

APA Division 42 Email List Policy and Procedures¹

Policy statement: APA Division 42 provides an online discussion forum ('Email list', or 'list') as a service and benefit to division members. The division offers the list to facilitate communications among Division members on topics pertaining to independent practice, to provide information from Divisional governance, and to promote the general aims of the Division. The resources (hardware, software, and technical assistance) for this resource are provided without charge by the American Psychological Association as a public service. The list is offered to all division members as a benefit of membership, provided members adhere to general and specific rules for participation as described below and as may be adopted from time to time by the Division. The division seeks to foster a supportive, collegial list environment. Consistent with APA ethical principles, list members are aware of and respect cultural, individual, and role differences, including those based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status and consider these factors when communicating with other list members, and when communicating about others on the list.

The list is administered under the direction of the Division 42 Internet Editor and Internet Associate Editor, who in turn report to the Publications and Communications Committee ("P&C"), which in turn reports to the division Board and Executive Committee. The Editors may appoint designees to operate the day-to-day technical activities related to maintenance of the list such as adding, unsubscribing or altering subscriptions at members' requests. The Internet Editor, Associate Editor and their designees are collectively the 'list administrators.'

Procedures:

(1) Joining/leaving the list. New division members will be advised about the availability of the list when they join the division, and from time to time in division print and electronic communications. Any Division 42 member may initiate a request at any time to join the list by submitting a request to the central office, or via email or subscription links available through the division web site. Members requesting to be added to or removed from the list will be responded to by list administrators in a timely manner.

(2) List content. Typically, members use the forum to exchange ideas and information related to the independent practice of psychology. The Division recognizes that the forum may also serve a social function for independent psychologists who may be in small or solo practices across the country, or in other countries. Consequently, the division also welcomes collegial and unlimited exchange of information, ideas, and opinions not directly related to the independent practice of psychology.

(3) Identification of content. To facilitate list members' abilities to receive, view, filter and delete content at their discretion, the list will adopt the following convention. Members

¹Adopted 13 February 2006.

will be encouraged to add 'subjects' as part of the title of their messages to identify the general nature of the content. All members sending posts to the list will be requested to include one of these 'subjects' ("topic headers") as the first word in the subject line, in capital letters. Members may select from the following topics:

CLINICAL	Assessment, treatment, case questions, pharmacology, clinical issues
BUSINESS	of practice, billing, forms, office procedures, and related
NEWS	For psychology/psychologists in the news, or APA or Divisional news
CHAT	For social comments between members, thank-yous, congratulations, etc
POLITICAL	for politics. Members are reminded that APA rules prohibit use of APA resources for the endorsement of candidates for political office. For those making use of the list for campaigning or endorsing candidates for positions in the Division's governance, the term CAMPAIGN MESSAGE should be used in the message's subject line.
OTHER	For all posts not falling into the above categories

List members will be reminded of this convention periodically through list administrator posts to the list, or by individual email from the list administrators as needed when the convention is not being followed.

The internet editor will have the prerogative to add, delete or otherwise modify topics in the interests of improving list functioning.

(4) General rules of use. Because the facilities for the list are provided by the American Psychological Association, the list adheres to specific APA requirements and limitations of communication that may or may not occur via the list. These are provided in the 'Welcome to the List' message, appended below.

(5) Specific rules of use.² In the interests of maintaining a collegial list environment for all members and to promote the fundamental purpose of the email list as a forum to exchange ideas and information related to the independent practice of psychology, the Division reserves the right to warn a member or terminate a member's subscription and access to the email list. Abusive, derogatory, disparaging or potentially defamatory or libelous remarks by one member to or about another member or person are not allowed on the list. "Ad hominem" or personal attacks by one listmember toward another will not be allowed. Members who post content deemed offensive, inflammatory, or otherwise disruptive to the list community as described above may be provided a single warning prior to removal from the list or be removed from the list without a warning depending on the nature of the problematic posting.

