

GUIDELINES FOR THE AARST EXECUTIVE COMMITTEE AND ETHICS COMMITTEE

EVALUATION OF CHARGES ALLEGING VIOLATION OF THE STANDARDS OF PROFESSIONAL RESPONSIBILITY (ETHICS STANDARDS) FOR AARST MEMBERS OR AFFILIATED ENTITIES.

1. **Purpose:** To establish the procedures and guidance for filing, accepting, and evaluating charges alleging violation of the Standards of Professional Responsibility for AARST Members or affiliated entities.

2. Definitions:

- 2.1. "Standards of Professional Responsibility" means conduct consistent with the announced purposes of the Association, the association bylaws, standards, rules, and including the AARST Code of Ethics.
- 2.2. "Named AARST Member" means an AARST Member or entity affiliated with AARST named in a complaint alleging violation of the Standards of Professional Responsibility.
- 2.3. "AARST Member Advisor" means a current AARST Member assigned to assist the "Named AARST Member."
- 2.4. "Plenary Member" means as defined by the AARST bylaws.
- 2.5. "Complainant" means the person who files a complaint.
- 2.6. "Standard" means any part of the Standards of Professional Responsibility and Code of Ethics.

3. Standard Operating Procedures and Guidelines for filing, accepting, and evaluating complaints.

- 3.1. A complaint can be filed against a named AARST Member or entity affiliated with AARST by any person who believes that a Standard has been violated. The complaint shall be in writing to the Chair of the AARST Ethics Committee (*hereafter the Chair*). The Chair and the Professional Standards and Ethics Committee (*hereafter Ethics Committee*) shall review the complaint against the "Minimum Requirements for Acceptance of a Standards Violation Complaint" ([see Attachment A](#)). If the complaint lacks required information, the Chair shall return the material to the complainant with a request for additional information. The Chair shall issue the Ethics Committee's acceptance or rejection of the complaint within thirty (30) calendar days after receipt of the complaint and shall notify the Executive Committee that a complaint is being reviewed by the Ethics Committee.

Following acceptance of the complaint by the Chair, he/she will schedule review of the

complaint at a scheduled meeting of the Ethics Committee. In cases where more urgent action is necessary, an official meeting of the Ethics Committee can be convened by the Chair to review the complaint via a telephone conference call or other media. All meetings of the Ethics Committee to discuss complaint issues will be held in executive session.¹

3.2. The Chair will refer the complaint to initial proceedings and review by the Ethics Committee if a majority of the Ethics Committee deems the charges to be non-frivolous.²

3.2.1. Within fifteen (15) calendar days after the decision that the complaint is non-frivolous, the complaint and the actions that may be forthcoming will be provided to the named AARST Member in a letter from the Chair. The named AARST Member shall also be advised in the letter that the case has been referred to the Ethics Committee for review, and that he/she will be contacted by the Chairperson (or designee) of that Committee for further discussion of the issues. The named AARST Member will be requested by the Chair to provide a written response to the complaint within thirty (30) calendar days after receipt of the Chair's letter and to participate in the review by the Ethics Committee.³ He/she will also be informed that an AARST Member Advisor may be selected to participate with him/her throughout the entire proceeding.⁴

3.2.2. If the complaint is deemed to be frivolous, the Chair will notify the complainant and the Executive Committee that the issue will not be considered by the Ethics Committee and that no further action on the complaint will be taken by the Ethics Committee.

3.3. Ethics Committee Actions

3.3.1. Ethics Committee members are expected to act promptly on all cases referred to them. They shall review the complaint and supporting documentation within thirty (30) calendar days following referral by the Chair.¹ Ethics Committee members are also expected to be sensitive to potential conflicts of interest between the named AARST Member and him/herself. If such a conflict exists, the Ethics Committee member shall disclose the conflict to the Chairperson of the Ethics Committee and withdraw from the review of the complaint. The Chairperson shall assure that a minimum of two (2) Plenary members represent Ethics Committee regarding review and decisions in such matters, ensuring an odd number of committee members in the review, compliance session.

3.3.2. The Chairperson or staff designee shall discuss the issues with the complainant and the named AARST Member within sixty (60) calendar days following referral by the Chair.⁵ The Chairperson (or staff designee) shall record notes from these conversations. Based upon these discussions, the formal complaint, the written response by the named AARST Member, and any additional written information provided by witnesses, the Chairperson (or designee) shall compile a Statement of

Issues that identifies the issues that the Ethics Committee will consider further. Copies of the Statement of Issues will be provided to all involved parties. All documents relating to the case will be assembled in an official complaint file to be maintained by the Chair while the case is active. When the case is closed, the complaint file will be transferred for permanent retention by the Executive Director.

