

**ICMA Code of Ethics:
Rules of Procedure for Enforcement
Adopted by the ICMA Executive Board and Revised in June 2023**

I. General

- A. These Rules govern the procedures for enforcing the ICMA Code of Ethics (Code) as adopted by the ICMA membership.
- B. All members of ICMA agree to abide by the Code and to participate in the enforcement process should ICMA receive a formal complaint that alleges a member's conduct may have violated the Code.
- C. The purpose of these Rules is to provide a reasonable process for investigating and determining whether a member's conduct has violated the Code, and to afford each member who is the subject of an investigation (the "respondent") a full and fair opportunity to be engaged throughout the process.
- D. It is the intention of the ICMA membership that these Rules be carried out carefully but expeditiously to minimize the time to resolve the complaint. Time limits stated in these Rules are binding. The respondent may request an extension of the stated time limits from the Committee on Professional Conduct (CPC) or the ICMA executive director/CEO by providing a reasonable cause for the request.
- E. No person may participate in any proceedings on a complaint brought under these Rules if that person is, or may be, a witness or complainant in that case, or if his/her participation would otherwise create a conflict of interest or the appearance of one. The executive director/CEO may select a replacement for any person, other than a member of the ICMA Executive Board (Board), who is unable to participate in the case for this reason.
- F. Days as stated in these Rules shall refer to calendar days, not business days.

II. Jurisdiction

- A. All members of ICMA in active service to a local government whether that service is on an interim, part-time, or full-time basis are subject to the entire Code and may be sanctioned for any violations which occur during their membership.
- B. Elected officials are not subject to Tenet 7 of the Code.
- C. Members not in active service to a local government are subject only to Tenets 1 and 3 of the Code.

- D. A member may be sanctioned for a violation which continues while he/she is a member even though the conduct in question originated prior to his/her admission to membership.
- E. If a complaint is made against a person who was a member at the time the alleged violation occurred, but who is not a member at the time the complaint is made, the complaint will be processed under these Rules only if the former member agrees in writing. In no event shall a person be readmitted to membership if there is an outstanding and unresolved complaint against them for conduct while formerly a member.
- F. The CPC shall retain jurisdiction over an investigation of a respondent who resigns from ICMA or otherwise allows his/her membership in ICMA to lapse before the conclusion of ICMA's review.

III. Responsibilities

- A. The Board is responsible for making the final decision on matters pertaining to enforcement of the Code, including, but not limited to, sanctions for member conduct determined to have violated the Code. No current or former member may be publicly censured, suspended, expelled or barred from membership, or have his/her credential revoked without the Board's approval.
- B. The CPC, a standing committee of the Board, is responsible for assisting the Board in implementing these Rules and has the following specific duties.
 - 1. The CPC shall consist of three or more members of the Board who shall be selected by the ICMA president.
 - 2. CPC members shall serve for terms of one (1) year or until the president chooses their successors.
- C. A state or country association (association) consists of members of ICMA within a state or country. The association president is responsible for appointing a fact-finding committee at the CPC's request.
 - 1. A fact-finding committee is an ad hoc committee of ICMA and is responsible for conducting the investigation of a complaint by gathering the facts of the matter at the CPC's direction in accordance with these Rules. A fact-finding committee does not determine whether the respondent's conduct has violated the Code. Members of a fact-finding committee shall serve until the conclusion of the investigation they were appointed to conduct, or until such later date as the association may request.
- D. The executive director/CEO shall assist the Board and the CPC in enforcing the Code and implementing these Rules. It is the responsibility of the executive director/CEO to publicize the existence and importance of the Code with elected officials and the public.
 - 1. The executive director/CEO may confidentially advise members on the ethical implications of their conduct under the Code; however, the opinion or advice of the executive director/CEO shall not be binding on the Board, the CPC, or any fact-finding committee.

2. The executive director/CEO may designate a member of the ICMA staff to carry out any responsibilities assigned to the executive director/CEO under these Rules.

