



COMMITTEE ON
PROFESSIONAL
ETHICS

COPE Procedures for Processing Complaints of Ethical Violations

Updated 10.2022

For the benefit of the NATA membership, this document outlines the procedures for processing complaints of ethical violations.

Section A: General.

1. The National Athletic Trainers' Association, hereafter referred to as the “Association” or “NATA,” is dedicated to promoting the professional development of athletic trainers, advocating for the profession, and ensuring ethical, culturally-inclusive practices that protect those using athletic training services.
2. The Association, in furthering its objectives, administers the NATA Code of Ethics & Membership Standards, which has been approved by the NATA Board of Directors.
3. This *COPE Policies and Procedures for Processing Complaints of Ethical Violations* (the “Procedures”) document provides guidance and procedures for handling and resolving ethics complaints brought against Members under the NATA Code of Ethics and/or Membership Standards. It specifies the procedures for processing complaints and for the work of the Committee on Professional Ethics (“COPE”). It sets forth: the standards and options for adjudicating the ethical conduct of members – and as appropriate, imposing sanctions – and identifies appeals procedures.

Section B: Eligibility to File Complaints.

1. The following individuals may file complaints (i.e. serve as “Complainants”):
 - a. Any individual(s) who have reason to believe that a NATA member has violated the NATA Code of Ethics and/or Membership Standards. Possible complainants include NATA members, non-NATA athletic trainers, other health care providers, employers, and the public.
 - b. The Chair of COPE, on behalf of the NATA membership, when the Chair has reason to believe through information received by or otherwise available to the Committee that a NATA member may have violated the NATA Code of Ethics and/or Membership Standards.

- c. An ethics complaint must pertain to a “Member,” meaning an individual who is a current member of the National Athletic Trainers' Association to be adjudicated.

Section C: COPE Members.

1. The COPE is a standing committee of the Association with twenty-two (22) appointed members, which includes one (1) Chair, (1) Board of Director Liaison, and one (1) NATA Staff Liaison.
2. The District Chair, NATA Board of Directors and NATA President appoint committee members each year, for a one (1) year term. The District Chair subject to confirmation by the NATA Board of Directors and NATA President fills any vacancy occurring on the Committee. Committee members may be reappointed to not more than three (3) additional consecutive terms before having to rotate off the Committee, if they have not served a full-term.
3. The NATA President appoints the Committee Chair for a two (2) year term, renewable one (1) time. Ideally, a Chair is a Committee member who has served previously on the Committee.

Section D: Role, Function, and Responsibilities of the Committee Members.

1. The Committee on Professional Ethics is responsible for:
 - a. Educating the membership as to the NATA Code of Ethics (“Code”) and Membership Standards (“Standards”) and the process for adjudicating complaints against members;
 - b. Periodically reviewing and recommending changes in the Code and Standards, as well as the Policies and Procedures for Processing Complaints of Ethical Violations;
 - c. Addressing complaints of alleged violations of the Code and Standards;
 - d. Responding to requests for interpretations of the Code and Standards; and,
 - e. Ensuring that the Code and Standards, as well as the complaint process, are not in conflict with any federal or state laws, rules and regulations, or any policies of the NATA.
 - f. Reviewing applications for membership reinstatement.
 - g. Reviewing membership applications with Self-Report Felonies.
2. The Committee meets by video conference as necessary based on the need to review complaints and other issues meriting attention.
3. The Chair of COPE will appoint appropriate subcommittees and panels as described in the Ethics Complaint Process and as are necessary to conduct COPE responsibilities. Any Committee member with a conflict of interest shall withdraw from participation in the case as soon as they are aware of the conflict.
4. The Committee members have an obligation to act in an unbiased manner, to work expeditiously, to safeguard the confidentiality of the Committee’s activities, and to follow the procedures to protect the rights of all individuals involved.
5. The COPE shall make every effort to act expeditiously and fairly. COPE and NATA shall take all appropriate efforts to safeguard the confidentiality of applicable information and proceedings, provided that at times it may be necessary as part of any investigation being conducted by COPE to disclose information to potential witnesses and other parties. Further, COPE may decide to disclose a sanction publicly as part of the disciplinary process, and COPE may make referrals to another body (e.g., the Board of Certification), or may

respond to valid requests made by a governmental body.