- 3.3.3. By the end of the sixty (60) day period, the Ethics Committee will determine whether the information available is sufficient to permit resolution of the issues to the satisfaction of all parties. In such cases, no further review is required, and the Ethics Committee may approve actions as defined in [3.5.2](#) below. Notification will be made to the President and Executive Committee within thirty (30) calendar days after the decision of the Ethics Committee is made. In cases requiring further information, review and discussion, the Ethics Committee shall hold a Hearing as described below.

3.4. Hearing

- 3.4.1. The hearing shall be scheduled no later than sixty (60) calendar days following the determination that a hearing is required.
- 3.4.2. All parties shall receive the Statement of Issues and written notification of the hearing at least thirty (30) calendar days prior to the hearing.⁶
- 3.4.3. Every attempt will be made to reasonably accommodate all parties with respect to the hearing date and location.
- 3.4.4. The hearing is intended to be a meeting of peers to review the technical and/or ethical issues involved in the complaint. An agenda for the hearing shall be established by the Chairperson (or staff designee) of the Ethics Committee and provided to all parties at least five (5) calendar days prior to the hearing.
- 3.4.5. The hearing will be chaired by the Chairperson (or staff designee) of the Ethics Committee. The Chairperson of the Ethics Committee shall assure that a minimum of two (2) Plenary members represent the Professional Standards and Ethics at the meeting, to ensure an odd number of committee members participating during a compliance session or hearing.
- 3.4.6. Detailed minutes of the meeting shall be developed by the Chair (or staff designee). A draft will be distributed to all attendees for review and comment. A final set of minutes shall be included in the official complaint file.

3.5. Committee Action

- 3.5.1. All decisions of the Ethics Committee require unanimous approval of the Ethics

Committee members attending the hearing.⁷ The decision of the Ethics Committee shall be finalized and forwarded to the President within thirty (30) calendar days after the hearing.

3.5.2. The decision shall include findings of fact and conclusions. The decision must clearly explain and support the actions of the Ethics Committee. The range of decisions of the Ethics Committee include:

- a) Dismissal of the case
- b) Private letter of caution
- c) Letter of censure
- d) Suspension of membership in the Association
- e) Expulsion from the Association and revocation of membership privileges

3.5.3. The President shall inform all parties of the actions of the Ethics Committee within fifteen (15) calendar days following receipt of notification from the Ethics Committee. The President shall further advise the named AARST Member of the right to appeal the decision of the Ethics Committee to the Executive Committee if he/she believes that this Guidance has not been adhered to by the Ethics Committee. Such appeals must be in writing and sent to the President within thirty (30) calendar days after receipt of the notice of decision.

3.5.4. The President shall schedule a review of the appeal by the Executive Committee no later than its next regularly scheduled meeting. The President shall provide written notice to all parties at least thirty (30) calendar days in advance of the appeal meeting. Review of the appeal by the Executive Committee shall be limited to a determination regarding proper application of this Guidance by the Ethics Committee. A majority vote of the Executive Committee attending the meeting is required to sustain or deny the appeal. The case will be dismissed by the Executive Committee if the appeal is sustained.

4. Proposed revisions to this document shall be submitted to the AARST Program Director in time to be included on the agenda of any upcoming Executive Committee meeting.

FOOTNOTES:

¹ All parties to the complaint and its review shall make all reasonable efforts to maintain confidentiality.

² A complaint will be deemed to be invalid if it is judged to be trivial, insignificant, devoid of seriousness, or lacking criteria, evidence, or documentation pertinent to the case.

³ Failure on the part of the named AARST Member to participate in the review will not prevent the Ethics Committee from conducting its review.

⁴ The role of the AARST Member Advisor is to provide an independent and knowledgeable person who can serve as an advisor, advocate and sounding board to the named AARST Member during the review process. If desired by the named AARST Member, the AARST Member Advisor is permitted to participate in all discussions and hearings on the issues. The named AARST Member has the right to select any active AARST Member as his/her AARST Member Advisor, or to select from a list provided by the Executive Committee of all available Past Presidents of the Association.

