

Ethics Complaint/Arbitration Request Checklist

- Contact the respondent's local board/association for the appropriate forms.
- Ethics — Complete the ethics complaint form and provide a written explanation that includes the facts on which the alleged violation(s) is based, cite the appropriate Article(s) and include any other appropriate documentation.
- Arbitration — Complete the arbitration request form, attach the details of the dispute, and enclose the appropriate deposit along with whatever documentation that may help to substantiate your position.
- The ethics complaint or arbitration request will then be sent to the Grievance Committee for review.
- The Grievance Committee may, if deemed appropriate, send a copy of the ethics complaint and/or arbitration request to the respondent for a written response.
- The Grievance Committee, which functions much like a grand jury, will then review the ethics complaint and/or arbitration request (and response, if any).
- If the Grievance Committee refers the ethics complaint or arbitration request for a hearing, the parties will be advised of the referral. The respondent will be requested to submit a written response if one has not already been filed.
- If the Grievance Committee determines that a hearing is not warranted, the parties will be advised that the matter has been dismissed and notified of the opportunity to appeal the Grievance Committee's dismissal to the Board of Directors.
- If the Grievance Committee determines that a hearing is warranted, the parties will be advised of the date, time, and place of the hearing subsequent to having an opportunity to challenge any of the hearing panelists for cause.
- During the hearing, the parties have an opportunity to present their positions. Parties may exercise their right to bring witnesses and/or attorneys to the hearing. The standard of proof in an ethics complaint is clear, strong, and convincing evidence. The standard of proof that must be observed to prevail in an arbitration proceeding is a preponderance of the evidence (i.e., that evidence, when taken as a whole, is more convincing than the evidence offered in opposition).
- The Hearing Panel's ethics decision or arbitration award is transmitted to the parties. Either party may file an ethics appeal or rehearing request with the President, but the complainant may only appeal on a procedural basis. The parties involved in an arbitration may appeal only on the basis that there was a procedural irregularity that materially worked to their detriment.
- The Board of Directors, either on an ethics appeal or after the ethics appeal period has expired, renders its final decision, which will in turn be transmitted to the parties. Arbitration awards are considered final and binding subsequent to the expiration of the procedural review period. The information contained in this brochure has been summarized and provided for your use as a quick reference. For more information on Code of Ethics enforcement procedures or to review the complete Code of Ethics and Arbitration Manual, Contact your local board staff.