

AMGA PROFESSIONAL COMPLIANCE MANUAL

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I. Mission

The mission of the American Mountain Guides Association (AMGA) Professional Compliance Program is to promote professional integrity among AMGA members for the benefit of the AMGA community, the industry, and the public.

The commitment AMGA members make to uphold high ethical and professional standards is unique in the guided climbing and skiing industry. This distinguished commitment, coupled with AMGA professional training and certification, gives the public the confidence to know they are experiencing the outdoors with the most competent and trustworthy professionals in the industry.

II. Policy

The AMGA Professional Compliance Manual consists of the *AMGA Code of Ethics and Conduct*, *Professional Compliance Procedures*, *Anti-Harassment and Prohibited Behavior Policy*, *Scope of Practice*, *Logo and Brand Use Policy*, and *Member Agreement*. Taken together, these policies describe the ethical and professional expectations of AMGA members and the process by which alleged violations of the *AMGA Code of Ethics and Conduct* are investigated and adjudicated. The Professional Compliance Manual is supported by the *AMGA Bylaws*, *Conflict of Interest Policy*, *Employee Manual*, *Accreditation Contract*, and *Provider Agreement*.

III. Relationship to Other Agreements

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 *Professional Compliance Procedures* and/or the other policies, agreements, or contracts.

IV. Terminology

The following terms are used in the AMGA Professional Compliance Manual when describing the ethical and professional expectations of AMGA members and the process by which alleged violations of the *AMGA Code of Ethics and Conduct* are investigated and adjudicated.

AMGA Professional Compliance Committee. The AMGA Professional Compliance Committee (PCC) is a standing committee assembled for the purpose of reviewing alleged violations of the *AMGA Code of Ethics and Conduct* to determine if a violation occurred and if a sanction should result. For additional information see Section VII.

AMGA Staff. In the context of this document, the term **AMGA Staff** refers to the AMGA Deputy Director and the AMGA Membership Director. These are the individuals at the AMGA who are designated to investigate complaints and oversee the operation of the Professional Compliance Program.

Complaint. When an AMGA member or a member of the public reports an alleged violation of the *AMGA Code of Ethics and Conduct* to the AMGA, it is called a **complaint**.

Complainant. The person who submits a complaint to the AMGA is called the **complainant**.

Respondent. The person who is accused of violating the *AMGA Code of Ethics and Conduct* is called the **respondent**.

Witness. A person who has knowledge of the circumstances of an alleged violation of the *AMGA Code of Ethics and Conduct* is called a **witness**.

Tier 1 complaint. A complaint of lesser severity in which the investigator facilitates a resolution between the complainant and respondent. The Professional Compliance Committee does not review tier 1 complaints. For additional information see Article 3.3.

Tier 2 complaint. A complaint of greater severity in which the findings of an investigation are reviewed by the Professional Compliance Committee. For additional information see Article 3.4.

Investigation. When a complaint is submitted, the AMGA will contact the complainant, respondent, or witness(es) to learn more about the circumstances of the allegation(s) and find facts that may help determine if a violation of the *AMGA Code of Ethics and Conduct* occurred. This process of finding facts is called the **investigation**.

Investigator(s). The person or group of people conducting an investigation are referred to as the **investigator(s)**.

Investigations Law Group (ILG). The AMGA may contract the assistance of outside experts to review complaints, investigate complaints, and advise AMGA on matters related to complaints. At the time of this writing, the AMGA is working with [Investigations Law Group](#), a third-party investigations firm specializing in workplace compliance and investigations.

Decision. After the Professional Compliance Committee reviews the facts pertaining to an allegation of misconduct, the PCC determines if a violation of the *AMGA Code of Ethics and Conduct* occurred and if a sanction should result. The determination of the PCC is called the **decision**. The PCC reaches a decision by consensus. For additional information see Article 4.4.

Appeal. If a respondent disagrees with a decision, they can request to have the decision reconsidered by a separate body of reviewers through a process called **appeal**. For additional information see Article 5.

V. AMGA Code of Ethics and Conduct

The *AMGA Code of Ethics and Conduct* demonstrates the commitment AMGA members make to uphold high standards of ethics and professionalism. The *AMGA Code of Ethics and Conduct* ensures exceptional service to the public, promotes respect and integrity among AMGA members, and advances the professionalism of the industry.

The *AMGA Code of Ethics and Conduct* applies to all AMGA members in circumstances when a member is acting in a professional capacity or engaging in personal activities that have a direct reflection on the AMGA. Violation of the *Code of Ethics and Conduct* may result in disciplinary action.

