

ATA Policy on Ethics Procedures

I. Introduction

(a) The American Translators Association, Inc. ("ATA") is a nonprofit, tax-exempt professional association of translators and interpreters dedicated to the promotion and recognition of the translation and interpreting professions and, in particular, to the formulation and maintenance of standards of professional ethics, practices, and competence.

The ATA has adopted a Code of Ethics and Professional Practice ("Code") that all ATA members must affirm, share, and commit to abide by. Violations of the Code or Article III, Section 6 of the ATA Bylaws will result in sanctions imposed under these Procedures.

These Procedures are intended to establish the appropriate action to be taken by ATA in response to alleged violations of the ATA Code and/or ATA Bylaws by ATA members while ensuring due process to all parties under the ATA Bylaws and applicable ATA policies.

(b) Article III, Section 6 of the ATA Bylaws sets forth the grounds for sanctions under these Procedures; they are as follows:

1. Conviction of a felony or other crime of moral turpitude under federal or state law in a matter related to the practice of, or qualifications for, professional activity.
2. Gross negligence or willful misconduct in the performance of professional services or other unethical or unprofessional conduct based on demonstrable and serious violations of the Code.
3. Fraud or misrepresentation in the application for or maintenance of ATA membership, professional certification, or other professional recognition or credential.

(c) These Procedures shall apply to all complaints received by the Ethics Committee¹ ("Committee") about an ATA member, whether initiated by another ATA member, ATA, or any non-ATA member (individual or entity). In cases where the complaint is against a corporate or closely-held business entity, which is not itself an ATA member, but for which the ATA has sufficient information to show that it is substantially controlled by an individual ATA member (e.g., single-member LLC), these Procedures shall apply to that individual member. Actions taken under these Procedures do not constitute enforcement of the law, although referral to appropriate federal, state, or local government agencies may be made in reference to a member's conduct at any stage of the process if appropriate.

Complainants are not entitled to any relief or damages by virtue of this process, although they will receive notice of the actions taken.

Complaints involving allegations of defamation or those seeking judicial-type remedy shall not be considered under these Procedures.

¹ The Ethics Committee is a standing committee established by Article VII, Section II (b) of the bylaws. "The Ethics Committee shall deal with problems affecting the relationship of translators and interpreters with their peers and others as provided in policies and procedures adopted by the board."

As a general rule, complaints of a purely commercial nature that do not involve any alleged violation of the Code fall under the ATA Policy on Non-Intervention in Commercial Disputes (see the Commentary to these Procedures for examples of each type of complaint). It is the policy of the ATA that it has neither the resources nor the expertise to resolve simple individual commercial disputes. However, in cases where the alleged violations not only have a commercial component, but also entail other serious demonstrable, willful, unethical, or unprofessional conduct or demonstrate a pattern of conduct that in the aggregate rises to the level of an unethical course of dealing, such complaints shall be considered and investigated as potential violations of the Code under these Procedures.

II. Ethics Committee

(a) The ATA Board of Directors (the "Board") is responsible for the development and administration of these Procedures. The Ethics Committee shall be appointed in accordance with the ATA Bylaws. The Board has delegated the administration of these procedures to the Committee.

(b) The Board shall appoint one member of the Committee as Chair of the Committee ("Chair"). The Chair is specifically responsible for ensuring that these Procedures are followed and implemented.

(c) The Chair shall call meetings of the Committee as needed and preside at all Committee meetings. The Committee shall deliberate and make its determinations by conference call. If the Committee has more than seven members, the Chair may designate members as temporarily inactive, who shall not be required to vote on active cases or otherwise participate.

(d) All Committee members, ATA staff, and other individuals engaged in investigations or decisions on behalf of ATA with respect to any complaint under these Procedures shall, to the extent provided by law, be indemnified and defended by ATA against liability arising from such activities.

No Committee member (see Article IV below) who has a personal involvement in the alleged misconduct or who has a conflict of interest, whether real or perceived, shall be permitted to participate in the matter under review.

(e) After completing its investigation and deliberations, the Committee shall determine by majority vote whether there has been an ethics violation and the imposition of sanctions, if any.

