



Roseville Coalition of Neighborhood Associations

POLICIES AND PROCEDURES—ADMINISTRATION

Confidential Disciplinary Procedure

For standard Grievance procedures pertaining to non-confidential matters (matters not subject to the potential removal of an RCONA or NA board member), follow the Grievance Procedures in the RCONA Bylaws. Investigation and removal of a member is a serious and lengthy business. All matters should try to be resolved by informal discussions first. If the misconduct or failure to perform duties continues, then the more formal complaint process should be followed.

However, where the matter at issue involves the misconduct and/or inactivity of an RCONA or NA Board member(s), and may potentially result in the removal of that member, the matter should proceed under the RCONA Disciplinary Procedure and maintained in strictest confidence:

Pursuant to Robert’s Rules, “a society has the right to prescribe and enforce its standards for membership; it has the right to investigate the character of its members as may be necessary to this enforcement. But neither the society nor any member has the right to make public any information obtained through such investigation. For the protection of parties who may be innocent, the first resolution should avoid details as much as possible. For this reason, the names of certain parties will remain protected pending the investigation and final presentation of the findings of the investigation.”

Procedures:

Responsible Party	Step	Action
PART I The Complaint Process		
Reporting party	1.	Within 30-days of the alleged Bylaws violation or breach of the Code of Conduct, files a written Complaint advising of a perceived breach of the Code of Conduct or bylaws violation. <ul style="list-style-type: none"> • If the matter involves a member of an NA board other than the NA President or RCONA Representative, the Complaint should be directed to the NA President. • If the allegation involves the NA President or an RCONA NA

		Representative, the Complaint should be directed to the RCONA President.
NA President or RCONA President	2.	Acknowledge receipt of Complaint to the submitting complainant with advisement that the matter must be kept confidential—no discussions other than communications with the Investigative Panel that will be appointed.
NA President or RCONA President	3.	<p>Within 48 hours of receipt of Complaint, appoint a three (3) member volunteer Investigative Panel:</p> <ul style="list-style-type: none"> • For investigation at the NA level, two (2) board members and one (1) volunteer from RCONA Executive Board (excluding an NA Rep from the subject NA) • For investigation at the RCONA level, three (3) Executive Board members or two (2) Executive Board members and one (1) NA Representative from a Neighborhood Association other than the subject of the Complaint. • Advise the Investigative Panel that the matter must remain confidential—the matter should not be discussed with any parties other than witnesses contacted during the investigation and updates to the appointing President.
Park II		
Investigative Process		
NA or RCONA Investigative Panel	3.	<p>Select Panel chairperson; set meeting date to discuss Complaint and plan steps that will be needed for the investigation:</p> <p>a) Meet with the Complainant for initial background research of the Complaint, find out potential witnesses and documentation that will be needed to establish veracity of the allegations.</p> <p>b) If additional support of the need for an investigation still exists, schedule interviews with other named witnesses in the Complaint. If there appears to be sufficient reason to support the need for investigation, proceed forthwith.</p> <p>c) Determine whether a formal Advisement of Complaint will be needed—if the Complainant is the sole person making the allegation, does s/he wish to remain anonymous for now, or are there other members discussed in the Complaint? If so, a written Advisement of Complaint should be presented rather than presenting a copy of the actual Complaint to the accused.</p> <p>d) Contact the accused subject(s) of the investigation, ask to set a</p>

		meeting to discuss a confidential matter.
NA or RCONA Investigative Panel	4.	At initial meeting with the accused, provide with a copy of the Complaint or written Advisement of Complaint, advise that a full investigation will proceed—including interviews with potential witnesses and any witnesses the accused may provide; ask for documentation to be turned over that might be needed for review (Secretary’s Minutes, Treasurer’s Reports, etc.). Give confidentiality advisement.
NA or RCONA Investigative Panel	5.	<p>Schedule individual Interviews. At least two (2) of the Investigative Panel members must be present at each interview. Based on the allegation(s) of the Complaint, try to establish the same standard questions that may be asked to all witnesses. However, note specific questions for witnesses as might be needed for different allegations. Review specific bylaws noted in the Complaint and how behavior would need to be corrected. One member of the Investigative Panel should take notes and write up a review following each interview— date/time/location/appearances; questions asked, responses given, and statements made. Give confidential advisement to each interviewee at the end.</p> <ul style="list-style-type: none"> • Schedule individual interviews with potential witnesses as promptly as possible at a public location which allows sufficient privacy for easy conversation. • Ask Board Secretary and Treasurer to provide copies of Minutes, Treasurer’s Reports or other documentation for the time in question as might be needed for evidence. • Then schedule other non-accused witnesses for additional background. • Schedule final interview of the accused.
NA or RCONA Investigative Panel	6.	<p>After the last interview, meet and discuss overall findings and conclusions:</p> <ul style="list-style-type: none"> • If the Panel’s opinion is favorable to the accused, prepare and report a resolution exonerating him. (send copy to the Complainant). • If the Investigative Panel finds substance to the allegations, the Panel must prepare its Findings and Recommendation for further action. (Step.7)

