

Ethics Case Procedures

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INTRODUCTION

The following Ethics Case Procedures (the “Procedures”) are the only rules for processing possible violations of the ethical standards promulgated by the Project Management Institute (“PMI” or the “Institute”). These Procedures are applicable to:

- (1) All PMI members
- (2) Non-members who hold a PMI certification
- (3) Non-members who apply to commence a PMI certification process; and
- (4) Non-members who serve PMI in a voluntary capacity.

Throughout these Procedures, the individuals to which these Procedures are applicable may be referred to collectively as “Covered Individuals.” Covered Individuals understand and agree that these Procedures are a fair process for resolving all ethics matters duly adopted by PMI; and they will be bound by decisions made, and requirements issued, pursuant to these Procedures.

A Glossary of terms and definitions has been included and is an appendix to this document.

A. General Provisions

1. *Nature of the Process*

By applying for membership in the Institute, by applying for certification by the Institute, by holding a certification issued by the Institute, and by applying to serve the Institute in a volunteer capacity, individuals agree that they will accept the exclusive authority of the Institute to apply the *PMI Code of Ethics and Professional Conduct* (the “Code”), these Procedures, and other relevant PMI policies to resolve ethics matters.

These Procedures are not a formal legal process; therefore, many legal rules and practices are not observed, and the Procedures are designed for a Respondent to be able to respond to the complaint(s) without the assistance of attorneys. Regardless, any individual Respondent may be represented by an attorney for an ethics matter. If an individual has retained an attorney, that attorney may be directed to communicate with the Institute through PMI’s General Counsel or outside counsel, retained by PMI. Individuals are encouraged to communicate directly with the Institute.

The Institute, including its committees charged with carrying out these Procedures, use the services of PMI’s General Counsel or use a retained outside counsel at its discretion.

These Procedures are designed to encourage full Code compliance by Covered Individuals. The Code and these Procedures are intended to protect Covered Individuals through reasonable procedures, against patently false, malicious, or groundless accusations that could result in significant harm to their reputation if not handled properly.

While the adoption and enforcement of the Code demonstrate the Institute’s commitment to enhancing ethics among practitioners, it should not be construed in any manner as a guarantee or certification of the competency and/or professional qualities of Covered Individuals. Rather,

the Code and these Procedures are designed to encourage the maintenance of ethical standards and to enforce such standards in those instances when an alleged violation is brought to the attention of the Institute through the processes outlined in these Procedures.

2. *Participants*

Ethics cases may be decided by the PMI Ethics Review Committee (the “ERC”), the Ethics Appeal Panel (the “Appeal Panel”), and/or any authorized designee of either committee. The Respondent, Complainant and Witnesses may be referred to in these Procedures collectively as “Participants”.

The PMI Board of Directors will appoint, each year, a number of PMI members as the PMI Board of Directors deems appropriate to serve as members of the ERC. The PMI BoD appoints the ERC Chair.

3. *Time Requirements*

The Institute will make every reasonable effort to follow the time requirements noted in these Procedures. However, the Institute’s failure to meet a time requirement will not prohibit the final resolution of any ethics matter or otherwise prevent the Institute from acting under these Procedures. Participants are required to comply with all time requirements specified in these Procedures. The ERC Chair or Appeal Panel Chair may grant time extensions or postponements at their discretion, as applicable, in response to a Participant’s timely request.

4. *Relaxation of Requirements/Global Accommodations*

Considering the global nature of the project management community, including differences related to language, customs, geographic location, and other characteristics of PMI members, certificate holders, volunteers and applicants, the Institute recognizes that Complainants and/or Respondents may have difficulty meeting certain time or other requirements in these procedures. Accordingly, Complainants and/or Respondents may submit to the ERC Chair or the Appeal Panel Chair, as applicable, a written request for an extension of one or more of the time requirements or a reasonable accommodation related to matters of language, custom, geographic location, or the like. The ERC Chair or the Appeal Panel Chair, as applicable, shall make a reasonable and appropriate determination as to whether to grant the request, in whole or in part, at the Chair’s sole discretion. Examples of reasonable accommodations granted by the ERC Chair, or the Appeal Panel Chair may include:

- Providing or allowing a Translator during the proceedings
- Allowing documents submitted in the Complainant’s and Respondent’s native language
- Conducting proceedings at a reasonable hour for the Respondent’s and Complainant’s country
- Extending deadlines

5. *Litigation/Other Proceedings*

The Institute shall delay consideration, reject, or dismiss (as applicable) a 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 as determined by the ERC Chair in consultation with the ERC assigned legal counsel.

