

ACP INTERNATIONAL ETHICS COUNCIL

Policies and Procedures

Section A

General

1. The Association of Career Professionals International (ACP International) is dedicated to maintaining the professionalism of its members by articulating and practicing high standards of professional conduct.
2. As specific steps toward achieving this objective, ACP International has:
 - a.) established Standards for Ethical Practice;
 - b.) publicized these standards in ACP International literature and collateral materials;
 - c.) required a written commitment to abide by these standards as a condition of membership;
 - d.) made violation of these standards grounds for temporary suspension or permanent revocation of all of the privileges of membership in the organization.
3. In addition, ACP International has established an International Ethics Council, which is charged with the responsibility of ensuring that member conduct is in compliance with the Standards for Ethical Practice.
4. The purpose of this document is to identify the composition of the Ethics Council, to facilitate the Council's work by detailing the procedures for processing alleged violations, and to specify a process that will ensure equitable, efficient and impartial resolution of complaints of unethical conduct by ACP International members.
5. The Ethics Council will function in full compliance with legislation in the United States, specifically the District of Columbia. All information will be held confidential and only housed with the Ethics Council members and the Executive Director of ACP International.
6. In processing complaints about alleged ethical violations, the Ethics Council will compile an objective, factual account of the dispute in question, and make the best possible determination of the issue. The Council, in taking any action, shall do so only when there is a basis for such action, and make every attempt to conduct procedures and/or disciplinary action with objectivity and fairness. Since the processing of an ethics complaint is not civil or criminal litigation, the ultimate penalty that can or should be imposed is either temporary or permanent revocation of membership privileges.

Section B

The Ethics Council

1. The Ethics Council is a standing committee of ACP International. It consists of a maximum of five (5), including the Chairperson. The Chairperson is appointed by the President of ACP International. The other members are appointed by the President, in collaboration with the Chairperson, and drawn from ACP International members in good standing. No more than two (2) members of the Council are to be from any single country. All five (5) members of the Council are subject to confirmation by the ACP International Executive Team & World Council.

2. Each member will serve for a period of two (2) years from appointment, and subject to renewal each two (2) years thereafter at the discretion of the International Executive Team & World Council.
3. If a member of the Ethics Council is a party, or a witness, in an ethics dispute presented to the Council, the member will be disqualified from participating in any phase of the processing of that complaint.
4. If a member of the Ethics Council has any current personal or business relationship with either party to an ethics complaint, that member will abstain from participation in any phase of the processing of that complaint.
5. If a member of the Ethics Council is a Respondent (charged with a violation of the Standards for Ethical Practice), the member will be required to abstain from participating in all aspects of the work of the Council until the matter is resolved. If charges against a member of the Council are upheld, the member will be required to resign.
6. A quorum of the Ethics Council members is required for all deliberations and decisions. Such quorum is comprised of a majority of the Ethics Council. In the case where the Chair is unable to fill this position due to a conflict of interest, the President of ACP International will appoint a new Chair for the case. In addition, in the instance that more than one member of the Council must be excused from the case, the President of ACP International shall appoint members to fill these vacancies for that particular case.

Section C

Responsibilities of the Ethics Council

The Ethics Council is responsible for:

1. Fostering member and public awareness of the Standards for Ethical Practice.
2. Performing an annual review of the Standards for Ethical Practice to ensure their ongoing ability to protect the integrity of the profession and the interests of the public.
3. Proposing to the International Executive Team & World Council any necessary revisions, and advising on any recommended changes.
4. Reviewing and revising the policies and procedures for processing complaints of ethical violations.
5. Receiving complaints and gathering evidence to determine whether alleged violations to ethical standards actually occurred.
6. Imposing appropriate sanctions if it determines that violations have occurred.
7. Gathering documentation related to each complaint and its determination, and forwarding this information to the ACP International Executive Director, who will keep all documentation confidential.

