

# ACVD DISCIPLINARY POLICIES AND PROCEDURES

## 1. INTRODUCTION

A. The American College of Veterinary Dermatology® (“**ACVD**”) was established as a certification body for the evaluation and certification of individuals who wish to become *BOARD CERTIFIED VETERINARY DERMATOLOGIST*®. Successful candidates are granted certification by ACVD and may hold themselves out as *BOARD CERTIFIED VETERINARY DERMATOLOGIST*® and use the additional registered trademarks belonging to ACVD, including but not limited to DACVD®.

B. *BOARD CERTIFIED VETERINARY DERMATOLOGIST*® (“**Diplomates**”) have successfully completed the certification process, which includes meeting certain educational requirements, passing a certification test, verifying professional knowledge, and demonstrating experience in the profession. Additionally, Diplomates must maintain certification and subscribe to the Ethics Pledge and Code of Conduct established by ACVD (“**Code of Conduct**”) located on the ACVD website.

C. In order to protect the value and quality of its certification program and of the *BOARD CERTIFIED VETERINARY DERMATOLOGIST*® and DACVD® federal trademarks, ACVD has adopted these Disciplinary Policies and Procedures (“**Policies and Procedures**”) to allow consumers and others to bring complaints concerning Diplomates’ conduct to ACVD. In the event of a violation of the Code of Conduct or of other substantive requirements of ACVD’s continuation of certification program (“**CoC Process**”) by a Diplomate, ACVD may reprimand or suspend the Diplomate, or revoke the Diplomate’s ACVD certification and ability to use the trademarks DACVD® or *BOARD CERTIFIED VETERINARY DERMATOLOGIST*®.

D. These Policies apply to all complaints or inquiries received by ACVD about a Diplomate.

E. Individuals or entities initially bringing complaints are not entitled to relief or any damages by virtue of this process, although they will receive notice of any action taken by ACVD.

## 2. AUTHORITY TO DISCIPLINE

Article VIII of ACVD’s Bylaws gives ACVD the authority to govern and discipline its Diplomates.

## 3. GROUNDS FOR SANCTIONS

A. Failure to maintain ACVD’s continuation of certification requirements.

B. Conviction of a felony or other crime of moral turpitude under federal or state law in a matter related to the practice of, our qualification for, veterinary medicine.

C. Gross negligence or willful misconduct in the performance of professional services, or other unethical or unprofessional conduct based on demonstrable and serious violations of the ACVD Conduct of Conduct.

D. Failure to adhere to the Principles of Veterinary Medical Ethics as determined by the Judicial Council of the AVMA or comparable body.

E. Fraud, cheating, or copying materials on a certification test.

F. Violation of Diplomate's applicable licensing agency's order.

G. Revocation, loss, suspension, or surrender of a Diplomate's veterinary license.

H. Fraud or misrepresentation during or related to the CoC Process with ACVD, or other professional recognition or credential.

#### 4. COMPLAINTS

A. Complaints against a Diplomate must be in writing and may be sent by Certified Mail or e-mail to the ACVD Executive Secretary as follows:

e-mail: [itchypet@aol.com](mailto:itchypet@aol.com)

address: 11835 Forest Knolls Ct.  
Nevada City, CA 95959  
Attn: ACVD Executive Secretary

B. Upon receipt and preliminary review of a submission involving the ACVD CoC Process or Code of Conduct, the Executive Secretary and the ACVD Board of Directors ("**Board**") will review the submission within **14 days** of receipt. The Executive Secretary and Board may determine, in their sole discretion, that the submission: (i) contains unreliable or insufficient information, or (ii) is patently frivolous, inconsequential, or not with the purview of ACVD oversight.

C. In such cases, the Executive Secretary and Board may determine that the submission does not constitute a valid and actionable complaint that would justify bringing it to the Review Committee for investigation and a determination of whether there has been a violation of the Code of Conduct or other substantive requirements of the ACVD CoC Process. If so, the Executive Secretary shall send written notice to the complainant (if the complainant is identified), advising the complainant that the matter has been dismissed.

D. If a submission is deemed by the Executive Secretary and Board to be a valid and actionable complaint, the Executive Secretary shall provide written notice to the Diplomate whose conduct is being called into question and to that individual's employer, if applicable. The Diplomate who is the subject of the complaint shall be provided with a written summary of the complaint made against him or her.

