

# IAAO CODE OF ETHICS

## **II. ENFORCEMENT**

Anyone who believes that an IAAO member has violated the IAAO Code of Ethics may submit a written complaint to IAAO.

IAAO may also initiate a review of a member's actions or behavior without the filing of a formal complaint.

### **Filing a Complaint**

Formal complaints or allegations shall be signed by the complainant and officially filed at IAAO Headquarters within one year of the alleged violation. The complaint or allegation shall include the following information:

- The name of the person(s) submitting the complaint and the name and any other identifying detail (e.g., title, jurisdiction) of the person(s) ["respondent(s)"] alleged to have committed the violation.
- A description of the event, including the date and circumstances of the alleged violation.
- A statement explaining any relevant prior interactions or professional or personal relationship that the person filing has with the person(s) named in the complaint.
- Names and contact information of witnesses, if applicable.

To the extent practical, the complainant should provide details, specific facts, and documentation of the allegations. Additionally, the complainant(s) should provide their contact information, including a phone number and email address.

The complaint shall also include the following statement:

*I authorize IAAO to contact me regarding this complaint, if deemed necessary. I authorize IAAO to release this complaint and all other supporting material I have provided, or may provide in the future, to the subject of the complaint, members of IAAO's Ethics Committee, the IAAO Board of Directors, IAAO's attorney(s), and others as deemed appropriate by IAAO or as required by law.*

The complainant may include verifiable supporting documentation, including signed witness statements. Complaints shall be submitted to IAAO's Headquarters, using the *Code of Ethics Complaint Form*.

IAAO has the sole discretion to determine which complaints should be pursued, how they should be pursued, and what action, if any, should be taken. IAAO may also, in its sole discretion, defer review of, or action on, a complaint unless and until the allegations have been investigated by a third-party entity with jurisdiction over the actions and greater investigative authority than IAAO, such as the member's employer or a court.

### **Process of Evaluating Violations**

Upon receiving a complaint, the IAAO Executive Director will conduct a preliminary review to determine whether the complaint, on its face, alleges a violation of the IAAO Code of Ethics. In conducting this preliminary review of a complaint, the IAAO Executive Director may communicate with complainant to clarify or request more information, and/or may supplement the complaint with information that it develops through its own investigation but has no obligation to do so.

If, based on the preliminary review of the complaint, the allegation does not indicate a violation of IAAO's Code of Ethics (e.g., because it relates to matters outside the scope of this Code of Ethics or the conduct does not rise to the level of a violation), the IAAO Executive Director may administratively close the complaint without further action. The complainant and respondent will be notified of this closure. The complainant has the right to appeal the Executive Director's decision, in writing, to IAAO Headquarters within 30 calendar days. In that event, IAAO's Ethics Committee will conduct an independent review and determine whether to uphold the dismissal of the complaint or return the matter to Executive Director for initiation of a full disciplinary proceeding. The complainant and respondent will be notified of the Ethics Committee's decision.

If the IAAO Executive Director determines the allegation presents evidence of a violation of the Code of Ethics, the IAAO Executive Director shall convene the Ethics Committee and share the complaint with them for further review. The IAAO Executive Director shall also forward the complaint to the respondent unless the Ethics Committee determines that consideration of the complaint should be deferred.

The respondent shall have 30 calendar days from the date of notice of a complaint to respond in writing to the allegations. The respondent should provide a full statement of relevant facts and verifiable supporting documentation, which may include signed witness statements. If the respondent does not respond to the notice or dispute the allegations within 30 calendar days, the allegations against the respondent in the complaint may be deemed to be fact. While the Ethics Committee or the IAAO Executive Director may seek additional information, it is not the duty of the Ethics Committee or any other representative of IAAO to find evidence outside the case presented by the complainant. All submissions from the complainant or respondent and any other information presented to the Ethics Committee for consideration shall be provided to the respondent before the Ethics Committee hearing or determination of the case.

The respondent may also request a virtual hearing on the matter before the Ethics Committee. The respondent may provide a brief statement and respond to questions from the Ethics Committee. The hearing will not include witnesses. If the respondent is represented by an attorney, the attorney may share the respondent's time for presenting a statement but may not appear in lieu of the respondent. If the complaint alleges misconduct towards the complainant, the complainant may also elect to participate in the hearing, make a brief statement, and respond to questions from the Ethics Committee, but the complainant is not obligated to appear for the hearing. If the complainant participates, the respondent may listen to the complainant's portion of the hearing and may respond during the hearing. Documents not submitted to the Ethics Committee in advance of the hearing will not be considered by the Ethics Committee.

If the respondent does not request a hearing, the Ethics Committee will render a decision based on the written record.

The Ethics Committee will meet in executive session to decide on the complaint. The Ethics Committee shall decide, based solely on the record before it, whether the respondent has committed a violation of the Code of Ethics, and any sanctions to be imposed.

Notice of the disposition of the proceeding will be given to the complainant and respondent within 30 calendar days. Notice of any disciplinary sanction will be sent to the respondent within 30 calendar days of its issuing. If a disciplinary sanction is imposed, the notice will include an explanation of the basis for the decision and a statement of any appeal rights.

