

## Amendment Three Opposition Statement

### Statement of Opposition to Resolution: Article 8.10 – Duty of Due Process

This proposal should be rejected. First and foremost, the language of this amendment either gives zero permissible reasons for the board to remove a Committee member (section b.), or only authority to remove a Committee member for “illegal or dangerous actions by the appointee (section c.)” This amendment should be rejected outright for this reason alone. Otherwise, a member that commits arson might serve on the Committee from prison while the board attempts to comply with this amendment’s process requirements.

Furthermore, this amendment is unnecessary and creates other significant consequences if enacted. There is already a private process to remove Committee members that is fair and accountable and that does not involve public hearing and notice. Committee members can already be removed with or without cause, privately.

What volunteer Board member would ever be qualified to conduct an investigation of alleged “illegal or dangerous actions” by appointees? What is the standard by which to judge what qualifies as a “thorough,” “factual investigation?” Should the Board be able to compel discovery? If an appointee commits a battery (a dangerous AND illegal action) should the appointee really be reinstated after 14 days if the Board is unable to schedule a hearing?

This amendment purports to allow the Board to suspend a Board member for a maximum period of 14 days, but with a mandatory reinstatement requirement. Does that mean that after committing an “illegal or dangerous action” the member must always be reinstated upon appeal or procedural failure?

The amendment also purports to allow at least a 45-day hearing and decision period. Then, this amendment would require another 10 days to allow for an appeal submission, and then a further potential 30-day period whereby the “general membership” would also vote as a form of secondary appeal. From start to finish this amendment could require up to approximately 110 calendar days to remove any Committee member while the Committee member can only be suspended for 14 days. If the amendment is interpreted to exclude weekends, this amendment could, at a minimum, delay a removal for cause for over four months.

This amendment purports to provide a right to counsel for the appointee. A right to counsel, as in, if the appointee cannot afford counsel, the SRA will furnish an attorney? This amendment requires the hearings to allow cross examination. Should the board be able to compel witness attendance?

A volunteer Committee member does not have a property or liberty interest in a Committee position. The SRA Board is not a government entity that restricts or removes a property or liberty interest from a member when it removes them from a committee position. Due process is not required here. No process should be required, and yet, the SRA does already have a process.

Finally, the amendment’s Economic Impact Statement seems contradictory, considering the proposed due process would likely guarantee expensive litigation and exponential liability in every case of removal. We therefore recommend that this proposal be rejected.

*-Ciaran Brennan and David Moon, Opposition Committee*