

**Joint Discipline Council
Rules of Procedure for
Proceedings Before
Hearing Panels and Appeal Panels**

September 13, 2017

**JOINT DISCIPLINE COUNCIL
RULES OF PROCEDURE FOR PROCEEDINGS BEFORE
HEARING PANELS AND APPEAL PANELS**

The Joint Discipline Council (“JDC”) has established these Rules of Procedure (“Rules”) pursuant to the Amended and Restated Agreement on Joint Discipline (the “Agreement”), dated as of December 10, 2015, among the actuarial organizations that are signatories thereto (the “Participating Organizations”). These Rules govern proceedings before Hearing Panels and Appeal Panels under the Agreement that involve members of the Participating Organizations. Pursuant to the Agreement, such matters are referred by two or more Participating Organizations to the JDC based upon

- (i) a recommendation by the Actuarial Board for Counseling and Discipline (“ABCD”) or other appropriate body with authority under a cross-border agreement to investigate and make findings with respect to the conduct of such members (a “Referring Body”); and
- (ii) election by the member (the “Subject Actuary”) to proceed with a hearing before a Hearing Panel.

These Rules are intended to provide a fair procedure for considering a recommendation of the ABCD or other Referring Body by providing for notice, an opportunity to respond, and a fair and impartial decision maker.

The JDC may amend, modify or supplement these Rules as it deems necessary and appropriate. Interpretation of these Rules, and their application to any proceedings conducted under them, shall be determined solely and finally by the Hearing Panel hearing the matter and by the Appeal Panel hearing any appeal in the same matter.

1. HEARING PANEL AND APPEAL PANEL POOL

- A. The Directors of the JDC, which shall consist of the Presidents and Presidents-Elect of the Participating Organizations appointed and serving in accordance with the Bylaws of the JDC (the “Directors”), shall establish and oversee a pool (“Pool”) of potential Hearing Panel and Appeal Panel members who are members of the Participating Organizations.
- B. The Directors from the Participating Organizations of which the Subject Actuary is a member are responsible for selecting members of the Pool to serve on Hearing Panels or Appeal Panels in accordance with the provisions of these Rules. A proceeding will commence upon receipt by the JDC of notice from two or more Participating Organizations that a Subject Actuary has elected to proceed before the JDC.
- C. To facilitate appointment of Hearing Panels and Appeal Panels satisfying the requirements set forth in Rule 3, each of the Participating Organizations will designate a number of its members to form the Pool of volunteers for proceedings.

- i. Each Participating Organization should designate at least eight (8) of its members for the Pool.
- ii. The members designated by each Participating Organization for the Pool must hold memberships in one or more of the Participating Organizations. A significant number of those in the Pool should hold multiple memberships in the Participating Organizations in order to meet the requirements of Rule 3.
- iii. Members designated for the Pool should be available and willing to accept assignments to Hearing Panels or Appeal Panels for a period of at least two years.

2. COMMENCEMENT OF PROCEEDINGS AND APPOINTMENT OF HEARING PANEL AND APPEAL PANEL

- A. Upon receipt of notice from two or more Participating Organizations that a Subject Actuary against whom either
 - (i) the ABCD has made a recommendation of discipline or
 - (ii) another Referring Body, has made a finding of a violation of the rules of professional conduct,
 has elected to proceed before the JDC, the JDC will commence a proceeding to consider the matter.
- B. The Directors from the Participating Organizations of which the Subject Actuary is a member shall appoint a Hearing Panel, including a chairperson (the “Chair”), from the Pool to consider the recommendation from the ABCD or finding of a violation by a Referring Body. If the Hearing Panel should make a recommendation of disciplinary action from which the Subject Actuary requests an appeal, the Directors from the Participating Organizations of which the Subject Actuary is a member will appoint an Appeal Panel and name the Chair of such Appeal Panel.

