

## 16 CODE OF ETHICS

This article first describes the principles upon which the Code of Ethics is based. The Code itself begins at Article 16.1.

### EXECUTIVE SUMMARY

We, the members of the MRFA, assert the following as our code of ethics.

1. **Responsibility:** We have a duty to fulfill our obligations, both written and implied, and to accept responsibility for the consequences of the decisions we make as scholars, teachers, and members of the academic community.
2. **Respect for Oneself and Others:** We have a duty to respect others and a right to respect from others. We accept our leading role in teaching respect for all human beings, regardless of race, religion, gender, sexual orientation, and other categorizations that can be used as a basis for discrimination.
3. **Fairness:** We have a duty to be fair in our dealings with others and a right to be treated fairly.
4. **Truth and the Advancement of Knowledge:** We acknowledge that the concept of truth is itself part of academic inquiry. We agree to conduct our scholarship and teaching in good faith, to be judged by the highest standards in our respective disciplines, and to apply ourselves to the advancement of knowledge in our scholarship and teaching.
5. **Academic freedom:** We have the right to academic freedom, the duty to exercise and defend that right, and the obligation to encourage it in institutional and civic life.
6. **Excellence:** As teachers, scholars, counsellors, librarians, office-holders within the University, and members of the Mount Royal University community, we commit to maintaining the standards of excellence expected of us by our students, our fellow scholars and ourselves.

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### PREAMBLE

Professionals are self-governed both as groups and as individuals. As higher educational professionals, we assume a variety of roles and sometimes face competing demands that arise from conflicting duties. The challenge of discharging these diverse duties and of maintaining high standards of conduct cannot be met by merely following a list of rules. We need a framework for conceiving of professionalism in higher education that will help us determine for ourselves how we should act in particular situations.

This code rests on the belief that, in order to consistently and correctly determine professional standards of conduct, one must understand upon what those standards are based. Therefore, although the code guides by identifying standards of professional conduct, it also serves an educative function by showing how they are derived and justified. Rather than merely regulating with a limited set of rules, the code consists of a framework of core values, ethical principles, rights, duties, and standards of ethical conduct that define the concept of professionalism in higher education. Through identifying the deeper bases of standards of conduct, it articulates and defends an ideal of the higher educational professional. Thus, in addition to offering a framework which can help members think through the specific ethical challenges that we face, this code intends to contribute to the social milieu in which members

of the Association independently endorse, and mutually reinforce, the promotion of the shared values that provide meaning and direction to our work.

As a proud association of equal, autonomous, and responsible professionals, the members of the Mount Royal Faculty Association are united in our resolve to promote these basic values and commitments and thereby maintain the highest standards of professional conduct.

#### FOUNDATIONAL VALUE: PROMOTING THE COMMON GOOD

The purpose of ethics is to promote the good of individuals. The welfare of specific individuals taken together is the common good. Since higher educational professionals collectively share a general commitment to promote the common good, higher education is an ethical enterprise. Promoting the common good both justifies, and helps to generate, the set of specific values that collectively define professionalism in higher education.

#### SPECIFIC CORE VALUES

The core ethical values of responsibility, respect for oneself and others, and fairness are generated by the fundamental goal of promoting the common good. The core values of truth and the advancement of knowledge, academic freedom, and excellence arise from the unique character of the higher education mission. Together these six specific values constitute the basis of higher educational professionalism.

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#### THE SIX CORE VALUES OF HIGHER EDUCATIONAL PROFESSIONALISM

1. Responsibility
2. Respect for Oneself and Others
3. Fairness
4. Truth and the Advancement of Knowledge
5. Academic Freedom
6. Excellence

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#### ETHICAL PRINCIPLES

Ethical principles are derived from ethical values, which may be too imprecise to guide behaviour. Ethical principles express ideal standards of behaviour and we should view them as providing us with reasons for acting. Principles have weight or importance and, although they may not determine decisions for us, they can incline those decisions one way or another. As life is often complex, the weight particular ethical principles carry will vary depending on the specific circumstances in which we find ourselves.

