



# SE™ INTERNATIONAL GRIEVANCE PROCEDURE

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## PURPOSE

These Ethics and Grievance Procedures have been established by the SE Institute (“Institute”) to create conditions and accountability which support trauma- informed professional practices and behavior of SE Professionals when operating under the aegis of the SE Institute, as set forth in the Code of Ethics and Standards of Professional Conduct (“Code”). The following lays out the process that will be used for the investigation and hearing of any claims that involve violations of that Code.

It is our intention that those governed by this code will conduct themselves with integrity. We also understand that people have limitations, make mistakes, have implicit bias and sometimes cause unintentional harm. In the spirit of the Somatic Experiencing modality, the Institute’s actions are intended to be constructive, corrective, and educational versus punitive. In cases of ethics violations, the Institute recognizes the importance of appropriate corrective and educative resolutions that not only will serve as redress and repair for the violation, but also aims to enhance the quality and effectiveness of the professional’s future behavior.

## BASIC PRINCIPLES

1. There is always more than one way of looking at a situation.
2. The fact of a complaint presumes neither guilt nor innocence.
3. An accused person has the right to know what they are accused of, by whom, and in a timely manner.
4. To initiate the Grievance Procedure, a complaint must be written and signed by the complainant.
5. Full disclosure is essential. Detailed information concerning the complaint will be provided to the party complained about.
6. All information is kept confidential by all parties involved. This means only those who need to know will know.
7. Anonymous complaints will not be heard or processed through the Grievance Procedure.

However, should the Chair of the Ethics and Grievance Committee (“Committee”) receive a written, anonymous complaint, a record of the correspondence will be kept by the Institute office for a period of three (3) years.

8. To prevent abuse of the ethics process, the Ethics Committee is empowered to file an ethics complaint against a complainant if the initial complaint is judged by two thirds of Committee members voting to be: (1) frivolous and (b) intended to harm the respondent rather than to protect the public. Filing of such a complaint constitutes a violation of the Ethics Code.
9. The person filing the complaint will be listened to courteously, neutrally, and completely. Questions will be answered and advice may be given. It is sometimes true that the complainant is most interested in providing clear corrective feedback to the organization, and once that has occurred no further action is requested. The Institute and its representatives welcome these reflections, recognizing the vital role that this feedback loop plays in maintaining the integrity of the organization. Appropriate notes and records of such feedback and discussions will be kept for three (3) years as per usual grievance policies.
10. To the best of their ability, the Committee will follow rules of common courtesy - acknowledging receipt of letters, acknowledging phone calls, returning phone calls and responding in a reasonable period of time (bearing in mind that this is a volunteer committee), etc., and will keep appropriate records as noted above.
11. The limitations of the Committee are as follows:

The Committee may take or recommend action for possible disciplinary repair or recourse, including requirements for specific training (e.g., better communication or sensitivity), professional supervision, reprimand, or private censure. The Committee may also ask the complainant to make a complaint to a state’s regulatory body overseeing licensing issues for the SE Professional named in the complaint. All Committee recommendations related to actions involving suspension or expulsion will be referred to the Board of Directors (“BOD”) and Executive Director (“ED”) for review, consideration, and potential action.

## WHISTLEBLOWER POLICY

### Purpose

The Somatic Experiencing® Institute requires Board members, Committee members, employees and anyone acting on the Institute's behalf to observe high standards of business and personal ethics in the conduct of their duties and responsibilities, and all Board members, Committee members, and employees to comply with all applicable laws and regulatory requirements. SEI encourages complaints, reports, or inquiries about illegal practices or serious violations of the Institute's policies, including illegal or improper conduct by the organization itself, by its leadership, or by others on its behalf. Appropriate subjects to raise under this policy would include financial improprieties, account or audit matters, ethical violations, or other similar illegal or improper practices or policies. Other subjects for which the Institute has existing complaint mechanisms should be addressed under those mechanisms, such as raising matters of alleged discrimination or harassment via the Institute's human resource channels, unless those channels are themselves implicated in the wrongdoing. This policy is not intended to provide a means of appeal from outcomes through those other mechanisms.

