

NMEDA
Individual Member
Code of Ethics
And
Professional Behavior
Policy
Rev. A (7.21.11)

The National Mobility Equipment Dealer’s Association (NMEDA) and its members shall maintain the highest level of ethical, legal and professional standards in the conduct of its business.

The goal and objective of NMEDA is to broaden the opportunities for people with disabilities to drive or be transported in vehicles modified with mobility equipment. All members work together to improve transportation options for people with disabilities.

While this Code of Ethics and Professional Behavior (“Code”) establishes obligations that may be higher than those mandated by law, in any instance where the Code and the law conflict, the obligations of the law take precedence (however, this does not prohibit the code from calling for a higher standard of professional performance).

The Code is separated into multiple parts. Those elements which are “aspirational”; while important, due often to their subjective nature are not directly enforceable. Nevertheless, NMEDA members are expected to strive to constantly meet them and comport themselves in a manner consistent with these goals.

There are also elements of this Code that are measurable and a NMEDA member can be accordingly judged by these and can be held accountable to them. Such enforceable Code elements are clearly identified below as well as the enforcement procedure.

This Code is universal to all NMEDA activities and applies to NMEDA events (e.g., Conferences) as well as international events, Chapter and component events and programming, and preempts all other similar member ethics/behavior guides.

I. ASPIRATIONAL STATEMENTS OF NMEDA MEMBER ETHICAL AND PROFESSIONAL BEHAVIOR

NMEDA members aspire to:

- Act and conduct business with integrity, honesty, impartiality and fairness.
- Protect the safety, health and welfare of the public by recommending and/or purchasing appropriate services, parts and products from reliable sources.
- Maintain total confidentiality of privileged information for every customer.*
- Avoid conflict of interest.
- Respect other members by assuring that any discussion, comments and criticisms are positive and constructive.
- Abstain from representing this organization through personal statements and opinions.

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- Uphold the standards of NMEDA and inspire others through their own sense of dedication and high purpose.
- Improve their professional knowledge and skills, so that their performance will better serve others.
- Adhere to the spirit as well as the letter of all applicable laws and regulations.
- Advocate within the organization adherence to all applicable laws, regulations and guidelines.
- Avoid even the appearance of any criminal offense or professional misconduct; and
- Encourage colleagues to embrace and practice these ethical principles and standards.

As a professional organization, NMEDA Members shall comport themselves at all times in a professional manner while involved in, or around, NMEDA activities. Members shall not use inappropriate body language, offensive, derogatory or abusive language or elevated verbal tones. Members shall not suggest any physical harm, threaten, or take any inappropriate physical activity at or around a NMEDA event. Any actions or comments designed to insult, demean, defame, or attack the personal character of any Member shall be strictly prohibited. NMEDA Members owe a special duty of civility to NMEDA's membership and shall be particularly courteous to the individual members at all times during official functions of NMEDA.

*It is strongly recommended that members familiarize themselves with the appropriate Federal and state laws including, but not limited to HIPAA Laws.

II. NMEDA MEMBER ENFORCEABLE CODE OF ETHICS AND PROFESSIONAL BEHAVIOR

A. Duties to NMEDA

1. NMEDA members shall not take actions that either distract from or impact the success of NMEDA Events or other NMEDA offerings (e.g., educational programs, webinars). A representative example is holding a private function overlapping with a NMEDA Conference event that could draw NMEDA attendees or prospective attendees away from Conference activities.
2. NMEDA members shall comport themselves at all times in a professional manner at NMEDA events/activities and shall not place themselves, other attendees or NMEDA, as a result of their behavior, at risk of legal liability (e.g., sexual harassment, intoxication, defamatory statements, lewd behavior).
3. If charged with unethical practice or asked to present evidence or to cooperate in any other way, in any professional standards proceeding or investigation, NMEDA members shall place all pertinent facts before the proper NMEDA Mediation Committee and shall take no action to disrupt or obstruct such processes.
4. NMEDA members will not promote misleading or wrong information of NMEDA members in their effort to be competitive in the market place.
5. NMEDA members shall clearly, quickly and effectively disclose to an officer of the NMEDA Board of Directors all potential and actual conflicts of interest potentially involving NMEDA and its business interests; though such disclosure does not preclude or imply ethical impropriety.

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6. NMEDA members shall immediately bring to the attention of an officer of the NMEDA Board of Directors any concerns or comments, regarding illegal, unethical or questionable behavior, that they may have concerning NMEDA or any member.