The following general ethical principles are derived from the core values of higher educational professionalism. They express standards of professional conduct and generate our specific rights and duties.

##### 1. VALUE: RESPONSIBILITY

Ethical Principle: Higher educational professionals should take responsibility for their decisions and actions, especially as these decisions and actions impact the interests of others.

##### 2. VALUE: RESPECT FOR ONESELF AND OTHERS

Ethical Principle: Higher educational professionals should have and show respect for themselves and others.

3. VALUE: FAIRNESS

Ethical Principle: Higher educational professionals should be fair and, be seen to be fair, in their dealings with others.

4. VALUE: TRUTH AND THE ADVANCEMENT OF KNOWLEDGE

Ethical Principle: Higher educational professionals should seek the truth and be committed to the advancement of knowledge.

5. VALUE: ACADEMIC FREEDOM

Ethical Principle: Higher educational professionals should act to safeguard academic freedom.

Academic freedom encompasses a range of more specific freedoms including freedom of inquiry, freedom of thought, freedom of expression, freedom of association, and freedom of assembly. Together these freedoms form the basis of the higher educational enterprise by making the search for truth and the advancement of knowledge possible. For this reason, insofar as truth and the advancement of knowledge are valuable, so too is academic freedom. Just as we need freedom in our individual lives, we need it to discover how best to advance our common interests. Apart from its instrumental value, academic freedom is required for professional respect because autonomy is a pre-condition of responsibility and responsibility is required for self-respect. Self-esteem in our working lives depends upon us being able to take credit for our successes and this, in turn, is dependent upon us being free to make our own academic choices and decisions.

We regard the set of freedoms that constitute academic freedom as fundamental Charter rights, each of which generates corresponding duties. Although each of these rights and duties are valuable, the right to dissent and the corresponding duty to respect such dissent warrant special attention. The pursuit of truth is a social venture that crosses generational and national boundaries. Individuals do not advance knowledge in a vacuum. Moreover, since none of us are infallible, none of us can determine what others should believe. The truth will most likely emerge in an environment in which individuals are free to express and defend their views without fear of threat or reprisal. This right to freedom of expression includes the right to responsible dissent. In a climate in which opinions are vigorously debated and challenged, the justification for those opinions can emerge. An understanding of the justification for certain truths is required to ensure that those truths will not be held as prejudices, putting their meaning in danger of being lost. The right to dissent and the corresponding duty to respect dissent are necessary to ensure that the truth will emerge and remain vital. Since the scope of the freedoms that constitute academic freedom is the measure of the maturity and vitality of a society, and since they so directly bear on the pursuit of truth and the advancement of knowledge, higher educational professionals have a unique, fundamental duty to safeguard these freedoms and to educate society about their importance to the common good.

6. VALUE: EXCELLENCE

Ethical Principle: Higher educational professionals should seek excellence in their work.

16.1 ETHICAL STANDARDS

The following ethical standards are derived from the core values and ethical principles stated above. They pertain to the specific roles we assume as colleagues, teachers, scholars and researchers, and administrators, and as members of our wider communities, including Mount Royal University, our disciplines and professions, and broader civil society.

These standards shall apply to all Regular Members of the Association. Failure to adhere to these standards may result in an ethics complaint in accordance with Article 17: Code of Ethics Procedures.

## 16.2 RESPONSIBILITIES AND RIGHTS AS COLLEAGUES

### 16.2.1 Responsibility

16.2.1.1 We have a duty to be accountable for the impact that our decisions and actions have on our colleagues.

16.2.1.2 We have a duty to honour and uphold all agreements adopted by the Association and all verbal and written agreements among ourselves with respect to our professional responsibilities and obligations.

16.2.1.3 We have the right to speak on behalf of the Association only if we have the informed consent of the Association or its Executive Board.

