



GRIEVANCE PROCEDURES

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PURPOSE

These Grievance Procedures (“Procedures”) have been established by Somatic Experiencing® International (“SEI”) to outline the process used for investigations and hearings of any formal Grievance of violations of SEI’s Code of Ethics and Standards (“Code”). Unless otherwise outlined, SEI’s Ethics & Grievance Committee (“Committee”) will be responsible for overseeing these Procedures.

It is our intention that those governed by the 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 (“SE”) modality, SEI’s actions are intended to be constructive, corrective, and educational versus punitive. In cases of ethics violations, SEI recognizes the importance of appropriate corrective and educative resolutions that not only will serve as redress and repair for the violation, but also enhance the quality and effectiveness of the professional’s future behavior. SEI additionally will not retaliate, nor tolerate retaliation by others, against those who in good faith file grievances pursuant to these Procedures in good faith.

As used in these rules the term “Complainant” refers to the individual filing a Grievance and the term “Respondent” refers to the individual that is the subject of the Grievance. Complainant and Respondent are referred to individually as “party” and together as “parties.”

BASIC PRINCIPLES

1. Care should be taken to understand a situation from the perspective of both parties.
2. The existence of a filed Grievance presumes neither guilt nor innocence of the Respondent.
3. The Respondent has the right to know what they are accused of and by whom in a timely manner.
4. To initiate the Grievance Procedure, a Grievance must be written and signed by the Complainant.
5. Full disclosure is essential. Detailed information concerning the Grievance will be provided to the Respondent.
6. All information about the Grievance is to be kept confidential by all parties involved, except to the extent disclosure is permitted by these Procedures.
7. Anonymous Grievances will not be heard or processed through these Procedures.
8. To prevent abuse of the ethics process, the Committee is empowered to file an ethics Grievance against a Complainant if the initial Grievance is judged by two-thirds (2/3rds) of Committee members present and entitled to vote at a meeting of the Committee to be: (a) frivolous; and (b) intended to harm the Respondent rather than protect the public. However, Complainants who file a Grievance in good faith will not be retaliated against, nor will SEI tolerate any such retaliation by others.
9. Both parties will be listened to professionally. Should a Complainant decide, at any point in time, to not pursue a Grievance further, the Committee may elect to

close and dismiss the Grievance.

10. The parties will refrain from discussing the Grievance with members of the Committee except through the process outlined in these Procedures. To the extent the parties have procedural questions, those should be directed to SEI staff at Legal@traumahealing.org. To the best of their ability, SEI's staff will follow rules of common courtesy by acknowledging receipt of letters and phone calls, returning phone calls, and responding to requests in a reasonable period of time, not to extend 10 business days

PROCEDURAL RULES

Section I – Composition of the Ethics & Grievance Committee

1. The Committee shall be made up of five (5) to seven (7) members, unless otherwise specified by SEI's Board of Directors ("BOD"). The Chair of the Committee will prepare a slate of recommended candidates for review by the SEI Nominating Committee and approval by the BOD. The Chair and BOD shall strive, wherever possible, to ensure participation on the Committee by various members within the SE community, such as Practitioners, Students, Faculty, Assistants, Coordinators, International Organizers, and Staff so that there is opportunity for diverse and valuable perspectives. 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.
2. The Committee may also determine if there is a need to include a representative of any other involved body to serve as a non-voting ad hoc member of the Committee for a specific case.
3. A majority of the voting members of the Committee shall constitute a quorum. The act of the Committee members attending a meeting at which a quorum is present, shall be the act of the Committee. A tie does not constitute the definition of "majority" and therefore will not pass as an act of the Committee.
4. The avoidance of actual or perceived conflict of interests is an important aspect of service on this Committee.
 - A. 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 any

such decisions in the case where a conflict may or does exist. 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 from any decisions in the case where a conflict may or does exist.

- B. If it is necessary for the Chair to recuse themselves, the BOD will appoint an interim chair for the case in which a conflict by the Chair exists or may exist. If the Grievance 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 that case as needed to maintain a minimum of five (5) Committee members.
- C. If the Grievance is against any BOD member, that member will automatically be recused from any discussions or decisions related to the Grievance.

