

IIBEC Ethics Administrative Procedures

Adopted April 2001; Revised September 2015



IIBEC Ethics Complaints Administrative Procedures

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The following *IIBEC Ethics Administrative Procedures* (“Procedures”) are the rules for processing possible violations of the ethical standards promulgated by International Institute Building Enclosure Consultants, Inc. (“IIBEC”). These Procedures are applicable to:

- (1) All IIBEC members,
- (2) Nonmembers who hold an IIBEC registration, and
- (3) Nonmembers who apply to commence an IIBEC registration process.

Throughout these Procedures, the individuals to whom 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 IIBEC; and they will be bound by decisions made, and requirements issued, pursuant to these Procedures.

These Procedures shall ensure that those persons charged with violations of the IIBEC Code of Ethics (“Code”) are afforded the rights due them and that our profession is responsive to and remains relevant in the changing face of technology, society, and economic-political values. Effective peer review enhances the integrity of and confidence in the Procedures and the confidence of all participants in this process.

A. General Provisions

1. **Process** By applying for membership in IIBEC and by applying for registration certification by IIBEC, individuals agree that they will accept the exclusive authority of IIBEC to apply the IIBEC Code of Ethics, these Procedures, and other relevant IIBEC 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 IIBEC through IIBEC’s General Counsel or retained outside counsel. Individuals are encouraged to communicate directly with IIBEC. IIBEC, including its committees, is charged with carrying out these Procedures and may use the services of IIBEC’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 IIBEC’s commitment to enhancing ethics among practitioners, it should not be construed in any manner as a guarantee or registration of the competency and/or professional qualities of Covered Individuals. Rather, the Code and

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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 IIBEC through the processes outlined in these Procedures.

2. **Timeliness** Complaints can be lodged against an IIBEC member or registrant if the Complainant is of the opinion there was a potential breach of one or more of the *Rules of Practice* contained in the IIBEC Code of Ethics. All complaints must be filed within two years of the alleged violation and should be addressed to the attention of the Executive Vice President & CEO (EVP/CEO) of IIBEC.

IIBEC will make every reasonable effort to follow the time requirements noted in these Procedures. However, IIBEC's failure to meet a time requirement will not prohibit the final resolution of any ethics matter or otherwise prevent IIBEC from acting under these Procedures. The EVP/CEO of IIBEC or Ethics Committee Chair may grant time extensions or postponements at their discretion, as applicable, in response to a Participant's timely request.

3. **Participants** 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 IIBEC 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 a Witness.
4. **Ethics Committee members** The IIBEC President will appoint a member representative from each of the regions of IIBEC to serve as members of the Ethics Committee. The IIBEC President will appoint an Ethics Committee Chair from the Ethics Committee who will lead the Ethics Committee's work. The President may appoint one or more Ethics Committee Vice-Chairs to assist him/her, to preside over one or more meetings, and to otherwise serve the role of and exercise the powers of the Ethics Committee Chair. The Ethics Committee can only respond to complaints filed by others. However, a member of the Ethics Committee is not barred from filing a separate complaint based on the fact that he or she is a member in good standing of IIBEC.
5. **Staff Liaison** The EVP/CEO, at his/her discretion, may appoint a staff liaison from the IIBEC staff to assist the Ethics Committee in carrying out obligations identified in these Procedures.
6. **Conflicts of Interest** Ethics Committee members shall operate at all times consistent with all applicable IIBEC policies and procedures, including those governing conflicts of interest. If any member of the Ethics Committee or the

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Board of Directors feels that he or she has a conflict of interest with regard to any matter brought before the committee, he or she is required to remove herself/himself from participation in the matter. The same is true if it is established that a conflict of interest does exist despite that same individual feeling that he or she does not have a conflict of interest. In this case, a two-thirds vote of the members of these committees will decide if there is, indeed, a conflict of interest.

