

# Process for Disciplining or Removing Members

## Texas Master Naturalist Program™



**Mission** – To develop a corps of well-informed volunteers to provide education, outreach, and service dedicated to the beneficial management of natural resources and natural areas within their communities for the State of Texas.

November 2021

*[This document explains the procedures that must be followed to investigate complaints and possible disciplinary action toward a member of the Texas Master Naturalist Program. It complements the general policy statement for disciplining or removing members in Chapter Management and Operations Protocols Section 8.]*

## Process for Disciplining or Removing Members

### 1. Also see *Chapter Management and Operations Protocol 8. Disciplining or Removing Members*

### 2. **Definitions:** The following terms when capitalized in this document shall have the meaning as found in *Chapter Bylaws* or as may be defined herein. With all conflicts, the *Chapter Bylaws* shall prevail.

**Certified Mail** - Correspondence (Corrective Action Letter or Written Reprimand) delivered by the US Postal Service or equivalent carrier with delivery confirmation.

**Chapter Advisors** - An appointed position to advise the chapter leadership with the responsibilities as defined in the *Chapter Management and Operations Protocols (CMOP), Appendix 1*.

**Chapter Executive Committee** - A committee who has as its members only the chapter's President, Vice President, Treasurer, and Secretary, and has the first line responsibility for overseeing that chapter members adhere to the Program Policies, Protocols, Code of Ethics, and Standards of Conduct.

**Corrective Action Letter** - A written notification advising a chapter member of the level of formal disciplinary action being taken to address violations of the Program Policies, Protocols, Code of Ethics, or Standards of Conduct. These violations are to be clearly stated in the letter.

**Counseling** - A face-to-face session with the chapter member in which a member of the Chapter Executive Committee or the State Program Coordinator gives the chapter member notice of the member's undesirable performance or conduct and requests that the member adhere to the Program standards and expectations and refrain from any further Misconduct as the term is defined herein.

**Insubordination** - A chapter member's failure to comply with the Program Policies, Protocols, Code of Ethics or Standards of Conduct; failure to follow instructions from the State Program Coordinator or TMN State Committee as related to any actions or instructions taken under *Chapter Bylaws* Article VIII.

**Misconduct** – Misconduct is the intentional wrongdoing or improper behavior or unlawful and unethical conduct by a person representing the Program. Examples of Misconduct include, but are not limited to, the following:

- a. Refusing to follow or adhere to the Program Policies, Protocols, Standards of Conduct, or Code of Ethics
- b. Physically or verbally abusing members of the public, chapter members, Advisors, volunteers of other organizations, State Program Coordinators, or the Program participants
- c. Engaging in violence of any sort
- d. Disrupting normal volunteer routine or the performance of other volunteers
- e. Falsifying training or volunteer time reports or other state documents
- f. Using association with the Program for personal gain
- g. Knowingly disclosing confidential information to an unauthorized individual
- h. Failing to report a conflict of interest
- i. Violating conflict of interest laws/policies
- j. Using humor, jokes, or other comments which might be insulting or demeaning to others, including ethnic, racial, or sexual comments which create an intimidating, hostile, or offensive environment
- k. Conducting any form of sexual harassment
- l. Conducting any form of discrimination or retaliation
- m. Being under the influence of intoxicants, inhalants, alcohol, drugs, or illegal stimulants of any kind, while participating in Program activities, or on State property, or while conducting functions sponsored by any TMN chapter
- n. Contributing behavior which compromises the health and safety of members, non-member volunteers, Texas Parks & Wildlife and AgriLife employees, or clientele
- o. Being habitually disruptive to a chapter's function and the overall Program
- p. Violating the confidentiality of data recorded in VMS as outlined herein
- q. Using information in VMS to shame chapter members for any reason

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- r. Being unwilling or unable to work amicably with Chapter Advisor or chapter leaders
- s. Conduct which is harmful to the reputation of the Program as determined by the TMN State Committee in accordance with these examples of misconduct
- t. Failing to relinquish/rotate chapter leadership roles
- u. Possessing, using, selling, offering for sale, or gifting illicit drugs or drug paraphernalia while participating in the Program
- v. Being convicted of an offense which affects the member's ability to perform his or her duties
- w. Misusing or unlawfully using State or a chapter's property, including vehicles, computers, or other equipment
- x. Violating a state or federal law, while engaged in the Program functions, or violating a state or federal law which affects any chapter member's ability to perform his or her job duties
- y. Falsely representing one's status as a TMN member, in written or verbal form under any circumstance
- z. Providing false information as part of a Program investigation
- aa. Failing or refusing to cooperate with a State Program Coordinator or TMN State Committee investigation
- bb. Failing or refusing to adhere to actions as may be required in a Corrective Action Letter or Written Reprimand
- cc. Engaging in any activity deemed by the TMN State Committee as Misconduct worthy of disciplinary action

**Policy Violations** - Chapter member conduct that is inconsistent with the Program Policies, Protocols, Code of Ethics, and Standards of Conduct as established by the Program.

