

# Disciplinary, Complaints, & Appeals Policy

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## Disciplinary Policy

In order to maintain and enhance the credibility of the CENP and CNML certification programs the CENP and CNML Steering Committees have jointly adopted the following procedures to allow individuals to bring complaints concerning the conduct of CENP and CNML certificants' to the Steering Committee.

In the event a certificant violates the Professional Standards of Conduct and/or the AONL-CC/Steering Committee certification rules, requirements, and/or policies the CENP/CNML Steering Committee may reprimand or suspend the individual or may revoke certification.

The CENP Steering Committee will review, investigate and make determinations regarding CENP certificants. The term "Steering Committee" is used throughout this policy with the understanding that it refers to the Steering Committee of the certification held. In situations where dual certification is held the appropriate Steering Committee for the certification in question will review, investigate and make determinations and in appropriate cases refers the matter to the other Steering Committee for action.

The grounds for sanctions under these procedures may include, but are not necessarily limited to:

- Any restrictions such as revocation, suspension, probation or other sanctions of the professional RN or nursing license by a recognized nursing authority.
- Violation of the Professional Standards of Conduct.
- Violation of established Steering Committee rules, requirements, and/or policies.
- Conviction of a felony or other crime of moral turpitude under federal or state law in a matter related to the practice of, or qualifications for, nursing.
- Gross negligence, willful misconduct, or other unethical conduct in the performance of services for which the individual has achieved AONL-CC certification.
- Fraud, falsification, or misrepresentation in an initial application or recertification application for certification.
- Falsification of any material information requested by the AONL-CC.
- Misrepresentation of CENP or CNML certification status.
- Cheating on any certification examination.

Actions taken under this policy do not constitute enforcement of the law, although referral to appropriate federal, state, or local government agencies may be made about the conduct of the certificant in appropriate situations. Individuals initially bringing complaints are not entitled to any relief or damages by virtue of this process, although they will receive notice of the actions taken.

## Complaints

To protect the national credentials and to ensure responsible practice by its certificants, the AONL-CC depends upon its candidates and certificants, professionals, employers, regulatory agencies and the public to report incidents that may be in violation of the Professional Standards of Conduct and/or AONL-CC/Steering Committee policies.

Complaints may be submitted by any individual or entity.

Complaints should be reported in writing and should include the name of the person submitting the complaint, the name of the person the complaint is regarding along with other relevant identifying information, a detailed description of factual allegations supporting the charges, and any relevant supporting documentation. Written complaints regarding violations of certification policies and/or the Professional Standards of Conduct should be mailed to:

CEO  
American Organization for Nursing Leadership  
155 N. Wacker Dr.  
Suite 400  
Chicago, IL 60606

Only signed, written communication will be considered.

The AONL-CC will become involved only in matters that can be factually determined, and commits to handling any situation as fairly and expeditiously as possible. During its investigation and decision, the AONL-CC will protect the confidentiality of those who provide information to every possible extent. The named individual will be afforded every opportunity to respond in a professional and legally defensible manner.

A candidate's signature on an application for examination attests to adherence to Professional Standards of Conduct.

Information regarding the complaint process will be available to the public via the AONL web site or other published documents. A complete copy of this policy will be made available to any individual upon request.

Upon receipt and preliminary review of a complaint involving the certification program the certification director in consultation with the Steering Committee Chair may conclude, in their sole discretion, that the submission:

- contains unreliable or insufficient information, or
- is patently frivolous or inconsequential.

In such cases, the certification director and Steering Committee Chair may determine that the submission does not constitute a valid and actionable complaint that would justify bringing it before the Steering Committee for investigation and a determination of whether there has been a violation of substantive requirements of the certification process. If so, the submission is disposed of by notice from the certification director and Steering Committee Chair to its submitter, if the submitter is identified. All such preliminary dispositions by the Steering Committee Chair are reported to the Steering Committee at its next meeting.

