

Disciplinary Review Policy

For Complaints Against Members of NABSA

The purpose of this disciplinary review policy is to provide a method for NABSA's Board and any committee with the power delegated from the Board to review complaints made of Members based on the Code of Conduct.

This policy is intended to supplement, but not replace, any applicable state and federal laws or other agreements between NABSA and its Members which may be applicable in the enforcement of its Code of Conduct.

This policy is also intended to identify consequences and punishments for Members who violate the Code of Conduct.

1. **Definitions.** As used in this policy, all capitalized terms shall be defined as outlined below.
 - 1.1. **Member.** A Member is any Member as defined by the Bylaws of NABSA who qualifies as a member of NABSA.
 - 1.2. **Director.** Any individual member of the board of directors of NABSA as defined by NABSA and as elected to such board of directors.
 - 1.3. **Executive Director.** An individual employed in the position of Executive Director by NABSA.
 - 1.4. **Investigating Director.** The Director in charge of investigating any Complaint. The Board may establish policies for assigning an Investigating Director outside of this policy.
 - 1.5. **Board.** The board of directors as a whole acting on behalf of NABSA.
 - 1.6. **Complaint.** Any indication of a violation of the code of conduct by a Member made to any Director whether verbally or in writing.
 - 1.7. **Code of Conduct.** The Code of Conduct as approved by the Board as such Code of Conduct may be amended from time to time and agreed to by Members upon joining.
 - 1.8. **Plan of Correction.** A plan submitted by a Member of the steps to be taken with applicable timelines to correct any Complaint made against the Member.
 - 1.9. **Appeal.** A request by a Member found to be in violation of the Code of Conduct for the Board to reconsider any consequence or punishment as a result of the violation of the Code of Conduct.
 - 1.10. **Rebuttal.** Evidence submitted by a Member accused of a violation of the Code of Conduct.
2. **Procedures.** Upon receipt of a Complaint by any Director, the following procedures shall be followed for the investigation of the Complaint.
 - 2.1. **Documentation for the File.** Any Complaint received by a Director shall be documented and delivered to the Executive Director to place such Complaint in the records of the Board. If a verbal complaint is received, details regarding the complaint shall be made in writing by the Director receiving such Complaint and filed with the records of the Board.

- 2.2. **Notice to Member.** The Executive Director shall prepare the initial letter notifying the Member of the Complaint and allowing a chance to voluntarily file a Rebuttal or submit a Plan of Correction.
- 2.3. **Investigation.** Upon notification of the Member of the Complaint, the Executive Director shall assign responsibility to the Investigating Director to collect more information regarding the Complaint.
 - 2.3.1. **Witness Statements.** The Investigating Director shall contact any witnesses involved in the Complaint (including the party making the Complaint) and take statements to create a written record for the file.
 - 2.3.2. **Documentation.** The Investigating Director may contact the Member and request documentation and evidence as required in the investigation.
 - 2.3.3. **Determination.** The Investigating Director after weighing the evidence shall determine whether the Complaint is valid and will submit such findings to the Executive Director.
 - 2.3.3.1. **Standard Determining Complaints.** The Investigating Director may weigh the evidence and determine the validity of the Complaint using the following determination:
 - 2.3.3.1.1.1. **Source of Complaint.** The Investigating Director may determine that the Complaint has come from a non-credible source (such as a competitor). The source of the complaint, in and of itself, will not make for an invalid complaint.
 - 2.3.3.1.1.2. **Veracity of Complaint.** If there is evidence to support the Complaint, the Investigating Director Shall submit such evidence to the Board for a full vote. If there is no evidence to support the Complaint, the Complaint should be considered invalid.
 - 2.3.3.1.1.3. **Number of Complaints.** If numerous Complaints have been received and determined to be invalid or no action has been taken, the volume of the Complaints will be considered in the determination of the validity of the Complaint.
 - 2.3.3.2. **Invalid Complaint.** If the findings are that the Complaint is not valid, a letter shall be delivered to the Member indicating the file is closed and that no further action will be taken.
 - 2.3.3.3. **Valid Complaint.** If the Investigating Director determines that the Complaint is valid, the Investigating Director shall notify the Executive Director that the Complaint should be submitted for a hearing by the Board.
- 2.4. **Board Deliberation.** Upon receipt of the Investigating Director's determination that the Complaint is valid, the Executive Director shall take the following steps:
 - 2.4.1. **Board Meeting Set.** The Executive Director shall set a Board meeting to be held for the vote on the applicable punishment for the Member as recommended by the

Investigating Director. Such Board meeting shall be at least 20 days from the date the second letter is delivered below.

2.4.2. Notice to Member. The Executive Director shall prepare and deliver the second letter requiring action by the Member and notifying such member of the Board meeting in which the vote may happen.

2.4.3. Preparation of File. The Member shall have 20 days from the date of the letter to deliver any Plan of Correction or any other documentation or evidence to the Executive Director in anticipation of the Board meeting. The Investigating Director shall prepare the file for the Board meeting, which shall include any information provided by the Member, for presentation during the Board meeting.