The Institute shall reject or dismiss (as applicable) a case if the matter is being pursued through another PMI process including, but not limited to, matters filed under the PMI Complaint, Dispute, and Grievance Policy (the “Grievance Policy”).

The ERC may, at its discretion, begin and continue processing ethics complaints when proceedings are before another professional body, including, for example, another membership organization or a PMI component. The ERC Chair shall determine whether to proceed with ethics complaints when proceedings

are before another professional body.

Should the Institute reject or dismiss any complaint pursuant to this section, the Complainant shall be permitted to refile the complaint once the relevant proceedings have been concluded.

6. *Confidentiality*

Complainants, Respondents, and Witnesses are required to maintain the confidentiality of materials submitted to or received by PMI that are provided as part of the ethics complaint process. The Respondents are permitted to disclose such information to Witnesses and third parties as is reasonably necessary to prepare a defense. PMI shall make reasonable efforts to maintain the confidentiality of relevant materials.

There may be occasions in which materials or information that are part of the ethics process may not be considered confidential.

Without limitation, the following are examples of situations in which PMI may disclose case-related materials and information:

- a. Maintaining and publishing general statistical and anonymous information regarding ethics cases
- b. Disclosing information and materials when subject to a legal requirement, like a subpoena
- c. Disclosing already publicly known or broadly disseminated information or materials
- d. Publishing portions of or the complete text of all final published rulings, decisions, requirements, and/or orders of the ERC or the Appeal Panel, which the ERC or the Appeal Panel (as applicable) directs to be disclosed
- e. Providing information as permitted elsewhere in these Procedures (e.g., Section G.3)
- f. Sharing information with Participants, members of the ERC, members of the Appeal Panel, the PMI legal counsel, PMI staff, and third-party contractors (e.g., Translators); and
- g. Sharing anonymized complaints with Ethics Insight Team or PMI Headquarters for educational purposes

The ERC, the Appeal Panel, and/or PMI may notify, with the guidance of PMI General Counsel, appropriate governmental, professional, or similar bodies of any actions taken concerning a Respondent by sending referral information to any such bodies, including but not limited to a copy of a final Decision and Order issued by the ERC and/or the Appeal Panel, or by sending another appropriate notice. This notification may be done at any point when the case is being considered by the ERC or the Appeal Panel or subsequent to finalizing the case. At any time, the Institute may respond to inquiries from other parties regarding the existence of ethics cases and indicate the existence of such proceedings.

7. *Failure to Cooperate/Complaint Withdrawal*

If any party fails to fully cooperate with the Institute concerning matters arising under these Procedures without good cause, the ERC, or the Appeal Panel, as applicable, may: terminate the ethics complaint of an uncooperative Complainant; or impose any preliminary sanction or requirement included within these rules.

- If a Respondent fails to cooperate by failing to provide a written response to an ethics complaint or failing to participate in an Ethics Hearing, the ERC may proceed without the Respondent's participation and the Respondent will forfeit any right to an appeal. Except in the case when a Respondent fails to follow these Procedures when a discipline, order, requirement, or other directive is issued by the ERC under this Section, the Respondent involved may seek a review and or appeal pursuant to these Procedures in the same manner and for the same reasons provided for in these Procedures when a final Decision and Order has been issued.

- A Complainant may withdraw a Complaint at any time by providing written notice to the ERC. The ERC or the applicable Review Team (in the case of a Complaint which is under review by a Review Team at the time of the withdrawal) shall determine whether there is sufficient evidence supplied or otherwise available to be developed without the cooperation of the Complainant to justify continuing to pursue the investigation of the Complaint. The ERC or Review Team shall also consider all other relevant factors when determining whether to continue following the Complaint, including the possible effects on the Complainant and/or others if the investigation were to continue. If the ERC or the Review Team decides not to pursue the Complaint after a Complainant's withdrawal the Complaint shall be dismissed.

8. *Resignation and Withdrawal*

During any ethics case, should a Respondent relinquish PMI membership, terminate certification status, withdraw an application for certification, or resign from his/her PMI volunteer position and thereby cease to be a Covered Individual, the Institute may, at the discretion of the ERC Chair or Appeal Panel Chair, as applicable, dismiss the complaint.

