

**IOWA CITY/COUNTY MANAGEMENT ASSOCIATION
RULES OF PROCEDURE
FOR ENFORCEMENT OF THE IaCMA CODE OF ETHICS**

I. General

- A. These Rules of Procedure shall govern enforcement of the Iowa City/County Management Association (IaCMA) Code of Ethics. These Rules of Procedure shall apply specifically to members of IaCMA who are not International City/County Management Association (ICMA) members. Members of IaCMA who are members of ICMA shall be governed by the ICMA's Rules of Procedure.
- B. All members of IaCMA are bound and agree to abide by the IaCMA Code of Ethics.
- C. The purpose of these Rules is to provide a reasonable process for investigation and determination of violations of the IaCMA Code of Ethics with a fair opportunity for individual response.
- D. It is the intention of the IaCMA membership that these Rules be carried out carefully but expeditiously in order to minimize the time during which a member may be subject to possible disciplinary action while ensuring the fairness of the process. Accordingly, time limits stated in these Rules shall be binding, subject to extensions which may be granted by the IaCMA President for reasonable cause upon submittal of a timely request.
- E. No person may participate in a complaint brought under these Rules if that person's participation would otherwise create, or appear to create, a conflict of interest.
- F. The IaCMA Board is authorized to secure legal counsel. IaCMA shall provide professional liability coverage to assist and protect IaCMA and the participants in the ethics peer review process.
- G. All proceedings set forth in these Rules of Procedure shall be confidential.
- H. "Working Day" shall mean Monday through Friday between 8:00 a.m. and 5:00 p.m. "Calendar Day" shall mean a twenty-four hour period from 12:00 a.m. to the following 11:59 p.m.
- I. All written communication from IaCMA to alleged violators of the IaCMA Code of Ethics will be sent by certified mail with a return receipt requested.

II. Jurisdiction

- A. All members of IaCMA are subject to the IaCMA Code of Ethics and are subject to sanctions for any violations thereof which occur during their membership.
- B. If a complaint is made against a person who was an IaCMA member at the time the alleged violation occurred, but who is not a member of IaCMA at the time the complaint is made, the complaint will be processed under these Rules.
- C. IaCMA shall retain jurisdiction over an investigation of a respondent who, before the conclusion of the investigation, resigns from IaCMA or otherwise allows his or her membership to lapse.

III. Responsibilities

- A. Subject to these Rules, the IaCMA Officers and Board shall be responsible for making the final decision on matters pertaining to enforcement of the Code of Ethics including, but not limited to, sanctions for the violation thereof.
- B. The IaCMA President shall appoint two or more IaCMA members on an ad-hoc basis to serve as Investigators. Investigators can be IaCMA Board Members, however, any IaCMA Board Member serving as an investigator will not serve as a voting member for any board action regarding the complaint.
- C. The IaCMA Board shall be responsible for publicizing and promoting the IaCMA Code of Ethics with the membership, elected officials and the general public; however, the Board may appoint an Ethics Committee to assist them in this effort.

IV. Sanctions

- A. Sanctions may be imposed in accordance with these Rules upon non-ICMA members who are IaCMA members and who are found to have violated the IaCMA Code of Ethics. In determining the kind of sanction to be imposed, the following factors may be considered: the nature of the violation, prior violations by the same individual, the willfulness of the violations, the level of professional or public responsibility of the individual, and any other factors which bear upon the seriousness of the violation.
- B. The following sanctions may be imposed singularly or in combination at the conclusion of an investigation and/or hearing under these Rules:
 - 1. Private Censure. A letter to the respondent and the complainant indicating that the respondent has been found to have violated the IaCMA Code of Ethics, that the IaCMA disapproves of such conduct, and that, if it is repeated in the future, it may be cause for more serious sanctions.
 - 2. Public Censure. Written notification to the respondent, the complainant and local governing bodies affected by the circumstances indicating that a violation of the Code of Ethics took place, that IaCMA strongly disapproves of such conduct, and the nature of the sanction(s) imposed. Notice shall also be published in the IaCMA Newsletter. If the incident which led to the ethics violations has been published in the news media then the aforementioned information shall also be sent to the news media sources where it was published. In addition, if IaCMA is contacted by the news media about an ethics code violation, then IaCMA will provide the aforementioned information to that news media source.
 - 3. Expulsion. Written notification to the respondent, the complainant and local governing bodies affected by the circumstances indicating that the respondent's membership privileges in IaCMA have been revoked. Notice shall also be published in the IaCMA Newsletter. If the incident which led to the ethics violation has been published in the news media then the aforementioned information shall also be sent to the news media sources where it was published. In addition, if IaCMA is contacted by the news media about an ethics code violation, then IaCMA will provide the aforementioned information to that news media source.

