

National Athletic Trainers' Association
Ethics Complaint Process

I. Procedures

- A. The fundamental goal of these procedures for investigating and enforcing the NATA Code of Ethics is to eliminate unethical behavior, rather than to impose sanctions.
- B. Complaints must be in writing. Anonymous allegations may be submitted, although it may not be possible for the panel to proceed since anonymity may hinder the ability to investigate the complaints.
- C. In the event a member is indicted for reasons cited in §I.D. of the Membership Standards and Sanctions by a civil or criminal court, or is being investigated by a licensing board, certification body, or professional organization, the Ethics Council may, in its discretion, suspend consideration of the matter until a judgment is issued.
- D. If during an investigation, the membership status changes to Suspended or Inactive, membership cannot be reinstated unless or until a judgment is rendered by the Ethics Council.
- E. Code of Ethics complaints and proceedings are to be treated confidentially:
 - i. unless required otherwise by law;
 - ii. to the degree possible when investigating a charge;
 - iii. unless a final decision results in sanctions listed in NATA's Membership Standards and Sanctions policy, §II. B.ii., which by their nature involve disclosure.
- F. The NATA applicant or member in question shall release, discharge, and exonerate NATA, its officers, directors, employees, Council members, and agents involved in the complaint process, from any and all liability relating to the furnishing of said information.

II. Panels

- A. Complaints are reviewed by the Ethics Council chair, who manages the process and determines, in his or her own discretion, whether the initial allegation shall go forward.
- B. The chair may convene up to three ad hoc panels, if warranted, as the complaint goes through the process.
- C. No NATA member may serve on more than one panel for the same ethics inquiry.

- D. Panel members must recuse themselves from any case in which they cannot be impartial or where the perception of a conflict of interest may exist.
- E. A *Preliminary Review Panel* (PRP) establishes whether the allegation has merit and determines whether further investigation is needed. It is comprised of two (2) Ethics Council members.
- F. A *Judicial Panel* (JP), composed of three (3) members, two (2) of whom must be Ethics Council members, conducts investigations and issues decisions.
- G. An *Appeals Panel* (AP), comprised of one (1) NATA Board member who shall serve as chair, one (1) Ethics Council member, and one member-at-large, is convened when a member contests a decision.

III. Complaint Process

- A. If the complaint is deemed by the Preliminary Review Panel to have merit, the PRP will forward the file to the Judicial Panel, and notify the member of the referral by certified mail, return receipt requested. The PRP's notification to the member shall include:
 - i. the alleged violations;
 - ii. a summary of the evidence;
 - iii. a copy of the Membership Standards and complaint procedures; and
 - iv. advice that the member may be represented by legal counsel during any phase of the complaint investigation, at his or her own expense.
- B. The Judicial Panel will convene and review the file, contacting the member to request a written response to the alleged violations.
- C. Following the member's response, the Judicial Panel will confer, investigate and render a decision. The member may request a hearing with the Judicial Panel prior to the decision. The Judicial Panel shall tape record all oral hearings.

In any matter in which a hearing is requested and a sanction is possible, the NATA and the applicant or member may make opening statements, present documents and testimony, examine and cross-examine witnesses under oath, make closing statements, and tender written submissions as permitted and scheduled by the presiding panel member. The Panel can impose reasonable time limits on hearings.

- E. If, after a full and fair hearing, the Judicial Panel determines that the preponderance of the evidence does not establish any violation of the Membership Standards, no further action shall be taken. The case shall be closed, and the Judicial Panel shall, by certified mail, return receipt requested, notify the NATA applicant or member in question, the Chair of NATA's Ethics Council, and NATA's Executive Director as to the decision.

- F. If the Judicial Panel, after a full and fair hearing, determines that the preponderance of the evidence does establish that a provision of the Membership Standards has been violated, the Panel shall prepare a written decision setting forth:
 - i. the Standards that have been violated;
 - ii. findings of fact establishing said violations;
 - iii. appropriate sanctions; and
 - iv. other relevant and appropriate information.
- G. The Judicial Panel shall promptly forward a copy of the Panel's written decision to the NATA applicant or member in question by certified mail, return receipt requested. The Chair shall also notify the NATA applicant or member in writing that he or she has the right to appeal the decision by submitting to the Panel a Notice of Appeal within ten (10) days of his or her receipt of the decision.
- H. In every case in which the NATA applicant or member in question chooses not to appeal the decision of the Judicial Panel, that decision shall be the final decision in the matter.
- I. If the member contests the Judicial Panel's ruling, an Appeals Panel is convened. The applicant or member must submit a written statement to the Appeals Panel chair indicating the grounds on which he or she wishes to appeal the decision.
- J. The Appeals Panel reviews the case records, and may seek additional data or conduct interviews, then issues a ruling. The decision of the Appeals Panel is final and binding.

IV. Evidence

Formal rules of evidence shall not apply in any hearing before Judicial Panels. Relevant evidence shall be admitted in all hearings. The presiding panel member shall resolve all questions disputed at the hearing, and shall notify counsel of its decisions with appropriate opportunity for review, before any sanctions are levied.

V. Sanctions

Sanctions for violations of the Membership Standards shall in all cases be reasonable in all the circumstances.

VI. Confidentiality of Proceedings

All proceedings before the Ethics Council or any of its panels shall in all respects be confidential, except where:

- A. Disclosure is required by law or agreement; or

- B. A proceeding results in a final decision levying one or more of the sanctions listed in Section B.ii of the Membership Standards.

VII. Reinstatement of Eligibility or Membership

- A. If eligibility is denied or membership cancelled 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 final decision of ineligibility, cancellation, or non-renewal.
- B. In addition to other facts required by NATA, the applicant or member in question must fully set forth, in any subsequent application, 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 NATA's Executive Director and one copy to the Chair of the Ethics Council.
- C. In such cases, the NATA applicant or member in question bears the burden of demonstrating by clear and convincing evidence that the individual has been rehabilitated, does not pose a danger to others, and deserves NATA membership in all the circumstances.
- D. If the Ethics Council concludes that the NATA applicant or member has met his or her burden of demonstrating by clear and convincing evidence that he or she has been rehabilitated, it will advise the NATA applicant or member and NATA's Executive Director of this fact in writing and specify the date on which the NATA applicant or member's reinstatement or membership becomes effective.
- E. If the Ethics Council concludes that this burden has not been met, it will so advise the Executive Director, who will, with legal counsel, review the decision to ensure that it is consistent with NATA's legal obligations and restrictions. If the Executive Director concludes that this decision is consistent with these obligations and restrictions, he or she will submit the decision to the NATA Board of Directors for ratification by majority vote.
- F. If the NATA Executive Director and legal counsel conclude that the decision of the Ethics Council is not consistent with NATA's legal obligations and restrictions, it will so advise the Ethics Council and instruct the Council as to its alternatives.
- G. The applicant will be advised promptly of any decision described in Sections VII. (E) and (F).

VIII. Notification of Other Agencies

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