

ISA CERTIFIED ARBORIST CODE OF ETHICS
AND
CERTIFICATION AGREEMENT AND RELEASE AUTHORIZATION

The International Society of Arboriculture, Inc. (ISA) is a voluntary, non-profit, professional association. The ISA Certification Program certifies qualified practitioners in the field of arboriculture, who have met the professional knowledge standards established by the ISA Certification Board.

Regardless of any other professional affiliation, this ISA Certified Arborist Code of Ethics applies to those individuals seeking ISA Certified Arborist certification (candidates), and all individuals certified by the ISA as Certified Arborists (certificants). The Certified Arborist Code of Ethics establishes appropriate and enforceable professional conduct standards, and explains the minimal ethical behavior requirements for Certified Arborist certificants and candidates. The Certified Arborist Code of Ethics also serves as a professional resource for arborists, as well as for those served by Certified Arborist certificants and candidates, with respect to such standards and requirements.

I. Responsibilities to ISA, the profession and the public.

- A. Certified Arborist compliance with all organizational rules, policies and legal requirements. Certificants and candidates must:
1. Comply with all applicable laws, regulations, policies and ethical standards governing professional practice of arboriculture.
 2. Comply with all accepted professional standards related to arboriculture practice, including national practice standards and policies.
 3. Provide accurate, complete, and truthful representations concerning all certification and recertification information.
 4. Maintain the security of ISA examination information and materials, including the prevention of unauthorized disclosures of test information.
 5. Cooperate with ISA concerning ethics matters and the collection of information related to an ethics matter.
 6. Report to the ISA Certification Program, in a timely manner, their personal conduct that may violate any provision of the Certified Arborist Code of Ethics or the Certification Program Ethics Case Procedures.
 7. Refrain from behavior or conduct that is clearly in violation of professional, ethical, or legal standards related to occupational services and/or activities.

II. Responsibilities to clients, employers, employees, and the public.

A. Certified Arborist responsibilities concerning the performance of professional services. Certificants and candidates must:

1. Deliver safe and competent services with objective and independent professional judgment in decision-making.
2. Recognize the limitations of their professional ability and provide services only when qualified. The certificant/candidate is responsible for determining the limits of his/her own professional abilities based on qualifications, education, knowledge, skills, practice experience, and other relevant considerations.
3. Make a reasonable effort to provide appropriate professional referrals when unable to provide competent professional assistance.
4. Maintain and respect the confidentiality of sensitive information obtained in the course of professional activities unless: the information is reasonably understood to pertain to unlawful activity; a court or governmental agency lawfully directs the release of the information; the client or the employer expressly authorizes the release of specific information; or, the failure to release such information would likely result in death or serious physical harm to employees and/or the public.
5. Properly use professional credentials, and provide truthful and accurate representations concerning education, experience, competency and the performance of services.
6. Provide truthful and accurate representations to the public in advertising, public statements, and other representations, and in the preparation of estimates concerning costs, services and expected results.
7. Recognize and respect the intellectual property rights of others and act in an accurate, complete, and truthful manner, including activities related to professional work and research.

B. Certified Arborist responsibilities concerning conflicts of interest and appearances of impropriety. Certificants and candidates must:

1. Disclose to clients or employers significant circumstances that could be construed as a potential or real conflict of interest or an appearance of impropriety.
2. Avoid conduct that could cause a conflict of interest with a client, employer, employee, or the public.
3. Assure that a conflict of interest does not compromise legitimate interests of a client, employer, employee, or the public and does not influence or interfere with professional judgments.
4. Refrain from offering or accepting significant payments, gifts or other forms of compensation or benefits in order to secure work or that are intended to influence professional judgment.

C. Certified Arborist responsibilities concerning public health and safety.
Certificants and candidates must:

1. Follow appropriate health and safety procedures, in the course of performing professional activities, to protect clients, employers, employees, and the public from conditions where injury and/or other harm are reasonably foreseeable.
2. Inform appropriate government representatives or agencies when aware of an activity or circumstance that may cause an unsafe condition or violate legal requirements.

