



Bylaws Amendment

RESOLUTION: 14(20)
SUBMITTED BY: Ethics Committee
Board of Directors
SUBJECT: Ethics Procedures

PURPOSE: Amends the Bylaws to permit a designated body appointed by the Board of Directors to render a decision regarding disciplinary action as stated in the College Manual.

FISCAL IMPACT: Budgeted staff resources to update the Bylaws.

1 WHEREAS, The review of complaints regarding ethical violations or other matters requires adequate due
2 process to ensure it is fair to both the complainant and respondent; and
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4 WHEREAS, A review by legal counsel, the ACEP Board of Directors, and a subcommittee comprised of
5 members of the Ethics Committee, Bylaws Committee, and the Medical-Legal Committee determined that a more
6 efficient complaint review process is needed based upon the increasing number of ethics complaints filed annually;
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8 WHEREAS, The ACEP Board of Directors has approved a revision to the *Procedures for Addressing*
9 *Charges of Ethical Violations and Other Misconduct*, which creates a subcommittee appointed to review ethics
10 complaints and make determinations regarding disciplinary action against members; and
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12 WHEREAS, The current Bylaws state that only the ACEP Board of Directors has the power to impose
13 disciplinary action on a member, and as such, a revision to the Bylaws is required to reflect the Board's right to
14 appoint a designated body to make such determinations on its behalf; therefore be it
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16 RESOLVED, That the ACEP Bylaws Article IV – Membership, Section 3 – Agreement, and Section 4 –
17 Disciplinary Action, be amended to read:
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19 Section 3 — Agreement
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21 Acceptance of membership in the College shall constitute an agreement by the member to comply with the
22 ACEP Bylaws. The Board of Directors shall serve as the sole judge of such member's right to be or to remain a
23 member, subject to **Article IV, Section 4 of these Bylaws and** the due process as described in the College Manual.
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25 All right, title, and interest, both legal and equitable, of a member in and to the property of this organization
26 shall cease in the event of any of the following: a) the expulsion of such member; b) the striking of the member's
27 name from the roll of members; c) the member's death or resignation.
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29 Section 4 — Disciplinary Action
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31 Members of the College may be subject to disciplinary action or their membership may be suspended or
32 terminated by the Board of Directors, **or a designated body appointed by the Board of Directors for such purpose,**
33 for good cause. Procedures for such disciplinary action shall be stated in the College Manual.

Background

This resolution amends the Bylaws to permit a designated body appointed by the Board of Directors to render a decision regarding disciplinary action as stated in the College Manual. A companion College Manual resolution has also been submitted.

The Board of Directors submitted a College Manual resolution to the 2019 Council to amend by substitution the *Procedures for Addressing Charges of Ethical Violations and Other Misconduct* for consideration. Upon review by the Bylaws Committee and prior to the 2019 Council meeting, concerns were raised that the revised Procedures may be in conflict with the Bylaws because the Bylaws currently state that only the Board of Directors has the power to impose disciplinary action on a member. The Bylaws Committee recommended adding a provision to the Bylaws allowing a “designated body appointed by the Board of Directors” to review ethics complaints and make determinations regarding disciplinary action against members. As such, the resolution was withdrawn from the 2019 Council meeting based on these recommendations. A subcommittee was then assigned, comprised of members of the Ethics Committee, Bylaws Committee, and the Medical-Legal Committee to revise the Procedures and draft revisions to the Bylaws to address this issue. The College Manual amendment is submitted as Resolution 15(20) Procedures for Addressing Ethical Violations & Other Misconduct.

ACEP Strategic Plan Reference

Goal 2 – Enhance Membership Value and Membership Engagement

Objective A – Improve the practice environment and member well-being.

Fiscal Impact

Budgeted staff resources to update the Bylaws.

Prior Council Action

None that is specific to designating a body appointed by the Board of Directors to render a decision regarding disciplinary action.

Prior Board Action

June 2020, reviewed the proposed changes to the “Procedures for Addressing Charges of Ethical Violations and Other Misconduct” and approved submitting College Manual and Bylaws resolutions to the 2020 Council.

Background Information Prepared by: Leslie Patterson Moore, JD
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