

SPECIAL OLYMPICS MISSOURI (SOMO) DISCIPLINARY PROCEDURE

Board Approved August 9, 2003

GENERAL STATEMENTS OF PRINCIPLE

1. The following disciplinary procedures are intended to be used when other informal disciplinary procedures have failed. SOMO Participants and Staff Members should try to resolve the problem informally before making a formal report.
2. If resort to disciplinary procedures is necessary, all parties should carry out these procedures in a way that minimizes disruption of other SOMO Participants and SOMO-sponsored activities.

REPORTING CODE VIOLATIONS

1. Anyone may report a violation of the Code.
2. A reporting party must complete and sign an Incident Report Form, which includes:
 - (a) An identification of the person who violated the Code;
 - (b) A description of the specific behavior that violated the Code;
 - (c) The date and location of the violation; and
 - (d) The names of any witnesses.
3. The Games/Event Director must be notified of any Code violations reported in an Incident Report that occur, and are discovered, during a SOMO event.
4. Code violations reported in an Incident Report that occur after a SOMO-sanctioned activity, or are discovered outside of a SOMO-sanctioned activity, must also be reported to the Program Staff(s) who serve(s) the home area(s) of all Involved Participant(s). "Involved Participants" includes both the Participant(s) who violated the Code and any Participant(s) harmed by the violators' actions.
5. The person reporting the incident must complete and file an Incident Report Form within two weeks of when the violation occurred or was discovered.

CODE VIOLATION DETERMINATIONS

1. Upon being notified of a Code violation, the Games/Event Director or Program Staff will immediately take appropriate disciplinary or remedial actions, which may include:
 - (a) Dismissing the complaint;

- (b) Communicating with the reporting party and other witnesses to evaluate the truth of the allegation;
 - (c) Notifying the Participant identified in the Incident Report Form of the undesirable behavior, and, as a condition of further participation in the present event, requiring the Participant to correct the situation;
 - (d) Immediately expelling the Participant for the remainder of the present event for serious Code violations; and
 - (e) Any other action that the Games/Event Director or Program Staff may deem to be appropriate.
2. After taking initial remedial action, the Games/Event Director or Program Staff will complete the submitted Incident Report Form by:
- (a) Making necessary corrections, additions, or deletions to the facts alleged by the reporting party;
 - (b) Including a description of any action he/she took in response to the violation;
 - (c) Including a recommendation of further action that he/she deems appropriate, if applicable; and
 - (c) Signing and dating the Form.
3. The Games/Event Director or Program Staff will send a copy of the completed Incident Report Form to the Senior Director of Operations.
4. After receiving a copy of an Incident Report Form and upon recommendation of further action by the Games/Event Director or Program Staff, the Senior Director of Operations will form an Incident Review Group (“IRG”) to investigate and resolve the matter.
5. The IRG will be comprised of the Senior Director of Operations and one or more Program and/or Department Directors selected by the Senior Director of Operations. These Program or Department Directors, however, may not include any Director actively involved in the initial remedial action.
6. The IRG will submit to the Participant(s) named in the Incident Report by certified mail a notification letter that includes:
- (a) A brief explanation of the violation;
 - (b) A reference to the Code provision violated;
 - (c) The name of the person(s) reporting the violation (unless the Senior Director of Operations finds that there is an important reason not to identify the reporting party);

- (d) An invitation in writing to respond to the allegation(s) contained in the complaint. Participants named in the complaint will have two weeks from the date of the notification letter to respond to the allegations. Any response that a Participant makes must appear in writing.
- 7. Within 3 weeks of mailing the Notification Letter, but not before providing the Participant named in the complaint a full opportunity to respond, the IRG will consider all information available to it about the alleged incident in making its determination. The IRG will have the power to:
 - (a) Dismiss the complaint;
 - (b) Warn the Participant of the undesirable behavior, and require him/her to correct the situation as a condition to participate in future SOMO activities;
 - (c) Require the Participant to make a written or oral apology to the affected parties;
 - (d) Require the Participant to pay for damage that he/she purposely or knowingly caused, either as a condition of further participation in SOMO, or as a condition of avoiding legal action by SOMO;
 - (e) Temporarily suspend the Participant from participating in future SOMO activities and activities;
 - (f) Temporarily or permanently limit the Participant's type or level of participation in SOMO activities and activities;
 - (g) Any other action the IRG deems appropriate.
- 8. The IRG may also permanently expel the Participant from participating in SOMO events and activities with approval from the SOMO President.
- 9. Upon making its determination, the IRG will promptly send to the affected parties by certified mail a Decision Letter notifying them of their decision. Decision Letters that involve expulsions must be signed by the SOMO President. Copies of the Decision Letter will go to the Program Staff(s) representing the home area(s) of all Involved Participant(s), the members of the SOMO Executive Committee, and the SOMO President.

SOMO APPEALS PROCESS

APPEAL OF INITIAL CODE DETERMINATIONS

Determinations made on-site by a Games/Event Director for Code violations, including temporary expulsion from the remainder of an event, may not be appealed.

APPEAL OF CODE DETERMINATIONS

1. Determinations in response to Code violations may not be appealed unless:
 - (a) The determination calls for a Participant's permanent expulsion from SOMO activities; or
 - (b) The Games/Event Director, Program Staff, or IRG substantially deviated from the disciplinary procedures set forth in the SOMO Disciplinary Procedures.
2. In either of the two cases listed above, a participant may appeal the decision to the SOMO Executive Committee of the SOMO Board of Directors. To do so, the Participant must send an Appeals Letter to the Executive Committee, explaining why the Participant disagrees with the decision. The Appeals Letter must be sent within 2 weeks of the date on the Decision Letter.
3. Upon receiving an Appeals Letter, the SOMO Executive Committee will review all information about the incident contained in the materials and information brought before the IRG. Within 3 weeks of receiving the Appeals Letter, the Executive Committee will make a final decision resolving the issue. The Executive Committee will then record the decision in the official minutes. The Committee will mail copies of its decision by certified mail to all Involved Participants, the Program Staff(s) representing the home area(s) of all Involved Participant(s), and the SOMO President
4. Any decision of the Executive Committee is final.