



# Policy Regarding Compliance Actions Taken Against AAOS Volunteers

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## Revision Log

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## 1 Introduction

The Board of Directors of the American Academy of Orthopaedic Surgeons and the American Association of Orthopaedic Surgeons (“AAOS”) has adopted this policy in an effort to balance the individual right to due process and a presumption of innocence with AAOS’s interests in maintaining volunteers that comply with the AAOS Bylaws and Standards of Professionalism. It also recognizes that balancing of these rights and interests shifts between governance levels within the organization and at different stages of an AAOS professional compliance program grievance.

## 2 Purpose

This policy addresses notification protocols when a member of the Board of Directors or a committee, or other volunteer is involved in a professional compliance grievance matter. It also addresses recusals and, in the event of discipline, removal and eligibility for certain roles. In accordance with the Association Bylaws, the policy also provides for consideration of compliance actions in making committee and volunteer appointments.

## 3 Definitions

For purposes of this policy, the AAOS “Board of Directors” shall be defined to include those elected to serve on the AAOS Board of Directors and appointed to serve as Council Chairs.

For purposes of this policy, the AAOS “Ethics-Based Committees” shall be defined to include Committee on Ethics and Outside Interests, Committee on Professionalism, and Judiciary Committee.

For purposes of this policy, the AAOS “Evidence-Based Medicine (EBM) Committees” shall be defined to include Research and Quality Council, Committee on Evidence-Based Quality and Value, as well as any CPG or AUC workgroup, or workgroup related to performance measures or patient reported outcomes.

For purposes of this policy, any “Other AAOS Committees” shall be defined to include any group, project or program other than the Ethics-Based Committees or EBM Committees, including BOC/BOS, committees, boards, cabinets and work groups, as well as volunteers serving as course faculty, text editors/authors, and liaisons.

For the purposes of this policy, the following constitute sanctions, which mirror those categories set forth in the AAOS Bylaws:

- Reprimand: A reprimand shall be a written sanction, reprimanding the Fellow or Member, with no loss of the benefits of Fellowship or Membership for the finding of a violation of one, and only one, Standard of Professionalism. Such reprimand shall be

made a part of the membership file of the Fellow or Member. [Association Bylaws Paragraph 5.1.a]

- **Censure:** A censure shall be a written sanction, censuring the Fellow or Member, with no loss of Fellowship or Membership for the finding of a violation of one or more Standards of Professionalism. Such censure shall be made a part of the membership file of the Fellow or Member. A Fellow or Member who has been censured by the Board of Directors may apply for ASSOCIATION OR ACADEMY volunteer opportunities; however, the Board of Directors reserves the right to consider the professional compliance action in making any committee or volunteer appointments. [Association Bylaws, Paragraph 5.1.b]
- **Suspension:** A suspension shall be a written sanction, causing the Fellow or Member to lose the benefits of Fellowship or Membership for a period of time as determined by the Board of Directors, after which the individual may be reinstated upon the request of the individual, provided he or she pays all past dues, fees or special assessments owing upon reinstatement. Suspension shall be for such term as the Board determines is necessary to ensure modification of behavior. Notwithstanding the foregoing, a Fellow or Member who has successfully reinstated into Fellowship or Membership may apply for ASSOCIATION or ACADEMY volunteer opportunities; however, the Board of Directors reserves the right to consider the professional compliance action in making any committee or volunteer appointments. [Association Bylaws, Paragraph 5.1.c.]
- **Expulsion:** An expulsion shall be a written sanction, causing the Fellow or Member to be removed from the rolls of the ASSOCIATION. An expelled Fellow or Member shall not be entitled to any of the benefits of Fellowship or Membership. The ASSOCIATION shall accept a reapplication for Fellowship or Membership from an expelled Fellow or Member provided he or she meets all requirements to apply to become a Fellow or Member. [Association Bylaws, Paragraph 5.1.d]

#### 4 Right to Modify Policy

The American Academy of Orthopaedic Surgeons reserves the right to modify this Policy on Compliance Actions Taken Against Volunteers at any time. Changes and modifications will be effective when approved and posted.

#### 5 Stages of the Grievance Process:

##### Grievance Filed

### 5.1 Grievance Filed Against a Member of the Board of Directors

After a member of the Board of Directors has been notified that a grievance has been filed against them, the Office of General Counsel shall notify the Chief Executive Officer and President who shall discuss the matter with the Board member.

### 5.2 Grievance Filed Against the Chair or Member of an Ethics-Based Committee

After the chair of an Ethics-Based Committee has been notified that a grievance has been filed against them, the Office of General Counsel shall notify the President who shall discuss the matter with the committee chair. If the grievance has been filed against a member of an Ethics-Based Committee, the Office of General Counsel shall notify the committee chair who shall discuss the matter with the committee member. Such discussion shall occur before the grievance has been submitted to the Committee on Professionalism for *prima facie* review. If this involves a chair or member of the Committee on Professionalism, such chair or member would be recused from the *prima facie* review, but may continue to serve on the committee unless and until he or she is notified that the grievance has passed *prima facie* review.

