

AMIA DISCIPLINARY ACTION POLICY

A. General Overview

A member of the American Medical Informatics Association (AMIA) may be subject to discipline if the member's conduct conflicts with the standards and principles of AMIA. A disciplinary action may only be implemented once for a particular act. The following is a non-exhaustive list of conduct for which disciplinary action *may be justified*.

1. Conviction of any crime relating to or arising out of the practice of one's profession, and any crime that brings discredit to the organization.
2. Limitation or termination of any right associated with the practice of one's profession, including the imposition of any requirement of surveillance, supervision, or review by reason of violation of a practice act, statute or governmental regulation, or disciplinary action by any licensing authority.
3. Unlawful financial dealings related to the practice of one's profession.
4. Unprofessional conduct.
5. The use of knowingly false or deliberately misleading advertisements, testimonials, or other instruments of misinformation related to the practice of one's profession.
6. A knowing violation of the [AMIA Conflict of Interest Policy](#).
7. Any act of dishonesty associated with one's profession.
8. Failure to abide by AMIA bylaws, policy statements pertaining to members, or the decision of any AMIA committee pertaining to a member.
9. Disrespectful treatment of AMIA members and/or staff.
10. Any form of retaliation against anyone who files an ethics complaint in good faith.

All actions required to be taken under this policy by the Executive Committee and/or the Board of Directors (Board) require a majority vote of a quorum of committee or Board members present either in person or by remote conference. A majority vote of the Board is needed to approve disciplinary action. Voting by proxy is not allowed. The complaint and investigation process outlined in this policy is intended to take place entirely in writing.

The Executive Committee may recommend the Board consider specific disciplinary action for a member, including, *but not limited to* censure, suspension from membership in the AMIA for a period of time, limitation of membership privileges such as being relieved of a leadership position, or expulsion from AMIA.

- "Censure" means that the individual will be advised in writing of a finding of misconduct and that such conduct should be changed.
- "Suspension" means that the individual will be advised in writing that his/her/their privileges as a member of AMIA have been temporarily suspended, with specification of the duration of the suspension and the conditions necessary for reinstatement.

- “Expulsion” means that the member will be informed in writing that membership in the AMIA is terminated, with or without the option to reapply for membership under certain specified conditions.
- “Limitation of privileges” means members may be able to maintain AMIA membership and engage most membership benefits but be prevented from engaging specific benefits. This may occur in two ways:
 - Members may be prohibited from leadership opportunities at AMIA while maintaining other benefits of membership.
 - Members may be prohibited from in-person event participation while maintaining other benefits of membership.

The disciplinary action will be appropriate and proportionate to the violation and may not be one of those listed above. The failure of AMIA to meet any time limit specified here will not be deemed to be an error sufficient to overturn any disciplinary decision. Any communications required by this policy may be sent by letter or electronic mail. Throughout this policy, “days” refers to calendar days.

B. Consideration of Inquiry by the Executive Committee.

The Executive Committee will receive written and signed allegations of misconduct (a “complaint”) against members. Allegations may come from any source, including non-members and the general public. Any member of the Executive Committee who is involved in the complaint will be recused and the President of AMIA will appoint a replacement if necessary to have a tie breaking vote. If the complainant wishes to remain anonymous from the named member, the complainant may make this clear in the written allegation. If the anonymity affects the investigation, the Executive Committee and complainant can determine whether to resubmit the complaint without anonymity.

If the complaint involves misconduct that has resulted in conviction of a crime by a criminal court, a finding of liability by a civil court, or an adverse finding or action by a government agency or licensing authority, the Executive Committee must forward the complaint directly to the Board with a recommendation for appropriate discipline, including if the Executive Committee recommends the Board take no disciplinary action.

If more than 50% of the Executive Committee believes that a disciplinary action is required for a given allegation, the investigation will proceed to the Board. The fact that a member may have been found not guilty by a criminal court does not preclude the Executive Committee from investigating the member’s actions and the Board eventually imposing discipline.

