

SOTO ZEN BUDDHIST ASSOCIATION



GRIEVANCE PROCESS

Process for Addressing Allegations of Ethical Misconduct

DEFINITIONS

A **Claim** is a grievance involving an alleged violation of the SZBA Code of Ethics.

The **Claimant** is the person making the Claim.

The **Respondent** is the SZBA member responding to the Claim.

MAKING AN ALLEGATION OF ETHICAL MISCONDUCT

When difficulties arise, whether member-to-member or between an SZBA member and a temple/Zen center member or other non-member, attempts should first be made to resolve the difficulty in an informal, collegial way.

- A. Each member of Soto Zen Buddhist Association is required to:
 - a. Abide by and be held accountable to the SZBA Code of Ethics, and
 - b. Abide by and be held accountable to a required ethics policy for their temple/Zen center which meets the criteria listed in the SZBA Code of Ethics.
- B. A Claim to the SZBA should be made only after the following steps for addressing conflicts and/or disagreements have been followed. *Note: A through D are not appropriate for sexual misconduct claims. These should begin with E.*
 - a. A personal conversation in the moment (which is the simplest, most satisfying and most effective approach)
 - b. A personal conversation at a later time
 - c. A conversation with a third party present
 - d. Mediated resolution (inappropriate in cases of alleged sexual misconduct)
 - e. Formal grievance filed with the SZBA member's temple/Zen center and investigated on a local level

If a Claim about an SZBA member or SZBA temple or Zen center is not resolved between the parties, the Claimant may file a Claim with the SZBA member(s)' temple/ Zen center. Timeliness is important. As soon as possible, the Claim should be submitted and its receipt acknowledged by the SZBA member(s)' temple or Zen Center. The temple/Zen center should ensure the

review is underway as soon as practical after receiving the Claim, preferably within 30 days of receiving the Claim, following temple/Zen center procedures for handling Claims.

- C. If the Claim is not resolved at the local temple/Zen center level, or issues remain with the SZBA member, the Claimant may file a Claim with the SZBA.
- D. If the Claimant is unable to follow the above steps or fears retaliation, a Claim may be filed directly with the SZBA.

The SZBA Ethics Committee has final authority to determine whether violations of the SZBA Code of Ethics have occurred and to determine the outcome of Claims. Policies and procedures for filing an ethics Claim, conducting mediations and reviews and/or investigations, and finalizing an outcome for Claims are found in the Filing Claims section (Section VIII) of this document.

SZBA members who are aware of potential ethical violations by colleagues who are not threatening to the well-being of the member or others are encouraged to engage the member in conversation to clarify the behavior in question and attempt to correct it. If this intervention fails, or if an alleged violation appears to be a serious threat to the well-being of the member or others, members should consider filing a Claim as a third party. Illegal actions should be reported immediately to the appropriate legal authorities.

Membership in the SZBA requires participation in ethical investigations that may arise.

Launching and responding to a Claim is an intensive and demanding process that is not to be undertaken casually. All people involved should study the process closely and prepare carefully and thoughtfully for participation.

An outline of the process of responding to a Claim follows:

- I. A Claim alleging violation(s) of the SZBA Code of Ethics is made, in writing if reasonably possible, and submitted to the SZBA (ethics@szba.org), in a timely manner.

- II. The person(s) making the Claim shall use the SZBA Ethics Claim Form, available on the SZBA website.
- III. Those with bias or conflicts of interest shall recuse themselves from the investigation. The Ethics Committee will make this decision.
- IV. SZBA members shall respond with honesty and timeliness to any committee or representative of the SZBA authorized to make inquiries into a Claim.
- V. An Initial Review Panel (IRP) gathers information and determines if there is cause for proceeding.
- VI. Mediation or restorative justice may be offered if appropriate, as determined by the Ethics Committee. These options are not appropriate for Claims involving sexual misconduct.
- VII. If appropriate criteria are met, the Ethics Committee investigates the Claim.
- VIII. The Ethics Committee reports their findings and makes recommendations to the Board of Directors.
- IX. Sanctions may be recommended by the Ethics Committee.
- X. Appropriate records shall be maintained by SZBA staff.

