## CHAPTER 3: CODE OF ETHICS AND SPORTSMANSHIP (EPRB)

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All AHA programs and events deadlines must be met as specified, whether submitted by hand delivery, postal service, fax, e-mail, internet, or other electronic means. (BOD 8/00)

### ETHICS 101. PREAMBLE: What We Believe

1. That the noble Arabian Horse, most ancient of all breeds, a creature of beauty and an athlete of renown, has earned and deserves the company of true sportsmen;
2. That owners, breeders, trainers, riders, drivers, handlers, and friends of the Arabian Horse have much to gain by observing the best tenets of good sportsmanship in all things pertaining to the Arabian Horse;
3. That, in addition to the basic rule of "Doing unto others as you would have them do unto you," it is desirable to:
    a. define ethical practices,
    b. delineate unethical practices,
    c. encourage good sportsmanship and high ethical behavior,
    d. warn, censure, or bring to public attention, and
    e. discipline those who commit acts detrimental to the best interests of the proud breed and to its good friends.
4. That it is the right and obligation of the Arabian Horse Association to set standards in matters of ethics and sportsmanship concerning the Arabian Horse.
5. That the Rules and Regulations of the Arabian Horse Association (AHA), the Canadian Arabian Horse Registry (CAHR), the Canadian Partbred Registry (CPAR), the U. S. Equestrian Federation (USEF), Equestrian Canada (EC) and any other governing body referenced in the AHA Handbook shall, in all respects, be supported in our efforts to strengthen ethical and good sportsmanship concepts in the breeding, owning, handling, showing, and using of the Arabian Horse.

### ETHICS 102. APPLICATION AND STRUCTURE OF THE CODE

1. All members of the Arabian Horse Association agree to and shall be bound by this Code of Ethics and Sportsmanship during their membership in the Association.
2. Any person acting in the capacity of agent or employee of a member of AHA is bound by this Code of Ethics and Sportsmanship as it relates to Arabian Horse activities. A member of AHA who is a principal or employer of any agent or employee is responsible for the agent's or employee's conduct.
3. Any owner, trainer, handler, or exhibitor who is not a member of AHA but who competes in an AHA Recognized Horse Show or other equine event by paying the single event membership fee is bound by this Code of Ethics and Sportsmanship during that show or event.
4. Any person who is acting as an agent of or is under contract with AHA to perform a job for AHA is bound by this Code of Ethics and Sportsmanship.
5. This Code consists of two parts: Ethical Considerations and the Rules of Conduct.

### ETHICS 103. ETHICAL CONSIDERATIONS

The Ethical Considerations are aspirational in character and represent objectives toward which every person bound by the Code should strive. The Ethical Considerations are not enforceable but may be considered as interpretive guides in applying the Rules of Conduct.

1. In every situation, the welfare of the breed shall be paramount over all considerations. The best interests of the Arabian Horse must be the criterion in all transactions.
2. Members and their employees or agents shall at all times treat the proud breed of Arabian Horse with the kindness, respect, and affection, which the horse's long history deserves.
3. Exhibitors, riders, drivers, handlers, and trainers shall support the judges and the judging system. If there is cause for a legitimate protest, exhibitors shall follow the protest procedure set forth in the rule book of the event's governing body or the Rules and Procedures of the Ethical Practice Review Board of the Arabian Horse Association.
4. Judges and stewards are responsible for a thorough knowledge, understanding, and proper application of the general rules of AHA, USEF, EC, or other governing body, as well as the specifications for each class/event that is to be judged.
5. Members and their employees or agents should be fair and honest in all transactions involving horses and should not make any false or misleading statements concerning horses offered for sale or breeding.
6. Widespread publicity will be given to this Code of Ethics and Sportsmanship by way of the AHA Handbook, publications, conventions, through Member Organizations and other means of communication, advising, and impressing upon all whose good fortune it is to be engaged in Arabian Horse activities that the very highest standards of ethics and sportsmanship are expected of them.

### ETHICS 104. RULES OF CONDUCT

The Rules of Conduct are mandatory in character and are enforceable.

