

## SCAPA Appeals process

**Subject:** Appeals Process

**Purpose:** To provide a designated process for appealing decisions made by the Ethics Committee.

**Primary Responsibility:** SCAPA Executive Committee

### Policy:

1. An appeal shall be defined as: *An action taken by an individual, or group of individuals, as a result of the dissolution of a complaint made by any individual involved with South Carolina Activity Professionals Association (SCAPA) concerning a decision made by an individual, or group of individuals, acting in any official capacity for SCAPA.*
2. The Executive Committee shall be designated as the Appeals Board.
  - a. Hence forth the Executive Committee shall be called the Appeals Board for the purpose of this Policy and Procedure.
3. All members of the Appeals Board shall be required to act on appeals.
4. A member, or applicant, **MUST** appeal in writing the Appeals Board within thirty (30) days of the postmark on his or her notice of termination, or rejection of membership, or censure.
5. When an individual sends written notification to the Appeals Board requesting an appeal, a formal hearing **MUST** be scheduled for the next Executive Committee meeting more than thirty (30) days away.
6. The Vice President shall notify the individual of the scheduled date for the formal hearing within sixty (60) days of the individual's formal written notice to the Appeals Board.
  - a. In the event the Vice President is named, the President shall be responsible for the notification of the individual, as described above.
  - b. In the event the Vice President and President are named, the Recording Secretary shall be responsible for the notification of the individual, as described above.
7. The individual requesting the appeal shall present his or her case in writing, within thirty (30) days of receiving the written notice regarding the scheduled formal hearing.
8. The individual may request an in-person hearing for up to one (1) hour in length, at his or her own expense.

9. Legal counsel shall be permitted for all parties at the formal hearing.
  - a. When Legal Counsel shall be present, both parties **must** be notified within thirty (30) days of the hearing date.
  - b. When charges are brought against SCAPA, and it is determined that SCAPA is in the right, or SCAPA is in the clear, the individual bringing the charges shall be responsible for paying the legal expenses incurred by SCAPA as well as his or her own legal expenses.
10. The appeals process shall function to assure that all persons involved with SCAPA receive speedy and fair resolution of any conflicts and shall proceed according to SCAPA policies.
11. In the event the entire Board or Executive Committee is named in a charge, the Vice President shall choose three (3) current SCAPA members in good standing (non-SCAPA Board members) to replace the Executive Committee to hear the charge.

**Procedures:**

1. The conflict or complaint shall be made in writing and sent to the Vice President.
  - a. In the event the conflict or complaint is received by someone other than the Vice President, it shall be forwarded to the Vice President within one (1) week of receipt.
2. The Vice President shall send copies of conflict or complaint to the Appeals Board with a date for the discussion.
  - a. A conference call shall be permitted.
3. A written decision shall be sent to the individual making the appeal within two (2) weeks of the decision.
4. Copies of the decision shall be sent to the Board of Trustees.
5. When the conflict or complaint cannot be resolved, the individual making the appeal may request the Appeals Board hold a formal, in-person hearing.
  - a. Counsel shall be permitted for all parties.
    - i. When Legal Counsel shall be present, both parties **must** be notified within thirty (30) days of the hearing date.
  - b. This request shall be made within thirty (30) days of the individual's receipt of the Appeals Board's written decision.
6. The Board of Trustees shall be informed, in writing, of the request for a formal, in-person hearing.
7. The decision of the Appeals Board may be taken to the Board of Trustees for a final hearing within 30 days of receipt of the Appeals Board's written decision.

8. The Board of Trustees shall have the final say regarding all appeals

9. The Boards' decision shall be final.

- a. **NO** additional appeals shall be accepted.
- b. The issue shall be considered resolved and closed