



DIVISION	4	MEMBERSHIP	4.7.1.0
SECTION	7	ACM CODE OF ETHICS AND PROFESSIONAL CONDUCT	
SUBSECTION	1	ENFORCEMENT PROCEDURES FOR THE CODE OF ETHICS AND PROFESSIONAL CONDUCT	
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Issue Date 06/15/94

Revision 1

Page 1 of 4

S  
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Council (08/04 & 05/93)

**PROCEDURES FOR THE ENFORCEMENT OF THE ACM CODE OF ETHICS AND PROFESSIONAL CONDUCT**

**I. Initiation of Proceedings Under the Code of Ethics and Professional Conduct**

The Executive Director of the Association shall receive complaints against members (voting, associate, and student members) of the Association arising under the Code of Ethics and Professional Conduct (hereinafter referred to as the Code).

The Executive Director shall request that the individual(s) submitting a complaint (hereinafter referred to as the complainant(s)) prepare a written Statement of Complaint signed by the complainant(s) which shall set forth the facts of the situation, as perceived by the complainant(s), and specify those provisions of the Imperatives of the Code which are believed to have been violated.

**II. Notification of a Complaint**

Upon the receipt of the Statement of Complaint, the Executive Director shall deliver personally or by certified mail, return receipt requested, a copy of the Statement of Complaint to the member(s) who is alleged to have violated the Code (hereinafter referred to as the charged member(s)). The Executive Director shall notify the charged member(s) of the possibility of a hearing before the Council of the ACM under these Procedures. Copies of the Code and these Procedures shall be provided along with the Statement of Complaint.

**III. PreCouncil Meeting**

After transmission of the Statement of Complaint, the Executive Director shall attempt to arrange a meeting between the complainant(s) and the charged member(s). At this meeting there shall be an attempt to resolve the situation complained about to the mutual satisfaction of all of the participants. The President shall appoint one to three disinterested ACM members who are not members of Council to participate in this meeting and shall designate one of these individuals to chair the meeting. The Executive Director or his/her delegate shall attend and shall keep the minutes of the meeting. The complainant(s), the charged member(s) and the Association shall each have the right to have counsel present and to designate other persons whose presence is relevant to the meeting to attend subject to the approval of the Chairman. The meeting shall be closed to everyone not specified in the Section III.



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	0		

Issue Date 06/15/94

Revision 1

Page 2 of 4

SECTION UPDATED THIS REVISION

#### IV. Presentation of a Complaint Before the ACM Council

If the complaint is not resolved to the satisfaction of the complainant(s) and the charged member(s) by a PreCouncil meeting, the President shall at the request of the Chairman of the PreCouncil meeting, place an executive session hearing of the complaint on the agenda of the next regularly scheduled Council meeting or the meeting after the next regularly scheduled meeting, if the later meeting is more convenient to the charged member(s). Such agenda item shall be designated "Code of Ethics and Professional Conduct Disciplinary Hearing".

The Council members shall be provided with a copy of the Statement of Complaint. The charged member(s) shall have the right to submit a memorandum responding to the Statement of Complaint, which memorandum shall be submitted at least ten (10) days prior to the Council meeting. Such memorandum shall be provided to the Council members and the complainant(s). These materials shall be held in confidence.

The Council hearing of the complaint shall be conducted in executive session.

At the Council hearing the complainant(s) shall appear. The charged member(s) shall have the right to appear before the Council in person and to respond to the Statement of Complaint as set forth, to question the complainant(s) and witnesses appearing in behalf of the complainant(s), to enter objections to material offered in evidence and to call witnesses and enter evidence in his behalf. The complainant(s) shall also have the right to call witnesses in his/her behalf, to question the charged member(s) and to respond and object to material offered in evidence in behalf of the charged member(s).

Both parties and the Association shall have the right to be represented by counsel and to have such counsel present at the Council hearing. The Executive Director or his/her delegate shall attend the Council hearings.

The members of the Council and counsel for the Association may question the complainant(s), the charged member(s) and any witnesses. Should the complainant(s), the charged member(s) or a witness fail to appear at the hearing, the Council may, in its discretion, proceed with, dismiss or suspend the hearing.

