



AMGA Professional Compliance Program 2021 Updates Frequently Asked Questions

Member Resources

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General

Why is the AMGA doing this?

Since the Speak Up platform was introduced in 2019, much has been learned about professional compliance within the AMGA. It has become apparent the professional expectations of AMGA members have not always been clear. It has become evident the process for reviewing ethics complaints should be standardized and consistent. And perhaps most of all, it has been learned that the procedures used to investigate and review complaints should be transparent to the AMGA membership and fair to all parties involved.

To help improve understanding and increase transparency, the AMGA has developed a Professional Compliance Manual that seeks to establish clear behavioral expectations for AMGA members and a standardized process by which complaints of misconduct are investigated and adjudicated. This process will promote objectivity, transparency, and consistency in the investigation and adjudication of complaints to ensure it is fair to those involved in a complaint and credible to the AMGA membership.

Did the AMGA research best practices?

In early 2021, AMGA staff [interviewed compliance professionals](#) at the Certified Financial Planners Board and The Mountaineers to learn about best practices in established professional compliance programs. AMGA staff also conducted a review of internal AMGA policies to determine if policy updates would be needed to effectively operate the professional compliance program. As a result of this research and introspection, a [work plan](#) was created to guide the completion of the AMGA Professional Compliance Manual by the end of 2021.

Who provided input during the development of the new policies and procedures?

The draft policies and procedures were shared with the AMGA Compliance Task Force; AMGA Governance Committee; AMGA Diversity, Equity, and Inclusion Committee; AMGA Legal Counsel; and Investigations Law Group for review and feedback.¹ AMGA staff made numerous revisions based on the feedback received. Finalized drafts of the documents were provided to the AMGA Board of Directors for review at the May 22, 2021 Board meeting. At the meeting, the AMGA Board of Directors unanimously approved the draft documents to be shared with the AMGA membership for comment during a 60-day comment period during the summer of 2021.

When will the new policies and procedures go into effect?

Comments received from the AMGA membership will be used to formulate a final draft of the Professional Compliance Manual. The final draft will be presented to the AMGA Board of Directors for review and approval at the October 30, 2021 meeting. If the AMGA Board of Directors approves the final draft, the Professional Compliance Manual and all polices and procedures contained within it will go into effect on January 1, 2022 and will be utilized for all Speak Up complaints thereafter. ([Professional Compliance Manual section VIII, page 8](#))

Can a past complaint be resubmitted and reviewed under the new procedures?

Past reports that were resolved under the previous Speak Up procedures (or other procedures that existed prior to Speak Up) will not be reconsidered under the new AMGA Professional Compliance Manual. ([Professional Compliance Manual section VIII, page 8](#))

Who is Investigations Law Group and how are they involved with the AMGA?

[Investigations Law Group](#) (ILG) is a third-party investigations firm that specializes in workplace investigations, professional compliance, and human resources consulting. The AMGA contracts with Investigations Law Group to assist with the intake and investigation of Speak Up complaints. ILG receives complaints on behalf of the AMGA, reviews them for severity, and identifies which items of the *AMGA Code of Ethics and Conduct* may be violated. After completing the intake process, ILG completes an investigation or sends the information to AMGA staff for follow up and investigation.

Anti-Harassment and Prohibited Behavior Policy

¹ Investigations Law Group is the workplace investigations firm that assists AMGA with the operation of the Speak Up reporting platform.

Why does the AMGA need an Anti-Harassment and Prohibited Behavior Policy?

In the past, the AMGA has not had policies or guidelines that clearly state the behavioral expectations of AMGA members. The *Anti-Harassment and Prohibited Behavior Policy* was created to clarify the behavioral expectations of AMGA members and expressly state that discrimination, harassment, sexual harassment, and retaliation are not allowed.

How was the Anti-Harassment and Prohibited Behavior Policy developed?

AMGA staff worked with Investigations Law Group to develop the *Anti-Harassment and Prohibited Behavior Policy* in accordance with workplace best practices.

AMGA Code of Ethics and Conduct

Why did the AMGA make changes to the AMGA Code of Ethics and Conduct?

When the compliance program review began in early 2021, it became apparent the *AMGA Code of Ethics and Conduct* as currently written would not support a high-functioning professional compliance program. The *AMGA Code of Ethics and Conduct* did not directly address prohibited behaviors like harassment and discrimination, and it did not incorporate important related policies (i.e., AMGA Logo and Brand Use Policy). Additionally, the scope of the *AMGA Code of Ethics and Conduct* included language that caused it to apply to all facets of an AMGA member's life, including their personal life. It would be very difficult for an organization of AMGA's size to administer a professional compliance program with such a broad scope. Consequently, AMGA staff drafted several changes to the *AMGA Code of Ethics and Conduct* in consultation with the AMGA Governance Committee and AMGA Legal Counsel.