### 16.2.2 Respect

16.2.2.1 We have a duty to treat our colleagues with respect.

16.2.2.2 We have a duty to be respectful of our differences and diversity.

16.2.2.3 We have a duty to maintain our colleagues' privacy and to keep confidential all information learned about a colleague during participation in the work of committees or other work-related activities, except where disclosure is justly required as part of that work. This duty extends to confidential information learned about third parties who are not members of the Association.

16.2.2.4 We have a duty not to divulge confidential information pertaining to Association affairs, except as required by law or by consent of the Association.

### 16.2.3 Fairness

16.2.3.1 We have a duty to judge our colleagues without bias or prejudice.

16.2.3.2 We have a duty to evaluate the work and efforts of our colleagues fairly and objectively and to make professional assessments on the basis of merit to the best of our abilities.

16.2.3.3 We have a duty to act in good faith in our dealings with our colleagues.

16.2.3.4 We have a duty to avoid conflicts of interest and to fully and appropriately disclose any potentially conflicting obligations in our dealings with our colleagues.

### 16.2.4 Truth and the Advancement of Knowledge

16.2.4.1 We have a duty to be truthful with, and in our dealings about, our colleagues.

#### 16.2.5 Academic Freedom

16.2.5.1 We have a duty to protect the academic freedom of our colleagues and to encourage their freedom of inquiry. This includes respect for our colleagues' right to dissent and to express views with which we disagree.

16.2.5.2 We have the right to academic freedom.

#### 16.2.6 Excellence

16.2.6.1 We have a duty to maintain high standards of collegiality.

16.2.6.2 We have a duty to encourage each other to abide by this code.

### 16.3 RESPONSIBILITIES AND RIGHTS AS TEACHERS

#### 16.3.1 Responsibility

16.3.1.1 We have a duty to be accountable for the impact that our decisions and actions have on our students.

#### 16.3.2 Respect

16.3.2.1 We have a duty to treat our students with respect, to be mindful of the position of power we occupy, and to uphold a professional relationship with them.

16.3.2.2 We have a duty to be respectful of our diversity and to be tolerant of differences between our students and ourselves, and those among our students.

16.3.2.3 We have a duty to maintain students' privacy and to keep confidential all information learned about a student, except where it is given to a colleague for the purpose of aiding or evaluating the academic progress of the student, where maintaining privacy might be contrary to the interests of the Mount Royal University community, or where it is given with the prior consent of the student.

#### 16.3.3 Fairness

16.3.3.1 We have a duty to judge our students without bias or prejudice.

16.3.3.2 We have a duty to evaluate the work and efforts of our students fairly and objectively and to make professional assessments on the basis of merit to the best of our abilities.

#### 16.3.4 Truth and the Advancement of Knowledge

16.3.4.1 We have a duty to protect and promote academic freedom in our classrooms, including by fairly considering a broad range of views and opinions.

16.3.4.2 We have a duty to promote academic honesty and integrity in our courses.

#### 16.3.5 Academic Freedom

16.3.5.1 We have a duty to protect the academic freedom of our students and to encourage their freedom of inquiry. This includes respect for our students' right to dissent and to express views with which we disagree.

#### 16.3.6 Excellence

16.3.6.1 We have a duty to maintain high standards of teaching expertise and appropriate, discipline-specific standards of intellectual rigor in our courses.

16.3.6.2 We have the right to engage in professionally recognized and appropriate development activities in order to enhance our performance as teachers.

### 16.4 RESPONSIBILITIES AND RIGHTS AS SCHOLARS AND RESEARCHERS

#### 16.4.1 Responsibility

16.4.1.1 We have a duty to be accountable for the impact that our decisions and actions have on our fellow researchers and scholars.

16.4.1.2 We have a duty to be accountable for the use of any funds awarded to us as researchers and scholars by Mount Royal University or external granting agencies. We have a duty to allocate or spend these funds responsibly.

