

National Pilates Certification Program Disciplinary Procedures

National Pilates Certification Program (“NPCP”) enforces the Grounds for Disciplinary Action (“Grounds”), the Code of Ethics (“Code”), and the Scope of Practice (SOP) through the following Disciplinary Procedures (“Procedures”).

The Procedures provide the means (1) to hear complaints of violations by Nationally Certified Pilates Teachers (“NCPT(s)”) of the Grounds, Code, and/or SOP (collectively “Violation(s)”); and (2) in the event a Violation is found, to provide for reprimand, suspension, probation, or termination of certification.

These Procedures are internal to the NPCP, do not have the force of law, and are not intended to give any person or entity the right to challenge or enforce their application or non-application in any legal, administrative or other adjudicative forum, including but not limited to any court of law.

The Grounds, Code, and/or SOP are applicable to NCPTs, and may be amended from time to time at the sole discretion of the NPCP.

These Procedures are designed to operate without the involvement of attorneys, but Complainants and Respondents (as defined below) may, at their sole discretion and expense, choose to be represented by an attorney.

1. **Definitions.** As used in these Procedures:

- a. “Complainant” means the person accusing an NCPT of Violations;
- b. “Respondent” means an NCPT accused of a Violation;
- c. “Complaint” means a statement filed by the Complainant containing allegations of one or more Violations on the part of Respondent;
- d. “Decision” means a decision by the Certification Manager or Ethics Review Committee, or a decision on an appeal by the Ethics Appeals Committee. Decisions by the Certification Manager or Ethics Review Committee may include the imposition of Disciplinary Measures against the Respondent. Decisions by the Ethics Appeals Committee may affirm, reverse, amend or otherwise modify any portion of the Decision under appeal, including the imposition of any Disciplinary Measures;
- e. “Certification Commission” means a body, elected by certificants, comprised of six Pilates professionals who have been elected by certificants to oversee and supervise the NPCP and to develop, evaluate, and administer the policies and procedures of the NPCP;
- f. “Certification Manager” means the staff person who manages the administration of the NPCP, oversees other staff (e.g., the Certification Administrative Assistant, Certification Coordinators, and Continuing Education Specialist), and runs the day-to-day operations of the NPCP.

- g. "Disciplinary Measures" means any measure imposed pursuant to a Decision that relates to Respondent's certification and may include the following:
 - i. a recommendation to the Certification Commission that the Respondent be ineligible for continued certification and/or renewal of certification;
 - ii. a requirement that Respondent take corrective action to cure and/or mitigate a Violation;
 - iii. a private reprimand;
 - iv. a public reprimand and/or censure of Respondent;
 - v. an imposition of "probation" for any period up to three (3) years, with certain conditions on Respondent's conduct during that period;
 - vi. a suspension of certification for a period of not less than six (6) months, requiring that Respondent immediately cease any professional identification or affiliation with the NPCP during the suspension period; and/or
 - vii. a revocation of certification, requiring that Respondent immediately cease any professional identification or affiliation with the NPCP.
 - h. "Ethics Appeals Committee" means a committee of no fewer than three (3) people who:
 - i. are selected by the Chair of the Certification Commission; and
 - ii. are Certification Commission members; and
 - iii. did not participate in the Decision with respect to which the appeal was taken; and
 - iv. whenever possible, have no personal knowledge of the facts and circumstances of the alleged Violation(s); and
 - v. whenever possible, do not personally know the Parties.
 - i. "Ethics Review Committee" means a committee comprised of the Certification Manager and at least two (2) other persons selected by the Certification Manager who:
 - i. are NCPTs; and
 - ii. whenever possible, have no personal knowledge of the facts and circumstances of the alleged Violation(s); and
 - iii. whenever possible, do not personally know the Parties;
 - j. "Final Adjudication" means the earlier of: (i) the date on which a Decision can no longer be appealed; or (ii) the date on which the Ethics Appeals Committee renders its Decision.
2. "Party" means either the Complainant or the Respondent, and "the Parties" means both the Complainant and Respondent. **Deadlines for Filing Documents.** Each Party must adhere to the deadlines provided in these Procedures for the submission of documents. Documents submitted beyond these deadlines will not be considered unless good cause is shown. Failure to file required documents on a timely basis may result in a Decision by default against the failing Party.