9. *Notices*

All notices provided to Participants under these Procedures shall be delivered electronically to the email address on file with PMI headquarters. Parties are responsible for maintaining up-to-date email addresses with PMI headquarters. Materials sent to the email address that are on file with PMI headquarters will be deemed to have been received for purposes of these Procedures, regardless of whether such materials are returned as undeliverable; the ERC Chair or the Appeal Panel Chair (as applicable) may make exceptions to this general rule at his/her discretion.

10. *Document Retention*

Legal Counsel (to the ERC and the Appeal Panel) shall retain all official documents related to all proceedings arising under these Procedures in accordance with PMI's document retention policies. ERC and Appeal Panel members shall destroy all copies (including electronic copies) of notes and materials related to any matters that have been officially closed. The Institute may supplement this requirement with policies and procedures governing document retention.

11. *Conflicts of Interest*

ERC and Appeal Panel members shall operate consistently with all applicable PMI policies and procedures, including those governing conflicts of interest.

B. *Submission of Ethics Complaints/Acceptance or Rejection*

1. *Submission to the Institute*

If a group, organization, or the Institute is the Complainant, a single individual must be designated to receive correspondence and represent the Complainant. Each Complainant must submit to PMI through the on-line complaint submission portal at pmi.org a complete Ethics Complaint Form, including a detailed written description of the factual allegations supporting the ethics complaint and an explanation of how the allegations outlined in the complaint may constitute a violation of the Code. Anonymous complaints where the Complainant is not identified are not permitted and will be rejected.

Upon receipt of a new complaint, the Staff Liaison shall assign a case number ("Case Number") to the case for record-keeping purposes.

2. *Initial Complaint Disposition*

Upon receipt of a new complaint, the ERC Chair and the ERC Counsel, with support from the Staff Liaison, shall jointly decide to reject the complaint if it:

- a. Is incomplete or contains factually unreliable or insufficient information;
- b. Is patently frivolous or trivial;
- c. Should be filed under the PMI Grievance Policy;
- d. Is directed against an individual who is not a Covered Individual;
- e. Is the subject of an on-going investigation by an internal PMI function (e.g. Integrity Risk Program); and/or
- f. Is the subject of civil or criminal litigation or other proceedings substantially related to the complaint before a court, a regulatory agency, or other governmental body (*see Section A.5. of these Case Procedures*).

If a complaint contains information that in the reasonable judgment of the ERC Chair and ERC Counsel, with support from the Staff Liaison, warrants doing so, the complaint may be referred to an internal PMI function (e.g., Integrity Risk Program) prior to being sent to the full ERC.

If it is determined that a complaint should be rejected, the Staff Liaison will notify the Complainant of the rejection and its basis by written correspondence. All such preliminary dispositions of complaints shall be reported in writing promptly to the ERC. The ERC may vote to re-initiate the complaint at its discretion.

3. *Ethics Review Committee*

The ERC is responsible for the investigation and resolution of each ethics complaint, subject to the provisions of these Procedures.

4. *Ethics Review Committee Complaint Consideration*

If there is no rejection as described in Section B.2, the Staff Liaison will forward the complaint to the ERC for appropriate action with approval by the ERC Chair. Upon receipt of a complaint, the ERC will determine whether sufficient detail is presented to constitute a formal ethics complaint and permit the ERC to conduct an appropriate review. To determine whether to reject a complaint, the ERC shall consider:

- a. whether a proven complaint would constitute a violation of one or more specific Code provisions
- b. whether relevant, reliable evidence concerning the charge is likely to be available with reasonable investigation; and
- c. In general, the ERC will reject complaints that address conduct that occurred three or more years prior to the submission of the complaint, unless such delay was due to the existence of other proceedings as described in Section A.5.

5. *Ethics Review Committee Complaint Rejection or Acceptance*

If the ERC determines that a complaint should be rejected, it shall issue a formal rejection letter to the Complainant (the "Rejection"), by the ERC Counsel, with a brief explanation for the reason for the rejection. If the ERC determines that a complaint should be accepted, it shall issue a formal Ethics Complaint Notice

(the “Notice”) identifying each Code violation alleged and the supporting factual basis submitted with the complaint. The Rejection or Notice (as applicable) will be delivered to the corresponding parties in accordance with the Notices section (A.9) of these Procedures and marked *Confidential*. The ERC may request additional information to supplement or explain an allegation. The ERC will strive to provide the Rejection or Notice (as applicable) not later than twenty-one (21) days following its decision to accept the complaint.