6. The COPE members fulfill the charge of the committee under the direction of the chair. This involves attending meetings, participating in voice or video teleconferencing, completing work assignments in a timely manner, and remaining up-to-date on events and circumstances affecting COPE.
7. The COPE will convene at least annually during the NATA Clinical Symposia and Athletic Training Exposition for the conduct of business. All meetings are open to the membership. The chair shall have discretion to call for a closed session for confidential matters.

Section E: Timelines.

1. The timelines set forth in these standards are guidelines only and have been established to provide a reasonable time framework for processing complaints.
2. The Chair has the authority, in his/her discretion when justified by circumstances, to grant extensions of deadlines upon request by a Committee Member.
3. The Chair has the latitude to adjust procedures for good cause, as they deem necessary to protect any party, participant, or subject of a complaint.
4. Adjudication of the complaint shall correspond with the version of the NATA Code of Ethics and Membership Standards in effect at the time of notification of the alleged violation.

Section F: Complaint Notification and Process.

1. Complaints may be submitted by any person, group, or organization, including the NATA or any committee thereof (including COPE).
2. Communications and complaints must be legibly printed or typed.
3. Correspondence related to ethical complaints may be provided by hard copy via certified means or electronic means, but Committee decisions must be signed.
4. Correspondence related to ethical complaints are to be addressed to the NATA Staff Liaison at the NATA office and marked "confidential", if provided by mail.
5. The complaint process begins with a written complaint filed with the NATA office or COPE. Additionally, cases may be started based upon information provided to the NATA via media outlets and other sources of information publicly available.
6. When complaints are submitted directly to NATA and/or COPE, Complainants must identify who the complaint is about and the allegations so that the NATA Staff Liaison can determine whether the person is subject to the jurisdiction of the NATA Code of Ethics and Membership Standards.

Section G: Complaint Review.

1. The fundamental goal of these procedures for investigating and enforcing the Code and/or Standards is to eliminate unethical behavior, rather than to impose sanctions.
2. In the event a member is indicted for reasons cited in §I.D. of the Membership Standards and Sanctions by a court, or is being investigated by a licensing board, certification body, or professional organization, COPE may, in its discretion, suspend consideration of the matter until a judgment is issued by such other body.
3. If during an investigation, the membership status of an individual who is the subject of a complaint (hereinafter, a “respondent”) changes to Suspended or Non-Member, the respondent’s membership may not be reinstated prior to the issuance of a final judgment by COPE.
4. Information regarding Code of Ethics complaints and proceedings is to be treated confidentially, subject to the following:
 - i. The COPE may disclose information validly required or requested to be disclosed by a governmental body;
 - ii. The COPE may disclose information to the degree needed to properly investigate while allowing the proper investigation of a charge, such as by contacting witnesses;
 - iii. The COPE may make a referral to another body (e.g. Board of Certification, state athletic training boards, etc.);
 - iv. The COPE may issue a final decision with a sanction involving public disclosure (e.g. public censure in the *NATANews*, disclosed in the NATA Disciplinary Action Database).
 - v. The final decision made by COPE of violations to the Code of Ethics may be listed on the NATA Disciplinary Action Database.
5. The respondent shall release, discharge, and exonerate NATA, its officers, directors, employees, committee members, and agents involved in the complaint process from any and all liability relating to the carrying out of their obligations under this process.

Section H: Case Panels.