Section D

Jurisdiction

Each ACP International Chapter and/or Country may opt to have an Ethics Committee if it chooses to create and support one; however, such committees are only for purposes of promoting ethical awareness through education, programming and consultation. Ethics violations and complaints, and resultant disciplinary actions fall under the purview of the International Ethics Council.

Section E

Eligibility to File Complaints

1. The Ethics Council will receive complaints from ACP International Members or the general public, that one or more members of ACP International have violated the Standards for Ethical Practice.
2. The Ethics Council will review all complaints to determine if they are within the jurisdiction of the Ethics Council. The Council has the ability to deny complaints that are not within their jurisdiction.
3. The Ethics Council has the right to contact the Complainant if the claim is unclear. It may choose to allow the complaint, and at that time, should send the complaint to the Respondent (see **Section G**).

Section F

Filing of Complaints

1. Only written complaints, signed by the complaining party (Complainant) will be considered.
2. It is essential that all information pertinent to complaints be kept in strictest confidence, and be distributed only to the Complainant, the Respondent, members of the Ethics Council, and the Executive Director of ACP International.
3. Complaints can be filed directly with the Chair of the Ethics Council, with one of its members, or with the Executive Director of ACP International.
4. If the Ethics Council Chair determines that the complaint, if true, would be a violation of any one, or more, of the clauses in the ACP International Standards for Ethical Practice, then the Chair will inform the Complainant that copies of the complaint, and all related documentation and evidence supporting the complaint, will be provided to the Respondent and that the Complainant must authorize release of such information to the Respondent before the complaint process may proceed.
5. When the Complainant agrees to the release of information, they will be asked to submit all evidence that they wish to be considered by the Ethics Council in reviewing the complaint.

Section G

Notification of Respondent

1. The Chair will send the Respondent a copy of the formal complaint and all supporting documentation, and make the Respondent aware of the following:
 - a.) The exact violation that has been brought to question.
 - b.) The time and date of the violation and other specifics needed to fully address the complaint.
2. The Respondent will be advised by the Ethics Chair that they must respond to the complaint, in writing, within thirty (30) business days, and that the complaint will be processed on the basis of evidence submitted.
3. To ensure prompt, fair disposition of complaints, the Chair may request further information from the Complainant and/or the Respondent. The party to whom such a request is made shall be given thirty (30) business days from receipt of the request to supply the information.
4. While it will be the standard practice to notify the Respondent(s) within 30 days, the Chair reserves the right to extend the time frame in cases where it is deemed that more time is needed to gather documents.

Section H

Consideration of the Complaint and Response

1. After receiving the responses from the Respondent, the Chair will provide Ethics Council members with copies of (a) the complaint, (b) supporting evidence and documents provided by the Complainant, (c) the response from the Respondent, and (d) supporting evidence and documents provided by the Respondent and others.
2. Within thirty (30) business days of receiving copies of documents related to a complaint, the Council will discuss the complaint, response, and supporting documentation, if any, and determine the outcome of the complaint. The Council can conduct their discussions face-to-face, via conference call, or electronically.
3. The Council may, at its discretion, delay or postpone its review of the case if the Council wishes to obtain additional information. The Respondent may also request, in writing, that the Council delay or postpone its review of the case due to extenuating circumstances. If the Council agrees with the request, it must convene once again within a maximum of thirty (30) business days to continue its deliberations.
4. The Council will determine whether any Standards for Ethical Practice have been violated, based on the information provided.
5. After deliberations, the Council may decide to dismiss the entire complaint or any part of it, with a brief written summary outlining the rationale for the decision.
6. In the event it is determined that any ACP International Standards for Ethical Practice have been violated, the Council will impose one, or a combination, of the possible sanctions allowed. (See **Section J**).

Section I

Withdrawal of Complaints

The Council may cease processing a complaint if the Respondent voluntarily:

1. Acknowledges that a violation occurred.
2. Takes steps to rectify the complaint so that the Council regards it as satisfactory to cease processing the complaint.

