



IAM: The International Association of Movers

CODE OF ETHICS ENFORCEMENT PROCEDURES

The International Association of Movers' Code of Ethics Enforcement Procedures have been adapted from recommendations put forth in the "Association Law Handbook," third edition, by Jerald A. Jacobs. The handbook states, "Administration of reasonable and nonrestrictive sanctions for violations of association codes or guides must be fair and impartial. Procedures should include: 1) A written notice to the member of the alleged violation, the proposed sanction, and the right to comment or hearing. 2) A hearing on the matter, if requested, at which the member may present views personally or through a representative, such as a lawyer. 3) The right to appeal an adverse decision to some higher authority, such as the governing board or ad hoc appeals board established for that purpose. 4) Avoidance of any competitive motive or conflict of interest among all staff and volunteer individuals participating in the code enforcement proceeding on behalf of the association."

Filing an Ethics Complaint

Any IAM Member Company and/or Individual Member (the "Complainant") in good standing who believes himself/herself/itself to be aggrieved by any action or omission of an IAM Member Company, IAM Member Companies, and/or Individual Member that violates the IAM Articles of Incorporation, By-Laws or Code of Ethics may file a complaint with IAM (the "Complaint"). The complaint shall:

1. Be submitted in writing to the IAM President at the IAM headquarters.
2. Be signed by an officer of the company that is an IAM member.
3. Include the complainant's address, telephone number, email address, and shall set forth a contact person in the company for the complaint.
4. Include a concise statement of the complaint, the names of the IAM member(s) allegedly responsible for, causing or whose conduct is otherwise the subject of the complaint (the"

- Adverse Party”), including if available any applicable names, addresses and phone numbers of the Adverse Party and all persons related directly to the occurrence, and
5. State the relief sought. If the Complainant is an entity, the Complainant shall designate one spokesperson or designated contact.

If the Complainant is not a member in good standing, the complaint shall be dismissed by letter from the IAM President to the complaining party.

Processing the Complaint

Upon receipt of a complaint, the IAM President, with the administrative assistance of the IAM staff, shall promptly undertake the following actions:

1. The President shall make a preliminary determination that the complaint is directed against a Company and/or Individual Member of IAM and alleges an act or omission that could be a violation of the IAM Articles of Incorporation, By-Laws, or Code of Ethics. The President may seek additional information from the Complainant to make the preliminary determination.
 - a. If it is determined that the Adverse Party is not an IAM member or the complaint is not a violation of the IAM Articles of Incorporation, By-Laws, or Code of Ethics, the President or his/her delegate shall notify the Complainant that the IAM will not take jurisdiction of the complaint and the reason why it will not accept jurisdiction.
 - b. The President may also wait or decline to take jurisdiction of the Complaint if the matter is also the subject of a complaint previously filed with either IAM or with an IAM affiliated organization; or, if it is still the subject of existing or current litigation.

The Complainant would also receive notice of the right to appeal the President’s decision.

2. Prior to accepting a complaint, the President may, in his or her sole discretion, elect to contact the Complainant and the Adverse Party to pursue a private settlement of the complaint.
 - a. If the Adverse Party indicates a willingness to pursue a settlement of the complaint, the President may opt to hold the complaint for up to thirty (30) days without filing it in order to give the parties an opportunity to reach a private settlement.
 - i. If the parties reach a private settlement, the President shall close the matter without filing the complaint.
 - b. If the parties do not reach a settlement at the end of the thirty (30) day period; or, if one of the parties indicates to the President that a resolution cannot be reached prior to the expiration of the thirty (30) day period, the President shall accept the complaint.
3. If the complaint is accepted by the President, he or she shall turn the complaint over to the Chairperson of the IAM Ethics Council.
 - a. The Chairperson of the IAM Ethics Council shall acknowledge in writing to the Complainant that the complaint has been accepted and inform the Complainant

that the Investigator will be contacting the Complainant. A copy of these Enforcement Procedures shall be sent with the notice.

- b. The Chairperson of the IAM Ethics Council shall acknowledge in writing to the Adverse Party that a complaint has been filed against the Adverse Party and that the Investigator will be contacting the Adverse Party. A copy of the complaint and these Enforcement Procedures shall be sent with the notice. The notice shall also be sent to the Investigator along with the relevant documentary evidence within thirty (30) days of the date of acceptance by the Chairperson.

Units of Review

Each unit of review will be carefully selected to avoid any competitive motive or conflict of interest among all staff and volunteer individuals participating in the code enforcement proceeding.

If a complaint is accepted by the President, the following **Review Task Force** shall be formed.

1. **Review Task Force** – Once a complaint has been accepted, a Review Task Force will be formed of at least three (3) members from the IAM Ethics Council, the Ethics Council Chairperson, and the IAM President. The IAM President will appoint the (3) members from the IAM Ethics Council. The job of the Review Task Force along with the IAM staff is to process the complaint according to the procedures stated in these Code of Ethics Enforcement Procedures. The roles of the Review Task Force are as follows:

Chairperson - The Chairperson of the IAM Ethics Council will serve concurrently as the Review Task Force Chairperson.