**Protocols** - The *Chapter Management and Operations Protocols* is a document posted on the TMN website that is established by the Program.

**State Program Coordinator** - An employee of TPWD or AgriLife, who has the responsibility for daily operations of the TMN Program and the authority to take disciplinary actions, such as Counseling or Written Reprimand concerning adverse TMN member actions and the revoking of a chapter's Charter.

**TMN State Committee** - A TMN Program committee comprised of employees of TPWD and AgriLife and appointed Certified Texas Master Naturalist members with previous leadership experience.

**Volunteer** - A member of a TMN chapter or any person, who may be participating in a volunteer project sponsored or supported by the Program.

**Witness** - A person who has personally witnessed an action of a chapter member's Misconduct or violation of Program Policies, Protocols, Code of Ethics or Standards of Conduct and provides a written statement documenting the Misconduct or violation.

**Written Reprimand** - A formal, written notification advising a chapter member of the violation of Policy, Protocol, rules or other offense, the expectations of the State Program Coordinator for corrective actions and the potential consequences of failing to rectify Misconduct. A Written Reprimand is generally issued when a chapter member has committed serious Misconduct or has not corrected a prior performance or conduct problem.

3. **Applicability.** All Volunteers, chapter members, Chapter Executive Committee (Officers), Chapter Advisors, and chapter committee chairpersons are subject to the same level of conduct and adherence to the tenets of the program.
4. **Congenial Approach.** When any member of the Program or public thinks an infraction of the Policies, Protocols, Standards of Conduct or Code of Ethics of the State or chapter has occurred, that person should weigh, with good judgment, whether to speak with the offending party directly, or to defer to the Chapter President or Advisor in the matter. Not all members are fully aware of the Policies and Protocols of the Program and may just be acting out of a lack of knowledge or understanding, and not

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malice. A congenial approach to bring the misunderstanding to the member’s attention often prevents future problems for the chapter and the Program. It is expected that most conflicts should be resolved using this congenial approach. If this approach is unsuccessful in resolving the problem, then follow the procedure defined in sections 5 and 6 below.

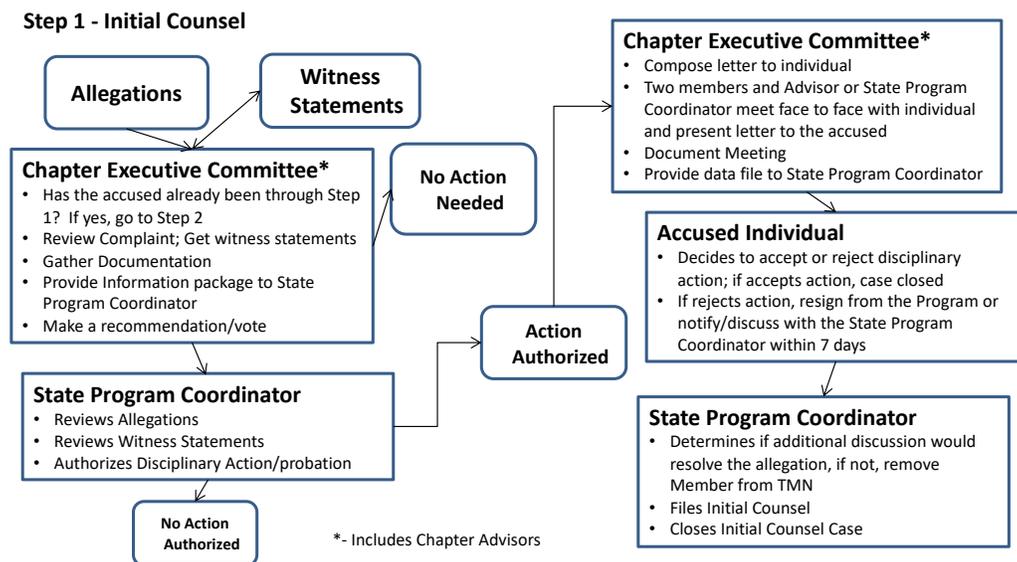
### 5. Procedure for disciplining or dismissal.

**5.1 Infraction reporting** - When any member of the Program or any member of the public thinks an infraction of the Policies, Protocols, Standard of Conduct or Code of Ethics of the State or chapter has occurred and the Congenial Approach has been unsuccessful, then that person should promptly bring the incident directly to the attention of either the chapter President, a member of the Chapter Executive Committee, Advisor or State Program Coordinator.

