Grievance Procedure

Each member of the Professional Skaters Association in many ways acts as a representative of every other member of the PSA each time they teach, speak or come in contact with the public. In all professional functions it should be the goal of the member to be competent, diligent and demonstrate integrity. The rules which follow are designed to encourage these traits and give guidance to persons claiming breach of ethics.

Rule 1 - Definitions
As used in these Rules:
1) The Chairman of the Committee on Professional Standards (Chairman) is appointed by the President of the Professional Skaters Association (PSA).

2) The Committee on Professional Standards (Committee) shall be made up of the Chairman, Past Presidents, the Executive Board, the Board of Governors, and nine members in good standing of the PSA appointed by the President.

3) The Panel shall mean three members chosen from the Committee by the Chairman, approved by the President, to resolve a filed grievance.

4) The Committee is overseen by the President of the PSA, the Executive Board and PSA Legal Counsel.

5) Notice means to give written, personal notice or to mail to the person at the person's last known address or the address maintained in the PSA office or to a person's representative if such representative is made known to the PSA.

6) Code of Ethics is that portion of the by laws of the PSA which generally describes professional conduct governing relations of each and every member of the PSA.

7) Basic Rules are those rules which from time to time are established by the Board of Governors and which generally guide both the membership and the Board of Governors with regard to enforcement of the PSA ethics and professional conduct.

8) Private Admonition means a non-public finding of unethical conduct which may have been isolated or inadvertent and not likely to occur in the future.

9) Public Admonition means a finding which shall be available to the public upon inquiry and represents one or more acts of unethical conduct.

10) Probation means a finding, which shall be available to the public upon inquiry, of unethical conduct which shall result in such sanctions and on terms as may be appropriate in the discretion of the Committee on Professional Standards.

11) Suspension shall mean loss of good standing membership status and public announcement thereof. Suspension may require reapplying for membership.

12) Expulsion shall mean removal from the rolls of membership, public announcement thereof and shall require complete re-application for re-admission to membership.

13) Timely filing shall mean a grievance filed within sixty (60) days of the occurrence which is alleged to be a violation, or within sixty (60) days of the discovery of the alleged violation, provided that all claims must be made within two years of the alleged violation, regardless of time of discovery. Any of the following grounds of disability, existing at the time when a cause for a complaint arose shall suspend the running of the period of timely filing until the disability is removed, but in all cases not longer than two years after the disability ends:
A). The complainant is under the age of 18 years;
B). the insanity of the complainant;
C). the commencement of the complaint is stayed by injunction or statutory prohibition.

14) Burden of Proof shall be by clear and convincing evidence. Satisfaction of the standard will be shown where the truth of the facts asserted is highly probable, more than a fair preponderance of the evidence but less than proof beyond a reasonable doubt.

Rule 2 - Purpose
The PSA grievance procedure is an important function of the Association. It is of primary importance to the public and to the members of the PSA that cases involving claims of unethical conduct filed against a member of the PSA receive prompt investigation and be disposed of with fairness and justice.

Rule 3 - Preliminary Procedure
The Chairman of the Committee on Professional Standards, upon receipt of a timely filed and signed Grievance Application filed against a member of the PSA, shall either personally or, upon referral to a member of the Committee or such other person as may be appropriate at the discretion of the Chairman, investigate the complaint as filed and make reports and recommendations thereon to the Committee on Professional Standards within 20 days of the receipt of the filed grievance. No grievance shall be investigated unless it is accompanied by an official Grievance Application in the form as outlined herein and all filing fees are paid and required copies of supporting statements are provided by the party(ies) filing the grievance. One or more individuals, corporate clubs or any legal entity (the "claimants") may jointly file a grievance against one individual (the "respondent"). If there is a claim against more than one respondent, separate grievances must be filed against each respondent.

The Grievance Application shall have the following information and be in the general form as follows:
A). the name of the party filing the grievance.
B). the address and preferred phone number of the filing party.
C). the name and last known address of the party against whom the grievance is filed.
D). the reference to the specific numbered paragraph of the PSA Code of Ethics that you are claiming was violated. Failure to state the specific violation may result in a dismissal of the grievance.

E). A statement of the facts, including date(s), places and other persons involved, surrounding the claimed violation of the Rules of Ethics or of the unprofessional conduct, all of which shall be under oath, notarized and under penalty of perjury, as true and correct.
F). A list of any other complaints, charges or reports which have been filed with any other public agency or private organization which involve the facts giving rise to the filing of the present grievance. Public agency records shall be certified copies; records of other agencies or organizations shall be certified as true and correct copies of originals which are kept by the organization or agency in the ordinary course of business.
G). To be taken into consideration, each document submitted must be signed and individually notarized under penalty of perjury. Documents will be accepted only if they are signed and notarized under penalty of perjury by the person who authored the document. Only those items based on personal knowledge can be sworn to. In other words, the Party sending what someone else is saying cannot swear to the truthfulness of that statement… only the author of the statement can do that. Other exhibits, such as photographs or copies of records, may be filed with an attached statement, under oath, notarized and under penalty of perjury, explaining the purpose of the exhibit and that it is a true and correct copy of the original record or if a photograph accurately shows the subject of the photo as it existed at the time the photo was taken. Unsigned statements or anonymous claims and emails without header information will not be considered.
H). The signature of the party filing the grievance, must be under oath, notarized and under penalty of perjury.

