

American Translators Association, Inc.
Administrative Procedures for Professional Ethics Proceedings

I. Introduction

- (a) 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 interpretation professions and, in particular, to the formulation and maintenance of standards of professional ethics, practices, and competence. Therefore, the ATA has adopted a Code of Professional Conduct and Business Practices (the “Code”) to guide ATA members. Violations of the Code or Article III, Section 6 of the ATA Bylaws may result in sanctions imposed under these Procedures. These Procedures are adopted to provide “due process” to members and protect the integrity of the ATA Ethics process.
- (b) The grounds for sanctions under these Procedures as provided under Article III, Section 6 of the ATA Bylaws 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 ATA Code of Professional Conduct.
 3. Fraud or misrepresentation in the application for or maintenance of ATA membership, professional accreditation, or other professional recognition or credential.
- (c) These Procedures apply to all complaints or inquiries received about an ATA member, whether initiated by another ATA member, ATA or its agents, or other third party. It should be emphasized that 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 about a member’s conduct in appropriate situations. Individuals bringing complaints are not entitled to any relief of damages by virtue of this process, although they will receive notice of the actions taken. Complaints essentially of a commercial nature or primarily involving claims of libel or requesting judicial-type relief may not be considered under these Procedures unless they also involve potential violations of the Code or the above grounds for disciplinary action.

II. Ethics Committee

- (a) The ATA Board of Directors is responsible for development and administration of these Procedures. The Board appoints an Ethics Committee in accordance with the ATA Bylaws; the Ethics Committee is delegated to administer these Procedures on behalf of the Board.
- (b) The Board appoints one member of the Ethics Committee to be the Chair of the Committee. The Chair presides at all meetings of the Ethics Committee and is specifically responsible for ensuring that these Procedures are implemented and followed.
- (c) All Ethics Committee members, ATA staff, and other individuals engaged in investigations or decisions on behalf of ATA with respect to any complaint under these Procedures are indemnified and defended by the ATA against liability arising from related activities to the extent provided by law. No one who has any personal involvement in the alleged misconduct or conflict of interest shall be permitted to participate in the matter to be reviewed.

III. Complaints

- (a) Complaints may be transmitted to the ATA in any manner by any individual or entity, but must be in writing. Inquiries or submissions other than complaints may be reviewed and handled by the ATA at its discretion. The Chair may self-initiate an inquiry if circumstances warrant. All such complaints, inquiries, or submissions relating to the ATA Code or Article III, Section 6 of the Bylaws are directed to the Chair of the Ethics Committee. Upon receipt and preliminary review of any such submission, the Chair of the Ethics Committee may conclude, in the Chair's sole discretion, that the submission: (1) contains facially unreliable or insufficient information, or (2) is patently frivolous or trivial. In such cases, the Chair may determine that the submission does not constitute a potentially actionable complaint that would justify bringing it before the Ethics Committee for determination of whether there has been a violation of the Code or ATA Bylaws. If so, the submission is disposed of by notice from the Chair to its submitter, if the submitter is identified. All such preliminary dispositions by the Chair are reported to the Ethics Committee and the ATA Board of Directors.
- (b) If a submission is deemed by the Chair on a preliminary basis to be a potentially actionable complaint, the Chair shall see that written notice is provided to the member whose conduct has been called into question advising the member that an investigation is being initiated. Notice of any complaints involving individuals representing ATA corporate members will be sent to the corporate member, but any and all such actions, determinations, or sanctions will be applied in accordance with applicable law regarding employer responsibility for such actions. The Chair also shall ensure that the individual submitting the complaint receives notice that the complaint is being reviewed by the Ethics Committee.

