

# Society of Ortho-Bionomy International<sup>®</sup> Professional Conduct Committee Handbook

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# Table of Contents

- Introduction ..... 3
- The Professional Conduct Committee ..... 3
- Professional Conduct Committee Liaison ..... 4
- Filing a Grievance ..... 4
- Reporting Illegal Activities ..... 5
- Withdrawing a Grievance ..... 5
- The Grievance Investigation ..... 5
- Professional Conduct Committee Report to the Board ..... 6
- Board Reviews the Report and Votes on the Recommendation ..... 6
- Appeals ..... 7
- Automatic Grievances ..... 7
- Record Keeping ..... 8
- Statute of Limitations ..... 8
- Questions Beyond this Handbook ..... 8
- Notes ..... 8
  - Confidentiality ..... 8
  - Conflicts of Interest ..... 8
  - Board Member Involvement ..... 8
  - Legal Issues ..... 8

## Introduction

The Mission of the Society of Ortho-Bionomy International® (SOBI) is to support its membership in their Ortho-Bionomy® practices, to promote public education and awareness of Ortho-Bionomy, to regulate the registration of Practitioners and Instructors, and to continue the evolution of Ortho-Bionomy in accordance with its own philosophy and principles.

The Professional Conduct Committee (PCC) Handbook provides the framework and standards to support SOBI's Trademark and Code of Ethics Policies, and to resolve reports of harm (grievances) done by Society members. The Society has the responsibility of upholding professional standards and ensuring compliance with the Code of Ethics.

The grievance procedures are served best by the model of healing based in restorative justice, rather than that of legal retribution. By following the procedures with a caring and supportive attitude, activities that have led to complaints may be corrected in such a way as to improve the health and overall functioning of the Society. In a sense, a grievance investigation is a "healing crisis" for the community. It should be handled with integrity, fairness, active observation, and good listening skills. Open communication among all parties will facilitate any investigation.

If any complaint includes allegations concerning activities which are or could be the subject of criminal, or other governmental or regulatory proceedings, the PCC, with approval from the Board of Directors (Board), shall defer consideration of such complaint pending a decision by, or may refer such complaint to, the appropriate governmental, regulatory, or licensing authority. The complainant would then have the responsibility to notify or make a formal complaint to the appropriate agency or board.

## The Professional Conduct Committee

The PCC oversees all grievance procedures. The PCC consists of three SOBI members in good standing with the Society. Committee members are Advanced Practitioners or above. At least one member of the committee must be an Instructor member. The committee members serve for one grievance or a three-year term, whichever comes first. No two terms can be consecutive. Once they oversee an active grievance, a new PCC is chosen from the Reserve Pool as described below.

### **Committee Selection**

All SOBI Advanced Instructors, Associate Advanced Instructors, Instructors, Associate Instructors, and Advanced Practitioners, except for those currently serving on another Society committee or the Board of Directors, will be on a ballot put before the voting SOBI membership. Each voting member can select up to 10 choices and must include at least one Instructor. The three candidates with the most votes will be selected for the committee. If none of the three with the highest votes is an Instructor member, then the top two and the Instructor with the most votes will be selected to serve. These votes will be compiled confidentially by the SOBI office, and the office will let the committee members know they have been selected. Any member may decline to serve on the PCC. The committee members will select a Chair each year. After three years, this committee election process will be repeated.

### **Committee Reserve Pool**

All others from the election who received at least one vote will become part of a "pool" of reserves. On any given grievance if a committee member needs to recuse themselves the next person in the reserves, in ranked order, joins the PCC. If the Reserve Pool is exhausted, the Chair will recruit alternates by contacting Advanced Instructors, then Instructors, then Advanced Practitioners, from a list provided by the office.

### **Committee Confidentiality and Conflict of Interest**

The identity of PCC members remains confidential, and each member signs confidentiality and code of conduct agreements. When a grievance is filed the complainant, respondent, the Board, and all other parties also sign confidentiality agreements regarding the identity of the PCC members, any parties involved, and all information about the grievance.

To maintain the confidentiality of the PCC, the SOBI office will do the job of liaison between the committee and the Board and provide administrative support as needed by the PCC. In the event a grievance is filed against the SOBI office, the job of liaison will be done by the Board Vice President.

Committee members who have a conflict of interest must recuse themselves. If the Chair recuses themselves, a new Chair must be chosen by the committee.

### **Expanding the Committee for a Specific Grievance**

The PCC can expand their committee from the Reserve Pool to 5 members at their discretion. If the Board is the respondent of a grievance the PCC must expand to 5 members.

### **Simultaneous Grievances**

If more than one grievance is active at the same time, additional PCC members are chosen from the Reserve Pool to form an additional PCC, so that each grievance has a separate committee specific to that grievance.