As an applicant or certificant:

1. I acknowledge that I have read and understand all of the terms and conditions of ISA Certification, as defined in the ISA Certified Arborist Handbook and in policies of the ISA Certification Program.
2. I understand that the ISA Certification Program is separate and distinct from all other ISA programs and services. ISA Certification is not the same as ISA membership. Unless I am also an ISA Member, I cannot use any ISA member marks or logos.
3. I agree to provide the ISA Certification Program with complete and accurate information related to my certification application and certification, including all changes to home or business address, telephone, or e-mail within sixty (60) days of such a change.
4. I agree that the ISA Certification Department has the right to contact any person or organization as part of the review of my initial application. I authorize the release of any information requested by ISA for the purpose of reviewing my application. I agree that ISA has the right to notify appropriate organizations if my application contains false information.
5. I understand that maintaining my ISA Certification is based on my fulfillment of all certification and recertification requirements, including compliance with the ISA Certified Arborist Code of Ethics and Ethics Case Procedures.
6. I agree to report to the ISA Certification Department my conduct that may violate any provision of the Certified Arborist Code of Ethics or the Certification Program Ethics Case Procedures, within sixty (60) days of my knowledge of such conduct. This reporting requirement applies to behavior or activities that occurred on or after the date that I applied for ISA certification. (NOTE: Any conduct to be reported under this term must be provided on a separate sheet of paper, and submitted with this agreement.)
7. I understand that certification granted by ISA does not represent licensure, registration, or other authorization to practice or to conduct business activities for a fee or otherwise.
8. I agree to indemnify and hold ISA and its agents, employees, representatives, and successors, harmless against, and release them from, any and all third party claims, suits, complaints, losses, or liability (claims) (including attorney fees) arising out of, or related to: my ISA certification; my use and/or display of ISA Certification Program credentials or designations, or references to the ISA Certification Program; my professional activities and services; or, my other business activities.

9. I understand that ISA certification is personal to me, and may not be transferred or assigned to any other individual, organization, or entity. With respect to my use and/or display of ISA certification marks in connection with professional business activities, I agree to comply with all applicable ISA policies, including ISA Certification Program Policy and Procedure Statement CERPP016, and as may be amended in the future.

10. After being granted ISA Certification, I understand that ISA may be asked by individuals or organizations to verify my certification, including dates of certification, and I agree that such information may be released.

11. I agree that, upon my request, ISA may publish certain professional information concerning me on the ISA Internet site, including my employer and business contact information. I further agree that information contained in my application for ISA certification may be used for research and statistical purposes.

12. In the event that my ISA certification expires, is suspended, or is revoked, I agree to immediately stop using and/or displaying the ISA Certified Arborist certification mark, credential, and any other designation indicating an affiliation with ISA Certification. I agree to comply with any additional directives of the ISA Certification Program.

INTERNATIONAL SOCIETY OF ARBORICULTURE (ISA)

CREDENTIALING PROGRAM

ETHICS CASE PROCEDURES

INTRODUCTION.

The ISA Credentialing Council develops and promotes high ethical standards for the Credentialing Programs, and requires that all certificants meet these standards. The following disciplinary procedures are the only rules for processing possible violations of these ethical standards, and are applicable to certificants, as well as those who are seeking certification from the ISA Credentialing Council. Certificants and candidates seeking certification or recertification agree during the application process, and at each subsequent recertification that: these procedures are a fair process for resolving all ethics matters; they will be bound by decisions made pursuant to these procedures. These procedures are governed by the principles of the law of the State of Illinois, and these procedures do not constitute a contract between the ISA and the candidate or certificant.

A. GENERAL PROVISIONS.

- 1. Authority.** The ISA Credentialing Program has the only authority to choose to pursue or deny any ethics matter, regardless of circumstances. By applying for certification or recertification, candidates and certificants agree that they will not challenge the authority of the ISA Credentialing Program to apply the Code of Ethics, the Ethics Case Procedures, or other applicable policies to resolve ethics matters. These Ethics Case Procedures are not formal legal proceedings, so many legal rules and practices are not observed, and the Procedures are designed to operate without the assistance of attorneys. Any party may be represented by an attorney with respect to an ethics matter, if they choose to do so. If a party has retained an attorney, that attorney may be directed to communicate with the ISA Credentialing Program solely through the ISA Credentialing Legal Counsel. The parties are encouraged to communicate directly with the Credentialing Program. The ISA Credentialing Program may use the services of ISA Credentialing Legal Counsel without limitation.
- 2. Participants.** Ethics cases may be decided by the ISA Director of Professional Development, the ISA Ethics Review Committee (ERC or Ethics Committee), the ISA Credentialing Council, and/or any other authorized designee. A certificant or candidate who is the subject of an ethics complaint or investigation will be the respondent. The person(s) initiating an ethics complaint will be the complainant(s).