The *AMGA Code of Ethics and Conduct*:

1. Managing risk and the welfare of our clients is our prime concern.
2. Where possible and practical, we should provide assistance to persons having difficulty by offering help which is appropriate under the circumstances. In providing assistance to others, we should avoid compromising the welfare of our clients.
3. Our clients have the right to expect us to be up to date on the latest methods and techniques and to use appropriate and well-functioning equipment.
4. We must be aware of our own physical, technical, and experiential limitations. We should use routes and terrain that are within our expertise and capabilities.
5. We are expected to teach and practice Leave No Trace principles and to be knowledgeable of local natural history.
6. We facilitate a welcoming and inclusive environment for all people, regardless of their intersecting identities whether based in gender, race, sexuality, religion or any other identity.
7. We will not engage in any form of discrimination, harassment, or other prohibited behavior as described in the *Anti-Harassment and Prohibited Behavior Policy*.
8. As representatives of the AMGA we must conduct ourselves in a manner that reflects well on the AMGA. This applies during AMGA programs as well as anytime we are interacting with clients, the public, our fellow guides, government agencies, and others.

9. We must understand our level of training and certification as defined by the *AMGA Scope of Practice (SOP)*. After January 1, 2022, we will work only within our training and certification level(s) as defined by the SOP.
10. We will accurately and unambiguously represent the level of our training and certification to clients, the public, government agencies, and others as described in the *AMGA Brand Use Policy*.
11. We must work within the regulatory, permit, certification, and aspirant requirements of the country and/or land management agency in or under which we intend to work. We must obey all laws, rules, and regulations applicable to our guiding or other activities.

VI. Scope of the AMGA Code of Ethics and Conduct

The *AMGA Code of Ethics and Conduct* applies to all AMGA members in circumstances when a member is acting in a professional capacity or engaging in personal activities that have a direct reflection on the AMGA. The *Code of Ethics and Conduct* applies to communications and/or actions made in person, in print, through social media, email, or other forms of electronic communication. Violation of the *Code of Ethics and Conduct* may result in corrective action as outlined in the Professional Compliance Manual.

The following examples are provided to illustrate the scope of the *AMGA Code of Ethics and Conduct*. The examples are intended to help AMGA members understand the types of circumstances in which the *AMGA Code of Ethics and Conduct* applies. This list is not intended to identify each and every circumstance that may fall under the *AMGA Code of Ethics and Conduct*.

The *AMGA Code of Ethics and Conduct* would apply to any actions and communications made when an AMGA member is acting in a professional capacity, for example:

- When actively instructing or guiding a group of clients
- When working with another AMGA member during the course of employment
- When communicating with a potential client about a potential climbing trip
- When meeting with a land manager to discuss the application process for a land use permit
- When discussing employment opportunities with an employer or employee

The *AMGA Code of Ethics and Conduct* would apply to any actions and communications made when an AMGA member is engaging in a personal activity that has a direct reflection on the AMGA, for example:

- When giving a presentation to a local climbing club
- When interacting with the public while climbing recreationally at a local crag
- When participating in an online forum that relates to climbing and skiing
- When communicating with an AMGA member outside of work hours
- When establishing new climbing routes in an area with specific regulations (i.e., wilderness)

VII. Professional Compliance Committee

The PCC is a standing committee 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*. 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.

The Professional Compliance Committee conducts reviews of allegations of misconduct and determines whether a violation of the AMGA Code of Ethics and Conduct has occurred. If the PCC believes a violation has occurred, the PCC may issue or recommend a sanction. Sanctions that include suspension or revocation of credentials or membership, or sanctions which include public censure, must be executed by a three-fourths (3/4) vote of the Board of Directors as stated in the *AMGA Bylaws, Article 3.10*.

A complete outline of the process by which the PCC reviews and decides upon allegations of misconduct can be found in Article 4.4: *Review and Decision by Professional Compliance Committee*.

VIII. Professional Compliance Procedures

Preamble

The American Mountain Guides Association is committed to promoting professional integrity among AMGA members for the benefit of the AMGA community, the industry, and the public. The *AMGA Code of Ethics and Conduct* and *Professional Compliance Procedures* provide a framework for high ethical standards among AMGA members. As part of AMGA membership, an AMGA member pledges to uphold the standards outlined in the *AMGA Code of Ethics and Conduct* and agrees to enforcement of the *AMGA Code of Ethics and Conduct* under the *Professional Compliance Procedures*. This commitment ensures exceptional service to the public, promotes respect and integrity among AMGA members, and advances the professionalism of the industry.

The *Professional Compliance Procedures* describe the process by which alleged violations may be reported, investigated, reviewed by a decision-making body, and appealed. The process is designed to be credible to the AMGA membership and fair to those who are involved in a complaint.

The *Professional Compliance Procedures* take effect on January 1, 2022 and will be utilized for all Speak Up reports thereafter. 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 *Professional Compliance Procedures*.

Article 1: Reporting Code Violations

When possible, the AMGA encourages individuals who believe they are being subjected to offensive conduct by an AMGA member to promptly advise the offender that their behavior is unwelcome and request that it be discontinued. This action alone may resolve the problem. The AMGA recognizes, however, that individuals may prefer to report the matter to the AMGA.

If an individual believes there has been a violation of the *AMGA Code of Ethics and Conduct*, the individual may report the alleged violation to the AMGA through the Speak Up program (amga@ilghotline.com or www.amga.com/speak-up/). Complaints submitted through the AMGA Speak Up program are received and processed by Investigations Law Group (ILG), a third-party investigations firm. Upon receiving a complaint, ILG determines the severity of the infraction, documents the complaint information, and provides a report to AMGA staff.

