

Exhibit J — No Authority to Penalize Harmless Conduct

Purpose. To show that the Board lacks written authority to impose discipline for **harmless, non-codified conduct**—such as a briefly impeded door with **no proven intent or harm**—and that imposing a **60-day suspension** on that basis exceeds the limits of the Club’s governing documents.

Controlling Authority (summary of what the rules require)

- **Discipline must rest on a written standard.** The Board may impose penalties only for **violations of the By-Laws, rules, or procedures**—i.e., **duly adopted, written standards**.
- **Written rules are created/interpreted by formal vote.** The Board must **maintain written rules and procedures**; adoption/interpretation/amendment occurs by a **super-majority vote** and then governs members **prospectively**.
- **Code of Conduct principle.** In areas without a specific rule, members and leaders are directed to “**give each other the benefit of the doubt,**” facilitate dialogue, and **observe** published policies and procedures.

President’s stated position (email): “the Board is not agreeing to base its decision on whether a rule explicitly forbade your conduct.”

This stance conflicts with the written requirement that penalties be tied to **violations of written standards**, not uncoded expectations.

Why “door-propping” ≠ vandalism/property damage (category error)

- **Breaking a window** is **per se destructive**; intent and harm are immediate and certain.
- **A briefly held-open door** can be **benign, inadvertent, or operational** (e.g., moving an item, assisting someone). It only becomes problematic if **left unattended** in a way that causes risk—something that requires **proof**, not assumption.
- Treating these as equivalents **collapses different categories** of conduct and invites **arbitrary enforcement**.

Application to the record

- **Non-codified area.** No specific, written rule has been cited that **prohibited** brief door-holding on the date at issue.
- **Ambiguous intent; no harm shown.** The stills/video do **not** establish a plan to leave the door unsecured for any particular duration, nor do they show damage or unauthorized entry attributable to me.
- **Hours context.** Presence at **9:15 pm** is within written **Facility Use** hours (entry cutoff is 9:00 pm; members must **leave by 11:00 pm**), so “after-hours” aggravation does not apply to mere presence.
- **Result:** Without a **written rule** and without **proven intent/harm**, a **60-day suspension** exceeds the Board’s disciplinary authority as applied here.

Why the written-rule constraint protects the Club

- **Fair notice & even application:** members know what is prohibited; enforcement is consistent.
- **Process integrity:** decisions are anchored to adopted text, not to conjecture about motive.
- **Risk control:** avoids **reputational and legal exposure** from ad-hoc sanctions in uncodified areas.

Proper Remedy (fits the facts and the rules)

1. **Withdraw** the 60-day suspension; **or**
2. **Convert** to a **neutral, non-disciplinary policy reminder** (no finding; not for progressive discipline); **and**
3. If the Board wishes to regulate this area, **adopt a clear, prospective door policy** by formal vote and **post signage** so expectations are unmistakable going forward.

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