3. **Time Requirements.** The ISA Credentialing Program will make every effort to follow the time requirements noted in this document. However, the Program's failure to meet a time requirement will not prohibit the final resolution of any ethics matter. Complainants and respondents are required to comply with all time requirements specified in these procedures. Time extensions or postponements may be granted by the ISA Director of Professional Development if a timely written request explains a reasonable cause.
4. **Litigation/Other Proceedings.** The ISA Credentialing Program may accept and resolve ethics complaints when civil or criminal litigation or other proceedings related to the complaint have been, or are presently, before a court, regulatory agency, or professional body, or the ISA Credentialing Program may continue or delay the resolution of any ethics complaints in such cases at their discretion
5. **Improper Disclosure.** The Director of Professional Development or Ethics Committee may issue any appropriate directive(s) where a candidate or certificant provides a misleading disclosure, or fails to disclose requested information, related to certification or recertification or to an ethics complaint, disciplinary proceeding, or similar matter. Where a discipline, order, or other directive is issued by the Director of Professional Development or ERC under this Section, the candidate or certificant involved may seek review and appeal pursuant to these procedures.
6. **Time Limitations Concerning Complaints.** The ISA Credentialing Program may consider any ethics charge, regardless of: what type of ISA credential at the time of the alleged violation; when the alleged violation occurred; or, whether the respondent continues to hold or seek an ISA credential during the course of any ethics case.
7. **Confidentiality.** In order to protect the privacy of the parties involved in an ethics case, all material prepared by, or submitted to the ISA Credentialing Program will be confidential, unless otherwise authorized by these procedures. The identities of all members of the Ethics Committee shall remain confidential and will not be released without the specific authorization of each member. Among other information, the ISA Credentialing Program will not consider the following materials to be confidential: materials which are disclosed as the result of a legal requirement; upon the written request of a candidate or certificant, any certification information which he/she would like made available to other credentialing or professional organizations, or similar bodies; and, all final published rulings of the Ethics Committee or the Credentialing Council.

Until an ethics case has been closed or finalized pursuant to Section H, all parties and participants must maintain the confidentiality of all information related to the ethics case, including its existence, consistent with these rules. If any party discloses information related to the ethics case contrary to these rules, the Ethics Committee and/or the Credentialing Council may terminate the ethics complaint if such disclosure is by the

complainant; or, may impose any sanction included within these rules if such disclosure is by the respondent. Each party may disclose information to legal counsel and/or witnesses, provided that counsel and/or witnesses keep the information confidential.

8. **Failure to Cooperate.** If any party refuses to fully cooperate with the Credentialing Program concerning matters arising under these procedures without good and sufficient cause, the Director of Professional Development or Ethics Committee may: terminate the ethics complaint of an uncooperative complainant; or, impose any sanction included within these rules if a respondent is uncooperative. Where a discipline, order, or other directive is issued by the Director of Professional Development or ERC under this Section, the candidate or certificant involved may seek review and appeal pursuant to these procedures.
9. **Resignation from ISA Credentialing.** Should a respondent attempt to relinquish ISA certification or withdraw an application during the course of any ethics case, the ERC reserves the right to continue the matter to a final and binding resolution according to these procedures.

B. ETHICS CHARGE STATEMENTS/ETHICS COMPLAINTS.

1. **Ethics Charge Statement Review.** Any person, group, organization, or in appropriate cases, the ISA Director of Professional Development, may initiate an ethics complaint. Each complainant must submit to ISA a detailed, written description of the factual allegations supporting the Ethics Charge Statement. Upon receipt of an Ethics Charge Statement, the Director of Professional Development will review each charge submitted by a complainant and then determine if it will become the subject of a formal Ethics Complaint and Investigation (Ethics Complaint).
2. **Charge Acceptance/Rejection Criteria.** In order to determine if an Ethics Charge Statement is accepted or rejected, the Director of Professional Development will consider whether: a proven complaint would constitute a violation of the Code of Ethics; the passage of time since the alleged violation requires that the complaint be rejected; relevant, reliable information or proof concerning the charge is available; the complainant is willing to provide testimony or other evidence concerning the complaint; and, the charge appears to be justified or insupportable, considering the proof available. The Director of Professional Development, or designee is authorized to contact either party for supplementary information or clarification.
3. **Ethics Complaint Rejection.** If the Director of Professional Development determines that an Ethics Charge Statement should not be the subject of a formal Ethics Complaint, the Director of Professional Development, or designee will notify the complainant in writing of the rejection and its basis.

