

IBA ETHICS CASE PROCEDURES

The following *Ethics Case Procedures* (the “Procedures”) are the only rules for processing possible violations of the ethical standards promulgated by the International BodyTalk Association (“IBA”). These Procedures are applicable to:

1. All IBA members;
2. Non-members who hold an IBA certification;
3. Non-members who apply to commence an IBA certification process; and
4. Non-members who serve IBA in a voluntary capacity.

Throughout these Procedures, the individuals to which these Procedures are applicable may be referred to collectively as “Covered Individuals.” Covered Individuals understand and agree that these Procedures are a fair process for resolving all ethics matters duly adopted by IBA; and they will be bound by decisions made, and requirements issued, pursuant to these Procedures.

A. General Provisions

1. Nature of the Process. By applying for membership in the IBA, by applying for certification by the IBA, and by applying to serve the IBA in a volunteer capacity, individuals agree that they will accept the exclusive authority of the IBA to apply the *IBA Code of Ethics and Professional Conduct* (the “Code”), these Procedures, and other relevant IBA policies to resolve ethics matters.

These Procedures are not a formal legal process; therefore, many legal rules and practices are not observed, and the Procedures are designed to operate without the assistance of attorneys. Regardless, any individual Respondent may be represented by an attorney with respect to an ethics matter. If an individual has retained an attorney, that attorney may be directed to communicate with the IBA through IBA’s General Counsel or retained outside counsel. Individuals are encouraged to communicate directly with the IBA. The IBA, including its committees charged with carrying out these Procedures, may use the services of IBA’s General Counsel or retained outside counsel at its discretion.

These Procedures are designed to encourage full Code compliance by Covered Individuals. The Code and these Procedures are also designed to protect Covered Individuals, through the use of reasonable due process procedures, against patently false, malicious or groundless accusations that could result in significant harm if not properly handled.

While the adoption and enforcement of the Code demonstrates the IBA’s commitment to enhancing ethics among Professionals, it should not be construed in any manner as a guarantee or certification of the competency and/or professional qualities of Covered Individuals. Rather, the Code and these Procedures are designed to encourage the maintenance of ethical standards and to enforce such standards in those instances when an alleged violation is brought to the attention of the IBA through the processes outlined in these Procedures.

2. Participants. Ethics cases may be decided by the IBA Ethics Review Committee (the “ERC”), the Ethics Appeals Committee (the “Appeals Committee”), and/or any authorized designee of either committee. The following individuals may be referred to in these Procedures collectively as “Participants”:

- **Respondent:** A Covered Individual who is the subject of an ethics complaint or investigation will be identified as the Respondent.
- **Complainant:** A person initiating an ethics complaint (who may or may not be an IBA member) will be identified as the Complainant.
- **Witness:** A person who provides written or oral testimony in connection with an ethics complaint will be identified as the Witness.

The IBA Board of Directors will appoint each year such number of IBA members as the IBA Board of Directors deems appropriate to serve as members of the ERC. The IBA Chair, with Board of Directors approval, will appoint a Committee Chair from the members, who will supervise ERC’s work. The Committee Chair may appoint one or more Vice-Chairs to assist him/her, to preside over one or more Ethics Hearings, and to otherwise serve the role of and exercise the powers of the Committee Chair.

The IBA Board of Directors will appoint each year such number of IBA members as the IBA Board of Directors deems appropriate to serve as members the Appeals Committee. The IBA Chair, with Board of Directors approval, will appoint a Committee Chair from the members, who will supervise the work of the Appeals Committee. The Committee Chair may appoint one or more Vice-Chairs to assist him/her.

3. Time Requirements. The IBA will make every reasonable effort to follow the time requirements noted in these Procedures. However, the IBA's failure to meet a time requirement will not prohibit the final resolution of any ethics matter, or otherwise prevent the IBA from acting under these Procedures. Participants are required to comply with all time requirements specified in these Procedures. The ERC Chair or Appeals Committee Chair may grant time extensions or postponements at their discretion, as applicable, in response to a Participant's timely request.

