



# MAGIC CITY BRIGADE GRIEVANCE POLICY AND PROCEDURE MANUAL

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## Section I: Definitions

**Board of Directors:** The group of members responsible for the operation of the Corporation known as the Magic City Brigade. The Board of Directors includes those officers elected by the wider membership (President, Vice President, Secretary, Treasurer) and any non-elected officers selected and voted onto the Board by the other Board members.

**Board Member:** Magic City Brigade member who currently sits on the Magic City Brigade Board of Directors (be it in an elected or non-elected position).

**Code of Conduct:** The published *Magic City Brigade Code of Conduct*, adherence to which is a mandatory expectation of membership in the Magic City Brigade.

**Complaint:** A non-actionable issue brought against a member or members of the Magic City Brigade that is made for record only.

**Corporation Bylaws:** The published *Bylaws of Magic City Brigade* which govern the running of - and participation in - the Magic City Brigade.

**Grievance:** An actionable issue brought against a member or members of the Magic City Brigade.

**Grievant:** Any individual or group that files a grievance following the procedures outlined in this manual.

**Grievance Committee:** A five-person Committee made up of a member of the Board of Directors (chosen by the other members of the Board of Directors) to chair the Grievance Committee, plus four "regular" Brigade members (to be recommended and approached by the Board of Directors to serve in this capacity). All members must be in good standing to sit on the Grievance Committee.

**Grievance Committee Chair:** The member of the Board of Directors who chairs the Grievance Committee.

**Member:** An individual who fully paid dues to join the Magic City Brigade during the current membership term in which a Complaint or Grievance is raised.

**Respondent:** Any member or members that have had a complaint or grievance filed against them.

**Review:** A request for a Grievance to be investigated for the necessity of a Warning, Suspension, or Termination from the Magic City Brigade.

**Suspension:** A length of time where a Respondent is not permitted to exercise the rights of a Magic City Brigade Member, including but not limited to: attending Magic City Brigade actioned activities, sitting or standing with the Magic City Brigade during Birmingham Legion

FC matches, and representing the Magic City Brigade. A suspended member does not receive a partial refund of dues for time serving a suspension.

**Termination:** A permanent removal of a member of the Magic City Brigade. A terminated member of the Magic City Brigade does not receive a refund for membership when being terminated.

**Warning:** A verbal and/or written communication to the Respondent describing the issue and why it rose to the level of a grievance.

## Section II: Overview and Process

### Overview

The purpose of the grievance process is to provide the opportunity to communicate, mediate, and resolve issues that relate to the Magic City Brigade. While not necessary, it is advised to attempt to resolve issues between Members informally before filing a Complaint or Grievance. Some situations can be handled informally, while others may require immediate filing of a Grievance. Both the Board of Directors and the Grievance Committee are relying on membership's best judgement for any issue. Each Member has the right to file a grievance against another Member or group of Members, however the Grievance Committee may recommend attempting to resolve an issue informally before proceeding with the grievance.

Not every Grievance has a resolution, but a good faith effort to resolve a Grievance will be made. Note that only Magic City Brigade Members may file a Complaint or Grievance. Issues arising from outside of the Magic City Brigade membership should be addressed to the Board of Directors.

The Magic City Brigade Grievance Policy is designed to uphold the Magic City Brigade Code of Conduct (<https://www.magiccitybrigade.org/code-of-conduct.html>). Members have the right to file a Complaint or Grievance with any actions that break the Code of Conduct. In addition to actions that break the Code of Conduct, Members may appeal their own Warnings, Suspensions, and/or Terminations.

All decisions made will be documented by both the Grievance Committee and Board of Directors in their respective meeting minutes. Decisions will be communicated to all applicable parties as follows:

- In the event no action is taken against a Respondent, the Grievance Committee will inform the Grievant only and document the decision.
- In the event a Warning is warranted, the Grievance Committee will issue the Warning to the Respondent and inform the Grievant and Board of Directors.
- Suspensions and Terminations are recommended to the Board of Directors who must confirm by affirmative vote. Therefore, any confirmed Suspension or Termination will be documented by the Board of Directors and communicated by the Board of Directors to the Grievance Committee, Grievant and Respondent.

At no point will other related parties (defined in later paragraph) be informed of any decision by the Grievance Committee or Board of Directors. It is suggested that the Respondent, Grievant, Grievance Committee and Board of Directors keep any decisions confidential as much as the situation allows.

Any complaint or grievance must be submitted via email and/or online form. The email account and/or online form designated for this purpose will be monitored by the Grievance Committee Chair.

All filed Grievances will be brought to the Grievance Committee for Review, and any needed actions, such as interviews, requests for information, or supporting documentation, will be taken. As a complaint is non-actionable by definition, action may not be taken in the event of a complaint. However, in the event the Grievance Committee believes a complaint should rise to the level of a grievance, the Grievant may be contacted by the Committee to see if the Grievant would like to escalate the issue. In most situations, the Grievant will determine if the issue is a Complaint or a Grievance, but in exceptional circumstances, the Grievance Committee Chair may decide to escalate the issue to a Grievance (e.g. a Member has physically threatened another Member).

