

The **Complaint** process is the activity of ensuring the Institute's Policies and Procedures are not breached.

- Complaints of a general nature that do not breach the Institute's Policies and Procedures can be handled at the discretion of the Executive Director.
- Complaints of breaches to the Institute's Policies and Procedures may not be based on any undocumented or non-verifiable information.
- The enforcement procedure is based on documentary evidence.
- No anonymous, telephone, in-person, or electronic communication will be accepted or considered.
- The complaint and all documents submitted to support it become the confidential property of the ICCIFP and will not be returned to the Complainant.
- The procedure for filing a complaint can be found on the ICCIFP's internet site at: (to be filled in when the new internet site is developed and rolled out).
- Complaints may be submitted, in writing, by anyone who becomes aware of a potential breach of the Policies and Procedures, to the following address:
  - Complaints & Appeals Committee
  - c/o ICCIFP Executive Director
  - 100 Village Boulevard, Suite 200
  - Princeton, NJ 08540
- The Complaint shall consist of the following:
  - Certified Person's name and contact information
  - Complainant's name and contact information
  - Copies of non-confidential written material supporting the complaint
  - Citation of the policy and/or procedure alleged to be violated
  - Any other written information supporting the complaint.
- The Institute's Executive Director will:
  - receive the written complaint
  - immediately assign it a sequential case number
  - promptly notify the Complaints & Appeals Committee of all case numbers
  - review the complaint for relevance and completeness
  - verify that the person named in the complaint is a current Certified Person
  - create a working copy of the entire complaint file by removing names and other identifying information pertaining to the Certified Person and the Complainant
  - mark all documents "confidential" and will include information regarding previous sanctions imposed on this Certified Person, if any, and pass a working copy of the complaint, including all supporting information, to the Complaints & Appeals Committee Chair.
- The Complaints & Appeals Committee Chair will review the working copy and:
  - if he/she agrees that the materials are complete enough for consideration by the full Complaints & Appeals Committee, he/she will ask the Executive Director to provide a confidential working copy to all members of the Complaints & Appeals Committee
  - if the Complaints & Appeals Committee Chair does not agree that the materials are complete enough for consideration by the full Complaints & Appeals Committee, he/she will ask the Executive Director to take appropriate remedial action, such as asking the Complainant to clarify documentation or to provide additional information.
- When a complaint's documentation is distributed to the full Complaints & Appeals Committee, and in no event more than thirty (30) calendar days after the date on which the written

complaint is determined to be complete enough for consideration by the full Complaints & Appeals Committee, the Executive Director will send a letter acknowledging receipt of the complaint to the Complainant stating:

- the complaint has been received and passed to the Complaints & Appeals Committee for its consideration
- the Certified Person will be informed of the complaint and the Complainant's name and contact information
- action regarding the complaint will be taken in accordance with the Complaint Procedure (which can be found on the ICCIFP website)
- deliberations are confidential
- the Complainant is requested to assist in maintaining impartiality and confidentiality
- per this procedure, the Complaints & Appeals Committee and the Officers of ICCIFP are responsible for disposition of all complaints as delegated by the Board of Trustees
- after the final disposition by the Officers and either the conclusion of the Certified Person's appeal or the expiration of the Certified Person's opportunity to appeal, an appropriate record of the final disposition will be posted on a publicly accessible section of the ICCIFP website which is open for examination by the Complainant and the public at any time
- the Complaints & Appeals Committee appreciates the Complainant's action which assists in maintaining the integrity and value of the ICCIFP credentialing activity.
- At the same time that the Executive Director prepares the above letter to the Complainant, the Executive Director will send a notice by registered mail (return receipt requested), or by any other form of reliable overnight or other delivery in which a record of such delivery is maintained, to the Certified Person. This letter will state that:
  - a complaint has been received and passed to the Complaints & Appeals Committee for its consideration
  - action regarding the complaint will be taken in accordance with the Procedure;
  - deliberations are confidential
  - per the Procedure, the Complaints & Appeals Committee and the Officers of ICCIFP are responsible for disposition of all complaints as delegated by the Board of Trustees
  - the Certified Person will be advised by registered mail of the decision of the Officers
  - the Certified Person has a right to a hearing on the complaint
  - the Certified Person has a right to appeal an adverse action per the Complaints & Appeals Committee Procedure
  - at the point of final disposition and action, if any, an appropriate record of such will be posted on a publicly accessible section of the ICCIFP website.
- This letter also will:
  - provide the name and contact information of the Complainant
  - ask the Certified Person to admit to or deny in writing the existence of the breach that has been identified in the complaint
  - ask the Certified Person to provide documents, if any, to support his/her denial of the complaint
  - state the address to be used in responding to the Complaints & Appeals Committee via the Executive Director
  - request that the Certified Person communicate only in writing to the Executive Director
  - state that names and personally identifying information have been removed from the version of the complaint available to Complaints & Appeals Committee members and, as such, a case number has been assigned by the Executive Director and the Certified

Person is required to assist in the Complaints & Appeals Committee's efforts to preserve this confidentiality.