4. Relaxation of Requirements/Global Accommodations. In light of the global nature of the IBA, including differences related to language, customs, geographic location, and other characteristics of IBA members, certificate holders, volunteers and applicants, the IBA recognizes that Covered Individuals may have difficulty meeting certain time or other requirements in these procedures. Accordingly, a Covered Individual may submit to the ERC Chair or the Appeals Committee Chair, as applicable, a written request for an extension of one or more of the time requirements, or a reasonable accommodation related to matters of language, custom, geographic location, or the like. The ERC Chair or the Appeals Committee Chair, as applicable, shall make a reasonable and appropriate determination as to whether to grant the request, in whole or in part, at the Chair's sole discretion.

5. Litigation/Other Proceedings. The IBA shall delay the investigation, hearing, and resolution of any ethics complaint when civil or criminal litigation or other proceedings substantially related to the complaint are before a court, a regulatory agency, or other governmental body.

The ERC may accept and resolve ethics complaints when proceedings are before another professional body, including, for example, another membership organization or an IBA component. The ERC Chair shall determine whether to proceed with consideration of ethics complaints when proceedings are before another professional body.

6. Confidentiality. All material prepared by or submitted to the IBA will be confidential, unless otherwise authorized by these Procedures. Nonetheless, there may be occasions in which materials or information that are part of the ethics process may not be considered confidential. General statistical and anonymous information regarding ethics cases shall not be considered confidential. Materials also may be disclosed to a third party as the result of a legal requirement. Further, materials which were already publicly known or broadly disseminated prior to the initiation of an ethics proceeding will not be considered confidential materials. In addition, portions of or the complete text of all final published rulings, decisions, requirements, and/or orders of the ERC or the Appeals Committee which the ERC or the Appeals Committee (as applicable) directs to be disclosed may be so disclosed. Finally, information submitted by Participants in an ethics proceeding may be provided to members of the ERC, members of the Appeals Committee, and other Participants in the same or a related ethics proceeding. The ERC and Appeals Committee shall notify each Complainant, Respondent, and witness of these confidentiality obligations. Further, the ERC and the Appeals Committee shall take steps to minimize disclosure of information to witnesses.

7. Failure to Cooperate. If any party refuses to fully cooperate with the IBA concerning matters arising under these Procedures without good cause, the IBA may: terminate the ethics complaint of an uncooperative Complainant; or impose any preliminary sanction or requirement included within these rules if a Respondent is uncooperative. In the event that a Respondent fails to cooperate by failing to provide a written response to an ethics complaint or failing to participate in an Ethics Hearing, the ERC may proceed without the Respondent's participation and the Respondent will forfeit any right to an appeal. Except in the case when a Respondent fails to cooperate by providing a written response to an ethics complaint or fails to participate in an Ethics hearing, when a discipline, order, requirement, or other directive is issued by the ERC under this Section, the Covered Individual involved may seek review and appeal pursuant to these Procedures in the same manner and for the same reasons provided for in these Procedures when a final Decision and Order has been issued.

8. Resignation and Withdrawal. During the course of any ethics case, should a Respondent relinquish IBA membership, terminate certification status, withdraw an application for certification, or resign from his/her IBA volunteer position and thereby cease to be a Covered Individual, the IBA may, at the discretion of the ERC Chair or Appeals Committee Chair, as applicable, cease to consider the matter.

9. Notices. All notices provided to Participants under these Procedures shall be delivered to the delivery address on file with IBA headquarters using either registered mail or reliable delivery service with signature required by recipient. Parties are responsible for maintaining up-to-date delivery addresses with IBA headquarters. Materials sent to the delivery address on file with IBA headquarters will be deemed to have been received for purposes of these Procedures, regardless of whether such materials are returned as undeliverable; the ERC Chair or the Appeals Committee Chair (as applicable) may make exceptions to this general rule at his/her discretion. If specifically permitted by the ERC Chair or the Appeals Committee Chair, as applicable, and if agreed to by the applicable Participant, materials may be shared by electronic mail.