6. *Formation of Review Team*

Upon complaint acceptance, the ERC Chair assigns a Review Team of a minimum of three (3) ERC members to a case. The Review Team reviews the documentation provided and engages in independent fact-finding to the extent necessary to clarify, expand, or corroborate the information provided. The Review Team may be assisted by PMI staff, PMI-appointed counsel, and/or outside experts. The Complainant and/or the Respondent may be contacted by the Review Team for additional information with respect to the complaint only via the ERC Counsel. In addition, the Review Team may contact Witnesses, who may know the facts and circumstances surrounding the complaint, only via the ERC Counsel.

7. *Ethics Complaint Response*

The Respondent must submit a completed Ethics Complaint Response Form within twenty-one (21) days of the date of the Notice. The Ethics Complaint Response must include a full response to each complaint, and a copy of each document relevant to the resolution of the ethics complaint. The Review Team, at its sole discretion, may request additional information from the Respondent, the Complainant, or a Witness to supplement a response via the ERC Counsel.

8. *Complaint Referral*

The ERC may at any time refer to PMI headquarters any complaint which alleges infringement of PMI property, or which otherwise may place PMI at legal or business risk.

If the Review Team determines that the factual allegations presented by a Complainant, or the information revealed by an investigation may constitute a violation of Code provisions not directly related to those presented by the Complainant. In that case, the Review Team may notify the Respondent of possible unrelated Code violations, and consider such possible unrelated Code violations in addition to those raised in the complaint; or take other appropriate actions.

9. *Charges*

Upon completion of its review, the Review Team shall determine whether the complaint warrants bringing charges against the Respondent. The Review Team needs to document its actions and findings according to the ERC Operating Guidelines. If the Review Team concludes that charges should be brought, it shall prepare written charges explaining the alleged aggrieved conduct and why such conduct constitutes grounds for disciplinary action. The charges document shall be provided to the Respondent by the ERC Counsel. This document will inform the Respondent that a hearing will be scheduled according to these Procedures and will communicate a reasonable deadline established by the ERC for the Respondent to:

- a. notify the ERC of the names of individuals who will serve as witnesses for the Respondent during the hearing
- b. provide the ERC with any further written materials supporting the Respondent’s position.

If the Review Team concludes that no charges should be brought, it shall dismiss the complaint without prejudice. The ERC Chair shall notify via the ERC Counsel the Respondent and Complainant in writing. The ERC Chair shall report all such dispositions of complaints immediately in writing to all ERC members with a copy to the PMI’s general counsel.

C. Preliminary Actions and Orders

Preliminary and Temporary Orders

The ERC or the Appeal Panel, as applicable, may require the Respondent to do, or to refrain from doing, certain acts by Preliminary and Temporary Order reasonably related to the complaint under consideration pending the final resolution of the case or investigation. Such orders may include, but are not limited to:

- a. a requirement that the Respondent immediately ceases from representing himself or herself as a PMI member, volunteer, certification holders or applicant further notice; or,
- b. a restriction that the Respondent may not pursue a PMI position or office pending the final resolution of the ethics matter under review.

The ERC or the Appeal Panel may discipline a Respondent who fails to comply with a Temporary or Preliminary Order. Preliminary and Temporary Orders are not subject to appeal but may be reconsidered by the appropriate committee upon the written request of the Respondent presenting substantial reasons that the order is no longer necessary.

D. Ethics Review Committee Hearings

1. *Hearing Schedule, Notice, and Attendance*

If the Review Team determines that charges should be brought, then a hearing date, time, and location for the ethics case will be scheduled by the ERC in consultation with the Respondent, and the Respondent will be notified in writing via email. Any Ethics Hearing may proceed to a conclusion and decision, whether or not the Respondent is present, based on the appropriate written record as determined by the Hearing Panel.

Once a hearing date, time, and location have been set after consultation with the Respondent, requests for changes to such date, time, and location shall only be honored pursuant to the ERC Chair's sole discretion. As determined by the ERC Chair, the Ethics Hearing may be conducted entirely or in part via teleconference, where all persons participating will be able to communicate with one another. The ERC shall provide to the Complainant notice of and an opportunity to participate in the hearing and provide a statement during the Ethics Hearing, but the Complainant shall not be required to participate.

