

COMMISSION ON MASSAGE THERAPY ACCREDITATION (COMTA)

A .1 – COMPLAINT PROCEDURE

1. Investigation

A. A complaint must be sent in writing to the COMTA Executive Director who will perform an initial investigation of the complaint. Complaints may be dismissed for reasons of either lack of jurisdiction or lack of sufficient evidence to establish probable cause. The Executive Director may ask for further information or determine that there is sufficient evidence to warrant further investigation or consideration. The Executive Director will act within thirty (30) days of receiving the complaint.

When the Executive Director has determined that further investigation or consideration is warranted, a notice will be sent to the responding institution so that the institution is aware of the complaint filed against it. A copy of the complaint procedure will be sent to both parties.

B. When the Executive Director determines that further investigation is warranted, the Commission Chair shall appoint a complaint committee. The composition, size and term of this committee shall be determined by the Executive Committee of the Commission. The COMTA Executive Director shall then forward the complaint to the chair of the complaint committee.

- A letter requesting information about the complaint will be sent to the both parties as king for a response within ten days after receiving the notice. An extension may be granted if judged reasonable by the Committee.
- The Committee may call either party by telephone for clarification of information provided.
- Based on the investigation, the committee will submit a recommendation in writing to both parties and the Commission within sixty (60) days of the complaint filing date.

The Complaint Committee will have three options for recommendation:

1. Inform both parties of recommended resolution.
2. Extend the investigation to gather further information.
3. Invite both parties to a formal hearing.

In the absence of a complaint committee, the COMTA Executive Director may undertake the above activities.

2. Formal Hearing

If a resolution is not reached after the initial investigation or if deemed necessary by the Complaint Committee, a formal hearing will be held within six (6) months. Both parties will be asked to attend at their own expense.

The hearing committee shall be a committee of the Commission, appointed by its Chair. Both parties or their designated representatives, and any witnesses, shall be in attendance.

After hearing testimony from both parties, the Commission committee will convene in executive session to reach a decision. Decisions will be communicated in writing to both parties within two (2) weeks of the hearing.

3. Guidelines for Investigation by Complaint Committee

When investigating a complaint, the Committee/Executive Director shall gather as much information relevant to the complaint as possible. Should the complaint committee feel a special site visit is warranted, a request will be forwarded to the Executive Committee. The following questions and information may serve as guidelines for the Committee during the investigation. Information will be gathered from both parties.

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(COMTA)**

- A. Explain the specific nature of incident upon which this complaint is based.
 - B. When/how did this happen? Date, time, under what circumstances?
 - C. Where did this happen? At school, on the phone, through a letter, etc.?
 - D. Is there a specific policy of the school or its program that addresses such incidents? Request copy of the policy and what source it comes from i.e., catalog, brochure, student contract, etc.
 - E. People involved: names, addresses, and telephone numbers.
 - F. Information gathered: testimony, documents, telephone calls, and letters.
 - G. Aggrieved party's position and request for resolution.
 - H. School's position and suggestions for resolution.
 - I. Investigator/Committee recommendation.
 - J. Copies of all correspondence among Complaint Committee members and all collected documentation shall be forwarded to the COMTA Executive Director as they are compiled.
4. Complaints against COMTA Commissioners, Staff, and Volunteers
- A. All aspects of sections 1 through 3 of the Complaint Process shall be followed except as noted below.
 - B. When a complaint is lodged against the Executive Director, the Executive Director is obligated to immediately direct that complaint to the COMTA Chair. The Chair will then perform the relevant functions of the Executive Director or delegate those functions to another Commissioner.
 - C. When a complaint is lodged against the COMTA Chair, the Vice-Chair will perform all functions in the complaint process normally assigned to the Chair.
 - D. No commissioner may be involved in the investigation or consideration of a complaint directed against her/him.