

# INTERNATIONAL RIGHT OF WAY ASSOCIATION DISCIPLINARY PROCEDURES

as of April 23, 2021

## **1 --- Preamble:**

An alleged violation of the Association's Code of Ethics, Rules of Professional Conduct or Standards of Practice for the Right of Way Professional is a very serious matter, calling for a careful consideration of the facts alleged and for a fair, impartial and even-handed disposition of the allegation. Likewise, the person accused is presumed not to have committed the Code, Rule or Standards infraction of which he or she is accused. The burden of proving the allegations against an accused individual rests with the accuser, the Investigation Committee and/or other fact finders. The individual accused has no duty or obligation to prove that he or she did not commit the alleged ethics violation. Furthermore, the mere fact that such person may not choose to offer facts or testify in his or her own behalf shall not constitute an admission of a violation.

## **2 --- Confidentiality:**

All written Complaints, conversations, documents, or other activities involving an alleged Ethics Violation are confidential and shall not be revealed in any manner to anyone except those Association Members involved in the investigative or appeal process, the Complainant (if known), the Respondent, the Association's Chief Executive Officer and/or other Headquarters personnel as approved by the Ethics Chair, those individuals that the Investigation Committee or the parties to any appeal may question or call as a witness, and as otherwise required by law. Confidentiality includes the fact that a Complaint has been filed, an investigation is ongoing, and/or that an appeal has been filed. Such other disclosure of information pertaining to a Complaint may itself be an Ethics Violation and may be subject to disciplinary proceedings. Even if the Respondent discloses any information about the Complaint to anyone not involved in the process, the obligation of confidentiality on the part of the participants remains in effect.

## **3 --- Definitions:**

- A. "Appeal Board" is defined in Rule 10 of these Disciplinary Procedures.
- B. "Association" means the International Right of Way Association (IRWA).
- C. "Code" means the Code of Ethics of the Association.
- D. "Committee" or "Ethics Committee" means the International Ethics Committee of the Association; where action by the Committee is indicated, the term also means the Chair of the Committee.
- E. "Complainant" means the person or persons submitting the Complaint.
- F. "Complaint" means the allegation of a violation of the Code, Rules or Standards as submitted on the complaint form proscribed by these Procedures.
- G. "Credentials" or "Credentialing" refers to the various professional designations or certifications awarded by the Association that an individual may earn through experience and education requirements as set forth by the Association, including, but not limited to the generalist career path designations, such as SR/WA, and the various specialist career path certifications, such as R/W---NAC.

- H. "Ethics Chair" or "Ethics Vice Chair" means, respectively, the Chair or Vice Chair of the International Ethics Committee.
- I. "Ethics Officer" means a Member of the Association selected by the Ethics Chair to participate on an Investigation Committee.
- J. "Ethics Rules" means all rules and regulations of the Association found in the Code, Rules and Standards.
- K. "Ethics Violation" means a violation of the Code, Rules or Standards.
- L. "Expulsion" means a complete and permanent termination of membership or any affiliation with the Association, or, if not a member, a complete and permanent termination of the right to use any Credentials granted to such non---member by the Association.
- M. "Headquarters" means the physical office location of the Association, currently in Gardena, California, and the office staff employed by the Association at that location.
- N. "Investigation Committee" means the committee that is charged with investigating alleged Ethics Violations.
- O. "Liaison" means the Ethics Committee Member who is assigned by the Ethics Chair to help coordinate the investigation.
- P. "Member" means any member, including Senior members, Senior Candidates, and Certified members, whose membership is in good standing with the Association.
- Q. "Probable Cause" means an apparent state of facts found to exist upon reasonable inquiry (that is, such inquiry as the given allegation renders convenient and proper) which would induce a reasonably intelligent and prudent person to believe that the Respondent has committed an Ethics Violation.
- R. "Respondent" means any individual bound by the Ethics Rules of the Association who has been alleged to have committed an Ethics Violation.
- S. "Reprimand" means a serious written warning calling the attention of the Respondent to a violation of the Ethics Rules and may require the Member to take certain remedial action.
- T. "Rules" means the Association's Rules of Professional Conduct.
- U. "Standards" means the Association's Standards of Practice for the Right of Way Professional.
- V. "Stay" means to suspend an investigation temporarily if deemed necessary.
- W. "Suspension" means a temporary revocation of the rights and privileges of membership in the Association or, if not a member, a temporary revocation of any Credentials granted to such non---member by the Association.

Any capitalized terms used in this document not otherwise defined above shall have the meanings given to them in other documents of, and as commonly used by, the Association.

