

# itSMF International Ethics Review Board Adjudication Service

Version	Date	Status	Author	Remarks
0.1-0.4	2012	Live	Robert Falkowitz	Initial draft and Board changes
1.1	2025-06-25	Draft	Richard Horton and Dani Danyluk	

## 1 Context

The itSMF International Ethics Review Board (IERB) Adjudication Service (otherwise known as the Ethics Group) is a formal mechanism for resolving a dispute within itSMF. Before going down this route, please work to resolve the dispute amicably at a local level. This is much preferable for all parties as a way of establishing how we behave and treat each other within itSMF.

The IERB chair (and vice chair as applicable) are appointed by the International Board with a view to them being within itSMF but having an independent perspective. Their appointment is reviewed on a 2 yearly cycle. Their role is to administer the process described here for resolving any disputes and to advise the Board on any ethical matters they feel the Board should attend to

## 2 Initial Consultation

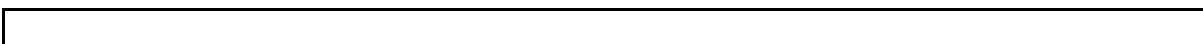
Before going down the formal route described here, it is recommended that the IERB is consulted for advice on how to proceed. This can be done by emailing [ierb@itsmfi.org](mailto:ierb@itsmfi.org). This can be done confidentially and not shared with the International Board

## 3 Purpose and Goals of the Adjudication Service

itSMF is a group of organizations sharing a common brand and identity. itSMF has published codes of ethics and expects that its members will respect those codes. Failure to respect those codes must be handled in a fair and impartial way. We want it to be seen among all itSMF entities, as well as in public, that itSMF takes its codes of ethics seriously and fairly adjudicates any alleged breaches to its codes of ethics.

The Adjudication Service (“the service”) provides an analysis of a complaint or charge regarding a breach of ethics and a set of recommendations on how to resolve that complaint or charge. Disciplinary measures are not part of this service. Such measures are taken by the relevant executive authority.

The service has the goal of ensuring that itSMF uses and applies high ethical standards and that its members are recognized as subscribing to those standards.



## 4 Definitions of Terms

Term	Definition
Ethics	A set of principles of right conduct, defined in the Code of Ethics to be found on the itsmfi.org website under About Us > Our Governance
Entities	The itSMF Entities are the itSMF International and the individual itSMF chapters
IERB	ItSMF International Ethics Review Board, otherwise known as the Ethics Group

## 5 Why Use the Service?

The IERB provides an impartial, standards-based review of cases using methods that are uniform among all itSMF entities. It applies in the same way the same code of ethics throughout the family of itSMF entities. itSMF entities using this services are not required to maintain their own adjudication processes, roles and responsibilities. They may benefit, too, from the impartiality of the service when an executive authority is unable to find a satisfactory resolution.

## 6 Who may use the service?

### 6.1 IERB – What is it ?

The IERB is an ethics service provided for itSMF International. It has a Chair who is responsible for choosing independent members (referred to here as assessors). These are expected to come from itSMF Chapters

Its role is

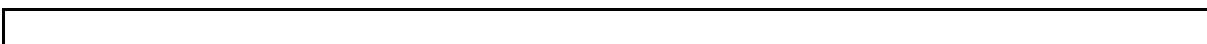
- to propose and advise on the ethical standards for itSMF International and the chapters
- how to hold its members, officers, volunteers and personnel
- accountable to those standards
- seek to promote the understanding of those standards by all itSMF stakeholders
- govern the management of breaches to those standards.

### 6.2 Scope of Use

Cases requiring adjudication relating to the itSMF International Code of Ethics. This is where a complaint has been made about

- a board member or officer of itSMF International or one of its chapters,
- a chapter member or leader,

or where the charge concerns behavior by the defendant performed in the course of performing a role on behalf of itSMF International or one of its chapters.



### **6.3 Exclusions**

The service shall not be used by non-itSMF entities. For example, the works of a third party might be endorsed by itSMF and subsequently found to behave unethically. The relevant executive authority would take appropriate actions without using the service.

### **6.4 Examples of cases**

The following list provides examples of cases. It does *not* represent an exhaustive list of possible cases:

- An itSMF International director or staff member is charged with unethical behavior
- An itSMF Chapter charges a member of a different chapter with unethical behavior
- The itSMF International Executive Board receives from a third party a charge of unethical behavior by anyone playing a role on behalf of an itSMF entity
- An itSMF Chapter board of directors receives a charge of unethical behavior by one of its members and requests adjudication of the charge by the IERB.

