

PROCESS FOR HANDLING COMPLAINTS AGAINST TRUSTEES

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The Temple Beth Zion (TBZ) Board of Trustees (Board) takes allegations of misconduct by Trustees seriously. The Governance Committee will investigate all complaints of Trustee misconduct. Where misconduct is found, the Governance Committee will report the results of its investigation to the Board of Trustees, including its recommendations, if any, for remedial or disciplinary action. The Board of Trustees will take such action as in its discretion it deems appropriate, including acceptance, rejection, or modification of the action recommendations of the Governance Committee. This document sets forth the Board's process for the handling of complaints against its members.

SECTION 1- COMPLAINTS

A. Formal complaints

A complaint regarding Trustee misconduct may be submitted by any Temple Beth Zion member in good standing, either individually or on behalf of a group. Complaints should be submitted in writing to the President of TBZ via email (President@tbz.org) or by letter addressed to the attention of the President at the Temple Office (700 Sweet Home Road, Buffalo NY 14226). In the event the complaint is against the President of TBZ, the complaint should be sent in writing to the Chair of the Governance Committee c/o TBZ (700 Sweet Home Road, Buffalo NY 14226) and marked personal and confidential. Oral complaints are discouraged but may be considered when appropriate.

B. Anonymous complaints

A member of TBZ who submits a complaint is encouraged to do so under their name. Complaints submitted anonymously, however, will be treated as "Discovered Information," as described below.

C. All complaints

All complaints must identify by name the trustee or trustees complained of, and clearly specify in detail the alleged misconduct. All complaints must contain sufficient information for the Governance Committee to investigate the allegation(s). Complaints should also contain the complainant's name(s) and preferred contact information.

D. Discovered information

The Board of Trustees recognizes that information regarding misconduct on the part of a Trustee may come to its attention in ways other than by the filing of a formal complaint by a member. Such information, hereinafter referred to as "Discovered Information", may come to the attention of the Board through a variety of means, including, but not limited to, Board review of its own decisions, reviews from outside audits, reviews by consultants working under contract with TBZ, and informal feedback received by individual Trustees from members who do not wish to pursue a formal complaint. Discovered Information may, in the discretion of the Governance Committee, be processed as a complaint.

SECTION 2 – ASSESSMENT AND COMMUNICATION

A. Preliminary assessment of complaint

The Chair of the Governance Committee, in consultation with the Chair of the Personnel Committee and/or the Board President, shall conduct a preliminary assessment of all complaints.

1. *Frivolous*. When a complaint, on its face, does not raise a genuine conduct concern, the complaint may be deemed “frivolous” and dismissed without further investigation. Similarly, Discovered Information that does not raise a genuine conduct concern will be disregarded. Examples of frivolous complaints include: (i) complaints where no specific Trustee is identified (e.g. an action of the full board), (ii) where an action of the Trustees was specifically allowed by the TBZ bylaws, or (iii) complaints faulting Trustees for actions outside the Board’s jurisdiction (e.g. a religious service that the board member participated in).

2. *Non-frivolous*. When a formal complaint or discovered information raises a genuine concern about a Trustee’s conduct, the complaint or discovered information will be considered a “complaint,” and investigated. The Chair of the Governance Committee shall inform the President of any such non-frivolous finding.

3. *Extralegal*. If the Chair of the Governance Committee, in consultation with the President of TBZ, deems that the complaint *may* have legal consequences, the complaint shall be forwarded to TBZ legal counsel for review.

B. Notice to Complainant

Where a formal complaint is deemed non-frivolous and comes from an identifiable source with contact information, the Chair of the Governance Committee will, as appropriate, acknowledge receipt of the complaint.

SECTION 3 – INVESTIGATION

A. Notice to complainee

As appropriate, the Trustee will be notified by the Chair of the Governance Committee in a timely fashion that a complaint has been filed against them, and the specifics of the complaint, The Trustee will be given an opportunity to respond. If a complaint can be dismissed or concluded without the Trustee’s further input, the complainee will be notified upon its resolution.

B. No notice provided to complainee.

The Trustee will not be notified if the Chair of the Governance Committee, in consultation with the Chair of the Personnel Committee and/or the Board President, has determined that the circumstances surrounding the allegation of misconduct, if disclosed to the complainee, could jeopardize a satisfactory outcome, or otherwise put the complainant at risk.

C. Governance Committee Investigation

1. Investigative Committee.

The Chair of the Governance Committee shall appoint a 3-person subcommittee consisting of Governance Committee members to, in a timely manner, complete an investigation into the substance of the complaint. The investigative subcommittee may review any pertinent information available, and may seek additional information from both the complainant and the complainee, or from any witnesses. The subcommittee will provide the Chair with a written report of their factual findings. This report will *not* make any recommendations around actions to be taken in response to the complaint.

SECTION 4- ACTION

A. Determination of merit

Once the Chair of the Governance Committee has received the subcommittee's report, the Chair will determine whether the complaint is meritorious and whether corrective or remedial action is appropriate.

B. Dismissal of Complaint

The Chair of the Governance Committee may dismiss a complaint as not meritorious, or not being significant enough to warrant corrective or remedial action. The reasons for dismissal may include, but are not limited to:

1. the allegations have been disproved
2. the allegations cannot be substantiated
3. the allegations, even if true, do not constitute inappropriate conduct

Should the complaint be dismissed, both the complainant and complainee will receive a letter from the Chair of the Governance Committee, copied to the President, with the dismissal finding and an explanation of the findings.

C. Consideration of options for corrective or remedial action

If the allegation is not dismissed, the Chair of the Governance Committee will consult with the President of TBZ and/or the Chair of the Personnel Committee to determine any appropriate actions to be considered. Options include, but are not limited to:

1. Formal acknowledgement of the conduct complained of, but with no further action required due to no harm
2. Admonition
3. Reconciliation between the complainant and complainee, where possible
4. Formal letter to the complainee from the President of TBZ requesting acknowledgement of wrongdoing and requiring an apology to the complainant
5. A recommendation of remedial action on the part of the Trustee, including but not limited to additional training or an apology to both the complainant and to the Board.
6. A recommendation to the Board of Trustees to consider removal under Article VI, Section 4 of the Bylaws.

Should there be required corrective or remedial action, both the complainant and complainee will receive a letter from the Chair of the Governance Committee, copied to the President, with the findings on the merits of the complaint and an explanation of the action required.

D. Appeal

An appeal from any action may be taken either by the complainant or the complainee. Appeal of the findings and actions may only be on the factual merits of the complaint and not on the action taken as a consequence of the complaint. Appeals must be in writing and directed to the President of TBZ, or if the President is the complainee, to the Chair of the Governance Committee.