#### **4 --- Complaints:**

- A. Any Member who believes that an Ethics Violation has been committed by another Member or a Credentialed non---member shall submit a written Complaint on the form provided by the Association and appended to these Disciplinary Procedures (“Complaint Form”). Additional instructions and procedures are provided on the Complaint Form. All Complaints for alleged Ethics Violations shall be filed promptly upon learning of the alleged violation. Complaints filed more than twelve (12) months after learning of the alleged violation *may* be dismissed as untimely, in the discretion of the Ethics Chair.
- B. All Complaints shall be submitted to the Ethics Chair, whose contact information is found on the Association’s website. The Chair shall review the Complaint to ensure that it meets the minimum requirements of the Complaint Form. If the Chair determines that the Complaint Form is incomplete and does not have sufficient information for an investigation to be performed, the Complaint shall be dismissed and all files pertaining thereto shall be destroyed and no further action will be taken. If the Complainant is known, notice of the dismissal of the Complaint for failure to provide sufficient information will be given to the Complainant. No further information need be provided.
- C. If the Ethics Chair determines that the Complaint Form is complete and contains sufficient information, the Chair shall acknowledge in writing his or her receipt of the Complaint to the Complainant, if known, within ten (10) days of receiving the Complaint and shall advise that the matter will be referred to an Ethics Committee Complaint Investigation Committee for review as to Probable Cause. If the Complaint is anonymous, the Complainant cannot be informed of the status of the Complaint and the Chair need not provide any acknowledgment. If the Complaint is related to an ongoing litigation, arbitration, or proceeding before an administrative body, the Chair has the discretion on whether to go forward with the investigation at the time or to stay the investigation for up to 90 days. Should the Chair believe that an additional stay(s) be necessary, the Chair shall submit a request to the IEC through the IRWA General Counsel. The IEC may approve, reject, modify, or decline to act on the request for additional time to stay the investigation. All such communications with the General Counsel and the IEC will identify the investigation at issue by its assigned case number only and the parties to the complaint will not be identified.
- D. The Ethics Chair shall also notify the Respondent in writing that a Complaint has been filed, the nature of the Complaint, and the name of the Complainant, if provided in the Complaint, and shall provide the Respondent with a complete copy of the Complaint Form and supporting documents, together with a reference to the electronic copy of the Code of Ethics, Rules of Professional Conduct, Standards of Practice for Right of Way Professionals, and these Disciplinary Procedures. If Respondent cannot access the electronic version of such documents, he or she may request a hard copy of them, but such request will not be a reason to delay the investigation.
- E. A notice of conviction of any local, state, provincial or federal felony or indictable offense statute, or any misdemeanor or summary conviction statute which reflects adversely upon the professional character, trustfulness, morality or reputation of a Member or a Credentialed non--- member, shall be deemed to be a Complaint. Notice that any other professional organization to which the Member or Credentialed non---member belongs and/or any licensing or regulatory agency under which he or she is licensed or otherwise regulated, has sanctioned such individual under its ethics or professional conduct rules shall also be deemed to be a Complaint. It is the responsibility of any Member who is aware of any such conviction or sanction to submit notice of the same to the Ethics Chair, which will serve as the filing of the Complaint. The Chair will then evaluate and process the Complaint as outlined above.

**5 --- Appointment of Investigation Committee: Probable Cause Investigation:**

- A. The Ethics Committee shall establish a roster of Ethics Officers, updated annually, who are familiar with the Association's Code of Ethics, Rules of Professional Conduct or Standards of Practice for the Right of Way Professional, and these Disciplinary Procedures and shall be available to investigate Complaints under these Disciplinary Procedures.
- B. Upon the filing of a Complaint which is deemed a Complaint with sufficient information, the Ethics Chair shall appoint a liaison from the Ethics Committee to coordinate the Investigation Committee's review of the Complaint to determine the existence of Probable Cause. That Ethics Committee liaison shall establish an Investigation Committee comprised of three (3) Ethics Officers, at least two (2) of whom shall NOT be from the same Region and none from the same Chapter in which the Complainant resides. At least one (1) of the members of the Investigation Committee shall be an SR/WA, at least one (1) member shall have had previous experience of serving on an Investigation Committee, and it is preferred that at least one member have expertise in the subject matter of the complaint.
- C. The Investigation Committee shall consider such matters as the seriousness of the charges, whether or not the conduct complained of is a violation of a specific Code or Rules provision, the relationship of the Complainant and the Respondent, the professional standing and veracity of the parties and witnesses, and such other facts as the Investigation Committee deems appropriate. It shall also interview the Complainant, if known, the Respondent and may also interview any other person it feels is necessary to aid in its investigation. The Investigation Committee shall make reasonable efforts to follow the Ethics Officer Training Guide. The Investigation Committee shall complete its investigation within forty-five (45) days of the receipt of the Complaint by the Investigation Committee. If a time extension is necessary after the forty-five (45) day time limit, see Section 13 below.
- D. After such investigation, the Investigation Committee shall make one of the following findings:
  - 1. That there is *No Probable Cause* to believe that the Respondent has committed an Ethics Violation and, therefore, the Complaint should be dismissed;
  - 2. That there is *Probable Cause* to believe that the Respondent has committed (an) Ethics Violation(s) (which shall be specifically identified) and that the Respondent should receive a Reprimand;
  - 3. That there is *Probable Cause* to believe that the Respondent has committed (an) Ethics Violation(s) (which shall be specifically identified) and that the disciplinary action should result in Suspension or Expulsion.