## **5. REVIEW OF COMPLAINT**

A. For each submission involving an alleged violation of the Code of Conduct or CoC Process that the Executive Secretary and Board concludes is a valid and actionable complaint, the Board shall authorize an investigation into its specific facts or circumstances to whatever extent is necessary to clarify, expand, or corroborate the information provided by the complainant.

B. The Board shall appoint a Review Committee of three or more persons, at least one of whom shall be a member of the ACVD Board who shall serve as Chair of the Review Committee to investigate and make an appropriate determination with respect to each such valid and actionable complaint.

C. Members of the Review Committee shall be reimbursed for reasonable expenses incurred in connection with the activities of the Review Committee. Any Review Committee member with a family or financial interest or connection with the Diplomate under investigation must recuse himself or herself from the committee. In such event, the Chair of the Review Committee shall appoint another person to serve on the Review Committee to serve in place of the recused members.

D. The Review Committee initially shall determine whether it is appropriate to review the complaint under these Policies and Procedures or whether the matter should be referred to another entity engaged in the administration of the law or veterinary licensure.

E. The timeline for response and for providing additional information shall be established by the Review Committee. The Review Committee may be assisted in its investigation by other members of the Board or by legal counsel. The Chair of the Review Committee shall exercise general supervision over all investigations.

F. Both the complainant and, if applicable, the employer of the Diplomate who is the subject of the investigation, may be contacted for additional information with respect to the complaint. The Diplomate who is the subject of the investigation shall be invited to submit written responses or to appear before the Review Committee (in person, by telephone, or by video conference) to respond to the complaint and may submit documentation in support of the Diplomate's written responses. The Review Committee, or the Board on behalf of the Review Committee, may in its discretion contact other such individuals who may have knowledge of the facts and circumstances surrounding the complaint.

G. Formal hearings are not held, and the parties are not expected to be represented by counsel, although the Review Committee and the Board may consult their own legal counsel.

H. All investigations and deliberations of the Review Committee and the Board shall be conducted in confidence, with all written communications marked "Personal and Confidential," and they shall be conducted objectively, without any indication of prejudgment.

## 6. DETERMINATION OF VIOLATION

A. Upon completion of the investigation, the Review Committee shall meet (via telephone, videoconference, or in person) to discuss the evidence. The Review Committee shall prepare a recommendation to the Board as to whether the Review Committee believes there has been a violation of the Code of Conduct or any substantive requirements of the CoC Process.

B. If the Review Committee recommends that the Board finds a violation, the Review Committee shall prepare a written summary report setting forth the evidence for such violation, a record of the Review Committee's investigation, and a recommendation as to the imposition of an appropriate sanction.

C. If the Review Committee recommends against a determination that a violation has occurred, the complaint shall be dismissed with notice to the Diplomat, the Diplomat's employer, as applicable, and to the individual or entity who submitted the complaint, along with a written summary report to the Board.

D. The Board shall review the recommendations of the Review Committee based upon the written summary report prepared by the Review Committee. The Board may accept, reject, or modify the Review Committee's recommendations, either with respect to the determination of a violation or the recommended sanction to be imposed.

E. If the Board makes a determination that a violation has occurred, this determination and the imposition of a sanction are promulgated by written notice to the Diplomat, the Diplomat's employer, if applicable, and to the individual or entity who submitted 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 Board.

F. In certain circumstances, the Board may consider a recommendation from the Review Committee that the Diplomat who has been found in violation of the Code of Conduct or of any other substantive requirements of the CoC Process should be offered an opportunity to submit a written assurance that the conduct in question has terminated and will not recur. The decision of the Review Committee to make such a recommendation and for the Board to accept it shall be in their respective discretionary powers. If such an offer is extended, the Diplomat must submit the required assurances within **30 days** of receipt of the offer, and the assurances must be submitted in terms accepted by the Board. If the Board accepts such assurances, notice is given to the Diplomat's employer and to the submitter of 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 Board.

