



AAACE Ethics Complaint Process and Procedures

Introduction: The following policies govern the procedures for AAACE International, Inc. (AAACE) Ethics Committee.

AAACE's Certification Board has instituted other procedures that govern actions of the Certification Board associated with ethical violations specific to those seeking to achieve one of AAACE's certifications. Any ethical violation is subject to only one proceeding either under the Certification Board or the Ethics Committee.

If an alleged violation is dismissed by either the Certification Board or the Ethics Committee, such dismissal shall not prohibit reintroduction of the alleged violation to either body so long as significant additional facts are presented for consideration. Determination as to what constitutes "significant additional facts" is the sole purview of the Ethics Committee.

As with all other AAACE boards and committees, AAACE's Ethics Committee follows Robert's Rules of Order for conducting meetings and for making decisions as a group.

Procedures:

1. Communication – All formal communication originating from Ethics Committee, Certification Board or Executive Director/CEO with an alleged violation of AAACE Canons of Ethics shall be transmitted both electronically via email and through the U.S. mail or other postal service.
2. English language governs – All communication between parties are to be in written or spoken English. In the event the complainant or alleged ethics violator does not speak English, then it is incumbent on that party to bear the cost of necessary translation services.
3. Ethics Complaint tracking – Upon formal notice of an ethics complaint, AAACE's Executive Director/CEO will track the progress of the Complaint through final resolution. In the event the allegation involves AAACE's Executive Director, the responsibility for tracking the complaint will fall to the Ethics Committee Chair.
4. Ethics Committee Members – The Chair of the Ethics Committee is designated by AAACE's President and approved by AAACE's Board of Directors. The Ethics Committee will be comprised of 3-5 members and include AAACE's Executive Director/CEO. The committee serves 2-year terms and can serve up to three (3) terms.

Filing a Complaint:

1. Who may file an Ethics Complaint: A complaint against a member, certificant, or exam candidate must be submitted in writing and transmitted electronically or via U.S. mail or postal service. Any person, regardless of membership in AAACE, including AAACE staff, may file a complaint alleging that a member, certificant or exam candidate violated AAACE's Canons of Ethics.
2. When to file and Ethics Complaint: A complaint may be filed at any time within 12 months of the alleged infraction of the Canons of Ethics.
3. Certificants – Candidates for AAACE Certifications are subject to the separate Certification Board ethics complaint process. Until that process is fully adjudicated and/or a referral made to the Ethics Committee, the Ethics Committee shall not review the alleged complaint.

4. AACE Staff – Employees of AACE, who it is alleged that they may have violated AACE’s Canons of Ethics are not covered by AACE’s Ethics and Complaint Process. AACE employee human resources policies and procedures shall govern any investigation and adjudication of such alleged violations.
5. What to include in a Complaint: All Complaints must be formally submitted through either the online form via AACE’s website, via email to ethics@acei.org or in writing to AACE’s Executive Director/CEO, AACE’s current Ethics Committee Chair. The Complaint Form includes the following information:
 - a. Name, address, email, telephone number of the Complainant
 - b. Name, address, email, telephone number of the Member, Certificant, or Certification Candidate alleged to have violated AACE’s Canon of Ethics
 - c. Specific sections of AACE’s Canons of Ethics in effect at the time of the alleged violation
 - d. An adequate description of the facts supporting the Complaint including documentation relating to the allegations
 - e. A description of previous steps or actions, if any, that have been taken with respect to the alleged unethical or unprofessional conduct and the results of such steps or actions
 - f. The Complainant’s approval for the Ethics Committee to disclose all information to the Member, Certificant, Certification Candidate and the members of the Ethics Committee and the Executive Director/CEO
 - g. Signature of the Complainant
6. Anonymous Complaints – No action will be taken solely on the basis of an Anonymous complaint.

How Complaints are Handled:

1. Incomplete Complaints – If the Ethics Committee Chair, assisted by AACE’s Executive Director/CEO, determines that the Complaint form is incomplete, steps may be undertaken to rectify the incomplete items, or dismiss the Complaint for failure to include the necessary elements. Such a dismissal may be refiled if the alleged violation occurred within one year of the refiled.
2. Complaints without merit – If the Ethics Committee Chair, assisted by the Executive Director/CEO, determines that the Complaint does not have merit, meaning facts presented are inconsequential, unreliable or present irrelevant information, the Complaint will be dismissed, and the Complainant notified.
3. Complaints with Potential merit – If the Ethics Committee Chair, assisted by the Executive Director/CEO, determines that the Complaint has merit, a Preliminary Investigation will be initiated and the Complainant and Member, Certificant or Certification Candidate (hereinafter referred to as the Accused) shall be notified. The notice shall include:
 - a. Basic facts of Complaint identifying alleged violation. Notice shall include a description of alleged issues involved in Complaint, including specific sections of AACE’s Canons of Ethics alleged to have been violated
 - b. Name of Complainant
 - c. A complete copy of these Procedures
 - d. A request that any specific information to assist in the investigation of the Complaint be provided in the form of a written response and supporting documentation within thirty (30) days of receiving the notice along with a statement

that all information submitted by the Accused shall become part of the records and may be used in proceedings

- e. Once a decision is made to conduct an Ethics Hearing the Ethics Committee Chair will convene the members of the Ethics Committee who will serve as the only voting members of the Ethics Hearing
- f. The names of the Ethics Committee will be reported to the Accused. The Accused may submit a written petition within fifteen (15) days to the Ethics Committee Chair identifying any conflict of interest concerns as to Ethics Committee Members. The Ethics Committee Chair shall have final authority as to the disposition of such requests and may act without replacement of recused members.