All Complaints and Grievances will be handled as confidentially as possible. As a Respondent and/or witnesses (who are members) may need to be interviewed during the grievance process, total confidentiality cannot be guaranteed. However, Grievances and Complaints will not be discussed outside of the Board of Directors, Grievance Committee, the Grievant, the Respondent, and any other party related to the issue (e.g. witnesses). To the extent possible, the number of people considered a party related to the issue will be kept to a minimum.

Any decision may be appealed by either the Grievant or the Respondent to the Board of Directors within one week of a decision being communicated. The burden of proof for repealing or revising a decision lies with the party appealing the decision. The Board of Directors will consult with both the appealing party and the Grievance Committee before making a final decision to either uphold the original decision or to return the grievance to the Grievance Committee to discuss an alternative course of action.

If a Member feels the Grievance Committee is not fulfilling their duty, the Member should contact the Board of Directors.

Retaliation from any party against a Grievant will not be tolerated. Retaliation may result in a Warning, Suspension, or Termination. Likewise, a Grievant may receive a Warning, Suspension or Termination for attempting to make additional action against any party (e.g. bullies a witness, repeatedly brings up false grievances).

### **Process**

In the event a Grievance is filed, the Grievance Committee Chair will bring the Grievance before the Committee for Review. The Review may consist of one or more meetings of the Committee depending on the circumstances of each Grievance.

The Committee will meet (in-person, virtually or a combination thereof) to discuss the Grievance. If the Committee does not feel the Grievance is worthy of being pursued further at this point, they can vote to take no further action. At this stage, the decision will be communicated to the Grievant only as noted above.

If the Committee feels the Grievance is worthy of pursuing further, the Respondent will be informed that a Grievance has been raised against them, in order to allow them to respond to the accusation(s) against them.

The Committee will gather any evidence pertinent to the Grievance, including but not limited to, testimony from the Grievant, Respondent and witnesses. The Committee has the freedom to decide how it wishes to receive said evidence - e.g. through written statements or in-person appearance.

The Committee will assess the severity of the Grievance based on a series of factors, including but not limited to: its relation to the Code of Conduct, the extent to which the offense has brought the Magic City Brigade into disrepute, the hurt and/or damage caused to the Grievant and the number of Complaints and Grievances previously raised against the Respondent. The Committee will then discuss the appropriate action to be taken against the Grievant - be it a Warning or a recommended Suspension (the degree of which will be decided on a case-by-case basis) or Termination - and vote on their collective decision. The vote will be decided by simple majority.

In the case of a Warning, the Committee will document their decision and communicate it to all applicable parties (defined in a previous paragraph).

In the case of a recommended Suspension or Termination, the decision must be confirmed by an at least two thirds (2/3) affirmative vote of all the Board of Directors. If a Suspension or Termination is confirmed, the decision will be communicated by the Board of Directors to all applicable parties (defined in a previous paragraph).

If a Suspension or Termination is rejected by the Board of Directors following their vote, the Grievance will be returned to the Grievance Committee who will discuss an alternative, less severe course of action. However, it is generally assumed that the Board of Directors will follow the recommendations of the Committee in order to preserve the integrity of the process laid out above.

### Section III: Disclaimers

This grievance process is only to be used for issues between members of the Magic City Brigade at an official Magic City Brigade event or "space" (e.g. the Members-Only Facebook group). Unofficial Magic City Brigade events or spaces (e.g. the *Discord* server frequented by many Brigade members or a meeting of The American Outlaws that contains Magic City Brigade members) do not fall under the purview of this policy.

If the Grievant or Respondent is a member of the Grievance Committee, they will recuse themselves from participating in their capacity as a member of the Committee during the process. If the Grievant or Respondent is the Grievance Committee Chair, they will be replaced for the duration of the process by another member of the Board. If the Grievant or Respondent is related to, or in a relationship with, a member of the Grievance Committee; that member of the Committee will recuse themselves from participating in their capacity as a Committee member during the process.

In the event of a recommended Suspension or Termination (and, therefore, the need for an affirmative vote by the Board of Directors):

- If the Grievant or Respondent is a member of the Board of Directors, they will recuse themselves from participation in the Board vote.
- If the Grievant or Respondent is related to a member of the Board of Directors or in a relationship with a member of the Board of Directors; that member of the Board will recuse themselves from participation in the Board vote.

Nothing in this grievance policy shall interfere with issues between any United Soccer League (USL) club and a member of the Magic City Brigade. In the event that the policy causes such an interference, it will be made known to the Grievance Committee in order to remove the interference.

Nothing in this grievance policy shall interfere with issues between the USL and a member of the Magic City Brigade. In the event that the policy causes such an interference, it will be made known to the Grievance Committee in order to remove the interference.

This grievance policy is not a replacement for any use of any legal system. If an issue needs to involve law enforcement, the Grievant bears the responsibility to initiate the legal process.