4. **Appeal of Charge Statement Rejection Determination.** Within thirty (30) days of the mailing of a complaint rejection letter, the complainant may appeal to the Ethics Committee by stating in writing: the procedural errors possibly made by the Director of Professional Development with respect to the charge rejection, if any; the specific provisions of the Code of Ethics believed violated; and, the specific information believed to support the acceptance of the complaint. The ERC will consider and decide any charge rejection appeal at the next scheduled meeting, and such decision cannot be appealed.
5. **Ethics Complaint Acceptance.** The Director of Professional Development will determine whether the charge(s) and available proof support a formal Ethics Complaint, and upon such determination, will refer the charge(s) to the Ethics Committee. Upon a determination that an Ethics Charge Statement is appropriate, the ERC, or designee will issue a formal Ethics Complaint Notice identifying each Code of Ethics violation alleged and the supporting factual basis for each complaint. This Notice will be delivered to the respondent, and will be marked “Confidential” and sent via USPS certified mail. The name(s) of the complainant will be removed from this correspondence.
6. **Ethics Complaint Response.** Within thirty (30) days of the mailing date of an Ethics Complaint Notice, the respondent must submit a response to the ERC. The Ethics Complaint Response must include a full response to each complaint, a copy of each document relevant to the resolution of the Ethics Complaint, and any other information that the respondent believes will assist the ERC in considering the Ethics Complaint fairly.
7. **Response Deficiencies.** The ERC may require the respondent to supplement or expand a response.
8. **Optional Reply to Ethics Complaint Response.** The ERC will forward a copy of the Ethics Complaint Response to the complainant within approximately ten (10) days following the receipt of the Response via USPS certified mail. The complainant may submit a Reply to the respondent’s Ethics Complaint Response by letter or similar document within ten (10) days of the mailing date of the Response to the complainant. If submitted, this Reply must fully explain any objections that the complainant wishes to present to the ERC concerning the Ethics Complaint Response.
9. **Optional Response to Complainant Reply.** If an optional Reply to the Ethics Complaint Response is submitted by the complainant, the ERC will forward a copy of the Reply to the respondent within approximately ten (10) days following the receipt of the Reply. This information will be sent to the respondent via USPS certified mail. The respondent may submit a Response to the complainant’s Reply by letter or similar document within ten (10) days of the mailing date of the Reply to the respondent. If

submitted, the Response must fully explain, and is limited to, any objections that the respondent wishes to present to the Ethics Committee concerning the complainant's Reply to the Ethics Complaint Response.

C. MEDIATION.

- 1. Cases Appropriate for Mediation.** All Ethics Charge Statements will be reviewed by the Director of Professional Development to determine whether the ethics matter is appropriate for resolution by mediation. The Director of Professional Development will consider the seriousness of the allegations, the respondent's background, prior conduct, and any other pertinent material, and make a decision concerning the likelihood that the matter can be resolved fairly without formal disciplinary proceedings as described in these procedures. Ethics cases concerning charges issued by a regulatory agency or professional body, and those involving criminal litigation, are not appropriate for mediation.
- 2. Mediation Resolution.** Should a particular ethics matter be appropriate for mediation, the Director of Professional Development will attempt to resolve the dispute to a fair and just conclusion.
- 3. Successful Mediation.** In the event of successful mediation, the Director of Professional Development, or designee will prepare a report explaining the terms of the final mediated resolution of an ethics case, a copy of which will be forwarded to the parties.
- 4. Unsuccessful Mediation.** In the event of unsuccessful mediation, the Director of Professional Development, or designee will refer the case to the Ethics Committee consistent with these Procedures.

