

Overview for Complaints of Ethical Violations

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The National Athletic Trainers' Association, hereafter referred to as the “Association” or “NATA,” is dedicated to promoting the professional development of athletic trainers, advocating for the profession, and ensuring ethical, culturally-inclusive practices that protect those using athletic training services.

The Association, in furthering its objectives, administers the [NATA Code of Ethics](#) & [Membership Standards](#), which has been approved by the NATA Board of Directors.

This *Overview for Complaints of Ethical Violations* document provides guidance and procedures for handling and resolving ethics complaints brought against Members under the NATA Code of Ethics and/or Membership Standards. It specifies the procedures for processing complaints and for the work of the Committee on Professional Ethics (“COPE”). It sets forth: the standards and options for adjudicating the ethical conduct of members – and as appropriate, imposing sanctions – and identifies appeals procedures.

These procedures are not a formal legal process; therefore, some legal rules and practices are not observed, and the procedures are designed to operate without the assistance of attorneys. Regardless, any individual may be represented by an attorney with respect to an ethics matter. If an individual has retained an attorney, that attorney may be directed to communicate with COPE through NATA’s legal counsel. Individuals are encouraged to communicate directly with COPE’s committee panel members.

These procedures are designed to encourage full Code compliance. These procedures are also designed to protect the Respondent through the use of reasonable due process procedures, against patently false, malicious, or groundless accusations.

Ethics cases are decided by COPE committee members through a Preliminary Review Panel (“PRP”), Judicial Panel (“JP”), Appeals Panel (“AP”), and Membership Eligibility Review Panel (“MERP”). The following individuals make up the remaining participants in ethics cases:

1. **Respondent:** An individual who is the subject of an ethics complaint or investigation.
2. **Complainant:** An individual initiating an ethics complaint.
3. **Witness:** An individual who provides written or oral testimony in connection with an ethics complaint.

Role, Function, and Responsibilities of COPE

The Committee on Professional Ethics is responsible for:

1. Educating the membership as to the NATA Code of Ethics (“Code”) and Membership Standards (“Standards”) and the process for adjudicating complaints against members;
2. Periodically reviewing and recommending changes in the Code and Standards, as well as the Guidelines for Adjudicating Ethic Violations, Guide for Reinstatement Deliberation, and Guide for Member Self-Reported Criminal Convictions;
3. Addressing complaints of alleged violations of the Code and Standards;
4. Responding to requests for interpretations of the Code and Standards; and,
5. Ensuring that the Code and Standards, as well as the complaint process, are not in conflict with any federal or state laws, rules and regulations, or any policies of the NATA.
6. Reviewing applications for membership reinstatement.
7. Reviewing membership applications with Self-Report Felonies.

The Chair of COPE will appoint appropriate subcommittees and panels as described in the Ethics Complaint Process and as are necessary to conduct COPE responsibilities. The COPE chair can, as needed, consult with previous COPE chairs on process, procedure, and case matters. Any Committee member with a conflict of interest shall withdraw from participation in the case as soon as they are aware of the conflict.

The Committee members have an obligation to act in an unbiased manner, to work expeditiously, to safeguard the confidentiality of the Committee’s activities, and to follow the procedures to protect the rights of all individuals involved.

The COPE shall make every effort to act expeditiously and fairly. COPE and NATA shall take all appropriate efforts to safeguard the confidentiality of applicable information and proceedings, provided that at times it may be necessary as part of any investigation being conducted by COPE to disclose information to potential witnesses and other parties. Further, COPE may decide to disclose a sanction publicly as part of the disciplinary process, and COPE may make referrals to another body (e.g., the Board of Certification), or may respond to valid requests made by a governmental body.

Submission of A Complaint

Complaints may be submitted by any person, group, or organization, including the NATA or any committee thereof (including COPE).

The following individuals may file complaints (i.e. serve as “Complainants”):

1. Any individual(s) who have reason to believe that a NATA member has violated the NATA Code of Ethics and/or Membership Standards. Possible complainants include NATA members, non-NATA athletic trainers, other health care providers, employers, and the public.
2. The Chair of COPE, on behalf of the NATA membership, when the Chair has reason to believe through information received by or otherwise available to the Committee that a NATA member may have violated the NATA Code of Ethics and/or Membership Standards.

