



It is likely that you are here because you have decided to consider resolving an ethical situation by filing an official Ethics Complaint. You have reviewed the [IBA Code of Ethics & Professional Conduct](#) and [Ethics Case Procedures](#) before the preparation of an Ethics Complaint in order to understand the organization's procedures and ethical standards. Also, you may have made use of the resources IBA provides, including the [IBA Ethical Decision-Making Framework](#).

An Ethics Complaint may only be filed against a Covered Individual. A Covered Individual includes: (1) an IBA Member, as defined by the IBA by-laws; (2) a non-member who holds an IBA certification; (3) a non-member who applies to commence an IBA certification process; and/or (4) a non-member who serves IBA in a voluntary capacity.

The Ethics Complaint procedures are described and displayed in diagram form below.

## What You Need To Do To File a Complaint



An IBA Ethics Complaint may not be filed against entities (e.g., companies or organizations), but only against individuals.

The first step in filing an Ethics Complaint is completing the [Ethics Complaint Form](#) and submitting it to IBA Headquarters.

The Ethics Complaint Form has the complete instructions needed to complete the Complaint. Make sure to provide *all* necessary information in support of your Complaint. When in doubt, submit the information.



In order to be processed, the Complaint must be dated and have an original signature (no copies or electronic signatures will be accepted).

## How Your Complaint Will Be Reviewed

Once the form and any supporting documentation are received by IBA Headquarters, it will be reviewed by IBA Staff for completeness. First, they will verify that the individual against whom the Complaint is filed is a Covered Individual (i.e. an IBA Member, Certification Holder, Applicant for a Certification, or IBA Volunteer). Next, the form and any supporting documentation will be checked for legibility and completeness (i.e. making sure the Complainant signed and dated the complaint and

included all requested information). Any problems detected at this stage will delay consideration of the complaint.



The person or entity that submits a complaint is referred to as the Complainant. The person for which the complaint is filed against is referred to as the Respondent.

Once IBA staff determines that the Complaint is complete, it is then forwarded to the Ethics Review Committee (ERC) Legal Counsel, with copies provided to the ERC Chair and ERC Vice Chair. The ERC Vice Chair performs another quality check on the complaint and extracts information for insertion into the statistics kept by the ERC. Concurrently, the ERC Chair reviews the complaint for the possibility of rejecting the complaint if the Respondent is not a Covered Individual.

The complaint and supporting documentation is then loaded on the IBA SharePoint site in an area that is accessible only to ERC Members.



All Ethics complaints are confidential.

In the process of evaluating each potential case at their monthly meeting, the following questions are asked for each complaint:

1. Is there a quorum? *(This is required by the Ethics Case Procedures)*
2. Is the Respondent covered by the IBA Code of Ethics and Professional Conduct? *(e.g., member, certification holder, applicant, volunteer)*
3. Does any member of the ERC have a conflict of interest to declare? *(This may be cause for the member to be recused from the case)*
4. Is there legal action pending? *(The ERC will not take on a case if legal action is pending or if legal action is anticipated)*
5. Are there other actions being pursued in the case? *(e.g., disciplinary action with other associations)*
6. Are the allegations focused on improper or illegal use of IBA property? *(If the Respondent is not a covered member, then the case would be referred to IBA legal for action)*
7. Is there sufficient detail presented to constitute a formal ethics complaint?
  - a. Based upon the specific Code provisions identified by the complaint
  - b. Based upon the specific Code provisions identified by the ERC; and
  - c. To permit the ERC to conduct an appropriate review.

8. Would a proven complaint constitute a violation of the specific Code provisions identified by the Complainant in the original submission?
9. Is there reasonable cause to believe that the charge appears to be justified, considering the proof available?



Review points 7, 8 and 9 highlight why it is imperative that all available information be submitted with the complaint. It is not acceptable to say something happened without providing supporting documentation.

The complaint can be accepted, outright rejected, or put on hold while missing information is obtained. An accepted complaint becomes an Ethics Case and a Review Team is assigned. A Review Team consists of a Chair and at least two ERC Members.

## What Happens If Your Complaint Is Accepted

At the same time the Review Team is formed, with the assistance of ERC Legal Counsel, the ERC will send a formal notice of the complaint to the Respondent, identifying each Code violation alleged and the supporting factual basis for the complaint. Included in this formal notice are copies of the Code of Ethics and Professional Conduct, the Ethics Case Procedures, the Complaint Form as filed by the Complainant (including all attachments), and the [Complaint Response Form](#) for the Respondent to fill out.



The notice will be sent to the address on record with IBA. It is important for IBA Members to keep their contact information up to date with IBA.

The Review Team may choose to meet or to delay meeting until a response is received from the Respondent. A Respondent has 45 days to respond to the formal notice of the complaint using the [Complaint Response Form](#) that has been provided.



