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Procedures for Disciplinary Actions for IAYT-Certified Yoga Therapists

Section 1. Introduction

The International Association of Yoga Therapists (“IAYT”) grants membership to individuals and schools. IAYT also accredits yoga therapy training programs that meet IAYT’s educational standards and grants a certification credential (C-IAYT) to yoga therapists who meet IAYT’s certification qualifications. These services to the field, and all of IAYT’s other programs and activities, are intended to support its mission: to establish yoga as a recognized and respected therapy.

Ensuring responsible and ethical behavior on the part of certified yoga therapists is at the heart of establishing yoga therapy as a recognized and respected profession, one that is of service and benefit to the public. In order to support responsible and ethical behavior, IAYT has adopted a Code of Ethics and Professional Responsibilities, a policy titled “Grounds for Disciplinary Action,” and this policy document, “Procedures for Disciplinary Action.” The Procedures document sets forth the steps that IAYT takes whenever a complaint is filed against an IAYT-certified yoga therapist or someone who is in the process of applying for certification.

Section 2. Ethics and Disciplinary Review Panel

The Ethics and Disciplinary Review Panel of the IAYT (the “EDRP”) is the body authorized under this policy to evaluate complaints against certified yoga therapists and to impose sanctions as may be warranted by the situation. The EDRP is composed of three to five members; the specific number is established by the IAYT Board of Directors (the “Board”). Individual EDRP members are appointed by the IAYT Board President for staggered, renewable, three-year terms, and no more than one Board member may serve on the EDRP. Any EDRP member who may have a conflict of interest in connection with a complaint is required to recuse himself/herself in accordance with IAYT policies.

Section 3. Disciplinary Process

3.1 Initiation of a Complaint

A “Complaint” arises when it appears that actions of a yoga therapist may fall within the scope of the Grounds for Disciplinary Action. Such information commonly comes to the attention of IAYT in the following ways:

- A formal, signed complaint is submitted by an individual on the IAYT Complaint Form. IAYT does not investigate anonymous complaints.
- A report from a governmental agency, educational institution, or other organization.
- An application for certification or recertification.
- A receipt of information by IAYT staff from another source.
- A notice from a yoga therapist or yoga therapist training program pursuant to a reporting requirement.

Generally, IAYT will not process a complaint that pertains to actions or events that took place more than two years prior to the date the complaint is filed with IAYT.

3.2 Confidentiality

While IAYT will not investigate anonymous complaints, IAYT will withhold the name of a complainant from the person who is the subject of the complaint if the complainant is in a situation where there is an ongoing relationship or some other problematic circumstance that may entail the possibility of retribution or other adverse consequences.

If a complainant is concerned about the possibility of retribution or some other adverse consequence if his or her name is revealed to the person who is the subject of the complaint, then he or she should discuss this matter with the IAYT executive director (or designee), who will consult with the chair of the EDRP on issues of confidentiality. Unless required to do so by applicable law or regulation, IAYT will not reveal the name of a complainant if he or she believes that there may be retribution or other adverse consequences. If IAYT believes that a complaint cannot be properly investigated if a complainant's name is kept confidential, then IAYT has the discretion to decline to investigate a complaint. In its efforts to balance fairness for both the complainant and the subject of a complaint, IAYT may choose to only investigate an anonymous complaint if it is corroborated by a subsequent complaint or other information.

While IAYT is committed to keeping the names of complainants confidential where there is the possibility of retribution or other adverse consequences if names are revealed—and will do everything it can to maintain confidentiality under these circumstances—IAYT cannot guarantee confidentiality where the nature of a complaint may indicate to the complainant or some other party the identity of the person who lodged the complaint. Additionally, IAYT is committed to keeping the name of a subject of a complaint confidential while the investigation and review of a complaint is underway, unless applicable law or regulation requires otherwise.

3.3 Preliminary Staff Review

Whenever a formal Complaint is received by IAYT, the chair of the EDRP and the IAYT executive director (or his/her designee) will conduct a preliminary review of the matter. If the executive director (or designee) and the chair of the EDRP determine that (1) the matter is frivolous or inconsequential; (2) the Complaint contains unreliable or insufficient information; or (3) the matter is not within the scope of the Grounds for Disciplinary Action or IAYT's jurisdiction, then no further action will be taken and the Complaint will be dismissed.

The executive director (or designee) shall notify a complainant of the dismissal of a Complaint. If the Complaint appears to fall within the scope of the Grounds for Disciplinary Action, then the executive director or designee will proceed with further investigation of the Complaint, in consultation with the chair of the EDRP.