### Reporting Responsibility

The Institute seeks to have an "Open Door Policy" and encourages everyone to share their questions, concerns, suggestions, or complaints regarding the organization and its operations with someone who can address them properly. In most cases, a Board member or Committee member should present their concerns to the Chair of the Board. The ED is generally in the best position to address an employee's area of concern. However, if a Board member is not comfortable speaking with the Board Chair or is not comfortable with the Board Chair's response, or if an employee is not comfortable speaking with the ED or if the employee is not satisfied with the ED's response, the Board member, Committee member or employee is encouraged to speak with anyone on the BOD whom the employee is comfortable in

approaching or to directly contact the organization's outside legal counsel, chosen by the Director of Legal Affairs.

## No Retaliation

No individual who in good faith reports a violation of a law or regulation requirement shall suffer harassment, retaliation, or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable persons to raise serious concerns within the Institute prior to seeking resolution outside of the Institute.

## Compliance Officer

The Director of Legal Affairs will act as the Organization's Compliance Officer, supporting the ED, the Ethics Committee, and the BOD. If the complaint involves both the ED and Board Chair, outside legal counsel will carry out the functions of the Director of Legal Affairs.

## Accounting and Auditing Matters

The Finance Committee of the BOD shall address all reported concerns or complaints regarding accounting practices, internal controls, or auditing. The Director of Legal Affairs shall immediately notify the Finance Committee of any such complaint and work with the Committee until the matter is resolved.

## Requirement of Good Faith

Anyone filing a complaint must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowing them to be false will be viewed as a serious disciplinary offense.

## Confidentiality

Complaints may be submitted on a confidential basis by the complainant. Complaints will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. Complainant will be informed with whom the information is shared.

## Handling of Complaints

The Director of Legal Affairs will acknowledge receipt of complaints by writing a letter or e-mail to the complainant within seven (7) business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

## Section I – Composition of the Ethics and Grievance Committee

- A. Participation on the Committee by members of various groups within the SE community such as Practitioners, Students, Faculty, Assistants, Coordinators, International Organizers, Board Members and Staff provides the opportunity for diverse and valuable perspectives. The Chair of the Committee, with approval from the BOD, will conduct a search from these various groups to serve as members of the Committee to ensure as diverse a representation as is possible.
  
- B. Any individual member of the SE training community, whether a member of the Institute BOD or not, shall be eligible to serve as a full voting member of the Committee. Others from outside of the SE training community who meet the qualifications established by the BOD and Committee Chair may also serve on the Committee. The Committee shall be made up of five (5) members, unless otherwise specified by the Institute's BOD. The Chair of the Committee will prepare a slate of recommended candidates for review by the SE Institute Nominating Committee and approval by the BOD.

- C. The Chair of the Committee should not be an Institute BOD member, although there may be a board liaison in the Committee who is brought in to work with the committee in specific situations.
- D. Committee members shall be appointed by the BOD, upon the recommendation of the Committee Chair.
- E. Vacancies on the Committee shall be filled by appointments made in the same manner as provided in the original appointments.
- F. The Committee may also determine if there is a need to include a representative of any other involved body to serve as an ad hoc member of the Committee for a specific case.
- G. Unless otherwise provided in the resolution of the BOD designating the Committee, a majority of the whole Committee shall constitute a quorum, and the act of a majority of the Committee members present at a meeting at which a quorum is present, shall be the act of the Committee. Tie votes shall be broken by the ED serving as an ad hoc member of the Committee.
- H. Perceived conflict of interest is an important aspect of service on this Committee.

Members of the Committee who feel they cannot participate in the deliberations of a case in a neutral manner, and/or have a connection with any of the involved parties which in any way interferes with their ability to be objective, will recuse themselves from the Committee for the duration of the individual case. Likewise, if any members of the Committee feel that any other member cannot participate in deliberations in a neutral manner, they may request that the Chair recuse that member for the duration of the individual case.

If it is necessary for the Chair to recuse themselves, the BOD will appoint an interim chair for the duration of that case. If the complaint is against any of the Committee members, that member will be automatically recused and, at the BOD's discretion, a new Committee member will be selected for the duration of that individual case.