IV. Sanctions

- A. Sanctions may be imposed in accordance with these Rules upon respondents whose conduct is found to have violated the Code. In determining the sanction, the following factors may be considered: the nature of the violation, prior violations by the same individual, the willfulness of the violation, 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 separately or in combination at the conclusion of an investigation and/or hearing under these Rules:
 1. **Private Censure.** A letter to the respondent, complainant(s), association president, and fact-finding committee members as applicable indicating the respondent's conduct has been determined to have violated the Code, and that, if the conduct is repeated in the future, it may be cause for more serious sanctions. If the complainant is a nonmember, they shall be notified the complaint was considered and resolved, and that ICMA took no public action on it.
 2. **Public Censure.** Notification to the respondent, complainant(s), association president, and fact-finding committee members as applicable and media, indicating a respondent's conduct violated the Code and the nature of the sanction(s) imposed. In addition, such notice shall be provided to appropriate local governing bodies where the Board has found it appropriate to do so to maintain public trust and confidence in local government.
 3. **Membership Suspension.** A suspension of membership, and all related benefits, for up to five (5) years as the CPC determines is appropriate subject to the Board's approval. Adherence to the Code is a condition of serving a membership suspension. Notice of the membership suspension will occur as stated in the procedure for ICMA's censure decision.
 4. **Expulsion or Membership Bar.** A revocation of the respondent's membership privileges, where the respondent is a current member; or a permanent bar on reinstatement of the respondent's membership in ICMA where the respondent's membership has lapsed or otherwise ended. Notice of the expulsion or membership bar will occur as stated in the procedure for ICMA's censure decision.
 5. **ICMA Credential Revocation.** A revocation of the respondent's ICMA Credential Manager or Credential Candidate designation. Notice of the credential revocation will occur as stated in the procedure for ICMA's censure decision.
- C. Upon receiving documented evidence that a member has been found guilty after trial by a judge or a jury of criminal conduct that occurred while the person was a member of ICMA and which constitutes a violation of the ICMA Code of Ethics, the executive director/CEO shall provide a timely notice of membership suspension to that person by personal email or letter with delivery confirmation service. That person's membership shall be suspended as of the date of that notice. The executive director/CEO shall advise the CPC of such action and shall refer the matter to the

CPC. The CPC may commence an investigation in accordance with Part VI hereof, or it may defer proceedings until the person has exhausted all judicial appeals or the time for a judicial appeal has expired. The suspension shall continue in effect until such time as sanctions provided under Part IV.B are imposed, or the case is dismissed, in accordance with these Rules.

V. Initiation of Procedures

- A. The executive director/CEO may initiate proceedings against a member for an alleged violation of the Code upon receiving a written complaint from any source indicating that a violation may have occurred. The complaint must be accompanied by documentation that supports the allegation a member's conduct may have violated the Code. The complainant may be anonymous, choose to go on record as the individual that filed the complaint, or have his/her identity withheld.
- B. Upon receiving a written complaint, the executive director/CEO must ascertain first whether it is sufficiently clear and complete to initiate proceedings, and second, whether it alleges conduct that, if proven true, may be a violation of the Code. If the executive director/CEO concludes the complaint is not sufficiently clear or complete to initiate proceedings, he/she shall seek further clarification from the complainant before taking any further action.
 1. If the executive director/CEO cannot determine whether the conduct alleged, if proven true, might violate the Code, they shall ask the CPC for a determination. No further action shall be taken on the complaint unless the CPC finds that the conduct alleged, if proven true, may violate the Code.
 2. If the executive director/CEO concludes the complaint is sufficiently clear and complete to initiate proceedings, and the conduct if proven true may violate the Code, a copy of the complaint and documentation submitted to substantiate the complaint shall be sent by personal email or letter with delivery confirmation service to the respondent. The respondent shall be informed at that time the tenets of the Code his/her conduct is alleged to have violated. The executive director/CEO may ask specific questions pertaining to the alleged violation for the respondent to provide in a written response to the CPC.
 3. The respondent shall have thirty (30) days to provide a written response to the complaint, answer any specific questions asked in the executive director/CEO's letter, and provide any further information or material they consider relevant to the allegations.
 4. Once the respondent's written response is received, the executive director/CEO shall refer the case to the CPC for proceedings in accordance with these Rules.
 5. A respondent who resigns his/her membership upon receiving notice he/she is subject to an ethics complaint shall receive written notice that they waive all rights to participate in the review process including, but not limited to, Section VI. Investigations; Section VII. Decisions; and Section VIII. Hearings. A respondent shall be informed they have fifteen (15) days from the date ICMA acknowledges his/her membership resignation in writing for the respondent to reconsider the decision. If the respondent has not notified ICMA of his/her intent to remain a member in good standing within fifteen (15) days, the respondent's membership resignation shall be considered final.