D. PRELIMINARY ACTIONS AND ORDERS.

- 1. Voluntary Temporary Suspension of Certification.** At any time following the issuance of a formal Ethics Complaint, the respondent may be asked to agree to and sign a Voluntary Temporary Suspension Agreement stating that he/she will voluntarily and immediately stop representing himself or herself as certified or otherwise endorsed by the ISA Credentialing Council and Program until further notice, in addition to any other directives issued by the ISA Credentialing Program.
- 2. Involuntary Suspension of Certification.** If a respondent fails to agree to and sign a Voluntary Temporary Suspension Agreement, the Director of Professional Development, ERC, or the Credentialing Council may issue an Order suspending the respondent's

certification(s) until the final resolution of the Complaint. Suspension Orders are authorized when:

- a. The respondent has been indicted for, similarly charged with, or convicted of any violation of criminal law under statute, law or rule;
 - b. The respondent is the subject of a formal complaint, similar charge, and/or investigation, or has been found in violation of any law, regulation or rule, by a professional regulatory body;
 - c. The respondent is the subject of a formal complaint, similar charge, and/or investigation concerning an ethics or disciplinary matter, or has been found in violation of an ethics code, by a professional association or credentialing body; or,
 - d. The respondent is the subject of litigation or a petition relating to his/her professional practice(s).
3. **Other Preliminary Orders.** The Director of Professional Development, ERC, or the Credentialing Council may require the respondent to do, or to refrain from doing, certain acts by preliminary and temporary order reasonably related to the Complaint under consideration. A respondent who fails to comply with a temporary or preliminary order may be subject to discipline under these procedures. Preliminary and temporary orders are not subject to appeal.

E. ETHICS REVIEW COMMITTEE COMPLAINT HEARINGS.

1. **Ethics Review Committee.** The ISA Credentialing Council will appoint at least seven (7) certificants in good standing to serve as the Ethics Review Committee to investigate and resolve each ethics complaint matter, including an ERC Chair and Vice Chair. The Ethics Review Committee will be composed of both Certified Arborists and Board Certified Master Arborists (BCMAs). Three (3) disinterested members of the ERC will be assigned to each case, and will conduct an informal Ethics Complaint Hearing designed to collect and weigh all of the available information and proof, and will have full authority to convene, preside over, continue, decide, and conclude an ethics hearing.
2. **Hearing Schedule, Notice, and Attendance.** The hearing date, time, and location for each ethics case will be scheduled by the ERC in consultation with ISA Director of Professional Development and staff, and both parties will be notified in writing. Each party may attend the hearing in person, or via telephone conference where all participants will be able to hear each other.
3. **Participation of Legal Representatives.** Should the ISA Credentialing Legal Counsel be present at an Ethics Complaint Hearing, Legal Counsel shall have the privilege of the floor and may conduct the hearing with the ERC. Legal or other

representatives of the parties do not have such privilege and are bound by the determinations and rulings of the Ethics Committee and ISA Credentialing Legal Counsel. No formal legal rules of evidence, cross-examination, oath, and other procedures will apply to hearings. The candidate or certificant, or a legal representative, will be permitted to ask questions of witnesses at the discretion of the ERC. Objections relating to relevance of information and other procedural issues will be decided by the ERC and these decisions are not subject to appeal.

- 4. Record of the Hearing.** A written, or other record of the hearing will be made by the ERC, another Credentialing Program representative, or a stenographer/ recorder, as determined by the Ethics Committee.
- 5. Hearing Expenses.** Parties will be responsible for their expenses associated with the case. The ISA Credentialing Program will bear other general costs of conducting the hearing, including costs associated with the activities of ISA Credentialing Program representatives.
- 6. Closing of the Hearing Record.** Any ethics hearing may proceed to a conclusion and decision whether or not the parties are present based on the appropriate written record, as determined by the ERC. The ERC will review the hearing record, as well as any submissions presented by the parties and other relevant information, and thereafter, will determine the outcome of the ethics matter by majority vote in a closed session. The hearing record will be closed following the conclusion of the hearing, unless otherwise directed by ERC.
- 7. Ethics Review Committee Decision and Order.** A Decision and Order will be prepared by the ERC with the assistance of Credentialing Staff after the closing of the record, which will include: a summary of the case, including the positions of the parties; a summary of all relevant factual findings based on the record of the hearing; a final ruling on each Code of Ethics violation charged; and, a statement of any disciplinary action(s) and other directives issued by the Committee. Copies of the ERC Decision and Order shall be sent to the parties. The parties will also be notified that the final decision may be published consistent with the requirements of these procedures.
- 8. Disciplinary Actions Available.** When a respondent has been found to have violated one or more provisions of the Code of Ethics, the Ethics Committee may issue and order one or more of the following disciplinary or remedial actions:
 - a.** A recommendation to the Director of Professional Development that the certificant or candidate be ineligible for certification or recertification, and that any application of the respondent for ISA certification be denied;