3. **Complaints.**

- a. *Who May File.* Any person, including the NPCP, may file a Complaint, but the NPCP may only do so by vote of a majority of the Certification Commission;
- b. *What Information Is Required.* A person seeking to file a Complaint must complete the complaint form and provide all the information requested therein, including complete details of each alleged Violation, and return the completed form to the Certification Manager as instructed. Public documents such as newspaper stories, court verdicts or agency decisions may be submitted as documentation to support the Complaint, but alleged Violations must be stated in the Complainant's own words.
- c. *Preliminary Review.*
 - i. once the Complaint is submitted, the Certification Manager will review it to determine whether, in the opinion of the Certification Manager, (a) it alleges at least one serious Violation; (b) the alleged serious Violation(s) occurred within a reasonable period of time of the filing of the Complaint; and (c) there appears to be reliable information that such serious Violation in fact occurred. With respect to the foregoing, the Certification Manager may request additional information, clarification, or evidence to support Complainant's allegations;
 - ii. if the Certification Manager determines that the Complaint is sufficient to warrant consideration, then the Respondent is sent a copy of the Complaint as accepted by the Certification Manager, together with any information or evidence submitted in support thereof via (A) email and (B) either certified mail, return receipt requested, or by a reputable express delivery service that requires signature upon delivery.

4. **Authority.**

- a. *Sole Discretion.* All matters of interpretation and application of these Procedures shall be at the discretion of the Certification Manager or Ethics Review Committee (as applicable), or on any appeal, the Ethics Appeals Committee;
- b. *Deferred Consideration.* If the alleged Violation is the subject of any civil, criminal, disciplinary or administrative proceeding in another forum or a court of law, the Certification Manager may defer consideration of the Complaint until the final resolution of such proceedings;
- c. *Failure of Candor by the Parties.* Any failure by a Party to disclose a fact or matter material to the Complaint, and any materially false or misleading statement by a Party or any witness of a Party, or contained in any document filed by a Party, will be deemed a Violation and may result in the filing of a Complaint against such Party and/or the imposition of Disciplinary Measures.

5. **Answer, Reply, Surreply and Request for a Hearing.**

- a. *Respondent's Answer.* Within thirty (30) days of the date on which the Complaint is mailed, Respondent must submit to the Certification Manager a written answer, setting forth a response to each allegation in the Complaint and attaching all supporting documents (the "Answer");
- b. *Complainant's Reply.* Following receipt of the Answer from Respondent, the Certification Manager will forward a copy thereof to Complainant. Complainant will have fourteen (14) days

from the date of mailing within which to file any statement in response to the Answer (the "Reply"). Complainant is not required to file a Reply;

- c. *Respondent's Surreply.* Following receipt of the Reply, if any, from Complainant, the Certification Manager will forward a copy thereof to Respondent. Respondent will have fourteen (14) days from the date of mailing within which to file any statement in response to the Reply (the "Surreply"). Complainant is not required to file a Surreply;
- d. *Request for a Hearing.* Either Party may request the opportunity to be heard via telephone conference before the Ethics Review Committee by advising the Certification Manager of such request in writing no later than thirty (30) days after the date on which Respondent files an Answer. In the absence of such written statement, the matter will be decided by the Certification Manager.

6. Preliminary Suspension Orders.

- a. at any time following receipt of the Answer, the Certification Manager (or the Ethics Review Committee, if Respondent has specified a hearing and review by the Ethics Review Committee) may temporarily suspend Respondent's, certification, pending final resolution of the allegations. Grounds for temporary suspension include but are not limited to: (a) a conviction or plea of no contest to a crime; (b) indictment for a felony; (c) a sanction or discipline imposed by a regulatory body; or (d) a civil judgment against Respondent relating to his/her professional activities;
- b. during the period of any temporary suspension, Respondent may not represent him/herself as an NCPT. Failure to abide by an order of temporary suspension shall be grounds for termination of Respondent's certification.

