

## ACHA Guidelines

# Sanctions Procedure

If a situation arises whereby an individual has credible evidence and a good faith basis to believe that a member of the American College Health Association has violated ethical principles set forth in ACHA's *General Statement of Ethical Principles and Guidelines*, 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 and adjudicating such a complaint.

## I. Violations

1. Complaints of ethics violations against individual members of ACHA shall be submitted in writing and sent to the Executive Director of ACHA at ACHA's main office. Complaints must specify the facts, include supporting documentation of the complaint, and be signed and dated. Anonymous complaints generally will not be accepted, though ACHA may make an exception for a complaint that includes strong, objective evidence to support an allegation.
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 as determined by the ACHA Executive Committee.
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 Investigating Committee. In appointing the members of the Investigating Committee, the president, in consultation with the Executive Committee, shall ensure that these individuals do not have a conflict of interest related to the matter being investigated.

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 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.

## 2 / Sanctions Procedure

The recommendations may be:

- a) The charges dropped as unproven
- b) Written admonishment to the charges made
- c) Suspension of membership for a specific period of time
- d) Hearing of the charges

The work of the Investigating Committee will be pursued with appropriate discretion, as provided in Section V.

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 recording of the proceedings, a hearing may proceed. The charged member may have his or her own legal counsel present to advise the charged member during the hearing. The Investigating Committee and the charged member each may seek to call witnesses. The Executive Committee will serve as the hearing body with the president chairing the hearing. Hearings may be conducted in person or via telephone conference at the discretion of the Executive Committee.
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 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, or any special board meeting or telephone conference called for that purpose.
4. The charged member may request to be heard at the ACHA annual meeting or the winter board, or special board meeting (or telephone conference), by the appellate body before a final judgment is administered.
5. The appellate body, after reviewing all documents, facts, and proceedings, will then issue a final judgment 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 and Publicity

All proceedings will be conducted as discreetly as reasonably feasible while allowing for a meaningful investigation and resolution of a charge. 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 pursuant to subpoena, court order, or as otherwise required by law. All other copies of documentation shall be destroyed by

committee members after the case has been closed. Final decisions, including the factual background and basis for the decision, 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.

Prepared by the Sanctions Process Work Group (8/97)

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