

BURDENS & STANDARDS OF PROOF

ETHICS HEARINGS

IN ANY ETHICS HEARING CONVENED TO CONSIDER ALLEGED VIOLATIONS OF MEMBERSHIP DUTIES, THE ULTIMATE BURDEN OF PROVING THAT THE CODE OF ETHICS OR OTHER MEMBERSHIP DUTY HAS BEEN VIOLATED IS AT ALL TIMES ON COMPLAINANTS AND PARTIES REQUESTING THE HEARING.

“CLEAR, STRONG, AND CONVINCING” SHALL BE THE STANDARD OF PROOF BY WHICH ALLEGED VIOLATIONS OF ALL MEMBERSHIP DUTIES, INCLUDING VIOLATIONS OF THE CODE OF ETHICS, ARE DETERMINED.

CLEAR, STRONG, AND CONVINCING SHALL BE DEFINED AS THAT MEASURE OR DEGREE OF PROOF WHICH WILL PRODUCE A FIRM BELIEF OR CONVICTION AS TO THE ALLEGATIONS SOUGHT TO BE ESTABLISHED.