1. No person shall attempt to influence the actions of the Probable Cause Panel, the Ethical Practice Review Board, or the AHA Board of Directors; or any member of the Probable Cause Panel, Ethical Practice Review Board, or AHA Board of Directors by duress or intimidation of any sort.
2. No person shall communicate or cause or initiate any communication with any member of the Probable Cause Panel, or any member of the Ethical Practice Review Board concerning the substance of a complaint until after the hearing and a decision is rendered. No person shall attempt to influence a member of the Probable Cause Panel or a member of the Ethical Practice Review Board with respect to any complaint except through oral or written presentations presented to the entire group in accordance with the Rules and Procedures for the Ethical Practice Review Board. (Res. 38-94)
3. Unless prior written approval has been obtained from AHA, no person or organization shall schedule an Arabian Horse Event which occurs during the same dates as AHA National Championship Shows (Youth/Mid-Summer, Sport Horse and U.S.), and the AHA Annual Conventions (Adult and Youth) within a 250-mile radius of those events.
4. The word "International" and “Arabian Horse Association” shall not be used in connection with shows, sales, or other Arabian Horse activities that are not officially Recognized and/or sponsored by the AHA.
5. No person, company, or other entity shall use AHA logos and/or symbols without receiving prior written permission from the Board of Directors or its designee.
    a. Horse shows or events which receive AHA recognition will automatically be allowed to use the AHA logo to signify that recognition in premium lists, programs, and advertisements for the show or event.
    b. Members, Member Organizations, or Regions of AHA will be allowed to use the AHA member logo to signify their participation in the Association in accordance with guidelines established by the Board of Directors.
    c. Any use of AHA logos or symbols which implies approval, sanction, or sponsorship by AHA without written permission is prohibited.
6. Mistreatment and/or neglect of any Arabian, Half-Arabian, ~~or~~ Anglo-Arabian Horse or equine under a member’s care, control or custody is prohibited. (Res. A2-26)

a. Mistreatment includes every act or omission which causes, or unreasonably permits the continuation of, unnecessary or unjustifiable pain or suffering.

b. Neglect includes failure to provide food, water, protection from the elements, opportunity for exercise, or other care, which is normal, usual, or proper for a horse's health and well-being.

7. Members must not offer a horse capable of reproduction for breeding, transfer of ownership, or lease if the horse is known to such member to be a Severe Combined Immunodeficiency Disease (SCID) carrier, a Lavender Foal Syndrome (LFS) carrier, a cerebellar abiotrophy (CA) carrier, an Occipitoatlantoaxial malformation (OAAM) carrier or to be affected by CA or OAAM or be a homozygous or heterozygous affected by Hyperkalemic periodic paralysis (HYPP) without disclosure of that horse's SCID, LFS, CA, OAAM or HYPP status to all parties to the transaction. (Res. 3-09, Res. 4-09, Res. 4-10, Res. 1-17)

8. An owner of any mare that produces affected SCID, LFS, CA, OAAM or HYPP offspring must immediately notify the stallion owner of a foal's positive SCID, LFS, CA, OAAM or HYPP diagnosis and cooperate fully with the stallion owner's reasonable efforts to verify that finding. (Res. 3-09, Res. 4-09, Res. 4-10, Res. 1-17)

9. Members, their employees, and their agents must not perform surgical procedures, or aid, instruct, or conspire with another to perform surgical procedures, or employ another to perform surgical procedures which conceal genetic defects or undesirable traits, unless such surgery is needed for medical therapeutic reasons as attested to in writing by a qualified veterinarian, in an animal to be shown, used for breeding, or sold as a breeding animal.

10. The rules of the Arabian Horse Association (AHA), the Canadian Arabian Horse Registry (CAHR), the Canadian Partbred Registry (CPAR), the U. S. Equestrian Federation (USEF), and Equestrian Canada (EC) are hereby adopted by reference as a part of this Code of Ethics and Sportsmanship.

11. An exhibitor's intentional conduct at an equine event must not adversely affect the exhibition or ride of any other horse at the event.

12. Non-winners of ribbons in any class must remain in the ring until excused or until the ribbons have been awarded and the winners have left the ring.

13. The individual member(s) acting on behalf of a Member Organization who directly contact or employ a judge must not show or have their horses shown before that judge in that show for which the judge was employed.

14. No one shall attempt to influence judges by telephoning, writing, sending pictures, emailing, or by any other means before or during events that the judge has been employed to adjudicate.

15. Judges and stewards must exhibit the highest standard of integrity at all times, and decisions must not be made based upon improper influence.

