



ICMA Code of Ethics with Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in June 2018. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in June 2018.

The mission of ICMA is to advance professional local government through leadership, management, innovation, and ethics. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

Tenet 2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

GUIDELINE

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

Tenet 3. Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their position and profession, the integrity of their local government, and in their responsibility to uphold the public trust.

Influence. Members should conduct their professional and personal affairs in a manner that demonstrates that they cannot be improperly influenced in the performance of their official duties.

Length of Service. For chief administrative/executive officers appointed by a governing body or elected official, a minimum of two years is considered necessary to render a professional service

to the local government. In limited circumstances, it may be in the best interests of the local government and the member to separate before serving two years. Some examples include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or significant personal issues. It is the responsibility of an applicant for a position to understand conditions of employment, including expectations of service. Not understanding the terms of employment prior to accepting does not justify premature separation. For all members a short tenure should be the exception rather than a recurring experience, and members are expected to honor all conditions of employment with the organization.

Appointment Commitment. Members who accept an appointment to a position should report to that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time. However, once a member has accepted a formal offer of employment, that commitment is considered binding unless the employer makes fundamental changes in the negotiated terms of employment.

Credentials. A member's resume for employment or application for ICMA's Voluntary Credentialing Program shall completely and accurately reflect the member's education, work experience, and personal history. Omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a position should show professional respect for persons formerly holding the position, successors holding the position, or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report possible violations to ICMA. In reporting the possible violation, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members shall not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position that has an incumbent who has not announced his or her separation or been officially informed by the appointive entity that his or her services are to be terminated. Members should not initiate contact with representatives of the appointive entity. Members contacted by representatives of the appointive entity body regarding prospective interest in the position should decline to have a conversation until the incumbent's separation from employment is publicly known.

Relationships in the Workplace. Members should not engage in an intimate or romantic relationship with any elected official or board appointee, employee they report to, one they appoint and/or supervise, either directly or indirectly, within the organization.

This guideline does not restrict personal friendships, professional mentoring, or social interactions with employees, elected officials and Board appointees.

Tenet 4. Serve the best interests of the people.

GUIDELINES

Impacts of Decisions. Members should inform their governing body of the anticipated effects of a decision on people in their jurisdictions, especially if specific groups may be disproportionately harmed or helped.

Inclusion. To ensure that all the people within their jurisdiction have the ability to actively engage with their local government, members should strive to eliminate barriers to public involvement in decisions, program, and services.

Tenet 5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

GUIDELINE

Conflicting Roles. Members who serve multiple roles – working as both city attorney and city manager for the same community, for example – should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

Tenet 6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

Tenet 7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

GUIDELINES

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

Tenet 8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

GUIDELINES

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

Tenet 9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

Tenet 10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

GUIDELINE

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

Tenet 11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

GUIDELINE

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

Tenet 12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

GUIDELINES

Gifts. Members shall not directly or indirectly solicit, accept or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part.

The term "Gift" includes but is not limited to services, travel, meals, gift cards, tickets, or other entertainment or hospitality. Gifts of money or loans from persons other than the local government jurisdiction pursuant to normal employment practices are not acceptable.

Members should not accept any gift that could undermine public confidence. De minimus gifts may be accepted in circumstances that support the execution of the member's official duties or serve a legitimate public purpose. In those cases, the member should determine a modest maximum dollar value based on guidance from the governing body or any applicable state or local law.

The guideline is not intended to apply to normal social practices, not associated with the member's official duties, where gifts are exchanged among friends, associates and relatives.

Investments in Conflict with Official Duties. Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict of interest, in fact or appearance, with their official duties.

In the case of real estate, the use of confidential information and knowledge to further a member's personal interest is not permitted. Purchases and sales which might be interpreted as speculation for quick profit should be avoided (see the guideline on "Confidential Information"). Because personal investments may appear to influence official actions and decisions, or create the appearance of impropriety, members should disclose or dispose of such investments prior to accepting a position in a local government. Should the conflict of interest arise during employment, the member should make full disclosure and/or recuse themselves prior to any official action by the governing body that may affect such investments.

This guideline is not intended to prohibit a member from having or acquiring an interest in or deriving a benefit from any investment when the interest or benefit is due to ownership by the member or the member's family of a de minimus percentage of a corporation traded on a recognized stock exchange even though the corporation or its subsidiaries may do business with the local government.

Personal Relationships. In any instance where there is a conflict of interest, appearance of a conflict of interest, or personal financial gain of a member by virtue of a relationship with any individual, spouse/partner, group, agency, vendor or other entity, the member shall disclose the relationship to the organization. For example, if the member has a relative that works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members shall not disclose to others, or use to advance their personal interest, intellectual property, confidential information, or information that is not yet public knowledge, that has been acquired by them in the course of their official duties.

