

THE DR. IDA ROLF INSTITUTE®

ETHICS IMPLEMENTATION PROCEDURES

REVISED
2019

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PREFACE

These Ethics Implementation Procedures (“Procedures”) set forth the manner in which The Dr. Ida Rolf Institute (DIRI) will support ethical business practices and client relations through three major functions: ethics education of the membership, consultation regarding potential ethical dilemmas encountered by members, and adjudication of ethics complaints against members. The goal of the Procedures is to guide the actions of Ethics and Business Practices Committee (EC), which serves as an extension of, and on behalf of, the DIRI Board of Directors (BOD).

ARTICLE I ETHICS and BUSINESS PRACTICES COMMITTEE

A. Functions and Responsibilities

1. **Purpose:** The EC serves the Rolfing community as a whole, protects the reputation of the DIRI, and supports members in engaging in sound business practices and ethical professional relationships. The EC strives to help members maintain the quality and integrity of their relationships with each other, their clients, and the public at large.
2. **Elements:** The EC promotes ethical awareness in three ways:
 - a. **Education:** Promoting and guiding ethics education in all levels of training, providing subject matter expertise for curriculum development, and support.
 - b. **Consultation:** Providing a mechanism through which members can obtain consultation, with a member of the EC or another experienced neutral party, as they consider a course of action with regard to an ethical dilemma.
 - c. **Adjudication:** Accepting, investigating, and resolving ethics complaints brought against a DIRI member by a client, another member, or other interested party.
3. **Powers and Duties:** The EC is authorized and empowered by the BOD to:
 - a. Develop and implement these elements and Procedures;
 - b. Provide support to faculty and staff in developing ethics education and curriculum at all levels of training;
 - c. Advise members on business and ethics issues;
 - d. Help members who have practice-related disagreements to resolve their differences;
 - e. Support mediation of disputes;
 - f. Provide confidential consultation to members regarding ethical issues;
 - g. Review, investigate, and conduct hearings with respect to allegations of ethics violations;
 - h. Make disciplinary recommendations to the BOD;
 - i. Adopt rules to govern its internal operations, subject to BOD review.

B.

Structure

- 1. Composition, Qualifications, Terms of Service:** The Board will appoint up to 10 DIRI members in good standing to serve on the EC, and name one EC member as Chair. EC members shall be appointed to three-year terms. Following the initial appointments, appointments shall be staggered so that three positions expire and are appointed in each of the first and second years, with four being appointed the third year. Members are eligible to be reappointed for up to 3 consecutive terms. A former member of the EC is eligible for reappointment to the EC if that person has not served on the EC during the 3 years immediately preceding the reappointment. The BOD may remove any member of the EC for incompetence, neglect of duty, moral turpitude or misfeasance, malfeasance, or nonfeasance in office. Terms of office shall begin on January 1. The BOD shall fill any vacancies based on the recommendation of the Chair.
- 2. Procedures Coordinator ("Coordinator"):** The DIRI Executive Director will appoint a DIRI staff member as the Coordinator. The Coordinator will serve as the administrator of the Procedures; be the initial contact for complaints about members' conduct; and maintain all records, documents, and files pertaining to complaints and the activities of the EC.
- 3. Chair:** The Chair will oversee all EC activity. The Chair will work closely with the Coordinator to implement these Procedures. The Chair will be the primary communication link between the EC and the BOD, through a BOD member, or another member in good standing, who is appointed by the BOD as an ex-officio EC member. The Chair will receive a stipend as determined by the BOD.
- 4. Review and Hearing Panels:** The Chair will assign 3 EC members, in rotation, to function as members of a Review Panel. Should a Hearing Panel be required, the Chair will appoint three other EC members to serve that function. The Chair may, depending on circumstances and the availability of members, appoint other members in good standing to a Review or Hearing Panel.
- 5. Reimbursement of Committee Members' Expenses:** EC members, including the Chair, shall be reimbursed for reasonable travel, lodging, and other expenses incurred in the performance of their duties, subject to the DIRI's reimbursement policies.
- 6. International Members:** Ethics complaints against a member of a Regional International Office (RIO) by their clients or other RIO members will be addressed by a committee of RIO members appointed by the RIO BOD. These committee members may be members of the DIRI EC. Complaints by non-RIO members against a RIO member will be handled by the DIRI EC.

The RIO BODs may, in keeping with their license agreements with DIRI, use procedures that vary from these procedures to suit their cultural and organizational circumstances. Such procedures must be consistent with the intent of these Procedures, and are subject to the approval of the DIRI BOD.