VI. Investigations

- A. Upon receiving a complaint of an alleged violation of the Code from the executive director/CEO, the CPC shall begin an investigation into the allegations. No investigation is required if (1) the respondent admits to the violation in his/her written response, (2) the respondent admits to conduct outlined in the allegation that constitutes a potential violation of the Code, (3) the respondent has already entered a guilty plea, or has been found guilty and has exhausted all judicial appeals, in a criminal case involving the same conduct.
- B. When an investigation is required, the executive director/CEO, at the CPC's request, shall ask the association president for the state/country in which the violation is alleged to have occurred to appoint a fact-finding committee to conduct the investigation. If the violation is alleged to have occurred in more than one state/country, at least one member of the fact-finding committee shall be from the state/country involved. In the event there is no active association, the CPC shall appoint a fact-finding committee from one or more state(s)/countries for this purpose.
1. The fact-finding committee shall consist of not less than three (3) ICMA members. No one other than an ICMA member may serve on the fact-finding committee.
 2. The association president shall appoint a fact-finding committee within fifteen (15) days of receipt of the executive director/CEO's letter or request an extension from the executive director/CEO for a reasonable cause request.
 3. The executive director/CEO shall assist the fact-finding committee in understanding its roles and responsibilities. The fact-finding committee shall afford the respondent an opportunity to meet with the committee (in person or online) and may, at its discretion, afford such an opportunity to the complainant if confidentially can be assured. The respondent may be accompanied by a representative or may elect for a representative to participate in the meeting with the fact-finding committee on his/her behalf.
 4. The fact-finding committee shall prepare and maintain notes of all meetings and may request any such person interviewed 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 shall be afforded the opportunity to respond in writing.
 5. The fact-finding committee 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 documentation in the public domain judged to be relevant and reliable.
 6. Within sixty (60) days of the fact-finding committee's appointment, or if CPC or the ICMA executive director/CEO approves an extension request, the fact-finding committee shall provide its written report summarizing the committee's proposed findings of fact to the executive director/CEO. Each finding must be supported by reliable and relevant evidence which has been made available to the respondent for review. The ICMA executive director/CEO will notify the respondent of the reasonable cause in a timely manner. The fact-finding committee report will be provided to the respondent.

VII. Decisions

- A. The CPC shall promptly review all case materials, including the fact-finding committee's summary report if applicable, and shall ascertain the facts as supported by sufficient, reliable and relevant evidence.
 1. If the CPC determines there are insufficient facts and evidence to reach a decision, the CPC may either (a) dismiss the case; or (b) return it to the fact-finding committee for further investigation in accordance with these Rules.
 2. If the CPC determines there are sufficient facts and evidence to reach a decision, the CPC shall determine whether the respondent's conduct has violated the Code.
 3. If the respondent's conduct did not violate the Code, the CPC shall close the case and so advise the respondent, complainant(s), association president, and fact-finding committee members if applicable.
 4. If the CPC concludes a respondent's conduct has violated the Code based on the information made available during the investigation, the CPC shall determine the appropriate sanction(s). The CPC shall then notify the respondent of its decision and provide the reasons for its determination to the respondent.
 - A. The respondent shall have fifteen (15) days of receipt of the notification letter from the CPC in which to: (1) request in writing the CPC reconsider its decision of private censure or preliminary recommendation for public censure based on new and clarifying information the CPC had not considered or was not made available to the CPC and/or (2) appeal the decision of private censure to the Board or (3) request a hearing before the CPC when the CPC has made a preliminary recommendation for public censure. The respondent may provide a written narrative along with his/her written request. If the respondent requests the CPC reconsider its decision of private censure or recommendation for public censure, the respondent shall include with his/her request a written narrative sharing the new and clarifying information the CPC had not considered or was not made available to the CPC.
 - B. When the CPC makes a preliminary recommendation of public censure and the respondent requests the CPC reconsider its recommendation, the respondent shall have the opportunity to request to meet with the CPC. The respondent must notify the CPC of his/her election to meet with the CPC in his/her written request for reconsideration.
 - C. The respondent may be accompanied by a representative or may elect for a representative to participate in the meeting with the CPC on his/her behalf.
 - D. The CPC shall review the respondent's written submission and information presented in the respondent's meeting with the CPC. Upon review, the CPC may sustain or revise its decision or recommendation for public censure. The CPC shall promptly notify the respondent of its decision.