#### **6 --- Investigation Committee Finding of No Probable Cause:**

If the Investigation Committee makes a finding of *No Probable Cause*, the Ethics Chair shall be so notified in writing by the lead of the Investigation Committee. The Ethics Chair shall immediately give written notice of such finding to the Complainant, if known, and to the Respondent, and the Complaint shall be dismissed and all files pertaining thereto shall be destroyed.

#### **7 --- Investigation Committee Finding of Probable Cause:**

If the Investigation Committee makes a finding of *Probable Cause* recommending the Reprimand, Suspension or Expulsion of the Respondent, the lead of the Investigation Committee shall immediately forward to the Ethics Chair the entire investigation file, including a full and detailed written report of the investigation and a recitation of the facts supporting the conclusions of the Investigation Committee along with any other written notes used during the investigation, of which these written notes will be destroyed once the Ethics Chair

reviews them and makes their final determination.

Thereafter, the Ethics Chair shall notify the Respondent in writing by registered or certified mail, return receipt requested, of the Investigation Committee's findings and recommendations, and shall allow the Respondent thirty (30) days from his or her receipt of such written notice to respond thereto. If the Respondent chooses to respond, he or she shall respond to the Ethics Chair in writing within such thirty (30) days. After due consideration is given to the Investigation Committee's recommendations and any responses offered by the Respondent or additional information by other parties, the Ethics Chair shall make a finding in writing and shall make a disposition of the matter in accordance with his or her finding.

The Ethics Chair shall notify the Respondent in writing by registered or certified mail, return receipt requested, of his or her decision in the matter, with a copy to the Association's Chief Executive Officer and/or other Headquarters personnel as approved by the Ethics Chair, the Complainant, if known, and the members of the Investigation Committee.

## **8. – Types of Disciplinary Actions Upon Finding of Probable Cause:**

In the event of a finding of Probable Cause that the Respondent committed an Ethics Violation, one of the following disciplinary actions may be recommended and implemented upon final disposition, depending on the nature and seriousness of the violation:

### **A. Reprimand**

A Reprimand is entered into the Respondent's permanent record at Headquarters after official notification of the Reprimand has been given to the Respondent. It is not published or made known to the membership and/or the general public. Additional disciplinary action of an educational nature may be required where the type of violation indicates this to be necessary or desirable as determined by the Investigation Committee, the Ethics Chair or any Appeal Board.

### **B. Suspension**

1. A Suspension commences thirty (30) days following the receipt by registered or certified mail, return receipt requested, by the Respondent of the order of Suspension and ends upon expiration of the period of time stipulated therein, or two (2) years, whichever period is lesser. If, however, Respondent files an appeal within thirty (30) days of receipt of the decision as set forth in Rule 9 below, then such suspension shall be not be implemented until a final decision is made by the Appeal Board.
2. During the Suspension period, the suspended individual may not hold himself or herself out as a Member of the Association in any manner, nor shall he or she be permitted, during the period of Suspension, to utilize or refer to any of the Credentials he or she may have received from the Association; nor shall he or she be permitted, during the period of suspension, to take any Credentialing examination conducted by the Association.
3. Immediately upon receipt of notice of Suspension, the suspended individual shall transmit to the Association's Chief Executive Officer and/or other Headquarters personnel as approved by the Ethics Chair, his or her Credentialing certificate(s) and pin(s), membership card, membership pin(s), seal and any other evidence of membership in or Credentialing by the Association, to be held for the period of such Suspension.
4. At the expiration of the period of Suspension, and subject to any additional disciplinary educational requirements having been fulfilled, the suspended person shall automatically be restored to previous membership status, and the evidence of membership shall be returned to

him/her. However,

- a. A Senior Member so suspended shall not be reinstated as a Senior Member unless he or she enrolls as a candidate and successfully completes all requirements of the Senior program in effect as of the date of expiration of the period of Suspension;
  - b. A Senior Candidate so suspended shall not be reinstated with candidate status but must re-enroll in the candidate program;
  - c. A Certified Member so suspended shall not be reinstated unless he or she enrolls as a Certified Member and completes all requirements of the Certified program in effect as of the date of expiration of the period of Suspension.
  - d. A Credentialed non-member so suspended shall not be re-Credentialed at his or her previous status unless he or she re-enrolls and completes all the requirements of the particular Credentials program in effect as of the date of the expiration of the period of Suspension.
5. Although a suspended Member is not entitled to the rights and privileges of membership and Credentialing and may not refer to his or her affiliation with the Association, he or she remains a basic Member for all other purposes, except for payment of dues, and any failure to conform to the Ethics Rules shall be grounds for further disciplinary action.
  6. A Suspension shall be published in Right of Way Magazine, and may be published in chapter newsletters and/or other sources of information to the membership and the general public. It will remain permanently on his/her record at Headquarters.