The decision to warn or remove a member rests with the Internet Editor or the Internet Editor's designee(s), and is subject to review of the Publications and Communications Committee after a warning or removal has occurred. The member shall be warned or

²This section was modified to the current language by Board vote January 2008. Deleted prior language is shown at the end of the document.

informed of their removal from the list by letter or email from the Internet Editor. The Internet Editor shall inform the P&C Committee contemporaneously with warning or removing a member's access to the list that such action has been taken. Any member who believes s/he was unfairly removed from the list may appeal to P&C in writing within 30 days. The P&C Committee will allow the Internet Editor an opportunity to respond promptly, and will then provide a recommendation to the Board within 30 days of the notice of appeal. The Board will provide a final decision within 30 days of receiving the P&C recommendation.

(B) Text only posts. The Division seeks to promote maximum access to the list to greatest number of users across the full range email and computer platforms, and across the broadest range of physical limitations. The Division also seeks to minimize potential risks to APA and list members equipment. Posts to the list should be made using a 'text only' format, and the list software is set to return posts with 'formatted' information to the sender.

(C) No attachments. To minimize the introduction of viruses and other 'malware,' posts to the list should include no attachments including 'vcard signature files,' images, documents and similar attachments. Members are encouraged to utilize the online 'file sharing center' to make documents and similar information available to other list members. The list software is set to automatically remove attachments to posts.

(D) Safe computing. To minimize potential damage to APA and other users' equipment, members are strongly encouraged to use and keep updated 'virus' detection and prevention software.

(E) Research requests. Consistent with recently adopted APA guidelines, list members are requested not to make direct solicitations to respond to survey content or items on the list, or to forward such requests from non-list members. Members may post brief requests to participate in research with which they are associated by posting a message that includes information about how to contact the investigator(s) or how to access the survey via another online site. Division members are encouraged to use the online Survey Software available through the Division.

(F) Copyrighted information. Copyrighted information should not be posted to list in its entirety without appropriate permission by the copyright holder. Such information should be excerpted and quoted according to 'fair use' rules and APA publication guidelines, with reference to the online location of the full source or information about how to obtain the original work.

REQUIRED READING FOR DIVISION 42 EMAIL LIST MEMBERS

Dear List Member, We realize that this "Welcome Message" is lengthy but it is critically important for the functioning of this email list to provide you with all of the information below.

WELCOME MESSAGE *** WELCOME MESSAGE *** WELCOME MESSAGE

Version 5.1

Most Recent Update: 29 April 2006

Dear Colleague,

Congratulations and welcome to the Division 42 Email List Forum! If you are receiving this message, you have successfully subscribed to this electronic mailing list. Please save and/or print this message for future reference. This message is also available for you retrieve in the future on the Division's web site at <http://division42.org/MembersArea/List aids/W elcomeMessage.html>.

Although some of this may not seem relevant to you now, you may find that you have a need for this information at a later time. The text of this welcome message combines verbatim wording and information required by APA plus additions tailored for Division 42 purposes.

In addition to rules and standards described in this Welcome Message, the Division adopted an Email List Policy and Procedures in February 2006. That Policy includes standards of mutual respect, a convention for labeling posts with a TOPIC label, handling of copyrighted material and research requests on list, and a process for warning and removing any list member who engages in personal attacks against other list members. All list participants are responsible for being aware of and abiding by that Policy and you should review that through the Division's web site at <http://division42.org/MembersArea/FAQs/listservFAQ.html>.

This is a "closed" participatory electronic mailing list for the exclusive use by Division 42 members. One intent of communications on this list is to foster as much privacy as is practical among 42 members. However, given the nature of internet communications and the many parties involved with an email list, it is not possible to guarantee privacy or confidentiality through this means of communication. This means that you should exercise judgment and care with respect to messages you may post. As a practical matter, you should not express views that would be problematic for you or Division 42 if forwarded to other lists, which might show up in an internet search engine search, or which might otherwise be made public. As a part of becoming a list member and as a courtesy to your colleagues, **you and all list members agree not to forward, copy or otherwise transmit messages from the list to non-list members or locations without the prior expressed permission of the original message sender.** Automatic reciprocal "cross postings" from other lists is also discouraged due to the unmoderated nature of the Division 42 list and the burden such would place on the editorial staff to monitor cross postings.