2. *Conduct of the Hearing*

It is mandatory that PMI-appointed legal counsel shall assist the ERC at an Ethics Hearing and that the ERC consult no other legal counsel unless such other legal counsel is consented to in writing by the PMI General Counsel. The ERC Chair presides at the Ethics Hearing or in the case where the ERC Chair may not be able to preside, the past ERC Chair or the Vice-Chair may fulfil this duty. The Review Team Chair is responsible for setting forth the charges. The Respondent may have legal counsel participate in an Ethics Hearing. The members of the ERC who participate in an Ethics Hearing and who are not members of the Review Team shall serve as members of the Hearing Panel. There must be at least three (3) Hearing Panel members, including the Hearing Panel Chair, participating to go forward with an Ethics Hearing. No formal legal rules of evidence, cross-examination, oath, and other procedures apply to hearings. The Respondent, or their legal representative, is permitted to respond to the charges. The Review Team Chair and the Respondent, as well as the Complainant (if participating in the Ethics Hearing) may be asked questions by the Hearing

Panel. Objections relating to relevance of information and other procedural issues during the Ethics Hearing will be decided by the Hearing Panel Chair and these decisions are not subject to appeal. In the event of contradictory or disputed testimony or evidence, the Hearing Panel may weigh the relative credibility of any such testimony or evidence and make a reasoned determination based on all facts presented. The ERC may establish more detailed hearing guidelines that are consistent with the provisions of these Procedures.

3. *Witnesses*

The Respondent, and the Review Team may request witnesses to participate in the Ethics Hearing; such witnesses' participation shall be subject to the sole discretion of the ERC Chair. Alternatively, witnesses may submit statements to be included in the Hearing Record. Witnesses permitted by the ERC Chair to participate in an Ethics Hearing may make oral statements and be asked questions by the members of the Hearing Panel.

4. *Hearing Record*

The ERC may determine whether a recording, minutes, or other method of retaining a hearing record is done by a PMI representative. No other participant may record a hearing.

5. *Expenses Associated with an Ethics Case*

The Respondent and Complainant will be responsible for their expenses associated with an ethics investigation, hearing, and appeal, including the costs associated with their legal counsel and any witness(es). The Institute will bear other general costs of conducting the Ethics Hearing, including costs associated with the activities of PMI representatives.

6. *Closing the Hearing Record*

Any Ethics Hearing may proceed to a conclusion and decision, whether or not the Respondent is present, based on the appropriate written record, as determined by the ERC. The Hearing Panel may review the hearing record as well as any submissions presented by the Respondent, the Complainant, and any Witnesses present, and other relevant information, and thereafter, will determine the outcome of the ethics case by a majority vote of the Hearing Panel in a closed session.

The hearing record will be closed following the conclusion of the hearing unless otherwise directed by the ERC Chair. The Hearing Panel shall use a preponderance-of-evidence standard (i.e., whether it was more likely than not that the Respondent violated one or more Code provisions) for determining whether to find that a Code violation occurred or not.

7. *Ethics Review Committee Decision and Order*

The ERC will prepare a Decision and Order after closing the record, including:

- a. A summary of the case, including the positions of the Complainant and the Respondent
- b. A summary of relevant factual findings based on the record of the hearing
- c. A final ruling on the Code violations charged, if any
- d. A statement of any corrective or disciplinary action(s), if any; and
- e. Other directives issued by the ERC

Copies of the ERC Decision and Order shall be sent to the Respondent and the Complainant. The ERC shall strive to send the ERC Decision and Order no later than twenty (21) days following the close of the Ethics Hearing. The Respondent and the Complainant will also be notified that the final decision may be published consistent with these Procedures. The Respondent may request a copy of the recording, if applicable, made of the Ethics Hearing from the ERC Chair through the ERC legal counsel for the purposes of preparing an appeal.

