

# Disciplinary Process: Members

This Disciplinary Process (the “Process”) has been created to provide Association for Healthcare Philanthropy (“AHP”) a process to resolve complaints and to provide members due process when a complaint has been brought against them.

## Jurisdiction

The Process is limited to complaints involving the below Grounds for Disciplinary Action.

## Grounds for Disciplinary Action

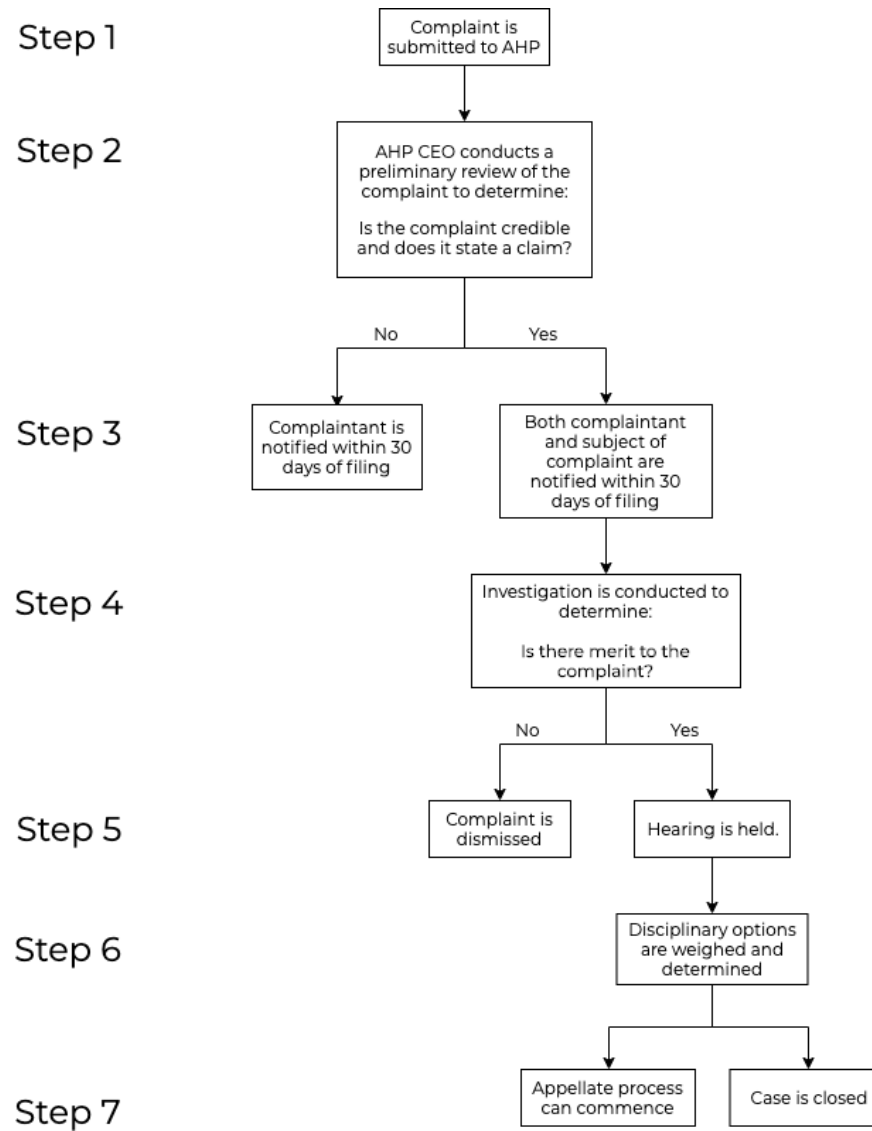
A complaint must be based on one of the following:

1. Violating AHP’s Statement of Professional Standards and Conduct;
2. Violating AHP’s Bylaws; or
3. Violating other AHP Policy or engaging in other conduct prejudicial to AHP’s best interests.

## Conflict of Interest

No person shall be in any way involved in any disciplinary proceeding (except as a witness) in which he or she has a personal, family, business or financial interest, stake or connection in or with either party or in the outcome of the proceeding. No person shall serve in more than one role in the same proceeding involving the same parties.

## Process for Filing a Complaint



## 1. The Complaint

- A. Any person, including but not limited to a Trustee, AHP Chief Executive, an AHP member, or a third party, may submit a complaint through the Process.
- B. The complaint must be in writing (including electronic means of communication) and must be addressed to the AHP Chief Executive Officer.
- C. The complaint must fully identify the person(s) making the complaint. The complaint must also include the name of the person against whom the complaint is being filed, with as much identifying information as possible.
- D. The complaint must include a detailed description of the allegations being made.