How has the AMGA Code of Ethics and Conduct been changed?

Four (4) targeted revisions have been made to the *AMGA Code of Ethics and Conduct* (the "Code") to support the proper functioning of the professional compliance program. The revisions aim to clarify the scope of the Code, incorporate the *Anti-Harassment and Prohibited Behavior Policy* into the Code, and generally make the Code easier for AMGA members to interpret and understand. Most notably, the scope of the Code is clarified so it applies to the conduct of an AMGA member in their personal activities only if those activities have a connection to, or reflection on, the AMGA community. ([Draft Changes to AMGA Code of Ethics and Conduct](#))

Will the AMGA investigate problematic behavior that occurs outside the workplace?

The AMGA will investigate problematic behavior outside of the workplace if there is a direct connection to, or reflection on, the AMGA community. For example, the AMGA would investigate an alleged violation of the *AMGA Code of Ethics and Conduct* that

occurred while an AMGA member was giving a presentation to a local climbing club or interacting with the public at a climbing area. ([Professional Compliance Manual sections V-VI, pages 5-7](#))

Professional Compliance Committee

What is the AMGA Professional Compliance Committee (PCC)?

The Professional Compliance Committee (PCC) is a standing committee of the AMGA Board of Directors that is assembled for the purpose of reviewing alleged violations of the *AMGA Code of Ethics and Conduct* and determining if a violation should result in a sanction. The PCC is governed by the AMGA Board of Directors as described in the *AMGA Bylaws, Article 8.9*. ([Professional Compliance Manual section VII, page 7](#))

How are members of the PCC selected?

The duties of the PCC are overseen by a Chairperson who is appointed by the AMGA Board of Directors. Additional members of the PCC are recommended by the Chairperson and appointed by the Board of Directors. The PCC may be composed of members of the AMGA Board of Directors, AMGA members who are unaffiliated with the AMGA Board of Directors, SPI Providers, representatives from AMGA Accredited Businesses, AMGA legal counsel, members of the AMGA instructor team, members of the AMGA Technical Committee, and members of the public. The Chairperson will seek to assemble a committee that is diverse in terms of race, age, gender identity, level of training and certification, area of expertise, and regional representation. ([Professional Compliance Manual section VII, page 7](#))

What authority does the PCC have to issue sanctions?

The PCC may issue a sanction under the following circumstances:

- When there is a violation of the *AMGA Code of Ethics and Conduct* but not a violation of other policies, agreements, or contracts
- When the sanction is a warning letter, professional development, or a probationary period not to exceed 1 year
- When the censure occurs in private

The PCC may recommend a sanction under the following circumstances:

- When there is a violation of other AMGA policies, agreements, or contracts beyond the *AMGA Code of Ethics and Conduct* (recommendation to AMGA administration)
- When the recommended sanction is a probationary period greater than 1 year, or suspension or revocation of AMGA membership (recommendation to AMGA Board of Directors)

- When the censure is proposed to be public (recommendation to AMGA Board of Directors)

Sanctions recommended to the AMGA Board of Directors must be approved by a three-fourths (3/4) vote of the AMGA Board of Directors as described in the *AMGA Bylaws, Article 3.10. ([Professional Compliance Manual section 4.4.h, pages 21-22](#))*

How many PCC members are involved in the review of a Speak Up complaint?

The Chair of the PCC will assemble a group of 3 or more individuals from the PCC, called the “review team,” to review the findings of an investigation and reach a decision. ([Professional Compliance Manual section 4.4.a, page 19](#))

Scope of Practice

Is the Speak Up program being updated to enforce Scope of Practice violations?

No, the Speak Up program is not being updated specifically to enforce Scope of Practice (SOP) violations. It is being updated to clarify the overall professional expectations of AMGA members. It is also being updated to establish transparency and consistency in the process that is used to investigate and adjudicate all types of violations of the AMGA Code of Ethics and Conduct.

Will Scope of Practice complaints be submitted through the Speak Up platform?

Yes, Scope of Practice complaints may be submitted through the Speak Up platform.

How will Scope of Practice complaints be handled?

Complaints related to SOP will be forwarded to a PCC review team that focuses solely on SOP complaints. The SOP review team will have knowledge of common guiding terrain in the U.S. and an in-depth understanding of SOP requirements. The SOP review team will review the complaint, investigate as necessary, and communicate with the respondent. This process (whereby the complaint is investigated and decided upon by the same group of people) will be utilized in 2022 when enforcement of SOP is educational only. After 2022, when enforcement of SOP is no longer educational, there will be a separation between investigators and decision makers in the same manner as other complaints.

Is the appeals process for AMGA exam results being updated as well?

No, the appeals process that is used for the appeal of AMGA exam results is not being updated concurrently with the professional compliance program.