Information that may be in the public domain or accessible by means of an open records request, is not confidential.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, marketing materials, social media, or other documents, whether the member is compensated or

not for the member's support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.

Members may agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.



6 STEPS TO MAKING AN ETHICAL DECISION

1 - FOLLOW THE LAW

2 - DON'T BREAK THE RULES

3 - MAINTAIN INTEGRITY

4 - APPEARANCE MATTERS

5 - CONSIDER THE CONSEQUENCES

6 - ASK BEFORE YOU ACT

Need Ethical Advice? Contact ICMA

Ethics Training and Technical Assistance for Local Governments - icma.org/ethics | 202-962-3668

Martha Perego, Ethics Director, mperego@icma.org

Tennessee City Management Association
Rules of Procedure for Enforcement of the ICMA Code of Ethics

I. GENERAL

By reference in its Bylaws, the Tennessee City Management Association (TCMA) adopted the International City/County Management Association (ICMA) Code of Ethics (code of ethics or code). As a condition of TCMA membership, members agree to abide by this code.

This policy sets forth the process for enforcement of the ICMA Code of Ethics when an alleged violation occurs.

II. AFFILIATE ORGANIZATION STATUS – PROCESSING OF COMPLAINTS AGAINST TCMA MEMBERS WHO ARE ICMA MEMBERS

- (a) TCMA and ICMA entered into an Affiliation Agreement in April 2017. As set forth in that agreement, ICMA agreed to conduct ethics investigations for ICMA members in Tennessee. Furthermore, ICMA agreed to provide consultation on complaints for individuals who are not ICMA members but who are TCMA members. Accordingly, it is the policy of TCMA that any complaint filed against a member who is a member of ICMA will be referred to ICMA for processing under its rules and procedures of enforcement.
- (b) TCMA shall fully cooperate with ICMA as requested in the processing of any such complaint.
- (c) The TCMA Board of Directors, upon receipt of the ICMA Committee on Professional Conduct decision and any ICMA-imposed sanction, shall meet within thirty (30) calendar days to determine if a sanction should be imposed on his or her TCMA membership. The member shall not be entitled to an appeal or hearing for any sanction imposed by the board.
- (d) The processing of ethics complaints for non-ICMA members shall be guided by the provisions set forth in Article III below.

III. PROCESSING OF COMPLAINTS AGAINST TCMA MEMBERS WHO ARE NON- ICMA MEMBERS

- (a) The purpose of this policy is to provide a reasonable process for investigating and determining whether (1) a member has violated the ICMA Code of Ethics and (2) to afford such member (hereinafter “respondent”) a full and fair opportunity to be heard during the process.
- (b) This policy shall be carried out carefully but expeditiously to minimize the time during which a member may be subject to possible disciplinary action. Time limits shall be binding, subject only to extensions which may be granted by the ethics committee or by the president, based upon reasonable cause, upon request.
- (c) No person may participate in any proceedings on a complaint if that person is or may be a witness or complainant in the case, or if his or her participation would otherwise create, or appear to create, a conflict of interest. The president may, but is not required, to appoint a temporary replacement for any person serving on the ethics committee who is unable to participate in the case for this reason.

III.A. Jurisdiction

- (a) All members of TCMA in active service to a local government and members in transition actively seeking a return to local government are subject to the ICMA Code of Ethics and may be sanctioned for a violation which occurs during their membership. A member may be subject to sanctions for a violation which continues while he or she is a member even though

- the conduct in question originated prior to admission to membership.
- (b) If a complaint is made against a person who was a member at the time the alleged violation occurred but is not a current member, the complaint will be processed under these procedures only if the former member agrees in writing for such investigation to take place. In no event shall a person be readmitted to TCMA membership if there is an outstanding and unresolved complaint against that person for conduct while a former member.
 - (c) TCMA shall retain jurisdiction over an investigation of a respondent who, before the conclusion of the investigation, resigns from TCMA or otherwise allows his or her membership to lapse.
 - (d) Except as provided in (a) – (c) above, a member (1) resigning his or her TCMA membership and (2) no longer employed in local government is exempt from the application of these rules.

III.B. Responsibilities

- (a) The TCMA Board of Directors (board of directors of board) is responsible for the enforcement of the ethics code, including but not limited to sanctions for the violation thereof. No current or former member may be privately censured, publicly censured, expelled, or expelled and barred from membership without board approval.
- (b) The TCMA Ethics Committee (ethics committee or committee) is responsible for assisting the board in investigating ethics complaints and has the other specific duties set forth hereinafter.
- (c) The TCMA Executive Director (executive director) shall provide administrative support to assist the board and ethics committee in enforcing the code and implementing these rules, as well as the other duties as set forth herein.
- (d) Counsel may be sought from the ICMA ethics staff in carrying out these procedures and in considering complaints.

