The following nine cases actually occurred; they are representative of the types of ethical cases that are filed, investigated, and resolved by PMI’s Ethics Review Committee. Three of these cases were immediately rejected, three were dismissed after Review Team investigation, and three went to hearing. Some of the case details have been adjusted to protect protecting the anonymity of those involved and for brevity.

To learn about PMI’s Code of Ethics, find out how to file or respond to an ethics complaint, or access resources on ethics in project management, see PMI.org/ethics.

**Case #1: Alleged Deceptive Behavior**

The CEO of a training company brought a complaint against an individual who was an active volunteer for a chapter of PMI. According to the allegations raised by the Complainant, the Respondent improperly used his role as a volunteer with the chapter to improve his company’s business. Specifically, there were allegations that the volunteer would mix his professional affiliation with his PMI volunteer status in correspondence. In addition, the Complainant alleged that the Respondent engaged in false advertising in connection with claims made by his company in its advertisements.

This matter was first considered by the full Ethics Review Committee (“ERC”) at its monthly meeting where new complaints are considered. The ERC accepted the complaint, assigned a three-person Review Team to consider the matter further, and sent a complaint letter to the Respondent. The Respondent responded, denying the claims and stating that there was little-to-no likelihood that a reader of his emails would be confused as to whether the communications were being made on behalf of the chapter or his business. The Review Team considered the complaint and the response and determined that it would move forward with Charges against the Respondent, alleging that the Respondent violated section 5.3.1 of the Code of Ethics and Professional Conduct (the “Code.”)

We do not engage in or condone behavior that is designed to deceive others, including but not limited to making misleading or false statements, stating half-truths, providing information out of context, or withholding information that, if known, would render our statements as misleading or incomplete.

A hearing took place and the ERC Hearing Panel ultimately decided that no Code violation occurred. According to the Decision and Order:

The Hearing Panel found that the Respondent’s position regarding likelihood of confusion was correct and, thus, no violation is found to have occurred. That is, it is not uncommon to see the use of a volunteer role as part of a project manager’s correspondence and that inclusion on its own does not necessarily suggest that the sender is...
acting in his or her volunteer capacity with regard to that specific correspondence. Looking more closely at the context of the particular message at issue, it appeared more likely than not that the intended audience would understand that the message was sent in the Respondent’s capacity as a consultant and not in his role as a PMI chapter leader.

The Hearing Panel noted that PMI focuses closely on the use of volunteer titles particularly in correspondence unrelated to the volunteer role. The Hearing Panel recognized that there may be situations where the use of one’s volunteer title in correspondence may be misleading, contrary to PMI policy, or otherwise cause for concern. However, the Hearing Panel did not find the use at issue in this case as presenting significant concerns.

**Case #2: Misuse of Project Management Professional (PMP)® Certification and Breach of Contract**

A contractor for a company that performs project management training was named as a Respondent in a case alleging that the contractor breached his contract with the training company and falsely held himself out as holding the PMP® designation. The breach of contract claim had to do with two separate allegations—(1) that the contractor had breached an agreement not to compete and not to solicit clients of the company after he stopped working for the company; and (2) that the contractor used company materials after his departure from the company, contrary to a confidentiality provision in the contract.

This matter had been disputed previously in the court system and did not reach the ERC until all appeals were exhausted in the court proceedings. In general, the court decisions were favorable to the complainant, upholding findings of breach of contract, for example. The full ERC met and considered the complaint at a monthly meeting and decided to accept the complaint and assign a Review Team to pursue it further. The Respondent argued in his response that the court decisions were not correct and, even if so, did not necessarily mean that the Respondent acted unethically. Further, the Respondent argued that any errors that may have occurred (like sending out an email with “PMP” attached to his name at a time when certification had lapsed) were mistakes committed without knowledge or intent to deceive.

The Review Team charged with considering this case determined that it would proceed with charges, alleging violation of Code sections 2.3.1, 3.3.4, and 5.3.1.