I. CLAIMS ALLEGING VIOLATIONS OF THE SZBA CODE OF ETHICS

- A. Claims may be brought to the SZBA by people who consider themselves harmed by an alleged violation, or by any person(s) having substantive knowledge of a violation of the SZBA Code of Ethics.
- B. The Claim must name an individual(s) who is an SZBA member. The person filing the Claim consents to the SZBA Ethics and Grievance Process and gives permission for the disclosure to the reviewer(s), mediator(s), decision-maker(s) and the Respondent of all necessary information. In most instances, the Claimant will be asked to submit an Ethics Claim Form.
- C. SZBA members who are aware of ethical violations by colleagues that are not threatening to the well-being of the member or others are encouraged to engage the member in discussion to clarify the behavior in question and correct it. If this intervention fails, or if an alleged violation appears to be a serious threat to the well-being of

the member or others, members should consider filing an Ethics Claim Form following the steps outlined below.

- D. The SZBA Code of Ethics in effect at the time of the alleged incident giving rise to the Claim will be used to assess conduct. The SZBA procedures for processing Claims in effect at the time the Claim is addressed by SZBA will be followed.
- E. SZBA members shall take responsible action when they become aware that they themselves or another SZBA member is impaired or otherwise unable to maintain the SZBA Code of Ethics. SZBA members shall provide the SZBA with immediate notice of any Claim of unethical conduct made against them, whether in their role as priest, or any Claim of unethical conduct made against them in a civil, criminal, or employment proceeding or any Claim of unethical conduct made against them by a professional organization other than the SZBA. SZBA members shall respond with honesty and timeliness to any committee or representative of the SZBA duly authorized to make inquiry into their professional conduct. Failure to report or provide accurate, full and truthful information constitutes a violation of this Code of Ethics.
- F. Members in these situations should provide this information as described in Sections V-VII. A finding of unethical conduct in one of these forums may lead to discipline within SZBA even if the event did not occur within the scope of the member's professional role as a priest or a situation over which SZBA would have original jurisdiction.

II. TIME LIMITS FOR REGISTERING CLAIMS

- A. When to report a Claim: Reporting an alleged violation close to its occurrence is important to the effective investigation and evaluation of evidence as well as to the well-being of all people involved. An ethics Claim for non-sexual exploitation must be filed within six months from the date of the alleged violation.
- B. Sexual Exploitation Claims: For sexual exploitation ethics Claims, the Claim must be filed within ten years from the date of the alleged violation. In cases involving a minor, the statute of limitation is ten years after the minor's eighteenth birthday.

- C. Exceptions: Any Claim may be made within a longer period if the delay is caused by fraud, intimidation or other unethical conduct that prevents the earlier reporting of the Claim. In extraordinary circumstances and in the sole discretion of the Ethics Committee, and/or in the interest of justice, timelines may be waived by the Ethics Committee where to do otherwise would seriously jeopardize the safety or welfare of those served or colleagues.

III. CONFIDENTIALITY

- A. Confidentiality is of utmost importance. Those involved in investigations, mediations, fact-finding reviews, decision-making and record-keeping shall respect confidentiality of all parties to the extent possible without impeding the pursuit of the truth of the allegations or violating state reporting laws.
- B. Parties and witnesses contacted are expected to respect the need for confidentiality to protect privacy and fair process for everyone involved. People designated by SZBA to mediate or investigate the case must respect these same concerns.
- C. To obtain guidance and support, the parties to the Claim may discuss the Claim with their families, helping professionals and/or legal counsel.

IV. BIAS or CONFLICTS OF INTEREST

- A. It is required that anyone invited to participate in any aspect of processing, mediating, investigating or making decisions regarding an ethics Claim will decline if they have a conflict of interest or personal or professional relationship with a party or entity which would lead to bias or the perception of bias.
- B. Either Claimant or Respondent may challenge the appointment of any person to any of these positions if that member can demonstrate reasonable cause to believe there is conflict of interest or bias. The judgment as to whether or not a conflict or bias exists will remain with the Ethics Committee.

V. COMPLIANCE WITH PROCESS

- A. Members shall respond with honesty and timeliness to any commission or representative of the SZBA duly authorized to make inquiry into their professional conduct.
- B. This is binding on members. It is expected of nonmembers who engage in the process.

VI. MEMBER WHO DEFAULTS ON PROCESS

- A. It is the responsibility of members to keep their contact information current with the SZBA office.
- B. SZBA and its representatives will take reasonable steps (certified mail, email and/or phone) to inform a member when an action requires immediate attention. If after forty-five calendar days, the member has not responded, the member's SZBA membership may be suspended. Restoration of membership will be decided on a case-by-case basis according to the professional judgment of SZBA staff, the Chair of the Ethics Committee and a Board member. Notification of suspension will follow Section XIV of this document.
- C. A Respondent who does not respond according to the time frame in a notice for information may be considered in default. The process may continue and be decided without the materials or input sought from the member.

