

ETHICS COMPLAINT PROCEDURE FOR CERTIFIED ORGANIZATIONAL OMBUDSMAN PRACTITIONERS

PREAMBLE

The program of certification for organizational ombudsman practitioners exists to foster the development and growth of organizational ombudsmanry, to promote high ethical standards and practices in the organizational ombudsman profession, and to establish and maintain public confidence in the integrity and professionalism of certified organizational ombudsman practitioners. The International Ombudsman Association's Code of Ethics for Organizational Ombudsmen ("Code of Ethics"), together with the IOA Standards of Practice for Organizational Ombudsmen ("Standards of Practice"), set forth the ethical principles and practice standards to which all Certified Organizational Ombudsman Practitioners have subscribed. Certified professionals who violate the Code of Ethics or the Standards of Practice, or engage in other unprofessional conduct as defined in Section 3.01 hereof, are subject to prescribed disciplinary procedures and sanctions set forth in this document.

ARTICLE I

PURPOSE AND FUNCTION

1.01 Purpose. The disciplinary process set forth in this Ethics Complaint Procedure ("Complaint Procedure") provides for an objective review of a Certified Organizational Ombudsman Practitioner's compliance with the Code of Ethics and Standards of Practice, including a certified professional's eligibility to retain said certification. Any Certified Organizational Ombudsman Practitioner engaging in acts found to be in violation of the Code of Ethics or the Standards of Practice, or in other unprofessional acts as defined in Section 3.01 hereof, is subject to sanction under Articles V-VII hereof.

1.02 Function. When a complaint is filed by a Certified Organizational Ombudsman Practitioner under Article V hereof alleging that another Certified Organizational Ombudsman Practitioner has engaged in acts in violation hereof, the process set forth in this Complaint Procedure will be invoked.

ARTICLE II

AUTHORITY

2.01 Board of Directors. The Board of Directors ("the Board of Directors") of the Board of Certification for Certified Organizational Ombudsman Practitioners ("the Board of Certification") has the authority to impose sanctions set forth in Article VII hereof and to act upon applications for reinstatement of certification status.

2.02 Professional Practices Committee. The Professional Practices Committee of the Board of Certification is vested with the authority to investigate alleged violations of the Code of Ethics or Standards of Practice, or other unprofessional acts as defined in Section 3.01 hereof, and to recommend action to the Board of Directors.

2.03 Conflict of Interest. If a member of the Professional Practices Committee shall, with respect to any matter before the Committee, be considered by the Committee to have a conflict of interest with respect to such matter, such member shall be excluded from participation therein by the Committee. As deemed appropriate, the Chair has the authority to appoint temporary Committee members to substitute for disqualified Committee members. In the event that the Chair of the Committee has a conflict of interest with respect to a matter before the Committee, the remaining members of the Committee shall elect from among themselves a person to serve in the capacity of Chair with respect to such matter.

ARTICLE III

GROUNDS FOR DISCIPLINE

3.01 Acts or Omissions. Professional misconduct by a Certified Organizational Ombudsman Practitioner, as defined below, shall constitute grounds for discipline:

- (a) An act or omission that violates the Code of Ethics or the Standards of Practice and that can be substantiated by non-confidential, publicly available evidence. Examples may include a structural deficiency in an ombudsman program that is incompatible with the Standards of Practice or a website citation that documents a role held by the ombudsman that constitutes notice to the organization.
- (b) Any act or omission to obtain or to assist another in obtaining certification or recertification as a Certified Organizational Ombudsman Practitioner by fraud, misrepresentation or deception.
- (c) Any act or omission in responding to a request from the Professional Practices Committee that, in the opinion of the Committee, obstructs the Committee's performance of its duties.

ARTICLE IV

OBLIGATIONS TO REPORT PROFESSIONAL MISCONDUCT

4.01 Reporting of Violations. A Certified Organizational Ombudsman Practitioner having knowledge and non-confidential, publicly available evidence of an act or omission by another Certified Organizational Ombudsman Practitioner which constitutes professional misconduct as defined in Section 3.01 hereof has the obligation to report the matter by filing a complaint under Article V hereof.

4.02 Cooperation with Investigation. It is the obligation of any Certified Organizational Ombudsman Practitioner to cooperate fully with the Professional Practices Committee in the investigation of alleged professional misconduct.