16. Rules which appear in the USEF Rule Book (in the U.S.) or the EC Rule Book (in Canada) regarding conflicts of interest for judges and exhibitors shall govern AHA.

17. Judges must comply with AHA contractual requirements, USEF rules (in the U.S.), and EC rules (in Canada) with regard to contact with persons at an event.

18. Judges must report to the steward or event management any improper approaches or contact by persons at an event.

19. Members must not misappropriate the assets or funds of AHA, AHA Regional organizations, and/or AHA Member Organizations. (Res. 42-91) (Res. 40-94)

20. No person shall communicate or cause or initiate any communication in regard to information obtained from the AHA Judges and Stewards Commissioner's office in violation of any confidentiality Agreement which they have executed. (Res. 24-00)

21. It is unethical to transfer or assist or facilitate in the transfer of a horse with the intent to circumvent the purpose of the rules regarding ownership of horses shown in amateur and/or junior owner classes. It is unethical for any AHA member to not provide information relating to the transfer in question that is requested by the Probable Cause Panel or the Ethical Practice Review Board. (Res. 3-12)

    In determining whether the transfer was unethical, the EPRB may consider among others, the following: (Res. 3-12)

    a. Horse ending up back in the previous owner's name within a year of the original transfer.

    b. Horse being transferred at less than fair market value (owner to provide proof of the sales amount).

    c. The fact that prize money went to a person other than the owner or family member.

    d. The fact that the owner or family member did not pay the expenses relating to the upkeep and showing of the horse.

22. In the furtherance of their official duties, all Association representatives, including staff, licensed officials and volunteers must be treated with courtesy and respect and no person shall direct abusive or threatening conduct toward them. (Res. 17-18)

**ETHICS 105. ALLEGED INFRACTIONS**

1. Alleged Infractions of the Arabian Horse Association Code of Ethics and Sportsmanship, as adopted or amended, may be brought to the attention of the Probable Cause Panel and the Ethical Practice Review Board by filing a complaint in compliance with the Rules and Procedures for the Ethical Practice Review Board.

2. The Ethical Practice Review Board and the Probable Cause Panel shall be continued and shall be constituted and empowered as follows:

**ETHICS 106. PROBABLE CAUSE PANEL (See also CBP 111.31)**

1. The Probable Cause Panel (PCP) shall consist of three members, all of whom must be members of Member Organizations affiliated with AHA for the duration of their terms of office. One member of the PCP must be an attorney. No member of the PCP may simultaneously serve on the Ethical Practice Review Board. The AHA Executive Committee members may not serve on the Probable Cause Panel and the Executive Committee at the same time. (Res. 7-01)

2. As each term expires, the members of the PCP shall be elected by Convention Delegates to serve three-year rotating terms with one term expiring each year. (Res. 37-94)

3. Members of the PCP are eligible for nomination and election to an unlimited number of terms.

4. Should a vacancy on the PCP occur before the expiration of a term, the vacancy will be filled by appointment by the President of AHA and ratified by the AHA Board of Directors for the uncompleted term left vacant.

5. The members of the PCP shall elect one of their members to serve as Chair and one of their members to serve as Vice-Chair. The Chair shall preside at all meetings of the PCP. In the event the Chair is unable to chair a meeting, the Vice-Chair will preside.

6. A quorum consisting of at least two members of the PCP shall be required to convene a meeting. If a quorum cannot be convened because of conflicts of interest with any of the parties to the complaint being reviewed, the President of AHA shall appoint two temporary replacement members for the Panel to review the complaint. Meetings of the PCP can be held via conference call. All decisions must l be made by a majority vote of the PCP.

7. The function of the PCP shall be to review all ethical complaints properly filed with AHA and to make a determination whether or not there are reasonable grounds to believe an infraction of the AHA Code of Ethics and Sportsmanship exists and whether the alleged infraction, if proved, is of sufficient importance to AHA that it should go before the Ethical Practice Review Board for hearing. A copy of all complaints filed will be immediately provided to the Chair of the Ethical Practice Review Board. (Res. 37-94)

**ETHICS 107. ETHICAL PRACTICE REVIEW BOARD (See also CBP 111.20*)***

1. The Ethical Practice Review Board (EPRB) shall consist of nine members, all of whom must be members of Member Organizations with AHA for the duration of their terms of office. One member of the EPRB must hold the highest level of Arabian Judges Card per country (USEF/EC). One member of the EPRB must be an attorney. The AHA Executive Committee members may not serve on the Ethical Practice Review Board and the Executive Committee at the same time. (Res. 7-01)

