

DISCIPLINE and DISPUTE RESOLUTION

- 5.1. It is the policy of the Board for Certification of Genealogists (BCG) that each certified associate be subject to discipline for conduct in violation of the BCG Genealogists Code. [Bylaws: Article 9, Sections 1-5.]**
- 5.1.1. (a) It is the policy of BCG to provide its mediation and arbitration services as an expeditious and low-cost alternative to litigation, to resolve professional genealogical disputes between its certified associates and any members of the public who agree to accept its determination as a final and binding resolution of the matters in dispute, and consent to enforcement of the board's determination by appropriate legal process in any tribunal having jurisdiction over the person or property of the parties. (b) Certified associates shall cooperate in the mediation and arbitration proceeding if a dispute complaint is brought against the associate. If a certified associate fails to so cooperate in a mediation and arbitration proceeding brought against the associate, such associate's conduct may be deemed unprofessional and such associate may be subject to discipline as if in violation of the BCG Genealogist's Code. (c) Upon the submission of a dispute complaint, all parties to the dispute shall be provided a copy of this policy (5.1 – 5.4) and shall be requested to sign and return to BCG the Agreement to Mediate and Arbitrate Online, a sample form of which is annexed to this policy. The BCG mediation and arbitration process shall not proceed unless all parties sign and return this Agreement to BCG.**
- 5.1.2 BCG mediation shall be conducted by the BCG President, except in cases of a conflict of interest, in which case the order of alternate mediators shall be: the Vice President; the Treasurer; the Secretary; the Trustee at Large, and the immediate-past President. It is the policy of BCG that when a dispute complaint against a certified associate is resolved during mediation, thereby avoiding the adjudication process outlined in the bylaws, copies of the following documents will be placed in the certified associate's permanent file:**
- the original letter of complaint;
 - the final letter from BCG to the complainant and the certified associate confirming that a settlement was reached during mediation.
- 5.1.3 In the event that a dispute complaint is not resolved during mediation, the parties shall proceed to binding arbitration before a panel of three arbitrators, all of whom must be certified associates. One arbitrator shall be chosen by the certified associate, one by the complainant and the third by the two arbitrators chosen by the parties. Arbitration shall proceed on the basis of written submissions by the parties, limited to one submission from the complainant, and one response from the certified associate, supplemented by any additional materials requested by the arbitrators.**
- It is the policy of BCG that when a dispute complaint against a certified associate is resolved by way of arbitration, copies of the following documents will be placed in the certified associate's permanent file:**
- the original letter of complaint;
 - the final letter from BCG to the complainant and the certified associate confirming that the matter was resolved by arbitration.
- 5.2. (a) The certified person shall have the right to appeal the determination of the Executive Committee (EC) as to individual discipline to the full board in writing within thirty (30) days after receipt of the EC's ethics determination. The BCG**

trustees, when deciding appeals from EC decisions on ethics complaints or disciplinary actions, shall consider only evidence and complaint-related records previously available to the EC, unless clearly relevant evidence was withheld from the EC by an interested party. The decision of the board shall be by two-thirds affirmative vote and shall be final and binding and shall be made available to the certified person in writing with reasonable promptness and included in the certified person's permanent file. (b) Dispute resolution awards, whether reached through mediation or arbitration, are not appealable.

- 5.3. It is the policy of BCG that the members of the EC, when considering a dispute complaint about a certified associate, or an alleged violation of the Genealogist's Code, shall decide the issue based solely on credible evidence relevant to the issue. Following their finding on the facts at issue, the members shall frame appropriate remedies or disciplinary actions, considering also all records of earlier complaints in the certified associate's permanent file.
- 5.4. It is the policy of BCG that contents of permanent files are private except that the chair of the nominating committee and the judge coordinator may request a file review in connection with performing their duties of vetting candidates to run for election as a trustee or to serve as judges. The chair of the nominating committee shall have access to certificants' files limited to review of complaints. The judge coordinator shall have access to certificants' files limited to review of evaluations. In addition, under circumstances when not doing so might harm the organization, a certified associate may request permission of the EC to have a specific file reviewed for a specific reason, most likely by the executive director, for information pertinent to the issue at hand only.
- 5.5. It is the policy of BCG that a BCG mediator, arbitrator or Board member ruling on the EC's ethics determination (referred to as "Decider of Fact") shall be disqualified as acting as such if any of the following apply to such Decider of Fact:
- Is biased in favor of one party, or against another, or that a reasonable objective observer would think he or she might be.
 - Has an interest in the subject matter, or relationship with someone who is interested in it.
 - Personal knowledge of the facts of the case.
 - Has some direct conflict of interest related to the case.

A Decider of Fact may recuse themselves from so acting based upon any of the above or a party or other Decider of Fact may raise an issue of disqualification which shall be decided by the officer conducting the proceedings involved.