ARTICLE V

COMPLAINTS OF PROFESSIONAL MISCONDUCT

5.01 Complaint of Professional Misconduct. A complaint of professional misconduct by a Certified Organizational Ombudsman Practitioner must be in writing, signed, notarized, accompanied by any substantiating, publicly available, non-confidential documentary evidence, and submitted to the Professional Practices Committee. A complaint may be submitted only by a Certified Organizational Ombudsman Practitioner. In addition, until December 31, 2012, a complaint may also be submitted by a member of the Board of Directors, as long as that individual agrees to recuse himself/herself from any adjudication of the complaint. A complaint may only be submitted once and may not be re-filed. The complaint must include a detailed description of the nature of the alleged professional misconduct, as well as all pertinent facts and circumstances. The proceedings as a whole shall be treated confidentially, except to the extent required to complete the investigation, and except as provided herein in the event that certain disciplinary sanctions are imposed by the Board of Directors.

5.02 Initial Determination. Based upon the complaint and accompanying documents, the Professional Practices Committee will determine whether sufficient evidence exists to proceed with an investigation. If the Committee determines that insufficient evidence exists, the complaint shall be dismissed; the complainant shall be notified in writing of the dismissal. If the Committee determines that sufficient evidence does exist to initiate an investigation, it shall proceed as set forth in Section 5.03 hereof.

5.03 Formal Investigation. The Chair of the Professional Practices Committee shall inform the respondent in writing, by certified mail addressed to the last known address of the respondent, that a complaint of professional misconduct has been filed and that the Committee has determined to initiate a formal investigation of the matter. The Committee shall provide a copy of the complaint and all accompanying supporting documentation and evidence to the respondent. The identity of the complainant shall be revealed. The respondent shall have thirty (30) days from the date of receipt of the notification letter to prepare and submit a response in writing, along with whatever affidavits and documentary evidence the respondent feels support the response. In responding to the Committee and in evaluating a respondent's response, the respondent and the Committee shall be mindful of the respondent's confidentiality obligations with respect to her/his files and communications. The Committee shall have the right to seek additional information regarding the matter from the complainant, the respondent and/or relevant third parties. In conducting its investigation and evaluating all evidence, the Professional Practices Committee shall presume at the outset of its investigation that the respondent acted ethically and shall determine that an act of professional misconduct has occurred only if it finds clear and convincing evidence of such misconduct.

5.04 Determination and Recommendation. The Professional Practices Committee shall evaluate all documentation pertaining to the matter and render one of three (3) decisions within ninety (90) days of receiving all relevant evidence:

- a. There is insufficient evidence to make a determination.
- b. The complaint is substantiated.
- c. The complaint is not substantiated.

In the case of a decision under a. or c. above, the complaint shall be dismissed, and both the complainant and the respondent shall be so notified by the Committee Chair in writing.

If the Professional Practices Committee finds clear and convincing evidence of professional misconduct, it shall issue a written decision setting forth the basis for its decision and recommending to the Board of Directors an appropriate sanction from among those set forth in Article VII hereof.

5.05 Notification of Determination. Following receipt and consideration of the decision and recommendation of the Professional Practices Committee, the Board of Directors shall, within thirty (30) days of receipt of the Committee recommendation, vote upon implementation of the sanction recommended by the Committee, or any lesser or more severe sanction proposed by the Board of Directors; the Board of Directors may also remand the matter to the Professional Practices Committee for further investigation or consideration by the Committee. A sanction will be implemented only upon its approval by a two-thirds (2/3) vote of the Board of Directors. Should the Board of Directors vote not to implement any sanction, the complaint shall be dismissed, and the complainant and respondent shall be notified of such dismissal in writing. Should the Board of Directors vote to implement a sanction, the respondent, but not the complainant, shall be notified of the sanction in writing by certified mail. The notice shall advise the respondent of the right to submit new evidence under Article VI and of the fact that, in the absence of any such submission, the sanction will be effective thirty (30) days after the respondent's receipt of the notice. Unless the Board of Directors reverses its decision under Article VI, the complaint and the sanction shall be recorded in the respondent's official certification file.

ARTICLE VI

APPEALS PROCESS

6.01 Limited Right to Appeal. Any dismissal of a professional misconduct complaint, whether by the Professional Practices Committee or by the Board of Directors, shall not be subject to appeal. A decision of the Board of Directors to implement sanctions against a respondent is subject to appeal by the respondent, but the sole ground for such appeal shall be that the respondent has new, relevant information which was not considered by the Professional Practices Committee. Any respondent having new information to submit to the Board of Directors shall, within thirty (30) days of receipt of the written notice required by Section 5.05, file with the

Board of Directors a written notice of appeal stating the reason for the appeal and including the new information not considered by the Professional Practices Committee. Following review of the entire investigative file, the decision and recommendation of the Professional Practices Committee and the new information submitted by the respondent, the Board of Directors shall, within thirty (30) days of receipt of such new information, render a final decision which may not be further appealed. If the complaint is dismissed, the complainant and the respondent shall be notified of same in writing. If the appeal is denied, the respondent, but not the complainant, shall be notified of same in writing by certified mail, and the sanctions imposed by the Board of Directors shall be implemented immediately.