10. Document Retention. Legal Counsel to the ERC and the Appeals Committee shall retain all official documents related to all proceedings arising under these Procedures. ERC and Appeals Committee members shall destroy all copies (including electronic copies) of notes and materials related to any matters that have been officially closed. The IBA may supplement this requirement with policies and procedures governing document retention.

11. Conflicts of Interest. ERC and Appeals Committee members shall operate at all times consistent with all applicable IBA policies and procedures, including those governing conflicts of interest.

B. Submission of Ethics Complaints/Acceptance or Rejection

1. Submission to the IBA. Any person, group, organization, or, in appropriate cases, the IBA, may initiate an ethics complaint (the "Complainant"). Each Complainant must submit to the Staff Liaison (a term that, for the purposes of these Procedures, shall include the person holding the position of ERC staff liaison as well as any IBA staff member designated by the staff liaison to carry out obligations identified in these Procedures) a complete Ethics Complaint Form, including a detailed written description of the factual allegations supporting the ethics complaint and an explanation of how the allegations set forth in the complaint may constitute a violation of the Code. Anonymous complaints where the Complainant is not identified are not permitted and will be rejected.

2. IBA Staff Liaison Complaint Rejection. The Staff Liaison may use discretion to determine that the complaint:

1. Is incomplete or contains facially unreliable or insufficient information;
2. Is patently frivolous or trivial;
3. Should be filed as a Grievance Complaint;
4. Is the subject of civil or criminal litigation or other proceedings substantially related to the complaint before a court, a regulatory agency, or other governmental body (see Section A.5. of these Case Procedures); and/or
5. Is directed against an individual who is not a Covered Individual.

If the Staff Liaison determines that an allegation or charge should not constitute a formal ethics complaint, the Staff Liaison will return all information submitted and notify the Complainant of the rejection and its basis by written correspondence. All such preliminary dispositions of complaints by the Staff Liaison shall be reported in writing promptly to the ERC Chair, and such written reports shall include a specific statement addressing whether any member of the IBA staff or any other member of the IBA Board of Directors, was alleged in the complaint to have engaged in any manner of wrongdoing. The ERC may re-initiate the preliminarily dismissed complaint at its discretion.

3. IBA Staff Liaison Complaint Acceptance. Upon a determination that an ethics complaint is appropriate, the Staff Liaison will forward the complaint to the ERC.

4. Ethics Review Committee. The ERC is responsible for the investigation and initial resolution of each ethics complaint, subject to the provisions of these Procedures addressing appeals of ethics complaints.

5. Ethics Review Committee Complaint Rejection. Upon receipt of a complaint, the ERC will determine whether sufficient detail is presented to constitute a formal ethics complaint and to permit the ERC to conduct an appropriate review. To determine whether to reject a complaint forwarded to the ERC by the Staff Liaison, the ERC shall consider whether: (1) a proven complaint would constitute a violation of one or more specific Code provisions; (2) the amount of time that has passed since the alleged violation occurred is so great that the ERC determines the complaint should be rejected; and (3) relevant, reliable information or proof concerning the charge is likely to be available.

6. Ethics Review Committee Complaint Acceptance. In the event that the ERC determines that a complaint should proceed, it shall issue a formal Ethics Complaint Notice (the "Notice") identifying each Code violation alleged, and the supporting factual basis for the complaint. This Notice will be delivered to the Respondent in accordance with the Document Retention section (A.10) of these Procedures, and marked *Confidential*. The ERC may request additional information to supplement or explain an allegation. Upon complaint acceptance, the ERC Chair assigns a Review Team to a case. The Review Team reviews the documentation provided and engages in independent fact-finding to the extent necessary to clarify, expand, or corroborate the information provided. The Review Team may be assisted by IBA staff, IBA legal counsel, and/or outside experts. It is mandatory that the ERC Review Team use the IBA-appointed legal counsel when preparing a case for an Ethics Hearing and that no other legal counsel be consulted by the ERC Review Team unless such other legal counsel is consented to in writing by the IBA General Counsel. The Complainant and/or the Respondent may be contacted by the Review Team or its agents for additional information with respect to the complaint. In addition, the Review Team or its agents may contact Witnesses who may have knowledge of the facts and circumstances surrounding the complaint.