3. COMPOSITION OF HEARING PANELS AND APPEAL PANELS

- A. The Directors from the Participating Organizations of which the Subject Actuary is a member will appoint a Hearing Panel, consisting of five (5) members selected from the Pool in accordance with the provisions of this Rule 3. Any Appeal Panel, which shall also have five (5) members, shall also be appointed by the Directors from the Participating Organizations of which the Subject Actuary is a member in accordance with the provisions of this Rule 3.
- B. The composition of Hearing Panels or Appeal Panels for a proceeding will meet the following requirements:

- i. One (1) Panel member will be appointed by the Directors from each Participating Organization of which the Subject Actuary is a member and drawn from the members of the Pool designated by that Participating Organization.
 - ii. Every Panel member shall be a member of at least one (1) of the Participating Organizations of which the Subject Actuary is a member, and the membership of the Panel as a whole shall have persons who are members of each of the Participating Organizations of which the Subject Actuary is a member.
 - iii. The Panel shall consist only of persons who are members of the Participating Organizations of which the Subject Actuary is a member. No person shall be disqualified from serving on a Panel merely because he or she is a member of a Participating Organization of which the Subject Actuary is not a member, provided that such person is also a member of at least one (1) Participating Organization of which the Subject Actuary is a member.
 - iv. The Panel will have a majority of members from each of the Participating Organizations of which the Subject Actuary is a member, unless the Directors from such Participating Organizations, in their sole discretion, determine that compliance with this requirement is not feasible.
 - v. Subject to Rule 3.b.vi, if the Directors from the Participating Organizations of which the Subject Actuary is a member determine that compliance with Rule 3.b.iv is not feasible, such Directors shall appoint a Panel to hear the matter that has a majority of members from as many of the Participating Organizations of which the Subject Actuary is a member as such Directors determine is feasible, and the Panel so appointed shall hear the matter.
 - vi. If a Panel does not have a majority of members from a Participating Organization of which the Subject Actuary is a member and such lack of a majority of members is inconsistent with the bylaws of that Participating Organization, then the proceeding will be terminated and the matter will be referred back to all Participating Organizations of which the Subject Actuary is a member to consider and act upon the recommendation of the ABCD or other Referring Body using those Participating Organizations' own respective procedures.
- C. No person with a conflict of interest, as defined in Rule 3.C.i, or disqualified under the provisions of Rule 3.C. ii may serve on a Hearing Panel or Appeal

Panel. If application of Rule 3.C.i and Rule 3.C.ii leave an insufficient number of persons in the Pool to fill a Hearing Panel or Appeal Panel in a proceeding, the Directors from the Participating Organizations of which the Subject Actuary is a member will appoint (a) special member(s) to the Hearing Panel or Appeal Panel to complete the formation of the Panel.

- i. A conflict of interest exists when a person has any interest of any type that prevents, or could reasonably prevent, such person from performing his or her duties, as described in these Rules, with integrity and objectivity.
- ii. Without in any way limiting the applicability of Rule 3.C.i, a person is disqualified from serving on a Hearing Panel or Appeal Panel in the following circumstances:
 - a. such person filed or joined a disciplinary complaint against the Subject Actuary at any time;
 - b. such person has personal knowledge of the facts relevant to the proceeding or may have material information relevant or reasonably likely to be relevant to the outcome of the proceeding;
 - c. such person is employed by the same entity as the Subject Actuary or by an entity that controls, is controlled by, or is under common control with the entity that employs the Subject Actuary;
 - d. such person has a financial interest that will be materially affected or is reasonably likely to be materially affected by the outcome of the proceeding;
 - e. such person is within the third degree of relationship to the Subject Actuary or the spouse of the Subject Actuary; or
 - f. such person has a personal bias or prejudice concerning the Subject Actuary.

4. CONSIDERATION OF A RECOMMENDATION FROM THE ABCD OR A FINDING FROM A REFERRING BODY

- A. The Hearing Panel will hold a hearing to consider the matter unless both the Subject Actuary and the Chair of the Hearing Panel agree that it need not be held.
 - i. JDC legal counsel shall prepare written notice of the hearing, which notice shall include the items set forth in this Rule 4. Not less than forty-five (45) days in advance of the hearing date, the Chair (or JDC legal counsel, if the Chair shall so request) will provide the Subject Actuary written notice of the hearing. The notice will be given by certified mail or by other means in which receipt may be verified, as the Chair may direct.

