

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

A “complaint” is a written assertion that a member of one or more participating organizations has committed an act or omission that appears to have violated the applicable Code(s) of Professional Conduct, whether or not the complainant references the Code, provided that the individual making the assertion identifies himself or herself and does not request anonymity. Complaints should be submitted to the ABCD at its Washington, DC office. When a member of the ABCD or its staff receives an oral “complaint,” whether in person or by telephone, the member or staff person should request that the complaint be submitted in writing. The ABCD will provide a copy of the complaint to the subject actuary, including the complainant’s identity, unless the complainant requests anonymity, in which case the information will be treated as information received under section IID below and not considered a “complaint.”

C. Contents of Complaint

A complainant making a complaint is requested to furnish all of the following, but failure to comply fully with this subsection will not invalidate the complaint.

1. A statement of the circumstances underlying the complaint as the complainant understands them.
2. A brief description of each act or omission that the complainant believes constituted a violation of the Code(s) of Professional Conduct
3. Copies of any supporting documentation which the complainant believes will assist the ABCD in determining whether, in fact, the subject actuary has failed to comply with the Code(s) of Professional Conduct. If available and applicable, copies of the subject actuary’s work should be included, subject to Section XI of these Rules of Procedure.

D. Receipt of Information Leading to an Inquiry

1. An ABCD inquiry may also be commenced if the ABCD receives information for which the “complainant” is not identified, or requests anonymity, and the information comes from a known source (such as a signed document or a published journal) and indicates that the conduct of an actuary who is a member of one or more of the participating organizations may have violated the applicable Code(s) of Professional Conduct.
2. An ABCD inquiry may also be commenced based on public information available to it suggesting possible violations of the Code(s) of Professional Conduct.

The ABCD will provide a copy of the information to the subject actuary.

III. Preliminary Evaluation

A. Initial Processing

When a complaint or information is received by the ABCD, its staff will undertake initial processing to determine the nature of the possible violation(s) of the Code(s) of Professional Conduct involved so that the subject actuary will have a statement of the alleged misconduct sufficiently clear to address and so that the ABCD will have appropriate information for conducting a preliminary evaluation. This initial processing may involve a follow-up with the complainant to clarify anything in the complaint that requires additional explanation, or with any other individual, subject to the confidentiality provisions in Section X of these Rules of Procedure. The initial processing shall include notice to, and inquiry of, the subject actuary, except in situations where allegations in complaints or other information appear to have little or no merit. The staff will forward the complaint or information received, the results of its initial processing, and any additional information obtained thereby, to the Chairperson and Vice Chairpersons of the ABCD.