7. **Cooperation** Full cooperation and disclosure by all parties are essential to ensure fair and impartial disposition of the Complaint. Failure of the Complainant or the Respondent to respond in a timely manner to requests for information from IIBEC may result in immediate action by IIBEC. However, IIBEC reserves the right to reconsider any decision if subsequent information emerges that may substantially alter the facts on which the case was originally evaluated.
8. **Confidentiality** All material prepared by or submitted to IIBEC will be confidential unless otherwise authorized by these Procedures. Nonetheless, there may be occasions in which materials or information that is 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 that 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 Board of Directors that the Board of Directors direct to be disclosed may be so disclosed. Finally, information submitted by Participants in an ethics proceeding may be provided to members of the Ethics Committee and other Participants in the same or a related ethics proceeding. The EVP/CEO shall notify each Complainant, Respondent, and Witness of these confidentiality obligations. Further, the Ethics Committee shall take steps to minimize disclosure of information to witnesses.
9. **Resignation and/or Withdrawal** During the course of any ethics case, should a Respondent relinquish IIBEC membership, terminate registration status, withdraw an application for registration, or resign from his/her IIBEC volunteer position and thereby cease to be a Covered Individual, IIBEC may, at the discretion of the Ethics Committee as applicable, cease to consider the matter.
10. **Remedies** Remedies available to the Board of Directors include but are not limited to those listed on the “IIBEC Guidelines for Disciplinary Action” (Appendix C).
11. **Decisions** All decisions reached by the Board of Directors, at the recommendation of the Ethics Committee, shall be final.

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12. **Flow Chart** A flow chart (Appendix D) is a graphic representation of the process by which a case is evaluated and is intended only to assist in understanding the process. No inferences should be drawn from the diagram that are not addressed or delineated in the written language of the Procedures.
13. **Amendments** These procedures are subject to periodic amendment, and the latest edition may be determined by contacting IIBEC. The Procedures may be amended by a two-thirds vote of all members of the Board of Directors.

B. Submission of Ethics Complaints/Acceptance or Rejection

1. **Submission to IIBEC** Each Complainant must submit an “IIBEC Ethics Complaint Form” (Appendix A) and a “Release of Information and Complainant’s Waiver & Release of Rights” (Appendix B), 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. All complaints should clearly identify the alleged violation of the *Rules of Practice* and detail all pertinent information. The information should be factual in nature.

Anonymous complaints in which the Complainant is not identified are not permitted and will be rejected.

Within three business days of receipt of a complaint, the EVP/CEO shall forward the complaint to all members of the Ethics Committee for evaluation.

2. **Ethics Committee** Within ten business days of receipt of the complaint by the Ethics Committee, a conference or teleconference shall be held by a two-thirds vote of the Ethics Committee to discuss the alleged breach of ethics and to determine if the complaint:
 - a. Is incomplete or contains factually unreliable or insufficient information;
 - b. Is patently frivolous or trivial;
 - c. 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;
 - d. Is directed against an individual who is not a Covered Individual;
 - e. Contains enough information to warrant or justify a recommendation to the IIBEC Executive Committee.
3. **Complaint Rejection** To determine whether to reject a complaint, the Ethics Committee shall consider whether:
 - a. The proven complaint would constitute a violation of one or more specific Code provisions;
 - b. The amount of time that has passed since the alleged violation occurred is so great that the Ethics Committee determines the complaint should be rejected; and

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- c. Relevant, reliable information or proof concerning the charge is likely to be available.
4. **Request for Information** If the Ethics Committee decides that further clarification or information is required, the EVP/CEO shall contact the person registering the complaint and request that the additional information be provided.
5. **Material Review** The material provided by the Respondent shall then be reviewed, discussed, and evaluated by the Ethics Committee within 10 business days, provided no further information is required or requested from the Respondent. The guidelines for rules of evidence need not follow formal judicial evidentiary rules. The Ethics Committee may consider any evidentiary material they feel appropriate and pertinent to the matter before them.
6. **Determination** All information submitted will be reviewed by the Ethics Committee, and a determination as to whether further action or nonaction is recommended will be made by a two-thirds vote.
7. **Notification to the Executive Committee** The Ethics Committee shall then present its findings and recommendation for action or nonaction to the Executive Committee. The Executive Committee shall review the recommendations (within ten business days) and, by a two-thirds vote, shall decide either that further action is warranted or that the matter should be terminated.
8. **Executive Committee Complaint Dismissal** If the Executive Committee concludes that no charges should be brought, it shall dismiss the complaint without prejudice. The EVP/CEO shall notify the Complainant, Respondent, and all Ethics Committee members with a copy to the Executive Committee in writing that no action is being taken and the complaint is dismissed.
9. **Executive Committee Action and Orders** If the Executive Committee decides that the complaint merits further investigation, the Executive Committee shall direct the EVP/CEO to notify the Respondent that a complaint has been lodged, advise the individual of the nature of the complaint, and solicit a written response within 30 days.
10. **Hearing Schedule, Notice, and Attendance** If applicable, the EVP/CEO will contact the Respondent and/or his or her attorney and inquire as to their desire to address the Ethics Committee regarding the matter. Anyone accused of a violation of IIBEC's Code of Ethics has the right to be represented and advised by counsel at hearings conducted by IIBEC.