### **Sanctions**

Sanctions for violation of this Code of Ethics may include one or more of the following, in IAAO's discretion:

- Assignment of remedial education;
- Private reprimand and warning;
- Public letter of censure;
- Removal from volunteer IAAO positions;
- Restrictions on privileges and rights as a member, including holding leadership or committee roles;
- Suspension or expulsion from participating in IAAO events or activities;
- Suspension or revocation of IAAO instructor credentials;
- Denial or non-renewal of professional designation(s);
- Suspension or revocation of professional designation(s);
- Suspension or expulsion from membership; or
- Other corrective or disciplinary action, as determined in IAAO's discretion.

## **Appeals**

All respondents have the right to appeal an adverse decision resulting in a sanction (other than assignment of remedial education or a private reprimand and warning) regarding an alleged violation of the IAAO Code of Ethics. Such appeals shall be submitted in writing to IAAO Headquarters within 30 calendar days of the date of the determination notice and shall state with specificity the grounds for appeal. If no request for appeal is made within 30 calendar days, the decision, as issued, will become final.

The IAAO Executive Committee shall review an appeal within 60 calendar days of receipt of the appeal. Appeals shall include a signed statement from the subject of the disciplinary action containing their full statement of the facts relevant to the alleged violation and the specific basis for appeal. New information will not be considered for appeal unless it was unavailable at the time of the Ethics Committee's determination. If such new information is provided, the appeal will be remanded to the Ethics Committee for a determination as to whether it warrants modification of the Ethics Committee's determination or sanction.

The IAAO Executive Committee will conduct an initial review of the appeal to determine whether the specific grounds for appeal raise a question of: (I) a procedural error, or (II) an arbitrary and capricious decision by the Ethics Committee. Appeals that do not meet that threshold standard shall be denied. If an appeal meets that threshold standard, the President shall forward the appeal to the IAAO Board of Directors for review. The Board of Directors shall review the record in the case, including the request for appeal. The Board's review shall be limited to a determination of whether: (I) a procedural error contributed to the Ethics Committee's decision, or (II) the Ethics Committee's decision was arbitrary and capricious. The Board of Directors may affirm, modify, or reverse the adverse decision made by the Ethics Committee. The decision on appeal is final and binding. Notification of the decision on appeal and an explanation of the basis for the decision will be sent to the appellant within 14 calendar days of its issuing.

## **Reinstatement**

If an individual has been expelled from membership or had their professional designation revoked, eligibility for reinstatement may be reconsidered on the following basis:

- In the event of a felony conviction related to the individual's professional role, no earlier than three years from the conviction or completion of sentence (if any), whichever is later;
- In any other event, no earlier than two years from the final decision of expulsion or revocation.

In addition to other facts required by IAAO, an individual seeking reinstatement of eligibility for membership or professional designation shall fully set forth the circumstances of the expulsion

or revocation decision, as well as all relevant facts and circumstances since the decision that are relevant to the application for reinstatement. When expulsion or revocation was because of felony conviction, the individual bears the burden of demonstrating that the individual has been rehabilitated.

Application for reinstatement, relevant documentation required of all applicants for membership or professional designation, and all relevant evidence supporting the reinstatement request shall be submitted in writing to IAAO Headquarters. The IAAO Ethics Committee shall determine whether the reinstatement shall be granted. Unless and until IAAO makes a decision to reestablish eligibility for reinstatement, the individual will remain ineligible for reinstatement. The applicant will be notified of the decision within 60 calendar days of receipt by IAAO of all the required documentation from the applicant. The decision of the IAAO Ethics Committee may be appealed to the IAAO Board of Directors.

### **Deliberations**

An attorney representing IAAO may be present and offer advice for any deliberations contemplated under these procedures.

Majority vote applies, where a quorum is present, for all actions taken by the Ethics Committee or the Board of Directors.

No individual who is a member of the Ethics Committee or the Board of Directors, or the Executive Director, will participate in deliberations or decisions involving the Code of Ethics where the individual has a significant past or current family, business, or personal/social relationship with the complainant or respondent based on the information disclosed by either or otherwise has a conflict of interest.

### **Publication and Reporting**

IAAO may, as deemed appropriate, report sanctions other than assignment of remedial education or a private reprimand and warning, and the underlying facts of the violation, to interested parties, including without limitation to persons seeking information about an individual's membership or professional designation status, as solely determined by IAAO. IAAO also may publish the information on IAAO's web site. If the sanction resulted from a violation reported to IAAO in a disciplinary complaint, IAAO will notify the complainant that it has completed its disciplinary proceeding and, if any public sanction has been imposed, of the disciplinary action taken.

Notifications to the complainant or third parties will not occur until either the time for an appeal has expired or a decision on an appeal is made.

**Responsibility for Notifying IAAO of Current Contact Information**

IAAO members are solely responsible for ensuring that their IAAO account includes their current mailing and email addresses. If an individual does not receive notice(s) from IAAO related to disciplinary proceedings, actions, or appeals due to the individual's failure to notify IAAO in a timely manner of a change of address, that lack of notification shall not be considered as the basis for an appeal or reconsideration of any decision in the matter.