2.4.4. Board Hearing. At the Board meeting, the evidence will be presented to the Board in the following manner:

2.4.4.1. Presentation of Findings. The Investigating Director shall present all of the evidence gathered and such Investigating Director's findings.

2.4.4.2. Member Defense. After hearing the findings and recommendations of the Investigating Director, the Member may present whatever defense, Plan of Correction, or evidence of correction of the offense to the Board. In the discretion of the Board, the Member may present a Plan of Correction at the meeting even if such Plan of Correction has not been provided in the time requested according to the notice provided prior to the meeting.

2.4.4.3. Questions. The Board may question the Investigating Director or the Member during the presentations.

2.4.4.4. Closing Statements. The Investigating Director, after both sides have presented evidence, may provide a closing statement with a recommendation for the Board to take action. After the Investigating Director makes such closing statement, the Member will also be granted a time for any closing statements or requests to the Board.

2.4.4.5. Deliberation. After hearing all of the evidence, the Member shall be dismissed from the meeting and the Board will deliberate and make a decision regarding the punishment of the Member. The Board may consider the following:

2.4.4.5.1. Time of Response. The Member's response time from the initial notice provided to the Member of the Complaint.

2.4.4.5.2. Plan of Correction. The quality and feasibility of the Member's Plan of Correction.

2.4.4.5.3. Appearance at Hearing. The Board may consider whether the Member appeared for the hearing.

2.4.4.5.4. Weight of Evidence. The Board may give weight to the evidence as it sees fit in determining the outcome of the Complaint.

2.4.4.5.5. Number of Prior Complaints. The Board may give weight to the number of prior complaints levied against the Member in determining the punishment.s

2.4.4.6. Punishments. The Board has full power and discretion to determine an applicable punishment of the Member. Such punishments may include, but are not limited to:

2.4.4.6.1. Suspension. The Member may be suspended for a given period of time. During suspension, the Member shall be required to continue paying dues but will not receive any benefits of Membership during the suspension.

2.4.4.6.2. Expulsion. The Member will be expelled from Membership for a given time or indefinitely. Such expulsion will require the Member to reapply for Membership at the close of the time of expulsion and pay any required fees associated with the new Membership application.

2.4.4.6.3. Monetary Fines. The Member may be charged monetary fines which may include the cost of the Board meeting and any other costs associated with the investigation. This punishment may be in connection with or the only punishment leveled against the Member.

2.4.5. Notice of Decision. The Board, after making a determination of the decision and the applicable punishment of the Member shall provide such information to the Executive Director.

2.4.5.1. Notice of Decision. The Executive Director shall prepare and deliver the third letter outlining the punishment determined by the Board and providing an opportunity for Member to Appeal the decision of the Board.

2.4.5.2. Effectiveness of Decision. Absent an Appeal from the Member, the Board's decision shall be final two weeks from the date of the third letter.

2.4.6. Appeal. The Member, upon receipt of the decision of the Board, may submit an Appeal. The Appeals procedure is as follows:

2.4.6.1. Appeal Filed. Two weeks from the date of the final letter, the Member may Appeal the Board's decision on the following grounds:

2.4.6.1.1. New Evidence. If the Member uncovers new evidence that was not available to the Member at the time of the Board meeting, such evidence may be provided for a determination of whether it impacts the decision of the Board.

2.4.6.1.2. Alternate Penalty. If the Member believes the punishment is improper, the Member may file an Appeal to request an alternate penalty with information provided explaining a rationale for the change in punishment.

2.4.6.2. Appeal Review Process. The Executive Director, upon receipt of the Appeal from the Member shall review the Appeal using the following process:

2.4.6.2.1. Rejection of Appeal. The Executive Director and the Investigating Director, may summarily reject the Appeal on the following determinations:

2.4.6.2.1.1. Timely Appeal. If the Appeal is not filed in a timely manner, such Appeal may be rejected.

2.4.6.2.1.2. No New Evidence. If the evidence is not new or was not available at the time of the Board meeting, such Appeal may be rejected.

2.4.6.2.1.3. No Rationale. If the Member simply requests for a lesser penalty with no explanation or rationale, such Appeal may be rejected.

2.4.6.2.2. Review of Appeal. If the Appeal is not summarily rejected as described above, the Investigating Director and the Executive Director shall provide the Appeal electronically to the Board with a request for a vote on whether the Appeal should be considered or rejected.

2.4.6.2.2.1. Rejected. The Appeal shall be rejected on the unanimous rejection of the Directors electronically.

2.4.6.2.2.2. Reconsidered. If any Director indicates the Appeal shall be reconsidered, a special meeting of the Board shall be called to discuss the Appeal. The Board shall discuss the Appeal at such special meeting and vote on the Appeal. Calling of a special meeting shall be as provided in the Bylaws of NABSA.

2.4.6.3. Notice to Member. Upon the decision of the Board, as outlined above, notice of such decision shall be delivered to the Member. Such notice is final at the time it is delivered.

3. **Periodic Reviews.** To ensure NABSA operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status or damage its image in the bike share community, periodic reviews of this policy shall be conducted.
4. **Outside Experts.** When conducting the periodic reviews as provided above, NABSA may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the Board of its responsibility for ensuring periodic reviews are conducted.