3.4 Notice to and Response from the Person who is the Subject of the Complaint

Upon the decision by the executive director (or designee) and the chair of the EDRP to further investigate a Complaint, the individual that is the subject of the Complaint ("Complaint Subject") is sent and/or emailed a written notice and communications are followed-up as may be necessary. The Complaint Subject will have forty-five (45) days from receipt of the notice to submit a written response to the Complaint and/or present any additional evidence and information that supports the Complaint Subject's position, and may at his/her option request an opportunity to speak with the EDRP via electronic communication. Failure by a Complaint Subject to respond to the notice of a Complaint within the forty-five (45) days will be sufficient grounds to impose sanctions. The execu-

tive director (or designee) may extend the period for the Complaint Subject's response upon submission of a timely written request containing a reasonable explanation of the need for an extension.

3.5 Investigation by Staff

Any aspect of the Complaint that is potentially relevant may be investigated by the executive director (or designee) to clarify, expand, and/or corroborate the Complaint. During the course of his/her investigation, the executive director (or designee)—in consultation with the chair of the EDRP—may seek assistance from legal counsel, independent investigators, and any other appropriate individuals or organizations, including a complainant. All investigations are conducted objectively and without prejudice. During an investigation, confidentiality is maintained to the extent possible.

3.6 Review by the EDRP

Upon completion of the investigation, the executive director (or designee) submits the Complaint, along with the supporting documentation and its findings, to the EDRP. Complaints will be considered without hearings, trial-type proceedings, witnesses, cross-examinations, or the application of formal legal rules of evidence and hearsay. However, the Complaint Subject may request an opportunity to communicate with the EDRP via electronic communication. Decisions of the EDRP are based on the written record and any information offered orally by the Complaint Subject.

If the EDRP decides there was no action by the Complaint Subject that falls within the scope of the Grounds for Disciplinary Action, the Complaint is dismissed with written notice to the Complaint Subject and to the Complainant(s). If the EDRP makes a determination that the actions did fall within the Grounds for Disciplinary Action and imposes a sanction, the EDRP will issue its decision in writing to the Complaint Subject. If the EDRP decides that it has insufficient information to issue a final decision, the EDRP may request further information.

Section 4. Sanctions

The EDRP may impose any sanctions it deems appropriate with respect to an IAYT-certified ("C-IAYT") yoga therapist, including

1. Refusal to grant C-IAYT status
2. Suspension of C-IAYT status for a specific period of time
3. Revocation of C-IAYT status
4. Conditions for gaining or maintaining C-IAYT status including remedial education or service relevant to the nature of the Complaint
5. Written reprimand (i.e., formal expression of disapproval retained in the Complaint Subject's file but not publicly announced)
6. Censure (i.e., formal expression of disapproval that is publicly announced)
7. Probation pending completion of specified conditions such as monitoring, counseling, and/or remedial education
8. Any other conditions or sanctions, at the sole discretion of the EDRP.

In the event of suspension or revocation of C-IAYT status, the Complaint Subject must return his or her certificate to IAYT within thirty (30) days of notice of the sanction. If the certificate is lost or misplaced, the Complaint Subject must submit a signed and sworn statement to that effect.

Section 5. Voluntary Surrender of IAYT Certification

An individual who is the subject of a Complaint may voluntarily surrender his/her C-IAYT credential at any time before the EDRP renders a final decision, or he/she may withdraw his/her application for certification. Upon surrender or withdrawal, the Complaint will be dismissed without any further action by the EDRP. IAYT may communicate with any regulatory agency or other appropriate party concerning the circumstances that led to the surrender or withdrawal. Voluntary surrender of certification or withdrawal of an application for certification in response to a Complaint renders a Complaint Subject ineligible for certification for at least two (2) years and ineligible for an appeal of the matter.

Section 6. Appeal Process

A Complaint Subject may appeal a final decision of the EDRP to the IAYT Board of Directors in writing within thirty (30) days of receipt of the decision. If the decision of the EDRP is not appealed within thirty (30) days, the action of the EDRP is final.

A member of the Board who also serves on the EDRP will not participate in the consideration of any appeal. Board members who may have a conflict of interest with respect to the Complaint Subject who submitted the appeal will recuse themselves in accordance with IAYT policies.

The Board will review the written record (including a summary of any oral information provided by the Complainant) to determine whether the decision was inappropriate because of (1) material errors of fact that provided the basis for the decision, or (2) failure of the EDRP or staff to follow published criteria, policies, or procedures. The Board will not conduct further investigations or reevaluate the decision as to whether actions fell within the Grounds for Discipline Action. The Board's decision affirms, modifies, remands, or overrules the EDRP's decision. The Board will notify the Complaint Subject of its decision in writing. Unless remanded, the decision of the Board is final and may not be appealed.

Section 7. Notice to Complainant and Publication

The IAYT executive director (or designee) will notify the Complainant of IAYT's final determination regarding the Complaint.

The sanctions of censure, probation, suspension, and revocation—and any voluntary surrender of certification—shall be published in any manner and for any period of time deemed appropriate by IAYT, including but not limited to notification in IAYT publications and on the IAYT website. IAYT may disclose any sanction or action taken, at its sole discretion, in any way it deems appropriate or necessary to any governmental agency, employer, school, insurer, or individual.