- Section 2.3.1 states: “We inform ourselves and uphold the policies, rules, regulations, and laws that govern our work, professional, and volunteer activities.”
- Section 3.3.4 states: “We respect the property rights of others.”
- Section 5.3.1 states: “We do not engage in or condone behavior that is designed to deceive others, including but not limited to making misleading or false statements, stating half-truths, providing information out of context, or withholding information that, if known, would render our statements as misleading or incomplete.”
The Hearing panel considered all relevant information and found violations of each Code section. As a result of its finding, it determined that the Respondent should receive a private reprimand. The Hearing Panel noted that the fact that a significant amount of time had transpired from the time of the alleged actions and the date of the ERC’s decision was a significant factor in the decision to issue a private reprimand. Below is a brief excerpt from the decision and order:

- The Respondent urges the Hearing Panel to draw different conclusions from the facts than the jury in the prior civil case made. As a general rule, the Hearing Panel believes the ERC can and should give great weight to relevant court decisions as a part of weighing the value and meaning of evidence under consideration.

Case #3: Allegation of Abrupt Departure
A project manager abruptly left his job in the middle of a major project, causing significant delays to the project. The complainant alleged that this was done without proper notice and contrary to the project manager’s contract.

The ERC met and determined it would accept the complaint; a Review Team was formed and a response was sought from the respondent. The response stated that the Respondent had given as much advance warning to the client as was possible under the circumstances. The Respondent also stated that the reason for his departure was a serious medical problem. Finally, the Respondent provided a copy of his contract, which stated that he was to be treated as an at-will contractor, with no advance notice requirement for either party to terminate the relationship.

In light of the facts presented by the Respondent, supported by documentary evidence, the Review Team determined it would dismiss the matter and not bring charges.

Case #4: Alleged Criminal Behavior
The Complainant alleges that the Respondent engaged in employment discrimination, fraud, embezzlement and corruption in addition to multiple violations of the PMI Code of Ethics and Professional Conduct.

The Complainant also states that the allegations made in the complaint have also been submitted to various government bodies at the same time that the Complainant submitted the complaint.

This matter was considered by the full Ethics Review Committee (ERC) at its monthly meeting where new complaints are considered. While the ERC understood the seriousness of the allegations, the ERC was obliged to reject the complaint without further consideration of the allegations. The Ethics Case Procedures in section A.5 state:

- The Institute shall delay the investigation, hearing, and resolution of any ethics complaint when civil or criminal litigation or other proceedings substantially related to the complaint are before a court, a regulatory agency, or other governmental body.
The Complainant was informed of this decision and invited to re-submit the complaint once all legal, regulatory and government action was completed.

It should be noted that the ERC will more than likely not take on a complaint that may involve a felony act before court proceedings have taken place.

**Case #5: Actions Against the Complainant in the Workplace**

The Complainant alleged that the Respondent acted unethically in taking adverse employment actions against the Complainant. The Complainant states that legal proceedings took place and that during the proceedings, discussions took place and an agreement was made for payment of 35,000 of the local currency to close the case. It should be noted that the defendants in the case were a company for which the Complainant worked. The Complainant also states that by making this payment, the company implicitly recognized the abusive employment action.

The ERC met and determined it would accept the complaint; a Review Team was formed and a response was sought from the Respondent. Based on the information from both the Complainant and the Respondent, the Review Team dismissed the complaint, as the facts did not support the Complainant’s allegations, as it did not appear that the Respondent took any adverse employment actions of his own accord or that any adverse actions were taken. The payment of 35,000 in the local currency is not an implicit recognition of the adverse employment action but represents the desire of both sides in the court case to close the case to each of their benefits. This is a common tactic in the region where this alleged Ethics violation took place.

**Case #6: Allegation of Not Meeting a Financial Commitment**

A complaint was filed against a training company that allegedly owed a student money and failed to pay. The sole owner of this training company was a member of PMI and held a PMP® certificate.

Specifically, the Complainant alleged that he had arranged through the training company to have his tuition and separate PMI certification fee charged directly through the training company. The training company did not pass along the certification fee to PMI. When the fact was brought to the attention of the sole owner (Respondent), it was alleged that the Respondent promised the Complainant that his money would be refunded. However, no refund was provided after a long period of time. When a check was finally issued, the check was allegedly returned for insufficient funds.

The ERC met and determined it would accept the complaint; a Review Team was formed and a response was sought from the Respondent. In this particular case, the Respondent did not provide a response. The Ethics Complaint form has the following statement:
• Failure to provide a Response to the Complaint, or to respond fully, accurately, and in good faith, may subject you to sanctions stated in the Ethics Case Procedures, including a determination that the allegations of the Complaint are true and that the ERC should impose appropriate disciplinary sanctions.