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 Ethics Committee Chair's sole discretion. As determined by the Ethics Committee Chair, the Ethics Hearing may be

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conducted entirely or in part via teleconference, where all persons participating will be able to communicate with one another. The Ethics Committee 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.

11. **Complaint Hearing** The Ethics Committee Chair shall preside during this hearing. The Respondent may have legal counsel present to participate in the Ethics Hearing. If needed, IIBEC -appointed legal counsel shall be available to assist.
12. **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. IIBEC will bear other general costs of conducting the Ethics Hearing, including costs associated with the activities of IIBEC representatives.
13. **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 Ethics Committee. The Ethics Committee 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 a two-thirds vote of the Ethics Committee in a closed session. The hearing record will be closed following the conclusion of the hearing unless otherwise directed by the Ethics Committee Chair. The Ethics Committee shall use a preponderance-of-evidence standard for determining whether to find that a Code violation occurred.
14. **Ethics Committee Recommendation** Based on the above vote, the Ethics Committee will recommend action or nonaction to the Board of Directors. If action is recommended, the recommendation shall include recommended disciplinary action, if any.
15. **Board of Directors' Decision and Order** The Board of Directors will vote to approve or reject the recommendation of the Ethics Committee by a two-thirds vote. A written notice shall be sent to the Respondent thirty days prior to any such board action. The Respondent shall be entitled to appear and/or have legal representation present.

If the Board of Directors agrees that the complaint is dismissed, the EVP/CEO shall notify the Respondent, the Complainant, and the Ethics Committee that the complaint has been dismissed.

If the Board of Directors accepts the recommendation of the Ethics Committee, the EVP/CEO shall notify the Respondent, the Complainant, and the Ethics Committee that the recommendation is accepted and the nature of the disciplinary action to be taken, if any.

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If the Board of Directors agrees with the Ethics Committee's recommendation that a violation of the Code of Ethics has occurred, the Board may take any and all remedies in accordance with the IIBEC Guidelines for Disciplinary Action.

C. Ethics Executive Committee/Appeals

Grounds for Appeal If the Respondent is found to be in violation of the Code of Ethics by the Board of Directors, the Respondent may appeal that decision to the Board only in situations where new information has become available. The Board of Directors may, at its discretion, accept an appeal. The Board of Directors may utilize the Ethics Committee to assist in conducting any appeals.

D. Publication of Final Disciplinary Action

All decisions reached by the Board of Directors shall be published in *Interface* in the first possible issue.

E. Educating IIBEC's Members and Registrants Regarding Ethics Enforcement

Regardless of the final disposition of a particular ethics case, IIBEC may publish relevant facts regarding the case for the benefit of IIBEC's membership, registrants, and volunteers. Except in the event that IIBEC issues a disciplinary order requiring public reprimand and censure, 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 IIBEC shall not publish the citation, unless pursuant to a disciplinary order.

Appendix

Appendix A – IIBEC Ethics Complaint Form

Appendix B – Release of Information and Complainant's Waiver & Release of Rights

Appendix C – IIBEC Guidelines for Disciplinary Action

Appendix D – IIBEC Ethics Review Process Flow Chart

ETHICS COMPLAINT FORM

NOTICE OF DUE PROCESS: *If further action is deemed to be warranted, a copy of this form and any supporting documentation you submit will be provided to the Respondent to allow for an adequate opportunity to respond to all accusations.*

All complaints received should address a violation of one or more of the Rules of Practice from the International Institute of Building Enclosure Consultants (IIBEC) Code of Ethics.

CONTACT INFORMATION OF COMPLAINANT (Individual filing the complaint)

NAME

PHONE

EMAIL

CONTACT INFORMATION OF RESPONDENT (Individual against whom the complaint is directed)

NAME OF RESPONDENT

ORGANIZATION OF RESPONDENT

PHONE NUMBER OF RESPONDENT

1. I/We do formally file an Ethics complaint against IIBEC member/registrant, _____ . I/We believe _____ violated the following section(s) of the *Rules of Practice* of the IIBEC Code of Ethics.

(A separate form must be completed for each individual for whom you wish to file a complaint.)

- a. Rule of Practice _____ Date of violation _____
- b. Rule of Practice _____ Date of violation _____
- c. Rule of Practice _____ Date of violation _____
-

2. On a separate document, please type or print neatly the following:

- Detailed summary of the chronological events leading up to the violation
- Any information regarding communication after the violation
- Any steps taken to resolve the issue

Statements must be concise, factual, and objective and should include all related documents and names of others who may have information or knowledge of this issue.