The 45-day time limit may be waived by the Chair and the Subject Actuary. The notice will:

- a. Advise the Subject Actuary of the date, time, and place at which the Hearing Panel will consider the matter;
 - b. Advise the Subject Actuary that disciplinary action has been recommended by the ABCD or by another Referring Body, state the violation(s) made, and cite the specific Code of Professional Conduct precept violations or violations of other applicable rules of professional conduct that are alleged;
 - c. Advise the Subject Actuary of the right to submit any new evidence that was not previously made available to or considered by the ABCD or other Referring Body, subject to Rule 4.A.vii below;
 - d. Advise the Subject Actuary of the right to appear at the hearing before the Hearing Panel with or without counsel. If the Subject Actuary chooses to have counsel, the Subject Actuary shall bear all fees, costs, and other expenses of counsel;
 - e. List the individuals who will serve on the Hearing Panel and advise the Subject Actuary of the right to object to any Panel member under Rule 4.A.iv, provided that the Subject Actuary must state the basis for that objection in writing within fifteen (15) days of the date of the written notice of the hearing from the Chair;
- ii. The date, time or place of the hearing may be changed in the discretion of the Chair.
 - iii. The Subject Actuary will have the right to appear personally and with counsel (at the expense of the Subject Actuary) at such hearing to explain the Subject Actuary's position concerning the findings and recommendations of the ABCD or other Referring Body. If the Subject Actuary wishes to appear personally before the Hearing Panel, he or she must so notify the Chair of the Hearing Panel not less than fifteen (15) days before the hearing date. The role of the Subject Actuary's counsel will be limited to advising the Subject Actuary and articulating appropriate procedural objections. Counsel for the Hearing Panel may also attend the hearing, but is not an advocate of the ABCD's recommendation or other Referring Body's findings or an advocate for or against discipline; rather, the role of the Hearing Panel's counsel is to advise the Hearing Panel with respect to its application of these Rules and the conduct of a fair hearing.
 - iv. The Subject Actuary will have the right to object to the participation of any member of the Hearing Panel, provided that such objection is filed in

writing with the JDC within fifteen (15) days of the date of the written notice of hearing and sets forth the basis of the objection and the specific sections or sections (including subsections) of Rule 3.C supporting the objection. Failure to file an objection within the specified time shall be deemed a waiver of any such objection. If an objection is filed, the Directors from the Participating Organizations of which the Subject Actuary is a member may meet by telephone or in person to consider and rule upon any such objection, and in their sole discretion may replace one or more members of the Hearing Panel (including the Chair) in response to such an objection.

- v. If an investigator was appointed by the ABCD or other Referring Body to assist in reviewing the matter at issue, such investigator may be requested by the Chair to appear and present a report at the Hearing Panel hearing. Such investigator may decline to appear.
- vi. A hearing need not be held if the Subject Actuary waives his or her right to appear before the Hearing Panel. If the Subject Actuary waives his or her right to appear before the Hearing Panel, the Subject Actuary may elect to submit a written statement to the Hearing Panel. If the Subject Actuary waives his or her right to appear at a hearing, the Chair will so advise the Panel members and the Panel will then meet in person, subject to the provisions of Rule 4.A.viii, to consider the matter under review and render a recommendation or take other action in accordance with the Agreement and these Rules.
- vii. If the Subject Actuary wishes the Hearing Panel to consider any additional factual materials or new evidence (“New Information”) that was not considered by the ABCD or other Referring Body, such New Information must be submitted in writing to the Chair at least fifteen (15) days in advance of the hearing, accompanied by an explanation from the Subject Actuary as to why the New Information was not submitted to the ABCD or other Referring Body during its proceedings. The Hearing Panel will decide whether to receive the New Information and, if the New Information is received, what weight, if any, should be given to it.
- viii. The Subject Actuary’s hearing before the Hearing Panel will be scheduled with the expectation that all members of the Panel will attend in person. If, due to unforeseen circumstances, a member of the Panel is unable to attend the hearing in person, the Chair may, in his or her discretion, arrange for the Panel member to participate through the use of a conference telephone or other communications equipment by means of which all persons participating in the hearing can communicate with each other, and such participation shall constitute attendance and presence in person at the hearing. Only one Panel member may be allowed to conference into the hearing. A hearing of the Hearing Panel may not proceed unless all members of the Hearing Panel are present as defined in these Rules.

