



## Handling of Complaints, Due Process

### Section 1

#### Intent

1. It is OPPA's policy to support and uphold the highest professional imaging and ethical standards.
2. This policy extends to each member and encompasses that member's dealings with the Association, its members, and competitions. This policy also encompasses each member's dealings with their vendors, suppliers, clientele and the public.
3. OPPA is committed to upholding its reputation and that of its members by enforcing this policy against any member action, whether ethically, civilly or criminally questionable, that may portray the Association or its members in a negative way.
4. However, the Association accepts no responsibility for policing the actions of individual members. The Board, upon recommendation of the Bylaws & Legal Ethics Committee, may hold a hearing to rule on termination of any membership for violations of its Code of Ethics or for other just causes. The member concerned shall be notified in writing of the hearing and may present a rebuttal to the charges.
5. Association policy is to recommend to the two parties that after a short "cooling off" period, they try to resolve their dispute amiably. But, if necessary, suggest they contact an arbitration service for assistance.

### Section 2

#### Procedure for Submitting a Complaint

1.Any individual or individuals can make an ethics complaint about a member. Complainants do not need to be OPPA members.

2.Complaints must be received in writing and will be accepted into the official record of the proceeding and the Association.

3.When submitting a complaint, the complainant should first show:

3.1. Physical evidence that they tried to come to a resolution with the Subject on their own.

3.2.No action can be initiated until a signed, written complaint is received.

4.The Bylaws, Rules & Ethics Committee (BRE) is responsible for investigating a complaint received against a member and to advise the Board of Directors to hold a hearing, or not hold a hearing.

## Section 3

### Procedure for following -up on a Complaint

1.The BRE Chairman and the committee have the right to determine if the case has merit.

2.If it is determined that the case has merit, within 14 days of OPPA receiving a complaint:

2.1.The BRE Chairman will notify the member accused (Subject) via certified mail.

2.2.The certified return mail stub becomes part of the official case file.

2.3.This notification may, or may not, include the Complainant's name, depending on circumstances.

3.The Subject notification and Complainant acknowledgment should include:

3.1.The specific charges or allegations

3.2.A copy of OPPA's Due Process complaint handling policy.

3.3. A request for a response to the charges or allegations, and any additional information to be received, for consideration with-in 14 days of the delivery of this notification.

3.4. Any other information considered pertinent to the case.

4. The Subject and complainant will be given 14 days to respond in a signed writing to the charges or allegations outlined, and provide any additional information.

4.1. If no response is received, the BRE Chairman will assume the Subject has no response and will continue with the process.

5. If a response is received, the BRE has 30 days to conduct follow up interviews and investigation to determine whether to recommend to the Board that a hearing should be held. At this point, the committee may decide:

5.1. To discontinue any further action and end the process. If this is the case, the committee should notify the Subject and Complainant that there is not sufficient cause to continue, and extend the Association's appreciation to all parties for their input.

5.2. To continue the process and recommend that the Executive Committee conduct a hearing.

## Section 4 Conducting a Hearing

### 1. NOTIFICATION.

1.1. Notification that a hearing has been scheduled should be sent promptly to the Subject and Complainant via certified mail.

1.2. The return mail stubs are to become part of the official case file.

### 2. VENUE.

2.1. All parties will be notified and ask to appear to answer questions, every effort should be made to accommodate all parties.

2.2. OPPA is not responsible for travel costs if Subject or Complainant choose to attend the hearing.

### 3. THOSE ATTENDING.

3.1. It is NOT necessary for the Subject or Complainant to attend the hearing in person.

3.1.1. Either or both may be invited to attend.

3.1.2. Lack of attendance by any party will not be considered in the committee's deliberations.

3.1.3. They may present witnesses at their own expense, if they so choose.

3.1.4. The Subject may also choose to be represented by counsel, at his own expense.

3.1.5. A majority of the Executive Committee must be in attendance.

### 4. EVIDENCE.

4.1.

Materials and evidence that could have a bearing in the hearing should be distributed to the Executive Committee members and Subject at least 14 days prior to the hearing.

5.

### PROCEDURE.

1. The OPPA Executive Committee conducts the hearing.

2.

If the President is unable to attend, the Vice-President will conduct the hearing.

3. The President will review the complaint with the committee and submit any related materials.

4. If the Complainant is in attendance, the President will call on the Complainant to add additional appropriate information.

5. Executive Committee members will then be given the opportunity to ask questions of the Complainant.

6.If the Subject is in attendance, the President reviews the complaint with the Subject.

7.The Subject is then invited to respond to the complaint. Executive Committee members will then be given the opportunity to ask questions of the Subject.

8. The Subject is then invited to respond to Complainant and ask questions of the Complainant, if he desires.

9.The Subject and Complainant are excused.

10.The President invites comments from the Executive Committee.

11.After sufficient deliberation, the President may entertain a motion from any member of the Executive Committee.

## Section 5 Possible Findings

1.The Executive Committee may impose a number of penalties in cases where an ethics violation is found.

2.Those penalties include:

2.1.No action

2.2. Discipline. The Subject may be publicly reprimanded for specified conduct for violation of the Code of Ethics or for other just cause.

2.2.1.Suspension. The Subject may maintain his membership, keeping existing merits and degrees, but may not participate in competitions, speak at OPPA merited events, or hold leadership positions. A specific time period should be attached to suspension.

2.2.2.

Termination. The Subject's membership is revoked, resulting in the loss of merits, degrees and certification. A time period after which the Subject may reapply MAY be attached in this case.

3. Once a decision and recommendation have been reached, the committee will notify the Subject and Complainant on OPPA letterhead via certified mail.

3.1. The certified return mail stub becomes part of the official case file.

3.2. The notification should specifically outline the findings of the Board, the penalty recommended (if any), and should carefully outline the appeals process.

## Section 6 Appeal Process

1. The Subject may ask to appeal the Executive Committee's decision and recommendation by making that request in signed writing outlining reasons to the President within 14 days of receipt of notification. The President will schedule a hearing to occur during the next regularly scheduled meeting of the Board of Directors.

2. During the appeal hearing, the Board of Directors will review the written proceedings of the hearing as well as any written or recorded responses from the Subject. The Subject may choose to appear in person at his own expense.

3. The Board is given the opportunity to discuss the case. After sufficient deliberation, the President may entertain a motion. The Board may decide:

3.1. To reverse the findings.

3.2. To uphold the findings.

3.3. To alter the penalty recommended.

4. The President is responsible for notifying the Subject via certified mail. That decision shall be final. The certified return mail stub becomes part of the official case file.