7. Ethics Complaint Response. The Respondent **must submit** a completed Ethics Complaint Response Form within forty-five (45) days of the mailing date of the Notice. The Ethics Complaint Response must include a full response to each

complaint, and a copy of each document relevant to the resolution of the ethics complaint. The Review Team, at its sole discretion, may request additional information from the Respondent, the Complainant, or a Witness to supplement a response.

8. *Complaint Referral.* If the Review Team determines that the factual allegations presented by a Complainant, or the information revealed by an investigation, may constitute a violation of Code provisions not directly related to those presented by the Complainant, the Review Team may take any of the following actions:

- Notify the Respondent of possible, unrelated Code violations, and consider such possible unrelated, Code violations in addition to those raised in the complaint; or
- Take other appropriate actions.

If the Review Team determines that the factual allegations presented by the Complainant, or the information revealed by an investigation, may constitute a violation of one or more Code provisions by the Complainant, the Review Team may take any of the following actions:

- Notify the Complainant of possible Code violations, and any recommended corrective actions;
- Refer the matter to the Respondent for review and possible submission of a complaint against Complainant; or
- Take other appropriate actions.

9. *Charges.* Upon completion of its review, the Review Team shall determine whether the complaint warrants the bringing of charges against the Respondent. If the Review Team concludes that charges should be brought, it shall prepare written charges explaining the alleged aggrieved conduct and why such conduct constitutes grounds for disciplinary action. The charges document shall be provided to the Respondent by the ERC. This document will inform the Respondent that a hearing will be scheduled pursuant to these Procedures and will communicate a reasonable deadline established by the ERC for the Respondent to:

1. notify the ERC of the names of individuals who will serve as witnesses for the Respondent during the hearing; and
2. provide the ERC any further written materials in support of the Respondent's position.

If the Review Team concludes that no charges should be brought, it shall dismiss the complaint without prejudice. The ERC Chair shall notify the Respondent and Complainant in writing. The ERC Chair shall report all such dispositions of complaints immediately in writing to all ERC members with a copy to the Chief Executive Officer, Chief Operating Officer and to IBA's general counsel.

C. Preliminary Actions and Orders

Preliminary and Temporary Orders. The ERC or the Appeals Committee, as applicable, may require the Respondent to do, or to refrain from doing, certain acts by Preliminary and Temporary Order reasonably related to the complaint under consideration pending the final resolution of the case or investigation. Such orders may include, but are not limited to, a requirement that the Respondent immediately cease from representing himself or herself as an IBA member, volunteer, certificant, or applicant, or as otherwise associated with the IBA, until further notice; or, a restriction that the Respondent may not pursue an IBA position or office pending the final resolution of the ethics matter under review. The ERC or the Appeals Committee may discipline a Respondent who fails to comply with a Temporary or Preliminary Order. Preliminary and Temporary Orders are not subject to appeal, but may be reconsidered by the applicable committee upon written request of the Respondent presenting substantial reasons that the order is no longer necessary.

D. Ethics Review Committee Hearings

1. *Hearing Schedule, Notice, and Attendance.* If the Review Team determines that charges should be brought, then a hearing date, time, and location for each ethics case will be scheduled by the ERC in consultation with the Respondent, and the Respondent will be notified in writing. Any Ethics Hearing may proceed to a conclusion and decision, whether or not the Respondent is present, based on the appropriate written record as determined by the Hearing Panel.