## Professional Conduct Committee Liaison

The SOBI office will liaise between the PCC and the Board, and will follow these guidelines:

- The PCC Liaison embodies neutrality and impartiality.
- Provides equal support and communication to all parties.
- Maintains confidentiality regarding all grievances.
- Follows up with the PCC to support a timely response.
- Responds in a timely manner to all parties:
  - Even if the response is, “We have received your question and will get back to you.”
  - Always include a date and/or range of time for a response, e.g. by next week
  - If a response within the timeline given is not possible, let them know of the new timeline
- Throughout the process, the PCC Liaison communicates with the Board:
  - Status/Timing of the grievance process
  - Informs the Board of requests for documents
  - Follows up with the Board to assist with a timely response
- Responses by the Liaison on behalf of the Board need to be approved by the Board

## Filing a Grievance

Grievances can be filed for (including but not limited to): administrative actions, Trademark violations, member misconduct, violations of SOBI’s Code of Ethics, violations of professional standards or SOBI’s Standards of Practice, or any time a person has been harmed professionally, emotionally, physically, or financially.

People filing grievances must not be treated in a discriminatory way because they filed a grievance. Grievances may not be filed anonymously.

Any grievance determined to be retaliatory or frivolous will be rejected.

The form for filing a grievance is on the SOBI website and is accessible to members and non-members. Click [this link](#) to access the form.

When someone fills out a grievance form, it will be sent directly to the current Chair of the Professional Conduct Committee, via the office.

## Reporting Illegal Activities

If the situation involves illegal activity, the matter needs to be investigated through legal authorities. SOBI will wait for the legal authorities to complete their investigation before making any internal decisions or taking further action. Further information can be found [here](#).

## Withdrawing a Grievance

The person originally filing a grievance may withdraw their grievance at any time during the process by submitting a written request to the SOBI office either by email or mail. If a grievance is withdrawn, no documentation will be recorded in either party's files and any previous documentation related to the grievance will be deleted.

## The Grievance Investigation

The explicit goal of any investigation is to establish the facts. Open communication among all parties will facilitate an investigation and enable the PCC to make solid recommendations to the Board of Directors.

The PCC Chair will lead the investigation. A grievance investigation will consist of the following:

- i) The PCC Chair will confirm to the complainant within 10 business days that they received the grievance form and will request supporting documents as needed to complete their grievance packet.
- ii) Within 15 business days of receiving written confirmation from the complainant that their grievance packet is complete, the PCC will review the grievance and determine whether a grievance process and further investigation is merited.
- iii) The PCC Chair will contact the complainant, confirm they want to continue, and obtain written permission to contact the respondent and disclose the grievance to them.
- iv) The PCC Chair will immediately notify the SOBI office that there is an active grievance.
- v) The PCC will immediately contact the respondent.
- vi) The PCC will immediately provide a copy of this handbook, the grievance, and all support documents to the complainant and the respondent.
- vii) The PCC will contact any other parties with knowledge of the circumstances, including:
  - People directly involved in the incident
  - People who have "expert" or applicable knowledge of the relevant circumstances
- viii) The PCC will conduct interviews with the complainant, the respondent, and any other appropriate parties, and aim to complete this process within 30 business days of the Board being notified that there is an active grievance.

### **Guidelines for the Investigation**

All meetings will be over video conference. These meetings may be recorded. If they are recorded the recordings must be retained by the SOBI office until time to be expunged. These recordings will be used as references in the final report submitted to the Board.

If the meetings are not recorded, the PCC will take comprehensive notes of all meetings. The notes will be reviewed for accuracy and verified in writing by all involved parties after the meeting. These notes will be used as references in the final report submitted to the Board.

All grievances and information must be documented in writing, to be considered part of any investigation. Anything told to a PCC member either casually or in the course of a deliberate investigative effort must be documented in writing in order to bear any weight in the matter. Any source of information (interviewee) will be asked to put their information in writing and informed that it will be given to all relevant parties.

The PCC Chair may obtain assistance from SOBI office administrative staff and consult legal counsel (with the Board's approval) whenever in their judgement such consultation is necessary or appropriate. Each new piece of information must be communicated in a timely fashion to all relevant parties. Whenever possible, any specific plans to obtain corroboration or refutation of the grievance(s) will also be communicated to all relevant parties.

In order for the current PCC to remain impartial, if there is a prior grievance between both parties the findings, recommendations, and outcome of the prior grievance will not be available. All the information of the prior grievance(s) is private and confidential, to protect all parties involved. A party may submit documentation from a prior grievance if:

1. It is relevant to the current grievance
2. It doesn't include any communications or findings of the prior committee
3. The identities of the previous committee members are kept confidential

As part of every investigation, the PCC will confirm, and continue to double check, that the grievance interviews and processes are keeping exclusively to the filed grievance.