Reported violations of the *AMGA Code of Ethics and Conduct* will be investigated promptly, objectively, and as confidentially as possible as described in the investigation guidelines (Article 4.1) and investigation procedures (Articles 4.2 and 4.3). If it is determined that an AMGA

member has engaged in behavior that is in violation of the *AMGA Code of Ethics and Conduct*, the member will be subject to corrective action, up to and including revocation of membership.

Complaints may be submitted to the AMGA anonymously. However, it is acknowledged that 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.

Article 2: Timeframe for Reporting

It is strongly encouraged to report violations within six months of occurrence in order to facilitate accurate evidence collection and a timely decision. Delays in reporting may make it difficult for 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.

Article 3: Complaint Intake

3.1 Overview

Complaints may be submitted through the [Speak Up portal on the AMGA website](#), via the reporting hotline administered by ILG (amga@ilghotline.com), or directly to the AMGA. When a complaint is received, it is reviewed for severity and identified as either "tier 1," "tier 2," or "Scope of Practice." Considerations for determining if a complaint is tier 1 or tier 2 are provided Articles 3.3 and 3.4. Depending on the circumstances of the complaint, it may be investigated by Investigations Law Group and/or AMGA staff as described in Article 3.8.

3.2. Speak Up Process Flowchart

[insert flowchart]

3.3 Tier 1 Complaints

When determining if a complaint is a tier 1 complaint, the following concepts may be considered along with other relevant information. There is no "one size fits all" set of criteria for determining if a complaint is tier 1. If an investigator is uncertain about whether or not a complaint can be treated as tier 1, the process for tier 2 complaints should be used.

- The alleged behavior does not rise to the threshold of discrimination, harassment, sexual harassment, or retaliation as described in the *Anti-Harassment and Prohibited Behavior Policy*
- The respondent has not had previous complaints filed about their behavior
- The investigator is comfortable communicating directly with the complainant and respondent to promote a restorative approach to repairing harm
- The investigator, complainant, and respondent are comfortable working together to review the situation and reach a resolution that is agreed upon by all parties.
- The complainant feels the offense can be addressed through the tier 1 process
- A remedy for the situation can be facilitated without the involvement of the Professional Compliance Committee
- Generally speaking, tier 1 complaints are handled with an emphasis on open communication and restorative practices

3.4 Tier 2 Complaints

The following examples are illustrative of situations in which the process for tier 2 complaints should be used. The list is not exhaustive and other situations may exist that warrant the process for tier 2 complaints. If an investigator is unsure about whether or not a complaint should be treated as tier 2, the investigator should take a conservative approach and use the process for tier 2 complaints.

- The complaint alleges behavior that constitutes discrimination, harassment, sexual harassment, or retaliation as described in the *Anti-Harassment and Prohibited Behavior Policy*
- The respondent has had previous complaints submitted about their behavior
- The complaint involves violence, serious injury, or fatality
- The complaint may involve illegal activity
- The alleged behavior has the potential to damage the reputation of the AMGA
- The complainant feels the offense warrants the process for a tier 2 complaint
- There is a threat to the safety of an AMGA member
- The investigator determines they are unable to facilitate a remedy for the situation and the involvement of the Professional Compliance Committee is necessary

3.5 Scope of Practice Complaints

Complaints pertaining to AMGA Scope of Practice will be documented by AMGA staff and/or ILG and forwarded to a PCC review team that has knowledge of common guiding terrain in the U.S. and an in-depth understanding of AMGA SOP requirements.

- AMGA staff and/or ILG will complete an intake form to document the complaint

- The intake form and any associated information about the complaint will be sent to a PCC review team that specializes in SOP complaints, called an “SOP review team”
- The SOP review team will identify an investigator, complete an investigation, determine if a violation occurred and if a sanction will result, and notify the respondent of the outcome
- Generally speaking, Scope of Practice complaints are treated in a manner akin to a tier 1 complaint but the investigation process is completed by the SOP review team instead of an investigator from AMGA staff or ILG

3.6 Criminal Complaints

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.

3.7 AMGA Relationship to Third-Party Firm

The AMGA contracts with Investigations Law Group to assist with the intake and investigation of complaints. ILG is a third-party investigations firm that specializes in workplace investigations, professional compliance, and human resources consulting. 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 sends the information to AMGA staff for follow up and investigation. In some instances, AMGA staff may ask ILG to perform an investigation on behalf of the AMGA (when staff workloads preclude involvement, there is a conflict of interest, etc.). See Article 3.8 below for additional information.