8. *Disciplinary Actions Available*

When a Respondent is found to have violated one or more Code provisions, the ERC may issue and order one or more of the following disciplinary or remedial actions:

- a. The denial and rejection of any PMI membership, volunteer and/or certification application
- b. Private reprimand and censure, including any appropriate conditions or directives
- c. Public reprimand and censure, including any appropriate conditions or directives
- d. Membership, certification, and/or volunteer probation for a period up to three (3) years, including any appropriate restrictions or conditions concerning membership, certification, and/or volunteer rights and any other conditions or directives
- e. Suspension of membership, certification, and/or volunteer status for a specified period of time, including any appropriate conditions or directives
- f. Termination of membership and/or volunteer status, revocation of certification status and/or revoked from certification application process

Appropriate conditions, restrictions or directives may include paying restitution to the party(ies) harmed; undergoing ethics education; and issuing a public or private apology. For each of the above-listed disciplinary actions except 8.b., the ERC shall determine whether and, if so, how to publicize the sanction(s). Respondents found to have violated one or more Code provisions also may be subject to restrictions established by the Institute, such as prohibitions against serving on particular PMI committees.

E. Ethics Appeal Panel/Appeal

1. Submitting an Appeal

a. Deadline.

Within thirty (30) days of the mailing date of an adverse ERC Decision and Order, the Respondent may submit to the Appeal Panel, care of the Institute headquarters address, a written appeal of all or a portion of the Decision and Order consistent with the requirements of these Procedures.

b. Appeal Panel Appointment.

If the written appeal is not timely or otherwise fails to meet the requirements of these Procedures, the Staff Liaison, in consultation with PMI legal counsel, shall send a rejection letter promptly to the Respondent, with an explanation for why the appeal was rejected. If the written appeal is timely and otherwise meets the requirements of these Procedures, the Staff Liaison shall notify the PMI Board of Directors promptly. Upon notification, the Chairman of the PMI Board of Directors shall appoint a three-member Appeal Panel to consider the appeal, naming one such individual as Chair. Appeal Panel appointees shall be chosen from among the PMI membership, including where appropriate members of the PMI Board of Directors and other PMI members with preference given to individuals with prior ethics experience, such as by serving previously on the ERC or other PMI ethics committees or groups.

c. Appeal Panel Process.

The Staff Liaison will forward the appeal to the Appeal Panel Chair for review, consideration, and assignment.

2. Grounds for Appeal

An adverse ERC Decision and Order may be reversed, remanded, and/or otherwise modified by the Appeal Panel. However, the grounds for appeal of an adverse decision are strictly limited to the following:

a. Procedural Error

The ERC committed a clear error in applying a provision contained in these Procedures, and that misapplication prejudiced the Respondent. Decisions made by the ERC Chair on matters left to the

discretion of the ERC Chair under these Procedures are not appealable unless the decision constituted an abuse of discretion. Concerning this subsection, the Appeal Panel will consider only arguments presented to the ERC prior to the closing of the Hearing Record.

b. **New or Previously Undiscovered Information**

Following the closing of the hearing record, the Respondent located relevant proof that was not previously in their possession, was not reasonably available prior to closure of the record; and could have affected the Hearing Panel decision.

c. **Arbitrary and Capricious**

The Hearing Panel decision was arbitrary and capricious, and the Hearing Panel had no reasonable basis for arriving at the conclusion it reached.

3. *Contents of Appeal Letter*

The Respondent must submit to the Institute headquarters address a letter or other written document directed to the attention of "PMI Ethics Appeal," containing the following information and material:

- The ethics case name
- The case number and date of the ERC Decision
- A statement and complete explanation of the reasons for the appeal under Section E.2, including an explanation and basis for any request concerning a reduction in the discipline issued by the ERC; and,
- Copies of any material supporting the appeal.

In the case of an appeal under Section E.2.a, the Respondent must provide a specific reference to the procedure(s) involved and to the section(s) of the case documentation, which supports the Respondent's position. In the case of an appeal under Section E.2.a alleging the ERC Chair's abuse of discretion, the Respondent must provide detailed information from the case documentation which supports the Respondent's position. Any appeal under Section E.2.a will not be accepted without proper documentation.

In the case of an appeal under Section E.2.b, the Respondent must provide the relevant new or previously undiscovered information, a written statement as to whether such information was reasonably available at the time the Review Team or the Hearing Panel considered the case, and a written explanation as to how the new or previously undiscovered information would have affected the Hearing Panel's decision. Any appeal under Section E.2.b will not be accepted without proper written documentation.