Preliminary Investigation:

1. Recommendation for Early Resolution - The Ethics Committee Chair, assisted by the Executive Director/CEO may make a recommendation that an early resolution is possible and should be pursued. Such early resolution may be possible through mediated discussions between Complainant and the Accused.
2. Recommendation for a Formal Investigation – The Ethics Committee Chair, assisted by the Executive Director/CEO shall refer the matter for a Formal Investigation.

Procedure for Formal Investigation:

Within thirty (30) days of conclusion of a Preliminary Investigation that finds the Complaint requires Formal Investigation, the Ethics Committee Chair will refer the Complaint to the Ethics Committee for a Formal Investigation.

1. If a Formal Investigation is initiated, the Accused and the members of the Ethics Committee shall be notified of such an investigation. The notice will advise the Accused that he or she will have another thirty (30) days from receipt of notice to provide any further information to the Ethics Committee and that he/she may also be asked to respond to additional questions or information requests.
2. Method of Conducting Investigation – An investigation may be conducted by collecting information, including documentation, conducting phone inquiries and through other appropriate means including:
 - a. AACE Records – membership records or other business files
 - b. Subject Matter Experts – Experts may be retained and consulted with as necessary. Any expert retained must sign appropriate confidentiality agreements
 - c. Additional Information – Additional information may be sought in any legal manner, including supplementary information from the Complainant in writing or interviews, to evaluate the substance of the allegations
 - d. Additional violations – If during the course of the investigation, the Ethics Committee determines there may be additional violations of AACE’s Canons of Ethics, then such violations will be included in the original Complaint
3. The Ethics Committee shall review all of the information and deliberate. The Accused will have the opportunity to present an oral and/or written statement to the Ethics Committee via conference call or in person. Only the Accused will be allowed to speak on his/her behalf. The services of an attorney or consultant to act as advocate is not permitted. The Ethics Committee will carefully consider the charges. A vote shall be taken on the disposition of the matter

determined by the majority vote of the eligible committee members. A tie in the voting does not represent a majority. In the event of a tie or where a majority votes that no ethics violation has occurred the Determination shall be that the complaint is closed and dismissed.

- a. Notification of Ethics Committee Determination – Within seven (7) days from the date of its decision following an investigation, the Ethics Committee Chair shall notify both the Complainant and Accused of the Committee’s Final Determination, and the actions to be taken, if any, along with the basis for those actions, including citing all AACE International Canons of Ethics policies that were violated by the Accused. The Notice shall also include notice of the Appeals provisions, the date the Appeal must be filed, and any sanction.
- b. Form of Final Determination – The Final Determination will be comprised of two parts:
 - i. The Decision: A simple statement of who, what, where and when that summarizes the findings of the Ethics Committee
 - ii. The Reasons: The why of the Decision
- c. Disciplinary Actions – One or more of the following disciplinary actions may be taken as deemed appropriate by the Ethics Committee:
 1. Notify all parties in writing that no action is warranted
 2. Require the Accused to cease and desist the alleged conduct
 3. Reprimand Accused in writing
 4. Refer the matter to the proper authorities if criminal prosecution
 5. Suspend the Accused’s status for an appropriate period of time, including permanently if necessary
 6. Revoke the Accused’s status for an appropriate period of time, including permanently if necessary
 7. The Ethics Committee may apply more than one sanction as deemed Appropriate
 8. The Executive Director/CEO shall implement the disciplinary actions

Appeals Provisions:

1. The Accused shall have sixty (60) days from the date of Notification of the Ethics Committee Determination to deliver a written appeal of the findings. Failure to timely appeal shall be deemed to be final and conclusive acceptance of the Final Determination and closure of the matter. The Ethics Committee conclusions and sanctions shall be immediately imposed.
2. The Accused’s appeal must be in writing and shall be sent to the Ethics Committee Chair or Executive Director/CEO. The Accused must state the specific grounds under which the appeal should be considered. The Accused appeal may not present new facts that were not previously presented in the proceedings. Appeals are limited to:
 - a. Defects in the existing Ethics Committee Hearing record or process
 - b. The decision was not supported by or was contradicted by evidence presented
 - c. The disciplinary action is not appropriate to the gravity of the situation
3. The Ethics Committee will review the record, process and evidence to determine if there were defects or that the decision was not supported by the evidence. Further the Ethics Committee will review the disciplinary action to ensure consistent with the gravity of the situation.
4. The Accused will be notified in writing of the outcome of the Ethic Committee’s review of the Appeal within seven (7) days of its decision.
5. Further appeals are not permitted.

Record Keeping:

1. Handling, storage, maintenance and destruction of records – AACE’s Executive Director/CEO and AACE’s Board of Directors shall establish and maintain procedures and record retention policies to ensure confidentiality is maintained with respect to the handling, storage and destruction of records.