3.8 Complaint Intake Process for Tier 1 and Tier 2 Complaints

- Complaint is received
 - If submitted through the [AMGA website](#) or amga@ilghotline.com, the complaint will be received by ILG, reviewed to determine the severity of the alleged infraction, and then forwarded to AMGA staff for follow up and investigation
 - Complaints sent directly to the AMGA will be referred to ILG for initial review before being forwarded to AMGA staff for follow up and investigation.
 - AMGA staff may request assistance from ILG at any point before or during an investigation
- Intake form completed

- Documents the date of the complaint, description of the complaint, potential violations of the *AMGA Code of Ethics and Conduct*, complainant's desired outcome, and whether the complaint is tier 1 vs. tier 2
- Investigator(s) determined
 - The AMGA Deputy Director, AMGA Membership Director, and/or ILG will work together to identify an investigator who will complete the complaint intake process and conduct an investigation
 - Investigators can include: AMGA Deputy Director, AMGA Membership Director, or investigator(s) from ILG
 - The investigator must be impartial and have no conflict of interest
- No conflict of interest
 - 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
- Complainant notified that AMGA has received their complaint
 - Investigator notifies complainant in writing that AMGA has received the complaint and is determining next steps
 - The notification should provide a timeframe in which AMGA will follow up with additional information
 - The notification may be delivered by email or certified mail using the email address or mailing address provided to the AMGA by the complainant
 - The notification should be delivered to the complainant within 15 days from the date on which the complaint was received
 - The investigator will facilitate additional communication with the complainant as needed to learn about the circumstances of the complaint and find facts

Article 4: Investigation and Adjudication

4.1 Investigation Guidelines

When conducting an investigation into an alleged violation of the *AMGA Code of Ethics and Conduct*, the AMGA observes the following guidelines to promote timeliness,

objectivity, confidentiality, transparency of process, and consistency from one investigation to another.

Timeliness

- Investigations completed in a prompt manner are more likely to obtain complete and accurate information about an alleged violation, which in turn promotes fair, evidence-based decision making.
- Whenever possible, investigations into tier 1 complaints will be completed within 45 days from the date of intake and investigations into tier 2 complaints should be completed within 90 days from the date of intake.

Objectivity

- The investigator's primary responsibilities are to facilitate communication with the complainant, respondent, and any witness(es); gather relevant information pertaining to the alleged violation; and document the findings.
- The investigator will remain objective throughout the investigation process. This includes maintaining a presumption of innocence until the investigation is complete.
- If an investigator has a personal or professional conflict of interest related to the investigation, whether it is known at the outset of the investigation or arises during the investigation, the investigator should refer the complaint to another AMGA staff member or Investigations Law Group as described in the complaint intake flow chart.

Confidentiality

- Information pertaining to the investigation of a complaint, including investigation findings, recommendations, and decisions, will be kept confidential among the investigation and decision-making teams. An exception is made for disclosing the final decision to the respondent and complainant, and in the case of a public censure, to the AMGA membership.
- Information pertaining to the identities of complainant(s), respondent(s), witness(es), and others who are party to the investigation will be kept confidential, to the extent allowed by law, throughout the investigation and after the investigation is complete unless sharing such information is necessary to complete the investigation.
- The identities of the complainant, respondent, and witness(es) will not be revealed to decision makers to ensure impartiality in the decision-making process and fairness for the complainant and respondent.
- Complaints submitted to the AMGA may be done so anonymously to maintain full confidentiality of the complainant. However, it is acknowledged

that 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.

- Audio and video recordings of conversations during an investigation are not permitted.

Transparency of process

- The AMGA *Professional Compliance Procedures* should be readily available to AMGA members on the AMGA website and in paper format (paper format available upon request).
- Investigators will communicate clearly in writing with complainants and respondents about the process, policies, and timeline that the investigation will follow.
- Respondents will be notified in writing of the allegation made against them and they will be made aware that an investigation is underway.
- Complainants and respondents will be notified in writing when an investigation has concluded and the findings are sent to the Professional Compliance Committee for review.
- Witness(es) will be notified when an investigation and review has been completed but may not be informed of the findings or corrective actions taken.
- If a language barrier exists and an interpreter is necessary to facilitate understanding of the investigation process, AMGA staff may be contacted to arrange support.

Consistency of Process

- Investigators should follow the investigation guidelines and investigation procedures (Articles 4.1-4.3) to foster consistency from one investigation to another.
- Consistency in approach enhances the credibility of the professional compliance program and contributes to fairness for those whose behavior is being evaluated.
- If an investigator wishes to deviate from the guidelines and procedures, the reason for the deviation should be documented and included in the summary of findings.

4.2 Investigation procedures (tier 1 complaints)

In accordance with the *AMGA Member Agreement*, the AMGA has the authority to commence an investigation into the behavior of an AMGA member who is the subject of

a complaint (the “respondent”). The following procedures outline the process that is followed in the investigation of a **tier 1 complaint**. When a complaint is identified as tier 1, an investigator can choose to facilitate direct communication between the complainant and respondent in order to promote 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.

