



AMERICAN ASSOCIATION OF  
ORTHOPAEDIC SURGEONS

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## Fair Admissions Hearing Procedures

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## Table of Contents

1	Introduction .....	1
2	Purpose .....	1
3	Scope.....	1
4	Right to Modify Policy.....	1
5	Fair Admissions Hearing Procedures .....	1
5.1	Request for Admissions Hearing .....	1
5.1.1	Notice to Applicant .....	1
5.1.2	Response by Applicant.....	1
5.1.3	Setting up the Hearing .....	2
5.1.4	Time Frame for Hearing .....	2
5.1.5	Postponements and Extensions.....	2
5.2	The Hearing Committee .....	2
5.2.1	Composition; Chair .....	2
5.2.2	Role of the Chair .....	2
5.3	The Admissions Hearing.....	2
5.3.1	Rights of the Parties.....	2
5.3.2	Burden of Proof.....	3
5.3.3	Failure to Appear at the Hearing .....	3
5.3.4	Admissibility of Evidence .....	3
5.3.5	Advice and Representation.....	3
5.4	Hearing Committee Decision and Board Action .....	3
5.5	Hearing Costs.....	4
5.6	Confidentiality .....	4
5.7	Illinois Law .....	4

## Revision Log

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## 1 Introduction

Membership decisions are made by the Board of Directors (the “Board”) of the American Association of Orthopaedic Surgeons (the “Association”). Membership in the Association also confers membership in the American Academy of Orthopaedic Surgeons (the “Academy”). Occasionally, the Board will vote to reject an applicant who has applied to be a Fellow or Member. In such cases, it is important that the applicant has an opportunity to request a hearing to evaluate that decision.

## 2 Purpose

The following Hearing Procedures are designed to provide applicants who wish to become Fellows or Members of the Association with procedures for appealing a membership rejection decision by the Board.

## 3 Scope

This policy applies to those applicants whose application for Fellow or Member has been rejected by vote of the Board.

## 4 Right to Modify Policy

The Association reserves the right to modify this Fair Admissions Hearing Procedures at any time. Changes and modifications will be effective when approved and posted.

## 5 Fair Admissions Hearing Procedures

### 5.1 Request for Admissions Hearing

#### 5.1.1 Notice to Applicant

If the Board rejects an applicant (the “Applicant”), the Association shall send written notice of the rejection to the Applicant. A link to (or copy of) the Association Bylaws and a link to (or copy of) these procedures shall accompany the notice.

The notice shall specify the reasons for the Applicant’s rejection, indicating which of the basic requirements and/or considerations for fellowship or membership have not been met; and the facts and basis for the decision.

#### 5.1.2 Response by Applicant

The Applicant shall have thirty (30) days following receipt of notice to submit in writing a request for an Admissions Hearing.

### 5.1.3 Setting up the Hearing

The Association shall refer the Applicant's request for hearing to the designated Hearing Committee. Within thirty (30) days after receipt of such request, the Hearing Committee will schedule the Admissions Hearing and give the Applicant written notice of its time and date. Admissions Hearings will be held virtually. The hearing date shall be at least thirty (30) days after the date of the hearing notice. Additionally, the Hearing Committee shall notify the Membership Council, and the Membership Council will identify a representative to participate in the Admissions Hearing. The Membership Council representative shall not serve as a member of the Hearing Committee or participate in the committee's deliberations or vote.

### 5.1.4 Time Frame for Hearing

The Admissions Hearing shall commence no later than sixty (60) calendar days from the date the Association receives the request for the hearing.

### 5.1.5 Postponements and Extensions

The Applicant may request a postponement of the Admissions Hearing or an extension of any time limits provided in these procedures. The Hearing Committee Chair shall permit postponements or extensions upon a showing of good cause.

## 5.2 The Hearing Committee

### 5.2.1 Composition; Chair

The President of the Association will appoint three (3) Fellows of the Association to serve on the Hearing Committee and designate one member as the Committee Chair. Members of the Committee shall not (1) have actively participated in the consideration of the application, or (2) participate in a case that involves a Fellow or Member with whom that individual has a personal relationship or is in partnership or in direct economic competition. However, mere knowledge of the matter involved or of the applicant shall not preclude a Fellow from serving on the Hearing Committee, so long as the Committee member feels that they can consider the matter objectively and fairly.

