

MARYLAND STATE FIREMEN'S ASSOCIATION

Representing the Volunteer Fire, Rescue and Emergency Medical Services Personnel

www.msfa.org



SOP No: A006

Title: Disciplinary Policy
Prepared By: Mike Farlow

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Authorized By: President Bilger

The Maryland State Firemen's Association (MSFA) is committed to fostering an open and engaging environment for the dissemination of information and ideas. From time to time the ability to conduct the business of the MSFA may be hampered by the actions of an individual. As such, it may be necessary for appropriate disciplinary measures to be taken, either in the form of corrective action or sanctions. The following policy shall be used for the investigation and determination of complaints, and the imposition of sanctions.

Any person, who files a complaint under this policy, will not be subject to harassment, intimidation, coercion, discrimination or reprisal.

Scope of Disciplinary Action

The membership of the MSFA consists of Volunteer Fire, Rescue, and EMS Squads (referred throughout as Members or Member Companies). Any member of a Member Company may participate in MSFA activities, as MSFA officers, or as MSFA committee members.

This disciplinary policy shall operate as the standard for investigating all complaints brought against officers, committee members, Member Companies, agents, and employees of the MSFA regarding any and all complaints for violations of the MSFA Constitution and By-Laws and violations of any MSFA policies and procedures, including but not limited to the MSFA Anti-Discrimination and Sexual Harassment Policy.

Nothing in this procedure should be construed to limit the right of the MSFA to preclude an individual from attending or participating in an MSFA event for good cause.

Complaint Procedure

A Complainant shall file a written and signed complaint with the Chair of the Executive Committee of the MSFA. The complaint must be specific, including name(s) of the accused, witnesses, dates and detailed description of the incident(s). If the complaint involves actions of the Chair, then the complaint shall be filed with the Vice Chair of the Executive Committee. If the complaint involves both the Chair and the Vice-Chair, then the complaint shall be filed with the President or the Secretary of the MSFA.

Within 72 hours of receiving the complaint, the complaint shall be forwarded to the remaining members of the Executive Committee. A copy of the Complaint shall also be forwarded to the Respondent, with notice that he or she may respond to the allegations in writing within 15 days of receipt of the Complaint. If the possibility of retaliation exists, identifying details of the Complainant may be redacted.

The Chair shall appoint an investigative committee, the majority of whom are members of the Executive Committee, to investigate the Complaint and to prepare a report on the same. The Report shall be issued to the Executive Committee within 30 days, unless such time is extended

by the Chair for good cause. If the Report calls for sanctions, discipline, or corrective action, then the entirety of the Executive Committee shall constitute a trial board, and shall hold a hearing within 45 days of the receipt of the Report. The Complainant and Respondent shall have due and timely notice of the hearing and shall have the right to be present. The Respondent shall have a right to present any defense to any charge or charges, to have counsel present, to call witnesses, to otherwise present evidence, and to testify on his or her own behalf.

The Complaint may be sustained by the vote of 2/3 of the Executive Committee members present at the hearing. Once sustained, a majority of the Executive Committee Members present shall determine the appropriate corrective measures or sanctions.

If a quorum is not present, the trial board shall be postponed. If a trial board commences, but is postponed at any point in the hearing, then the trial board, once resumed, shall consist only of members present during the first portion of the trial board.

All Complaints, and all subsequent reports shall be considered privileged and confidential. All hearings on any disciplinary matter shall be held in closed session, and all minutes of such meetings shall be sealed. By an affirmative vote of the Executive Committee, the sanctions instituted by the trial board may be noted in the minutes of the Association or otherwise made public, but only to the extent necessary to ensure that the sanctions are complied with.

A closed session called for purposes of this policy shall include only the following persons: the President, First and Second Vice Presidents, all elected officers of this Association, all members of the Executive Committee, the MSFA Coordinator for Strategic Planning, the MSFA Attorney, the Parliamentarian or an assistant Parliamentarian, the Complainant, the Respondent, Counsel for either the Complainant or the Respondent, and any witnesses to the incident(s) for so long as is necessary for that witness to testify. Should the Secretary or Attorney be unavailable, an Assistant Secretary or an Assistant Attorney may be present. By a 2/3 vote of the Executive Committee members present additional persons who may have relevant insights to the issue at hand may be requested to attend.

Corrective Measures and Sanctions

Although extreme circumstances may warrant, even on a first instance, the most severe punishment, the MSFA generally adheres to a policy of incremental discipline.

Forms of discipline or corrective action which may be imposed upon a member of a Member Company, Officer, Committee Member, Agent or Employee include, but are not limited to:

- Verbal or written reprimand;
- Suspension from MSFA activities;
- Loss or reassignment of committee membership or appointed Officer positions;
- Permanent expulsion from MSFA activities.

Forms of discipline or corrective action which may be imposed upon a Member Companies of the MSFA include, but are not limited to:

- Verbal or written reprimand;
- Suspension from MSFA activities;
- Temporary or permanent bans from receiving funds, equipment, supplies, and support from the MSFA;
- Expulsion from the MSFA

The MSFA reserves the right to report any disciplinary complaint to law enforcement.