5. If the respondent does not request within fifteen days: (1) the CPC to reconsider its decision of private censure or preliminary recommendation for public censure and/or (2) appeal the decision of private censure to the Board or (3) request a hearing before the CPC when a preliminary recommendation for public censure is made, the CPC shall implement the procedures described in Sections B and C, below, and the appropriate notifications as outlined in Section VII., B.
 6. If the respondent provides a written submission to the CPC, the CPC shall review the submission and may either adopt, or revise and adopt as revised, the proposed findings and/or sanction(s), as it deems appropriate. The executive director/CEO shall promptly notify the respondent.
 7. If the respondent requests an appeal hearing for a private censure before the Board, the CPC shall refer the case, including its recommended sanction(s), for a hearing before the Board. Hearings shall be conducted in accordance with Section VIII of these Rules. No sanction(s) shall be imposed before the Board's hearing is concluded.
- B. Upon the CPC's determination that a private censure is the appropriate sanction, and the respondent has not requested an appeal hearing before the Board within fifteen (15) days, the executive director/CEO shall notify the complainant(s), the association president, and the fact-finding committee members if applicable of the outcome. The case shall then be closed.
1. A private censure remains a confidential matter; No other notification of a private censure shall be made; however, ICMA may publish the fact that certain respondent's conduct has resulted in the issuance of private censures with no names or identifying details disclosed.
- C. If the respondent has not requested reconsideration and/or a hearing before the CPC when the CPC makes a preliminary recommendation that a public censure, suspension, expulsion, or membership bar, and/or Credential revocation is the appropriate sanction, the CPC shall refer the case, including its recommended sanction(s), for a hearing before the Board. Hearings shall be conducted in accordance with Section VIII of these Rules. No sanction(s) shall be imposed before the Board's hearing is concluded. The Board may vote to adopt the CPC's recommended decision, modify said decision, or dismiss the case without imposing sanctions. The respondent shall be promptly notified of the Board's decision and the sanction, if any, shall be implemented.

VIII. Hearings

- A. These procedures shall govern all hearings conducted pursuant to these Rules.
- B. No CPC and/or Board member may hear any case if his/her participation would create an actual conflict of interest or the appearance of one.
- C. Within ten (10) days of receiving a request for a hearing, the executive director/CEO shall notify the respondent by personal email or letter with delivery confirmation service that a hearing has been scheduled. The hearing date shall be at least fifteen (15) days after the date the notice is electronically delivered or postmarked. The notice shall also state the respondent has the following rights:

1. To appear in-person at the hearing or join via a virtual meeting;
 2. To be accompanied and represented at the hearing by an attorney or other representative;
 3. To review all documentary evidence, if any, against them in advance of the hearing;
 4. To cross-examine any witness who testifies against them at the hearing; and
 5. To submit documentary evidence, to present testimony, including the respondent's, in his/her defense at the hearing.
- D. The CPC and/or the 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 fact-finding committee's report shall be admissible evidence at the hearing.
 2. The CPC and/or the Board may not hear evidence of any alleged ethics violation on the part of the respondent that was not the subject of the investigation.
- E. Any hearing conducted under these Rules shall occur in executive session of the CPC and/or the Board and recording of the proceedings are prohibited by either party. The CPC shall first present facts and evidence in support of its recommendation. Upon conclusion of the CPC's presentation, the respondent shall have the opportunity to present evidence in his/ her defense.
- F. Within five (5) days of the hearing's conclusion, the CPC and/or the Board shall render a final recommendation and/or determination in the case.
1. When an appeal is made to the Board, the Board's decision may be to:
 - a. Dismiss the case;
 - b. Adopt the findings and sanction(s) the CPC recommended; or
 - c. Revise and adopt as revised, the findings and/or sanction(s) the CPC recommended. The Board may not increase the sanction(s) the CPC recommended unless new evidence, not previously made available to the CPC, is disclosed at the appeal hearing, which indicates the respondent's violation was more serious. No sanction may be imposed for any violation of which the respondent had no prior notice.
 2. Notifications shall be provided in writing and include a statement of the reasons for the decision. Only evidence that was made available to the Board may be considered as a basis for the decision.
 3. The executive director/CEO shall promptly send notification of the written decision by personal email or letter with delivery confirmation service to the respondent, complainant(s), association president, and fact-finding committee members as applicable. The executive director/CEO shall implement the sanction(s), if any, the Board imposed in accordance with the Rules.