Rule 4 - Committee on Professional Standards
The Chairman must be on the Board of Governors**.** The members of the Panel shall be appointed from the Committee by the Chairman and approved by the President and shall serve such terms as may be designated by the President at his/her pleasure. No compensation shall be paid to any member of the Committee on Professional Standards but they shall be paid reasonable and necessary expenses incurred in the performance of their duties.

The Chairman of the Committee on Professional Standards shall have the general supervisory authority of the administration of the grievance procedure. It shall generally be the function of the Panel chosen from the Committee on Professional Standards to act upon such reports as are received from time to time from the Committee Chairman or the person or persons to whom investigation of grievances may be assigned by the Committee Chairman.

Rule 5 - Grievances
All grievances which have been determined to properly allege unprofessional conduct or violation of the Code of Ethics shall be commenced by the Chairman promptly notifying the person against whom the grievance is filed. Notice shall include a request that the person against whom the grievance was filed must respond with a signed letter, statement(s) and other credible evidence in response to the filed grievance within 20 days of receipt of the notice from the PSA of the filing of a grievance.

Rule 6 - Investigation
The Committee Chairman may assign a panel to decide the grievance based upon the substance of the complaint as may be appropriate in the discretion of the Committee Chairman and Legal Counsel. Any investigation done which provides evidence beyond the submission of documents shall be at the sole discretion of the Chairman and may be conducted by means of written and telephonic communication and personal interviews.

All grievance filings shall be submitted for review and approval to the Committee Chairman, who shall determine the following:
A). A review of the factual matters presenting clear and convincing evidence that discipline is not warranted.
B). Refer the matter to a panel drawn from the Committee for action on complaint dismissal, admonition, probation, suspension or expulsion from the PSA.
C). Investigate the matter further. If discipline is not warranted, a letter in the format prescribed by the Chairman shall be issued notifying the party filing the grievance and the person against whom the grievance was filed. The investigation and recommendation shall be completed and the report made within 120 days after the Committee Chairman receives the complaint.

Rule 7 - General Conduct of Investigation
No investigation may be commenced upon the sole initiative of the Committee Chairman or any member of the Committee unless a complaint is in proper form and filed as set forth in these rules.

Rule 8 - Disposition
If, in a matter where there has been a grievance filed, and the Committee Chairman and Legal Counsel conclude that discipline is not warranted, the Committee Chairman shall notify the member against whom the grievance has been filed and the person making the complaint of this decision. The notification shall set forth an explanation of the conclusion, the identity of the person making the complaint, the complaint's substance and the person against whom the complaint was made.

In any matter in which it is concluded that the person acted in a manner which was a violation of the Code of Ethics but of an isolated and non-serious nature, the Chairman of the Committee with the advice of Legal Counsel may issue a notice of admonition. The admonition shall be in lieu of any further proceedings. In any matter in which it is concluded that the person acted in a manner which was a violation of the Code of Ethics, isolated, the Chairman of the Committee may issue a notice of public admonition. The public admonition shall be in lieu of any further proceedings.

In a matter which the Panel concludes that the member's conduct was unprofessional and that probation is appropriate, the Panel shall make such a recommendation which shall be filed within 20 days after the close of the investigations with the Chairman of the Committee. Probation will subject the member to a specified period of time or such conditions as may be appropriate but such probation is in the sole discretion of the Panel which must vote by majority of the Panel for such probation.

The Chairman of the Committee shall immediately notify the member of his/her probation and the terms thereof.

In a matter where the Panel has determined that discipline shall be suspension, the Panel shall make such a recommendation which shall be filed within 20 days after the close of the investigations, with the Chairman of the Committee who shall notify the member of the findings of the Panel recommending suspension for such a period of time as shall, in the sole discretion of the Panel, which must vote by majority of the Panel for such suspension, be deemed appropriate and on such terms as the Panel shall approve. The Chairman of the Committee shall immediately notify the member of his/her suspension and the terms thereof.

Within 20 days after notice to the member of the terms of the suspension of said member, the member being suspended may file a request, along with the proper filing fee, for reconsideration by the Grievance Committee. Upon receipt of such notice of request for reconsideration, the Grievance Committee shall within 30 days thereafter reject or make such other findings as in its sole discretion may be appropriate.