Once a hearing date, time, and location have been set after consultation with the Respondent, requests for changes to such date, time, and location shall only be honored pursuant to the ERC Chair's sole discretion. As determined by the ERC Chair, the Ethics Hearing may be conducted entirely or in part via teleconference, where all persons participating will be able to communicate with one another. The ERC shall provide to the Complainant notice of and an opportunity to participate in the hearing and provide a statement during the Ethics Hearing, but the Complainant shall not be required to participate.

2. *Conduct of the Hearing.* It is mandatory that IBA-appointed legal counsel shall assist the ERC at an Ethics Hearing and that no other legal counsel be consulted by the ERC unless such other legal counsel is consented to in writing by the IBA General Counsel. The ERC Chair presides at the Ethics Hearing or in the case where the ERC Chair may not be able to preside,

the past ERC Chair or the Vice Chair may fulfill this duty, and the Review Team is responsible for setting forth the charges. The Respondent may have legal counsel participate in an Ethics Hearing. The members of the ERC who participate in an Ethics Hearing and who were not members of the Review Team shall serve as members of the Hearing Panel. There must be at least three (3) Hearing Panel members participating in order to go forward with an Ethics Hearing. No formal legal rules of evidence, cross-examination oath, and other procedures apply to hearings. The Respondent, or a legal representative, is permitted to respond to the charges. The Review Team and the Respondent, as well as the Complainant (if participating in the Ethics Hearing) may be asked questions by the Hearing Panel. Objections relating to relevance of information and other procedural issues during the Ethics Hearing will be decided by the ERC Chair and these decisions are not subject to appeal. In the event of contradictory or disputed testimony or evidence, the Hearing Panel may weigh the relative credibility of any such testimony or evidence and make a reasoned determination based on all facts presented. The ERC may establish more detailed hearing guidelines that are consistent with the provisions of these Procedures.

3. Witnesses. The Respondent and the Review Team may request witnesses to participate in the Ethics Hearing; such witnesses' participation shall be subject to the sole discretion of the ERC Chair. Alternatively, witnesses may submit statements to be included in the Hearing Record. Witnesses permitted by the ERC Chair to participate at an Ethics Hearing may make presentations and be asked questions by members of the Review Team and the ERC presiding at the Ethics Hearing.

4. Hearing Record. A taped, written, or other record of the Ethics Hearing may be made by the ERC, another IBA representative, or a stenographer/recorder, if so determined by the ERC. No taping or other type of recording of an Ethics Hearing may be made by any Participant.

5. Hearing Expenses. The Respondent and Complainant will be responsible for his/her expenses associated with an ethics investigation or case, including the costs associated with any witnesses or legal counsel. The IBA will bear other general costs of conducting the Ethics Hearing, including costs associated with the activities of IBA representatives.

6. Closing the Hearing Record. Any Ethics Hearing may proceed to a conclusion and decision, whether or not the Respondent is present, based on the appropriate written record, as determined by the ERC. The ERC will review the hearing record, as well as any submissions presented by the Respondent and other relevant information, and thereafter, will determine the outcome of the ethics case by majority vote of the Hearing Panel in a closed session. The hearing record will be closed following the conclusion of the hearing, unless otherwise directed by the ERC Chair. The Hearing Panel shall use a preponderance-of-evidence standard for determining whether to find that a Code violation occurred.

7. Ethics Review Committee Decision and Order. The ERC will prepare a Decision and Order after closing the record, including:

- A summary of the case, including the positions of the Complainant and the Respondent;
- A summary of relevant factual findings based on the record of the hearing;
- A final ruling on the Code violations charged;
- A statement of any corrective or disciplinary action(s); and
- Other directives issued by the ERC.

Copies of the ERC Decision and Order shall be sent to the Respondent and the Complainant. The Respondent and the Complainant also will be notified that the final decision may be published consistent with these Procedures.