### 5.2.2 Role of the Chair

The Chair shall ensure that all hearing participants have a reasonable opportunity to be heard and to present relevant oral and documentary evidence. The Chair shall participate in the Committee's deliberations and vote, and in the development of the Committee's written recommendation and report to the Board.

## 5.3 The Admissions Hearing

### 5.3.1 Rights of the Parties

At the hearing, the Applicant and the Membership Council representative shall have the following rights: to reasonably present their case; to introduce documents or other materials, including third-party statements in support of their position; and to present rebuttal evidence at the discretion of the Chair. The Applicant will present first, followed by the Membership Council representative. After each party's presentations, Members of the Hearing Committee may address questions to the Applicant and to the

Membership Council representative , even if the Applicant elects not to offer their own testimony in support of their application. Each party may then have the opportunity to briefly make any rebuttal or closing statement, at the discretion of the Hearing Committee Chair.

#### 5.3.2 Burden of Proof

The Applicant has the burden of submitting evidence to prove their eligibility and qualifications for fellowships or membership. Because it is the Applicant's burden to prove that they should be a Fellow or Member, the Hearing Committee shall uphold the Board's rejection unless it finds that the Applicant has provided sufficient evidence showing that the Board's rejection was arbitrary and not supported by the evidence.

#### 5.3.3 Failure to Appear at the Hearing

Any Applicant who requests an Admissions Hearing and fails to appear (without cause) or who withdraws their Application prior to the Admissions Hearing shall be deemed to have voluntarily accepted the decision of the Board . The Board's decision shall automatically be deemed a "final action."

#### 5.3.4 Admissibility of Evidence

The rules of law relating to the examination of witnesses and presentation of evidence do not apply at the Admissions Hearing. The Hearing Committee Chair shall permit presentation of relevant evidence to assist the Hearing Committee in its consideration of the issues and to ensure that the Applicant has an adequate opportunity to be heard.

#### 5.3.5 Advice and Representation

Under the Association Bylaws, the purpose of the Admissions Hearing is intra-professional resolution of matters bearing on the qualities desired in Fellows or Members of the Association. Accordingly, an Applicant has the right to seek representation by legal counsel (at the Applicant's cost), by a Fellow of the Association in good standing, or the Applicant may choose to represent themselves at the Admissions Hearing. No later than fourteen (14) days prior the Hearing, the Applicant must notify the Association that they intend to have legal counsel or other permitted representation at the Admissions Hearing. In all cases, the Chair of the Hearing Committee shall set the rules regarding the provision of advice and decide questions concerning representation.

### 5.4 Hearing Committee Decision and Board Action

Upon conclusion of the presentations, the hearing shall be closed. The Hearing Committee shall meet in executive session to conduct its deliberations and develop its written report and recommendation. Within thirty (30) days of the Admissions Hearing, this report and recommendation shall be sent to the Applicant and Membership Council, and submitted to the Board for consideration at its next regularly scheduled meeting.

At its next regularly scheduled meeting after receipt of the Hearing Committee's report and recommendation, the Board shall render its final decision regarding the Applicant. The Board may affirm, modify or reverse the Hearing Committee recommendation.

The decision of the Board shall be final and effective immediately. A copy of the Board's written decision, including the primary reason(s) for its decision, shall be delivered to the Applicant and the

Membership Council no later than thirty (30) days after the Board's decision. The Membership Council will then notify the applicant of timing for admission.

## 5.5 Hearing Costs

The Applicant shall be responsible for any costs related to the presentation of their case, including any expenses of any representatives or legal counsel, and any evidence they produced for the Admissions Hearing. The Association shall bear the costs of the Hearing Committee members, the representative of the Membership Council, and related hearing costs.

## 5.6 Confidentiality

In accordance with the Association Bylaws, at no time during the entire membership application process, including the Admissions Hearings governed by these procedures, shall the Applicant have access to the files of the Membership Committee or the Board. Every aspect of the application and election process as it relates to any and all applicants is privileged and confidential.

## 5.7 Illinois Law

The privilege of being considered for election as Fellows or Members of the Association is governed by the law of the state of Illinois, where the Association's principal offices are located. Illinois law provides that an Applicant may not seek judicial review of an adverse decision on his or her application except where membership has been held by a court of law to be an economic necessity. The law of the state of Illinois shall govern every aspect of an application for Fellowship or Membership.