If the complaint is against any BOD member, that member will automatically be recused from any discussions or decisions related to the complaint.

## Section II – Confidentiality

- A. All complaints upon receipt by the Committee become confidential in nature, unless:
  - 1. The final decision or relevant information related to the investigation of a complaint will be reported to the appropriate regulatory, licensing, or other authorized body. The respondent will be informed within thirty (30) days if any such notification will take place.
  - 2. The Institute recommends that the complainant make a report to the appropriate licensing board with their complaint. The Institute cannot do this, as most Boards require the injured person to report, often requiring a notarized signature.
  
- B. Complaints must not be discussed except within the Committee, and to staff and legal counsel as appropriate, unless:
  - 1. The complaint is referred to a mediator or other group for action, with explicit consent from the parties to the complaint.
  - 2. It is necessary to conduct an investigation of the complaint (see Section IX).
  - 3. Disciplinary or other measures are recommended that require BOD review and approval (see Section XI).
  
- C. Any violation of confidentiality by SE Professionals is a matter potentially subject to review under this policy

- D. Records are kept by individual Committee members only for the duration of any investigation. After the investigation is complete, all records are forwarded to the Institute office, where they are kept in sealed, confidential, and secure files. All other records kept by Committee members will be destroyed in a way consistent with protecting confidentiality. A sealed, dated copy of the records related to the complaint (“Record of Fact”), including all correspondence, is maintained in the confidential file in the Institute office, which will be kept for three (3) years.

### Section III – Finance

The Committee can submit a budget request to the BOD when the annual budget is being planned.

### Section IV – Meetings

The Committee may meet in person, by teleconference, video conference, or by phone as often as necessary to hold hearings and conduct any business that may come before it. Email may also be used for Committee communication, but it is advised that matters of a highly sensitive nature be discussed by telephone, video conference or in person if possible. All written correspondence, emails, notes of phone or video conferences, or meetings, are considered to be part of the Record of Fact.

### Section V – Filing a Complaint

- A. All complaints against an SE Professional must be submitted in writing to the Chair of the Committee (through the Institute’s office), signed by the complainant, and include a description of the alleged violation as well as specific references to the activities or conduct supporting the complaint. For a copy of the Institute’s official complaint form, please email [legal@traumahealing.org](mailto:legal@traumahealing.org).

- B. Complaints may not be based on hearsay evidence.
- C. No anonymous complaints will be investigated, although they will be kept by the Institute.
- D. All complaints should be filed in a timely manner.
  - 1. Complaints of a general nature must be filed within one (1) year of the alleged occurrence.
  - 2. Complaints of a sexual nature must be filed within seven (7) years of occurrence or within five (5) years of discovery of the violation.
    - a. Complaints that exceed the time limits above (1, 5, or 7 years) may still be considered at the determination of the Ethics Committee on a case-by-case basis.
- E. Complainants may be SE Practitioners, Staff, Faculty, Assistants, Training Coordinators, Students, or the general public.

## Section VI – Response upon Receipt of Complaint

- A. The Institute’s Director of Legal Affairs, in consultation with the Executive Director and/or Human Resources, will initially evaluate the complaint to see if it warrants being sent to the Ethics & Grievance Committee. All complaints that address a specific section and/or violation of the Code of Ethics will be sent to the Ethics & Grievance Committee for review. If a violation of the Ethics code has occurred, the complaint will be forwarded to each member of the Ethics & Grievance Committee. The Ethics & Grievance Committee may also request to review all complaint submissions at any time.

- B. If the Institute's Director of Legal Affairs determines that the complaint does not warrant an investigation by the Ethics & Grievance Committee (i.e. does not rise to the level of a violation of the Code of Ethics), they shall communicate with the complainant to determine if any further steps are needed for the complainant to feel resolution with the issue.

Such remedial options could include:

1. Dialogue: In situations of misunderstanding and personal disagreement, the Director Legal Affairs' primary task is to determine if dialogue and reconciliation between and among the disagreeing parties is the best approach. This would be in line with the Institute's intention of education and repair.
2. Mediation with the parties involved with a 3rd person present that could possibly include an apology or clarification of the misunderstanding. This would have to be acceptable to all parties.
3. Notification: Notify the complainant in writing within fourteen (14) business days of the completion of the review that review has been completed and whether action was taken.