**5.2 Chapter Executive Committee discussions** - The subsequent procedures are to be followed by the Chapter Executive Committee when making recommendations to the State Program Coordinator for Counseling or dismissal of a member from a chapter or the Program. When following these procedures, any disciplinary communications must be discreet, respectful of privacy and held in the strictest confidence with only those having a ‘need to know’. Discussions may only take place in chapter Executive Committee sessions, where only the chapter’s Officers and Chapter Advisor are present, documented appropriately, and become a part of the confidential report material forwarded to the State Program Coordinator before any action is taken.

**6. Detailed Steps in the Procedure** - There are three steps that must be carefully followed to bring disciplinary action for a member in the Program. Each of the following steps must be sequentially followed and carefully documented prior to any actions being taken.

#### 6.1 Step 1 - Initial Counsel

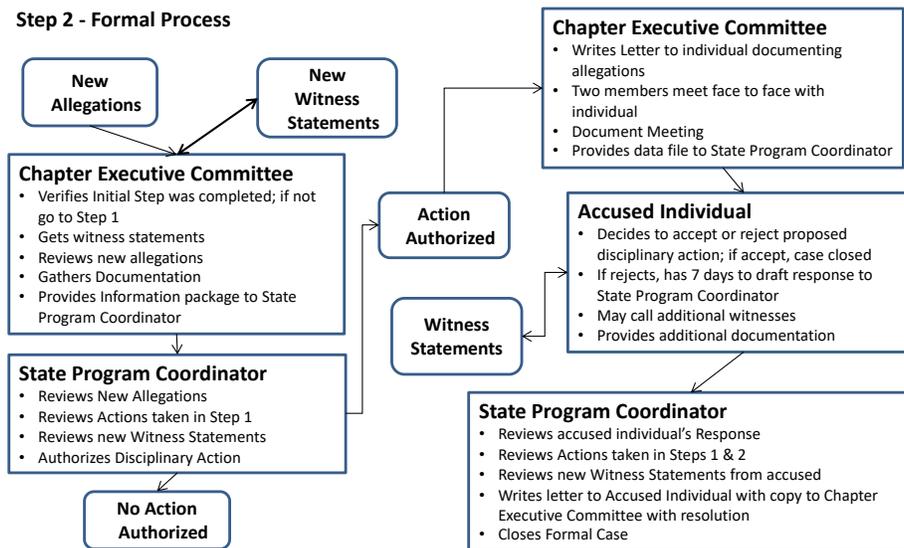


**Chart 1 – Initial Counsel**

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- 6.1.1 The Chapter Executive Committee will review the allegations and supporting documentation and determine if disciplinary action is warranted. Evidence submitted to support the allegations must be statements from Witnesses who were present during the alleged infractions. Hearsay evidence from someone that is unverified, unofficial information gained or acquired from another and not part of one's direct knowledge, should carry no or little weight in making a final recommendation. If a determination is made to recommend disciplinary action, the Chapter Executive Committee must consult with the State Program Coordinator, who may or may not approve further action.
- 6.1.2 If disciplinary action is authorized, a Corrective Action Letter, approved by the State Program Coordinator, must be presented in the 'Initial Counsel' with the offending member. The Initial Counsel meeting may be face-to-face (preferred) or by phone, by a member of the Chapter Executive Committee or TMN State Committee representative, when reviewing the Corrective Action Letter with the member.
- 6.1.3 In the Corrective Action Letter and in the conversation that follows, the member should be given notice that a recurrence of similar or additional offenses, stated in the letter and conversation, could lead to dismissal from a leadership position, the chapter, or the Program.
- 6.1.4 The conversation should be documented by the person conducting the Counseling, in written format, and submitted to the State Program Coordinator within 7 days of the counsel. Documentation should all be contained in a single complete package of information including signed Witness statements. This step cannot be over-emphasized even for a first offense. The counseled individual shall have an opportunity to respond to the Counseling session within 7 business days, in written format, to the State Program Coordinator.
- 6.1.5 If the 'Initial Counsel' is unsuccessful in resolving the problem or the member persists in continued unacceptable behavior, the Chapter Executive Committee or TMN State Committee should then proceed to the Formal Process.