Upon receipt of a formal written complaint against a member of the AMIA, the Executive Committee must promptly provide formal notice of the complaint to the member. The notice must contain: (1) a copy of the complaint, including directions that the member must not communicate with the complainant; (2) a statement that the named member may submit a written response to the Executive Committee within 15 days of receipt of the complaint, which can

include written supporting witness testimony; and (3) a copy of this Disciplinary Action Policy. In the absence of extraordinary circumstances warranting more time, the member will have 15 days from receipt of the complaint from the Executive Committee to provide a written response, and the Executive Committee will complete its investigation within 30 days of receipt of the written response.

In addition to the investigation of the alleged transgression, the Executive Committee may take into consideration contributions of the named member to the AMIA community. Judgments should be made in the context of the evidence available.

If its findings are that there is a lack of credible evidence to substantiate the allegation, or that the matter does not rise to the level which would make discipline appropriate, the matter will be dropped, and the complainant, member, and Board will be informed that the allegation was deemed unfounded.

If the Executive Committee determines that the evidence warrants disciplinary action against the member, the Secretary will forward the complaint, any response by the member, any accumulated evidence describing the member's violations, and a recommendation as to the disciplinary action, to the Board.

If the Executive Committee determines that the complaint warrants further investigation and action, AMIA is responsible for costs incurred in further review and investigation of the complaint.

The Executive Committee must maintain all information in confidence and must present the complaint and accumulated evidence to the Board via a written report.

Executive Committee members whose terms have expired will continue to fulfill existing responsibilities to the case(s) under consideration.

C. Board of Directors Action.

The BOD must maintain all information in confidence throughout the proceeding. The Board may impose any disciplinary action it deems appropriate after reviewing the named member's written submission to the Executive Committee. The member will not have the right to a hearing or to present matters in person before the Board. The named member may resign their leadership position and/or membership in lieu of submitting matters to the Board. Such resignation will be deemed a "resignation in lieu of disciplinary proceedings" and will be recorded as such in the AMIA records.

D. Board of Directors Fair Written Procedure.

If the named member declines to respond within 15 days of notice from the Secretary, the Board may proceed to meet in person or by teleconference

and, after considering all the evidence submitted to it, make a final decision on the complaint.

During the written process, the named member is not allowed to have private communication with 1) any of the Board members, 2) any witnesses, 3) any complainant, or 4) any of the Executive Committee members who will present the case.

The President may postpone the written process for a reasonable period of time when work, health, or other commitments make the timeline for the submission of the written process by the named member an extreme hardship.

The Board must first consider evidence in support of the complaint from the Executive Committee representative and from any witnesses the Executive Committee may desire to seek a statement from and then read evidence from the accused member responding to the complaint. Formal rules of evidence will not apply in the hearing and the Board may consider any evidence relating to the issues contained in the complaint. Any witness who submits written testimony may be asked for additional information. The named member will have the following rights:

1. To submit relevant evidence.
2. To receive a written decision from the Board containing a statement as to the reasons supporting the decision.

The complainant and named member will not be invited to participate in the process beyond the initial written complaint and response, respectively, unless the Executive Committee or the Board elects to seek further written clarification. Observers will not be permitted to participate in the process, other than a member of the AMIA Administrative Staff who will assist the Secretary in taking Minutes of the Board meeting.

The Board must submit its decision in writing, together with the basis for its decision to the named member and the complainant within 10 days of their determination. The decision of the Board will state whether there was credible evidence presented that was sufficient to support the complaint in whole or in part, and if so, the disciplinary action to be imposed upon the member. The disciplinary action may be designed to correct a specific violation found by the Board to have occurred. No appeal will be allowed from the decision of the Board.

E. Amendments and Governing Law

The power to enact and amend this policy lies with the AMIA Board of Directors.