

**BOARD OF DIRECTORS**

**Standard Operating Procedure for Petition to Challenge Association Action**

**AUTHORITY** Authority is granted in the Association Bylaws (Article XV).

1. The Petition

- 1.1. Any challenge to Association action shall be in the form of a written Petition addressed to the Board.
- 1.2. Within 90 days of the occurrence of the actions giving rise to the challenge, the Petition must be delivered to the Secretary at the Association's headquarters by a commercial carrier or U.S. Postal Service in a manner in which there is a record of the date of delivery.
- 1.3. Petition must set forth in detail:
  - 1.3.1. The specific action challenged;
  - 1.3.2. The date of the action challenged;
  - 1.3.3. A description of how the challenged action affected the Petitioner's rights;
  - 1.3.4. The body, commission, or committee that took the challenged action;
  - 1.3.5. The grounds for the challenge;
  - 1.3.6. The provision of law, bylaw, or other organizational document that Petitioner(s) maintains was or were violated; and
  - 1.3.7. The requested relief.
- 1.4. The Petition shall include any written information in support of the challenge.
- 1.5. The Petition may include a list of person(s) who may have been directly involved in the challenged action and who have knowledge that supports the grounds for the Petition and include with each name a description of the nature of the information in their possession.

**The American Occupational Therapy Association, Inc.**

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The Investigation Process

- 1.6. Within 10 business days of receipt of the Petition, the Secretary, with the assistance of the Association staff liaison to the Board and Association Legal Counsel, shall review the Petition and determine if it is in compliance with Section 1 of this document. If the Secretary determines that the Petition materially fails to comply with Section 1, it shall be returned to the Petitioner specifying the deficiencies and provide the Petitioner with 21 days to submit a corrected Petition. If the Petitioner fails to provide a proper Petition within the 21 day period, the Petitioner shall be dismissed on the grounds of failure to file a proper Petition.
- 1.7. Within 21 days of receipt of a properly completed Petition, the Board shall appoint a Review Committee to conduct a confidential investigation and review of the matters raised in the Petition. The Review Committee shall consist of at least three members of the Board.
- 1.8. In the event that Board action is being challenged, the Ethics Chairperson, in consultation with legal counsel, shall appoint the Review Committee, none of whom shall be a member of the Board. The members of the Review Committee, under these circumstances, shall be members of the Association and shall include at least one member of the Ethics Commission.
- 1.9. The Review Committee shall, within 7 days after the appointment, meet and discuss the Petition and, with the assistance of the staff liaison and legal counsel, formulate an Investigation Plan, which identifies the steps to be taken to collect information reasonably necessary for a full and fair consideration of the issues raised by the Petition.
- 1.10. The investigative plan shall include an interview of the Petitioner by the Review Committee at which the Petitioner may present facts and other information, which supports the Petition.
- 1.11. In the exercise of its reasonable discretion, the Review Committee, or its designated representatives, may interview or make written requests to witnesses to provide answers to questions and/or supply documents relating to the issue raised in the Petition.
- 1.12. The Review Committee shall, within 65 days of the date of the Secretary's receipt of Petition prepared in conformance with Section 1, complete the investigation and prepare a report which includes a summary of the information collected in the investigation and copy of the materials collected in the investigation.

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2. Decision Making Process

- 2.1. Within 10 days of completing the investigative process and report, the members of the Review Committee shall meet and review all the information and formulate a written Recommendation. The Recommendation shall be adopted by a majority vote of the Review Committee. Upon adoption, the Review Committee shall immediately transmit the Recommendation in writing to the Association President.
- 2.2. Within 15 days of the transmission of the Recommendation, the Board shall convene a meeting for the purpose of considering the Review Committee's findings and Recommendation. At the meeting, the Review Committee shall present the confidential report and reasons for the Recommendation. The Board, after consideration of the Review Committee's Recommendation and the investigative report, shall adopt the Review Committee's Recommendation unless a majority of the Board finds there was a material deficiency in the review process or the Review Committee's Recommendation is clearly erroneous.
- 2.3. If the Board does not adopt the Review Committee's Recommendation, it may formulate another disposition, including notifying the Petitioner that additional time will be required to provide a final disposition of the Petition.

3. The Board's Response

- 3.1. The President shall provide the Association's response to the Petition in writing to the Petitioner no more than 90 days from the date on which the Petition in conformance with Section 1 was initially received by the Secretary. The written response shall include a concise statement of the reasons for the disposition. The initial response may include the Board's need for additional time to make a final disposition.
- 3.2. In the event the Board requests additional time to consider the matter, the Board shall come to its final disposition no more than 120 days from the date of the Secretary's receipt of the Petition prepared in conformance with Section 1.
- 3.3. All decisions made by the Board with respect to the disposition of Petitions are final.