### **C. Expulsion**

1. An Expulsion becomes effective thirty (30) days following receipt by registered or certified mail, return receipt requested, by the Respondent of the notice of his or her Expulsion. If, however, Respondent files an appeal within thirty (30) days of receipt of the decision as set forth in Rule 9 below, then such Expulsion shall be not be implemented until a final decision is made by the Appeal Board.
2. Upon the effective date of such notice of Expulsion, all reference by the Respondent to membership in, Credentialing by, or affiliation with, the Association must, in whatever form, immediately and henceforth cease.
3. Expulsion shall be published in Right of Way Magazine, and may be published in chapter newsletters and/or other sources of information to the membership and the general public.
4. The grounds for Expulsion shall include but not be limited to the following:
  - a. Conviction of a felony;
  - b. Conviction of any act discreditable to or inimical to the best interest of the Association;
  - c. A determination that the Respondent's application for membership or Credentialing, at the time that membership or career path status was granted, was materially falsified, or that he or she knowingly failed to give complete, factual information in said application, which information, had it been submitted, would have resulted in denial of his or her application

for membership in or Credentialing by the Association;

- d. A determination that the Respondent has been dishonest or has lied and knowingly and materially misrepresented or withheld information in the course of his or her right of way professional activities.

**9. – Appeals:**

- A. The Respondent may, within thirty (30) days of his or her receipt of the Ethics Chair’s decision, give written notice to the Ethics Chair of his or her intent to appeal the decision by registered or certified mail, return receipt requested. If no appeal notice is made or received by the Ethics Chair within the said thirty (30) day period, there shall be no further appeal, and the Association’s Chief Executive Officer and/or other Headquarters personnel as approved by the Ethics Chair shall implement the action taken in accordance with the Ethics Chair's directions.
- B. If, within the said thirty (30) day period, the Respondent makes a timely written notice of appeal to the Ethics Chair, and either denies the charges in whole or in part, or admits the charges in whole or in part, but requests a hearing in mitigation of any discipline which may be imposed, the Ethics Chair shall convene an Appeal Board within fifteen (15) days of receipt of such notice of appeal, as set forth in Rule 10 below.

**10.--- Appeal Board:**

- A. The Appeal Board shall consist of at least three (3) Members, which shall include:
  1. The Vice Chair of the Ethics Committee, who was not previously aware of or involved with the Complaint in any capacity, or if the Vice Chair had knowledge of or involvement with the Complaint or is otherwise unavailable, then another member of the Ethics Committee without such knowledge or involvement; and
  2. A Chair or Vice Chair of two (2) other International Committees who do not have a conflict of interest with either the Complainant or Respondent.

Neither the Ethics Chair nor the members of the Investigation Committee shall serve on the Appeal Board. The Ethics Chair shall submit the entire file on the Complaint to the Ethics Vice Chair (or other Ethics Committee member, if applicable) within fifteen (15) days of receipt of Respondent’s notice of intent to appeal.

The Ethics Vice Chair (or other Ethics Committee member, if applicable but referred to as the Ethics Vice Chair in this Section 10) shall serve as the chair of the Appeal Board and shall, within fifteen (15) days of receiving the file, select the other members of the Appeal Board, and may use his or her discretion to add two (2) additional members to serve on the Appeal Board (the Board shall consist of an odd number of members). Reasonable efforts will be made to include at least one member of the Appeal Board with (preferably Credentialed) expertise in the subject matter of the Complaint.

- B. The Appeal Board shall convene a hearing within forty---five (45) days of its appointment (subject to the availability of the parties and any witnesses, as well as logistics of travel to a convenient location for all participants or arranging for appropriate videoconferencing for all participants) and determine its own rules of evidence and procedures to be followed in hearing evidence.
- C. The parties to the hearing shall be the Ethics Chair on behalf of the Association, and the

Respondent.

The information provided to the Appeal Board prior to the hearing shall consist of the Complaint, the written decision provided to Respondent, and the appeal of the written decision. Other information may be provided to the Appeal Board by agreement of the parties.

Both parties shall have the right to be represented by counsel at their sole expense so long as counsel adheres to the procedures established and the procedural rulings handed down by the Appeal Board.

Unless the parties agree otherwise, the Ethics Chair shall present its case first as the Ethics Chair has the burden of proving an Ethics Violation by a preponderance of the evidence (i.e., that it is more likely than not that Respondent committed an a violation). The Ethics Chair shall present the basis for his or her decision using the file developed by the Investigation Committee, but is not limited by such file. The Ethics Chair may present any evidence and any witnesses (excluding members of the Investigation Committee) that support all or some part of his or her decision.

Absent another agreement, Respondent shall have an opportunity to present its case at the close of the presentation by the Ethics Chair. Respondent shall have the right to present any evidence and any witnesses (excluding members of the Investigation Committee).

Any party has the right to cross-examine and follow up with one redirect or recross of any witness and it shall be the discretion of the Ethics Vice Chair as to whether to allow any further redirect or re-cross of a witness.

