

Financial Planning Association
Membership Termination and Restriction Due Process Policy

A member of the Financial Planning Association (“FPA”) may be removed at any time pursuant to policies adopted by a majority of FPA’s Board of Directors which are set forth herein in this Membership Termination Due Process Policy (the “Policy”). See Section 3.3 of the Bylaws.

1.0 Grounds for Termination of Membership

FPA may remove a member for violation of the Bylaws or any of FPA’s policies, or any other conduct prejudicial to the interests of FPA. If appropriate, FPA may also impose a restriction on membership short of termination such as removal from a leadership position. (Collectively, such actions shall be referred to herein as “Membership Termination or Restriction.”)

2.0 Executive Committee Initial Review

2.1 Within fifteen (15) days of the Executive Committee learning that a member may have acted in a way that constitutes grounds for termination of membership from a member or from the Chief Executive Officer, the Executive Committee shall meet to determine whether to start the Membership Termination or Restriction process against the member as described in this policy starting with the Notice of Membership Termination or Restriction Hearing (the “Notice of Membership Termination or Restriction”) in Section 3.

2.2 In considering whether to start the Membership Termination or Restriction process, the Executive Committee shall consider information presented by the Chief Executive Officer or reporting member regarding the member’s actions that may constitute grounds for termination of membership. The Executive Committee may work with the Chief Executive Officer with the support of legal counsel to perform its own internal investigation if it desires additional information in order to determine whether to start the Membership Termination or Restriction Process.

3.0 Notice of Membership Termination or Restriction

3.1 If the Executive Committee determines to start the Membership Termination or Restriction process against the member, the President (who is the leader of the Board of Directors) or the Chief Executive Officer (who is the secretary of the Board of Directors) shall provide such member a written notice by email, facsimile and/or mail a Notice of Membership Termination or Restriction Hearing.

3.2 The Notice of Membership Termination or Restriction Hearing must include:

3.2.1 A statement that the Membership Termination or Restriction process has started against the member.

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- 3.2.2 A summary of the reasons for conducting the Membership Termination or Restriction process.
- 3.2.3 A statement that the member has a right to appear before the Board of Directors which includes members of the Executive Committee.
- 3.2.4 A summary of the process for appearing before the Board of Directors and rights of the member, which summary can be accomplished by furnishing the member a copy of this due process policy with the notice.

4.0 Opportunity to Appear

- 4.1 The member has the right to be heard, orally or in writing, by the Board of Directors.
- 4.2 After the Notice of Membership Termination or Restriction Hearing is provided, the member has ten (10) business days to request an opportunity to appear before the Board of Directors.
- 4.3 By requesting an opportunity to appear before the Board of Directors, the member agrees to be bound by the provisions of the FPA Bylaws in all matters relating thereto.
- 4.4 If the member does not request an opportunity to appear before the Board of Directors, declines an invitation to do so, or does not otherwise engage in the process, the Executive Committee shall meet to determine its recommendation as to whether the Board of Directors should terminate or restrict such member's membership and shall present such recommendation in accordance with Section 8.1.

5.0 Right to Legal Representation

- 5.1 The member has the right to legal representation at their expense, which shall not be reimbursed by FPA.
- 5.2 If the member desires to be represented by an attorney at the meeting with the Board of Directors, the member must indicate so on the member's request for such opportunity to appear before the Board of Directors described in Section 4.2 above.
- 5.3 Such statement must include the name, address, and phone number of the attorney.

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- 5.4 Failure to notify the Board of Directors that the member intends to have a lawyer present in accordance with this section shall permit the Executive Committee to preclude the participation by legal counsel.

6.0 Appearance Procedure

- 6.1 The member shall be provided a reasonable opportunity to respond to the reasons for the Membership Termination or Restriction included in the Notice of Membership of Termination or Restriction Hearing.
- 6.2 The appearance of the member before the Board of Directors need not be conducted strictly according to rules of evidence. Any evidence shall be admissible if, in the judgment of the Board of Directors, it is the sort of evidence a reasonable person would deem relevant to the circumstances.
- 6.3 The Board of Directors shall be entitled to conduct independent review, research, and interviews, but it may utilize the products of such in its decision only if each party is aware of such and have the opportunity to rebut any information so gathered.
- 6.4 The Executive Committee shall have the initial obligation to present evidence in support of Membership Termination or Restriction which it reviewed in accordance with Section 2.2. The member shall thereafter be responsible for supporting a challenge to the Member Termination or Restriction by clear and convincing evidence that the grounds for the Termination or Restriction lack any factual basis or that such basis or the conclusions drawn therefrom are arbitrary, unreasonable, or capricious.

7.0 Executive Committee Recommendation Following Appearance

- 7.1 Following the member's appearance before the Board of Directors or lack of appearance as defined in Section 4.4, the Executive Committee shall meet to develop a recommendation to the Board of Directors regarding the proposed Membership Termination or Restriction and shall make such recommendation to the Board of Directors for its consideration.

8.0 Deliberations and Recommendations of the Board of Directors

- 8.1 The Board of Directors shall consider the Executive Committee's recommendation regarding the Membership Termination or Restriction and shall affirm, modify, or reject such recommendation.
- 8.2 If the Board of Directors decides to terminate or otherwise restrict the membership privileges of the member, the effective date of such termination or

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restriction must be at least fifteen (15) days following the date such member received Notice of Membership Termination or Restriction Hearing and at least five (5) days after the member's appearance if the member appeared before the Board of Directors or did not participate as defined in Section 4.4.

- 8.3** The Board of Director's decision regarding the Membership Termination or Restriction shall be communicated to the member along with a statement of the reasons justifying the decision made.

9.0 Member Liability

- 9.1** If terminated, subject to Clause 8.2 above, obligations the member may have to FPA for dues, assessments, or fees or charges for goods or services cease immediately.

- 9.2** If restricted, subject to Clause 8.2 above, the member is not relieved from obligations the member may have to FPA for dues, assessments, or fees or charges for goods or services.

10.0 Termination or Restriction Effect

- 10.1** A terminated member shall not have any of the rights afforded to a FPA member, including, such terminated member cannot attend or participate in meetings or committees of the FPA or otherwise benefit from the rights afforded to a FPA member.

- 10.2** A member whose membership has been restricted must abide by the restriction.

Approved:
FPA Board of Directors
27 October 2022