7. Decision by the Certification Manager. If the matter is to be decided by the Certification Manager, the Certification Manager will endeavor to issue a decision on the merits of the Ethics Charge Statement (a "Decision") within thirty (30) days of receipt of the last document filed by the Parties.

8. Decision by the Ethics Review Committee.

- a. *Scheduling a Hearing.* If the matter is to be decided by the Ethics Review Committee, the Parties shall be afforded a single hearing via telephone conference established by the Ethics Review Committee, which hearing will be moderated by the Chair of the Ethics Review Committee or by legal counsel. The hearing date will be scheduled by the Certification Manager, in consultation with the Chair of the Ethics Review Commission and the Parties, at least sixty (60) days from the date of receipt of the last document to be submitted by the Parties.
- b. *Postponements.* Postponements of hearing dates, requests for which must be made in writing to the Certification Manager, are at the sole discretion of the Certification Manager.
- c. *Confirming Attendance at a Hearing.* Not less than thirty (30) days prior to the date of the hearing, each Party must provide the Certification Manager with the following information by email:
 - i. the Party's telephone number;
 - ii. if the Party will be represented by an attorney, the name, address, and phone number of the attorney;

- iii. if the Party intends to present witnesses, the name, address, and phone number of each witness, together with a summary of the substance of each witness's proposed testimony.
- d. *Failure to Attend.* A Party who declines or fails to attend a hearing runs the risk of a judgment of default. For a Complainant, this may mean a dismissal of the Complaint, with no right to reinstate it. For a Respondent, this may mean a finding of a Violation and resulting Disciplinary Measures.
- e. *Witnesses.*
 - i. *Statements.* The Certification Manager shall forward summaries of proposed testimony of each Party's witnesses to the other Party in sufficient time to avoid any surprise to the other Party in the hearing. The Certification Manager may also delay and re-schedule the hearing in order to avoid any surprise;
 - ii. *Testimony.* Witnesses will be excluded from the hearing except during the presentation of their testimony. Only the Parties, their attorneys, and witnesses may participate in or listen to the hearing. Hearings will be recorded by the Ethics Review Committee. The Parties, their attorneys, and witnesses may not record hearings. The Ethics Review Committee may consider requests from Parties or witnesses for "off-the-record testimony" and, if granted, such testimony will not be part of the hearing record;
- f. *Copies of the Hearing Record.* Parties may request a copy of the hearing record at a price determined by Certification Manager to be reasonably related to the cost of making such copy.
- g. *Decision.* The Ethics Review Committee will endeavor to issue a Decision within ninety (90) days from the date of the hearing.

9. **Review of Decisions.**

- a. *Grounds for Appeal.* Either Party may request an appeal of all or part of a Decision, but appeals must be based upon at least one of the following grounds.
 - i. misapplication of these Procedures in a manner that caused prejudice to the appealing Party ("Appellant");
 - ii. discovery of new evidence ("New Evidence") that (A) was not previously in the Party's possession; and (B) was not reasonably available to the Party prior to the filing of such Party's Reply or Surreply (as applicable); and (C) would have materially affected the Decision; or
 - iii. plain error of any factual finding in the Decision that would have materially affected the Decision.
- b. *Filing a Request for Review.* A request for review ("Request for Review") must be made to the Certification Manager in writing within sixty (60) days from the date of the Decision to be appealed and must:
 - i. state the grounds on which appeal is being sought; and
 - ii. state the specific reasons why the Party believes the Decision should be modified or reversed; and