#### 16.4.2 Respect

16.4.2.1 We have a duty to respect and promote the ethics of research involving humans or animals.

#### 16.4.3 Fairness

16.4.3.1 We have a duty to judge our fellow researchers and scholars without bias or prejudice.

16.4.3.2 We have a duty to evaluate the work of our fellow researchers and scholars fairly and objectively and to make professional assessments on the basis of merit to the best of our abilities.

16.4.3.3 We have a right as researchers, scholars, and experts to pursue outside interests consistent with our primary obligations to Mount Royal University.

16.4.3.4 We have a duty to avoid conflicts of interest and to fully and appropriately disclose any potentially conflicting obligations in the course of our research and scholarship.

16.4.3.5 We have a duty to avoid using any advances in knowledge that we have gained as a result of access to confidential information obtained in our capacity as a peer reviewer or referee, or any other position of trust and authority, unless we have the permission of the author.

#### 16.4.4 Truth and the Advancement of Knowledge

16.4.4.1 We have a duty to base our research and scholarship on advancing knowledge in good faith.

16.4.4.2 We have a duty to acknowledge any creative or academic contributions that our colleagues and students make to the work that we produce.

#### 16.4.5 Academic Freedom

16.4.5.1 We have a duty to protect and promote our own academic freedom and the academic freedom of our fellow researchers and scholars.

16.4.5.2 We have the right to academic freedom. This includes the right to freedom of inquiry, freedom of thought, freedom of expression, freedom of association, and freedom of assembly.

#### 16.4.6 Excellence

16.4.6.1 We have a duty to maintain high standards as researchers and scholars.

16.4.6.2 We have the right to engage in professionally recognized and appropriate development activities in order to enhance our performance as researchers and scholars.

### 16.5 RESPONSIBILITIES AND RIGHTS AS ADMINISTRATORS, INCLUDING AS CHAIRS

#### 16.5.1 Responsibility

16.5.1.1 We have a duty to be accountable for the impact that our decisions and actions have on those over whom we have authority, including students, staff, and faculty.

#### 16.5.2 Respect

16.5.2.1 We have a duty to treat students, staff, and faculty with respect, to be mindful of the position of power we occupy, and to exercise our authority without making unreasonable, arbitrary, contradictory or retaliatory demands.

16.5.2.2 We have a duty to be respectful of our diversity and to be tolerant of differences among and between ourselves and students, staff, and faculty.

#### 16.5.3 Fairness

16.5.3.1 We have a duty to avoid conflicts of interest and the appearance of conflicts of interest by not using our position for personal gain.

#### 16.5.4 Truth and the Advancement of Knowledge

16.5.4.1 We have a duty to be truthful with, and in our dealings about, those over whom we have power.

#### 16.5.5 Academic Freedom

16.5.5.1 We have a duty to protect and promote academic freedom, including a duty to respect and encourage responsible dissent.

#### 16.5.6 Excellence

16.5.6.1 We have a duty to maintain high standards of leadership and managerial competence.

## 16.6 RESPONSIBILITIES AND RIGHTS AS MEMBERS OF MOUNT ROYAL UNIVERSITY

### 16.6.1 Responsibility

16.6.1.1 We have a duty to be accountable for the impact that our decisions and actions have on Mount Royal University's stakeholders.

16.6.6.2 We have a duty to participate in development of, and to abide, by Mount Royal University policies and agreements, and to discharge our duties fairly and in good faith, mindful of our responsibilities to Mount Royal University's stakeholders.

### 16.6.2 Academic Freedom

16.6.2.1 We have a duty to protect and promote academic freedom at Mount Royal University.

### 16.6.3 Excellence

16.6.3.1 We have a duty to seek reforms which would improve Mount Royal University.

16.6.3.2 Full-time members have a duty to participate in the governance and administration of Mount Royal University at the Board of Governors, Association, Faculty, department and other levels, provided that this participation is consistent with the member's primary responsibilities and individual abilities.