4.2.a Investigation Timeline (approximate)

- Complaint intake and review – completed within 15 days
- Communication with parties – completed within 30 days
- Resolution of tier 1 complaint – completed within 45 days

4.2.b Complaint Intake and Review

- Complaint is received and reviewed, and communication is established with the complainant, as outlined in Article 3.7: Complaint Intake Process

4.2.c Communication with parties

- When a complaint has been identified as tier 1, the investigator can choose to facilitate open communication between the complainant and respondent in order to promote a restorative approach to repairing harm
- Investigator should begin by gathering information from the complainant and respondent separately
- If the complainant is seeking a remedy that the investigator is capable of facilitating (i.e. an apology), the investigator can bring the parties together to discuss the situation and reach a resolution

4.2.d Resolution of tier 1 complaints

- Once a resolution is agreed upon by all parties, the investigator documents the resolution in writing
- The resolution should state that the complaint is closed by way of agreement with the resolution and no further actions or remedies will be considered
- A copy of the resolution should be provided to the complainant and respondent
- If a resolution cannot be reached by the involved parties, the investigation findings should be sent to the PCC for review and decision

4.3 Investigation procedures (tier 2 complaints)

In accordance with the *AMGA Member Agreement*, the AMGA has the authority to commence an investigation into the behavior of an AMGA member who is the subject of a complaint. The following procedures outline the process that is followed in the investigation of a **tier 2 complaint**. In the process for tier 2 complaints, the findings of the investigation will be sent to the PCC for review and decision.

4.3.a Investigation Timeline (approximate)

- Complaint intake and review – completed within 15 days
- Notification of investigation – completed within 15 days
- Finding of facts – completed within 45 days
- Failure to cooperate – established within 60 days (if relevant)
- Submission of findings to PCC – completed within 60 days
- PCC review and decision – completed within 90 days

4.3.b Complaint Intake and Review

- Complaint is received and reviewed, and communication is established with the complainant, as outlined in Article 3.8: Complaint Intake Process

4.3.c Notification of Investigation

- Investigator delivers a written Notification of Investigation to the respondent to notify them an investigation is underway
- The Notification of Investigation may be delivered by email or certified mail using the email address or mailing address on file for the respondent
- The Notification of Investigation should:
 - Notify the respondent they are under investigation
 - Describe the allegation(s) made and list the items in the AMGA Code of Ethics and Conduct that may be violated
 - Describe the investigation, review, and decision process and provide an approximate timeline for each step
 - Inform the respondent about the opportunity to share their point of view and provide information that will be considered when a decision is made
 - Inform the respondent they will receive written notice of the decision and they will have the opportunity to appeal the decision if they disagree with it
 - Require the respondent to confirm receipt of the Notification of Investigation within 15 calendar days of delivery
 - Describe the consequences of not responding to the Notification of Investigation within 15 calendar days (see section 4.3.f for details)

4.3.d Respondent Contribution to Investigation

- The respondent will have the opportunity to provide information to the investigation that will be considered when a decision is made
- The respondent will be notified in the Notification of Investigation about the opportunity to share their point of view and provide information
- The respondent will have 15 days from the date of the Notification of Investigation to submit information to the investigator(s)
- The information provided by the respondent will be included in the investigation summary and will be shared with the PCC (and appeal review team, if an appeal is brought)
- The 15-day time period from the date of the Notification of Investigation is the only opportunity the respondent will have to provide information; however, exceptions may be made for extraordinary circumstances that warrant an extension of the 15-day timeline

4.3.e Finding of Facts

- Investigator contacts respondent, complainant, and witness(es) as needed to gather facts about the case
- Investigator documents all information on the AMGA [Investigation Summary Form](#)
- When contacting the respondent, the investigator may ask the respondent to provide information about the circumstances of the allegation(s), provide answers to questions, and/or either admit or deny the truth of matters asserted by the AMGA (collectively referred to as “Requests for Information”)
- Requests for Information may be made in the Notification of Investigation or the investigator may make them later
- Requests for Information may be made in writing, over the phone, or through in-person communication
- Investigator should document all Requests for Information
- When making a Request for Information, the Investigator will:
 - Inform the respondent that a Request for Information must be responded to within 15 calendar days
 - Describe the consequences of not cooperating with the Request for Information within 15 calendar days (see section 4.3.f for details)

4.3.f Failure to Cooperate

- If respondent fails to deliver a timely acknowledgement of receipt of the Notice of Investigation or fails to cooperate with a Request for Information,

the investigator will re-deliver the Notification of Investigation and/or Request for Information (referred to as a "Notice")

- If a re-delivery is required, the second Notice should be sent in writing using both email and certified mail
- The second Notice should:
 - Indicate it is the second Notice provided to the respondent
 - If a Request for Information was made previously, re-state the Request for Information
 - Describe the allegation(s) made and list the items in the AMGA Code of Ethics and Conduct that may be violated
 - Describe the investigation, review, and decision process and provide an approximate timeline for each step
 - Inform the respondent about the opportunity to share their point of view and provide information that will be considered when a decision is made
 - Inform the respondent they will receive written notice of the decision and they will have the opportunity to appeal the decision if they disagree with it
 - Require the respondent to confirm receipt of the second Notice within 15 calendar days of delivery
 - Describe the consequences of not responding to the second Notice within 15 calendar days
- If Respondent fails to respond to the second Notice within 15 calendar days of delivery, the respondent is in default
- Once in default, the respondent relinquishes the opportunity to:
 - Provide information to the AMGA about the circumstances of the allegation(s)
 - Appeal the decision made by the AMGA