2. The nine members of the EPRB shall be elected by the Delegates to the AHA Annual Convention to serve three-year rotating terms with three terms expiring each year. Nominations for the EPRB must be made by a member of the AHA Board of Directors.
3. Members of the EPRB are eligible for nomination and election to an unlimited number of terms.
4. Should a vacancy on the EPRB occur between Annual Conventions, the vacancy will be filled by the person who received the next highest number of votes in the election held at the last Annual Convention. If there were no other person(s) on the ballot receiving votes at the last Annual Convention, the position will remain vacant until the next Annual Convention where an election can be held to fill the vacancy.
5. At the Annual Convention after the election results are known or as soon thereafter as is possible, the members of the EPRB shall elect one of their members to serve as Chair and one of their members to serve as Vice-Chair. The Chair shall preside over all meetings of the EPRB. In the event the Chair is unable to chair a meeting or a hearing, the Vice-Chair will preside. In the event the Chair or the Vice-Chair is unable to chair a meeting or a hearing, those members present will select a Temporary Chair to preside at that meeting or hearing.
6. A quorum consisting of at least five members of the EPRB must be required to hear any matter. In the event that a quorum of the EPRB is not available to hear the matter because of conflicts of interest or other reasons, the AHA Board of Directors must make sufficient temporary appointments so that a quorum is available. All decisions must l be made by an affirmative vote of two-thirds of the members voting, except that decisions as to procedural matters must be made by the Chair.
7. The function of the EPRB shall be to interpret and enforce the AHA Code of Ethics and Sportsmanship in cases brought before it for hearing. Its deliberations must include, but are not limited to, consideration of whether an offense was intentional and whether it continued after either formal or informal warning.
8. In deciding upon a remedy for unethical conduct, it shall be the general policy of the EPRB to be constructive with those who have committed unethical or unsportsmanlike-like acts, and to use its powers to prevent recurrence of the event. Probationary periods may be applied to effect discipline. Nothing in the foregoing, however, shall be construed to prohibit the strongest sanctions available against those persons found guilty of committing unethical acts or unsportsmanlike-like conduct.

**ETHICS 108. RULES AND PROCEDURES**

These rules and procedures govern the PCP and the EPRB in the bringing and resolution of all charges of violation of the Code of Ethics and Sportsmanship (the "Code") of the AHA.

