

DUTIES OF THE ETHICS COMMITTEE

The Ethics Committee is charged with the investigation of alleged violations of the CAC Code of Ethics and with the preparation and maintenance of such files as are appropriate to document those investigations. The Committee is the only standing committee mentioned in the CAC By-Laws, a reflection of the gravity with which the organization views the work of enforcing our Code of Ethics. The Committee is composed of three members, one appointed each year by the President to serve a three year term. The most senior member of the Committee assumes the post of Chairman in the last year of his/her three year term.

In addition to its “enforcement” or “investigatory” role, the Committee also serves an educational function. Its members must be conversant with both the Code and Procedures for the Enforcement of the Code and, therefore, should be able to provide guidance and information to others (within or without the CAC) about the application of the Code to specific case situations.

1. Duties of the Chairman

- 1.1 Maintains a file of all documents relating to the general business of the Committee (exclusive of investigations of alleged Code violations). This file should be forwarded to the next Chairman to help maintain continuity. The Committee’s official file should include:
 - A. An updated copy of the Code of Ethics and the procedures for its enforcement.
 - B. Copies of all Board policies clarifying the enforcement of the Code or interpreting sections of the Code.
 - C. Copies of all synopses which have been prepared and published by the Board describing the results of any Ethics Hearings (annotated “caselaw”) in the past.
 - D. General correspondence generated or received by the Committee (not related to specific allegations of unethical conduct); forwards copies of such correspondence to the President, President-Elect and the Secretary.
 - E. Flowchart describing the procedure for enforcing the Code.

- 1.2 Provides each new Committee member with updated copies of the Code, the Procedures for Enforcement of the Code, the flowchart regarding the procedures, and this statement of Committee duties and responsibilities. During his/her term of office, promptly and routinely informs other Committee members of correspondence received/generated by the Chair and of other actions taken by the Chairman.
- 1.3 Prepares a report for the President in advance of each meeting of the Board of Directors.
- 1.4 In conjunction with other Committee members and the Board of Directors in Non-Board requests, answers inquiries from the Board, other CAC members, or outside persons about interpretation of the Code. In matters concerning interpretation of the Code, the committee shall make recommendation(s) to the Board.
- 1.5 Maintains a separate, confidential file for each investigation of alleged unethical conduct which is conducted by the Committee under his/her chairmanship. This file should include:
 - A. A chronological log of all correspondence, phone calls, interviews, and other activity related to the investigation.
 - B. A list of all persons contacted or interviewed (including last known address and phone number), evidence, documents and/or exhibits reviewed (including last known location).
 - C. Original copies of the allegation, notice of referral, statements, declarations of witnesses, requests for continuation, records of registered mail, etc., which may be generated as part of the investigation.
- 1.6 Conducts investigations into allegations of unethical conduct forwarded to the Committee by the President; this investigation shall be conducted according to the guidelines and within the timetable set forth in the procedures for Enforcement of the Code of Ethics (1980). The principal responsibilities of the Chairman in these procedures are:
 - A. Confers with President and President-Elect (at request of President) to determine if an allegation should be discontinued.

- B. Receives allegations of unethical conduct from the President, prepares a Notice of Referral and sends the notice (registered mail, return receipt requested) to accused, accuser, and President.
- C. Conducts fact-finding investigation (views documents, interviews witnesses, where possible obtains written declarations, and interviews the accused). Other Committee members should be involved in the investigation as much as possible.
- D. Consults with the President regarding format and prepares a Report of Investigation; distributes it to the President and the accused so that it can be sent to all other Board members prior to its being considered at the next Board of Directors meeting; and presents it to the Board at the meeting called by the President for that purpose. The Report of Investigation should be reviewed by the other Committee members before submission to the Board and should contain the Committee's conclusion as to whether or not a violation of the Code has occurred and a recommendation to the Board as to what action should be taken. Any dissenting opinion may be included, at the discretion of the dissenting member. The Report must be completed within 90 days of the date of the Notice of Referral unless written extension has been obtained from the President per enforcement procedure. Prepares an addendum to the Report containing any questions raised by the Board and the Committee's response. Any addenda will be distributed to all Board members and the accused.
- E. If an Ethics Hearing is held pursuant to the Board's consideration of the Report of Investigation, serves as "Moderator" at the Hearing (to be set by the President per the procedure for enforcement). The Moderator will assist the Accused in arranging for the presence of witnesses at the hearing; will provide the accused with a list of persons interviewed and evidence examined and with copies of appropriate documentary evidence, will present the Committee's report and associated evidence to the Board at the Hearing and will prepare and deliver a summation on behalf of the Committee at the Hearing.
- F. Prepare a "synopsis" of the allegation, investigation, hearing and sanction (as appropriate) for publication by the Board in those cases where the Board or Membership has determined that an ethics violation has occurred.

1.7 Answers inquiries (where appropriate in concordance with the enforcement procedures) regarding the results of past ethics investigations by reiterating only the description of the case as it appears in the published minutes of the Corporation or the CAC Newsletter. For this purpose, the Chairman should maintain and forward to his/her successor an abbreviated "Record of Ethics Proceedings". This record is to insure that continuity is maintained and is to be regarded as a confidential document to be used only to allow access to past files if they should be needed. Record should include only:

- A. Year of hearing.
- B. Last name of accused and accuser.
- C. Name of Committee Chairman conducting investigation.
- D. Disposition of case – e.g. not founded, resigned (notice of exclusion), founded (sanction), discontinued.

2. Duties of Committee Members

2.1 Members are expected to become thoroughly familiar with the Code and the Procedures for its enforcement, including the timetables therein. They will assist the Chairman in the investigation of alleged violations of the Code, in responding to inquiries for information about the interpretation of the Code, and in any other duties of the Committee at the request of the Chair. In the event the Chairman may be unable to or otherwise fails to discharge his/her duties, it is incumbent on the other members of the Committee to notify the President. Under such circumstances another committee member will be appointed by the President to complete an ongoing investigation.

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