In any case where the Panel has determined that discipline shall be expulsion, the Chairman of the Committee shall notify the member of the findings of the Panel by recommending expulsion for such a period of time as shall, in the sole discretion of the Panel, be deemed appropriate and on such terms as the Panel shall approve. The Chairman of the Committee shall immediately notify by certified mail sent to the last known address of the member of his/her expulsion and the terms thereof.

Within 20 days after notice to the member of the terms of the expulsion of said member, the member being subject to expulsion may file a request, along with the proper filing fee, for reconsideration by the Committee. Upon receipt of such notice of request for reconsideration, the Committee shall consider the request and within 30 days thereafter reject the request for reconsideration or make such other findings as in its sole discretion may be appropriate.

Rule 9 - Felony Conviction
Whenever a member of the PSA is convicted of a felony, the Committee Chairman shall obtain a certified copy of said judgment of conviction.

It shall be deemed a violation of the Code of Ethics of the PSA for any member of the PSA to be convicted of a felony. A felony shall be that violation of law which would result in punishment by incarceration of more than one year or a fine $10,000 or both. Upon the filing with the Committee of such judgment of conviction the member so convicted shall be immediately suspended from the PSA.

Rule 10 - Reinstatement
Any member who has been suspended and who is not reinstated under the terms of the suspension or any skating professional who has been subjected to expulsion from the PSA must apply for reinstatement of membership to the PSA. Such requests for

reinstatement with the PSA may be granted upon such terms and requirements in the sole discretion of the Committee by majority rule deem appropriate. No professional may be returned to the status of good standing in the PSA as a reinstated member until the professional has satisfied the requirements imposed under these rules and the general rules of membership in the PSA.

Rule 11 - Effects of Any Previous Proceedings
Conduct previously considered by the Chairman or any Panel in which discipline was not warranted is not to be considered by the Chairman of the Committee or any member of a Panel or the Committee if it was determined that discipline was not warranted. Such information may be considered if it shows a pattern of related conduct the cumulative effect of which constitutes unethical violation.

If there is a finding in a previous disciplinary proceeding that a member engaged in conduct warranting discipline, the discipline may be considered on any subsequent proceeding.

Rule 12 - Confidentiality
The files, records and proceeding of any Panel or Committee meeting as they may relate to or arise out of any complaint or charge of unethical conduct against a member shall be deemed confidential and not be disclosed in the following situations:
A). Except as between members of the Committee, Board of Governors or Committee Chairman. Note: Notice of the results of the finding on any grievance filed shall be sent only to the persons directly affected.
B). The fact that the matter is or is not being investigated or considered by the Panel, Committee, Committee Chairman or such investigator as may have been assigned; Note: This section shall not apply if the member against whom a grievance was filed makes an unprivileged announcement relating to the grievance.
C). The fact that the Panel or Committee has issued a private admonition.
D). The fact that a grievance was filed and thereafter dismissed.

The PSA shall expunge records relating to dismissed grievances as follows:
A). All records or other evidence of a dismissed grievance shall be destroyed within 3 years after the dismissal;
B). By application of the Committee Chairman to the Committee, for good cause shown and upon a majority vote of the Committee, records which should otherwise be expunged under this rule may be retained for such additional time not exceeding 5 years as the Committee Chairman may deem appropriate.

Rule 13 - Required Cooperation
It is the duty of any PSA member who is the subject of an investigation or proceeding under these rules to cooperate with the Committee Chairman or the designated investigator thereof by complying with reasonable requests including but not limited to requests to:
A). Furnish papers, documents or statements
B). Furnish in writing a full and complete explanation covering the matter under consideration

C). Refrain from making any ex parte contact with any member of the Panel or the Committee or the Committee Chairman during the course of any investigation.

A violation of this rule is considered unethical conduct and may constitute a ground for discipline, provided, however, that a member's challenge to the request of the Committee or the Committee Chairman or investigator assigned thereof shall not constitute lack of cooperation if the challenge is promptly made, is in good faith and is asserted for a substantial purpose other than delay. It shall be considered a violation of the Code of Ethics for any member to knowingly make a misrepresentation or omission in connection with any disciplinary investigation of any member's conduct. These rules shall create an affirmative obligation on the member to immediately clarify any misunderstanding on the part of the Panel, Committee, Committee Chairman or investigator assigned of which the member involved becomes aware.

Rule 14 – Outside Sanctions
"In situations when current members or non members of the Professional Skaters Association (PSA) are disciplined, suspended, or expelled (sanctioned) by a federation recognized by the International Skaters Union and the Professional Skaters Association (PSA), and upon receipt of a formal request by said federation to the PSA to take action, such request may act as an application for grievance. Following confirmation by the PSA's Committee on Professional Standards and with advice of its general counsel, the PSA may recognize said sanction against the current or non member as if imposed by the PSA to run concurrently with the originating sanction."

rev. 5/09