

Sanctions Procedure

If a situation arises whereby an individual thinks that a member of the American College Health Association has committed an ethical violation, that individual has the right — and the responsibility — to file a formal complaint. This action may result in sanctions (penalties) being imposed on the charged member. This document outlines the procedures for filing such a complaint.

I. Violations

1. Complaints of ethic violations against individual members of ACHA shall be submitted in writing and sent to the Executive Director, ACHA, P.O. Box 28937, Baltimore, MD 21240-8937. Complaints must specify the facts, include supporting documentation of the complaint, and be signed and dated. No anonymous complaints will be accepted.
2. Complaints may be filed against any individual member and may be filed by:
 - a) any member of ACHA
 - b) any client or patient of an ACHA member
3. Complaints regarding acts that occurred more than one year prior to the date of the complaint will not be accepted unless extraordinary circumstances prevail.
4. The executive director of ACHA will forward the complaint and supporting documentation to the president of ACHA, who will form a committee of three members of the Board of Directors, not to include the Executive Committee, who will serve as the Ethics Investigating Committee.

The president will also name one of those members to serve as chair, who will be responsible for coordinating and maintaining records of all committee functions.

5. A copy of the complaint and supporting documentation will be sent to the Ethics Investigating Committee and to the charged member within 10 working days of the receipt of the complaint.

II. Procedures

1. The Investigating Committee will review the complaint and supporting documentation and determine, if the facts are found to be true, if it would constitute an ethics violation. If this condition is not met, the Investigating Committee will close the case and inform the president. The president, in writing, will inform the complainant and the charged member within 30 calendar days.
2. If the Investigating Committee determines that the complaint, if true, constitutes a violation of ethics standards, the committee shall notify the charged member within 30 calendar days of receipt of the complaint by the executive director. Such notification will invite the charged member to respond to the complaint in writing within a specified time.
3. The Investigating Committee will complete its investigation and recommend the following to the Executive Committee, in writing, within 90 calendar days of receiving the complaint.

The recommendations may be:

 - a) the charges dropped as unproved
 - b) written admonishment to the charges made
 - c) suspension of membership for a specific period of time
 - d) hearing of the charges
4. The Executive Committee will examine the Investigating Committee's recommendations (review only), and notify the charged member, in writing, of the proposed sanctions, if any, within 30 calendar days of receipt of recommendations from the Investigating Committee.

5. The charged member will have 30 days to respond to the Executive Committee, in writing, to the charges and findings and also request a hearing, if desired.
6. If a hearing is requested by the Investigating Committee, or charged member, then with ACHA legal counsel present, and with full tape recording of the proceedings, a hearing may proceed. Witnesses may be called and may be subject to examination and cross examination. The Executive Committee will serve as the hearing body with the president chairing the hearing.
7. The Executive Committee will, within 10 working days of completion of all proceedings, notify the charged member of conclusions and sanctions if placed.

III. Appeal

1. Within 30 days of issuance of sanctions, the charged member, in writing to the president of ACHA, may request an appeal of the sanctions.
2. The full Board of Directors of ACHA (excluding the Executive Committee as well as the three board members who served on the Ethics Investigating Committee) will serve as the appellate body, with a board member elected by the appellate body serving as chair.
3. Unless otherwise directed by the Board, the appeal will either be heard at the ACHA annual meeting or the winter board meeting, whichever occurs first.
4. The charged member may request to be heard at the ACHA annual meeting or the winter board meeting by the appellate body before a final judgement is administered.

5. The appellate body, after reviewing all documents, facts, and proceedings, will then issue a final judgement which may include:
 - a) reversing the decision
 - b) reducing the sanction to a lesser sanction
 - c) sustaining the sanction
6. The appellate body's decision is final.

IV. Notification

After completion of all proceedings and appeals, the complainant and the charged member will be notified of the decision in writing.

V. Confidentiality

All proceedings will be held confidential and all original documentation will be kept at the ACHA office in a confidential manner for a period of five years and will not be released except as required by law. All other copies of documentation shall be destroyed by committee members after the case has been closed. Final decisions may be publicized as deemed appropriate by the Board of Directors.

VI. Legal Proceedings

The complainant or charged member shall notify the president of ACHA in the event of known legal proceedings against the charged member directly relevant to the charge. The Board may suspend ACHA's sanctions proceedings until legal proceedings are completed.

VII. Timing

Time periods specified herein are aspirational goals, rather than absolute deadlines. Deviations from the specified time periods will not necessarily invalidate any investigation or proceeding.