Likewise, it shall be the discretion of the Ethics Vice Chair as to whether to allow the parties to present such other witnesses and evidence after the conclusion of their initial presentation.

The parties are encouraged to exchange, prior to the hearing, a list of witnesses that each may call and to exchange a list of exhibits and a copy of the actual exhibits that they expect to use in the hearing. The Ethics Vice Chair has the power to require the parties to make such an exchange before the hearing and the discretion to make such other reasonable requirements of the parties before, during, and after the hearing. The Ethics Vice Chair typically will make any determinations as to whether or not to admit certain exhibits, testimony, or otherwise allow information to be considered. The Ethics Vice Chair typically will give the parties an opportunity to submit a post-hearing brief, but such briefing shall be voluntary.

After the conclusion of the hearing, the Appeal Board shall meet in Executive Session (i.e., in private). Within thirty (30) days of the hearing, the Appeal Board shall prepare a written report of its findings and recommendations for disposition, and shall submit its report to both the Ethics Chair and the Respondent by certified or registered mail, return receipt requested, with a copy to the Association's Chief Executive Officer and/or other Headquarters personnel as approved by the Ethics Chair and, if suspended or expelled, to the President of the Respondent's Chapter (if Respondent is a Member). The Appeal Board may accept or reject the Ethics Chair's decision in whole or in part, may revise the sanctions, or may dismiss the Complaint.

- D. The decision of the Appeal Board shall be final and there shall be no further appeals.
- E. If the decision of the Appeal Board includes sanctions to the Respondent, the Ethics Chair shall be responsible for ensuring that the disciplinary action is implemented through the appropriate personnel at Headquarters or Association leadership.
- F. If a party files an action or lawsuit against the Association as a result of the appeal decision, the Association can recoup legal fees if the Association prevails in the action or lawsuit.

### **11.--- Complaint Resolution by Mutual Agreement:**

Complaints may be resolved by mutual agreement of the Respondent and the Association, provided that the terms and conditions of such agreement are approved in advance by the Ethics Chair.

### **12.– Resignations:**

- A. A Respondent who is a Member may not voluntarily resign from the Association at any time after receiving formal notice of a Complaint being filed against him or her. Any resignation will be deemed an admission of violation and will result in an automatic Expulsion from the Association.
- B. At the time Respondent is given notice of the filing of a Complaint and the formation of an Investigation Committee, the Respondent shall be advised that resignation from the Association shall be deemed an admission of violation and will result in an automatic Expulsion and publication in Right of Way magazine.
- C. Upon any such resignation, notice of Expulsion shall be published in Right of Way magazine, chapter newsletters and/or other sources of information to the membership and the general public.
- D. Any such publication shall read substantially as follows:

(Person's Name), of Chapter # \_\_\_\_, Region # \_\_\_\_\_, has been expelled from membership in the International Right of Way Association, effective immediately [or a date certain, whichever is applicable], pursuant to Rule 12 of the Disciplinary Procedures.

- E. When such Expulsion occurs, Headquarters shall document the expulsion and the reason therefore in the former Member's permanent record, and the Ethics Chair shall suspend all investigative activities and rule that the matter is closed.

### **13.--- Time Extensions:**

The times within which actions are to be undertaken pursuant to these Disciplinary Procedures may be extended by the particular person or committee responsible for such actions when, in the sole opinion of such person or committee, good cause for any such extension has been demonstrated. However, any extensions involving appeals shall be granted only by the Appeal Board chair and only when such extension is requested in writing and within the appeal time.

### **14. – Reinstatement Not Permitted:**

- A. A former Member who has been expelled from the Association, either through Rule 12 of the Disciplinary Procedures or through a formal decision after an Ethics Complaint was filed, shall not be eligible for reinstatement and may not otherwise apply to become a Member of the Association at any time. Expulsion shall be made part of the former Member's record and there is no appeal.
- B. A Credentialed non---member whose Credentials have been terminated through a formal decision after an Ethics Complaint was filed shall not be eligible to have his or her Credentials reinstated and may not re---apply for Credentialing at any time. Expulsion shall be made part of the former Credentialed non---member's record and there is no appeal.

### **15.– Notices:**

Any provision in these Disciplinary Procedures which requires that written notice be given to any individual herein may be given (a) by postage pre---paid first---class mail; (b) by hand---delivery; or (c) by electronic mail

(e-mail) to the individual's email address on file with the Association, except where these Disciplinary Procedures specifically require notice by registered or certified mail, return receipt requested. Notices shall be deemed delivered, respectively, (a) when placed in the mailbox; (b) when hand-delivered to the individual in person by the person responsible for providing such notice; (c) upon sending the email, provided that no email failure delivery notice is received by the sender within twenty-four (24) hours after sending such email; or (d) upon the date indicated it was received on the return receipt, if by certified or registered mail. In the event of an email failure notice, an alternate method of providing notice to any such individual shall be used. Any individual who does not have an email address shall be provided with notice by an alternate method.