## 16.7 RESPONSIBILITIES AND RIGHTS AS MEMBERS OF OUR BROADER ACADEMIC COMMUNITIES AND ORGANIZATIONS

### 16.7.1 Responsibility

16.7.1.1 We have a duty to be accountable for the use of any funds entrusted to us as occupants of positions of trust and authority in our professional bodies and associations. We have a duty to spend these funds responsibly.

16.7.1.2 We have the right to engage in the activities and governance of our professional bodies and associations, provided that exercising this right is consistent with the discharge of our primary responsibilities at Mount Royal University.

## 16.8 RESPONSIBILITIES AND RIGHTS AS MEMBERS OF CIVIL SOCIETY

### 16.8.1 Truth and the Advancement of Knowledge

16.8.1.1 We have a duty to be truthful about our qualifications and expertise, including when speaking on matters outside our professional expertise.

### 16.8.2 Academic Freedom

16.8.2.1 We have a duty to protect and promote academic freedom.



16.8.2.2 We have the right to academic freedom, including the right to exercise all of our academic freedoms off campus.

## **17 CODE OF ETHICS PROCEDURES**

### 17.1 DEFINITIONS

17.1.1 “Complainant” shall mean the Regular Member who alleges that another Regular Member has behaved unethically under Article 16: Code of Ethics.

17.1.2 “Respondent” shall mean the Regular Member alleged to have behaved unethically under Article 16: Code of Ethics.

17.1.3 “Complaint” shall mean a formal notice of alleged unethical behaviour prepared by the complainant.

17.1.4 “Third-party complaint” shall mean a complaint in which the respondent is alleged to have behaved unethically towards an employee of Mount Royal University who is not a Regular Member of the Association, an employee of the Association, or a student of Mount Royal University, or where there is no identifiable victim.

### 17.2 PRINCIPLES

17.2.1 These procedures shall be applied in support of, and in the spirit of, the MRFA Code of Ethics as defined in Article 16.

17.2.2 These procedures shall be applied in accordance with the principles of natural justice and due process:

17.2.2.1 A respondent shall receive reasonable notice of a complaint and any subsequent proceedings.

17.2.2.2 A respondent shall have the right to see the evidence presented and to challenge that evidence.

17.2.2.3 All parties to a complaint shall be entitled to have a support person present during proceedings, such support person to be an MRFA Regular Member.

17.2.2.4 All parties to a complaint shall be entitled to a fair hearing, including:

- a) a thorough, unbiased and non-discriminatory evaluation of the evidence;
- b) a decision based on precisely relevant information, and only that information, presented during the proceedings;
- c) a decision that relates evidence to the Code of Ethics;
- d) a right to receive detailed reasons for the decision; and
- e) a right to appeal.

17.2.3 Conflict of Interest

- 17.2.3.1 If the complainant or respondent is a member of the Ethics Committee, that member shall not serve on the panel established in accordance with Article 17.4.1.4 and shall not discuss the proceedings with other Committee members.
- 17.2.3.2 A complainant, respondent or member of the Ethics Committee may identify a potential conflict of interest among members of the Ethics Committee, doing so in writing to the members of the Ethics Committee. The Ethics Committee shall determine how to manage a real or perceived conflict of interest. Normally simple disclosure will be adequate to allow committee members to evaluate other members' arguments with respect to the case, but the Committee may consider placing constraints on participation.
- 17.2.3.3 In an appeal to the Executive Board, a complainant, respondent or member of the Executive Board may identify a potential conflict of interest among members of the Executive Board, doing so in writing to the members of the Executive Board. The Executive Board shall determine how to manage a real or perceived conflict of interest. Normally simple disclosure will be adequate to allow committee members to evaluate other members' arguments with respect to the case, but the Executive Board may consider placing constraints on participation.