IV. Review of Complaint

- (a) For each submission involving an alleged violation of the Code or Article III, Section 6 of the Bylaws that the Chair believes is a potentially actionable complaint, the Chair authorizes 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 submitter. The Chair first appoints a Review Subcommittee of three or more persons (designating one as Chair), who may or may not be members of the Ethics Committee, to conduct the investigation, make a determination of whether charges against the individual should be brought to the Ethics Committee, and formulate formal charges for the Ethics Committee, if warranted. The Subcommittee may be assisted in the conduct of its investigation by the ATA staff or legal counsel. The Review Subcommittee may review one or more such complaints as determined by the Chair.
- (b) Both the individual submitting the complaint and member who is the subject of the charge also may be contacted by the Review Subcommittee for additional information with respect to the complaint. The time for providing such additional information shall be established by the Subcommittee, and the individuals shall be given not less than 30 days to respond. The Subcommittee may at its discretion contact such other individuals who may have knowledge of the facts and circumstances surrounding the complaint. The Review Subcommittee initially determines whether it is appropriate to review the complaint under these Administrative Procedures or whether the matter should be referred to another entity engaged in the administration of law. If the Review Subcommittee concludes that charges should be brought, it shall return to the Chair of the Ethics Committee formal charges and the Subcommittee's written report explaining the aggrieved conduct and why such conduct violates the Code or Article III, Section 6 of the Bylaws. If no charges are brought, the Review Subcommittee notifies the member and sends a report of its determination to the Chair of the Ethics Committee, who also notifies the Ethics Committee and the ATA Board.
- (c) If the Review Subcommittee has recommended that formal charges be brought, the Chair of the Ethics Committee then also notifies the member to be charged and sends a copy of the Review Subcommittee's report and the charges. The Chair advises the member that an investigation will be conducted and that a hearing will be held, with the proposed date and time for such hearing. The member is advised that he or she

may request the opportunity to submit information or arguments contesting the charge in person or in writing, by submitting such request within 30 days from receipt of the notice. The member is also advised that he or she may have the right to review evidence to be presented at the hearing and is also sent a copy of these Procedures. The member is advised that he or she may be represented by counsel. A representative of the Review Subcommittee may be requested to serve a prosecutorial role in the proceeding; any member of the Ethics Committee who participated on the Review Subcommittee may not otherwise be involved in Ethics Committee deliberations with respect to particular charges brought when that person served on the Review Subcommittee.

- (d) All investigations and deliberations of the Review Subcommittee and Ethics Committee are to be conducted in confidence to the extent practical; written communications should be sealed and marked "Personal and Confidential." Investigations and deliberations are conducted objectively, without any indication of prejudgement. An investigation may be directed toward any aspect of a complaint which is relevant or potentially relevant.
- (e) The Ethics Committee hearing may be held in person, or by conference telephone if the member did not request the opportunity to appear in person. The Chair of the Ethics Committee shall preside and make evidentiary and other procedural rulings with the advice of counsel. If a hearing is held with the charged member present, the Chair in its discretion shall determine the rules of evidence and presentation by the parties, as advised by ATA legal counsel. Written statements may be accepted as evidence. If witnesses appear, they are subject to cross examination. The member may be accompanied and represented by counsel.

V. Determination of Violation

- (a) Upon completion of its investigation and the hearing, the Ethics Committee determines by majority vote upon a preponderance of the evidence whether there has been a violation of the Code or Article III, Section 6 of the Bylaws, and whether the ATA Board should impose sanctions. When the Ethics Committee finds that there has been a violation, the Ethics Committee also recommends imposition of an appropriate sanction. If the Ethics Committee so recommends, a written determination with a proposed sanction is prepared under the supervision of the Chair and is presented by a representative of the Ethics Committee to the ATA Board along with the record of the Ethics Committee's decision. Written notice of the Ethics Committee determination, the proposed sanctions, and the fact that the matter will be reviewed by the ATA Board is provided to the charged member within 15 days of the Ethics Committee determination. If the Ethics Committee determines that a violation has not occurred, the complaint is dismissed with notice to the member, and to the individual or entity who submitted the complaint; a summary report is also made to the ATA Board of Directors.
- (b) If a violation is found and sanctions are recommended by the Ethics Committee, the ATA Board reviews the recommendation of the Ethics Committee based upon the record presented. The individual charged may submit a written statement to the Board prior to its decision, but may not otherwise appear before or participate in the Board's deliberations. The Board may accept, reject, or modify the Ethics Committee's determinations either with respect to the determination of a violation or the recommended sanction to be imposed. If the Board agrees based on a two-thirds vote that a violation has occurred, the determination and the imposition of a sanction as determined by the Board are promulgated by written notice to the member and to the individual submitting the complaint, if the submitter agrees in advance and in writing to maintain in confidence whatever portion of the information is not made public by the Board.
- (c) In certain circumstances, the ATA Board may consider a recommendation from the Ethics Committee that the member who has violated the Code of Conduct should be offered the opportunity to submit a written assurance that the conduct in question has been terminated and will not recur. The decision of the Committee to make such a recommendation and of the Board to accept it are within their respective