If any registered or certified mail is returned because the addressee's whereabouts are unknown, a copy thereof shall be sent by first-class mail to the addressee's last known address on file with the Association. In the event that any registered or certified mail is, for any reason, refused by the addressee, a copy thereof shall be sent to the addressee by first class mail. In either case, the addressee shall be considered properly served as of, and all deadlines shall be tolled from, the date that the copy by first class mail was posted into the mail.

**16.– Sanction/Discipline Reporting:**

- A. A Respondent given disciplinary sanctions (other than expulsion), shall, as a provision of the sanctions, be charged with timely reporting to the Ethics Chair the progress/status completion of the sanctions.
- B. It is the responsibility of the Respondent under sanction to notify the Ethics Chair in a timely manner if Respondent anticipates that he or she will be unable to complete his or her sanctions in the timeframe allotted and the reasons therefore. The Ethics Chair will have the sole discretion of extending the sanction completion date. If any extension is granted, the Ethics Chair shall also notify the Association's Chief Executive Officer and/or other Headquarters personnel as approved by the Ethics Chair of the same for inclusion in the Respondent's file.
- C. Failure of the Respondent under sanction to notify the Ethics Chair of any delay prior to the sanction completion date shall not be cause for extension of the completion date. Failure to complete sanctions in the time allotted shall be cause to re-open the original Complaint by the original Investigation Committee for further disciplinary action, up to and including Expulsion.

**IRWA's 2014 Disciplinary Procedures  
Comparison of New Rule to Previous Rule**

<b>Previous Rule</b>	<b>New Rule</b>	<b>How New Rule has Changed from Previous Rule</b>
1 – Preamble	1	Minor language revisions
2 – Confidentiality	2	Rewritten to be more thorough
3 – Definitions	3	Minor revisions; added new definitions
4 – Disciplinary Actions	8	Moved; consolidated 5 penalties into 3 with more significant consequences
5 --- Complaints	4	Complaints may be anonymous; must be submitted on a new form; filed with Ethics Chair instead of Chapter President
6 --- Appointment of Investigation Committee: Probable Cause Investigation	5	Creates Ethics Officers to investigate complaints; minor language revisions
7 --- Investigation Committee Finding of No Probable Cause	6	Minor language revisions
8 – Investigation Committee Finding of Probable Cause	7	Minor language revisions; procedural changes
9 – International Ethics Committee Review; Letter of Charge	----- ---	Deleted due to procedural changes
10 – Letter of Charge Answer Period	----- ---	Deleted due to procedural changes
11 – Hearing Board	----- ---	Deleted due to procedural changes
N/A	9	New appeal procedure after finding of violation; record---keeping by HQ
12 – Appeals/Appeals Board	10	Procedural changes; changes to composition of appeal board; record---keeping by HQ
13 – Complaint Resolution by Mutual Agreement	11	Minor language revisions
14 – Resignations	12	Resignation during investigation deemed admission of violation and automatic expulsion; record---keeping by Headquarters; language revisions
15 – Dues Abatement	----- ---	Deleted to strengthen procedures and for consistency with new Rule 12
16 – Time Extensions	13	Minor language revisions
17 – Reinstatement	14	Expelled members may NOT be reinstated; language revisions
18 – Succession	----- ---	Deleted as moot; chapters are no longer involved
19 – Special Provision for New Applicants	----- ---	Deleted. “Applicants” are not yet subject to rules; language belongs in membership application instructions
20 – Special Provision for At---Large Members	----- ---	Deleted as moot; chapters are no longer involved

21 – Notices	15	Rewritten to allow notice by fax and email if appropriate under applicable rules
N/A	16	New rule to require sanctioned individual to report when sanctions have been met; record---keeping by HQ



A large, empty rectangular box with a thin black border, intended for the content of the complaint form.