A copy of the complaint and the letter from the Director of Legal Affairs shall be sealed for confidentiality, labeled, dated, and kept in a confidential file.

- C. If the Chair of the Committee determines that the complaint does not involve an individual within the jurisdiction of the Committee, the Chair shall inform the complainant within thirty (30) days of receiving the complaint, and may suggest that the complainant contact another agency or association that may have jurisdiction. A copy of the complaint and the letter from the Chair to the complainant shall be forwarded to the Institute's office, labeled and dated, and kept in a confidential, secure file for three (3) years.

- D. If the Chair of the Committee determines that the complaint involves an individual within the jurisdiction of the Committee, the Chair shall inform the complainant within thirty (30) days of receiving the complaint and provide the complainant with a copy of the Grievance Procedure and the Code of Ethics.
- E. If the complaint involves an individual within the jurisdiction of the Committee, the Chair will instruct the Institute administrative office, or the person appointed by the Chair, to send a copy of the complaint to each member of the Committee.
- F. If any complaint includes allegations concerning activities which are or could be the subject of criminal, or other governmental or regulatory proceedings, the Committee, with approval from the BOD, shall defer consideration of such complaint pending a decision by, or may refer such complaint to, the appropriate governmental, regulatory or licensing authority. The complainant would then have the responsibility to notify or make a formal complaint to the appropriate agency or board.

## Section VII – Evaluation and Determination of Complaint

- A. If the complaint is deemed to have violated the Institute’s Code of Ethics, the Director of Legal Affairs shall forward the complaint to the Ethics and Grievance Committee who shall determine whether the complaint warrants an internal or external investigation.
- B. If the Committee determines that the complaint does warrant an internal or external investigation, the Committee chair shall so notify the complainant in writing within thirty (30) days of the determination. The chair will also notify the complainant that an investigation will be conducted, and that the respondent shall be advised of the results. In addition, the Committee shall provide the complainant with a copy of the Grievance Procedure and the Code of Ethics.

- C. If it is further determined that both parties would benefit from mediation, the Committee may recommend the parties engage in a voluntary mediation process. The parties may elect whether to follow such recommendation.
  
- D. If any complaint includes allegations concerning activities which are or could be the subject of civil, criminal, or other governmental or regulatory proceedings, the Committee shall defer consideration of such complaint pending a decision by, or may refer such complaint to, the appropriate federal, state or local governmental, regulatory or licensing authority. The complainant will be notified that it is their responsibility to make a primary complaint to the appropriate licensing board, regulatory authority or federal, state, or local governmental department.

## Section VIII – Evaluation and Determination of Complaint

Notice to respondent shall be sent by electronic mail and postal mail, return receipt requested, at the address on file, along with the following supporting documents:

1. Notification and copy of the complaint
2. Copy of the Grievance Procedures
3. Copy of the Code of Ethics
4. Notification to respondent that failure to answer the complaint in writing within the time set forth in this procedure will serve as a waiver of respondent's right to a hearing.

## Section IX – Respondent Written Answer to Complaint

- A. Respondent must submit a written answer to the complaint within the time established by the Committee, which shall be no less than sixty (60) days from the date of the notice.

- B. Although respondent has the right to consult with an attorney concerning all phases of the ethics process, respondent must respond to charges and recommendations of the Committee personally and not through legal counsel or another third party. If respondent shows good cause as to why they cannot respond personally, the Committee chair may waive this requirement.
  
- C. In the event respondent fails to answer the complaint in writing within the required time period, the Committee will render its decisions based upon the facts and information available to it at that time.

## Section X – Investigation

- A. The Committee shall investigate the complaint to the extent deemed necessary and appropriate. The Committee may obtain assistance from the Institute administrative staff and consult with legal counsel (with BOD approval) whenever in its judgment such consultation is necessary or appropriate.
  