- iii. attach (or for previously submitted documents, identify) each document which the Party believes supports the appeal.
- c. *Acceptance of Appeal.* The Certification Manager will forward the Request for Review to the Ethics Appeals Committee, which shall, within a reasonable time thereafter, determine whether an appeal will be heard. Denials of appeal are not subject to appeal or further review. If the Ethics Appeals Committee determines that there are valid grounds for appeal, the Chair of the Ethics Appeals Committee will advise the Appellant, and send the Request for Appeal to the non-appealing Party (the "Appellee").
- d. *Answer, Reply and Surreply on Appeal.*
 - i. *Answer.* Within thirty (30) days of the date on which the Certification Manager mails the Request for Review to Appellee, Appellee must submit to the Certification Manager a written answer setting forth a response to each ground for appeal and attaching any New Evidence (as defined above). Failure of the Appellee to file an Answer may result in judgment in favor of the Appellant;
 - ii. *Reply.* Following receipt of the Answer from Appellee, the Certification Manager will forward a copy thereof to Appellant. Appellant will have fourteen (14) days from the date of mailing by the Certification Manager within which to file a reply. The Appellant is not required to file a Reply;
 - iii. following receipt of the Reply, if any, from Appellant, the Certification Manager will forward a copy thereof to the Appellee. Appellee will have fourteen (14) days from the date of mailing by the Certification Manager within which to file a Surreply. The Appellee is not required to file a surreply.
- e. *Hearing on Appeal.*
 - i. *Request for a Hearing.* Either Party may request the opportunity to be heard via telephone conference before the Ethics Appeals Committee by advising the Certification Manager of such request in writing no later than thirty (30) days after the date on which Appellee files an Answer. Such request shall be determined in the sole discretion of the Chair of the Ethics Appeals Committee, and denials of requests for a hearing cannot be appealed.
 - ii. *Hearing Procedure.* If a request for a hearing is granted:
 - A. the hearing date and time will be scheduled by the Certification Manager, in consultation with the Chair of the Ethics Appeals Committee and the Parties, at least thirty (30) days from the date of receipt of the last appeal document to be filed by the Parties;
 - B. not less than fifteen (15) days prior to the date of the hearing, the Parties must advise the Certification Manager by email, (a) whether s/he will participate, and if so, her/his telephone number; and (b) whether the Party will have an attorney present and, if so, the attorney's name, address and phone number;
 - C. no witnesses may be heard;
 - D. hearings may be recorded by, and at the sole discretion of, the Ethics Appeals Committee. The Parties, their attorneys, and witnesses may not record hearings;

- E. if the appeals hearing is recorded, Parties may request a copy of the hearing record at a price to be determined by the Certification Manager that is reasonably related to the cost of making such copy.
- f. *Decision.* The Ethics Review Committee will endeavor to issue a Decision within ninety (90) days from the date of the hearing. Decisions by the Ethics Appeals Committee are final and cannot be appealed.

10. **Actions following Final Adjudication.** Following Final Adjudication, the Decision on which Final Adjudication is based may be published or otherwise made public, including without limitation, by posting such Decision or a link to where it may be accessed, on any website or internet forum. The Decision may also be shared with appropriate governmental or professional bodies regarding any Disciplinary Measures taken against Respondent.

11. **Re-Certification requests**

- a. *Submission.* Requests for re-certification (“Re-Certification Requests”) maybe filed: (i) five (5) years after the issuance of a final, non-appealable order of revocation of certification, or (ii) at any time following the expiration of a final, non-appealable order of suspension of certification, as applicable;
- b. *Acceptance of Re-Certification Request.* The Certification Manager will determine whether Respondent has satisfied the terms of suspension or probation (as applicable) and, if so, shall take appropriate steps to facilitate re-certification, including the retaking of the certification exam. If the Certification Manager determines that Respondent has not fully satisfied the terms of suspension or probation, the matter will be referred to the Certification Commission for further determination or action.
- c. *Certification Commission Review.*
 - i. if the matter is referred to the Certification Commission for further determination or action, the Certification Commission shall, within ninety (90) days after such referral, or as soon as practicable, conduct a hearing by telephone conference to review and rule on the Re-Certification Request. Re-Certification Requests shall be considered by a quorum of the Certification Commission. During the hearing, the quorum will review the information presented by Respondent and any other relevant information;
 - ii. within thirty (30) days of the hearing on a Re-certification Request, the Certification Commission, shall issue a written decision explaining all the reasons therefor, and may, at its discretion, impose any conditions for re-certification. A copy of the decision shall be sent to Respondent via email or certified mail, return receipt requested, or by a reputable express delivery service that requires signature upon delivery. While decisions regarding Re-Certification Requests are not appealable, Respondent may submit a new Re-Certification Request at any time two (2) years or more after the date on which the Certification Commission’s decision was issued.