- ix. A transcript will be made of the hearing of the Hearing Panel by a court reporter selected by the entity administering the JDC process. No other recording of the hearing will be permitted.
- x. The hearing is intended to address the professional conduct of the Subject Actuary. Professional dialogue between the Subject Actuary and Hearing Panel members should not be impeded by formal legal rules of evidence or procedure. Accordingly, there will be no discovery, no depositions or interrogatories, and no new information or testimony presented by the Subject Actuary that was not provided in writing at least fifteen (15) days prior to the hearing.
- xi. The Subject Actuary may make an oral presentation of reasonable length (as determined by the Chair) and respond to any questions posed by the Hearing Panel members.
- xii. The Hearing Panel recommendation will be based on the investigative report, written record and any further information, including, without limitation, any documents and hearing transcripts, provided by the ABCD or other Referring Body and the Hearing Panel's hearing record, including, without limitation, any New Information the Panel decides to receive under Rule 4.A.vii. In reaching its recommendation the Hearing Panel may consider without limitation the intent of the Subject Actuary, whether any violation of the Code of Professional Conduct or other applicable rules of professional conduct was willful, the economic loss or other harm caused by the conduct alleged, the seriousness of the alleged violation, the experience of the Subject Actuary, any alleged prejudicial material errors in the process of the ABCD or other Referring Body, and any other factors the Hearing Panel deems appropriate. The Panel may also take into consideration whether the Subject Actuary has been disciplined before, and the Chair is authorized to inquire with the ABCD or other Referring Body or any other body in this regard, although the ABCD or other Referring Body is not required to provide any comment or information solely as determined by the ABCD or other Referring Body.
- xiii. The recommendation of the Hearing Panel will include a written report of its findings and the rationale for the recommendation. If the Hearing Panel determines that a material violation of the Code of Professional Conduct has not occurred, the decision should explain why the Hearing Panel's conclusion differs from that of the ABCD. If the Hearing Panel determines that a material violation has occurred, the decision should cite the specific Code precept or precepts violated and explain how the Subject Actuary's conduct constituted a material violation of each Code precept cited. The Hearing Panel decision should also contain the rationale for the disciplinary action recommended.

- B. The Hearing Panel may dismiss the matter or recommend disciplinary action. Disciplinary action may include a private reprimand, public reprimand, suspension of membership, or expulsion. The Hearing Panel may also refer the matter to the ABCD or other Referring Body to counsel the Subject Actuary, whether or not the Hearing Panel recommends imposition of disciplinary action. Counseling alone does not constitute discipline.
- C. A recommendation of disciplinary action requires an affirmative vote of a supermajority of the Hearing Panel. For purposes of these Rules, a “supermajority” will be defined as all or all but one of the members of the Hearing Panel. A decision to refer the Subject Actuary for counseling alone (without attendant recommendation of disciplinary action) requires only a simple majority vote of the members of the Hearing Panel.
- D. Any recommendation of disciplinary action from a Hearing Panel of any form of discipline, whether it be a private reprimand, public reprimand, suspension, or expulsion, will be effective forty-five (45) days after the date of the action, if the Subject Actuary does not appeal the recommendation. If the Subject Actuary appeals the recommendation, the action will be effective as set forth in Rule 5 below. A dismissal of the action will be effective when the decision is issued.
- E. A recommendation of disciplinary action from the Hearing Panel will be referred to each of the Participating Organizations of which the Subject Actuary is a member for final action, if the Subject Actuary does not appeal the Hearing Panel’s recommendation. The Participating Organizations of which the Subject Actuary is a member will consider the recommendation and make any decisions with respect to it in accordance with their own respective procedures and in the exercise of their own independent judgments. If the Subject Actuary appeals the action of the Hearing Panel, the recommendation of the Hearing Panel will be effective as set forth in Rule 5 below.
- F. The Chair of the Hearing Panel will notify the Subject Actuary of the Hearing Panel’s recommendation in writing and will provide a copy of the recommendation to each Participating Organization of which the Subject Actuary is a member. Notice will be given by certified mail or by other means in which receipt may be verified, as the Chair may direct. The notice will:
 - i. Include a copy of the Hearing Panel’s recommendation and report;
 - ii. Advise the Subject Actuary of his or her right to appeal any recommendation of disciplinary action to an Appeal Panel, and the grounds upon which an appeal may be based;
 - iii. Advise the Subject Actuary that a written request to appeal any recommendation of disciplinary action must be submitted to the JDC within forty-five (45) days from the Subject Actuary’s receipt of the Hearing Panel’s recommendation.