- B. The Committee Chair will lead the investigation:
  - 1. Complainant and respondent may be interviewed by personal meeting, mail, phone, video conferencing or other digital means.
  - 2. Any person involved that may have firsthand knowledge of the facts surrounding the alleged violation may provide information to the Committee.
  - 3. Copies of all supporting documents will be sent to all Committee members and to respondent.

## Section XI – Grievance Decision Process

- A. The Committee will determine whether and when the investigation is complete.

- B. The Committee will make its final decision to determine whether respondent has engaged in conduct for which disciplinary or other action should be taken.
- C. If the Committee determines that disciplinary or other action should not be taken, the matter shall be closed and the Record of Fact shall be forwarded to the Institute's office to be sealed for confidentiality, labeled and dated and kept in a secure, confidential file, which will be retained for three (3) years. All other records of the investigation held by individual Committee members shall be destroyed in a manner consistent with destroying confidential records. See Section VI above for possible repair options before a full investigation occurs.
- D. If the Committee determines, by a majority vote of members present, that respondent has engaged in an activity in violation of the Code of Ethics, the Committee shall recommend to the BOD that disciplinary or other action be taken against the respondent. Such a determination shall be in writing and shall set forth the Committee's findings and recommended action (see Section XI).
- E. The Committee Chair shall notify respondent that the Committee has made a recommendation to the BOD, and that the BOD will make a final determination for disciplinary or other action within thirty (30) days.
- F. The Committee Chair will notify respondent within fourteen (14) business days of the BOD final determination for disciplinary or other action. That notification will be made by overnight, registered, or certified mail, return receipt requested, and shall provide information on the procedure for requesting an appeal to the Institute BOD. The Chair will also notify the Committee of the BOD's final determination.

- G. The Committee Chair shall notify complainant that there has been a decision and that the Committee has recommended appropriate actions. Complainant is informed in a general way and is not provided with the specific actions recommended.
- H. If no written request for appeal is received by the Institute BOD within thirty (30) days after the Committee Chair notifies respondent of the determination and the right to appeal, the BOD's decision shall be final and will be implemented.

## Section XII – Forms of Disciplinary and Other Actions

- A. In the case of more minor violations, the Committee can make recommendations in an ethics case for better communication, mediation, more education (including ethics classes), or professional consultation. In situations of misunderstanding and personal disagreement, the Committee's primary task is to facilitate dialogue and reconciliation between and among the disagreeing parties. By gaining individual agreements, the Committee can require certain conditions regarding professional behavior.
- B. For more serious violations, the Committee may recommend disciplinary action.

The ultimate organizational consequence for gravely inappropriate behavior and professional misconduct is expulsion: dismissal, or termination, and revocation of professional privileges (such as assisting at SE trainings, use of the SE Trademark, listing on the SE Directory, etc.).

- C. Serious violations are defined as: *a violation of a kind likely to cause substantial harm to another person or profession or is otherwise of sufficient gravity as to warrant such action.*

Examples include fraud, assault or battery, murder, manslaughter, theft, sexual assault and harassment, forgery, major confidentiality errors, extortion, etc.

- D. Minor violations are defined as: *words or actions not likely to cause substantial harm to another person or profession.*

Examples include boundary crossings, communication misunderstandings, minor confidentiality issues, etc.

- E. The Committee can make recommendations to the BOD, but the BOD is responsible for the final decision on any disciplinary or other actions. The Committee may make recommendations for non-disciplinary (other) actions, which may include, but are not be limited to, those noted in Section XI.A above.

The Committee may also make recommendations for disciplinary actions, which may include but are not be limited to the following:

1. **Letter of Reprimand:**

Private: a written letter of reprimand advising respondent that the complaint has been found to be valid, expressing appropriate concern and proposing greater sanctions if a future violation occurs.

2. **Probation:**

Respondent retains professional privileges, but with conditions for a specified time. The fact of respondent's probation is not formally announced. However, the ED on behalf of the BOD will determine if it is appropriate to inform others within the organization, or outside organizations such as licensing boards or professional associations.

