



Rules for Processing Complaints of Professional Responsibility Violations

Adopted by the National Association of Parliamentarians Board of Directors September 8, 2020

Rule I. SUBMISSION OF COMPLAINTS.

Complaints alleging a violation of the *Code of Professional Responsibility for Parliamentarians* by a member of NAP shall:

- A. be submitted within one year after the alleged violation;
- B. be submitted on a standard complaint form approved by the Professional Standards Committee and distributed by the Headquarters office;
- C. be sent to the Headquarters office in a sealed envelope marked “Confidential—Professional Responsibility Complaint”;
- D. state fully the facts surrounding the acts or omissions complained of, and the nature and extent of the alleged violations with references to the *Code of Professional Responsibility*; and
- E. provide documentation for the alleged complaints, including but not limited to names of witnesses, letters of testimony, minutes, and other pertinent documents, as applicable.

Rule II. PROCESSING OF COMPLAINTS.

- A. The Executive Director shall maintain a log of all complaints received. The log shall indicate the source of the complaint, the date received, and the date that the complaint was referred to the Professional Standards Committee.
- B. The sealed complaint shall not be opened at the Headquarters office. It shall be forwarded, unopened, to the Chair of the Professional Standards Committee.
- C. Upon receipt of the written complaint, the Chair of the Professional Standards Committee shall:
 1. forward a copy of the complaint to the respondent together with notification that the respondent has thirty days from when the complaint was sent to the respondent to respond in writing;

2. notify the complainant of the committee's receipt of the complaint, and of the deadlines for the respondent's response and the committee's decision;
 3. forward copies of the complaint to all members of the Professional Standards Committee; and
 4. inform the President of the nature and scope of the complaint.
- D. The initial notice of the complaint to the respondent shall be sent to the respondent by certified mail, return receipt requested, delivery restricted to addressee. All subsequent communications, including notification of the committee's decision, may be by email unless the respondent specifically requests that further communication be by postal mail.
- E. As part of the initial notice of the complaint to the respondent, the Professional Standards Committee may:
1. inform the respondent and complainant that some or all of the allegations are likely to be dismissed; or
 2. request the respondent address questions related to the complaint.
- F. Upon receipt of the response or at the conclusion of the thirty-day period, whichever is earlier, the Chair of the Professional Standards Committee shall:
1. circulate copies of the written response to all members of the Professional Standards Committee (or, if no response was received, communicate this information to the committee);
 2. determine, in consultation with members of the Professional Standards Committee, whether additional investigation is necessary; and
 3. coordinate the work of the Professional Standards Committee in gathering such additional information as the committee may deem necessary to its investigation.

Rule III. PROFESSIONAL STANDARDS COMMITTEE CONDUCT OF BUSINESS.

- A. The Professional Standards Committee shall conduct its business, whenever possible, by videoconference, telephone, teleconference, mail, or e-mail.
- B. The Professional Standards Committee shall review all material from the complainant, the respondent and others from whom information is sought and shall apply the burden of proof at the level of the preponderance of the evidence, with the burden of proof lying with the complaining party to show a violation of the professional responsibility standards for parliamentarians. Evidence or other information not included in or referred to in the complaint or the response, or specifically requested by the committee, shall not be considered unless the committee agrees to its consideration by the vote of a majority of the entire committee.
- C. In its investigation, the Professional Standards Committee shall not consider any standard not cited in the original complaint, or in a response from the respondent, unless the committee first notifies the respondent of the additional standards the

committee intends to consider. If the committee so notifies the respondent, the respondent shall have fifteen days from the date of such notification, or until the expiration of the original deadline for filing a response, whichever is later, to address the additional standards.

- D. Upon completion of its investigation, but not later than ninety days following receipt of the written complaint, the Professional Standards Committee shall take one or more of the following actions:
1. dismiss as untimely any allegations of violations that occurred more than one year prior to the date of the complaint;
 2. dismiss any allegations of violation of Part 1 of the *Code of Professional Responsibility for Parliamentarians* as outside the committee's jurisdiction;
 3. dismiss the complaint, or any portion thereof, if it arises out of substantially the same circumstances as an earlier-filed complaint (including a member discipline complaint) against the same respondent;
 4. dismiss the complaint, or any portion thereof, as frivolous, inconsequential, or as not attaining the required level of proof;
 5. find that the respondent acted properly and exonerate the respondent; or
 6. find that the respondent did not act properly and uphold the complaint.
- E. If the Professional Standards Committee dismisses the complaint for any of the reasons listed above, the committee may send a confidential letter of caution, not subject to appeal, to only the respondent indicating matters of concern to the committee.
- F. If the Professional Standards Committee upholds the complaint against the respondent, the committee shall take one or more of the following actions:
1. reprimand the respondent, with or without the requirement that an apology be made to the aggrieved party; or
 2. require that the respondent take certain remedial actions, failing which, a further penalty may be imposed; or
 3. recommend that the Board of Directors suspend the credentialed status of the respondent for a definite period; or
 4. recommend that the Board of Directors revoke the credentialed status of the respondent; or
 5. recommend that the Board of Directors suspend the membership, and any credential, of the respondent for a definite period; or
 6. recommend that the Board of Directors expel the respondent from membership and revoke any credentialed status of the individual.
- G. The Professional Standards Committee shall complete its work on the complaint within ninety days following the Chair's receipt of the written complaint. If the

Professional Standards Committee cannot complete its work on a complaint within ninety days, the committee shall notify the President who may grant one additional thirty-day extension. If the extension is granted by the President, the committee shall notify the complainant and the respondent of the extension.