- iv. In the case of a dismissal of the action, advise the Participating Organizations of which the Subject Actuary is a member that a dismissal has occurred.

5. APPEALS

A Subject Actuary against whom a recommendation of private reprimand, public reprimand, suspension, or expulsion has been made will be entitled to appeal such recommendation solely on the grounds of: (1) a material procedural error in the Hearing Panel proceeding; (2) a material factual error by the Hearing Panel evident from the record of the proceeding; (3) a material misconstruction or misapplication of the Code of Professional Conduct; and (4) the existence of new evidence that was not reasonably available during the Hearing Panel proceeding. Any appeal that is not based upon one of these grounds will be rejected.

Appeals will be subject to the following:

- A. The Subject Actuary must submit a written request for an appeal stating the specific grounds for the appeal to the JDC within forty-five (45) days from receipt of the Hearing Panel's recommendation. The Appeal Panel will be appointed pursuant to the provisions of Rule 2.B, Rule 3, and Rule 4.A.iv.

Upon receipt of an appeal, the Directors from the Participating Organizations of which the Subject Actuary is a member will select an Appeal Panel from the Pool meeting the same selection criteria, and subject to the Subject Actuary's same right of objection, as set forth in Rule 2.B and Rule 3. No person who served on the Hearing Panel may serve on the Appeal Panel considering the same matter.

In the event of an appeal by the Subject Actuary, the full written record, findings, recommendation, report and vote of the Hearing Panel will be made available to the Appeal Panel.

- B. The Appeal Panel will hold a hearing to consider the Subject Actuary's grounds for appeal. The Chair of the Appeal Panel will provide the Subject Actuary written notice of this hearing, including the time, date, and place where the Appeal Panel will consider the matter, not less than forty-five (45) days in advance of the hearing date. This notice will be given by certified mail or by other means in which receipt may be verified, as the Chair may direct. The 45-day time limit may be waived by the Chair and the Subject Actuary. The time, date, or place of the hearing may be changed, in the discretion of the Chair, for good cause shown. The notice will:
 - i. Advise the Subject Actuary of the right to appear at the hearing before the Appeal Panel with or without counsel. If the Subject Actuary chooses to have counsel, the Subject Actuary shall bear all fees, costs, and other expenses of counsel;

