



### CHPA Ethics Grievance Policies

- An allegation of ethical misconduct will be subjected to review only if made in writing and signed by a member or member designated representative.
- Only allegations against current CHPA members are subject to review.
- Allegations must be made in writing on forms prepared by CHPA and filed with the CHPA Office.
- **Because of the inherent conflicts involved, CHPA encourages members not to file allegations of ethical misconduct against direct competitors. The Board of Directors will consider such complaints only in very exceptional circumstances.**

### Confidentiality

*CHPA shall take reasonable measures to ensure that any communications, proceedings, hearings, deliberation, and/or files resulting from implementation of these procedures shall be and remain confidential except as required by law or as otherwise provided in these procedures. All members of CHPA, as a condition of new or continued membership, agree that any member or designated representative of any member shall have immunity from legal liability of any nature for allegations raised through CHPA Ethics Grievance Board of Directors review procedure unless raised with actual malice or intent to injure.*

### PROCEDURE

#### A. Filing of Complaint

1. The document raising allegations of ethical misconduct shall be known as the "Complaint."
2. The person filing the complaint will be hereinafter referred to as Complainant. The CHPA member against whom the Complaint is filed will hereinafter be referred to as Respondent.
3. Any Complaint against a CHPA member, whether by a member or non-member, shall be initiated by the filing of a Complaint on the official CHPA Complaint Form. This form may be obtained from the CHPA Office or the CHPA website, completed in full by the Complainant and submitted to the CHPA Office. No Complaint may be filed unless within one year of the date of the alleged unethical behavior. All materials of the Complainant and the Respondent are to be submitted to the CEO through the CHPA Office, who will distribute the materials to the CHPA Board Chair within 48 hours. No Complainant or Respondent shall have any direct communication with any members of the Board of Directors during the complaint process.
4. The Board Chair, in consultation with the CEO, will determine if the issue warrants immediate Board review.
  - CHPA will not ordinarily consider complaints it determines are primarily a legal or regulatory matter. If the Board Chair determines the complaint is more appropriately handled as a legal or regulatory matter, the Board Chair or CEO will advise the member to contact the appropriate authorities and the issue will no longer be considered through the CHPA Ethics Grievance process.

- If the Board Chair determines it is an ethical issue, within 48 hours of the Complaint being received in the CHPA Office, CHPA staff shall send a copy of the Complaint and documentation to the member against whom the Complaint is filed via certified mail or other delivery method which shall provide proof and date of delivery. Along with the Complaint, a response form shall be sent on which the Respondent may submit a response to the Complaint (“Response”) with a thirty (30) calendar day response deadline. The Response will be sent to the CEO, who shall send it to the Complainant. No additional submissions shall be accepted until and unless a Grievance Hearing is convened or the Board meets to consider the Complaint. If the Board Chair determines a prima facie violation exists and concludes the issue should go directly to the Board, the item is placed on the next CHPA Board agenda and all correspondence will be included in the meeting materials.
5. If the Board Chair determines a prima facie violation exists and a Grievance Hearing is needed, within fourteen (14) calendar days of the receipt of the Response Form, the CHPA CEO shall convene the Board of Directors. The Board will receive both the Response and the Complaint. Notice of the Grievance Hearing date and time will be sent to the Complainant and Respondent as soon as the Grievance Hearing is scheduled. All material related to the Complaint (including material previously submitted by the parties) may be used in the proceedings.

#### **B. Grievance Hearing**

1. Any CHPA Board member who hears the Complaint must disclose any potential conflict of interest on the CHPA Conflict of Interest Form and shall recuse himself or herself if appropriate.
2. The Grievance Hearing shall be conducted by telephone conference call at a time mutually convenient for all involved within thirty (30) calendar days of a finding of a prima facie violation. Complainant and Respondent shall sign and comply with a CHPA confidentiality agreement. If there exists extraordinary circumstances as defined by the Chair and the CEO, with written notification to all parties involved, this timetable may be adjusted, but shall not exceed forty-five (45) calendar days.
3. The Complainant and Respondent shall submit any additional evidence and documentation to each member of the Board of Directors, with the cost to do so being incurred by the party submitting such material.
4. All costs of the Board of Directors shall be borne equally by all Complainants and Respondents participating.

