel member to write recommendation.
- Submit recommendation to RC for their consideration.

Once the Dust Settles

- RC should review the recommendation.
 - To extent possible, RCs should try to approve the recommendations of the Review Panel without overruling them or second guessing them.

- If RC has questions or believes that the recommendation should be modified, the RC may want to consider first discussing the recommendation with the Review Panel chairperson or with the entire Review Panel to better understand the reason for the recommendation and to discuss their thoughts regarding the RCs possible modified discipline.
- RC should send notice of decision regarding discipline to the Non-Executive Member with a description of the incident and the discipline.
 - Do NOT attach the recommendation from the Review Panel.
 - (On appeal, the person conducting the appeal (e.g., AD or SD) should be provided with information relating to the review proceeding, including the recommendations provided by the Review Panel to the RC.)