III. Complaints

Submission and Review

(a) Any ATA member, ATA, or any non-ATA member (individual or entity) may submit a written complaint directed to the Ethics Committee about an ATA member ("Respondent") concerning alleged ethics violations. Complaints must be submitted using the prescribed complaint form ("Complaint") that is available on the ATA website.

The Complaint must identify the person submitting the Complaint ("Complainant") by name and must be accompanied by supporting documentation. Anonymous Complaints and Complaints without supporting documentation will not be accepted. Complaints by "whistleblowers" where the complainant's identity is known but not revealed to the Respondent are not considered "anonymous", see ATA's Whistleblower Policy.

(b) Upon examining the Complaint, the EC Chair may conclude that the Complaint (i) appears to be valid and warrants further inquiry, or (ii) has insufficient basis, i.e., contains insufficient or unreliable information or appears to be frivolous or trivial.

If the EC Chair decides that additional information is necessary, the Chair shall request that the Complainant provide additional information. This additional information must be submitted to the Chair in writing within 15 calendar days unless the Complainant requests an extension for good cause.

Claims Lacking Sufficient Basis/Additional Information

(a) After the deadline for the submission of additional information has passed, if applicable, the EC Chair may determine that the Complaint has no basis for action under these Procedures, e.g. contains insufficient or unreliable information, appears to be frivolous or trivial, the alleged behavior is not an ethics violation and/or does not fall under the exception to the non-intervention policy, and therefore should not be brought before the Committee for a determination of whether there has been an ethics violation.

(b) If the Complaint is deemed to have no basis, it will be dismissed by written notice from the EC Chair to the Complainant and the Respondent.

Valid Claims

All received Complaints that have standing shall be reviewed by the Ethics Committee, either as a whole or, alternatively, the Chair may designate no fewer than three members of the Ethics Committee to review a complaint as an investigating subcommittee (IC). The Chair may serve as a member of the IC.

(a) If a Complaint is deemed to involve a possible ethics violation, the Chair shall provide written notice of the initiation of an investigation to the Complainant and the Respondent.

Notice to the Respondent shall include a copy of the Complaint and all supporting documentation together with a copy of these Procedures as well as the instruction that the response to the Complaint must be submitted in writing within 30 calendar days of receipt of this notice.

Notice of any Complaint involving individuals who are employees or representatives of ATA corporate members shall be sent to the corporate member's ATA representative as designated on the individual and corporate member's membership or membership renewal form; however, the substance of such a Complaint and any determinations and/or sanctions imposed will be applied in accordance with applicable law regarding employer responsibility for the act or acts that are the basis for the Complaint.

(b) The EC Chair shall provide to the Committee on a regular basis and to the Board at its next regularly scheduled meeting (in executive session), if necessary (only if names are mentioned), a written report on all Complaints received since the Chair's last report, including the nature, status and disposition of these complaints as well as the grounds for any dismissals. The privacy of the parties shall be protected during the process and no names will be named unless a violation has been determined and sanctions imposed.

IV. Investigation

(a) For each Complaint deemed to involve a possible ethics violation, the Chair shall authorize an investigation into its specific facts or circumstances to whatever extent is necessary in order to clarify, expand, or corroborate the information provided by the Complainant. The Chair shall appoint two or more members to an Investigating Subcommittee (IC) to conduct the investigation and based on that to recommend formal charges for consideration by the full Committee, if warranted.

(b) All investigations and deliberations of the Committee shall be conducted in confidence to the extent practical; paper and electronic communications must be marked "Personal and Confidential" and will be archived, while the investigation is ongoing in an electronic archive, which only EC members can access, and after the case is closed, at ATA headquarters. Investigations and deliberations are to be conducted objectively, without prejudgment. Any written communications or notices under these Procedures may be sent by electronic delivery with a confidentiality notice.

(c) The Chair, on behalf of the IC, may contact the Complainant and Respondent during the investigation for additional information. Other sources of information, which may include other individuals with knowledge of the matter or online resources, may also be used to obtain additional information related to the Complaint. Any information or evidence obtained subsequent to initial notification of Respondent must also be provided to Respondent, who will be allowed to respond before a determination is made. If the Chair receives a response from the Respondent containing relevant facts absent from or contradicting information in the Complaint, the Complainant will be provided such information and permitted to respond. The IC shall complete the investigation within 30 calendar days.