3. A member of the panel, on behalf of the NATA membership, when the Panel has reason to believe through information received by or otherwise available to the Committee that a NATA member may have violated the NATA Code of Ethics and/or Membership Standards.

An ethics complaint must pertain to a “Member,” meaning an individual who is a current member of the National Athletic Trainers' Association to be adjudicated.

Communications and complaints must be legibly printed or typed. Correspondence related to ethical complaints may be provided by hard copy via certified means or electronic means. Correspondence related to ethical complaints are to be addressed to the NATA Staff Liaison at the NATA office and marked “confidential”, if provided by mail.

The complaint process begins with a written complaint filed with the NATA office or COPE. Additionally, cases may be started based upon information provided to the NATA via media outlets and other sources of information publicly available.

When complaints are submitted directly to NATA and/or COPE, Complainants must identify who the complaint is about and the allegations so that the NATA Staff Liaison can determine whether the person is subject to the jurisdiction of the NATA Code of Ethics and Membership Standards.

Complaint Timelines

The timelines set forth in these standards are guidelines only and have been established to provide a reasonable time framework for processing complaints. The COPE Chair has the authority, in his/her discretion when justified by circumstances, to grant extensions of deadlines upon request by a Committee Member.

The Chair has the latitude to adjust procedures for good cause, as they deem necessary to protect any party, participant, or subject of a complaint.

Adjudication of the complaint shall correspond with the version of the NATA Code of Ethics and Membership Standards in effect at the time of notification of the alleged violation.

Complaint Review

The fundamental goal of these procedures for investigating and enforcing the Code and/or Standards is to eliminate unethical behavior, rather than to impose sanctions.

In the event a member is indicted for reasons cited in §I.D. of the Membership Standards and Sanctions by a court, or is being investigated by a licensing board, certification body, or professional organization, COPE may, in its discretion, suspend consideration of the matter until a judgment is issued by such other body.

If during an investigation, the membership status of an individual who is the subject of a complaint (hereinafter, a “respondent”) changes to Suspended or Non-Member, the respondent’s membership may not be reinstated prior to the issuance of a final judgment by COPE.

Information regarding Code of Ethics complaints and proceedings is to be treated confidentially, subject to the following:

1. The COPE may disclose information validly required or requested to be disclosed by a governmental body;

2. The COPE may disclose information to the degree needed to properly investigate while allowing the proper investigation of a charge, such as by contacting witnesses;
3. The COPE may make a referral to another body (e.g. Board of Certification, state athletic training boards, etc.);
4. The COPE may issue a final decision with a sanction involving public disclosure (e.g. public censure in the *NATANews*, disclosed in the NATA Disciplinary Action Database).
5. The final decision made by COPE of violations to the Code of Ethics may be listed on the NATA Disciplinary Action Database.

The respondent shall release, discharge, and exonerate NATA, its officers, directors, employees, committee members, and agents involved in the complaint process from any and all liability relating to the carrying out of their obligations under this process.

Complaint Review

The COPE Chair shall conduct an initial review of the complaint and may use discretion to determine if the complaint has merit.

The COPE Chair has the discretion to determine the complainant has no merit on the following grounds:

- a. Complaint is incomplete or contains factually unreliable or insufficient information
- b. Complaint is patently frivolous or trivial
- c. Complaint is directed against an individual who is not a NATA member

The Chair may convene up to four panels – Preliminary Review Panel (PRP), Judicial Panel (JP), Appeals Panel (AP) and Membership Eligibility Review Panel (MERP) if warranted, as the complaint goes through the process.

1. A Preliminary Review Panel (PRP) establishes whether the allegation has merit and determines whether further investigation is needed. It is composed of two (2) COPE members assigned by the Chair.
2. A Judicial Panel (JP) conducts investigations and issues decisions. It is composed of three (3) COPE members assigned by the Chair.
3. An Appeals Panel (AP) is convened when a respondent contests a decision. It is comprised of one (1) NATA Board member who shall serve as chair and is not based in the respondent's District, one (1) COPE member who is not based in the respondent's District, and one (1) certified NATA member who is not based in the respondent's District and are assigned by the Chair.
4. A Membership Eligibility Review Panel (MERP) reviews the Petition for Reinstatement and Membership Applications self-reporting a felony, along with supporting documentation to determine if the Respondent met his/her burden of demonstrating clear and convincing evidence that he/she has been rehabilitated and membership status. The MERP is convened when a Respondent, who has had their membership revoked or suspended, wishes to reestablish as an NATA member. The MERP is comprised of the COPE Chair and four (4) COPE members. All members of the MERP are assigned by the Chair.