**3. Suspension:**

Respondent loses all professional privileges (see Section XI.B) for a timeframe determined by the BOD and can apply for privileges to be reinstated after that time. The fact of respondent's suspension is not formally announced. However, the BOD will determine in Executive Session if it is appropriate to inform others within the organization, or outside organizations such as licensing boards or professional associations.

**4. Expulsion:**

The member shall permanently lose all rights of association with SE, and all professional privileges associated with SE (Section XI.B). The fact of respondent's expulsion is not formally announced. However, the BOD will determine in Executive Session if it is appropriate to inform others within the organization, or outside organizations such as licensing boards or professional associations.

- F. The Chair of the Committee, in cooperation with the ED and Institute staff, shall monitor compliance with the conditions of any probation or suspension. In the event respondent fails to comply with the conditions, the ED or Chair may ask the Committee to review the case. The respondent shall be notified thirty (30) days in advance of the Committee review and shall be afforded the opportunity to submit a written statement or explanation.

The Committee, based on the information available to it, shall notify the BOD of its findings and recommendations. The Committee's recommendations shall be limited to:

1. A finding that the respondent has complied or is complying with the conditions;
2. A grant of additional time for the respondent to comply with the original conditions that were imposed in probation or suspension, or with further conditions as may be appropriate;
3. A finding that the respondent has not or is not complying with the conditions, with a recommendation for action to be taken by the BOD.

The BOD shall notify the respondent within thirty (30) days of the outcome of the Committee review, and of the BODs decision for action to be taken, if any.

## Section XIII – Appeals

- A. In the case of more minor violations, the CommitThe respondent may appeal the recommendation of the Committee, or the decision of the BOD within thirty (30) days following receipt of the decision.
  - 1. If an appeal is filed, the BOD shall review the findings and recommendations of the Committee in a timely manner, based only on the evidence upon which the decision was made.
  - 2. If the BOD determines the appeal to provide new important information that addresses the substance of the original complaint, the Chair of the BOD will appoint a three (3) person Appeals Committee to review new information provided by respondent along with original complaint and decision by the BOD.
  - 3. A recommendation will be returned to the BOD to affirm, reject, or modify the original decision within thirty (30) days of the appointment of the Appeals Committee.
  
- B. Appeals shall be filed directly with the ED who will forward a copy of the appeal to all Board members. The ED will notify the members of the Ethics Committee of the appeal, and of any decision made by the BOD.
  
- C. The imposition of disciplinary or other measures shall be stayed upon receipt of appeal and until the Committee’s recommendations, or the BODs decision is affirmed, rejected, or modified.
  
- D. The Ethics Committee Chair, or designated Institute staff member, will provide a copy of the Record of Facts to the Board members within fifteen (15) days of request.

- E. Board members shall review the appeal and the Record of Fact to determine if grounds for appeal exist:
  - 1. Committee failed to review the complaint in a fair and neutral manner, according to written protocol and policy.
  - 2. Conditions recommended by the Committee are inappropriate.
  - 3. New information related to the substance of the original complaint and decision was discovered.
  
- F. If an appeal is in order, the Chair of the BOD will set the date, time and location for the consideration of the appeal. Appeals may also be heard via teleconference.
  
- G. The respondent shall be given at least thirty (30) days' notice of the date, time, and place for the meeting to consider the appeal. Respondent shall have the right to appear before the Board in person, or to participate via phone or teleconference, if applicable.
  
- H. Upon the conclusion of its review, the Appeals Committee by a majority vote of those present at the meeting, shall offer a recommendation to affirm, reject, or modify the recommendation of the Ethics Committee and the original decision of the BOD.
  
- I. The decision of the BOD is considered final. However, if the ED has any concerns about the fairness or appropriateness of the BODs review of the appeal, the ED may serve as a counterbalance to the board's decision and may request for continued discussion on the issue.
  
- J. The Chair of the BOD shall notify respondent of the Board's decision by overnight or certified mail, return receipt requested.

- K. The Chair of the BOD shall notify complainant that the Board has affirmed, rejected, or modified the previous decision. Specifics are not a matter of public record, and complainant is informed of this decision in a general manner.
  
- L. The Chair of the BOD shall notify the members of the Ethics Committee of the BOD's decision.