VII. MEMBER WHO RESIGNS AFTER CLAIM IS FILED

- A. A Claim against a member who resigns from SZBA membership after a Claim has been filed will be investigated and processed according to SZBA procedures outlined below.
- B. If a sanction is imposed against the person, the person cannot rejoin the SZBA until the terms of the sanction have been fulfilled.
- C. If the person does not participate in the initial investigation and/or fact-finding process, there is no right of appeal of the finding or sanction. Notification and publication of the finding and sanction will be as described in Section XII.
- D. Where applicable, requests for resignation will be deferred until a pending Claim is resolved.

VIII. FILING A CLAIM

- A. Claims should be sent to the SZBA at ethics@szba.org. If the Claim is not on an Ethics Claim Form, SZBA staff will contact the Claimant and request this be done if reasonably possible. SZBA staff will supply the Claimant the form, a copy of the SZBA Code of Ethics, and a copy of these procedures.
- B. When the materials are returned, SZBA staff confirms membership status and locates any other inquiries or Claims involving the Respondent. SZBA staff confers with the Ethics Committee Chair (ECC) as to who will comprise the Initial Review Panel (IRP). Timely availability is a critical factor.
- C. If the Respondent has resigned from the SZBA, the Claim will continue without their input.

IX. THE INITIAL REVIEW PANEL (IRP)

An Initial Review Panel (IRP) convenes. SZBA staff and the ECC, with the ethics consultant (if applicable), determine if the SZBA should investigate the Claim via the following questions:

1. Is the Respondent a member of the SZBA, OR Was the respondent a member of the SZBA at the time of the event described in the claim?
 - a. Are the circumstances of conduct alleged within the scope of SZBA standards?
 - b. Are time limits for filing met or are any exceptions applicable?
 - c. If alleged conduct were proven, would it violate the SZBA's ethical standards?
2. If "no" to any question, the Claim cannot be investigated.
3. If "yes" to a-c, SZBA staff initiates a review process, contacts the Respondent and requests a reply within ten calendar days.
4. After the response is received, the IRP reconvenes to consider the status of the process:
 - a. If the Claim was not addressed at the local level and it is appropriate to do so, SZBA staff may instruct the Claimant and the Respondent to engage in the local temple/Zen

- center's resolution processes. Their materials can be resubmitted after the local process if no resolution occurs.
- b. If a local option has been engaged in and not succeeded, or it is inappropriate to engage (Section I-D), or issues remain about which the SZBA has concerns, the IRP may:
 - i. Hold the Claim pending completion of the member temple/Zen center's decision to engage the local center's resolution process;
 - ii. Suggest mediation to both parties prior to an investigation (see X below);
 - iii. Conclude there is cause for an investigation;
 - iv. Conclude there is no cause for an investigation and dismiss the Claim, (may suggest other avenues for addressing the alleged situation);
 - v. Conclude there is no cause for an investigation. Based on the data at hand, refer directly to formal Interview and/or sanctions;
 - vi. implement the determined option(s).
5. Notification: SZBA staff will notify the parties of the IRP action. Notification will normally be by secure email unless another means of notification that is both secure and provides notice of delivery is requested and specified.
- a. If there will be mediation, SZBA staff makes the arrangements as set forth in Section X.
 - b. If there will be an investigation, the notification will include the specific allegations, the sections of the Code of Ethics that were alleged to be violated, and the name and contact information of the reviewer(s). If the IRP has implicated additional standards, the Respondent will be informed. From this point forward, all contact with the parties is only through the reviewer until the investigation is complete.
 - c. Section XII governs cases proceeding directly to a formal Interview; Section XII.H those cases proceeding directly to a Sanction.