## **7 The Scope of Cases**

The service is reserved for the adjudication of cases concerning the ethics of persons playing any role in any itSMF entity. The scope of ethics is defined in the itSMF International codes of ethics which can be found on the [itsmfi.org](http://itsmfi.org) website under About Us > Governance.

Purely administrative cases, such as the non-payment of dues, are out of scope. Criminal cases are out of scope, although the ethical impact of criminal behavior, such as the embezzlement of itSMF funds, is within scope.

## **8 How to request the service**

An itSMF chapter submits a complaint form request for adjudication to the IERB at [ierb@itsmfi.org](mailto:ierb@itsmfi.org). A complaint form template may be had on request.

Chapter members go through their chapter board to raise a complaint

The IERB will not provide the service unless duly requested by an eligible chapter authority.

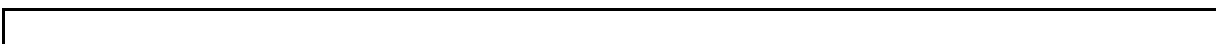
## **9 How the service works**

### **9.1 Opening a Case**

When the form is submitted and IERB Chair has assessed that there is a case to address the Chair will identify the IERB group to assess this case. Involved parties will be informed of the make-up of this group and have the opportunity to raise any objections

### **9.2 Assigning the assessment group**

In principle, the entire IERB participates in the service. However, any IERB members with conflicts of interest regarding the case may be recused. Furthermore, the IERB may invite additional persons to participate in the adjudication, such as when particular linguistic competences or other specialized knowledge or experience are required.



### **9.3 Acceptation of the Case**

The assessors determine if the IERB is competent to adjudicate the case. They may:

- accept the case
- reject the case
- request additional information before determining competency.

In case of rejection, the reason for rejection will be documented and the executive authority so informed. Motifs for rejection may include, but are not limited to:

- there is no prima facie reason to believe that the case concerns an ethics breach
- the case does not fall within the scope of itSMF's activities
- the request for the service is not made by an eligible authority
- the case is patently trivial and should be handled by the executive authority.

If additional information is required, care is taken to avoid entering the investigative phase of the service.

### **9.4 Investigation of the Case**

The assessors investigate the case. All matters directly pertinent to the ethics of the case may be examined, but all matters whose pertinence is not established are out of the scope of investigation. Investigation includes, but is not limited to:

- statements from the executive authority, the plaintiff and the defendant
- documentary evidence, in any form
- establishment of relevant precedents.

Those involved shall have the right to view and respond to any evidence produced during the investigation.

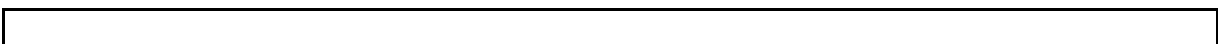
The assessors shall work with the relevant executive authorities in order to gain the cooperation of all sources of evidence. A reasonable amount of time shall be given for compliance with requests by the judges for information. However, the failure to deliver requested information in a reasonable time may be noted among the findings.

### **9.5 Determine the Findings and Recommendations.**

The IERB group establish the findings in the case. Findings are a factual representation of the historical context, the pertinent evidence and the ethical standards applicable. Findings support the recommendations. The findings state whether the assessors believe there has been a breach of the code of ethics, the seriousness of that breach and whether there are mitigating considerations. It is possible that it be found that there was no breach. Furthermore, the findings will include mention of any gaps in the evidence pertinent to the resolution of the case.

Recommendations are advice from the assessors to the International board for the most appropriate way to resolve the case. The scope of the recommendations is limited to the ethics of itSMF, itSMF International and the chapters. These recommendations may include, but are not limited to:

- actions to take by International board as a resolution of a breach
- actions to take by the executive authority in order to avoid future breaches



- recommendations for changes in the relevant standards, submitted to the IERB's Terms of Reference service
- actions to take relative to the local legal jurisdiction

Examples of possible actions taken by the executive authority include, but are not limited to:

- Sending a warning to the defendant
- Temporarily suspending the defendant from itSMF activities
- Permanently stripping the defendant of itSMF membership and honors
- Suing the defendant for damages
- Informing legal authorities for pursuit of potential criminal activities.

The finding and recommendations for the resolution of the case are submitted to the chapter and the parties involved.

## **9.6 Resolution of the Case**

The resolution of the case is under the responsibility of the executive authority and is not part of the service. However, the service will take note of the resolution.

