

621—14.9(20) Procedures for discipline and removal.

14.9(1) *Grounds.* Probation, suspension, or removal from the roster may be based upon one or a combination of any of the following, including but not limited to:

- a. Failure to comply with statutory provisions, the agency's administrative rules, and agency guidelines and policies;
- b. Delinquency in submitting awards;
- c. Existence of a conflict of interest as described in subrule 14.8(1) that requires exclusion from the roster;
- d. Failure to disclose to the board or the parties any conflict of interest as described in subrule 14.8(1);
- e. Failure to demonstrate the requisite knowledge and abilities listed in subrule 14.5(3);
- f. Any other reason for which the board deems discipline or removal to be in the best interest of the agency, its constituents, or the public at large.

14.9(2) *Automatic removal.* Any roster member who fails to pay the annual listing fee pursuant to subrule 14.3(4) shall be removed from the roster, absent good cause shown for why removal is inappropriate. Any member who fails to submit a renewal application pursuant to paragraph 14.5(9) "b" shall be removed from the roster 30 days after the expiration of the member's term, absent good cause shown for why removal is inappropriate.

14.9(3) *Filing of a complaint.*

a. Any affected person or party may file with the board a complaint against an arbitrator listed on the roster. The board may also file a complaint pursuant to this subrule. Such complaint shall be in writing and shall contain:

- (1) The name, address, telephone number, and email address of the complaining party;
- (2) The dispute(s) in which the complaining party has interacted with the arbitrator;
- (3) The specific allegations on which the complaint is based;
- (4) The requested discipline;
- (5) The signature of the complaining party; and
- (6) The date on which the complaint was prepared.

b. The board shall serve on the arbitrator written notice of the complaint within 14 days of receipt of the complaint and in accordance with rule 621—2.15(20).

14.9(4) *Preliminary investigation.* Upon receipt of a complaint from an affected person or party, the board shall conduct a preliminary investigation into the allegations. In conducting the investigation, the board may require the production of evidence, including affidavits and documents. If the investigation reveals the complaint has no basis in fact or if the complaint is informally resolved with the approval of the board, the complaint shall be dismissed and the parties notified in accordance with rule 621—2.15(20).

14.9(5) *Procedures.* If the complaint is not dismissed following the preliminary investigation, the board shall schedule the complaint for hearing and notify the parties in accordance with rule 621—2.2(20). The hearing shall be held within 60 days of the completion of the preliminary investigation or the filing of a board-initiated complaint. The hearing and all subsequent proceedings and filings shall be in accordance with 621—Chapter 2.

14.9(6) *Timely resolution of complaints.* Complaints filed with the board shall be resolved within 180 days unless good cause is shown for an extension. The board will notify the parties prior to taking action to extend this time limitation upon its own motion.

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