

PROBLEM RESOLUTION PROCESS AND DISCIPLINARY ACTION GUIDELINES

All NAWGJ members are expected to conduct themselves in a professional manner and to adhere to the NAWGJ Canons and Rules. Judges who engage in unprofessional behavior or who violate any of the NAWGJ Canons or Rules may be subject to disciplinary action. These guidelines are designed to address issues involving NAWGJ members while they are performing duties as judges or other activities that may reflect on their role as a judge or NAWGJ representative. The guidelines are intended to:

- provide fair and equitable resolution of problems;
- resolve problems in a manner that is instructive to the affected judge;
- prevent the re-occurrence of a problem.

This document is not intended to address situations involving suspected child abuse. In such cases, state and federal laws take priority. After investigations of suspected child abuse have been completed, NAWGJ may use this problem resolution process and apply appropriate disciplinary actions.

If a State Judging Director (SJD) is notified of a concern about the professional behavior of a judge, the SJD is encouraged to discuss the concern privately with the judge and to seek resolution. If the conversation does not resolve the issue, the person(s) who has the concern should be given this document to decide if they wish to pursue a formal complaint.

A list of definitions is provided at the end of this document.

Problem Resolution Process

Level One: State-Level Process

1. A party desiring to report a judge due to a potential violation of a NAWGJ Canon, Rule, or other unprofessional behavior must communicate this information to the SJD by email.
2. When a potential violation is reported, the SJD is responsible for reviewing the allegation and attempting to resolve the issue between the parties. Within 15 days of receiving the complaint, the SJD must provide the judge with a written copy of the complaint and consult with the judge about the concern. The SJD may also consult with the reporting party and others who witnessed or have knowledge of the alleged violation. The SJD will listen to the affected judge's account and give the judge the opportunity to provide written information regarding the complaint.
3. Depending on the information received from the judge, the SJD may:
 - a. end the problem resolution process by clarifying any misunderstandings with the reporting party; or
 - b. indicate that the judge has acknowledged the problem and that appropriate consequences will be applied, e.g., a letter of counsel.
4. If the problem is not resolved, the SJD will convene a meeting (in person or virtually) of the affected judge and the reporting party within 15 days to seek resolution. The SJD will be the moderator of the meeting.

5. Depending on the outcome of the meeting, the SJD shall determine that no further action is needed or that a letter of counsel or reprimand will be issued to the affected judge. The letter, to be issued within 15 days of the meeting, must include:
 - a description of the problem that occurred
 - the NAWGJ Canon/Rule that was violated if applicable
 - the procedures used to obtain information (who was consulted, documents reviewed)
 - the rationale for the decision
 - the disciplinary action that will be applied if any, and
 - notification of the judge’s right to appeal the decision or the disciplinary action. A URL link to the NAWGJ Code of Professional Responsibility and Disciplinary Procedures must be included in the letter.

The letter must be dated and sent either by email or by registered/certified mail to the affected judge, return receipt requested, with delivery restricted to the addressee only. The letter shall be clearly marked “Personal and Confidential.”

6. The SJD shall keep a copy of the record of the Level One process for a period of seven years and shall transfer the record to the future SJD so that comprehensive records may be maintained. The SJD shall notify the RJD of the outcome of the process.

Level Two: Appeal Process

1. The affected judge may appeal the Level One decision or the disciplinary action by sending an email to the NAWGJ Vice President within 15 days of receipt of a Letter of Counsel or Letter of Reprimand. The Vice President will send an acknowledgement of receipt to the affected judge by email. The request for an appeals hearing must clearly specify the purpose of the appeal, describe what action is being appealed (i.e., the violation itself, the disciplinary action, or both) and indicate what remedy is sought.
2. Within 15 days of receiving the written request to appeal, the Vice President shall:
 - select three non-affiliated members of the National Governing Board to hear the appeal; typically, the members will be selected from the Professional Responsibility Committee but the Vice President may select other NGB members to obtain particular expertise or experience;
 - determine a date, time and place to hear the appeal; and
 - notify the affected judge and SJD by email of the hearing date, time, and location (or virtual meeting information).
- No later than five days before the hearing, the SJD must submit all materials relevant to the Level One review. The affected judge may present additional materials relevant to the situation within this same time period. The affected judge and the SJD must be given copies of any additional documents submitted and may provide a written response prior to the appeals hearing.
3. Both the SJD and the affected judge may speak at the hearing. The reporting party may attend and speak at the appeals hearing (in person or virtually) but is not required to do so.