4.3.g Submission of Findings to PCC

- Investigator finishes compiling information about the case to submit to the Professional Compliance Committee for review and decision
- The information should be organized in the Investigation Summary Form along with any relevant attachments (copies of emails, screenshots of images, etc.)
- The identities of complainant(s), respondent(s), and witness(es) should be concealed to protect their confidentiality and ensure the decision-making process is fair and impartial
- The investigator may choose to provide a recommendation to the Professional Compliance Committee

- The complainant and respondent should be notified in writing that an investigation has been completed
 - The notification should indicate the findings of the investigation are being reviewed by the AMGA Professional Compliance Committee
 - The notification should provide a timeframe in which the AMGA will follow up with additional information

4.4 Review and Decision by Professional Compliance Committee

In the case of a tier 2 complaint, the findings of the investigation will be sent to the Professional Compliance Committee for review and decision. For more information about the PCC, please see Section VII: Professional Compliance Committee.

4.4.a Review Team Composition

- 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
- In the event the Chair of the PCC is implicated in a complaint, the investigator will communicate with another member of the PCC to assemble the review team
- 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
- The review team should have representation from diverse identities
- If the complaint is related to SOP, the review team must consist of people familiar with the SOP document and requirements
- 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

4.4.b Impartiality of PCC Review

- 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
- 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

4.4.c. Conflict of Interest

- 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
- 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

4.4.d PCC Review Timeline

- Complaints should be reviewed and decided upon within 30 days from the date the investigator provides complaint information to the PCC

4.4.e PCC Review Procedures

- Information pertaining to a complaint will be submitted to the PCC Chair by the investigator(s) who conducted the investigation
- Upon receipt of the complaint information, the PCC Chair will assemble a review team as described in Article 4.4.a and provide them with the complaint information
- The PCC Chair will convene the review team in a meeting to discuss the findings of the investigation and reach a decision
- All members of the review team must be present for the meeting
- The meeting may take place over the phone, on video conference, or in person
- All materials submitted by the investigator(s) will be reviewed and discussed, and each participant will be provided the opportunity to ask questions, request additional information, and share their perspective

4.4.f Request for Additional Information

- If additional information is needed for the PCC to reach a decision, the PCC may send a written request for additional information to the investigator(s)
- Requests for additional information should clearly specify what additional information is needed and provide any related details that could help the investigator(s) fulfill the request
- If a PCC request for additional information necessitates an extension of the timeline for the investigation and review, the investigator will notify the respondent of the new timeline on which the process will be completed

4.4.g Decision Guidelines

- Once the complaint information has been reviewed, the review team will determine if a violation of the *AMGA Code of Ethics and Conduct* has occurred
- If a violation occurred, the review team will determine if the respondent should be issued a sanction
- All PCC decisions will be reached by consensus

4.4.h Sanction Guidelines

- If the review team determines it is necessary and appropriate to issue or recommend a sanction, the sanction should be commensurate with the offense
- When determining a sanction, the review team may consider circumstances such as the severity of the offense, the effect on the reputation of the AMGA, whether it was a first offense or a repeat of similar behavior, etc.
- When determining a sanction, the PCC may ask the investigator(s) to provide an outline, with identities removed, of previous cases that are similar in nature to the case under consideration
- Sanctions may include but are not limited to: a warning letter, probationary period, professional development, suspension of membership, revocation of membership, suspension or termination of Provider agreement(s), or other corrective actions. Each of these actions may be carried out in private communication with the respondent (private censure) or may be published to the AMGA membership (public censure)
- 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*.

4.4.i PCC Final Report

- The PCC review committee should document their review and decision process in the form of a final report
- The final report should include:
 - Complaint number, date, and members of the review team
 - Summary of the findings including a description of any *AMGA Code of Ethics and Conduct* items that were violated
 - Summary of the decision including a description of sanctions issued or recommended
 - Description of relevant facts that contributed to the decision
- The final report is delivered:
 - To the investigator(s) if the decision does not include a sanction or if the decision includes a sanction that is issued by the PCC
 - To the AMGA administration, if the decision includes a sanction that is recommended by the PCC and executed by the AMGA Administration
 - To the AMGA Board of Directors, if the decision includes a sanction that is recommended by the PCC and executed by the Board of Directors
- In the case of a decision that includes a sanction issued by the PCC, or a recommendation from the PCC to the AMGA administration, the final report is only visible to the Executive Committee, Executive Director, investigator(s),

PCC review team, AMGA staff, AMGA legal counsel, and the individuals overseeing an appeal (if an appeal is requested)

- In the case of a decision that includes a recommendation for sanction(s) to the AMGA Board of Directors, the final report is also visible to the AMGA Board of Directors
- Documentation should be permanently retained by the AMGA