Conversely, the Council may continue its investigation of an alleged ethics violation(s) and/or sanction of a member, if there has been a history of repeated ethics infractions on the part of the Respondent; in which case, even though the Complainant may cease pursuing a complaint, a case is not necessarily withdrawn from the Ethics Council's agenda.

Section J

Possible Sanctions

1. The Ethics Council Chair will communicate the findings to all parties concerned within thirty (30) business days of the Council's deliberations. If it is found that ACP International Standards for Ethical Practice have been violated, then the Ethics Council must take disciplinary action. The following factors should be considered before deciding on the disciplinary action:
 - a.) the severity of the offense
 - b.) willingness of the Respondent to take corrective action
 - c.) the previous record of the Respondent in compliance, or lack of compliance, with Standards for Ethical Practice.
2. The following disciplinary actions can be instituted by the Ethics Council when it determines that discipline is warranted:
 - a) The disciplined member(s) can be asked to agree, in writing, within seven (7) business days that he/she/they will henceforth comply with the Standards for Ethical Practice, and if they do so, the matter is closed and no sanction is applied.
 - b) The disciplined member(s) can be suspended from ACP International for a specified period of time, with written requirements for reactivating membership.
 - c) The disciplined member(s) can be permanently expelled from ACP International membership.

Section K

I. Hearing Procedure

1. If the Respondent requests a formal telephone conference Hearing before the Ethics Council, a Hearing shall be conducted. The Respondent must request such a Hearing within thirty (30) business days of notification of the complaint.

2. While it will be the standard practice for the Chair of the Ethics Council to schedule a formal Hearing on the case within thirty (30) business days from the Respondent's request, this timeframe may be extended when a majority of the Council determines that more time is needed to gather information. The Chair will then notify both the Complainant and the Respondent of their scheduled attendance at the Hearing. The Hearing shall be conducted by telephone conference call.
3. If the Ethics Council determines that the Respondent violated the Standards for Ethical Practice, the Respondent shall be responsible for the Complainant's costs. If the Ethics Council determines that the Respondent did not violate the Standards for Ethical Practice, the Complainant shall be responsible for the Respondent's costs. In either instance, costs entail long distance telephone expenses and copying which exceeds 100 pages.

II. Conduct of the Hearing

1. The Ethics Council Chair shall preside over the Hearing and deliberations of the Council.
2. A record of the Hearing shall be made and preserved, together with any documents presented in evidence, at the ACP International Headquarters for a period of three (3) years. The record shall consist of a summary of testimony received, or a verbatim written transcript, at the discretion of the Council. All records will be destroyed by the Executive Director of ACP International after three (3) years from date of final disposition.
3. Either party shall have the right to call witnesses to substantiate their version of the case.
4. The Council Chair will serve as presiding officer, and shall approve witnesses, appropriateness of testimony and rule on the hearing procedures.
5. The Chair shall allow questions to be asked of any witness by the other party or members of the Council, if such questions and testimony are determined as relevant to the case.

III. Presentation of Evidence

1. The Chair of the Ethics Council will control the presentation of the evidence, allowing both parties the right to present evidence and to present rebuttal arguments as deemed necessary.
2. The Ethics Council Chair shall present the charge against the Respondent.
3. The Complainant (or their representative) shall then present the case against the Respondent.
4. The Respondent (or their representative) will then present evidence that attempts to refute the allegations.
5. The Respondent, Complainant and/or witnesses for either side may be questioned by any member of the Ethics Council.

6. The Ethics Council will be guided in its deliberations by principles of basic fairness and professionalism, and will endeavor to conclude the Hearing in a reasonable time.

IV. Relevancy of Evidence

1. The Hearing is not a court of law, and is not required to observe formal rules of evidence. Evidence that would be inadmissible in a court of law may be admissible in the Hearing before the Ethics Council, if it is relevant to the case.
2. The Council will only consider evidence or testimony that is relevant to the charge set forth in the notice of the Hearing.
3. The Chair has the sole authority to determine admissibility of evidence.