This list functions as a forum for members of the Division of Independent Practice of APA (Division 42). List membership is reserved for actual members of Division 42. Additionally, the Division 42 Central Office, Division Webmaster, Division 42 and APA legal counsel and APA's Listmaster have access to all messages posted to this list for administrative and legal functions. No others are authorized by Division 42 to participate as list members.

The list's purposes are to facilitate communications among Division members on topics pertaining to independent practice, to provide information from Divisional governance, and to promote the general aims of the Division. The resources (hardware, software, and technical assistance) for this effort are provided without charge by the American Psychological Association as a public service.

Division 42 has opted for a single, closed membership list as the primary forum, which is the list to which you are now subscribed. A number of additional topic-specific lists sponsored by the Division are available through <http://listserv.apa.org/>, where you may email those list managers to subscribe. There

are advantages and disadvantages to having single versus multiple lists. The Division believes that, on balance, it is better and more practical to have one main forum in which a variety of ongoing messages and discussions may occur. The closed nature of the list is meant to promote dialog among the membership without too much concern that postings to the list will be easily viewable by parties who are not list members or that outside parties can readily post unsolicited advertisements however well-intentioned.

There are very few rules for members of this list. Fewer restrictions, we believe, result in the greatest number of innovative contributions. However, several rules (discussed below) are critically important. If you subscribed to this forum and especially if you send messages to the forum, you are agreeing to those rules. These rules, by the way, apply to members of many non-profit internet news or interest group.

In the interests of promoting adherence to legal considerations necessary to assure appropriate list communications and trying to provide the maximum protection to all list members, the Division 42 Publication and Communications Committee (P&C) – which has operational oversight of the Division's lists – has designated the Internet Editor to review postings to the list for adherence to the rules and standards described herein. If the Editor has a concern about a particular message or messages, he/she may forward such material to P&C and/or to legal counsel for review and possible disposition. In addition, the Division reserves the right for other appointees associated with internet communications to perform a similar function if need be.

The rules are:

Rule 1: Do not use the forum for illegal purposes, including but not limited to defamation, violation of intellectual property laws, violation of antitrust or unfair competition laws or violation of criminal laws.

By way of general guidance, defamation is the publication of false facts or false implied facts damaging to an individual's, entity's, or product's reputation. Typically, defamation may be committed even by someone who believes that he or she is communicating the truth. The defamed individual may sue anyone who publishes, prints, or repeats the defamation and may recover damages to compensate for the harm to his or her reputation and to "punish" the speaker. In some circumstances, "privileges" apply, which may alter the legal liability.

Intellectual property laws will be violated by misuse of copyrighted or otherwise protected material without permission of the author(s).

The antitrust laws are a complex body of statutes that prohibit, among other things, agreements that operate to restrain trade. Agreements among competitors – such as psychologists in the same geographic market – to accept only fees at or above a certain level or to boycott a supplier, purchaser of services or a competitor are per se unreasonable and therefore per se illegal. The list environment should not be used to promote or even suggest joint anti-competitive activity. Division 42 and APA have developed Antitrust Guidelines for Online Discussions Among Psychologists about Managed Care Issues which are included below.

Rule 2: Do not intentionally interfere with or disrupt other forum members, network services, or network equipment. This includes distribution of unsolicited advertisement or chain letters, any commercial use, propagation of computer worms or viruses, and use of the network to make unauthorized entry to any other machine accessible via the Forum.

