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## **I. Statement of Policy**

In order to maintain the integrity of the accreditation program the Commission may take disciplinary action against an accredited land trust during its accredited term when there is evidence that the land trust does not comply with *Land Trust Standards and Practices* and/or program requirements. The following Disciplinary Action Policy and Procedures will apply if the Commission makes a determination to move forward with probation or revocation of accredited status after following its Compliance Confirmation Policy and Procedures, or makes a determination to move forward with revocation at the conclusion of a conditional accreditation period (for information on conditional accreditation at renewal see the Commission's Policy on Accreditation Application Final Decisions).

### A. Probation

Probation requires an accredited land trust to take specific actions within a specified timeframe to remain accredited. The Commission may place a land trust on probation during its accredited term after following the Commission's Compliance Confirmation Policy and Procedures and when the area of noncompliance is readily resolvable and specific steps can be taken to allow the accredited land trust to fix a problem before revocation is considered. The term of probation will be specified in advance and will be generally the amount of time reasonably required to resolve the issue.

### B. Revocation

Revocation is the termination of accreditation. The land trust has the right to appeal a decision to revoke its accredited status according to the Commission's Appeals Policy and Procedures.

Revocation without a probationary period may occur if a land trust fails to satisfy conditions and confirm compliance during a conditional accreditation period. Revocation without a probationary period may also occur if the Commission has determined that situations such as, but not limited to, the following exist:

â€¢ Liquidation or dissolution of the land trust;

â€¢ Federal or legal action against the land trust that results in loss of tax status or conviction for a crime or felony;

â€¢ Gross misuse of the accreditation seal;

â€¢ Revelation that the information contained in the application for accreditation or other documents submitted to the Commission was fraudulent;

â€¢ Willful disregard for the integrity of *Land Trust Standards and Practices* or program requirements;

â€¢ Substantial or repeated noncompliance with *Land Trust Standards and Practices* or program requirements;

â€¢ Deliberate failure to provide information requested by the Commission by the deadline specified by the Commission; or,

â€¢ Action, omission or fabrication that jeopardizes the integrity of the accreditation program.

If a land trust's accredited status is revoked, to be reconsidered for accreditation the land trust must complete the application used by those seeking first-time accreditation and pay all accreditation fees applicable to first-time applicants. The Commission may establish a waiting period for any subsequent application.

The Commission may revoke accreditation by administrative action for failure to pay required accreditation fees; there is no probationary period. Administrative revocation is not subject to the Appeals Policy and Procedures.

General

A land trust on probation remains on the accredited land trust list; if accreditation is revoked, the land trust is removed from the accredited land trust list. The Commission may, for the purposes of providing information to land trusts and the public, publish information which cannot be reasonably attributable to a specific organization about the reasons for which organizations were placed on probation and for which accreditation was revoked.

## **II. Disciplinary Action Procedures**

### **A. Probation Procedures**

An accredited land trust may be put on probation when it is found through the Commission's Compliance Confirmation Policy and Procedures not to be in compliance with *Land Trust Standards and Practices* or program requirements. The following steps will be taken once the Commission has made a decision to move forward with probation.

1. The accredited land trust will receive a written notice stating that it has been put on probation. The notice will generally contain the following elements.
  - a. An outline of the Commission's findings and the reasons for these findings.
  - b. Specific actions or evidence the land trust must undertake or provide to show that it has corrected its deficiencies, refrained from certain activities and/or initiated certain activities.
  - c. A timetable for reporting.
  - d. Consequences of missing deadlines or not providing satisfactory information (such as revocation or continued probation).
  - e. A timetable for Commission reconsideration of probationary status.
2. The land trust on probation will provide information to the Commission, on a schedule determined by the Commission, to satisfy any requirements of the terms of probation. This information will be summarized by Commission staff and forwarded to the Commission for consideration and action.
3. The Commission will review the information provided by the land trust at its next regularly scheduled meeting or any special meeting convened for this purpose and determine if the land trust is once again in compliance with *Land Trust Standards and Practices* and program requirements.
  - a. Probation ends with a vote of the Commission that the land trust is in compliance or when expectations for improvement have been issued.
  - b. If the land trust fails to be in compliance with *Land Trust Standards and Practices* or program requirements by the conclusion of the probationary period, the Commission may vote to revoke the land trust's accredited status and revocation procedures will begin.

### **B. Revocation Procedures**

The Commission may vote to revoke the accredited status of a land trust when it is found through the Commission's Compliance Confirmation Policy and Procedures not to be in compliance with *Land Trust Standards and Practices* or program requirements; when the Commission has determined that an accredited land trust has not satisfactorily explained or corrected matters during the time it was on probation; when the Commission has determined an accredited land trust failed to satisfy the conditions and confirm compliance during a conditional accreditation period; or when the land trust failed to provide the requested compliance confirmation or information requested during a conditional period by the specified deadline. The following steps will be taken once the Commission has made a decision to move forward with revocation (administrative revocation follows the procedures in section C).

1. 1. The accredited land trust will receive a written notice stating that its accreditation has been revoked. The notice will generally contain the following elements.
  - a. The Commission's rationale for the decision.
  - b. Notification that, to have accreditation reconsidered, the land trust must complete the application used by those seeking first-time accreditation and pay all accreditation fees applicable to first-time applicants. This notification will

also include requirements regarding any waiting period before a new application would be accepted.

c. Notification that the land trust must stop using the accreditation seal.

d. Notification of the Commission's Appeals Policy and Procedures.

2. After the period for initiating an appeal has expired, the land trust's name will be removed from the list of accredited land trusts distributed by the Commission, and the Commission will terminate the license agreement authorizing the use of the trademarked seal. (As specified in the Commission's Appeals Policy and Procedures, notwithstanding the above, in cases where the land trust subject to the action has knowingly or willfully violated *Land Trust Standards and Practices* or program requirements, has put its organization at risk or threatened the credibility of the accreditation program, and/or has obstructed the accreditation process, the Commission at its sole discretion may require that the land trust immediately cease using the accreditation seal. In this circumstance, the Commission may remove the name of the organization from the accredited land trust list immediately, before the appeal period has expired, so long as it reinstates the land trust's name if an appeal is successful.)

### C. Administrative Revocation Procedures

The Commission's executive director is authorized to revoke accreditation by administrative action for failure to pay required accreditation fees. The following steps will be taken once a decision to move forward with revocation has been made.

1. The accredited land trust will receive a written notice stating that its accreditation has been revoked. The notice will generally contain the following elements.

a. Notification that the land trust must stop using the accreditation seal immediately.

b. Notification that all fees and any remaining installments are due and payable immediately, with 30 days to submit payment.

c. Notification that having accreditation reinstated for the balance of the accredited term will require payment of the full balance due and all applicable fees and penalties.

d. Notification that, if accreditation lapses, to have accreditation reconsidered the land trust must complete the application used by those seeking first-time accreditation and pay all outstanding balances and applicable charges as well as all accreditation fees applicable to first-time applicants.

2. The Commission will remove the organization's name from the list of accredited land trusts distributed by the Commission and will terminate the license agreement authorizing the use of the trademarked seal.

*Policy approved June 5, 2007*

*Amended February 25, 2010*

*Amended April 28, 2011*

*Amended December 1, 2011 (amendments effective April 2, 2012)*

*Amended December 6, 2012*

*Amended July 11, 2013*

*Amended January 30, 2015*

*Amended April 15, 2019*