4.4.j Sanction by AMGA Administration or Board of Directors

- When a PCC decision includes a recommendation for a sanction that must be executed by the AMGA Administration or Board of Directors, the final report will be reviewed by the AMGA Administration or the Board of Directors and a determination will be made to deny the recommendation, execute the recommendation, or execute the recommendation with modification(s)
- When determining a sanction, the AMGA Administration or Board of Directors must:
 - Accept the investigation's factual findings as true and correct unless the factual findings are unsupported by the evidence
 - Accept the PCC's interpretation and application of the *AMGA Code of Ethics and Conduct* unless that interpretation or application can be shown to be unreasonable or arbitrary
 - Accept the PCC's recommendation for a sanction unless the sanction can be shown to be unreasonable or arbitrary
- The determination will be documented and delivered to the PCC and the investigator(s) to be included in a Notice of Decision to the complainant and respondent

4.4.k Notice of Decision

- Once a decision has been reached by the PCC, and a sanction has been determined by the PCC, AMGA Administration, or AMGA Board of Directors, the investigator will provide a written Notice of Decision to the complainant and respondent
- The PCC Chair and the investigator(s) will work together to draft the Notice of Decision to the complainant and respondent
- If confidentiality is required between the complainant and respondent, individualized letters should be sent to each party
- The Notice of Decision should:
 - Notify the recipient that a decision has been reached
 - Describe the decision including any sanctions that are issued

- If a violation of the *AMGA Code of Ethics and Conduct* occurred, state the provision(s) that were violated and describe why the behavior was considered to be a violation
- Communicate relevant findings from the investigation that led to the decision (if appropriate and feasible within confidentiality requirements)
- Inform the respondent they will have the opportunity to appeal the decision if they disagree with it (see Article 5 for details on appeal)
- The Notice of Decision should be sent within 15 days after the decision and sanction are finalized
- Any witnesses consulted will be informed that the issue is now resolved and thanked for their cooperation
- Once the PCC review and decision process is complete, the review team will delete all materials related to the complaint from personal devices, storage, email accounts, etc.

4.4.I Enforcement

- Once a Notice of Decision has been delivered to the respondent, the respondent is expected to abide by any sanctions described in the Notice of Decision
- The AMGA will not actively seek to observe the behavior of the respondent, however, any reports of non-compliance will be investigated promptly
- A failure to abide by a sanction will constitute a violation of the *AMGA Code of Ethics and Conduct* item #11 which states, “We must obey all laws, rules, and regulations applicable to our guiding or other activities”
- If the AMGA determines a respondent has failed to abide by a sanction, additional penalties may occur up to and including revocation of membership

Article 5: Appeal Process

5.1 Submitting a Request for Appeal

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 this 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.

An appeal can be initiated by submitting a written Request for Appeal to the AMGA staff who investigated the complaint, or to ILG. The Request for Appeal must be submitted within 30 days from the date on the Notice of Decision. The written Request for Appeal should:

- State the request for an appeal
- State the decision(s) that are at issue
- Describe the modification of the decision that is desired
- Describe the grounds for a modification of the decision
 - During the appeal process the respondent may not refer to new evidence that is not contained in the record from the original PCC review

5.2 Appeal Timeline

Appeals should be reviewed and decided upon, and the outcome communicated to the respondent and complainant, within 45 days from the date the Request for Appeal is received by the AMGA.

5.3 Appeal Intake

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.

5.4 Appeal Review and Decision

- The appeal team will be provided with copies of the original investigation findings, the PCC final report, and documentation of sanction(s) issued by the PCC, AMGA Administration, or Board of Directors
- 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, as defined in Section 5.1.
- In reviewing the case and the respondent's Request for Appeal, the appeal team must:
 - Accept the original investigations' factual findings and factual conclusions as true and correct

- Consider whether the AMGA, ILG, or PCC, in resolving the alleged violation, failed to follow the processes and procedures outlined in this Compliance Manual
- Consider whether the AMGA, ILG, or PCC, in resolving the alleged violation, interpreted the *AMGA Code of Ethics and Conduct* in a manner that was unreasonable or arbitrary
- Consider whether any sanction imposed by the PCC, AMGA Administration, or AMGA Board or Directors is unreasonable or arbitrary
- The appeal team should complete their review and reach a decision within 30 days
- When conducting the review and reaching a decision, the appeal team should follow the same guidelines established for PCC review procedures and decision guidelines that are outlined in sections 4.4.e and 4.4.g
- Once a decision is reached, a written Notice of Appeal Decision should be provided to the respondent
- The Notice of Appeal Decision should:
 - Notify the respondent that a decision has been reached
 - Describe the decision
 - Inform the respondent the verdict on the appeal is final
- The Notice of Appeal Decision should be delivered to the respondent within 15 days after the decision is reached
- The appeal team may request the assistance of AMGA staff in the preparation and delivery of the Notice of Appeal Decision
- If the appeal decision modifies or reverses the decision made by the PCC, the complainant should also be notified in writing

