

Exhibit D — Investigative Process: “Joint Interview” Breach as the Flagship Example of Rule-Flouting

Purpose. To document how, from accusation → investigation → suspension, the Club departed from its **own** written By-Laws and Procedures—creating avoidable risk for the Club. The clearest example is the **Investigative Process** rule that requires a **joint interview of the complainant and the target together**, which was not followed.

Controlling documents (short quotes)

- **By-Laws — discipline must rest on written standards**
“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 **written rules and procedures** ... A **2/3 vote** is required to adopt, interpret, amend, or repeal such rules or procedures.” (Art. V §1)
 - **Procedures — joint interview means complainant + target together**
“The investigators will **always conduct all interviews with the complainant and the target of the complaint jointly.** Interviews of **witnesses** may be conducted on a **one-on-one** basis.” (Investigative Process)
 - **Procedures — Code of Conduct tone**
“**Give each other the benefit of the doubt** ... Board members can help facilitate dialog. Observe Club policies, procedures, and regulations.” (Code of Conduct)
 - **Procedures — Facility hours (for context)**
“Members may **enter** the Club between **4:00 am and 9:00 pm**; members must **leave by 11:00 pm.**”
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What happened instead (record excerpts)

- **President redefining “joint interview.”**
Email from the President: “Regarding the concept of a joint interview, joint means that you will be interviewed by both investigators. **It has nothing to do with the complainant.**”
Conflict with the rule: The Procedures specify **complainant + target together**; “joint” is about **who is interviewed**, not merely that two investigators sit in the room.

- **Refusal to ground discipline in a written rule.**
President's position: "The Board is **not agreeing** to base its decision on whether a rule **explicitly forbade** your conduct."
Conflict with the By-Laws: Penalties are authorized only for **violations of written by-laws, rules, or procedures**—not uncoded "logical extensions."
- **Concession that no explicit rule exists.**
The suspension notice concedes "there is **nothing** in our Procedures that **explicitly** says members can't leave the door propped open," then analogizes to **breaking a window**—a **category error** (see Exhibit A).
- **Process omissions.**
No complainant identified/participating; no joint interview; **door/PDK logs** not produced; **camera access audit log** not included; continuous video delayed, then a one-day response window; a witness who interacted with me was not interviewed for the record.
- **"After-hours" framing contradicted by the rules.**
The incident time (~**9:15 pm**) falls within permitted **presence** hours (leave by **11:00 pm**). Using "after hours" as an aggravator is inaccurate.

Why this matters (risk to the Club)

- **Governance risk.** When discipline is imposed **without** citing a **written** provision adopted by a **2/3 vote**, the Board acts **beyond** its granted authority. That invites challenge, undermines trust, and weakens future enforcement.
- **Procedural risk.** Ignoring the **joint-interview** requirement and omitting core records erodes the integrity of the file, making the outcome vulnerable to process objections.
- **Reputational/legal exposure.** The Club's rules exist to **protect the Club**—to ensure fair, reasonable, and defensible decisions. Deviating from them to punish a member in an **uncodified, ambiguous** scenario looks like **overreach** and exposes the Club to reputational harm and potential legal cost.

Requested corrections / disposition

1. **Follow the Investigative Process:** identify the **complainant** and conduct the required **joint interview** (complainant + target together), with **both investigators present**; if the

Board elects not to do so, state that deviation **explicitly in the minutes**.

2. **Anchor any decision in a written rule:** identify the **specific by-law/rule/procedure (section + text)** in force on **Aug 19** that the Board finds was violated; if none exists, the matter is not disciplinable.
3. **Withdraw the suspension.** In the alternative, convert to a **neutral, non-disciplinary policy reminder** and, if desired, adopt a **clear prospective door policy** with signage and member notice.

Nothing in this exhibit is an admission of identity, intent, or conduct.