### 17.3 COMPLAINTS

#### 17.3.1 Notice of Complaint

- 17.3.1.1 The complainant shall present the complaint in writing to the respondent within ninety (90) working days of the alleged violation of the Code of Ethics.
- 17.3.1.2 The written complaint shall state
- a) the nature of the complaint, including the Article(s) alleged to have been violated;
  - b) the name of the respondent;
  - c) details of the time, date, and place or medium of the alleged violation;
  - d) an affirmation that the charges are true and can be substantiated by documentation and/or testimony; and
  - e) any requested remedies.
- 17.3.1.3 Either the complainant or the respondent may propose informal resolution of the complaint prior to its submission to the Ethics Committee.
- 17.3.1.3.1 In many instances, it might be helpful for the complainant to discuss the alleged unethical behaviour directly with the respondent.
- 17.3.1.3.2 The complainant and the respondent may agree to attempt to resolve the issue between themselves or by using a mutually agreed facilitator, such as the MRFA President or designate, the Chair of the Ethics Committee or designate, or another MRFA Regular Member.
- 17.3.1.3.3 Either party to an informal resolution may ask that a written record of that resolution be prepared, and this document may be considered in any future proceedings.

17.3.1.4 In the event that no satisfactory resolution is achieved within five (5) working days of presentation of the written complaint to the respondent, the complainant may file the complaint with the Chair of the Ethics Committee.

## 17.4 PROCEDURES

### 17.4.1 Role of the Ethics Committee

17.4.1.1 The Ethics Committee shall only hear a third-party complaint when the alleged unethical behaviour was towards a person who is not a Regular Member of the Association, and only with the consent of that person given by signature on the complaint, or where there is no identifiable victim.

17.4.1.2 The Ethics Committee shall not normally hear a subsequent complaint based on the same circumstances that gave rise to an earlier complaint if the earlier charge has gone to a consultative hearing. A complainant may initiate new charges if there are facts previously unknown to the complainant at the time of the hearing, or if there is a recurrence of incidents where a previous case was found to have merit. The Ethics Committee may deem a subsequent complaint frivolous or vexatious.

17.4.1.3 On receipt of a complaint, the Chair of the Ethics Committee shall request a written statement from the respondent addressing the complaint. The statement will be delivered to the Ethics Committee, and a copy will be provided to the complainant, within five (5) working days.

17.4.1.4 The Ethics Committee shall form a panel of five members, including the Chair, to hear the complaint. In exceptional circumstances, the complaint may be heard by a panel of four members.

17.4.1.5 The panel may extend the time limits in these procedures where necessary.

17.4.1.6 The panel shall meet within fifteen (15) working days of receipt of the complaint to review the complaint and the written statement from the respondent.

17.4.1.7 The panel shall meet individually with the complainant and the respondent within twenty (20) working days of receipt of the complaint.

17.4.1.8 Within ten (10) working days of the last individual meeting, the panel shall decide whether to proceed to a consultative hearing and shall inform the complainant and the respondent in writing of its decision and the reasons for its decision. If the complaint does not fall within the jurisdiction of the Ethics Committee, the panel may suggest to the complainant possible alternative courses of action, such as are provided under the university's Personal Harassment and Human Rights policies.

### 17.4.2 The Consultative Hearing

17.4.2.1 In preparation for a consultative hearing, the panel may seek further information from other members of the Association, or from specific persons outside the Association. If the request and the reply are in writing, copies of the correspondence and any supporting documents shall be provided to the complainant and the respondent. If the request and reply are oral, the panel

shall provide the complainant and respondent with a written record of the information.