The Hearing Panel considered the following Code provisions:

• 5.3.1: “We do not engage in or condone behavior that is designed to deceive others, including but not limited to, making misleading or false statements, stating half-truths, providing information out of context or withholding information that, if known, would render our statements as misleading or incomplete.”
• 5.3.2: “We do not engage in dishonest behavior with the intention of personal gain or at the expense of another.”

The ERC conducted a hearing with the information available to it and the Respondent participated. Both the Review Team and the Respondent generally agreed on the relevant facts. However, the Respondent disputed the Review Team’s position that these facts showed unethical behavior. Rather, it was his position that the harms and inconveniences caused to the Complainant were a result of sloppy bookkeeping and honest mistakes.

The ERC found that the Code was violated, in particular, section 5.3.1. The Hearing Panel was not convinced by the Respondent’s position, as the totality of the circumstances here showed Respondent’s intent to deceive the Complainant. The Hearing Panel noted that the act of sending a check that has insufficient funds is in itself very often an act that violates criminal statutes in the United States. The Hearing Panel also noted that the Respondent took no action after sending the bad check to the Complainant.

While the Hearing Panel found that the Respondent’s actions meet the first prong of Section 5.3.2, the Hearing Panel does not find that the preponderance of the evidence showed an intent of personal gain or that the actions were at the expense of another.

The sanction was a public reprimand and one year suspension.

Case #7: Not paying for services provided.
Complainant alleged that fees for providing training to the company had not been paid. The company was having a cash flow problem but had made promises to pay for the training services that the Complainant provided.

The ERC met and determined it would reject the complaint, as it did not meet the criteria established by the Code of Ethics and Professional Conduct in that the complaint was against a company and not a covered individual.

In this particular case, the company was a Registered Education Provider (R.E.P.) with PMI. Although the complaint was dismissed, the Complainant was asked if they would like ERC to forward this complaint to PMI for action.
Case #8: Not Meeting Commitments

The Complainant alleged that the training company failed to honor a student’s reservation and caused that student to pay unnecessarily for a hotel room and other expenses.

The ERC met and determined it would reject the complaint as it did not meet the criteria established by the Code of Ethics and Professional Conduct in that the complaint was against a person but that the person did not meet the criteria as established by the PMI Code of Ethics and Professional Conduct, which states:

- 1.2 Persons to Whom the Code Applies
- The Code of Ethics and Professional Conduct applies to:
  - 1.2.1 All PMI members
  - 1.2.2 Individuals who are not members of PMI but meet one or more of the following criteria:
    - 1 - Non-members who hold a PMI certification
    - 2 - Non-members who apply to commence a PMI certification process
    - 3 - Non-members who serve PMI in a volunteer capacity.

Although the complaint was dismissed, the Complainant was asked if they would like the ERC to forward this complaint to PMI for action. In this particular complaint, two situations obliged the ERC to ask for permission to forward this complaint to PMI for action.

- First, even though the person indicated in the Complaint as a Respondent had signed his emails as a Project Management Professional (PMP)® and Program Management Professional (PgMP)®, no record existed of this person in the active certification database. In fact, his PMP expired three years before this complaint came in and his request for starting the PgMP® was closed. Additionally, he was not a member of PMI.
- Second, the Complainant indicated that the Respondent was the owner of a training company. The ERC was unable to determine PMI Registered Education Provider (R.E.P.) status but wished to refer the issue to PMI Headquarters to allow a proper review of in the event that the entity was an R.E.P.

Case #9: Not Meeting a Financial Commitment

The Complainant alleges that the Respondent made numerous financial commitments in connection with educational conferences and failed to meet those commitments.

While this case on the surface supports the allegations made by the Complainant, the Respondent provided a valid reason as to why these financial commitments were not made. Since this involved contract issues with different countries, the ERC felt that the dispute was in effect a contract dispute in which both parties could have had reasonable legal positions and, as such, the dispute should be resolved using appropriate international legal means. It was not within the authority of the ERC to decide the validity or to resolve a dispute with the contract terms, unless there was a clear violation at issue.

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