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Ethics Due Process Procedures



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Ethics Due Process Procedures

Guideline for Ethical Complaints

PPA/BRE (Bylaws Rules and Ethics Committee) stands ready to receive and investigate unethical behavior of PPA members. BRE facilitates the resolution of, but is not limited to, breakdowns in communication, contract disputes and product delivery.

In deciding whether a complaint could or should be filed with PPA, a number of facts should be considered. Keep in mind that not all disagreements between parties are PPA Code of Ethics violations.

Please read the following:

The type of issues that BRE will consider:

- Breach or non-fulfillment of contract
- Deceptive business practices
- Unethical, inappropriate and/or unprofessional behavior
- Slander or libel

These are types of issues that BRE will **NOT** consider:

- Conflicts of personalities
- Hearsay
- Pricing issues
- Issues under litigation or pending

The perception of quality is subjective and may not be the basis of an ethics violation. PPA (BRE) cannot award monetary damages.

Please understand that the complaint process involves thorough deliberation and takes time.

Intent

It is PPA's policy to support and uphold the highest professional imaging and ethical standards. This policy extends to each member and encompasses that member's dealings with the Association, its members, and competitors. This policy also encompasses each member's dealings with their vendors, suppliers, clientele and the public. (See Council Policies)

PPA is committed to upholding its reputation and that of its members by enforcing this policy against any member action, whether ethically, civilly or criminally questionable, that may portray the Association or its members in a negative way.

The Due Process procedure may be followed regardless of Membership status.

Procedure for Submitting a Claim

Any individual or individuals can make an ethics complaint about a member. Complainants do not need to be PPA members.

Complaints and all supporting information must be received electronically and will be accepted into the official record of the proceeding. When submitting a complaint, the complainant should first show physical evidence that they tried to come to a resolution with the Subject on their own. No action can be initiated until a properly submitted complaint is received.

The Bylaws, Rules and Ethics Committee (BRE) are responsible for investigating a complaint received against a member.

The Bylaws, Rules and Ethics Committee (BRE) will share all correspondence from the subject and complainant with all parties involved.

The Bylaws, Rules & Ethics Committee shall withhold rendering a decision on an ethics complaint if there is pending civil or lower court litigation or an Indemnification claim. The BRE will consider ethics complaints after adjudication.

When the BRE Committee is made aware of an information filing or a criminal indictment against a PPA member, the Committee is to notify the Board of Directors. The President of the Board shall notify the member of his/her automatic suspension until the member can show due cause why the member should not be suspended. Upon the rendering of a legal decision, an ethics case can be instituted.

Procedure for Following Up on a Complaint

The BRE Chairman and/or the committee have the right to determine if the case has merit. If it is determined that the case has merit, within 21 days of PPA receiving a complaint, the BRE Chairman will notify the member /accused (Subject) using the most effective method. The verification becomes part of the official case file. This notification may, or may not, include the Complainant's name, depending on circumstances.

The Subject notification should include:

- The specific charges or allegations
- The purpose of PPA's Ethics Policy
- An explanation of possible actions
- A request for a response to the charges or allegations to be received within 14 days of the delivery of this notification
- Any other information pertinent to the case

The Subject will be given 14 days to respond in a signed writing to the charges or allegations outlined. If no response is received, the BRE Chairman will assume the Subject has no response and will continue with the process.

If a response is received, the BRE may conduct follow up interviews to determine whether a hearing should be held. At this point, the committee may decide:

- a. To discontinue any further action and end the process. If this is the case, the committee should notify the Subject and Complainant that there is not sufficient cause to continue, and extend the Association's appreciation to all parties for their input.
- b. To continue the process and schedule a hearing at the regularly-scheduled BRE meeting. A special BRE meeting may be convened at the expense of the Complainant.

NOTE: The BRE is permitted to suspend the accountability time line or investigation of a case if there is a compelling reason to do so.

Conducting a Hearing

NOTIFICATION

Notification that a hearing has been scheduled should be sent promptly to the Subject and Complainant using the most effective method. The verification becomes part of the official case file.

VENUE

The hearing may be held in person or by telephone conference call. If the decision is made to hold the hearing in person, every effort should be made to accommodate all parties. PPA is not responsible for travel costs if Subject or Complainant choose to attend the hearing.

THOSE ATTENDING

It is NOT necessary for the Subject or Complainant to attend the hearing in person. Either or both may be invited to attend by telephone conference call. Lack of attendance by any party will not be considered in the committee's deliberations. They may present witnesses at their own expense, if they so choose. PPA must be notified of those attending and the purpose of attendance seven days in advance. A majority of the BRE must be in attendance; however, some members may participate by telephone conference call. If obtaining a majority is not possible because of absences, the President may appoint others as substitutes.

EVIDENCE

Materials and evidence that could have a bearing in the hearing should be distributed to the committee and Subject at least 14 days prior to the hearing.

PROCEDURE

The BRE Chairman conducts the hearing. If the Chairman is unable to attend, the Vice-Chairman will conduct in the Chairman's stead.