⁵ These discussions between members of the Ethics Committee, the complainant, and the named AARST Member are anticipated to be facilitated through telephone calls or through appropriate digital (internet) communications technology and devices. Notes and or recordings on all such conversations should be maintained as a part of the official record of each complaint. The complainant and the named AARST Member have the right to request witnesses to provide information related to the case in order to clarify or support the discussion. Such supporting information from witnesses must be provided in writing to the Chairperson (or designee) of the Ethics Committee.

⁶ The following parties have the right to attend and participate in the hearing: Members of the Ethics Committee, the Complainant, the named AARST Member, and the AARST Member Advisor. No other parties may attend the hearing without the approval of the Chairperson (or designee) of the Ethics Committee.

⁷ In the event that the members of the Ethics Committee cannot reach a majority in their decision, the action of the Ethics Committee will be to dismiss the case, except that a one hundred percent (100%) vote is required for expulsion of the named AARST member from the Association.

ATTACHMENT A

Minimum Requirements for Acceptance of a Standards Violation Complaint

(STANDARDS REFERS TO "STANDARDS OF PROFESSIONAL RESPONSIBILITY" WHICH IS DEFINED AS CONDUCT CONSISTENT WITH THE ANNOUNCED PURPOSES OF AARST, THE ASSOCIATION BYLAWS, STANDARDS, RULES, AND INCLUDING THE AARST CODE OF ETHICS.)

A written complaint submitted to the Chair of AARST Ethics Committee shall be reviewed by the Ethics Committee to determine that the information contained in the complaint is complete. If the Ethics Committee determines that there are omissions in the submitted material, the Chair will return the material to the complainant for amendment prior to formal acceptance of the complaint. These Guidelines will also be used by the Ethics Committee during their detailed review of the complaint.

1. Contents of Complaint

A complaint shall include the five items identified below:

- 1.1. Standard: The complaint must identify the specific part or parts of the Standards of Professional Responsibility (aka Ethics Statement) for which the AARST Member(s) are alleged to have violated, and
- 1.2. Content: The complaint must identify the context of the alleged violation (e.g., legal proceeding, media presentation, private consultation, etc.), and
- 1.3. Conduct: The complaint must describe specifically the conduct alleged to be in violation of the identified standard(s), and
- 1.4. Relationship: The complaint must describe the relationship of the complainant to the named AARST Member, and
- 1.5. Confidentiality: The complaint must include the agreement of the complainant to keep the names of the parties and the conduct of the proceedings confidential.

2. Guidelines for Accepting Complaint

The written complaint will be accepted for further action by the Chair if each of the five categories described above meets the following guidelines:

2.1. Standard

The standard cited is an element of AARST's Standards of Professional Responsibility and/or Ethics Statement for an AARST Member in effect at the time of the alleged violation.

2.2. Context

- 2.2.1. The context of the alleged statement or action by a named AARST Member was such that the alleged violation or conduct did, or did not, take place in a forum, publication or a setting or event or meeting sponsored by AARST, or a related AARST organization, and did or did not reference AARST or AARST related organizations or communications.
- 2.2.2. In the stated and described context one or more of the following applies:
 - 2.2.2.1. The alleged violation was one in a series of three or more such actions in a similar forum.
 - 2.2.2.2. The violation was outrageous, and knowledge of the action was widely disseminated.
 - 2.2.2.3. One or more persons actually relied on the alleged violative conduct to their significant actual detriment.
 - 2.2.2.4. There are special circumstances that would make failure to consider the complaint unconscionable.
- 2.2.3. If the context of the alleged violative conduct was a legal proceeding, the complaint will not be accepted until after that proceeding has been fully adjudicated.

2.3. Conduct

The conduct (statement, action, or failure to act) alleged constitutes a substantial violation of the standard identified as violated. A complaint is not acceptable if it alleges only trivial or pro forma violations.

2.4. Relationship

The complaint shall not be accepted if it is obvious that the complaint was filed solely to harass the named AARST Member. Where there is some question about the motives of the complainant, but the complaint is otherwise acceptable, the complaint shall be accepted, and the issue of complainant acceptable, the complaint shall be accepted, and the issue of complainant motivation shall be considered along with matters alleged in the complaint.

2.5. Confidentiality

The complaint will not be accepted unless the complainant agrees to make all reasonable efforts to maintain confidentiality until resolution of the issues that have been raised.