In the case of an appeal under Section E.2.c, the Respondent must provide a written explanation explaining why the Hearing panel had no reasonable basis for arriving at its conclusion and citing specific parts of the hearing record which support the Respondent's position. Any appeal under Section E.2.c will not be accepted without proper documentation.

If the letter or other document submitted by the Respondent to the Appeal Panel fails to include all of the above contents or fails to provide on its face sufficient information and documentation to support an appeal under Section E.2, the Appeal Panel shall reject the Respondent's appeal.

F. Ethics Appeal Panel/Appeal Hearings

1. *Ethics Appeal*

The Appeal Panel will consult PMI-appointed legal counsel when considering the appeal. The Appeal Panel shall consider only those grounds for an appeal specifically cited by the Respondent in the appeal letter and shall not consider other grounds not raised in the appeal letter.

2. *Appeal Process*

Following receipt of a complete and proper written appeal, the Appeal Panel will deliver to the ERC Chair a copy of the appeal with instructions for the hearing Panel to provide a written response within thirty (30) days.

3. *Appeal Hearing*

After considering the written appeal from the Respondent and the written response from the ERC Chair, the Appeal Panel may:

- (1) determine that sufficient information has been provided by the Respondent and the ERC for the Appeal Panel to conclude the appeal and issue its Appeal Decision and Order, or
- (2) determine that an Appeal Hearing is necessary before the Appeal Panel can conclude the appeal.

If an Appeal Hearing is determined to be necessary, the Appeal Panel shall schedule a date on which to conduct an Appeal Hearing and notify the Respondent and ERC Chair in writing at least thirty (30) days in advance of the scheduled date. As determined by the Appeal Panel Chair, the Appeal Hearing may be conducted entirely or in part via teleconference, where all participants will be able to communicate with one another.

4. *Conduct of Appeal Hearing*

PMI-appointed legal counsel shall assist the Appeal Panel at an Appeal Hearing; no other legal counsel may be consulted by the Appeal Panel unless such other legal counsel is consented to in writing by the PMI General Counsel. The Appeal Panel Chair shall preside at the Appeal Hearing. No formal legal rules of evidence, cross-examination, oath, and other procedures will apply to the Appeal Hearing. The Respondent (and the Respondent's counsel, if applicable) and one or more representatives of the ERC (as determined at the sole discretion of the Appeal Panel Chair) shall each be given an opportunity to speak at the Appeal Hearing. Both the Respondent and the ERC representative(s) may be asked questions by the Appeal Panel members. Objections relating to relevance of information and other procedural issues during the Appeal Hearing will be decided by the Appeal Panel Chair and these decisions are not subject to appeal. The Appeal Panel may establish more detailed hearing guidelines that are consistent with the provisions of these Procedures.

5. *Standard of Review*

In the case of an appeal under section E.2.a, the Appeal Panel shall give deference to the ERC's discretionary procedural decisions, such that a discretionary procedural decision made by the Hearing Panel may only be grounds for a successful appeal under section E.2.a if the decision was arbitrary or lacking in any reasonable basis. In the case of an appeal under section E.2.c, the Appeal Panel shall give deference to the ERC's factual findings, such that a factual finding will be presumed reasonable unless the finding was lacking on any reasonable basis.

6. *Ethics Appeal Panel Decision and Order*

Following the Appeal Hearing conclusion or conclusion of an appeal without a hearing, the Appeal Panel will issue an Appeal Decision and Order stating:

- The outcome and resolution of the appeal, including a summary of relevant portions of the ERC Hearing Panel Decision and Order
- A summary of any relevant procedural or factual findings made by the Appeal Panel
- The Appeal Panel's ruling(s) and decision(s) with respect to the matters under appeal, and
- The Appeal Panel's final Decision and Order accepting, affirming, reversing, remanding, amending, or otherwise modifying any portion of the ERC Decision and Order, including any final disciplinary action or sanction issued by the Appeal Panel.

Copies of the Appeal Panel Decision and Order shall be sent to the Respondent, the Complainant, and the ERC. The Respondent, the Complainant, and the ERC will also be notified that the final decision may be published, consistent with the requirements of these Procedures.

G. Finalizing Ethics Cases

1. Events Which Will Cause Final Closure of an Ethics Case

An ethics case will be closed and no longer considered active when any of the following occur:

- The ethics complaint has been rejected or dismissed pursuant to these Procedures
- A final decision has been issued by the Hearing Panel without appeal pursuant to these Procedures; or
- A final decision has been issued by the Appeal Panel pursuant to these Procedures without further action required by the ERC.

