# **POAC Ethics Committee Standard Operating Procedures**

**Purpose:** The following process is established to provide an avenue through which persons can file complaints about the ethical conduct of POAC Board of Directors, Members, and POAC Employees. This process is to be used to adjudicate complaints that have been found to be irreconcilable through other means. Prior to employing this process, persons are encouraged to attempt to resolve the situation through other means. If these mean fail or do not satisfactorily resolve the circumstances, the ethical review committee may be the appropriate vehicle for addressing the complaint.

### **Ethical Review Committee: Powers and Functions:**

#### The convened Ethical Review Committee has the authority to:

- Investigate a complaint, mediating when possible.
- Determine the validity of the complaint.
- Conduct a hearing on valid complaints.
- Recommend and execute a disposition on a valid complaint, up to and including suspension and expulsion. (Expulsions must be reviewed by the POAC Board of Directors)
- Dismiss invalid complaints.

### **Ethical Review Committee: Rules and Policy**

- The Ethical Review Committee has access to relevant documents of the POAC. The respondent and complainant will be notified that the Ethical Review Committee has opened a complaint and for what purpose.
- The Ethical Review Committee may not meet or take action without the presence of a quorum. Three voting members shall constitute a quorum.
- The Ethical Review Committee shall hold all information and communications pertaining to the review process confidential. A confidentiality agreement must be signed by all Ethical Review Committee members and on file in the POAC office. Failure to sign the confidentiality agreement will result in a dismissal from the committee.
- The Ethical Review Committee may request a continuance on the time frames from the POAC Board of Directors. The Ethical Review Committee may grant continuances to the complaint/respondent.
- In the event the complainant withdraws the complaint, the Ethical Review Committee reserves the right to proceed to consider the circumstances in the interest of the POAC.

## Basis of Complaint or Request for Ethics Review:

Complaints or Ethics review may be filed against POAC members, Board of Directors or POAC employees for a violation of the Code of Ethics.

## Filing a Complaint:

- Any individual may file a complaint against a POAC member, Board of Director or POAC employee, by submitting a written complaint, which includes:
  - The full name and address of the complainant.
  - o The full name, address and contact information of the respondent: and
  - A concise statement of the facts, which clearly and accurately describe the allegations against the respondent. Whenever possible, the complainant shall identify the specific principle violated and any witnesses.
  - The complaint must be signed by the complainant and sent certified mail to the POAC Office. The envelope must have Ethical Review Committee printed in the lower right hand corner.
  - The POAC CEO will notify the Ethical Review Committee Chairman. The POAC CEO will not open correspondence. The correspondence will be forwarded by the POAC CEO to the Chairman of the Ethical Committee, via certified mail within 24 hrs of receiving.
  - o No one must attempt to influence members of the Ethical Review Committee on the issue outside the official procedures allowed for the ethical review process.

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### Handling of the filed complaint:

- Once the chairman of the Ethical Review Committee receives a written complaint, the chairperson will contact the Ethical Review Committee and determine if it has been filed in the proper form. If the complaint has not been filed in the proper form, it shall be returned to the complainant within 5 days of receipt and an explanation to the complainant why the complaint was not accepted with recommendations of what is necessary to bring the complaint into compliance.
- If the complaint has been filed in the proper form, the Ethical Review Committee will acknowledge, in writing, via certified mail to the complainant and respondent the receipt of the complaint.
- The Ethical Review Committee shall convene within 30 days of the receipt of the complaint. The purpose of this meeting will be to determine if the complaint merits consideration and investigation. The parties right to be present will apply ONLY to the formal investigation/hearing. Committee meetings may be held via electronic means such as web cams, teleconferences.
- The Ethical Review Committee will notify the complainant, in writing, if the complaint is found to be of merit or if the complaint has been dismissed.
- In the written statement, the respondent may choose to indicate that he/she does not plan to contest the complaint and may waive the right to a hearing. In such instance, the Ethical Review Committee will recommend and execute a disposition, up to and including suspension or expulsion. Expulsions will go to the POAC Board of Directors for review. If the respondent refuses to cooperate with the Ethical Review Committee, the Ethical Review Committee may rule in favor of the complaint.

