

CAZA DISCIPLINARY APPEAL PROCESS

There are two stages to the Disciplinary Appeal Process: first, the disciplined member requests leave to appeal; second, if the request is granted, the Appeal Panel process.

Request for Leave to Appeal

A disciplined member can seek leave to appeal a decision by the Ethics and Compliance Committee (ECC) that the member violated the organization's Accreditation Standards, Code of Professional Ethics and/or policies, the discipline imposed by the ECC, or all.

A member's request for leave to appeal any disciplinary decision of the ECC must be submitted in writing to the CAZA Board of Directors within fifteen (15) days of receiving notification of the disciplinary decision. The basis of the request for leave to appeal must be clearly stated and relate directly to one or more of the factors below and how they may have had a bearing on the ECC's decision.

The following are the factors on which the decision to grant or deny an appeal will be made:

- Facts were not known by the ECC at the time of the decision that the Board believes may have changed the outcome; or
- The ECC did not follow relevant CAZA procedures; or
- The appellant demonstrates that the discipline applied was inconsistent with CAZA's Progressive Discipline Policy.

The Board determines whether or not the appellant has demonstrated that one or more of the criteria to grant leave to appeal have been met. If the Board is satisfied that one or more of the criteria to grant leave to appeal have been met, the Board may grant leave to appeal:

- a) Some or all of the ECC's findings that the member violated the Accreditation Standards, Code of Professional Ethics and/or policies; and
- b) Some or all of the discipline imposed on the member by the ECC.

The Board will meet in person or by teleconference as soon as reasonably possible after receiving a request for leave to appeal and review the appellant's submission. Board members who have been involved in the original adjudication

or who have declared a conflict of interest may attend the meeting, answer questions, and provide information if requested by another Board member, but they may not cast votes.

The decision to grant or deny a request for leave to appeal will be made by a vote of qualified members of the Board of Directors. To vote on the request for leave to appeal, Board members must not have declared a conflict in the matter or have been found in conflict; and must not have been involved in the adjudication under appeal.

Quorum

Quorum is established under the CAZA bylaws

Appeal Panel Process

1. An appeal is limited to those matters for which leave to appeal has been granted by the Board. The Appeal Panel does not have the authority to expand the scope of the appeal beyond the Board's decision to grant leave to appeal.
2. When an appeal is granted, an Appeal Panel will be convened. Members of the Appeal Panel shall be Professional Fellow members of CAZA who are not current or past employees of the appellant and were not involved as witnesses or resources in the decision under appeal. Within fifteen (15) days of the acceptance of an appeal, the chair of the Appeal Panel will be appointed by a formal vote of qualified members of the Board of Directors. To qualify to vote on the appointment of the Appeal Panel chair, Board members must not have declared a conflict in the matter or have been found to be in conflict, and must not have been involved in the decision under appeal.
3. The chair of the Appeal Panel will identify four Professional Fellow members who are not current or past employees of the appellant and were not involved as witnesses or resources in the decision under appeal. The appellant will select one member from the list provided, and the ECC will select one name, resulting in an Appeal Panel of three members including the chair.
4. The Appeal Panel chair shall determine the date of the appeal hearing and shall notify all parties at least thirty (30) days in advance of the appeal hearing. The appeal process shall be confidential and all parties are expected to maintain that confidence unless the appellant requests an open proceeding.