4. The Vice President will conduct the appeals hearing. After hearing from all parties who elect to present information, the Vice President will meet with the panel to deliberate and determine its finding. The Vice President may participate in the discussion, but shall refrain from voting on the final outcome. The affected judge, SJD, and the reporting party may not be present during the panel's deliberations.
5. If a majority of the appeals panel finds no reason to adjust the Level One outcomes, the Vice President will notify the affected judge and SJD that the process has concluded. The panel shall record its findings in writing, including a description of the procedures used, and transmit a copy to the affected judge, the SJD, and the NAWGJ President for inclusion in the records of the Association.
6. If a majority of the panel finds the appeal to have merit and adjusts the Level One decision and/or outcome, the adjusted outcome must be clearly stated and the procedures used by the appeals panel must be described in a written report. The report shall be provided to the affected judge, the SJD, and the NAWGJ President. The Vice President will notify the reporting party that action has been taken.

DISCIPLINARY ACTIONS

In determining the disciplinary action to be applied, consideration should be given to the relative gravity of the misconduct, the number of previous offenses or infractions by the affected judge, and the mitigating or extenuating circumstances bearing upon the infraction. The following examples describe disciplinary actions that may be considered. The list is not prescriptive or comprehensive and other actions may be applied as appropriate.

- Formal apology and/or letter of explanation from the affected judge to the reporting party and/or others affected by the behavior
- Letter of counsel
- Letter of reprimand (with specific disciplinary action stated)
- Development of a plan to address the area of concern; (focus on education and/or professional behaviors)
- Assignment of a mentor
- Professional training in the area of concern, e.g., interpersonal skills, anger management, cultural/diversity education, professional conduct, anti-bullying, appropriate use of social media
- Loss of assignment as Chief Judge or Meet Referee for up to two years
- Loss of eligibility for office for a specified time period
- Expulsion from the Association for a fixed period of time not to exceed five years;
- Permanent expulsion from the Association.

The penalties shall be effective fifteen (15) days from the date of communication of the Level One process to the affected judge. However, the initiation of an appeal, if submitted within the specified timeframe, may postpone the imposition of the penalty until the appeal process is concluded.

Definitions

Affected Judge: the NAWGJ member who is the subject of a complaint.

Days: refers to calendar days including weekends but excluding recognized federal holidays. The specified number of days (15) may be adjusted to accommodate special circumstances at Level One by the SJD with the approval of the RJD or by the Vice President at Level Two with the approval of the President.

Letter of Counsel: an advisory letter notifying the affected judge of a behavior that should be modified to avoid the appearance of or actual misconduct or unprofessional behavior.

Letter of Reprimand: a letter that includes the same information as the Letter of Counsel but also includes a disciplinary consequence related to a finding of misconduct or unprofessional behavior.

Reporting Party: the individual(s) who reports the concern/complaint on behalf of themselves or an organization or other group.

State Judging Director (SJD): the SJD or the State Governing Board member designated as ethics/professional chair or comparable.

Substitution of SJD: If the affected judge is the SJD, the RJD will conduct the Level One process. If the affected judge is a RJD or a National Officer (other than the President), the President shall designate an appropriate individual to conduct the Level One process. If the affected judge is the President, the Vice President will be responsible for all communications and deliberations.

Substitution for Unusual Circumstances: If the problem occurs at a regional meet/event, the RJD will be responsible for conducting the Level One procedures instead of the SJD. If the problem occurs at a national meet/event, the President will determine the person responsible for conducting the Level One procedures. If the problem occurs at a meet/event held in a state other than the membership state of the affected judge, the President will determine the person responsible for conducting the Level One procedures.