1. Jurisdiction.
   a. The EPRB shall have authority to hear all charges of violation of the Code, including but not limited to charges of:
      1. Conflict of interest of judges, other event personnel, exhibitors, and other participants in AHA sponsored or Recognized events.
      2. Misconduct of AHA members and other persons who come under the jurisdiction of AHA concerning the care or treatment of Arabian, Half-Arabian, or Anglo-Arabian Horses.
      3. Misconduct of AHA members and other persons who come under the jurisdiction of AHA in the showing or using of horses at AHA sponsored or Recognized shows or events.
   b. Failure to renew AHA membership or resignation of AHA membership shall not be grounds for automatic dismissal or avoidance of an EPRB complaint.
   c. The EPRB shall not, unless there are exceptional circumstances, hear any charges which involve:
      1. Private and/or contractual disputes between two or more persons that should properly be settled by a court of law.
      2. Rule infractions at horse shows or other equine events where formal protest procedures are available as a means of filing charges of misconduct but have not been used.
      3. Disputes which have been submitted to a court of law or arbitration in which a court or arbitrator has made a final non-appealable determination of facts in such a way that no violation would have occurred.
      4. Alleged violations which occurred more than 12 months before the charges were filed.
   d. A determination of whether exceptional circumstances exist shall be made by the PCP and shall be based on whether the charges raise substantial issues relating to the care and welfare of Arabian, Half-Arabian, or Anglo-Arabian Horses or substantially affect the AHA and its operations and events.
   e. In the event charges are filed involving a matter which is or becomes the subject of litigation or arbitration, the PCP and the EPRB must stay all proceedings in that matter pending the final outcome of the litigation or arbitration. For the purposes of any proceeding under these rules, the PCP and the EPRB must accept any final factual determinations made by a court of law or arbitrator. In all cases stayed pursuant to this provision, the complainant must notify AHA in writing as to the status of the litigation by **December 31** of each year. Failure to do so will result in automatic dismissal of the EPRB complaint. (Res. 24-06)
   f. In the event charges are filed involving a matter in which a formal protest has also been filed with another show/event governing body, the PCP and the EPRB must stay all proceedings in the matter pending the final outcome of the protest procedure. For purposes of any proceeding under these rules, the PCP and the EPRB must accept any final factual determinations made by the protest-hearing body.
2. Initiation of Complaints.
   a. Complaints shall be brought by completing and submitting the EPRB Complaint Form specified by AHA, together with payment of the $200 filing fee, to the main office of AHA, addressed to the EPRB. The filing fee is non-refundable.
   b. Complaints can be filed by individuals, whether members of AHA or not. Complaints can also be filed by boards, commissions, committees, staff, or volunteers of AHA. (Res. 17-18)
   c. Payment of the filing fee will be waived for complaints filed by judges, stewards, and show officials including the AHA Judges and Stewards Commissioner when acting in their official capacity. Payment of the filing fee will also be waived for complaints filed by boards, commissions, committees, staff, or volunteers of AHA. (Res. 17-18) The filing fee shall be waived or reimbursed in cases where AHA has been given proof that the accused has been convicted of abuse, neglect, and/or mistreatment-related offenses involving horses. (Res. 43-91) (Res. 40-94) The EPRB filing fee shall also be waived if an AHA member(s) either admits in writing to or is convicted in criminal/civil court of misappropriation of funds from either AHA Regionals, events or Member Organizations. (Res. 40-94)
   d. If a complaint is filed by a board, commission, or committee, an individual must be named who will represent the board, commission, or committee in the EPRB complaint proceedings. The EPRB Complaint Form must be signed by the Chair of the board, commission, or committee filing the complaint and by the individual named as the representative.
   e. The EPRB Complaint Form can be obtained by contacting the AHA office.
3. Contents of Complaint.
   a. The complaint must contain the full name and address of the person or persons being charged and describe their relationship to the AHA.
   b. The complaint must set forth with particularity the facts and events which the complaining party believes constitute violations of the Code and the place and date of the alleged infractions.

c. The complaint must state the specific section(s) of the AHA Code of Ethics and Sportsmanship alleged to have been violated and/or state the specific rules of USEF, EC, AHRA, CAHR or CPAR alleged to have been violated.

d. The complaint must name witnesses to said actions then known to the complainant.

e. The complaint must include supporting documentation then in the possession of the complainant.

f. The complaint must be signed by the complainant and include the complainant's AHA membership number (if a member), complete mailing address, email address, and phone number.

g. The complaint must include a statement whether, to the best of complainant's knowledge, the conduct that is the basis of the complaint has been or will be the basis for claims in any court of law, arbitration, or mediation or the basis of a protest or charges filed with another governing body.

4. Processing of Complaints.

a. The ~~Executive Director~~ Chief Executive Officer or a person appointed by the ~~Executive Director~~ Chief Executive Officer must review all complaints to verify that the complaint form is completed properly and is in compliance with the preceding sections. Any complaints not submitted on the EPRB Complaint Form or that are incomplete must be returned to the complainant. (Res. 3-20)

b. All complaints that comply with the preceding sections must be forwarded to the PCP for review.

5. Probable Cause Panel Review and Processing.

a. The PCP shall review submitted complaints to determine:

1. Whether the charges are within the jurisdiction of the EPRB.
2. If there appears to be sufficient grounds for a hearing.
3. The specific section or sections of the Code which may have been violated by the charged party.

b. The determination of whether there is jurisdiction, whether there are sufficient grounds for a hearing, and which specific Code sections may have been violated must be by majority vote of the PCP, which must thereafter have no further contact with the matter presented to it. The PCP may confer with the AHA's counsel in making these determinations.

c. The determination of the PCP concerning applicable Code section(s) which may have been violated shall be controlling and shall determine the Code violations to be considered by the EPRB.