Notification to Respondent

COPE will notify the Respondent by electronic means with confirmation of receipt or certified mail, return receipt requested. The Notification of COPE Case shall include:

- a. Each Code or Standard alleged of a violation;
- b. A copy of the evidence used by the PRP to make its initial determination;
- c. A copy of NATA's Code of Ethics;
- d. A copy of NATA's Membership Standards and Sanctions;
- e. A copy of COPE Complaint Procedures.

The notification also shall advise the member that he/she may be represented by legal counsel during any phase of the complaint investigation, at his or her own expense.

The Respondent shall be provided twenty-one (21) calendar days of the delivery of the Notification of COPE Case Letter to:

- a. respond to each section of the NATA Code of Ethics and/or Membership Standard they have been accused of having violated and provide supporting evidence and documentation if they choose to; and,
- b. exercise the right to request a hearing.

Complaint Adjudication

During this investigation, JP members may collect and review additional evidence, conduct interviews of individuals who may have personal knowledge of the case or incident, interview the complainant(s), and interview the respondent.

All materials collected and evidence obtained shall be made available to the Respondent with a reasonable deadline (not less than seven (7) days) for the Respondent to respond to any such materials.

As part of each JP review of a matter, the JP shall schedule a tele-conference or telephone interview with the Respondent, the Complainant, or Witness(es) as part of its investigation, if feasible.

Hearing Request

The Respondent may request a hearing with the JP prior to the decision. If the Respondent opts not to participate in the hearing or fails to attend the hearing, the Committee shall decide the complaint on the written record.

The hearing will be conducted electronically, either by telephone or video conference, before a panel made up of at least two (2) of the panel members. A record of the hearing shall be made and preserved, together with any documents presented in evidence, with the case file. The record shall consist of a summary of testimony received, at the discretion of the Committee.

The purpose of the hearing is to collect information regarding the case and to determine if a violation of the Code and/or Standards has occurred and, if so, to determine appropriate disciplinary action. The Committee will be guided in its deliberations based upon the basic principles of fairness and professionalism and will keep its deliberations as confidential as possible except as provided herein. The COPE Committee shall have the right to call witnesses it believes may provide further insight into the matter. The parties bear their own expenses associated with their engagement of counsel.

In any matter in which a hearing is requested and a sanction is possible, the NATA and the Respondent may make opening statements, present documents and testimony, examine and cross-examine witnesses under oath, make closing statements, and tender written submissions as permitted and scheduled by the presiding panel member. The Panel may impose reasonable time limits on hearings.

Evidence

Formal rules of evidence shall not apply as part of the COPE's consideration of a matter. Relevant evidence generally shall be admitted subject to reasonable deadlines and other limitations that may be imposed by COPE Chair or by the applicable presiding panel members.

The presiding panel member shall resolve all questions disputed at a hearing and shall notify counsel of its decisions with appropriate opportunity for review before any sanctions are levied.

Decisions on matters of evidence shall not be subject to appeal unless such decisions demonstrate an abuse of the presiding panel member's discretion.

Case Determination

The COPE JP shall review the evidence, including a full and fair hearing (if applicable), and determine whether the Respondent violated the Code or Standards. COPE shall use a preponderance-of-evidence standard for determining whether to find that a violation occurred.

COPE shall prepare a written determination, including the following:

- i. the Code and/or Standards that have been violated;
- ii. findings of fact establishing said violations;
- iii. appropriate sanctions and disciplinary or corrective action(s);
- iv. other relevant and appropriate directives issued by COPE; and
- v. Statement of the Respondent's right to appeal the decision.

Appeal

Submission of Appeal

The Respondent may submit a written appeal of the Determination within ten (10) days of his or her receipt of the decision identifying one or more of the specific grounds for appealing. The Appeal shall be submitted via email to cope@nata.org.

Grounds for Appeal

In order to appeal the JP's ruling, a Respondent must file a written appeal within ten (10) days identifying one or more of the following specific grounds for appeal:

- i. procedural error by the PRP or JP that prejudiced the Respondent;
- ii. identification of relevant proof that was not previously in the Respondent's possession and was not reasonably available during the time the matter was under consideration by the JP; or
- iii. the JP's decision was arbitrary and capricious.