The Chairman will review the complaint with the committee and submit any related materials.

If the Complainant is in attendance, the Chairman will call on the Complainant to add additional appropriate information. Committee members will then be given the opportunity to ask questions of the Complainant.

If the Subject is in attendance, the Chairman reviews the complaint with the Subject. The Subject is then invited to respond to the complaint. Committee members will then be given the opportunity to ask questions of the Subject. The Subject and Complainant are excused.

The Chairman invites comments from the committee. After sufficient deliberation, the Chairman may entertain a motion from any member of the committee.

Possible Findings

The Committee may recommend to the Board of Directors imposition of a number of penalties in cases where an ethics violation is found. Those penalties include:

- a. No action
- b. Censure. The Subject may be publicly reprimanded for specified conduct for violation of the Code of Ethics or for other just cause.

- c. Suspension. The Subject is removed from active membership during suspension. Existing merits and degrees if applicable are also suspended. It is recommended that dues be paid during suspension in order to maintain Indemnification. The Subject may not participate in competitions, speak at PPA-merited events, reference or advertise PPA membership or certification, nor hold leadership positions. Suspension shall last until such time as recommended by the BRE Committee and approved by the Board of Directors.
- d. Termination. The Subject's membership is revoked, resulting in the loss of merits, degrees and certification. A time period after which the Subject may reapply MAY be attached to this case.

Once a decision and recommendation has been reached and approved by the BOD, the President will notify the Subject and Complainant on PPA letterhead using the most effective method. The verification becomes part of the official case file. A copy of the letter is sent to the Chair of BRE and Staff Liaison for communication to the BRE Committee. The notification should specifically outline the findings of the committee; the penalty imposed (if any) and should carefully outline the appeals process.

Appeal Process

Either party may ask to appeal the decision by making that request in a signed writing to the President. The appeal letter should address the grounds for the appeal. The President may then approve the appeal or deny the appeal for insufficient grounds. If approved, the President will appoint an Appeals Action Team.

(Grounds for an appeal should be more than just a disagreement with BRE's findings. Grounds may include improper procedure, new evidence, or some other mitigating circumstances.)

The Appeals Action Team will consist of no less than 5 members for the purpose of hearing this appeal.

- 1. Members may be made up of past members of the BOD, past presidents of this association, and/or past BRE members who are familiar with the ethics process.
- 2. BRE Board liaisons shall serve in an advisory capacity to the Appeals Action Team.
- 3. Any appointee must certify in writing, with a non-conflict of interest form prior to serving,
- 4. The President shall appoint a chairman and vice chairman of the Action Team.
- 5. PPA CEO shall assign staff liaison to work with Action Team.
- 6. The Chairman shall establish a time for the appeal hearing, which shall be held by conference call unless circumstances allow all members to be in a common location for another event.
- 7. BRE Chairman shall participate for information purposes.
- 8. Copies of the notice of appeal, formal complaint, exhibits, if any, and minutes from the initial hearing are presented 14 days in advance of the meeting to the parties and to the members of the Action Team.

Conducting an Appeals Hearing

NOTIFICATION

Notification that a hearing has been scheduled should be sent promptly to the Subject and the Complainant using the most

effective method. The verification becomes part of the official case file.

THOSE ATTENDING

It is NOT necessary for the Subject or Complainant to participate in the hearing. Lack of attendance by any party will not be considered in the Action Team's deliberations. They may present witnesses at their own expense, if they so choose. PPA must be notified of those participating and the purpose of their participation seven days in advance. A majority of the Action Team must be in attendance. If obtaining a majority is not possible because of absences, the President may appoint others as substitutes.

EVIDENCE

Materials and new evidence that could have a bearing in the hearing should be distributed to the Action Team, Complainant and Subject at least 14 days prior to the hearing.

PROCEDURE

The Action Team Chairman conducts the hearing. If the Chairman is unable to attend, the Vice-Chairman will conduct in the Chairman's stead.

The BRE Chairman and board liaisons will review the complaint with the appeals committee.

If the appeals applicant is in attendance, the Chairman will call on the applicant to present why the decision should be reversed or modified. The Committee members will then be given the opportunity to ask questions of the applicant.

If the second party is in attendance, the Chairman will call on that party to present why the decision should not be reversed or modified. Committee members will then be given the opportunity to ask questions of the second party.

Both parties and witnesses are excused.

The Chairman invites comments from the Action Team. After sufficient deliberation, the Chairman may entertain a motion from any member of the Action Team.

The Appeals Action Team may recommend:

- a. To reverse the decision
- b. To uphold the decision
- c. To alter the penalty

The President is responsible for notifying the Subject and Complainant using the most effective method of the final decision. The verification becomes part of the official case file.

CODE OF ETHICS (Council Policies)

5. As a requirement for admission to and retention of membership and participation in this association, each member and participant shall agree to use the highest levels of professionalism, honesty, and integrity in all relationships with colleagues, clients and the general public.