Preliminary review will be conducted within 15 business days of receipt of the complaint.

If a submission is deemed by the certification director and Steering Committee Chair to be a valid and actionable complaint, the Steering Committee Chair will see that written notice is provided to the certificant whose conduct has been called into question. The certificant whose conduct is at issue will also be given the opportunity to respond to the complaint. The Chair also will ensure that the individual submitting the complaint receives notice that the complaint is being reviewed by the Steering Committee.

## **Complaint Review**

For each complaint that the Chair concludes is a valid and actionable complaint, the Steering Committee authorizes an investigation into its specific facts or circumstances to whatever extent is necessary in order to clarify, expand, or corroborate the information provided by the submitter.

The Chair appoints a Review Committee of three or more individuals, who may or may not be members of the Steering Committee to investigate and make an appropriate determination with respect to each such valid and actionable complaint; the Review Committee may review one or more such complaints as determined by the Chair. The Review Committee initially determines whether it is appropriate to review the complaint under these Procedures or whether the matter should be referred to another entity engaged in the administration of law. The timeline for responses and for providing any additional information will be established by the Review Committee. The Review Committee may be assisted in the conduct of its investigation by other members of the Steering Committee or by AONL-CC staff or legal counsel. The Chair exercises general supervision over all investigations.

Both the individual submitting the complaint and the certificant who is the subject of the investigation may be contacted for additional information with respect to the complaint. The Review Committee, or the Steering Committee on its behalf, may at its discretion contact such other individuals who may have knowledge of the facts and circumstances surrounding the complaint.

All investigations and deliberations of the Review Committee and the Steering Committee are conducted in confidence, with all written communications sealed and marked "Personal and Confidential," and they are conducted objectively, without any indication of prejudgment. An investigation may be directed toward any aspect of a complaint which is relevant or potentially relevant. Formal hearings are not held and the parties are not expected to be represented by counsel, although the Review Committee and Steering Committee may consult their own counsel.

Members of the Review Committee will be reimbursed for reasonable expenses incurred in connection with the activities of the Committee.

## **Determination of Violation**

Upon completion of an investigation, the Review Committee recommends whether the Steering Committee should make a determination that there has been a violation of the Professional Standards of Conduct and/or certification program policies and rules. When the Review Committee recommends that the Steering Committee find a violation, the Review Committee also recommends imposition of an appropriate sanction. If the Review Committee so recommends, a proposed determination with a proposed sanction is prepared under the supervision of the Chair and is presented by a representative of the Review Committee to the Steering Committee along with the record of the Review Committee's investigation.

If the Review Committee recommends against a determination that a violation has occurred, the complaint is dismissed with notice to the certificant, the certificant's employer (if involved in the investigation), and the individual or entity who submitted the complaint; a summary report is also made to the Steering Committee.

The Steering Committee reviews the recommendation of the Review Committee based upon the record of the investigation. The Steering Committee may accept, reject, or modify the Review Committee's recommendation, either with respect to the determination of a violation or the recommended sanction to be imposed. If the Steering Committee makes a determination that a violation has occurred, this determination and the imposition of a sanction are promulgated by written notice to the certificant, and to the individual submitting the complaint, if the submitter agrees in advance and in writing to maintain in confidence whatever portion of the information is not made public by the Steering Committee. All determinations by the Steering Committee that violations have occurred will be reported to the AONL Board of Directors by the Chair of the Steering Committee.

In certain circumstances, the Steering Committee may consider a recommendation from the Review Committee that the certificant who has violated the certification program policies or rules should be offered an opportunity to submit a written assurance that the conduct in question has been terminated and will not recur. The decision of the Review Committee to make such a recommendation and of the Steering Committee to accept it are within their respective discretionary powers. If such an offer is extended, the certificant at issue must submit the required written assurance within thirty days of receipt of the offer, and the assurance must be submitted in terms that are acceptable to the Steering Committee. If the Steering Committee accepts the assurance, notice is given to the submitter of the complaint, if the submitter agrees in advance and in writing to maintain the information in confidence.