B. Duties to Clients and Customers

1. Protect the safety, health and welfare of the public by recommending and/or purchasing appropriate services, parts and products from reliable sources. NMEDA members will not knowingly disparage the organizational ideals, philosophies and ethics of NMEDA while maintaining adherence to these same ideals, philosophies, and ethics, either implied or expressed.
2. NMEDA members will not promote or advertise false, misleading or wrong information to the public in their effort to be competitive in the market place
3. NMEDA members shall protect the confidentiality of all privileged information relating to the provider/client relationships.
4. NMEDA members shall make efforts that, whenever possible, place agreements related to transactions in writing in clear and understandable language expressing the specific terms, conditions, obligations and commitments of the parties.

C. Duties to the Public

1. NMEDA members shall not deny equal professional services to any person for reasons of race, color, religion, sex, handicap, familial status, or national origin. NMEDA members shall not be parties to any plan or agreement to discriminate against a person or persons on the basis of race, color, religion, sex, handicap, familial status, or national origin or other legally protected class.
2. NMEDA members, in their employment practices, shall not discriminate against any person or persons on the basis of race, color, religion, sex, handicap, familial status, or national origin or other legally protected class.
3. NMEDA members shall not undertake to provide specialized professional services that are outside their field of competence unless they engage the assistance of one who is competent, or unless the facts are fully disclosed to the client.
4. NMEDA members will accurately represent their education, qualifications and achievements without exaggeration.

D. Duties to Other NMEDA Members

1. NMEDA members shall not knowingly or recklessly make false or misleading statements about competitors, their businesses, or their business practices.
2. NMEDA members shall comport themselves at all times in a professional manner related to other NMEDA members and shall not place themselves or other NMEDA members, as a result of

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their behavior, at risk of legal liability (e.g., sexual harassment, intoxication, defamatory statements, civil liability claims).

3. NMEDA members shall be respectful of other member's time and space and shall not unduly infringe on either of these in the context of their attempted business dealings or at NMEDA events.

III. CODE OF ETHICS DISCIPLINARY PROCEDURE

A. NMEDA Mediation Committee

1. The NMEDA Mediation Committee ("Committee") shall consist of the Member Chairperson, and 5 - 7 additional Committee members
 - 1.1 A quorum of the Committee, in order for it to take any action, shall be the 75% present, either in person or through electronic means, whereby each person may hear one another and communicate.
 - 1.2 Notwithstanding the forgoing, Committee members shall be vigilant in their individual assessment regarding any possible conflicts of interest that would prohibit them from fully and fairly participating in the process.
 - 1.3 If more than one (1) member of the Committee seeks recusal due to a conflict, the NMEDA Board will be notified and it shall take steps to appropriately populate the Committee.
2. Any and all actions of the Committee shall require, for passage, a majority of those voting being in favor of the action.

B. Complaint Process

1. Any communication or complaint based on the forgoing Code shall be transmitted, in writing, identifying the party submitting it (the complainant) to the NMEDA headquarters attention: Membership Coordinator.
2. Such communication must include: the name(s) of individuals/companies involved or against whom the allegations are being lodged as well; a specific description of the issue (e.g., dates, times, actions, other "witnesses", Code section violated); contact information for the complainant.
3. Within three (3) business days, the NMEDA staff Membership Coordinator shall review the submission for completeness based on the foregoing factors and, if administratively complete, will forward the file to the Committee. If the submission is found to be deficient, the Membership Coordinator will contact the complainant to obtain the additional information.
 - 3.1. If the additional information is not obtained within ten (10) business days of making inquiry to the submitting party, regardless of the status of the matter, the Membership Coordinator, will send a report to the Committee noting the matter being submitted, and the deficiencies. The Committee can then decide to suspend the matter absent obtaining the requested information, or establish a secondary time line for the Membership Coordinator to continue trying to obtain the information and subsequently report back to the Committee.

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C. Preliminary Notices to Complainants

1. Upon receipt of an administratively adequate complaint, the Committee shall take the following actions:
 - 1.1 A letter shall be mailed to the complainant by mail or email within seven (7) business days indicating:
 - 1.1.1 Receipt of the complaint letter or email.
 - 1.1.2 The subject matter of the complaint.
 - 1.1.3 That the complaint will be reviewed for a determination regarding whether it is eligible for consideration and investigation.
 - 1.1.4 That a response from the Committee will be issued within approximately 60 days to indicate whether or not the Committee has deemed the complaint eligible for consideration and investigation.
 - 1.1.5 That, to the greatest extent possible, the investigation will be confidential (e.g., if other witnesses are ultimately interviewed).
 - 1.1.6 If the complainant fails to provide any information establishing proof of the complaint, such information shall be requested by the Committee for receipt within ten (10) business days.

