



**ASCRS**  
American Society of  
Colon and Rectal Surgeons

## **DISCIPLINARY PROCEDURES OF THE AMERICAN SOCIETY OF COLON AND RECTAL SURGEONS**

The following procedures shall govern any disciplinary proceedings of the American Society of Colon and Rectal Surgeons (“ASCRS” or “Society”) conducted to consider alleged violations of Article VI, Section 2 B of the ASCRS Bylaws.

### **I. The Complaint and Initiation of Proceedings**

- A. Complaints against members may only be submitted by a member and must be submitted within a reasonable period of time after the occurrence of the alleged act. Complaints shall be submitted in writing to the ASCRS Executive Director and signed by the complaining party. Complaints must include: (i) an authorization by the complainant(s) to forward the complaint to the involved member and/or any third parties the Executive Committee deems relevant; (ii) a description of the alleged violation; and (iii) specific references to published articles, website postings, activities, or conduct supporting the complaint.
- B. Upon receipt, the Executive Director shall refer the complaint to the Executive Committee for its consideration. For this purpose, ASCRS’ Executive Director and legal counsel will serve on the Executive Committee as ex-officio, non-voting members. The Executive Committee will determine if the complaint warrants consideration. If not, the Executive Committee shall so notify the complaining party, and the matter will be closed.
- C. If it is determined the complaint warrants a full investigation, the President shall notify the affected member that a complaint has been filed, that an investigation will be conducted, and that the member shall be advised of the results. The notice shall be sent via email and by overnight, registered, or certified mail, return receipt requested, to the affected member at the address listed for the member in the Society’s records.

### **II. Investigation and Hearing**

- A. In conducting the investigation, the Executive Committee may contact the complaining party, the affected party, and other relevant parties to obtain additional information, as necessary.
- B. The Executive Committee may refer the complaint to a state or county medical society or licensing body.

- C. The Executive Committee may, but need not, conduct a hearing as part of its investigation; however, no adverse action shall be taken against an affected member without having first afforded him or her the opportunity for a hearing before the Executive Committee.
- D. If the Executive Committee determines that a hearing is not warranted, the President shall notify the affected member (by email and overnight, registered, or certified mail, return receipt requested) and the complaining party, and the matter shall be closed.
- E. If the Executive Committee determines that a hearing is warranted, the President shall notify the affected party (by email and in writing, by overnight, registered, or certified mail, return receipt requested) of the time and place of the hearing, which hearing shall be held no less than thirty (30) days after the date of such notice. The affected member will not be entitled to reimbursement from ASCRS of travel expenses associated with hearing attendance.
- F. During the hearing, the affected member shall have full access to the evidence against him or her and shall have the right to: (i) appear at such hearing in person, with legal counsel if desired; (ii) rebut the information produced by the Committee; (iii) present witnesses; and (iv) submit pertinent evidence.
- G. An affected member who fails to attend a hearing shall be deemed to have waived his or her right to appear.
- H. The Executive Committee's legal counsel shall be present at any such hearing to advise on issues of procedure and, under appropriate circumstances, to present the Committee's position on a disciplinary matter.
- I. A hearing may be postponed, recessed, or reconvened for good cause in the sole discretion of the Executive Committee.

### **III. Recommendation**

Upon the conclusion of the hearing, the Executive Committee shall convene in closed session, with or without the presence of legal counsel and the Executive Director as determined by the President, to ascertain whether the affected member has engaged in conduct for which disciplinary action should be taken.

- A. If the Committee determines that disciplinary action should not be taken, the matter shall be closed.
- B. If the Committee determines by majority vote, excluding legal counsel and the Executive Director, that the affected member has engaged in activity in violation of Article VI, Section 2A of the ASCRS Bylaws, the Committee shall recommend to the Executive Council that disciplinary action be taken against the affected member. Such recommendation shall be in writing and shall set forth the Committee's findings and recommended disciplinary action.

- C. The affected member shall be provided with a copy of the Executive Committee's recommendation and shall have the right to have the Executive Council review the Executive Committee's recommendation.
- D. The President shall notify the affected member (by email and overnight, registered, or certified mail, return receipt requested) and the complaining party of the Committee's recommendation. Further, the President shall notify the affected member of the procedures for requesting an Executive Council review.
- E. If no written request for review is received by ASCRS within thirty (30) days after the Executive Committee notifies the member of its recommendation and the member's right to a review, the decision shall be final and implemented by the Executive Council.

#### **IV. Executive Council Review**

- A. If a request for Executive Council review is submitted, the Executive Council shall, within 60 days for receipt, review the findings and recommendations of the Executive Committee based only on the evidence upon which the recommendation was based.
- B. The affected member shall be given at least thirty (30) days' notice of the time and place of the meeting at which the Executive Council will consider the request. The affected member shall have the right to address the Executive Council in person, by telephone, or by letter. If in person or by telephone, the affected member may be represented by her or his legal counsel to present reasons why the Executive Committee's recommendation should not be accepted.
- C. The Executive Council may have legal counsel present at any such hearing to advise on issues of procedure and represent the Society's interests in the disciplinary matter.
- D. Upon the conclusion of its review, the Executive Council shall affirm, overturn, or modify the recommendation of the Executive Committee. The action of the Executive Council shall be final.
- E. The President shall notify the following individuals of the Executive Council's decision: the affected member (by email and overnight, registered, or certified mail, return receipt requested), the complaining party, the Executive Director, and others as appropriate.

#### **V. Forms of Discipline**

The disciplinary measures which may be imposed upon a member may include, but are not limited to, one or more of the following:

A. Censure

(i) Private: a written letter of censure advising the affected member that he or she has been found guilty of the conduct and/or the violation or violations charged, expressing appropriate concern and warning of the potential for more severe sanctions if a future violation occurs.

(ii) Public: a written letter of censure similar in form to (i) above, which may, but need not, be published in summary form or otherwise by ASCRS.

B. Suspension. The member shall lose all rights of membership for the period imposed by ASCRS, up to three (3) years. The fact of the member's suspension may, but need not, be published by ASCRS.

C. Expulsion. The member shall lose all rights of membership in ASCRS. After a period of five (5) years, the member may reapply for membership. The fact of the member's expulsion may, but need not, be published by ASCRS.

Policy Approved by Executive Council on April 18, 2018