- H. Within fifteen days following the Professional Standards Committee's dismissal of a complaint in its entirety, or within fifteen days after the expiration of the deadline for the respondent's appeal of the committee's imposition of a penalty or penalties solely pursuant to Rule III, F, Paragraph 1 or 2 if no appeal has been filed, the Chair of the Professional Standards Committee shall forward the following to the Headquarters office:
 - 1. the original written complaint;
 - 2. all correspondence, inclusive of electronic media, between the committee, the complainant, and the respondent;
 - 3. all documents, inclusive of electronic media, relating to the committee's investigation of the complaint, except that copies of internal correspondence among the committee members and preliminary drafts of the committee's decision need not be forwarded;
 - 4. a written report of the committee's final determination; and
 - 5. a summary for publication, sanitized to avoid identifying or providing details that could be used to identify the people or organizations involved in the complaint, that provides sufficient details to understand what violation was alleged, what the Professional Standards Committee decided, and what facts and reasoning led to the decision.
- I. Within fifteen days after the respondent's filing of an appeal, if applicable, or after the committee's recommendation of any of the penalties specified in Rule III, F, Paragraphs 3 through 6, the Chair of the Professional Standards Committee shall forward to the Secretary the documents listed in Rule III, H, Paragraphs 1 through 4.

Rule IV. APPEALS.

- A. The respondent may appeal any reprimand imposed by the Professional Standards Committee pursuant to Rule II, H, Paragraph 1 or 2, to the Board of Directors. Such appeal shall be by written notice of appeal to the Secretary, with copies to the Professional Standards Committee and the complainant, within thirty days of the respondent's receipt of the committee's decision. The notice of appeal shall include the names of the respondent and the complainant, the date of the complaint, and the date of the decision by the Professional Standards Committee. No argument or other documentation shall be included with the notice of appeal.
- B. The Professional Standards Committee's recommendation of any of the penalties specified in Rule III, F, Paragraphs 3 through 6, shall be handled in the same manner as if appealed by the respondent, except that no notice of appeal shall be required.

Rule V. BOARD OF DIRECTORS CONDUCT OF BUSINESS.

- A. In its consideration of an appeal of the Professional Standards Committee's imposition of a reprimand, or recommendation of any other penalty, the Board of Directors may, at its discretion, request written argument from the complainant and the respondent in support of or opposition to the committee's decision. No evidence not presented to the Professional Standards Committee shall be considered.
- B. Within ninety days after receipt of the respondent's appeal of the Professional Standard Committee's imposition of a reprimand or the Professional Standards Committee's recommendation of any other penalty, as applicable, the Board of Directors shall issue its decision, either:
 - 1. sustaining the Professional Standards Committee's decision, with or without an opinion;
 - 2. modifying the Professional Standards Committee's decision; or
 - 3. vacating the Professional Standards Committee's decision and replacing it with the Board's decision.
- C. The Board shall attach a summary of the Board's disposition of the appeal to the summary of Rule III(H)(5).
- D. All actions of the Board of Directors shall be decided by majority vote except for expulsion from membership, which shall require a two-thirds vote.
- E. In no event may the Board impose a more stringent penalty than that imposed or recommended by the Professional Standards Committee.
- F. The Secretary shall promptly inform the respondent, the complainant, and the Professional Standards Committee of the Board of Directors' decision.
- G. Within fifteen days after the Board of Directors issues its decision, the Secretary shall send to the Headquarters the complete file received from the Professional Standards Committee, any written arguments submitted by the complainant or the respondent, and the Board's decision.

Rule VI. DISPOSITION OF DOCUMENTS.

All documents, including electronic materials, relative to ethics complaints shall be sealed and held at the headquarters office in strict confidence, except that:

- A. appropriate officers, members, or employees of the organization may be given such information regarding a disciplinary proceeding as is necessary and proper for the effective execution of any penalty imposed;
- B. the Board of Directors shall have access to all relevant documents, inclusive of electronic materials, pertaining to complaints referred by the Professional Standards

Committee; and

- C. the Board of Directors shall have access to all relevant documents pertaining to the appeals process.
- D. When a complaint is filed, the Chair of the Professional Standards Committee may request that the Executive Director provide a statement as to whether any prior complaints have been filed regarding the conduct of the accused parliamentarian and the disposition of such complaints. If deemed relevant by the committee, the committee may request a copy of the file regarding the complaints previously disposed of by the committee.

Rule VII. PUBLICATION OF ALLEGED VIOLATIONS.

- A. Within 90 days of either the Board's decision on appeal or the expiration of the time in which to appeal a decision of the Professional Standards Committee, all summaries under Rule III(H)(5) and Rule V(C) shall be published to the membership in a manner determined by the Board to be appropriate and designed to reach all members of the National Association of Parliamentarians.
- B. Published complaint summaries will include the name of the parliamentarian who was found to have violated the Joint Code if and only if the parliamentarian was punished under Rule III(F), Paragraphs 3 through 6.

Rule VIII. RECIPROCITY.

No complaint which has been submitted to the American Institute of Parliamentarians Ethics Committee shall be considered by the NAP Professional Standards Committee, except by a majority vote of the entire membership of the NAP Professional Standards Committee.

Rule IX. REPORTING.

If a respondent holds membership in American Institute of Parliamentarians, then any complaint whether dismissed or upheld, shall be reported to the Executive Director or designee of the President of the American Institute of Parliamentarians as to the facts of the complaint and the disposition determined by the National Association of Parliamentarians.