Professional Compliance Procedures

If an individual submits a complaint, when will they receive a response from the AMGA?

When a complaint is submitted through the Speak Up platform, the individual who submitted the complaint will receive a response from the AMGA within 15 days.

[*\(Professional Compliance Manual article 3.8, page 12\)*](#)

Who investigates complaints that are submitted through the Speak Up platform?

Once a complaint is submitted through the Speak Up platform, Investigations Law Group, the AMGA Deputy Director, and the AMGA Membership Director will work together to identify an investigator who will complete the complaint intake process and conduct an investigation. Investigators can include the AMGA Deputy Director, AMGA Membership Director, or investigator(s) from ILG. The investigator must be impartial and have no conflict of interest. If a conflict of interest exists with the AMGA Deputy Director and AMGA Membership Director, the investigation will be completed by Investigations Law Group.

A conflict of interest may include but is not limited to: the complaint is about the investigator, the investigator has close relations with the complainant or respondent, or the investigator would benefit personally or professionally from a particular outcome. If an investigator identifies a personal or professional conflict of interest related to a complaint, whether it is known at the outset of the complaint or arises during the investigation process, the investigator will step down and a new investigator will be identified. [*\(Professional Compliance Manual article 3.8, page 12\)*](#)

Why are there two different pathways that a complaint can go through?

There are two different pathways available for the investigation and adjudication of complaints to provide for expediency and the most effective outcomes. The tier 1 pathway generally allows complaints to be addressed more quickly because it does not involve PCC review. It may be utilized for less severe allegations. The tier 2 pathway requires the PCC to review the investigative findings and is typically utilized when there are more severe allegations. For a complete outline of the criteria used to determine which pathway may be used in different circumstances, see [*Professional Compliance Manual articles 3.3-3.4, pages 9-10.*](#)

What differentiates a tier 1 complaint from a tier 2 complaint?

When a complaint is identified as tier 1, an investigator can choose to facilitate direct communication between the complainant and respondent to promote open communication and a restorative approach in the review and decision process. The

investigator, complainant, and respondent work together to review the situation and reach a resolution that is agreed upon by all parties. Because the review and decision process is completed among the involved parties, the findings of the investigation are not sent to the PCC for review and decision. The tier 1 pathway is typically completed within 45 days. ([Professional Compliance Manual article 4.2, page 14](#))

When a complaint is identified as tier 2, the investigator completes the investigation and sends the factual findings to a PCC review team for review and decision. When submitting the findings to the PCC review team, the identities of the complainant, respondent, and witness(es) are concealed to protect their confidentiality and ensure the decision-making process is fair and impartial. The PCC reviews the evidence and determines if a violation of the *AMGA Code of Ethics and Conduct* occurred, and if a sanction will result. The tier 2 pathway is typically completed within 90 days. ([Professional Compliance Manual article 4.3, page 15](#))

How will the AMGA handle complaints that allege criminal behavior?

Criminal complaints received by the AMGA will be forwarded to the relevant authorities. If AMGA receives a complaint for which a criminal investigation is already underway, AMGA may decline to investigate until the criminal case is closed. ([Professional Compliance Manual article 3.6, page 11](#))

Why isn't there a list of sanctions that correlate to specific offenses?

The circumstances and facts of each complaint are unique. By investigating and adjudicating each complaint on a case-by-case basis, the AMGA will be able to achieve the most effective outcomes that are tailored to the situation at hand. Additionally, the AMGA has received guidance from ILG and legal counsel to avoid prescribing consequences before reviewing the facts of a case.

What types of consequences might occur as a result of a violation?

The first goal of the compliance process is to repair the harm that has been done to the complainant and promote understanding and learning with the respondent to prevent additional harm in the future. How these objectives are accomplished will vary from case to case and the approach will vary from tier 1 complaints to tier 2 complaints. However, when a sanction is issued, it could include but is not limited to a warning letter, probationary period, professional development, suspension of membership, or revocation of membership. ([Professional Compliance Manual article 4.4.h, page 21](#))

Will the AMGA investigate an incident that occurred 10 years ago?

It is strongly encouraged to report violations within six months of occurrence to facilitate accurate evidence collection and a timely decision. Delays in reporting may make it difficult for the AMGA to gather information and reach a definitive conclusion regarding

the alleged violation. The AMGA reserves the right not to investigate alleged violations that are not reported within 2 years of occurrence. ([Professional Compliance Manual article 2, page 9](#))

Will the AMGA investigate a complaint that is submitted anonymously?

Complaints may be submitted to the AMGA anonymously. However, anonymous complaints will limit the AMGA's ability to complete a thorough investigation. Additionally, the AMGA will not share the findings of an investigation with complainants whose identities have not been provided. ([Professional Compliance Manual article 1, page 9](#))

If an AMGA member is accused, will they be able to share their side of the story?