Rule 3: Do not use the Forum for commercial purposes. "Commercial" as used for purposes of evaluating list messages means communications whose primary purpose is to advance the business or financial interests of any person or entity, or otherwise to promote a financial transaction for the benefit of the author directly or indirectly. Examples of prohibited communications include advertisements for products or services, notices regarding rental of office space, or direct solicitations of list members to purchase products or services. Members are encouraged to consider purchasing classified advertising through the Division's web site at <http://www.division42.org/classifieds/index.php>. Examples of messages

that may be of financial benefit to list members but are not prohibited because they do not inure to the financial benefit of the author include news of job listings or position openings, or discussion of professionally-related products or services where the list member conveying the information is not in the business of selling the products or services.

Announcements that provide useful professional information to list members but may also have some incidental commercial benefit to the sender (e.g. an author who is a list member merely advising the list members of publication of a professional book) typically would not be "commercial" for purposes of this restriction.

Rule 4: Do not use this forum for any communication that could be construed in any way as support for or opposition to any candidate for a federal, state or local public office. The Federal law providing for the American Psychological Association's tax exempt status absolutely forbids the use of APA resources or facilities, including this forum, in any way that would even appear to support or oppose such a political candidate.

If you break these rules, Division 42 will respond depending on the nature of the communication with a warning, or where appropriate, by unsubscribing you from the list. These steps are necessary to enforce the rules which govern the very heart of our arrangements with our service provider – or any other service provider for the Internet.

In addition to these rules, various standards have emerged within the culture of forums as community practices. These standards do not mean requirements, however. By following these standards and rules, you will contribute to a climate of trust and comradeship that encourages a friendly, informed and yet spontaneous discourse.

Standard 1: Please send a message to all of us and introduce yourself. To send a message to all members of the list, simply send an email to this address: DIV42@LISTS.APA.ORG

For your introduction, you might simply note your name, professional affiliation, where you live, why you joined the list, and any request or question you might have. Don't be shy, we want to meet you!

Standard 2: Please sign each message with your name and be sure to include your email address. This enables members to know where you are writing from and to readily communicate directly with you.

Standard 3: Please keep your messages constructive, courteous and brief. Lengthy messages tend to create list grumbling!

Standard 4: If your email software program includes and you utilize an option that repeats the message to which you are responding, PLEASE edit your 'reply to' message and try not repeat any part of the message that is not essential. This will save considerable space for everyone who receives your message.

Standard 5: Please be supportive of fellow Forum members and show mutual respect.

Standard 6: As a courtesy to others and to help foster a list climate of security, please do not forward messages displayed on the Division 42 list elsewhere unless you first obtain permission from the originating message sender.

Sending Messages:

To send general postings to the list, do so in the form of an email message to: DIV42@LISTS.APA.ORG This is known as sending mail to the list. The format is case insensitive, but your messages shouldn't contain a lot of CAPS since in an email list environment THAT IS THE EQUIVALENT OF SHOUTING! Realize that when you send an email "to the list," your email is sent to (currently) more than 600 list members!

To help list members sort through incoming list-related mail, please use one of the agreed on TOPICS (see the List Policy at <http://division42.org/MembersArea/FAQs/listservFAQ.html>) and a brief message heading to your message, so that your email may viewed or filtered more readily, based on user interest.

Here are other potentially helpful list-related commands. Understand that when you want to use one of these commands, you will send this as an email to the APA computer ("server") which hosts the email list program. You will be instructing that computer to perform an activity. This is different than sending an email message to other list members. These commands should be sent as email to listserv@LISTS.APA.ORG

To retrieve a standard help file: help

To turn off your mail temporarily while remaining subscribed to the list: set div42 nomail

To turn your mail back on: set div42 mail

The above commands should go in the body of your message. No other text, including AutoSignatures, should be in the body of the message. List commands are not case sensitive.

As a new subscriber, in a separate email from APA's computer system, you will also receive a detailed description of commands that you can use to tailor subscription preferences to your liking.

Should you wish to request to leave the list, send an email to the Division's Central Office at div42apa@cox.net and ask that you be "unsubscribed" from this list.

