**ATTACHMENT 1**

**CHCA ENFORCEMENT PROCEDURES FOR DUTY TO DISCLOSE AND CONFLICT OF INTEREST POLICY AND CODE OF CONDUCT**

1. **DUTY TO REFER POTENTIAL VIOLATIONS** 
   1. Any person who is subject to the CHCA Conflict of Interest Policy and Procedures and has potentially failed to comply with those Policies and Procedures shall be subject to Referral to the Executive Committee for enforcement.
   2. Prior to Referral to the Executive Committee the person will be given an opportunity to rectify the potential violation.
   3. The President, Executive Director or committee chair shall Refer any potential violation of the CHCA Conflict of Interest Policy and Procedures to the Executive Committee for potential enforcement.
   4. The Referral to the Executive Committee shall be in writing and shall include all relevant information reasonably available to the person making the Referral.
   5. Referrals shall be made promptly, and prior to any actions or decisions that relate to the potential conflict of interest.
   6. The person making the Referral to the Executive Committee of the potential violation of the CHCA Conflict of Interest Policy and Procedures shall notify the subject of the Referral by simultaneously copying the subject on the Referral and including all documents and information included in the Referral to the Executive Committee.
   7. The subject of the Referral may supplement the information supplied to the Executive Committee with any additional, relevant information within three business days of the Referral.
   8. All Referrals to the Executive Committee shall be confidential. This means that any individual who knows about a Referral shall not reveal information about the Referral to another person, unless it is for the purpose of assisting the person making the Referral, the subject supplying supplemental information to the Executive Committee, or in response to requests from the Executive Committee.
2. **DELIBERATIONS ON POTENTIAL VIOLATIONS**
   1. The Executive Committee shall meet in Executive Session to conduct fact-finding and deliberate on all Referrals of potential violations of the CHCA Conflict of Interest Policy and Procedures.
   2. As part of its fact-finding and deliberations, the Executive Committee may request individuals, including the Referring person, the subject, and others, to answer questions or otherwise participate and assist the Executive Committee in the fact-finding portion of its deliberations.
   3. All members of the CHCA have a duty to cooperate in good faith with reasonable requests from the Executive Committee in its efforts to discover facts and information related to fact-finding and deliberations into potential violations of the CHCA Conflict of Interest Policy and Procedures.
   4. The fact-finding and deliberations of the Executive Committee on potential violations of the CHCA Conflict of Interest Policy and Procedures shall be subject to confidentiality. This means that no person who participates in the Executive Committee’s fact-finding and deliberations on a potential violation of the CHCA Conflict of Interest Policy and Procedures may tell another person outside the Executive Committee’s Executive Session any information about those proceedings.
3. **DETERMINATION OF A VIOLATION**
   1. Once the Executive Committee has completed its fact-finding and has deliberated on a potential violation of the CHCA Conflict of Interest Policy and Procedures, it shall decide by simple majority vote whether a violation has occurred.
   2. If the Executive Committee decides that no violation has occurred, it shall promptly and simultaneously inform the subject and the referring person of its decision.
   3. If the Executive Committee decides that a violation has occurred, it shall proceed to Section D to determine what sanction should be imposed.
4. **IMPOSITION OF SANCTIONS**
   1. Once the Executive Committee has determined by simple majority vote that a violation of the CHCA Conflict of Interest Policy and Procedures has occurred, it must decide whether to issue a warning or reprimand to the subject, or to remove the subject from the committee he or she serves on.
   2. In deciding which sanction to impose, the Executive Committee shall consider the totality of the circumstances as well as mitigating and aggravating factors that may be present.
      1. Examples of mitigating factors include:
         1. Good faith effort to comply with the Policy and Procedures;
         2. Prompt corrective action; and
         3. Self-reporting.
      2. Examples of aggravating factors include:
         1. Intent;
         2. Repeat violations; and
         3. Obstruction of the Executive Committee’s fact-finding and deliberations.
   3. Once the Executive Committee has decided which sanction to impose by simple majority vote, it shall promptly inform the subject of its decision in writing.
   4. The deliberations on potential violations, determination of a violation and imposition of sanctions may be decided by the Executive Committee during the same executive session.
   5. The results of the Executive Committee’s deliberations, determination of a possible violation and the imposing of any sanctions will be reported to the Board of Directors in executive session, with the exception of a recommendation to remove a Director from the Board of Directors.
      1. If a subject is a Director and the Executive Committee votes in favor of removal, the matter shall be sent to the Board of Directors with the Executive Committee’s Recommendation for Removal.
5. The Executive Committee’s Recommendation of Removal of a Director must be Ratified by a two-thirds vote of the Board of Directors for the sanction of removal to become effective.
6. **REQUESTS FOR RECONSIDERATION**
   1. Once informed of the Executive Committee’s decision and sanction, the subject may request Reconsideration, in writing, within three business days, if the subject can demonstrate that the Executive Committee has based its decision on a material factual error.
      1. The subject must clearly explain the basis for the material factual error in the request for Reconsideration.
   2. The Executive Committee shall consider any request for Reconsideration in executive session as promptly as possible and shall decide such requests by a simple majority vote.
   3. Once the Executive Committee has reached a decision on a request for Reconsideration, it shall promptly notify the subject in writing.
7. **OPPORTUNITY TO RESOLVE VIOLATIONS BY AGREEMENT**
   1. At any point after a potential violation of the CHCA Conflict of Interest Policy and Procedures has been Referred to the Executive Committee, nothing shall preclude the Executive Committee from negotiating a resolution of a potential violation with a subject by mutual agreement, memorialized in writing signed by the parties. Any resolution shall be reported to the Board of Directors by the Executive Committee.