Section II – Confidentiality

1. Due care should be taken to ensure that information about the existence or substance of Grievances made pursuant to these Procedures are not disclosed outside of the parties, Committee and relevant SEI staff, unless:
 - A. The final decision or relevant information related to the investigation of a Grievance is required to 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;
 - B. SEI recommends that the Complainant make a report to the appropriate licensing board with their Grievance. SEI cannot do this, as most Boards require the injured person to report, often requiring a notarized signature; or

- C. Disclosure is otherwise authorized under these Procedures.
2. Records submitted by either party are kept by individual Committee members only for the duration of any investigation. After the investigation is complete, all such records shall be destroyed. All records kept by Committee members will be destroyed in a way consistent with protecting confidentiality. SEI shall retain a sealed, dated copy of the records related to the Grievance (“Record of Fact”), including all correspondence, is maintained in the confidential file in SEI’s 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

Meetings of the Committee shall be held in accordance with SEI’s Bylaws.

Section V – Filing a Grievance

1. All Grievances must be submitted in writing to the Chair of the Committee (through SEI’s office), signed by the Complainant, and include both a description of the alleged violation (including specific references to the activities or conduct supporting the Grievance), as well as a specific references to the sections of the Code the Respondent is alleged to have violated. To request a copy of SEI’s official Grievance form please email legal@traumahealing.org.
2. Grievances must be based on direct evidence or first-hand accounts.
3. Anonymous Grievances will not be investigated.

4. All Grievances should be filed in a timely manner.
 - A. Except as outlined below, Grievances must be filed within one (1) year of the alleged occurrence.
 - B. Grievances involving sexual misconduct on the part of the Respondent must be filed within seven (7) years of the date of the alleged occurrence.
5. Complainants may be SE Practitioners, Staff, Faculty, Assistants, Training Coordinators, Students, or the general public.
6. Grievance was filed against someone who is subject to the Code and within the jurisdiction of the Committee.

Section VI – Response upon Receipt of Grievance

1. SEI’s Director of Legal Affairs, in consultation with the Executive Director and/or Human Resources, will initially evaluate the Grievance to determine if it amounts to a violation of the Code, is made against someone who falls within the jurisdiction of the Committee, and is compliant with the requirements of these Procedures. If so, the Grievance will be sent to the Ethics & Grievance Committee for review. The Committee may also request to review all Grievance submissions at any time.
2. If SEI’s Legal Department or those appointed by the Legal Department determines that the Grievance does not constitute a violation of the Code or is otherwise noncompliant with the requirements of these Procedures, the Director shall communicate with the Complainant to determine if any further steps are needed.
3. If it is determined that the Grievance does not involve an individual within the jurisdiction of the Committee, the Chair shall inform the Complainant within thirty (30)

days of receiving the Grievance and may suggest that the Complainant contact another agency or association that may have jurisdiction. A copy of the Grievance and the letter from the Chair to the Complainant shall be forwarded to SEI's office, labeled, and dated, and kept in a confidential, secure file for three (3) years.

4. If the Grievance involves an individual within the jurisdiction of the Committee, the Chair will instruct SEI's administrative office, or the person appointed by the Chair, to send a copy of the Grievance to each member of the Committee.
5. If any Grievance includes allegations concerning activities which are the subject of criminal, civil law or other governmental or regulatory proceedings, the Committee, with approval from the BOD, shall defer consideration of such Grievance until all such proceedings are fully concluded.

Section VII – Evaluation and Determination of Grievance

1. Once a Grievance has been accepted and forwarded to the Committee, the Committee chair shall notify the Complainant. This notification shall be in writing and sent within thirty (30) days of the determination of the acceptance of the Grievance. In addition, the Committee shall provide both the Complainant and Respondent with a copy of the Grievance Procedures and the Code.

If it is further determined that both parties would benefit from mediation, the Committee may recommend the parties voluntarily engage in mediation. The parties may elect whether to follow such recommendation.

Section VIII – Notice to Respondent

Notice of the Grievance shall be sent to Respondent within thirty (30) days of the determination of acceptance of the Grievance. Notice will be made by electronic mail

and first-class mail, return receipt requested, at the address on file, along with the following supporting documents:

1. Notification and summary of the Grievance;
2. Copy of the Grievance Procedures;
3. Copy of the Code of Ethics; and
4. Notification to Respondent that failure to answer the Grievance in writing within the time set forth in these Procedures will serve as a waiver of Respondent's right to a hearing and possible disciplinary action.

Section IX – Respondent Written Answer to Grievance

1. Respondent must submit a written answer to the Grievance within the time established by the Committee, which shall be no less than sixty (60) days from the date of the notice. SEI shall promptly provide the Complainant with a copy of Respondent's answer and any supporting documents provided by Respondent to supplement the answer.
2. Respondent has the right to consult with an attorney concerning all phases of the Grievance Procedure.
3. In the event Respondent fails to answer the Grievance in writing within the required time frame, the Committee will render its decisions based upon the facts and information available to it at that time.

