

B O A R D P O L I C Y L E T T E R

26 JANUARY 1970R

ISSUE I

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(Revision in Script)

Remimeo
FOLOs

CANCELS

HCO POLICY LETTER OF 26 JANUARY 1970
"OTL LAST COURT OF APPEAL"

FOLO LAST COURT OF APPEAL

The requirements of a Court of Appeal are:

1. Membership of the Court consists of a Chairman of Officer rank, a secretary and from one to three members.

2. There is also a Deputy Court of Appeal. This allows for three members to be appointed to cover the post of member, where one or more of the Court of Appeal is absent.

Should the Chairman be absent, the Secretary takes the chair and the Court member is temporarily Secretary. A Deputy member then is called upon for duty on the Court of Appeal as the member.

If both Chairman and secretary are away, the member takes the chairmanship and the most experienced Deputy member is secretary and the third Deputy member is the Court member.

Deputy members are called upon when needed, in rotation or by their own preference.

3. Members must be Ethics upstats.

4. The Chairman must be familiar with Ethics procedures and must have checked out on all Ethics policies, including those concerning third party investigations. It is preferable for all members to have checked out on these.

5. The Court's duties consist of correcting false reports, false accusations and third party activities which have been detrimental to the repute of the individual or harmful to his well being.

6. The Court may only act on written requests. Appellants are not to present themselves to the Court until called. Written requests for a Court of Appeal must state exactly what false report, accusation or 3rd party activity they wish to be handled and state where and when it occurred and who was concerned. Where the false report is in writing, a copy is to be attached to the request for a Court of Appeal.

7. As a Court of Appeal requires time and expense, a nominal fee of £1 or \$3 is to be charged. This is also to discourage frivolous or irrelevant requests. The fee is paid in advance of the case being heard.

8. All data relevant to the case is collected and received before the case is heard. This must be in documentary form and copies of such documents and all pleadings and testimony must accompany the findings.

9. If an appellant is found to be giving false data to the Court in order to clear his or her name, the case is dismissed.

10. If innocence is established beyond reasonable doubt, the person may be restored to status and an order so issued. The order must contain the names of the Court members.

11. If innocence is not established beyond reasonable doubt, the Court must assign: a. An amends project of real extent and b. A processing programme.

12. Any Court members returning a person to full status without following this PL himself may be the subject of a Suppressive Person's order for failing to protect the org.

13. The Court proceedings must occur so as not to cause further enturbulation on org lines. Staff members going outside of the org to a FOLLO requesting a Court action on a condition just assigned are ignored until they follow correct form (FOLLO Office shows them a copy of this Policy Letter). Such persons are reported to the Ethics Officer of their own org.

14. A Court of Appeal is not held until the person has taken normal recourse actions available to him in his own org. These are:

- a. Presenting the true facts to the accuser and requesting withdrawal of the report or accusation (done via Ethics).
- b. Request for an Ethics hearing.
- c. Request for a Committee of Evidence.

An appellant who has not sought recourse in his own org as above must be told what actions to take.

15. Persons in the process of a Committee of Evidence, Ethics Hearing, or conditions assignment may not petition a FOLLO for Court of Appeal until the action is concluded.

16. Where Ethics Orders have been issued against a person, the disclosure of one proven incorrect report in the order does not permit all of the findings to be cancelled. Each specific false report must be individually handled and cleared or not cleared.

17. The fact of a person having not been confronted with all the charges of a Comm Ev on which findings have been issued does not necessarily mean the findings are false. If such a case is raised, the Court of Appeal may only consider specific false reports raised by the appellant and require proof of their falsity. The Court may not clear the person solely on a technical fault of procedure in an earlier Ethics action.

18. Senior Executives may not be carelessly summonsed or detained.

19. On conclusion of a Court action, a proposed Court of Appeal Order is typed, all documentary evidence, pleadings

and testimony are attached and forwarded to Flag for approval of *International Ethics and Justice Officer* and CS-1 before any are issued or become effective.

Lt. Comdr. Brian Livingston
CS-1

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Molly Gilliam

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and the
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for the
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