



## Employee Misconduct Protocol

### Purpose:

To establish a fair and consistent process for addressing employee misconduct, ensuring a safe, productive, and respectful work environment at ABSC.

This protocol outlines the steps for reporting, investigating, and disciplining misconduct, while protecting the rights and privacy of all employees and customers.

### Scope:

This protocol applies to all employees of Albany Berkeley Soccer Club, including full-time, part-time, temporary, and contract workers.

### Definitions:

- **Misconduct:** Any violation of company policies, rules, regulations, or standards of conduct. This can range from minor infractions to serious offenses.
- **Minor Misconduct:** Includes, but is not limited to, tardiness, absenteeism, minor policy violations, insubordination, and unprofessional behavior.
- **Serious Misconduct:** Includes, but is not limited to, harassment, discrimination, violence, theft, fraud, substance abuse, gross insubordination, and safety violations that endanger others.
- **Gross Misconduct:** Severe violations that irreparably damage the employment relationship. May lead to immediate termination.
- **Reporting Party:** The individual reporting the misconduct.
- **Accused Employee:** The individual alleged to have committed misconduct.
- **Investigator:** The individual(s) responsible for conducting the investigation.

## I. Policy and Communication

- **Clear Policies:** The company's code of conduct, policies, and procedures must be clearly defined, communicated to all employees, and readily accessible (e.g., in an employee handbook, online portal).
- **Training:** Employees should receive regular training on workplace conduct, anti-harassment, and reporting procedures.
- **Zero Tolerance:** The company has a zero-tolerance policy for certain serious misconduct, such as harassment, discrimination, and violence.
- **Anti-Retaliation:** The company prohibits retaliation against anyone who reports misconduct in good faith.

## II. Reporting Misconduct

- **Multiple Reporting Channels:**
  - Direct supervisor
  - Board of Directors
  - Designated hotline or online reporting system (anonymous, if possible)
- **Encourage Reporting:** Employees should be encouraged to report any suspected misconduct promptly.
- **Confidentiality:** All reports of misconduct will be treated with confidentiality to the extent possible, consistent with the need to conduct a thorough investigation and comply with legal requirements.

## III. Investigation Process

- **Prompt Action:** Upon receiving a report of misconduct, ABSC takes prompt action to investigate the allegations within 24 hours
- **Designated Investigator(s):** The investigation should be conducted by a qualified and impartial investigator(s), supervisor, director or board or a designated team. In some cases, an external investigator may be necessary.
- **Investigation Plan:** The investigator(s) will develop an investigation plan, including:
  - Identifying the specific allegations
  - Determining the scope of the investigation
  - Identifying witnesses and relevant evidence
  - Establishing a timeline for completion
- **Evidence Collection:** The investigation may involve:
  - Interviewing the reporting party, the accused employee, and any witnesses
  - Reviewing relevant documents, records, and electronic communications
  - Gathering physical evidence, if applicable
- **Documentation:** All steps of the investigation must be thoroughly documented, including:
  - Dates, times, and locations of interviews
  - Names of individuals interviewed
  - Summaries of interview statements
  - Copies of relevant documents and evidence
- **Fairness and Impartiality:** The investigation must be conducted in a fair and impartial manner, ensuring that both the reporting party and the accused employee have an opportunity to be heard.
- **Accused Employee Rights:** The accused employee has the right to:
  - Be informed of the allegations against them

- Provide their account of the events
  - Present any relevant evidence or witnesses
  - Be accompanied by a witness (if permitted by company policy)
- **Interim Measures:** Depending on the severity of the allegations, the company may take interim measures, such as:
  - Temporary suspension (with or without pay)
  - Reassignment of duties
  - Separation of the parties involved
  - These measures should be taken only when necessary to ensure the safety of employees or the integrity of the investigation.

#### IV. Determination and Disciplinary Action

- **Findings of the Investigation:** Upon completion of the investigation, the investigator(s) will analyze the evidence and determine whether misconduct occurred. The determination should be based on a preponderance of the evidence (i.e., it is more likely than not that the misconduct occurred).
- **Levels of Disciplinary Action:** Disciplinary action will be determined based on the severity of the misconduct, the employee's past record, and other relevant factors. Disciplinary actions may include:
  - **Verbal Warning:** A formal verbal warning documented in the employee's file.
  - **Written Warning:** A formal written warning outlining the misconduct and consequences of future violations.
  - **Final Written Warning:** A final warning before termination, indicating that any further misconduct will result in termination.
  - **Suspension:** A temporary removal from work without pay.
  - **Demotion:** A reduction in job responsibilities and/or pay.
  - **Termination:** Termination of employment.
- **Consistency:** Disciplinary action should be applied consistently across similar situations.
- **Gross Misconduct:** Gross misconduct may result in immediate termination of employment.
- **Notification:** The accused employee will be notified in writing of the findings of the investigation and the disciplinary action to be taken.
- **Right to Appeal:** The employee may have the right to appeal the disciplinary action, according to company policy. The appeal process should be clearly outlined.

#### V. Documentation and Record Keeping

- **Confidential Records:** All records related to the investigation and disciplinary action will be kept confidential and stored securely, in accordance with company policy and legal requirements.
- **Retention Period:** Records will be retained for the period required by law and company policy.

## **VI. Review and Revision**

- **Regular Review:** This protocol will be reviewed periodically and updated as necessary to ensure compliance with applicable laws and regulations and to reflect best practices.

## **VII. Legal Considerations**

- **Compliance:** This protocol is intended to comply with all applicable federal, state, and local laws and regulations, including those related to discrimination, harassment, and wrongful termination.
- **Legal Counsel:** The company may consult with legal counsel as needed throughout the process, particularly in cases involving serious misconduct or potential legal liability.