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## AICI Accreditation Code of Conduct Complaint Rules and Procedures

This guide has been prepared to describe the rules and procedures established to address a **Accreditation Code of Conduct** complaints related to the business conduct of AICI members. Take a moment to review the information provided. Feel free to address any questions you may have to the current President of AICI or with the **Accreditation Review Board**.

### 1. WHO IS SUBJECT TO AN ACCREDITATION COMPLAINT?

First, it must be determined in processing a **code of accreditation** complaint whether the person involved is an AICI member. The **Review board** does not have authority to investigate complaints against non-members.

### 2. WHO MAY FILE AN ACCREDITATION COMPLAINT?

Any person, whether a member of AICI or not, having reason to believe that a member of AICI has acted in violation of the **Accreditation Code of Conduct**. The **Review Board** is also authorized to initiate its own complaints and would follow the same rules and procedures as others.

### 3. WHEN A COMPLAINT HAS BEEN MADE AGAINST SOMEONE IN LEADERSHIP WILL THEY BE ASKED TO STEP DOWN?

If the **Review Board** receives a complaint involving someone in leadership such as a Board Member, Committee Chair, Chapter Executive, or other position of leadership, they are innocent until proven otherwise and will not be asked to step down during the **review** process. However, each situation will be reviewed on a case by case basis and if there is an extenuating circumstance, the **Review Board** could ask the person to step down while the complaint is being investigated.

### 4. HOW DOES AN ACCREDITATION COMPLAINT GET FILED?

Contact AICI Headquarters and the **Review Board**, for an appropriate form and complaint procedures. The complaint must:

- 1) Be submitted on the form provided.
- 2) Be signed by the complainant.
- 3) Quote precisely the express standard in the AICI **Accreditation Code of Conduct** violated.
- 4) Be accompanied by sufficient evidence, either testimonial or documentary to credibly allege an apparent violation of sufficient importance to merit the consideration of the association.
- 5) Be filed within one year after the latest act constituting the basis of the accusation.

### 5. HOW DOES THE REVIEW BOARD PROCESS THE COMPLAINT?

- a. **Initial Determination of Action ability.** After the complaint is received by both AICI Headquarters and the **Review Board**, the **Review Board** and the AICI President review the complaint and determine whether the complaint meets all the requirements of an actionable complaint. If not, the complaint is dismissed and the complainant notified. The decision to dismiss a complaint at this stage is final.
- b. **Invitation of Respondent's Reply.** If the **Review Board** and the AICI President decide that the complaint is actionable, a copy of the charges including evidence submitted by the complainant is

sent to the respondent. The respondent is notified that a written reply is necessary and will be filed. If a reply is not received from the respondent within thirty (30) days, the charges may be taken as true by default. If this occurs, the **Review Board** may proceed to Step 7.

- c. **Determination of existence of Prima Facie Case.** When the reply is received, the **Review Board** sends a copy to the Complainant. The **Review Board** investigates the complaint to determine whether in view of all the evidence gathered there exists sufficient credible evidence to establish a prima facie case of a violation of an express association standard. If in the affirmative, the matter will proceed to Hearing.
- d. **Notice of Hearing.** The respondent shall be given at least thirty (30) days advance notice of the Hearing. A copy of all evidence gathered by the **Review Board** shall accompany the notice. The notice shall state these rights of the respondent:
  - 1) The right to a copy of all evidence supporting the accusation.
  - 2) The right to a defense. This includes:
  - 3) The right to be represented by an attorney
  - 4) The right to present evidence and witnesses.
  - 5) The right to cross-examine witnesses and accusers.
  - 6) The right to an impartial hearing panel.
  - 7) The right to written findings of fact and a written opinion.
- e. **Complainant Suspends Action.** At any time, a complainant may suspend further action against the respondent.
  - (1) If, after a complaint has been filed, the complainant may suspend further action before the respondent is notified of the complaint either in writing or by default. The complainant may formally suspend further action in writing to the **Review Board**. If after ninety (90) days the complainant decides to pursue the complaint, the **Review Board** shall proceed. If the complainant decides to terminate the complaint, the complaint will be dismissed and the complaint will be destroyed. The complainant may formally suspend further action by default. If the complainant does not respond to further requests for information by the **Review Board** during its investigation period to determine if a complaint is actionable for a period of ninety (90) days, the complainant suspends action by default and the complaint will be destroyed.
  - (2) If, after a complaint has been filed and meets the requirements of an actionable complaint, and after the respondent has had the opportunity to reply, the complainant may suspend further action against the respondent. The complainant must request, in writing to the **Review Board**, a suspension of further action before the **Review Board** holds a hearing to determine the complaint. The complainant has ninety (90) days to determine if s/he would like to proceed with the complaint. The respondent must be notified in writing that the complaint is suspended, why it is suspended, and the actions that may be taken next. If after ninety (90) days the complainant decides to pursue the complaint, the respondent shall be given at least thirty (30) days advance notice of the Hearing. If the complainant decides to terminate the complaint, the complaint will be dismissed and the respondent notified.