2. Events Which Will Cause a Decision and Order to Become Final

A Decision and Order issued by the ERC that is not appealed within the prescribed time requirements will be considered final. A dismissal by the Appeal Panel or the issuance of a Decision and Order issued by the Appeal Panel will be considered final.

3. Publication of Final Disciplinary Action

The Institute may publish a notification of a final Decision and Order following the issuance of an ERC or Appeal Panel decision or ruling if so, directed by the applicable Decision and Order. This notification may be published following the conclusion of any appeals available to the Respondent.

H. Probation and Suspension Orders/Reinstatement Procedures

1. Probation Orders/Reinstatement or Referral

Following the expiration of a final Decision and Order which includes a probation requirement under these Procedures, the ERC will determine whether the Respondent has satisfied the terms of the probation order and will do the following:

- If the Respondent has satisfied the terms of probation in full, the ERC will immediately verify with the Institute that the probation has been completed and reinstate the individual to full membership, and/or certification status following the acceptance of a complete membership and/or certification application and full payment of all membership dues, certification fees owed (if any), and submissions necessary to demonstrate satisfaction of professional development units (if necessary); or,
- If the Respondent has not satisfied the terms of probation in full, the ERC will issue any appropriate action consistent with these Procedures, including, but not limited to, the imposition of an additional probation term(s).

2. Suspension Orders/Reinstatement

After the issuance of a final Decision and Order, which includes a suspension sanction issued under these Procedures, a Respondent shall be eligible to have a membership, and/or certification status reinstated after the suspension period, according to all applicable Institute terms of membership and/or certification as may be in existence at the time.

I. Educating PMI's Members, Certificate holders, and Volunteers Regarding Ethics Enforcement

Regardless of the final disposition of a particular ethics case, the ERC may recommend that PMI publish relevant facts regarding the case to benefit PMI's membership, certificate holders, and volunteers. Publication shall only be permitted after the case is finally closed, pursuant to section G.1. of these Procedures. Except if the Institute issues a disciplinary order requiring public reprimand and censure and

the time for appealing such order has passed and either no appeal was filed or the appeal was heard and rejected pursuant to these Procedures, such publication shall be made in a redacted manner so that individuals are neither expressly identified nor otherwise identifiable through other facts and circumstances. If the facts surrounding a particular ethics case are such that even the publication of a redacted version would result in one or more individual's being identifiable, then the ERC shall not recommend publication, unless pursuant to a disciplinary order.

Appendix A: Glossary

1. Appeal Panel

A three-member panel appointed by the Chairman of the PMI Board to review and adjudicate properly filed appeals. The Appeal Panel will consider the appeal, naming one such individual as Chair. Appeal Panel appointees shall be chosen from among the PMI membership, including where appropriate members of the PMI Board of Directors and other PMI members with preference given to individuals with prior ethics experience, such as by serving previously on the ERC or other PMI ethics committees or groups.

2. Complainant

An individual, group, organization, or the Institute that submits a complaint. A single individual must be designated to receive correspondence and represent the Complainant.

3. Covered Individuals

As defined in the Introduction section

4. Ethics Review Committee (ERC)

A Board Engagement Partner that investigates and resolves ethics complaints in accordance with the Procedures and the Code that have been filed against Covered Individuals.

All members of the ERC are PMI volunteers appointed by the PMI Board of Directors.

5. Hearing

A formal meeting at which the ERC Hearing Panel reviews the evidence presented to determine if a Respondent violated any Code provisions. The Hearing Panel will determine the appropriate sanctions for any violations it deems the Respondent has performed.

6. Participant

As defined in the Introduction section.

7. Respondent

A Covered Individual who is the subject of an ethics complaint or investigation.

8. Staff Liaison

For the purposes of this document the Staff Liaison is the assigned Volunteer Engagement Lead (VEL) or some other PMI staff member standing in for the assigned VEL.

9. Translator

A professional individual or software tool specializing in translating written documents submitted by a Participant from languages other than English into English.
Alternatively, a professional individual specializing in real-time translation of spoken words from languages other than English into English, e.g. when requested for a Hearing.

10. Witness

An individual who provides written or oral testimony in connection with an ethics complaint.