

Proposed Rules and Procedures

for the

Ethics and Elections Committee

I. Scope and Applicability

a. Definitions

- i. Board – President, Vice Presidents, Treasurer and 15 elected Directors
- ii. Committee – The Ethics and Elections Committee of the League.
- iii. EC – The Executive Committee as defined in Bylaw 40.
- iv. President – the President of the League.
- v. Officer – President, Vice Presidents and Treasurer.
- vi. Complaint – a statement, identified as a Complaint, alleging unethical or improper behavior pertaining to a Board member, Vice Director or candidate for Vice Director or Board office.
- vii. Opinion Request – a request for the Committee’s view on an ethical or election issue within the scope of the jurisdiction set forth in Bylaw 41.
- viii. Subject – a person(s), the ethical status of whose action(s) are being considered or questioned as a result of a Complaint or Opinion Request.
- ix. Maker – the part(ies) who initiate an Opinion Request or Complaint.
- x. Report – the final report of the findings of the Committee.

- b. These rules apply to all Board members, Vice Directors or candidates for Vice Director or Board office.
  - c. These rules apply to Complaints and Opinion Requests to the Committee arising from the following policies and standards:
    - i. ARRL Policy on Board Governance and Conduct of Members of the Board and Vice Directors.
    - ii. Rules concerning the election or recall a Board member, Vice Director or candidate for Vice Director or Board office.
    - iii. Ethical and conduct rules mandated by applicable law.
- II. Making an ethics Opinion Request or Complaint
- a. All Complaints or Opinion Requests for determination concerning matters of ethics or conduct must be made in writing or in electronic form to the Chair of the Committee who will timely disclose the existence of the Complaint or Opinion Request.
  - b. A Complaint pertaining to a current member of the Committee is made to the President, who shall within 3 days of receipt thereof, forward the material to the Committee, appointing, as the President deems necessary, replacements for any Committee members who might have a conflict of interest in the matter.
  - c. Complaints or Opinion Requests shall at a minimum include:
    - i. The name and contact information of the person submitting the Complaint or Opinion Request and a statement of the interest of the Maker in the matters raised for adjudication.
    - ii. The name of the person or entity against or about whom a Complaint or Opinion Request is made

- iii. In the case of a Complaint, details of the alleged incident or course of conduct leading to the Complaint with sufficient specificity to permit the Committee to determine whether or not to proceed with an investigation.
  - iv. Reference to the ARRL's governing documents, policies or standards that give rise to the Complaint or Opinion Request.
- d. In the case of an Opinion Request, a description of the matter about which an opinion is sought, sufficiently specific to allow the Committee to make a reasonable determination if the Committee can or should respond to the request.
- e. Receipt of Complaints or Opinion Requests will be acknowledged to the Maker and the Subject, if known in writing sent by first class mail postage pre-paid, and, if possible, with an electronic copy, within five (5) days of receipt of the Complaint by the Committee or the President. The Subject(s) of a Complaint shall have fifteen (15) days to provide the Committee with information in response to the Complaint.
- f. The Committee may reject any Complaint or Opinion Request if in the judgment of the Committee it is deemed insufficiently detailed or fails to contain a substantial basis for further action. In this case, the Committee shall inform the Maker in writing within three (3) days after the Committee's review of the Complaint or Opinion Request of the rejection, giving the reason for rejection.
- g. A Complaint or Opinion Request may be submitted by any member of the League or the League Chief Executive Officer, except in the case of Complaint(s) or Opinion Request(s) pertaining to elections where only members of the affected Division may file such Complaint(s) or Opinion Request(s).

### III. Confidentiality

- a. All matters before the Committee shall be confidential and shall not be released or disclosed except as specified in this section. This restriction applies to the Maker, the Committee, the Board and Vice Directors.
- b. In the case of a Complaint, the Subject of the Complaint may at any time during the consideration process direct that the matter be made public provided that:
  - i. If released to the public, all material submitted to the Committee shall be released, except as specified below.
  - ii. Information contained in a Complaint or Opinion Request pertaining to or which describes, characterizes or identifies third parties not the subject of the Complaint shall not be disclosed to anyone other than the Committee members at any time by any person without the express written approval of the subject third party. Absent such written consent, the names, descriptions, characterizations and identifying information about third parties not the subject of the Complaint or Opinion Request shall be completely redacted and made unreadable before any document is released.
  - iii. The Committee members, if asked for confidential information that has not been or cannot be released, shall respond that no such information can be disclosed due to privacy considerations.
  - iv. A decision by the Subject of a Complaint, or by a third party, to release information to the public must be stated to be irrevocable.

IV. Gathering of information

- a. The Committee shall promptly begin investigation upon receipt of a Complaint or Opinion Request.
- b. The Committee shall complete its investigation and, subject to the review set forth below, report its findings and recommendations to the Board within thirty (30) days of receipt of the Complaint or Opinion Request. For Complaints and Opinion Requests pertaining to elections, the Committee shall report its findings in writing within the lesser of thirty (30) days or the date of mailing or release of ballots to members. [This could create a problem if the ballots are to be mailed sooner than thirty (30) days after the receipt of a Complaint or Opinion Request.]

If compliance with any of these time limits is impossible or impractical, the Committee shall so notify the President, the Maker, and the Subject and shall provide a written explanation, or, if the matter has been moved to the Board, the Board of Directors shall provide such an explanation to the Maker and the Subject.

V. Referral to the full Board

- a. Upon request of either the Maker or Subject, all findings and recommendations of the Committee shall be reviewed by the EC prior to their publication to the Board. The EC, in its discretion and subject to Board review, shall have the authority to refer, ratify or reject such findings and recommendations.

VI. Final Report

- a. The Committee, EC or Board, as the case may be, shall issue a Final Report which shall contain a final resolution (to a Complaint) or response (to an Opinion Request). This Report shall be sent within 3 days of issuance to the Board, the Maker, and the Subject.
- b. The Report shall contain a summary of the matter considered, a statement of findings and conclusions, and the proposed action to be taken.

VII. Appeal to the Board

- a. The Maker, the Subject(s) of a Complaint or any three (3) members of the Board (which includes the members of the Committee and EC) may appeal the Committee's proposed resolution contained in the Final Report to the Board within ten (10) days of receipt of the Report, at which time the Board shall schedule a Special Meeting to consider the appeal and determine whether or not accept, modify or reject the Committee's Final Report and recommendations.
- b. Appeals from a decision of the Committee shall be heard by the Board in a Committee of the Whole, unless the Subject, in writing, requests that it be handled in open session, per the Confidentiality standards of section III above.
- c. All Appeals to the Board will be based upon the material submitted to the Committee. No additional information may be considered after that date.

VIII. Conduct of the Committee

- a. The Committee shall maintain written records of its activities which shall include, without limitation, all information submitted by the Maker(s) and the Subject(s). Publication of these beyond the Board is subject to the provisions of Section III.

- b. If any member of the Committee recuses himself or herself or is disqualified due to conflict of interest with respect to a particular matter, the President shall appoint another Board member to replace the recused or disqualified Committee member for the purposes of adjudicating the particular matter.