

## The Hearing Process

The Hearing Committee shall adhere to the following procedure:

The Hearing Committee will attempt to interview, at the expense of CIPS, the complainant(s), and the accused, plus any other parties with relevant information. The number of people interviewed, and the extent of the effort to secure interviews, is a matter of judgment by the Hearing Committee. The Hearing Committee will decide if the accused may be present during the interviews. If the accused is not allowed to be present during the interviews, the accused shall be provided with notes documenting the substance of the interviews.

The accused will be afforded the opportunity for a full hearing, with the complainant(s) present if desired by the accused.

The Hearing Committee should have the services of legal counsel available as required. The accused, and the complainant (s), may obtain counsel at their own expense, if either or both desire.

The Hearing Committee, after full and complete deliberation, will rule in writing as to the individual case.

Additional rules and procedures shall be established by the Hearing Committee as required in their judgement.

The ruling of the Hearing Committee may be:

1. a clearing of charges, or
2. a warning statement to the accused, or
3. suspension of national and local membership for a specified period of time, or
4. revocation of the current membership of the accused in the Society, and a statement of the accused eligibility for other grades of membership.
5. Such other ruling as the Hearing Committee in its discretion sees fit (e.g.: change letterhead, business cards to delete reference to the I.S.P. status or being a member of CIPS).

The Hearing Committee will prepare an opinion on the particular case, that will cover the facts of the case, the action taken, and the reason for that action. This will be reviewed by the Executive Committee of the National Board of CIPS and by legal counsel at the discretion of the Executive Committee. When approved this opinion will be sent to the accused, who may consider exercising the Appeal Process. Due diligence should be used to provide this opinion to the accused

within 120 days of the receipt of the complaint by the Hearing Committee. If this is not possible, a letter should be sent to the National President of CIPS, with copies to the accused and complainant(s), requesting an extension of this limit, and stating the reason for this request.

### **The Appeal Process**

If not satisfied with the ruling of the Hearing Committee, the accused may appeal to the Executive Committee of the National Board of CIPS within 30 days of issuance of the Hearing Committee opinion. If appealed, the following procedure will be used:

The Executive Committee, at its next scheduled meeting, or at a special session, shall review the opinion, and any other information available, and shall determine if:

1. a substantive procedural error has been committed by the Hearing Committee, or
2. substantial new evidence has been produced.

The accused and the complainant are permitted legal counsel at the Executive Committee appeal session.

The Executive Committee shall determine if, in its sole judgement, one of the two above noted criteria have been established, in which case the council shall refer the matter back to the previous or a new Hearing Committee for further proceedings.

The decision of the Executive Committee shall be final: there shall be no further appeal.

### **Publication and Record Retention**

After the Appeal Process and any further proceedings have been exhausted, or after completion of the time allowed to initiate an Appeal Process, the opinion will be published in the appropriate CIPS publication, if the ruling was a suspension or revocation of membership, and will be published at the request of the accused, if the ruling was a clearing of charges or issue of warning statement.

The record of the Hearing Committee and all appropriate supporting documentation will be retained by National for five years. Response to queries may include statistical information that does not reveal detail about a specific complaint, such as the number of complaints processed, provided the approval of the Executive Committee is obtained, or responses may include copies of information previously published.

Any other information may be released only with the written permission of the Executive Committee, the accused, and the accuser(s).