8. Disciplinary Actions Available. When a Respondent is found to have violated one or more Code provisions, the ERC may issue and order one or more of the following disciplinary or remedial actions:

- a) The denial and rejection of any IBA membership and/or certification application;
- b) Private reprimand and censure, including any appropriate conditions or directives;
- c) Public reprimand and censure, including any appropriate conditions or directives;
- d) Membership, certification, and/or volunteer probation for a period up to three (3) years, including any appropriate restrictions or conditions concerning membership, certification, and/or volunteer rights and any other conditions or directives;
- e) Suspension of membership, certification, and/or volunteer status for a specified period of time, including any appropriate conditions or directives;
- f) Termination of membership and/or revocation of certification status;

Respondents found to have violated one or more Code provisions also may be subject to restrictions established by the IBA, such as prohibitions against serving on particular IBA committees.

E. Ethics Appeals Committee/Appeals

1. Time Period for Submitting Appeal. Within forty-five (45) days of the mailing date of an adverse ERC Decision and Order, the Respondent may submit to the Appeals Committee, care of the IBA headquarters address, a written appeal of all or a portion of the Decision and Order consistent with the requirements of these Procedures. The Appeals Committee staff liaison will forward the appeal to the Appeals Committee Chair for review, consideration, and assignment. A Respondent who fails to submit a written response or who fails to participate in an Ethics Hearing shall not be permitted to submit an appeal of any ERC Decision and Order.

2. Grounds for Appeal. An adverse ERC Decision and Order may be reversed, remanded, and/or otherwise modified by the Appeals Committee. However, the grounds for appeal of an adverse decision are strictly limited to the following:

- a) *Procedural Error.* The ERC committed clear error in the application of a provision contained in these Procedures, and that misapplication prejudiced the Respondent. Decisions made by the ERC Chair on matters which are left to the discretion of the ERC Chair under these Procedures are not appealable unless the decision constituted an abuse of discretion. With respect to this subsection, the Appeals Committee will consider only arguments that were presented to the ERC prior to the closing of the Hearing Record.
- b) *New or Previously Undiscovered Information.* Following the closing of the hearing record, the Respondent located relevant proof that was not previously in his/her possession; was not reasonably available prior to closure of the record; and, could have affected the ERC decision.
- c) *Contrary to the Information Presented.* The ERC decision was arbitrary and capricious and the ERC had no reasonable basis for arriving at the conclusion it reached.

3. Contents of Appeal Letter. The Respondent must submit to the IBA headquarters address a letter or other written document directed to the Appeals Committee, and the ERC, containing the following information and material:

- The ethics case name;
 - The docket number and date of the ERC Decision;
 - A statement and complete explanation of the reasons for the appeal under Section E.2, including an explanation and basis for any request concerning a reduction in the discipline issued by the ERC; and,
 - Copies of any material supporting the appeal.
- a) In the case of an appeal under Section E.2.a, the Respondent must provide a specific reference to the procedure(s) involved and to the section(s) of the case documentation which supports the Respondent's position. In the case of an appeal under Section E.2.a alleging the ERC Chair's abuse of discretion, the Respondent must provide detailed information from the case documentation which supports the Respondent's position. Any appeal under Section E.2.a will not be accepted without proper documentation.
 - b) In the case of an appeal under Section E.2.b, the Respondent must provide the relevant new or previously undiscovered information, a written statement as to whether such information was reasonably available at the time the case was considered by the ERC, and a written explanation as to how the new or previously undiscovered information would have affected the ERC's decision. Any appeal under Section E.2.b will not be accepted without proper written documentation.
 - c) In the case of an appeal under Section E.2.c, the Respondent must provide a written explanation explaining why the ERC had no reasonable basis for arriving at its conclusion and citing specific parts of the hearing record which support the Respondent's position. Any appeal under Section E.2.c will not be accepted without proper documentation.

If the letter or other document submitted by the Respondent to the Appeals Committee fails to include all of the above contents or if it fails to provide on its face sufficient information and documentation to support an appeal under Section E.2, the Appeals Committee shall reject the Respondent's appeal.

