

## Voice Appeal to Overturn Suspension for an Accidental Door Incident

Watch the Voice Appeal here: <https://www.youtube.com/watch?v=z1BvPgF5AZM>

### Introduction — A Harmless Mistake, Not a Malicious Act.

On August 19, 2025, I unintentionally left the front door briefly propped open and forgot to close it before leaving. The suspension should be overturned because: **(1)** no specific, duly adopted written rule was violated; **(2)** the record shows no intent or lasting breach; **(3)** the process had significant procedural gaps; and **(4)** the penalty is disproportionate.

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## Core Grounds

### 1) No Specific Written Rule Was Violated

Our bylaws permit discipline only for violating a specific rule adopted by a 2/3 Board vote and published to members. No such rule existed—or was cited—regarding a brief door-propping, and accidentally forgetting a door-propping on August 19, 2025. Relying on generalized “security/safety/respect” principles is not sufficient; those are values, not enforceable rules. If the Board wants a door-propping prohibition, it must adopt and notice a formal rule **prospectively**, not punish retroactively.

### 2) No Evidence of Intent or Lasting Harm

The video places me at the door briefly but does not prove I intended to leave it unsecured. I could have propped it momentarily to assist another member and then simply forgotten to re-check it. A later discovery of the ajar door is not tied to my intent; the record **“doesn’t bridge my intention to that time gap or tie that later observation to my intention.”** No theft, vandalism, or unauthorized entry occurred. This was an **oversight**, not misconduct.

### 3) Momentary Lapse ≠ Vandalism (Avoiding a Category Error)

Treating a brief, harmless lapse like vandalism confuses intent with accident. Vandalism requires intentional destruction; a door left ajar during ordinary activity (e.g., carrying items) does not. Discipline should turn on intent and harm, not appearances. The fair response to ambiguous, harmless acts is education and a clear future rule—not retroactive punishment.

### 4) Disproportionate Punishment

A **60-day** suspension sits near the maximum and is commonly reserved for serious or repeated offenses (e.g., harassment or property damage). Here there was **no written rule, no intent,**

**and no harm**—and I have **no prior disciplinary history**. The sanction overreaches, chills participation, and replaces education with fear.

## **Context & Motivation: Avoid Even the Appearance of Bias**

Recent concerns about heavy-handed moderation and retaliation underscore the need for a visibly fair process. The first email presumed guilt, suggesting possible bias or pre-judgment. Regardless of intent, punishing a benign lapse with a near-maximum penalty looks like targeted overreach. Any Board member directly involved or advocating harsh discipline should have **recused themselves** to protect the club's integrity.

## **A Better Path Forward**

Withdraw the 60-day suspension or, at minimum, convert it to a neutral **non-disciplinary reminder**. Then adopt a clear, prospective door policy (signage, training, consistent enforcement). This approach matches the Code's "benefit of the doubt," aligns discipline with actual risk, and prevents needless division.

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## **Exhibits you can find at <https://github.com/n5ro/serc/>**

### **Exhibit C — Rebuttal to Investigators' Report.**

Shows Point-by-point corrections of factual errors and speculative inferences; documents due-process gaps; emphasizes no cited bylaw/policy; urges proportionality for an accidental, harmless lapse.

### **Exhibit A — Unsupported Accusations of Intent & Required Safeguards.**

Distinguishes accident/negligence from intent; notes absence of a cited rule or motive evidence. The record is consistent with an honest mistake.

### **Exhibit B — Evidence Matrix: Board Claim vs. Record.**

Cross-references allegations to bylaws, emails, timestamps, witness notes, and logs; shows no cited rule or proof of intent. Where evidence exists, it supports a short, harmless lapse with prompt cooperation.

### **Exhibit F — Communications & "Posted Rules."**

Demonstrates that no clear, duly adopted rule barred temporary door-propping at the time. Informal notices varied and were never formalized by a 2/3 vote.

### **Exhibit P — Why Signs/Emails Aren't Rules.**

Ad-hoc signage and mass emails cannot substitute for a duly adopted rule and cannot lawfully support punitive discipline; highlights inconsistencies and lack of Board-approved language.

**Exhibit Q — Shifting Post-Incident Claims.**

This exhibit documents the Board's own **admissions that no written "door-propping rule" existed** before August 19 and exposes the later, inconsistent claim that signage had existed "since June."

**Exhibit J — Authority Limits.**

No lawful authority to punish a harmless, non-rule-violating accident; discipline requires a specific rule, notice, and actual harm—not speculation.

**Exhibit D — "Joint Interview" Breach.**

This exhibit proves that the Club **failed to follow its own Investigative Process**, which explicitly requires that investigators conduct all interviews **jointly with both the complainant and the respondent present**

**Exhibit E — Process Gaps Checklist.**

Catalogues process failures: no cited rule, unclear notice/standard, missing logs, joint interviews, incomplete notes, no conflict screening, inconsistent enforcement, and no proportionality/appeal framework.

**Exhibit H — Pattern of Procedural Departures & Selective Enforcement.**

Documents conflicts warranting recusal, uneven evidence handling, irregular practices, and disparate treatment—supporting a neutral reviewer and clear recusal standards.

**Exhibit G — Category Error (Vandalism vs. Accident).**

Explains why labeling a temporary door-prop as "vandalism/property damage" is improper: no intent, no damage, no loss; risk ≠ realized harm; comparable lapses have merited reminders.

**Exhibit L — Disproportionality Analysis.**

Applies progressive-discipline principles (notice, intent, harm, history, alternatives); concludes education/warning fits the facts, not a long suspension.

**Exhibits I1–I4 — Communications Record.**

Emails and messages show escalating tension, sharp tone, and selectively strict enforcement, priming an adverse narrative before fact-finding. We recommend neutral review and clear standards.

**Exhibit I5 — Security Claims vs. Data.**

Contrasts speculative worst-case scenarios with 2024 records showing no harm from briefly propped doors. Policy should follow proportionality and data.

**Exhibit K — Member Statement on Bullying.**

Describes bullying and weak responses contrasted with harsh treatment of an accidental lapse. Calls for consistent anti-bullying and due-process policies that favor education.

**Exhibit O — Litigation Risk (Szabo v. CCSF, 2020).**

Prior case naming SERC and an officer signals governance risk. Resolving this via education and policy avoids cost and reputational exposure.

**Exhibit R — Legal Hierarchy & Fair Procedure.**

California nonprofit law and Articles outrank Bylaws, which govern Codes/policies. Lawful action requires clear notice, fairness, and proportionate, non-retaliatory discipline. A 60-day suspension for a harmless act without a specific cited rule violates this framework.

**Exhibit M — SERC Code of Conduct Standard.**

The SERC Procedures embrace a “benefit of the doubt” and distinguishes benign mistakes from misconduct; favors guidance over punishment absent harm or malicious intent.

**Exhibit N — Restorative Resolution.**

Withdraw or substantially reduce the suspension, restore good standing, and adopt a prospective door policy with training and consistent enforcement.

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## **Conclusion & Requested Remedy**

Because authority, evidence, and procedure fall short—and the sanction is disproportionate—the 60-day suspension should be lifted. Choose the principled path: **education-first governance, clear prospective rules, and fair process** that strengthens SERC without chilling its members.