- Enclosures to this letter will include:
  - a full copy of the Working Copy of the complaint
  - a copy of the Procedure from the ICCIFP website
  - a copy of the Complaints & Appeals Committee Procedure.
- The letter will state that the Certified Person's response to this letter must be written and postmarked within sixty (60) calendar days of the date of the notice, and this date should be expressed as a specific due date.
- When received, a confidential working copy of the Certified Person's response (the Executive Director will endeavor to remove the Certified Person's entire name and contact information) will be provided to all Complaints & Appeals Committee members by the Executive Director.
- The Complaints & Appeals Committee will then review all of the materials submitted along with the Certified Person's written response.
- The Complaints & Appeals Committee may elect to work as a committee of the whole or the Complaints & Appeals Committee may determine that one of its members needs to be assigned to investigate the documents further to analyze, synthesize, reconcile, or otherwise assure that the file on its face appears complete, factual, and consistent.
- While the Complaints & Appeals Committee may make independent factual investigations, it is not obligated to do so and will generally make decisions based on the written submissions of the Complainant and the Certified Person.
- After the Complaints & Appeals Committee reviews and deliberates, it shall make a determination whether it has found it is more likely than not (the review standard) that a breach has occurred.
  - In the event it is determined under the aforementioned review standard that a breach did not occur:
    - it shall dismiss the complaint without prejudice
    - the Complaints & Appeals Committee will report to the ICCIFP Officers, maintaining confidentiality and referencing only the case number, that a complaint was received but that no disciplinary action was recommended
    - the Executive Director will notify the Certified Person via registered mail, return receipt requested, or by any other form of reliable overnight or other delivery in which a record of such delivery is maintained.
  - In the event it is determined that a breach occurred:
    - the Complaints & Appeals Committee will notify the Certified Person in writing of the finding and offer the Certified Person the opportunity for a hearing
    - such notification shall:
      - be in writing
      - be sent via registered mail, return receipt requested, or by any other form of reliable overnight or other delivery in which a record of such delivery is maintained
      - explain the alleged aggrieved conduct
      - explain why such conduct constitutes grounds for disciplinary action
      - set a deadline of fifteen (15) days for the Certified Person to respond in writing to request a hearing.
      - If the Certified Person fails to request a hearing before the deadline:

- the Complaints & Appeals Committee will make a written recommendation to the ICCIFP Officers regarding disciplinary action for the case
  - the Executive Director will attach to the Complaints & Appeals Committee's recommendation, a copy of the actual complaint and all supporting documents (not the confidential Working Copy).
- In the event that a hearing is requested, the Complaints & Appeals Committee shall work with the Certified Person and the Executive Director to schedule a teleconference hearing at a mutually convenient date and time and the Certified Person shall be notified in writing of such hearing date and time. Once a meeting time and arrangements have been set after consultation with the Certified Person, requests for changes to such arrangements shall only be honored pursuant to the Complaints & Appeals Committee Chair's sole discretion.
- Upon request by the Complaints & Appeals Committee, the Executive Director, and the ICCIFP Legal Counsel shall be available to assist the Complaints & Appeals Committee at the Hearing. The Complaints & Appeals Committee Chair shall preside at the hearing. The Certified Person may be represented by counsel at the hearing.
- No formal legal rules of evidence, cross-examination, oath, and other procedures will apply to hearings.
- Not less than three (3) Complaints & Appeals Committee members shall be in attendance for the hearing.
- The Complaints & Appeals Committee Chair shall have general discretion to set the agenda and conduct the hearing in a fair and expeditious manner.
- The Certified Person will be responsible for his/her expenses associated with an ethics investigation or case, including the costs associated with any witnesses or legal counsel.
- At the conclusion of the hearing, the Complaints & Appeals Committee will review the hearing record as well as the written record and, if a finding of a breach of code of ethics is made, will make a written recommendation to the ICCIFP Officers regarding disciplinary action for the case. The Executive Director will attach to the Complaints & Appeals Committee's recommendation, a copy of the actual complaint and all supporting documents.
- Disciplinary actions within the purview of the Complaints & Appeals Committee pertain only to the credential and use and protection thereof and actions, if any, by the Certified Person to justify future restoration of his/her ability to use the designation.
- The maximum penalty the Complaints & Appeals Committee may impose is revocation of the right to use the ICCIFP logo and/or CCIFP credential and its mark and to require return of the Certified Person's certificate.
- The Complaints & Appeals Committee may impose lesser penalties and may set a time limit on the penalty or make it permanent.
- The Complaints & Appeals Committee will not initiate civil or criminal actions and will avoid involvement in same to the extent practical.
- For cases in which a recommendation for disciplinary action has been approved by the Officers, the Executive Director will notify the Certified Person.
  - This notice will be by registered mail, return receipt requested, or by any other form of reliable overnight or other delivery in which a record of such delivery is maintained.
  - The notice will state the decision and the disciplinary action required, if applicable.
- The Certified Person may appeal the decision approved by the Officers by the procedures established by the Complaints & Appeals Committee.

- This appeal must be initiated by the Certified Person within ninety (90) calendar days of the date on the delivery of the notice letter stating the decision and the disciplinary action required, if applicable.
  - The Executive Director will notify the Certified Person of the outcome of the appeal, using registered mail, return receipt requested, or by any other form of reliable overnight or other delivery in which a record of such delivery is maintained.
- If, and only if, a decision adverse to the Certified Person is reached, and the appeal process has been exhausted, then the action taken against the Certified Person will be posted on a publicly accessible section of the ICCIFP website.
- The Complaints & Appeals Committee will be notified of all case numbers and their status on a periodic basis.
- The Complaints & Appeals Committee Chair and the Executive Director will periodically review complaints pending and determine if any long-dormant incomplete complaint should be closed for want of response to a request for additional information/clarification.
- The Complaints & Appeals Committee will be notified periodically of all such closed cases and the reasons therefore.