- 17.4.2.2 The hearing shall begin no later than fifteen (15) working days after the decision to proceed to a consultative hearing. A minimum of five (5) working days' notice shall be given to participants required to attend.
- 17.4.2.3 The complainant, respondent and members of the panel are required to attend the hearing. At the discretion of the Ethics Committee, other Members of the Association may be required to attend.
- 17.4.2.4 The panel may postpone the hearing if anyone is unable to attend. The hearing may proceed in the absence of the complainant or respondent at the discretion of the panel.
- 17.4.2.5 The Chair of the Ethics Committee shall chair the hearing. All participants shall adhere to the principle of confidentiality. Language and attitude shall be respectful at all times. The complainant and respondent will each be given an opportunity to make a statement, and to respond to questions from the panel.

#### 17.4.3 Disposition of Cases

- 17.4.3.1 The panel may dismiss a complaint at any time after the initial meetings with the respondent and complainant, if it deems the complaint to be without merit, frivolous or vexatious. Dismissal of the complaint may result in a summary decision to apply one or more of the disciplinary measures set forth in Article 17.4.3.2 against the complainant. Such a decision is subject to appeal.
- 17.4.3.2 Following a consultative hearing, the panel shall make a decision:
  - a. that the case is without merit, requiring no further action; or
  - b. that the case has merit, with consequences to include one or more of the disciplinary measures below.

The panel shall make a decision that the case has merit only by majority vote. Should the case be found to have merit, the panel shall decide on the disciplinary measures to apply by majority vote.

The panel may apply any of the following disciplinary measures:

- a) reprimand;
- b) suspension for a fixed term of access to all social and professional development activities and Association funds not governed by the Collective Agreement, with an associated finding that the member remains in good standing;
- c) suspension for a fixed term of the Association privileges listed in b) above and of voting privileges, the right to attend meetings of the Association and its committees, and the right to hold any MRFA office or committee position, with an associated finding that the member is not in good standing;
- d) a letter to the appropriate Chair(s), the appropriate Dean(s), and the Provost and Vice-President, Academic describing the case and the disciplinary measures, and including a date by which the letter is to be removed from the file;

- e) any other actions the panel deems appropriate within the bounds of the Association's legal responsibilities to its members.

Should a disciplinary measure with an associated finding that the member is not in good standing be applied, the member shall continue to pay dues in accordance with the Dues articles of these Bylaws and shall retain the right to representation by the Association within the bounds of the Association's legal responsibilities to its members.

17.4.3.3 The panel shall submit a final report within fifteen (15) working days of the conclusion of the hearing to the complainant, respondent and President of the Association. The President shall then inform the Executive Assistant and Chief Returning Officer of any relevant disciplinary measures. The report shall specify the decision, the rationale, and the date or dates upon which disciplinary measures are to be applied.

17.4.3.4 The Association shall retain the final reports in a confidential file. Where there are previous breaches of the Code of Ethics by the respondent, past incidents may be considered by the panel in determining disciplinary consequences.

## 17.5 APPEALS

17.5.1 A decision of a panel of the Ethics Committee may be appealed to the Executive Board as follows:

17.5.1.1 Either the complainant or the respondent may appeal a decision not to proceed to a consultative hearing, a decision made pursuant to Article 17.4.3.2, or any disciplinary measures applied. Only appeals based on procedural grounds or new evidence shall be heard.

17.5.1.2 Notice of the appeal shall be given in writing to the other party and to the Executive Board within ten (10) working days of receipt of the panel's decision.

17.5.1.3 The Executive Board shall, upon receipt of notice of the appeal, hold a hearing within ten (10) working days.

17.5.1.4 Five (5) working days' written notice of the appeal hearing shall be given to the complainant, the respondent, and the members of the panel, all of whom shall have standing to speak to the appeal. The presence of other participants shall be at the discretion of the Executive Board.

17.5.1.5 The Executive Board shall render its final decision within ten (10) working days of the conclusion of the appeal hearing. This decision shall be final.

## 17.6 APPLICATION OF DISCIPLINARY PROCEDURES

17.6.1 No disciplinary measures assigned by the Ethics Committee shall be applied until the appeal notice period has passed. Any disciplinary measures assigned by the Executive Committee shall not be applied before completion of the appeal.