ARTICLE II
THE ROLE OF THE ETHICS COMMITTEE (EC) IN EDUCATION

A. General Provisions

1. Purpose: The DIRI BOD explicitly recognizes that an essential part of ensuring ethical behavior of DIRI members is education. Explicitly and implicitly including ethics education into the basic training, continuing education, annual membership meetings, and all other venues in which training takes place, is a critical component of a larger process for creating a cultural environment in which students, members, clients, and the community are safe from unethical conduct.

2. Charge: The DIRI BOD recognizes that members of the EC have expertise in the Code, the Procedures, and in the field of ethics. As such the BOD anticipates and directs that the EC, through the Chair, will be participants in the design and implementation of ethics education within the DIRI.

3. Procedures: The process by which the EC, and its Chair, will have input into, and influence on, ethics education is a developing area in which the Executive Director, the Director of Education, and the Faculty will be involved. Outside expertise may be contracted, as approved by the BOD, as needed in order to develop the highest level of ethics education appropriate for the DIRI and its members.

4. Amendments to the Procedures: As additional details for this EC function are developed, these Procedures will, from time to time, be amended in order to outline those details.

ARTICLE III THE ROLE OF THE ETHICS COMMITTEE (EC) IN CONSULTATION

A. General Provisions

1. Purpose: The DIRI BOD recognizes that ethical dilemmas arise from time to time in the daily practices of its members. At times, it may be helpful for members to consult with someone who has expertise in navigating issues involving ethics generally, and the DIRI Ethics Code. The BOD explicitly wishes to make available to members, through the EC, a service that provides for a confidential ethics consultation with a member of the EC, or another experienced neutral party with appropriate expertise as designated by the Chair.

2. Charge: The DIRI BOD directs the EC to implement a process through which DIRI members can obtain confidential consultation when they have a concern or question about ethics, and resolving ethical dilemmas.

B. Procedures

1. Initiating the consultation: A DIRI member who has a question or concern about ethics, and wishes to obtain guidance about appropriate management of a potential ethical dilemma, may arrange to obtain confidential consultation with a member of the EC, or another experienced professional who has appropriate expertise. The member may request the consultation by contacting the Coordinator or the Chair. If the request goes to the Coordinator, s/he will promptly transmit the request to the Chair.

2. Assigning a consultant: The Chair will review the request, and if needed, will contact the member making the request to obtain additional information, sufficient to recommend an appropriate consultant. The consultant may be the Chair, a member of the EC, or another experienced professional with appropriate expertise, as mutually agreeable.

3. Separate from the other activities of the EC: Once a consultant has been assigned, the consultant may not participate in any other EC activity that might involve the situation for which the member sought consultation (e.g., if a DIRI member seeks consultation, and later a client or another DIRI member files a complaint involving the circumstances of the consultation, the consultant is recused from participating in the complaint process). If the consultant is the Chair, the Chair will designate another member of the EC to act in the Chair's place in managing the complaint. See also C. Confidentiality, below.

4. Limits on seeking consultation: A DIRI member who is the Respondent in a complaint (see Complaints, below), may not seek confidential consultation from the EC, for the circumstances of that complaint.

C. Confidentiality

Except as may otherwise be provided herein, the DIRI will keep all records and information concerning the activities of the EC confidential, including EC consultations sought under this procedure. Specifically, information divulged in a confidential ethics consultation *may not* be used as a part of any complaint that might later be filed. It is noted that the information from a consultation, as with other activities of the EC, does not have a privileged and/or protected status by law and may be subject to disclosure through legal process or court order. Moreover, in the event of legal proceedings between a member and the DIRI, the DIRI may make disclosures concerning the activities of the EC as necessary to prosecute or defend the litigation.

**ARTICLE IV
ADMINISTRATION OF THE COMPLAINTS PROCESS**

A. Confidentiality:

Except as otherwise provided herein, the DIRI will keep all records and information concerning the activities of the EC confidential; but this information does not have a privileged and/or protected status by law and may be subject to disclosure through legal process or court order. Moreover, in the event of legal proceedings between a member and the DIRI, the DIRI may make disclosures concerning the activities of the EC as necessary to prosecute or defend the litigation.