#### **C. Hearing Decision**

1. After the CHPA Board of Directors has conducted the Grievance Hearing and all evidence has been considered, a decision shall be made. The finding of an ethical violation shall require a majority vote of the CHPA Board of Directors.
2. If the decision is that the member did not violate the Code of Ethics, the member shall be informed in writing of the decision. This decision is final.
  - a. If an ethical violation is found to have occurred by the CHPA Board of Directors, the CHPA Board of Directors will assess the disciplinary action as allowed by the CHPA Bylaws – reprimand,

censure, suspension of members or revocation of membership. Reprimand – A reprimand is a formal rebuke in writing.

- b. Censure – Censure is a more serious rebuke in writing, and prohibits a member from holding an office for a period of one (1) year from the date of the final decision of the CHPA Board of Directors.
  - c. Suspension – Suspension excludes a company from CHPA membership for a specified period of time and/or stated conditions. Upon expiration of the suspension period, the member company is eligible to reapply for membership.
  - d. Revocation – Revocation bars an individual and company from membership in CHPA and is permanent.
3. A copy of the record, along with all relevant material considered by the Board of Directors, in addition to a copy of the notification of decision shall be filed confidentially at the CHPA Office.

#### **D. Communication of the Board of Directors' decision**

After final resolution of the Complaint, information regarding disciplinary action may be disseminated, as follows:

1. Publication of the penalty shall be made in the next issue of the *CHPA News* and CHPA website. This is done for educational purposes only and will not identify any member who has been reprimanded, censured, or suspended.
2. Revocation will be reported to all CHPA members in the Association newsletters, web site material and other means. Such report shall be limited to the statement that:

\_\_\_\_\_ *(member company name) has been permanently expelled from CHPA, as authorized by the CHPA Board of Directors, for violation of the CHPA Code of Ethics; the member has been sent a letter of revocation; and notification of this action has been given to the complaining parties and to the CHPA Office.*

#### **CHPA Ethics Grievance Board of Directors Meeting Order of Business**

*Each participant will be asked to sign and return a Confidentiality Agreement regarding this particular case.*

1. Roll Call
2. Complainant is given the opportunity to explain its position.
3. Respondent is given the opportunity to explain its position.
4. Chair asks for names of those wishing to speak. People will be called upon in the order they are listed. When everyone listed has spoken, people will be given another opportunity to ask their questions of the Complainant and Respondent. Complainant and Respondent will each be given one final opportunity to respond to statements made by the other party. Once the discussion is complete, the chair will request that the Board of Directors go into closed session.
5. Those not on the Board of Directors will be asked to leave the call.
6. The Board of Directors will review the information and will email their votes to the CEO.
7. The CEO will tabulate the vote. A majority of the Board of Directors is required for a decision. In the event of a tie, the Chair will cast the deciding vote.
8. Certified letters will be sent to both parties regarding the decision and a member sent to the Board of Directors regarding the same.

## Definitions

The primary function of this process is to preserve the integrity and promote ethical conduct of the industry and to maintain dignity in all proceedings.

The following definitions apply:

Legal – authorized by law (rules); to abide by acceptable industry practices.

Ethical – Principles of right or good conduct.

Negotiations – Integrity. Interactions in the course of business. Honesty in what you do and how you present yourself, both verbally and on paper.

Activities – Functions or actions.

Moral – Of or concerned with the discernment of what is right and wrong. Virtuous, upright. Arising from conscience; rules or habits of conduct.

*Approved, CHPA Board of Directors, April 10, 2003*  
*Recommended changes by Past Chair Advisory Group, July, 2015*  
*Approved, CHPA Board of Directors, August 4, 2015*  
*Recommended changes by the CHPA Executive Committee, December 7, 2016*  
*Approved by the CHPA Board of Directors, December 8, 2016*  
*Approved by CHPA Executive Committee, January 10, 2017*