4. **Membership Bar.** If the respondent is no longer a member of IaCMA, written notification shall be made to the respondent, the complainant and local governing bodies affected by the circumstances that the respondent has been barred from membership re-admission. Notice shall also be published in the IaCMA Newsletter. If the incident which led to the ethics violation has been published in the news media then the aforementioned information shall also be sent to the news media sources where it was published. In addition, if IaCMA is contacted by the news media about an ethics code violation, then IaCMA will provide the aforementioned information to that news media source.
- C. Upon receiving documented evidence that a member has been found guilty of criminal conduct and the member's conduct violates the Code of Ethics, the President shall immediately issue a written notice of suspension of membership to that member indicating that membership has been suspended as of the date of the notice. The President shall advise the IaCMA Board of the action. The President may (a) ask the Investigators to commence an investigation in accordance with Section IV or these Rules; or (b) defer consideration until the person has exhausted all legal appeals or the time for legal appeals has expired. The suspension of membership shall continue until final disposition of the case.

V. Initiation of Procedures

- A. Proceedings against an individual for an alleged violation of the Code of Ethics may be initiated by the President upon receiving a written complaint or other written information from any source indicating that a violation may have occurred.
- B. Upon receiving such a written complaint or information, the President must ascertain whether it is sufficiently clear and complete to initiate proceedings, and, if so, whether it alleges conduct that may be a violation of the Code of Ethics.
 1. If the President concludes that the evidence is sufficiently clear and complete and that the action does not constitute a violation of the Code of Ethics, the President shall make a recommendation to not proceed with the complaint to the IaCMA Board. A recommendation not to proceed with the complaint can be approved or rejected by the IaCMA Board. Notice of any action will be provided to the complainant in writing.
 2. If the President concludes that the complaint is not sufficiently clear or complete to initiate proceedings, he or she shall seek further clarification from the complainant or other sources before taking any further action.
 3. If the President concludes that the complaint is sufficiently clear and complete to initiate proceedings, and may, if proven, indicate a violation of the Code, a copy of the complaint or information shall be mailed to the respondent named in the complaint or information. The respondent shall be informed at that time of the provisions of the Code of Ethics which he or she is alleged to have violated. The President may also request that the respondent answer specific questions pertaining to the alleged violation.
 4. The respondent shall be given thirty calendar days within which to respond in writing to the complaint or information, to provide any further information or material he or she considers relevant to the allegations, and to answer any specific questions asked by the President.
 5. After receiving all requested information within the specified time limits, the President shall refer the question to the investigators for investigation in accordance with these

Rules. However, no investigation shall be required if the respondent admits to the violation in his or her response. In that circumstance, the matter shall be referred to the IaCMA Board for disposition in accordance with Section VII of these Rules.

VI. Investigations

- A. Upon referral from the President, the investigators shall begin an investigation into the allegations.
- B. Within thirty working days of receipt of a notice to proceed with an ethics investigation, the Investigators shall afford the respondent an opportunity to meet with the investigators in person and may, at its discretion, afford such an opportunity to the complainant as well. The respondent may appear at such a meeting personally, and may be accompanied by a representative. Alternatively, the respondent may appear through a representative.
- C. The Investigators shall prepare and maintain notes of all meetings and interviews with the respondent, the complainant, and any witnesses, and may request any such person to sign a statement prepared on the basis of those notes. The respondent shall be entitled to review these notes and statements, and any other documentary evidence gathered in the course of the investigation, and be afforded the opportunity to respond in writing thereto.
- D. The Investigators shall take all reasonable steps to ascertain the facts relevant to the case, including, but not limited to, interviews with witnesses, review of the respondent's submission(s), and examination of all published material judged to be relevant and reliable.
- E. Within forty-five working days of receiving the complaint, the investigation shall be concluded and a written report of the Investigators proposed findings of fact shall be sent to the President and the respondent. Each finding must be supported by reliable and relevant evidence which has been made available to the respondent for review. In its report, the Investigators may, at its discretion, recommend that disciplinary action be considered. However, in doing so, the Investigators shall not recommend a specific sanction. However, if the respondent requests a meeting with Investigators, the Investigators may conclude the investigation and file a written report in the same manner above within forty-five (45) workings days after said meeting with respondent.