Final correspondence regarding the status of a submitted complaint will be reviewed by the CEO, in consultation with legal counsel.

D. Consideration of Complaint Submissions

1. The Committee shall make a determination in approximately thirty (30) business days, after all subsequent requested information, if any, is received, regarding whether the complaint shall be investigated.
2. If it is determined that a complaint is not eligible for investigation, the Committee shall: Communicate through a letter by mail or email to the complainant to indicate why the complaint cannot be accepted.
3. If, after receiving all information available from the complainant, it is determined that a complaint is eligible for investigation by the committee, they shall:
 - 3.1 Forward a letter by certified mail to the complainant to indicate that an investigation shall commence, that said investigation may take up to ninety (90) days to complete, and that the complainant will receive written notification regarding the outcome of the investigation.
 - 3.2 Make a written request for additional information from the complainant if such information is deemed necessary for an investigation.
 - 3.3 Notify the respondent in writing by certified mail that a complaint against the respondent has been received and shall be investigated. In its letter the Committee shall:
 - 3.3.1 Provide the respondent with a copy of the actual complaint submitted, (if possible, honoring the anonymity of the complainant if requested).
 - 3.3.1 State which NMEDA Code or Standard the alleged activities would violate.

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- 3.3.2 Request a written reply from the respondent to the Committee regarding the allegations made by the complainant within twenty (20) business days.

E. Investigations and Hearings

1. Investigation regarding a complaint shall not commence until the Committee has obtained the original complaint and any accompanying evidence, evidence that a copy of the complaint has been successfully delivered to the respondent (e.g., receipt of certified mail, successful delivery of email notification) ,, and any other information deemed necessary by the Committee.
2. The Committee shall meet to discuss the complainant's allegations and physical evidence, and the reply from the respondent. In the course of its investigation, the Committee may recommend, and obtain NMEDA Board of Director's approval for, suspension of the activities/participation of the involved individual(s) until such time as it obtains additional information requested from the complainant, the respondent, or other sources.
3. If the Committee concludes that the allegations, if true, are not in violation of the Code, the complaint shall be dismissed and the complainant and respondent notified of such dismissal.
4. If the Committee concludes that the allegations, on their face, are sufficiently substantiated, and state a violation of the Code, the Committee may issue a ruling, containing findings of fact and recommendations as to disciplinary action that should be taken; notifying the complainant and respondent of such decision.
 - 4.1 If the respondent does not appeal or request a hearing before the Committee, and provide adequate cause for such hearing, within five (5) business days of the receipt of such, the Committee's ruling shall be implemented.
5. If the Committee, based upon its investigation, determines that further proceedings are warranted in regard to the complaint, the Committee shall notify the complainant and the respondent that a hearing will be held at a specified time and place within fifteen (15) business days of receipt of the notice.
6. At the hearing, neither party is required to attend (thus, the ultimate ruling resting on the information previously acquired), and they need not appear in person (they can attend electronically where they can be heard and they can communicate and answer questions from the Committee), both the complainant and the respondent may be represented by counsel. Counsel for NMEDA may also be present. Both the complainant and the respondent shall have the right to offer evidence (documents and live testimony) and to cross-examine any witnesses. Members of the Committee shall also have the right to question witnesses. A written record of the proceeding shall be maintained to best of the Committee's ability.
 - 6.1 Any party bringing counsel to the hearing must notify all other participants ten (10) days in advance or risk rescheduling at the convenience of the other party(s).
7. If the Committee determines that no disciplinary action is warranted, it shall so advise the complainant and file a report. If the Committee determines that disciplinary action is warranted, it shall advise the respondent of same.

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8. Within a reasonable time following the hearing, the Committee shall make findings of fact and recommendations as to disciplinary action that should be taken.
 - 8.1 Such recommendation shall be carried out by NMEDA not more than fifteen (15) days, (within the 90 day completion time-frame) of respondent's receipt of the finding unless the respondent appeals and the Board stays implementation.
9. Complainants and respondents shall be responsible for their own expenses, including travel expenses and expenses of legal representation.