Other Considerations: If you are not yet familiar with the style and etiquette of list discourse, you may wish to observe the flow of messages for a while until you discern the ways and means of list communication. When you respond to the list's address (Div42@lists.apa.org), your message will go to the entire list's subscriber pool. For instance, when you get email from the list and you use the "Reply to Sender" function of your email software, your message goes first to the list server computer (at APA), and from there, it is *rebroadcast* to all subscribers. Everyone on the list will see your message. If, alternately, you wish to send an email response to an individual and NOT the entire list, you will need to use the email address for that person. This means that you will have to insert or type in that person's email address in the "TO" dialogue box of your email software. In such instances, you would NOT want to simply use "Reply to Sender" if the message came from the list server because your response would go to the list (which, in a sense, was the "sender").

Also, please refrain from sending out trial messages that are akin to "testing 1 2 3" as this only generates a lot of extra email. If you want to see if your message(s) are getting through to the list, you need only check your own email a brief while after you have sent a message. Unless you have changed this setting, your subscription is automatically set to receive a copy of your own messages as would all the other subscribers. In general it is a good idea NOT to respond to test messages unless they are arriving in your email directly from an individual (as opposed to being sent from the list server). Responses to "testing" messages result in a flood of email that can be especially confusing to newcomers.

Remember, too, that a basic tenet of the list is to foster group-based communication. Therefore, please refrain from posting *very personal* messages to the list that are intended for only one person. Also, posting messages that have arguably nothing to do with the purpose of the list can result in email clutter that is annoying to a substantive percentage of list members.

Archival List Information: The archives for this list are located on the computer server at APA in Washington, DC. As a list member, you may look at these archives on the web at <http://listserve.apa.org/archives/div42.html>. The oldest archive dates back to October 1997. Access to the archives is restricted to members of this specific list, the list owner(s) of the list, the Listmaster and the Technical Services group at APA (for the purposes of maintenance, backups, and hardware). Only members of the list and the list owner(s) are authorized to view the contents of the archives, except in special circumstances or with the authorization of a list owner. "Special circumstances" is a general term used mostly for unforeseen situations that might arise. Some of the possible situations include: (1) If the designated list owner(s) is no longer available, or willing to maintain the list (abandonment); (2) If some

legal situation concerning the content of the list messages occurs; (3) If a technical problem occurs that may be due to a message or messages, such as the corruption of a message, or the viral infection of an attachment to a message; or (4) Unforeseen situations which may occur, due to the nature of change in the electronic services industry, which cannot be predicted.

DISCLAIMER:

The information presented and viewed on this list may be selective, rather than exhaustive for some subscribers (depending which messages are actually viewed). Additionally, medical and psychological information is constantly changing. List member's views regarding appropriate or proposed care or treatment are not those of APA or Division 42. Division 42 cannot guarantee the accuracy of information posted to this list or that it is the last word on any particular subject. You also should keep in mind that, due to your ability to select various messages for review, you may be accessing only a small portion of the relevant information about a particular topic. Thus, you should exercise particular care in forming conclusions based on what you read here.

For all these reasons, NEITHER DIVISION 42 NOR APA MAKES ANY REPRESENTATION OR WARRANTY ABOUT THE COMPLETENESS, RELIABILITY OR ACCURACY OF INFORMATION THAT YOU OBTAIN FROM THIS LISTSERV. THE DIVISION AND APA ALSO WILL NOT ASSUME RESPONSIBILITY OR LIABILITY ARISING FROM ANY ERROR OR OMISSION OR FROM THE USE OF ANY INFORMATION OBTAINED FROM THIS LISTSERV. ALL CONTENT ON THIS LISTSERV IS PROVIDED "AS IS" WITHOUT ANY EXPRESS OR IMPLIED WARRANTIES.

Because of potential liability risk issues for the various parties involved, caution should be exercised when posting, responding to or otherwise making use of list messages pertaining to diagnosing, recommending treatment or providing referrals.

