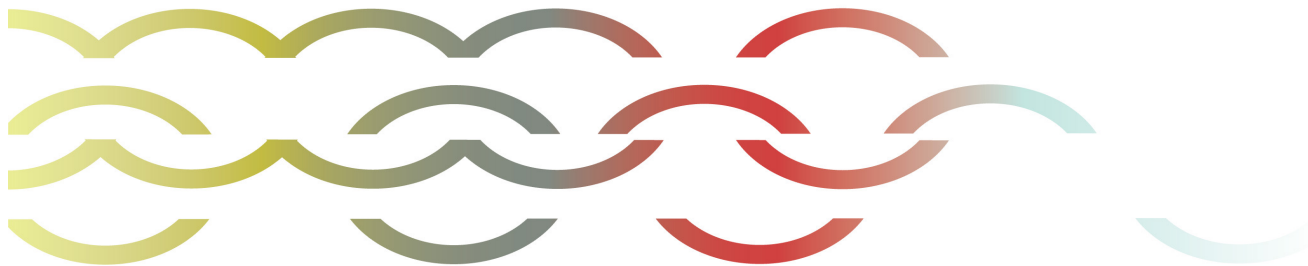


Director's Role In Case Radification

2/1/2022

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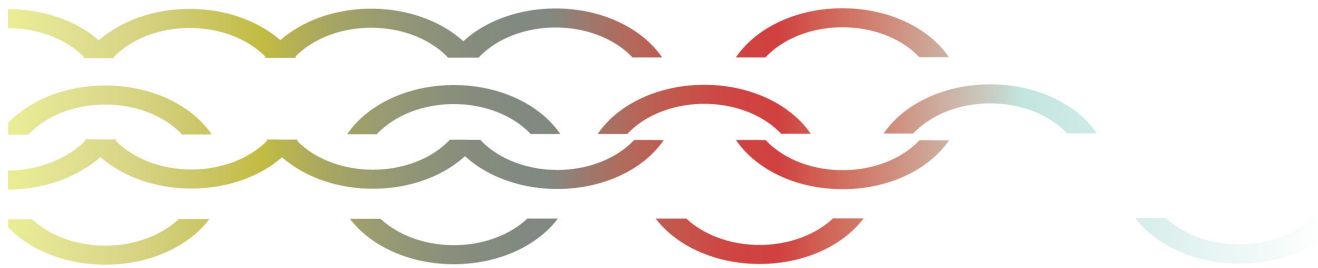


Directors' Review in Four Situations

- Review grievance committee decision, upon request
- **Ratify disciplinary decision when no Request for Review**
- Review hearing of disciplinary decision, upon request
- Review arbitration award, upon request



Ratification of Disciplinary Decision



Professional Standards – Case Ratification

- Type of Review
 - Paper review only: Findings of Fact and recommended discipline only
 - No hearing
 - Parties do not attend
 - Parties cannot challenge directors
- Directors must accept Findings of Fact as true - no weighing of the merits
- Directors must adopt hearing panel decision and recommendation, UNLESS
 - Deficient on its face
 - Discipline excessive or
 - Clear lack of due process

Professional Standards – Case Ratification

- Action of Directors
 - Ratify recommendation of hearing panel including recommended discipline
 - Reduce the amount of discipline
 - If directors feel discipline should be increased, refer back to same hearing panel with recommended modifications
 - Directors may make modifications to increase discipline ONLY if panel refuses and such refusal would subject Association to liability
- Decision Final
 - Upon being entered into minutes of Board of Directors
 - Consent agenda: i.e. “Directors affirm recommendation of hearing panel in case number XXXX.”

What to Expect

- Staff will reach out to you before the board meeting.
- We will provide you party information and Certificate of Qualification Form.
- Plan to stay after the board meeting for 15 – 30 minutes.
- You'll receive the Panel's decision, Findings of Facts, and recommended discipline (if any).
- Presiding Officer may be the president or other designee.
- Presiding Officer is responsible for the final Action of Directors Form.

Forms



CERTIFICATE OF QUALIFICATION DISCIPLINARY ACTION

Case No. _____

Complainant(s) vs. _____
Respondent(s)

REASONS FOR DISQUALIFICATION:

A member of a Panel is automatically disqualified from serving on the hearing Panel for this case for any of the following reasons:

- (A) there is more than one Panel member connected with the same firm, business, partnership, or corporation.
- (B) a Panel member is related by blood or marriage to any party.
- (C) a Panel member is an employer, partner, employee, or in any way associated in business with any party; or
- (D) a Panel member is a party to the hearing.

In addition, a member of a hearing Panel must disqualify his or herself if there are facts and circumstances which might create a reasonable impression that the member is biased or incapable of serving impartially on the matter.

We, the undersigned members of a hearing Panel, do hereby certify that (1) we are not disqualified from serving on the Panel for any of the reasons stated herein, and (2) we know of no other reason that a reasonable objective third-party would believe would prevent us from rendering an impartial decision in this matter.

Dated: _____



Case # _____

ACTION IF NO REQUEST FOR REVIEW DISCIPLINARY HEARING

The hearing Panel's decision, findings of fact and recommended discipline in the above referenced disciplinary matter came before the Directors or appointed review Panel on _____ and was considered by the Panel. The recommendation of the hearing Panel is hereby:

☐ Adopted. If the hearing Panel has recommended a Letter of Reprimand, Fine, Suspension, or Expulsion, the member must submit to C.A.R. and the Association a photo with a completed Form D-24 within ten (10) calendar days after the date the decision was adopted by the Directors. The photo must be current, accurate, and at least the size and quality of a passport photo. Failure to submit the photo and a completed Form D-24 within this time shall automatically result in the suspension of membership until the photo and a completed Form-D24 has been submitted, and the discipline summary will still be published.

☐ Adopted, with the following modifications to decrease the discipline recommended by the hearing panel:

☐ Referred back to the hearing Panel for modification(s) to increase discipline as recommended below:

Recommended Modification: _____