Remember to sign and date the [Complaint Response Form](#). The response will not be processed without this information.

The Review Team Chair will be responsible for facilitating the activities to ensure the case investigation is completed and status is reported to the ERC. 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. This independent fact-finding may include, but is not limited to:

Interviewing witnesses

Sending fact-finding letters

Obtaining legal opinions

Obtaining more information from the Complainant

Obtaining more information from the Respondent

The Review team, by majority vote will decide to:

Dismiss the entire case as the facts do not support the allegations

Dismiss part of the case and proceed to hearing with charges that do support the allegations

Proceed to hearing with charges that do support the allegations

## What Happens At a Hearing?

If the Review Team decides that a hearing is required, Legal Counsel will prepare a formal charges document to be sent to the Respondent. In addition to the formal charges, the document will also have the following:

- 1) That the hearing will be conducted in the manner set forth in Section D of the Ethics Case Procedures,
- 2) That the Respondent has the right to be represented by counsel (at Respondent's expense),
- 3) That the Respondent should notify the ERC of the names of individuals who will serve as witnesses for the Respondent during the hearing with a due date for such notice, not later than five (5) business days before the Hearing,
- 4) That the right to have witnesses participate or alternatively to submit statements to be included in the Hearing Record will be subject to the discretion of the ERC Chair, who will serve as the Hearing Panel Chair, and
- 5) That witnesses at a hearing may make presentations and be asked questions by members of the Review Team and the Hearing Panel and the ERC Chair.

Legal Counsel will then coordinate with all parties (ERC, Complainant, Respondent, witnesses) to establish an appropriate date and time for a hearing. 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

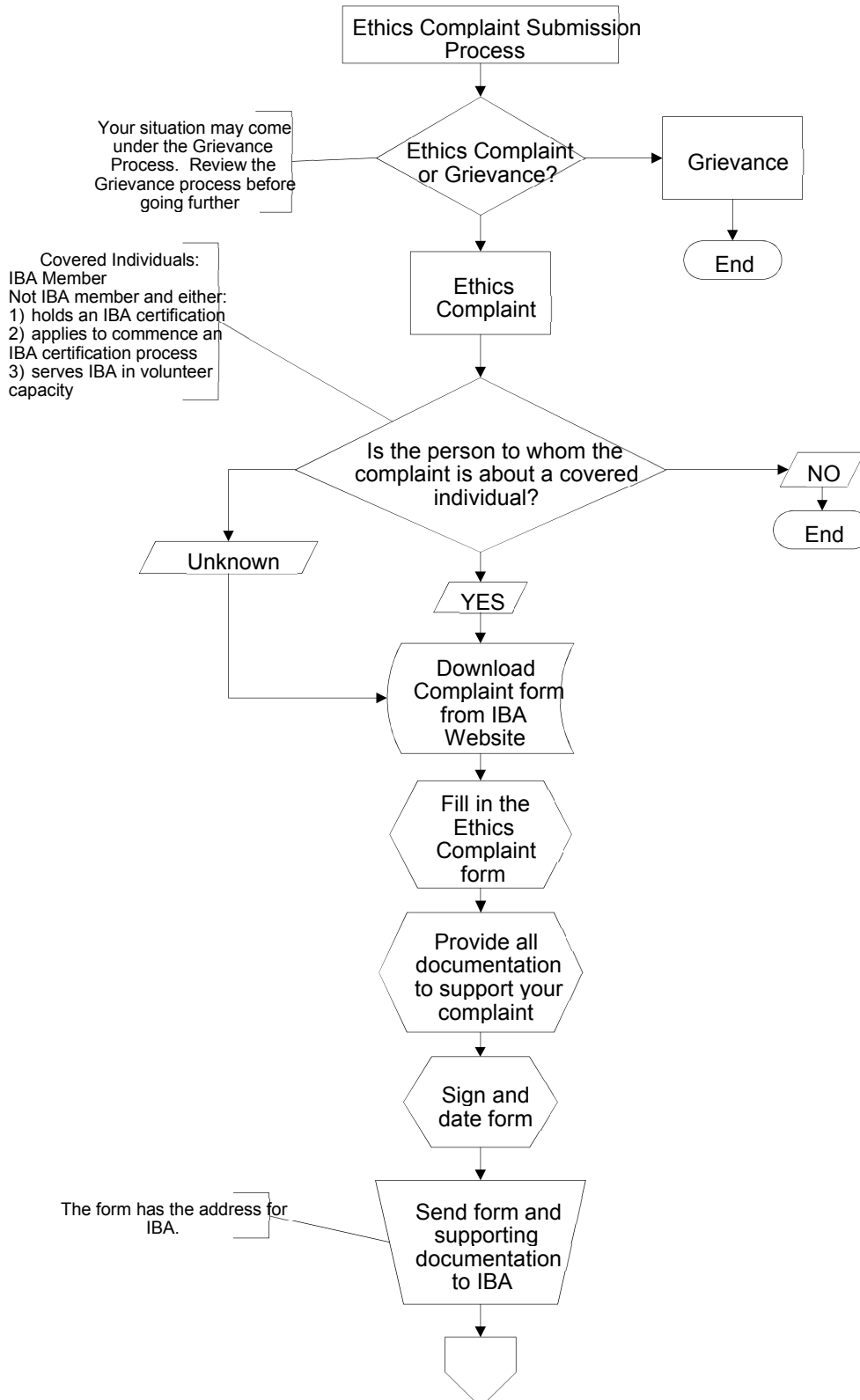
opportunity to participate in the hearing and provide a statement during the hearing, but the Complainant is not required to participate, as per the Ethics Case Procedures.