d. If the PCP determines that the complaint shall not be heard by the EPRB, it must return the complaint and its determination to the ~~Executive Director~~ Chief Executive Officer. The ~~Executive Director~~ Chief Executive Officer must send a notice of the determination to the complainant and must inform the complainant of the right to submit additional information and/or documentation which would cause the complaint to be again presented to the PCP for further review. In the event additional information and/or documentation are submitted for further consideration by the PCP of a previously filed complaint, an additional filing fee is not required. If, upon further review, the PCP again determines that the complaint shall not be heard by the EPRB, it must return its determination and the complaint to the ~~Executive Director~~ Chief Executive Officer, who shall send notice of the determination to the complainant. No further review shall be granted unless otherwise determined by the PCP.

e. If the PCP determines that the complaint should be heard by the EPRB, it must return the complaint and its determination to the ~~Executive Director~~ Chief Executive Officer. The ~~Executive Director~~ Chief Executive Officer shall send a notice of the determination to the complainant and a notice of the initiation of hearing proceedings, the determination of the PCP, a copy of the complaint, a copy of these rules, and a copy of the Code of Ethics and Sportsmanship to each person charged in the complaint, along with a request that each person charged submit a written response to the complaint within 45 days from the date the notice is given.

f. The written response to a complaint must:

1. Specify each portion of the complaint that is admitted or denied.
2. Include all documentation then in the possession of the respondent which supports the response.
3. Identify all witnesses with relevant knowledge then known to the respondent.
4. Include a statement whether, to the best of respondent's knowledge, the conduct that is the basis of the complaint has been or will be the basis for claims in any court of law, arbitration mediation, or the basis of a protest or charges filed with another governing body.

6. Setting and Notification of Hearing.

a. The EPRB hearing must be scheduled by the Chair of the EPRB with the assistance of the ~~Executive Director~~ Chief Executive Officer.

b. The ~~Executive Director~~ Chief Executive Officer shall mail a notice of the EPRB hearing to the complainant, all persons charged in the complaint, and all members of the EPRB.

c. The notice of the EPRB hearing must be sent at least 30 days before the date of hearing.

d. The time and place of the hearing may, for good cause shown, be continued, or rescheduled by the Chair of the EPRB. A request for continuance or rescheduling of an EPRB hearing shall be directed to the AHA ~~Executive Director~~ Chief Executive Officer.

e. The Chair of the EPRB may, in his/her sole discretion after consultations with all parties, consolidate for hearing, two or more pending complaints that involve related facts and/or parties. (Res. 7-00)

7. Attendance at the EPRB Hearing.

a. The hearing may be conducted by teleconference or videoconference at the discretion of the EPRB. Under special circumstances, the complainant or respondent may request an in-person hearing. This request will be considered by the EPRB Chair and may be granted depending on the circumstances involved. (Res. A1-26)

b. The complainant or a duly authorized representative must attend the hearing ~~in person~~ personally or submit a written notarized presentation. Failure to do so shall be grounds for dismissal of the complaint. It is strongly recommended that the complainant personally attend the hearing ~~in person~~. (Res. A1-26)

c. The charged party or a duly authorized representative shall have the right to personally appear at the hearing ~~in person~~ or submit a written notarized presentation. It is strongly recommended that the charged party personally attend the hearing ~~in person.~~ (Res. A1-26)

d. Each party shall provide to AHA at least ten days prior to the hearing a list of the witnesses who they intend to have either attend the hearing and testify in person or submit sworn statements on their behalf. A list of all witnesses provided will be promptly sent to all parties. The failure of a party to provide a list of witnesses or to include a witness on the list, within the specified time, may preclude any unlisted witnesses from testifying at the hearing or submitting sworn statements.

e. Legal counsel for the EPRB and the parties shall be entitled to attend the hearings. The EPRB shall have the authority to permit or refuse to allow any other person to attend the hearing.

8. Burden of Proof. The complainant shall have the burden of proving all alleged violations of the Code by a preponderance of the evidence, whether or not the person charged appears or makes any response.

9. Recording of the Hearing.

a. The hearing must be recorded stenographically by a court reporter and/or by tape recording.

b. Any party to the hearing may request a transcription of the proceedings by contacting the ~~Executive Director~~ Chief Executive Officer of AHA.

c. The cost of any transcription of the proceedings shall be the responsibility of the person or entity making the request, and such cost will be paid to AHA prior to preparation of the transcript.

d. AHA will make the arrangements for obtaining any requested transcription.

e. AHA will keep the original copy of any requested transcription with the complaint file and provide photocopies of the transcription to all parties to the case.