## 2. Preliminary Review

- A. The AHP Chief Executive Officer, who may consult with AHP legal counsel and with the Chair or Vice Chair, shall determine if the complaint is credible and states a claim that is subject to redress under this Process.
- B. If the complaint is found to be credible and states a claim that is subject to redress under this Process, then within thirty (30) days of the complaint being filed, the AHP Chief Executive Officer, with the Chair or Vice Chair, will notify in writing the complainant and the person against whom the complaint has been filed of the fact that AHP is investigating a complaint.
- C. If the complaint is not found to be credible or it does not state a claim, then the complaint is dismissed, and the complainant shall be notified in writing within thirty (30) days of the complaint's filing.

## 3. Investigation

- A. The AHP Chief Executive Officer, who may consult with AHP legal counsel and with the Chair or Vice Chair, shall designate an individual who normally should be a member of the AHP Board of Directors to investigate the complaint and report his or her findings to the AHP Chief Executive Officer, with the Chair or Vice Chair, and AHP legal counsel.
- B. This investigation should be conducted as promptly and expeditiously as possible but shall be no longer than sixty (60) days. However, if necessary, the investigator should be given as much time as is reasonably necessary

to conduct a fair, thorough and impartial investigation. The investigator may consult AHP legal counsel, as necessary.

- C. The investigator shall file a final, written report on his or her investigation, containing his or her findings, conclusions, and recommendations and all relevant, material evidence in support thereof.
- D. The investigator's report will be reviewed by the AHP Chief Executive Officer, with the Chair or Vice Chair, and AHP legal counsel, and the investigator him or herself. If it is determined that the complaint has no merit or is not sustained, it will be dismissed, and the parties will be notified of that fact in writing. If it is determined that the complaint does have merit and cause to believe a violation occurred, the case will be scheduled for hearing and the parties will be notified of that fact in writing.

#### 4. Hearing

- A. If a hearing is to be held, the AHP Chief Executive Officer will appoint a single neutral decision maker to conduct the hearing. The hearing officer may be a member of the AHP Board of Directors. Within ten (10) days of the hearing officer's selection, the AHP Chief Executive, with the Chair or Vice Chair shall send to the complainant and to the respondent a notice containing the time and place of the hearing, and the name of the hearing officer.
- B. The substantive and procedural rules of procedure and evidence that would apply in either a civil or criminal court will not apply to hearings conducted before a hearing officer. A transcript of the hearing will be made by a court reporter or equivalent person, at AHP's expense. Otherwise, there shall be no recordings or transcripts of the hearing. Any party wishing it may have a copy, at the party's own expense.
- C. The burden of proving an allegation shall be on the complaint, and the standard of proof shall be "preponderance of the evidence."
- D. The hearing officer may have the advice and assistance of AHP legal counsel and AHP legal counsel may assist in the presentation of the case to assist the hearing officer.
- E. Each party shall have the right, at his/her expense to: (i) choose his/her counsel or other representative; (ii) make opening and closing statements; and present witnesses and live testimony; (iv) submit documents and/or other evidence; and (iv) cross-examine witnesses.
- F. Within thirty (30) days after the conclusion of the hearing, the hearing officer will render a written decision stating, at a minimum, the allegations made, the issues presented, and the hearing officer's findings of fact and conclusion(s).

- G. The hearing officer, at his or her discretion, may impose any discipline on the respondent that he or she deems just and proportionate, including, but not limited to: (i) private written censure; (ii) public letter of admonition; or (iii) suspension or termination of AHP membership.

## 5. Appellate Procedure

- A. Any party aggrieved by any final decision of a hearing officer shall have as a matter of right one level of appeal, to a three-member panel appointed by the AHP Chief Executive Officer, which may be members of the AHP Board.
- B. Ordinarily, an appeal from the hearing officer's decision shall consist of a review only of the written record in the proceedings below. However, any party may ask for a hearing de novo, but the appeals panel shall have no obligation to grant such a request. The appeals panel may, however, if it wishes, allow for the submission of additional evidence and may take testimony from witnesses (whether the witness testified in the original hearing or not) on some, any or all of the issues in the case.
- C. The appeals panel may either affirm, reverse, affirm in part and reverse in part, modify (except that the appeals panel may not impose more severe sanctions than those imposed by the hearing officer), or remand the case, either to the original hearing officer or, for good reason, to a different hearing officer.

## 6. Case Closed

- A. The decision(s) of the appeals panel is final; the aggrieved party may not appeal the decision(s) of the appeals panel.