

Procedures for Processing Ethics Complaints

Submitted by the NJAPM Mediation Ethics Review Board (MERB)

May 30, 2005, by Greg Cannarozzi; Approved by NJAPM Board June 26, 2005

- a) No later than five (5) business days after receipt of a complaint, the NJAPM office shall send to the chair of the MERB a copy of the complaint and any supporting documentation submitted by complainant.
- b) At the same time, the NJAPM office shall notify the President that a complaint has been filed with the MERB, but shall not provide any revealing details.
- c) The MERB chair, or such other member of the MERB as the chair shall designate, shall promptly communicate with the complainant to discuss the complaint, whether the complainant still wants to pursue the complaint, and what additional documentation, if any, is required for the MERB to make an evaluation of the complaint. Following this communication and receipt of any documentation requested, the chair or such other member of the MERB as the chair shall designate (“Designee”), shall make a determination either to pursue the complaint or to notify the complainant in writing that that NJAPM MERB will not pursue the complaint, giving the reason for that decision.
- d) If the MERB chair, or Designee, determines that the MERB will pursue the complaint, the following procedures will be followed:
 - i. Both parties will be offered the option of mediating the dispute with a designated accredited mediator who is not an officer or director of NJAPM or a member of the MERB;
 - ii. If either party refuses to mediate, or in the event the designated mediator notifies the MERB that the mediation did not result in a full resolution of the complaint, then the matter shall be referred to the MERB to conduct such further investigation it decides is necessary and appropriate
- a) After reviewing the complaint, answer and any documentation submitted by the parties, the MERB will decide on one of the following dispositions of the complaint:
 - i. Dismiss the complaint as unsubstantiated;
 - ii. Submit the complaint to a designated member of the MERB for further investigation; or
 - iii. Decide that the complaint is justified
- a) If the MERB decides by two-thirds (2/3) vote that the complaint is justified, it shall determine appropriate disciplinary action(s). Such action(s) may range from a minimum of advising the person complained of to cease and desist, suspension of accreditation, suspension or termination of membership, and/or any such other form of appropriate disciplinary action as the MERB deems appropriate under the circumstances. The MERB will inform the respondent in writing of the MERB’s decision including specific disciplinary actions to be taken, and will also outline the process by which the respondent may choose to appeal, as described in the NJAPM bylaws. The President will also be notified of the MERB’s decision.
- b) The complaint shall be deemed to be unjustified if the MERB fails to find the complaint substantiated by the required two-thirds (2/3) vote. The MERB shall inform the respondent of the findings, and will advise all the parties that case will be considered closed. The President will also be notified of the MERB’s decision.
- c) Absent any extenuating circumstances, the MERB should complete its investigation and issue its final determination no later than 90 days after the Chair receives a copy of the complaint.
- d) Either party may appeal the decision of the MERB in accordance with the procedures set forth in Article XI of the Bylaws.