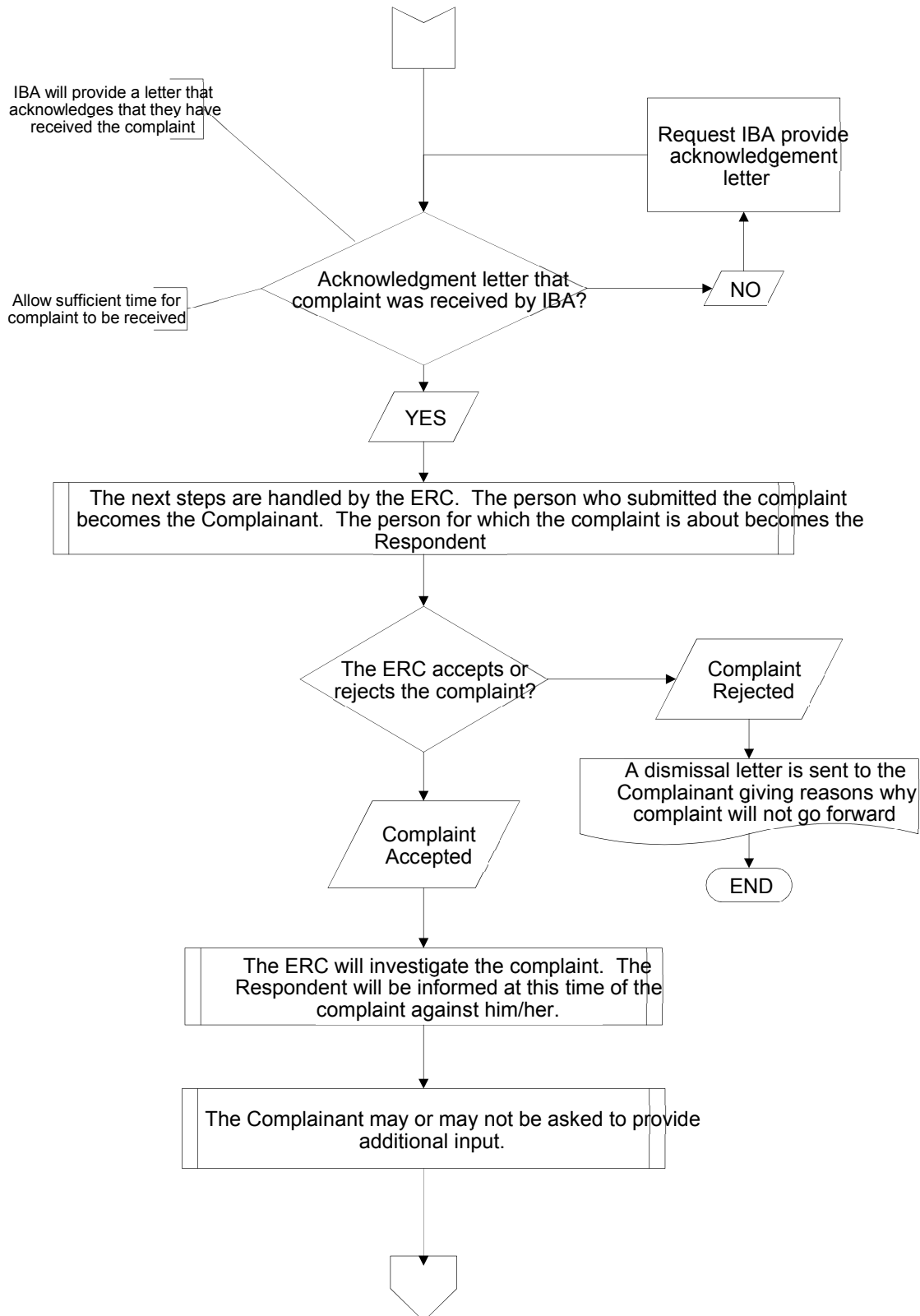
The ERC does not issue advisory opinions and does not provide informal consultations with PMI members or others on ethics matters.

*A flowchart is on the following pages.*

# Ethics Complaint Procedures Overview



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