F. Appeals Procedure

1. The respondent may appeal the decision of the Committee to the NMEDA Board of Directors.
2. Any appeal must be in writing, state the specific reasons the respondent believes the work and/or decision of the Committee is incorrect and must be received at the NMEDA headquarter offices within ten (10) business days of the respondent's receipt of the Committee's ruling.
3. The Board shall review, assess and make its findings based on the record in the Committee's file. No new evidence or testimony will be considered unless it can be shown that it was reasonably not known or available at the time that the Committee conducted its review.
 - 3.1 If there is any new testimony, evidence, or hearing by the Board, it will be conducted as set forth above (this will be solely at the discretion of the Board).
4. The Board's ruling shall be final.

IV. DISCIPLINE

1. NMEDA reserves the right to take whatever action deemed appropriate under the circumstances, based on the facts and solely within the judgment of the NMEDA body reviewing the matter. Possible disciplinary actions are listed below. This is a representative list of actions and NMEDA reserves the right to implement any or all of them and /or any other course of action deemed necessary.
2. NMEDA's disciplinary options include, but are not limited to:
 - 2.1 Issuing a written warning (which will be kept in the member's file for no less than three (3) years).
 - 2.2 Membership suspension (for a period to be determined by NMEDA, but not to be less than one (1) year); and
 - 2.3 Indefinite Suspension.
3. The Committee shall keep appropriate permanent records, which need not identify the individuals involved, that catalogue the nature of the violation, circumstances surrounding the matter (e.g., this was the individual's third infraction, the severity of the alleged act,

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whether it was legally addressed) and the disciplinary actions then assessed to the violation. These records will serve as a precedential resource for future Committees to utilize when considering like violations.

NOTE: The foregoing Code may be amended at anytime solely at the discretion of the NMEDA Board of Directors. Members shall be made aware of any such amendments via communication on the NMEDA website and annually at appropriate live venues. The current Code shall otherwise be made available on-line for education and inspection.

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NMEDA LEADERS **CODE OF CONDUCT**

1. NMEDA Officers, Directors, and Committee Members (“NMEDA LEADERS”) shall at all times use their best efforts to provide progressive, collective leadership and direction to NMEDA in support of its vision, mission, and mandate.
2. NMEDA LEADERS shall adhere to NMEDA’s governance policies.
3. NMEDA LEADERS shall adhere to NMEDA’s conflict-of-interest policy, avoid, in fact and perception, conflicts of interest, and immediately disclose possible conflicts to an officer of the Board.
4. NMEDA LEADERS shall endeavor to direct the activities of the organization as a whole rather than in their own interest or that of any specific group.
5. NMEDA LEADERS shall maintain the confidentiality of the details and dynamics of Board discussions, as well as those items designated as confidential.
6. Regardless of their personal viewpoint, NMEDA LEADERS shall not speak against, or in any way undermine leadership solidarity once a decision has been made.
7. NMEDA LEADERS are expected to attend all meetings and be prepared for the meetings, having read precirculated material in advance.
8. NMEDA LEADERS’ contributions to discussions and decision making shall be positive and constructive, and leader’s interactions in meetings shall be courteous, respectful, and free of animosity regardless of potential differences in positions.
9. NMEDA LEADERS shall be prepared to commit sufficient time and energy to attend to NMEDA business.
10. NMEDA LEADERS shall participate in NMEDA in ways other than attending their specific meetings (e.g., attend Chapter functions, general sessions).
11. NMEDA LEADERS understand that NMEDA is one legal entity and, thus, only has one Board of Directors that is responsible for managing the affairs of the association.
12. NMEDA LEADERS shall adhere to the principle that the executive director/CEO is responsible to the entire Board of Directors and consequently that no single director or committee has authority over the executive director/CEO.
13. NMEDA LEADERS shall ensure that there is a current position description and annual work planned for their leadership body (e.g., Chapter, committee, task force) and that there is a process for an annual evaluation as well as succession planning.
14. NMEDA LEADERS shall not attempt to exercise individual authority or undue influence over NMEDA.

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15. The official spokespersons for NMEDA are the President of the Board of Directors and the executive director/CEO and consequently all public requests for comment on association policies shall be referred to them.

16. The President may make public statements on policy matters that are within the scope of a policy approved by the Board or a reasonable extension of policy.