- b. Specific training, supervision, and/or instruction concerning his or her professional activities;
- c. Private reprimand and censure, including any conditions or directives;
- d. Public reprimand and censure, including any conditions or directives;
- e. Certification probation for any period up to three (3) years, including any conditions or directives;
- f. Suspension of certification for a period of no less than six (6) months and no more than two (2) years, including any conditions or directives; and must define based on the severity of the case. The Ethics Committee will determine
 - i. Whether the recertification period is put on hold during suspension
 - ii. Whether the certificant may recertify during the suspension if his/her recertification period ends during the suspension; in all cases, the certificant is required to have enough CEUs to qualify for recertification and to pay the recertification fee
 - iii. Whether the certificant may earn CEUs during the suspension
- g. Revocation of certification, including any directives.

F. ISA CREDENTIALING COUNCIL DECISION APPEAL PROCESS.

1. **Time Period for Submitting Appeal.** Within thirty (30) days of the mailing date of an adverse Ethics Committee Decision and Order, the respondent may submit a written appeal of all or a portion of the Decision and Order to the ISA Credentialing Council consistent with the requirements of these procedures.
2. **Grounds for Appeal.** An adverse Ethics Committee Decision and Order may be reversed, or otherwise modified by the ISA Credentialing Council. However, the grounds for appeal of an adverse decision are strictly limited to the following:
 - a. **New or Previously Undiscovered Information.** Following the closing of the hearing record, the respondent has located relevant proof that: was not previously in his/her possession; was not reasonably available prior to closure of the record; and, could have affected the ERC decision;
 - b. **Contrary to the Information Presented.** The ERC decision is contrary to the most substantial information provided in the record;

- c. **Procedural Error.** The ERC misapplied a procedure contained in these rules and prejudiced the respondent; or,
- d. **Misapplication of the Ethics Code.** The ERC decision contains the misapplication of the provisions contained in the Code of Ethics and the misapplication prejudiced the respondent.

With respect to Subsections 2.c. and 2.d. above, the ISA Credentialing Council will consider only arguments that were presented to the ERC prior to the closing of the hearing record.

- 3. **Contents of Appeal Letter.** The respondent must submit a letter or other written document to the ISA Credentialing Council, or designee which contains the following information and material: the ethics case name, docket number, and the date that the ERC decision was issued; a statement and complete explanation of the reasons for the appeal under Section F.2, including any reduction in discipline, or other modification of the decision issued by ERC; and, copies of any material supporting the appeal.
- 4. **Appeal Deficiencies.** The ISA Credentialing Council may require respondent to clarify, supplement, or amend an appeal submission.
- 5. **Appeal Rejection.** If the ISA Credentialing Council determines that an appeal does not meet the appeal requirements or otherwise warrant further formal review, consistent with the requirements set forth in these procedures, the appeal will be rejected. The complainant and respondent will be notified of the rejection, as well as the reason(s) for the rejection, by letter within approximately twenty-one (21) days of the determination. Appeal rejection determinations are not subject to appeal.
- 6. **Optional Reply to Appeal Letter.** Within fifteen (15) days of the mailing date of a respondent's appeal, the complainant may submit to the Credentialing Council a Reply to the Appeal by letter or similar document. If submitted, this Reply must fully explain any objections that the complainant wishes to present to the ISA Credentialing Council concerning the appeal.
- 7. **Optional Response to Complainant Reply.** If an optional Reply to the Appeal is submitted by the complainant, the Credentialing Council will forward a copy of the Reply to the respondent within approximately ten (10) days following the receipt of the Reply. The respondent may submit a Response to the complainant's Reply by letter or similar document within ten (10) days of the mailing date of the Reply to the respondent. If submitted, the Response must fully explain, and is limited to, any objections that the respondent wishes to present to the Credentialing Council concerning the complainant's Reply to the Appeal.