PART III		
Final Resolution after Just Cause Found		
NA or RCONA Investigative Panel	7.	<p>Determine required next step and prepare Final Report and Recommendation for appropriate resolution:</p> <ul style="list-style-type: none"> • Violations were found, but deemed not intentional and not serious enough to warrant immediate removal; suggest reprimand and probation period. • Serious violations were found which warrant removal from the Association. • For RCONA level: obtain final approval from RCONA President and proceed per the corresponding Investigative Panel level: <ul style="list-style-type: none"> a) For Reprimand and Probation, see Step.8 b) For removal at the NA Board level, see Step.9. c) For removal at the RCONA Board level, see Step.10.
NA or RCONA Investigative Panel	8.	<p>Reprimand and Probation at either level:</p> <ul style="list-style-type: none"> • Present Final Report and Recommendation for Probation to the accused member. • Include conditions of the Probation, expected improvement(s), and appeal rights. • Monitor the subject member during the Probation period. If the behavior is still not appropriate, bring the matter back before the NA or RCONA Executive Board and proceed to Removal process.
NA Investigative Panel & NA Board	8.	<p>Removal at NA Board level: Follow NA Bylaws for removal.</p> <ul style="list-style-type: none"> • Provide at least two weeks- notice of a meeting to all NA Board members including the accused member. Provide a copy of the Final Report and Recommendation to each along with an additional confidentiality advisement. • At the meeting, the member may be allowed any final comments before the matter is submitted for a ballot vote. • A 2/3 vote is needed for removal, or the NA Board may decide on a period of probation. • Minutes should not state anything other than the bare results, i.e. "After Final Report and Recommendation, member _____ was removed pursuant to a 2/3 vote of the board."

		<ul style="list-style-type: none"> • Provide the member with his appeal rights (RCONA Grievance Appeal procedure)
RCONA Investigative Panel and Executive Board	9.	<p>Removal at RCONA Board level: where the Final Report and Recommendation indicated removal of the accused member, or the accused member refuses Probation (per appeal rights), or has failed Probation:</p> <ul style="list-style-type: none"> • Arrange location and date (not regular RCONA Board meeting date) to schedule a Confidential Hearing with the RCONA Board of Neighborhood Representatives (NA Reps) within thirty (30) days of the President’s approval of the Final Report. Clear the date with specific witnesses that may be needed. • Prepare a Resolution (notice of charges alleged) citing the accused member (“and hereby is cited”) to appear at the hearing. Attach a copy of the Final Report and Recommendation. • RCONA Secretary must additionally send Resolution to the accused member via registered mail. Bring the registered receipt to the hearing as proof the member was informed of the charges against him/her. From the time of the accused’s Receipt, all of his rights as a member of the society (except to his/her rights at Hearing) are suspended pending disposition of the matter. • Send a copy of the Resolution to all NA Reps informing them of the purpose of the Hearing and invite all NA Representatives to attend. Include the confidentiality advisement. • Prepare any evidence gathered during the initial investigation.
RCONA NA Representatives	10.	<p>Hearing:</p> <ul style="list-style-type: none"> • The RCONA President or his/her Executive Board designee shall preside as chair over the Hearing. • The RCONA Secretary will declare a finding of a quorum is present and declare the confidentiality of the proceeding. The Chair directs the secretary to read the charge and specifications. The Chair asks the accused how he pleads—guilty or not guilty—to each specification and charge.

		<ul style="list-style-type: none"> • If the accused pleads Guilty—there need be no ‘trial’ and the meeting can proceed directly to the determination of the penalty after hearing a brief statement of the facts. • Witnesses should only be allowed in the Hearing Room while testifying. • The accused has right to counsel, to speak and produce witnesses in his own behalf. • If the accused enters a not guilty plea, the Hearing proceeds as follows: <ul style="list-style-type: none"> a) Opening Statements by both sides (Investigative Panel chair first), b) Testimony of witnesses interviewed during the investigation c) Witnesses for the accused member, d) Rebuttal witnesses, e) Closing statements by both sides • The accused must then leave the room. The Chair then states the Question whether the accused is guilty of the charge and specifications preferred against him? • Each of the NA Reps will then complete a ballot form and the Secretary will collect and count the ballots. • If the accused is found guilty of one or more charges, the Investigative Panel chair then makes a motion for the appropriate penalty (may be the same as the original Recommendation of the Final Report). • Another ballot is taken—for removal a 2/3 vote must be obtained.
RCONA President or Hearing Chairperson	11.	The accused is returned to the Hearing and the chair makes the final pronouncement of penalty. Full Minutes will remain confidential, Redacted Minutes will record just the basic information for public record, without specific details or testimony presented.

Samples attached: Advisement of Complaint
Final Report and Recommendation

Adopted: _____ 2015.