

Proposed Revisions to Article 2 of CFP Board’s *Disciplinary Rules and Procedures*

The chart below displays the current text of Article 2 of CFP Board’s *Disciplinary Rules and Procedures* beside proposed revisions developed by CFP Board’s Board of Directors and Disciplinary and Ethics Commission. CFP Board welcomes comments on the proposed revisions. For more information about the revision process and public comment period, visit www.CFP.net.

	CURRENT TEXT OF <i>DISCIPLINARY RULES AND PROCEDURES</i>	PROPOSED TEXT OF <i>DISCIPLINARY RULES AND PROCEDURES</i>
Article 2.1 – Function and Jurisdiction of the Commission	CFP Board’s Disciplinary and Ethics Commission (referred to herein as the “Commission”), formed pursuant to and governed by the bylaws of CFP Board, is charged with the duty of investigating, reviewing and taking appropriate action with respect to alleged violations of the <i>Rules of Conduct</i> and alleged non-compliance with the <i>Practice Standards</i> as promulgated by CFP Board and shall have original jurisdiction over all such disciplinary matters and procedures.	CFP Board’s Disciplinary and Ethics Commission (referred to herein as the “Commission”), formed pursuant to and governed by the bylaws of CFP Board, is charged with the duty of reviewing and taking appropriate action with respect to alleged violations of the <i>Rules of Conduct</i> and alleged non-compliance with the <i>Practice Standards</i> as promulgated by CFP Board and shall have original jurisdiction over all such disciplinary matters.
Article 2.2 – Powers and Duties of the Commission	The Commission shall be authorized and empowered to:	The Commission shall be authorized and empowered to:
	(a) Enlist the assistance of CFP® certificants to assist with investigations, or serve temporarily on a Hearing Panel;	(a) Evaluate the performance of the volunteers during the hearings;
	(b) Periodically report to CFP Board’s Board of Directors on the operation of the Commission;	(b) Periodically, and no less frequently than annually, report to the Chief Executive Officer and Board of Directors of CFP Board on the operation of the Commission;
		(c) Provide input to the CEO on the selection of prospective Commission members. The Commission Chair and Chair-Designee shall provide input to the CEO on the selection of prospective volunteers who serve temporarily on a Hearing Panel;
		(d) At its summer meeting each year, the Commission shall recommend to the CEO, subject to the CEO’s appointment, the Commission Chair to serve during the following calendar year;



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Article 2.2 (continued) – Powers and Duties of the Commission	(c) Adopt amendments to these <i>Disciplinary Rules and Procedures</i> , subject to review and approval of CFP Board’s Board of Directors; and	(e) Recommend to the CEO, subject to review and approval of the Board of Directors, amendments to these <i>Disciplinary Rules and Procedures</i> ;
		(f) Recommend, for the CEO’s review and approval, proposed rules or procedures relating to the Probable Cause Determination process;
	(d) Adopt such other rules or procedures as may be necessary or appropriate to govern the internal operations of the Commission.	(g) Adopt rules or procedures, subject to review and approval of the CEO, as may be necessary to ensure that the hearings, ratification process and disciplinary decisions are fair to all participants; and
		(h) Recommend to the CEO such other rules or procedures as may be necessary or appropriate.
Article 2.3 – Powers and Duties of the CEO of CFP Board	The CEO shall be authorized and empowered to:	The CEO shall be authorized and empowered to:
		(a) Appoint the Commission Chair, members and volunteers of the Commission;
		(b) Oversee the Commission to ensure it follows the established rules and procedures required to provide a fair process to all participants;
		(c) Ensure that each Hearing Panel is comprised of individuals who act in an impartial and objective manner and have no conflicts of interest with the complainant or CFP® certificant subject to the complaint;
		(d) Conduct appropriate background investigations of prospective Commission members and volunteers; seek the input of the Board of Directors and the Commission on prospective Commission members; and seek the input of the Commission Chair and Chair-Designee on prospective volunteers.

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Article 2.3 (continued) – Powers and Duties of the CEO of CFP Board		(e) Report to the Board of Directors the intended appointments to, and activities of, the Commission.
Article 2.4 – Hearing Panel	The Hearing Panel may consist of members of the Commission who have been designated Hearing Panel members, enlisted CFP® certificants and up to one individual who is not a CFP® certificant. A Panel shall consist of at least three persons. At least one member of every Hearing Panel shall be a member of the Commission and at least two members of every Hearing Panel shall be CFP® certificants. One member of each Hearing Panel shall serve as Chair of that hearing. The Chair shall rule on all motions, objections and other matters presented in the course of the hearing and must be a voting member of the Commission.	The Hearing Panel shall consist of three persons, two of whom must be CFP® certificants. A Hearing Panel shall be comprised of two Commission members and one volunteer, unless circumstances make it impractical. One member of each Hearing Panel shall serve as Chair of that hearing. The Hearing Panel Chair must be a Commission member. The Chair shall rule on all motions, objections and other matters presented at, or prior to, a hearing.
Article 2.5 – Disqualification	Commission members shall refrain from participating in any proceeding in which they, a member of their immediate family or a member of their firm have any interest or where such participation otherwise would involve a conflict of interest or the appearance of impropriety.	Commission members shall refrain from participating in any proceeding in which they, a member of their immediate family or a member of their firm have any interest or where such participation otherwise would involve a conflict of interest or the appearance of impropriety.
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	<i>PROCEDURES</i>	<i>PROCEDURES</i>
Article 2.6	<p>CFP Board Counsel CFP Board Counsel may be either full- or part-time employees of CFP Board or may be non-employees who are attorneys. It will be the duty of CFP Board and CFP Board Counsel to maintain an office in such location as approved by CFP Board’s Board of Directors to serve as a central office for the filing of requests for the investigation of certificant or registrant conduct, for the coordination of such investigations, for the administration of all disciplinary charges of proceeding carried out pursuant to these Procedures, for the prosecution of charges of wrongdoing against certificants or registrants pursuant to the Procedures and for the performance of such other duties as are designated by the Commission or the Chief Executive Officer of CFP Board. CFP Board Counsel shall have ultimate responsibility to the Commission.</p>	<p>CFP Board Counsel and CFP Board Advisory Counsel, and the duties thereof: (a) CFP Board Counsel refers to the attorney who presents the case to the Hearing Panel. (b) CFP Board Advisory Counsel refers to the attorney who acts in an advisory capacity in providing advice on the <i>Standards of Professional Conduct</i> and hearing procedures to the Hearing Panel and the Commission during the Ratification Meeting. (c) No person shall act as both CFP Board Counsel and CFP Board Advisory Counsel during the same set of hearings.</p> <p>Article 2.7 - Venue Unless otherwise approved by the Board of Directors, CFP Board’s headquarters shall serve as a central office for the filing of requests for: (a) the investigation of certificant or registrant conduct; (b) the coordination of such investigations; (c) the administration of all disciplinary enforcement proceedings carried out pursuant to these <i>Procedures</i>; (d) the prosecution of charges of wrongdoing against certificants or registrants pursuant to these <i>Procedures</i>; and (e) the performance of such other activities as are designated by the CEO.</p>