G. ISA CREDENTIALING COUNCIL APPEAL HEARINGS.

- 1. ISA Credentialing Council.** The Credentialing Council will appoint at least three (3) disinterested Credentialing Council Members to serve as the Council to resolve each ethics appeal, including a Chair, who will preside over each Appeal Hearing. The Credentialing Council will have full authority to convene, preside over, continue, decide, and conclude an ethics appeal.
- 2. Appeal Hearings.** Following receipt of a complete and proper written appeal, the ISA Credentialing Council will schedule a date on which to conduct an appeal hearing, and the parties will be notified of the date in writing. The Credentialing Council will review the hearing record, as well as any appeal submissions presented by the parties and other relevant information, and thereafter, will determine the outcome of the appeal by majority vote in a closed session.
- 3. Request to Appear Before the Credentialing Council.** Either party may request the opportunity to appear before the ISA Credentialing Council in writing at least thirty (30) days prior to the date scheduled for the Appeal Hearing. In the event that a request to appear before the Credentialing Council is approved, the appearance may be limited in any manner. Denials of requests to appear before the Credentialing Council are not subject to appeal.
- 4. Credentialing Council Decision and Order.** Following the conclusion of an Appeal Hearing, the Credentialing Council will issue an Appeal Decision and Order stating and explaining the outcome of the appeal, and including: a summary of any relevant portions of the ERC Decision and Order; a summary of any relevant procedural or factual findings made by the Credentialing Council; the Credentialing Council's ruling(s) and decisions with respect to the matters under appeal; and, the Credentialing Council's final Order affirming, reversing, amending or otherwise modifying any portion of the ERC Decision and Order, including any final disciplinary action or sanction issued by the Council. Copies of the ISA Credentialing Council Decision and Order shall be sent to both parties. The parties will also be notified that the final decision may be published consistent with the requirements of these procedures.

H. FINALIZING ETHICS CASES.

- 1. Events Which Will Cause Closure of an Ethics Case.** An ethics case will be closed when any of the following occur: the ethics case has been rejected pursuant to these procedures; a final decision has been issued by the Ethics Committee and/or the Credentialing Council pursuant to these procedures without appeal; or, an Ethics Complaint has been terminated or withdrawn by the complainant(s).

2. **Events Which Will Cause an Ethics Case Decision and Order to Become Final.** The Ethics Case Decision and Order issued by the Ethics Committee that is not appealed within the prescribed time requirements will be considered final. The Ethics Case Decision and Order issued by the Credentialing Council will be considered final.
3. **Referral and Notification Action.** The ISA Director of Professional Development may notify appropriate governmental, professional, or similar bodies of any disciplinary action taken against a respondent by sending a copy of the final Ethics Case Decision and Order issued by the Ethics Committee and/or the Credentialing Council, or by sending another appropriate notice. This notification may be done at any point after the time period for the respondent to appeal an adverse decision has elapsed. During the appeal period, the Director of Professional Development may respond to inquiries regarding the existence of ethics cases and indicate the existence of such proceedings.
4. **Publication of Final Disciplinary Action.** Following the lapse of any appeal rights and upon case closure, the ISA Director of Professional Development may release or publish a notification of a final Ethics Case Decision and Order following the issuance of an adverse Ethics Review Committee or Credentialing Council ruling. Any party or interested individual may request publication of any final decision, consistent with these procedures. However, the Ethics Committee or Credentialing Council may deny such requests, and such decisions cannot be appealed.

I. REVOCATION, SUSPENSION, AND PROBATION ORDERS/REAPPLICATION AND REINSTATEMENT PROCEDURES.

1. **Revocation Orders/Reapplication Petition.** Five (5) years after the issuance of a final revocation order issued under these procedures, a respondent may submit to the ISA Credentialing Council a Petition For Permission To Reapply For Certification, which will include: a statement of the relevant ethics case name, docket number, and the date that the final Ethics Decision and Order was issued; a statement of the reasons that support or justify the acceptance of the Reapplication Petition; and, copies of any relevant documentary or other material supporting the Petition.
2. **Suspension Orders/Reinstatement Requests.** After the expiration of a final suspension order issued under these procedures, a respondent may submit to the Credentialing Council a Request For Credentialing Reinstatement, which will include: a statement of the relevant ethics case name, docket number, and the date that the final Ethics Decision and Order was issued; a statement of the reasons that support or justify the acceptance of the Reinstatement Request; and, copies of any relevant documentary or other material supporting the Request.
3. **Probation Orders/Reinstatement or Referral.** Following the expiration of a final probation order under these procedures, the Credentialing Council will determine

whether the respondent has satisfied the terms of the probation order, and will do the following: if the respondent has satisfied the terms of probation in full, the Credentialing Council will immediately verify that the probation has been completed and reinstate the individual to full certification status; or, if the respondent has not satisfied the terms of probation in full, the Credentialing Council will issue any appropriate action consistent with these Procedures.