F. Ethics Appeals Committee/Appeal Hearings

1. Ethics Appeals. As directed by the Committee Chair, three (3) Appeals Committee members of the Appeals Committee will be assigned to each case (the "Subcommittee"); the Appeals Committee Chair shall appoint one of the three (3) members as Subcommittee Chair in charge of the ethics appeal. It is mandatory that the Appeals Committee use the IBA-appointed legal counsel when preparing a case for appeal and that no other legal counsel be consulted by the Appeals Committee unless such other legal counsel is consented to in writing by the IBA General Counsel. The Appeals Committee shall consider only those grounds for appeal specifically cited by the Respondent in the appeal letter.

2. Appeal Process. Following receipt of a complete and proper written appeal, the Subcommittee will deliver to the ERC Chair a copy of the appeal with instructions for the ERC to provide written response within forty-five (45) days.

3. Appeal Hearing. After considering the written appeal and the written response from the ERC, the Subcommittee may:

1. determine that sufficient information has been provided for the Subcommittee to conclude the appeal and issue its Appeal Decision and Order, or;
2. determine that an Appeal Hearing is necessary before the Subcommittee is able to conclude the appeal.

In the event that an Appeal Hearing is determined to be necessary, the Subcommittee shall schedule a date on which to conduct an Appeal Hearing and notify the Respondent and ERC in writing at least thirty (30) days in advance of the scheduled date. As determined by the Subcommittee Chair, the Appeal Hearing may be conducted entirely or in part via teleconference, where all participants will be able to communicate with one another.

4. Conduct of Appeal Hearing. It is mandatory that the IBA appointed legal counsel shall assist the Subcommittee at an Appeal Hearing and that no other legal counsel be consulted by the Subcommittee unless such other legal counsel is consented to in writing by the IBA General Counsel. The Subcommittee Chair shall preside at the Appeal Hearing. No formal legal rules of evidence, cross-examination, oath, and other procedures will apply to the Appeal Hearing. The Respondent and one or more representatives of the ERC (as determined at the sole discretion of the Subcommittee Chair) shall each be given an opportunity to speak at the Appeal Hearing. Both the Respondent and the ERC representative(s) may be asked questions by the Subcommittee members. Objections relating to relevance of information and other procedural issues during the Appeal Hearing will be decided by the Subcommittee Chair and these decisions are not subject to appeal. The Appeals Committee may establish more detailed hearing guidelines that are consistent with the provisions of these Procedures.

5. Standard of Review. In the case of an appeal under section E.3.a, the Appeals Committee shall give deference to the ERC's discretionary procedural decisions, such that a discretionary procedural decision made by the ERC may only be grounds for a successful appeal under section E.3.a, if the decision was arbitrary or lacking in any reasonable basis. In the case of an appeal under section E.3.c, the Appeals Committee shall give deference to the ERC's factual findings, such that a factual finding will be presumed reasonable unless the finding was lacking in any reasonable basis.

6. Ethics Appeals Committee Decision and Order. Following the Appeal Hearing conclusion or conclusion of an appeal without a hearing, the Appeals Committee will issue an Appeal Decision and Order stating:

- The outcome and resolution of the appeal, including a summary of relevant portions of the ERC Decision and Order;
- A summary of any relevant procedural or factual findings made by the Appeals Committee;
- The Appeals Committee's ruling(s) and decision(s) with respect to the matters under appeal; and,
- The Appeals Committee's final Decision and Order accepting, affirming, reversing, remanding, amending, or otherwise modifying any portion of the ERC Decision and Order, including any final disciplinary action or sanction issued by the Appeals Committee.

Copies of the Appeals Committee Decision and Order shall be sent to the Respondent, the Complainant, and the ERC. The Respondent, the Complainant, and the ERC also will be notified that the final decision may be published, consistent with the requirements of these Procedures.

