

Appeal Handout — Suspension Based on “Door-Proping”

Micah Blumberg — Appeal Packet for Oct 8, 2025 (Updated through Exhibits A–O)

What this appeal is

- A written appeal asking the Board to resolve the matter fairly and consistently with the Club’s governing documents.
- The packet includes an Open Letter/Formal Appeal, a concise Opening Statement, a fuller Appeal Memorandum, and Exhibits A–O.
Appeal Handout — Suspension Bas...

Four pillars of the appeal

1. **No written rule cited.** The Board’s own letter concedes there is no explicit rule in force on Aug 19, 2025 prohibiting brief, benign “door-proping”; penalties must be tied to duly adopted, written standards. The By-Laws authorize penalties only for violations of **written** by-laws, rules, or procedures adopted/ interpreted by a **2/3** Board vote. Sanctioning without a cited written section is not authorized.
2. **Evidence limits.** The clip does not establish intent or any plan to leave a door open for a particular time; benign explanations (inadvertence, distraction, incidental contact while moving an item remain plausible. A later observation at 9:45 pm does not prove mental state at 9:15 pm.
3. **Process gaps.** The packet provided to the member did not include the complainant’s identity or a joint interview, the incident report, door/PDK logs, or the camera access audit log. Assertions about “posted” rules were not backed by **official** communications or Board-adopted text.
4. **Proportionality.** A 60-day suspension for a first-time allegation—with no cited rule, no damage done, and no proven harm—is excessive and **disproportionate**. The constructive remedy (according to the Club Bylaws and Procedures) is a neutral reminder and a **prospective** written policy with signage and notice.

Key clarifications from the governing texts (why pillars 1–4 fit)

- **Written-rule constraint and adoption requirement:** The By-Laws require discipline to rest on written standards and rules to be adopted/interpreted by a 2/3 vote before enforcement.
Exhibit M— “Benefit of the Doubt...”
- **Benefit of the doubt:** In uncoded, ambiguous scenarios, the Code of Conduct directs the Club to extend grace and facilitate dialogue rather than infer adverse intent.
Exhibit M— “Benefit of the Doubt...”
- **Hours context:** Presence at **9:15 pm** is within permitted hours (entry allowed until 9:00 pm; members must leave by 11:00 pm), so an “after-hours” aggravator does not apply to mere presence.
Exhibit M— “Benefit of the Doubt...”

Requested outcomes (constructive, low-risk)

- **Withdraw** the 60-day suspension; **or**
- **Convert** to a **neutral, non-disciplinary policy reminder** (no finding; not for progressive discipline); and
- If desired, **adopt a clear, prospective door policy** by 2/3 vote, publish via official channels, and post signage.
Exhibit N — Remedy Proposal (Re...

Decision record & minutes (clarity for the Club)

- Before voting, identify the **specific written section** (by-law/rule/procedure) in force on Aug 19 that the Board believes was violated.
- If the Board proceeds **without** a cited written rule, the minutes should **explicitly reflect** that basis so the record is accurate.
Exhibit N — Remedy Proposal (Re...
- My strong preference is to resolve this internally; if discipline is imposed **without** a cited written standard, I will **seek remedies outside the Club**.

Packet contents (for circulation in closed session)

- **Open Letter / Formal Appeal** — narrative, controlling rules, and requested remedies.
Open Letter & Formal Appeal to ...

- **Opening Statement** (5–7 minutes), **Appeal Memorandum**, and **Q&A prep** to keep discussion on the noticed charge and the four pillars.
Preparation for Meeting
- **Exhibits (one-page each; highlights)**
 - **A — Unsupported Accusations of Intent & Required Safeguards.** Why intent can't be inferred and which safeguards protect the Club.
Exhibit A — Unsupported Accusations of Intent & Required Safeguards
 - This exhibit challenges Mr. Fillipow's statement that intent could be "assumed," arguing such speculation is not a factual finding under the Club's rules. It emphasizes that discipline requires a written rule, not conjecture, and requests neutral corrections to the record
 - **B — Evidence Matrix: Board Claim vs. Record.** Side-by-side assertions vs. what the video/record show and whether a rule was cited.
Exhibit B — Evidence Matrix: Board Claim vs. Record
 - This document provides a table comparing each Board claim to what the video actually shows, whether corroboration exists, and whether a written rule was cited. It demonstrates repeated gaps—no evidence of harm, no explicit rule, and misframing of hours—undermining the suspension's basis
 - **C — Point-by-Point Rebuttal to Investigators' Report.** Corrects hours misframing, "logical extension" reasoning, and missing corroboration.
Exhibit C — Point-by-Point Rebuttal to Investigators' Report (Aug 19, 2025)
 - This rebuttal goes claim by claim through the investigators' report, correcting misstatements about hours, "logical extensions," PDK logs, and supposed evasiveness. It concludes that the report lacks a cited rule, omits critical evidence, and recommends dismissal or a neutral reminder
 - **D — Investigative Process: "Joint Interview" Breach.** The Procedures require complainant + member to be interviewed jointly; that didn't occur.
Exhibit D — Investigative Process: "Joint Interview" Breach as the Flagship Example of Rule-Flouting
 - This exhibit documents how the Club departed from its own By-Laws and Procedures, particularly by redefining the "joint interview" requirement to exclude the complainant. It also notes omissions in records, misframing of hours, and the President's refusal to base discipline on written rules
 - **E — Process Gaps Checklist.** What the By-Laws/Procedures require vs. what happened (complainant, logs, audit, timelines).
Exhibit E — Process Gaps Checklist
 - This checklist compares what the governing documents require against what actually occurred in the investigation. It highlights missing complainant

interviews, absent records, delayed evidence sharing, misframed hours, uncited rules, excluded witnesses, and lack of preservation assurances

- **F — Communications & “Posted Rules”.** Only official channels (website, direct emails, newsletter) count for notice; unsanctioned lists do not.