B. Proceedings:

1. Complaints:

a. **General:** Any person (“complainant”) may submit to the Coordinator a written, signed complaint concerning allegedly improper activity by a DIRI member (“respondent”). Complainant will be told that the DIRI cannot act upon a complaint unless it is in writing and signed. The Coordinator will provide the Complainant with a form to document the details of the complaint, outlining the necessary content, and a copy of the relevant procedures. The Coordinator will also notify the Complainant that s/he may, at that point, either finalize the complaint and move forward, or may consult with the Chair prior to finalizing.

b. **Complaints from students about instructors:** Complaints about instructors who are employees can involve potential violations of employment law, potential pedagogical issues, and/or specific ethical issues as covered in the Ethics Code. When a student files a complaint about an instructor, the Coordinator will assist in documenting the complaint as noted above, and then will notify the administration, through the Director of Education and/or the Executive Director.

The administration will notify the BOD chair, and direct the complaint as appropriate to the content. Complaints that involve issues related to employment contracts and/or employment law will be managed by the administration and the BOD. Complaints that involve pedagogical issues will be referred to the FDRB. Complaints that involve violations of the Ethics Code will be referred to the Ethics Committee for investigation. Some complaints may involve more than one area.

c. **Complaints from clients or DIRI members, about a DIRI member:** Upon receipt of a finalized complaint, the Coordinator will notify the Chair and the respondent, and promptly transmit the complaint to the respondent and to the Chair. Formal communication of decisions and notifications to the respondent and complainant shall be via email and certified mail with return receipt. The respondent must be told that he or she has a right to be represented by counsel, and must be given a copy of these Procedures along with the complaint. The respondent

will be asked to make a written response to the Coordinator within 20 business days of the respondent's receipt of the complaint.

2. Action by the Chair: The Chair or the Chair's designee may request more information from either the complainant or the respondent. Within 10 business days, the Chair will:

- a. For good cause, indicate that additional time to review the complaint is needed, and make an estimate of that additional time.
- b. Decline to conduct further proceedings and dismiss the complaint because the complaint does not allege a violation of the Code of Ethics (Code); obviously lacks merit; has been or is already being acted on; or other good cause as the Chair may determine on an individual case basis;
- c. Try to resolve a matter that amounts to no more than a business disagreement through advice or mediation (by either the Chair or another EC member that the Chair designates), and then dismiss the complaint; or
- d. Refer the matter to a Review Panel for further proceedings.

The Chair will prepare a memorandum of the decision (to dismiss or to refer to a Review Panel) that includes the basis of the decision, which the Coordinator will transmit to the respondent as a formal notice. The Coordinator will give the complainant formal notice of the Chair's decision.

A complainant may seek reconsideration of a dismissal by giving written notice to the Coordinator within 10 business days of the complainant's receipt of notice of a dismissal. The Coordinator will immediately notify the Chair and the respondent. The Chair will promptly reconsider the dismissal, in consultation with the Review Panel to which the complaint would be referred, were it to go forward. If either the Chair or at least two members of the Review Panel believe that the complaint should not have been dismissed, the complaint will be sent to the Review Panel. The Coordinator will give prompt formal notice of the outcome of the reconsideration to the respondent and the complainant.

3. Action by the Review Panel: The Coordinator will give the complaint and all related correspondence to the Review Panel members. The Coordinator will give the respondent the names of the Review Panel members.

The Review Panel will investigate the complaint. The Review Panel may interview witnesses, take and request statements, review pertinent records, and use any other reasonable means to obtain relevant information. "Pertinent" is herein defined to include records that apply to conduct directly related to the case, or to similar cases that may have been previously brought forward as a Complaint against the Respondent.

"Reasonable" and "relevant" are herein defined to include means that shed light directly

on the current case, or to similar cases that may have been previously brought forward as a Complaint against the Respondent. Specifically excluded actions include that the members of the Review Panel will not solicit additional Complaints against the Respondent, and will not seek to interview individuals based on rumor, speculation, or hearsay.

Based on the investigation, the Review Panel will determine, within 30 business days of the referral, will notify the Chair and the Coordinator in writing to proceed with one of the following:

1. The Review Panel would like to take a specific amount of time to further address the matter;
2. There is no substantial evidence of an ethics violation, and the Review Panel has done all it can to address the matter;
3. There is substantial evidence of an ethics violation, but the violation is either technical or trivial, the respondent's future conduct is unlikely to pose a threat to the public or the Roling community, and it would not serve the DIRI's interests to pursue the matter;
4. There is substantial evidence of an ethics violation, and the matter should be sent to a Hearing Panel.