10. Evidence.

a. All evidence and documentation received in conjunction with an EPRB complaint shall be maintained in a confidential file at the main office of AHA and shall be available at all reasonable times and upon reasonable notice to the parties, their representatives, and members of the EPRB for inspection and copying. No other person, aside from officers, employees, and legal counsel of AHA in the ordinary course of their duties, shall have access to said file.

b. Prior to the EPRB hearing, a copy of the complaint file will be provided to the members of the EPRB to permit review prior to the conduct of the hearing.

c. At the hearing, common law and statutory rules of evidence shall not apply, and the admissibility of evidence shall be determined by the EPRB. All evidence that is relevant and that has probative value shall generally be admitted. The EPRB may also refuse to admit evidence that is unduly repetitious or cumulative.

d. The EPRB may also, before, during, or after the hearing, designate one or more persons to make an inspection or investigation in connection with a hearing and continue the hearing in order to complete the inspection or investigation.

1. Each party must l be notified of the inspection or investigation and shall have the right to personally attend ~~in person~~ or through a representative. (Res. A1-26)
2. There shall be no discussion of the merits of the case among the parties, or their representatives, and the persons conducting the inspection or investigation other than answers to specific questions asked by the person conducting the inspection or investigation.
3. Questions asked and responses received during an inspection or investigation need not be recorded. If present, both parties must be given an opportunity to respond to all such questions.
4. The parties shall receive copies of any written report and have an opportunity to hear any oral report resulting from the inspection or investigation and shall have an opportunity to respond to the same.

e. The Chair of the EPRB shall rule on all motions, objections to evidence, and other questions which may arise at the hearing.

11. Testimony and Argument.

a. Each party shall be entitled to make an opening statement.

b. Following the opening statements, the complainant shall present complainant's claims and evidence.

c. The charged party shall then present respondent's defenses and evidence.

d. Each party, the attorneys for the parties, AHA, and the members of the EPRB shall have the right to ask questions of any person testifying.

12. Decision.

a. The EPRB will determine whether the charged party has violated the Code as charged as promptly as is reasonable after the hearing is concluded.

b. The EPRB decision, including specific findings and penalties (if any), shall be reduced to writing and returned to the ~~Executive Director~~ Chief Executive Officer.

c. The ~~Executive Director~~ Chief Executive Officer must send notice of the decision to the parties and to the members of the EPRB and, except when the EPRB has imposed no penalty or the only penalty imposed is Private Censure, shall cause the decision to be published in AHA's publication and on its website. (Res. 7-00)

d. After the EPRB has reached its decision, the copies of the complaint file and any other evidence distributed to the EPRB members at the hearing shall be returned to the ~~Executive Director~~ Chief Executive Officer.

13. Penalties. If the EPRB finds that the charged party has violated the Code, it may impose such penalties as it deems proper, including but not limited to the following:

a. Private censure.
b. Public censure.
c. Denial of all or part of AHA privileges.
d. Prohibition of involvement at AHA events.
e. Expulsion or suspension from AHA membership.
f. Forfeiture and redistribution of titles, associated prizes and AHA points won in connection with a violation of the Code. (Res. 7-00)
g. Fine. (Res. 7-00)

14. Contacts with Parties.

a. No member of the PCP or the EPRB shall hear, participate in, or vote on any matter in which they are personally involved, about which they have personal and firsthand knowledge, or involving individuals or entities with whom they have had a close business or personal relationship during the year prior to the proceedings.

b. No member of the PCP or the EPRB shall discuss any proposed or ongoing investigation, review, or any pending matter in public or with others who are not either members of the respective body or current leadership of AHA as required.

15. Notice. All notices required or permitted under these rules may be given by ~~personal service or by mail to AHA or~~ electronic communication, courier/parcel delivery or by mail to a party's last known email or physical address according to the AHA's records. All such notices must be sent ~~first-class mail, postage prepaid, and by either registered or certified mail, return receipt requested~~ by trackable or read receipt. For the purposes of determining times of notification and response, notice shall be deemed given when personally delivered ~~served~~ or emailed. (Res. A1-26)

16. Amendment. These rules and procedures may be amended from time to time by the AHA Board of Directors, subject to review as set forth in Article V, Section 3, Paragraph a, (ii) & (iii) ~~and ratification by the Delegates at the next Annual Convention of AHA.~~ (Res. A1-26)

(Chapter 3, Res. 68-90 with amendments.)