Yes. If an AMGA member is accused of violating the *AMGA Code of Ethics and Conduct*, they will be notified by the AMGA within 15 days of receipt of the complaint. Once the respondent is notified, they will have 15 days to contribute information to the investigation. Information provided by the respondent will be included in the investigation summary and shared with the PCC. ([Professional Compliance Manual article 4.3.d, page 17](#))

How will the AMGA address the potential for conflict of interest in the PCC?

The Chair of the PCC will assemble a group of 3 or more individuals from the PCC, called the "review team," to review the findings of an investigation and reach a decision. The review team should be composed of participants who have experience, knowledge, credentials, and/or other characteristics that will enable them to understand the circumstances of the allegation(s) and act fairly on behalf of the complainant and respondent in evaluating those circumstances. Additionally, the review team should have representation from diverse identities. No member of a review team can have an open complaint filed against them or have a past violation of the *AMGA Code of Ethics and Conduct* on file. ([Professional Compliance Manual article 4.4.a, page 19](#))

A separation between investigator(s) and adjudicator(s) will exist whereby investigator(s) will serve only to provide information to the PCC but will never act as a decision-making participant of the PCC. Additionally, investigator(s) will submit the findings of an investigation to the PCC in a format that conceals the identities of the complainant, respondent, and witness(es) to ensure impartiality in the decision-making process and fairness for the complainant and respondent. ([Professional Compliance Manual article 4.4.b, page 19](#))

If a member of the PCC identifies a personal or professional conflict of interest related to a complaint, whether it is known at the outset of the review process or arises during the review process, the PCC member must present the conflict to the Chair of the PCC. If the Chair believes the conflict cannot be mitigated, the PCC member must step down from

the review team and the Chair will appoint a replacement. ([Professional Compliance Manual article 4.4.c, page 20](#))

Examples of conflict of interest include but are not limited to: a member of the PCC determines the complainant or respondent is a person with whom they have a close personal or professional relationship, a member of the PCC determines they would benefit from a particular decision made by the PCC, or a member of the PCC identifies a personal or professional bias that could negatively affect their ability to reach an evidence-based decision.

Can a respondent appeal a decision of the PCC?

Yes. A respondent may appeal a decision of the AMGA, ILG, and/or PCC resolving an alleged violation of the *AMGA Code of Ethics and Conduct* if the respondent believes that, in reaching the decision, the AMGA, ILG, and/or PCC committed a “Reversible Error.” The AMGA, ILG, and/or PCC commits a Reversible Error where it either: (1) fails to follow the processes and procedures outlined in the Professional Compliance Manual; (2) interprets the *AMGA Code of Ethics and Conduct* in a manner that is unreasonable or arbitrary; or (3) imposes a sanction that is unreasonable or arbitrary. Appeals will not be allowed on the basis that the respondent merely disagrees with the AMGA, ILG, and/or PCC’s factual findings or factual conclusions. ([Professional Compliance Manual article 5.1, page 24](#))

How are appeals reviewed and decided upon?

When a Request for Appeal is received by AMGA staff or ILG, it is forwarded to the AMGA Board President, Executive Director, or another member of the Executive Committee as necessary to avoid a conflict of interest. The recipient will establish an appeal review team of 3 or more individuals who were not involved in the original investigation in any way. The appeal team will review the case and the respondent’s Request for Appeal to determine if the AMGA, ILG, or PCC committed a Reversible Error. The appeal team should complete their review and decision within 30 days of receiving the Request for Appeal. ([Professional Compliance Manual article 5.3, page 25](#))

Accredited Businesses, Providers, AMGA Employees

How does the Professional Compliance Manual apply to Accredited Businesses, Providers, and AMGA employees?

The Professional Compliance Manual describes the process by which allegations of misconduct under the *AMGA Code of Ethics and Conduct* are reviewed and adjudicated. Other policies, agreements, and contracts further describe the expectations of AMGA employees (*AMGA Employee Manual*), Board members (*AMGA Conflict of Interest Policy*), Accredited Businesses (*Accredited Business Contract*), and Climbing Instructor Program Providers (*Provider Agreement*). When matters arise that pertain to the

expectations articulated in these other policies, agreements, and contracts, and which fall outside the scope of the *AMGA Code of Ethics and Conduct*, the AMGA will respond in accordance with the terms and conditions set forth in the applicable policy, agreement, or contract. If an infraction occurs that is subject to the *AMGA Code of Ethics and Conduct* and other AMGA policies, agreements, or contracts, the AMGA may choose to review and adjudicate the infraction under the procedures outlined in the Professional Compliance Manual and/or the other policies, agreements, or contracts. ([Professional Compliance Manual section 3, page 3](#))