

## **ETHICS ADVISORY COMMITTEE COMPLAINT PROCEDURE**

### **Key:**

**ATI:** Alexander Technique International

**Complainant:** person or persons who file a grievance claiming that the ATI Code of Ethics /By Laws has been violated

**Respondent:** the person or persons alleged to have violated ATI's Code of Ethics/By Laws

**Advocate:** an individual who will agree to support and if necessary give advice

**USA Certified Mail (or equivalent):** includes mailing receipt, identifier, delivery record by Postal service, Return receipt.

### **GENERAL REQUIREMENTS**

1. Any person who believes that a member has acted in violation of the ethical principles or standards set by the ATI Code of Ethics and the ATI By-Laws may submit a signed typewritten complaint to the Ethics Advisory Committee Chair.
2. A log of EVERY date, action, copies of letters, e-mails, post office receipts for certified mail and descriptions of phone calls must be kept during the entire action.
3. All individuals involved in the proceeding are required to send mail by "certified mail" to create and ensure an official chronological record. Failure to send communications by "certified mail" can be cause for the committee to consider the case to be null and void.
4. The Ethics Advisory Committee has the authority to determine if a complaint represents a valid violation.

### **CONFIDENTIALITY**

1. In order to protect the legitimate interests of the respondent, complainant, witnesses, and others, the confidential nature of a proceeding specified in this ETHICS ADVISORY COMMITTEE COMPLAINT PROCEDURE shall be preserved. The members of the Ethics Advisory Committee and Panel (as well as the ATI Board, in the event they become involved) shall take all precautions to assure the confidential nature of the proceeding.
2. All individuals involved in the complaint process are instructed to remove themselves in the event of a conflict of interest.

### **PROCEDURE**

Preliminary information:

1. When A GRIEVANCE COMPLAINT charging that the ATI Code of Ethics has been violated by a member is received by the Chair of the Ethics Advisory Committee, it is the responsibility of the Chair and all other members of the committee or Ethics Pool who become involved, to support in an unbiased way, the individual who files the complaint.

2. At any point in the procedure, before a possible counter-complaint is lodged by the Respondent, the Complainant can choose not to proceed further. The Complainant's decision must be communicated to the Ethics Advisory Chair immediately.

(A)\*\* At the initial contact Ethics Chair asks the complainant these two questions:

- (1) Do you wish to proceed with your grievance complaint knowing that the subject of your complaint charge will be informed?
- (2) Do you understand that the subject of your complaint will see your written charge in its entirety?

[These questions are intended to assure all persons involved that the ATI grievance process is consistent and fair. They are not intended to dissuade a complainant.]

If the answer to both of the questions above is 'yes', and the Chair and Complainant decide to proceed:

(B)\*\* The Chair responds to Complainant by clarifying that the role of the Ethics Advisory Committee is to encourage dialogue and the resolution of conflict among all parties involved. After a Complainant chooses to file a formal complaint the Chair sends a copy of ETHICS ADVISORY COMMITTEE COMPLAINT PROCEDURE to the Complainant postmarked within 5 days of the initial conversation. It is recommended the Complainant obtain an Advocate as early in the process as possible.

(C)\*\* The Chair instructs Complainant to report the official charge by:

- (1) Submitting a typewritten, specific description of the conduct the Complainant believes constitutes an ethical violation. Citing the exact principle or principles in the ATI Code Of Ethics that are being violated.
- (2) A description of the resolution the Complainant is requesting be considered.

(The Chair has the authority to consult the Ethics Advisory Committee if he/she is in doubt about the appropriateness of the complainant's claim. The claim can be refused a hearing if it is deemed that no violation of the Code of Ethics has been committed.)

The Chair must receive this completed document by certified mail before the Chair can initiate the official complaint process.

(D)\*\* Chair informs Complainant that a copy of the complaint will be sent to the other party (Respondent).

(E)\*\* The Chair confirms to the Complainant, by mail postmarked within 5 days, that he/she has received the Complainant's written charge.

(F)\*\* Chair sends copy of the written complaint and the ETHICS ADVISORY COMMITTEE COMPLAINT PROCEDURE, by certified mail to Respondent and requests a response postmarked within 15 days.

(Respondent is considered innocent and supported fully until the evaluation is complete).

(G)\*\* On receipt of the Respondent's response a copy the Respondent's response is sent to the Complainant postmarked within 5 days.

(H)\*\* If Respondent files a counter-complaint it must be mailed by certified mail to the Ethics Chair within 15 days of post office mailing date of the date the respondent received the initial Complaint. Counter-complaint must be a typewritten document specifically citing how a violation of the ATI Code of Ethics/By Laws has occurred and stating exactly what resolution the Respondent is requesting be considered. It is advised that the Respondent obtain an Advocate as soon as possible.

(I)\*\* The Chair confirms the receipt of Respondent's Counter-complaint to Respondent postmarked within 5 days, and, at the same time, sends a copy of Respondent's counter-complaint to the Complainant by certified mail.