X. PROCESSING CLAIMS THROUGH MEDIATION

- A. Mediation generally precedes the commencement of the investigative process, if it is used. Mediation may occur during or after the investigative process if both parties and the IRP and/or reviewer concur. Timelines continue during the period in which mediation is being arranged and engaged. If it does not produce resolution, the process continues at the stage it stopped.
- B. If mediation is recommended and if the parties agree, SZBA staff and the Ethics Committee shall appoint a qualified, neutral mediator and the process for mediation outlined in this section shall begin.
- C. If mediation is used and the Claim is resolved to the satisfaction of the parties, the resolution process is complete.
- D. If mediation is unsuccessful, the Claimant may request the process commence or re-commence where it has been halted. The request must be made in writing to [the SZBA](#) within seven days following the completion of the mediation attempt. Timelines for this process begin again with receipt of the request by SZBA staff.
- E. Mediation shall begin and be completed within sixty days of the acceptance by both parties of the recommendation.
- F. If the Claim is resolved, the mediator and all parties involved in the Claim sign a memorandum of understanding. The mediator forwards the original memorandum of understanding to SZBA staff and copies to all those who signed the memorandum of understanding. The memorandum of understanding shall be retained according to [Section XVIII.D.b.](#)
- G. Mediation may not be appropriate in these circumstances, to be determined by the Ethics Committee:
 - a. The SZBA member is willfully and consistently violating the Code of Ethics
 - b. There has been sexual misconduct or abuse
 - c. Past efforts at personal or mediated resolution have not been successful
 - d. There is clear or suspected racism, sexism or other forms of discrimination ([See XII.E](#))
 - e. Both parties have not agreed to mediation
- H. Mediation fees will be paid, in most situations, by the Respondent's temple/Zen center.

XI. THE INVESTIGATIVE PHASE

- A. The Ethics Committee designates an initial reviewer. The reviewer will conduct the investigation according to the processes set forth below. The reviewer may work alone or with the assistance of up to three other people from the pool of trained individuals chosen in consultation with SZBA staff. If appropriate, the investigation may be conducted under the direct guidance of or by a legal or ethics consultant appointed for this purpose.
- B. The investigative process:
 - a. The reviewer will contact the Claimant and Respondent within a reasonable length of time after being appointed to the case, ideally within two working days.
 - b. Each party will be asked to provide a list of people whom the reviewer(s) might contact, with their contact information and a brief statement of what each person might contribute regarding the Claim.
 - c. Interviews will normally be held with the Claimant first, then with subsequent people as determined by the Interviewer. Interviews can occur in person, by telephone or Internet video connection.
 - d. The process seeks to be conversational rather than confrontational. Cooperation and courtesy are expected from the reviewer(s) and the parties. Phone calls and emails are to be returned and requested information produced within reasonable times.
 - e. The reviewer and/or reviewer's designees will function as fact-gatherers. Information is assembled to allow the Ethics Committee to determine the facts on which a decision will be made as to whether a violation of the SZBA Code of Ethics occurred as alleged. The reviewer may determine that violations in addition to those named in the Claim occurred.
 - f. The reviewer's task is to assemble information so the Ethics Committee can come to a conclusion from the evidence collected. The task of each party is to supply the reviewer with accurate and timely information throughout the investigation and to state clearly how the information relates to the allegations.

- g. The reviewer(s) will spend as much time as they determine reasonably necessary to gather enough information for the Ethics Committee to make an informed decision. The reviewers may contact as many people as they determine necessary; these may be people suggested by the parties, by other sources or originate with the reviewer. Some people may be interviewed more than once.
- h. The reviewers are not required to inform either party of people with whom they have spoken, or materials collected.
- i. At the close of the investigation, the reviewer will provide the ECC (or designated party in the case of ECC recusal) the records of the case: a copy of the original Claim form, any written response, a chronology of the investigation, a summary of each interview, relevant correspondence and any additional documentation submitted. The reviewer will write a brief report to the ECC consisting of and elaborating the above items. The report may include the reviewer's observations of affect and conditions not obvious in the collected data. The reviewer writes a final report, stating facts and initial conclusions.
- j. Notify the Claimant and Respondent of the conclusion in writing.

XII. FACT FINDING

- A. The reviewer is the designated information-gathering committee member. The ECC is the convener of the information-presenting meeting and keeps the official notes for the minutes. The ECC may vote only to break a tie.
- B. Four designated members of the Committee(s) must be present for an information-presenting meeting.
- C. The reviewer and SZBA ethics or legal consultant, should one be relevant, may be present during the information-presenting meeting but will not participate in the vote on final actions taken.
- D. The Ethics Committee will make its decision based on a preponderance of the evidence, (i.e. whether it is more likely than not that a violation occurred).