VII. Decisions

- A. The IaCMA Board shall review the Investigators report and determine if the findings are supported by the evidence.
 - 1. If the IaCMA Board concludes that the evidence is not sufficiently clear or complete to reach a decision, the IaCMA Board may return the matter to the Investigators with a specific request for further investigation in accordance with these Rules.
 - 2. If the IaCMA Board determines that the proposed findings are supported by the evidence, they shall determine whether the findings demonstrate that a violation of the Code of Ethics has occurred. If not, they shall dismiss the case and so advise the respondent and the complainant.
 - 3. If the IaCMA Board concludes on the basis of the Investigators report that a violation has occurred, the IaCMA Board shall determine the appropriate sanction(s). The IaCMA Board shall notify the respondent of their intent to adopt the Investigators report as final,

and to impose the specified sanction(s) for the reasons stated, unless the respondent can show that the findings of fact are erroneous, or that the proposed sanction(s) should not be imposed in light of certain mitigating factors which the IaCMA Board had not previously considered. The respondent shall also be notified of his or her right to a hearing. The respondent shall have thirty calendar days in which to submit a written response to the IaCMA Board and/or to request a hearing.

4. In the event that the respondent makes no further submission and/or does not request a hearing, the IaCMA Board shall promptly adopt the proposed findings and sanction(s) as final and so inform the respondent and the complainant.
 5. In the event the respondent makes a written submission, but does not request a hearing, the IaCMA Board shall review the submission and may either adopt, or revise and adopt as revised, the proposed findings and/or sanction(s), as they deem appropriate. Before making a decision, the IaCMA Board may also request additional information from the respondent. The IaCMA Board shall promptly notify the respondent and the complainant of their decision.
 6. In the event the respondent requests a hearing, the IaCMA Board shall hold said hearing. Hearings shall be conducted in accordance with Part VIII of these rules. No sanction(s) shall be imposed before the hearing is concluded.
- B. If the IaCMA Board determines that a private censure is the appropriate sanction, and the respondent has not requested a hearing, the President shall send a letter of private censure to the respondent and a copy to the complainant. The case shall then be closed. No other notification shall be made in accordance with Section IV-B.2, B.3 and *BA* of these Rules.

VIII. Hearings

- A. The following procedures shall govern all hearings conducted pursuant to these Rules.
- B. The hearing shall be conducted by the IaCMA Board.
- C. The IaCMA President shall serve as Chairperson for the hearing.
- D. Within thirty calendar days of receiving a request for a hearing, the IaCMA President shall mail the respondent a notice for a hearing has been scheduled before the IaCMA Board. The hearing date shall not be earlier than thirty calendar days after the date the notice is postmarked. The notice shall also state that the respondent has a right:
 1. To appear personally at the hearing;
 2. To be accompanied and represented at the hearing by an attorney or other representative;
 3. To review all documentary evidence, if any, against him or her, in advance of the hearing;
 4. To cross-examine any witness who testifies against him or her at the hearing; and
 5. To submit documentary evidence, and to present testimony, including the respondent's, in his or her defense at the hearing.

- E. The IaCMA Board shall not be bound by any formal rules of evidence but may accord appropriate weight to the evidence based on its relevance and reliability.
 - 1. The Investigators report shall be admissible evidence at the hearing.
 - 2. The IaCMA Board may not hear evidence of any alleged ethics violation by the respondent that was not related to the initial investigation.
- F. At any hearing conducted under these Rules, the IaCMA President shall first present evidence in support of the IaCMA Board's decision. Upon conclusion of the presentation, the respondent shall have the opportunity to present evidence in his or her defense.
- G. The IaCMA Board shall have the right to question or cross-examine any witness testifying at the hearing.
- H. Within forty-five working days of the conclusion of the hearing, the IaCMA Board shall render a decision in the case.
 - 1. The decision shall be in writing and shall include a statement of the reasons therefore. Only evidence which was put before the IaCMA Board may be considered as a basis for the decision.
 - 2. The IaCMA Board's decision may be to:
 - a. Dismiss the case;
 - b. Adopt the findings and sanction(s) originally recommended by the IaCMA Board; or
 - c. Revise, and adopt as revised, the findings and/or sanction(s) original recommended by the IaCMA Board. However, the IaCMA Board may not increase the sanction(s) originally recommended by the IaCMA Board unless new evidence, not previously available to the IaCMA Board, is disclosed at the hearing, which indicates that the respondent's violation was more serious. No sanction may be imposed for any violation of which the respondent had no prior notice.
 - 3. A copy of the decision of the IaCMA Board shall be sent to the respondent, the complainant, and the IaCMA Board.
 - 4. Promptly after receiving a copy of the written decision, the IaCMA President shall implement the sanction(s), if any, imposed by the IaCMA

IX. Board in accordance with these Rules.

- A. The IaCMA Board shall determine logistical and administrative considerations related to hearings. Decisions of the IaCMA Board shall be final and binding. The organization providing administrative support services for IaCMA (currently the Iowa League of Cities) shall provide administrative support services for any matters related to education and enforcement activity regarding the IaCMA Code of Ethics at the discretion of the IaCMA President.