



## TIA ETHICS COMPLAINT FORM

### INSTRUCTIONS

The TIA Ethics Committee will accept fully documented cases; this means that all documents, contracts, bills of lading, letters, etc. applicable to the case **MUST BE SUBMITTED WITH THE COMPLAINT**, or the case may be rejected.

The Committee will not accept complaints received from an Associate against another Associate. The Committee will accept complaints against Associates that are filed by a Member.

A copy of this complaint will be sent to all parties involved with a request for response. If no response is received, the details of the complaint will be entered in the TIA database.

### PROCEDURES

After consideration and review, the TIA Board of Directors upon recommendation of the Ethics Committee, adopted the following procedures for the investigation, deliberation, and determination of issues arising out of a complaint brought against a Member/Associate alleging violation of the TIA Code of Ethics.

#### 1. General:

As a condition of membership, all TIA Members (including their branches, agents, and employees) and all TIA Associates (including their branches, agents, and employees) agree to be bound by the TIA Code of Ethics, and as such, these procedures.

All proceedings before the Ethics Committee are considered confidential, and access to the confidential record shall be limited to the Ethics Committee, the Committee Secretary, the TIA Board of Directors, TIA Counsel, the parties, or their designated representatives. A party's designation of representation shall be in writing, received and filed with the Ethics Committee prior to access to the confidential record of the proceedings. Disposition of the merits shall be confidential and communicated only to the TIA Board in confidence, and to the parties. Upon conclusion of the proceedings before the Ethics Committee, the Secretary of the Ethics Committee shall seal the record.

TIA Counsel shall assist the Ethics Committee in conducting proceedings during the course of the investigations or the implementation of a decision to ensure the parties involved receive due process and the proceedings are appropriately subject to confidential treatment.

TIA's President & CEO, or his representative, shall serve as Secretary to the Ethics Committee.

## **2. Ethics Proceedings:**

A Member or Associate or a non-Member or non-Associate may bring complaints against a TIA Member (including their branches, agents, and employees) or a TIA Associate (including their branches, agents, and employees).

When a complaint against a Member or Associate is received by the Chair of the Ethics Committee, the Secretary shall within five (5) working days acknowledge receipt of the filing by letter or electronic mail to the party submitting the opposition or complaint, to the subject Member/Associate, the other Members of the Ethics Committee, and TIA Counsel. Notice shall be provided to the Member Primary Contact on file with TIA at the time of the Complaint.

The subject Member/Associate may respond to the Committee within 15 days. If the subject Member/Associate files a response to the complaint, a copy shall be served upon the opposing or complaining party with a request for response in writing within fifteen (15) days after service.

In the event that the Member/Associate fails to respond to the opposition or complaint within the allotted fifteen (15) day period after service, the Ethics Committee may proceed to investigate, deliberate and determine the merits of the opposition or complaint, and may deem the complaint as being true and correct in the absence of response.

In the event that the complaining party fails to file comments on the response of the subject Member/Associate within the allotted fifteen (15) day period after service, the Ethics Committee may proceed to investigate, deliberate and determine the merits of the complaint, and may deem the response to the complaint as being true.

When all responses from both parties have been received by the Ethics Committee within the allotted times, or in the absence of responses within the allotted times, the Ethics Committee will then proceed to investigate, deliberate, evaluate and determine the issue. The Ethics Committee may use all the avenues and tools at its disposal to fully inform itself of the issues at hand to assist in reaching a determination. The Ethics Committee may, in its discretion, choose to hold a live hearing (either by telephone or in person) as part of the development of the record. Minutes of the hearing will be kept, and the hearings may be recorded and subject to transcription.

Decisions of the Ethics Committee shall apply to the Member/Associate and its officers.

## **3. Decisions:**

The Ethics Committee shall reach a determination based on the merits of the information it has accumulated as a result of the investigation and then advise all the parties concerned of that determination within five (5) days from the date of the determination.