III.C. Initiation of Procedures for Alleged Violation

- (a) Proceedings against an individual for an alleged violation of the code of ethics shall be initiated by the ethics committee chairman upon receipt of a written complaint, which complaint must include the complainant's name (typed or printed) and signature. Upon receiving such a written complaint, the chairman shall submit the same to the ethics committee for review within seven (7) calendar days of receipt and sufficiency.
- (b) The committee will ascertain within ten (10) calendar days whether the complaint is sufficiently clear and complete to initiate proceedings, and if so, whether the alleged conduct, if true, would violate the code of ethics.
 - a. If the committee concludes that the complaint is insufficiently clear or incomplete to initiate proceedings, it shall seek further clarification from the complainant or other source before taking further action.
 - b. If the committee concludes that the complaint is complete to initiate proceedings, a copy of the complaint shall be sent by the chairman to the respondent named in the complaint indicating the tenet of the code of ethics that he or she is alleged to have violated. The chairman may also request that the respondent answer specific questions pertaining to the alleged violation.
- (c) The respondent shall be given thirty (30) calendar days to respond in writing to the complaint and to provide information or material he or she considers relevant to the allegations, and to answer any specific questions asked by the chairman.
- (d) As soon as the respondent's response is received, but in no event more than thirty (30) calendar days after written notice of the alleged violation has been given to the respondent, the chairman shall refer the case to the committee for proceedings.
 - a. If the respondent fails to provide written response within thirty (30) calendar days,

the chairman shall immediately refer the case to the committee for proceedings.

III.D. Investigation of Complaint

- (a) Following receipt from the chairman, the ethics committee shall commence an investigation into the allegations.
 - a. No investigation shall be required when:
 - (1) Respondent admits to the violation in his or her initial response, and
 - (2) Respondent has already entered a guilty plea or has been found guilty and has exhausted all appeals, in a criminal case involving the same conduct.
 - b. When a respondent, while still a member and employed in local government, admits to a violation of the guideline of Running for Office set forth in Tenet 7 of the code (shown below), or if by public record the evidence is incontrovertible that the respondent is running for public office while still a member and employed in a local government without his or her admission, and if in either circumstance the respondent continues in the race as a candidate for public office, then in such event the matter shall be immediately referred to the Board of Directors for imposition of the sanction of Expulsion or Expulsion and Membership Bar. No hearing or appeal of the sanction shall be afforded the respondent for said violation.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

- (b) For all other alleged violations, the respondent shall be afforded an opportunity to meet with the committee, in its sole discretion, in person or by conference call and the committee may also, in its sole discretion, afford an opportunity to the complainant as well. The respondent may participate personally with or without a representative, or solely by a representative.
- (c) The committee shall take all reasonable steps to ascertain the facts relevant to the case, including but not limited to interviews with witnesses, review of the respondent's submissions, and examination of all published material judged to be relevant and reliable.
- (d) Within fifteen (15) calendar days of the referral of a complaint to the committee, the investigation shall be concluded, and a written report of the committee's proposed findings of fact shall be sent to the board and the respondent. The committee report shall include conclusions as to the veracity and seriousness of the complaint.

III.E. Decisions

- (a) The TCMA Board of Directors shall consider the ethics committee report at its next regularly scheduled meeting, but in no event longer than thirty (30) calendar days following receipt of the committee report. If a regularly scheduled meeting will not occur within the thirty (30) day time period, the board shall meet via conference call. The board shall review the findings of the committee and shall ascertain whether it is supported by reliable and relevant evidence.
 - a. If the evidence is deemed insufficient, the board may:
 - i. Dismiss the case,
 - ii. Return the case to the committee for further investigation, or
 - iii. Schedule a hearing in accordance with Article III.F.
- (b) If the board determines that the proposed findings are supported by the evidence, it shall determine whether a violation of the ICMA Code of Ethics has occurred. The board may vote to impose sanctions, to seek a recommendation of the committee prior to imposing sanctions, or to dismiss the case.
 - a. If the case is dismissed without sanction the respondent, the complainant, and the

committee shall be notified in writing by the executive director.

- b. If the board concludes that a violation has occurred, it shall determine the appropriate sanction. The executive director shall notify the respondent of the board's intent to sanction the respondent and shall offer the respondent an additional opportunity to provide further evidence that the findings of facts are erroneous, or that the proposed sanction should not be imposed based on certain mitigating factors which the ethics committee did not previously consider. The respondent shall have fifteen (15) calendar days to submit a written response and may, in addition, request a hearing with the board for any proposed sanction other than a private censure.
 - i. In event that the respondent makes no submission and does not request a hearing, the proposed findings and sanctions shall be final.
 - ii. If the respondent makes a written submission and does not request a hearing, the board, within fifteen (15) calendar days of receiving the submission, shall adopt or revise and adopt, its findings and the sanction to be imposed.
 - iii. If the board determines that a private censure is the appropriate sanction, the executive director shall send a letter of private censure to the respondent, with copies to the complainant and to the ethics committee. The case shall then be closed. No other notification of a private censure shall be made. TCMA may, however, publish the fact that certain kinds of conduct have resulted in the issuance of a private censure, provided that no names or identifying details are disclosed.
- (c) If the board has determined that a public censure, expulsion, or expulsion and membership bar is the appropriate sanction and the respondent has not requested a hearing, the respondent shall be immediately notified by the executive director, and the sanction shall be implemented.
- (d) If the respondent requests a hearing, the board shall schedule a hearing within thirty (30) calendar days of the receipt of the request. Hearings shall be conducted in accordance with Article III.F below.