#### V. Council Decision

After hearing the statements and questioning by both parties and/or by counsel, and any statement which might be made upon the behalf of the Association itself, the Council, acting under its usual rules of procedure, shall entertain motions, question any of the parties, conduct discussion and vote by secret written ballot. Motions for disciplinary action shall be entertained as follow:

A. The Council shall first determine by affirmative vote of at least three-fourths of all of the members of the Council which Imperatives (if any) of those stated in the Statement of Complaint were violated by the charged member(s).



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SUBSECTION	1	ENFORCEMENT PROCEDURES FOR THE CODE OF ETHICS AND PROFESSIONAL CONDUCT	
	0		

Issue Date 06/15/94

Revision 1

Page 3 of 4

S  
E  
C  
T  
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O  
N  
  
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**B. If the Council finds one or more of the Imperatives to have been violated, it shall determine the action to be taken as follows:**

1. The first vote taken shall be for expulsion. Expulsion shall require the affirmative vote of at least three-fourths of all members of the Council.
2. If the motion for expulsion does not pass, the second vote taken shall be for suspension from membership for a stipulated period. Suspension shall require the affirmative vote of at least three-fourths of all of the members of the Council.
3. If neither expulsion nor suspension is approved, a third vote shall be taken for the issuance of a letter of admonishment. Admonishment shall require the affirmative vote of at least three-fourths of all members of the Council.

**C. The published Minutes of the Council shall record the motions and action taken but not the name of the charged member(s) or any details.**

**D. The Secretary shall forthwith communicate in writing the action of Council to the complainant(s) and the charged member(s).**

**VI. Confidentiality of Proceedings**

It is the policy of the ACM that disciplinary matters shall be held in confidence by all concerned and not disclosed to those not involved in the proceeding hereunder. Specifically: The Executive Director shall retain in confidence the records pertaining to every complaint submitted; the meeting described in Section III shall be closed; and the hearing described in Section IV shall be conducted in executive session and attendance shall be limited to members of the Council, the Executive Director, the charged member(s), the complainant(s), and witnesses, if any (and their counsel, if any). Violation of the confidentiality of any proceedings under this Bylaw may constitute grounds for proceedings against a member for demonstrating a lack of integrity or for violation of the Code.

**VII. Participation in Disciplinary Proceedings**

Any member of Council who is a party to a disciplinary action either as the complainant(s) or the charged member(s) shall not be permitted to vote on any decision to be made by the Council. Any officer of the Association who is a party to a disciplinary action either as the complainant(s) or as the charged member(s) shall not participate as an officer of ACM in such disciplinary proceeding under this Bylaw. If the complainant(s) or the charged member(s) in a disciplinary proceeding is an officer of the Association to whom duties are assigned under the procedures, the following officers shall perform the duties of the officer in question: The duties of the President shall be performed by the Vice President; if the Vice President is also a party to the proceeding, the duties of the President hereunder shall be performed by the Secretary; if the Secretary is also a party to the proceeding, the duties of the President hereunder

ASSOCIATION FOR COMPUTING MACHINERY — POLICY AND PROCEDURES GUIDELINES



DIVISION	4	MEMBERSHIP	4.7.1.0
SECTION	7	ACM CODE OF ETHICS AND PROFESSIONAL CONDUCT	
SUBSECTION	1	ENFORCEMENT PROCEDURES FOR THE CODE OF	
	0	ETHICS AND PROFESSIONAL CONDUCT	

Issue Date 06/15/94

Revision 1

Page 4 of 4

S  
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shall be performed by the Treasurer; if the Treasurer is also a party to the proceeding, the duties of the President hereunder shall be performed by the immediate Past President; if the Past President is also a party to the proceeding, the members of Council who are not parties to the proceeding shall elect one of their members to perform the duties of the President hereunder. If either the Executive Director or the Secretary is a party to the proceeding, the President or the person who is performing the duties of the President hereunder shall appoint a member of Council to perform the duties of the Executive Director or the Secretary, as the case may be, under this Bylaw.