Contents of Appeal

The Appeal must contain the following information and material:

- i. Ethics case number and date of the determination;
- ii. Statement and complete explanation and basis for any request concerning reversal of the Determination;
- iii. Copies of any material supporting the appeal.

Appeal Process

If the Respondent contests the JP's ruling, an AP is convened by the COPE Chair. The AP reviews the case records, and may seek additional data or conduct interviews, then issues a ruling. The AP shall give deference to the factual findings made by the JP and shall only reverse or remand a decision by the JP if the Respondent shows the JP's decision was clearly erroneous or that the JP committed a procedural error that prejudiced the Respondent.

COPE shall prepare a written determination to the Respondent.

Final Decision

A Determination issued by COPE that is not appealed within the prescribed time requirements will be considered final. The dismissal or Appeals decision issued by the AP will be considered final and binding.

Sanctions, Disciplinary or Corrective Actions

Sanctions for violations of the Code and/or Standards shall in all cases be reasonably tailored to the applicable violation(s).

In the event of a finding of a violation of one or more provisions of the Code and/or Standards, available sanctions shall include:

- Private Reprimand;
- Ethics Education;
- Membership Probation;
- Loss of Committee Service;
- Membership Suspension;
- Membership Expulsion;
- Public Censure;
- Denial of Eligibility for Membership.

A sanction affecting membership (denial, expulsion, non-renewal, or suspension) shall be subject to the reinstatement provisions of these procedures. A public censure shall be published in the *NATANews* and on the COPE Disciplinary Action Database. At the discretion of the COPE, the final decision made by COPE of violations to the Code of Ethics will be listed on the NATA Disciplinary Action Database.

Disciplinary or Corrective Actions can accompany the sanction and include but is not limited to ethics education and mentorship. Any cost associated with a sanction, disciplinary or corrective action is the responsibility of the Respondent.

Reinstatement of Eligibility or Membership

If eligibility is denied or membership canceled or not renewed, eligibility or membership may be reconsidered on the following basis:

- i. In the event of a felony conviction directly related to public health or athletic care or education, no earlier

- than one (1) year from the exhaustion of appeals, completion of sentence, or completion of parole, whichever is later; or
- ii. In any other event, no earlier than one (1) year from the date of the final decision of COPE.

To consider an application for reinstatement, the COPE Chair shall appoint a MERP. In addition to other facts required by NATA, the applicant or member in question must fully set forth, in any subsequent application for reinstatement, the circumstances of the decision denying eligibility or canceling or not renewing membership, as well as all relevant facts and circumstances since the decision. The applicant must submit one copy of this material to the Chair of COPE and another copy to the NATA membership department.

When an application for reinstatement is under consideration, the Respondent bears the burden of demonstrating by clear and convincing evidence that the individual has been rehabilitated, does not pose a danger to others, and meets all the NATA membership eligibility requirements.

If the MERP concludes that the Respondent has met his or her burden of demonstrating by clear and convincing evidence that he or she has been rehabilitated, it will advise the Respondent and NATA's membership department of this fact in writing and specify the date on which the Respondent's reinstatement or membership becomes effective.

If the MERP concludes that this burden has not been met, it will advise the NATA membership department and the Respondent.

Notification of Other Agencies

It shall be within the discretion of the NATA to notify appropriate state regulatory agencies and/or the Board of Certification, Inc., in cases where sanctions have been levied against a member. The NATA membership department shall, on the recommendation of the COPE and in consultation with NATA legal counsel, send appropriate written notification to agencies by whom the applicant or member is licensed or certified.

NATA Honors and Awards

All nominees for any NATA honors or award are to be vetted by COPE NATA staff liaison for current investigations or previous ethics violations.

The names of all nominees will be sent to COPE prior to being distributed to the NATA Honors & Awards Committee. The COPE staff liaison will check the current COPE case logbook for any ongoing investigations and membership for past ethics sanctions. Nominees with no ethics issues will proceed through the NATA Honors & Awards process.

Sending the nominees to COPE staff liaison prior to the NATA Honors & Awards Committee will eliminate the NATA Honors & Awards Committee knowledge of nominees removed from the pool, protecting the integrity of the confidential process. With only the COPE staff liaison being responsible for the nominee vetting, the integrity of the confidential process also remains.