The Panel will make a written report of its decision and the basis for it to the Coordinator, which the Coordinator will formally transmit to the respondent. The Coordinator will give the complainant formal notice of the Review Panel's decision.

4. **Hearings:** If the Review Panel recommends a hearing, the Chair will assign a Hearing Panel. An attorney and a court reporter will be hired to be present at the Hearing. The attorney's role will be to exercise reasonable control over the proceedings, and ensure they are conducted in accord with these Procedures and consistent with the law. The Coordinator will schedule a hearing at a time and place reasonably convenient to all concerned. At the Chair's discretion, hearings may be conducted via tele- or video-conference. The respondent has the right to insist on an in-person hearing. At least 20 business days prior to the hearing, the Coordinator will give formal notice to the respondent of the date, time, and place of the hearing; the complaint that gave rise to the charges; the particular violation of the Code of Ethics alleged; and the names of the Hearing Panel members. The notice will also apprise the respondent of the rights to be represented by counsel, to present and cross-examine witnesses, and to review or receive copies, as soon as practicable, of any documents in the complaint file other than Committee members' notes.

At least 15 business days before the hearing, the respondent may communicate to the Coordinator a request that one or two of the EC members assigned to the Hearing Panel be replaced. The respondent need not give any reason for the request. Upon receipt of the request, the Chair will assign replacement(s) to the Hearing Panel. If possible, the

replacement(s) should be EC members; however, if necessary, the Chair may assign to a Hearing Panel a DIRI member who is not an EC member.

Hearings may be rescheduled for good cause; however, scheduled hearings will go forward even if the respondent does not appear. Hearings are oral presentations of information and testimony pertinent to the complaint. One member of the Review Panel will present the case to the Hearing Panel. The respondent may represent him or her self, or may be represented by counsel. Both the respondent and the Review Panel representative may present witnesses at the hearing. The attorney present will exercise reasonable control over the scope and manner of questioning to prevent intimidation or other abuse.

Hearings are not open to the public. Attendance is limited to members of the Hearing and Review Panels, the respondent, witnesses, and counsel. Hearings will be transcribed by the certified court reporter.

No later than five business days after the hearing, the Hearing Panel shall create a written report of their determination and recommendations to the BOD. The Hearing Panel may determine the following;

1. That the complaint is not proved and dismiss the complaint; or
2. That a violation occurred, and recommend a course of discipline to the BOD. The principles of restorative justice shall guide the recommendation. The discipline may include:
 - a. To make restitution to the complainant and/or the community involved;
 - b. To place the respondent on probation for a specified period or until further order of the BOD, with or without further required action by the respondent;
 - c. Administer a public reprimand to the respondent;
 - d. Terminate the respondent's membership;
 - e. Refuse to issue, renew, reinstate, or restore the respondent's membership;
 - f. Impose an administrative fine of not more than \$5,000 for each violation;
 - g. Require the respondent to pay the costs incurred by the BOD to conduct the investigation and hearing; or
 - h. Impose any combination of actions set forth in paragraphs (a) to (g) inclusive.
3. Within 5 business days of receiving the recommendation from the Hearing Panel, the BOD executive committee shall:
 - a. Accept the recommendation of the Hearing Panel, and endorse it;
 - b. Ask the Hearing Panel for additional information;
 - c. Take the recommendation under advisement to the entire BOD, thus creating an automatic appeal that will follow the procedure detailed below under the heading, Appeals.

If the BOD's executive committee accepts the Hearing Panel's recommendation, the determination shall be set forth in a written report to the Coordinator. The Coordinator will formally transmit the report to the EC Chair and the respondent, and notify them of their right to appeal. The Coordinator will give the complainant formal notice of the BOD's decision and the respondent's right to appeal.

The order of the BOD and the findings and the outcome of the hearing supporting that order, are public records.

5. Appeals:

A. The respondent may appeal an adverse decision made by the BOD executive committee, in response to the Hearing Panel recommendation.

B. If the decision involves termination of DIRI membership, the appeal will follow the appeal process described in Section 4.05 of the most recent version of the Amended By-Laws of the DIRI.

C. For other disciplinary action, the respondent may file an appeal in writing to the Coordinator. Such appeal must take place within 10 business days of the receipt of the determination. The appeal should state the ground(s) on which it is based. If an appeal is not timely made, the BOD's executive committee determination will become final.

Upon receipt of the appeal, the Coordinator shall transmit it to the EC Chair and the BOD Chair. The Coordinator will give the complainant formal notice of the appeal, which shall inform the complainant of the right to submit oral or written response to the appeal, to the BOD.