## 6. WHO PRESIDES AT THE HEARING?

The hearing shall be conducted by a Hearing Panel consisting of the **AICI Executive Committee, AICI Executive Director, AICI Asst. Executive Director and the AICI Accreditation reviewer.** Members of the **review board** shall have no financial interest in the outcome. They shall have been uninvolved with the complaint to date. They shall if possible be unacquainted with either the complainant or the respondent.

## 7. WHAT HAPPENS AT THE HEARING?

The hearing shall be conducted before the Hearing Panel. The Review Board through its attorney or other representative shall present the evidence of actionable misconduct against the respondent as

discovered during its investigation. The complainant shall be required to testify. The respondent or his or her attorney or other representative shall be entitled to a full and fair defense. The respondent shall be accorded all the procedural rights listed above. The hearing shall not proceed according to formal rules of procedure, but shall proceed pursuant to informal procedure consistent with fundamental notions of fairness and a full opportunity to be heard.

Upon completion of presentation of all the evidence and arguments, the Hearing Panel shall in executive session make its Findings and render its Opinion. The Findings shall be Findings of Fact. The Opinion shall be whether the respondent has been shown by a preponderance of the evidence to be guilty of an actionable violation of the Association's **Accreditation Code of Conduct**. Two votes are required for an Opinion. If the Hearing Panel opines that no violation has occurred, it shall issue to the respondent a Letter of Exoneration. If the Hearing Panel opines that a violation has occurred, the Hearing Panel shall impose such discipline as it determines from among the following alternatives:

**8. WHAT DISCIPLINARY ACTION CAN THE REVIEW BOARD IMPOSE?**

Disciplinary action may consist of one or more of the following:

- 1) Verbal reprimand.
- 2) Letter of reprimand.
- 3) Letter of severe reprimand.
- 4) Suspension of membership or other designation or privileges for a specified period of time.
- 5) Expulsion from membership or loss of other designation or privileges.
- 6) Any combination of the above actions.

**9. HOW IS THE COMPLAINANT NOTIFIED OF THE REVIEW BOARD'S DECISION?**

The Complainant will be informed whether or not the **Review Board** will impose a disciplinary action against the Respondent. If the **Review Board** does impose disciplinary action, the details of the disciplinary action imposed will be shared with the Complainant using the same report format that will be used in the AICI magazine.

**10. IS THE DISCIPLINARY DECISION OF THE REVIEW BOARD PUBLISHED?**

Yes. A decision to impose disciplinary action by the **Review Board** will be published in the AICI magazine and may also appear on AICI's Web site. Only the complaint and decision will be published – all names will be kept confidential. If a hearing is requested, only the nature of the hearing will be published. Complaints, which are dismissed or deemed unworthy of consideration, are not published. We strive to maintain the high integrity of our industry through this Code of **Accreditation**.

**11. WHO IS INFORMED?**

The Board of Directors has an interest in the proper implementation of our **Accreditation Code of Conduct** Procedure; however there are two good reasons for keeping the facts of a **review** proceeding close-hold to the **Review Board** and Hearing Panel during its pendency:

- 1) The Association wants to limit the opportunity for any defamation of any kind; and
- 2) The Association wants to prevent any ex parte communication with any adjudicator (**Review Board**; Hearing Panel) during the proceeding.

For those reasons, the Board of Directors will be informed during the pendency of any **Review Board** Disciplinary Proceeding only that:

- a) A proceeding has been commenced.
- b) The procedural status of the proceeding.
- c) The general nature of the issue at hand.

In no event shall the Board be told the name of any party during the pendency of the matter. After the proceeding is completed, the Board may be given party names on a confidential basis if necessary to enforce the remedy imposed or protect the interests of the Association.

**12. WHAT CONSTITUTES A COMPLAINT UNWORTHY OF CONSIDERATION?**

A complaint will be deemed unworthy of consideration for one or more of the following reasons:

- a) Failure to specify provision of code violated;
- b) Fails to allege a violation, which even if proved, is sufficiently important to merit the action of the association.
- c) More than one year has elapsed since facts were known or could have been known in the exercise of reasonable diligence;
- d) Complainant is third party to the circumstances, except with respect to complaints initiated by the **Review Board**;
- e) The respondent is not currently a member of AICI;
- f) The matter presented is a legal dispute, which is best handled through the court system.

**13. TIME FRAME?**

To move forward with each step of the code of accreditation procedures in an expeditious manner, the following time frames will be implemented:

**Association Action**

**Review Board** and President Determination of adequacy  
Respondent has  
**Review Board** investigation determination

Hearing conducted; decision rendered

**Deadline**

21 days after Complaint filed  
30 days to reply to the Complaint  
90 days after Complaint filed of prima facie  
case of violation  
150 days after Complaint filed.