### 6.2 Step 2 - Formal Process



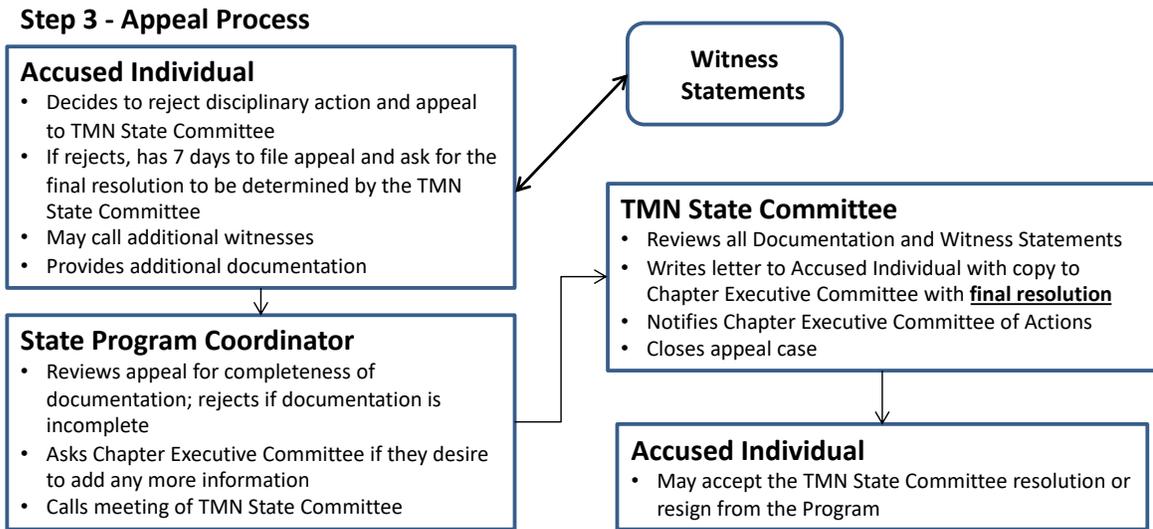
**Chart 2 – Formal Process**

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- 6.2.1 All documentation from the Initial Counsel must be in order and the Chapter Executive Committee must demonstrate additional grounds for this action. The supporting documentation must include signed written statements from Witnesses who have personal knowledge of the incident and provided to the Executive Committee if the case involves a chapter member, Director, or committee member. If the infraction involves a member of the chapter Board or Chapter Advisor, then the written case must be directly submitted to the State Program Coordinator by the party bringing the allegations.
- 6.2.2 All supporting documentation and disciplinary recommendations must be complete and chronologically compiled into a single documentation package and sent to the State Program Coordinator.
- 6.2.3 The State Program Coordinator will review the documentation and recommendations presented and either approve, amend, or deny further disciplinary action. The State Program Coordinator may ask the TMN State Committee to review any recommendations.
- 6.2.4 If the State Program Coordinator approves, the offending individual shall be notified by Certified Mail of the pending disciplinary action within 7 days by the Chapter Executive Committee or State Coordinator as appropriate. The accused member shall have 7 days from the date of receipt of the letter to respond to the allegations in writing, via Certified Mail, to the Chapter Executive Committee or State Coordinator. Strict adherence to the confidential provisions herein must be maintained throughout the process.
- 6.2.5 After the 7-day period, if no response from the offending party is received or a response that indicates an acceptance of the recommendation is received, the disciplinary action will be implemented. At this point, the incident is closed and the resolution, along with any additional supporting documentation, is forwarded to the State Program Coordinator.
- 6.2.6 If agreement is not reached, the State Program Coordinator will review the additional information and provide any supplemental recommendations and supporting documentation, which must include any statement from the offending member and the original written case documentation. The State Program Coordinator will consider all information submitted and make a decision for disciplinary action. The State Program Coordinator may ask the Chapter Executive Committee for a written or recorded vote. The State Program Coordinator may instruct the Chapter Executive Committee to implement the disciplinary action. The Chapter Executive Committee or State Program Coordinator will send a Certified Mail letter outlining the Formal Process resolution and disciplinary actions to be taken regarding the offending member.

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### 6.3 Step 3 – Appeal Process



**Chart 3 – Appeal Process**

6.3.1 The member will have 7 days from receipt of the letter outlining the Formal Process resolution, to directly respond or appeal to the State Program Coordinator and ask for the final resolution to be determined by the TMN State Committee. Circumstances that may warrant reconsideration might include a substantive error or omission of information submitted to the Chapter Executive Committee or the State Program Coordinator.

6.3.2 The State Program Coordinator will present the case and supporting documentation to the TMN State Committee for validation of a final decision. The State Program Coordinator will inform the Chapter Executive Committee and the members involved by Certified Mail of the final decision. The final decision of the TMN State Committee is without further appeal by the member or the Chapter Executive Committee. The Chapter Executive Committee is required to implement the decisions of the TMN State Committee, if given the task, without further protest or consideration. Strict adherence to the confidential provisions herein must be maintained throughout the process.

6.3.3 Decisions made by the TMN State Committee are final. The accused member must accept the decision of the TMN State Committee or resign from the Program. Likewise, Board members are required to accept the decision of the TMN State Committee or resign from their position.

See the TMN Program website for copies of all documents referenced herein.

<https://txmn.tamu.edu>