#### Hearing procedure:

- The hearing/investigation shall be held at a time and place reasonable convenient to the respondent, complainant and the Ethical Review Committee.
- The complainant and respondent shall be notified in writing via certified mail of the date, time and location of the investigation/hearing.
- The complainant and respondent also shall be notified of their rights in relation to the hearing. These right include;
  - The right to be present and to present evidence.
  - o The right to have witnesses present.
  - The right to be represented by counsel at one's own expense.
  - The right to file a notarized written statement in lieu of appearing at the hearing.
  - The right to be notified of the outcome of the hearing process and to be notified of the disposition of the complaint.
- The hearing/investigation shall be conducted and moderated by the Ethical Review Committee.

## **Hearing/Investigation Policy:**

- All written materials related to the complaint shall be maintained by the Ethical Review Committee Chairman and submitted to the POAC Office at the conclusion of the hearing/investigation.
- Failure of the complainant to appear or participate in the hearing may result in the dismissal of the complaint.
- The Ethical Review Committee may invite additional parties to the hearings. These parties will be restricted to individuals who have first-hand knowledge of the situations that led to the complaint. These individuals will incur all personal expenses and may refuse participation.
- The Ethical Review Committee reserves the right to interview other persons in reference to the complaint
- The Ethical Review Committee shall comply with federal non-profit laws including but not limited to the Whistle Blower Act, EEO, and ADA.
- The final decision rests with a majority vote of the Ethical Review Committee.

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### **Ethical Review Committee Responsibilities following the Hearing/Investigation:**

- At the conclusion of the hearing/investigation, the Ethical Review committee shall report to the POAC Executive Leadership its written report. The report shall include the following:
  - A summary of the case.
  - o A reconstruction of the process used by the Ethical Review committee to handle the complaint.
  - The rational for the final disposition.
  - The Ethical Review committee final disposition which will be one of the following:
    - Dismissal of charges
    - Verbal reprimand
    - Written reprimand
    - Application of sanctions or corrective actions
    - Suspension no less than 60 days and not greater that 1 year
    - Expulsion must be presented to the POAC board for review

### **Disposition of Complaints:**

- The Ethical Committee Chairman of the final disposition via certified mail will notify the respondent and complainant in writing.
- The respondent will be notified in writing that the disposition may be appealed.

#### **Appeals:**

- The respondent may appeal the Ethical Review Committee's disposition according to the appeals process as outlined herein. The individual must file an appeal within 30 days of the notification of the Ethical Review Committee final disposition letter. An individual shall be considered notified 3 days after the relevant date of mailing by certified mail. When hearing the appeal: the Ethics Review Committee may take any of the following actions:
  - o Uphold the decision of the original disposition.
  - o Change the disposition based on new evidence submitted.
  - Increase or decrease the original disposition.

#### **Appeal process:**

- The appeal process will consist of the individual sending an appeals request to the Ethical Review Committee Chairman via certified mail to the POAC office within 30 days of receiving the final disposition letter. Ethical Review Committee Appeal shall be written on the envelope. The POAC CEO will forward the appeals request to the Ethical Review Committee chairman via certified mail. The POAC CEO will not open correspondence.
- The Ethical Review chairman will notify the appeal sender via certified mail of the receipt of the appeal within 3 days of receipt.
- A formal appeals hearing will be conducted within 60 days of receiving the appeal. The Ethical Review chairman will set the date, time and location of the appeals hearing and notify all related parties by certified mail.
- It is understood that the person requesting the appeal has the right to counsel, the right to appear at the hearing, and has the right to have witnesses present. The person requesting the appeal will incur all cost associated with the appeal.
- The final decision rests with a majority vote of the Ethical Review Committee. The exception is a disposition of expulsion, by which the POAC Board of Directors will review.
- The person making the appeal shall be notified of the Ethical Review Committees appeal decision in writing via certified mail within 30 days of the appeal decision.