**COMPLAINT FORM FOR ALLEGED VIOLATIONS  
OF THE RULES OF PROFESSIONAL CONDUCT AND  
THE STANDARDS OF PRACTICE**

**FOR THE RIGHT OF WAY PROFESSION**  
**(Ethical Rules)**

**COMPLAINT FORM INSTRUCTIONS**

**I. FORM OF COMPLAINT:**

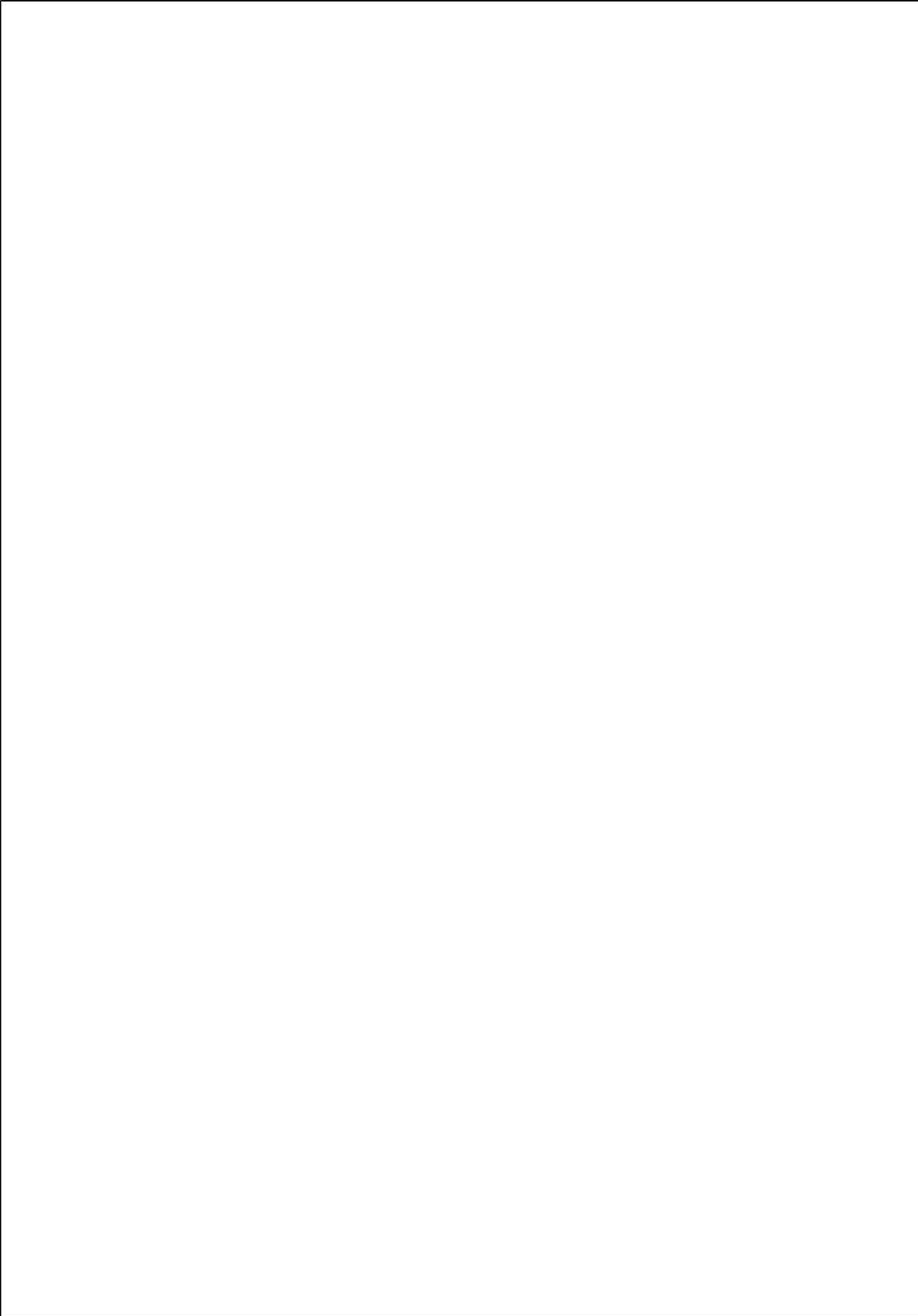
- An Ethics Complaint must be written and submitted on this form.
- An Ethics Complaint may be anonymous.

**II. CONTENTS OF COMPLAINT:**

- Name of the Association Member or non-member designee being charged, along with their Region and Chapter if known.
- Facts regarding the complaint.
- Dates, if available.
- Identification of supporting documentation.
- Copies of any documents you refer to in your complaint.
- Sections of Rules or Standards that are alleged to have been violated.

**III. SIGNATURE AND DELIVERY:**

- Complaint *need not* be signed to be valid.
- Complaint must be delivered to the Chair of the International Ethics Committee.
- Existence of the complaint must not be communicated to any other person who is not involved in the investigation of the complaint.



All written complaints, conversations, documents, or other activities involving an alleged Ethics violation are confidential and shall not be revealed in any manner to anyone except those Association members charged with the responsibility of investigating said complaint and the individual being charged. Therefore, you, as the complainant, may not disclose the fact that you filed this complaint and may not discuss its contents with anyone other than those involved in the investigative process (if you choose to disclose your name). Only the respondent and those involved in the investigative process will be provided with the information contained in this complaint.

You understand that by submitting this form, you are giving the IRWA Ethics Committee permission to share the information contained in your complaint, and any additional information that you submit, for the purpose of investigation, inspection or any discipline proceedings, regarding the individual about whom you have a complaint or concern.