Members/Associates found to be in violation of the TIA Code of Ethics by the Ethics Committee shall have 30 days in which to bring themselves back into compliance with the Code of Ethics as outlined in the Ethics Committee decision. In extreme circumstances, the Ethics Committee may limit the time for response/adherence to five days.

For good cause, and in the sole discretion, of the Ethics Committee, the Ethics Committee may re-open any proceeding in order to take new or additional evidence, or reconsider a determination on the merits previously made and filed with the Ethics Committee.

For good cause, and in the sole discretion of the Ethics Committee, the Ethics Committee may hold any proceeding in abeyance for a period of time determined by the Committee.

#### **4. Appeals:**

Any opposition to or appeal of a final determination of the Ethics Committee must be filed with the TIA Board of Directors within 30 days of the Ethics Committee decision.

The TIA Board of Directors will, within thirty (30) days of receipt of an appeal, evaluate the Ethics Committee decision and the appeal. The Board may at its sole discretion find that the appeal is well founded and grant the appeal, remanding the matter back to the Ethics Committee for further consideration, with or without consideration. The Board may at its sole discretion find the appeal is without merit and let the decision stand. A simple majority of the Board of Directors, provided a quorum is present, is needed to reach a decision. No action by the Board, within the specified period, shall be considered rejection of the appeal.

#### **5. Suspension or Expulsion Proceedings:**

All decisions of the Ethics Committee recommending suspension or expulsion under Article II, Section 6 of the TIA Bylaws, shall be referred to the Board of Directors for further action.

The Board of Directors shall provide notice of acceptance of the suspension/expulsion proceeding within five days to the parties.

The subject Member/Associate and the complaining party shall be given thirty (30) days in which to provide information to the Board supporting its position in the suspension or expulsion proceeding.

When the response period has expired, the TIA Board of Directors will then proceed to investigate, deliberate, evaluate, and determine the issue. The Board of Directors may use all the avenues and tools at its disposal to fully inform itself of the issues at hand to assist in reaching a determination. The Board of Directors shall hold a live hearing (either by telephone or in person) to make its determination. Minutes of the hearing shall be kept, and the hearing may be recorded and subject to transcription. The subject Member/Associate and the complaining party, or their representatives shall be notified of the hearing and afforded the right to present their case to the Board.

A two-thirds vote of the Board of Directors shall be necessary to implement a suspension or expulsion recommendation of the Ethics Committee. Failure to achieve the required two-thirds vote of the Board will result in an overturning of the Ethics Committee decision. Suspension or expulsion from membership shall be immediate upon the two-thirds vote of the Board of Directors. Members/Associates suspended or expelled shall be posted to the membership in like manner as TIA member candidates.

#### **6. Court Proceedings:**

The TIA Ethics Committee will hold in abeyance any case first brought to court, or brought to court before the Committee has issued its decision. The Committee will issue its decision following completion of all said court proceedings.

The TIA Ethics Committee will accept the finding of guilt by a court of law as a finding of violation of the TIA Code of Ethics.



**2. Nature of Ethics Code Violations (Explain which TIA Ethics provisions you believe were violated and how):**

- A member shall deal fairly with customers, colleagues, fellow members, and the general public.

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- A member shall conduct his or her professional life in accordance with the interests of TIA, the third party transportation services industry, and the general transportation public.

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- A member shall adhere to honesty and integrity and to generally accepted principles of professional conduct.

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- A member shall not engage in any practice, which tends to corrupt, the integrity of TIA, the third party transportation services industry or process of government.

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- A member shall make proper, just, and prompt payment for all contractual obligations.

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- A member shall abide by all lawful agreements to which he or she is a party, including all agreements with shippers, carriers and other transportation intermediaries.

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- A member shall compete vigorously – but not unfairly – with other members.

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- If a member has evidence that another member has been guilty of unethical, illegal or unfair practices, including those in violation of this Code, the member shall present information promptly to TIA.

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