

PROCEDURAL GUIDELINES OF THE PROFESSIONAL CONDUCT COMMITTEE OF THE AMERICAN ASSOCIATION OF NEUROLOGICAL SURGEONS) as approved by the Board, for implementation of AANS Bylaws, Article II, Section 4)

A) Initiation of Charges

- (1) Any charges received by the Association will be referred to the Association's legal counsel who will review them for compliance with the Association's Bylaws. Any purported charges which are not in compliance with the Association's Bylaws, or which could not be the basis for disciplinary action by the AANS if proven, or which involve testimony in pending litigation, will be returned to the Complainant.
- (2) With respect to all remaining charges, the Complainant will be contacted to determine whether there are any further documents or exhibits that he or she would like to submit to the Committee in support of the charges. Testimony of perspective witnesses should be summarized and submitted in written form, or transcripts of their testimony produced, if germane to the charges. It is the Complainant's responsibility to collect and present all evidence which he or she wishes the Committee to consider in support of the charges. Copies of all material supporting the charges will be furnished to each Committee member.
- (3) The Respondent will be furnished a full set of documents which are furnished to the Committee members, and which constitute the charges and supporting evidence. The Respondent will then have 30 days to prepare whatever written responses and/or exhibits he or she believes are appropriate, and to submit them to the Committee. A full set of copies should also be submitted to the Complainant. This process will be coordinated by the Association's legal counsel, but it is each Respondent's responsibility to collect and present all evidence which he or she wishes the Committee to consider in opposition to the charges.

B) Preliminary Evaluation by Committee

- (1) The Committee will review the written submissions made by both sides and reach a tentative decision on whether or not a prima facie case has been asserted, justifying a hearing. The parties will then be notified in writing of the Committee's tentative decision.
- (2) If, after reviewing the documents submitted by both sides, the Committee tentatively decides that a prima facie case has been established and that a hearing is warranted, the hearing will be conducted in accordance with Section C of these Guidelines, with all parties bearing their own expenses.
- (3) If the tentative decision is that a prima facie case has not been established and that a hearing is not justified, the Complainant will have the right within fifteen (15) days to demand a hearing nonetheless, and will be responsible for paying all the AANS' costs in conducting that hearing if the ultimate decision is the same or substantially similar to the tentative decision which the Committee reached before the hearing. The AANS' assessable costs will be determined by

the Committee at the end of the hearing, and may include, but are not limited to, the AANS' costs of its counsel preparing for and attending the hearing, court reporter's expenses and the Committee Members' expenses in attending the hearing.

- (4) If the Committee tentatively decides that a prima facie case has not been established and no hearing is warranted and the Complainant does not demand a hearing, that tentative decision will be presented to the Board of Directors as the Committee's final recommendations pursuant to Section D below. If the Board of Directors disagrees with the PCC's initial decision and decides that a hearing is needed, the matter will be remanded to the Professional Conduct Committee for a full hearing, with all parties bearing their own expenses.

C) Procedure for Conducting Hearing

- (1) A hearing date will be set at least 30 days in advance. Any three members of the Professional Conduct Committee shall constitute a quorum for purposes of conducting a hearing, and only Committee members who attend the full hearing may participate in the deliberations and decision. A court reporter will transcribe the proceedings. The Respondent may be represented by counsel at the hearing, at his or her own expense.
- (2) The hearing date set by the Committee shall not be subject to change for the convenience of either the Complainant or the Respondent. If any party declines or fails to appear at a duly scheduled hearing, the Committee may still proceed, and shall consider the previously submitted material furnished by the absent party.
- (3) Additional material supporting or opposing the charges may be submitted by either party up to two (2) weeks prior to the scheduled hearing. Any material received after that date will not be considered by the Committee. No new matters, evidence or witnesses may be introduced in the hearing by either the Complainant or the Respondent if they have not been previously disclosed and produced in accordance with these Guidelines. The hearing will be conducted by the Chairman or Acting Chairman of the Committee, with assistance by the Association's legal counsel. The strict rules of evidence will not be applicable, and witnesses may be questioned regarding their testimony, but extensive cross-examination will not be permitted. The Chairman shall have the authority to impose reasonable reciprocal limitations on the time available for both direct testimony and cross-examination.
- (4) At the conclusion of the hearing the Committee members shall convene in private (with the presence of legal counsel if they wish) and shall determine by majority vote of those members of the Committee who attended the hearing, which of the following alternative findings provided in the Bylaws shall be adopted:
 - (a) That the charges are not sustained, and that no further action be taken;
or

- (b) That the charges are sustained, and the accused be:
 - (i) Censured
 - (ii) Suspended for a definite time; or
 - (iii) Expelled.

The Committee need not reach a final decision immediately, but may wait until it has had the opportunity to review the transcript of the proceedings. The Committee members are admonished that they not discuss the merits of the case with any party prior to the formal hearing, and may only consider evidence or testimony introduced in conjunction with the hearing, although they may rely upon their own expertise and experience as neurosurgeons in evaluating the testimony of witnesses or issues raised.

D) Final Approval of Decision

- (1) The decision of the Committee shall be reduced to writing and forwarded to the Board of Directors, the Complainant, and the Respondent. The Respondent will be advised in writing of the date of the Board of Directors meeting, at which time the recommendations of the Professional Conduct Committee will be made, and the fact that the Respondent shall have an opportunity to make any statement he or she desires before actions taken on the recommendation to the Board of Directors.
- (2) The Board shall also consider, and either approve, reject or modify, any assessment of costs made against a Complainant pursuant to Section B-3 above. Once approved, by the Board, any such assessment of costs against a member shall be considered special assessment dues imposed pursuant to Article III A of the Bylaws.
- (3) In the event that the final action by the Board of Directors includes the censure, suspension or expulsion of a member, that member shall have the right to appeal that decision to the Association's Membership pursuant to Article II, Section 4 of the Bylaws.
- (4) Any Notice of Intent to Appeal the final action of the Board of Directors must be in writing and must be received by the Association's legal counsel within thirty (30) days of the receipt of the Board of Directors' decision by the appealing member or it shall be deemed untimely. Upon receipt of a timely Notice of Intent to Appeal, the Association's legal counsel shall set a timetable and guidelines for the submission of the Statement of Appeal to be presented to the General Membership.