



## ***AMT MEMBER DISCIPLINARY PROCESS***

### **Policy**

AMT members will be disciplined, if necessary, under Articles IX and XI of the AMT National Bylaws, and this policy.

### **Purpose**

To provide a mechanism to investigate complaints, and discipline, if required, those members and certificants who are alleged to have violated the AMT Standards of Practice or to have committed acts that are unlawful, unethical, or detrimental to the interests of the Registry.

### **Procedure**

#### Overview

Once an individual is certified by AMT, any person may submit a complaint alleging grounds for disciplinary action against the certificant. The grounds for complaint may include, but shall not be limited to:

- ◆ Violations of the AMT Standards of Practice
- ◆ Violation of AMT Bylaws
- ◆ Conviction of a felony for job-related activities or for a crime involving moral turpitude.
- ◆ Obtaining, attempting to obtain, or knowingly assisting another individual to obtain certification by fraud or deception
- ◆ Unauthorized possession or distribution of AMT testing materials, including copying, imaging, and/or reproducing examination questions.
- ◆ Violations of the Examinee Agreement, including the Exam Confidentiality and Non-Disclosure Agreement, signed by each candidate for AMT certification.
- ◆ Breaches of fiduciary duty by members/certificants having control of or access to AMT funds.
- ◆ Gross or repeated instances of professional misconduct or incompetence.

#### Disciplinary Process

1. All complaints must be submitted in writing to the AMT Office, with any available supporting documentation or evidence. All complaints will be forwarded to the Judiciary Committee. The Committee will conduct an informal investigation, during which it may seek additional information from the complainant, and will determine within 30 days whether the complaint presents a sufficient basis to initiate a formal disciplinary proceeding. If the Committee decides the complaint is not well founded, it will notify the complainant in writing of its decision. The complainant has no appeal from this decision.
2. If the Committee determines there are grounds for the complaint, the Committee will initiate a disciplinary proceeding by notifying the individual complained against (the "respondent") of the charges against him or her. The respondent normally will be allowed 30 days to submit any information and documentation in rebuttal of the complaint; the Judiciary Councillor may shorten or enlarge the deadline for response for good cause as case-specific circumstances may warrant. The notification also will inform the respondent of his or her opportunity to be assigned an impartial advisor to explain the Judiciary Committee's disciplinary procedures and, if desired, to advise the accused member regarding the preparation of a defense to the complaint. Any advisor appointed for this purpose will be an AMT member who is familiar with the Committee's disciplinary procedures, but is not a current member of the Committee or the Board of Directors. If the respondent fails to reply to the Committee's notification within 30 days (or such other period as may be prescribed), the complaint will be deemed admitted and the respondent will forfeit his or her right to contest the charges, unless the respondent can demonstrate to the Committee's satisfaction (1) that he or she did not receive the Committee's notification, or (2) that extraordinary circumstances prevented him or her from responding in a timely fashion.
3. The Judiciary Committee may meet in person, by telephone, or by other electronic means of communication. It may allow either the complainant or the respondent, or both, to be present at a personal meeting, if one is held, or they may correspond with either or both individuals by telephone or other electronic means. All of the individuals' expenses will be borne by the individuals involved.
4. Following the above processes, the Judiciary Committee will render the decision and/or sanctions that it deems appropriate under the circumstances of the case and in light of the evidence of record. The Committee will notify both parties in writing of its decision within 30

days after the decision has been rendered. The Committee's disposition, which is final unless appealed to the Board of Directors, may include but is not limited to:

- a) Exoneration or acquittal of the respondent;
- b) A probation period, with or without conditions;
- c) An informal admonition;
- d) A formal, written censure;
- e) Permanent or indefinite revocation, or temporary suspension of certification and membership privileges; and/or
- f) Required monetary restitution (in cases involving financial improprieties).

5. Unless the respondent's right to appeal has been waived by his or her failure to respond to the charges, the respondent may appeal the decision of the Judiciary Committee to the Board of Directors, in writing addressed to the President, within 60 days of notification of the decision. (The complainant has no appeal from the Committee's decision.) With the appeal, the respondent may submit any additional documentation he or she wishes the Board to consider. The Board may meet in person, by telephone, or by other electronic means.

The Board may allow the respondent or the complainant, or both, to be present at a personal meeting, if one is held, or may correspond with the individuals by telephone or other means. All of the individuals' expenses will be borne by the individuals. The Board will notify both parties of its decision in writing within 60 days of receipt of the written appeal, unless it notifies the parties in writing that the Board requires additional time to render a decision. Decisions of the Board are final.

6. The Board of Directors may make any decision on an appeal it deems appropriate. Such decisions may include, but are not limited to:

- a) Affirm the decision of the Judiciary Committee in all respects.
- b) Partial modification of the Judiciary Committee's sanction.
- c) Reverse the Judiciary Committee's sanction and acquit the respondent of all charges.
- d) Such other or additional determinations as the Board deems appropriate and supported by the evidence.

7. The final decision in a disciplinary proceeding may be published in *AMT Events*, including the name of the individual disciplined and a brief description of the violation.