

BACKGROUND OF THE GOVERNANCE MANUAL AMENDMENTS PROPOSED BY CEBJA

The ADA Council on Ethics, Bylaws and Judicial Affairs (CEBJA) will propose some significant revisions to the *Governance and Organizational Manual of the American Dental Association (Governance Manual)* and amendments to the *ADA Member Conduct Policy* at this year's Annual Session of the House of Delegates. The amendments are designed to simplify and streamline how complaints made under the *ADA Member Conduct Policy* are managed. Under the proposal, Member Conduct Policy complaints involving individuals and relating to events in one state society will initially be filed and processed within that society just like ethics complaints are presently dealt with. Matters involving direct members and between members of different constituents will continue to be handled by CEBJA, just as they and ethics complaints against direct members are presently managed.

The amendments, and CEBJA's reasons for proposing them, are summarized in the bullet points below.

CEBJA is asking members to review the proposed amendments to the *Member Conduct Policy* and provide CEBJA with comments and suggestions to the proposal as the amendments are being finalized and readied for submission to the 2024 House of Delegates. Comments, criticisms and suggestions from membership are very valuable and will be carefully considered by CEBJA. The Council appreciates time and effort taken in voicing your opinions and concerns, and thanks you in advance for bringing them to CEBJA's attention.

CEBJA is proposing amendment to the way in which complaints between parties within a single state society for several reasons:

- The current *Member Conduct Policy* procedure is completely different than the procedure for handling ethics complaints. The amendment to align the *Member Conduct Policy* and ethics complaint procedures will simplify and streamline governance, making the processes easier to understand.
- Anecdotal evidence suggests that conduct that could lead to *Member Conduct Policy* complaints seem to be on the rise. Should that be the case, an influx of additional complaints would be difficult for CEBJA to process in a timely manner.
- Many of the matters that could lead to a Member Conduct complaint are local in nature – between members in the same state or between an individual and an employee of a society in the same state. Allowing state or local societies to initially oversee such complaints gives those organizations the authority over matters arising within their borders and affecting their members and employees.
- Requiring CEBJA to decide matters that are local or state society issues is inefficient. Experience with allegations of ethics violations teaches that most cases that are overseen locally are resolved either informally, before any enforcement action is commenced, or before a final appeal to CEBJA is taken.
- The investigation of the facts and circumstances surrounding allegations of misconduct under the *Member Conduct Policy* is best undertaken at a level closer to where the alleged wrongdoing occurs.
- *Member Conduct Policy* complaints involving direct members or members or employees of different constituents will continue with the procedures currently in place, with CEBJA investigating, holding hearings, and holding appeals of hearing panel decisions. This procedure is currently used for ethics complaints lodged against direct members.
- As is now the case with ethics matters, CEBJA will continue to accept appeals from constituent decisions in *Member Conduct Policy* matters.

All comments and suggestions should be emailed to the CEBJA director, Tom Elliott at elliott@ada.org, who will forward all communications concerning the proposed amendments to the CEBJA membership for review and discussion.