5.5 Appeal Documentation

- Any documentation generated during the appeal review will be added to the final documentation retained by the AMGA.
- Appeal documentation is only visible to the Executive Committee, Executive Director, appeal review team, PCC review team, investigator(s), AMGA legal counsel, and AMGA staff for review and record retention
- Documentation should be permanently retained by the AMGA

Article 6: Program Feedback and Review

AMGA staff will conduct a biennial review of complaints received and decisions reached. A summary of the review will be provided to the AMGA Board of Directors in the form of a

biennial report. The information contained in the biennial report may be used by the AMGA Board of Directors to identify trends and/or areas for improvement. Additionally, AMGA members may submit feedback at any time on the procedures and policies outlined in the *Professional Compliance Manual*. Feedback may be submitted by email or other form of written correspondence to the AMGA Deputy Director or Membership Director. Feedback may be submitted anonymously; however, it is acknowledged that AMGA is limited in its ability to act on anonymous feedback due to the inability to request additional information. Comments received will be included in the biennial report that is provided to the AMGA Board of Directors.

When preparing a biennial report, AMGA staff may include staff recommendations for improvement, if any. If the AMGA Board of Directors determines changes should be made to the *Professional Compliance Manual*, the AMGA Board of Directors may direct AMGA staff to propose draft amendments to the *Professional Compliance Manual* for consideration by the Board of Directors.

IX. Appendices

A. AMGA Member Agreement

When an individual becomes a member of the AMGA or renews an existing AMGA membership, they agree to abide by the standards outlined in the AMGA Code of Ethics and Conduct and they agree to enforcement of those standards as outlined in the AMGA Professional Compliance Manual. An AMGA member makes this agreement when completing the AMGA membership sign-up form on the AMGA website. The complete AMGA Member Agreement as presented on the AMGA website is provided below.

AMGA Accredited Businesses and Climbing Instructor Program Providers also make this agreement when becoming an Accredited Business or Provider, or when renewing an Accredited Business contract or Provider agreement.

AMGA Member Agreement

As part of AMGA membership, an AMGA member pledges to uphold the standards outlined in the *AMGA Code of Ethics and Conduct* and agrees to enforcement of the *AMGA Code of Ethics and Conduct* under the policies and procedures outlined in the AMGA Professional Compliance Manual. This commitment ensures exceptional service to the public, promotes respect and integrity among AMGA members, and advances the professionalism of the industry.

To join or renew your membership with the AMGA, please check the boxes below to agree to the standards outlined in the *AMGA Code of Ethics and Conduct* and enforcement of the standards as described in the AMGA Professional Compliance Manual:

- The *AMGA Code of Ethics and Conduct* demonstrates the commitment AMGA members make to uphold high standards of ethics and professionalism. The *AMGA Code of Ethics and Conduct* ensures exceptional service to the public, promotes respect and integrity among AMGA members, and advances the professionalism of the industry.

The *AMGA Code of Ethics and Conduct* applies to all AMGA members in circumstances when a member is acting in a professional capacity or engaging in personal activities that have a direct reflection on the AMGA. Violation of the *Code of Ethics and Conduct* may result in disciplinary action.

- Managing risk and the welfare of our clients is our prime concern.
- Where possible and practical, we should provide assistance to persons having difficulty by offering help which is appropriate under the circumstances. In providing assistance to others, we should avoid compromising the welfare of our clients.
- Our clients have the right to expect us to be up to date on the latest methods and techniques and to use appropriate and well-functioning equipment.
- We must be aware of our own physical, technical, and experiential limitations. We should use routes and terrain that are within our expertise and capabilities.
- We are expected to teach and practice Leave No Trace principles and to be knowledgeable of local natural history.
- We facilitate a welcoming and inclusive environment for all people, regardless of their intersecting identities whether based in gender, race, sexuality, religion or any other identity.
- We will not engage in any form of discrimination, harassment, or other prohibited behavior as described in the *Anti-Harassment and Prohibited Behavior Policy*.

- As representatives of the AMGA we must conduct ourselves in a manner that reflects well on the AMGA. This applies during AMGA programs as well as anytime we are interacting with clients, the public, our fellow guides, government agencies, and others.
- We must understand our level of training and certification as defined by the *AMGA Scope of Practice (SOP)*. After January 1, 2022, we will work only within our training and certification level(s) as defined by the SOP.
- We will accurately and unambiguously represent the level of our training and certification to clients, the public, government agencies, and others as described in the *AMGA Brand Use Policy*.
- We must work within the regulatory, permit, certification, and aspirant requirements of the country and/or land management agency in or under which we intend to work. We must obey all laws, rules, and regulations applicable to our guiding or other activities.
- I agree to the enforcement of the AMGA Code of Ethics and Conduct as outlined in the AMGA Professional Compliance Manual.

B. Anti-Harassment and Prohibited Behavior Policy

(not included at this time for brevity)

C. Logo and Brand Use Policy

(not included at this time for brevity)

D. Scope of Practice

(not included at this time for brevity)