Investigator - The IAM President will serve as the Investigator with the assistance of the IAM Staff and IAM General Counsel.

Hearing Panel – The three members chosen from the IAM Ethics Council will be assigned to the Hearing Panel of the Review Task Force in the event the Investigator or Chairperson recommends that the complaint be brought before a Hearing Panel. The Hearing Panel will elect, among the three members, its own Chairperson to lead the panel when making procedural decisions. Once the Review Task Force has been chosen, the Ethics Council Chairperson will notify the Council of who was chosen and for what reason.

When possible, none of the three members selected for the Hearing Panel shall compete directly with the Complainant or Adverse Party; and, every effort shall be made to avoid conflicts in selecting the panel. If for any reason, a member of the panel cannot fulfill his or her duties or fill out a term for any reason, the Association President can replace that person with a new appointment for the remainder of the unfulfilled term with the concurrence of the Executive Committee.

Investigation and Report

The Investigator or his/her delegate shall contact the Complainant, the Adverse Party and any other persons having information related to the subject matter of the complaint.

1. The Investigator may attempt to mediate between the parties in order to obtain a resolution of the Complaint. If mediation is successful, the agreed-upon resolution must be in writing, signed by each of the parties and submitted to the Ethics Council Chairperson.
2. If mediation is not successful, the Investigator, after conducting the interviews and obtaining any written responses or documentary evidence submitted by the parties, shall draft a written summary of the facts of the case containing any relevant documentary evidence (the “Case Summary”) and a separate written recommendation on the appropriate resolution of the complaint to the Chairperson (the “Investigator’s Recommendation”). The Case Summary and Investigator’s Recommendation shall be submitted to the Chairperson within sixty (60) days of the receipt of the complaint by the Investigator.

Preliminary Action by Chairperson

Within ten (10) days of the receipt of the Case Summary and Investigator’s Recommendation, the Chairperson shall take one of the following actions on the complaint:

1. Attempt to mediate between the parties using any meeting format acceptable to the parties and the Ethics Council Chairperson. If mediation is successful, the agreed upon resolution must be in writing and signed by the Chairperson and each of the parties.
2. Refer it to a Hearing Panel (see Hearing Panel guide below)
3. If the Investigator’s Recommendation finds that there is no probable cause to believe the Adverse Party violated the IAM Articles of Incorporation, By-Laws or Code of Ethics, and the Chairperson agrees, the Chairperson and Investigator will jointly inform the Complainant and the Adverse Party that the complaint is being dismissed, and provide each party with a copy of the Case Summary and Investigator’s Recommendation. The Complainant would also receive notice of the right to appeal.

Hearing Panel

If any attempted mediation is unsuccessful or if the Ethics Council Chairperson deems mediation inadvisable, the Chairperson will then turn the complaint over to the Hearing Panel.

1. The Hearing Panel Chair will select the time and place for the hearing so as to have the hearing occur at the earliest convenient date. The Panel Chair may, at the Chair’s option, conduct the hearing by conference call or other similar electronic means.
2. The Ethics Council Chairperson will communicate the information about the hearing schedule to the Complainant and Adverse parties.
3. Prior to the hearing, the Ethics Council Chairperson will provide to the Hearing Panel a copy of the Complaint, any written response previously submitted by the Adverse Party, documents collected by the Investigator, and the Case Summary. The Hearing Panel will not receive (and neither party may introduce as evidence) the Investigator’s Recommendation nor any statements or offers made by the Chairperson of the Ethics Council or any of the parties during mediation.
4. All procedural and evidentiary decisions shall be made by the Panel Chair.

- a. Decisions regarding the merits of the complaint and the form of any discipline shall be made by majority vote of the Hearing Panel.
 - b. The Hearing Panel shall report its decision on the merits in the form of written findings of fact, conclusions, and any discipline imposed within ten (10) days of the conclusion of the hearing (the “Panel Report”).
 - c. The Panel Report, together with notice on the right to appeal shall be sent to the parties, the Ethics Council Chairperson, and the IAM Executive Committee.
5. The Decision of the Hearing Panel shall be final and binding on all parties, unless the decision is appealed in accordance with the procedures below.

Discipline

The Panel Report may decide to impose no disciplinary measures or its decision may be to impose one or more of the following disciplinary measures on the Complainant or Adverse Party:

1. Reprimand. A reprimand may be issued against the Complainant. The Hearing Panel may direct that the reprimand be private or public.
2. Probation. A ruling of probation that, for a specified time depending upon the circumstances of the violation, the Adverse Party’s continued participation in IAM activities, member benefits, or membership programs is conditioned upon satisfaction of certain conditions. These conditions shall be described specifically, as shall the consequences of failing to meet them. The Hearing Panel may direct that the probation be private or public.
3. Suspension. A ruling that the Adverse Party is prohibited from participating in IAM activities, programs, and any other privileges of membership. The Hearing Panel may limit the effect of a suspension to certain benefits or programs, and may establish conditions that, if satisfied, will result in the lifting of a suspension.
4. Termination. A ruling that, either permanently or pending reinstatement, the Adverse Party’s membership in IAM is terminated. The Hearing Panel may establish conditions that, if satisfied, will result in reinstatement. If a membership is terminated, IAM shall not be required to refund or reimburse membership fees or dues.