discretionary powers. If such an offer is extended, the member at issue must submit the required written assurance within 30 days of receipt of the offer, and the assurance must be submitted in terms that are acceptable to the Board. If the Board accepts the assurance, notice is given to the member and to the submitter of the complaint, if the submitter agrees in advance and in writing to maintain the information in confidence.

VI. Sanctions

(a) Any of the following sanctions may be imposed by the ATA Board upon a member whom the Board has determined to have violated the Code or Article III, Section 6 of the Bylaws. The sanction applied must reasonably relate to the nature of the severity of the violation, focusing on reformation of the conduct of the member and deterrence of similar conduct by others. The sanctions include:

1. Written reprimand to or censure of the member;
2. Suspension of the member for a designated period; or
3. Expulsion of the member from the ATA.

For each of these three sanctions, a summary of the determination and the sanction with the member's name is published by the Board.

VII. Appeal

- (a) Within 30 days from receipt of notice of a determination by the ATA Board that a member violated the Code or Article III, Section 6 of the Bylaws, the affected member may submit to the Board in writing a request for an appeal. Upon receipt of a request for appeal, the President of the ATA appoints an Appeal Panel consisting of at least three, but not more than five, individuals. This Appeal Panel may review one or more appeals, upon request of the President. The Appeal Panel may be composed of members of ATA, but must include at least one individual who is not. No members of the Review Subcommittee, Ethics Committee, or the ATA Board of Directors may serve on the Appeal Panel; further, no one with any personal involvement in the alleged misconduct or conflict of interest in the matter to be reviewed may serve on the Appeal Panel.
- (b) The Appeal Panel may only review the record to review whether the determination by the ATA Board of a violation of the Code or Article III, Section 6 of the Bylaws was inappropriate because of: (1) material errors of fact, or (2) failure of the Ethics Committee or the Board to conform to published criteria, policies, or procedures. Only facts and conditions up to and including the time of the Board's determination as represented by facts known to the Board are considered during an appeal. The appeal shall not include a hearing or any similar trial-type proceeding.
- (c) The Appeal Panel conducts and completes the appeal within 90 days after receipt of the request for an appeal. Written appellate submissions and any reply submissions may be made by authorized representatives of the member and of the Ethics Committee. Submissions are made according to whatever schedule is reasonably established by the Appeal Panel. The decision of the Appeal Panel either affirms or overturns the determination of the Board, but the Panel does not address a sanction imposed by the Board. If significant deficiencies are found, the Appeal Panel may refer the matter back to the Ethics Committee for further action. The decision of the Appeal Panel, including a statement of the reasons for the decision, is reported to the ATA Board of Directors and to the Ethics Committee. The Appeal Panel decision is binding upon the ATA and the member.

VIII. Resignation

- (a) If a member who is the subject of a complaint voluntarily surrenders his or her membership at any time during the pendency of a complaint under these Procedures, the complaint is dismissed without any further action by the Ethics Committee, the ATA Board, or an Appeal Panel established after an appeal. The entire record is sealed and the individual may not reapply for membership in the ATA for five years. However, the Board authorizes the President to communicate the fact and date of resignation, and the fact and general nature of the complaint which was pending at the time of the resignation, to or at the request of a government entity engaged in the administration of law. Similarly, in the event of such resignation, the person or entity who submitted the complaint is notified of the fact and date of resignation and that the Board has dismissed the complaint as a result.