

profession. Although investigations of possible violations of the Code(s) will usually be initiated based on complaints, the ABCD may also initiate such investigations based on information available to it suggesting possible violations of the Code(s) of Professional Conduct;

2. Counsel actuaries concerning their activities relative to the Code(s) of Professional Conduct in situations where the ABCD deems counseling appropriate.
3. Recommend disciplinary action against an actuary to any participating organization of which the actuary is a member, recognizing that authority to discipline members rests exclusively in the participating organizations;
4. Respond to requests for guidance regarding professionalism from members of participating organizations and actuarial students affiliated with the participating organizations; and
5. Mediate or appoint a mediator to resolve issues concerning professional conduct between members of participating organizations, or between such members and the public.

I. Requests for Guidance

Requests for guidance are questions raised by an actuary (or, for all purposes of this section, an actuarial student) about the proper interpretation of the Code of Professional Conduct or the standards, but which are not complaints alleging or suggesting a violation by another actuary.

The ABCD may accept and respond to requests for guidance. If an ABCD member or staff person receives a communication that is considered to be, or to have the potential for being, a request for guidance, the recipient may respond or may refer the request to the Chairperson or a staff member designated by the Chairperson, who will assign the request to a member for response or may ask that the entire ABCD consider the request.

The ABCD will respond to a request for guidance in a reasonable and timely fashion.

No communication by a staff member or an ABCD member in connection with a request for guidance should be construed as an expression of opinion by the ABCD, except when the communication has been approved by vote of the ABCD. The staff member or ABCD member responding to a request for guidance shall decide upon the form and nature of the response, except that the actuary requesting guidance may ask for an expression of opinion by the entire ABCD.

Members and staff of the ABCD will make a reasonable effort to keep confidential the facts and circumstances involved in any request for guidance, subject to the confidentiality provisions in Section X of these Rules of Procedure. However, efforts to protect the anonymity of an actuary may hamper the ABCD's ability to respond to a request for guidance.

The ABCD reserves the right to forego responding to any request for guidance submitted by an actuary who refuses to be identified, or to identify another actuary, to the Chairperson, Vice Chairpersons, and ABCD staff. The ABCD reserves the right to handle a request for guidance as if it were a report of information leading to an inquiry where there is evidence that a material violation of the Code(s) of Professional Conduct may have occurred. The ABCD also may, subject to the permission of the inquiring actuary, use mediation procedures in response to a request for guidance.

II. Initiation of a Matter for Inquiry

A. General

Matters for inquiry are complaints concerning alleged violations or information suggesting possible violations of the applicable Code(s) of Professional Conduct. The ABCD's scrutiny of the matter is hereinafter referred to as the ABCD's "inquiry." The portion of the inquiry following the Chairperson and Vice Chairperson's decision to appoint an investigator or to consider court or administrative tribunal findings the functional equivalent of an Investigative Report is hereinafter referred to as the ABCD's "investigation." The actuary who is the subject of an ABCD inquiry is hereinafter referred to as the "subject actuary." The complaining party, if any, is hereinafter referred to as the "complainant."

B. Form of Complaint