- ii. List the individuals who will serve on the Appeal Panel and advise the Subject Actuary of the right to object to any Appeal Panel member under Rule 5.C, provided that the Subject Actuary must state the basis for that objection in writing within fifteen (15) days of receipt of the written notice from the Chair.
- C. The Subject Actuary will have the right to object to the participation of any member of the Appeal Panel, provided that such objection is filed in writing with the JDC within fifteen (15) days of the date of the written notice of hearing and sets forth the basis of the objection and the specific section or sections (including subsections) of Rule 3.C supporting the objection. Failure to file an objection within the specified time shall be deemed a waiver of any such objection. If an objection is filed, the Directors from the Participating Organizations of which the Subject Actuary is a member may meet by telephone or in person to consider any such objection, and in their sole discretion may replace one or more members of the Appeal Panel (including the Chair) in response to such an objection.
- D. The Subject Actuary may appear personally and with counsel (at the Subject Actuary's expense) before a hearing of the Appeal Panel to explain the Subject Actuary's position concerning the Hearing Panel's recommendation and the basis for appeal. If the Subject Actuary wishes to appear personally before the Appeal Panel, he or she must so notify the Chair of the Appeal Panel not less than fifteen (15) days before the hearing date. The Subject Actuary may make an oral presentation of reasonable length (as determined by the Chair) and respond to any questions posed by the Appeal Panel members. The role of the Subject Actuary's counsel will be limited to advising the Subject Actuary and articulating appropriate procedural objections. Counsel for the Appeal Panel may also attend the hearing, but is not an advocate of the Hearing Panel's recommendation or an advocate for or against discipline; rather, the role of the Appeal Panel's counsel is to advise the Appeal Panel with respect to its application of these Rules and the conduct of a fair hearing. A transcript will be made of the Appeal Panel hearing by a court reporter selected by the entity administering the JDC process. No other recording of the hearing will be permitted.
- E. A hearing need not be held if the Subject Actuary waives his or her right to appear before the Appeal Panel. If the Subject Actuary waives his or her right to appear before the Appeal Panel, the Subject Actuary may elect to submit a written statement to the Appeal Panel. If the Subject Actuary waives his or her right to appear at a hearing, the Chair will so advise the Panel members and the Panel will then meet in person, subject to the provisions of Rule 5.G, to consider the matter under review and render a decision in accordance with the Agreement and these Rules.
- F. The Appeal Panel will, if feasible, conduct and complete the appeal within ninety (90) days after the earlier of (i) the initial appointment of the Appeal Panel appointed or (ii) after resolution of any objection by the Subject Actuary to the

composition of the Appeal Panel. Completion of the appeal within the time set forth in this Rule 5.F, however, is not required. The scope of the Appeal Panel's review will be limited to determining whether there was or is (a) a material procedural error in the Hearing Panel proceeding; (b) a material factual error by the Hearing Panel evident from the record of the proceeding; (c) a material misconstruction or misapplication of the Code of Professional Conduct; or (d) new evidence that was not reasonably available during the Hearing Panel proceeding that warrants a recommendation different from that of the Hearing Panel. The recommendation of the Hearing Panel may be affirmed or reversed, in whole or in part, or remanded to the Hearing Panel with instructions for further proceedings. An affirmance or reversal in part shall not preclude a remand if the Appeal Panel determines that a remand to the Hearing Panel with instructions for further proceedings is appropriate. In the case of a remand, the matter will be remanded to the Hearing Panel that previously considered the matter, unless the matter is remanded because of a procedural defect in the composition of the original Hearing Panel, in which case the matter will be remanded to a new Hearing Panel appointed by the Directors from the Participating Organizations of which the Subject Actuary is a member. A decision of the Appeal Panel requires a simple majority vote of the members of the Appeal Panel.

- G. The Subject Actuary's hearing before the Appeal Panel will be scheduled with the expectation that all members of the Panel will attend in person. If, due to unforeseen circumstances, a member of the Panel is unable to attend the hearing in person, the Chair may, in his or her discretion, arrange for the Panel member to participate through the use of a conference telephone or other communications equipment by means of which all persons participating in the hearing can communicate with each other, and such participation shall constitute attendance and presence in person at the meeting. Only one Panel member may be allowed to conference into the hearing. A hearing of the Appeal Panel may not proceed unless all members of the Appeal Panel are present as defined in these Rules.
- H. The Appeal Panel decision will include a written statement of the Panel's findings and conclusions and will be provided to the Subject Actuary, the Chair of the Hearing Panel, the Appeal Panel members, the Chairperson of the JDC, and the Participating Organizations of which the Subject Actuary is a member. An Appeal Panel decision to affirm the recommendation of a Hearing Panel is final and effective on the date the appeal decision is issued. A recommendation of discipline affirmed in whole or in part by an Appeal Panel will be referred to each of the Participating Organizations of which the Subject Actuary is a member for a final action. Each Participating Organization of which the Subject Actuary is a member will consider the recommendation and make any decision in accordance with its own procedures and in the exercise of its own independent judgment.