### 5.3 Grievance Filed Against Chair or Member of EBM Committee

If a grievance is filed against a chair or member of an EBM Committee, the Office of General Counsel shall handle the grievance confidentially in accordance with the Professional Compliance Program Grievance Procedures. Such chair or member may continue to serve on the EBM Committee unless and until he or she is notified that the grievance has passed *prima facie* review.

### 5.4 Grievance Filed Against Chair or Member of any Other AAOS Committee

If a grievance is filed against a chair or member of any Other AAOS Committee, the Office of General Counsel shall handle the grievance confidentially in accordance with the Professional Compliance Program Grievance Procedures. Such chair or member may continue to serve on the committee until further advised.

## Grievance Passes *Prima Facie* Review

### 5.5 Grievance Against a Board Member Passes *Prima Facie* Review

If a grievance filed against a Board member passes *prima facie* review, he or she shall be recused from participating in or consideration of any AAOS professional compliance action until his or her grievance has been concluded. Additionally, at the President's discretion, the member may be recused from other Board of Directors' meetings and activities.

## 5.6 Grievance Against the Chair or Member of an Ethics-Based Committee Passes *Prima Facie* Review

If a grievance against a chair or member of an Ethics-Based Committee has passed *prima facie* review, he or she will be asked to take a leave of absence from that committee. If the chair or member declines to take a leave of absence, he or she will be recused from participation in the Ethics-Based Committee activities until the grievance has concluded. The final grievance decision will determine whether that chair or member may return to the committee.

## 5.7 Grievance Against the Chair or Member of an EBM Committee Passes *Prima Facie* Review

If the grievance against a chair or member of an EBM Committee has passed *prima facie* review, he or she will be asked to take a leave of absence from that committee. If the chair or member declines to take a leave of absence, he or she will be recused from participation in the EBM Committee activities until the grievance has concluded. The final grievance decision will determine whether that chair or member may return to the committee.

## 5.8 Grievance Against the Chair or Member of Any Other AAOS Committee Passes *Prima Facie* Review

If the grievance against a chair of any Other AAOS Committee has passed *prima facie* review, the Committee Appointment Program (CAP) Committee will be notified as applicable and will make a decision on the chair's continuation on the committee. If the grievance against a member of any Other AAOS Committee has passed *prima facie* review, the committee chair will be notified. The Committee Chair will consult, coordinate and make a decision with the CAP Committee (as applicable) regarding the member's continuation on the committee. In making this determination, the factors to be considered include:

- The background of the grievance;
- Which Standard(s) of Professionalism is alleged to have been violated (e.g. fraud-based standard); and
- The member's role on the committee and the subject matter of his or her work for the AAOS.

## 5.9 Board Notification of Potential Committee or Volunteer Appointment (Post *Prima Facie* Review)

If the Committee on Professionalism determines that a *prima facie* violation of the Standards of Professionalism has occurred, the Committee shall confidentially notify the Board of Directors that a grievance has been filed against a Fellow or Member in order to avoid a conflict of interest in potential committee or volunteer appointment. [Association Bylaws, Paragraph 5.1.e]



## 6 Ramifications of an AAOS Sanction

### 6.1 Sanction of a Member of the Board of Directors

#### 6.1.1 [Reprimand or Censure of a Member of the Board of Directors](#)

If the Board reprimands or censures a member of the Board of Directors, the Board of Directors will determine whether to refer the matter to the Fellowship under the Procedures for Report of Concern regarding AAOS Board Members. If the matter is not referred to the Fellowship, the Board Review Group shall determine what remedial measures are appropriate, and the President shall determine whether the member shall be recused from the Board of Directors meetings and activities.

#### 6.1.2 [Suspension or Expulsion of a Member of the Board of Directors](#)

If the Board suspends or expels a member of the Board of Directors, he or she will immediately be removed from the Board. A Board member's suspension or an expulsion under the Professional Compliance Program is also a violation of the Board of Directors Code of Conduct but will not be subject to the Procedures for Report of Concern regarding AAOS Board Members.

### 6.2 Sanction of a Chair or Member of an Ethics-Based or EBM Committee

#### 6.2.1 [Reprimand or Censure of a Chair or Member of an Ethics-Based or EBM Committee](#)

If the Board issues a reprimand or censure to a chair or member of an Ethics-Based and/or EBM Committee, they will not be permitted to return to their appointment to that committee. In addition, he or she is ineligible for appointment or reappointment to these committees, but may apply for appointment to any Other AAOS Committee. The CAP Committee (as applicable) may take the sanction into consideration before making a recommendation for appointment to another AAOS Committee. In making this determination, the factors to be considered include:

- The background of the grievance;
- Which Standard(s) of Professionalism is alleged to have been violated (e.g. fraud-based standard); and
- The member's role on the committee and the subject matter of his or her work for the AAOS.