## Professional Conduct Committee Report to the Board

It is the task of the Professional Conduct Committee to make a decision regarding the grievance(s) based on the corroborating information gathered. The committee creates a report and makes recommendations to the Board. The PCC will state and sign that the investigation was implemented with procedural fairness and justice, which included the principles of Ortho-Bionomy. The PCC can redact information in the report that is sent to the Board to protect the privacy of the parties. The report and recommendations will be sent to the SOBI office, who will relay it to the Board.

Board members must recuse themselves if they have a conflict of interest, if they are the complainant, or if they are the respondent.

## Board Reviews the Report and Votes on the Recommendation

The PCC liaison shall notify the complainant and the respondent that the committee has made a recommendation to the Board and that the Board will make a determination within 30 business days.

The Board may ask questions of the PCC via the liaison at any point during the Board process. Additional hearings or interviews may be required for the Board to make a decision on the grievance.

The Board shall decide whether or not a member has engaged in conduct seriously prejudicial to the interests of the Society and should be expelled, or whether some lesser course of action or redress would be best for all involved.

1. If the PCC finds the grievance to be unsupported, and the Board agrees, no hearing or further action is required.
2. If the PCC finds the grievance to be supported and the Board finds the PCC report to be clear and complete, then one of the following actions can be taken, including but not limited to:
  - A verbal reprimand: a written warning to be placed in the member's file for up to 7 years; a requirement of educational activities related to their violation; a probationary period; or expulsion from the Society. If the party is a Board member, immediate removal from the Board could be an option.
3. The Board may choose to have a hearing with either the complainant or the respondent or both if they feel it is warranted.
  - a) The Board votes on establishing a date for the hearing and the PCC liaison informs affected parties, providing a minimum of 15 business days' notice via email and informing them of their right to be heard.
  - b) The party in question shall be permitted to be heard personally or in writing before any action is taken by the Board. The party may also present written statements of others on their behalf.
4. Any decision that would result in expulsion from the Society requires a Special Board Hearing (also known as a Special Meeting). See Robert's Rules for guidance.

The PCC liaison will notify the respondent of the Board's decision and their right to an appeal by certified mail return receipt requested and by password protected email within 10 business days. A respondent's refusal to accept the mail counts as receipt of the mail.

The PCC liaison will notify the complainant of the general outline of the action taken by the board by email within 10 business days.

The PCC liaison will immediately notify the PCC of the Board's final decision.

If a grievance has been filed against the Board as a whole, the PCC must expand to 5 members and follow through on the duties of the Board in this specific grievance, making the final decision in place of the Board.

If a grievance has been filed against more than half the members of the Board, the PCC will collaborate with any remaining members of the Board not mentioned in the grievance to make the final decision.

## Appeals

An appeal may only be filed within 20 business days after the Board's decision by contacting the SOBI office. If no written request for an appeal is received by the SOBI office, then the Board's decision is final.

An appeal re-starts the Grievance Investigation process, with three new members of the PCC selected from the Reserve Pool. After one appeal process, the Board decision is final and shall be effective immediately.

## Automatic Grievances

The office files a grievance on behalf of the Society whenever an automatic grievance is triggered by Policy. In these cases, SOBI is the complainant, represented by the SOBI office.

## Record Keeping

PCC reports and all supporting materials that lead to a permanent expulsion are to be kept indefinitely by the SOBI office. All other PCC reports and supporting materials are to be expunged from the record after 7 years.

## Statute of Limitations

The Statute of Limitations to file a grievance is 1 year from the date of the incident. The Board reserves the right to extend the Statute of Limitations in any particular case.

## Questions Beyond this Handbook

Any questions, procedures, actions, etc. not covered by this handbook will be handled by a decision of the Board on how to proceed.

## Notes

### Confidentiality

All investigations are sensitive and must be kept confidential. Only the Professional Conduct Committee members, complainant, respondent, the Board of Directors, the PCC liaison, and Legal Counsel (when appropriate) will have access to the records regarding a grievance and must sign confidentiality agreements as part of the grievance process.

### Conflicts of Interest

Anyone who is a party to any of the investigated activities or with any direct involvement in the case or personal ties to the parties in the case will not serve in the investigation or resolution of the grievance.

### Board Member Involvement

If a Board member is a party to any of the investigated activities or has any direct involvement in the case or personal ties to the parties in the case, they will not serve in the investigation or resolution of the grievance. They will recuse themselves and not be involved in the process or Board decision.

### Legal Issues

As an investigation proceeds, any party involved in a grievance or its investigation who recognizes a potential legal impact on the Society due to the activities under investigation will notify the SOBI office immediately.