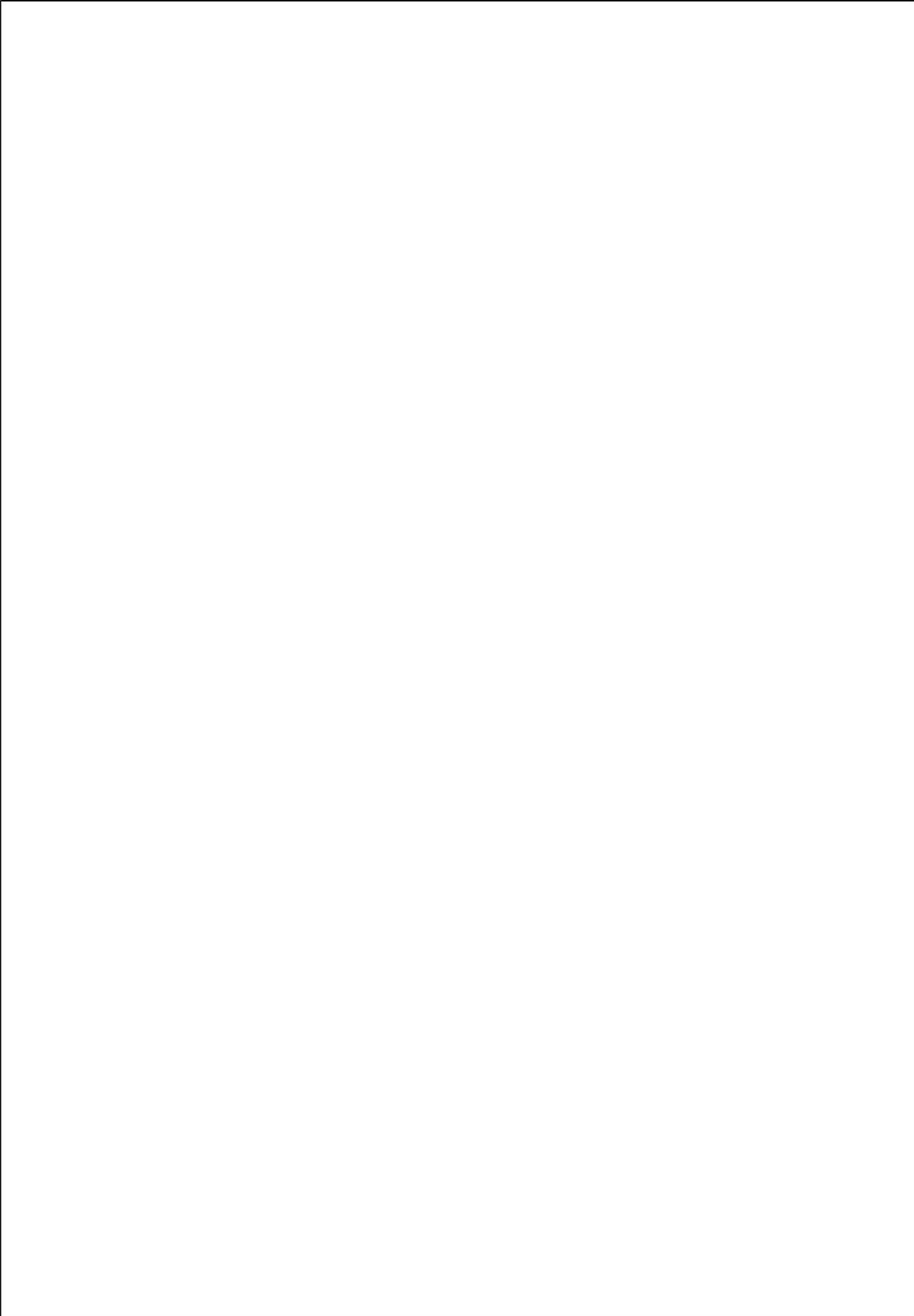
### **YOU MAY FILE YOUR COMPLAINT ANONYMOUSLY**

You may choose to sign the complaint and provide your contact information, or you may choose to file your complaint anonymously. Here are some things you should consider:

If you disclose your name, your name will *not* be disclosed to the respondent unless you indicate otherwise on the form or if legal proceedings require disclosure. The Investigation Committee may also ask you for additional information to assist in the investigation. You will be notified of the results of the investigation.

If you file anonymously, then obviously your name will be unknown to both the respondent and those involved in the investigation. You will have no further input in the investigative process and will not be informed of the outcome.

Regardless of whether you file anonymously or not, your complaint **MUST** be complete and detailed. All complaint forms will be screened to ensure that there is sufficient information to justify appointing an Investigation Committee. If there is insufficient information in your complaint, no further action will be taken and your complaint will be dismissed.





## **COMPLAINT FORM**

To: International Ethics Committee Chair

*(See current address for presiding Chair on IRWA website)*

<b>I. INFORMATION ABOUT YOU (COMPLAINANT) (OPTIONAL)</b>
Name:
Region/Chapter:
Address:
Phone No.
Email Address:
I authorize disclosure of my name to Respondent (Circle):    YES    NO

<b>II. INFORMATION ABOUT THE PERSON WHOM YOU ALLEGE VIOLATED ETHICS RULES (RESPONDENT) (MANDATORY)</b>
Name:
Region/Chapter if known:
Employer if known:
Address if known:
Phone No. and Email address, if known:



SIGNATURE

Please print full name