It is the intent of the Enforcement Procedures that the range of disciplinary measures be as broad and flexible as possible so that disciplinary measures can be employed to remedy and redress the violation that has been committed. In dealing with violations committed by Company Members, the disciplinary measures may be tailored to address particular branch(es) owned by the Company Member or personnel employed by the Company Member who are responsible for the violation.

Appeals

An appeal from a dismissal of the complaint by the Chairperson or an appeal from the Panel Report may be taken by any party to the IAM Executive Committee.

1. A notice of appeal must be filed within thirty (30) days of the date of notice of the action being appealed.
2. The notice of appeal shall be in writing, must set forth the basis for the appeal, and shall be sent to the IAM President.
3. Upon receipt, the IAM President, through the IAM Staff, will forward copies of the notice of appeal to the other party, who shall have the right to submit written responses to the appeal within thirty (30) days of receiving the notice of appeal. Any responses must be in writing and delivered to the IAM President.
4. The IAM President will then deliver to the Executive Committee the complete record of appeal, including the notice of appeal, and any responses submitted by the other party. The Executive Committee shall, by majority vote of all non-abstaining members and without considering new evidence or conducting additional hearings, render a decision with respect to the appeal.
5. A written notice of that decision shall be sent to all parties within ten (10) days of the Executive Committee decision. The decision of the Executive Committee with respect to an appeal shall be final and binding on all parties.

Report of Suspension or Termination. If an Adverse Party's membership in IAM is suspended or terminated and such disciplinary measures are final and non-appealable, IAM shall publish notice of such membership suspension or termination in any IAM publication of general circulation among IAM membership and shall send notice of such suspension or termination to any applicable licensing board or certifying agency with jurisdiction over the Adverse Party.

General. All notices, reports and decisions under these Enforcement Procedures shall be made in writing and delivered in person by overnight delivery, or certified mail or other form of delivery to the IAM Headquarters Office creating a record of receipt. If necessary, the IAM General Counsel will be available to the Ethics Council and the Hearing Panel to maintain compliance with these Enforcement Procedures. Ethics Council members and the IAM staff members who have been designated to provide administrative assistance to the Ethics Council and, if necessary, the IAM General Counsel shall protect against unauthorized disclosures of confidential information (within their legal obligations) concerning the Ethics Council activities and records.

Disclosure of Information. Members of the Ethics Council, IAM Staff and, if necessary, IAM General Counsel shall utilize the following directives in the disclosure of information regarding ongoing and completed activities of the Ethics Council:

- A. If a Complaint has been filed and an investigation is on-going, that fact may be confirmed by the statement: "*A Complaint on this matter has been received and is under investigation; no further information may be released while the investigation is on-going.*"
- B. If a Complaint has been dismissed without a finding of any violations by the Adverse Party, if a Complaint has been resolved by mediation, or if a Complaint is resolved by a finding that a violation has occurred, but either no discipline is imposed or the discipline imposed is not to be publicly disclosed, then the completion of the investigation shall be confirmed by the statement: "*The matter has been resolved and no further information may be released.*"

- C. If the Complaint results in a finding of a violation and the imposition of disciplinary measures which are to be publicly disclosed, then that fact may be confirmed by the statement: *“The Ethics Committee determined that [name of Adverse Party] committed a violation or violations of [name of section or sections] of the Code of Ethics and has imposed [description of discipline imposed] against [name of Adverse Party]. No other information regarding this matter shall be released by IAM.”* If needed, this format will also be used to notify any applicable licensing board or certifying agency with jurisdiction over the Adverse Party.

Limitations Period.

- A. The Code of Ethics Enforcement Procedures will take effect on January 1, 2012. Therefore, a violation of the Code of Ethics must have occurred on or after this date in order to be the subject of a Complaint.
- B. Complaints alleging violations of the Code of Ethics shall be brought within two hundred and seventy (270) days after the cause arose. A cause arises upon the date the alleged violation occurs or the date on which, by the exercise of reasonable diligence, the Complainant should have become aware of the alleged violation, whichever is later.

Re-Admission to IAM Membership.

If a member with a pending complaint chooses to withdraw from IAM membership before the complaint is finally resolved, the withdrawing member shall not be re-admitted into IAM membership until the complaint has been satisfactorily resolved. The Ethics Council Chairperson shall be notified by IAM of the former member’s request for re-admission into membership and shall establish the requirements for admission which shall include resolution of the complaint through any of the means available under these Enforcement Procedures. The former member may appeal any final action, concerning their re-admission, to the Chairperson of the IAM Executive Committee using the procedures set out in the Appeals section above.