## **Sanctions**

Any of the following sanctions may be imposed by the Steering Committee upon a certificant whom the Steering Committee has determined to have violated the Professional Standards of Conduct and/or policies and rules of its certification program(s), although the sanction applied must reasonably relate to the nature and severity of the violation, focusing on reformation of the conduct of the member and deterrence of similar conduct by others:

- written reprimand to the certificant;
- suspension of the certificant for a designated period; or
- termination of the certificant's certification.

For sanctions that include suspension or termination, a summary of the final determination and the sanction with the certificant's name and date is published by the AONL-CC. This information will be published only after any appeal has either been considered or the appeal period has passed.

Reprimand in the form of a written notice from the Chair normally is sent to a certificant who has received his or her first substantiated complaint. Suspension normally is imposed on a certificant who has received two substantiated complaints. Termination normally is imposed on a certificant who has received two substantiated complaints within a two year period, or three or more substantiated complaints. The Steering Committee may at its discretion, however, impose any of the sanctions, if warranted, in specific cases.

Certificants who have been terminated will have their certification revoked and may not be considered for Steering Committee certification in the future. If certification is revoked, any and all certificates or other materials requested by the Steering Committee must be returned promptly to the Steering Committee.

## **Appeal**

Within thirty (30) days from receipt of notice of a determination by the Steering Committee that a certificant violated the certification program Professional Standards of Conduct and/or policies and/or rules, the affected certificant may submit to the Steering Committee in writing a request for an appeal.

Upon receipt of a request for appeal, the Chair of the Steering Committee establishes an appellate body consisting of at least three, but not more than five, individuals. This Appeal Committee may review one or more appeals, upon request of the Chair. No current members of the Review Committee or the Steering Committee may serve on the Appeal Committee; further, no one with any personal involvement or conflict of interest may serve on the Appeal Committee. Members of the Appeal Committee may be reimbursed for reasonable expenses incurred in connection with the activities of the Committee.

The Appeal Committee may only review whether the determination by the Steering Committee of a violation of the certification program policies and/or rules was inappropriate because of:

- material errors of fact, or
- failure of the Review Committee or the Steering Committee to conform to published criteria, policies, or procedures.

Only facts and conditions up to and including the time of the Steering Committee's determination as represented by facts known to the Steering Committee are considered during an appeal. The appeal will not include a hearing or any similar trial-type proceeding. Legal counsel is not expected to participate in the appeal process, unless requested by the appellant and approved by the Steering Committee and the Appeal Committee. The Steering Committee and Appeal Committee may consult legal counsel.

The Appeal Committee conducts and completes the appeal within ninety days after receipt of the request for an appeal. Written appellate submissions and any reply submissions may be made by authorized representatives of the member and of the Steering Committee. Submissions are made according to whatever schedule is reasonably established by the Appeal Committee. The decision of the Appeal Committee either affirms or overrules the determination of the Steering Committee, but does not address a sanction imposed by the Steering Committee. The decision of the Appeal Committee, including a statement of the reasons for the decision, is reported to the Steering Committee and the AONL Board of Directors.

The Appeal Committee decision is binding upon the Steering Committee, the certificant who is subject to the termination, and all other persons.

## **Resignation**

If a certificant who is the subject of a complaint voluntarily surrenders his or her certification(s) at any time during the pendency of a complaint under these Procedures, the complaint is dismissed without any further action by the Review Committee, the Steering Committee, or an Appeal Committee established after an appeal. The entire record is sealed and the individual may not reapply for certification. However, the Steering Committee may authorize the Chair to

communicate the fact and date of resignation, and the fact and general nature of the complaint which was pending at the time of the resignation, to or at the request of a government entity engaged in the administration of law.