5. The National Office shall provide each Appeal Panel member and all participating parties with copies of all correspondence, reports, and other materials relating to the decision under appeal, along with a copy of the request for leave to appeal.
6. Either party to the appeal may request that a transcript of the hearing be kept. The request for a transcript must be sent to the Appeal Panel chair at least twenty (20) days before the date of the hearing. Costs of the transcript will be shared equally by the appellant and CAZA.
7. Representatives of the appellant and CAZA shall have the right to appear before the panel to present evidence, to cross-examine witnesses, to be represented by counsel, and to present oral arguments, all within the limitations prescribed by the Appeal Panel chair. All evidence presented must relate to the facts and circumstances that existed at the time of the original decision. New evidence regarding facts and circumstances for periods after the date of the original decision is not allowed. The appeal hearing shall normally proceed in the following order, with clarifying questions raised at any stage:
 - a. CAZA presents its case;
 - b. Appellant presents its case;
 - c. CAZA presents rebuttal;
 - d. Rebuttal by appellant, if desired;
 - e. Summation by CAZA;
 - f. Summation by appellant.
8. In reviewing the ECC decision, the Appeal Panel shall be limited to consideration of facts that existed at the appellant's facility prior to and at the time of the decision, not on changes in conditions since the decision or the appellant's plans for change.
9. Following the appeal hearing, the Appeal Panel shall proceed as follows:
 - a. First, the Appeal Panel shall consider whether or not the appellant has established that the findings of violations under appeal should be overturned;
 - i. If the appellant satisfies the Appeal Panel that all findings of violations made by the ECC should be overturned, the appeal shall be granted;
 - ii. If the appellant satisfies the Appeal Panel that some but not all findings of violations made by the ECC should be overturned, the Appeal Panel shall:
 1. Grant the appeal in part, if the appellant was not granted leave to appeal any discipline imposed;

2. Proceed to consider the appropriateness of the discipline imposed by the ECC for the findings for which the appellant was granted leave to appeal;
 - b. Second, the Appeal Panel shall consider whether or not the appellant has established that the discipline under appeal should be overturned;
 - i. If the appellant satisfies the Appeal Panel that all of the discipline imposed by the ECC should be overturned, the Appeal Panel shall grant the appeal and:
 1. Impose the discipline that is appropriate in the circumstances; or
 2. Direct the ECC to re-consider the discipline that is appropriate in the circumstances;
 - ii. If the appellant satisfies the Appeal Panel that some but not all of the discipline imposed by the ECC should be overturned, the Appeal Panel shall grant the appeal in part and:
 1. Impose the discipline that is appropriate in the circumstances; or
 2. Direct the ECC to re-consider the discipline that is appropriate in the circumstances.
10. The Appeal Panel shall only direct the ECC to re-consider the discipline to be imposed if:
 - a. The ECC's reasons for decision did not adequately disclose the basis for the discipline imposed; or
 - b. The ECC acquired particular knowledge or expertise during the ECC process that is required to adequately assess the appropriateness of the discipline to be imposed due to the nature of the findings of violations.
11. The Appeal Panel decision shall be communicated in writing and shall include a statement of the grounds for the decision. The decision shall be submitted to the appellant and to CAZA National Office within fifteen (15) days of the hearing.
12. The decision of the Appeal Panel shall be final.
13. All parties to the appeal process, including members of the Appeal Panel, are expected to adhere to the time schedule stated in the steps of the Appeal Procedure. All parties should be notified immediately if any extension of time is required, and the Appeal Panel may grant reasonable extensions to the appellant or to CAZA for good cause. Delinquency of

more than fifteen (15) days on the part of the appellant shall be grounds for the panel to declare the appeal withdrawn.

Costs

All costs and expenses incurred by CAZA in providing for the appeal hearing, expenses of the Appeal Panel, and all other expenses (exclusive of legal fees, if any) in connection with the appeal shall be borne by the appellant. This includes the meeting costs and travel costs of the Appeal Panel, CAZA and the appellant's staff and representatives at the hearing.

A statement of estimated expenses will be provided to the appellant by the CAZA National Office when the appeal is granted. This amount must be deposited with the National Office by the appellant within thirty (30) days of the granting of the appeal request. If the deposit is not received by the appropriate date, the appeal will be rejected. Additional expenses will be paid by the appellant or refunds of deposits will be reimbursed following the hearing.

If the appeal is successful, the appellant will not be held accountable for the Appeal Panel's expenses. All expenses, other than the appellant's legal costs and transcription fees, will be borne by CAZA. In the event that only part of the appeal is successful, the apportioning of costs will be at the discretion of the Appeal Panel following submissions by both parties. All funds placed on deposit by the appellant at the beginning of the appeal process, other than transcription costs, will be refunded by CAZA.

Extensions of Time

Notwithstanding the generality of the foregoing, the Board or the Appeal Panel may in their absolute discretion and only in exceptional circumstances grant extensions of the time limits prescribed in this policy.