## 7. SANCTIONS

A. Any of the following sanctions may be recommended by the Review Committee and may be imposed by the Board upon a Diplomat whom the Board has determined to have violated the Code of Conduct, the CoC Process, or to otherwise be subject to disciplinary sanction, although the sanction applies must reasonably relate to

the nature and severity of the violation(s), focusing on reformation of the conduct of the Diplomate, deterrence of similar conduct by others, and CoC Process:

- (1) Private written reprimand to the Diplomate;
- (2) Public reprimand of the Diplomate;
- (3) Suspension of the Diplomate for a designated period; or
- (4) Termination of the Diplomate's status as a *BOARD CERTIFIED VETERINARY DERMATOLOGIST*®, where the person can no longer call themselves a *BOARD CERTIFIED VETERINARY DERMATOLOGIST*® or use such term or DACVD® in any forum whatsoever, including on the person's website, business cards, or otherwise.

For each of the three public sanctions, a summary of the determination and the sanction with the Diplomate's name shall be published by ACVD on its members-only website.

*B.* Diplomates whose certification has been revoked may be considered for ACVD certification in the future, unless the Board sets preconditions under which the person may in the future apply again for certification. If certification as a *BOARD CERTIFIED VETERINARY DERMATOLOGIST*® is revoked, any and all certificates or other materials requested by the Board must be promptly returned to the Executive Secretary or destroyed, as instructed by the Executive Secretary.

## **8. APPEALS OF ADVERSE DETERMINATION**

*A.* Appeals of adverse decisions by ACVD may be appealed pursuant to Article VII of the Bylaws. Within 30 days from the receipt of a notice of imposition of a public sanction by the Board, the Diplomate may submit a written request to the Executive Secretary requesting an appeal. Upon receipt of such request, the President of the Board shall establish an appellate body consisting of at least 3 but not more than 5 individuals. This Appeals Committee may review one or more appeals, upon request of the Chair. The Appeals Committee may be composed of *BOARD CERTIFIED VETERINARY DERMATOLOGIST*® but must include at least one individual who is not. No current members of the Review Committee or the Board may serve on the Appeals Committee. Further, no one with any personal involvement or conflict of interest may serve on the Appeals Committee. Members of the Appeals Committee may be reimbursed for reasonable expenses incurred in connection with the activities of the Appeals Committee.

*B.* The Appeals Committee may only review whether the determination by the Board of a violation of the Code of Conduct, CoC Process, or other sanctionable conduct was inappropriate because of: (i) material errors of fact, or (ii) failure of the Review Committee or Board to confirm to these Policies and Procedures. Only facts and conditions up to and including the time of the Board's determination as represented by facts known to the Board are considered during an appeal. The appeal shall not include a hearing or any similar trial-type proceeding. Legal counsel is not expected to participate

in the appeal process, unless requested the by appellant and approved by the Board and Appeals Committee. The Board and Appeals Committee may consult ACVD's legal counsel.

C. The Appeals Committee shall conduct and complete the appeal within **90 days** after receipt of the request for appeal. Written submissions by the appellant and any reply submissions may be made by authorized representatives of the appellant and of the Board. Submissions are made according to whatever schedule is reasonably established by the Appeals Committee. The decision of the Appeals Committee to either affirm or overrule the determination of the Board but does not address the sanction imposed by the Board. The decision of the Appeals Committee, including a statement of the reasons for such decision, is reported to the Board. The Appeals Committee's decision is binding on the Board, and the Diplomat who is subject to the sanction, and all other persons.

## **9. RESIGNATION**

A. If a Diplomat who is the subject of a complaint voluntarily surrenders his or her ACVD certification any time during the pendency of a complaint under these Policies and Procedures, the complaint shall be dismissed without further action by the Review Committee, Board, or Appeals Committee (if so established).

B. The entire record of the individual who surrendered his or her certification shall be sealed and the individual may not reapply for further certification by ACVD. However, notwithstanding the foregoing, ACVD may communicate the fact and the date of the surrender of certification, 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 governmental entity engaged in the administration of the law.

C. Similarly, in the event of such resignation, the resigned Diplomat's employer and the person or entity who submitted the complaint shall be notified of the fact and date of resignation and that ACVD has dismissed such complaint and revoked the resigned Diplomat's eligibility for future ACVD certification as a result.

## **10. RECERTIFICATION**

ACVD is also responsible for the review of the recertification process under requirements for recertification promulgated by ACVD. The President of the Board shall appoint a recertification committee which shall review all matters concerning recertification. Such committee recommends appropriate actions in all situations, for final approval of the Board. An individual who is denied recertification may appeal the decision to the Board but has not right of formal appeal under these Policies and Procedures.