1. The Chair may convene up to four panels – Preliminary Review Panel (PRP), Judicial Panel (JP), Appeals Panel (AP) and Membership Eligibility Review Panel (MERP) if warranted, as the complaint goes through the process.
2. No COPE member may serve on more than one panel for the same ethics inquiry.
3. Panel members must recuse themselves from any case in which they cannot be impartial or where the reasonable perception of a conflict of interest may exist.
4. No individual may serve on a panel if such individual is based in the same NATA District as the Respondent’s District.
5. A Preliminary Review Panel (PRP) establishes whether the allegation has merit and determines whether further investigation is needed. It is composed of two (2) COPE members assigned by the Chair.
6. A Judicial Panel (JP) conducts investigations and issues decisions. It is composed of three (3) COPE members assigned by the Chair.

7. An Appeals Panel (AP) is convened when a respondent contests a decision. It is comprised of one (1) NATA Board member who shall serve as chair and is not based in the respondent's District, one (1) COPE member who is not based in the respondent's District, and one (1) certified NATA member who is not based in the respondent's District and are assigned by the Chair.
8. A Membership Eligibility Review Panel (MERP) reviews the Petition for Reinstatement and Membership Applications self-reporting a felony, along with supporting documentation to determine if Respondent met his/her burden of demonstrating clear and convincing evidence that he/she has been rehabilitated and membership status. The MERP is convened when a Respondent, who has had their membership revoked or suspended, wishes to reestablish as an NATA member. The MERP is comprised of the COPE Chair and four (4) COPE members who are not based in the applicant's District. All members of the MERP are assigned by the Chair.

Section I: Complaint Review.

1. The NATA Staff Liaison reviews the complaint to determine if the Respondent is a member or non-member of NATA.
2. The NATA Staff Liaison sends the Complaint and supporting documentation to (via appropriate means of communication) the COPE Chair for an Initial Review.
3. The COPE Chair manages the process and determines, in his/her own discretion, whether an initial allegation shall go forward. If a PRP is warranted, the COPE Chair will assign the case as described above.
4. The PRP will review the materials provided to it, including all pertinent facts and information, and make an initial determination that, if the allegations in the material were true, if there is a likelihood that one or more sections of the NATA Code of Ethics and/or Membership Standards have been violated.
 - a. The PRP will communicate its preliminary findings using the PRP Decision Form to COPE Chair.
 - b. If the allegations are found to have merit by the PRP, the NATA Staff Liaison will notify the Respondent by electronic means with confirmation of receipt or certified mail, return receipt requested.
 - i. The notification to the member shall include:
 - the alleged violations;
 - a copy of all of the evidence used by the PRP to make its initial determination;
 - a copy Code of Ethics, Membership Standards and Sanctions and complaint procedures;
 - ii. The notification also shall advise the member that he/she may be represented by legal counsel during any phase of the complaint investigation, at his or her own expense.
 - iii. The Respondent shall be provided twenty-one (21) days to:
 - a. respond to each section of the NATA Code of Ethics and/or Membership Standard they have been accused of having violated and provide supporting evidence and documentation if they choose to; and,
 - b. exercise the right to request a hearing.
5. Subsequently, the COPE Chair will assign and convene a JP to review the PRP report and investigate the facts of the case as presented.
 - a. During this investigation, JP members may collect and review additional evidence, conduct

committed a procedural error that prejudiced the Respondent.

- c. The decision of the AP is final and binding.

Section J: Evidence.

1. Formal rules of evidence shall not apply as part of the COPE's consideration of a matter. Relevant evidence generally shall be admitted subject to reasonable deadlines and other limitations that may be imposed by COPE Chair or by the applicable presiding panel members.
2. The presiding panel member shall resolve all questions disputed at a hearing, and shall notify counsel of its decisions with appropriate opportunity for review, before any sanctions are levied.
3. Decisions on matters of evidence shall not be subject to appeal unless such decisions demonstrate an abuse of the presiding panel member's discretion

Section K: Contents of File in Preparation for Investigation and Adjudication.