Exhibit F — Communications & “Posted Rules”

- This exhibit establishes that only official Club communications (website, direct emails, newsletter) can constitute notice of rules, while social media and unsanctioned lists are expressly unofficial. It argues that any alleged expectations announced in those channels cannot serve as a basis for discipline

- **G — Category Error: Door-Propping ≠ Vandalism/Property Damage.** Benign/incidental contact isn’t per se destructive.

Exhibit G — Category Error: Door-Propping ≠ Vandalism/Property Damage

- This exhibit argues that equating momentary door-holding with vandalism is a categorical mistake and outside the Board’s disciplinary authority without a written rule. It points out that the video shows no intent, no damage, and occurred within permitted hours, making the 60-day suspension disproportionate

- **H — Pattern of Procedural Departure & Selective Enforcement.** Background showing ad-hoc enforcement and proportionality concerns.

Exhibit H — Pattern of Procedural Departure & Selective Enforcement

- This document situates the case within a broader pattern of inconsistent, ad-hoc enforcement—such as out-of-town membership spot checks and denied assistance requests. It notes evidentiary and procedural gaps, argues proportionality requires a policy reminder instead of suspension, and requests recusal of biased Board members

- **I1–I4 — Prior Communications Showing Tension & Risk of Perceived Retaliation.** Context for why neutral, rule-based process matters.

- **Exhibits I1–I4 — Prior Communications Showing Tension & Risk of Perceived Retaliation**

- These exhibits compile prior member exchanges—the VR headset ban debate, the “10K” lawsuit discussion, the “Foil Hats” thread, and related moderation disputes—that show longstanding tensions and risk of perceived retaliation. They argue that, against this backdrop, imposing discipline for an uncoded rule appears retaliatory and disproportionate, and reinforce the need for strict adherence to written standards

- **J — No Authority to Penalize Harmless Conduct.** Written-rule requirement; hours context; no harm/intent shown; appropriate remedy is neutral.

Exhibit J — No Authority to Penalize Harmless Conduct

- Shows that the Board’s disciplinary power extends only to violations of duly adopted, written by-laws/rules/procedures and that equating brief door-holding

with vandalism is a category error. Applies that rule to the file: no written section was cited, the clip doesn't prove intent or harm, 9:15 pm presence is allowed, so withdrawal or a neutral reminder with prospective rulemaking is the proper remedy.

- **K — Member Statement on Bullying & Perceived Inaction.** Climate context; reinforces need for neutrality and proportionality.
Exhibit K — Member Statement on Bullying & Perceived Inaction (Context for Process & Proportionality)
- Provides a verbatim member message alleging bullying and leadership inaction to illustrate why discipline must be neutral, rule-based, and proportionate in this climate. Recommends handling this exhibit as context in closed session and reaffirms that a neutral reminder plus prospective policy is the de-escalatory path.
- **L — Proportionality & Available Sanctions.** Shows sanction ladder and why 60 days is out of scale here.
Exhibit L — Proportionality & Available Sanctions (Outcomes List)
- Catalogs the full sanction ladder in the Procedures (from “No action” through “Expulsion”) and explains why imposing 60 days in a first-time, no-harm, uncodified scenario is out of scale. Proposes better-fit outcomes—withdrawal or a neutral, non-disciplinary reminder—plus signage and a prospective door policy adopted by the Board.
- **M — “Benefit of the Doubt” & Harmless/Benign Conduct.** Governing texts supporting education over punishment in ambiguous, uncodified areas.
Exhibit M — “Benefit of the Doubt” (Code of Conduct) & Harmless/Benign Conduct
- Collects the controlling texts (Code of Conduct, By-Laws, Facility Use) to show that when conduct is uncodified and evidence is ambiguous, the Club must extend the benefit of the doubt and resolve with education, not punishment. Applies those texts here: no written rule was cited, the clip shows no intent or duration, and 9:15 pm presence is permitted—supporting a neutral reminder and prospective policy.
- **N — Remedy Proposal (Resolution Without Litigation).** Withdraw or convert to neutral; adopt clear future policy; document rule basis in minutes.
Exhibit N — Remedy Proposal (Resolution Without Litigation)
- Offers a practical off-ramp that protects the Club: withdraw the suspension or convert it to a neutral, non-disciplinary reminder, then adopt a clear door policy by 2/3 vote, publish it through official channels, and post signage. Explains why this path provides legality, reputational safety, and cost control, and asks that, if discipline is maintained, the specific written rule in force on Aug 19 be identified in the minutes.

- **Exhibit O — 2020 Szabo v. South End Rowing Club (What Happened & Why It Matters).**
- A 2020 lawsuit naming SERC moved quickly toward early resolution; there's **no public merits judgment** against SERC on the federal docket, and in a later sworn declaration the plaintiff states SERC **paid \$6,500 to settle**. The governance takeaway is simple: anchor discipline to **clear written rules**, follow **clean process**, and favor **proportionate, prospective policy** to reduce reputational and legal risk.

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Note: This handout is a summary. The governing documents and exhibits should be included in the closed-session file so every Board member sees the same record.