IC's Recommendation and Committee Determination

(a) If warranted, the IC shall recommend formal charges to the Committee. Their recommendation must be supported by a written report describing the Respondent's conduct and why such conduct constitutes an ethics violation. If no charges are recommended, the IC shall submit a written report describing the Respondent's conduct and why such conduct does not constitute an ethics violation. In either case, the Committee shall then vote to accept, modify, or reject the IC's recommendation.

(b) If the Committee determines that the Complaint should be dismissed, the Chair shall inform the Complainant and Respondent in writing of the grounds for the dismissal as well as furnishing written notice of the Complainant's right to appeal the dismissal as provided in these Procedures. The notice of dismissal must clearly state the grounds for dismissal, i.e., that the dismissal is due to insufficient evidence or that the subject matter of the Complaint does not fall under the authority of the Committee, and that such dismissal is not a judgment on the merits of the case.

(c) If formal charges are approved by the Committee, the Chair shall advise the Complainant and the Respondent in writing that the investigation was conducted, that the Committee determined that an ethics violation did occur, and that it decided upon the sanction(s) for such violation. The Respondent and the Complainant shall each receive a copy of the Committee's findings and recommended sanction(s) in writing and be advised that the Respondent may appeal the charge by submitting a written appeal within 15 calendar days from the receipt of notice. If the Respondent submits an appeal, the Complainant will be given a copy and will be allowed to respond to the Respondent's appeal within 15 calendar days.

V. Sanctions

The Committee may choose any of the following sanctions to be imposed on a Respondent determined to have violated the Code or the Bylaws. The sanctions applied must reasonably relate to the nature and the severity of the violation. The sanctions include, but are not limited to:

1. Public censure of the Respondent
2. Suspension of the Respondent for a designated period; or
3. Expulsion of the Respondent from ATA.
4. Loss of specific membership privileges (directory listing, being allowed to present or exhibit at ATA events, right to hold office, etc.).

If there is no appeal by the Respondent, the sanction shall be implemented under authority of the Board of Directors as provided in Section VI.(f).

VI. Appeals

(a) Appeals by the Respondent or the Complainant must be submitted to the President in writing within 15 calendar days from receipt of the notice of the determination by the Committee.

(b) No Board member who served on the Committee that made the recommendation may vote on the appeal(s); moreover, no one with any personal involvement in the alleged misconduct or who has a conflict of interest, whether real or perceived, in the matter under review may review the appeal(s).

(c) The Board may only review the record as to whether the Committee's determination of an ethics violation was inappropriate because of: (1) material errors of fact, or (2) failure of the Committee to conform to these policies and procedures. Only facts and conditions known to the Committee at the time of the Committee's determination will be considered during an appeal. The appeal shall not include a hearing or similar trial-type proceeding.

(d) The Board shall conduct and complete its review of the appeal in executive session during its next regularly scheduled meeting following receipt of the appeal.

(e) The decision of the Board shall affirm, modify, or overturn the determination of the Committee. The ATA Board decision is final and binding on all parties.

(f) The decision of the Board, including a statement of the grounds for the decision, shall be reported to the Committee, the Complainant, and the Respondent by the President. Upon conclusion of the appeal process, the Board shall take action to implement its decision. This action shall be published in the form deemed appropriate by the President. All sanctioned members shall be listed on the Sanctioned Members page of the ATA website. The page is available to the public. Sanctioned members, and the tenets violated, but not the details comprising the violation(s) shall be identified by name for the period of the sanction. Once the sanction period expires, the name shall be replaced by an appropriate descriptor, e.g., an individual member, a corporate member. Headquarters shall maintain a complete record of all ethics complaints and their disposition for historical and/or other purposes.

VII. Resignation

If a Respondent voluntarily surrenders or fails to renew their membership at any time under these Procedures, such resignation shall not be accepted while the Complaint is pending and action shall be taken in accordance with these Procedures.

Approved by the ATA Board of Directors, April 22, 2017