D. The BOD, or a subcommittee of members other than the executive committee, shall review the entire record to determine whether the proceedings were conducted in good faith and in substantial compliance with these Procedures; whether the record contains sufficient evidence to support the Hearing Panel's factual determinations; whether the Hearing Panel's interpretation of the Code of Ethics is reasonable as applied to the facts determined; and whether the discipline recommended by the Hearing Panel are reasonable under the circumstances.

E. The BOD may entertain additional written argument, or request additional information.

F. Within 20 business days of its receipt of the record, the BOD will complete its review of the appeal and make a written report of its decision and the basis for it.

G. The BOD may:

1. Sustain the original decision, with or without comment;
2. Vacate the original decision, with cause stated, and dismiss the complaint;
3. Return the complaint to the EC for rehearing with directive comment; or
4. Modify the discipline imposed, with cause stated.

H. The order of the BOD may contain such other terms, provisions, or conditions as the BOD deems appropriate.

I. The BOD shall not issue a private reprimand.

J. The Coordinator will formally transmit the Board's report to the respondent. The Coordinator will give the complainant formal notice of the Board's decision.

- 6. Enforcement:** Once the disposition of an ethics proceeding becomes final, either by expiration of the appeal period or by BOD action on an appeal, a disposition adverse to the respondent must be enforced. If the disposition is termination of the respondent's membership, the Board will promptly implement the discipline, and the Coordinator will give the respondent notice of the implementation. If the respondent practices in a state that requires licensure, the controlling state board will be notified of the membership termination for cause.

If the disposition is probation with conditions, the EC Chair and/or his or her delegate will meet with the respondent to develop a detailed plan for restoration. The plan will be guided by the principles of restorative justice. It must contain clear, measurable outcomes designed to make restoration to the complainant, to the extent possible, and to restore the respondent to an active place in the membership community. If the respondent fails to fulfill the terms of the probation in the time designated, their DIRI membership will be terminated. If the respondent does so, the EC Chair will give written notice to the BOD and the respondent that the probation is terminated, and the case will be considered closed.

ARTICLE V
GENERAL PROVISIONS WITH RESPECT TO COMPLAINTS

- A. Publication of Decisions:** BOD decisions to terminate membership, or to reinstate, are matters of DIRI record. Only notices of termination (or lifting of the same) will be published. They will be published in the portion of the DIRI newsletter that is given only to members. DIRI responses to inquiries regarding the status of disciplined persons should be limited to the fact of and the basis for the discipline (e.g., " _____'s membership was terminated for violation of Rule _____ of the (Code of Ethics), which (prohibits/requires)____.")
- B. Notice to Complainants:** The Coordinator's notice to a complainant of any decision under these Procedures shall be a simple statement of the decision only (e.g., "After review, the EC Chair has dismissed your complaint against _____", or "After review of your complaint, the EC recommended that _____'s membership in the DIRI be terminated, and the DIRI BOD has so ordered.")
- C. Records:** The Coordinator will insure the safekeeping of the Committee's records. Records of dismissed cases will be expunged within one year of the dismissal. Records of prior concluded proceedings involving proven allegations will be retained, but made available only to the respondent, the EC, the BOD, and the Coordinator.
- D. Right to Counsel:** Respondents are entitled to representation by counsel at all interviews, hearings, and appeals.
- E. Full Disclosure:** Respondents are entitled to full disclosure of all information considered by the EC or the BOD. However, they are not entitled to deliberation notes.
- F. Voting:** Unless otherwise specified, the vote of a majority of members of a Panel, Committee, or the BOD is both necessary and sufficient for actions or decisions contemplated herein.
- G. Conflict of Interest:** If, in the opinion of an EC member or the EC Chair, that member cannot participate in a fair and unbiased way in the administration of an ethics case, or has a conflict of interest in an ethics case, that member will be recused from that case. If recusal creates a vacancy on a panel, the Chair will assign another EC member, or suitable alternative, to the panel.
- H. Notice:** Except as otherwise provided herein, any required notice need not be in writing, and should be given by the most expeditious means reasonably calculated to provide actual notice. If written notice or transmission of documents is required, notice or transmission by U.S. certified mail to the last known address of the person to be notified, or other method through which receipt is verifiable (such as confirmed e-mail to the e-mail address on record with the DIRI) is sufficient.

Rev. 1/2019 RG/LK