- E. When reviewing cases of racial or sexual harassment, the Ethics Committee will apply the “reasonable person” standard. The evidence will be reviewed from the perspective of a reasonable person similarly situated to the Claimant in terms of gender, race, sexual orientation, age, disability, religious preference and national origin.
- F. The Ethics Committee will issue its findings in writing within twenty-one calendar days after the fact-presenting meeting. No new evidence may be submitted or solicited at a party’s initiative after this review. At its discretion, the Ethics Committee may seek clarification from any source.
- G. After reviewing the evidence and deliberating, the Ethics Committee shall decide one of the following:
 - a. No violation of the Code of Ethics occurred, or we were unable to validate that a violation occurred.
 - b. No violation of the Code of Ethics occurred, or the ECC was unable to validate a violation. However, the Ethics Committee has concerns about the Respondent’s practice, conduct or perspective. These concerns may be set forth in a letter of information that may offer suggestions for further action on the part of the Respondent to address the concerns. This letter is not considered a reportable disciplinary action for any forum.
 - c. A violation of the Code of Ethics did occur, and the Ethics Committee will consider sanctions.
- H. When the Ethics Committee finds a violation did occur, it recommends one of the following sanctions:
 - a. Warning: The Ethics Committee finds that the member did violate the SZBA Code of Ethics, acknowledges the violation and that education regarding appropriate ethical conduct is proportionally sufficient to the violation and will ensure future compliance with the Code of Ethics.
 - b. Reprimand: This is a serious rebuke of the member. It is based upon an assessment the member did violate the SZBA Code of Ethics, has accepted full responsibility for the violation and articulates and understands the consequences of the violation. It also indicates the reprimand is proportionally sufficient to the violation and is adequate to ensure future compliance with the Code of Ethics. It may include increased supervision for

- continued practice as a priest and other stipulations for SZBA membership.
- c. Probation: It is unclear whether the member fully understands, can articulate empathically and accept responsibility for the violation and its consequences. For a designated period of time, the member will follow specific instructions under the direction of the ECC or its designee. Before the member is restored to full status, the member will meet all the terms imposed by the Ethics Committee and appear before it to demonstrate fulfillment of the terms to its satisfaction.
 - d. Suspension: The Ethics Committee finds the member does not understand and/or accept responsibility nor appreciate the serious nature and/or consequences of the violation. Removal of membership and/or recommendation to set aside teaching robes is an appropriate consequence that is proportionate to the violation. Membership is removed until a specifically identified problem or condition is addressed to the satisfaction of the Ethics Committee in conjunction with the membership committee or other governing body of the Respondent's association. The member will meet with appropriate representatives to demonstrate compliance to their satisfaction before the suspension may be lifted.
 - i. Sanctions 2-4 may include the provision that for a specified period of time, the member may not serve on SZBA committees, the Board of Directors and/or in other SZBA leadership roles.
 - e. Permanent expulsion: In the judgment of the Ethics Committee, the member demonstrates an essential lack of professional knowledge, character or conduct consistent with membership in SZBA and conduct of a Soto Zen Buddhist priest member is expelled and the ethics committee recommends setting aside teaching robes. This recommendation may also represent the judgment of the Ethics Committee that the member's action constitutes a threat to the well-being of the member, the SZBA and/or the public.
- I. The ECC informs SZBA staff of its findings and recommendations as soon as possible. SZBA staff: (1) accepts the recommendations and takes final action or (2) returns the case to the Ethics Committee for further consideration or information before final action.

- J. If sanctions result in suspension, withdrawal or removal from membership the parties shall be informed by SZBA staff and/or ECC of the decision as soon as is practical after the decision is finalized.
- K. The Board of Directors of SZBA will review all recommendations for withdrawal of membership and take final action.

XIII. NOTIFICATION OF FINDINGS AND ACTION FOR FINAL CASE REVIEW

After the SZBA Board has accepted the Ethics Committee's recommendations, the ECC will notify the Claimant and the Respondent of the action taken. The notification to both parties of the Claim will be sent by secure email or by other means at the request of a party as described in IX.5.

- A. A copy of the discussion summary stating the final determination shall be sent to the parties and SZBA staff and the SZBA President and Vice-President.
- B. If sanctions result in suspension, withdrawal or removal from membership, or recommended removal from teaching duties:
 - a. The parties shall be notified as soon as is practical after the decision is finalized, ideally within 24 hours.
 - b. A report of the sanction shall be published in the next issue of the SZBA newsletter or e-update. The information is limited to the member's name, membership level, geographic location, temple/Zen center name, the fact and date of suspension or withdrawal of membership, and the specific standards of the Code of Ethics that have been violated.
 - c. SZBA staff will send published notifications to the Respondent's temple/Zen center board of directors.
- C. When a published sanction is fulfilled or lifted, a report shall be published in the next issue of the SZBA newsletter or e-update.
- D. The published notifications of fulfillment or lifting of Sanctions shall be sent to SZBA staff and the board of directors of the Respondent's temple/Zen center.