### 6.2.2 [Suspension or Expulsion](#) of a Chair or Member of an Ethics-Based Committee or EBM Committee

If the Board suspends or expels a chair or member of an Ethics-Based or EBM Committee, they will not be permitted to return to their appointment to that committee upon readmission or reinstatement of full Fellowship status.

An expelled member who successfully reapplies for and is granted Fellowship status is ineligible to serve on an Ethics-Based or EBM Committee. A suspended member who is reinstated by request is ineligible to serve on an Ethics-Based or EBM Committee.

A readmitted or reinstated member may apply for appointment to any Other AAOS Committees. The CAP Committee (as applicable) may take the expulsion/readmission or suspension/reinstatement into consideration before making a recommendation for appointment to these committees. In making this determination, the factors to be considered include:

- The background of the grievance;
- Which Standard(s) of Professionalism is alleged to have been violated (e.g. fraud-based standard); and
- The member's role on the committee and the subject matter of his or her work for the AAOS.

## 6.3 Sanction of a Chair or Member of any Other AAOS Committee

### 6.3.1 [Reprimand or Censure](#) of a Chair or Member of Any Other AAOS Committee

If the Board issues a reprimand or censure to a chair of any Other AAOS Committee, the CAP Committee (as applicable) will determine whether the chair may continue to serve on the committee. If the Board issues a reprimand or censure to a member of any Other AAOS Committee, the committee chair will consult, coordinate and make a decision with the CAP Committee (as applicable) on that member's continuation on the committee. In making this determination, the factors to be considered include:

- The background of the grievance;
- Which Standard(s) of Professionalism is alleged to have been violated (e.g. fraud-based standard); and
- The member's role on the committee and the subject matter of his or her work for the AAOS.

### 6.3.2 [Suspension or Expulsion](#) of a Chair or Member of any Other AAOS Committee

If the Board suspends or expels a chair or member of any Other AAOS Committee, they will not be permitted to return to their appointment to that committee upon readmission or reinstatement of full Fellowship status.

An expelled member who successfully reapplies for and is granted Fellowship status is ineligible to serve on an Ethics-Based or EBM Committee. A suspended member who is reinstated by request is ineligible to serve on an Ethics-Based or EBM Committee.

A readmitted or reinstated member may apply for appointment to any Other AAOS Committees. The CAP Committee (as applicable) may take the expulsion/readmission or suspension/reinstatement into consideration before making a recommendation for appointment to these committees. In making this determination, the factors to be considered include:

- The background of the grievance;
- Which Standard(s) of Professionalism is alleged to have been violated (e.g. fraud-based standard); and
- The member's role on the committee and the subject matter of his or her work for the AAOS.

Adopted: October 18, 2022

Reference

	Sitting Board Member or Council Chair	Sitting Ethics Committee Chair or Member (Ethics Outside Interest; COP; JC)	Sitting EBM Member (Ev Based Quality & Value, CPG, AUC or CPM workgroup)	Sitting "Other" Committee Member (BOC/BOS, Committees other than Ethics or EBM, Cabinets, Work Groups and other Volunteers serving as Course faculty, text editors/authors and liaisons)	Potential Committee member
After Respondent notified of a Grievance filed	Notify CEO, President; May continue	<b>Chair:</b> Notify President; <b>Member:</b> Notify Committee Chair  May continue until PF determined	No notification. Chair or member may continue until PF determined	No notification. May continue until further advised.	May continue
Grievance Passes <i>Prima Facie</i> Review	Recused from hearing PCP matters until resolved; President may determine recusal of other activities	Leave of Absence or Recused from committee activities until the grievance is resolved	Leave of Absence or Recused from committee activities until the grievance is resolved	<b>Chair:</b> Notify CAP as applicable, and CAP will determine if Chair can continue <b>Member:</b> Committee Chair is notified and will determine, along with CAP (as applicable) if the member can continue taking into account type/bkd of the grievance	Notify the Board (via CAP), and this can be considered to avoid a conflict in a potential appointment
Sanction- Reprimand, Censure	BOD to refer to Fellowship for Report of Concern, or the Board Review Group shall determine status	Not allowed to return to committee and ineligible for reappointment to Ethics, EBM. Can apply for "Other" committee and CAP can take into account type/bkd of grievance	Not allowed to return to committee and ineligible for reappointment to Ethics, EBM. Can apply for "Other" committee and CAP can take into account type/bkd of grievance	<b>Chair:</b> CAP (as applicable) will determine if Chair can continue <b>Member:</b> Committee Chair will determine, along with CAP if the member can continue taking into account type/bkd of the grievance	
Sanction- Suspension, Expulsion	Immediately removed from BOD	Not allowed to return to committee upon reinstatement; Also can't serve on future Ethics or EBM but can apply to "Other" committee and CAP can take that into account	Not allowed to return to committee upon reinstatement; Also can't serve on future Ethics or EBM, but can apply to "Other" committees and CAP can take that into account	Not allowed to return to committee upon reinstatement; Also can't serve on future Ethics or EBM, but can apply to "Other" committees and CAP can take that into account	