For those making use of the list for campaigning or endorsing candidates for positions in the Division's governance, please include the term CAMPAIGN MESSAGE in the message's subject line. This will make life easier for all concerned.

Messages on this list may contain links to Internet sites which are not maintained by APA or the Division. Neither APA nor the Division is responsible for the content of those sites and shall not be liable for any damages or injury arising from that content. Any links to other sites are intended as a convenience to the users of this list and do not imply APA's or the Division's endorsement of the linked site nor does the omission of particular links indicate disapproval by APA or the Division.

Here's hoping you find this list community to be the collegial, valuable resource so many have. Please remember to save and/or print this message for future reference, particularly if you are new to email lists. Again, welcome to the Division 42 Email List. We look forward to your introduction. Let us know if you have any questions, comments or suggestions.

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Antitrust Guidelines for Online Discussions Among Psychologists of Managed Care Issues

For the protection of list members and administrators, the following provides guidance regarding areas of concern under the antitrust laws that psychologists, like competitors in any other profession or industry, need to understand in order to protect themselves and avoid unnecessary legal exposure. The very legitimate concerns psychologists have over actions by managed care reducing fees and otherwise

adversely affecting services rendered to insureds are important topics to discuss but the antitrust laws can pose danger for the unwary. We worked hard to avoid overly broad prohibitions but the grave risk to independent practitioners of discussions of boycotts of managed care plans or unacceptable fees paid by specific managed care plans mandates a conservative approach.

By way of background, the federal antitrust agencies have actively challenged collective refusals to deal with purchasers of professional services and fee agreements among health care professionals as per se illegal conduct. The Department of Justice ("DOJ"), for example, filed criminal charges against a local society of Texas optometrists who had allegedly met and agreed upon the fees that they would charge insurers for eye examinations. Recently DOJ sued a group of physicians in New Jersey who sought to characterize their association as a union, which would have protected collective bargaining. The physicians' collective efforts to raise rates are currently under governmental attack as price-fixing. The Federal Trade Commission ("FTC") similarly filed a civil action against a group of trial lawyers who had agreed not to take further cases from the District of Columbia court system until they received an increase in the fees paid in court-appointed cases. The Supreme Court held that this was a group boycott that was per se illegal under Section 1 of the Sherman Act.

Thus, these guidelines are intended to protect List participants from entanglement in defending the validity of decisions regarding managed care.

The List environment is particularly tricky because there is a record of comments about what may very well be independent decisions by psychologists, some of who compete with each other and a record of all psychologists who read those comments. Agreements to take action may be inferred from evidence of communication among members of a group, such as e-mails. In particular, use of high-risk concepts like "boycott", by one or two list participants can taint otherwise innocent independent decisions by other List participants. Thus, the List may link all List participants who take the same action independently in what could be viewed as a per se illegal agreement.

The List should serve as an open forum for issues affecting its participants excluding discussion of fees paid by a specific managed care company or decisions about whether to participate with given mco. Excluding those per se areas, there is much that can be discussed and developing a list of all legitimate topics seems unnecessary, if not impossible. Within the areas that may be scrutinized under the antitrust laws but are not per se illegal, the following may be useful as guidelines:

- * participants can discuss problems they are experiencing in performing services in a managed care environment and seek peer advice regarding how to handle their problems individually. (e.g. informed consent, patient care issues, abandonment, other ethical dilemmas)
- * participants can discuss strategies for educating purchasers of mental health plans (employers, labor unions, etc.), consumers, government policy-makers and others about the importance and cost-effectiveness of mental health benefits.

- * participants can discuss strategies for advocating basic rights that should be guaranteed to every person in need of mental health treatment.

- * participants can discuss patient care concerns posed by managed care terms and conditions.

- * participants can engage in discussion of legislative proposals

- * a participant can discuss his or her individual decision not to participate in managed care and the reasons for the decision, after the decision is made. Where the managed care plan is identified or identifiable the participant should not in any way invite others to make the same decision.

