

# **EAGALA Ethics Protocol**

## **Procedures for Handling Complaints of Unethical Conduct**

### **1. Complaint process**

1. All formal complaints charging an EAGALA associate of unethical behavior shall be addressed to the Chair of the Ethics Committee, made in writing and signed by the complainant.
2. The ethics committee will receive the case and do one of the following:
  - a. Determine whether or not there is a need for more information in order to proceed
  - b. Determine case does not warrant further investigation
  - c. Determine case warrants investigation

### **2. Conflict of Interest**

1. If a member of the ethics committee is connected to any person, event or situation that would not allow impartial assessment of the information, they shall be required to recuse themselves from that particular investigation. The chair of the ethics committee may appoint a replacement for that particular case. There will be two alternate committee members identified for such circumstances.

### **3. Investigation Process**

If the ethics committee determines the case warrants investigation, the respondent will be notified of the complaint. The investigation shall be comprehensive and fair and conducted as provided below:

1. Initial information gathering stage: which may include preliminary interviews of the complainant and respondent
2. The ethics committee may call in additional witnesses as deemed necessary to get a fuller picture of the current complaint
3. The ethics committee may call in consultants when deemed necessary (including, but not limited to, mental health professionals with special areas of expertise, equine professionals with special areas of expertise, veterinarians, etc.)

4. Upon completion of the investigation, the ethics committee will recommend one of three decisions:
  - a. A decision that the respondent did not act unethically
  - b. That the case should be concluded without a finding
  - c. That the respondent acted unethically, and what sanction is recommended
5. All ethics committee recommendations shall be in writing and shall include a statement of the basis for the recommendation and be forwarded to the executive director of EAGALA for review and action
6. **Confidentiality:** Disclosure by EAGALA associates of the name of the respondent, the fact that a complaint has been lodged, the substance of the complaint, or the identity of any witnesses shall be limited to persons who need this information to assure orderly and effective administration of these procedures. When appropriate, licensing boards will be notified.

#### **4. Outcome Procedures:**

Sanctions if recommended are as follows: reprimand, censure, suspension (for a specified period of time), or expulsion:

1. **Reprimand:** If the ethics committee renders a decision that the case should be concluded without a finding, it may issue a letter of concern to the associate, which can include suggestions for education. The letter of concern will be signed by the Executive Director of EAGALA after a draft has been reviewed by the EAGALA ethics committee.
2. **Censure:** Ethical violation is found. Educational, consultation and mentoring requirements imposed by the committee without suspension of associate or suspension of certification.
3. **Suspension:** Ethical violation is found. The member is suspended as an associate (including suspension of certification). The Executive Director of EAGALA may also, but is not required to, impose certain conditions, such as educational or mentoring requirements (in consultation with the ethics committee if desired). A means for monitoring compliance shall be established by the Executive Director or designee. If an associate fails to satisfy the conditions, the monitoring body established may decide to recommend expulsion of the associate.
4. **Expulsion:** Any decision to expel a member must be approved by two-thirds affirmative vote of all members of the EAGALA Board present and voting.

## 5. Appeal Process:

1. If the decision is that an ethics violation has occurred, the respondent shall be advised that they have thirty days to file a written appeal. In such circumstances, the complainant shall not be advised of any action taken until after the appeal has been completed.
2. All appeals shall be based on one or more of the following grounds: there have been significant procedural irregularities or deficiencies in the case, that the EAGALA code of ethics has been improperly applied, that the findings of or sanction imposed by the ethics committee/EAGALA Board are not supported by substantial evidence, that substantial new evidence has called into question the findings and conclusion of the ethics committee.
3. Requests for appeals will be reviewed by the EAGALA executive officers to determine whether it is based on proper grounds and the appeal process is warranted.
4. If the appeal request is accepted, the appeal shall be heard by the Chair of the ethics committee and two other members brought in as consultants for the appeal (called an ethics committee appeal panel with these members having no prior review of the case).
5. The ethics committee appeals panel will review and decide the appeal solely on the basis of the documentary record of the ethics committee investigation and decision and any written appeal statements filed by the respondent.
6. After review, the ethics committee appeals panel may take any of the following actions:
  - a. Affirm the decision, including sanction imposed
  - b. Affirm decision but alter the sanction imposed
  - c. Reverse the decision and terminate the case
7. After the ethics appeals panel reaches a decision, if the decision is anything other than to expel an associate, the Chair of the ethics committee shall notify the executive committee who will then notify the respondent of the decision and that it is final.
8. If the decision is to expel a member, the EAGALA Board at its next meeting shall review the action solely on the basis of the presentation of the EAGALA ethics chair (or his/her designee) and the documentary record in the case. The EAGALA Board may affirm the sanction, impose a lesser sanction, or remand the EAGALA ethics appeals board for further action or consideration.
9. A decision to affirm expulsion must be by a vote of two thirds of those Board Members present and voting.
10. All other actions shall be by a majority vote.

11. Once the board has acted or, in case of a remand, has approved the action taken on remand, the decision is final
12. Once a final decision is reached, the Executive Director shall notify the complainant and respondent by certified mail.