6. CONFIDENTIALITY OF PROCESS

- A. Except as (i) determined by the Board of Directors of the JDC, (ii) provided in the Agreement and these Rules, (iii) waived by of the Subject Actuary, or (iv) required by law, any proceeding with respect to communications, investigations, and deliberations of a Hearing Panel or Appeal Panel will be confidential. This requirement will not preclude a Hearing Panel or Appeal Panel from advising, in its sole discretion, complainants that the matter has been concluded. This requirement of confidentiality will not preclude the Hearing Panel or Appeal Panel from reviewing previously closed files as they relate, in any manner, to the consideration of issues in the proceeding before it, consistent with the requirements of Section 6 of the Agreement. Further, this requirement will not preclude a Hearing Panel or Appeal Panel from providing the JDC and the Participating Organizations with reports limited solely to the status of proceedings that have been or are being conducted.
- B. The outcomes of Hearing Panel deliberations and Appeal Panel deliberations may be disclosed by the JDC as set forth in the Agreement, these Rules, as required by law, or as determined by the Board of Directors of the JDC.

Should there be any disclosure of information with respect to JDC proceedings not in accordance with the Agreement, these Rules, as required by law, or as determined by the Board of Directors of the JDC, the JDC will have the right to respond to such disclosure by providing factual information about the deliberations and proceedings. The JDC may also be required to divulge such records by court order or other legal process in some circumstances, or as necessary to fulfill its appointed functions.

Nothing in the Agreement, these Rules, or determined by the Board of the Directors of the JDC shall prevent a Participating Organization that imposes public discipline on a Subject Actuary from, in accordance with its own rules and procedures, disclosing the fact of such discipline, the grounds for such discipline, and any other information that the Participating Organization determines to be relevant to its imposition of public discipline.

7. DISPOSITION

- A. Upon the final resolution of a proceeding (including any appeal or the expiration of any appeal period), the JDC legal counsel will:
- i. Notify each Participating Organization of which the Subject Actuary is a member, and provide to it a complete copy of the record of the proceeding. Such notification will be given to the President and Executive Director of such Participating Organization, unless that Participating Organization has designated another person to receive such notices from the JDC.

- ii. Notify the ABCD or other Referring Body of the outcome of the proceeding. When the outcome involves recommendation of a form of public discipline, the JDC will advise the ABCD or other Referring Body that the recommendation has been referred back to each of the Participating Organizations of which the Subject Actuary is a member for consideration, that no discipline has been imposed until such a Participating Organization takes action imposing discipline in accordance with its own procedures and in the exercise of its own independent judgment, and that until at least one (1) Participating Organization of which the Subject Actuary is a member and has made a final determination and published a Notice of Public Discipline, the recommendation is still subject to confidentiality.
- B. The notification described in Rule 7.A will only be given after the Subject Actuary has been notified of the recommendation of the Hearing Panel and decision of the Appeal Panel, as applicable, or reasonable efforts have been made to effect that notification.
- C. Each Participating Organization of which the Subject Actuary is a member will initiate and direct any action necessary to consider the recommendation by the Hearing Panel (or Appeal Panel, where applicable). Each such Participating Organization will consider the recommendation in accordance with its own procedures and make the final determinations on what discipline, if any, to impose in response to the recommendation in the exercise of its own independent judgment.
- D. If a Subject Actuary who has been suspended or expelled from a Participating Organization is subsequently reinstated by such Participating Organization, that Participating Organization will give notice of such action to its membership and to entities previously advised of the suspension or expulsion.

8. NOTICE

The requirement that notice be given pursuant to these Rules will be satisfied when notice has been: (a) personally delivered to the person or entity to whom the notice is addressed; (b) deposited in a U.S. Postal Service mailbox, postage prepaid, addressed to the last known address of such person or entity; (c) deposited with a courier service that is capable of verifying delivery to the last known address of such person or entity; or (d) delivered by any means agreed to by the JDC and the Subject Actuary or the Subject Actuary's counsel.

9. REPORT ON ACTIVITIES

The JDC will periodically, and no less than twice each calendar year, report to the Participating Organizations on its activities and developments, including the number and disposition of proceedings that have been resolved and the number and status of proceedings that are pending.