- 4. ISA Credentialing Council Reapplication Petition and Reinstatement Request Decisions.** Following the submission of a complete Reapplication Petition or Reinstatement Request, the Credentialing Council will schedule and conduct a hearing to review and rule on the Petition or Request. Each Petition or Request will be considered by a quorum of the Credentialing Council. During these deliberations, the Credentialing Council will review the information presented by the respondent and any other relevant information. The Credentialing Council will then determine the outcome of the appeal by majority vote in closed session. The Credentialing Council will prepare and issue a final Decision and Order indicating whether the Petition or Request is granted, denied, or continued to a later date, and if appropriate, any conditions of certification or recertification. Copies of the Credentialing Council Decision and Order will be sent to the parties. While no appeal of the Decision and Order is permitted, the respondent may submit a new Petition or Request pursuant to this Section, one (1) year or more after the issuance of the ISA Credentialing Council Decision and Order.

ETHICS CHARGE STATEMENT

NOTE: This form is supplied by the International Society of Arboriculture, Inc. (ISA) to individuals, groups or organizations (Complainants) who want to submit ethical conduct allegations concerning an ISA certificant, or candidate for ISA certification. In order to start the ethics complaint process, each Complainant must complete this form, or prepare a similar detailed description of the factual allegations supporting the charges, and send this information to:

International Society of Arboriculture, Inc.

P.O. Box 3129

Champaign, IL 61821

ISA strongly recommends that all Complainants review the ISA Certified Arborist Code of Ethics, as well as the ISA Ethics Case Procedures, before and during the preparation of an Ethics Charge Statement in order to understand the organization's procedures and ethical standards. Complainants may also telephone the ISA at (217) 355-9411 between 9:00 AM and 4:30 PM Central Standard Time, weekdays, with questions concerning the process.

INFORMATION ON THIS CHARGE IS CONFIDENTIAL

(Please Print In Ink or Type the Following Information)

Complainant's Name (your name): _____

Complainant's Address: _____

Complainant's Phone #: (Day) _____ (Evening) _____

Certificant/Candidate's (Respondent) Name: _____

Certification No. (if known, and if applicable): _____

Certificant/Candidate's Address: _____

Certificant/Candidate's Phone No.: _____

ISA ETHICS CHARGE STATEMENT

INFORMATION TO BE SUPPLIED BY THE COMPLAINANT

1. **Statement of Complaint:** The following is a summary and statement of the facts which the Complainant believes support the issuance of a formal ethics complaint by the ISA. This factual statement must include a clear explanation of the alleged unethical certificant/candidate's conduct. The statement need not include all of the evidence the Complainant is prepared to present; however, the Complainant must explain the facts in sufficient detail to permit the certificant/candidate Respondent to answer the allegations. If the space below is not sufficient, additional pages may be used and attached.

2. **Applicable Provisions of the Code of Ethics & Standards of Conduct:** The Complainant should list all provisions of the ISA Certified Arborist Code of Ethics that are relevant to this ethics case and all Code provisions that the Complainant believes should be considered with respect to the case. Please review and refer to the current ISA Certified Arborist Code of Ethics.

3. **Related Actions:** The Complainant should list any actions taken or contemplated that are directed at the same or related complaints. For example, the Complainant should identify any complaints filed with State licensure or regulatory boards, courts or judicial forums, professional membership associations or organizations, and/or employers.

4. **List of Witnesses and Documents to be Submitted and Considered:** Please include any direct evidence including but not limited to
 - Documents showing that the arborist performed the work or was otherwise responsible
 - Eye witnesses who witnessed the event and indicate whether they would be willing to testify at a hearing.

STATEMENT AND CERTIFICATION OF CHARGES

By submitting this Ethics Charge Statement, I charge the certificant/candidate identified with a violation(s) of the ISA Certified Arborist Code of Ethics. I have read the ISA Ethics Case Procedures, and I agree to abide by the conditions and terms of these rules. I understand that the information submitted to the ISA concerning this ethics proceeding will be kept confidential, as set forth in the Ethics Case Procedures. I also understand that the accused certificant/candidate (Respondent) will receive a copy of this document, as well as other information that is submitted with regard to the ethics case.

I further certify that the factual allegations made in this ISA Ethics Charge Statement are true and accurate to the best of my knowledge and that these ethics charges are made in good faith.

Signature of Complainant: _____

Date: _____