3. Have you filed this or a similar complaint with any other organization? Yes No

If yes, please indicate which organization: _____

4. Is there current litigation regarding the subject matter of this complaint? Yes No

If yes, please provide details regarding the status of the litigation.

Release

The undersigned gives consent to IIBEC, its officers, staff, board, or committee members for the disclosure of information provided on behalf of Complainant to the Respondent named in this complaint and any legal counsel retained by the Respondent, IIBEC officers, board, committee members or staff involved in the decision-making process and the membership in the event that the Respondent is found to be in violation of the IIBEC Code of Ethics.

SIGNATURE OF COMPLAINANT

DATE

Submit by mail marked **CONFIDENTIAL** to:

Brian T. Pallasch, Executive Vice President & CEO
International Institute of Building Enclosure Consultants
434 Fayetteville Street, Ste. 2400
Raleigh, NC 27601

OR:

Submit by e-mail to: **bpallasch@iibec.org**

APPENDIX B

RELEASE OF INFORMATION AND COMPLAINANT'S WAIVER & RELEASE OF RIGHTS

The undersigned hereby gives consent to IIBEC, its officers, directors, committee members, or staff for the disclosure of the Complaint and all other submissions by or on behalf of Complainant to:

- (1) The member(s) or registrant(s) named in the Complaint and any counsel or advisor designated by the member(s) or registrant(s);
- (2) IIBEC directors, officers, committee members, and staff whose access to the submissions is necessary for the resolution of the proceeding;
- (3) The membership and the general public in the event a member(s) or registrant(s) is found in violation of the Code of Ethics and a nonconfidential sanction is imposed.

The Undersigned agrees to release liability and waive all rights against IIBEC and any of its directors, officers, committee members, and staff who participated in the resolution of the proceeding; and agrees not to sue IIBEC; and agrees to never initiate or be a party to any lawsuit, claim, demand, prosecution, or action of law for any damages, relief, or compensation for resulting or alleged to result from the filing of this Complaint.

The undersigned does hereby represent that he/she has authority to execute a full and final release and waiver as set forth herein. Further, the undersigned represents that he/she has carefully read this agreement and fully understands its contents and is aware that this is a release of liability and a waiver of the right to sue if any loss results from participation in filing the Complaint.

Signature of Complainant

Printed Name

Date

IIBEC GUIDELINES FOR DISCIPLINARY ACTION

CODE OF ETHICS VIOLATION

Level	Type of Violation	Definitions	Action(s)
1	A Level 1 violation of the Code of Ethics is an infringement that is deemed to be minor and/or inadvertent.	<u>Infringement</u> – <i>Transgression</i> <u>Minor</u> – <i>Lesser in Importance</i> <u>Inadvertent</u> – <i>Unintentional, accidental</i> <u>Reprimand</u> – <i>Admonishment</i>	Issue a written reprimand to the member or registrant and keep in permanent file.
2	A Level 2 violation of the Code of Ethics occurs if a member or registrant is deemed to have committed a second Level 1 violation, or the breach of the Code of Ethics is deemed to be significant and/or willful.	<u>Breach</u> – <i>Direct violation</i> <u>Significant</u> – <i>Substantial, meaningful</i> <u>Willful</u> – <i>Deliberate</i>	Issue a written reprimand to the member or registrant and keep in permanent file.
3	A Level 3 violation of the Code of Ethics occurs if a member or registrant is deemed to have committed a third Level 1 or 2 violation, or the infraction is deemed to be serious and/or malicious.	<u>Infraction</u> – <i>Obvious violation</i> <u>Serious</u> – <i>Grave, weighty</i> <u>Malicious</u> – <i>Intending harm</i>	Member or registrant shall have membership and registrations (if applicable) suspended for a minimum of sixty (60) days. <i>Reinstatement may be requested upon completion of suspension period and satisfactory completion of an approved course in professional ethics.</i>
4	A Level 4 violation of the Code of Ethics occurs if a member or registrant is deemed to have committed a fourth Level 1, 2, or 3 violation, or the violation is deemed to be flagrant and/or overtly malicious.	<u>Flagrant</u> – <i>Glaring, outrageous</i> <u>Overtly Malicious</u> – <i>Intending serious harm</i>	Member or registrant shall have membership and registration (if applicable) revoked. <i>Reinstatement may be requested upon completion of suspension period and satisfactory completion of an approved course in professional ethics.</i>

Actions taken are at the discretion of the IIBEC Board of Directors

ETHICS REVIEW PROCESS

(Adopted: May 23, 2000; Revised September 2015)

