

## Exhibit L — Proportionality & Available Sanctions (Outcomes List)

Purpose. Show the Board's full range of outcomes and why 60 days is disproportionate where there's no cited written rule, no harm shown, and ambiguous intent. **A 60-day suspension** is disproportionate for a **first-time, non-codified, no-harm** event with **ambiguous intent**, instead there we propose a corrective, low-risk resolution that protects the Club and promotes compliance.

What the Procedures say (quotes):

"After all parties have been interviewed, the investigators shall prepare a written report... [that] states the findings of fact and conclusions as to whether any standards of conduct were violated, [and] the investigators should strive to reach a shared recommendation for the Board, with one of the following outcomes:

- No action: Dismiss the charge.
- Oral warning
- Written warning
- Suspension: How long the member(s) should be suspended for (not to exceed 90 days).
- Expulsion ..."

"If the investigators believe there are other outcomes that would be preferable to those listed, they can propose them."

*(SERC Procedures V2.5, Aug. 22, 2025, p. 21–22.)*

"Suspension. A majority vote of the elected officers present at a Board meeting can initiate suspension... The notice of suspension will include the nature of the charges [and] the names of the parties making such charges... The notice will advise the member [they have] 7 calendar days to appeal...."

*(SERC Procedures V2.5, p. 21–22.)*

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Why 60 days is disproportionate here:

- Upper-tier penalty without a rule: The By-Laws limit penalties to violations of written by-laws, rules, or procedures. None has been cited for "door-propping." Escalating to 60 days (two-thirds of the 90-day max) without a written prohibition is out of scale.
- No harm shown: The file identifies no loss or damage; the theory is risk, not result. Warnings (oral/written) exist precisely for non-harm, non-rule situations.
- Ambiguous intent: The video does not establish intent or duration; benign interpretations remain plausible.

Less restrictive outcomes exist: The Procedures explicitly provide No Action, Oral Warning, Written Warning, and even allow other outcomes (e.g., a neutral policy reminder) to be proposed.

## Proportionality Framework (how discipline should be calibrated)

A fair sanction considers:

1. **Clarity of rule** — Was there a *written, published* rule in force that clearly prohibited the conduct?
2. **Culpability** — Intentional circumvention vs. inadvertence/benign conduct.
3. **Harm** — Actual damage or unauthorized entry vs. risk only.
4. **History & notice** — Prior incidents, member notice, signage.
5. **Process** — Completeness of the record (incident report, logs, audit, joint interview).
6. **Mitigation** — Member cooperation, willingness to follow a clear prospective policy.

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## Application to this record

- **Non-codified area.** No explicit written rule prohibiting momentary door-holding was cited as in force on Aug 19.
- **First-time matter.** No prior similar incidents are alleged.
- **Ambiguous intent.** The video does **not** establish intent or a plan to keep the door unsecured for a specific duration; benign explanations are equally plausible.
- **No harm shown.** The file identifies no loss, damage, or unauthorized entry attributable to me.
- **Hours context.** 9:15 pm is within permitted **presence** hours (entry cutoff is 9:00 pm; members must leave by 11:00 pm).
- **Process gaps.** Missing/late evidence (e.g., complainant identity & joint interview; contemporaneous logs/audit) undercuts confidence in a severe penalty.

**Result:** On these facts, a **60-day suspension** is **excessive** and misaligned with proportionality principles.

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### **Risk to the Club (why over-penalizing is counterproductive)**

- **Governance risk.** Punishing on uncodified expectations invites claims of arbitrary enforcement and sets a poor precedent.
  - **Legal/reputational risk.** Severe sanctions without a cited written rule and clear proof of intent/harm increase litigation and PR exposure.
  - **Compliance risk.** Members comply best with **clear, prospective** standards and signage—not retroactive punishment.
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### **Better-Fit Remedies (sanction ladder for this case)**

1. **Withdraw the suspension; or**
  2. **Convert to a neutral, non-disciplinary policy reminder** (no finding; not for progressive discipline), with:
    - A brief **education note** on door security expectations;
    - Post **signage** at the entrance stating the rule and hours;
    - A commitment to adopt a **clear, prospective door policy** through the standard Board process and to notify members via official channels.
  3. **Record handling.** Any temporary notation should be **neutral** and expressly **non-disciplinary**; expunge after a reasonable period (e.g., 6–12 months) if no further issues arise.
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### **Suggested Elements of a Prospective Door Policy (for Board consideration)**

- Do not obstruct door latching **unless** actively supervising the doorway for a brief operational need (e.g., moving items).

- After **9:00 pm**, do **not** hold the door for entry unless authorized under the access policy.
  - If a door is inadvertently impeded, **remove the obstruction immediately**.
  - **Signage** and **member notice** through official channels; violations thereafter follow a clear, graduated response.
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## **Requested Disposition**

- **Withdraw** the 60-day suspension; **or**
- **Convert** to a **neutral, non-disciplinary reminder** and **adopt a prospective door policy** with signage and member notice.

Requested action:

Withdraw the suspension. Alternatively convert to a neutral, non-disciplinary policy reminder (no finding; not for progressive discipline) and, if desired, adopt a prospective door policy with notice.

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