Section X – Hearing

1. Following receipt of Respondent's answer, the Committee shall set a hearing date at least thirty (30) days in advance. Consistent with its Bylaws, SEI may elect that the

hearing be conducted either in person or through alternate means (e.g., telephone conference or video conference).

2. Each party shall have thirty (30) minutes to present its position to the Committee and/or to ask questions of the other party. While strict rules of evidence will not be applicable, no new matters, evidence, or witnesses may be disclosed by either party at this time if not previously disclosed in the documents submitted by the parties in support of the Grievance or answer.
3. The Chair of the Committee will preside over the hearing and determine, in their reasonable discretion, all other procedural questions not otherwise addressed in these Procedures.

Section XI – Grievance Decision Process

1. At the end of the hearing, the Committee shall convene in executive session and determine, by majority vote of the Committee members in attendance at the hearing, whether the Grievance against Respondent has been sustained, and if so, whether disciplinary or other action should be taken.
2. If the Committee determines that no action should not be taken, the matter will be closed and the Record of Fact shall be forwarded to SEI's office to be sealed for confidentiality, labeled, dated, and kept in a secure 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 the destruction of confidential records.
3. If the Committee determines, by a majority vote of the members present, that Respondent has engaged in the activity alleged and is therefore in violation of the Code, the Committee will next determine, by majority vote of the members present, the disciplinary or other action to be taken against the Respondent.

Such a determination shall be in writing and shall set forth the Committee's findings and recommended action.

4. The Committee Chair shall provide a copy of the Committee's findings and recommended action(s) to the Respondent. The Respondent may appeal the Committee's findings and recommended action to the BOD. To do so, Respondent shall notify the Committee Chair of the intention to appeal within thirty (30) days from the date the Committee's findings and recommended action(s) were received. If no such notice of intention to appeal is made, the Committee's findings and recommended action(s) shall be final.
5. In the event Respondent chooses to appeal the Committee's findings and recommended actions to the BOD, Respondent shall be provided with a reasonable length of time to address the BOD at its next meeting. No new evidence or information may be considered during an appeal to the BOD. Following the Respondent's appeal, the BOD shall then go into executive session to determine whether to accept, reject or modify the Committee's findings and recommended actions to be taken in relation to the Respondent. The decision of the BOD shall be final. The Committee Chair shall notify the Respondent of the BOD's decision following this appeal and of the fact that it is final and will be implemented.
6. Once a final decision has been determined, 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. The Chair will also notify the Committee of the BOD's final determination.
7. The notifications required by this Section XI will be made to the Respondent by overnight, registered, or certified mail, return receipt requested.

Section XII – Forms of Disciplinary and Other Actions

1. The Committee has wide discretion to determine the appropriate action(s) to be taken by SEI in the event of a sustained Grievance against the Respondent. For minor violations, the Committee may make recommendations 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 parties. By gaining individual agreements, the Committee can then require certain conditions regarding professional behavior.
2. For more serious violations, the Committee may recommend more severe disciplinary action(s)
3. The ultimate consequence for gravely inappropriate behavior and/or professional misconduct is expulsion: dismissal, termination, and revocation of professional privileges (such as assisting at SE trainings, use of the SE Trademark, listing on the SE Directory, etc.).
4. A serious violation is defined as: *a violation of a kind likely to cause substantial harm to another person or the profession, or is otherwise of sufficient gravity as to warrant such action.*

Examples of serious violations include, but are not limited to: fraud, assault or battery, murder, manslaughter, theft, sexual assault and harassment, forgery, major confidentiality errors, extortion, etc.

5. A minor violation is defined as: *words or actions not likely to cause substantial harm to another person or the profession.*

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

6. Although the Committee can make recommendations to the BOD, 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 limited to, those noted in Section XII.A above.

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

A. Letter of Reprimand:

Private: a written letter of reprimand advising Respondent that the Grievance is valid, expressing appropriate concern and proposing greater sanctions if a future violation occurs.

B. Probation:

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

C. Suspension:

Respondent loses all professional privileges affiliated with SEI, including but not limited to: membership, assisting/providing, and certain elements of the

training programs within SEI 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.

D. Expulsion:

The member shall permanently lose all rights of association with SEI and all professional privileges associated with SEI membership. 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.

7. The Chair of the Committee, in cooperation with the ED and SEI 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:

- A. A finding that the Respondent has complied or is complying with the conditions;
- B. 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; or

- C. 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.