XIV. RECOMMENDATIONS FOR WITHDRAWAL OF MEMBERSHIP

- A. Recommendations for withdrawal of membership will be reviewed by the SZBA Board of Directors immediately or at its next regularly scheduled meeting.
- B. The Reviewer and/or any relevant ethics or legal expert for the case will participate in this meeting.
- C. No new information will be received. The member may only advocate for a different action to be taken other than withdrawal of membership.
- D. The member and Claimant will be notified in writing by the Director of the Board's decision. The Board may make any of the decisions set forth in [Section XII.H.](#).
- E. No information about the review other than the Board's decision will be given.

XV. SANCTION REVIEW

- A. A sanction will be reviewed at the end of its specified time.
- B. If the Ethics Committee determines a reasonable need to continue monitoring the member, it may recommend further sanctions or probation for an additional specified time to the appropriate people of each association.
- C. Such additional sanctions will not be imposed lightly, will reflect concern for the well-being of the member, the public and/or the SZBA and will be reviewed by the Ethics Committee within six months of imposition.

XVI. EMERGENCY SUSPENSION OF PRIEST CREDENTIALS

- A. When there is compelling evidence that an SZBA temple/Zen center member, a Soto Zen priest's colleague(s), community member(s) or the priest is in immediate danger because of the actions of any person recognized as a member of SZBA, SZBA staff shall recommend suspending the person from membership and recommend suspension of any leadership role for 72 hours.
- B. During this period, SZBA staff shall appoint an Emergency Review Committee of three additional persons, as follows: 1) the member's Board Chair, 2) the member's Dharma sibling and/or other priest peer and 3) the SZBA President or Vice-President.

- C. This panel shall investigate the concern. Should the panel determine by majority vote that an SZBA temple/Zen center member, a Soto Zen priest's colleague(s), community member(s) or the priest is endangered, it is authorized to suspend membership status for up to sixty days, pending a competency review by the ethics committee. SZBA staff shall notify the administrative person responsible for the SZBA of any actions taken under this provision. In the event of the unavailability of the Director, the SZBA President shall assume this role.

XVII. RELEASE OF INFORMATION DURING A PROCESS

- A. When asked about allegations against a member, only the following information shall be provided by the SZBA or those working for it on a particular case:
 - a. The existence of a Claim and whether an investigation is in progress. This includes cases under review and subject to review for dismissal.
 - b. That a Claim was received, processed to completion, and the member has been disciplined for violations of the Code of Ethics if the sanctions are greater than warning or reprimand.
- B. Other releases of information are addressed in the section on notification of findings.

XVIII. RECORDS RETENTION

- A. Official files on a case are maintained by the ECC until the case is concluded. The official file is then sent to the SZBA office where it shall maintain and archive such official files.
- B. Files are electronic with access limited as described below.
- C. Reviewers and Ethics Committee members may take notes during the process for personal use only. Such notes and all other materials not part of the official records of the case will be destroyed by the time the case is concluded. These materials are not part of the official record and not available to parties or other forums.
- D. Upon final action, the record of the process shall be sent by the ECC to SZBA staff. The record shall contain:

- a. The original Claim and response; if there was an investigation, the report and its appendices or attachments sent by the reviewer to the Ethics Committee. If the case proceeded directly to mediation, a formal Interview or sanctions, the materials relevant to engaging these steps as well as the original Claim or referral and responses to them.
 - b. If the Claim was settled through mediation, an original signed memorandum of understanding;
 - c. If there was a formal Interview, a copy of the Ethics Committee minutes/ deliberation summary (findings and/or sanctions);
 - d. A copy of the letter(s) after the Committee's final action to the person against whom action has been taken. The letter will state the final determination of the Claim.
 - e. A copy of the public notification(s) and the letter sent to the member's board of directors.
- E. Files will be retained indefinitely.
- F. When Claims are filed against a member, SZBA staff will inform the ECC if there is a former Claim(s).
- G. The Reviewers may consult with SZBA staff about the contents of a former Claim. If, in the professional judgment of SZBA staff and the reviewer(s), there are people or events named in the files that would shed relevance as to possible pattern and practice contrary to SZBA Code of Ethics implicated in the current investigation, the reviewer(s) may see that portion of the file.
- H. Except as provided in XVIII.C-D., no one is to have access to the contents of these files without a Court order or without the written consent of the SZBA President and SZBA staff (in consultation with legal counsel) for extraordinary circumstances.