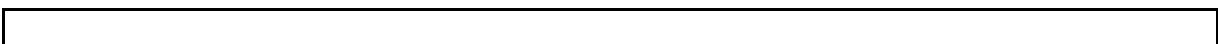
## **9.7 Closing the Case**

Closing the case consists of setting the status of the case to closed and communicating the findings, the recommendations, the resolution and the confidentiality level to the IERB's Clearinghouse service. The clearinghouse service provides a secure and confidential channel for communicating to all relevant itSMF entities information about a case. The confidentiality level describes to whom the clearinghouse service may communicate information about the case, to what level of detail and under what circumstances.

# **10 Applicable Policies and Documents**

All current itSMF policies are applicable to the service. These include, but are not limited to:

- the itSMF International charter
- the itSMF International statutes
- the itSMF International Leader Code of Ethics
- the itSMF International Member Code of Ethics
- the itSMF Chapter Agreement
- other policies as may be published by the IERB via its Terms of Reference service
- ethics related policies of other itSMF entities that may be implicated in a case.



## **11 Additional Applicable Principles**

### **11.1 Respect**

All parties in a case are treated with full respect and as equal individuals. Cultural differences shall be taken into account, although approved itSMF policies take precedence where conflicts may arise.

### **11.2 Confidentiality**

All information handled in a case is held confidential unless a party has a need to know it. These needs include, but are not limited to:

- All information being used in the assessment will be shared with all parties.
- Any information made known in a case and required by the competent legal jurisdiction may be made known to that jurisdiction.
- All current IERB members may have access to all information of all cases.

Once a case is closed, the record of that case is assigned a confidentiality level. The following levels are possible:

- *Public*: the case may be viewed by anyone, upon request
- *Private*: the executive authorities of all itSMF entities are proactively informed of the details of the case
- *Confidential*: the case may be viewed by the executive authority of any itSMF entity upon request. All such requests must be appropriately motivated
- *Secret*: the case may not be viewed by anyone outside of the IERB. However, requests for additional information may be handled on a case by case basis.

### **11.3 Retention**

Normally a case's information will be retained for 3 years. Dependent on the details a different level can be said.

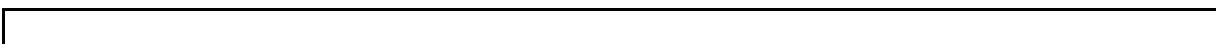
### **11.4 Impartiality**

The service shall use only the declared ethical standards of itSMF as the bases for its activities. It shall not take into account other factors, such as commercial interests or political factors. Neither the IERB nor any of its members shall derive personal benefit from the adjudication of a case. Findings shall be based only on the evidence submitted in a case.

## **12 Levels of Seriousness**

The seriousness of a breach and the resulting recommendation is determined by three factors:

- the impact of the breach relative to itSMF
- the history of breaches by the defendant
- mitigating factors.



The seriousness of a breach is measured only with respect to its impact on itSMF. Actions that may be unethical or illegal are considered only to the extent that those actions have an impact on itSMF. That impact may be direct or indirect. An example of a direct impact would be the case where an itSMF officer publicly disparages any itSMF entity. An example of an indirect impact would be the case where a service management professional abuses confidential knowledge of an organization gained through the professional activities of that person. itSMF should be seen to support the professional code of ethics, as failure to do so would result in loss of itSMF's credibility.

Seriousness may be described at three levels:

- **Low:** the breach may show lack of prudence or bad judgement, but no malevolent intention. Low seriousness is typically associated with a recommendation for a warning and perhaps a recommendation that the defendant voluntarily renounce any positions of trust or authority with itSMF.
- **Medium:** the breach may be one of a series of breaches with past warnings, or may be a breach that by itself impacts the reputation or value of itSMF, but in a limited way. This level is associated for a recommendation for a temporary change of status of the defendant or the stripping of titles and honors.
- **High:** the breach shows a flagrant disrespect for the relevant code of ethics or other applicable itSMF policies or documents with no mitigating factors. This level is typically associated with permanent changes to the status of the defendant, such as exclusion from the itSMF entity, stripping of titles and honors, etc.

## **13 Prices**

The service is rendered free of charge. The assessors are not remunerated for their services. However, any direct expenses incurred as part of the investigation of a case, such as travel expenses, to the extent that they are required and agreed by the executive authority, will be paid by that executive authority.

## **14 Levels of Service**

The service is rendered on a best effort basis. However, the IERB understands the need to resolve cases expeditiously. Therefore, the IERB engages to perform all activities in the service that are not dependent on third parties in the shortest, reasonable times.