ARTICLE VII

SANCTIONS

7.01 Censure. Censure may be invoked with respect to professional misconduct not deemed sufficiently severe to warrant greater sanction. An unpublished written reproach from the Board of Directors, which may include a requirement that the respondent undertake specified training or education or that the respondent modify her/his office charter or standard practices, shall be mailed to the respondent. A copy of this letter shall become a permanent part of the respondent's certification file. In the event of such a censure, the Certified Organizational Ombudsman Practitioner would retain certification status and all of its rights and privileges, provided that she/he complies with any requirements imposed by the Board of Directors in conjunction with the censure.

7.02 Probation. A respondent may be placed on probation for a period not to exceed three (3) years; should, during the period of probation, any further professional misconduct complaints be found to be substantiated, the respondent's certification status shall be suspended or revoked, as determined by the Professional Practices Committee and the Board of Directors. In addition, the Board of Directors may require that the respondent undertake specified training or education or that the respondent modify her/his office charter or standard practices. A Certified Organizational Ombudsman Practitioner placed on probation would retain certification status and all of its rights and privileges during the period of probation, provided that she/he complies with any requirements imposed by the Board of Directors in conjunction with the probation.

7.03 Suspension. Certification status may be suspended for a specified period of time not to exceed three (3) years based upon the severity of the professional misconduct. At the conclusion of the period of suspension, the organizational ombudsman may apply to the Board of Directors for reinstatement of her/his certification status. Had the organizational ombudsman, absent such suspension, been subject to a recertification requirement during the period of suspension, such recertification requirement shall be imposed as part of the reinstatement process. An organizational ombudsman whose certification status is suspended shall, immediately upon such suspension, not be entitled to any of the rights and privileges of certification status during such period of suspension.

7.04 Revocation. Certification status may be revoked in the event of egregious acts of professional misconduct, including without limitation knowingly falsifying information submitted to obtain and/or retain certification or cheating on the certification examination. Applicants for certification who, before certification status is awarded, are determined to have knowingly falsified application information or to have cheated on the certification examination shall be denied certification and may be forever barred from applying for certification. An organizational ombudsman who has had her/his certification status revoked is not eligible for reinstatement of certification status. An organizational ombudsman who has had her/his certification status revoked shall be eligible to re-apply for certification only if so determined by the Board of Directors at the time of revocation and only following such period of time as the Board of Directors may specify in its revocation determination. An organizational ombudsman whose certification status has been revoked shall, immediately upon such revocation, no longer be entitled to any of the rights and privileges of certification status.

7.05 Additional Disciplinary Sanctions. The Professional Practices Committee may recommend and the Board of Directors may impose additional disciplinary sanctions, including without limitation mandatory professional education or other sanctions approved by the Board of Directors.

ARTICLE VIII

PUBLIC NOTIFICATION OF SUSPENSION AND REVOCATION

8.01 Public Notification. Unless otherwise determined by the Board of Directors in a particular matter, it shall be standard procedure to publish, in a manner deemed appropriate by the Board of Directors, the fact of any suspension or revocation of certification status, including the identity of the organizational ombudsman involved. No publication will be made of the imposition of any other sanction.

ARTICLE IX

USE OF CERTIFICATION CREDENTIALS DURING PERIODS OF SUSPENSION AND REVOCATION

9.01 Ownership of Certification Credentials. All certification credentials, including without limitation logos, the Certified Organizational Ombudsman Practitioner and COOP marks, certificates, wallet cards, placards, decals, insignias, emblems and/or any other material used by the certificate holder to indicate or otherwise note status as a Certified Organizational Ombudsman Practitioner, are and shall remain the sole property of the Board of Certification.

9.02 Prohibitions Against Use. In the event that an organizational ombudsman's certification status has been suspended or revoked, he/she is no longer permitted to hold herself or himself out as a Certified Organizational Ombudsman Practitioner or COOP and must refrain from using all certification credentials, including those described in Section 9.01 above. Failure to comply with this prohibition will jeopardize the possibility of reinstatement of or reapplication for

certification status, should the Board of Directors have determined that reapplication would be permitted.

9.03 Refunding of Fees. Should an organizational ombudsman's certification status be suspended or revoked, there shall be no refund of any fees already paid in connection with such certification.

ARTICLE X

AMENDMENTS TO THE ETHICS COMPLAINT PROCEDURE

10.01 Amendments. This Complaint Procedure may be amended by a two-thirds (2/3) vote of the Board of Directors, provided that written notice of any proposed amendment shall be given to the Board of Directors together with the notice of the meeting at which the amendment will be considered.

10.02 Effective Date. An amendment so made shall be effective immediately upon adoption, unless a later effective date is specifically adopted at the time the amendment is enacted. Amendments shall be published to the organizational ombudsman profession.