Participants should not discuss:

- * the desirability of a boycott i.e., a group of psychologists taking a stand by refusing to participate with a given plan

* an impending decision about whether to remain with a managed care plan that could be construed as inviting others to take the same action

* the unacceptable fees paid by a specific managed care company

APA does not monitor this List. These guidelines are furnished for the use of the list administrators in carrying out their duties to assure that participants follow the conditions under which the List operates.

January 2008 modification struck the following from Procedure (5) and replaced this with the current language.

(A) Disallowed content. To promote a respectful, supportive and collegial list environment for the greatest number of Division members possible, abusive, derogatory, disparaging or potentially defamatory or libelous remarks by one member to or about another member or person are not allowed on the list. “Ad hominem” or personal attacks by one listmember toward another will not be allowed. Such comments are disruptive to list functioning and interfere with other members’ use of the forum.

The internet editor and designees will have the responsibility to monitor the list for posts which may fall under this rule, and to refer those to P&C for review. Any such possible remarks may also be brought to the attention of the list administrators or P&C by any list participant. The specific message(s) to the list should be forwarded to list administrators and/or P&C for review. Should such remarks be brought to the attention of the list administrators or P&C, P&C will review the comments for a potential rule violation. P&C will review comments forwarded in a timely manner taking into account the speed of online communication and the potential need to intervene. Should a majority of P&C determine the comments to fall within the meaning of this rule, P&C will use the following stepwise process to advise the listmember who posted the remarks.

(i) P&C will direct a specific list administrator to communicate with the member individually via email to notify the member that the specific remark(s) violated list rules, remind the listmember that such remarks are not allowed on the list, and request the member cease from similar future remarks. The list administrator communicating with the member will provide a printed copy of the email interactions with the member to be maintained by P&C.

(ii) Should similar remarks by the same member be brought again to the attention of P&C and, after review P&C agrees that a violation has occurred for a second time, P&C will direct the Internet Editor to issue a written letter to the list member. This letter will inform the list member of the specific comments that fell under these rules; that this is a second time the list member has been apprised that such remarks are not allowed on the list; remind the list member about the list rules and that such comments are not allowed; that the member is being once again asked to cease such remarks in the future; and that, should the list member repeat such comments a third time, the list member’s subscription and access to the list will be discontinued. The Internet Editor will provide a copy of the letter sent to the list member and any additional written communication received from the list member, to be maintained by P&C.

(iii) Should similar comments by the same member be brought to the attention of P&C on a third occasion, and, after review P&C finds that a violation has occurred, P&C will recommend to the Executive Committee to end the member's subscription and access to the list.

The Executive Committee will review the history of all remarks that have been brought to the attention of P&C from this member for rule violations. Should the majority of the Executive Committee determine the comments violate the rules, the President shall issue a letter to the member conveying this decision.

If the member chooses to appeal the findings of the Executive Committee, the member shall respond in writing to the President within 30 days of receipt of the President's letter. This letter shall request an appeal of the Executive Committee's findings along with a letter of defense.

Upon receipt of this letter, the President will appoint a 3 person Task Force comprised of division members not on the Board of Directors. Within 30 days of appointment, this Task Force shall review all materials pertaining to the issue of the appeal. The Task Force will make a final decision that shall be binding. The Task Force will then notify the President of its decision. If the Task Force decision finds the member to be in violation, it shall notify the President who shall direct the list administrator(s) to end the member's subscription and access to the list with written notification that this has occurred to the member, copied to P&C, who shall maintain documentation of such actions. A letter will be issued by the President to the member conveying the binding actions taken by the Task Force, whether that be a finding of a violation or a finding of no violation.

If the President does not receive a letter from the member within these 30 days, the President shall direct the list administrator(s) to end the member's subscription and access to the list. The President shall provide written notification that this has occurred to the member, copied to P&C, who shall maintain documentation of such actions.