1. The NATA Staff Liaison is expected to circulate the full case materials within 20 business days of receiving the response materials from the Respondent (via secure electronic means).
2. When preparing a file to send to the PRP and possibly beyond, it is essential that the file include certain information. As the process continues, each panel or reviewer should keep an accurate and complete record of deliberations and evidence. The file should contain:
 - The Respondent's profile from NATA's member database.
 - The written complaint detailing actions by the Respondent and/or the applicable media or other public reports relied upon.
 - Copies of all correspondence related to the case including all materials submitted by the Respondent.
 - Written and/or recorded information from witness(es) or written notes from panel members about conversations with witness(es).
 - Contact information for all panel members considering the case.
 - If available, proof of BOC certification.

Section L: Hearing Procedures.

1. In the event of a hearing, it will be conducted electronically, either by telephone or video conference, before a panel made up of at least two (2) of the panel members
2. The purpose of the hearing is to collect information regarding the case and to determine if a violation of the Code and/or Standards has occurred and, if so, to determine appropriate disciplinary action.
3. The Committee will be guided in its deliberations based upon the basic principles of fairness and professionalism, and will keep its deliberations as confidential except as provided herein.

4. A record of the hearing shall be made and preserved, together with any documents presented in evidence, with the case file. The record shall consist of a summary of testimony received, at the discretion of the Committee.
5. The COPE Committee shall have the right to call witnesses it believes may provide further insight into the matter.
6. The parties bear their own expenses associated with their engagement of counsel.

Section M: Evidence.

1. COPE is not a court of law and is not required to observe formal rules of evidence. Evidence that would be inadmissible in a court of law may be admissible in the hearing before the Committee, if it is relevant to the case. That is, if the evidence offered tends to explain, clarify, or refute any of the important facts of the case, it may generally be considered.

Section N: Sanctions.

1. Sanctions for violations of the Code and/or Standards shall in all cases be reasonably tailored to the applicable violation(s).
2. In the event of a finding of a violation of one or more provisions of the Code and/or Standards, available sanctions shall include:
 - Private Reprimand;
 - Ethics Education;
 - Membership Probation;
 - Loss of Committee Service;
 - Membership Suspension;
 - Membership Expulsion;
 - Public Censure;
 - Denial of Eligibility for Membership.
3. A sanction affecting membership (denial, expulsion, non-renewal, or suspension) shall be subject to the reinstatement provisions of these procedures. A public censure shall be published in the *NATANews* and on the COPE Disciplinary Action Database. At the discretion of the COPE, the final decision made by COPE of violations to the Code of Ethics will be listed on the NATA Disciplinary Action Database.

Section O: Reinstatement of Eligibility or Membership

1. If eligibility is denied or membership canceled or not renewed, eligibility or membership may be reconsidered on the following basis:
 - i. In the event of a felony conviction directly related to public health or athletic care or education, no earlier than one (1) year from the exhaustion of appeals, completion of sentence, or completion of parole, whichever is later; or
 - ii. In any other event, no earlier than one (1) year from the date of the final decision of COPE.
2. To consider an application for reinstatement, the COPE Chair shall appoint an RRP. In addition to other facts required by NATA, the applicant or member in question must fully set forth, in any subsequent application for reinstatement, the circumstances of the decision denying eligibility or canceling or not renewing membership,

as well as all relevant facts and circumstances since the decision. The applicant must submit one copy of this material to the Chair of COPE and another copy to the NATA membership department.

3. When an application for reinstatement is under consideration, the Respondent bears the burden of demonstrating by clear and convincing evidence that the individual has been rehabilitated, does not pose a danger to others, and meets all the NATA membership eligibility requirements.
4. If the MERP concludes that the Respondent has met his or her burden of demonstrating by clear and convincing evidence that he or she has been rehabilitated, it will advise the Respondent and NATA's membership department of this fact in writing and specify the date on which the Respondent's reinstatement or membership becomes effective.
5. If the MERP concludes that this burden has not been met, it will advise the NATA membership department and the Respondent.

Section P: Notification of Other Agencies

It shall be within the discretion of the NATA to notify appropriate state regulatory agencies and/or the Board of Certification, Inc., in cases where sanctions have been levied against a member. The NATA membership department shall, on the recommendation of the COPE and in consultation with NATA legal counsel, send appropriate written notification to agencies by whom the applicant or member is licensed or certified.