V. Burden of Proof

1. The burden of proving a violation of the Standards for Ethical Practice is on the Complainant.
2. The Council will not find that an ethics violation has been committed unless the Complainant has shown by a preponderance of evidence that the violation has occurred.

VI. Hearing Deliberation

1. After the Hearing is completed, the Council shall meet in a closed session to review the evidence and testimonies presented, and reach a determination. ACP International legal counsel may be consulted if the Council deems it is necessary, and the Executive Director of ACP International may be asked to attend for administrative purposes. Both will respect all confidences, and neither has voting power.
2. The Ethics Council shall be the sole agent which will weigh the evidence and facts presented. The determination of the Ethics Council shall be decided by the majority vote of Council members who are present. For permanent expulsion from ACP International membership, a unanimous vote is required.
3. Only members of the Ethics Council who were present throughout the entire Hearing shall be eligible to vote.

VII. Decision of the Ethics Council

1. The Council will resolve the issue of violation, or non-violation, of the Respondent on each allegation, and will vote by secret ballot, unless all members of the Council consent to an oral vote.
2. In the event a majority of the members of the Council do not find that the Respondent violated ACP International's Standards for Ethical Practice, the charges shall be dismissed. If the Council finds the Respondent has violated the Standards for Ethical Practice, it must then determine what sanctions, in accordance with **Section J**, shall be imposed.

3. The Chair shall notify the Respondent, the Complainant, the Executive Director of ACP International, and the Executive Team & World Council of the Ethics Council's decision, in writing, within fifteen (15) business days of the hearing or presentation of evidence. The Ethics Council reserves the right to extend this timeframe in special cases.
4. The decision of the Ethics Council shall be final and shall not be appealable to any other body, whether judicial, administrative or otherwise. No ACP International member shall attempt to enjoin any proceeding before the Ethics Council, or seek to nullify or vacate any action of the Council by making application to any court, administrative body or otherwise. Any ACP International member violating this provision shall be liable to ACP International and/or any Ethics Council member named in any such appeal or application for all reasonable attorneys' fees and costs incurred by ACP International and/or such Ethics Council member, regardless of the outcome of any such appeal or application. Any ACP International member violating this provision shall also be subject to disciplinary sanctions, including, but not limited to, expulsion from ACP International membership.

VIII. Settlement of Any Claims or Disputes by Arbitration

1. Any controversy or claim arising out of, or in relation to, an agreement, or to the breach thereof shall be settled by arbitration administered by the American Arbitration Association, in accordance with, and under the rules of commercial arbitration and the judgment rendered by the arbitrator may be entered into any court having jurisdiction thereof.
2. The parties agree that the arbitration shall be held before one arbitrator to be selected according to the rules of the American Arbitration Association, except that the said arbitrator be a practicing attorney or retired judge.
3. The costs of the American Arbitration Association shall be borne by the party making the appeal.
4. Any arbitration commenced hereunder shall be held in the Offices of the American Arbitration Association in Washington, DC, USA.
5. If dispute goes beyond arbitration and into litigation, the party making the appeal will be responsible for all attorney fees and expenses related to the case, if they lose the case.

Section L

Privileges and Waivers

1. Any complaint brought and determined in substantial compliance with these Policies and Procedures shall be deemed absolutely privileged, and shall not give rise to any claim, cause of action, damages or other remedy against the party, any witness, any member of the Ethics Council or ACP International. Such privilege shall be construed broadly, and shall include all claims, defenses, testimony, evidence, argument or parties and/or counsel, and all comments, rulings and decisions of the Council.

2. By becoming a member of ACP International, such member shall be deemed to waive all rights and entitlements it may have under the laws of any country, state, locality or other governmental unit of any description whatsoever, where such rights and entitlements are contrary to, or inconsistent with, these Policies and Procedures. Such waiver shall apply to all facts, events and circumstances occurring while the member is a member of ACP International, and such waiver shall be deemed irrevocably binding upon such member, notwithstanding such member's subsequent withdrawal or expulsion from membership.