G. Finalizing Ethics Cases.

1. Events Which Will Cause Closure of an Ethics Case. An ethics case will be closed when any of the following occur:

- The ethics complaint has been rejected pursuant to these procedures;
- A final decision has been issued by the ERC without appeal pursuant to these procedures;
- A final decision has been issued by the Appeals Committee pursuant to these procedures without further action required by the ERC; or,
- An ethics complaint has been terminated or withdrawn by the Complainant(s).

2. Events Which Will Cause an Ethics Case Decision and Order to Become Final. An Ethics Case Decision and Order issued by the ERC that is not appealed within the prescribed time requirements will be considered final. A dismissal by the Appeals Committee or the issuance of an Ethics Case Decision and Order issued by the Appeals Committee will be considered final.

3. Referral and Notification Actions. The IBA may notify appropriate governmental, professional, or similar bodies of any actions taken concerning a Respondent by sending a copy of the final Ethics Case Decision and Order issued by the ERC and/or the Appeals Committee, or by sending another appropriate notice. This notification may be done at any point after the time

period for the Respondent to appeal an adverse decision has elapsed (but not before). During the appeal period, the IBA may respond to inquiries regarding the existence of ethics cases and indicate the existence of such proceedings.

4. Publication of Final Disciplinary Action. The IBA may publish a notification of a final Ethics Case Decision and Order following the issuance of an ERC or Appeals Committee decision or ruling if so directed by the applicable Decision and Order. This notification may be published following the conclusion of any appeals available to the Respondent.

H. Probation and Suspension Orders/Reinstatement Procedures.

1. Probation Orders/Reinstatement or Referral. Following the expiration of a final Decision and Order which includes a probation requirement under these Procedures, the ERC will determine whether the Respondent has satisfied the terms of the probation order, and will do the following:

- If the Respondent has satisfied the terms of probation in full, the ERC will immediately verify with the IBA that the probation has been completed and reinstate the individual to full membership and/or certification status following the acceptance of a complete membership and/or certification application and full payment of all membership dues, certification fees owed (if any), and submissions necessary to demonstrate satisfaction of professional development units (if necessary); or,
- If the Respondent has not satisfied the terms of probation in full, the ERC will issue any appropriate action consistent with these Procedures, including, but not limited to, the imposition of an additional probation term(s).

2. Suspension Orders/Reinstatement. After the issuance of a final Decision and Order which includes a suspension sanction issued under these Procedures, a Respondent shall be eligible to have membership and/or certification status reinstated at the conclusion of the suspension time period, according to all applicable IBA terms of membership and/or certification as may be in existence at the time.

3. Ethics Review Committee Reinstatement Request Decisions. If an applicable Decision and Order conditions reinstatement on a subsequent review by the ERC, the Respondent must submit to the ERC a written request to be reinstated. Following the submission of a complete reinstatement request, the ERC will schedule and conduct a hearing to review and rule on the request. During these deliberations, the ERC will review the information presented by the Respondent and any other relevant information, and prepare and issue a final Decision and Order stating whether the request is granted, denied, or continued to a later date; and, if appropriate, any conditions of membership and/or certification. Copies of the ERC Decision and Order will be sent the Respondent and the Complainant. While no appeal of the Decision and Order is permitted in this situation, the Respondent may submit a new request pursuant to this Section one (1) year or more after the issuance of the ERC Decision and Order rejecting the request.

I. Educating IBA's Members, Certificants, and Volunteers Regarding Ethics Enforcement.

Regardless of the final disposition of a particular ethics case, the ERC may recommend that IBA publish relevant facts regarding the case for the benefit of IBA's membership, certificants, and volunteers. Except in the event that the IBA issues a disciplinary order requiring public reprimand and censure and the time for appealing such order has passed and either no appeal was filed or the appeal was heard and rejected pursuant to these Procedures, such publication shall be made in a redacted manner so that individuals are neither expressly identified nor otherwise identifiable through other facts and circumstances. In the event that the facts surrounding a particular ethics case are such that even the publication of a redacted version would result in one or more individuals being identifiable, then the ERC shall not recommend publication, unless pursuant to a disciplinary order.