

Exhibit M — “Benefit of the Doubt” (Code of Conduct) & Harmless/Benign Conduct

Purpose. To show that, where conduct is **uncodified** and the evidence is **ambiguous**, the Club’s own Code of Conduct requires extending the **benefit of the doubt** and resolving the matter with **education and prospective policy**, not retroactive discipline.

Controlling Texts (quotations from SERC governing documents)

- **Code of Conduct (Procedures):**

“Give each other the benefit of the doubt ... Board members can help facilitate dialog.”

“Observe club policies, procedures, and regulations.”

- **By-Laws (Authority & Limits):**

“Elected officers may impose and enforce fines and penalties against members **for violations of the by-laws, rules, or procedures.**” (Art. III §6(b))

“The Board shall maintain a set of **written rules and procedures** ... A **2/3 vote** of the elected officers is required to **adopt, interpret, amend, or repeal** such rules or procedures.” (Art. V §1)

- **Facility Use (Procedures):**

“Members may **enter** the Club between **4:00 am and 9:00 pm**; all members must **leave** the Club by **11:00 pm.**”

(These provisions collectively establish: written standards govern; in areas not expressly codified, the Code directs “benefit of the doubt” and constructive dialog.)

Application to This Matter

1. **No written rule cited.** The suspension letter concedes there is **no explicit provision** prohibiting “propping a door open.” Discipline must rest on a **cited, written** by-law/rule/procedure in force on **Aug 19, 2025**—not on an uncoded “logical extension.”
2. **Harmless/benign possibilities are plausible.** The video does **not** show **intent** to leave a door unsecured for any particular duration. Innocent explanations—**inadvertence, misperception, distraction, brief incidental contact while moving an item**—are at least as consistent with what appears on the clip as any adverse inference.
3. **Presence at 9:15 pm is permitted.** Facility Use allows presence until **11:00 pm**; 9:15 pm is not “after hours” for **presence**. This removes an aggravator that has been invoked informally.
4. **“Benefit of the doubt” controls in uncoded/ambiguous scenarios.** The Code requires members and leaders to **extend grace** and **facilitate dialog**, not to infer motive or impose harsh discipline where a rule does not exist and intent is unproven.
5. **Category error (not vandalism/property damage).** Equating a briefly held-open door with **breaking a window** misunderstands the nature of the act. A broken window is **per se damage** with inherent intent and harm; a door momentarily contacting an object can be **benign or inadvertent** and **non-destructive**.

Outcome Consistent with the Code

- **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 the required **2/3 vote**, post **signage**, and notify members.

This approach honors the **By-Laws’ written-rule requirement**, applies the **Code’s “benefit of the doubt”** directive in an ambiguous, uncoded area, and protects the Club from unnecessary risk.

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