III.F. Hearings

- (a) A respondent is entitled to a hearing before the TCMA Board of Directors for the sanction of public censure, expulsion, or expulsion and membership bar, except for a violation of the guideline of Running for Public Office in Tenet 7 of the code, as set out in Article II.D.(a) b.
- (b) No member of the board of directors may hear a case if his or her participation would create an actual or apparent conflict of interest.
- (c) Within ten (10) calendar days of receiving a request for a hearing, the executive director shall notify the respondent that a hearing has been scheduled before the board. The hearing date shall be at least fifteen (15) calendar days after notification is given to the respondent. The notice shall also state that the respondent has the following rights:
 - 1. To participate in the hearing;
 - 2. To be accompanied and represented at the hearing by an attorney or other representative;
 - 3. To review all documentary evidence, if any, in advance of the hearing;
 - 4. To submit documentary evidence, and to present testimony, including the respondent's, in his or her defense at the hearing.
- (d) The board shall not be bound by any formal rules of evidence but may accord appropriate weight to the evidence based on its relevance and reliability.
- (e) The ICMA Committee on Professional Conduct report, if any, shall be admissible evidence at the hearing.

- (f) At a hearing, the ethics committee chairman shall present its findings of fact resulting from its investigation. Upon conclusion of the presentation, the respondent shall have the opportunity to present evidence in his or her defense.
- (g) Within five (5) calendar days of the conclusion of the hearing, the board shall render a written decision in the case.
 - a. Only evidence put before the board may be considered as a basis for the decision.
 - b. No sanction may be imposed for any violation of which the respondent had no prior notice.
- (h) Promptly following the written decision, the executive director shall implement the sanction imposed by the board.

III.G. Sanctions

- (a) A sanction may be imposed on a member found to have violated the code. In determining the sanction to be imposed, the following factors may be considered by the TCMA Board of Directors:
 - The nature of the violation
 - Prior violations by the same individual
 - The willfulness of the violation
 - The level of professional or public responsibility of the individual
 - Any other factors which bear upon the seriousness of the violation

- (b) The board may impose, singly or in combination, the following sanctions:

1. **Private Censure**. A letter shall be sent to the respondent and the complainant, indicating that the respondent has been found to have violated the ICMA Code of Ethics, that TCMA disapproves of such conduct, and that, if it is repeated in the future, it may be cause for a more serious sanction. If the complainant is a non-member, he or she shall be notified that the case was considered and resolved. A non-member complainant shall not be provided a copy of the private censure letter.

No other notification of a private censure shall be made. However, TCMA may publish the fact that certain kinds of conduct have resulted in the issuance of a private censure, provided that no names or identifying details are disclosed.

2. **Public Censure**. A letter shall be sent to the respondent, complainant, and to the respondent's local news media indicating that a violation of the code took place and the sanction imposed. In addition, such notice shall be provided to appropriate local governing bodies when the board determines it appropriate in order to protect the public against unethical conduct in local government.

3. **Expulsion**. Immediate revocation of TCMA membership.

A member who has been expelled from membership may apply for reinstatement after a period of five (5) years from the date of expulsion. Early application for reinstatement shall not be accepted or considered. The expelled former member must submit a written request to the board for a reinstatement review and include the reasons why he or she believes it should be considered. The former member requesting reinstatement is entitled to a hearing before the board, if requested, which hearing may be scheduled to take place in person or by conference call, in the sole discretion of the board.

4. **Expulsion and Membership Bar**. Immediate revocation and lifetime ban of membership.

A member who has been barred from membership is permanently prohibited from TCMA membership.

- (c) Upon receipt of documented evidence that a member has been found guilty after trial by a judge or a jury of criminal conduct which violates a tenet of the ICMA Code of Ethics and which occurred while the person was a member of TCMA, the executive director shall immediately issue a notice of suspension of membership to that person and that person's membership shall be suspended as of the date of that notice. The executive director shall advise the Ethics Committee of such action and shall refer the case to the committee, which may commence an investigation in accordance with Article III.D. hereof, or it may defer proceedings until the person has exhausted all appeals or the time for appeal has expired.