

## GENERAL INSTRUCTIONS AND INFORMATION FOR FILING AND REPLYING TO COMPLAINTS

- (1) **Complaints/Arbitration Requests** must be typewritten and submitted with **20 copies** to enable the Board to provide sufficient copies to the Grievance Committee, one to each Respondent, and one copy for the Board's records. Any **Reply** must be typewritten and submitted with **20 copies** to enable the Board to provide sufficient copies to the Professional Standards Committee, one to each Complainant, and one copy for the Board's records. The Complainant and Respondent should furnish additional copies of the complaint and reply as requested by the Secretary. **IF THE COMPLAINANT IS A MEMBER OF THE PUBLIC, EXTRA COPIES OF THE COMPLAINT ARE NOT REQUESTED.**

**Please Note: All Complaints/Arbitration Requests MUST be filled out completely before proceeding to the Grievance Committee.**

- (2) Complaints/Arbitration requests will be referred to the Board Secretary (or Executive Officer), and from the Secretary to the Chairman of the Grievance Committee. If the Grievance Committee finds the matter to constitute a proper cause of action, it will be referred back to the Board Secretary to arrange a hearing; if not found to constitute a proper cause of action, it will be returned to the Complainant with the decision of the Grievance Committee together with information advising the Complainant of the procedures by which the Grievance Committee's decision may be appealed to the Board of Directors.
- (3) If there is to be a hearing, Respondent will have fifteen (15) days after service of copy of the complaint to make reply to it. A copy of the reply will be sent to Complainant, the Board President, and the Professional Standards Committee Chairperson. The date of hearing will be set and all parties will be notified of the date and place of hearing at least twenty-one (21) days in advance. All parties and the panel members will receive a copy of the complaint, response, and hearing information.
- (4) If no reply is received from Respondent within fifteen (15) days from service of copy of the complaint, date and place of hearing will be set and the charges may be taken as true. Complainant, the Board President and Professional Standards Committee Chairman will be advised that no reply has been filed.
- (5) Legal counsel may represent any party to complaint provided that a notice of intention of representation is transmitted to all other parties and the Hearing Panel at least fifteen (15) days prior to the hearing. Failure to provide timely notice may result in a continuance of hearing.
- (6) It is the responsibility of each party to arrange for their witness (es) (if any) to be present at the hearing. A notice of intention is also required to transmit to all parties and the Hearing Panel at least fifteen (15) days prior to the hearing date.
- (7) The notice of hearing will contain the names of members of the tribunal who will hear the case and should be accompanied by an "Outline of Procedure for Ethics and Arbitration Hearing."
- (8) Either party may file with the Secretary, not less than ten (10) days prior to the date of hearing, written request for disqualification of any member for any of the following reasons:
  - (a) is related by blood or marriage to either complainant or respondent
  - (b) is an employer, partner or employee, or in any way associated in business with either Complainant or Respondent
  - (c) is a party to the hearing, or a party or a witness in another pending case involving Complainant or Respondent
  - (d) knows any reason acceptable to the Hearing Panel or tribunal, which may prevent him/her from rendering an impartial decision
- (9) The parties shall not discuss the case with any member of the Hearing Panel or the Board of Directors at any time prior to announcement of a decision in the case.
- (10) No hearing will be held in the absence of a Complainant. An ethics hearing may proceed in the absence of a Respondent. An Arbitration Hearing may (depending on State Law and the option selected by the Board) proceed in the absence of the respondent.