(J)\*\* Complainant must write a response to the Counter-Complaint and return it by certified mail, postmarked within 15 days, to the Ethics Advisory Chair who will include it in the material to be sent to the panel.

(K)\*\* Ethics Chair speaks to each party separately to gather information and advocate working toward a resolution. If, after the conversations, the Complainant chooses to continue the complaint process the Ethics Chair advises each party to obtain an Advocate if they haven't already done so. The Advocate can be any person of their choice.

(Respondent has no choice whether to proceed or not.)

(L)\*\* Chair recruits a panel drawn from Ethics Advisory Pool, 2 male/2 female. The Chair informs the Board there is a complaint action, the Board recruits one outside individual to be included as a member of the Ethics Advisory Panel. Chair. From this point on the Chair takes the role of moderator .

(M)\*\* The Chair sends each member of the panel a copy of all the written documents by certified, mail postmarked within 7 days of the Panel assembly.

Documents include:

- Ethics Advisory Committee Complaint Procedure;
- Copy of ATI Code of Ethics/By Laws;
- Initial Complaint filed by Complainant;
- Respondent's response;
- Respondent's Counter Complaint (if there is one); and
- Complainant's response to the Counter-complaint.

These documents are sent together so the panel always has both sides of the case to examine at the same time.

- (N)\*\* The Ethics Panel then evaluates the documents to determine if it is necessary to gather more information by speaking to any witness or person that the Complainant /Respondent has named in order to determine if the ATI Code of Ethics has actually been violated. The Panel can meet in person, by Conference call, e-mail or postal mail as often as needed and as expeditiously as possible while examining all aspects of the charge/charges, with an intention to come to a unanimous decision that constructively serves the parties and the ATI organization. If an unanimous decision is not reached the majority decision is the one acted on.
- (O)\*\* Each member of the panel writes a recommendation of resolution and sends it by registered mail to the Ethics Chair -The Chair composes a document informing the Complainant and Respondent of the decision the Panel has determined in reference to the original complaint and of the decision in reference to the counter-complaint. This document is sent to both the Complainant and Respondent by certified mail.
- (P)\*\* If, during any stage of the investigation, a party does not respond as instructed in this procedure, the Chair must continue to attempt communication by e-mail, phone calls, and or certified letters for a period of 60 days. A log must be kept of each attempt at communication. If no contact has been made at the end of 60 days the case can be resolved by the Panel at their discretion and their decision is not subject to appeal by the absent party.
- (Q)\*\* If The Complainant and/or Respondent are not willing to abide by the decision of the Panel they can send a request to the Ethics Chair, postmarked within 30 days, to initiate an appeal to be heard by the ATI Board or - they can choose to hire, at their own expense, a professional mediator and resolve the complaint between them, outside the purview of the Ethics Advisory process.

If the parties do not communicate their request within 30 days the case is considered closed and sealed.

(R)\*\* Should it come to pass that the Complainant and Respondent can't resolve their issue under the Board's appeal procedure, the Complainant can choose to bring the case before the full membership of ATI. Or, in the case of a counter-complaint by the Respondent, the Respondent can initiate a new case of his/her own to the Chair of the Ethics Advisory Committee.

(S)\*\*\* At the conclusion of a grievance complaint procedure case, documents accumulated during the proceeding are to be kept in an envelope in a safe-deposit-box administered by the ATI Administrative Coordinator at the main ATI office. These records are kept ten years and then destroyed.

The Administrative Coordinator is responsible for extracting ten year old records once a year.

**In the event that an individual, organization, or legal body approaches the ATI Board, Ethics Committee or Administrative Coordinator to request opening sealed documents:**

1. They must provide compelling written evidence demonstrating that re-opening the sealed documents will:
  - A. reveal significant evidence that the previous investigation would have some bearing on a new complaint;
  - B. aide in a legal investigation.
2. This written evidence request is sent to the Chair of the Ethics Advisory Committee who will choose two members from the voluntary Ethics Grievance Panel. These three will be responsible to evaluate the request.
3. The ultimate determination will be based on considerations of:
  - A. the ATI Code of ethics;
  - B. the obligation to maintain confidentiality;
  - C. the safety of the population of the community at large;
  - D. aspects of the case not limited to the above criteria.
4. The Ethics Advisory Committee Chair and the two panel members may deem it necessary to engage legal counsel to further advise in a determination to open the records.
5. The Evaluation group is charged to come to a decision on the request in a timely manner based on the timeline and issues of the request.

6. The Ethics Advisory Committee Chair is responsible for communicating the panel/ legal advisor's decision to the requesting body as soon as it is determined.

Some procedural issues are still to be considered by the committee: however, should an official action be required in reference to the yet unanswered questions the Ethics Advisory Committee can take the action they consider appropriate at that moment.

(18 June 2008)